

July 14, 2018

Re: Courts, Corrections, and Justice Committee hearings Regarding Privately Operated Prisons in New Mexico with Contracts to House Those in Federal Immigration Detention

Dear New Mexico State Legislators:

We, the undersigned organizations, write to express deep concerns regarding the human and economic costs of for-profit private immigration detention facilities operating in our state. Immigration detention is a civil and supposedly non-punitive matter; no one in immigration detention is held for a crime; according to the Department of Homeland Security (DHS) "immigration detention is not punishment".¹ Yet, in New Mexico, and across the nation, immigration detention facilities are prisons where migrants are punished in a dehumanizing environment that is plagued by unsanitary conditions, human rights abuses, lack of legal access or recourse, poor medical care, and inadequate food. **We call on New Mexico state legislators and politicians to: 1) immediately implement independent oversight of immigration detention facilities in collaboration with migrant and immigration rights advocacy groups, 2) halt the expansion of immigration detention in New Mexico, 3) call on New Mexico counties to discontinue any contracts with private prison companies at immigration detention facilities, and 4) begin the process of closing immigration detention facilities in New Mexico, and ensuring that no new ones are established.**

Immigration and Customs Enforcement's (ICE) announced inspections of their own facilities follow ineffective and non-binding detention standards. As the National Immigrant Justice Center (NIJC) states, the ICE inspections process "remains non-transparent and ineffective at identifying pervasive and troubling conditions in detention".² Demonstrated by a track record of failures extending from at least 1998,³ and continuing to today,⁴ ICE inspections do not ensure humane conditions or the safety and well-being of those detained. Instead, as the NIJC argues, they are "designed to result in passing ratings and to ensure local counties and private prison corporations continue to receive government funds".⁵ Facilities managed by private corporations are particularly bad, as they seek to maximize profits while migrants languish in inhumane and sometimes deadly conditions. Cibola County Correctional Center in Milan, and the Otero County Processing Center in Chaparral both have histories of abuses, violations, and poor conditions.⁶ The companies that manage them, CoreCivic and Management & Training Corporation (MTC), have long histories of negligence and criminal behavior.

Before CoreCivic opened Cibola as an immigration detention facility in 2016, they ran the complex for the Bureau of Prisons (BOP) for 16 years. This facility earned the dubious distinction of accumulating more significant repeat deficiencies in health services than any other private federal prison in the US.⁷ Revelations about deaths in the facility and chronic

medical negligence ended their contract with the BOP.⁸ Despite this history, Cibola County commissioners entered into an agreement with the company to turn Cibola into an ICE immigration detention facility. CoreCivic's track record detaining migrants for ICE is no better. Migrants detained in Cibola, and in the supposed care of CoreCivic, are subjected to medical neglect, sometimes resulting in death. Most recently we mourn the loss of Roxana Hernandez, a transgender woman held at Cibola, who died from lack of adequate medical attention.⁹

MTC has a sordid past in New Mexico as well.¹⁰ Despite this past, Otero County entered into an agreement with MTC to manage the Otero County Processing Center (OCPC), and Otero County is considering renewing that contract in 2019. Since it opened in 2008 under the management of MTC, two men have died in OCPC. In a recent report on the conditions at the facility, many more individuals complain of delays in medical care and unsanitary conditions that contribute to poor health. The DHS Office of the Inspector General (OIG), in a report released last December, found that OCPC had unsafe and unhealthy conditions.¹¹ The OIG expressed concerns that OCPC staff treated people detained there without respect, misused solitary confinement as punishment, and discouraged detained individuals from complaining. Complaints about poor treatment and conditions in OCPC routinely result in retaliation and harassment against the individual who is simply standing up for their rights. Advocacy organizations have documented numerous firsthand accounts of the psychological abuse that occurs on a daily basis in OCPC.

Funneling taxpayer dollars to these facilities only serves to perpetuate a system of state-sponsored torture aimed at persecuting and traumatizing migrants who are not charged with any crimes, many of whom are vulnerable refugees who have only sought humanitarian assistance from our government. Rather than ensuring that funds are used to provide sufficient food, adequate physical and mental health care, access to legal resources, and the provision of basic things such as clean drinking water and hygiene supplies, lack of oversight results in public monies going to the pockets of for-profit companies while they create exploitative and substandard conditions in the facilities they are contracted to manage. Not only are the public's funds being misused, but this misuse results in egregious human suffering that constitutes violations of our Constitution and of international human rights. **We, the undersigned organizations, represent thousands of New Mexicans and concerned individuals nationwide who vote, pay taxes, and who do not want immigrants criminalized in our names. We are deeply concerned about the abusive profiteering that results from this criminalization. We call on state legislators, and the members of this committee, to take action now.**

As organizations who work with the affected populations, we can attest to the poor conditions and complete lack of accountability that exists in both detention centers. When detained people, families, and attorneys look for help or accountability for abuses or negligence, they

enter a bureaucratic black hole devoid of meaningful oversight. Neither ICE, nor the private companies with which ICE contracts, can be trusted to care for people held in immigration detention. This has been empirically demonstrated by at least 20 reports released in the last 7 years.¹² At this point, further investigations are not warranted—but action is. **We demand immediate independent, unannounced oversight of these facilities and these companies' activities in New Mexico, including interviews with immigrants detained in these facilities so that their voices are heard. This should be the first step taken to initiate a process to halt further expansion of immigration detention in New Mexico, and one that leads to the ultimate closure of immigration detention facilities in the state.** We strongly advocate for the implementation in New Mexico of community-based alternatives to detention that keep the private prison industry and associated companies from profiting off of people's suffering,¹³ and ensure that our migrant sisters and brothers stay out of the hands of ICE.

Signed,

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Strong Families New Mexico
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¹ Dora Schriro, "Immigration Detention Overview and Recommendations" (Washington D.C.: Department of Homeland Security, Immigration and Customs Enforcement, October 6, 2009), 4, <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>.

² NIJC, "ICE's Failed Monitoring of Immigration Detention Contracts," Policy Brief from Heartland Alliance's National Immigrant Justice Center (NIJC) (Chicago, IL: National Immigrant Justice Center, September 2016), <https://www.immigrantjustice.org/sites/default/files/content-type/research-item/documents/2016-11/Inspections Policy Brief FINAL2 2016 10 03.pdf>; NIJC, "Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse," The Immigration Detention Transparency and Human Rights Project (Washington D. C.: National Immigrant Justice Center, October 2015), 4, <http://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse-0>.

³ Karen Tumlin, Linton Joaquin, and Ranjana Natarajan, “A Broken System: Confidential Reports Reveal Failures in U.S. Immigrant Detention Centers” (National Immigration Law Center, 2009), 4–5, <https://www.nilc.org/news/special-reports/a-broken-system-failures-in-detention-centers/>.

⁴ DHS OIG, “Concerns about ICE Detainee Treatment and Care at Detention Facilities” (Washington, D.C.: Department of Homeland Security (DHS) Office of Inspector General (OIG), December 11, 2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

⁵ NIJC, “Lives in Peril: How Ineffective Inspections Make ICE Complicit in Immigration Detention Abuse,” 2.

⁶ NIJC, “What Kind of Miracle...The Systematic Violation of Immigrants’ Right to Counsel at the Cibola County Correctional Center” (Washington D. C.: National Immigrant Justice Center, 2017), <http://immigrantjustice.org/research-items/report-what-kind-miracle-systematic-violation-immigrants-right-counsel-cibola-county>; Emily P. Carey, “Outsourcing Responsibility: The Human Cost of Privatized Immigration Detention in Otero County” (Las Cruces, NM: The American Civil Liberties Union of New Mexico, 2011), <https://www.aclu-nm.org/sites/default/files/wp-content/uploads/2011/01/OCPC-Report.pdf>.

⁷ Seth Freed Wessler, “Federal Officials Ignored Years of Internal Warnings About Deaths at Private Prisons,” *The Nation*, June 15, 2016, <https://www.thenation.com/article/federal-officials-ignored-years-of-internal-warnings-about-deaths-at-private-prisons/>.

⁸ NIJC, “What Kind of Miracle...The Systematic Violation of Immigrants’ Right to Counsel at the Cibola County Correctional Center.”

⁹ TLC, “Death of Trans Woman in ICE Detention Highlights Need for Action | Transgender Law Center,” Transgender Law Center (TLC), May 29, 2018, <https://transgenderlawcenter.org/archives/14287>; Clara Long and HRW, “Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in Immigration Detention” (New York, NY: Human Rights Watch (HRW), American Civil Liberties Union (ACLU), National Immigrant Justice Center (NIJC), Detention Watch Network (DWN), 2018), 43–44, <https://www.hrw.org/report/2018/06/20/code-red/fatal-consequences-dangerously-substandard-medical-care-immigration>.

¹⁰ Jeremy Pawloski, “County Inmate Found Dead - Man Apparently Hanged Himself from Light Fixture with Blanket, Sheriff’s Officials Say,” *Albuquerque Journal*, August 25, 2005, NewsBank; Julie Ann Grimm, “Dying Behind Bars: Suicide, Drug-Related Deaths at Santa Fe County Jail Defy National Trends,” *Santa Fe New Mexican*, December 4, 2005, sec. Main, NewsBank; Jason Auslander, “Ex-Inmate Tells of Fatal Jail Beating: Witness Recounts Attack During Trial for 2004 Murder of Dickie Ortega,” *The Santa Fe New Mexican*, November 7, 2007, http://www.santafenewmexican.com/news/local_news/ex-inmate-tells-of-fatal-jail-beating/article_6f6c2884-79fc-5d18-937d-dcc629fbb259.html; Julie Ann Grimm, “Family Files Lawsuit After Jail Suicide,” *Santa Fe New Mexican*, August 12, 2003, NewsBank; Erica Cordova, “Inmates’ Lawsuits Against Jail Settled - Former Managers Faulted in Suits,” *Albuquerque Journal*, May 5, 2007, NewsBank; Laura Banish and Mark Oswald, “Jail Firm Wants Out,” *Albuquerque Journal*, April 15, 2005, ProQuest; Jason Auslander, “Lawsuit: Jail’s Strip-Searches Violate Constitutional Rights,” *Santa Fe New Mexican*, January 13, 2005, NewsBank; Ralph F. Boyd, “Santa Fe County Adult Detention Center” (Washington D.C.: Department of Justice, March 6, 2003), https://www.justice.gov/sites/default/files/crt/legacy/2011/04/14/santa_fe_findings.pdf; Jason Auslander, “Strip-Search Payout: \$8.5 Million,” *Santa Fe New Mexican*, July 7, 2006, NewsBank.

¹¹ DHS OIG, “Concerns about ICE Detainee Treatment and Care at Detention Facilities.”

¹² Tumlin, Joaquin, and Natarajan, “A Broken System: Confidential Reports Reveal Failures in U.S. Immigrant Detention Centers”; CIVIC and DWN, “Abuse in Adelanto: An Investigation into a California Town’s Immigration Jail” (San Francisco, CA: Community Initiatives for Visiting Immigrants in Confinement (CIVIC) and Detention Watch Network (DWN), 2015), http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf; DWN, “Expose and Close: Artesia Family Residential Center, New Mexico” (Washington D.C.: Detention Watch Network (DWN), 2012), [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN Expose and Close Artesia Report.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Artesia%20Report.pdf); Romy Lerner and Karen Winston, “Expose and Close: Baker County Jail, Florida” (Washington D.C.: Detention Watch Network (DWN), 2012), [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN Expose and Close Baker County.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf); DWN, “Expose and Close: Etowah County Jail, Alabama” (Washington D.C.: Detention Watch Network (DWN), 2012), [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN Expose and Close Etowah County.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Etowah%20County.pdf); DWN, “Expose and Close: Houston Processing Center, Texas” (Washington D.C.:

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