2021

FY 2014 to FY 2019
Legal Orientation
Program
Cost Evaluation

**EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PLANNING, ANALYSIS, AND STATISTICS DIVISION (PASD)**

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GLOSSARY/ACRONYMS

Word/Acronym	Definition
Base City	Immigration courts are located around the Unites States and U.S. territories and fall within the larger base city areas, which may cover more than one hearing location
CBO	Congressional Budget Office
COV	Change of Venue of a case at any point during the CASE
Custody Status	Detained, Released, Released-Pending, or Never Detained Respondents
DAR	Digital Audio Recordings used to calculate time of hearings
DHS	Department of Homeland Security
DV	Dependent Variable: The outcome variable. For example, in Component I of this evaluation, the DV is length of stay
Detained	Respondents who are actively detained in custody for the entirety of their case
EOIR	Executive Office for Immigration Review
FY	Fiscal Year
Homogeneity	Equal variances between group residuals
I-862	See Immigration Court Case
ICC	Initial Case Completion
ICE	The U.S. Immigration and Customs Enforcement is a federal law enforcement agency under the U.S. Department of Homeland Security. ALL respondents are found in the ICE data sets, but not all respondents attended the LOP program.
IJ	Immigration Judge
Immigration Court Case	Immigration court cases include twelve case types, divided into four categories:
	Category 1: I-862 case types include removal, deportation, and exclusion cases.
	Category 2: I-863 case types include asylum-only and withholding-only cases.
	Category 3: Review case types include credible fear review, reasonable fear review, and claimed status review cases.

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	Category 4: Other case types include rescission, non-removal Nicaraguan Adjustment and Central American Relief Act (NACARA), departure control, and continued detention review cases.
Independence	Refers to the assumption that data are independent, which means that groups are mutually exclusive and observations are independent.
IV	Independent Variable: explanatory variables that are used to determine their effect on the DV. For example, in Component I of this evaluation, the IV's are LOP Status, Custody Status, and FY.
JLC	Judicial Law Clerk
LA	Legal Assistant
Linearity	Refers to the assumption that data have a measureable relationship
LOP	Refers to the Legal Orientation Program
LOP Respondent	Refers to respondents who attended the Legal Orientation Program
Non-LOP Respondent	Refers to respondents who did not attend the Legal Orientation Program
Normality	Refers to the assumption that data are normally distributed with a mean = 0 and standard deviation = 1 (symmetric)
Nonparametric Statistics	A classification of statistics used when data do not fit a known underlying distribution. Also referred to as distribution free. For example, if data are highly skewed, or violate the assumptions of parametric statistics, non-parametric tools are used. These tools include: Chi Square, Mann-Whitney, Kruskal Wallis, and Moods Median tests
OLAP	Office of Legal Access Program
Parametric Statistics	Parametric statistics are a classification of statistics, which assumes data comes from a population that can be adequately modeled by a probability distribution with a fixed set of parameters. There are four underlying assumptions of a given data distribution: Linearity, Independence, Normality (symmetry), and Homogeneity (equal variances). Example of tools included: ANOVA, t-test, Simple Linear Regression
Released	Respondents released from custody at any point the case is in EOIR's jurisdiction to adjudicate.
Removed	Refers to Respondents in EOIR Removal Hearings ordered removed

SEM	Standard Error of Measurement: A function of the estimated parameters such as means (averages) and the precision of those estimates. When the estimates are exact the standard error of measurement = 0. With $\alpha = 0.01$, standard errors ≤ 2.58 reflect stability with 99% confidence.
VERA	The VERA Institute of Justice oversees the Legal Orientation Program (LOP) for providers across the United States and U.S. territories

EXECUTIVE SUMMARY

Introduction

The Executive Office for Immigration Review (EOIR) conducted an analysis to report the overall cost associated with EOIR's Legal Orientation Program (LOP). This analysis is a follow-up to LOP Cohort Analysis Phase I and LOP Cohort Analysis Phase II, in which EOIR compared multiple performance metrics between respondents who participated in EOIR's general LOP and those who did not. Analyzing the tangible financial costs[1] in U.S. dollars incurred provides an understanding of the program's impact on government agencies' resources.

While other types of evaluations/analyses may be considered to assess the non-cost impacts and/or possible benefits of the LOP program,[2] this evaluation focuses solely on government expenditures generated by the LOP program, beyond Non-LOP costs between FY 2014 and FY 2019[3].

Using the data available to EOIR, EOIR developed a quantitative analysis to capture costs relating to overall LOP program funding, as well as the difference in costs incurred by EOIR and other governmental agencies associated with proceedings of respondents who did and did not receive LOP services. These analyses consider the various costs associated with the differences in performance and operations between LOP and non-LOP cases as studied in both phases of the LOP Cohort Analysis.

This FY 2014 through FY 2019 analysis has two major components. First, the costs associated with respondent's[4] average length of detention (number of days detained) is examined along with related LOP program costs (Component I). Second, the average length of proceedings, hearings, schedules, and motions, henceforth referred to as *proceedings,* is provided in minutes, and the average number of proceedings across proceeding types (initial masters, individual merits, applications, bonds, and motions) are calculated. The average cost of these proceedings is then calculated by using the sum of the weighted average of the salaries per minute of court staff (Component II) for detained and released respondents.

Since this is an evaluation of costs, broad recommendations based on these analyses are provided at the end of this report to monitor and manage costs moving forward. These recommendations are not intended to be a finite set, but a starting point for any potential discussions resulting from this study.

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[1] This evaluation does not include non-financial, non-monetary costs nor benefits in this study.

[2] EOIR performed various other analyses in LOP Cohort Analyses Phase I and II. EOIR does not preordain which analytic tools and processes it will and will not use, but rather designs and constructs its analyses based upon the data and information available., .

[3] LOP respondents are persons in the ICE database and enrolled in the LOP program. Non-LOP respondents are persons in the ICE database but not enrolled in the LOP program

[4] In the current study, respondents are persons who are detained, released, or released-pending while in EOIR's jurisdiction. Released respondents represent individuals who were once detained and then released from custody and have a valid initial case completion date (ICC) and judicial decision in their case file. Table 1 in this report provides all data characteristics applicable to these data.

Background on the Legal Orientation Program

Through the Legal Orientation Program (LOP), representatives from nonprofit organizations provide comprehensive explanations about immigration court procedures along with other basic legal information to large groups of detained individuals.[5] Within EOIR, the LOP is administered by the Office of Legal Access Programs (OLAP). In fulfillment of the LOP, representatives from non-profit organizations provide information and services regarding immigration court procedures and other basic legal information to detained and released individuals in facilities operated by the Department of Homeland Security (DHS)[6]. The LOP offers the following services to detained individuals:

- **Group Orientation,** which provides an interactive general overview of immigration removal proceedings, forms of relief, and is open to general questions;
- **Individual Orientation**, where unrepresented individuals can briefly discuss their cases with experiences LOP providers and pose more specific questions;
- **Self-help Workshops**, where those with potential relief or those who wish to voluntarily depart the country, are provided guidance on specific topics (such as how to complete an asylum application or prepare for a bond hearing), and given self-help legal materials;
- **Referral to Pro Bono Legal Services**, where available (in some immigration cases, respondents are provided referrals to no-cost legal services).

Key Results for Component I

The Component I analysis provides the total detention cost of $767,539,762 added by LOP respondents for FYs 2014 through 2019 (See Table 14 on page 30).

Type of LOP Cost for FY 2014 through FY 2019	Total Cost Added by LOP Respondents between FY 2014 and FY 2019 ($)
Actual LOP Funding*	$56,164,698
Detained**	$498,453,482
Released***	$212,921,582
Total Cost	**$767,539,762**
AVERAGE Cost across Six (6) Fiscal Years	**$127,923,294**

*From Table 2 in Report, ** From Table 10 in Report, *** From Table 12 in Report*

For the analyses of FY 2014 and FY 2019 costs for LOP and Non-LOP respondents across custody status, Component I results highlight four important takeaways:

1. On average, LOP respondents (μ = 109 days) are detained, 30 days longer than Non-LOP respondents (μ = 79 days) across location, custody status, and fiscal year.[7]

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[5] https://www.justice.gov/eoir/legal-orientation-program

[7] When using an independent samples t-test, the test statistic and degrees of freedom (df) reported depend on whether the tested groups of data have equal variances. If there are equal variances, the dfs are calculated using n-1, if variances are not equal, the dfs are calculated by using the Satterhwaite formula which calculates the "effective degrees of freedom", rather than the actual df. An independent samples t-test with the number of days detained as the dependent variable and LOP status (LOP and Non-LOP) as the independent or grouping variable show that LOP respondents stayed significantly longer than released respondents. Using equal variances not assumed because of a significant Levine's test of equal variances, with α = .01, t (257864.639) =107.678, p < 0.0001. All LOP and Non-LOP respondents show long average mean detention stays ($\geq$ 49 days) across fiscal years and reported by custody status.

2. Detained respondents stay an average of 51 days longer than released respondents (Detained: $\mu = 119$ days and Released: $\mu = 68$ days) regardless of LOP status.[8,9]
3. The probability of a respondent self-selecting into LOP programs across fiscal years was 0.375 for detained respondents and 0.279 for released respondents.[10] This demonstrates the low likelihood of self-selecting into the LOP program which allows the EOIR to better predict future costs.
4. Base city (location) was a significant factor in 52 of the 55 matched base city locations[11] regardless of LOP or custody status across fiscal year (not significant in Denver, Oakdale, or Ulster). Appendix C contains additional information regarding the 52 significant base city locations. Note that base cities may reflect the base city from the original Notice to Appear (NTA) or from the ICC.[12]

Key Results from Component II

The Component II analysis provides the total court costs added by LOP respondents for FYs 2014 through 2019 (see Table 29). The average additional cost from LOP respondents across six fiscal years was $2,025,605, while the total average additional court costs in Component II was $12,153,070 rounded to the nearest whole dollar (See Table 29 on Page 42).

Component II Court Costs	
Custody Status	Additional Average Costs across Fiscal Years Added by LOP Respondents ($)
Detained	$10,127,465
Released(w/ ICC Date Only)	$2,025,605
Total Component II Cost	**$12,153,070**
Average Cost across 6 Fiscal Years	**$2,025,512**

Total Costs from this Evaluation

For Components I and II only, the total average cost of $779,692,832 was added, beyond the cost of Non-LOP respondents, across six fiscal years. These costs related to the LOP program do not include all costs associated with on-record costs or other respondents not included, but are representative of the costs associated with LOP respondents in removal hearings across all court locations.

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8 An independent samples t-test with the number of days detained as the dependent variable and custody status (detained or released) as the independent or grouping variable show that detained respondents stay significantly longer than released respondents. Using equal variances not assumed because of a significant Levine's test of equal variances, with $\alpha = .01$, t (394301.926) =186.388, $p < 0.0001$.

9 The Standard Errors of Measurement (SEMs) provide strong evidence of data precision and low variance at a 99% confidence level for all respondents across FY, LOP and custody status, regardless of location. In other words, the data used in this cost evaluation are (a) representative of the population of form I-862 cases and (b) representative of respondents across custody status, LOP status, and FY.

10 The probability of an event taking place ranges between 0 and 1 with values closer to 0 being less likely to occur and values closer to 1 more likely to occur. Probabilities of 0 can never happen and probabilities of 1 always happen. The probability values of LOP = .0375 and Non-LOP = 0.279 indicate that just over 1/3 of all respondents self-select into LOP services.

11 An Analysis of Variance (ANOVA), showed with $\alpha = .01$, that out of 55 matched LOP locations, the number of days detained between LOP and Non-LOP respondents was significantly higher for LOP respondents ($p < .0001$) in all but Denver ($p = .158$), Oakdale ($p = .188$), and Ulster Correctional Facility ($p = .151$) where there were no significant differences.

12 Please see Appendix C for more detailed information on location of detention/hearings

Together, the total average cost associated with the current LOP cost evaluation for Components I and II, across FY and custody status, is $779,692,832.00 (See Table 30 on page 43).

All Average LOP Costs across FY and Custody Status	
Cost From:	Additional Average Costs across Fiscal Year Added by LOP Respondents ($)
Component I *	$767,539,762
Component II**	$12,153,070
Total Cost	**$779,692,832**
Average Costs across FY	**$129,948,805**

 * From Table 14, ** From Table 29

Figure 1 below illustrates the Component I LOP costs, beyond the Non-LOP costs; between detained and released LOP respondents across FY. Figure 2 below illustrates the Component II LOP costs, beyond the Non-LOP costs; between detained and released LOP respondents across FY.

Figure 1. Costs for LOP Detained and Released Respondents Beyond the Non-LOP Costs across FY
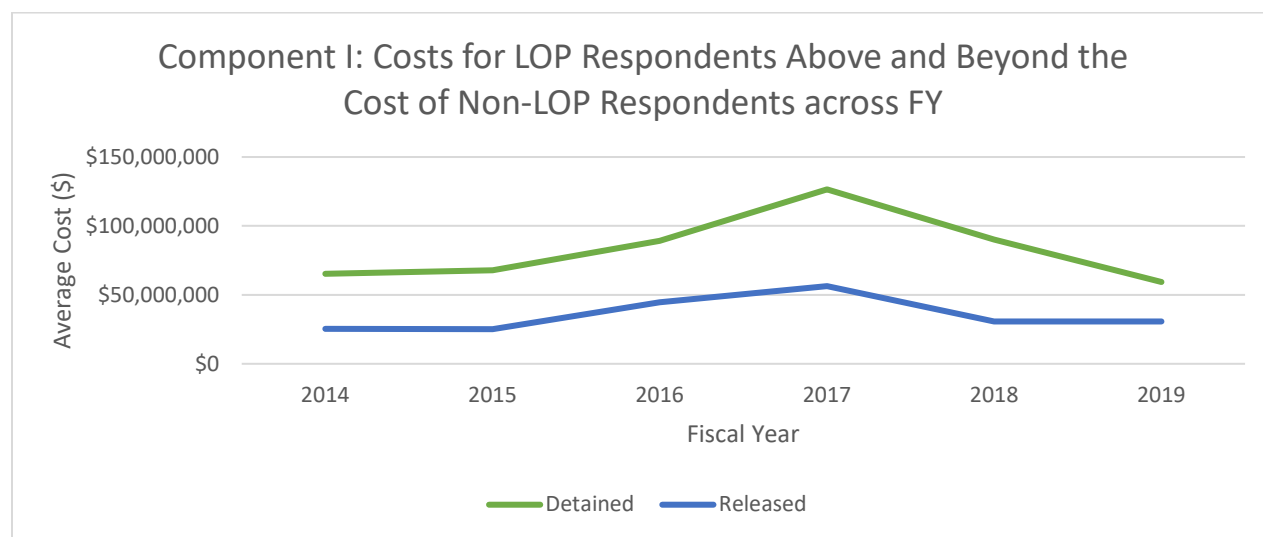
In Figure 1, Component I, released respondents cost **less** (detention costs) year over year than detained respondents.

Note in Figure 1, the data show a decreasing cost difference between LOP and Non-LOP respondents across custody status in FY 2018 and FY 2019. This is likely due the uptick of the number of respondents seen in FY 2017 and the decreasing proportion of LOP respondents beginning in FY 2018 through FY 2019 when compared to the proportion of Non-LOP respondents the same fiscal years.

In Figure 2, Component II, the on-record costs peaked in 2017 and then began to decline as the number and duration of proceedings for LOP respondents declined.

Figure 2. Component II: LOP Costs by Custody Status and FY
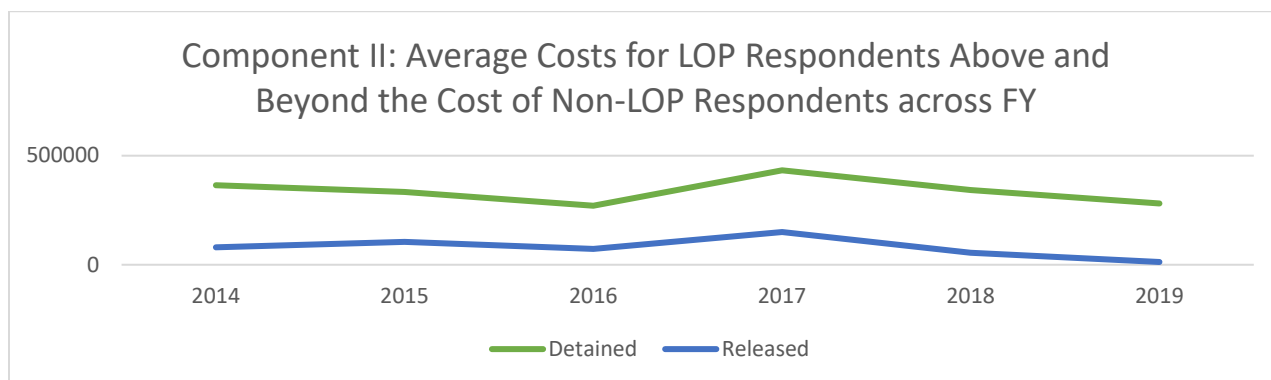
Figure 2 shows that released respondents, on average, cost **less** (on-record costs) year over year than detained respondents. Both figures show a spike in both detained and released respondent costs in FY 2017 and a decline in FYs 2018 and 2019.

ANALYTIC OVERVIEW

Introduction and Background

In the following report, EOIR compares multiple key performance metrics and their resultant costs between respondents who participated in the LOP and those who did not. A team of career federal employees within EOIR's Planning, Analysis, and Statistics Division (PASD), all of whom are trained analysts and statisticians, conducted this study. Several members have multiple years of experience working with EOIR data and/or immigration-related operational experience. PASD neither oversees the LOP, nor is it involved in EOIR's administration of legal orientation programs; consequently, it provided an independent analysis of the LOP with no stake in the outcome.

In carrying out this most recent study, EOIR requested data from the LOP contractor and from DHS. It also used improved methodologies to both confirm the results of prior studies as well as enhance this current version.

As in the prior studies, this study does not address several LOP-related legal and policy issues that are beyond its scope. For example, this study does not assess whether LOP programs are most effective within a particular EOIR program, as a standalone, or within another component of the Department of Justice.

The EOIR team made decisions regarding data constraints (filters) at every step of any research process. In this current evaluation, the data characteristics were examined, considered, and discussed at length with the entire EOIR team, which includes a research methodologist and statistician, program directors, analysts, data scientists and Subject Matter Experts (SMEs)

The data characteristics outlined in this report provide the most comprehensive catalogue of each data filter and the rationale behind the final decision of inclusion or exclusion. This study is reproducible explicitly because of the care taken to outline each data decision and rationale at each step of the evaluation process. For example, to standardize comparisons, only I-862 removal cases were examined since these cases represent the largest proportion of cases across EOIR (95%) ,and thus the most likely to have an LOP orientation. Additionally, in Component II, the five most common on-record proceedings were included.

In Component I, the dependent variables (DVs) related to the LOP respondent's cost of the length of stay beyond the Non-LOP respondents' cost. LOP status (LOP or Non-LOP) was independent variable (IV). In Component II, the DVs related to the LOP respondent's cost of the proceedings beyond the coat for Non-LOP respondents. The IV was again LOP status.

EOIR did not focus on other IVs such as age, gender, nationality, language spoken, whether they arrived alone or with a family unit, those flagged as known criminals, those with a reasonable or credible fear justification, or other confounding personal characteristics. Additionally they did not control for specific court backlog, and/or clear or unclear governmental immigration policy decisions and changes influencing the number of days detained. These factors are extremely difficult, if not impossible, to accurately project in an immigration system where policies,

migration patterns, and operational norms are constantly changing (and where data entry is not mandated). Trying to project results on such metrics is akin to measuring a moving and ever-changing target. As such, deriving costs were calculated with metrics that are generally fixed/completed. While challenging, the following results provide complete transparency as to the approach and data used.

Structure of Evaluation and Demographics

This evaluation considers the specific length of stay and on-record adjudication costs associated with LOP and Non-LOP cases, including the following cost components and considerations.

Component I includes all LOP funding and detention costs by FY, LOP status (LOP and Non-LOP), and custody status (detained or released):[13]
- Based on ICE Initial Book-in and Final Book-out data
- Pending cases, those without an ICC date or judicial decision, are subsumed within the released custody status
- Average bed cost for one night detention[14]
- LOP Funding from EOIR
  Average costs between LOP and Non-LOP respondents across fiscal year and custody status (detained or released)[15] across FYs 2014 through 2019

Component II includes LOP court costs across proceedings:
- Based on EOIR Initial Case Completions (ICCs) In Component II, only released custody status cases with an initial case completion (ICC) date and judicial decision are presented in the body of the report.[16]
- Number, type, and length of proceedings, hearings, and motions for applicable detained and released completed cases between FY 2014 through FY 2019.
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Appendices

To assist the reader with information supporting this study, EOIR inserted five appendices:
- Appendix A: All supplemental material describing the data filtering techniques, detailed legal representation, and decisions made throughout the process
- Appendix B: Methodological detail,
- Appendix C: Additional analyses on the impact of locations on these results,
- Appendix D: Released-pending costs which represent respondents released with no ICC dates or judicial decisions,
- Appendix E: Component II duration and time across proceedings.

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13 The dependent variable in Component I is length of stay and the independent variables were LOP status, custody status, and FY. Costs calculated using the length of stay variable.
14 Source: Department of Homeland Security U.S. Immigrations and Customs Enforcement Budget Overview: FY 2014 through FY 2019
15 A respondent is considered detained if he/she is detained for the entire length of stay, and released, if at any point in his/her detention, are released for any reason.
16 Detained and released respondents in Component II of this study include only respondents with initial case completions (ICCs) and judicial decisions.

Data Characteristics

Using available data, EOIR analysts developed a quantitative analytic approach to capture costs relating to overall LOP program funding, as well as the difference in costs incurred by EOIR and other governmental agencies associated with detention and proceedings of respondents who did and did not receive LOP services. See Appendix A: Supplemental Material 1 (SM1) for more information regarding data selection.

In order for this study to be transparent and reproducible, steps in how data were obtained and the fifteen specific data characteristics selected are included in Table 1. Note that the data filtering procedures used in the BAH cohort study have been reviewed, and when necessary, updated to reflect the amount, type, and completion of current data.

In the current study, I-862 CASES with final detained (D) or released (R) status were selected from the EOIR CASE file. After filtering the data as detailed in Table 1 below, all flagged remaining respondents were removal cases, which represent 96% of all EOIR cases. These updates provided EOIR analysts with a more broad set of data by FY, enhancing the analyses with data resources not previously available.

The original BAH FY 2014 through FY 2017 cases, matched on key variables, were included and updated in this current evaluation if they met the current criteria outlined below. The updates to the previous BAH study are noted with an asterisk in Table 1.

Table 1. Data Characteristics (Criteria) and Decision Rationale

LOP and Non-LOP Data Characteristics	Decision Rationale
Only cases provided by DHS-ICE and found within the EOIR Case, Proceedings, and Hearing data files were included. Data with EOIR received dates between FY 2014 and 2019 were included	Case types and custody status were designated within the EOIR data repositories and matched on key unique variables (IDNCASE and ALIEN_NBR).
Fiscal Year was calculated using the EOIR Case-file received date in EOIR DB	The date a case is received by EOIR provides the most consistent baseline parameter from which to examine all cases.
*Only I-862 (DHS Notice to Appear form) flagged data were used in this evaluation	A Notice to Appear (NTA), Form I-862, is a charging document that the Department of Homeland Security (DHS) issues and files with the EOIR to start removal proceedings. Once filtered, respondents represented *only* removal cases, which account for 96% of all EOIR cases.

LOP and Non-LOP Data Characteristics (Continued)	Decision Rationale (Continued)
The VERA Institute provided LOP data that were matched to DHS-ICE and EOIR data for inclusion. Only LOP and DHS-ICE data found in the EOIR repositories were selected	The EOIR data repositories provide the most complete data picture of a given case/proceeding.
The EOIR Custody in the CASE file was used to determine the most recent custody statuses and cases with no custody designation were removed	The EOIR Custody variable in the CASE file provides the most updated custody status based on key variables.
*Only DHS-ICE respondents who had an ICE initial Book-in date w/in +/- 18 months of the EOIR received date were used.	To ensure data precision and maximize data fidelity.
Only EOIR cases with adult respondents. Juveniles, as well as IHP, mental competency, Franco, and *MPP cases after 1/25/19 were removed	These variables may have unknown and/or unmeasured confounding variables that impact the number of days detained.
Identical Cases and overlapped cases were removed from data sets and duplicate IDNCASE number (#) of days were summed across cases	Identical cases and overlapped cases were removed so duplicate number of days were not counted. Additionally, if there was more than one unique IDNCASE number then the number of days detained were subtotaled across matching cases and consolidated for correct analyses. For an anonymized example of each, please see Supplemental Material 1 (SM1).
Blank Custody variables were removed. Only cases marked as detained (D) or released (R) were selected	Since the focus is detained or released (previously detained) respondents' actual number of days detained.
*Cases with days detained of zero (0) were removed	DHS-ICE considers ≥ 1 overnight stay as "detained", therefore cases with zero (0) days detained were removed.

LOP and Non-LOP Data Characteristics (Continued)	Decision Rationale (Continued)
Component I: Costs based on cases with DHS-ICE Initial Book-in and Final Book-out dates. *Cases with no DHS-ICE Initial Book-in and Final Book-out dates were removed	The number of days detained is calculated using ICE Initial Book-in and Final Book-out dates.
Component I: Detained Cases with no Initial Case Completion date (ICC) and no judicial decision in EOIR data files were removed.	The choice to use only completed cases with court decisions for detained respondents was made since over 92% of the current dataset are completed within one year of NTA. Therefore, these data are representative of all detained I-862 cases. Year over year, the number of I-862 cases increased, which impacts the percentage of completions.
Component I: *Released Cases may or may not have an ICC. Released cases without an ICC and/or a judicial decision are referred to as released-pending cases and presented in Appendix C	The number of days detained are based on DHS-ICE Initial Book-in and Final Book-out dates and not on case completion; costs for released AND pending cases are included together
***Component II: Costs based on detained and released respondent cases with ICCs and a judicial decision**. No released-pending respondents were included in the body of the report. Released-pending costs are presented in Appendix C	Costs are based on ICC status, released respondents with ICCs are included in the body of this report under Component II and released-pending (released respondents with no ICC and/or judicial decision) are presented in Appendix C and summed with respondents with released with ICCs only.
When assessing locations, base-cities were used rather than hearing locations	Base-cities cover a more expanded area of inclusion for hearings and proceedings, allowing a more broad examination of data

* Denotes updated filtering procedures and data characteristics from the previous (FY 2018) Cohort study. These filters, the addition of FY 2018 through FY 2019, and the number of updated FY 2014 through FY 2017 completed cases expanded this data set by over 312,000 cases, providing more meaningful and accurate results.

Study Population

The raw data used for this study, as with the previous studies, were provided to EOIR by VERA and DHS-ICE and merged with EOIR's repository of Case, Proceeding, Digital Audio Recording (DAR), and Scheduling data.

EOIR detailed information by the respondents' characteristics in Table 1 above, which converge to form the demographics in Table 2 below.

The proportion of LOP respondents compared to Non-LOP respondents, regardless of FY or custody status, is 32.77% for LOP and 67.23% for Non-LOP. The actual discrepancy between the size of LOP and Non-LOP populations is not concerning since population parameters can be calculated rather than estimated.

The data in Table 2 represent what EOIR refers to as the "Master LOP and Non-LOP Data" and is the universe of LOP and ICE data merged and used in this cost evaluation. In Component I, recall from the structure of data section that released-pending respondents are subsumed under released respondents since, in Component I, EOIR based these data, not on ICCs, but on ICE initial Book-in and Final Book-out dates.

Table 2. Master LOP and Non-LOP Data across Custody Status and FY

| FY of Receipt | Master LOP and Non-LOP Data | | | | | | Grand Total |
| | LOP Respondents (#) | | | Non-LOP Respondents (#) | | | |
	Detained	Released	ALL LOP Respondents (#)	Detained	Released	ALL Non-LOP Respondents (#)	
2014	16,223	9,971	26,194	27,905	30,594	58,499	84,693
2015	14,939	11,073	26,012	20,803	23,120	43,923	69,935
2016	14,389	14,058	28,447	19,776	25,605	45,381	73,828
2017	19,775	12,896	32,671	29,372	28,773	58,145	90,816
2018	20,832	11,956	32,788	34,291	38,549	72,840	105,628
2019	17,091	13,950	31,041	40,202	44,532	84,734	115,775
Totals	**103,249**	**73,904**	**177,153**	**172,349**	**191,173**	**363,522**	**540,675**

This Master LOP and Non-LOP file was used to calculate costs in Components I and II. Table 2. Master Data File for LOP and Non-LOP Respondents across Custody Status and FY

COMPONENT I: LOP FUNDING AND COST OF DETENTION

LOP Funding

From FY 2014 through FY 2019, the general LOP's total funding, both allotted and actual, is found in Table 2. This funding does not include the Legal Orientation Program for Custodians of Unaccompanied Alien Children, the National Qualified Representative Program, or any other LOP programs administered by OLAP.

Table 3. Office of Legal Access Program (OLAP) Funding by FY

Fiscal Year	Program Name	Period of Performance	Total Allotted Funding ($)	Actual Cost ($)	Difference ($)
2014	LOP	10/1/2013-9/31/2014	$4,520,000	$4,483,341	($36,659)
2014	LOP Expansion	9/5/2014-9/4/2015	$1,146,000	$1,139,722	($6,278)
2014	LOP Family Facilities	9/22/2014-9/21/2015	$870,000	$868,037	($1,963)
2015	LOP	10/1/2014-3/31/2015	$4,520,000	$4,486,646	($33,354)
2015	LOP Travel	10/1/2014-9/30/2015	$6,000	$4,710	($1,290)
2015	LOP Consolidation	6/8/2015-8/31/2015	$1,500,000	$1,478,507	($21,493)
2015	LOP Consolidation 2	9/1/2015-4/1/2016	$4,227,851	$4,227,851	$0
2016	LOP	4/11/2016-3/31/2017	$6,969,074	$6,954,869	($14,205)
2016	LOP Expansion	9/26/2016-7/31/2017	$3,139,926	$3,117,785	($22,141)
2017	LOP	8/1/2017-4/30/2018	$5,909,000	$5,863,209	($45,791)
2018	LOP	5/1/2018-4/30/2019	$8,009,000	$7,924,970	($84,030)
2019	LOP	5/1/2019-9/15/2019	$3,002,125	$3,002,125	$0
2019	LOP Supplemental	9/16/2019-9/15/2020	$12,832,245	$12,612,926	($219,319)
Totals			**$56,651,221**	**$56,164,698**	**($486,523)**

The allotted LOP funding across all fiscal years exceeded actual cost, resulting in a difference of (-$486,523.00). Using these metrics, LOP was provided $56,164,698.00 across six years for an average cost of $9,360,783.00 per year.

Methodology

The complete methodological design, including data access, research questions, and data analyses is in Appendix B. Below is a synopsis of the current methodology.

Table 4 provides more detail about the number and proportion of respondents across FY and custody status in this current cost evaluation.[17]

Table 4. Number and Percent of LOP and Non-LOP Respondents across FY and Custody Status

FY of Receipt	LOP Status	Detained (#)	Released (#)	Total Across Custody Status (#)	Percent Detained (%)	Percent Released (%)
	LOP	16,223	9,971	26,194	61.93%	38.07%
2014	Non-LOP	27,905	30,594	58,499	47.70%	52.30%
	Total Respondents	**44,128**	**40,565**	**84,693**	52.10%	47.90%
	LOP	14,939	11,073	26,012	57.43%	42.57%
2015	Non-LOP	20,803	23,120	43,923	47.36%	52.64%
	Total Respondents	**35,742**	**34,193**	**69,935**	51.11%	48.89%
	LOP	14,389	14,058	28,447	50.58%	49.42%
2016	Non-LOP	19,776	25,605	45,381	43.58%	56.42%
	Total Respondents	**34,165**	**39,663**	**73,828**	**46.28%**	**53.72%**
	LOP	19,775	12,896	32,671	60.53%	39.47%
2017	Non-LOP	29,372	28,773	58,145	50.52%	49.48%
	Total Respondents	**49,147**	**41,669**	**90,816**	**54.12%**	**45.88%**
	LOP	20,832	11,956	32,788	63.54%	36.46%
2018	Non-LOP	34,291	38,549	72,840	47.08%	52.92%
	Total Respondents	**55,123**	**50,505**	**105,628**	**52.19%**	**47.81%**
	LOP	17,091	13,950	31,041	55.06%	44.94%
2019	Non-LOP	40,202	44,532	84,734	47.44%	52.56%
	Total Respondents	**57,293**	**58,482**	**115,775**	**49.49%**	**50.51%**
	Grand Total			**540,675**		

[17] Data were gleaned from data files provided by VERA, and DHS-ICE detention data and merged with EOIR data across FYs 2014 through 2019. All analyses in this report are restricted to these data provided.

The number of respondents increased year over year for all FYs with the exception of FYs 2015 and 2016, indicating a significant increase in detained and released persons to the United States across four of the six fiscal years in this evaluation.

Table 5 shows the proportion of LOP and Non-LOP respondents by FY and custody status, inclusive of all six fiscal years in this evaluation, and Table 6 presents these percentages by LOP and custody status and fiscal year.

Table 5. Percentage of Respondents by LOP and Custody Status across Fiscal Year (%)

Percentage of Respondents by Custody Status across Fiscal Year			
LOP Respondents (%)		Non-LOP Respondents (%)	
Detained	Released	Detained	Released
19.10%	13.67%	31.88%	35.36%
32.77%		67.23%	

Table 6. Overall Proportion of LOP and Non-LOP Respondents by Custody Status Based on Total Respondents by FY (%)

FY of Receipt	Overall Proportion of LOP and Non-LOP Respondents by Custody Status Based on Total Respondents (%)					
	LOP Respondents (%)			Non-LOP Respondents (%)		
	Detained	Released	Total % of ALL LOP	Detained	Released	Total % of ALL Non-LOP
2014	15.71%	13.49%	14.79%	16.19%	16.00%	16.09%
2015	14.47%	14.98%	14.68%	12.07%	12.09%	12.08%
2016	13.94%	19.02%	16.06%	11.47%	13.39%	12.48%
2017	19.15%	17.45%	18.44%	17.04%	15.05%	15.99%
2018	20.18%	16.18%	18.51%	19.90%	20.16%	20.04%
2019	16.55%	18.88%	17.52%	23.33%	23.29%	23.31%

For example, Table 6 illustrates that for FY 2014, 15.71% of all respondents were detained LOP respondents and 16.19% were detained Non-LOP respondents.

Probabilities of Self-selecting into LOP Programs and Services

The average probability of respondents self-selecting LOP services across fiscal years for detained respondents is 0.375 and for released respondents is 0.279.[18] The overall probability for any respondent to self-select into the LOP program is 0.327. This means that self-selection to LOP programs is just about 1/3 of respondents.

LOP Programs and Services

Table 7 represents the number of services provided to respondents by the LOP, across custody status (detained, pending, or released) and type of service offered. Respondents were able to attend more than one type of service, or the same service more than once, which led to a confounding count of respondents.

Table 7. Number of Respondents across LOP Service Type and Custody Status by FY

FY of Receipt	Custody Status of Respondents	Group Orientation (#)	Individual Orientation (#)	Pro Bono Placement (#)	Pro Se Workshop (#)	Unknown Service (#)	Total Number of Services (#)
2014	Detained	14,844	6,521	260	2,652	68	24,345
	Released	9,187	3,022	105	1,633	47	13,994
2015	Detained	13,492	6,563	293	2,467	127	22,942
	Released	10,183	3,442	97	2,790	292	16,804
2016	Detained	13,429	6,479	267	3,443	292	23,910
	Released	13,197	4,247	163	4,629	336	22,572
2017	Detained	18,355	8,266	326	4,531	514	31,992
	Released	11,622	3,490	209	4,154	811	20,286
2018	Detained	19805	9032	458	5209	6	31,992
	Released	11406	3417	288	3292	6	20,286
2019	Detained	16,413	8,402	527	5,336	10	30,688
	Released	13,998	4,944	490	4,890	1	24,323
Totals		**165,931**	**67,825**	**3,483**	**45,026**	**2,510**	**284,134**

A total of 177,153 LOP respondents attended 284,134 services for an average of 1.60 services provided to each LOP respondent over six fiscal years.

Figures 3 and 4 below represent two perspectives of the average number of services attended by a given respondent across custody status and FY. The average number of services attended per respondent across all fiscal years ranged between 1.40 (2014-released) and 1.80 (2019-detained)

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[18] The probability of an event is represented as 0 (no probability at all) to 1 (absolutely will happen). The closer a probability is to + 1, the more likely it is to happen.

Figure 3. Average Number of Services Attended per Respondents across Custody Status and FY

Average # of Services per Respondent across Fiscal Year

Fiscal Year	Average Number of Services per Respondent
2014	1.46
2015	1.53
2016	1.63
2017	1.60
2018	1.59
2019	1.77
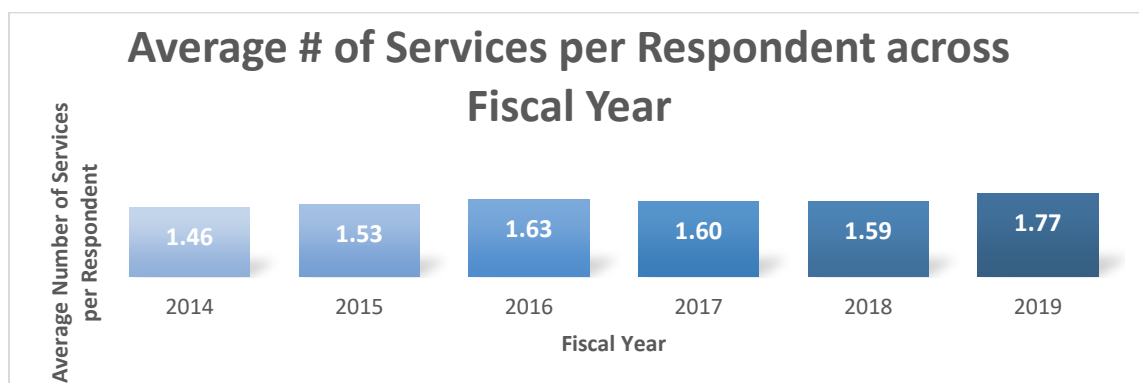
Figure 4. Average Number of Services Attended per Respondent by Custody Status and FY

Average Number of Services per Respondent across Custody Status and FY

Detained	1.50	1.54	1.66	1.62	1.54	1.80
Released	1.40	1.52	1.61	1.57	1.70	1.74
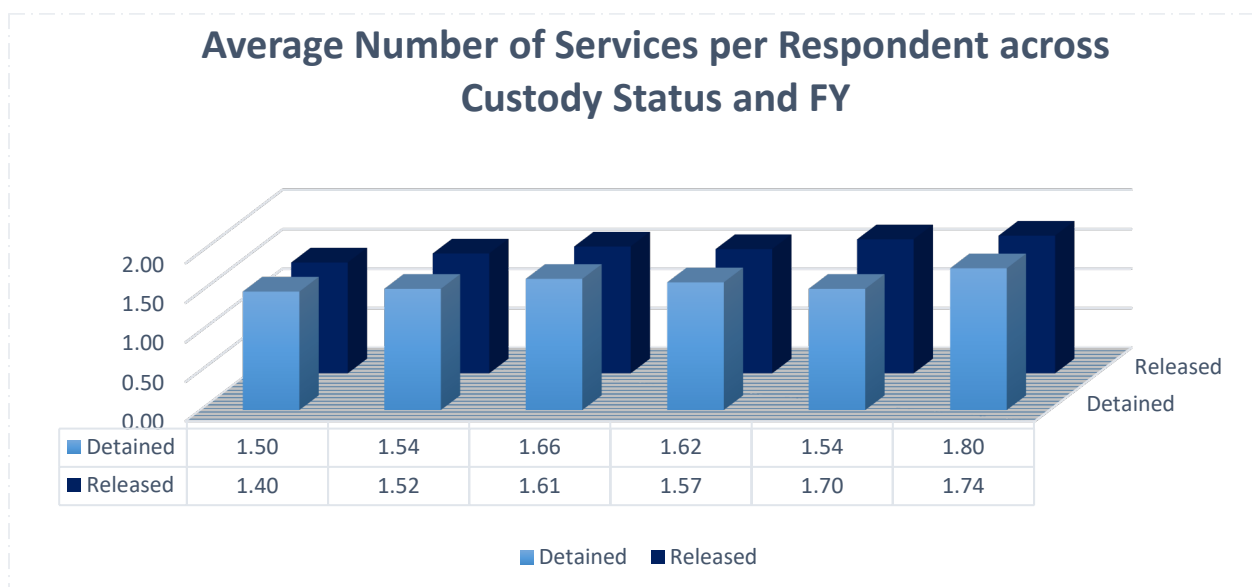
■ Detained ■ Released

The average number of services attended per respondent increased between FY 2014 and FY 2019 (μ = 1.40 in 2014 to μ = 1.80 in 2019) regardless of custody status. The average number of services attended for detained respondents is 1.61 and for released respondents is 1.59.

Data Collection

For this FY 2014 through FY 2019 cost evaluation, archival data were compiled using LOP and Non-LOP data sets derived from original data sets provided by VERA and DHS-ICE service and/or detention data matched with EOIR data repositories. These data represent each respondent's decision to attend LOP services (LOP) or not (Non-LOP) in locations where LOP services are provided.

Study Design

Due to the self-selection aspect of this cost evaluation, the study design falls under the umbrella of a *quasi-experimental design*. Quasi-experimental designs account for pre-determined, usually self-selected group assignment, rather than random assignment to a group, as in a full experimental design. Quasi-experimental designs use observational methods when respondents have either joined the treatment available or not. In other words, the current study is a retrospective study (using archival data) of a single treatment cohort (LOP) and a non-equivalent but comparable control cohort (Non-LOP).

Data Analyses

The purpose of Component I of the current LOP cohort cost evaluation is to determine and report the cost in USD ($) to the U.S. government for the detention of LOP respondents when compared to Non-LOP respondents based on the average (mean) number of days detained across FY, LOP and custody status.[19] Therefore the differences in the number of days detained between LOP and Non-LOP respondents reflects the number of days LOP respondents stayed, beyond, the Non-LOP respondents.

Statistical Assumptions

The costs for Component I are calculated using the average (mean) number of days detained in order to provide useful budgeting parameters regardless of the underlying distribution of the number of days detained (Table 8).[20] Since the underlying data are non-normal in Component I, for example, violate statistical assumptions of normality, linearity, independence, and/ or homogeneity (high skew and kurtosis for both LOP and Non-LOP respondents across custody status and FY), the median is reported in Supplemental Material 3 (SM3) only as a comparison and further discussion is provided.[21]

Component I Results

As mentioned previously, costs were calculated by using the average (mean) number of days detained for LOP and Non-LOP respondents across custody status (detained and released) and FY 2014 through FY 2019.[22] The costs in this paper represent LOP and Non-LOP respondents across all base city locations. Appendix B provides further examination of the length of days detained for base city locations by comparing only the LOP locations found in these data.

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[20] These rounded numbers may not equal exactly 100% due to the rounding.
[21] See Appendix A: SM3 for a more detailed review of the underlying data distributions and measures of central tendency.
[22] Recall that identical and overlapping cases were removed from these analyses and respondents with the same IDNCASE number who were detained on different days were summed and reported in the CASE_FY of original receipt date (See SM1).

Average Daily cost of Detention

All of the costs given below are rounded to the nearest whole dollars for ease of interpretation. Table 8 shows the *average* daily detention cost, based on the DHS FY 2014 through FY 2019 Congressional Budget Justifications published each fiscal year.

Table 8. Average (Mean) Cost of Detention for One Adult Respondent per One Overnight Stay

FY of Receipt	2014	2015	2016	2017	2018	2019
Average Cost of Adult Detention per Day ($)	$121	$122	$129	$127	$134	$136

Table 9 represents the average (mean) number of days detained across custody status and fiscal year. The differences in mean days between the previous BAH FY 2014 through FY 2017 study are an artifact of (a) the number of FY 2014 through FY 2017 cases completed since the close of FY 2017, and (b) the data characteristics, which reflects how these data were filtered in the current evaluation.

Table 9. Average (Mean) Number of Days Detained by Custody Status and FY

FY of Receipt	Average (Mean) Number of Days Detained and Average Differences					
	LOP Respondents (#) Mean Days (#)		Non-LOP Respondents (#) Mean Days (#)		Differences (#)	
	Detained	Released	Detained	Released	Detained	Released
2014	115	70	82	49	33	21
2015	139	77	102	58	37	19
2016	161	91	113	66	48	25
2017	155	89	104	55	50	34
2018	134	70	101	51	32	19
2019	126	79	100	63	26	16
Average # Days Detained	**138**	**79**	**100**	**57**	**38**	**22**

The average number of days detained across LOP status, regardless of custody status, demonstrate that LOP respondents are detained 30 days longer than Non-LOP respondents.[23] Additionally, detained LOP respondents stay an average of 38 days longer than detained Non-LOP respondents and LOP released respondents stay on average of 22 days longer than Non-LOP released respondents.

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[23] Equals 38 days + 22 days divided by 2 = 60/2=30

Costs Related to LOP and Non-LOP Respondents

As mentioned previously, costs for detention were calculated by examining any differences between the **average** lengths of stay for LOP respondents and Non-LOP respondent.[24] This was then multiplied by average (mean) daily detention cost by FY found in Table 8 above, and then the total number of LOP respondents by fiscal year found in Table 3. These costs are reported by custody status (detained and released).[25]

The number of respondents and average (mean) number of days detained are presented in Tables 10 and 12 below. Each Table is followed by its corresponding standard error of measurement (SEM) to assess data precision (Tables 11 and 13).[26] For social science data, at a 99% confidence level,[27] the rule of thumb for an excellent SEM is ≤ 2.58.[28] SEM is dependent on sample size, therefore, for higher sample sizes, lower SEMs are realized.

Table 10. Average Number of Days Detained per Respondent Cost (Detained)

	Average (Mean) Number of Days Detained per Respondent and Cost (Detained)						
	Detention Length per Respondent			**Detention Cost**			
FY of Receipt	**LOP (#) Days**	**Non-LOP (#)) Days**	**Difference (LOP-Non-LOP) (# Days)**	**Average Cost per Adult Respondent for One Day of Detention ($)**	**Average Detention Cost Added per LOP Respondent ($)**	**Number of Detained LOP Respondents (#)**	**Total Average Cost Added by LOP Respondents ($)**
2014	115	82	33	$121	$4,028	16,223	$65,350,719
2015	139	102	37	$122	$4,549	14,939	$67,951,332
2016	161	113	48	$129	$6,191	14,389	$89,084,872
2017	155	104	50	$127	$6,398	19,775	$126,525,826
2018	134	101	32	$134	$4,330	20,832	$90,204,926
2019	126	100	26	$136	$3,472	17,091	$59,335,806
Average	138	100	38		**DETAINED**	**Total Added Cost across FYs**	**$498,453,482**

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[24] These costs are also examined by detention status. Respondents released from detention were at one point in detention, and therefore their length of detention can be determined by a count of days in these data sets.
[25] Recall SM1 shows the steps taken to determine the accurate number of days detained per respondent.
[26] Days detained are rounded to the nearest whole number and the costs are rounded to the nearest whole dollar.
[27] This represents a researcher to be 99% confident that the actual population average is captured in the results
[28] Nunnally, J. C. (1967, 1978). Psychometric Theory. McGraw Hill. New York

The current SEMs indicate that the average number of days detained reported across custody status and fiscal year for both LOP and Non-LOP detained and released respondents meet the index of expected variation in observed averages based on the SEM calculations. In other words, these data are representative of all I-862 removal cases.

Table 11. LOP and Non-LOP Average Number of Days Detained with Corresponding SEMs by FY (Detained)

FY of Receipt	Detained LOP Mean Detention Days (#)	LOP Standard Errors of the Mean (SEM)	Detained Non-LOP Mean Days (#)	Non-LOP Standard Errors of the Mean (SEM)
2014	115	1.226	82	0.587
2015	139	1.458	102	0.886
2016	161	1.510	113	0.945
2017	155	1.176	104	0.681
2018	134	0.909	101	0.576
2019	126	0.740	100	0.429

Table 12. Average (Mean) Detention Length (Days) and Costs (Dollars) for FY 2014 through FY 2019 (Released)

FY of Receipt	Detention Length per Respondent			Detention Cost			
	LOP (#) Days	Non-LOP (#) Days	Difference (LOP-Non-LOP) (# Days)	Average Cost per Adult Respondent for One Day of Detention ($)	Average Detention Cost Added per LOP Respondent ($)	Number of Released LOP Respondents (#)	Total Average Cost Added by LOP Respondents ($)
2014	70	49	21	$121	$2,537	9,971	$25,297,573
2015	77	58	19	$122	$2,268	11,073	$25,114,117
2016	91	66	25	$129	$3,173	14,058	$44,605,983
2017	89	55	34	$127	$4,369	12,896	$56,338,255
2018	70	51	19	$134	$2,574	11,956	$30,777,370
2019	79	63	16	$136	$2,207	13,950	$30,788,284
Average	**79**	**57**	**22**		**RELEASED**	**Total Added Cost across FYs**	**$212,921,582**

Table 13. LOP and Non-LOP Average Days with Corresponding SEMs by FY (Released)

	Mean and Standard Errors of the Mean (SEM) for the Average Number of Days Detained Across FY (Released)			
FY of Receipt	**Released LOP Mean Detention Days (#)**	**LOP Standard Errors of the Mean (SEM)**	**Released Non-LOP Mean Days (#)**	**Non-LOP Standard Errors of the Mean (SEM)**
2014	70	0.798	49	0.291
2015	77	0.780	58	0.390
2016	91	0.650	66	0.367
2017	89	0.743	55	0.321
2018	70	0.543	51	0.237
2019	79	0.449	63	0.238

Figure 5 illustrates the average number of days detained along with the standard errors of measurement for LOP and Non-LOP respondents by custody status and fiscal year.

Figure 5. Average Number of Days Detained for LOP and Non-LOP Respondents by Custody Status
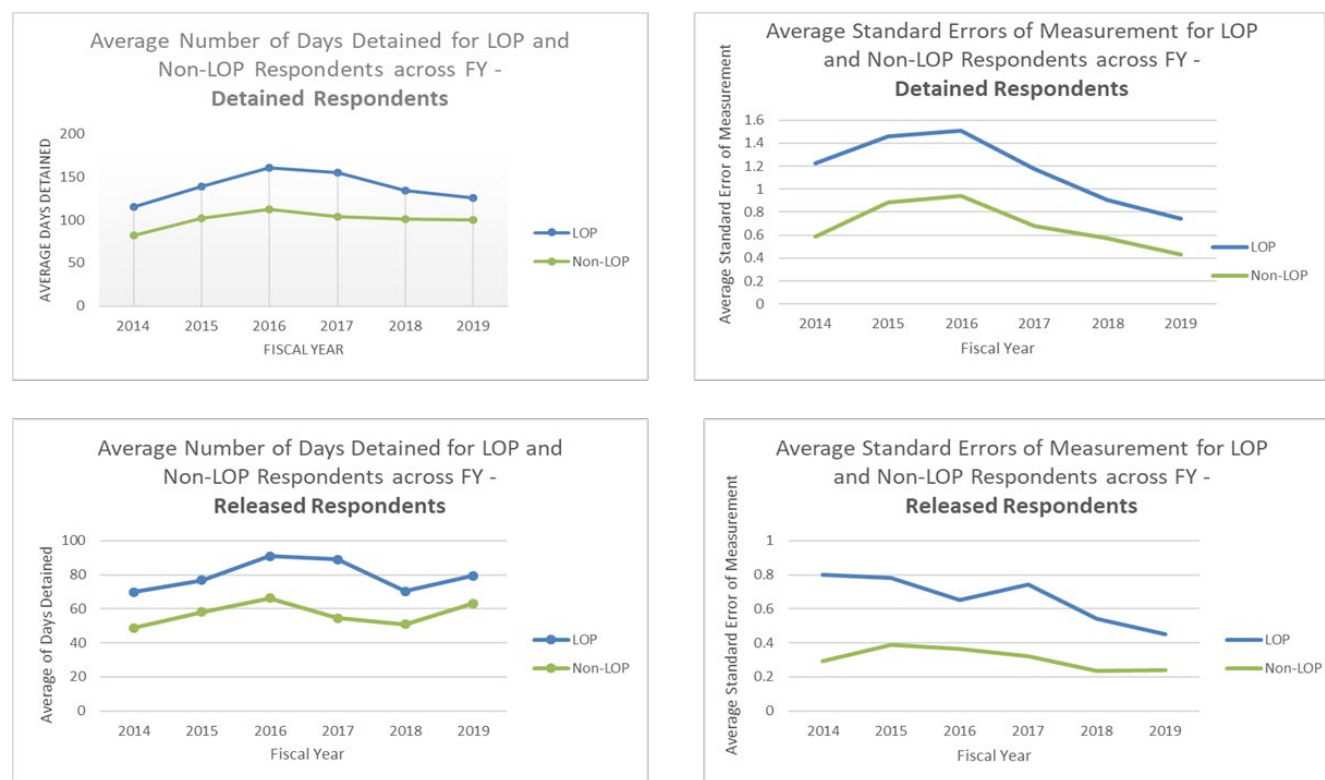
Table 14. Costs Related to the LOP Programs Evaluated in the Current Study across FY and Custody Status

Type of LOP Cost for FY 2014 through FY 2019	Total Cost Added by LOP Respondents between FY 2014 and FY 2019 ($)
Actual LOP Funding*	$56,164,698
Detained	$498,453,482
Released	$212,921,582
Total Cost	**$767,539,762**
AVERAGE Cost across Six (6) Fiscal Years	**$127,923,294**

From Table 2

Due to the length of respondent's detention, the average overall cost expended by OLAP across LOP and custody status, beyond Non-LOP average number of days detained, is $767,539,762.00, with 64.94% of the total cost derived from fully detained respondents (never released). These costs do not reflect the human impact of the LOP program, which is beyond the scope of these analyses. These costs are also not to be interpreted as causation. In other words, these costs do not mean that LOP programs *cause* higher costs since their programs are only one of many unmeasured/unknown variables impacting the length of detention.[29]

Costs Related Discussion

The results of Component I provide strong statistical evidence of the following:

1. On average, LOP respondents (μ = 109 days) are detained 30 days longer than Non-LOP respondents (μ = 79 days) across location, custody status, and fiscal year.[30]
2. All LOP and Non-LOP respondents show long average mean detention stays ($\geq$ 49 days) across fiscal years and reported by custody status.
3. Detained respondents stay detained an average of 51 days longer than released respondents (Detained: μ = 119 days and Released: μ = 68 days) regardless of LOP status.[31]
4. The SEMs provide strong evidence of data precision and low variance at a 99% confidence level for all respondents across FY, LOP and custody status.
5. Examination of data distribution and outliers (the histograms and Q-Q plots in Appendix A) show that the underlying distribution is non-normal (high skew and kurtosis) and outliers do exist but these issues do not significantly impact these results.

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[29] As with previous Phases I and II of the LOP Cohort Analysis, the LOP programs are not considered the causal driver of the observed differences between LOP and Non-LOP respondents. Similarly in this analysis, any costs assigned to the observed differences in respondents may not be due to the LOP. EOIR limited these analyses to quantifiable cost elements. Therefore, these analyses do not necessarily include all possible costs or cost savings. Further, EOIR recognizes that other governmental agencies and components incur additional costs and savings, which are beyond the scope of this evaluation.

[30] An independent samples t-test with the number of days detained as the dependent variable and LOP status (LOP and Non-LOP) as the independent or grouping variable show that LOP respondents stay significantly longer than released respondents. Using equal variances not assumed because of a significant Levine's test of equal variances, with α = .01, t(257864.639) =107.678, p < 0.0001.

[31] An independent samples t-test with the number of days detained as the dependent variable and custody status (detained or released) as the independent or grouping variable show that detained respondents stay significantly longer than released respondents. Using equal variances not assumed because of a significant Levine's test of equal variances, with α = .01, t(394301.926) =186.388, p < 0.0001.

6. The probability of a respondent self-selecting into LOP programs across fiscal years was 0.375 for detained respondents and 0.279 for released respondents which represents only about 1/3 of all respondents.[32]

7. Location was a significant factor in 52 of the 55 matched base city locations[33] regardless of LOP or custody status across fiscal year (not significant in base cities Denver, Oakdale, or Ulster). Appendix B contains additional information regarding the 52 significant base city locations.

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[32] The probability of an event taking place ranges between 0 and 1 with values closer to 0 being less likely to occur and values closer to 1 more likely to occur. Probabilities of 0 can never happen and probabilities of 1 always happen. The probability values of LOP = .0375 and Non-LOP = 0.279 indicate that just over 1/3 of all respondents self-select into LOP services.

[33] An Analysis of Variance (ANOVA), showed with $\alpha = .01$, that out of 55 matched LOP locations, the number of days detained between LOP and Non-LOP respondents was significantly higher for LOP respondents ($p < 0.0001$) in all but Denver ($p = 0.158$), Oakland ($p = 0.188$), and Ulster Correctional Facility ($p = 0.151$)

COMPONENT II: HEARINGS, SCHEDULES, APPLICATIONS, BONDS, AND MOTIONS

Methodology

Hearings, schedules, applications, bonds and motions are, heretofore referred to as *proceedings*. In Component II, five proceeding types are examined and the differences in duration and time of proceedings between LOP and Non-Lop respondents is determined. From these data, costs are calculated based on the Methodology presented previously and in Appendix A.

Study Population

The data used for this section of analyses were drawn from the respondent data used in Component I, and detailed in Table 1 under the filter named Component II data. In Component II, both detained and released respondents included below have ICCs and judicial decisions recorded.

Table 15. Total Number of Respondents Attending Proceedings across Custody Status and FY

FY of Receipt	Master LOP and Non-LOP (ICE only) Data						Grand Total
	LOP Respondents (#)			Non-LOP Respondents (#)			
	Detained	Released	ALL LOP Respondents (#)	Detained	Released	ALL Non-LOP Respondents (#)	
2014	16,223	5,963	22,186	27,905	17,715	45,620	67,806
2015	14,939	5,466	20,405	20,803	11,172	31,975	52,380
2016	14,389	5,988	20,377	19,776	10,877	30,653	51,030
2017	19,775	4,688	24,463	29,372	10,401	39,773	64,236
2018	20,832	3,030	23,862	34,291	10,029	44,320	68,182
2019	17,091	1,186	18,277	40,202	4,286	44,488	62,765
Totals	**103,249**	**26,321**	**129,570**	**172,349**	**64,480**	**236,829**	
	129,570			**236,829**			
Grand Total				**366,399**			

Respondents may have attended more than one proceeding or the same type of proceeding more than once, resulting in a confounding number of cases across the 366,399 unique detained and released ICC only respondents in this study.

Table 16 provides a more detailed description of the number of proceedings attended across the five types of processes (Initial Masters, Individual Merits, Applications, Bonds, and Motions) and the average number of proceedings per case across LOP and custody status and FY. As presented below, note that across FY, LOP, and custody status, 366,399 respondents attended 487,923 on-record proceedings for an average of 1.33 court proceedings per respondent.

Table 16. Number of Attended Proceedings across Custody Status and FY

| Type of Court Proceeding | Number of Respondents Attending Court Proceedings | | | | Grand Total of Cases |
| | LOP Respondents (#) | | Non-LOP Respondents (#) | | |
	Detained	Released (w/ ICC Date)	Detained	Released (w/ ICC Date)	
Masters	42,551	10,349	58,861	26,663	138,424
Merits	9,275	12,304	10,554	27,617	59,750
Application	35,310	10,746	49,808	18,813	114,677
Bond	33,283	12,237	68,726	20,332	134,578
Motion	12,880	13,294	14,320	0	40,494
Totals	**133,299**	**58,930**	**202,269**	**93,425**	**487,923**

Data Collection Procedures

EOIR analysts examined LOP and Non-LOP removal cases and calculated the average number of schedules, hearings, bonds, and motions for FY 2014 through FY 2019. To generate an estimated processing and adjudication cost, EOIR calculated the differences in proceedings within (a) detained and released completed (ICC) removal cases for LOP and Non-LOP respondents, and (b) the average time spent by staff on related tasks from the previous BAH survey. EOIR matched these data by the variable IDNCASE. The average amount of time spent by proceeding type was provided in the DAR database in seconds and calculated to represent hearing in minutes.

Statistical Assumptions

The number of types of on-record processes, to include initial masters, individual merits, applications, bonds, and motions, as well as the length of time for each type of schedule, hearing, and/or applications, showed a fairly normal underlying distribution of data across LOP and custody status. Consequently, since the skew never exceeded 2.20,[34] parametric tools are robust enough to be used and the population parameters reported (for example: Mean, Standard Error of the Mean (SEM)), used t-tests, and Analysis of Variance (ANOVA).[35]

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[35] Independent samples t –test is a means test with one continuous DV (in this case these are (1) average duration and (2) number of proceedings for each type of proceeding, and the IV was only one grouping variable selected from proceeding type, LOP status, custody status, and FY. ANOVA: Analysis of Variance is a means test with one continuous dependent variable (in this case the average duration and number of processes for each process type) and more than two categorical independent variables (in this case hearing type, LOP status, custody status and FY).

Data Analyses

To begin the analyses of Component II costs: (1) the difference in average (mean) costs between LOP and Non-LOP respondents associated with the average number of on-record proceedings (Initial Masters, Individual Merits, Applications, Bonds, and Motions) per respondent was computed, (2) time in minutes was determined from the DAR database, and (3) the calculated weighted averages of court staff salaries per minute were determined from OMB data and multiplied by time (in minutes) across all processes, custody status, and FY.

On-Record Proceeding Costs

EOIR considered the differences between LOP and Non-LOP respondents for the average length and number of hearings, as well as the FY 2014 through FY 2019 weighted salaries and/or contract rates of Immigration Judges (IJs), Judicial Law Clerks (JLCs), Legal Assistants (LAs), DHS attorneys, and translators found on (a) the Office of Personnel Management, (b) EOIR websites, and (c) OCJI-DAR data sets across fiscal years and number of professionals at each position level.

Arrangement of the presentation of cost for each hearing type:

- Table 17: Initial Masters (Detained)
- Table 18: Initial Masters (Released)
- Table 19: Individual Merits (Detained)
- Table 20: Individual Merits (Released)
- Table 21: Applications (Detained)
- Table 22: Applications (Released)
- Table 23: Bond (Detained)
- Table 24: Bond (Released)
- Table 25: Motion (Detained)
- Table 26: Motion (Released)
- Table 27: ALL (Detained)
- Table 28: ALL (Released)

Component II Results

Tables 17 and 18 show the average number and duration of initial master's calendar hearings by custody status and fiscal year. Table 17 represents detained respondents and Table 18 represents released respondents.

In Table 17 below, overall and on average, detained LOP respondents spent 1.66 minutes more in initial master's proceedings and attended 0.17 more proceedings than Non-LOP respondents. Note that in both FY 2018 and FY 2019 only, LOP detained respondents, on average, spent less time in proceedings than Non-LOP detained respondents.

Table 17. Average Initial Masters Hearings Duration (in Minutes) and Average Cost (Dollars) across Custody and LOP Status (Detained)

Fiscal Year of Receipt	Average Initial Masters Hearing Duration (minutes)		Average Number of Initial Masters Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Detained LOP Respondents (#)	Total Average Annual Cost Added by LOP Detained Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	22.82	16.83	0.82	0.66	$40.58	16,223	$658,332
2015	24.07	19.51	0.87	0.71	$38.00	14,939	$567,650
2016	19.70	17.75	0.87	0.75	$19.26	14,389	$277,094
2017	16.49	16.14	0.91	0.72	$15.62	19,775	$308,891
2018	14.66	16.23	0.94	0.73	$8.88	20,832	$184,885
2019	12.47	13.79	1.05	0.85	$6.89	17,091	$117,814
Average	18.37	16.71	0.91	0.74	$21.54	17,208	$352,444
Total Costs							$2,114,667

Table 18 below represents released respondents. Note that year over year, with the exception of FY 2019, LOP released respondents had longer initial master's hearings and attended more initial master's hearings than Non-LOP respondents.

Table18. Average Initial Masters Hearings Duration (in Minutes) and Average Cost (Dollars) across LOP Status (Released w/ ICC Date Only)

Fiscal Year of Receipt	Average Initial Masters Hearing Duration (minutes)		Average Number of Initial Masters Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released LOP Respondents (#)	Total Average Annual Cost Added by LOP Released Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	4.48	4.31	0.81	0.80	$0.70	5,963	$4,156
2015	5.05	4.81	0.85	0.83	$1.64	5,466	$8,954
2016	4.63	4.52	0.79	0.75	$0.44	5,988	$2,641
2017	4.78	4.33	0.90	0.89	$2.16	4,688	$10,147
2018	4.53	4.30	0.98	0.93	$1.99	3,030	$6,020
2019	3.76	3.89	0.93	0.82	$1.55	1,186	$1,842
Average	4.54	4.36	0.88	0.84	$1.41	4,387	$5,626
Total Costs							$33,759

As computed in Table 18, on average, released LOP respondents spent 0.18 more minutes in initial master's hearings and attended 0.04 more hearings than Non-LOP released respondents.[36]

Tables 19 and 20 show the average number and duration of individual merits hearings by custody status and fiscal year. Table 19 represents detained ICC respondents and Table 20 represents released ICC respondents.

Table 19. Average Individual Merits Hearings Duration (in Minutes) and Average Cost (Dollars) across LOP Status and FY (Detained)

Fiscal Year of Receipt	Average Individual Merits Hearing Duration (minutes)		Average Number of Individual Merits Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Detained LOP Respondents (#)	Total Average Annual Cost Added by LOP Detained Cases ($)
	LOP	**Non-LOP**	**LOP**	**Non-LOP**			
2014	57.45	50.72	0.33	0.23	$39.49	16,223	$640,727
2015	61.87	55.20	0.42	0.29	$54.21	14,939	$809,841
2016	62.75	55.66	0.46	0.31	$56.36	14,389	$810,929
2017	64.81	55.83	0.47	0.29	$68.29	19,775	$1,350,366
2018	63.05	53.40	0.40	0.28	$49.40	20,832	$1,029,053
2019	64.93	57.58	0.50	0.34	$63.23	17,091	$1,080,688
Average	**62.48**	**54.73**	**0.43**	**0.29**	**$55.16**	**17,208**	**$953,601**
Total Costs							**$5,721,604**

Note that year over year, LOP respondents had longer individual merits hearings and attended more individual merits hearings than Non-LOP respondents. As computed in Table 19, on average, detained LOP respondents spent 7.75 more minutes in individual merits hearings and attended 0.14 more hearings than Non-LOP detained respondents.

Table 20 shows that year over year, with the exception of 2019, released LOP respondents had slightly longer individual merits hearings and attended more individual merits hearings than Non-LOP respondents. As computed in Table 20, on average, released LOP respondents spent 3.02 more minutes in individual merits hearings and attended 0.04 more hearings than Non-LOP released respondents.[37]

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[36] These data had unequal variance, therefore, with α =.01, $t(36462.723) = 8.224$, $p < .0001$,. LOP respondents, regardless of custody status or FY, spent more time in initial master hearings than Non-LOP respondents. With α =.01, $t(290390.277) = 23.804$ $p < .0001$. LOP respondents, regardless of custody status or FY, attended more initial master hearings than Non-LOP respondents
[37] These data had unequal variances, therefore, with α =.01, $t(106432.722) = 8.854$, $p < 0.0001$. LOP respondents, regardless of custody status or FY, spent more time in individual merit hearings than Non-LOP respondents.
With α =.01, $t(554.267) = 3.270$, $p < 0.0001$. LOP respondents, regardless of custody status or FY, attended more individual merit hearings than Non-LOP respondents.

Table 20. Average Individual Merits Hearings Duration (in Minutes) and Average Cost (Dollars) across FY (Released)

Fiscal Year of Receipt	Average Individual Merits Hearing Duration (minutes)		Average Number of Individual Merits Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released LOP Respondents (#)	Total Average Annual Cost Added by LOP Released Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	62.00	61.64	0.62	0.59	$9.55	5,963	$56,950
2015	70.83	69.00	0.63	0.55	$35.55	5,466	$194,298
2016	74.64	70.05	0.84	0.86	$12.29	5,988	$73,576
2017	73.72	71.51	0.64	0.58	$26.87	4,688	$125,966
2018	70.39	70.31	0.51	0.41	$33.98	3,030	$102,950
2019	75.28	66.19	0.26	0.27	$8.14	1,186	$9,654
Average	71.14	68.12	0.58	0.54	$21.06	4,387	$93,899
Total Costs							$563,394

Table 21. Average Application Duration (in minutes) and Average Cost (Dollars) across FY (Detained)

Fiscal Year of Receipt	Average Application Hearing Duration (minutes)		Average Number of Applications per Case (#)		Average Cost Added per LOP Case ($)	Number of Detained LOP Respondents (#)	Total Average Annual Cost Added by LOP Detained Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	19.23	14.21	0.421	0.494	$5.81	16,223	$94,202
2015	18.42	15.01	0.382	0.465	$0.37	14,939	$5,495
2016	17.21	13.04	0.364	0.446	$2.24	14,389	$32,212
2017	18.15	12.29	0.386	0.472	$5.68	19,775	$112,241
2018	16.45	12.77	0.444	0.533	$2.37	20,832	$49,317
2019	15.60	13.26	0.419	0.491	$0.20	17,091	$3,359
Average	17.51	13.43	0.40	0.48	$2.78	17,208	$49,471
Total Costs							$296,826

Table 21 above shows that detained LOP respondents spend, on average, 4.08 minutes longer in application proceedings than Non-LOP respondents. However; LOP respondents have, on average, 0.08 fewer application proceedings than Non-LOP respondents over the same time.[38]

Table 22. Average Application Duration (in minutes) and Average Cost (Dollars) across FY (Released)

Fiscal Year of Receipt	Average Application Hearing Duration (minutes)		Average Number of Applications per Case (#)		Average Cost Added per LOP Case ($)	Number of Released LOP Respondents (#)	Total Average Annual Cost Added by LOP Released Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	14.66	11.01	0.344	0.219	$14.03	5,963	$83,689
2015	12.30	8.77	0.450	0.325	$14.32	5,466	$78,264
2016	12.34	9.67	0.441	0.361	$9.53	5,988	$57,051
2017	13.68	9.92	0.456	0.344	$13.41	4,688	$62,889
2018	13.93	10.71	0.375	0.284	$10.37	3,030	$31,418
2019	13.26	9.96	0.266	0.220	$6.55	1,186	$7,770
Average	**13.36**	**10.01**	**0.39**	**0.29**	**$11.37**	**4,387**	**$53,514**
Total Costs							**$321,082**

Table 22 above shows that released respondents spend, on average, 3.35 minutes longer, in application hearings than Non-LOP respondents. In addition, LOP respondents have, on average, 0.10 more application hearings compared to Non-LOP respondents.

Table 23 below shows that year over year, LOP detained respondents had longer bond hearings and attended a slightly more bond hearings than Non-LOP respondents. On average, LOP detained respondents spent 4.04 minutes longer and have 0.03 more bond hearings than Non-LOP respondents do.

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[38] These data had unequal variances, therefore, with $\alpha = .01$, $t(120657.761) = 41.756$, $p < 0.0001$. LOP respondents, regardless of custody status or FY, spent more time in application proceedings than Non-LOP respondents.

Table 23. Average Bond Duration (in minutes) and Average Cost (Dollars) across FY (Detained)

Fiscal Year of Receipt	Average Bond Hearing Duration (minutes)		Average Number of Bond Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Detained LOP Respondents (#)	Total Average Annual Cost Added by LOP Detained Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	19.34	13.82	0.453	0.368	$19.56	16,223	$317,382
2015	18.33	14.72	0.352	0.342	$7.54	14,939	$112,612
2016	16.35	13.09	0.326	0.322	$5.47	14,389	$78,773
2017	17.38	11.89	0.374	0.360	$10.50	19,775	$207,719
2018	15.80	12.17	0.485	0.425	$11.87	20,832	$247,265
2019	15.20	12.47	0.631	0.631	$8.52	17,091	$145,650
Average	17.07	13.03	0.44	0.41	$10.58	17,208	$184,900
Total Costs							$1,109,400

Table 24. Average Bond Duration (in minutes) and Average Cost (Dollars) across FY (Released)

Fiscal Year of Receipt	Average Bond Hearing Duration (minutes)		Average Number of Bond Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released LOP Respondents (#)	Total Average Annual Cost Added by LOP Released Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	14.43	10.73	0.393	0.245	$9.56	5,963	$57,002
2015	12.28	8.62	0.547	0.398	$7.00	5,466	$38,288
2016	12.63	9.20	0.467	0.339	$5.77	5,988	$34,521
2017	13.72	9.56	0.498	0.342	$7.58	4,688	$35,524
2018	13.27	9.83	0.447	0.307	$10.50	3,030	$31,819
2019	12.28	9.57	0.355	0.277	$7.75	1,186	$9,189
Average	13.10	9.58	0.45	0.32	$8.03	4,387	$0
Total Costs							$206,342

As computed from Table 24 above, on average, released LOP respondents spent 3.52 more minutes in bond hearings and attended 0.13 more bond hearings than released Non-LOP respondents, which is an artifact of having already been released.[39]

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[39] These data had unequal variances, therefore, with $\alpha = .01$, $t(19691.064) = 20.225$, $p < 0.0001$. LOP respondents, regardless of custody status or FY, spent more time in bond hearings than Non-LOP respondents

Table 25 represents detained LOP and Non-LOP respondents for motion hearings. As computed in Table 25, LOP detained respondents spent, on average, 3.30 minutes longer in motion hearings than Non-LOP detained respondents and had, on average, 0.08 more motion hearings than detained Non-LOP respondents.

Table 25. Average Motions Duration (in minutes) and Average Cost (Dollars) across FY (Detained)

Fiscal Year of Receipt	Average Motion Hearing Duration (minutes)		Average Number of Motion Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Detained LOP Respondents (#)	Total Average Annual Cost Added by LOP Detained Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	18.92	14.32	0.210	0.186	$6.97	16,223	$113,135
2015	20.60	13.00	0.181	0.121	$11.47	14,939	$171,387
2016	17.11	13.27	0.171	0.055	$10.71	14,389	$154,071
2017	15.00	13.72	0.241	0.119	$9.39	19,775	$185,651
2018	15.64	14.44	0.299	0.181	$9.85	20,832	$205,100
2019	15.71	14.38	0.267	0.246	$3.25	17,091	$55,624
Average	17.16	13.86	0.23	0.15	$8.61	17,208	$147,495
Total Costs							$884,968

Table 26. Average Motions Duration (in minutes) and Average Cost (Dollars) across FY (Released)

Fiscal Year of Receipt	Average Motion Hearing Duration (minutes)		Average Number of Motion Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released LOP Respondents (#)	Total Average Annual Cost Added by LOP Released Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	14.11	0.00	0.436	0.000	$32.84	5,963	$195,802
2015	12.63	0.00	0.563	0.000	$37.90	5,466	$207,137
2016	12.74	0.00	0.519	0.000	$32.29	5,988	$193,343
2017	14.19	0.00	0.533	0.000	$35.80	4,688	$167,840
2018	14.27	0.00	0.496	0.000	$33.74	3,030	$102,238
2019	13.88	0.00	0.426	0.000	$29.23	1,186	$34,668
Average	13.64	0.00	0.50	0.00	$33.63	4,387	$150,171
Total Costs							$901,028

Table 26 above represents released respondent motion proceedings and it is important to note that only LOP released respondents with an ICC and judicial decision were found and recorded, As computed from Table 26 above, on average, detained LOP respondents spent 13.64 more

minutes in motions proceedings and attended 0.50 more motions hearings than Non-LOP detained respondents[40].

Omnibus Analyses

For overall on-record proceeding costs, respondents who attended LOP programs showed additional costs related to the duration and number of proceedings, across proceeding type and fiscal year.

Two independent samples *t-tests* were conducted as omnibus tests to find the statistical significance of the mean differences between LOP and Non-LOP average duration and number of proceedings attended across the five proceeding types (Initial Masters, Individual Merits, Applications, Bonds, and Motions) and fiscal year.

The omnibus results provide strong evidence that LOP respondents had longer proceedings, on average (LOP μ = 40.43 minutes and Non-LOP μ = 36.85 minutes) and slightly more proceedings (LOP μ = 0.4915 and Non-LOP μ =0.4239) when compared to Non-LOP respondents resulting in higher costs for LOP year over year across all hearing types.[41]

Tables 27 and 28 represent a composite of the overall LOP costs beyond the Non-LOP costs associated with the five types of hearings included in these analyses, by custody, status and across fiscal year.

Table 27. Annual LOP Cost of Five Adjudication or Processing Types FY (Detained)

	Detained					
Fiscal Year of Receipt	**Masters Annual Cost ($)**	**Merit Annual Cost ($)**	**Applications Annual Cost ($)**	**Bond Annual Cost ($)**	**Motions Annual Cost ($)**	**Total Average Annual DETAINED LOP Costs ($)**
2014	$658,332	$640,727	$94,202	$317,382	$113,135	**$1,823,778**
2015	$567,650	$809,841	$5,495	$112,612	$171,387	**$1,666,984**
2016	$277,094	$810,929	$32,212	$78,773	$154,071	**$1,353,079**
2017	$308,891	$1,350,366	$112,241	$207,719	$185,651	**$2,164,867**
2018	$184,885	$1,029,053	$49,317	$247,265	$205,100	**$1,715,621**
2019	$117,814	$1,080,688	$3,359	$145,650	$55,624	**$1,403,135**
Total Detained Costs across FY	**$2,114,667**	**$5,721,604**	**$296,826**	**$1,109,400**	**$884,968**	**$10,127,465**

[40] With α = .01, $t(169826.532) = 31.589$, $p < .0001$. For the number of motion hearings with α = .01, $t(58) = 18.63$, $p < .0001$. These results provide evidence that the duration and number of motion hearings are significantly different between LOP and Non-LOP respondents. It is important to note that NO Non-LOP respondents were found in motion hearings.
[41] With α = .01, $t(39741.405) = 8.434$, $p < .0001$. These results provide evidence that the duration and number of all proceedings combined are significantly higher for LOP respondents than Non-LOP respondents.

Table 28. Annual LOP Cost of Five Adjudication or Processing Types across FY (Released)

Fiscal Year of Receipt	Masters Annual Cost ($)	Merit Annual Cost ($)	Applications Annual Cost ($)	Bond Annual Cost ($)	Motions Annual Cost ($)	Total Average Annual RELEASED LOP Costs ($)
Released						
2014	$4,156	$56,950	$83,689	$57,002	$195,802	$397,599
2015	$8,954	$194,298	$78,264	$38,288	$207,137	$526,942
2016	$2,641	$73,576	$57,051	$34,521	$193,343	$361,132
2017	$10,147	$125,966	$62,889	$35,524	$167,840	$402,366
2018	$6,020	$102,950	$31,418	$31,819	$102,238	$274,444
2019	$1,842	$9,654	$7,770	$9,189	$34,668	$63,123
Total Released Costs across FY	**$33,759**	**$563,394**	**$321,082**	**$206,342**	**$901,028**	**$2,025,605**

Table 29. Component II On-Record Costs

Component II Court Costs	
Custody Status	Additional Average Costs across Fiscal Years Added by LOP Respondents ($)
Detained	$10,127,465
Released(w/ ICC Only)	$2,025,605
Total Component II Costs	**$12,153,070**
Average of Component II Costs across 6 Fiscal Years	**$2,025,512**

On-Record Proceedings Cost-Related Discussion

Due to the length of time, number of LOP respondents, and the average number of proceedings, the overall cost, beyond the Non-LOP cost, for LOP respondents in Component II was $12,153,070 across six fiscal years. The LOP costs reflect the following five details:

1. Component II LOP respondents accounted for 35.36% of respondents across FY and custody status and Non-LOP respondents accounted for 64.64% of respondents.
2. On average, detained LOP respondents spent more time (μ_{LOP} = 20.83 more minutes) during all on-record proceedings than Non-LOP respondents.[42]

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[42] Since equal variances were significant, with α=.01, $t(163173.055)$= 30.961, $p < .0001$ indicating that detained LOP respondents spend significantly more time in proceedings than Non-LOP respondents.

3. On average, detained LOP respondents had slightly more proceedings ($\mu_{\text{LOP}} = 0.341$ more proceedings) across all on-record proceedings than Non-LOP respondents[43].

4. On average, released LOP respondents with ICCs spent more time (LOP $\mu_{\text{LOP}} = 4.581$ more minutes) during all on-record proceedings than Non-LOP respondents[44].
   On average, released LOP respondents with ICCs had slightly more proceedings (LOP $\mu_{\text{LOP}} = 0.161$ more proceedings) across all on-record proceedings than Non-LOP respondents[45].

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[43] Since equal variances were significant, with $\alpha=.01$, $t(2563.444)= 6.527$, $p < .0001$ indicating that detained LOP respondents attended significantly more proceedings than Non-LOP respondents.

[44] Since equal variances were significant, with $\alpha=.01$, $t(42943)= 8.639$, $p < .0001$ indicating that LOP respondents spend significantly more time in proceedings than Non-LOP respondents.

[45] Since equal variances were significant, with $\alpha=.01$, $t(538.662)= 4.655$, $p < .0001$ indicating that LOP respondents attended significantly more proceedings than Non-LOP respondents.

FINAL ANALYSIS-END MATTER

For Components I and II only, the total cost, on average, of $779,692,832 was added, beyond the cost of Non-LOP respondents, across six fiscal years. These costs related to the LOP program do not include all costs associated with on-record costs or other respondents not included, but are representative of the costs associated with LOP respondents in removal hearings across all court locations.

Table 30. The Total and Average Cost of Components I and II cross Custody Status and FY

All Average LOP Costs across FY and Custody Status	
Cost From:	Additional Average Costs across Fiscal Year Added by LOP Respondents ($)
Component I *	$767,539,762
Component II**	$12,153,070
Total Cost	**$779,692,832**
Average Costs across FY	**$129,948,805**

* From Table 14, ** From Table 29

Limitations for Components I and II

As with any evaluation, limitations exist, and in the current study these limitations include data constraints such as data access, the number of LOP respondents compared to Non-LOP respondents, data reporting errors, and/or missing data provided to EOIR by DHS-ICE and VERA[46]. Additionally, data in this evaluation represent only a snapshot in time, which means if any conditions change, data results will change. As discussed previously, all data shared the data characteristics presented in Table 1 above.

Recommendations

1. It would benefit VERA to standardize their data entry of LOP respondents to consistently keep track of service dates as well as case completion dates for each LOP respondent. This would ensure a more confident EOIR match and provide more results that are meaningful.

2. LOP program leaders should consider monitoring their respondent's length of stay and assist the respondent in timely filing of all documents.

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[46] Missing or incorrectly coded data were found n the ICE and VERA data sets exclusively. Missing data includes date in, date out, Null Alien_NBR, incorrect input of dates (such as 02/16/No year). Respondents with more than one row in VERA data was concatenated into one row representing all services attended by one respondent to avoid duplicate responses. (See SM1).

Future Studies

Observed differences in means and SEMs across the 52 matched locations served by LOP providers demonstrate that a respondent's length of stay is affected by base city locations in the VERA FY 2014 through FY 2019 data sets.

The underlying factors influencing these findings are unclear. If desired, EOIR analysts could pursue other potential studies to better qualify these and other aspects of this study

Conclusions

This cost evaluation focuses upon two types of costs related to the LOP program: (1) the number of days detained and related LOP program costs; and (2) the number and duration of the five most common types of proceedings. Between FY 2014 and FY 2019, LOP respondents, on average, stayed in detention longer, attended more proceedings, hearings, schedules, and motions, and spent longer, on average, in most of the five on-record processes measured than Non-LOP respondents over the same time period. From an average-cost basis standpoint, respondents attending LOP programs cost money above and beyond respondents not attending LOP programs. EOIR focused only upon the tangible, primary financial costs EOIR identified. It did not attempt to identify any non-tangible costs that the LOP program may (or may not) provide.

LOP is designed to promote respondents' informed decision-making. As such, EOIR's findings that LOP respondents had slightly longer hearings and submitted more motions and applications of relief than non-LOP respondents may not be surprising. Note that EOIR has not assigned any causal behavior to the LOP. Anecdotally, the increases in the length of hearings and the numbers of motions and applications could potentially be a result of the additional time spent to attend an LOP orientation to potentially inform their decision-making, and/or it may be an indication of respondents exercising the options available to them within immigration proceedings. There could be other causal factors. EOIR would need to conduct additional, rigorous analysis to draw definitive conclusions regarding any potential causal factors.

APPENDIX A: SUPPLEMENTAL MATERIAL

SM1. Examples of Calculations for the Number of Days Detained

The original data sets from DHS-ICE and VERA exhibited identical cases (the same ALIEN_NBR, IDNCASE, and Dates) which were removed so the number of days detained were not duplicated. These data also had overlapping dates, which were filtered out so the number of days detained were accurate. Finally, if a respondent had more than one case or cases with day's detained > 0, EOIR analysts subtotaled their days and reported them all in the fiscal year of receipt. The examples below clarify these data situations and data decisions and filters.

1. **Identical Cases Example:**

   The four cases below (one case per row) represent only **one** actual case with **10 days** detained.

ALIEN_NBR[47]	IDNCASE[48]	# Days Detained	Book-in Date	Book-out Date	Custody	I-862	LOP	FY OF RECEIPT
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014

Therefore, so that 40 days are not counted, the above identical cases become:

ALIEN_NBR	IDNCASE	# Days Detained	Book-in Date	Book-out Date	Custody	I-862	LOP	FY OF RECEIPT
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014

2. **Overlapping Cases Example**

   The three cases below (one case per row) represent only **one** actual case with **33 days** detained, but have dates that overlap in the data file.

ALIEN_NBR	IDNCASE	# Days Detained	Book-in Date	Book-out Date	Custody	I-862	LOP	FY OF RECEIPT
123456789	12345678	10	8/1/2014	8/11/2014	D	X	Yes	2014
123456789	12345678	33	8/1/2014	9/3/2014	D	X	Yes	2014
123456789	12345678	2	9/1/2014	9/3/2014	D	X	Yes	2014

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[47] The ALIEN_NBR used in the examples is not an actual Alien Number, but a proxy used in the example.
[48] The IDNCASE number used in the examples is not an actual IDNCASE number, but a proxy used in the example.

Therefore, so that 45 days are not counted, the above overlapping cases become:

ALIEN_NBR	IDNCASE	# Days Detained	Book-in Date	Book-out Date	Custody	I-862	LOP	FY OF RECEIPT
123456789	12345678	33	8/1/2014	9/3/2014	D	X	Yes	2014

3. Example of Subtotaling Cases

The three cases below are for the same respondent across three fiscal years and the IDNCASE number is the same in two of them. Since the same respondent was detained on three separate dates, the number of days are subtotaled and reported in the fiscal year of the original EOIR fiscal year of receipt.

ALIEN_NBR	IDNCASE	# Days Detained	Book-in Date	Book-out Date	Custody	I-862	LOP	FY OF RECEIPT
123456789	12345678	14	6/1/2014	6/15/2014	D	X	No	2014
123456789	12345678	29	8/1/2015	8/30/2015	D	X	No	2015
123456789	12345689	7	5/1/2016	5/8/2016	D	X	No	2016

Therefore, the number of days detained were counted as:

ALIEN_NBR	# Days Detained	Custody	I-862	LOP	FY OF RECEIPT
123456789	50	D	X	No	2014

SM2. The Number and Proportion of all LOP and Non-LOP Respondents with Legal Representation at any Time During their Detention.

Table 31. The Number of Respondents with Legal Representation at any Time During their Detention

FY of Receipt	Number of Respondents with Legal Representation			
	LOP		Non-LOP	
	Detained	Released	Detained	Released
2014	2,595	6,719	4,527	21,600
2015	2,889	8,160	4,292	17,063
2016	2,873	10,951	4,076	20,024
2017	4,317	9,920	6,425	22,121
2018	4,629	8,904	8,280	29,031
2019	3,741	7,870	8,777	28,975
Totals across FY	**21,044**	**52,524**	**36,377**	**138,814**

Table 32. The Proportion of Respondents with Legal Representation at any Time
During their Detention

FY of Receipt	Proportion of Respondents with Legal Representation			
	LOP		Non-LOP	
	Detained	Released	Detained	Released
2014	16.00%	67.39%	16.22%	70.60%
2015	19.34%	73.69%	20.63%	73.80%
2016	19.97%	77.90%	20.61%	78.20%
2017	21.83%	76.92%	21.87%	76.88%
2018	22.22%	74.47%	24.15%	75.31%
2019	21.89%	56.42%	21.83%	65.07%

Note that released respondents were 3.33 times more likely to have legal representation than
detained respondents.

The likelihood of LOP and Non-LOP respondents who had legal representation is summarized
below[49].

A. Regardless of LOP and custody status and across fiscal year, released respondents are
3.51 times more likely to have representation at some point in their case than detained
respondents[50] across fiscal year when adjusting for proportions. See Figure 5.
B. Non-LOP respondents are 0.03 times more likely to have representation in their case than
LOP respondents regardless of custody status and across fiscal year. See Figure 6.
C. Detained LOP respondents are 0.01 times more likely to have representation than
detained LOP respondents. See Figure 5.
D. Released Non-LOP respondents are 0.04 times more likely to have representation than
released LOP respondents. See Figure 6.

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[49] Derived from Table 31 in SM1

Figure 6. Proportion of Respondents with Legal Representation by Custody Status across FY (Illustrating Point A Above
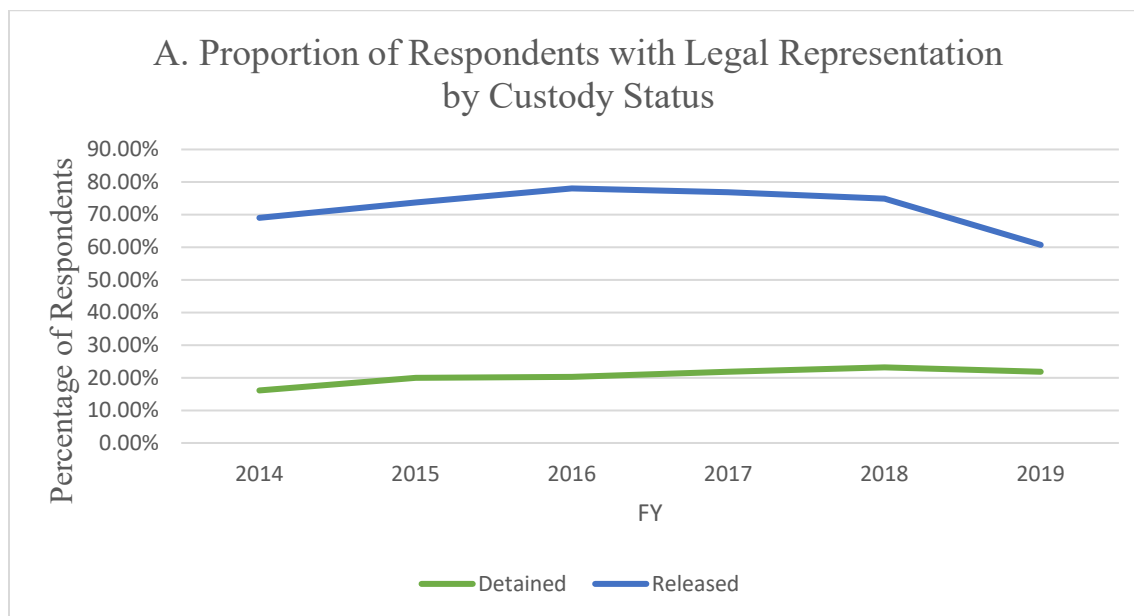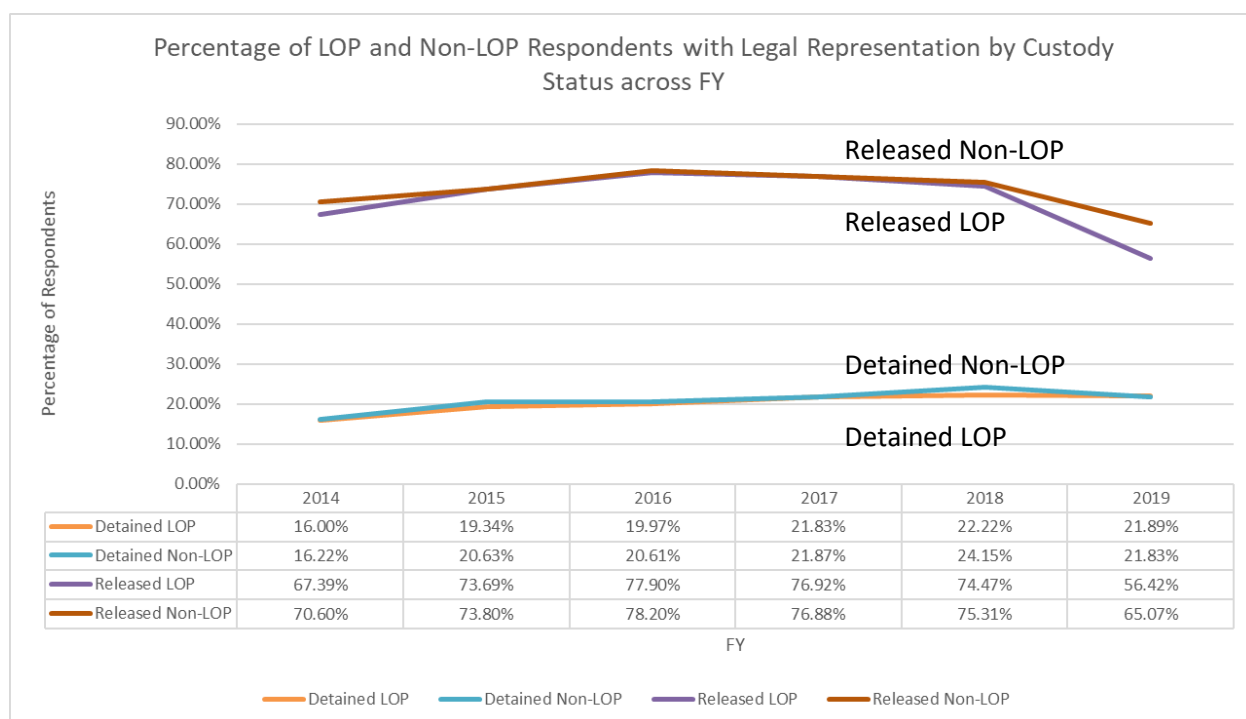

Figure 7. Proportion of Respondents with Legal Representation by Custody Status and FY (Illustrating Points A-D Above)

Note that the number of LOP and Non-LOP respondents with legal representation for both detained and released custody status are quite similar.

SM3. Median Days of Detention

Statistical Assumptions

All statistical tools used to analyze differences, associations, and dependence of multiple groups include a set of assumptions regarding the distribution of these data. The most common assumptions of parametric statistics[51] are that the underlying distribution of data are normally distributed (symmetric), have similar variances across multiple groups (homogeneity), have a linear relationship (linearity), and are independent. In other words, when examining underlying data distributions, it is critical to look at the center, shape, and spread of the data.[52]

Skew and kurtosis were examined to determine the shape and spread of the current data. Acceptable values for skew in a normal distribution are +/- 2.0 and for kurtosis are +/-7.0. In Component I of the current study, the underlying distributions of data were highly positively skewed (non-normal with most values low) and present with an extremely high kurtosis (high peaks in the left tail),[53] lack homogeneity, linearity, and/or independence.

Figure 8 shows the distribution of data for LOP and Non-LOP respondents by custody status and across fiscal year. Figure 9 shows the Q-Q plots detailing the underlying distribution in each of the data sets in Figure 8.

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[51] Parametric statistics refer to a category of statistics which assumes data come from populations that can be adequately modeled by a probability distribution that has a fixed set of parameters. Vickers A. J. (2005). Parametric versus non-parametric statistics in the analysis of randomized trials with non-normally distributed data. BMC medical research methodology, 5, 35.

[52] These assumptions require examination prior to any data analyses in order to determine the best statistical tools to use with the underlying distribution. Most parametric statistics are robust to some violations of these assumptions (General Linear Models such as Analysis of Variance (ANOVA), Regression, test of means and standard deviations (z and t-tests).

[53] Skew for Detained LOP and Non-LOP respondents respectively is 6.049 and 3.864, and for released LOP and Non-LOP respondents is 4.980 and 4.297 respectively. Kurtosis for Detained LOP and Non-LOP respondents respectively 111.040 and 41.302, and for released LOP and Non-LOP respondents is 62.932 and 46.207 respectively, The skew and kurtosis show that these data are non-normal, highly positively skewed, which indicates many low values with some very large outliers pulling the data, and have very high peaks in the left tail.

Figure 8. Distribution of LOP and Non-LOP Respondents by Custody and across FY
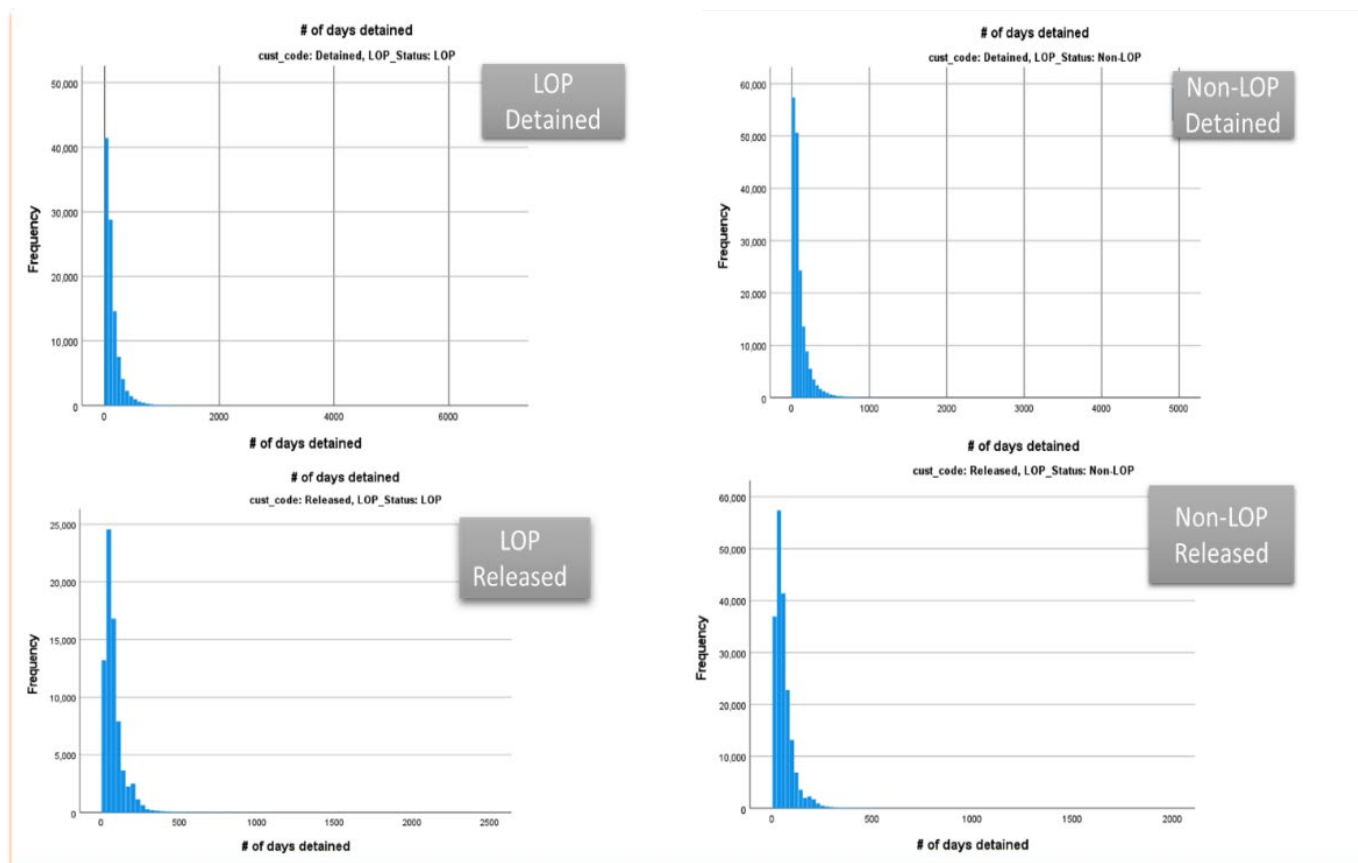
Figure 8 shows that the underlying distributions of LOP and Non-LOP detained and released respondents is highly skewed (positive skew) and high kurtosis (shape is not flat and consistent but has peaks)

Figure 9. Q-Q Plots to show Linearity and Outliers for LOP and Non-LOP Respondents by Custody Status and across FY[54]
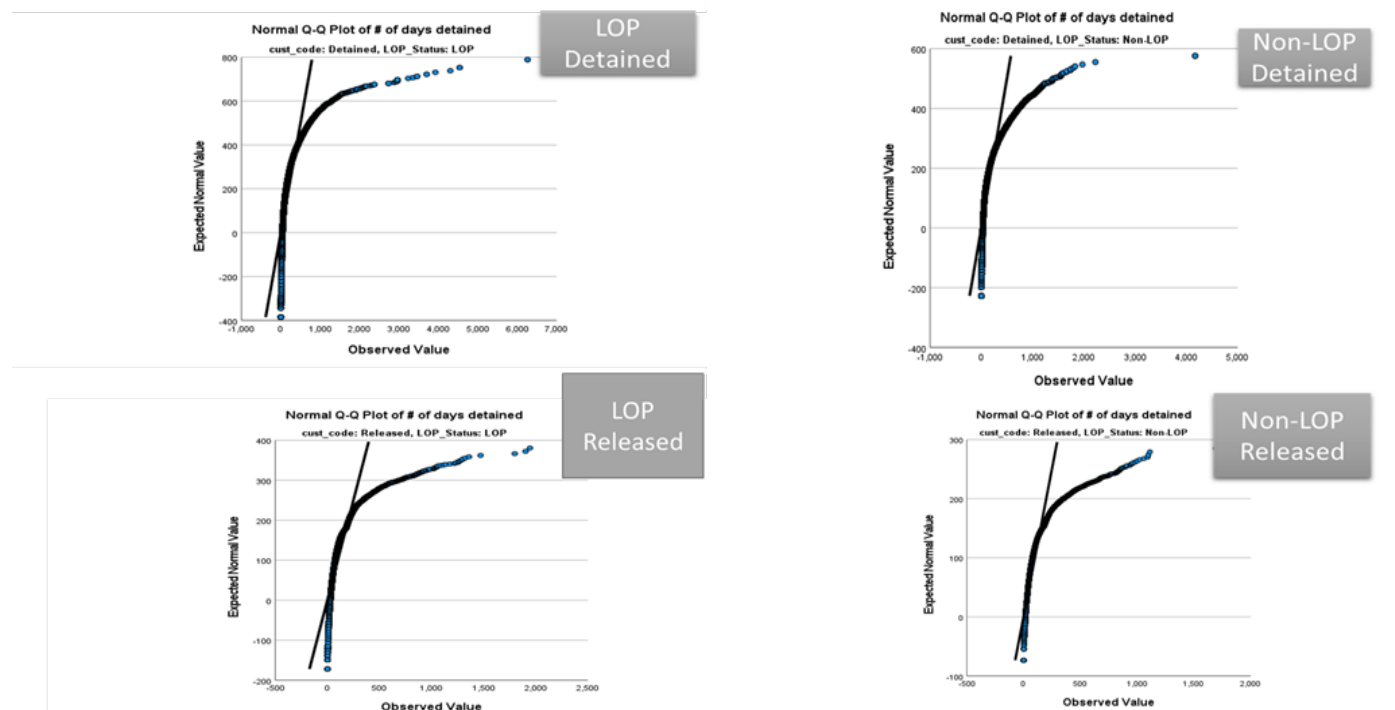
The Q-Q plots in Figure 9 above support the findings that these data have non-normal underlying distributions to include non-linearity and extreme outliers.

Using the median to estimate the number of days detained rather than the mean is appropriate for these data. Additionally, the median is less influenced by outliers than the mean. Nonparametric statistics, which are not based on assumptions of distribution, are presented here as a comparison to represent the center of these data.

The median is not used in the current cost analysis because in EOIR budgeting, the costs for Component I were calculated using the average (mean) number of days detained to provide useful budgeting parameters regardless of the underlying distribution of the number of days detained.

Table 33 provides the median days detained only as a comparison. In both the mean and median results, on average, LOP respondents are detained longer than Non-LOP respondents across custody status and FY.

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[54] QQ plots (quantile-quantile) are probability plots where the observed value is mapped to the expected value. If the observed and expected values are similar, the shape of the line will be similar. Otherwise the two quantiles are not similar which provides a graphical view of location, scale, and skewness of each. QQ plots provide a visual "goodness of fit" of the observed data to the expected data. These QQ plots show the underlying observed distribution is non-normal.

Table 33. Median Number of Days Detained across Custody Status and Fiscal Year for Comparison Purposes Only

FY of Receipt	Median Number of Days Detained			
	LOP Respondents (#)		Non-LOP Respondents (#)	
	Median Days (#)		Median Days (#)	
	Detained	Released	Detained	Released
2014	68	50	52	38
2015	82	55	60	44
2016	103	73	68	55
2017	101	62	64	41
2018	91	55	64	40
2019	103	69	71	50

Note that the differences between the LOP and Non-LOP median number of days detained are consistent with the differences between LOP and Non-LOP mean number of days detained reported in Tables 10 and 12 in Component I. In other words, both measures of central tendency (mean and median) show that LOP respondents stayed longer, on average, than Non-LOP respondents regardless of custody status or fiscal year.

APPENDIX B-METHODOLOGICAL DETAILS

Methodological Details Overview

The steps taken and decisions made at each level of analysis are critical for any study. The strength of any study lies in the ability of researchers to reproduce the results using the same data and methods. In the current study, the methodological details are broken out step-by-step to elucidate decisions at every step of the analyses. For this FY 2014 through FY 2019 Cost Evaluation, EOIR employed a quasi-experimental method using archival data from DHS-ICE, VERA, and EOIR data.

Quasi-experimental studies encompass a broad range of non-randomized intervention studies. These designs are commonly used when it is not logistically feasible or not ethical to conduct a randomized, controlled trial—the "gold standard" of causal research design.[55] This quasi-experimental study is similar to an experimental study, except that respondents could not be randomly assigned to be in the LOP or Non-LOP groups as their assignment was pre-determined prior to this study. Quasi-experimental studies are most often used to evaluate interventions, and in this study, the intervention is the LOP programs and services offered to respondents. As with any quasi-experimental design, there is a control group and a treatment group.

Control and Treatment Groups (Non-Randomly Assigned)

In the current study, the control group are those respondents who did not attend any LOP programs or receive any LOP services (Non-LOP) and the treatment group are those respondents who did attend LOP programs and/or receive services to assist them in navigating the immigration court system (LOP).

Assumptions for the Current Study

Components I & II

With any study, key assumptions about the data are made and in quasi-experimental designs, two important assumptions are *exogeneity* and *monotonicity*.[56] Exogeneity means that the independent variables (X) are not mutually exclusive and not dependent on the dependent variable (Y), although, they may influence the dependent variable. Monotonicity in the data means that the order of data does not affect the outcome.

Exogeneity Example: The independent variables (IVs) in this study are LOP status, custody status, and fiscal year. The dependent variable (DV) for component I is the length of stay in detention and the DVs in Component II were the costs associated with the type of proceeding, hearing, schedule, or motion. The assumption for Component I was that were not dependent on length of stay in detention. This assumption has been met. The assumption for Component II was

[55] Millsao, R.E. and Maydeu-Olivares, A. (2009). Quantitative Methods in Psychology. SAGE. Los Angeles, CA.
[56] Clapham, Christopher; Nicholson, James (2014). *Oxford Concise Dictionary of Mathematics* (5th ed.). Oxford University Press.

that LOP status (LOP or Non-LOP), custody status (detained or released) and fiscal year (2014 through 2019) were not dependent on the on-record costs. The data meet this assumption

Monotonicity Example: This assumption means that the way in which these data are ordered does not affect the outcome. The data meet this assumption.

Research Questions for Component I

1. Is there a difference in detention costs between LOP and Non-LOP respondents across FY?
    - **Results are in Tables 10 and 12**
2. Is there a difference in detention costs between LOP and Non-LOP respondents across custody status?
    - **Results are in Tables 10 and 12.**
3. Is there a difference in detention costs between LOP and Non-LOP respondents across location?
    - **Preliminary results are in Appendix C.**

To answer these questions, EOIR analyst adhered to the data characteristics in Table 1 to filter these data. In all of Component I analysis, the following calculations were made in using these six steps:

1. *All average number of days detained were calculated by subtracting the book-out date from the book-in date from the DHS-ICE database.*

2. *All average number of days detained were rounded to the nearest whole day and all costs were rounded to nearest whole dollar amount for ease of presentation and interpretation*

3. *The number of days detained were compared across LOP status, custody status, and fiscal year. The differences were calculated by subtracting the average number of Non-LOP days from the average number of LOP days detained.*

4. *These differences were then multiplied by the daily cost of detention provided by the Department of Homeland Security U.S. Immigrations and Customs Enforcement Budget Overview from FY 2014 through FY 2019 to determine the average cost per adult respondent for one day of detention.*

5. *Once the average cost per adult respondent per one day of detention was calculated, the product was then multiplied by the number of adult respondents for each fiscal year.*

6. *The total LOP cost by fiscal year (and across all custody statuses) are a product of the final calculation made in step 5.*

Research Questions for Component II

1. What are the average number of Initial Master's, Individual Merits, Applications, Bonds, and Motions attended by LOP and Non-LOP respondents by Custody Status across FY?
   - **Results are in Tables 15 through 26**
2. What are the differences in the average amount of time in minutes between LOP and Non-LOP respondents by Custody Status and across FY for each type of proceeding?
   - **Results are in Tables 16 through 26**
3. Is there a difference in the average cost of Initial Master's, Individual Merits, Applications, Bonds, and Motions proceedings between LOP and Non-LOP respondents across Custody Status and FY?
   - **Results are in Tables 16 through 28 and summed in Table 29**

To answer these questions, the data from Component I were used. The following calculations were made using the five steps below.

1. *The average number of Initial Master's, Individual Merits, Applications, Bonds, and Motions were calculated for each proceeding by LOP and custody status and fiscal year.*

2. *The average time in minutes was calculated for each type of proceeding by LOP and custody status and fiscal year using the DAR data base.*

3. *The average court costs per minute were calculated using the weighted averages salaries of court staff (IJs, JLCs, LAs, DHS attorneys, and interpreters) over six fiscal years, across all pay grades and steps, and across all court locations based on the actual number of these staff at each location. Other court costs were not included in these analyses, which means that the per-minute court cost is underestimated but representative of what was included.*

4. *The average costs were calculated for each of the five proceeding types (Initial Master's, Individual Merits, Applications, Bonds, and Motions) by using the product of the number of proceedings and their corresponding average times in minutes by the average cost per minute by custody status and fiscal year.*

5. *Finally, the differences between the average costs of LOP and Non-LOP respondents were calculated over custody status and fiscal year and multiplied by the number of LOP respondents, resulting in the average costs reported in Tables 16 through 29.*

APPENDIX C-BRIEF LOP LOCATIONS ANALYSIS

A Brief Analysis Regarding LOP Locations

In the previous FY 2013 to FY 2017 cohort study and the current FY 2014 through FY 2019 cohort study, the base city location of the proceeding and/or the detention were found to be a confounding variable. In other words, respondent's base city location influenced the number of days detained, regardless of custody or LOP status.

With this in mind, EOIR analysts examined base city locations found in the EOIR CASE files and compared all Non-LOP cases to matching LOP base city locations only. Base cities were selected over hearing locations since base cities have one or more hearing locations, capturing a larger area of analyses and allowing for a more broad view of these data. The results show that the data presented with 68 unique base city locations, and of those 68 locations, LOP matched to 55 of them and only 52 base cities had significant differences between LOP and Non-LOP respondents on the number of days detained.[57]

Two of the 52 base city locations LOP serves had shorter average number of days detained for LOP respondents when compared to Non-LOP respondents (Otero, NM (OTO) and LaSalle, LA (JNA)). Eighteen locations show higher than expected SEMs at the 99% confidence level (≥ 2.58), and 34 LOP matched locations are within the expected SEM indices and provide evidence of data precision and fidelity.

LOP and Non-LOP Respondent Demographics

Tables 34-37 provide more detail about the number of respondents in the current cost analysis across the 52 matching hearing LOP locations. Data were assembled from LOP data provided by VERA, EOIR, and DHS-ICE detention data across FYs 2014 through 2019 as found in Table 3 above. The total number of respondents across the 52 LOP matched locations, regardless of LOP, custody status, or FY, is 297,843. This represents 55.09% of all LOP and Non-LOP respondents in Table 3. Table 34 provides the percentage of respondents at LOP hearing locations matched to Non-LOP respondents by LOP status.[58]

Table 34. Number and Percent of Respondents by LOP Status for Matched LOP Locations

LOP Status	In Matched Location Data	In Master File	Percent of Respondents by LOP Status (%)
LOP	153,787	177,153	86.81%
Non-LOP	317,883	363,522	87.45%
Total Respondents	**297,843**	**540,675**	55.09%

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[57] An Analysis of Variance (ANOVA), showed with $\alpha = .01$, that out of 55 matched LOP locations, the number of days detained between LOP and Non-LOP respondents was significantly higher for LOP respondents ($p < 0.0001$) in all but Denver ($p = .158$), Oakland ($p = 0.188$), and Ulster Correctional Facility ($p = 0.151$).
[58] Not all LOP or Non-LOP respondents are accounted for since there were non-matching locations for each which were removed from these analyses.

Length of Stay and the Standard Error of the Mean

To determine if any of the calculations for the average length of stay by LOP location were overestimated or underestimated, EOIR analysts computed the standard error of measurement (SEM) at a 99% confidence level (α =.01). As mentioned previously, other internal, external, and/or DHS-ICE-related factors may also contribute to detention length. Consequently, in this Appendix for FY 2014 through FY 2019, base city locations were accounted for with DHS-ICE detained and released respondent data by using the base city locations matching LOP program locations.

Tables 35 and 36 illustrate the means and SEMs for the average number of days detained by LOP status across locations. The tables are organized from largest LOP SEMs to smallest. The largest SEMs are in Table 34 and show that variance in these locations is high, indicating that the true population mean may not be accurately represented and/or a significant number of outliers exist. This result indicates that the base cities require further analysis to determine the reason(s) for such large variances in these 18 locations. The underlying reasons may have to do with their smaller respondent populations[59] and/or other unknown or unmeasured variables. The factors in play are beyond the scope of this study, but serve as a starting point for future analysis.

Table 35. LOP Matched Locations with Average (Mean) Number of Days Detained with LOP SEMs > 2.58 (High-SEM Data)

Average (Mean) Days Detained with LOP Standard Errors of Measurement (SEMs) > 2.58						
Location Code	Base city	State/Territory	Mean LOP	SEM LOP	Mean Non-LOP	SEM Non-LOP
SAJ	San Juan	PR	127.81	*14.353	111.30	*5.524
DET	Detroit	MI	114.86	*7.72	62.71	1.063
OTM	Otay Mesa	CA	238.24	*6.877	118.16	*4.614
TUC	Tucson	AZ	105.61	*6.543	95.60	2.383
HON	Honolulu	HI	77.75	*6.511	61.30	*2.967
BTV	Batavia	NY	152.38	*6.285	130.65	*3.200
BLM	Bloomington	MN	112.65	*5.367	88.89	1.316
KAN	Kansas City	MO	94.67	*4.849	55.68	0.881
POO	Portland	OR	85.61	*4.336	36.57	1.223
LOU	Louisville	KY	91.28	*4.173	50.64	1.100

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[59] A correlation between the LOP SEMs and location populations showed a significant negative relationship between these variable. With α =.01, $r(1) = -0.619$, $p < .0001$. These results indicate that as the number of respondents increase, the SEMs decrease significantly. This is intuitive since SEM is sample size dependent.

Continued…

Location Code	Base city	State/Territory	Mean LOP	SEM LOP	Mean Non-LOP	SEM Non-LOP
CLE	Cleveland	OH	103.69	*4.124	66.93	1.020
SND	San Diego	CA	130.98	*4.048	58.19	1.622
ELZ	Elizabeth	NJ	174.04	*3.914	146.33	*3.533
LVG	Las Vegas	NV	98.05	*3.766	70.38	1.002
OMA	Omaha	NE	92.36	*3.659	65.14	1.127
HAR	Hartford	CT	87.85	*3.58	66.33	1.503
SLC	Salt Lake City	UT	69.14	*3.023	49.62	1.135
FLO	Florence	AZ	133.81	*2.844	77.14	2.029

*All SEMs > 2.58 are flagged

Base city locations with low SEMs are in Table 35.

Table 36. LOP matched Locations with Average (Mean) Number of Days Detained with LOP SEMs < 2.58 (Low-SEM Data)

Average (Mean) Days Detained with Standard Errors of Measurement (SEMs) < 2.58						
Location Code	Base city	State/Territory	Mean LOP	SEM LOP	Mean Non-LOP	SEM Non-LOP
ADL	Adelanto	CA	149.10	2.480	89.70	2.225
YOR	York County	PA	126.49	2.360	89.90	2.431
PHO	Phoenix	AZ	96.74	2.307	50.26	1.000
ELO	ELOY	AZ	146.94	2.264	82.22	1.535
CHI	Chicago	IL	112.80	2.243	73.12	0.712
SEA	Seattle	WA	88.07	2.160	62.99	1.326
PSD	Pearsall	TX	133.33	2.155	90.82	1.731
EPD	El Paso SPC	TX	128.47	2.087	97.03	*2.751
ORL	Orlando	FL	91.37	2.086	67.73	0.796
KRO	Krome North PC	FL	134.92	2.035	89.27	0.980
AUR	Aurora	CO	112.94	1.960	89.52	*4.231
TAC	Tacoma	WA	156.93	1.924	102.07	1.971
PIS	Port Isabel	TX	115.69	1.920	100.14	2.353
BOS	Boston	MA	90.05	1.913	80.03	0.878
DAL	Dallas	TX	100.61	1.866	54.20	0.460
CHL	Charlotte	NC	82.95	1.842	50.93	0.800

Continued…

Location Code	Base city	State/Territory	Mean LOP	SEM LOP	Mean Non-LOP	SEM Non-LOP
OTO	Otero	NM	127.88	1.625	162.64	2.851
HLG	Harlingen	TX	54.43	1.592	41.58	0.817
NOL	New Orleans	LA	66.97	1.546	46.36	0.725
SDC	Stewart D.C.	GA	127.75	1.484	103.80	0.837
PHI	Philadelphia	PA	57.46	1.480	50.80	1.033
MEM	Memphis	TN	66.58	1.463	53.82	0.852
BAL	Baltimore	MD	95.13	1.442	64.29	0.714
SNA	San Antonio	TX	86.87	1.422	60.88	0.511
WAS	Arlington	VA	105.36	1.407	62.03	0.617
ELP	El Paso	TX	67.69	1.384	55.14	1.338
ATL	Atlanta	GA	69.87	1.336	46.63	0.609
JNA	LaSalle	LA	98.56	1.234	105.85	1.268
NEW	Newark	NJ	82.19	1.192	54.84	0.592
SFR	San Francisco	CA	86.48	1.065	72.32	0.156
LOS	Los Angeles	CA	83.52	1.019	62.10	0.579
MIA	Miami	FL	84.64	0.987	55.95	0.450
NYC	New York City	NY	85.55	0.764	69.23	0.335
HOU	Houston	TX	68.87	0.761	51.80	0.431

Table 37 below lists base city locations from the highest average number of LOP days detained to the lowest average number of LOP days detained. Note that in Otero, NM and LaSalle, LA, the number of Non-LOP days detained was **higher** than the LOP days detained.

Table 37. Average Number of Days Detained across Base-Cities from Highest to Lowest

Location Code	Base city	Mean LOP Days (#)	Mean Non-LOP Days (#)	Difference in Average Days Detained (#)
OTM	Otay Mesa	238.24	118.16	120.08
ELZ	Elizabeth	174.04	146.33	27.71
TAC	Tacoma	156.93	102.07	54.86
BTV	Batavia	152.38	130.65	21.73
ADL	Adelanto	149.10	89.70	59.40
ELO	ELOY	146.94	82.22	64.72
KRO	Krome North PC	134.92	89.27	45.65
FLO	Florence	133.81	77.14	56.67
PSD	Pearsall	133.33	90.82	42.51
SND	San Diego	130.98	58.19	72.79
EPD	El Paso SPC	128.47	97.03	31.44
OTO*	Otero	127.88	162.64	-34.76
SAJ	San Juan	127.81	111.30	16.51
SDC	Stewart D.C.	127.75	103.80	23.95
YOR	York County	126.49	89.90	36.59
PIS	Port Isabel	115.69	100.14	15.55
DET	Detroit	114.86	62.71	52.15
AUR	Aurora	112.94	89.52	23.42
CHI	Chicago	112.80	73.12	39.68
BLM	Bloomington	112.65	88.89	23.76
TUC	Tucson	105.61	95.60	10.01
WAS	Arlington	105.36	62.03	43.33
CLE	Cleveland	103.69	66.93	36.76
DAL	Dallas	100.61	54.20	46.41
JNA*	LaSalle	98.56	105.85	-7.29
LVG	Las Vegas	98.05	70.38	27.67
PHO	Phoenix	96.74	50.26	46.48
BAL	Baltimore	95.13	64.29	30.84
KAN	Kansas City	94.67	55.68	38.99
OMA	Omaha	92.36	65.14	27.22

Indicates that Non-LOP respondents, on average, stayed longer than LOP respondents

Continued…

Location Code	Base city	Mean LOP Days (#)	Mean Non-LOP Days (#)	Difference in Average Days Detained (#)
ORL	Orlando	91.37	67.73	23.64
LOU	Louisville	91.28	50.64	40.64
BOS	Boston	90.05	80.03	10.02
SEA	Seattle	88.07	62.99	25.08
HAR	Hartford	87.85	66.33	21.52
SNA	San Antonio	86.87	60.88	25.99
SFR	San Francisco	86.48	72.32	14.16
POO	Portland	85.61	36.57	49.04
NYC	New York City	85.55	69.23	16.32
MIA	Miami	84.64	55.95	28.69
LOS	Los Angeles	83.52	62.10	21.42
CHL	Charlotte	82.95	50.93	32.02
NEW	Newark	82.19	54.84	27.35
HON	Honolulu	77.75	61.30	16.45
ATL	Atlanta	69.87	46.63	23.24
SLC	Salt Lake City	69.14	49.62	19.52
HOU	Houston	68.87	51.80	17.07
ELP	El Paso	67.69	55.14	12.55
NOL	New Orleans	66.97	46.36	20.61
MEM	Memphis	66.58	53.82	12.76
PHI	Philadelphia	57.46	50.80	6.66
HLG	Harlingen	54.43	41.58	12.85

APPENDIX D-RELEASED-PENDING DATA ANALYSIS

Component II Released-Pending Data and Total Costs

In the body of this report, only released respondents with an ICC date and judicial decision were included ($n = 90,801$). In this appendix, released-pending respondents (those without an ICC date or judicial decision) are presented ($n = 174,276$). Tables 37 through 46 represent released-pending respondent cases.

Table 38 shows the number of released-pending respondents in the current study pulled from the Master LOP and Non-LOP data file from Table 3.

Table 38. Number of Released-Pending Respondents across FY

LOP and Non-LOP Released-Pending Respondents			
FY of Receipt	**LOP Released-Pending (No ICC Date)**	**Non-LOP Released-Pending (No ICC Date)**	**Grand Total**
2014	4,008	12,879	16,887
2015	5,607	11,948	17,555
2016	8,070	14,728	22,798
2017	8,208	18,372	26,580
2018	8,926	28,520	37,446
2019	12,764	40,246	53,010
Totals	**47,583**	**126,693**	
Grand Total		**174,276**	

The proportion of released-pending LOP respondents out of all released-pending respondents is 27.30% and for released-pending Non-LOP respondents is 72.70%.

Figure 10. Number of Released-Pending Respondents across LOP Status and FY
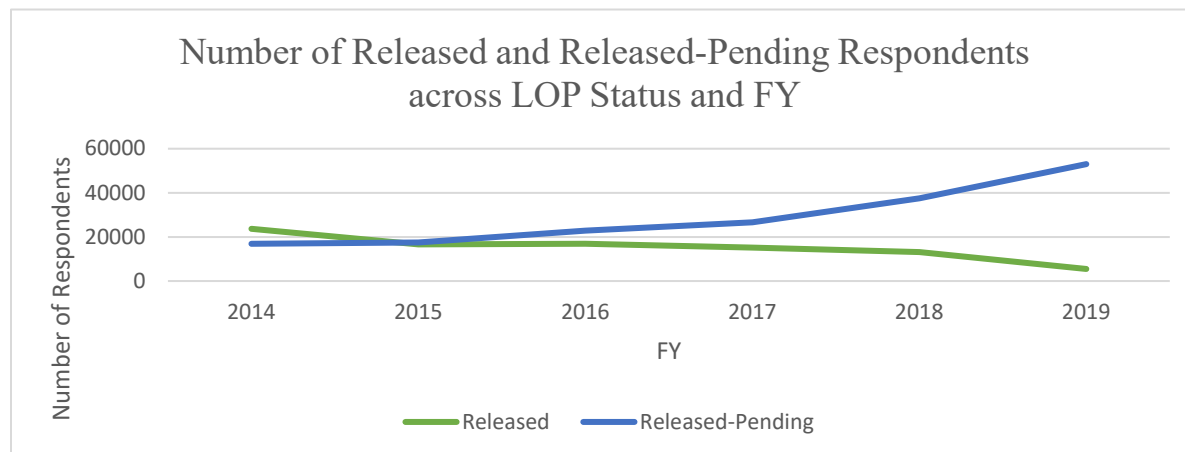
Figure 10 demonstrates the trajectories of released and released-pending respondents across fiscal year, regardless of LOP status. As seen above, there were more released respondents than released-pending respondents in FY 2014, in FY 2015, the number of respondents was similar, and beginning in FY 2016, the number of respondents diverged, with the number of released respondents decreasing while the number of released-pending respondents increasing[60].

Figure 11 shows the number of LOP and Non-LOP released and released-pending respondents across fiscal year.

Figure 11. Number of Released and Released-Pending Respondents by LOP Status across FY
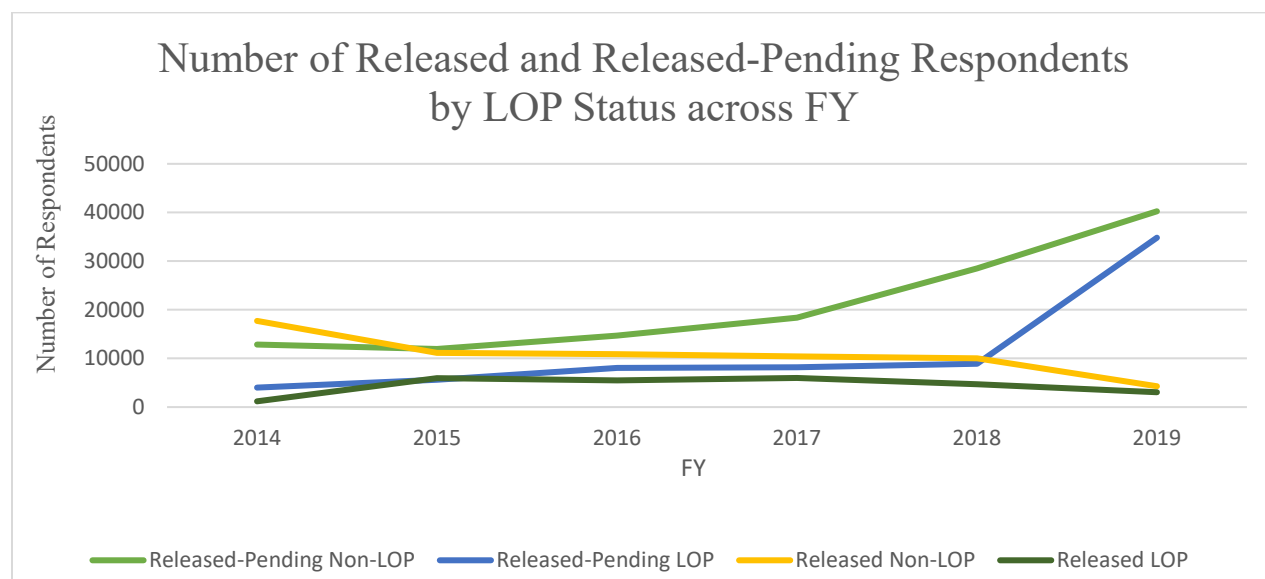
Figure 11 illustrates that the trajectories for released-pending respondents are similar by LOP status. The number of both LOP and Non-LOP released-pending respondents increased year over year.

Table 39 shows the number of proceedings attended by released-pending respondents; the 174,276 respondents attended 600,225 proceedings for an average of 3.44 proceedings per respondents.

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[60] Equal variances are assumed. With $\alpha = .01$, $t(10) = 2.251$, $p = .048$. This result indicates no significant difference at the .01 level between the mean number of released respondents and released-pending respondents. With $\alpha = .05$, these results would be significant.

Table 39. Number of Proceedings Attended by Released-Pending Respondents

Number of Times Respondents (PENDING) Attended Court Proceedings			
Type of Court Proceeding	LOP Respondents (#)	Non-LOP Respondents (#)	Grand Total
	Released-Pending	Released-Pending	
Masters	49,990	126,693	176,683
Merits	36,078	89,225	125,303
Application	69,097	131,643	200,740
Bond	23,316	49,637	72,953
Motion	24,546	0	24,546
Totals	**203,027**	**397,198**	**600,225**

Tables 40 through 44 show the released-pending LOP costs, based on the average number and duration of the proceedings, beyond the Non-LOP costs by type of proceeding (initial master's, individual merits, applications, bonds, and motions).

Table 40. Total Number of Released-Pending Respondents Attending Initial Masters Hearings across Custody Status and FY

Fiscal Year of Receipt	Average Initial Masters Hearing Duration (minutes)		Average Number of Initial Masters Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released-Pending LOP Respondents (#)	Total Average Annual Cost Added by LOP Released-Pending Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	18.57	12.44	1.045	0.988	$37.94	4,008	$152,070
2015	20.19	15.45	1.014	0.984	$28.06	5,607	$157,345
2016	16.31	14.41	0.854	0.876	$6.37	8,070	$51,393
2017	14.57	13.47	0.985	0.940	$8.02	8,208	$65,810
2018	13.93	13.54	1.087	1.013	$6.78	8,926	$60,500
2019	11.60	12.48	1.210	1.091	$2.08	12,764	$26,540
Averages	**15.86**	**13.63**	**1.03**	**0.98**	**$14.87**	**7,931**	**$85,610**
Total Costs							**$513,658**

On average, and across fiscal year, LOP respondents spent 2.23 more minutes in initial master proceedings and attended 0.05 more proceedings than Non-LOP respondents.

Table 41. Total Number of Released-Pending Respondents Attending Individual Merits Hearings across and FY

Fiscal Year of Receipt	Average Individual Merits Hearing Duration (minutes)		Average Number of Individual Merits Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released-Pending LOP Respondents (#)	Total Average Annual Cost Added by LOP Released-Pending Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	59.62	57.47	0.810	0.792	$14.89	4,008	$59,683
2015	65.85	63.32	0.669	0.590	$35.54	5,607	$199,250
2016	68.39	64.04	1.172	1.105	$45.82	8,070	$369,798
2017	67.90	62.86	0.956	0.947	$25.51	8,208	$209,349
2018	64.68	59.03	0.825	0.763	$39.64	8,926	$353,799
2019	65.09	58.92	0.416	0.411	$14.20	12,764	$181,249
Averages	**65.25**	**60.94**	**0.81**	**0.77**	**$29.27**	**7,931**	**$228,855**
Total Costs							**$1,373,129**

On average, and across fiscal year, LOP respondents spent 4.31 more minutes in individual merits proceedings and attended 0.04 more proceedings than Non-LOP respondents.

Table 42. Total Number of Released-Pending Respondents Attending Application Hearings across FY

Fiscal Year of Receipt	Average Application Hearing Duration (minutes)		Average Number of Applications per Case (#)		Average Cost Added per LOP Case ($)	Number of Released-Pending LOP Respondents (#)	Total Average Annual Cost Added by LOP Released-Pending Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	14.66	11.01	1.835	0.976	$109.84	4,008	$440,228
2015	12.30	8.77	1.620	1.049	$66.15	5,607	$370,895
2016	12.34	9.67	1.372	0.949	$47.82	8,070	$385,940
2017	13.68	9.92	1.634	1.042	$70.21	8,208	$576,311
2018	13.93	10.71	1.599	0.961	$63.96	8,926	$570,891
2019	13.26	9.96	1.089	1.143	$9.82	12,764	$125,376
Averages	**13.36**	**10.01**	**1.52**	**1.02**	**$61.30**	**7,931**	**$411,607**
Total Costs							**$2,469,640**

On average, and across fiscal year, LOP respondents spent 3.35 more minutes in application proceedings and attended 0.50 more proceedings than Non-LOP respondents.

Table 43. Total Number of Released-Pending Respondents Attending Bond Hearings across FY

Fiscal Year of Receipt	Average Bond Hearing Duration (minutes)		Average Number of Bond Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released-Pending LOP Respondents (#)	Total Average Annual Cost Added by LOP Released-Pending Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	15.07	12.32	0.452	0.297	$16.79	4,008	$67,291
2015	12.46	9.12	0.554	0.392	$17.75	5,607	$99,541
2016	13.31	9.81	0.483	0.332	$15.52	8,070	$125,250
2017	13.18	9.36	0.531	0.414	$14.77	8,208	$121,230
2018	13.47	10.17	0.508	0.415	$12.49	8,926	$111,529
2019	12.87	10.45	0.439	0.417	$6.38	12,764	$81,448
Averages	13.39	10.21	0.49	0.38	$13.95	7,931	$101,048
Total Costs							$606,290

On average, and across fiscal year, LOP respondents spent 3.19 more minutes in bond proceedings and attended 0.12 more proceedings than Non-LOP respondents.

Table 44. Total Number of Released-Pending Respondents Attending Motion Hearings across FY

Fiscal Year of Receipt	Average Motion Hearing Duration (minutes)		Average Number of Motion Hearings per Case (#)		Average Cost Added per LOP Case ($)	Number of Released-Pending LOP Respondents (#)	Total Average Annual Cost Added by LOP Released-Pending Cases ($)
	LOP	Non-LOP	LOP	Non-LOP			
2014	14.51	0.00	0.463	0.000	$35.83	4,008	$143,597
2015	12.92	0.00	0.527	0.000	$36.30	5,607	$203,550
2016	13.65	0.00	0.531	0.000	$35.43	8,070	$285,937
2017	13.65	0.00	0.542	0.000	$35.03	8,208	$287,532
2018	14.71	0.00	0.509	0.000	$35.64	8,926	$318,126
2019	14.26	0.00	0.506	0.000	$35.68	12,764	$455,442
Averages	13.95	0.00	0.50	0.00	$35.65	$7,930.50	$282,363.83
Total Costs							$1,694,183

On average, and across fiscal year, LOP respondents spent 13.95 minutes in motion proceedings and attended 0.50 proceedings per respondent. Non-LOP respondents did not attend any motion proceedings.

Table 45. Costs for Released-Pending Respondents Only

Costs for Released-Pending Respondents Only	
Custody Status	Additional Average Costs across Fiscal Years Added by LOP Respondents ($)
Released-Pending	**$6,656,900**
Total On-record Costs	**$6,656,900**
Average of On-record Costs across 6 Fiscal Years	**$2,218,966.76**

The costs presented in Table 45 are in addition to the Component II costs.

APPENDIX E-OTHER COMPARATIVE DATA

Component II: Average Duration and Number of Proceedings for Component II Respondents

The average duration and number of proceedings by LOP and custody status are presented in Tables 46 (detained) and 47 (released).

Table 46. Average Duration and Number of Proceedings for Detained Component II Respondents

Detained						
Type of Proceeding	Average Duration			Average Number of Procedings		
	LOP	Non-LOP	Differences (LOP - Non-LOP)	LOP	Non-LOP	Differences (LOP - Non-LOP)
Masters	18.37	16.71	1.66	0.91	0.74	0.17
merits	62.48	54.73	7.75	0.43	0.29	0.14
Applications	17.51	13.43	4.08	0.4	0.48	-0.08
Bonds	17.07	13.03	4.04	0.44	0.41	0.08
Motions	17.16	13.86	3.31	0.23	0.15	0.07
Averages	26.52	22.35	4.17	0.48	0.41	0.08

Data for Table 46 show, on average, LOP detained respondents spend more time in proceedings than Non-LOP respondents (μ_{LOP} =26.52 minutes and $\mu_{Non-LOP}$ = 22.35 minutes) and attend more proceedings (μ_{LOP} = 0.48 proceedings and $\mu_{Non-LOP}$ = 0.41) across fiscal years.

Table 47. Average Duration and Number of Proceedings for Released Component II Respondents

Released ICC						
Type of Proceeding	Average Duration			Average Number of Procedings		
	LOP	Non-LOP	Differences (LOP - Non-LOP)	LOP	Non-LOP	Differences (LOP - Non-LOP)
Masters	4.54	4.36	0.18	0.88	0.84	0.04
Merits	71.14	68.12	3.03	0.58	0.54	0.04
Applications	13.36	10.01	3.35	0.39	0.29	0.10
Bonds	13.10	9.58	3.52	0.45	0.32	0.50
Motions	13.64	0.00	13.64	0.5	0.00	0.16
Averages	23.16	18.41	4.74	0.56	0.40	0.16

Data for Table 47 show, on average, LOP released respondents spend more time in proceedings than Non-LOP respondents (μ_{LOP} =23.16 minutes and $\mu_{Non-LOP}$ = 18.41 minutes) and attend more proceedings (μ_{LOP} = 0.56 proceedings and $\mu_{Non-LOP}$ = 0.40) across fiscal year.