



# BTC Report

BUDGET & TAX CENTER

April 2019

ENJOY READING  
THESE REPORTS?

Please consider  
making a donation  
to support the  
Budget & tax Center  
at  
[www.ncjustice.org](http://www.ncjustice.org)

MEDIA CONTACT:

**ALEXANDRA SIROTA**  
919-861-1468  
[alexandra@ncjustice.org](mailto:alexandra@ncjustice.org)

**BUDGET & TAX CENTER**

a project of the

north carolina  
**JUSTICE CENTER**

P.O. Box 28068  
Raleigh, NC 27611-8068

[www.ncjustice.org](http://www.ncjustice.org)

## Local communities face high costs of federal immigration enforcement

**Forced collaboration with ICE would detract from other public safety priorities and expose local governments to possible fines and legal fees, as well as harming immigrants and their families.**

By **ALEXANDRA SIROTA**, Budget & Tax Center Director,  
and **LISSETTE GUERRERO**, BTC Intern

**A**cross the country, the rising cost of federal immigration enforcement in fiscal and human terms is generating public outcry and a renewed push for more comprehensive immigration solutions. Despite this broader context, legislators in North Carolina are pursuing more expansive enforcement of immigration policy through House Bill 370, which would force North Carolina sheriffs to act as an extension of U.S. Immigration and Customs Enforcement (ICE).

Specifically, sheriffs would be required to honor ICE detainers, a request that asks a local sheriff to hold a person so that ICE can determine whether to arrest the individual. Because these detainers are not tied to criminal cases, they aim to require local sheriffs to hold individuals without probable cause, a violation of their Constitutional rights.

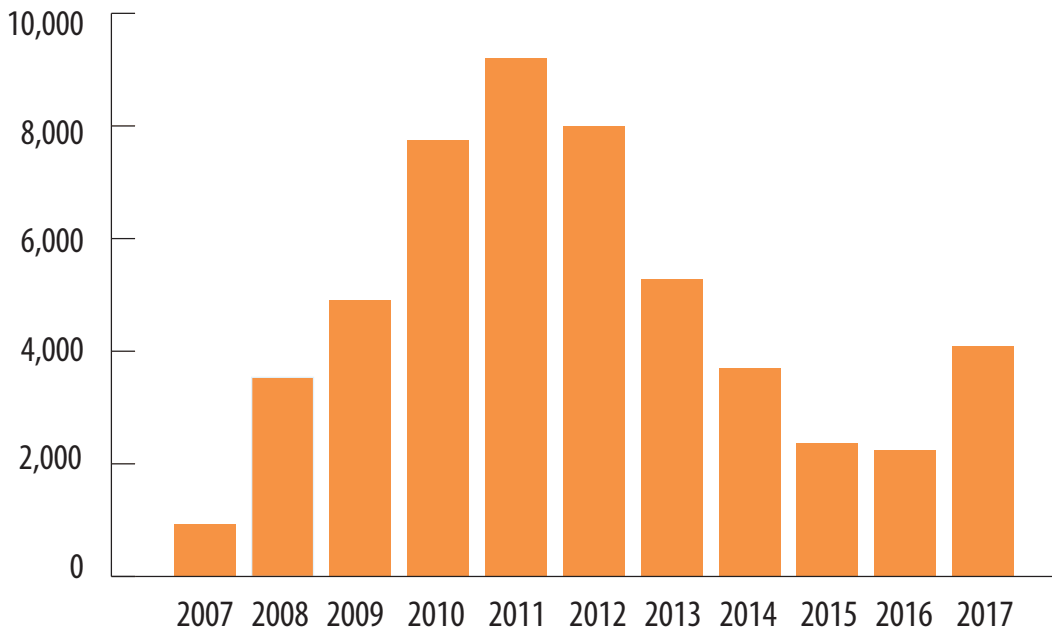
These detainers represent costs to local governments in the form of holding someone in detention facilities and dedicating staff and other resources to training and staffing coordination with ICE. Forcing sheriffs to act as an extension of ICE also undermines public safety by diverting much needed resources away from other safety initiatives, decreasing voluntary reporting of crime, and otherwise spreading fear throughout our immigrant communities and contributing to adverse childhood experiences through the threat of family separation.

This report provides an overview of the estimated direct costs to local governments of this state legislation and provides evidence for long-term and broad-ranging costs to communities of forced collaboration with ICE.

### **Costs to local governments detract from other public safety priorities**

Under the proposed forced collaboration between sheriffs and ICE, individuals who are arrested would be checked for their immigration status. Whereas with minor traffic violations, people stopped by law enforcement are most often ticketed and released, this collaboration could increase the number of arrests. "ICE holds" or detainers would then be issued by the federal agency as a request that local law enforcement agencies hold a noncitizen for up to 48 hours beyond their release from custody. Sheriffs would be required to hold people or would risk significant fines as outlined in the proposed legislation through a private enforcement court action. Sheriffs also would be required to resource the training and staffing commitment

**Figure 1:** The number of ICE detainees issued is on the rise again in North Carolina.



Source: TRAC, Syracuse University

of existing personnel to the task of federal immigration enforcement.

U.S. Immigration and Customs Enforcement (ICE) typically does not reimburse local jails or the state for costs associated with detaining immigrants at ICE’s request before they are in ICE custody.<sup>1</sup> In a letter to the County Counsel of Santa Clara County, California, ICE stated that they “do not reimburse localities for detaining any individual until ICE has assumed actual custody of the individual.”<sup>2</sup>

Additionally, as is clear from the Wake County Sheriff’s Office 287(g) agreement, costs of staffing and training must be covered by local governments:

The Wake County Sheriff’s Office is responsible for the salaries and benefits, including overtime, of its personnel being trained or performing duties under this MOA. ... The WCSO will cover the costs of all Wake County Sheriff Office personnel’s travel, housing, and per diem affiliated with the training required for participation in this MOA.<sup>3</sup>

The costs of transport, bed space, processing and all other aspects of custody are thus born almost entirely by local governments. (See Breakout Box on page 3.)

It is important to note, as in other parts of the country, the cost of local jail detention can vary widely. The average daily cost of holding someone in North Carolina jails ranges from a high of \$258 in Orange County to a low of \$32 in Hoke County, according to pre-trial data for misdemeanor cases from 2013.<sup>4</sup>

1 National Immigration Forum. “Immigrants Behind Bars: How, Why, and How Much?” March 2011. See footnote 49, letter from David Venturella, Secure Communities Assistant Director. Accessed at: [http://immigrationforum.org/images/uploads/2011/Immigrants\\_in\\_Local\\_Jails.pdf](http://immigrationforum.org/images/uploads/2011/Immigrants_in_Local_Jails.pdf)  
 2 Letter from David Venturella, Secure Communities Assistant Director. Accessed at: [http://immigrationforum.org/images/uploads/2011/Immigrants\\_in\\_Local\\_Jails.pdf](http://immigrationforum.org/images/uploads/2011/Immigrants_in_Local_Jails.pdf)  
 3 U.S. Immigration and Customs Enforcement 287(g) Agreement with Wake County Sheriff’s Office. Accessed at: [https://www.ice.gov/doclib/287gMOA/r\\_287gwakecountyso.pdf](https://www.ice.gov/doclib/287gMOA/r_287gwakecountyso.pdf)  
 4 Special data request from Action for Children N.C., April 2013.

## Federal grants are insufficient to cover full cost of participation of local governments in immigration enforcement

Recognizing the cost to local governments of federal immigration enforcement, the federal government put in place a grant program, the State Criminal Alien Assistance Program.<sup>1</sup> These grants defray only some of the costs, however, because the grant only reimburses for those held with certain convictions and aren't available to every local government that holds someone with an ICE detainer. For example, in 2017, the \$1.2 million in grants disbursed to 26 counties represented just one-third of the total cost to local governments of the detainees.<sup>2</sup>

1 SCAAP Requirements and Application Procedures, Accessed at: [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=86#horizontalTab8](https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab8)

2 Author's Calculation based on FY 2017 SCAAP Awards to North Carolina, Accessed at: [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=86#horizontalTab8](https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab8)

More recent data on the cost to taxpayers of holding someone in detention for ICE finds an average daily cost of \$71.44.<sup>5</sup>

given the number of detainees issued in 2017, the last full year that data was made publicly available, the annual cost of detention in local jails cost taxpayers roughly \$7.4 million.<sup>6</sup> As evident in Figure 1, the number of ICE detainees has been much higher in recent history, including in 2011 when the Obama administration increased immigration enforcement activities. Publicly available data on detainees for 2018 was withheld beginning in April 2018, and even existing sources may not represent a complete accounting of all detainees.<sup>7</sup> Given these caveats and the likely undercount had the number of detainees remained consistent with the first quarter of data for 2018, the number of detainees issued in North Carolina last year would have reached prior year peaks and resulted in annual costs to local governments statewide of \$12.3 million.<sup>8</sup>

These cost calculations are based on the average cost of holding someone in a North Carolina jail and evidence that immigrants held on detainees tend to remain in jail beyond the requested 48-hour period.<sup>9</sup> In California, researchers found that those with an ICE hold stayed in jail 20.6 days longer.<sup>10</sup> In Colorado, researchers found that figure to be 22 days.<sup>11</sup> Other researchers have found lengths of stay for those with ICE detainees to extend up to 30 days.<sup>12</sup> Data available from North Carolina jails in 26 counties seeking federal funding through SCAAP suggests that stays for those with ICE detainees average 69 days.<sup>13</sup>

While the exact length of extended time in jail depends on various factors, it is clear that an ICE hold is likely to result in greater time in jail while forced collaboration with ICE will increase the number of people

5 Freedom for Immigrations Detention Statistic Map, Accessed at: <https://www.freedomforimmigrants.org/detention-statistics> Note data is available for only six counties.

6 Transactional Records Access Clearinghouse (TRAC) Immigration Tools, Syracuse University. Detainer Data for North Carolina. Accessed at: <https://trac.syr.edu/immigration/> Note: Data was no longer released to TRAC after April 2018 so the last full year of data, 2017, is reported.

7 TRAC notes that its data collection has been subject to less than full disclosure in a number of suits filed against the federal government here: <https://trac.syr.edu/foia/ice/20140203/> and <https://trac.syr.edu/foia/ice/20170608/>

8 Author's calculation of the projected number of detainees based on the four-month period of 2018 for which data is available in TRAC for North Carolina.

9 National Immigration Forum. "Immigrants Behind Bars: How, Why, and How Much?" March 2011. Accessed at: [http://immigrationforum.org/images/uploads/2011/Immigrants\\_in\\_Local\\_Jails.pdf](http://immigrationforum.org/images/uploads/2011/Immigrants_in_Local_Jails.pdf)

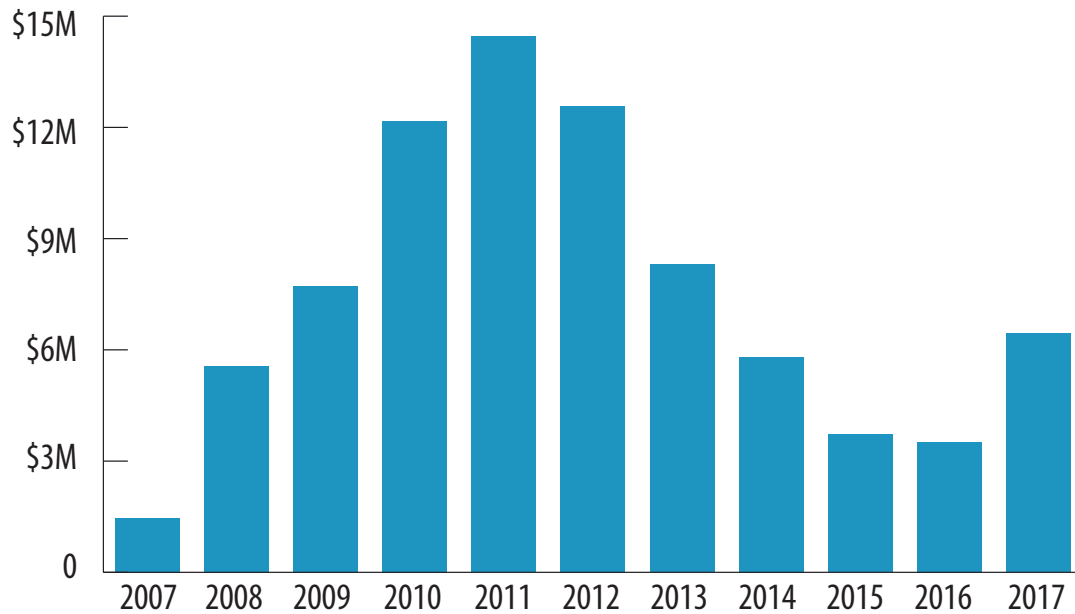
10 Greene, Judith. "The Cost of Responding to Immigration Detainers in California." Justice Strategies. August 2012. Accessed at: <http://www.justicestrategies.org/publications/2012/cost-responding-immigration-detainers-california>

11 White, Kathy and Dwight, Lucy. "Misplaced Priorities: SB90 and the Costs to Local Communities." The Colorado Fiscal Institute and the University of Colorado. December 2012. Accessed at: <http://coloradoimmigrant.org/downloads/CO%20FISCAL%20INSTITUTE%20SB%2090%20REPORT%20DECEMBER%202012.pdf>

12 Nava, Erika, November 2018. Working with ICE a Costly Choice for New Jersey. New Jersey Policy Perspective. Accessed at: <https://www.njpp.org/economic-opportunity-2/working-with-ice-a-costly-choice-for-new-jersey> and Beckett, Katherine and Heather Evans, March 26, 2013. Immigration Detainer Requests in King County, Washington: Costs and Consequences. The University of Washington, Accessed at: [http://nwirp.org/documents/presreleases/BeckettXEvans\\_ICE\\_Detainer\\_Report\\_FINAL.pdf](http://nwirp.org/documents/presreleases/BeckettXEvans_ICE_Detainer_Report_FINAL.pdf)

13 Author's Calculation based on FY 2017 SCAAP Awards to North Carolina, Accessed at: [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=86#horizontalTab8](https://www.bja.gov/ProgramDetails.aspx?Program_ID=86#horizontalTab8)

**Figure 2:** The cumulative cost to North Carolina taxpayers of collaboration with ICE over a decade was at least \$81.7 million.



Source: Author's calculation using average cost of jail per day, TRAC data on ICE detainees and estimated length of stay for people with ICE detainees based on Colorado Fiscal Project, 2012 and Georgia Budget and Policy Institute, 2018.

with detainees. The cost statewide of detainees to local governments using a conservative methodology is estimated at roughly \$7.4 million annually with a cumulative cost for North Carolina over the past decade of \$81.7 million.<sup>14</sup>

The costs to local governments in North Carolina of 287(g) agreements, or the voluntary arrangements made between local law enforcement and the federal Immigration and Customs Enforcement agency that deputize local public safety officers to enforce federal immigration law, suggest the estimates provided above are conservative. In a study of the 287(g) program in North Carolina, Mecklenburg County was found to incur an estimated \$5.5 million in start-up costs for the first year of participation in the program, while Alamance County's costs were estimated to be \$4.8 million for a program year.<sup>15</sup> These costs included salary of dedicated officers to the program, the training of those officers and the detention of people over a period of time.<sup>16</sup> In Henderson County, the county budget includes a specific line item to denote local spending on Immigration and Customs Enforcement, which totalled nearly \$500,000.<sup>17</sup>

A recent Georgia report calculated the annual cost of ICE detainees to the entire state to be \$9 million on average annually and \$88 million in total over a decade.<sup>18</sup> The Georgia Budget & Policy Institute also cataloged state-level costs of local enforcement of immigration law across the country. The Institute's findings suggest that, while costs are high, they vary with the size of the state's population and its total immigrant population.

14 Author's calculation using average cost of jail per day provided in Freedom for Immigrants, TRAC data on ICE detainees and estimates of length of stay from the Colorado Fiscal Policy Institute, 2012 and Georgia Budget and Policy Institute, 2018.

15 Nguyen, Mai Thi and Hannah Gill, February 2010. The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement in North Carolina Communities. The Latino Migration Project: University of North Carolina, Chapel Hill, NC.

16 Arriaga, Felicia, Forthcoming. Banking on Immigrants: Revenue Generation through the 287(g) Program in North Carolina.

17 Arriaga, Felicia, Immigration Enforcement Partnerships in North Carolina: 287(g) in Focus. Accessed at: <https://uploads.knightlab.com/storymapjs/67f17d27cd028e3d073c118cf9883ed2/287-g-stuff/index.html>

18 Tarpe, Wesley, July 2018. Voluntary Immigration Enforcement a Costly Choice for Georgia Communities. Georgia Budget Policy Institute. Accessed at: <https://gbpi.org/wp-content/uploads/2018/07/Voluntary-Immigration-Enforcement-a-Costly-Choice-for-Georgia-Communities.pdf>

In Texas, the state’s corrections department said it cost local jails \$71 million statewide in 2017 to hold people on federal immigration detainees. In Colorado, where a 2011 law required local governments to honor detainer requests, an independent 2012 report pegged the price at \$13 million a year. And a 2013 review of Washington state found that detainees cost an estimated \$3 million a year.<sup>19</sup>

These costs aren’t likely to generate public safety benefits. Researchers have found that ICE enforcement is poorly targeted, resulting oftentimes in detention of those with traffic violations and misdemeanors — not serious crimes. There is also a growing body of evidence that suggest there is no significant impact on crime levels in a community from collaboration with ICE and the higher number of detainees issued.<sup>20</sup>

**Local governments could see increased fines and legal costs**

Additional costs to local governments — cities, counties or law enforcement agencies — beyond the cost of detention are likely given the provision of the bill that would fine local governments daily for non-compliance with this state law as well as the potential for litigation due to unlawful detention.

First, fines would be applied if any person brings forward a claim that the city, county or law enforcement agency is not cooperating with federal immigration enforcement or not in compliance with state laws surrounding immigration. The fines would increase significantly over time, from \$1,000 the first day to \$25,000 for each subsequent day.<sup>21</sup> A local government could thus incur a fine of \$151,000 for just one week of non-compliance. That figure represents the equivalent of the salary for at least two deputy sheriff investigators.<sup>22</sup>

Second, the potential for litigation costs to increase for local jurisdictions are great. Lawsuits brought by detained individuals whose rights have been violated by these would-be obligatory and unconstitutional detentions have resulted in required payments by local governments to defendants and legal fees. A review of just a sample of recent cases shows that these costs can be significant.

- In *Roy v. County of Los Angeles*, No. 12-cv-9012, 2018 WL 914773 (C.D. Cal. Feb. 7, 2018) a ruling in favor of a class of thousands of noncitizens held on detainees seeking damages against Los Angeles County, which had paid \$255,000 to settle one named plaintiff’s detainer claim.
- In *Goodman v. Arpaio*, 2:16-cv-04388 (D. Ariz. settled 2018), Maricopa County settled a detainer lawsuit for \$30,750 in damages and \$50,000 in attorney’s fees.
- In *Palacios-Valencia v. San Juan County*, No. 14-cv-1050 (D.N.M. settled 2017), San Juan County paid \$350,000 to settle detainer class action lawsuit and paid named plaintiffs \$25,000 and \$15,000 to settle their claims.
- In *Gomez-Maciel v. Coleman*, No. 17-cv-292 (E.D. Wash. settled 2017), the City of Spokane settled a detainer lawsuit for \$49,000 while in *Figueroa-Zarceno v. City and County of San Francisco*, No. 17-cv-229 (N.D. Cal. settled 2017), San Francisco paid \$190,000 settlement to a person unlawfully turned over to ICE.<sup>23</sup>

The cost statewide of detainees to local governments using a conservative methodology is estimated at roughly **\$7.4 million annually** with a cumulative cost for North Carolina over the past decade of **\$81.7 million.**

19 Tharpe, July 2018.

20 Capps, Randy, Marc R. Rosenblum, Muzaffar Chishti and Cristina Rodriguez, January 2011. Delegation and Divergence: 287(g) State and Local Immigration Enforcement. Migration Policy Institute. Accessed at: <https://www.migrationpolicy.org/research/delegation-and-divergence-287g-state-and-local-immigration-enforcement> and Forrester, Andrew and Alex Nowrasteh, April 2018. Do Immigration Enforcement Programs Reduce Crime?: Evidence from the 287(g) Program in North Carolina. Accessed at: <https://object.cato.org/sites/cato.org/files/pubs/pdf/working-paper-52-updated.pdf>

21 See bill language for fine schedule: <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H370v2.pdf>

22 Author’s calculation based on salary schedule for Wake County Deputy Sheriff Investigators accessed here: <http://www.wakegov.com/employment/salarieschedule/Pages/default.aspx>

23 For more cases, see American Civil Liberties Union, Recent ICE Detainer Damages Cases (2018), <https://www.aclu.org/fact-sheet/recent-ice-detainer-damages-cases-2018>.

**Erosion of trust and supporting family separations would generate incalculable human costs**

North Carolinians voted against proponents of ICE detainees and other anti-immigrant measures in November when several sheriffs won elections in North Carolina counties by promising to limit when they would comply with these unconstitutional requests.<sup>24</sup> There are currently four counties with voluntary 287(g) agreements to collaborate with ICE: Cabarrus, Gaston, Nash and Henderson. However, the N.C. Sheriffs’ Association notes that the majority of sheriffs in North Carolina honor ICE detainer requests.<sup>25</sup>

When local law enforcement agencies become intertwined with immigration enforcement, it erodes the trust between immigrant communities and the police, making immigrants less likely to report crimes, which in turn makes our communities less safe for everyone.<sup>26</sup> In a time when fear and confusion are already rising as a result of retaliatory ICE enforcement operations<sup>27</sup>, the forced collaboration with ICE in communities across the state will further harm trust in law enforcement and community cohesion.

There is a growing body of research and evidence exploring how traumatic or stressful childhood experiences impact people throughout their lives. This Adverse Childhood Experiences (ACEs) framework measures the long-term effects of negative experiences occurring during developmental years.<sup>28</sup> Extremely stressful experiences, including family separation and deportation, can change the architecture of the brain and lead to lifelong negative effects on health outcomes. Children who experienced a family deportation or detainment are subject to psychological trauma, financial instability and poor health outcomes.<sup>29</sup> Children living in mixed-status families also experience high level of ACEs due to the persistent fear of potential separation. While no specific data for North Carolina is available, estimates of the economic losses from ACEs calculated in nearby Tennessee show a significant cost from illnesses and medical care and resulting worker absenteeism.<sup>30</sup>

The ethical and social costs associated with states and localities undertaking federal immigration enforcement duties are insurmountable for immigrants and citizens alike. A recent report released by a division of the American Psychological Association delineates the effects of deportation and separation on entire communities.<sup>31</sup> When a significant subset of a community is exposed to the devastating effects of deportations, the larger community also partakes in the psychological stress and the mistrust of public institutions. Entire families then become fearful of important activities in daily life, such as spending time at their chil-

**Children**  
who experience a family  
**deportation**  
or detainment are subject to  
psychological  
**trauma and**  
**poor health**  
outcomes.

24 McHugh, Patrick, May 2018. Is Your Community Paying to Enforce Trump’s Immigration Agenda? More Communities Say “No.” Progressive Pulse, NC Policy Watch. Accessed at: <https://pulse.ncpolicywatch.org/2018/05/09/is-your-community-paying-to-enforce-trumps-immigration-agenda-more-communities-saying-no/>

25 NC Sheriffs’ Association, April 2019. Position Statement, House Bill 370. Accessed at: [https://www.scribd.com/document/404292551/HB-370-Require-Sheriff-Cooperation-With-ICE#fullscreen&from\\_embed](https://www.scribd.com/document/404292551/HB-370-Require-Sheriff-Cooperation-With-ICE#fullscreen&from_embed)

26 Jacome, Elisa, October 2018. The Effect of Immigration Enforcement on Crime Reporting: Evidence from the Priority Enforcement Program. Accessed at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3263086](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3263086); Center for American Progress, <https://www.americanprogress.org/issues/immigration/news/2018/05/08/450439/287g-agreements-harm-public-safety/> and Cruz, Melissa, Latinos are afraid to report crimes as immigration debate intensifies. American Immigration Council. Accessed at: <http://immigrationimpact.com/2017/05/16/latinos-reporting-crime/>

27 Baumgarnter, Dawn. February 2019. “7 NC Mayors say ‘ICE raids have struck terror in the hearts of many,’” News and Observer, Accessed at: <https://www.newsobserver.com/news/local/article226258145.html>

28 Prevent Child Abuse NC, Adverse Childhood Experience Survey, Accessed at: <https://www.preventchildabusenc.org/about-child-abuse/ace-study>

29 Budget and Tax Center, “The ACE of ICE.” 2016 <https://www.ncjustice.org/publications/the-ace-of-ice-how-current-immigration-enforcement-and-deportation-hurts-children/>

30 Melton, Courtnee, February 2019. The Economic Cost of Adverse Childhood Experiences. Sycamore Institute, Accessed at: <https://www.sycamoreinstitute.org/2019/02/01/economic-cost-adverse-childhood-experiences/>

31 American Journal of Community Psychology, “Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities.” 2018.

dren's school or accessing the health care or benefits to which they are entitled or refraining from participating in social and civic activities.<sup>32</sup>

The criminalization of immigration can lead to powerful dilemmas for families and to systemic barriers to achieving greater safety and well-being in local communities. As such, this approach leads to negative health and economic outcomes for the children of immigrants and their families, as well as the broader community.

Policies that enhance immigrant inclusion in our society — rather than create costly and ineffective systems that harm entire communities and divert resources from sound public investments — are more likely to strengthen the quality of life for every person in every community across the state.

---

32 American Journal of Community Psychology, "Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities." 2018.