

August 22, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Reducing Use of Private Prisons for Immigrant Detention

Dear Mr. President:

On behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 40 leading national Latino nonpartisan civil rights and advocacy organizations, we strongly urge you to direct the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) to end their engagement with private prison corporations and the use of private contractors and subcontractors for immigration detention facilities.

On August 18, 2016, the Department of Justice (DOJ) announced that it was directing the Federal Bureau of Prisons (BOP) to stop renewing contracts with or to dramatically reduce use of private operators of federal prison facilities. This is a welcome step toward ending the use of private prison corporations to operate federal correctional facilities, and one that NHLA strongly supports.

This month, the U.S. Inspector General's (IG's) office released a report noting that the three companies contracting with the BOP—Corrections Corporation of America (CCA), GEO Group, Inc., and Management and Training Corporation—were running facilities that were less safe and secure than those government-operated.¹ These facilities include low-security Criminal Alien Requirement (CAR) prisons, which mostly house individuals with criminal immigration violations, and are known to have deplorable conditions.² The IG's findings that private prisons house general population inmates in solitary confinement based on bed shortages, and for extended periods of time, and the increased use of lockdowns in CAR facilities, illustrate the poor management by private operators.

These same private companies are also running immigrant detention facilities—housing men, women, and children—and the DOJ's recent announcement does not change this fact. DHS detains approximately twice the number of inmates in BOP custody, and most facilities are privately operated.³ ICE contracts directly with private companies and also with states and local governments who in turn subcontract to private prison operators.

While DOJ and BOP work to reduce the use of private prisons in the criminal justice system, these private operators continue to run facilities detaining individuals with no criminal convictions in prison-like conditions, including babies only months-old. This system often re-traumatizes individuals fleeing extreme violence in their home countries, and with grave consequences.

¹ Office of Inspector General, Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons i (2016) <https://oig.justice.gov/reports/2016/e1606.pdf>.

² Cristina Constantini and Jorge Rivas, *Shadow Prisons*, FUSION, Feb. 25, 2105, <http://interactive.fusion.net/shadow-prisons/>.

³ Sharita Gruberg, *How For-Profit Companies Are Driving Immigration Detention Policies*, Center for American Progress Dec. 18, 2015, <https://www.americanprogress.org/issues/immigration/report/2015/12/18/127769/how-for-profit-companies-ar-detention-policies/>.

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United States Hispanic Leadership Institute
United States-Mexico Chamber of Commerce
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DHS's increased detention of immigrants in response to the number of Central Americans coming to the U.S. to seek asylum has created a windfall for private prison companies. CCA was awarded a \$1-billion contract to operate a 2,4000-bed facility in Dilley, Texas. GEO Group runs a 532 bed facility in Karnes, Texas. These facilities house mothers and children seeking asylum, often for prolonged periods, and amidst growing reports of inadequate or negligent care, abuse, and sexual misconduct.⁴ Many facilities have also seen a string of hunger strikes by immigrants protesting poor conditions and mistreatment.⁵

CCA-operated Eloy Detention Center in Arizona is a particularly atrocious example of the care immigrant detainees receive in private facilities. Between 2004 and 2015, 14 detainees died in the Eloy facility.⁶ Out of those deaths, seven were ruled suicides and occurred while a guard failed to monitor the detainee.⁷ In total, as of June 2015, there have been 32 deaths at CCA-operated immigrant detention facilities.⁸ The majority of these deaths resulted from medical issues or suicide.⁹ The federal government has failed to provide proper oversight of these private facilities, with what appears to be little regard for the well-being and rights of immigrant detainees in the government's care.¹⁰

Your administration's recognition that the private prison companies "compare poorly" to and do not provide the "same level of safety and security"¹¹ as facilities run by the BOP is in stark contrast to the increased amount of business between the government and these contractors in the immigration context. **The continued use of private prison companies to run immigration detention centers would reflect deplorable and deliberate indifference in the face of DOJ's critical findings in the related BOP context. We urge you to direct DHS to end privately-operated immigration detention facilities by ceasing direct contracting with private prison operators and ceasing contracting with states or localities that subcontract with private prison operators.**

We welcome the opportunity to discuss this issue with your administration in greater detail. Please contact NHLA through Andrea Senteno, of MALDEF, at asenteno@maldef.org, or Laura Esquivel, of Hispanic Federation, at lesquivel@hispanicfederation.org, with any questions regarding this letter. Thank you for your time and consideration.

⁴ Molly Hennessy-Fiske, *Immigration Family Detention Centers are Prison-like, Critics Say, Despite Order to Improve*, LOS ANGELES TIMES, Oct. 23, 2015, <http://www.latimes.com/nation/nationnow/la-na-immigration-family-detention-20151020-story.html>; Michael Muskal, *Detention Conditions 'Similar, If Not Worse' Than Migrants' Home Countries, Report Says*, LOS ANGELES TIMES, Sept. 18, 2015, <http://www.latimes.com/nation/la-na-immigrant-detention-centers-civil-rights-20150917-story.html>; P.J. Tobia, *Immigrant Women Allege Abuse, Poor Care at U.S. Detention Centers*, PBS, Aug. 26, 2015, <http://www.pbs.org/newshour/updates/immigrant-women-allege-abuse-poor-medical-care-detention-centers/>; Jason Buch, *Children at Dilley Immigrant Detention Center Get Adult Dose of Vaccine*, SAN ANTONIO-EXPRESS NEWS, July 4, 2015, <http://www.mysanantonio.com/news/local/article/Children-at-Dilley-immigration-detention-center-6365815.php>; Vivian Kuo and Jason Hanna, *Women Allege Sexual Abuse at Texas Immigrant Detention Center*, CNN, Oct. 4, 2014, <http://www.cnn.com/2014/10/03/justice/texas-immigrant-detention-allegations/>.

⁵ Roque Planas, *Immigration Detainees Begin Hunger Strike at Georgia Center*, HUFFINGTON POST, April 21, 2016, http://www.huffingtonpost.com/entry/immigration-detainees-hunger-strike_us_57194fd3e4b0d0042da8bfb1; Kate Linthicum, *Hundreds Launch Hunger Strike at Immigration Detention Center in Adelanto, Calif.*, LOS ANGELES TIMES, Nov. 6, 2015, <http://www.latimes.com/local/lanow/la-me-ln-immigrant-hunger-strike-20151106-story.html>; Jason Buch and Melissa Fletcher Stoeltje, *Women in Immigration Detention Start Hunger Strike*, SAN ANTONIO EXPRESS-NEWS, March 31, 2015, <http://www.expressnews.com/news/local/article/Women-in-immigration-detention-start-hunger-strike-6171575.php>.

⁶ Alex Friedman, *32 Deaths at CCA-operated Immigration Detention Facilities Include at Least 7 Suicides*, PRISON LEGAL NEWS, p. 4, June 20, 2015, <https://www.prisonlegalnews.org/news/2015/jun/20/32-deaths-cca-operated-immigration-detention-facilities-include-least-7-suicides/>.

⁷ Daniel Gonzalez and Megan Jula, *Eloy Detention Center: Why So Many Suicides?*, ARIZONA REPUBLIC, July 29, 2015, <http://www.azcentral.com/story/news/arizona/investigations/2015/07/28/eloy-detention-center-immigrant-suicides/30760545/>.

⁸ Friedmann, *supra* note 6.

⁹ *Id.*

¹⁰ Erika Eichelberger, *This is How Medical Negligence Can Kill Immigrants Held at ICE Detention Centers*, VICE NEWS, Feb. 25, 2016, http://www.huffingtonpost.com/entry/ice-detention-centers-report_us_5627ef33e4b08589ef4a93d1; Roque Planas, *ICE Fails to Investigate Allegations of Abuse at Detention Centers: Report*, HUFFINGTON POST, Oct. 21, 2015, http://www.huffingtonpost.com/entry/ice-detention-centers-report_us_5627ef33e4b08589ef4a93d1.

¹¹ Memorandum from Sally Q. Yates, Deputy Attorney General, Department of Justice on Reducing Our Use of Private Prisons to the Acting Director Federal Bureau of Prisons (Aug. 18, 2016).

Sincerely,



Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair



Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair

Cc:

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Cecilia Munoz, Assistant to the President and Director of Domestic Policy Council
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Julie Rodriguez, Deputy Director of Public Engagement
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