

October 31, 2016

Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Dear Secretary Johnson:

The 53 undersigned immigrants' rights, civil rights organizations, and government-openness groups urge you not to renew the contract for the GEO-operated South Texas Detention Complex (STDC) in Pearsall, Texas, which expires November 30, 2016. If the Homeland Security Advisory Committee's review of Immigration and Customs Enforcement (ICE)'s extensive contracting with private prison companies is genuine, and not just a political stunt, the Department must not renew any further contracts for private facilities while the review is in process. We were shocked by Director Saldaña's remarks to Congress and further alarmed by Immigration and Customs Enforcement's decision to renew its contract with the South Texas Family Residential Center in Dilley, Texas, while this review is ongoing. We are deeply concerned that during October, as HSAC is investigating the use of private prisons for immigrant detention, ICE has aggressively expanded the use of private prison contractors for at least 3,600 additional private beds.¹

The South Texas Detention Complex, with a bed capacity of 1890, is the second largest ICE detention center, and one of the top five facilities holding asylum seekers.² The elimination of the detention of asylum seekers is one of the primary ways that has been recommended by advocates for the Department to reduce its detained population to facilitate the elimination of private prisons.³

¹ ACLU Calls on the Homeland Security Advisory Council to Urge Immediate Moratorium on Expansion of Immigration Detention, ACLU, October 2016.

<https://www.aclu.org/letter/aclu-calls-homeland-security-advisory-council-urge-immediate-moratorium-expansion-immigration>

² Lifeline on Lockdown, Human Rights First, March 2016.

http://www.humanrightsfirst.org/sites/default/files/Lifeline-on-Lockdown_0.pdf

³ Shutting Down the Profiteers: Why and How the Department of Homeland Security Should Stop Using Private Prisons, American Civil Liberties Union, October 2016.

<https://www.aclu.org/report/shutting-down-profiteers-why-and-how-department-homeland-security-should-stop-using-private>

The facility is infamous for its harsh conditions reminiscent of those reported in private BOP prisons. GEO guards wear military-style uniforms and immigrants formerly detained there report verbal abuse and arbitrary threats of solitary confinement by guards.⁴ The facility has also been dogged by frequent reports of sexual abuse, including a guard fired for allegedly sexually assaulting a detainee from Mexico in 2008 and more recently, a guard who pled guilty to sexual assault of a detainee in 2014.^{5 6}

Medical care is also grossly inadequate. The 2015 Office of Detention Oversight (ODO) inspection found that the facility's clinical medical director is based in California and multiple essential medical staff positions were vacant including the staff physician, RN, midlevel provider, and LVN positions.⁷ The 2014 ODO inspection of the death of Jorge Alberto Umana-Martinez while detained at STDC revealed multiple points of concern in his medical treatment, including that the facility is not accredited by the National Commission on Correctional Health Care (NCCHC), as required by the ICE 2011 Performance-Based National Detention Standards.⁸ There were also two separate medical maltreatment suits in 2007 for detained men with schizophrenia and manic-depressive disorder.⁹ A man formerly detained for 10 months in Pearsall says getting adequate medical was "nearly impossible," and reports that ibuprofen was prescribed for nearly any ailment, and it took at least two days for requests for medical assistance to be processed even when someone was in intense pain.¹⁰

Conditions at Pearsall are indicative of broader, systemic issues with private prisons. A former GEO guard who worked at the facility for two years observed a clear profit motive in the company's operations. "It's all about the money. It not only puts their life at stake, the detainees, but it puts our life at stake too," said Christy, who declined to provide her full name.¹¹ Fired after

⁴ Declaration of Muhammad Nazry Mustakim, September 2016.

http://grassrootsleadership.org/sites/default/files/uploads/2016-10-3_7214.pdf

⁵ Detained and at Risk, Human Rights Watch. August 2010.

https://www.hrw.org/report/2010/08/25/detained-and-risk/sexual-abuse-and-harassment-united-states-immigration-detention#_ftn40

⁶ Jail employee charged with detainee sex, San Antonio Express-News, March 2014.

<http://www.mysanantonio.com/news/local/article/Jail-employee-charged-with-detainee-sex-5351493.php>

⁷ ODO 2015 Inspection of STDC, April 2015.

<http://www.documentcloud.org/documents/2822719-SouthTexasDetentionComplexPearsallApr21-23-2015.html>

⁸ ODO Detainee Death Review - Jorge Umana-Martinez. December 2014.

<http://www.documentcloud.org/documents/2892017-2014PearsallUmana.html>

⁹ Lack of Mental Health Care in Private Detention Centers; OAS Agency to Investigate Hutto, Texas Prison Bidness, October 2007.

<http://www.texasprisonbidness.org/2007/10/lack-mental-health-care-private-detention-centers-oas-agency-investigate-hutto>

¹⁰ Declaration of Muhammad Nazry Mustakim, September 2016.

http://grassrootsleadership.org/sites/default/files/uploads/2016-10-3_7214.pdf

¹¹ KSAT reports: "Privately run prisons profit from detainees", May 2014

<http://www.texasprisonbidness.org/node/1207>

filing a sexual harassment claim against another GEO employee, she allegedly observed that the company cut corners on equipment, and was consistently understaffed. STDC was also found to have an insufficient number of toilet and shower facilities for the number of immigrants detained at the time of its 2012 ERO inspection, reflecting issues of overcrowding common in private prisons.¹²

We are hopeful that HSAC's review of private prisons is not a foregone conclusion and will critically evaluate the Department's use of private prisons, including the impact of profit motive on facility conditions and the Department's own detention policy decisions. If DHS does seek to end its private prison contracts, reforms to reduce the detention population will need to be a part of its plan. To preserve the validity of the HSAC review, we ask the Department not renew the STDC contract given the serious issues at the facility and suspend all contract renewals of private facilities for the duration of the review.

Please feel free to contact Bob Libal at blibal@grassrootsleadership.org.

Sincerely,

Adjunct Justice

American Civil Liberties Union (ACLU)

Benedictine Sisters of Baltimore

Casa de Esperanza

Coalición de Derechos Humanos

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)

Colectiva Legal Del Pueblo

Detention Watch Network

Disciples Refugee & Immigration Ministries

Dolores Street Community Services

Dominicans of Sinsinawa

End Streamline Coalition

Enlace

¹² ERO Inspection of STDC, March 2012.

<http://www.documentcloud.org/documents/1813518-south-texas-detention-complex-geo-group-2012-ero.htm>

Faithful Friends
Friends of Broward Detainees
Friends of Miami- Dade Detainees
Georgia Latino Alliance for Human Rights
Grassroots Leadership
Human Rights Defense Center
In The Public Interest
International CURE
JPIC Committee of the Sisters of St. Francis of Philadelphia
Juntos
Justice for All
Justice Strategies
Leadership Conference of Women Religious
Live Oak UU Church, Immigration Action Team
Migrant Rights Collective/Colectivo Derechos de Migrantes
National Immigrant Justice Center
National Immigration Law Center
National Justice for Our Neighbors
NETWORK Lobby
New Voice Immigration Assistance Services
NH Conference UCC Immigration Working Group
OpenTheGovernment.org
Peace and Social Justice Center of South Central Kansas
Pennsylvania National Organization for Women
Pittsburgh LCLAA
Private Corrections Working Group
Provincial Council Clerics of St. Viator (Viatorians)
Reformed Church of Highland Park
Research Institute Without Walls

San Marcos Cinema Club

Sisters and Brothers of Immigrants, Inc.

Sisters of Mercy of the Americas

Sisters of Mercy West Midwest Community

SOA Watch

St. Andrew's Presbyterian Church, Social Justice Committee

Texans United for Families

Trinity Health

Unitarian Universalist PA Legislative Advocacy Network

Unitarian Universalist Service Committee

Wilco Justice Alliance (Williamson County, TX)