

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

February 16, 2024

Dear Secretary Mayorkas:

We write to urge the Department of Homeland Security (DHS or the Department) to provide an update on the status of immigration detention facilities that are costing American taxpayers \$235 million. This September, *Reuters* published a report indicating that in August 2022, Immigration and Customs Enforcement (ICE) officials drafted a memorandum recommending the closure or downsizing of nine immigration detention centers.¹ These facilities have high costs and have long been shown to be unsafe for the individuals detained within them.²

The centers included in the memorandum are:

1. Adelanto ICE Processing Center (potential cost savings: \$44 million);
2. Allen Parish Public Safety Complex: (potential cost savings: \$3.4 million);
3. Berks County Residential Center: (potential cost savings: \$4.1 million);
4. Farmville Detention Center: (potential cost savings: \$9.2 million);
5. Pine Prairie ICE Processing Center: (potential cost savings: \$7.4 million);
6. South Louisiana Detention Center: (potential cost savings: \$17 million);
7. South Texas Family Residential Center: (potential cost savings: \$129 million);
8. Torrance County Detention Facility: (potential cost savings: \$13 million); and
9. Yuba County Jail: (potential cost savings: \$7.2 million).³

Despite the recommendations from ICE officials, ICE only ended contracts with or began phasing out three of the nine detention centers: the Berks County Residential Center in Pennsylvania, Yuba County Jail in California, and Pine Prairie ICE Processing Center in Louisiana.⁴ Six of the detention centers recommended for closure in the August memorandum are operated by private, for-profit detention companies, including the Torrance County Detention Facility in New Mexico.⁵ In March of 2022, the DHS Office of Inspector General (OIG) issued a management alert recommending the “immediate removal of all detainees from the Torrance County Detention Facility.”⁶ Despite this, *Reuters* reported that when the memorandum was

¹ Ted Hesson, *Exclusive: Biden officials kept immigration jails despite internal cost concerns*, REUTERS (Sep. 27, 2023), <https://www.reuters.com/world/us/biden-officials-kept-immigration-jails-despite-internal-cost-concerns-2023-09-27/>.

² *Id.*

³ *Id.*

⁴ *Id.*; on file with the *House Committee on the Judiciary*.

⁵ Hesson, *supra* note 1.

⁶ Joseph V. Cuffari, *Management Alert – Immediate Removal of All Detainees from the Torrance County Detention Facility*, Office of Inspector General, DEP’T OF HOMELAND SECURITY (Mar. 16, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>.

finalized on September 1, 2022 and sent to your office, the recommendation to close Torrance County was removed.⁷

President Biden recognized the problems with the private prison industry with the executive order he signed in January 2021 directing the Department of Justice to phase out all contracts with private prison companies.⁸ While this order did not include a similar directive to phase out private ICE detention facilities,⁹ these types of facilities, including many of those listed in the initial memorandum, have long had problems relating to adherence to appropriate standards of care and lack of accountability.¹⁰ Moreover, for-profit, private prisons are incentivized to cut costs, including on staffing and health care, to pad their profits. These facilities are unsafe and detained individuals are often denied necessary medical care and other resources.¹¹ Over 90 percent of detained immigrants are held in facilities owned or operated by private, for-profit companies.¹² This is an increase of 9 percent from the percentage of individuals held in private immigration detention facilities during the Trump administration.¹³ GEO Group, a major private prison company, has seen record profits under the Biden administration, earning \$1.05 billion from ICE in 2022, a 40 percent increase from 2021.¹⁴

Further, the Fiscal Year 2023 omnibus appropriations bill that has been extended through March provides DHS with the funding to detain 34,000 individuals in civil immigration detention.¹⁵ Currently, DHS is detaining over 38,000 individuals,¹⁶ yet many of the private immigration facilities included in the memorandum hold substantially fewer people than ICE pays for.¹⁷ As such, even while detaining 4,000 people over the level set by Congress, the

⁷ Hesson, *supra* note 1.

⁸ *Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities*, WHITE HOUSE (Jan. 26, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>.

⁹ Eunice Cho, *Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*, ACLU (Aug. 7, 2023), <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>.

¹⁰ *See, e.g. id.*; Cuffari *supra* note 6; Angilee Shah *An immigration detention center in Farmville built for over 700 people now has 11 — and activists say it's time to shut it down*, CHARLOTTESVILLE TODAY (May 9, 2022), <https://www.cvilletomorrow.org/an-immigration-detention-center-in-farmville-built-for-over-700-people-now-has-11-and-activists-say-its-time-to-shut-it-down/>; John V. Kelly, *Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California*, Office of Inspector General, DEP'T OF HOMELAND SECURITY (SEP. 27, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>.

¹¹ *See, e.g.*, Sean Bryant, *The Business Model of Private Prisons*, INVESTOPEDIA (Mar. 24, 2022) <https://www.investopedia.com/articles/investing/062215/business-model-private-prisons.asp>; In the Public Interest, *Cutting Corners in America's Criminal Justice System: How Corrections Companies Harm Prisoners and the Public in Pursuit of Profit* (Apr. 2016) https://www.inthepublicinterest.org/wp-content/uploads/ITPI_CuttingCorners_Corrections_April2016.pdf.

¹² *Id.*

¹³ Cho *supra* note 9.

¹⁴ Ted Hesson, *et. al.*, *Biden vowed to reform immigration detention. Instead, private prisons benefited*, REUTERS (Aug. 7, 2023), <https://www.reuters.com/world/us/biden-vowed-reform-immigration-detention-instead-private-prisons-benefited-2023-08-07/>.

¹⁵ Consolidated Appropriations Act, 2023, Public Law 117-328.

¹⁶ *On file with the House Committee on the Judiciary.*

¹⁷ Hesson, *supra* note 1.

Department is simultaneously overpaying private detention companies to provide substandard care to migrants who aren't even housed within their facilities. This is untenable.

Reuters quotes an official as saying “There's always perpetual fear about losing beds, that we'll look bad and get jammed.”¹⁸ “Looking bad” is not a sufficient reason to waste taxpayer dollars and endanger migrants’ lives by continuing to utilize these poorly run facilities. To that end, we request the following:

1. Please provide a copy of the finalized memorandum dated Sept. 1, 2022 recommending the closure or downsizing of certain immigration facilities;
2. Please provide an explanation, specific to each of the facilities mentioned within the memorandum, regarding what, if any action was taken and why;
3. Please inform us why the Torrance County Detention Facility was removed from the prior draft memorandum and what steps, if any, the Department is taking to address the concerns outlined in the 2022 OIG report regarding that facility; and
4. Please inform us of any future plans to close or downsize the facilities mentioned within the memorandum.

Our immigration system is broken. Unfortunately, positive legislative reforms in immigration are unlikely this congress due to extreme MAGA Republican opposition. Until that changes, we must do our best to operate within the current system to ensure that we are treating immigrants with dignity and utilizing our limited resources wisely. You have testified regarding your concern about “the overuse of detention...where alternatives to detention would suffice.”¹⁹ We share that concern. We look forward to receiving the requested materials from you soon.

Thank you for your attention to this important matter.

Sincerely,



Pramila Jayapal
Ranking Member
Immigration Integrity,
Security, and Enforcement



Melanie Stansbury
Member of Congress

¹⁸ *Id.*

¹⁹ Department of Homeland Security Resource Management and Operational Priorities, Before the H. Comm. on Appropriations, Subcomm. on Homeland Security, 117th Cong. (2021) (testimony of Hon. Alejandro Mayorkas, Secretary, Dep't of Homeland Security).

Nanette Diaz Barragán

Nanette Diaz Barragán
Member of Congress

Greg Casar

Greg Casar
Member of Congress

Judy Chu

Judy Chu
Member of Congress

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Katie Porter

Katie Porter
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Rashida Tlaib

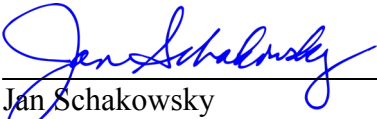
Rashida Tlaib
Member of Congress

Jesús G. García

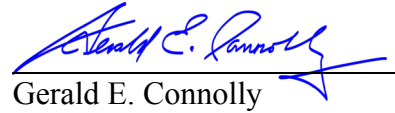
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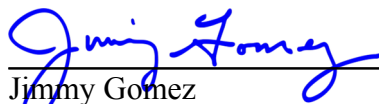
Tony Cárdenas
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Maxwell Alejandro Frost
Member of Congress



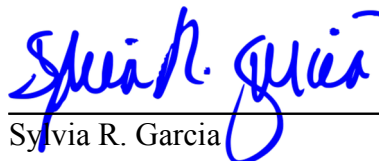
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Jimmy Gomez
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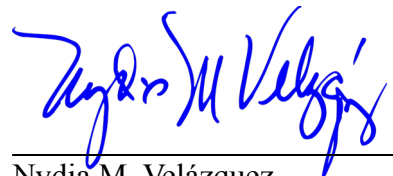
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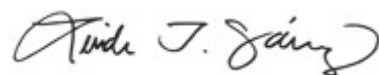
Cori Bush
Member of Congress



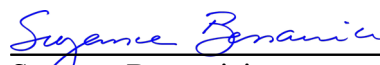
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Debbie Wasserman Schultz
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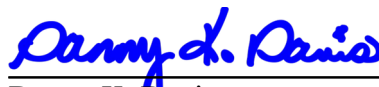
Suzanne Bonamici
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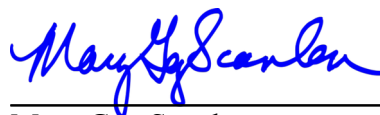
Andy Kim
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