

DECEMBER 2022

ICE EXPANSION IN CLAY COUNTY, IN

A WHITE PAPER FOR ABOLITIONISTS

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| INTRODUCTION

Clay County, IN has long profited financially from an agreement with Immigration and Customs Enforcement (ICE) to detain noncitizens in its county jail. The county now seeks to use the federal funds generated by this agreement to finance an expansion of the jail, estimated at \$25.9 million, in order to increase capacity for ICE detention. This expansion follows the closure of all Illinois ICE detention facilities in January 2022, which made the Clay County jail the only immigration detention center between Wisconsin and Kentucky. Clay County officials have spoken openly about the benefits of ICE detention for the locality and promised to pay for the expansion through ICE dividends without raising property taxes on residents.

County officials have not been forthright about the conditions faced by individuals in detention, communications with ICE and jail developers, or the actual cost of the project to the taxpayer, however. Local residents and immigration advocates have sought to hold ICE and county officials accountable at every step of the way through lawsuits, forced transparency, direct action, and ongoing deportation defense and jail support. These advocates have continuously called for the total abolition of ICE detention in Clay County.

Even though the jail expansion is slated to move forward, the movement against ICE detention in Clay County continues. At the end of 2022, litigation against ICE and county officials over the use of federal funds is pending. Volunteers and detained individuals continue to organize around jail support, visitations, and appalling jail conditions. Coalition leaders are taking stock for the next fight against the expansion of ICE detention. This white paper attempts to outline the problem, background, and movement against the Clay County jail expansion and its connection to ICE detention. Just as past fights have required the strengths of a diverse array of stakeholders, the ongoing movement will require many new coalition members who are committed to the termination of ICE detention at the Clay County jail. It is critically important that new members have a strong understanding of the context for this movement. By synthesizing local reports, national analysis, legal complaints, documents obtained by immigration advocates, and interviews with individuals directly connected to the movement, this paper tries to provide that context.

| PROBLEM

Profiting from ICE Detention

Clay County, IN has been profiting financially from ICE detention for years. The county generates approximately \$1.4 million annually in federal funds from an agreement with ICE and the U.S. Marshals Service to detain noncitizens in its county jail. It uses hundreds of thousands of those dollars on expenses unrelated to the detention of these individuals. In 2021, for example, the county purchased a new chiller for its courthouse using \$83,000 of these funds, while also offering employees raises and bonuses.ⁱ

In April 2022, the National Immigrant Justice Center (NIJC) and Sidley Austin LLP filed a [class action lawsuit](#) against ICE and multiple Clay County officials on behalf of people detained by ICE at the Clay County Justice Center.ⁱⁱ The lawsuit argued that, under the agreement between the U.S. Marshals Service, ICE, and Clay County, federal funds may only be used for the care of people

detained by ICE and that the county's use of the funds for unrelated expenses was unlawful. Citing financial records as well as statements made by the Clay County sheriff and others, the lawsuit alleged that Clay County officials have been treating the ICE agreement as a "cash cow" for years.

Inadequate Jail Conditions

At the same time that hundreds of thousands of federal dollars have been diverted to unrelated county expenses, the Clay County jail maintains abysmal conditions and fails to provide basic care for individuals detained by ICE. The same lawsuit details the experiences in of lead plaintiffs Cristhian Herrera Cardenas, Maribel Xirum, Javier Jaimes Jaimes, and Biajebo Brown Toe in the jail. Among many other complaints, the plaintiffs described receiving insufficient food, clothing, and cleaning supplies, routinely being denied access to medical interpreters, mental health services, religious ministry, and outdoor recreation, and lacking basic privacy while showering and going to the bathroom, such that they had to supply makeshift curtains out of their own sheets.

Conditions were so grossly inadequate, in fact, that the jail failed its [Overall Performance Evaluation](#) by ICE inspectors in May 2021.ⁱⁱⁱ The inspection team identified 71 deficient components across 18 different standards, including standards of Environmental Health and Safety, Sexual Abuse Assault Prevention and Intervention, Food Service, Medical Care, Personal Hygiene, Recreation, and Religious Practices.

Clay County's failing grade was made even more egregious by the fact that evaluations done by the private inspector hired by ICE, the Nakamoto Group, have been described by ICE employees themselves as "very, very difficult to fail." The Department of Homeland Security Office of the Inspector General (OIG) report [Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements](#) (2018) documents numerous flaws in ICE's inspection system and the practices of the Nakamoto Group in particular.^{iv} ICE has contracted with the Nakamoto Group since 2007.

If Clay County had failed a second consecutive evaluation, federal law would have required ICE to terminate its contract with Clay County. However, the Clay County jail was given a passing grade by the Nakamoto Group in December 2021. During the six months between the two evaluations, Clay County and ICE officials scrambled to avoid the termination of its contract. Consistent with its deeply flawed practice, the Nakamoto Group informed Clay County of the date of the second inspection. It also conducted a "hybrid" evaluation of the facility, such that two inspectors did not physically visit the jail. The Nakamoto Group still identified 21 deficient components across 18 standards but gave the jail an overall rating of "Meets Standards."^v

Jail Expansion

Now Clay County plans to use funds generated from its contract with ICE to finance a jail expansion. A primary reason for expanding the jail is to increase its capacity for ICE detention. DHS pays Clay County \$55 per day for each individual detained by ICE, as well as \$20 per hour and 57 cents per mile for transportation costs.^{vi} The average stay for an individual is 21 days, according to ICE records.^{vii} In contrast, the county receives \$37.50 per day from the state for each non-ICE incarcerated person.^{viii} ICE detention funds account for over \$1 million of the \$2 million

Clay County used to operate the jail in 2020, even though the jail held only 53 ICE-detained individuals per day on average between June 2020 and June 2021, accounting for just 30% of the jail capacity of 176.^{ix}

Clay County officials are brazen in their endorsement of increasing ICE detention through the jail expansion. According to the [Indiana Economic Digest](#), Clay County Commission President Marty Heffner claimed during the State of the County address on March 29, 2022 that “the financial benefits of housing ICE inmates versus local inmates only is substantial” while discussing the jail expansion.^x In an [interview with Injustice Watch](#), Clay County Sheriff Paul Harden openly stated that ICE has wanted to send more detained individuals to Clay County for years, saying “ICE said, ‘If you could hold more, we could send you more,’ and I told them that we’re limited in the number we can hold because of our facility size.”^{xi}

On September 16, 2021, Clay County entered into an Agreement For Services with Clay County Jail Partners, LLC to develop, design, build, and finance the County’s jail.^{xii} On April 4, 2022, Clay County Commissioners Paul Sindors, Bryan Allender, and Marty Heffner [passed Resolution 2022-4](#) to approve a county jail feasibility study and take the next steps in the jail expansion process.^{xiii} The estimated final cost of the expansion was \$25.9 million and would add at least 265 beds to the jail’s current capacity of 176.^{xiv}

| BACKGROUND

ICE Detention in Rural Midwest Counties

[Clay County](#) is a rural county located in west central Indiana. Of the population of 26,410, 96.9% is white. The county is lower middle class with a poverty rate of 9.8%.^{xv} [Brazil](#), the county seat, has a population of 8,154 and a poverty rate of 17.5%, nearly 5 points higher than the national rate.^{xvi} In the [2022 elections](#), Republicans made a clean sweep of the county, including all contested races. Two Democrats won uncontested elections.^{xvii}

Approximately 52% of individuals detained by ICE are held in rural counties. This is a profitable arrangement both for ICE and for these counties. According to César Cuauhtémoc García Hernández, an immigration policy expert at The Ohio State University, “when it comes to county jails in particular, contracts with the federal government to house people on behalf of ICE means a steady stream of federal money that can be used to operate the jail.” Lauren-Brooke Eisen, director of the Brennan Center’s Justice Program, calls rural counties a “hospitable environment” for ICE detention because of “cheap labor, cheap land.” Hundreds of new rural carceral institutions were built in the 1990s, and when the populations of those institutions waned, ICE swooped in.^{xviii}

ICE depends on agreements with private prison companies and state and local governments to support its steadily growing detention operations. Despite maintaining the largest civil detention system in the country, ICE does not own or operate most of the 200 facilities in which it operates, 50% of which are contracted with counties.^{xix} Congress provides ICE funding to detain about 34,000 individuals per day and is projected to spend more than half of its \$7.9 billion budget on detention and deportation in 2022.

In the past three years, however, ICE has lost access to multiple detention facilities in the Midwest. In March 2020, a facility in Kenosha County, WI ended ICE detention. Soon after, ICE detention was banned across the state of Illinois by the Illinois Way Forward Act of 2021. Following the full implementation of the act in January 2022, ICE lost access to three jails in Illinois.^{xx}

Two of those counties, McHenry and Kankakee, openly admitted to profiting from ICE detention in a lawsuit challenging the Illinois Way Forward Act. Two county sheriffs [testified](#) to using federal funds on non-detention related county expenses, and data obtained by NIJC confirmed that in fact only 27-55% of those funds were used for detention.^{xxi} According to NIJC Associate Director of Litigation Mark Fleming, who filed the complaint of Herrera Cardenas Et Al. v. ICE Et Al., these admissions by the McHenry and Kankakee sheriffs alerted immigration advocates that similar dynamics might be at play in Clay County.^{xxii}

This picture of ICE detention across the Midwest helps to explain why ICE and the Nakamoto Group, who profits from ICE inspections, had a heavy hand in ensuring that Clay County did not lose its contract through two consecutive failed inspections. Indeed, as if further proof were needed, immigration advocates obtained an email from Clay County Sheriff Harden sent on April 14, 2021 which read:

I just had a meeting with Tashi Tillman, ICE Facility Compliance Officer[.] [H]e advised me that ICE has lost 3 facilities in Indiana that held detainees. (Short term holds.) He said that they are still looking for Clay County to expand to assist them in this ever increasing number of detainees they have in their custody.^{xxiii}

This email underscores ICE’s interest in the Clay County jail expansion and its willingness to collude with Clay County officials to perpetuate detention in the Midwest.

Jail Expansions in Indiana

But while ICE detention may be profitable for counties, it is proven that jail expansions are not. Numerous studies have shown that carceral expansion does not lead to long-term job growth at the local level. In fact, according to a [Vera Institute analysis](#) of a 2010 study, rural counties experience few if any employment gains from carceral institutions and “many towns with new prisons actually experienced lower growth in employment, household wages, and home values than comparable towns without prisons.”^{xxiv}

One of the reasons that rural counties fail to benefit from carceral expansions is because the cost of construction is so high. Often building a jail or a prison is the single largest infrastructure item in the annual budget of a county or rural area and must be paid off over decades.^{xxv} The Clay County jail expansion is projected to cost \$25.9 million. Before the expansion, according to a [Vera Institute analysis](#) of county jail budgets across Indiana in 2019, Clay County already spent an astounding 21% of its county budget (\$3,775,773) on jail expenditures.^{xxvi} While Clay County’s is not the highest budget percentage in the state (Vermillion County claimed the highest budget percentage with 27%), it still compares starkly to urban counties like St. Joseph, which allocated 5% of its budget to its jail in 2019 and compares favorably with the national average.

The Vera Institute found that jail budget data in Indiana “makes it almost impossible for Hoosiers to easily understand the true cost of their local jails.”^{xxvii} Indiana data is difficult to analyze because counties have come to rely on a variety of local income taxes to finance jail operations and construction over the past few decades. It is often unclear what portion of local income tax revenue goes toward jails, but the Vera Institute estimated in the same 2019 analysis that the jail cost per Clay County resident was \$144. In other words, taxpayers do not profit from jail construction in rural counties in Indiana, but instead contribute high amounts of income tax to these projects and gain few if any employment benefits.

Instead, construction companies, architects, and consultants are the ones who profit most from carceral construction.^{xxviii} In Indiana, three architecture firms account for 90% of jail infrastructure projects. One of these firms, RQAW, is the architectural designer for Clay County Jail Partners, LLC. Within the last two decades, RQAW has contributed at least \$131,487 to the political campaigns of Indiana officials, including county commissioners, state representatives, and governors. This figure does not include potential individual contributions from staff and leadership. Local news coverage in 2020 revealed that approximately 40% of counties in Indiana were planning or building jails. The case of RQAW illustrates how “ties between private interests and public officials...are part of a political infrastructure that underlies Indiana’s jail construction boom.”^{xxix}

In fact, as further evidence of this political infrastructure, the recipient of the previously cited email from Sheriff Harden was Eric Weflen of RQAW Architects. Harden sought to assure Weflen that the county could promise a strong partnership with ICE for purposes of the expansion, writing:

I also advised him of some concerns of ICE being disbanded. His comment to me was that there were still criminals to be taken in and one solution would be to rename ICE. Tillman assured me that we still have a good partnership with ICE.^{xxx}

Harden’s email seemed to reassure the developer that ICE funds could be counted on for the project. Weflen’s response to Harden was, “Thanks Sheriff, that’s great news. Talk to you soon.”

Clay County Commissioners have maintained that they will be able to finance the jail expansion without raising taxes on residents at all. The commissioners have said only that the current 0.25% “jail tax” added onto the annual 2% income tax, which is being assessed to pay off a prior jail project, will be extended if the jail expansion takes place. According to Jesse Franzblau, NIJC senior policy analyst, however, “Clay County officials appear to be pushing for a \$20-25 million project based on the assumption that ICE beds will pay for it.”^{xxxi}

| THE MOVEMENT

For as long as there has been talk of expanding the jail and ICE detention in Clay County, local residents have voiced concerns. Immigration advocates have mounted an opposition to the expansion and pursued the abolition of ICE detention writ large. Lawsuits around the abysmal conditions that individuals detained by ICE endure in the existing facility have helped to expose the underhanded dealings of county officials and their ICE allies. Additionally, virtual jail

visitation has sustained the movement and contributed to “non-reformist reforms” within the existing system.

Local Residents

According to Mari Luna, a community organizer with Cosecha Indiana, plenty of Clay County residents either lack information about the jail expansion or are concerned about its tax implications. Her group has canvassed neighborhoods surrounding the jail in Brazil, IN. In Luna’s experience, “a lot of the doors we’ve knocked on, a lot of the people didn’t know this was happening or had heard rumors or read one story about it in the newspaper. A lot of them didn’t know how it would impact them....A lot of locals are mainly worried about the tax and the financial aspect of it.”^{xxxiii}

Residents Reanda Kirchner and Brancy Pierce attended a county commission meeting on October 4, 2021 to express concern about the lack of transparency around the expansion. Pierce told commissioners that she could not find the information in any local reports about how much the expansion would cost, how many individuals the county would need to detain to pay it off, and how much the county makes per detained individual. Pierce and Kirchner also expressed concern about the county’s unfair treatment of individuals detained by ICE. “I understand they’re here illegally,” Pierce told [Injustice Watch](#), “but it’s not like they’re rapists or murderers or anything like that.” “The issue that doesn’t resonate here, because it’s rural Indiana, is the quality of care for the detainees,” said Kirchner. “I think some people are OK with making money off of detaining somebody.”^{xxxiii}

PJ Nicoson, who is 80 years old and has lived in Clay County for 77 years, attended the November 2021 commissioners meeting and planned to report back to a group of friends over breakfast the following day. “My concerns are mainly taxes, naturally,” Nicoson told [The Indiana Lawyer](#). “I think we’re going to get left holding the bag eventually. It seems like our county spends more time promoting criminal issues than it does doing things like bringing in industry. It seems like we’re off the beaten path on that.”^{xxxiv}

Immigration Advocates

When [Mariposa Legal](#) was founded in January 2020, Executive Director Hannah Cartwright had no idea that fighting the Clay County jail expansion would become part of the organization’s work.^{xxxv} Cartwright and Research Fellow Romelia Solano started the Indianapolis-based organization to provide legal representation for individuals detained in ICE custody, with a particular focus on “individuals with serious mental illness and cognitive impairments,” and to lay the groundwork for a community-engaged research approach.^{xxxvi} But Cartwright soon started receiving messages from immigration advocates around the region that Clay County was looking to capitalize on ICE’s increased need for detention facilities in the Midwest.

Part of Mariposa Legal’s mission is to “advocate on behalf of and with immigrants through...proactive data-driven responses to challenge immigration enforcement efforts.”^{xxxvii} Cartwright and Solano quickly became central to the coordination of the movement. Cartwright noted that because she herself did not have organizing expertise, the leadership of individuals and

organizations with that expertise, including Mari Luna, Wendy Catalan, Cosecha Indiana, the Indiana Undocumented Youth Alliance (IUYA), and Indy10 Black Lives Matter, was critical to the movement's progress. This group organized under the banner of the Communities Not Cages as the Indiana Coalition. Their work to counter the jail expansion included attending numerous public meetings in Clay County, organizing community education efforts such as the door-knocking campaign, and filing Freedom of Information Act (FOIA) requests which cited transparency concerns around communication between county officials and developers.

Their organizing was not without opposition, however. Cartwright and others familiar with the movement speak openly about how this opposition came to a head at a public action on July 4, 2020 in front of the courthouse in Brazil, IN. On that day, the coalition members mentioned above, as well as Dreamers Alliance: United as One and Showing Up for Racial Justice, caravanned from Indianapolis to Brazil to protest immigration detention and show support for Black Lives Matter.^{xxxviii} Their action included testimony from a family directly impacted by ICE detention and a march around the courthouse. According to Cartwright, attendees soon found themselves surrounded by counter protestors, some armed with rifles, shouting pro-Trump, anti-immigrant, and "all lives matter" slogans. Word that Harden, the county sheriff, was on the premises and had allegedly helped to coordinate with counter protestors, has since spread. Upon the arrival of counter protestors, coalition members quickly found their way to their cars with the leadership of Indy10 Black Lives Matter. They left Brazil trailed by police cars, which followed them to the county line.

Cartwright says that organizers have learned a number of lessons from this experience and others related to the jail expansion fight. Coalition members no longer travel alone to meetings in Clay County, due to an experience of Solano's at a county meeting. The coalition also seeks to be more attentive to burnout among organizers, particularly among organizers of color. Despite the progress of the jail expansion, no member of the coalition seems to think that the movement to abolish ICE detention in Clay County has lost yet. On the contrary, organizers are preparing for the long haul, conscious this fight is inextricably linked to the broader movement to abolish ICE detention across the U.S.

Lawsuits

The pending litigation of *Herrera Cardenas Et Al. v. ICE Et Al.* also illustrates the connection between the Clay County fight and the broader movement to end ICE detention. While NIJC's Mark Fleming notes that the intention of the lawsuit itself is to best represent the interests of the plaintiffs it represents, NIJC has continued to call on the Biden administration to "end the use of immigration detention entirely, beginning with a termination of contracts with private prisons and county jails."^{xxxix} According to Fleming, the lawsuit draws attention to the fact that Congress consistently allocates billions of taxpayer dollars to ICE detention, when, in at least three cases (those of Clay, McHenry, and Kankakee counties) localities are providing abysmal jail conditions and spending the rest of the money on unauthorized purposes.

While [Detention Watch's resource](#) "Ending Immigration Detention: Abolitionist Steps vs. Reformist Reforms"^{xl} cautions against "reformist reforms" (those which maintain or expand the reach of the system through social control or violence) including advocating for increased access

to counsel for people in ICE detention and more government oversight, inspections, and transparency, NIJC and Mariposa Legal’s work seems to avoid these pitfalls by calling for the termination of ICE detention in Clay County as a result of the failed inspection and experiences of the individuals they represent. Ending ICE agreements with local jails is an abolitionist or “non-reformist reform” (one which advances liberation by chipping away at ICE enforcement and incarceration). Policies like these, according to NIJC, take tangible steps to “protect immigrant communities within the state from the trauma and the economic harms of deportation and detention.”^{xli}

Jail Visitation

A sustaining force of the fight against ICE detention at the Clay County jail is Indiana Assistance to Immigrants in Detention (AID), which was formed in 2019.^{xlii} Indiana AID began its virtual jail visitation program in 2021 with the assistance of Ali Daoud Smith, who had helped to start other visitation programs for the Interfaith Coalition of Detained Immigrants (ICDI).^{xliii} Indiana AID funds video calls (some of the most expensive in the nation, according to Daoud Smith) and pays commissary for detained individuals in Clay County, as well as those transferred to Boone and Dodge counties. This group of volunteers, in partnership with the individuals incarcerated at Clay, contribute to the broader movement by elevating narratives about the unacceptable conditions and ongoing violations of the jail. The group has attempted to escalate these violations through the jail’s complaint process and in recent months has organized religious communities to hold vigils outside the jail.

At a coordinating committee meeting in November, Indiana AID leaders Robin Valenzuela, Brian Bither, Whitney Guthrie, and Ali Daoud Smith ran through a packed agenda over Zoom.^{xliv} Robin shared that on a recent virtual visitation call her partner used the camera to show her his dinner: four pieces of white bread and two pieces of deli meat. He had been given the same thing for breakfast. The group discussed support for incarcerated individuals filing complaints against conditions like this, as well as potential solidarity actions for community allies, such as eating the same diet as those in detention. They also discussed strategies for stretching their funds from Indiana AID, which had almost dried up for the year, and additional fundraising. The group noted that the ICE population in the jail was currently low, which they were able to assess because Clay County publishes the information and pictures of all incarcerated individuals on a public webpage, with ICE-detained individuals’ names in all capital letters. Among other things, they also caught up on organizing religious communities, volunteer capacity, and the gratifying prospect of celebrating the one-year anniversary of jail visitation with a community potluck.

| CONCLUSION

Even though the jail expansion is slated to move forward, the movement against ICE detention in Clay County is ongoing. It is critical for new members of the movement to understand its history and context with regard to the fight against the Clay County jail expansion. Clay County seeks to profit from increasing ICE detention by expanding the capacity of its jail. It is proven that jail expansions do not increase employment in rural counties and that the Clay County expansion will only have negative tax implications for residents, however. What is more, Clay County could only continue to profit from its agreement with ICE by detaining individuals in conditions that are

inhumane and illegal. Clay County officials have not been transparent in their dealings with ICE or the implications of the expansion for local residents in the past. There is no reason to believe that they will be forthright in the future. Consequently, local residents, immigration advocates, and other coalition members must continue to hold ICE and Clay County accountable.

| ACKNOWLEDGEMENTS

I am extremely grateful for everyone connected to the movement who took the time to speak with me and send me additional resources. These individuals include Hannah Cartwright, Mariposa Legal Executive Director; Mark Fleming, NIJC Associate Director of Litigation; Ali Daoud Smith, Robin Valenzuela, Brian Bither, and Whitney Guthrie of Indiana AID; and Alice Thompson, University of Chicago Law School student. Thank you also to Brianna Suslovic and Sharlyn Grace, instructors of the course “Creating New Anchors: An Introduction to Prison Industrial Complex (PIC) Abolition” at the Crown Family School of Social Work, Policy, and Practice at the University of Chicago in fall 2022, and to all the instructors of this course who preceded them and shaped a truly remarkable abolitionist curriculum. Finally, thank you again to Sharlyn Grace and Fred Tsao, Senior Policy Counsel at the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) for connecting me to so many bold and powerful abolition advocates for this project.

| RESOURCES

Local Reporting

Carlos Ballesteros, “As Illinois bans immigration detention, one Indiana county looks to cash in,” Injustice Watch, October 12, 2021, <https://www.injusticewatch.org/news/immigration/2021/clay-county-indiana-jail-ice-detention/>.

Grace Hollars, “Photos: Protests outside Clay County Courthouse become tense,” Indianapolis Star, July 4, 2020, <https://www.indystar.com/picture-gallery/news/2020/07/04/protests-outside-clay-county-courthouse-brazil-indiana-become-tense/5377385002/>.

Jordan Morey, “Clay County considering expanding jail to house more ICE detainees,” The Indiana Lawyer, November 10, 2021, <https://www.theindianalawyer.com/articles/clay-county-considering-expanding-jail-to-house-more-ice-detainees>.

Gretchen Stone, “Clay County commissioners outline improvements, income from jail and highway paving in State of the County,” Indiana Economic Digest, March 31, 2021, <https://indianaeconomicdigest.net/Content/Default/Also-In-The-News/Article/Clay-County-commissioners-outline-improvements-income-from-jail-and-highway-paving-in-State-of-the-County/-3/5307/110096>.

Tiana Woodard, “Protesters urge release of ICE detainees held in Clay County jail,” Indianapolis Star, July 4, 2020, <https://www.indystar.com/story/news/local/2020/07/04/indiana-immigration-advocates-urge-release-ice-detainees/5375937002/>.

Related Documents

“Annual Detention Inspection of the Clay County Justice Center.” Nakamoto Group, Inc., May 20, 2021, https://www.ice.gov/doclib/facilityInspections/ClayCoJail_CL_05-20-2021.pdf.

“Herrera Cardenas Et Al. V. ICE Et Al.” National Immigrant Justice Center, October 14, 2022, https://immigrantjustice.org/court_cases/herrera-cardenas-et-al-v-ice-et-al.

Herrera Cardenas Et Al. V. ICE Et Al., 1:22-cv-00801-TWP-DML (S.D. Ind. 2022).

Office of Inspector General, “ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements.” Department of Homeland Security, June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

“4-4-22 Regular Meeting,” State of Indiana, County of Clay, April 4, 2022, <https://www.claycountyin.gov/?q=commissioners> (link to meeting minutes).

Indiana

Jessica Zhang and Bea Halbach-Singh, “The Fox Designing the Henhouse,” October 20, 2021, <https://www.vera.org/in-our-backyards-stories/the-fox-designing-the-henhouse>.

Nick Wilson, “Election 2022 RESULTS: Near-clean sweep for Republicans in Clay County General Election,” The Brazil Times, November 9, 2022, <https://www.thebraziltimes.com/story/2971788.html>.

“QuickFacts, Clay County, Indiana,” U.S. Census Bureau, 2022, <https://www.census.gov/quickfacts/claycountyindiana>.

“QuickFacts, Brazil city, Indiana,” U.S. Census Bureau, 2022, <https://www.census.gov/quickfacts/brazilcityindiana>.

“What Jails Cost: Indiana,” Vera Institute of Justice, accessed December 4, 2022, <https://www.vera.org/publications/what-jails-cost-statewide/indiana>.

ICE Detention

Nayna Gupta, “Counties Are Improperly Profiting Off The Detention Of Immigrants,” National Immigrant Justice Center, November 1, 2021, <https://immigrantjustice.org/staff/blog/counties-are-improperly-profiting-detention-immigrants>.

James Kilgore, *Understanding Mass Incarceration: A People’s Guide to the Key Civil Rights Struggle of Our Time* (New York: The New Press, 2015), 184.

Setareh Ghandehari, Silky Shah and Stacy Suh, “Ending Immigration Detention: Abolitionist Steps vs. Reformist Reforms,” Detention Watch Network, accessed December 4, 2022, https://www.detentionwatchnetwork.org/sites/default/files/Abolitionist%20Steps%20vs%20Reformist%20Reforms_DWN_2022.pdf.

Yuki Noguchi, “Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar,” National Public Radio, August 15, 2019, <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-ice-detainees-held-in-rural-areas-where-deportation-risks>.

Organizations

Mariposa Legal
mariposalegal.org

Indiana Assistance to Immigrants in Detention (AID)
www.indianaaid.org

Communities Not Cages Indiana Coalition
www.facebook.com/cncINcoalition

Movimiento Cosecha
www.lahuelga.com

Indiana Undocumented Youth Alliance (IU YA)
www.facebook.com/undochoosier

Indy10 Black Lives Matter
www.facebook.com/Indy10People

National Immigrant Justice Center (NIJC)
immigrantjustice.org

Illinois Coalition for Immigrant and Refugee Rights (ICIRR)
www.icirr.org

| FOOTNOTES

ⁱ “Herrera Cardenas Et Al. V. ICE Et Al.” National Immigrant Justice Center, October 14, 2022, https://immigrantjustice.org/court_cases/herrera-cardenas-et-al-v-ice-et-al.

ⁱⁱ Herrera Cardenas Et Al. V. ICE Et Al., 1:22-cv-00801-TWP-DML (S.D. Ind. 2022).

ⁱⁱⁱ “Annual Detention Inspection of the Clay County Justice Center.” Nakamoto Group, Inc., May 20, 2021, https://www.ice.gov/doclib/facilityInspections/ClayCoJail_CL_05-20-2021.pdf.

^{iv} Office of Inspector General, “ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements.” Department of Homeland Security, June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

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- ^v Herrera Cardenas Et Al. V. ICE Et Al., 50-53.
- ^{vi} Carlos Ballesteros, “As Illinois bans immigration detention, one Indiana county looks to cash in,” *Injustice Watch*, October 12, 2021, <https://www.injusticewatch.org/news/immigration/2021/clay-county-indiana-jail-ice-detention/>.
- ^{vii} Jordan Morey, “Clay County considering expanding jail to house more ICE detainees,” *The Indiana Lawyer*, November 10, 2021, <https://www.theindianalawyer.com/articles/clay-county-considering-expanding-jail-to-house-more-ice-detainees>.
- ^{viii} Gretchen Stone, “Clay County commissioners outline improvements, income from jail and highway paving in State of the County,” *Indiana Economic Digest*, March 31, 2021, <https://indianaeconomicdigest.net/Content/Default/Also-In-The-News/Article/Clay-County-commissioners-outline-improvements-income-from-jail-and-highway-paving-in-State-of-the-County/-3/5307/110096>.
- ^{ix} Ballesteros, “As Illinois.”
- ^x Stone, “Clay County commissioners.”
- ^{xi} Ballesteros, “As Illinois.”
- ^{xii} “Agreement for Services,” Commissioners of Clay County, Indiana & Clay County Jail Partners, LLC, September 16, 2021.
- ^{xiii} “4-4-22 Regular Meeting,” State of Indiana, County of Clay, April 4, 2022, <https://www.claycountyin.gov/?q=commissioners> (link to meeting minutes).
- ^{xiv} Ballesteros, “As Illinois” & Stone, “Clay County commissioners.”
- ^{xv} “QuickFacts, Clay County, Indiana,” U.S. Census Bureau, 2022, <https://www.census.gov/quickfacts/claycountyindiana>.
- ^{xvi} “QuickFacts, Brazil city, Indiana,” U.S. Census Bureau, 2022, <https://www.census.gov/quickfacts/brazilcityindiana>.
- ^{xvii} Nick Wilson, “Election 2022 RESULTS: Near-clean sweep for Republicans in Clay County General Election,” *The Brazil Times*, November 9, 2022, <https://www.thebraziltimes.com/story/2971788.html>.
- ^{xviii} Yuki Noguchi, “Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar,” *National Public Radio*, August 15, 2019, <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-ice-detainees-held-in-rural-areas-where-deportation-risks>.
- ^{xix} Nayna Gupta, “Counties Are Improperly Profiting Off The Detention Of Immigrants,” National Immigrant Justice Center, November 1, 2021, <https://immigrantjustice.org/staff/blog/counties-are-improperly-profiting-detention-immigrants>.
- ^{xx} Herrera Cardenas Et Al. V. ICE Et Al., 42-43.
- ^{xxi} Gupta, “Counties.”
- ^{xxii} Mark Fleming interview by Sarah Tomas Morgan, November 28, 2022.
- ^{xxiii} Paul Harden, email to Eric Weflen, April 14, 2021.
- ^{xxiv} Jessica Zhang and Bea Halbach-Singh, “The Fox Designing the Henhouse,” October 20, 2021, <https://www.vera.org/in-our-backyards-stories/the-fox-designing-the-henhouse>.
- ^{xxv} James Kilgore, *Understanding Mass Incarceration: A People’s Guide to the Key Civil Rights Struggle of Our Time* (New York: The New Press, 2015), 184.
- ^{xxvi} “What Jails Cost: Indiana,” Vera Institute of Justice, accessed December 4, 2022, <https://www.vera.org/publications/what-jails-cost-statewide/indiana>.
- ^{xxvii} Ibid.
- ^{xxviii} Kilgore, 185.
- ^{xxix} Zhang and Halbach-Singh, “The Fox.”
- ^{xxx} Harden email to Weflen.
- ^{xxxi} Morey, “Clay County.”
- ^{xxxii} Ibid.
- ^{xxxiii} Ballesteros, “As Illinois.”
- ^{xxxiv} Morey, “Clay County.”
- ^{xxxv} Hannah Cartwright interview by Sarah Tomas Morgan, November 29, 2022.
- ^{xxxvi} “About Mariposa,” Mariposa Legal, accessed December 4, 2022, <https://mariposalegal.org/info-en>.
- ^{xxxvii} Ibid.
- ^{xxxviii} Tiana Woodard, “Protesters urge release of ICE detainees held in Clay County jail,” *Indianapolis Star*, July 4, 2020, <https://www.indystar.com/story/news/local/2020/07/04/indiana-immigration-advocates-urge-release-ice-detainees/5375937002/>.
- ^{xxxix} Gupta, “Counties.”

^{xi} Setareh Ghandehari. Silky Shah and Stacy Suh, “Ending Immigration Detention: Abolitionist Steps vs. Reformist Reforms,” Detention Watch Network, accessed December 4, 2022, https://www.detentionwatchnetwork.org/sites/default/files/Abolitionist%20Steps%20vs%20Reformist%20Reforms_DWN_2022.pdf.

^{xli} Ibid.

^{xlii} “Who We Are,” Indiana AID, accessed December 4, 2022, <https://www.indianaaid.org/who-we-are>.

^{xliii} Ali Daoud Smith interview with Sarah Tomas Morgan, November 18, 2022.

^{xliv} Indiana AID Coordinating Committee notes by Sarah Tomas Morgan, November 28, 2022.

Cover photos: Grace Hollars, “Photos: Protests outside Clay County Courthouse become tense,” Indianapolis Star, July 4, 2020, <https://www.indystar.com/picture-gallery/news/2020/07/04/protests-outside-clay-county-courthouse-brazil-indiana-become-tense/5377385002/>; Jordan Morey, “Clay County considering expanding jail to house more ICE detainees,” The Indiana Lawyer, November 10, 2021, <https://www.theindianalawyer.com/articles/clay-county-considering-expanding-jail-to-house-more-ice-detainees>.