

September 14, 2016

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Re: End the U.S. Department of Homeland Security's Use of Private, For-Profit Immigration Detention Facilities

Dear Secretary Johnson:

The 344 undersigned organizations call on the Department of Homeland Security (DHS) to end its reliance on private prison companies to detain immigrants. While we understand that you have announced the creation of a subcommittee of the Homeland Security Advisory Council to review the use of privatized immigration detention, it is already clear that DHS must follow the lead of the Department of Justice (DOJ) in severing ties with private prison contractors.

Even more so than the Bureau of Prisons (BOP), Immigration and Customs Enforcement (ICE) has become deeply entangled with private prison companies, which now operate the facilities in which 73% of all detained immigrants are held.¹ This relationship has been disastrous for immigrants, as well as for American taxpayers, who pay more than \$2 billion each year² to maintain the detention system. In fact, contracts held by private prison companies are some of the most expensive, and often take advantage of the federal government, as is the case with the detention center for families in Dilley, Texas, which costs U.S. taxpayers \$20 million each month regardless of how many people are detained.³

Detention facilities operated by private prison companies have repeatedly been the site of abuse and mistreatment. Recent investigations into deaths in detention facilities have found that inadequate medical care at privately-operated detention facilities contributed to numerous deaths. These include: Evalin-Ali Mandza who died after staff at a GEO Group facility in Colorado waited nearly an hour to call 911 after Mr. Mandza began experiencing chest pain⁴ and Manuel Cota-Domingo who died after an eight hour delay in transferring him to the emergency room by staff at the Corrections Corporation of

¹ Steven Nelson, "Private Prison Companies, Punched in the Gut, Will Keep Most Federal Business." U.S. News & World Report, August 18, 2016, <http://www.usnews.com/news/articles/2016-08-18/private-prison-companies-punched-in-the-gut-will-keep-most-federal-business>.

² Department of Homeland Security, *Homeland Security Budget-in-Brief Fiscal Year 2016*, https://www.dhs.gov/sites/default/files/publications/FY_2016_DHS_Budget_in_Brief.pdf

³ Chico Harlan, "Inside the Administration's \$1 Billion Deal to Detain Central American Asylum Seekers," Washington Post, Aug. 14, 2016, https://www.washingtonpost.com/business/economy/inside-the-administrations-1-billion-deal-to-detain-central-american-asylum-seekers/2016/08/14/e47f1960-5819-11e6-9aee-8075993d73a2_story.html.

⁴ American Civil Liberties Union, Detention Watch Network & National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, Feb. 2016, <http://immigrantjustice.org/publications/FatalNeglect>.

America (CCA) Eloy facility in Arizona.⁵ In fact, Eloy is by far the deadliest detention facility in the country, with 14 deaths since 2004.⁶

These failings are exacerbated by the inability of ICE to provide proper oversight for its contractors. The ineffective inspections process ICE uses has consistently failed to identify and correct problems inside these facilities.⁷ Further, the vast majority of ICE facility contracts do not include any robust penalty provisions. This incentivizes private companies to minimize facility costs by rationing basic necessities for detained individuals, including medical care. Even when severe deficiencies are discovered, ICE has not terminated contracts or used available penalties, but rather continued to send immigrants to be held in unsafe conditions.⁸ Even former ICE senior officials have expressed concern about the relationship between the companies and ICE, and the quality of privately-operated facilities.⁹

These well-documented concerns have resulted in the California State Legislature's passage of the Dignity Not Detention Act, S.B. 1289, to limit its own municipalities' involvement in private immigration detention contracting.¹⁰ In addition, President Obama's own party pledged in its 2016 platform to "close private prisons and detention centers."¹¹

Most importantly, ICE's reliance on private prison companies has enabled the huge expansion of immigration detention over the last decade, and ending that relationship will require ICE to significantly decrease the number of people who are needlessly detained each year. ICE should start by reversing recent policy changes that have driven up detention numbers, including the expansion of family detention and the insistence on detaining many asylum-seekers—including those who, by the government's own measure, are likely to win their cases—for the duration of their court proceedings.

Rather than directing the Advisory Council subcommittee to consider whether or not to stop contracting with private prison companies, the answer to which is clear, we encourage you to use the Advisory Council to create an action plan to end ICE's entanglement with private prison companies as quickly as possible, and to close down the most dangerous and mismanaged facilities immediately. The subcommittee should consult with community stakeholders and directly affected people when

⁵ Human Rights Watch, *US: Deaths in Immigration Detention*, Jul. 2016, <https://www.hrw.org/news/2016/07/07/us-deaths-immigration-detention>.

⁶ Immigration and Customs Enforcement, "List of Deaths in ICE Custody," Jul. 28, 2016, , https://www.ice.gov/sites/default/files/documents/FOIA/2016/detaineeDeaths_07_28_2016.pdf.

⁷ Detention Watch Network & National Immigrant Justice Center, *Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse*, Oct. 2015, <http://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse-0>; Government Accountability Office, *Immigration Detention: Additional Actions Needed to Strengthen Management and Oversight of Facility Costs and Standards*, Oct. 2014, <http://www.gao.gov/assets/670/666467.pdf>; OIG announcement

⁸ Detention Watch Network & National Immigrant Justice Center, *Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse*, Oct. 2015, <http://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse-0>

⁹ Brian Bennett, "White House considers ending for-profit immigrant detainee centers but critics say it could add billions to the cost," *Los Angeles Times*, Sept. 6, 2016, <http://www.latimes.com/nation/la-na-immigration-detention-20160906-snap-story.html>.

¹⁰ Senator Ricardo Lara, "Press Release: Lara Announces 'Dignity Not Detention Act' to Prevent City and Counties from Contracting with Private For-Profit Immigration Detention Facilities," April 5, 2016, <http://sd33.senate.ca.gov/news/2016-04-05-lara-announces-%E2%80%98dignity-not-detention-act%E2%80%99-prevent-city-and-counties-contracting>. See also "'It's a nightmare inside': Bill would place new restrictions on private immigrant detention centers," *Los Angeles Times*, April 1, 2016, <http://www.latimes.com/politics/la-pol-sac-immigrant-detention-20160401-story.html>.

¹¹ 2016 Democratic Party Platform, July 21, 2016, http://www.presidency.ucsb.edu/papers_pdf/117717.pdf.

developing its plan. You should also direct ICE to freeze any Requests for Information (RFIs), Requests for Proposal (RFPs), solicitations, and contract renewals for detention facilities during the course of this examination.

It is clear that privately run facilities are unaccountable and unsafe. We urge you to swiftly end ICE's use of these dangerous facilities. If you have any questions, please do not hesitate to contact Mary Small of Detention Watch Network (202-846-7058; msmall@detentionwatchnetwork.org), Joanne Lin of the American Civil Liberties Union (202-675-2317; jlin@aclu.org) or Jennifer Chan of the National Immigrant Justice Center (312-660-1363; jchan@heartlandalliance.org).

Sincerely,

National Organizations

Adjunct Justice
Advocating Opportunity
African American Ministers In Action (AAMIA)
Alianza Americas
America's Voice
American Civil Liberties Union
American Federation of State, County and Municipal Employees
American Federation of Teachers (AFT)
American Friends Service Committee (AFSC)
American Immigration Council
American Immigration Lawyers Association
American-Arab Anti-Discrimination Committee
Americans for Immigrant Justice, Inc.
Asian American Legal Defense and Education Fund (AALDEF)
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice - Asian Law Caucus
Asian Pacific American Labor Alliance, AFL-CIO (APALA)
Asian Pacific Institute on Gender-Based Violence
ASISTA
Auburn Seminary
Baptist Peace Fellowship of North America
Bend the Arc Jewish Action
Border Network for Human Rights
Casa de Esperanza
Catholic Committee of the South
Catholic Legal Immigration Network, Inc. (CLINIC)
Catholic Theological Union
Center for Constitutional Rights
Center for Employment Training
Center for Gender & Refugee Studies
Church World Service
Clerics of St. Viator (Provincial Council)
CODEPINK
Color Of Change
Columban Center for Advocacy and Outreach

Community Initiatives for Visiting Immigrants in Confinement (CIVIC)
Conference of Major Superiors of Men
Council on American-Islamic Relations (CAIR)
Detention Watch Network
Disciples Refugee and Immigration Ministries, Christian Church (Disciples of Christ) in the U.S. and
Canada
Dream Action Coalition
Enlace
Familia: Trans Queer Liberation Movement
Families for Freedom
Farmworker Justice
Fig Tree Revolution
First Focus
Franciscan Action Network
Freedom Network USA
Friends Committee on National Legislation
Grassroots Leadership
HIAS
Holy Spirit Missionary Sisters: USA – JPIC
Hope in Focus
Human Impact Partners
Human Rights Campaign
Human Rights Defense Center
Human Rights First
Immigrant Defense Project
Immigrant Justice Corps
Immigrant Legal Resource Center
Immigration Equality
In the Public Interest
International CURE
Jobs With Justice
JPIC Committee of the Sisters of St. Francis of Philadelphia
Just Foreign Policy
Justice Policy Institute
Justice Strategies
Kids in Need of Defense
Latin America Working Group
Latino Commission on AIDS
LatinoJustice PRLDEF
Leadership Conference of Women Religious
League of United Latin American Citizens
Lutheran Immigration and Refugee Service
MALDEF
Mennonite Central Committee U.S. Washington Office
Mijente
MoveOn.org
NAFSA: Association of International Educators
National Advocates for Pregnant Women

National Alliance to End Sexual Violence
National Center for Lesbian Rights
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza
National Day Laborer Organizing Network
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the NLG
National Justice for Our Neighbors
National Korean American Service and Education Consortium
National Latina Institute for Reproductive Health
National LGBTQ Task Force
National Network for Immigrant and Refugee Rights
National Partnership for New Americans
National Queer Asian Pacific Islander Alliance
NETWORK Lobby for Catholic Social Justice
Not One More Deportation Campaign
OCA - Asian Pacific American Advocates
OpenTheGovernment.org
Pax Christi USA
People's Action
PICO National Network
Presente.org
Private Corrections Institute
Private Corrections Working Group
Project South
Queer Detainee Empowerment Project
Reform Immigration FOR America
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Responsible Endowments Coalition
Salvadoran American National Network (SANN)
Scholl Sisters of Notre Dame Central Pacific Province Provincial Council
Service Employees International Union (SEIU)
Sisters of Charity of New York
Sisters of Mercy South Central Community
Sisters of St. Francis, Redwood City, CA
Sojourners
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
Southeast Immigrant Rights Network
Southern Border Communities Coalition
Southern Poverty Law Center
Tahirih Justice Center
The Advocates for Human Rights
The Center for Popular Democracy
The Leadership Conference on Civil and Human Rights
The Sentencing Project

Transgender Law Center
U.S. Committee for Refugees and Immigrants
UE Western Region
Unitarian Universalist Association
Unitarian Universalist Service Committee
Unite Here
United Church of Christ, Justice and Witness Ministries
United for a Fair Economy
United We Dream
University of California Davis Immigration Law Clinic
Voto Latino
W. Haywood Burns Institute
Washington Office on Latin America (WOLA)
We Belong Together
Women's Refugee Commission
Young Center for Immigrant Children's Rights at the University of Chicago

State/Local Organizations

8th Day Center for Justice
ACLU of Mississippi
Advocates for Basic Legal Equality, Inc. (ABLE)
African Services Committee
Alabama Coalition for Immigrant Justice
allgo
Alliance San Diego
Allies of Knoxville's Immigrant Neighbors
Alterna
American Dream Community Agency
American Gateways
API Legal Outreach
ARISE
Arkansas United Community Coalition
Arlington Street Church (Boston) - Social Action Committee
Asian Americans Advancing Justice - Atlanta
Asian Law Alliance
Asociacion de Servicios para el Inmigrante
Atlantans Building Leadership for Empowerment (ABLE)
Austin Jewish Voice for Peace
Austin Justice Coalition
Austin Sanctuary Network
Bellevue/NYU Program for Survivors of Torture
Berkshire Immigrant Center
Boston University's Immigrants' Rights Clinic
Brooklyn Defender Services
CAIR-Chicago
California Immigrant Youth Justice Alliance
California Rural Legal Assistance Foundation
CASA

Central American Legal Assistance
Central American Resource Center - LA
Central Atlantic Conference - United Church of Christ
Central Ohio Worker Center
Central Valley Immigrant Integration Collaborative (CVIIC)
Centro de Trabajadores Unidos-Immigrant Workers Project
Chhaya CDC
Church Women United in New York State
Cleveland Jobs with Justice
Coalicion de Derechos Humanos
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Colectiva Legal del Pueblo
Coloradans For Immigrant Rights, a program of the American Friends Service Committee Colorado
Colorado Immigrant Rights Coalition
Communities for Recovery
Community Legal Services in East Palo Alto
Community to Community Development C2C
Connecticut Immigrant Rights Alliance
Cornell Law School Asylum and Convention Against Torture Appellate Clinic
Crossing Borders - Dubuque
DC-Maryland Justice for Our Neighbors
Dolores Street Community Services
Dominican Sisters in Committed Collaboration
Dream Team LA
Durango Unido en Chicago
El Centro de Igualdad y Derechos
El Centro Hispano, Inc.
Emerald Isle Immigration Center
End Streamline Coalition
Equality New Mexico
FEDECFMI
FIEL Houston Inc.
Filipino Advocates for Justice
First Congregational Church of Palo Alto, UCC
First Congregational UCC Ypsilanti
Florida Immigrant Coalition
Franciscan Peace Center
Friends of Broward Detainees
Gainesville FL Interfaith Alliance for Immigrant Justice
Georgia Detention Watch
Georgia Latino Alliance for Human Rights
Greater Rochester Coalition for Immigration Justice
HACES
HIV Law Project, Inc.
Human Rights Initiative of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Illinois Hunger Coalition
Immigrant Defenders Law Center

Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigration Center for Women and Children
Immigration Resource Center of San Gabriel Valley
Inland Coalition for Immigrant Justice
Inside Amigos/Social Action Committee at First Unitarian Universalist Church of Austin
Interfaith Committee for Detained Immigrants
Interfaith Movement for Immigrant Justice - Oregon
International Institute of the Bay Area
Irish International Immigrant Center
Junta for Progressive Action
Juntos
Justice & Compassion Ministries, Cal-Pac Conference, United Methodist Church
Justice Witness Commission, United Church of Christ
Kentucky Coalition for Immigrant and Refugee Rights
Khmer Girls in Action
Kids for College
Kino Border Initiative
Kitsap Immigrant Assistance Center
Korean American Resource and Cultural Center
Korean Resource Center
La Casa de Amistad, Inc.
La Raza Centro Legal
La Union del Pueblo Entero
Latino Advocacy
Logan Square Neighborhood Association
Long Island Immigrant Alliance
M.I.S.M.A Domestic Workers Organizing for Justice
Make the Road NY
Make the Road Pennsylvania
Massachusetts Immigrant and Refugee Advocacy Coalition
Migrant and Immigrant Community Action Project
Migrant Justice
Migrant Rights Collective
Ministerios Nuevo Amanecer Church
Mujeres Latinas en Accion
Mujeres Unidas y Activas (MUA)
My Sisters' Place
National Association of Social Workers - Texas Chapter
Nebraska Appleseed Center for Law in the Public Interest
New Mexico Asian Family Center
New Mexico Dream Team
New Mexico Faith Coalition for Immigrant Justice
New York Justice For Our Neighbors
New York Lawyers for the Public Interest
Ni-Ta-Nee NOW
NM Communities in Action & Faith (part of the PICO National Network)
No More Deaths/No Más Muertes

North Texas Dream Team
Northern Illinois Justice for Our Neighbors
Northwest Immigrant Rights Project
NWDC Resistance
OneAmerica
Orange County Immigrant Youth United
Organized Communities Against Deportations
Pangea Legal Services
Pax Christi Florida
Peace and Justice Committee, Lake Street Church
Peace and Social Justice Center of South Central Kansas
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Pennsylvania Immigration Resource Center
Pennsylvania NOW
Pittsburgh LCLAA
Project IRENE
Promise Arizona
Public Counsel
Puente Arizona
Puentes: Advocacy, Counseling & Education
RAIZ
REACHHsv
Reform Immigration for Texas Alliance (RITA)
Reformed Church of Highland Park
RITA-Reform Immigration for Texas Alliance
Saint Patrick Catholic Church
San Antonio Interfaith Welcome Coalition
San Diego Immigrant Rights Consortium
San Marcos Cinema Club
Services, Immigrant Rights, and Education Network (SIREN)
Silver City United Church of Christ
Social Justice Guild of the First Existentialist Congregation of Atlanta
Somos Mayfair
South Asian Fund For Education, Scholarship & Training (SAFEST)
South Texas Human Rights Center
Southwest Organizing Project
St John of God Church
St. Matthew's United Methodist Church
Strong Families NM
Student Advocates for Higher Education at San Jose State University
Students for Prison Education and Reform (SPEAR) - Princeton
Tennessee Immigrant and Refugee Rights Coalition
Texans United For Families
Texas Civil Rights Project
Texas Criminal Justice Coalition
Texas Organizing Project
Texas Unitarian Universalist Justice Ministry

The Farmworker Association of Florida Inc.
The Florence Immigrant and Refugee Rights Project
The New York Immigration Coalition
The Political Asylum/Immigration Representation (PAIR) Project
The Texas AFL-CIO
Trinity Church of Austin
Unidad Latina en Accion NJ
University of Miami Immigration Clinic
UnLocal, Inc.
Valor Human Rights Network
Virginia Coalition for Immigrant Rights
Virginia Coalition of Latino Organizations (VACOLAO)
Voces de la Frontera
Washington Community Action Network
Washtenaw Interfaith Coalition for Immigrant Rights (WICIR)
Wayne Action for Racial Equality
WeCount!
Wellington Avenue United Church of Christ
West Suburban Action Project (PASO)
Wilco Justice Alliance (Williamson County, TX)
Women Working Together USA
WorkerJustice Center of New York, Inc
Workers Defense Project
Youth Rise Texas

Cc:

Ms. Cecilia Muñoz, Domestic Policy Advisor
Ms. Sarah Saldaña, Director, Immigration and Customs Enforcement