



Department of Corrections

March 3, 2023

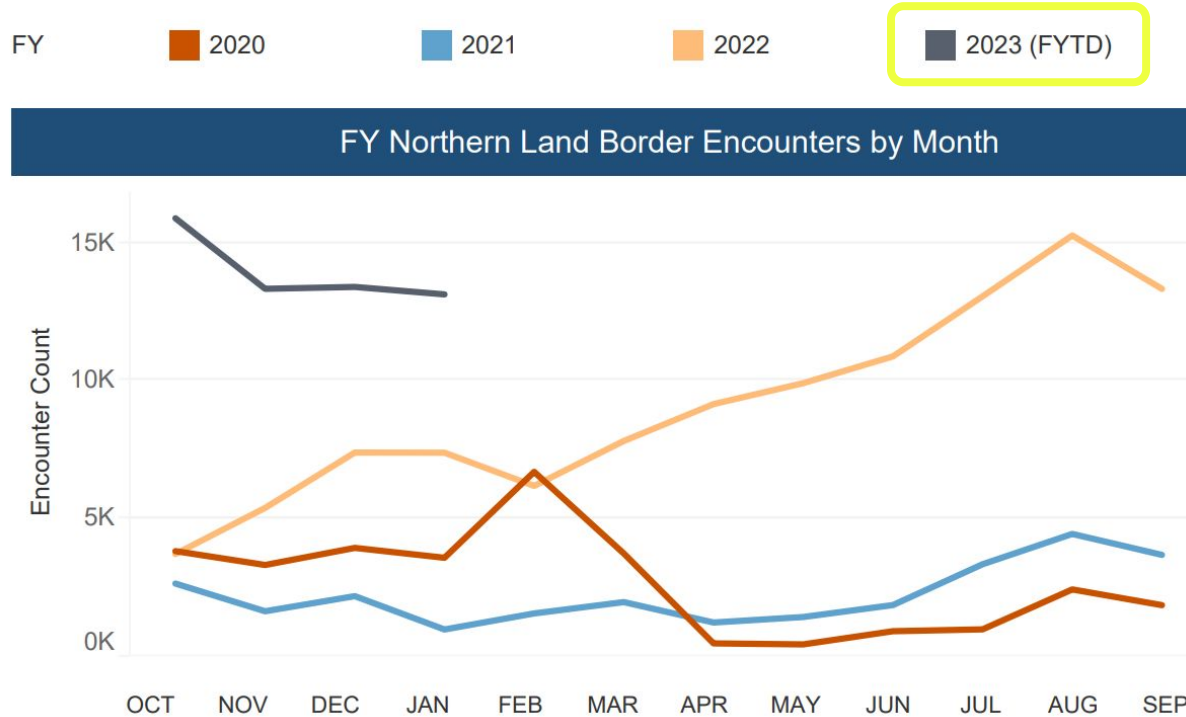
Key Context



- Since October 1, US Customs & Border Protection (CBP) encounters and apprehensions in the Swanton Sector (NY/VT/NH) have **surpassed 2021 & 2022 totals combined.**
- This sector — which includes 78 miles in Vermont — **leads the US northern border in illicit crossings.**
- CBP reported **1,513 encounters/apprehensions** between October 1, 2022 and end of January 2023, **compared with 160** during the same period year before.



US Customs & Border Protection: Northern Land Border Encounters



Year	Encounter Count		Category
	50K	100K	
2020	29,499		Single Adults
2021	24,895		
2022	92,737		
2023 (FYTD)	45,645		
2020	2,319		FMUA
2021	1,379		
2022	14,022		
2023 (FYTD)	8,784		
2020	201		Accompanied Minors
2021	838		
2022	2,669		
2023 (FYTD)	1,178		
2020	357		UC / Single Minors
2021	68		
2022	107		
2023 (FYTD)	129		

FY Comparison by Demographic

Source: [US Customs & Border Protection](#)

DOC / U.S. Marshals Service



- DOC has a **longstanding relationship** with USMS.
 - USMS detains **individuals charged with federal crimes**, including federal drug and firearms charges.
 - These individuals are most often **individuals accused of criminal activity in Vermont who will appear before the U.S. District Court for the District of Vermont.**
 - As of March 3, there are 77 USMS detainees in DOC custody, 71 male/6 female
- DOC houses individuals for the USMS under the terms of its Intergovernmental Agreement (IGA), which became effective in 2011 and was modified in 2016.
 - Current contract authorizes at least 60 DOC beds for USMS use.
 - Through this contract, **the state General Fund is reimbursed \$130 per individual per diem** for all detainees of federal agencies, including Immigration and Customs Enforcement (ICE).
 - Last year, revenue from this contract totaled **approximately \$1M**, all of which went **directly to the state General Fund** and is **not accessible to DOC.**

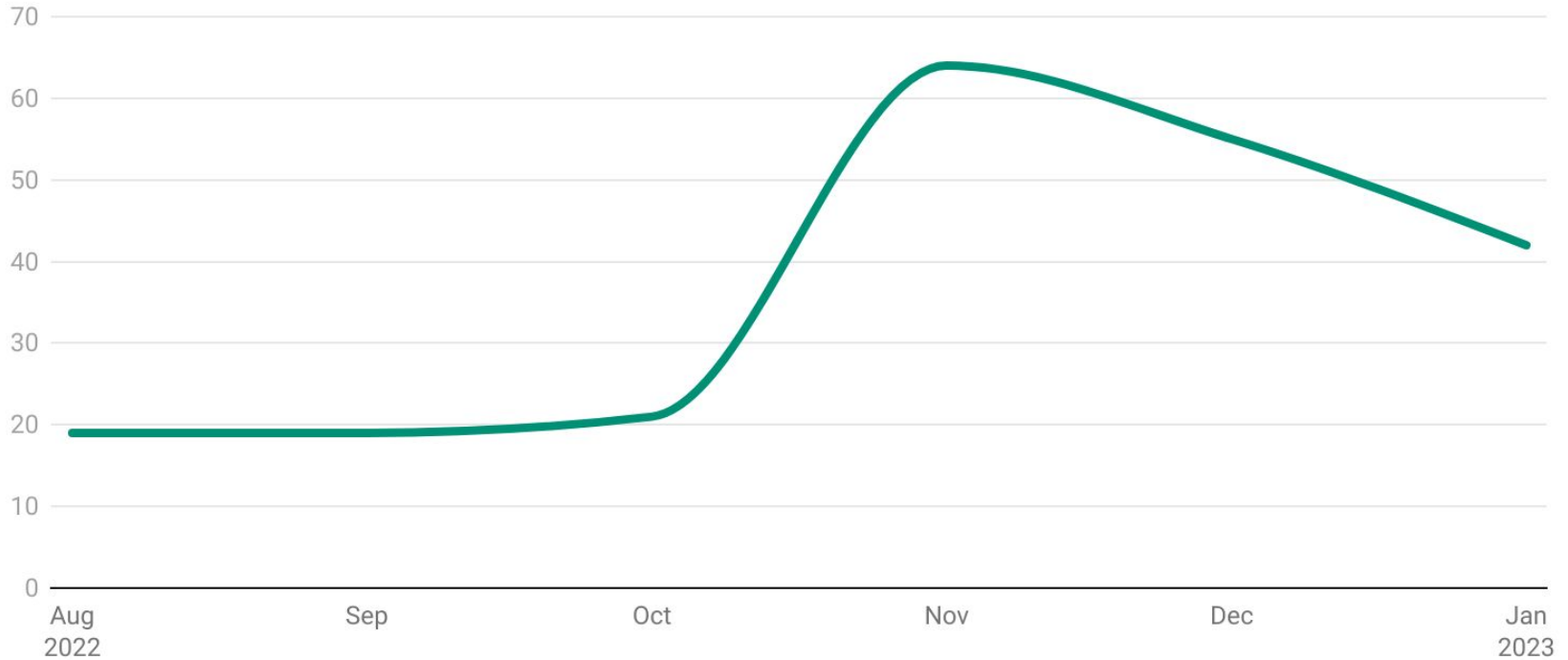
DOC / ICE



- DOC's USMS contract has **explicitly authorized ICE operations since 2011.**
- Since October 2022, DOC lodged an average of **three ICE detainees per day/21 individuals per week.**
 - The majority of these individuals are transferred from Derby/NEK and held in St. Albans (NWSCF), with a smaller number in Newport (NECC).
 - Between 5-10 female detainees are held per month in South Burlington (CRCF).
 - DOC does not hold family groups or children in custody.
- CBP apprehends individuals w/o documentation crossing the border and delivers them to **DOC facilities for an average hold of two days** before ICE transport to federal immigration court in New York/Boston.
- Vermont DOC is **not obligated** to accept individuals detained by ICE but does so currently at the **request of the Federal Government.**
 - New York and New Hampshire counties also hold detainees for ICE.

ICE Detainees in DOC Custody

Monthly detainee intake sums



ICE Operational Impact on DOC



- CBP arrive at DOC facilities at **all hours with little/no notice**, sometimes with significant numbers of federal detainees for holding/transport.
 - Staff report CBP can bring **up to 25 individuals** into NWSCF on a single weekend night.
 - NWSCF's booking area consists of **just three cells** (6 beds), and also serves as the main male detention center for the entire greater Burlington area and NW Vermont.
 - DOC recently denied CBP/ICE detainee requests for lack of space at NWSCF.
- DOC staff report **high need for interpreter services** (Spanish) at NWSCF for detainees.
- Individuals apprehended by CBP often present **significant health issues**, such as tuberculosis, and **require DOC medical attention**.