

United States Senate

WASHINGTON, DC 20510

August 13, 2018

The Honorable Kirstjen Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, N.W.
Washington, D.C. 20530

Dear Secretary Nielsen,

We are writing concerning reports of federally contracted, privately run detention centers withholding basic necessities from detainees, and punishing detainees who abstained from volunteering to work at these facilities. We are also alarmed at the results of a June 2018 report by the Inspector General of your department, which concludes that neither the in-house nor the privately contracted inspections of detention conditions “ensure consistent compliance with detention standards¹.”

According to a Department of Homeland Security (DHS) Office of Inspector General December 2017 report, there have been multiple reports of private detention centers, under contract with DHS, withholding adequate food, hygienic supplies, and contact with loved ones from immigrant detainees². When detainees are unable to receive outside funds to purchase supplies, they feel coerced into volunteering to participate in work programs³. This includes performing tasks such as mopping, sweeping, waxing floors, scrubbing toilets and showers, washing dishes, doing laundry, cleaning medical facilities, cutting hair, and preparing meals. There are also reports of detainees who objected to volunteering and subsequently faced punishments such as segregation, solitary confinement, threat of physical harm, and referral for criminal prosecution⁴.

The existing Immigration and Customs Enforcement (ICE) Performance-Based National Detention Standards specify that all work at detention centers is to be voluntary⁵ and that detainees must be provided with hygiene supplies⁶. We respectfully urge you immediately to take corrective measures to ensure that all federal contractors operating DHS detention centers comply with the existing Immigration and Customs Enforcement rules, as well as the slavery and forced labor laws under the Trafficking Victims Protection Reauthorization Act (TVPRA). It is unacceptable that private companies are forcing labor upon detainees, in the name of the U.S. government, to take

¹ Office of the Inspector General, ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements, 2018 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

² Office of the Inspector General Concerns about ICE Detainee Treatment and care at Detention Facilities, 2017. <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

³ Ortega, B. (2018, July 11). Migrants describe hunger and solitary confinement at for-profit detention center. Retrieved from <https://www.cnn.com/2018/07/11/us/northwest-immigrant-detention-center-geo-group-invs/index.html>

⁴ Barrientos v. CoreCivic, Middle District of Georgia Columbus Division <https://projectsouth.org/wp-content/uploads/2018/04/Complaint-Barrientos-v.-Core-Civic.pdf>

⁵ 2011 ICE Performance-Based National Detention Standards <https://www.ice.gov/doclib/detention-standards/2011/5-8.pdf>

⁶ 79 FR13100-01, 2014 WL 883431 (F.R.) Standards to Prevent, Detect, and Response to Sexual Abuse and Assault in Confinement Facilities

advantage of detainee voluntary payment levels, rather than hiring employees to operate their facilities, and further highlights the lack of oversight at federally contracted detention centers. ___

This type of illegal behavior should not be allowed to occur under any circumstance, especially under a federal contract funded by U.S. taxpayer dollars. Our immigration detention system should be run by the highest standards; instead, it appears private companies have been allowed to deprive individuals of basic needs in order to provide billion dollar operations with a ready supply of cheap labor to operate their facilities.

Not only are detainees subject to degrading conditions and exploited for free labor, the June 2018 report from the DHS Inspector General confirms that ICE jails are profoundly dangerous places, which the law enforcement body fails to properly inspect; neither do they hold facilities directly accountable for abuse.

This report highlights the fact that ICE detention centers are largely inspected by a private company, Nakamoto Group. Nakamoto Group inspects an average of 100 facilities each year, and the Office of Detention Oversight inspects an average 28 facilities a year. There is no system of continuous monitoring at facilities, and the Office of the Inspector General found that none of the inspections ensure compliance with detention standards. This lack of proper oversight and enforcement cannot be allowed to continue.

Our government should be working to protect families that need our help, not to line the pockets of private companies that fail to meet our federal detention standards. We respectfully urge you to swiftly take action to ensure that all ICE facilities are in compliance with federal detention standards, and to improve the accountability and oversight at these facilities to prevent the rampant abuse of immigrant families. Specifically, we request that DHS bring all facilities in its network of detention centers and jails under the Performance Based National Detention Standards (PBNDS) of 2011, and to terminate all contracts that do not require PBNDS 2011 compliance within 2 years. We also request that sufficient funds be allocated to the Office of Inspector General to allow it to continue and expand its practice of engaging in unannounced inspections. We thank you for your attention to this matter and look forward to receiving a response within the next 14 days.

Sincerely,



Kirsten Gillibrand
United States Senator



Elizabeth Warren
United States Senator



Richard Blumenthal
United States Senator



Bernard Sanders
United States Senator

Mazie K. Hirono

Mazie K. Hirono
United States Senator

Cory A. Booker

Cory A. Booker
United States Senator