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January 7, 2020

Kevin Sneader
Global Managing Partner
McKinsey & Company
40 Floor, ICBC Tower
3 Garden Road
Hong Kong SAR

Dear Mr. Sneader:

I write to request information regarding the contracting relationship between McKinsey & Company and U.S. Immigration and Customs Enforcement (ICE). According to recent reports by ProPublica, McKinsey consultants recommended that ICE cut funding to food and medical costs for immigrants in its detention centers and bypass immigrants' due process protections.¹ Further, reports found that McKinsey contractors wrote their own contracting documents for retention with ICE in which the company defined its own responsibilities.² ICE has a long track record of deplorable conditions in its detention centers, including reports of rotting food and mounting deaths.³ Any notion of cutting funding that may impact quality of care could put the health and safety of immigrants at risk, and result in grave human rights violations.

ICE operates a sprawling network of over 200 immigration detention centers across the country that arbitrarily detain tens of thousands of people every day. As of December 9, ICE is detaining 43,826 individuals after reaching a historic high of over 55,000 people in detention in August of 2019.⁴ The immigration detention system has expanded by over 60 percent in the last two years alone, from an average of 34,000 people in detention per day in 2016 to slightly over 55,000 people on average each day earlier this year.⁵ This is despite the fact that community based alternatives to detention are significantly more effective than detention, with court

¹ Ian MacDougall, *How McKinsey Helped the Trump Administration Detain and Deport Immigrants*, PRO PUBLICA (Dec. 3, 2019) <https://www.propublica.org/article/how-mckinsey-helped-the-trump-administration-implement-its-immigration-policies>

² *Id.*

³ Department of Homeland Security Office of the Inspector General, *Concerns About ICE Detainee Treatment and Care at Four Detention Facilities OIG 19-47* (June 3, 2019) <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

⁴ Immigration and Customs Enforcement Detention Management (Dec. 12, 2019) <https://www.ice.gov/detention-management#tab2>

⁵ Isabela Dias, *ICE Is Detaining More People Than Ever – and For Longer*, Pacific Standard (Aug. 1, 2019) <https://psmag.com/news/ice-is-detaining-more-people-than-ever-and-for-longer2>

compliance rates of 90 percent or higher and cost savings of 80 percent and higher.⁶ This demonstrates the priorities of ICE: maximizing and growing its detention system rather than prioritizing programs that are more just and cost effective.

The cost savings reportedly suggested by McKinsey, are not dissimilar to those that ICE contractors have implemented across the system, resulting in documented harm to individuals in the agency's custody. The private prison companies with which ICE contracts are incentivized to cut corners for a greater payout in their operation of detention facilities, putting migrant lives at risk.⁷ Further, the Department of Homeland Security's Office of the Inspector General (DHS OIG) found that county jails that contract with ICE, use the contracts to augment municipal revenue, and conditions prove just as harsh as conditions in private facilities, if not worse.⁸ Last year, a Sheriff in Etowah County Alabama, pocketed over a million dollars in funds intended for food provision as personal profit.⁹

ICE's detention system is marked by its inhumane and punitive conditions. It is a rapidly expanding system that is wholly unaccountable and incentivizes profiteering and politics over human dignity and due process. The DHS OIG found "egregious" food quality and safety issues, hygiene issues so severe that they cause health risks for individuals in detention, and limited basic clothing and hygiene supplies in detention centers.¹⁰ Since 2003, 195 people have died in ICE detention.¹¹ Recent investigations into deaths in ICE detention found that in nearly half of all cases, violations of medical standards or medical neglect were contributing, or even causal factors.¹² Despite this, in all but one case, the facility passed its inspection immediately before and immediately after the death occurred. The DHS OIG found ICE's inspections process is

⁶ National Immigrant Justice Center, "A Better Way: Community Based Programming as an Alternative to Immigrant Incarceration," April 2019, <https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-content-type/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf>

⁷ Carl Takei, Michael Tan, Joanne Lin, American Civil Liberties Union, "Shutting Down the Profiteers: Why and How the Department of Homeland Security Should Stop Using Private Prisons (Sept. 2016) https://www.aclu.org/sites/default/files/field_document/white_paper_09-30-16_released_for_web-v1-opt.pdf

⁸ DHS Office of the Inspector General, *Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey* (Feb. 13, 2019) <https://www.oversight.gov/sites/default/files/oig-reports/OIG-19-20-Feb19.pdf>

⁹ Connor Sheets, *Here's how federal inmates made an Alabama sheriff \$1.5 million* al.com (Jan. 1, 2019) <https://www.al.com/news/2018/12/heres-how-federal-inmates-made-an-alabama-sheriff-15-million.html>

¹⁰ Department of Homeland Security Office of the Inspector General, *Concerns About ICE Detainee Treatment and Care at Four Detention Facilities OIG 19-47* (Jun. 3, 2019) <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

¹¹ Detention Watch Network, *Another death in ICE custody after ICE grabs \$271 million from FEMA and other DHS agencies* (Sept. 13, 2019) <https://www.detentionwatchnetwork.org/pressroom/releases/2019/another-death-ice-custody-after-ice-grabs-271-million-fema-other-dhs>

¹² Human Rights Watch, *Code Red: The Fatal Consequences of Substandard Medical Care in Detention* (June 20, 2018) <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>

American Civil Liberties Union, Detention Watch Network, National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths In Detention* (Feb. 2016)

<https://www.detentionwatchnetwork.org/sites/default/files/reports/Fatal%20Neglect%20ACLU-DWN-NIJC.pdf>

Human Rights Watch, *Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention* (May 8, 2017) <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>

inadequate with some deficiencies unaddressed for years.¹³ Further, numerous inspections of individual facilities have found deficiencies severe enough to threaten the health and safety of detained people.¹⁴

Cutting medical costs without addressing systemic problems would only exacerbate the existing problems and could prove deadly, as they have before.

To better understand McKinsey's involvement in advising ICE on these systems and practices, I request that you provide answers to the following questions by February 7, 2020.

1. Identify all contracts, requests for proposal, or other Office of Acquisition Management actions on which McKinsey consulted.
2. Identify all facilities visited by McKinsey personnel or their agents, the dates on which those visits occurred, the identities of any other private contractors or federal, state, or local government officials who were present for these tours of visits, and any other communications or other records provided to ICE by McKinsey before or after such visits pertaining to them.
3. Identify any Congressional budget justification documents on which McKinsey consulted or which McKinsey reviewed.
4. Provide all recommendations provided to ICE on cost savings for immigration detention and enforcement.
5. Explain what, if any, considerations were made to cut costs by investing in community-based alternatives to detention.
6. Explain what, if any, considerations were made in reference to Inspector General reports about quality of food, medical care, and conditions.
7. Provide any analysis McKinsey conducted on lowering the average per-day spending per person for care in custody and explain to what extent McKinsey considered individual's health and well-being in developing these recommendations.
8. Provide any analysis McKinsey conducted on lowering the average per-day cost for providing medical care to adults in ICE detention and explain to what extent McKinsey considered individual's health and well-being in developing these recommendations.
9. Provide any analysis McKinsey conducted on lowering the average per-day cost for providing food to adults in ICE detention and explain to what extent McKinsey considered individual's health and well-being in developing these recommendations.

¹³ DHS Office of the Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 26, 2018)

<https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

¹⁴ DHS Office of the Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 26, 2018)

<https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

DHS Office of the Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities* (Dec. 11, 2017) <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

¹⁴ DHS Office of the Inspector General, *Management Alert – Issues Requiring Action and the Adelanto Processing Center in Adelanto, California* (Sept. 27, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>

10. Identify any direct contacts between the GEO Group, CoreCivic, MTC, LaSalle, Emerald, or Ahtna regarding the costs of feeding and providing medical care to detained immigrants.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pramila Jayapal", written over a horizontal line.

Pramila Jayapal
MEMBER OF CONGRESS