February 9, 2022

The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC

The Honorable Joseph V. Cuffari
Inspector General
Office of the Inspector General
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC

Re: Support of Request for a Formal Review into the Implementation of Executive Order 14006 and Immigration & Customs Enforcement Acquisition of Closed Facilities

Dear Inspectors General Horowitz and Cuffari,

We the undersigned organizations write in support of a formal review of the implementation of President Biden’s Executive Order 14006 phasing out the use of private prisons by the Department of Justice (DOJ). As advocates and members of Congress warned, implementation of the executive order (EO) has been inconsistent and allowed private prison corporations to circumvent the intent and spirit of the EO by courting local governments and other federal agencies, including the Department of Homeland Security (DHS). We urge you to conduct a comprehensive inquiry into the implementation and report your findings publicly as requested.

The order has now been in effect for over a year and the DOJ has requested $75.0 million for fiscal year 2022 for the transportation of incarcerated people out of privately operated facilities making this an ideal time to evaluate the implementation of EO 14006. Advocates have documented instances in which the federal government has allowed for the creation of “work-around” or “pass-through” third-party contracts to extend the life of private detention facilities. These work-arounds have included new contracts with DHS as well as new DOJ intergovernmental service agreements (IGA) with county governments who then contract with private prison corporations for operations, despite the EO’s clear language that “privately operated” facilities should be phased out.

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Notably, in September 2021 Immigration and Customs Enforcement (ICE) announced the reopening of Moshannon Valley Correctional Center, a BOP jail in Clearfield County, Pennsylvania which closed in March 2021 after the DOJ declined to renew its contract with GEO. Despite the jail’s history of abuse and neglect, the facility is now operating as an ICE detention center. Reports also confirm that GEO has signed an agreement to expand the Folkston ICE Processing Center into the part of its prison complex that closed in September 2021 due to the end of a BOP contract. The expansion would increase ICE detention capacity by at least 1800 beds to make it the largest immigration detention center in the country. Similar negotiations between ICE and private prison companies regarding closed prisons have been reported around the country, including in Tipton County, Tennessee, Leavenworth, Kansas, and Howard County, Texas. Additionally, U.S. Marshal services extended its contract with GEO Group for the Western Regional Detention Facility in San Diego, CA, allowing GEO time to negotiate a pass-through contract with the city of McFarland in an attempt to keep the facility open.

In October 2021, over 200 organizations signed a letter to the administration expressing deep disappointment regarding ICE expansion and calling for a halt to all expansion.

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efforts and the cancellation of ICE contracts as a first step towards phasing out ICE detention. In response to the letter, ICE indicated that it has actually requested proposals for several former DOJ facilities.\textsuperscript{12} In fact, ICE has conducted pre-occupancy inspections and participated in negotiations for several facilities. This shifting of private prisons from one federal agency to another clearly undermines the spirit and intent of the EO 14006 and requires review.

As the order notes, “There is broad consensus that our current system of mass incarceration imposes significant costs and hardships on our society and communities and does not make us safer. To decrease incarceration levels, we must reduce profit-based incentives to incarcerate.” Pass-through contracts and the conversion of facilities from the DOJ to DHS fail to reduce incarceration levels or the federal government's reliance on privately operated facilities. Instead, President Biden's executive order should be extended to include DHS contracts with private prison corporations and local governments as a first step. Given the extensive history of abuse and neglect in ICE detention and the fact that 79% of people in ICE custody are held in private detention facilities, your review and public report is sorely needed to guard against further expansion that will come at great economic and human cost.\textsuperscript{13}

Sincerely,

Government Accountability Project
National Education Association
National Immigration Law Center
Service Employees International Union (SEIU)
Project On Government Oversight
Hispanic Federation
Southern Poverty Law Center
Bend the Arc: Jewish Action
Black Alliance for Just Immigration (BAJI)
Northwest Immigrant Rights Project
Oxfam America
UndocuBlack Network
Immigrant Legal Resource Center
Lutheran Immigration and Refugee Service

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\text{\textsuperscript{12} Detention Watch Network, Detention Watch Network Blasts ICE's Intention, Disclosed in Private Letter, To Expand Immigration Detention,}\]
\text{\textsuperscript{13} Eunice Cho, "More of the Same: Private Prison Corporations and Immigration Detention Under the Biden Administration," }\textit{ACLU}, \text{October 5, 2021,}\]
\text{\textsuperscript{13} https://www.detentionwatchnetwork.org/pressroom/releases/2021/detention-watch-network-blasts-ice-s-intention-disclosed-private-letter.}\]
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United We Dream
Make the Road New York
American Friends Service Committee (AFSC)
Brooklyn Defender Services
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Centro Legal de la Raza
Church World Service
Fair Immigration Reform Movement (FIRM) Action
Women’s Refugee Commission
Young Center for Immigrant Children's Rights
Americans for Immigrant Justice
Bend the Arc, Jewish Action, Maryland
Advance Law Office PLLC
Advocate Visitors with Immigrants in Detention (AVID) in the Chihuahuan Desert
Amend Law
Bridges Faith Initiative
Civil Rights Education and Enforcement Center (CREEC)
Community Change Action
Comunidad Maya Pixan Ixim
Congregation of Divine Providence, Texas
#DetentionKills
Doctors for Camp Closure
Envision Freedom Fund
Evangelical Lutheran Church in America
Faith in Public Life
Families for Freedom
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Friends Committee on National Legislation
Friends Meeting of Washington Committee on Peace & Social Concerns
Garifuna community services
Illinois Coalition for Immigrant and Refugee Rights
Immigration Working Group, SWPA Synod, ELCA
JAMAAT - Jews and Muslims and Allies Acting Together
Jewish Activists for Immigration Justice of Western Massachusetts
Justice Action Center
La Resistencia
Law Office of Helen Lawrence
Legal Aid Justice Center
Louisiana Advocates for Immigrants in Detention (LA-Aid)
Mariposa Legal
Maryknoll Office for Global Concerns
Muslim Voices Coalition
National Network for Immigrant and Refugee Rights
NETWORK Lobby for Catholic Social Justice
Never Again Action DC
New York Immigration Coalition
North American Climate, Conservation and Environment (NACCE)
PG ChangeMakers
Progress Virginia
Quixote Center
Rainbow Beginnings
Rocky Mountain Immigrant Advocacy Network
Sanctuary DMV
Services, Immigrant Rights and Education Network (SIREN)
Sisters of Mercy of the Americas Justice Team
Social Justice Committee of St. Andrew's Presbyterian Church, Austin TX
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
Takoma Park Mobilization, Equal Justice
The Advocates for Human Rights
The Bronx Defenders
Union for Reform Judaism
Unitarian Universalists for Social Justice
UnLocal
VECINA
Virginia Coalition for Immigrant Rights
Washington Defender Association
Wind of the Spirit Immigrant Resource Center