

FAILED ACCOUNTABILITY: The Unknown Cost of Immigration Detention in Massachusetts



The Harvard Law School Crimmigration Clinic

The Harvard Law School Crimmigration Clinic is part of the Harvard Immigration and Refugee Clinical Program ("HIRC"). Under the supervision of staff and faculty, law students in the Crimmigration Clinic engage in litigation, policy advocacy, and direct representation on behalf of immigrants and immigrants' rights organizations specifically impacted by the conflation of criminal law and immigration law.

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Prepared by

HARVARD LAW SCHOOL CRIMMIGRATION CLINIC



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Executive Summary

As the use of immigration detention increases nationwide,¹ an in-depth analysis of immigration detention in Massachusetts is more critical now than ever before. As of July 2018, U.S. Immigration and Customs Enforcement ("ICE") held an average of nearly 600 immigrants per day in immigration detention facilities operated by Massachusetts county sheriffs. Those sheriffs contract with ICE to house detainees in exchange for federal reimbursements. However, despite the large number of ICE detainees being held in Massachusetts, and the more than fifteen years that Massachusetts county sheriffs have been contracting with ICE, there has never been a comprehensive study to determine whether the Massachusetts sheriffs or the Commonwealth are profiting or losing money from detaining noncitizens. This report attempts to fill that void by analyzing certain immigration detention trends in Massachusetts over the last

This report's findings reveal a limited and potentially flawed accounting system across Massachusetts sheriffs' offices that fails to fully account for all of the costs associated with immigration detention at their facilities in a consistent and comprehensive manner. few years, including: the number of individuals detained in Massachusetts facilities; the revenue Massachusetts facilities receive from the federal government for housing ICE detainees; the costs associated with immigration detention at these facilities; and whether those costs and revenues represent a net loss or gain to the Commonwealth.

Obtaining information concerning the costs related to immigration detention from Massachusetts sheriffs' offices was particularly difficult despite requirements to annually report the inmate costs to the Commonwealth.² This report's findings reveal a limited and potentially flawed accounting system across Massachusetts sheriffs' offices that fails to fully account for all of the costs associated with immigration detention at their facilities in a consistent and comprehensive manner. In fact, some Massachusetts sheriffs' offices explicitly claim that they do not track costs associated with immigration detention costs and criminal incarceration costs without distinguishing between the two. The result is an inconsistent accounting structure that lacks both transparency and accountability. Without a complete accounting of the costs associated with immigration detention, the Commonwealth cannot accurately budget taxpayer dollars.

This report is the culmination of more than a year of investigative work by the Harvard Law School Crimmigration Clinic.³ It first describes immigration detention in Massachusetts. Then, it examines data concerning the number of individuals held in the immigration detention facilities run by county sheriffs in Massachusetts. Finally, this report analyzes the amount of federal funds received by Massachusetts facilities, and whether those funds constitute complete and accurate reimbursements for housing ICE detainees.⁴

Immigration Detention in Massachusetts

Four Massachusetts county sheriffs' offices have entered into agreements to house federal immigration detainees: Bristol County Sheriff's Office ("BCSO"); Franklin County Sheriff's Office ("FCSO"); Plymouth County Sheriff's Office ("PCSO"), and Suffolk County Sheriff's Office ("SCSO"); each, a "Sheriff's Office" and together the "Sheriffs' Offices."⁵ While immigration detention is considered civil confinement, the facilities within which the sheriffs house ICE detainees are correctional facilities that primarily hold individuals serving criminal sentences or individuals awaiting trial on criminal charges.

Each Intergovernmental Service Agreement ("IGSA"), is negotiated individually between ICE and the relevant sheriff's office. Although the IGSA terms vary among facilities, they include standard terms, such as general funding provisions, covered services, procedures for receiving and discharging detainees, detention standards, and medical services requirements.

IGSAs also itemize specific reimbursement rates for ICE to pay sheriffs' offices for various services, including the rental of bed space and the transportation of ICE detainees.⁶ However, not all costs incurred by sheriff offices for housing ICE detainees are available for reimbursement under the IGSAs. Those costs may include staff salaries and benefits, liability insurance, utility fees, general maintenance, and other administrative costs.

Surprisingly, Massachusetts sheriffs' offices do not appear to consistently track the costs associated with immigration detention.⁷ It is therefore unclear how these sheriffs, such as Bristol County Sheriff Thomas Hodgson, can support claims that contracting with ICE financially benefits the Commonwealth.⁸ Other sheriffs have admitted that they do not maintain records tracking the costs associated with detaining immigrants. For example, the General Counsel for PCSO responded to a request for itemized costs associated with immigration detention by noting that "[t]he Department does not itemize costs associated with detaining immigration detainees for ICE."

The Massachusetts legislature allocates funding for county sheriffs annually.⁹ Those allocations are publicly available, but it is impossible to confidently track which, if any, are dedicated to costs related to immigration detention. Furthermore, overall sheriffs' offices' budgets have been steadily rising over the last few fiscal years, even though total Massachusetts incarceration rates have been decreasing.¹⁰ Similarly, the number of ICE detainees incarcerated in Massachusetts facilities has dropped among all counties, except for PCSO, which has seen a net increase since 2017.

The ICE Detainee Population in Massachusetts

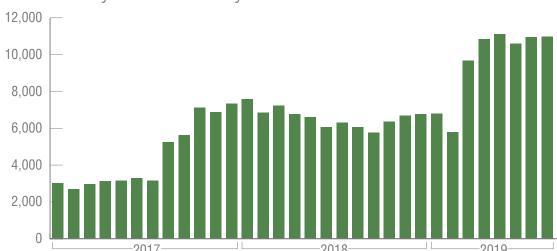
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Defining the ICE detainee population in Massachusetts detention facilities is surprisingly difficult. There is no uniform method by which Massachusetts county sheriffs calculate ICE detainee populations in their facilities. It is therefore challenging to compare populations across facilities. For example, PCSO has tracked average daily ICE detainee counts per month. The SCSO, on the other hand, has calculated the annual average ICE detainee count. Counting the average detainee population per month does not, however, accurately reflect the amount of time detainees spend in detention that particular month. For example, a detainee who spends three days in an ICE detention facility counts toward the monthly population average as much as a detainee who spends twenty days of that month in the facility. Average detainee counts therefore do not provide a full picture of immigration detention in Massachusetts.

To show a more complete picture of immigration detention in Massachusetts, this report provides the total "ICE Detainee Days" per month for each of the four county-run detention facilities housing ICE detainees under IGSAs from January 2017. ICE Detainee Days are calculated by multiplying the number of ICE detainees in a facility by the collective number of days per month those detainees spent in the facility.

PLYMOUTH COUNTY SHERIFF'S OFFICE

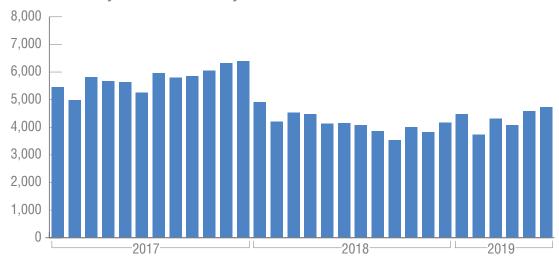
Since January 2017, the total ICE Detainee Days per month at PCSO has more than doubled. In January 2017, there were a total of 3,023 ICE Detainee Days at PCSO. By May 2019, that number skyrocketed to 11,113.





SUFFOLK COUNTY SHERIFF'S OFFICE

Between January 2017 and June 2019 there was a slight decline in ICE Detainee Days at SCSO from 5,460 to 4,736 respectively. Documents produced by that office provided the average daily ICE detainee population from FY2016 through July 2, 2018. They also provided the total monthly "bed days," which is defined as the cost of each bed multiplied by the number of "total days" (apparently the total number of days each ICE detainee's spends in the facility).¹¹ To obtain the total ICE Detainee Days at SCSO each month, we divided the total number of monthly bed days by the \$90 per day, per detainee reimbursement rate in SCSO's IGSA.

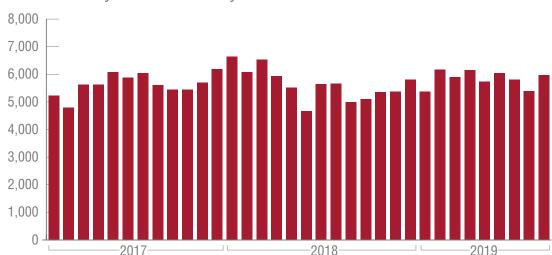


SCSO Monthly ICE Detainee Days

BRISTOL COUNTY SHERIFF'S OFFICE

Unlike PCSO and SCSO, BCSO does not maintain average ICE detainee population data. In response to requests, BCSO produced daily "master card count" documents with the total number of individuals incarcerated at the Bristol County Jail and House of Correction, including a subtotal for ICE detainees, per day. This subtotal of BCSO ICE detainees was further divided by BCSCO among individuals held in what BCSO refers to as the "ICE Facility" (presumably the C. Carlos Carreiro Immigration Detention Center) and the remaining detainees who are held in the general population at the Bristol County Jail and House of Corrections.¹²

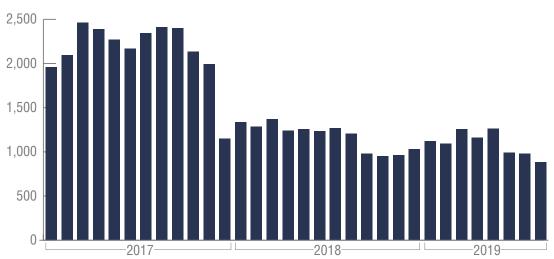
To obtain the average daily ICE population per month at BCSO, we calculated the monthly average number of individuals held based on the daily master card counts. The chart below shows the average daily ICE population per month, including the average daily occupancy within the ICE Facility and in the facility's general population. The average ICE Detainee Days at BCSO ranged from 4,658 ICE Detainee Days in June 2018 to as many as 6,637 ICE Detainee Days in January 2018.



BCSO Monthly ICE Detainee Days

■ FRANKLIN COUNTY SHERIFF'S OFFICE

Total ICE Detainee Days at FCSO are detailed in the invoices to ICE seeking reimbursement. The total ICE Detainee Days at FCSO has dropped significantly since January 2017. In March 2017, FCSO hit a peak of 2,465 ICE Detainee Days, but it has steadily dropped to 883 ICE Detainee Days as of August 2019.



FCSO Monthly ICE Detainee Days

Massachusetts County Sheriffs' Offices **IGSA** Provisions

Each Sheriff's Office housing ICE detainees in Massachusetts has an IGSA with the federal government to hold ICE detainees. The IGSAs provide different reimbursement rates for services provided by each Sheriff's Office to ICE. As firm fixed rate or price agreements, rather than cost reimbursable agreements, the IGSAs do not guarantee that sheriffs' offices' costs will be fully reimbursed. Indeed, unless the reimbursement rates in the IGSAs are renegotiated with some regularity, they cannot cover the rising costs of incarceration incurred by the county sheriff's offices who, in turn, must account for rising salaries and inflation among other fluctuating costs. As noted below, some reimbursement rates have continued for many years without being renegotiated.

PLYMOUTH COUNTY SHERIFF'S OFFICE

PCSO first entered into an IGSA with ICE in September 2008. That agreement, initially entered into for a period not to exceed 60 months, set a daily bed reimbursement rate of \$93.82, a transportation reimbursement rate of \$27.50 per hour,¹³ and a mileage reimbursement rate established by the General Services Administration ("GSA"). In September 2013, a 60-month extension agreement was entered into between ICE and PCSO that maintains the same reimbursement rates as established in the original 2008 IGSA.¹⁴ An additional extension was signed in October 2018, which extends the IGSA to September 21, 2023 and yet again maintains the initial 2008 reimbursement rates.

SUFFOLK COUNTY SHERIFF'S OFFICE

A July 2003 IGSA between the SCSO and ICE details several reimbursement rates: (1) a bed rate at \$90 per day, per detainee; (2) transportation costs that are subdivided into guard costs for accompanying the detainee in transit at \$25 per hour (\$37.50 per hour in overtime) and mileage reimbursement set at \$0.36 per mile; and (3) a space rental fee of \$15,000 per month for 6,000 square feet of detention space at the Suffolk County House of Correction. The IGSA states that it will remain in effect indefinitely. Recently, the Suffolk County Sheriff announced that they were ending their agreement to house ICE detainees in order to focus their resources on other programs.¹⁵

BRISTOL COUNTY SHERIFF'S OFFICE

BCSO first entered into an IGSA with ICE in 2000 that set the BCSO bed reimbursement rate at \$75 per day, per detainee. A 2007 supplemental agreement raised the daily bed rate to \$90 per day, per detainee and provided that "transportation between the facility and ICE offices, plus related mileage is included in the daily per diem rate. Other ICE directed transportation will be reimbursed at the rate of \$26.21 per hour." A 2017 modification to the IGSA further increased the bed reimbursement rate to \$98 per day, per detainee.

■ FRANKLIN COUNTY SHERIFF'S OFFICE

FCSO's agreement to house ICE detainees, in effect since 2015, lists the maximum bed space available for male detainees at 90 beds with a \$91 per day, per bed reimbursement rate.¹⁶ The agreement establishes a reimbursement rate for transportation costs that includes both the cost of guards accompanying detainees at \$27.20 per hour, per guard and mileage reimbursement according to GSA standards. It also allows for reimbursement concerning the transportation of detainees to outside medical facilities.

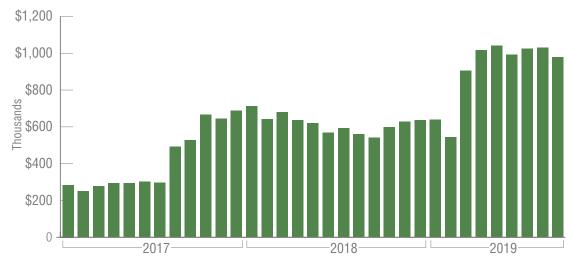
Reimbursement Requests Invoiced to ICE by Massachusetts Sheriffs' Offices

The four Sheriffs' Offices provided an array of reimbursement requests authorized pursuant to their IGSAs in response to information requests for data related to the costs incurred for housing ICE detainees. The documentation received reflects the different accounting practices used by each Sheriff's Office. Without a uniform accounting methodology, it is difficult to compare the data across offices.

None of the data provided by the Sheriffs' Offices appears to fully reflect an accurate accounting of the total costs incurred for housing ICE detainees. The data provided simply reflects reimbursement requests billed to ICE. It is unclear whether the Sheriffs' Offices perceive their costs to only include those that may be reimbursed through their IGSAs—some of which include reimbursement rates that have not been updated in several years—or whether these Sheriffs' Offices are not concerned with the final revenue amounts because the payments are ultimately provided to the Commonwealth rather kept in the Sheriffs' Offices' own coffers.

PLYMOUTH COUNTY SHERIFF'S OFFICE

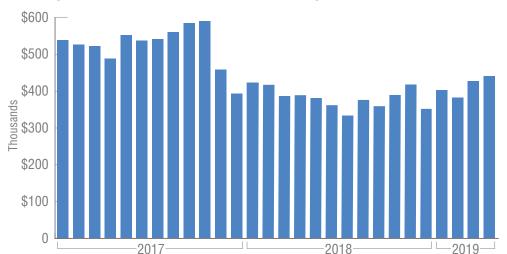
The reimbursement information provided by PCSO was in the form of basic Excel spreadsheets entitled "ICE billings." The documents reflect that between January 2017 and August 2019, PCSO sought \$20,626,420.70 in reimbursements from ICE; an average of approximately \$613,949.28 per month.



Monthly Reimbursements Invoiced to ICE by PCSO

SUFFOLK COUNTY SHERIFF'S OFFICE

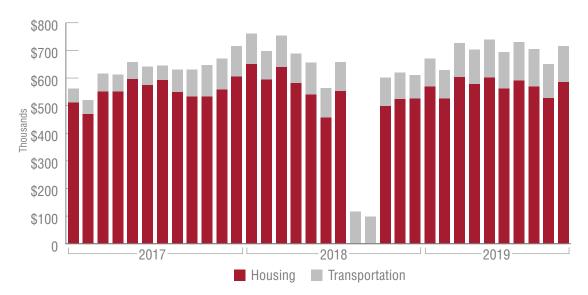
The monthly average reimbursements received by SCSO between January 2017 and June 2019 totaled approximately \$450,141 per month.¹⁷ In addition to housing reimbursement requests, the documents produced by SCSO contained transportation reimbursement requests, and, as detailed in its IGSA, a lease arrangement whereby SCSO leases approximately 6,000 square feet in the Suffolk County House of Correction to ICE at a rate of \$2.50 per square foot per month.



Monthly Reimbursements Invoiced to ICE by SCSO

BRISTOL COUNTY SHERIFF'S OFFICE

From January 2017 through October 2019, BCSO invoiced ICE an average of \$659,889.24 in total reimbursement requests per month.¹⁸ These numbers are derived from invoices from BCSO to ICE seeking reimbursement for ICE detainee occupancy from January 2017 through October 2019. BCSO did not, however, provide housing costs for August 2018 or September 2018.

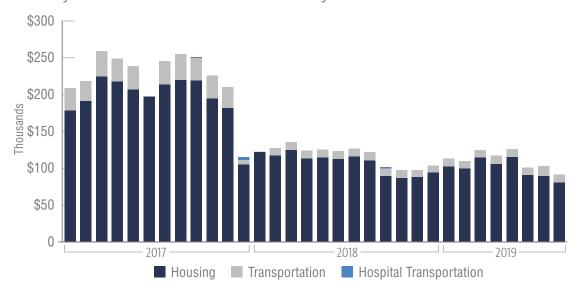


Monthly Reimbursements Invoiced to ICE by BCSO

■ FRANKLIN COUNTY SHERIFF'S OFFICE

It appears that the FCSO provides separate invoices to ICE based on the type of service provided pursuant to its agreement with ICE. The FSCO provided invoices for detainee housing and transportation, as well as costs related to transportation to medical facilities. Reimbursement requests concerning housing comprise the vast majority of the total invoiced to ICE. Over the last thirty-two months, FCSO invoiced an average of \$155,217.85 to ICE each month. Of this total, transportation invoices to ICE averaged about \$16,992.43 per month, and housing invoices averaged \$138,521.91 per month. FCSO only requested reimbursement from ICE for transportation costs to a medical facility in three invoices during that same period.

FCSO's invoices contain two significant inconsistencies. First, FCSO failed to provide transportation invoices from June 2017.¹⁹ This omission affects the total cost billed to the federal government for June 2017 as well as the overall monthly transportation average. Second, FCSO reported equal "bed days" for April and May 2017, but appeared to bill different totals to ICE—\$217,672 for 2,392 bed days in April 2017 and only \$206,661 for the same number of bed days in May 2017.

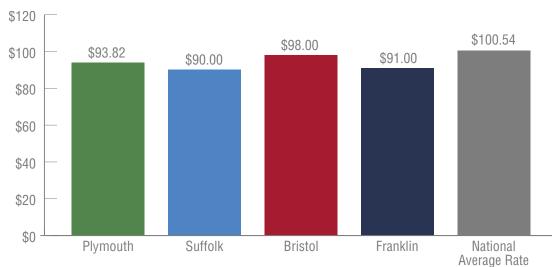


Monthly Reimbursements Invoiced to ICE by FCSO

Comparing Reimbursement Rates and Costs Among the Four Massachusetts Sheriffs' Offices

The following graphs compile the data detailed above across all four Sheriffs' Offices with IGSAs. Specifically, they compare ICE detainee occupancy totals, IGSA reimbursement rates, and reimbursement requests among the Sheriffs' Offices from January 2017 through August 2019.

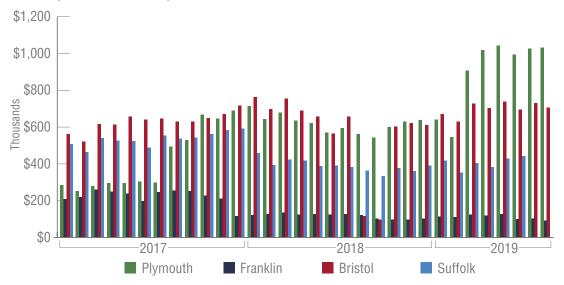
The Department of Homeland Security predicts that it will incur costs at an average of \$100.54 per detainee, per day in bed space and guard services.²⁰ That rate reflects ICE's own projected costs concerning bed space and guard services nationwide, not the reimbursement rates it is responsible for paying to services providers. All four Sheriffs' Offices who have housed ICE detainees in Massachusetts have maintained IGSAs with reimbursement rates below that projected cost.





The below graph reflects available data concerning the amount each Sheriff's Office was reimbursed by ICE based on their respective IGSAs. In general, the reimbursements appear to be roughly correlated with the monthly ICE Detainee Day changes at each facility.

Comparing Reimbursements Invoiced to ICE by PSCO, FCSO, BCSO, and SCSO (1/2017-8/2019)



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ICE Detainee Cost Findings and Analysis

Although Massachusetts sheriffs are under no obligation to detain immigrants on behalf of ICE some choose to enter into IGSAs to house ICE detainees and claim that such agreements are profitable.²¹ For example, Bristol County Sheriff Thomas Hodgson has repeatedly claimed that BCSO receives more money from ICE than it costs to hold ICE detainees, which generates revenue for the state that can be "reinvested."22 For those claims to be accurate, the Sheriffs' Offices must be receiving more in reimbursements from ICE than it costs them to house ICE detainees. Unfortunately, despite multiple attempts to obtain such information, none of the four Sheriff's Offices were able to provide data concerning their costs - rather than requested reimbursements - related to housing ICE detainees.

Multiple public records requests were filed with each Sheriff's Office and with the relevant Commonwealth executive offices seeking this cost-related data. For example, records requests were filed with BCSO, FCSO, SCSO, and PCSO, calling for any and all:

"[D]ocuments that show itemized costs associated with detaining immigration detainees by the [Plymouth/Suffolk/Bristol/Franklin] County Sheriff's Department on behalf of Immigration and Customs Enforcement (ICE) from June 1, 2018 to the present, and any documents showing calculation of yearly budget requests for the [relevant] County Sheriff's Department from FY2018 to the present."

Additional requests were made to the Executive Office for Administration and Finance Department and the Office of the State Auditor, calling for any and all:

"[D]ocuments, reports, or other work product that show, calculate, or analyze itemized costs associated with detaining immigration detainees by county sheriffs' departments in Massachusetts on behalf of Immigration and Customs Enforcement (ICE) from June 1, 2018 to the present, and any documents, reports, or other work product that calculates, documents, or analyzes budgets and budget requests from Bristol, Franklin, Plymouth, and Suffolk County Sheriff Departments from FY 2018 to the present."

None of those requests yielded documents accurately reflecting individualized costs to the Sheriffs' Offices concerning ICE detainees.

PLYMOUTH COUNTY SHERIFF'S OFFICE FINDINGS

On March 22, 2019, PCSO responded to requests for itemized costs associated with housing ICE detainees with the following statement: "The Department does not itemize costs associated with detaining immigration detainees for ICE." PCSO did provide Spending Plans and Joint Ways and Means Reports for FY2018 and 2019. None of the plans or reports appear to include itemized costs as they relate to ICE detainees.

SUFFOLK COUNTY SHERIFF'S OFFICE FINDINGS

In response to requests for itemized costs related to housing ICE detainees, SCSO simply stated: "Please note that the Department does not have documents in its possession, custody, or control that are responsive to your request."

BRISTOL COUNTY SHERIFF'S OFFICE FINDINGS

BCSO responded to requests for itemized costs related to housing ICE detainees by providing some revenue, costs, and budget documents. None of the documents appear to list itemized costs associate with housing ICE detainees. Some of the documents include the salaries of Bristol County Sheriff Office employees who worked in the ICE detention center during 2018 and 2019. However, it is unclear what percentage of those salary costs were specifically attributable to immigration detention costs. It is also unclear whether provided budgets for FY18 and FY19 related to the operations of the entire BCSO or exclusively to immigration detention operations. At the time of publication, repeated requests for further clarification have gone unanswered.

■ FRANKLIN COUNTY SHERIFF'S OFFICE FINDINGS

FCSO's Chief Financial Officer responded to a request for itemized costs of immigration detention with the following statement: "[W]e don't have itemized costs specifically for ICE detainees just a cost for all our inmates which in fiscal year 2018 was \$193 per day." In follow-up correspondence, FCSO provided a copy of its FY19 budget, but no part of that document appears to itemize costs specifically related to housing ICE detainees.

Massachusetts Office of the State Auditor **Findings**

The Office of the State Auditor ("OSA") responded to a public records request concerning costs to Massachusetts sheriffs' offices which house ICE detainees by providing an audit report of BCSO. They also stated: "There are no responsive records as to the Franklin and Suffolk County Sheriff's Departments. Regarding the Plymouth County Sheriff's Department audit, which is ongoing, the OSA affirmatively withholds any records responsive to your request citing the Deliberative Process Exemption."

The performance audit of BCSO provided by OSA covered the period between July 1, 2015 and December 31, 2017.²³ In it, the OSA made four findings related to the BCSO's expenditures, three of which were related to housing ICE detainees.

First, the OSA found that BCSO did not ensure that Massachusetts was receiving "appropriate compensation" from ICE under its IGSA. Records provided to the OSA showed that BCSO had not renegotiated its bed rate with ICE since 2010. When presented with this finding, the Bristol County Sheriff responded that BCSO was not aware that it had not renegotiated the rate in almost ten years, and that BCSO had little incentive to check if increases were necessary because those funds paid by ICE went directly into the Commonwealth's treasury rather than BCSO's budget and the reimbursement supposedly exceeded costs. The OSA recommended that BCSO create internal policies that require an annual review of reimbursements received by ICE to ensure that they were equitable. At the time of publication, a public records request for any internal policies created at the recommendation of the OSA has gone unanswered.

Second, the OSA found that BCSO did not submit inmate total cost analysis reports as required to the relevant Massachusetts agencies and legislative committees for fiscal years 2016 and 2017. BCSO claimed that it did subsequently supply those reports, but the OSA maintained that the reports remained deficient because "they did not contain information on total costs per inmate for each facility and department as required by statute." The OSA also noted that, without these cost reports, BCSO lacked detailed information that could help it manage its operations more effectively and efficiently.

Finally, the OSA found that BCSO failed to transfer \$348,922 in reimbursements from ICE to the Office of the State Treasurer and failed to account for those funds within the state's accounting and reporting system as required by statute. BCSO responded that the oversight was caused by a routing number error, and that it had since transferred the outstanding funds to the appropriate agency.

Conclusion

There is a concerning lack of transparency, accountability, and oversight in the immigration detention systems in Massachusetts. Millions of Massachusetts taxpayers' dollars are being funneled into law enforcement efforts to detain immigrants. Massachusetts sheriffs who freely enter into agreements with ICE to house ICE detainees should be required to maintain and disclose all itemized costs related to immigration detention. Those reporting requirements are necessary to provide proper oversight and accountability.

Endnotes

- See Detention Watch Network, Rising trend: Immigrants protest their incarceration with hunger strikes at ICE detention centers across the country (Oct. 21, 2019), https://www.detentionwatchnetwork.org/pressroom /releases/2019/rising-trend-immigrants-protest-their-incarceration-hunger-strikes-ice (noting a 40% growth in the use of immigration detention since 2017); Hamed Aleaziz, More Than 52,000 People Are Now Being Detained By ICE, An Apparent All-Time High, BuzzFeed (May 20, 2019), https://www.buzzfeednews.com/article/hamedaleaziz/ ice-detention-record-immigrants-border.
- 2. The Commonwealth's budget summary typically requires each sheriff's office to provide a report to the relevant executive offices and legislative committees about the total costs per inmate by facility. See, e.g., See Commonwealth of Mass., Office of the State Auditor, Audit of the Bristol County Sheriff's Office (2019), https://www.mass.gov/files/documents/2019/02/13/201814713j.pdf. Pursuant to chapter 30, Section 27 of Massachusetts General Laws, fees or other moneys received on account of the Commonwealth must be remitted to the Commonwealth's treasury.
- 3. All data and correspondence relied upon, quoted, and cited in this report can be found at documentcloud.org. Search for "Massachusetts Immigration Detention Facilities" or "Harvard Immigration and Refugee Clinical Program" documents. The authors wish to thank all of the personnel at the local sheriffs' offices with whom we corresponded for their patience and responsiveness.
- 4. It should be noted that immigration detention in general raises a host of ethical and moral issues. The authors of this report do not condone the use of immigration detention so long as it is fiscally responsible. The narrow purpose of this report is to highlight the lack of accountability and transparency in the immigration detention system.
- In October 2019, Suffolk County Sheriff Steve Tompkins announced that SCSO would be terminating its contract with ICE and relocating existing ICE detainees. See Danny McDonald, Suffolk sheriff's department ending contract with ICE, Boston Globe (Oct. 8, 2019), https://www.bostonglobe.com/metro/2019/10/08/suffolk-sheriff -department-ending-contract-with-ice/XIWGpaT1gPgdSktDNSadVN/story.html.
- 6. Reimbursements received by county sheriffs must be paid into the Massachusetts general fund. See Mass. Gen. Laws ch. 30 § 27 ("Except as otherwise expressly provided, all fees or other money received on account of the commonwealth shall be paid daily into the treasury thereof, but if in the opinion of the commissioner of administration and the state treasurer the interests of the commonwealth require, payments may be made weekly in accordance with such rules and regulations as the state treasurer may prescribe.").
- See Shannon Dooling, County Jails Bring Millions of Dollars to Mass. by Housing ICE Detainees, WBUR News (Jan. 30, 2019), https://www.wbur.org/news/2019/01/30/sheriffs-offices-ice-detainee-dollars.
- 8. See id.

- 9. See, e.g., Massachusetts Budget Summary 2019: Bristol Sheriff's Department, https://budget.digital.mass.gov /bb/gaa/fy2019/app_19/dpt_19/hbbsd.htm.
- Ben Forman & Michael Widmer, MassINC, Revisiting Correctional Expenditure Trends in Massachusetts (May 2018), https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2018/05/Revisiting -Correctional-Expenditure-Trends-in-Massachusetts.pdf.
- 11. There were some discrepancies within SCSO's documents some of which may have been clerical errors. For example, the produced documents include an invoice labeled as "January 2018" which actually appears to show data from January 2019. The invoices are ordered chronologically and the mislabeled invoice appears where the January 2019 invoice should have been located. Additionally, the detainee days and reimbursements billed differ from the actual January 2018 invoice.
- See Eoin Higgins, The Appeal, Immigrants Share Horror Stories From Inside Massachusetts's "Worst" Jail, https://theappeal.org/immigrants-share-horror-stories-from-inside-massachusettss-worst-jail/. Capacity in the "ICE Facility" seems to be 132 as the number "132" appears in parentheses next to "ICE Facility" on BCSO's master count charts.
- 13. The IGSA does not detail exactly what costs are included in this transportation rate, writing only that "ICE directed transportation will be reimbursed at the rate of \$27.50 per hour."
- 14. Beginning January 1, 2019, the reimbursement rate per mile for government-furnished vehicles is \$0.20 per mile. The rate for privately own vehicles was \$0.58 per mile. See General Services Administration, "Privately Owned Vehicle ("POV") Mileage Reimbursement Rates," https://www.gsa.gov/travel/plan-book/transportation-airfare-pov -etc/privately-owned-vehicle-pov-mileage-reimbursement-rates.
- See Danny McDonald, Suffolk sheriff's department ending contract with ICE, Boston Globe (Oct. 8, 2019), https://www.bostonglobe.com/metro/2019/10/08/suffolk-sheriff-department-ending-contract-with-ice /XIWGpaT1gPgdSktDNSadVN/story.html.
- 16. Franklin County Sheriff Chris Donelan recently claimed that the FCSO's agreement brings in approximately \$3 million a year for the Commonwealth. Joshua Solomon, *Sheriff: Migrants won't be held in county jail*, Greenfield Reporter, https://www.recorder.com/Franklin-County-Sheriff-says-parents-of-children-who-have-been-recently -separated-from-will-absolutely-not-end-up-at-his-detention-center-18347365.
- 17. Documents produced by SCSO include invoices for January 2018 that appear before February 2018 invoices and what are entitled January 2018 invoices between December 2018 and February 2019 invoices. It is presumed that the latter are, in fact, January 2019 invoices.
- 18. To prevent a skewed average, this calculation excludes data from August and September 2018 because BCSO did not provide housing costs for those months.
- Although it is possible that FCSCO did not incur any transportation-related costs for which it could request reimbursement, it is unlikely given that FCSO has sought transportation reimbursement for every other month for which we received data.
- See Department of Homeland Security, U.S. Immigration and Customs Enforcement, "Budget Overview," at 108 (2019), available at U.S.%20Immigration%20and%20Customs%20Enforcement.pdf. ICE's projected bed rate costs in FY19 for the Boston area of responsibility is slightly higher than the national average at \$101.22. Id. at 110.
- Dooling, supra note 17; see also Jessica A. Botelho, Two People Arrested During Public Hearing About ICE Detainees in Dartmouth, Turn to 10 (Apr. 10, 2019), https://turnto10.com/news/local/two-people-arrested-during -ice-public-hearing-in-dartmouth.
- Dooling, supra note 17; see also Jessica A. Botelho, Two People Arrested During Public Hearing About ICE Detainees in Dartmouth, Turn to 10 (Apr. 10, 2019), https://turnto10.com/news/local/two-people-arrested-during -ice-public-hearing-in-dartmouth.
- See Commonwealth of Mass., Office of the State Auditor, Audit of the Bristol County Sheriff's Office (2019), https://www.mass.gov/files/documents/2019/02/13/201814713j.pdf.