

# Detention Oversight Not Expansion (DONE) Act (S. 2849/H.R. 5820)

## Background:

Despite a significant decline in apprehensions along the Southwest border, the average daily population of detained noncitizens has drastically increased by 400% between FY1994 and FY2018. This population consists of growing numbers of children, women, and pregnant women.<sup>1</sup> Furthermore, U.S. Immigration Customs and Enforcement (ICE) identifies over 50% of the detained population as posing no safety risk.

The DHS Office of Inspector General (OIG) has determined that ICE consistently undermines the rights of detainees, fails to treat them humanely and provide a safe and healthy environment.<sup>2</sup> For example:

- **Sexual Abuse.** Between FY12 and March 2018, ICE received 1,448 allegations of sexual abuse in detention facilities. Only a small percent of these claims have been investigated by DHS OIG.
- **Medical Negligence.** While in ICE custody, detainees regularly receive substandard care. Pregnant women in particular receive insufficient medical attention while in custody, resulting in dehydration and even miscarriages.
- **Access to Counsel.** Detainees often struggle to secure representation due to language barriers, wait times in detention facilities, and distance between detention facilities and government provided aid, all of which raise serious due process concerns.
- **Deaths.** There have been over 170 reported deaths in ICE custody since 2003.

Despite the persistent mismanagement of detention facilities that have resulted in human rights abuses, the President's 2019 budget requests \$2.7 billion for detention beds, indicating a desire to increase the capacity of ICE's civil immigration detention system without making much-needed reforms to the current system.<sup>3</sup>

## Bill Summary

- This legislation establishes that no funds will be used for the construction or expansion of immigrant detention facilities.
  - The Secretary must submit a report to Congress that includes a plan to 1.) decrease the number of detention beds by 50% of the number available as of the date of the enactment of this Act by using alternatives to detention that are less costly to the taxpayer and have been shown to be successful and 2.) restore and expand the Family Case Management Program.<sup>4</sup>
- This legislation increases oversight and accountability for ICE detention facilities.
  - Increases funds for the DHS OIG to conduct unannounced inspections of all immigration detention facilities to ensure compliance with national standards, focusing on the health, safety, and care of detainees, especially as it related to pregnant women. DHS OIG shall submit a report of its findings to Congress.
  - Increases funds for the DHS Office for Civil Rights and Civil Liberties to conduct investigations, and submit a report of its findings to Congress.
  - Mandates that facility contracts be terminated for facilities receiving less than adequate ratings in the two most recent inspections, audits, or investigations conducted by DHS OIG.

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<sup>1</sup>[https://americanimmigrationcouncil.org/sites/default/files/general\\_litigation/complaint\\_increasing\\_numbers\\_of\\_pregnant\\_women\\_facing\\_harm\\_in\\_detention.pdf](https://americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_increasing_numbers_of_pregnant_women_facing_harm_in_detention.pdf)

<sup>2</sup><https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

<sup>3</sup>[https://www.whitehouse.gov/wp-content/uploads/2018/02/FY19-Budget-Fact-Sheet\\_Border-Security.pdf](https://www.whitehouse.gov/wp-content/uploads/2018/02/FY19-Budget-Fact-Sheet_Border-Security.pdf)

<sup>4</sup><http://www.immigrantjustice.org/staff/blog/ice-released-its-most-comprehensive-immigration-detention-data-yet>

## Who Supports this Bill

- FREEDOM for IMMIGRANTS (formerly CIVIC)
- National Immigration Justice Center
- Moms Rising
- UnidosUS (formerly National Council of La Raza)
- Women's Refugee Commission
- Human Rights Watch
- American Civil Liberties Union
- Friends Committee on National Legislation
- Asian Pacific Institute on Gender-Based Violence
- Immigration Hub
- Church World Service
- Asian Americans Advancing Justice
- Network Lobby for Social Change
- Coalition for Human Immigrant Rights of Los Angeles
- National Latina Institute for Reproductive Health
- Northwest Immigrant Rights Project
- OneAmerica
- Illinois Coalition for Immigrant Refugee Rights
- Colectiva Legal del Pueblo
- National Asian Pacific American Women's Forum
- Washington CAN
- Entre Hermanos
- Southern Poverty Law Center