



New Mexico

May 4, 2022

Via email to:

Deminica Garcia

IPRA/Legal Assistant

County Attorney's Office

Torrance County

dgarcia@tcnm.us

Re: Request for Inspection of Public Records

Dear Records Custodian:

This letter is a request for public records under the New Mexico Inspection of Public Records Act ("IPRA"). On behalf of Innovation Law Lab, we ask to inspect the following public records that are in the custody or control of the records custodian of Torrance County.

Innovation Law Lab ("Law Lab") is a 501(c)(3) nonprofit organization that harnesses technology, lawyers, and activists to advance immigrant and refugee justice. Law Lab has vast experience providing pro bono legal services to asylum-seeking immigrants in detention. As a member of the El Paso Immigration Collaborative ("EPIC"), Law Lab works to win release, provide support, and facilitate legal representation for persons in U.S. Immigration and Customs Enforcement ("ICE") custody at a number of detention facilities, including the Torrance County Detention Facility ("TCDF"). Law Lab has been serving people detained in ICE custody at TCDF since August 2019.

Please note that pursuant to NMSA 1978 § 14-2-6, the definition of "public records" is as follows: "all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained."

The requested records are as follows:

1. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the DHS Office of Inspector General ("OIG") inspection of TCDF that took place from February 1, 2022 through February 3, 2022, including but not limited to: all records regarding the exit briefing that was conducted on or about February 3, 2022 by the DHS OIG inspection team with TCDF and ICE personnel; and any formal response issued by CoreCivic regarding the inspection.

2. Any and all correspondence from March 16, 2022 through the date of processing of this request that discusses, describes, references, or otherwise pertains to the March 16, 2022 DHS OIG alert regarding TCDF (# OIG-22-31):
 - a. Between and within any components of CoreCivic, including but not limited to the TCDF personnel, temporary duty (“TDY”) personnel detailed to TCDF, and the Facility Support Center;
 - b. Between CoreCivic and ICE;
 - c. Between CoreCivic and the DHS Office of Inspector General;
 - d. Between CoreCivic and Torrance County employees, administrators, and/or county commissioners;
 - e. Between any Torrance County employees, administrators, and/or county commissioners;
 - f. Between ICE and Torrance County employees, administrators, and/or county commissioners; and
 - g. Between the DHS Office of Inspector General and Torrance County employees, administrators, and/or county commissioners.
3. Any and all records regarding the ICE leadership walk-through that took place at TCDF on February 28, 2022.
4. Any and all records from July 29, 2021 through the date of processing of this request regarding the following at TCDF:
 - a. Inoperable and/or malfunctioning sinks, toilets, showers, and faucets in housing units, including but not limited to a lack of hot or cold water;
 - b. The use of “out of order” tags on cells in housing units;
 - c. Cell doors failing to unlock automatically or open remotely in housing units;
 - d. Inoperable and/or malfunctioning call buttons in cells in housing units;
 - e. The use of plastic bags and/or other items to cover faucets in housing units;
 - f. Any and all testing of tap water including for hardness;
 - g. Any and all testing by a state laboratory of samples of drinking and/or wastewater, and any related testing and safety certification(s);
 - h. The use of coolers containing ice and/or water in housing units, including but not limited to the frequency with which such coolers are cleaned and refilled;
 - i. All commissary purchases of water and other beverages; and
 - j. Maintenance issues in the kitchen, including but not limited to inoperable and/or malfunctioning heat, leaky faucets, damage to the floor, and paint on the floor causing individuals to slip and fall.
5. Any and all work orders at TCDF for facility maintenance and/or repairs that were drafted, submitted, pending, and/or completed between July 29, 2021 and the date of processing of this request, including but not limited to work orders regarding plumbing issues, faucets, sinks, showers, toilets, vent systems, heating, cooling, and mold.
6. Any and all contract discrepancy reports, warnings, corrective action plans, appeals, financial penalties (including deductions and withholdings), white papers, evaluations, tracking tools, contract modifications, and quality assurance surveillance plans, as well as all related

correspondence, meeting notes, attachments, and supporting documentation, regarding TCDF from December 1, 2020 through the date of processing of this request, including but not limited to the March 1, 2022 contract discrepancy report and March 1, 2022 contract modification.

7. Any and all invoices and supporting documentation for TCDF, as well as invoice payments and documentation of deductions and withholdings for TCDF, from February 1, 2022 through the date of processing of this request.
8. Any and all policies, directives, rules, interpretations, post orders, instructions, procedures, and guidance that were created, received, modified, amended, and/or supplemented from February 1, 2022 through the date of processing of this request regarding the operation and/or management of TCDF.
9. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the ICE OPR Office of Detention Oversight (“ODO”) inspection of TCDF that took place from November 16, 2021 through November 18, 2021, including but not limited to all records regarding:
 - a. Any and all correspondence, meeting notes, and other records regarding the need for, timing of, scope of, and scheduling of this inspection;
 - b. Any and all documents reviewed pre-inspection by the inspection team;
 - c. Any and all checklists, interview forms, and other forms and tools used during the inspection;
 - d. The closeout briefing(s) that were conducted by ODO inspectors with TCDF and local ICE ERO officials regarding preliminary findings;
 - e. Any and all summaries shared with ICE ERO management officials;
 - f. Any and all waivers requested and/or granted regarding any detention standards and/or components thereof;
 - g. Any and all subsequent corrective action plans developed by ICE ERO and/or CoreCivic; and
 - h. Any and all documentation regarding the implementation of such corrective action plans.
10. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the Nakamoto Group inspections of TCDF that took place in November 2021 and from March 29, 2022 through March 31, 2022, including but not limited to:
 - a. Any and all correspondence, meeting notes, and other records regarding the need for, timing of, and scheduling of each of these inspections;
 - b. Any and all documents reviewed pre-inspection by the inspection team(s);
 - c. Any and all checklists, interview forms, and other forms and tools used during the inspection;
 - d. The cover letter, G-324 and G-324A Inspection Form(s), and any and all supporting documentation for each of these inspections;
 - e. Any and all records regarding the out-brief(s) conducted by the Nakamoto inspection team(s) with ICE officials and TCDF staff at the time of each of these inspections;
 - f. Any and all waivers requested and/or granted regarding any detention standards and/or components thereof;

- g. Any and all subsequent corrective action plans developed by ICE ERO and/or CoreCivic;
 - h. Any and all documentation regarding the implementation of such corrective action plans.
- 11. Any and all records regarding all other audits and inspections, whether routine or otherwise, whether announced or unannounced, whether by federal, state, or local entities, that occurred at TCDF from February 4, 2022 through the date of processing of this request, including but not limited to any such audits or inspections regarding the U.S. Marshals Service population and/or the Torrance County population at TCDF.
- 12. Any and all records regarding the transfer of individuals in ICE custody to TCDF, as well as any and all records regarding the transfer of individuals in ICE custody from TCDF to other detention facilities, subsequent to the March 16, 2022 DHS OIG alert regarding TCDF (# OIG-22-31), including but not limited to records regarding any deliberations on such transfers and/or conditions to be fulfilled prior to such transfers. Please note that this item is not a request for the names of any such individuals transferred or other personally identifiable information regarding such individuals.
- 13. Any and all records regarding the potential, anticipated, or actual transfer of female individuals in ICE custody to TCDF.
- 14. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding Representative Melanie Stansbury's visit to TCDF on March 21, 2022, including but not limited to:
 - a. Logs and other records comprehensively identifying all housing units occupied by individuals in ICE custody as of 7:00 A.M. on the date of Representative Melanie Stansbury's visit;
 - b. Logs and other records comprehensively identifying all housing units visited by Representative Melanie Stansbury during her visit; and
 - c. Any and all records regarding any actual or attempted movement on that date of individuals in ICE custody from their housing units to the gymnasium or any outdoor yard area whether for routine recreation activities or otherwise.
- 15. Any and all policies, directives, rules, interpretations, post orders, instructions, procedures, and guidance that were in effect for CoreCivic personnel at TCDF from February 1, 2022 through the date of processing of this request or were created, received, modified, amended, and/or supplemented from February 1, 2022 through the date of processing of this request, regarding preparations for and/or conduct during inspections, audits, and oversight visits, including but not limited to general housekeeping, cleaning and maintenance, accompaniment of inspectors, auditors, and visitors by CoreCivic personnel, and whether and how inspectors, auditors, and visitors are to communicate with detainees and inmates.
- 16. Any and all records regarding TCDF staffing from February 1, 2022 through the date of processing of this request, including:
 - a. Staffing reports, charts, matrixes, plans, and proposals;

- b. Disaggregated records regarding staffing of security/correctional positions, medical and mental health positions, maintenance positions, and other positions;
 - c. Designation of any posts or positions as essential;
 - d. Records regarding temporary duty assignment (TDY) staffing;
 - e. Records regarding overtime shifts;
 - f. Records regarding the number of hours per week that CoreCivic Chief Medical Officer Keith Ivens has provided direct medical services at TCDF and/or served as medical director or physician at TCDF, including but not limited to “call” or other after-hours availability;
 - g. Records regarding vacant positions and the duration of any such vacancies;
 - h. Records regarding the number of new hires, the number of employees in pre-service training, and the number of employees awaiting ICE clearance; and
 - i. Records regarding the number of employees whose employment ended, including those who quit, were fired, were let go, and/or failed to complete any probationary period.
17. Any and all policies, directives, rules, orders, and instructions that were in effect at TCDF as of February 1, 2022 regarding the following, as well as any modifications of and supplements to any such records through the date of processing of this request:
- a. Mandatory overtime for CoreCivic personnel;
 - b. Temporary duty assignment (TDY) staffing;
 - c. Environmental health and safety, including but not limited to preventative maintenance, regular inspections, surveys of environmental health conditions, availability of safe potable water, and general housekeeping;
 - d. The processing of work orders for facility maintenance and/or repairs;
 - e. Commissary; and
 - f. Compliance with the Fraihat court order and ICE’s Pandemic Response Requirements.
18. The TCDF detainee handbook that was in effect as of February 1, 2022, as well as any modifications, updates, supplements, or other versions of such handbook from that date through the date of processing of this request.
19. The job description for the Facility Investigator position at TCDF currently held by Investigator Luna.

Please advise if this request does not describe the records sought with sufficient specificity for you to form a reasonable response. If you do not maintain these public records, please forward this request to the designated custodian of the requested records, and notify us of that action, including information required by NMSA 1978, § 14-2-8 (E).

If the requested records include information for which Torrance County is claiming an exemption, please separate and retain the exempt records or redact such information from records that are otherwise non-exempt. For any records that Torrance County believes are exempt, please submit a log listing the withheld records and the exemption and/or reason that Torrance County is withholding the records. For records that are redacted, please explain the

reason and/or exemption that is the basis for the redaction. If you deny any or all of this request, please cite each specific exemption you claim justifies the refusal to release the requested records and notify us of the appeal procedures available under the law.

In accordance with NMSA 1978, § 14-2-1 *et seq.*, we look forward to receiving a response to this request within 3 business days and the production of responsive records no later than 15 days from today's date. Electronic documents are preferred and may be sent to egoossen@aclu-nm.org. If Torrance County only has the capacity to produce hard copies, please send them to the following address: ACLU of New Mexico, P.O. Box 566, Albuquerque, NM, 87103. Pursuant to IPRA, we agree to pay a reasonable fee for copying the public records. If the charges will exceed \$50.00, please call Elsa Goossen in advance at (505) 266-5915 ext. 1022 so that we may review such charges. We also request that you provide a receipt indicating the copying charges for responsive records.

Please do not hesitate to contact Elsa Goossen at (505) 266-5915 ext. 1022 or egoossen@aclu-nm.org if you have any questions or need any additional information. Thank you in advance for your assistance in this matter.

Sincerely,

/s/ Rebecca Sheff

Rebecca Sheff
Senior Staff Attorney
American Civil Liberties Union of New Mexico

Attorney for Innovation Law Lab