

**Congress of the United States**  
**Washington, DC 20515**

December 18, 2017

Kirstjen Nielsen, Secretary  
Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

Thomas D. Homan, Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, D.C. 20536

Michael E. Horowitz, Inspector General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Suite 4706  
Washington, D.C. 20530-0001

John V. Kelly, Acting Inspector General  
Department of Homeland Security  
245 Murray Lane SW  
Washington, D.C. 20528

Dear Secretary Nielsen, Acting Director Homan, Inspector General Horowitz, and Acting Inspector General Kelly:

We write to express our deep concerns about the prevalence of reports of sexual abuse, assault, and harassment in U.S. immigration detention facilities, the lack of adequate government investigation into these reports, and the government's refusal to disclose relevant records, as outlined in Community Initiatives for Visiting Immigrants in Confinement (CIVIC)'s April 11th multi-individual civil rights complaint filed with the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) pursuant to 6 U.S.C. § 345.<sup>1</sup> Since CIVIC filed its complaint, more people in immigration detention have come forward. Most recently, women at the T. Don Hutto Detention Center in Taylor, Texas spoke out publicly earlier this month about repeated sexual assault.<sup>2</sup>

We appreciate significant efforts taken by DHS to address sexual assault in immigration detention including U.S. Immigration and Customs Enforcement (ICE)'s "Sexual Abuse and Assault Prevention and Intervention" directive<sup>3</sup> and the regulations promulgated by ICE on "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facility," 79 Fed. Reg. 13,100 (Mar. 7, 2014). These standards call for a zero tolerance policy for any sexual abuse, mandatory PREA training for all staff, and at least one outside audit for PREA compliance every three years.

Despite this zero tolerance policy, the Office of the Inspector General at the Department of Homeland Security received a total of 33,126 complaints of sexual and/or physical abuse against DHS component agencies between January 2010 and July 2016, according to CIVIC's complaint. Of the 33,126 complaints of sexual and/or physical abuse, the DHS-OIG opened investigations into only 225 of them, or 0.07%.<sup>4</sup>

More complaints were submitted against ICE than any other DHS component agency. Of the total number of complaints, 44.4% (or 14,693 complaints) were lodged against ICE. The agency that is the subject of the second-most complaints is U.S. Customs and Border Protection (CBP), the subject of 10,295 complaints (31.1% of the total).

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<sup>1</sup> Community Initiatives for Visiting Immigrants in Confinement (CIVIC), "Sexual Abuse, Assault, and Harassment in U.S. Immigration Detention Facilities Complaint" April 11, 2017. <http://www.endisolation.org/sexual-assault>

<sup>2</sup> Vasquez, Tina. "Texas Detention Center Faces Allegations of Widespread Sexual Abuse—Again (Updated)." ReWire, 22 Nov. 2017, [rewire.news/article/2017/11/22/texas-detention-center-faces-allegations-widespread-sexual-abuse-again/](http://rewire.news/article/2017/11/22/texas-detention-center-faces-allegations-widespread-sexual-abuse-again/).

<sup>3</sup> ICE. "Policy No. 11062.2. Sexual Abuse and Assault Prevention and Intervention." 2014. <https://www.ice.gov/doclib/detention-reform/pdf/saapi2.pdf>.

<sup>4</sup> OIG did undertake 570 total investigations of sexual and/or physical abuse incidents, but only 225 arose out of a complaint.

The DHS-OIG received at least 1,016 reports of sexual abuse or assault filed by people in immigration detention between May 28, 2014, and July 12, 2016.<sup>5</sup> The DHS-OIG only investigated 24 of these complaints.

The following cases included in CIVIC's complaint represent troubling and serious concerns regarding violations of PREA and ineffective investigations of complaints:

- Douglas Menjivar Pineda was raped at the Joe Corley Detention Facility, according to the complaint, in September 2013. Mr. Menjivar filed an official complaint, but he was only interviewed about the complaint two years later. His attorney was not allowed to be present in the interviews, and shortly after the interviews, Mr. Menjivar received a notice from ICE that stated that "the facts and evidence did not support that the incident occurred."
- Maria Ortiz Cortez was transferred to the West County Detention Facility in California after she was sexually assaulted at the Yuba County Jail and filed a complaint, further isolating her from her support system in the surrounding community.
- A child at the Karnes County Residential Center in Texas showed indications of a sexually transmitted disease and vaginal scarring. Despite physical evidence, ICE declared the allegation of sexual abuse unfounded.
- Damion "Latoya" Ricketts, a transgender woman, was sexually harassed by a corrections officer at the Santa Ana City Jail in July 2016 when he performed a degrading strip search on her in the men's changing room and demanded she slowly remove each article of her clothing, hand them to him, and run her fingers through his hair.

Despite these troubling statistics, ICE recently asked the National Archives and Record Administration (NARA) to approve its timetable for retaining or destroying records related to its detention operations. Specifically, ICE has asked for permission to begin routinely destroying 11 kinds of records, including those related to sexual assaults for the last 20 years. Destroying past records would only exacerbate the lack of adequate oversight of these reports.

Given numerous troubling reports of sexual abuse in immigration detention from civil and human rights organizations for years, we request that you do the following:

- 1) Appoint a special committee of investigators with DHS-OIG to inspect violations of PREA within U.S. immigration detention facilities.
- 2) Appoint a special committee of investigators with the Department of Justice's Office of the Inspector General to launch a comprehensive pattern or practice investigation into sexual assault in U.S. immigration detention.
- 3) DHS should publicly release aggregate data on complaints of sexual abuse in DHS facilities, including ICE and CBP facilities, on its website on a quarterly basis, without compromising confidentiality. This practice should begin within the next 90 days, and information should include actions taken and investigation outcomes.
- 4) ICE should withdraw its petition to NARA for destroying records, or digitize and make public all of the records prior to physical destruction.

We appreciate your prompt attention to this matter and look forward to a response. We look forward to continuing to work with you in the future.

Sincerely,

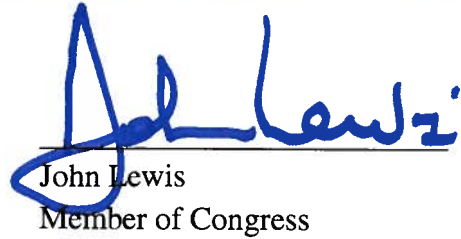
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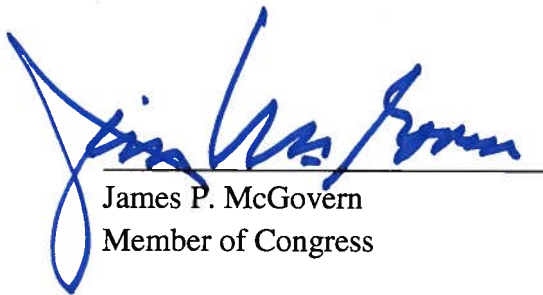
<sup>5</sup> Prior to May 28, 2014, the DHS OIG had no category to differentiate between complaints filed by people in immigration detention or complaints filed by people outside of detention.

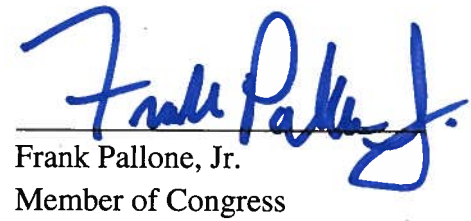
  
Raúl M. Grijalva  
Member of Congress

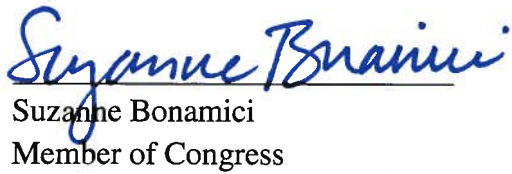
  
Judy Chu  
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Pramila Jayapal  
Member of Congress

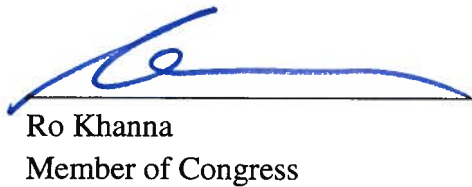
  
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James P. McGovern  
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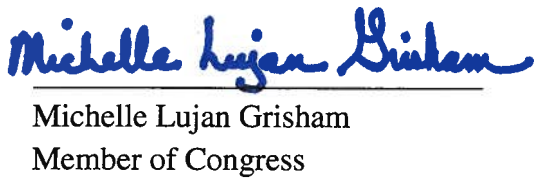
  
Frank Pallone, Jr.  
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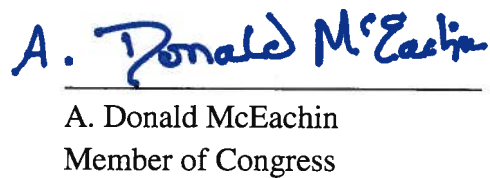
  
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Ann McLane Kuster  
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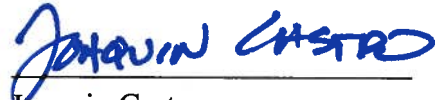
John Yarmuth  
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Joseph P. Kennedy, III  
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Nanette Diaz Barragán  
Member of Congress



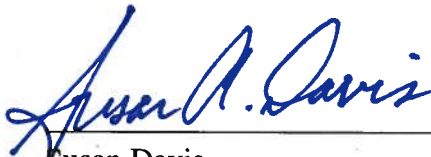
Joaquin Castro  
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Bonnie Watson Coleman  
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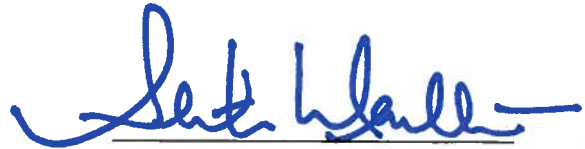
Susan Davis  
Member of Congress



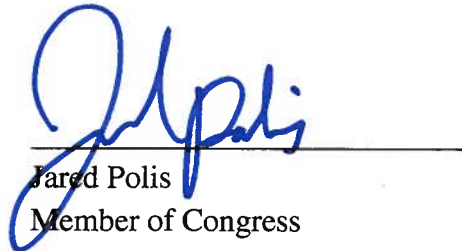
Adriano Espaillat  
Member of Congress



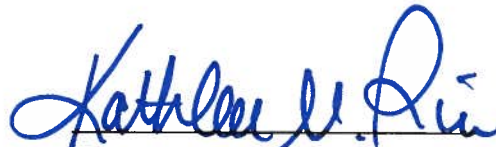
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Albio Sires  
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Adam Smith  
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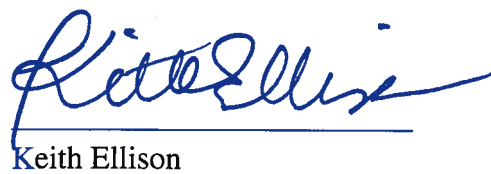
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André Carson  
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Peter A. DeFazio  
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Keith Ellison  
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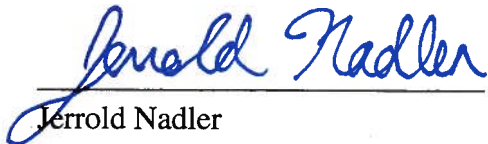
Eddie Bernice Johnson  
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Ben Ray Lujan  
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Gwen Moore  
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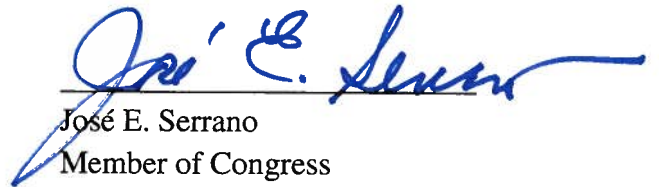
Jerrold Nadler  
Member of Congress



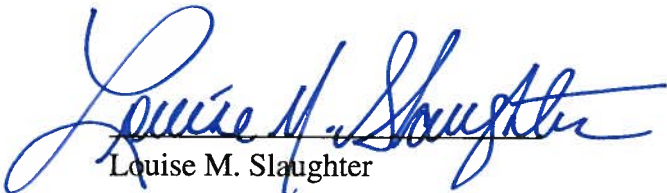
Chellie Pingree  
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Lucille Roybal-Allard  
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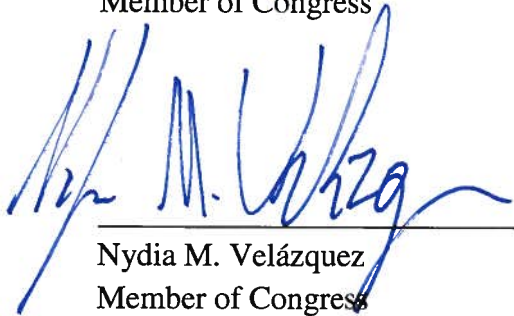
José E. Serrano  
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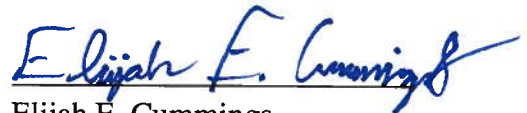
Nydia M. Velázquez  
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Peter Welch  
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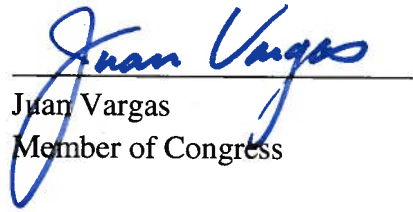
Frederica S. Wilson  
Member of Congress



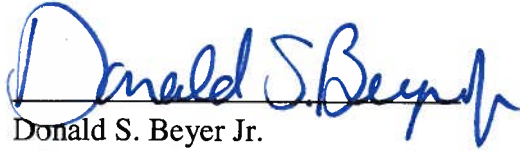
Elijah E. Cummings  
Member of Congress



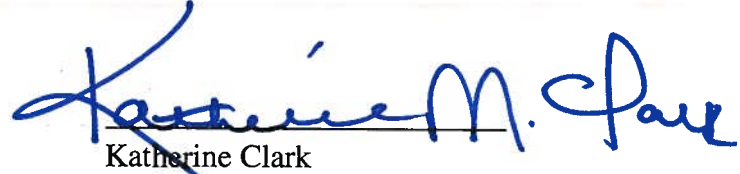
Darren Soto  
Member of Congress



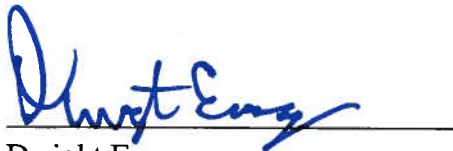
Juan Vargas  
Member of Congress



Donald S. Beyer Jr.  
Member of Congress



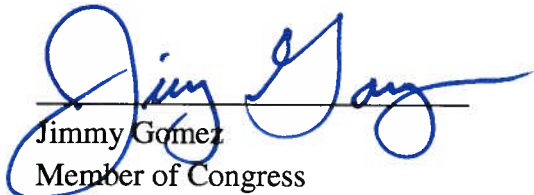
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Grace Meng  
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