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Congress of the United States
House of Representatives
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August 22, 2024

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
3017 17th St. S.W.
Washington, D.C. 20528

Dear Secretary Mayorkas,

Last week, I traveled to the Northwest Immigrant Processing Center (NWIPC) to investigate the many reports of inhumane conditions at the facility. I spent over an hour at the Northwest Immigrant Processing Center with Immigration and Customs Enforcement (ICE) management officials. I appreciated your staff's engagement and responses to my inquiries about the facility and the concerning issues we have heard. My visit reinforced my belief that we must fundamentally change our approach to immigrant detention, a detention system that has been outsourced largely to private, for-profit prison companies that have too little accountability, run facilities under unacceptable conditions, and too much incentive to simply fill beds and use up taxpayer dollars at tremendous harm to individuals in detention and their families. That is why I am urging you again to phase out the use of private for-profit detention centers and requesting that you end the contract between NWIPC and the GEO Group when the contract expires in September 2025.

I have long found the use of for-profit prisons concerning—a concern shared by many of my colleagues in Congress.¹ As President Biden himself said in 2023, “There should be no private prisons, no private detention centers.”² Unfortunately, under the current administration, the use of private prisons in the immigration system has grown: as of July 2023, 90.8 percent of individuals in immigration detention were held in detention facilities owned or operated by private prison companies, up from 81 percent in 2020.³ The two largest for-profit companies GEO and CoreCivic (formerly the Corrections Corporation of America) raked in \$1 billion and

¹ See, e.g., Letter from Representative Pramila Jayapal and Representative Adam Smith, to the Hon. Alejandro Mayorkas, Secretary, Dep't of Homeland Security (Jul. 16, 2024); Letter from Representative Pramila Jayapal and 46 other members of Congress, to the Hon. Alejandro Mayorkas, Secretary, Dep't of Homeland Security (Apr. 15, 2024); Letter from Representative Pramila Jayapal and 49 other members of Congress, to the Hon. Alejandro Mayorkas, Secretary, Dep't of Homeland Security (Feb. 16, 2024).

² Brian Bennett, *Biden, Who Campaigned on Closing For-Profit Migrant Detention Centers, Still Relies on Them Amid Border Surge*, TIME (Jan. 1, 2024), <https://time.com/6550047/joe-biden-immigration-private-prisons/>.

³ 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>.

\$552 million respectively from ICE in just 2022.⁴ For-profit, privately-owned prisons are incentivized to make as much money as possible, often at the expense of the care and protection of individuals forced into their custody. This focus on profits above all else leads to an unsafe environment due to lack of sufficient health care and resources for detained individuals.⁵ These facilities lack necessary oversight, accountability and transparency measures.

This is especially true when there are reliable and cost-effective alternatives to detention (ATDs) available. Community-based ATDs like the Family Case Management Program (FCMP) that ICE operated from January 2016 through June 2017 produced compliance rates of 99 percent with immigration check-in appointments and court appearances. FCMP operated effectively at a cost of just \$38 per family, per day, compared to a daily cost of \$150 per person for detention.⁶ Studies consistently show that most people are best equipped to successfully complete their immigration proceedings when they have full access to the support of their families and communities and legal representation.⁷

I visited NWIPC to look into the troubling allegations about this facility. In August 2023, the University of Washington, Center for Human Rights published a report detailing human rights abuses at NWIPC related to use of force incidents and a lack of oversight and accountability to address systemic issues.⁸ Then in April 2024, it was revealed that over the 10-week period between January 1 and March 18, 2024, there were 41 calls made to 911 related to the detention center.⁹ This included at least six reported attempted suicides, 20 medical emergency calls, and one facility fire with flames and smoke coming up through the roof.¹⁰

In March of this year, there was the tragic death of Charles Leo Daniel, who was kept in solitary confinement in ICE detention for a total of 1,418 days.¹¹ Physicians for Human Rights and students and faculty at Harvard Law and Medical Schools published a report entitled

⁴ *Id.*

⁵ 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.

⁶ DHS OIG, *U.S. Immigration and Customs Enforcement's Award of the Family Case Management Program Contract (Redacted)* OIG-18-22 (Nov. 30, 2017) at 5, <https://www.oig.dhs.gov/reports/2018/us-immigration-and-customs-enforcements-award-family-case-management-program-contract>.

⁷ AILA Policy Brief: *Recommendations on the Expansion and Implementation of Immigration Legal Representation Programs*, AILA (Mar. 1, 2022), <https://www.aila.org/library/aila-policy-brief-recommendations>; *Advocates and Lawmakers Rally to Demand Right to Counsel In Immigration Court and \$150M for Legal Services Funding*, VERA (Mar. 13, 2024) <https://www.vera.org/newsroom/advocates-and-lawmakers-rally-to-demand-right-to-counsel-in-immigration-court-and-150m-for-legal-services-funding>.

⁸ *Conditions at NWDC: Uses of Force and Chemical Agents*, CENTER FOR HUMAN RIGHTS, UNIVERSITY OF WASHINGTON (Aug. 14, 2023), <https://jsis.washington.edu/humanrights/2023/08/14/conditions-at-the-nwdc-uses-of-force-and-chemical-agents/>.

⁹ *Press Release: 911 Calls Reveal Suicide Attempts at NWDC*, CENTER FOR HUMAN RIGHTS, UNIVERSITY OF WASHINGTON (April 9, 2024), <https://jsis.washington.edu/humanrights/2024/04/09/press-release-911-calls-reveal-suicide-attempts-at-nwdc/>.

¹⁰ *Id.*

¹¹ Grace Deng, *Calls for Federal Investigation Into Tacoma Detention Center Mount Amid Detainee Death*, WA STATE STANDARD (Apr. 1, 2024), <https://washingtonstatestandard.com/2024/04/01/calls-for-federal-investigation-into-tacoma-detention-center-mount-amid-detainee-death/>.

“‘Endless Nightmare’: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention,” which documents how ICE and private prison companies severely subject individuals to solitary confinement in immigration detention facilities.¹² That report notes that the United Nations has determined that solitary confinement lasting over 15 days constitutes torture, but the average solitary confinement period in immigration detention was 27 days.¹³

And just this month, the Washington Department of Health filed a lawsuit requesting access to the NWIPC after being denied the ability to enter and inspect the facility following the Department of Health’s receipt of “more than 700 complaints from detainees ranging from dirty water and food to unsanitary facilities” since April.¹⁴ The Washington Department of Health has stated they have been denied entry multiple times for what they see as potentially a “full-blown public health crisis.” According to the lawsuit, “[d]etainees have complained that the food provided by GEO contains foreign objects including burned plastic, metal string, rope, and splinters,” and “[b]athrooms are rarely cleaned, the toilets are often blocked, floors go unswept, mold is visible, and the facility smells like a dirty bathroom.”¹⁵

I am also concerned that ICE is paying GEO Group a 1,100-bed minimum, regardless of how many individuals are detained. These guaranteed minimum contracts exist at many other privately run facilities around the country and are a huge waste of taxpayer dollars. Detention should never be guided by profit. I strongly urge you to eliminate all guaranteed bed minimums in ICE contracting.

We have a responsibility to treat all human beings with dignity and fairness. All facilities operated by or in connection with the United States government, funded by taxpayers should reflect that. Unfortunately, it is clear facilities operated by private prison companies are falling far short of our obligations. It is time for us to transition away from using these for-profit companies.

Thank you for your attention to this matter.

Sincerely,



Pramila Jayapal

Ranking Member

Subcommittee on Immigration Integrity, Security, and Enforcement

¹² Katherine Peeler, MD, *et. al.*, “‘Endless Nightmare’: Torture and Inhuman Treatment in Solitary Confinement in U.S. Immigration Detention,” PHYSICIANS FOR HUMAN RIGHTS (Feb. 6, 2024), <https://phr.org/our-work/resources/endless-nightmare-solitary-confinement-in-us-immigration-detention/>.

¹³ *Id.*

¹⁴ Dahlia Bazzaz, *WA Health Department Sues Over Denied Entry to Tacoma ICE Facility*, THE SEATTLE TIMES (Aug. 11, 2024), <https://www.seattletimes.com/seattle-news/law-justice/wa-health-department-sues-over-denied-entry-to-tacoma-ice-facility/>; The Seattle Times Editorial Board, *Feds Should Order Health Inspection of Tacoma ICE Detention Center*, THE SEATTLE TIMES (Aug. 13, 2024), <https://www.seattletimes.com/opinion/editorials/feds-should-order-health-inspection-of-tacoma-ice-detention-center/>.

¹⁵ Dahlia Bazzaz, *WA Health Department Sues Over Denied Entry to Tacoma ICE Facility*, THE SEATTLE TIMES (Aug. 11, 2024), <https://www.seattletimes.com/seattle-news/law-justice/wa-health-department-sues-over-denied-entry-to-tacoma-ice-facility/>.