

Congress of the United States
Washington, DC 20515

January 20, 2015

The Honorable Shaun S. Donovan
Director, Office of Management and Budget
725 17th St NW
Washington, D.C. 20503

Dear Director Donovan,

As you work to complete the President's Fiscal Year 2016 budget request, we urge the Administration to oppose the requirement that Immigration and Customs Enforcement (ICE) detain at least 34,000 people per day in detention facilities. This detention bed mandate is a costly and inhumane practice that puts an unnecessary burden on the limited fiscal resources available to ICE.

As you know, current law requires that ICE maintain not less than 34,000 detention beds every day. Such a requirement is contrary to the best practices of law enforcement. Indeed, no other law enforcement agencies have quotas on the number of detention beds to maintain or people to fill them. Eliminating the mandate would bring ICE in line with the best practices of law enforcement agencies, which are to maintain detention beds based on actual need and the potential risks posed by individual detainees.

Moreover, the detention bed mandate is costly. The Department of Homeland Security (DHS) spends more than \$2 billion per year on immigration detention, or \$5.05 million per day. This amounts to a daily cost of \$159 per day per detainee. Proven alternatives to detention, including release on bond, supervised release, and community-based programs, cost between 70 cents and \$17 a day, yet the immigration detention bed mandate prevents ICE from making individualized custody determinations and using these alternatives, even in cases where they would be appropriate.

Finally, in response to a similar letter sent regarding the Fiscal Year 2015 budget, then Director Burwell responded by stating that "the number of beds utilized by ICE should be based on actual demand, to include those for whom detention is required by law (i.e. mandatory detainees) and high-priority, non-mandatory individuals." The President's Fiscal Year 2015 budget request for DHS also included redacted language used to indicate his opposition to the mandate's inclusion in the budget. In addition, both the response from OMB and the President's budget request indicated a desire to expand the use of alternatives to detention. While we were encouraged by these measures, we urge you to include more definitive language in the Fiscal

Year 2016 budget request that specifically opposes the detention bed mandate and meaningfully increases funding for alternatives to detention.

We therefore urge the Administration to firmly oppose the detention bed mandate in the President's Fiscal Year 2016 budget request and support providing ICE with the tools they need to consider alternatives to detention for eligible detainees.

Thank you for your prompt attention to this matter. We look forward to hearing from you on this issue and working with you in the near future.

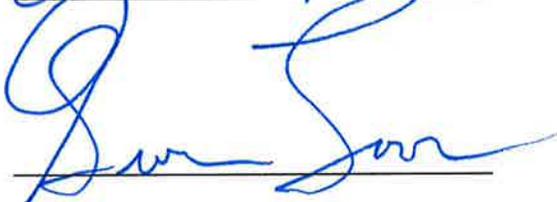
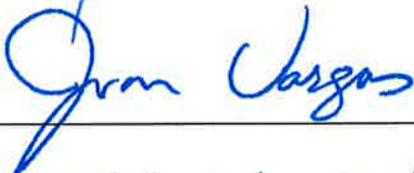
Sincerely,



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Member of Congress



Theodore E. Deutch
Member of Congress



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