



Growth in ICE Detention Fueled by Immigrants with No Criminal Conviction

According to data recently obtained by TRAC, the growth in detention by Immigration and Customs Enforcement (ICE) over the past four years has been fueled by a steady increase in the number of detainees with no criminal history. On the last day of April 2019, ICE held about 50,000 people in detention centers nationwide. Nearly 32,000 - or 64% - of detainees had no criminal conviction on record. This is up from 10,000 - or just under 40% of the nationwide total - four years prior. Over the same period, the total number of detainees with criminal convictions remained consistently between a low of 16,000 in March 2015 to a high of just over 19,000 in late 2017 and early 2018.

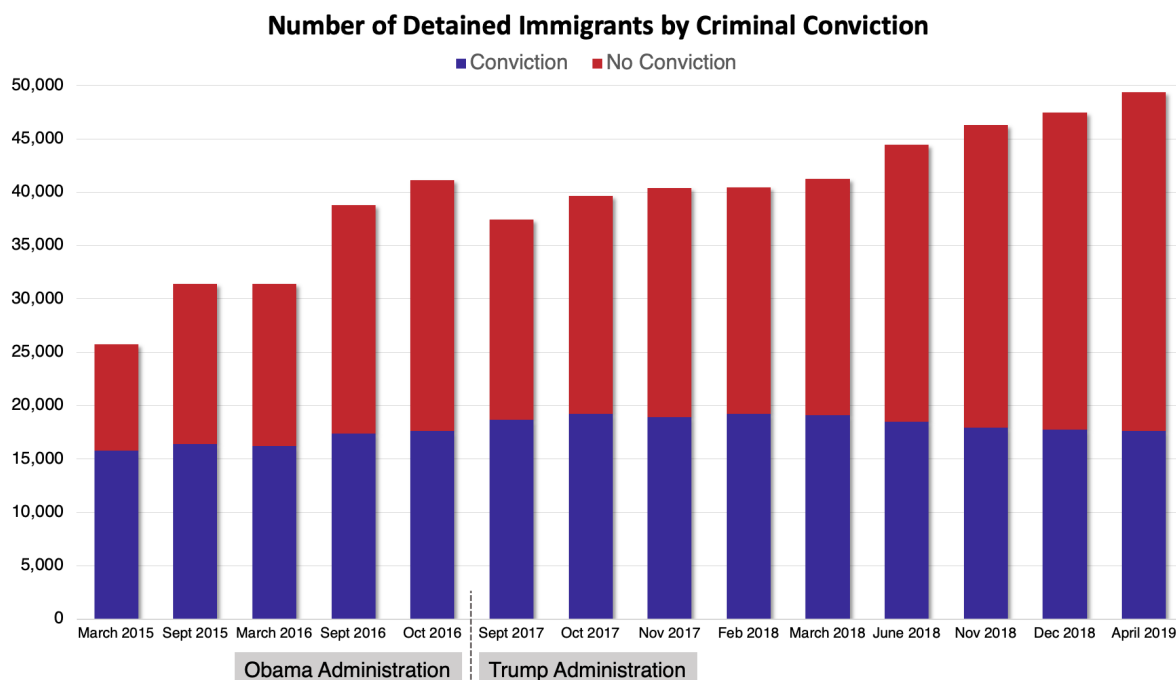


Figure 1. Total Number of Detainees with and without Criminal Convictions Held by ICE at End of Month
([Click for larger image](#)).

Figure 1 is based on TRAC's 14 "snapshots" of detention data, each one including case- by-case anonymized data of all individuals in ICE's custody on the last calendar day of the month. Figure 1 illustrates the remarkable consistency in the number of detainees with criminal convictions even as the total number of detainees fluctuates across a 4- year span of data. This suggests that the number of detainees with criminal convictions has its own inertia. Indeed, changes in presidential administration - as well as changes in ICE's own enforcement priorities that accompany each administration - appear to have little effect on the total number of detained immigrants with criminal convictions.

Rather, most of the action is related to variation in ICE's custody of detainees with no criminal convictions. Table 1 illustrates this change, as well. In March 2015, 61% of detainees had criminal convictions and 39% had no criminal conviction. But by April 2019, the proportion flipped completely: only 36% of detainees had criminal convictions while detainees without criminal convictions reached 64%. This is all the more significant as the total number of detainees grew substantially. ICE's increased focus on detainees with no criminal conviction is driving the expansion in the total number of detainees across the United States.

Table 1. Details of ICE Detainee Data by Criminal Conviction History

Date	Conviction		No Conviction		Total
	Number	Percent	Number	Percent	
March 31, 2015	15,781	61%	9,999	39%	25,780
September 30, 2015	16,419	52%	14,992	48%	31,411
March 31, 2016	16,208	52%	15,210	48%	31,418
September 30, 2016	17,415	45%	21,395	55%	38,810

Date	Conviction		No Conviction		Total
	Number	Percent	Number	Percent	
October 31, 2016	17,628	43%	23,535	57%	41,163
September 30, 2017	18,686	50%	18,754	50%	37,440
October 31, 2017	19,264	49%	20,414	51%	39,678
November 30, 2017	18,949	47%	21,449	53%	40,398
February 28, 2018	19,207	47%	21,235	53%	40,442
March 31, 2018	19,099	46%	22,169	54%	41,268
June 30, 2018	18,515	42%	25,920	58%	44,435
November 30, 2018	17,922	39%	28,357	61%	46,279
December 31, 2018	17,733	37%	29,753	63%	47,486
April 30, 2019	17,618	36%	31,778	64%	49,396

Why Detainees' Criminal History Matters

Because the relationship between criminality and immigration enforcement is of great interest to the public yet often confusing for non-specialists, TRAC provides the following clarifications about criminality and immigrant detention. First, the U.S. Supreme Court has affirmed that immigrant detention is a civil form of custody which is distinct from incarceration in that it is not intended to be used as a criminal punishment. This means that the detainees included in this report are not in detention because they are serving out a sentence related to their conviction. Rather, when non-citizens are sentenced as part of a criminal conviction, they serve out criminal sentences within the federal, state, and local prisons. In contrast, ICE oversees much of the civil immigrant detention system. Second, for many of the detainees described here as "criminal", the criminal convictions on record represent crimes that do not neatly conform to popular stereotypes about criminality, including non-violent crimes, simple traffic citations, or immigration violations. Third, many detainees listed as "criminal" received a conviction years or even decades in the past and served out their sentences, probations, and satisfied other conditions associated with their convictions. Finally, although TRAC relies on the criminal/non-criminal distinction for this report, a distinction which is common within ICE's own reporting, TRAC does not in any way promote a value distinction between immigrants with criminal convictions and immigrants without criminal convictions. Using ICE definitions, in fact, most U.S. citizens have engaged in some form of "criminal activity" such as speeding, jay-walking, and other minor infractions of the law.

Despite these qualifications, criminal history remains an important aspect of immigrant detention and immigration control overall. ICE officers may use criminality to determine bond amounts, conditions of release and probation, and level of security while in detention. Immigration judges may also take criminal history into consideration when adjusting bond amounts and adjudicating various applications for deportation relief. Some criminal convictions even render non-citizens ineligible for certain visas and immigration benefits. The criminal histories of ICE detainees, therefore, have considerable consequences for the outcomes of immigration cases. Significant changes in the composition of detainees with criminal histories, as we see here, could be tied to specific national or regional ICE policies, and could signal widespread changes in how ICE is using its discretion over the detention of non-citizens.

Most Detainees with no Criminal History Held in Few Detention Centers

In addition to finding higher rates of detainees with no criminal convictions over time, TRAC also finds that the distribution of detainees without criminal convictions is institutionally uneven: the majority (85%) of ICE's nearly 32,000 detainees with no criminal history in April 2019 are held in just one-third of ICE's 214 detention centers. Table 2 below includes all detention centers where 50% or more of the detained population had no criminal conviction on record. Excluded from the table are detention centers with less than 10 detainees. The 70 detention centers in Table 2 held a combined 26,767 detainees with no criminal conviction.

Significant among the detention centers listed below are the South Texas Family Residential Facility and Karnes County Civil Detention Facility, both of which detain mothers with children who are seeking asylum in the United States. Many detention centers, such as Port Isabel SPC and El Paso SPC, are located near the U.S.-Mexico border. Yet many are not: Tallahatchie County Correctional Facility in Mississippi, Stewart Detention Facility in Georgia, and Krome North SPC in Florida are located far from ports of entry and serve as key nodes in ICE's nationwide detention network. Still others, such as Tacoma ICE Processing Center and CCA Northeastern Ohio Correctional^[1] are actually much closer to the U.S.'s northern border.

About this Data

The data in this report is derived from a series of Freedom of Information Act (FOIA) requests by TRAC for anonymized case-by-case data for the total number of individuals in detention on the final day of the month in question. The quality and comprehensiveness of the data provides unique insight into the composition of detainees

and trends across time. However, the data contains several trade-offs. Among these, delays and non-responses by ICE regarding TRAC's FOIA requests result in historically inconsistent or "spotty" snapshots of immigrant detention. Further, each snapshot includes within its frame all detainees on one day of the month, not the total number of individuals who pass through detention in a month. This data only includes individuals in ICE custody, and does not include individuals detained near the border by Customs and Border Protection (CBP) nor minors detained by the Department of Health and Human Services' Office of Refugee Resettlement (ORR). Despite these trade-offs, TRAC's data provides much-needed insight into the quantity and composition of immigrant detention in the U.S.

Explore Detention Data Using TRAC's Interactive Tool

The data for this report is available to the public through [TRAC's recently-updated online detention tool](#), which allows users to explore data about ICE detainees for themselves using a number of factors for each detention facility including nationality, specific criminal conviction offense, and how long detainees have been in ICE custody.

Detention



Table 2: ICE Detention Centers with 50% or More Detainees with no Criminal Conviction
at the end of April 2019^[2].
(Click headings to sort)

Detention Center Name	Total Detainees	Criminal Conviction	No Criminal Conviction	Percent of Detainees Without Criminal Conviction
South Texas Fam Residential Center	878	8	870	99.1%
El Paso Holdroom	337	6	331	98.2%
T Don Hutto Residential Center	501	13	488	97.4%
Tallahatchie Co Corr Facility	1,213	42	1,171	96.5%
Karnes County Civil Det. Facility	645	29	616	95.5%
Richwood Cor Center	564	28	536	95.0%
El Valle Detention Facility	785	42	743	94.6%
Allen Parish Public Safety Complex	49	3	46	93.9%
Phoenix Dist Office	83	6	77	92.8%
Facility 8 Detention Facility	52	4	48	92.3%
River Correctional Center	528	47	481	91.1%
Coastal Bend Det. Facility	249	23	226	90.8%
Charleston County Correct	138	13	125	90.6%
La Salle Co Regional Det. Center	116	11	105	90.5%
San Luis Regional Det Center	213	21	192	90.1%
Brooks County Jail (Contract)	159	17	142	89.3%
Denver CDF II	404	44	360	89.1%
Jackson Parish Correctional Center	861	96	765	88.9%
Imperial Regional Adult Det Fac	662	80	582	87.9%
Bossier Parish Cor. Center	268	33	235	87.7%
Broward Transitional Center	677	98	579	85.5%
Port Isabel SPC	1,128	171	957	84.8%
Laredo Processing Center	398	67	331	83.2%
Rio Grande Detention Center	646	110	536	83.0%
Cibola County Correctional Center	584	100	484	82.9%
Eloy Federal Contract Fac	1,354	239	1,115	82.3%
Iah Secure Adult Det. Facility	858	154	704	82.1%
Seneca County Jail	44	8	36	81.8%
Florence SPC	414	86	328	79.2%
Montgomery County Jail, TX	863	183	680	78.8%
La Palma Correctional Center	1,718	379	1,339	77.9%

Detention Center Name	Total Detainees	Criminal Conviction	No Criminal Conviction	Percent of Detainees Without Criminal Conviction
Teller County Jail	31	7	24	77.4%
Pine Prairie ICE Processing Center	790	190	600	75.9%
Otay Mesa Detention Center	958	251	707	73.8%
East Hidalgo Detention Center	75	21	54	72.0%
Elizabeth Contract D.F.	281	79	202	71.9%
Rolling Plains Detention Center	242	69	173	71.5%
Webb County Detention Center (CCA)	419	120	299	71.4%
El Paso SPC	822	242	580	70.6%
AZ Rem Op Coord Center (Arocc)	71	21	50	70.4%
CCA Northeast OH Corrects	279	85	194	69.5%
Folkston ICE Processing Center	690	219	471	68.3%
Monroe County Detention-Dorm	59	19	40	67.8%
Plymouth Co Cor Facility	357	118	239	66.9%
Okmulgee County Jail	208	70	138	66.3%
St. Clair County Jail	68	23	45	66.2%
Stewart Detention Center	1,816	679	1,137	62.6%
Suffolk Hoc Sbay	147	57	90	61.2%
Alamance Co. Det. Facility	51	20	31	60.8%
Florence Staging Facility	237	94	143	60.3%
Chase County Jail	78	31	47	60.3%
Denver Contract Det. Fac.	930	372	558	60.0%
Frederick County Det. Gen	49	20	29	59.2%
Adelanto Ice Processing Center	1,678	686	992	59.1%
Otero Co Processing Center	939	387	552	58.8%
Cambria County Jail, PA	41	17	24	58.5%
James A Musick Facility	185	77	108	58.4%
Houston Contract Det. Fac.	981	409	572	58.3%
Clay County Justice Center	28	12	16	57.1%
Irwin County Detention Center	833	360	473	56.8%
South Texas Ice Processing Center	1,782	774	1,008	56.6%
Kenosha County Jail	172	76	96	55.8%
Caroline Detention Facility	288	134	154	53.5%
Tacoma ICE Processing Center	1,332	621	711	53.4%
Strafford Co. Correction	110	52	58	52.7%
Krome North SPC	799	386	413	51.7%
Orange County Jail, NY	157	78	80	51.0%
Calhoun Co., Battle Cr, MI	187	92	95	50.8%
Davidson Co. Sheriff Dept	10	5	5	50.0%
West Texas Detention Facility	662	331	331	50.0%
Total	36,231	9,465	26,767	

Footnotes

^[1] While ICE continues to use "CCA" with this facility, the company known as CCA (Corrections Corporation of America) has since rebranded itself as CoreCivic.

^[2] Only detention centers with at least 10 detainees were included in this table.

Selected TRAC Reports on ICE Detainees

- [Growth in ICE Detention Fueled by Immigrants with No Criminal Conviction \(November 26, 2019\)](#)
- [ICE Focus Shifts Away from Detaining Serious Criminals \(June 25, 2019\)](#)
- [Profiling Who ICE Detains - Few Committed Any Crime \(October 9, 2018\)](#)

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TRAC is a nonpartisan, nonprofit data research center affiliated with the [Newhouse School of Public Communications](#) and the [Whitman School of Management](#), both at [Syracuse University](#). For more information, to subscribe, or to donate, contact trac@syr.edu or call 315-443-3563.

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