

Alternatives to Detention for Federal Detainees

Since 1994, the total number of federal detainees has increased by an average of 12% annually, from 25,675 at fiscal year end 1994 to 63,711 at fiscal year end 2002.ⁱ While a large percentage of these detainees are in only for immigration related violations, the cost of constructing jail space to house them continues to rise – costing millions of dollars in taxpayer money, and with severe social costs. For fiscal year 2007, US Immigration and Customs Enforcement (ICE) has requested a budget increase of more than \$425.2 million to add an additional 6,700 detention beds, while the recently passed Intelligence Reform and Terrorism Prevention Act provides for an additional 40,000 bed spaces over the next five years.ⁱⁱ As both the size and pricetag of federal detention continues to spiral upwards, many concerned with the social and economic costs of such massive expansion are now looking towards alternative solutions – alternative to detention programs which are proven to both reduce the costs of detention and be more humane for those under the supervision of the federal system. These programs include:

Community Based Programs for Supervised Release: Instead of languishing in detention while awaiting court appearances, many people currently detained in local jails could easily be released to the community, under supervised release. Between 1997 and 2000, the Vera Institute of Justice coordinated a successful alternative program for asylum seekers with legacy INS, in which participants reported to Vera and received legal information, referrals, and court date reminders. Despite costing less than half of what it would cost to hold these people in detention, the Vera Institute reported a 93% appearance rate.ⁱⁱⁱ A similar alternative program implemented by the Lutheran Immigration and Refugee Service reported a 96% appearance rate.

ICE Operated Pilot Programs^{iv}: Recognizing the extreme cost of detention and the effectiveness of alternative programs, ICE has also launched several alternative to detention pilot programs. These include:

Release on Order of Recognizance: The release of an individual from detention under certain restrictions, including regular reporting to officers and appearing at immigration court proceedings. ROR is usually used when the individual does not possess the financial resources to post a bond but is not deemed to pose a threat.

Appearance Bond: A more restrictive alternative than ROR, in which a bond is posted of minimum \$1,500.

Electronic Monitoring: A program that involves people awaiting immigration court hearings or removal to wear a monitoring ankle bracelet or to report by telephone to a case manager. It should be noted that this program is useful as an alternative only when it is utilized in place of detention, rather than to give additional surveillance to individuals who otherwise not have been detained, as is sometimes its application.

The Intensive Supervision Appearance Program (ISAP): Currently operating on only a limited scale in eight US cities, is a supervision program in which case specialists are assigned to a limited caseload of participants and are responsible for monitoring those participants in the community by using tools such as electronic monitoring (bracelets), home visits, work visits and reporting by telephone. Case specialists also assist participants in obtaining pro-bono counsel for their hearings and help them receive other forms of assistance.

ⁱ Office of the Federal Detention Trustee – Statistics. <http://www.usdoj.gov/ofdt/statistics.htm>. Updated: April 19, 2005.

ⁱⁱ FY 2007 Budget Request, US Immigration and Customs Enforcement, available at http://www.ice.gov/graphics/news/factsheets/budget_request.htm

ⁱⁱⁱ Vera Institute of Justice. http://www.vera.org/section4/section4_3.asp.

^{iv} US Immigrations and Customs Enforcement Fact Sheet: Alternatives to Detention. <http://www.ice.gov/graphics/news/factsheets/061704detFS2.htm>. July 14, 2004.