

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://www.acluohio.org/en/news/ohio-counties-need-cut-ties-ice>

Campaign and Advocacy

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When President Joe Biden took office on January 20, 2021 it ignited a number of conversations about what's first on the new administration's agenda. One topic that rose quickly to the top was immigration. **While the federal government has authority over immigration policy, state and local governments play an active role in implementation.** The expansion of U.S. Immigration and Customs Enforcement (ICE) detention, for example, hinges on state and local cooperation. ICE initiates contracts with state and local governments to use bed space in local jails or prisons. They are paid by the federal government for each person they hold on immigration charges, which financially incentivizes signing on to the program.

In Ohio, there are currently four counties that have [contracts with ICE](#) to house immigrants in local county jails: Butler, Geauga, Morrow, and Seneca. The contracts allow counties to use their jail facilities to house people who are arrested and detained by ICE agents as they await deportation or a court decision that could allow them to stay in the country.

When the coronavirus (COVID-19) pandemic began, the [ACLU of Ohio](#) and other advocacy groups called on Ohio's local and state leaders to reduce incarcerated populations to mitigate the spread of the virus. In addition to [voicing concerns to ICE in March](#), we conducted [outreach in April to Butler, Geauga, Morrow, and Seneca County officials](#) urging them to use their authority to ensure that all incarcerated people were included in efforts to flatten the curve including immigrants held by the federal government. **As part of this effort, the ACLU of Ohio sent a series of public records requests to these four counties to learn more about their contractual relationship with ICE, the number of people in their facilities being detained due to their immigration status, and the funding amount they receive.**

We first requested contracts with ICE in April 2020, and follow-up requests for additional items were sent beginning in May 2020. Obtaining documentation continued until the end of November after months of back and forth with Geauga County. **It will probably come as no surprise that getting records that overlap between local and federal government can be a challenge.** Because the records we sought involved ICE, a common response was that we needed to submit a Freedom of Information Act (FOIA) request with ICE. **However, while a majority of the records are connected to a federal agency (ICE), they still fall under Ohio's public record laws since they are in possession of the county, a local agency.**

The records we received varied, from the information provided to the way that it was presented, which makes it difficult to do a comprehensive comparison. The intent was to compare apples to apples, but given the nature of the request and what we received in return it's more like apples to oranges. Nonetheless, it gave us a better idea of how counties are with ICE.

Here's what we learned.

The contracts we received appeared to follow a template, and while the language was individualized to a certain degree there were clear similarities. One of the most concerning elements about the contracts was that they did not have expiration dates. Instead the contracts indicated that they were in effect *indefinitely* or until either party sought to terminate the agreement through written notification. **Without having a clear end date there is a lack of accountability.** There is no renegotiation built into the contracts, which takes away the opportunity for decision-makers to take a critical look at performance, compliance, and effectiveness on a set timeline ensuring it actually happens. Not to mention, it makes it more difficult for advocates to raise concerns or questions. Indefinite contracts essentially give a pass to work off of outdated practices and blanket statements. This is of serious concern considering when these contracts went into effect [Butler, 2003](#); [Gauga 2011 \(modification to include ICE\)](#); [Morrow, 2009](#); and [Seneca, 2007](#). **The contracts are dictating a standard of care for human lives, undoubtedly things have evolved over the last roughly 10-15 years.** Yet there is no pressure for the county, and federal government, to remain accountable.

It's no secret that counties are in it for the money. [Previous investigations found that ICE paid city and county governments in Ohio more than \\$24.4 million between 2013 and 2017.](#) Reports from local officials indicated that they rely on the funds to help cover costs. From the records that we acquired, this sentiment likely still holds true.

Let's look at Morrow County, for example. The [role ICE plays in budget talks is well known](#). **Morrow County collects funds from a number of outside agencies for housing people in their jail facility. The money the county received from ICE has made up more than 50% of that revenue in 2017, 2018, and 2019.** In August 2019, [Morrow County and ICE amended their contract](#) to increase the daily per diem from \$53.64 to \$68.83.

We know that jails across the state are overcrowded, and these county facilities are no exception. **While these partnerships provide monetary support, they are adding to an overwhelmed system that is a manifestation of structural racism.** Looking at the big

picture facility capacity, the number of people being held the facility, funding, etc. it [raises questions](#) about the true price of these arrangements for communities.

Advocates have long spoken out against housing people on the expansion of immigration detention and detaining people for ICE in local jails. In April 2020, ACLU, Human Rights Watch, and National Immigrant Justice Center released [a report](#) examining the growth of the immigration detention system under the Trump Administration and detailing the horrific and inhumane circumstances those held behind bars face. Poor jail conditions, inadequate access to medical care, difficulty communicating with legal representation, weak federal oversight, and lack of transparency and accountability are primary concerns.

COVID-19 amplified these issues. In the midst of calls to decarcerate facilities, county jail officials did not have the authority to release anyone held in their facility on ICE custody. People detained by ICE are under the federal governments jurisdiction. ICEs inaction directly related to the spreading of the virus and preventable deaths of numerous people in their custody. There were multiple reports of ICE refusing to provide masks or basic sanitation items, denying COVID-19 testing, and transferring ICE detainees between facilities. In Ohio, [Morrow County jail had a massive COVID-19 outbreak where 100% of the jail population](#) had the virus. [COVID-19 piled on a mountain of pre-existing issues within the facility](#) staffing shortages, misconduct of personnel, abuse of those being detained, suicide which links back to the accountability piece. **How are counties being held accountable? Simple. They arent.**

These are the many reasons why Ohio counties should end their contracts with ICE.

As a result of COVID-19 and a [collaborative coalition effort](#), Morrow County has not housed anyone in ICE custody in their facility since February 14th. This practice needs to be made permanent. The next common-sense step is for the county and ICE to formally end their relationship by terminating their contract. Unfortunately, it appears its business as usual for the other three counties. For example, Butler Countys ICE population is almost unchanged. On February 23rd, 13% of the jail population was being held on immigration charges. The average number of persons being detained by ICE per day in [2018](#), [2019](#), and [2020](#) (through October) was 11%, with monthly averages ranging from 9-14%.

COVID-19 put a spotlight on the true cost of immigration detention. Localities engaged in these relationships with ICE value money over human life. It doesnt have to be this way. We can and should continue to ask questions of county officials who opt to maintain the status quo and continue their relationships with ICE. Its time Ohio counties cut ties with ICE once and for all.

Heres a few ways to plug in:

Morrow County

County Commissioners

County Sheriff

Butler County

County Commissioners

County Sheriff

Geauga County

County Commissioners

County Sheriff

Seneca County

County Commissioners

County Sheriff

Editor's Note: On May 26, 2021, the [Butler County Sheriffs Office announced](#) that Butler County will be ending their partnership with U.S. Immigration and Customs Enforcement (ICE).

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