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Secret Expansion: ICE's deception about metastasizing detention system continues

In March, as Congress passed its spending bill for fiscal year 2018, it placed new public reporting obligations on Immigration and Customs Enforcement (ICE) regarding its detention system,ⁱ summarized in a letter from civil society to DHS Secretary Nielsen and ICE Acting Director Homan.ⁱⁱ

After blowing through reporting deadlines in May, June, and July,ⁱⁱⁱ ICE recently complied—at least nominally—with the requirement that they publicly post a full list of all detention facilities in use, including the average daily population of the facility.^{iv} Unfortunately, the [spreadsheet](#) they provided is woefully inaccurate and even deceptive, missing several very large, newly-opened and highly controversial facilities. Detailed below, these include five Bureau of Prison facilities which signed interagency agreements with ICE, and at least five additional detention facilities.

- La Palma Correctional Center, AZ, contract effective July 24, operated by CoreCivic, expected to hold up to 1,000 people in ICE custody^v
 - It is particularly concerning that ICE omitted this facility as it was opened via a contracting process that the DHS Inspector General recently investigated and warned against.^{vi} CoreCivic reports that ICE amended an existing contract with the city of Eloy, AZ to include the new facility,^{vii} rather than starting a separate contract process that met federal procurement guidelines. This is all the more alarming because Eloy, through which La Palma opened, is a particularly notorious facility, and one of the deadliest detention facilities in the country.^{viii}
- El Valle Detention Facility, TX, contract effective July 18, operated by Management and Training Corporation (MTC), expected to hold about 1,000 people in ICE custody.^{ix}
 - El Valle Detention Facility was previously called the Willacy County Correctional Center. ICE signed a contract with MTC in 2006, but then pulled out in 2011 because of poor conditions including widespread sexual abuse.^x From 2011 until early 2015, the Bureau of Prisons used the facility for immigrants in its custody. Then, in February of 2015, a riot precipitated by uninhabitable conditions destroyed much of the facility, which was made up of 10 Kevlar tent-like domes.^{xi} Shortly thereafter, BOP also pulled out of the facility citing poor management and abusive conditions. The decision to give MTC a third chance at the troubled facility is highly controversial. Even Michael Watkins, a former ICE deputy field-office director, said that “there are lines I don't think we should cross” and that if Willacy reopens, “that's a line that we're crossing.”^{xii}
- Tallahatchie County Correctional Facility, MS, contract effective June 14, ICE capacity unknown but riding on a 1,350 bed US Marshals contract.^{xiii}
- Caroline Detention Facility, VA, contract effective July 1, 2018, expected to hold 336 people in ICE custody.^{xiv}
- Knox County Detention Facility, TN, contract effective July 19, 2018, ICE capacity unknown but riding on a 50 bed US Marshals contract.^{xv}

- Bureau of Prisons (BOP) facilities
 - The decision to hold over 1,600 people in BOP facilities represents an entirely new form of detention expansion.^{xvi} These transfers effectively increased ICE’s detention capacity by close to 4% overnight without any oversight or prior notice. In doing this, ICE circumvented the existing channels for detention expansion, instead making use of another agency’s resources to carry out its work. The transfers have also been disastrous for detained immigrants as the BOP facilities have failed to provide access to legal representation, pastoral care, and communication with loved ones.^{xvii} The transfers have also further exacerbated understaffing with BOP so severe that the agency has turned to augmentation, a controversial practice of tapping civilian employees (teachers, nurses, cooks, etc) to fill vacant guard posts.^{xviii}
 - Specific facilities:
 - La Tuna Federal Correctional Institution, TZ, contract effective June 11, 2018, expected to hold 220 people in ICE custody^{xix}
 - Federal Correctional Institution Phoenix, AZ, contract effective June 6, 2018, expected to hold 102 people in ICE custody^{xx}
 - Federal Detention Center SeaTac, WA, contract effective June 6, 2018, expected to hold 220 people in ICE custody^{xxi}
 - Federal Correctional Institution Sheridan, OR, WA, contract effective June 6, 2018, expected to hold 130 people in ICE custody^{xxii}
 - Federal Correctional Complex Victorville, CA, contract effective June 11, 2018, expected to hold 1,000 people in ICE custody^{xxiii}

ICE’s refusal to meet even the most basic of public reporting requirements, even when required by Congress, is alarming. The specific omission of highly controversial sites of expansion is even more egregious. Never has there been a greater need for transparency in the immigration detention system. ICE’s patchwork system of more than 200 jails has long been riddled with abuses, oversight failures,^{xxiv} fatal medical neglect^{xxv} and endemic sexual violence.^{xxvi} DHS’s own internal watchdog agency recently released a report finding the treatment and care at ICE facilities so lacking as to “undermine the protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment.”^{xxvii}

As the detention system grows—from 34,000 people per day two years ago to over 45,000 per day as of late August—more and more people are trapped inside a system that is likely further deteriorating in the face of rapid growth.

ⁱ See House Report, Division F (Homeland Security), Consolidated Appropriations Act of 2017, 131 Stat. 135, Public Law No. 115-31, May 4, 2017, <http://docs.house.gov/billsthisweek/20170501/DIVISION%20F-%20HOMELAND%20SOM%20OCR%20FY17.pdf>

ⁱⁱ National Immigrant Justice Center et al., *Immigration detention: accountability and transparency obligations imposed by the FY2018 omnibus spending bill*, April 5, 2018, https://www.immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2018-04/NGO_Letter_re_ICE_Detention_04052018.pdf

ⁱⁱⁱ Detention Watch Network et al., ICE has Missed two Detention Reporting Deadlines Set by Congress in March, May 17, 2018, <https://www.detentionwatchnetwork.org/pressroom/releases/2018/ice-has-missed-two-detention-reporting-deadlines-set-congress-march>

^{iv} Immigration and Customs Enforcement, Dedicated and Non-Dedicated Facilities List, accessed September 4, 2018 <https://www.ice.gov/doclib/facilityinspections/dedicatedNonDedicatedFacilityList.xlsx>

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- ^v Globe Newswire, *CoreCivic Enters Into New Agreement With Federal Government to Utilize the La Palma Correctional Center*, July 24, 2018, <https://globenewswire.com/news-release/2018/07/24/1541538/0/en/CoreCivic-Enters-Into-New-Agreement-With-Federal-Government-to-Utilize-the-La-Palma-Correctional-Center.html>
- ^{vi} DHS Office of Inspector General, *Immigration and Customs Enforcement Did Not Follow Federal Procurement Guidelines When Contracting for Detention Services*, February 21, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-02/OIG-18-53-Feb18.pdf>
- ^{vii} Globe Newswire, *CoreCivic Enters Into New Agreement With Federal Government to Utilize the La Palma Correctional Center*, July 24, 2018, <https://globenewswire.com/news-release/2018/07/24/1541538/0/en/CoreCivic-Enters-Into-New-Agreement-With-Federal-Government-to-Utilize-the-La-Palma-Correctional-Center.html>
- ^{viii} Detention Watch Network et al., *Fatal Neglect: How ICE Ignores Deaths in Detention*, February 2016, <https://www.detentionwatchnetwork.org/sites/default/files/reports/Fatal%20Neglect%20ACLU-DWN-NIJC.pdf>
- ^{ix} Valley Star, *ICE to hold inmates in new Willacy detention center County enters into contract*, July 3, 2018, https://www.valleymorningstar.com/news/local_news/ice-to-hold-inmates-in-new-willacy-detention-center-county/article_a0e72c4a-e2e4-50d6-9b64-dd1a70029ce5.html
- ^x PBS Frontline, *Lost in Detention*, October 18, 2011, <https://www.pbs.org/wgbh/frontline/film/lost-in-detention/>
- ^{xi} American Civil Liberties Union, *Warehoused and Forgotten: Immigrants Tarped in our Shadow Private Prison System*, June 2014, https://www.aclutx.org/sites/default/files/field_documents/Warehousedreport.pdf
- ^{xii} Jeremy Raff, *ICE Is a Godsend for One Small Town in Texas*, The Atlantic, July 11, 2018, <https://www.theatlantic.com/politics/archive/2018/07/ice-prison-trump-immigration-crackdown/564539/>
- ^{xiii} Core Civic, *CoreCivic Enters Into New Management Contract at the Tallahatchie County Correctional Facility for the U.S. Marshals Service*, June 14, 2018, <http://ir.corecivic.com/news-releases/news-release-details/corecivic-enters-new-management-contract-tallahatchie-county>
- ^{xiv} The Associated Press, *ICE requests 'ramp-up' of new Virginia detention facility*, July 11, 2018, <https://wtop.com/virginia/2018/07/ice-requests-ramp-up-of-new-virginia-detention-facility/>
- ^{xv} Contract available at <https://www.documentcloud.org/documents/4829374-IGSA-contract-Knox-County-TN.html>
- ^{xvi} Max Greenwood, *ICE to transfer 1,600 detainees to federal prison*, The Hill, June 7, 2018, <http://thehill.com/policy/national-security/391268-ice-to-transfer-1600-detainees-to-federal-prisons>
- ^{xvii} American Civil Liberties Union Southern California, *Judge Orders that Detainees Can Meet with Attorneys in Person or by Phone*, June 21, 2018, <https://www.aclusocal.org/en/press-releases/court-finds-immigration-detainees-held-incommunicado-victorville-prison-must-be>
- ^{xviii} Kevin Johnson, *Exclusive: As federal prisons run low on guards, nurses and cooks are filling in*, USA Today, February 13, 2018, <https://www.usatoday.com/story/news/politics/2018/02/13/ill-equipped-and-inexperienced-hundreds-civilian-staffers-assigned-guard-duties-federal-prison-secur/316616002/>
- ^{xix} Contract available at <https://www.documentcloud.org/documents/4829358-La-Tuna-Federal-Correctional-Institution-BOP-ICE.html>
- ^{xx} Contract available at <https://www.documentcloud.org/documents/4829361-Phoenix-AZ-Federal-Correctional-Institution-BOP.html>
- ^{xxi} Contract available at <https://www.documentcloud.org/documents/4829364-SeaTac-Federal-Detention-Center-WA-BOP-ICE.html>
- ^{xxii} Contract available at <https://www.documentcloud.org/documents/4829370-Sheridan-OR-Federal-Correctional-Institution-BOP.html>
- ^{xxiii} Contract available at <https://www.documentcloud.org/documents/4829372-Victorville-CA-Federal-Correctional-Complex-BOP.html>
- ^{xxiv} Detention Watch Network et al., *ICE Lies: Public Deception, Private Profit*, January 2018, https://www.detentionwatchnetwork.org/sites/default/files/reports/IceLies_NIJC_DWN.pdf
- ^{xxv} Human Rights Watch et al., *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention*, June 20, 2018, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>

^{xxvi} Alice Speri, *Detained then Violated: 1,224 Complaints Review a Staggering Pattern of Sexual Abuse in Immigration Detention*, *The Intercept*, April 11, 2018, <https://theintercept.com/2018/04/11/immigration-detention-sexual-abuse-ice-dhs/>

^{xxvii} DHS Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities*, December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>