

Congress of the United States
Washington, DC 20515

November 29, 2018

The Honorable John V. Kelly
Acting Inspector General
Office of the Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Acting Inspector General Kelly:

We write to urge the Office of Inspector General (OIG) to conduct a thorough investigation of the death of Mergansana Amar, a Russian asylum seeker detained in the custody of the U.S. Immigration and Customs Enforcement (ICE) at the Northwest Detention Center (NWDC) in Tacoma, Washington. In addition, we urge you to conduct a comprehensive inspection and review of the conditions at the NWDC, including potential retaliation against detainee whistleblowers.

The Northwest Detention Center is operated by the GEO Group, which is the same private contractor that operates the Adelanto ICE Processing Center in California. As you are aware, Adelanto was the subject of a recent report from your office which condemned conditions at the facility.¹ The Management Alert, issued by the OIG on September 27, 2018, recounts conditions that pose “significant health and safety risks at the facility.” The report identified several risks that showed improper and overly restrictive segregation and inadequate medical care at the GEO-run facility. Among many alarming observations, the OIG found that medical providers at Adelanto prematurely and inappropriately placed detainees in disciplinary segregation, improperly handcuffed and shackled detainees, failed to provide necessary auxiliary aids or translated materials regarding their segregations, and that in 10 of 14 instances the required direct communication with detainees and medical or mental health staff was not conducted.²

We are alarmed by the similarities between findings by the OIG at Adelanto and reports our offices have received regarding conditions at the NWDC. Individuals detained at the NWDC have engaged in a series of hunger strikes over the past four years to highlight ongoing concerns, including alleged abuse of solitary confinement and failure to provide prompt and adequate medical treatment. Our staff have visited the facility multiple times and heard from NWDC staff and detainees about shortages in health care and mental health care providers. Furthermore, we have received reports GEO Group and ICE retaliated against people who spoke out about their treatment at the NWDC.³ These issues are especially relevant in the context of Mr. Amar’s death, who had been engaged in a hunger strike and found to be at risk of suicide by ICE.⁴

¹ Department of Homeland Security, Inspector General, cited in *Management Alert - Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California*, Sept. 27, 2018. <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>

² *Id.* 1

³ Ortega, Bob, *Migrants Describe Hunger and Solitary Confinement at For-Profit Detention Center*, Jul. 18, 2018. <https://www.cnn.com/2018/07/11/us/northwest-immigrant-detention-center-geo-group-invs/index.html>

⁴ Sacchetti, Maria, *ICE Detainee Hanged Himself After Being Taken Off Suicide Watch*, Nov. 28, 2018.

https://www.washingtonpost.com/local/immigration/ice-detainee-hanged-himself-after-being-taken-off-suicide-watch/2018/11/28/67a62e74-edb8-11e8-baac-2a674e91502b_story.html?noredirect=on&utm_term=.e0d78949a78e

As you are aware, findings of negligent care and unsafe conditions at detention centers across the country have not been isolated incidents. Since the OIG began conducting unannounced inspections in 2017, it released three reports on surprise inspections at ICE facilities revealing conditions that undermine the health and safety of detainees. Moreover, just this week, an autopsy report found Roxsana Hernandez Rodriguez, a 33-year-old transgender asylum seeker from Honduras detained at a private detention center in New Mexico, was physically abused in detention and died after several days of severe, untreated dehydration.⁵ These reports are unacceptable.

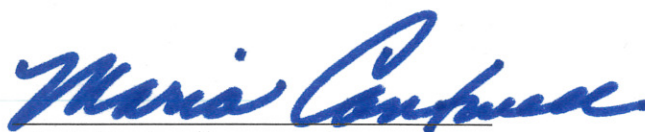
There is a clear pattern that suggests a severe lack of oversight and repeated failures to make sufficient improvements by ICE and private contractors operating detention facilities. We understand there are existing internal processes within ICE to inspect detention facilities and investigate deaths. However, reports published on December 11, 2017⁶ and June 26, 2018⁷ by your office indicated that these processes often do not lead to any improvements in practices and conditions, and ICE has not effectively held private facilities accountable for adhering to ICE's detention standards. Clearly, these processes are not working and are failing to protect the wellbeing of detainees.

A full investigation by the Office of Inspector General into Mr. Amar's death and a comprehensive inspection and review of the conditions at the Northwest Detention Center is imperative. It's vital that we understand what happened and what improvements must be made to address safety and health risks that could otherwise lead to similar tragic incidents in the future.

Sincerely,



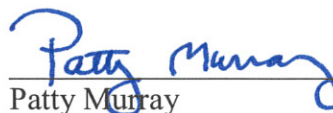
Adam Smith
Member of Congress



Maria Cantwell
United States Senator



Pramila Jayapal
Member of Congress



Patty Murray
United States Senator

⁵ Bixby, Scott, *Trans Woman Was Beaten in ICE Custody Before Death, Autopsy Finds*, Nov. 26, 2018. <https://www.thedailybeast.com/trans-woman-roxsana-hernandez-rodriguez-beaten-in-ice-custody-before-death-pathologist-finds>

⁶ Department of Homeland Security, Office of the Inspector General, *Concerns About ICE Detainee Treatment and Care at Detention Facilities*, Dec. 11, 2017. <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

⁷ Department of Homeland Security, Office of Inspector General, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, Jun. 26, 2018. <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>