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October 4, 2019

The Honorable Kevin K. McAleenan
Acting Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

Dear Secretary McAleenan:

I write to request that the Department of Homeland Security (DHS) work immediately to cure all noncompliant detention conditions identified in DHS Office of the Inspector General (OIG) reports over the past year. Additionally, I request a detailed accounting of taxpayer funds provided to detention facilities in the United States and a clear methodology to cure all violations of national detention standards, including plans to penalize noncompliant facilities.

I am dismayed to hear that DHS has not addressed the violations and abuses outlined in the January 29, 2019 and June 3, 2019 OIG reports. Contracts and agreements with facilities that hold Immigration and Customs Enforcement (ICE) detainees require adherence to the 2000 National Detention Standards, ICE's 2008 Performance-Based National Detention Standards (PBNDS), or the 2011 PBNDS. A Quality Assurance Surveillance Plan (QASP) instructs ICE to recommend financial penalties for contractors that fail to meet the performance standards. According to the January 2019 OIG report, only 28 out of 106 reviewed detention facility contracts contained a QASP. Even when performance standards are blatantly unfulfilled, DHS rarely imposes penalties on facilities. Instead, facilities are excused with waivers for noncompliance. Furthermore, in the June 3, 2019 report, OIG found violations in food service that threaten detainee health, inappropriate segregation practices, the absence of recreation that endangers the general welfare of detainees, inadequate supply of clothing and toiletries, lack of visitation rights, and generally poor conditions that pose health risks.

In light of the recent deaths at detention facilities, the lack of oversight and recourse to these violations is especially troubling. 31 immigrants, including seven children, have died in immigration custody since 2017. Yet, DHS fails to hold private contractors accountable or otherwise improve conditions of immigrant detention facilities.

Since 2016, DHS has allocated \$3 billion for the operation of 106 detention facilities. Given the troubling OIG reports, I again request detailed accounting of the allotment of funds to these detention facilities, including distribution of funds for medical services/supplies, food service/supplies, and other care. Please also provide a methodology to rectify all violations by

November 1, 2019, a plan to penalize noncompliant facilities, and a plan to establish QASPs at each of the 106 facilities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael F. Bennet
United States Senator