



COMMITMENT INTEGRITY LEADERSHIP

February 26, 2019
Report 2018-117

FACT SHEET

Elaine M. Howle *State Auditor*

CONTACT: Margarita Fernández | (916) 445-0255 x 343 | MargaritaF@auditor.ca.gov

City and County Contracts With U.S. Immigration and Customs Enforcement

Local Governments Must Improve Oversight to Address Health and Safety Concerns and Cost Overruns

Background

U.S. Immigration and Customs Enforcement (ICE), a component of Homeland Security, enforces the full range of immigration and customs laws within the interior of the United States and can detain and remove individuals who are seeking admission into the country or who are already in the country pending the outcome of immigration removal proceedings. ICE contracts with local governments to provide detention services for detainees. ICE inspects conditions in California detention facilities using either its own oversight office or a private company it contracts with. During July 2013 through June 2018, ICE had immigration detention contracts with the cities of Adelanto, McFarland, and Holtville, and with four counties to house detainees in detention facilities within California. All three cities subcontracted with private operators to provide housing, safekeeping, subsistence, medical and other services to detainees, while the counties provide the services in their own facilities.

Key Findings

- Despite reports of serious issues at the detention facilities, the cities have not properly managed their contracts with their private operators and have provided little to no oversight to ensure private operators comply with detention standards set by ICE.
 - » Although federal inspectors found significant problems at the private operators' detention facilities, none of the cities reviewed complaints, incident reports, or inspection reports pertaining to their respective contracted detention facilities.
 - » None of the cities maintained basic information about the detention facilities such as duration of detainees' detention, detainee demographics, or any deaths while in custody.
 - » None of the cities performed basic contract management practices or required documentation to ensure their private operators performed in accordance with their contracts—one city did not have copies of signed contracts and another admitted that the only involvement they have with ICE or the private operators is to sign monthly invoices.
- The cities failed to ensure that their private operators addressed the serious health and safety issues that federal inspectors have noted—such as persistent problems with inadequate dental care, recurring problems of detainees hanging bedsheets at the facilities despite a prior suicide and suicide attempts, and failure to submit to ICE detainee grievances alleging staff misconduct.
- Some counties have not adequately monitored the financial impact of their ICE contracts.
 - » The counties' cost data we reviewed indicates they do not ensure that ICE fully pays for detainee costs—one county's costs exceeded ICE payments by \$1.7 million in one fiscal year.

Our Key Recommendations

- The Legislature should consider urgency legislation requiring cities that contract with ICE to provide appropriate oversight to ensure that significant health and safety problems are addressed promptly.
- The cities should immediately address health and safety problems by reviewing all federal inspection reports, ensuring private operators take corrective action, reviewing and monitoring private operators' quality control plans, and implementing appropriate contract management practices.
- The counties should analyze detainee-related costs annually and renegotiate contracts with ICE when needed to ensure ICE fully pays the costs incurred for housing ICE detainees.