

September 6, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Via email

Re: Closure of ICE Detention Facilities

Dear Secretary Mayorkas,

We appreciate your continued concern for the dignity, safety and human rights of people in immigration detention. Early in your tenure, we wrote urging you to reform Immigration and Customs Enforcement (ICE) detention, starting by closing 39 detention facilities notorious for their substandard conditions and abuses of civil rights.ⁱ We welcomed your subsequent announcement that the Department of Homeland Security (DHS) would continuously review treatment of detained individuals and conditions of detention.ⁱⁱ More than 84,000 ACLU supporters sent you messages supporting the closure of ICE detention facilities.ⁱⁱⁱ

While we appreciate that DHS has since closed a handful of facilities, far more must be done to reduce detention and curb wasteful government spending that overwhelmingly benefits private prison corporations. We write today to urge you to make progress by closing more ICE detention sites, without further delay.

Appalling conditions at ICE detention centers—including conditions that have continued to deteriorate during your tenure as Secretary—warrant immediate closure. A stark example is the Tarrant County Detention Facility in New Mexico, where a young Brazilian immigrant died by suicide two weeks ago.^{iv} The DHS Office of Inspector General had recommended the immediate removal of *all* detained people from Tarrant in March 2022, citing hazardous conditions, lack of basic medical care, severe understaffing, and cells that routinely flood with human excrement.^v Yet Tarrant has remained open and the atrocious conditions persist—while CoreCivic, its private operator, continues to profit from this ICE contract.^{vi}

Indeed, ICE detains four out of five people in facilities owned or operated by private prison corporations, according to our most recent analysis.^{vii} Private prison companies have pocketed hundreds of millions of dollars from ICE detention contracts this year alone.^{viii} As more than 100 members of Congress noted in a March 2022 letter to you, these facilities “all have a long-documented history of substandard conditions and abuse.”^{ix} They are also a significant waste of government funds: as the Government Accountability Office (GAO) has concluded, at more than a dozen facilities, ICE’s contracts provide “guaranteed minimums” that obligate the agency to pay private prison companies to maintain empty beds—draining government resources that could be better spent on alternatives to detention.^x



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Closing private, for-profit ICE detention facilities is consistent with President Biden’s commitment to end privatized immigration detention, as well as his January 2021 executive order on private prisons.^{xi} It also enjoys broad public support: a 2021 poll commissioned by the ACLU and YouGov found that 68 percent of voters want the government to stop pursuing contracts with for-profit prison corporations for immigration detention.^{xiii}

The prior administration opened more than two dozen new privately-operated ICE detention centers in violation of agency processes and over the objection of local ICE staff, as reported by the GAO.^{xiii} ICE opened these facilities and provided generous contract terms despite documented histories of abuse, and geographically isolated locations with limited access to emergency medical care and counsel.^{xiv} For example, in our 2021 report we noted that the Jackson Parish Correctional Center in Jonesboro, Louisiana, had just *one* immigration attorney within a 100-mile radius for every 153 people detained at the facility.^{xv}

We also urge you to close the South Texas Family Residential Center in Dilley, Texas, Karnes County Residential Center and the Berks Family Residential Center, where residents, including women and young children, have faced sexual abuse and medical neglect.^{xvi} In light of their history of abuse, these facilities should not remain open in any form—and should not be kept on standby in case a subsequent administration seeks to use them for large-scale detention of families.

Thank you for your continued consideration of these important issues. If you have any questions or need further detail, please contact National Political Advocacy Department senior legislative counsel Naureen Shah (nshah@aclu.org), National Prison Project senior staff attorney Eunice Cho (echo@aclu.org), and Immigrants’ Rights Project deputy director Michael Tan (mtan@aclu.org).

Sincerely,

A handwritten signature in black ink that reads "Christopher Anders". The signature is written in a cursive, slightly slanted style.

Christopher Anders
Federal Policy Director

A handwritten signature in black ink that reads "Naureen Shah". The signature is written in a cursive, slightly slanted style.

Naureen Shah
Senior Legislative Counsel



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- ⁱ Letter from ACLU to DHS Sec. Mayorkas, Apr. 29, 2021, <https://www.aclu.org/letter/letter-dhs-secretary-mayorkas-regarding-ice-detention>.
- ⁱⁱ DHS, “ICE to Close Two Detention Centers,” May 20, 2021, <https://www.dhs.gov/news/2021/05/20/ice-close-two-detention-centers>.
- ⁱⁱⁱ ACLU, “Shut Down the ICE Detention Machine,” <https://action.aclu.org/send-message/shut-down-ice-detention-machine>.
- ^{iv} ACLU of New Mexico et al., “Death of Brazilian Migrant in ICE Custody Predictable and Preventable Result of ICE and CoreCivic Abuse, Neglect and Dangerous Conditions at Torrance County Detention Facility,” Aug. 27, 2022, <https://www.aclu-nm.org/en/press-releases/death-brazilian-migrant-ice-custody-predictable-and-preventable-result-ice-and>.
- ^v DHS Office of Inspector General, “Management Alert – Immediate Removal of All Detainees from the Torrance County Detention Facility,” OIG-22-31, March 16, 2022, <https://www.oig.dhs.gov/reports/2022/management-alert-immediate-removal-all-detainees-torrance-county-detention-facility/oig-22-31-mar22-mgmtalert>.
- ^{vi} Leonardo Castañeda, “They Treat Us Like We’re Animals’: Inside Torrance County’s Troubled Detention Center,” ACLU of New Mexico, Aug. 8, 2022, <https://www.aclu-nm.org/en/news/they-treat-us-were-animals-inside-torrance-countys-troubled-detention-center>
- ^{vii} Eunice Cho, “More of the Same: Private Prison Corporations and Immigration Detention Under the Biden Administration,” ACLU, Oct. 5, 2021, <https://www.aclu.org/news/immigrants-rights/more-of-the-same-private-prison-corporations-and-immigration-detention-under-the-biden-administration>.
- ^{viii} *Id.*
- ^{ix} Letter from Rep. Pramila Jayapal et al. to DHS Sec. Alejandro Mayorkas, Mar. 10, 2022, https://jayapal.house.gov/wp-content/uploads/2022/03/LETTER_Private_Prisons_03_10_2022.pdf.
- ^x GAO, “Immigration Detention: Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts,” GAO-21-149, Feb. 12, 2021, <https://www.gao.gov/products/gao-21-149>
- ^{xi} NPR, “Biden Has Yet to End the Business of Detaining Immigrants As He Promised, Critics Say,” June 14, 2021, <https://www.npr.org/2021/06/14/1006349508/biden-has-yet-to-end-the-business-of-detaining-immigrants-as-he-promised-critics>
- ^{xii} Brian Tashman, “Two-Thirds of Voters Want to Stop the Expansion of For-Profit Immigrant Detention,” ACLU, Jan. 12, 2022, <https://www.aclu.org/news/civil-liberties/two-thirds-of-voters-want-to-stop-the-expansion-of-for-profit-immigrant-detention>.
- ^{xiii} U.S. Government Accountability Office, *Immigration Detention: Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts* (January 2021), 2, <https://www.gao.gov/assets/gao-21-149.pdf>.
- ^{xiv} U.S. Government Accountability Office, *Immigration Detention: Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts* (January 2021), 21–22, <https://www.gao.gov/assets/gao-21-149.pdf>.
- ^{xv} ACLU, Human Rights Watch, National Immigrant Justice Center, *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration* (2020), <https://www.aclu.org/report/justice-free-zones-us-immigration-detention-under-trump-administration>.
- ^{xvi} Emma Platoff, “State investigating reports that a child died after leaving an ICE facility in Texas,” Texas Tribune, Aug. 9, 2018, <https://www.texastribune.org/2018/08/09/Texas-investigating-death-child-ICE-dilley/>;

Allie Miller, “Woman sexually assaulted during ICE detention paid \$75,000 settlement by Berks County,” Phillyvoice.com, Jan. 24, 2020, <https://www.phillyvoice.com/berks-county-ice-immigrant-detention-sexual-assault-settlement-woman/>.

