

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
JOINT ECONOMIC

December 6, 2023

Hon. Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528

Dear Secretary Mayorkas,

I write to follow up on your commitment to me during the November 9, 2023, Senate Appropriations Committee hearing to become personally familiar with longstanding concerns at the Torrance County Detention Facility (TCDF), an Immigration and Customs Enforcement (ICE) -contracted facility managed by CoreCivic, in Estancia, New Mexico. Since our hearing, the situation at Torrance has grown even more dire.

As you are aware, in 2022, your Department of Homeland Security Office of Inspector General (OIG) inspected TCDF and filed a subsequent report (DHS OIG-22-75), stating:

“CoreCivic has not been able to demonstrate the ability to provide a safe environment for staff and noncitizens, provide the necessary security for proper facility security and control measures, and care necessary to ensure proper facility maintenance, overall cleanliness, and personal hygiene needs described in the PBNDS standards.”

In addition to the DHS OIG report, I hope that you have taken the time to review my letters to ICE dated August 23, 2023, October 18, 2022, and December 16, 2021, where I outlined my related concerns about chronic understaffing, inadequate access to legal services, inadequate medical and behavioral health care, lack of privacy afforded to detainees for credible fear interviews and, notably, grossly inadequate facility conditions. In my most recent letter, I specifically cited concerns about ongoing facilities maintenance problems that have resulted in unsafe and undignified conditions for detainees, leading to documented cases of individual injuries, which were compounded by inadequate medical services. In their June 2023 visit to TCDF, my staff observed numerous plumbing issues in the medical facilities and a residential pod, which I reported to ICE. I specifically warned that “these maintenance shortcomings jeopardize the safety, well-being and dignity of individuals in custody.”

I am growing exceedingly frustrated that my concerns have not been addressed, and today, I received a report from legal service advocates about a November 14, 2023, flood of raw sewage containing visible human excrement in two housing units, covering half of the unit’s cells and a significant portion of the unit’s common area. The sewage flowed into a floor drain in the facility’s dining area. According to the report, the sewage directly impacted approximately 40 men detained in unit 8B. Guards directed the detained men to clean up the sewage twice, but did

not provide them with protective gear, except for pairs of gloves provided to just two men out of the many directed to clean the sewage. Approximately two days after the sewage floods, at least two men in 8B suffered from rashes on the soles of their feet and legs and from respiratory problems.

I have also received concerning reports that, in the wake of the sewage spill, TCDF staff have retaliated against detainees who have spoken up about these abhorrent conditions by placing them in administrative segregation. While in administrative segregation, the men have complained to staff repeatedly about their lack of drinking water, cold indoor temperatures, lack of clean clothes, spoiled food, and denial of outdoor recreation time. They have also repeatedly been denied access to counsel, and a CoreCivic guard responsible for the night shift in their unit has repeatedly tossed the men's belongings on the ground and threatened them with discipline, while refusing to give them his name.

Mr. Secretary, I appreciate your commitment to me to become personally familiar with the chronically dire conditions inside your department's contracted facility in my state. As a nation, the United States has an obligation to protect the welfare and dignity of asylum-seekers in ICE custody. Time and again, the CoreCivic staff at the Torrance County ICE Detention Facility have proven woefully unable to meet the most basic standards for which they are contracted by your department. Therefore, I reiterate my repeated requests for the Department of Homeland Security to terminate ICE's contract with Core Civic and close this facility.

Sincerely,



MARTIN HEINRICH
United States Senator