



## **Anthology of Abuse: The Case for Permanent Closure of the Torrance County Detention Facility**

### **Background**

The Torrance County Detention Facility (TCDF) in Estancia, New Mexico, has served as a detention center for individuals in the custody of U.S. Immigration and Customs Enforcement (ICE), U.S. Marshals Service (USMS), and the county since 1990. With a capacity to detain 910 individuals, TCDF is among three privately-operated ICE civil immigration detention centers in New Mexico.<sup>1</sup> ICE often detains people seeking asylum at TCDF, increasingly utilizing it for conducting rapid Credible Fear Interviews and as a transfer point for people being relocated to other immigration detention centers.<sup>2</sup> The USMS, a branch of the Department of Justice, detains people facing criminal charges, with a significant majority of those people being held in pre-trial detention including immigrants charged with unlawful entry or reentry under 8 U.S. Code §§ 1325 and 1326.<sup>3</sup> TCDF is owned and operated by CoreCivic, one of the largest private prison companies in the world.<sup>4</sup>

In 2017, as the number of people in ICE custody at the facility dwindled and pressure mounted from advocates, CoreCivic terminated its contract with Torrance County. At the time, CoreCivic warden Chad Miller candidly stated, "The reality is that we've been operating at a loss for the last four years."<sup>5</sup> Yet subsequently, in 2019, following negotiations with ICE, Torrance County

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<sup>1</sup> Joshua Bowling. "New Mexico Is Paying Millions to Take Control of Private Prisons as Inmate Populations Decline." ABQ News, November 2022, <https://abq.news/2022/11/new-mexico-is-paying-millions-to-take-control-of-private-prisons-as-inmate-populations-decline/>.

<sup>2</sup> TCDF Complaint. Innovation Law Lab, August 2023, [https://innovationlawlab.org/media/TCDF\\_Complaint-8\\_21\\_2023\\_Redacted.pdf](https://innovationlawlab.org/media/TCDF_Complaint-8_21_2023_Redacted.pdf)

<sup>3</sup> Seth Freed Wessler. "Inside the US Marshals' Secretive, Deadly Detention Empire," Mother Jones, December 2019. <https://www.motherjones.com/crime-justice/2019/10/inside-the-us-marshals-secretive-deadly-detention-empire/>

<sup>4</sup> "CoreCivic: One of the Largest Corrections Companies in the U.S." Documented NY. September 2021.

<https://documentedny.com/2021/09/19/corecivic-one-of-the-largest-corrections-companies-in-the-us/>

<sup>5</sup> "New Mexico private prison to close, doesn't have enough inmates to profit," United Press International, July 2017, [https://www.upi.com/Top\\_News/US/2017/07/30/New-Mexico-private-prison-to-close-doesnt-have-enough-inmates-to-profit/8011501452347/](https://www.upi.com/Top_News/US/2017/07/30/New-Mexico-private-prison-to-close-doesnt-have-enough-inmates-to-profit/8011501452347/)

Manager Wayne Johnson announced the facility's reopening under a new agreement with a guaranteed minimum detention capacity for 714 individuals.<sup>6</sup>

Since reopening, reports on TCDF have consistently documented inhumane living conditions,<sup>7</sup> restricted access to legal counsel,<sup>8</sup> inadequate healthcare,<sup>9</sup> and deaths.<sup>10</sup> Even the Department of Homeland Security's (DHS) own oversight agencies have revealed significant and chronic deficiencies at the facility. The deplorable conditions reached such a critical point that in March of 2022, the DHS Office of Inspector General (OIG) issued an unprecedented management alert recommending that ICE immediately stop detaining people at TCDF. But ICE continues to detain people at the facility.<sup>11</sup>

## Purpose

ICE has refused to accept the recommendations of oversight agencies regarding TCDF and has repeatedly failed to protect the people detained at TCDF and other ICE facilities across the country. Further, CoreCivic's repeated failures to correct issues documented in reports by government agencies, third-party contractors like the Nakamoto Group, Inc., and lawsuits filed by advocacy groups show that TCDF is rotten to the core and incapable of improvement.

This brief provides evidence supporting the argument for closure. People detained at TCDF, as well as advocates, lawyers, government agencies, and journalists have witnessed, investigated, and documented the horrors of confinement at the facility for years, creating a long trail of evidence of abuse.<sup>12</sup> Yet ICE persists in detaining immigrants at the facility despite the OIG's clear and urgent recommendation that ICE immediately stop detaining people at TCDF. As we

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<sup>6</sup> "Torrance County to reopen detention center," Albuquerque Journal. May 2019.

<https://www.abqjournal.com/1316292/torrance-county-to-reopen-detention-center-ex-up-to-714-male-migrants-to-be-housed-there-in-agreement-with-ice.html>

<sup>7</sup> Leonardo Castañeda. ACLU of New Mexico. "They Treat Us Like We're Animals: Inside Torrance County's Troubled Detention Center". August 2022.

<https://www.aclu-nm.org/en/news/they-treat-us-were-animals-inside-torrance-countys-troubled-detention-center>

<sup>8</sup> Martin Heinrich. "Members Of NM Delegation Call For Increased Oversight At CoreCivic Detention Facility In Torrance County After Asylum Seekers Face Barriers To Legal Representation." December 2021.

<https://www.heinrich.senate.gov/newsroom/press-releases/members-of-nm-delegation-call-for-increased-oversight-at-corecivic-detention-facility-in-torrance-county-after-asylum-seekers-face-barriers-to-legal-representation>

<sup>9</sup> Contract Discrepancy Report, "Annual Inspection of the Torrance County Detention Facility," The Nakamoto Group. December 2020. <https://innovationlawlab.org/media/Dec-2020-CDR.pdf>.

<sup>10</sup> Austin Fisher. "Brazilian asylum-seeker who died by suicide held in 'horrific conditions, attorneys say". Source New Mexico". September 2022.

<https://sourcennm.com/2022/09/01/brazilian-asylum-seeker-who-died-by-suicide-held-in-horrific-conditions-attorneys-say/>

<sup>11</sup> Office of Inspector General. "Management Alert –Immediate Removal of All Detainees from the Torrance County Detention Facility". March 2022.

<https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>

<sup>12</sup> "Torrance County Detention Facility: Cruel, Harmful, and Completely Unnecessary." Innovation Law Lab. <https://innovationlawlab.org/torrance-county-detention-facility/>

near the contract's termination date on May 14, 2024, ICE continues to increase the facility's population, ignoring the record of abuse and community opposition to the facility's continued operation. Instead, ICE must permanently end its contract for TCDF and the facility must be shut down.

We cannot settle for broken promises to address conditions at TCDF, especially when actions by ICE and oversight agencies have proven to be ineffective. The evidence presented in this brief demonstrates that the only solution is to shut down TCDF and release people in ICE detention. The following is an extensive summary of evidence and resources from various perspectives that support the ongoing demand for closure.

## **The Paper Trail**

### **Advocates and Directly Impacted Individuals**

Numerous organizations, including legal service providers, visitation groups, and grassroots advocacy groups, have supported people detained at TCDF for many years. Notable among them are Advocate Visitors with Immigrants in Detention in the Chihuahuan Desert, American Civil Liberties Union of New Mexico, Innovation Law Lab, New Mexico Dream Team, New Mexico Immigrant Legal Center, Las Americas Immigrant Advocacy Center, Volunteers in Immigrant Detention Albuquerque, the CUNY School of Law Immigrant and Non-Citizen Rights Clinic, and Santa Fe Dreamers Project. These organizations step up when the safety of people detained is jeopardized and their access to legal representation is obstructed.

During the COVID-19 pandemic, TCDF experienced multiple outbreaks that posed significant risks to the lives of detained individuals and CoreCivic employees. According to data from the ICE COVID-19 tracking website, the facility reported over 470 cases in the first two years of the pandemic.<sup>13</sup> CoreCivic refused to provide essential protective equipment such as masks, cleaning supplies, and hand soap, and failed to adhere to the guidelines set by the Centers for Disease Control & Prevention (CDC).<sup>14</sup> The situation inside the facility became so dire that people detained in ICE custody there initiated a hunger strike. CoreCivic responded by denying the hunger strikers' demands and deploying pepper spray against participants. In a lawsuit filed shortly thereafter by affected individuals and Santa Fe Dreamers Project, plaintiffs described how they "screamed in pain and anguish as the chemical agent irritated their skin, eyes, and lungs."<sup>15</sup>

The environment set by CoreCivic and ICE at TCDF has given rise to alarming physical and mental health challenges for people detained there, resulting in multiple suicide attempts. In July 2023, Innovation Law Lab, a legal service provider serving people detained at Torrance, made

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<sup>13</sup> Maria Ines Taracena. "Hunger strikers at New Mexico ICE facilities protest inhumane conditions". Prism. November 2022. <https://prismreports.org/2022/11/29/hunger-strikers-new-mexico-ice/>

<sup>14</sup> ACLU of New Mexico. "Santa Fe Dreamers Project v. CoreCivic." [https://www.aclu-nm.org/sites/default/files/field\\_documents/complaint\\_for\\_declaratory\\_relief\\_and\\_damage\\_s\\_1.pdf](https://www.aclu-nm.org/sites/default/files/field_documents/complaint_for_declaratory_relief_and_damage_s_1.pdf)

<sup>15</sup> ACLU of New Mexico. Ibid

public 32 testimonies written by men enduring these troubling conditions while pleading for their release.<sup>16</sup> The men underscored inadequate healthcare, psychological mistreatment and retaliation by guards, labor exploitation, and due process violations, most of which were cited as contributing factors to their feelings of depression and despair. As one of the detained men, Jilson Pazmino Mestanza, stated, "The abuses you receive here in this prison bring you to think and feel anguish, depression".<sup>17</sup>

## Government Oversight

Oversight mechanisms in place to review ICE detention are inadequate and their recommendations are unenforced. The DHS OIG has found that the infrequency, advance notice, and scope of ICE's primarily internal inspections process is conducive to leaving deficiencies unaddressed for years, despite numerous inspections of individual facilities revealing conditions severe enough to threaten the health and safety of people in custody.<sup>18</sup> Even where there is a proven pattern, as has been documented at TCDF, accountability mechanisms are dangerously ineffective.

In July 2021, the Nakamoto Group, Inc. performed an inspection of TCDF for ICE's annual performance evaluation of the facility. Nakamoto is notorious for conducting lenient inspections that have failed to register problems at immigration detention facilities across the United States.<sup>19</sup> Nonetheless, the dire conditions at TCDF were too much even for Nakamoto, and it ultimately recommended that TCDF fail its annual performance evaluation, which ICE adopted. Nakamoto's inspection found twenty-two deficiencies in the eight standards they employ to review conditions and practices related to environmental health, staff communication, food service, suicide prevention, visitation, telephone access, grievance system, and staff training.<sup>20</sup> In particular, its report highlighted safety concerns with the food service, failure to record medical grievances, and inequitable access to virtual visitation after COVID-19 regulations halted in-person visitations.

Only eight months later, in February 2022, the DHS OIG conducted an unannounced inspection and identified the facility's conditions as egregious and unsafe. A team of six inspectors, including an independent reference reviewer, toured the facility over the course of three days to ensure facility compliance with the 2011 Performance-Based National Detention Standards (revised 2016). They found cells with clogged toilets and sinks, empty security control rooms,

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<sup>16</sup> PJ Podesta. "Testimonies from Torrance". August 25, 2023.

<https://innovationlawlab.org/blog/testimonies-from-torrance/>

<sup>17</sup> Ibid.

<sup>18</sup> Office of Inspector General. "ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements". June 2018.

<https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

<sup>19</sup> Alan Gaynor. "Nakamoto Group Accused of Rubber-Stamping ICE Facility Inspections." Prison Legal News. August 2022.

<https://www.prisonlegalnews.org/news/2022/aug/1/nakamoto-group-accused-rubber-stamping-ice-facility-inspections/>

<sup>20</sup> The Nakamoto Group, Inc. "Annual Inspection of the Torrance County Detention Center". July 2021.

<https://www.ice.gov/doclib/facilityInspections/TOORANM21-TorranceCoDetFac-CL-07-29-2021.pdf>

and people in detention required to obtain drinking water from a mop sink used to clean the housing unit. Conditions were so dire that the OIG published a management alert in March 2022 calling for ICE to immediately stop detaining people at TCDF (176 people at the time of the inspection).<sup>21</sup>

ICE disregarded the OIG's recommendation and continued detaining people at the facility, showing the agency's unwillingness to address people's safety at TCDF.

Two months after the OIG inspection revealed dangerous conditions at TCDF and brought renewed public scrutiny of CoreCivic and DHS, the Nakamoto Group conducted an inspection regarding the conditions at TCDF for ICE's follow-up performance evaluation of the facility. The Nakamoto Group issued a recommendation that TCDF pass the evaluation, which ICE adopted shortly thereafter, allowing it to evade a federal law that requires ICE to close any facility that fails two overall performance evaluations in a row.<sup>22</sup> Advocates recently filed a lawsuit challenging ICE's decision, pointing out deep flaws in the evaluation process.<sup>23</sup> In September 2022, the OIG released a final report again recommending that ICE immediately stop detaining people at TCDF due to the egregious conditions found during the OIG's inspection. ICE has continued to disregard this recommendation and has since increased its use of Torrance.<sup>24</sup>

## The Media

New Mexico and national media have played a crucial role in uncovering the inhumane and deadly conditions at TCDF. Since its establishment, at least four deaths have been publicly reported at TCDF. In November 2011, *Reveal* from The Center for Investigative Reporting disclosed the in-custody death of Anthony Mancini.<sup>25</sup> This incident came to light during the publication's investigation into CoreCivic's multi-million deal to detain immigrants in New Mexico. The report shed light on the profits made by corporations amidst several reported fatalities. Documents from a wrongful death lawsuit obtained by *Reveal* exposed claims of medical negligence at TCDF by CoreCivic. The lawsuit alleged that a healthcare provider failed to detect signs of cardiac arrest in Mr. Mancini, misdiagnosing him with an upset stomach and treating him with Tums and cough syrup before returning him to his cell, where he was later found deceased by his cellmate.<sup>26</sup>

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<sup>21</sup> OIG Management Alert. *Ibid.*

<sup>22</sup> The Nakamoto Group, Inc. "180 Day Follow-Up/Annual Inspection of the Torrance County Detention Facility". March 2022.

[https://www.ice.gov/doclib/facilityInspections/torranceCoDetFac\\_CL\\_03-31-2022.pdf](https://www.ice.gov/doclib/facilityInspections/torranceCoDetFac_CL_03-31-2022.pdf)

<sup>23</sup> Carlos Doe et al. v. ICE et al., Complaint, 1:23-cv-00971 (D.N.M., Nov. 3, 2023) (available [here](#)).

<sup>24</sup> Office of Inspector General. "Violations of ICE Detention Standards at Torrance County Detention Facility". September 28, 2022.

<https://www.oig.dhs.gov/sites/default/files/assets/2022-09/OIG-22-75-Sep22.pdf>

<sup>25</sup> Sarah Macaraeg. "Inside a private prison's \$150M deal to detain immigrants in New Mexico". *New Mexico In Depth*. October 2017.

<https://nmindepth.com/2017/inside-a-private-prisons-150m-deal-to-detain-immigrants-in-new-mexico/>

<sup>26</sup> Second Judicial Court District. "Monica Garcia v. CCA Tennessee LLC". November 2014.

<https://www.documentcloud.org/documents/4109415-Garcia-complaint.html>

In August 2022, just a few months after the DHS OIG inspection, the tragic death by suicide of Kesley Vial, a 23-year-old from Brazil, gained widespread attention. Mr. Vial's death highlighted the fatal consequences of the appalling conditions and mistreatment endured by all people at the facility.<sup>27</sup> Prompted by this incident, The Hill initiated an extensive investigation into mental health concerns in immigration detention centers, particularly focusing on TCDF. The investigation revealed several suicide attempts among the people detained.<sup>28</sup> One attempt was around the time of Mr. Vial's death but was averted when another detained person intervened as someone was about to leap from a ledge on a second floor.<sup>29</sup> The series of suicide attempts at TCDF has highlighted serious issues regarding mental healthcare, exacerbated by inhumane living conditions and an inadequate response to these challenges.

The remaining two fatalities at TCDF include Samuelito Mavinga, a French citizen, whose death details emerged through the French news outlet RFI, as he was initially unidentified by ICE. In 2019, Mr. Mavinga experienced a cardiac arrest following his transfer from the Otero County Processing Center to TCDF.<sup>30</sup> Another case is that of Jeremiah Camacho, who passed away from a fatal suicide attempt in 2020 in county custody. This incident prompted his estate to initiate a wrongful death lawsuit against CoreCivic.<sup>31</sup>

## The Solution

The detention system has always been plagued with deplorable conditions and a pervasive culture of violence, and TCDF is no exception. Directly impacted individuals, advocates, government oversight bodies, and journalists have all documented years of abuse at the Torrance County Detention Facility. Numerous inspections, protests, and media reports have conclusively demonstrated that the facility is beyond repair. Terminating the ICE contract for TCDF is the only solution and a critical step for the administration to make good on its promise to protect immigrants and move us toward a more humane immigration system.

**We have only one recommendation for the Torrance County Detention Facility: the administration must immediately release all individuals currently held in ICE custody at TCDF and shut it down.**

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<sup>27</sup> Austin Fisher. "Brazilian asylum-seeker who died by suicide held in "horrific conditions", attorney say". September 1, 2022. <https://sourcenm.com/2022/09/01/brazilian-asylum-seeker-who-died-by-suicide-held-in-horrific-conditions-attorneys-say/>

<sup>28</sup> Rafael Bernal. "Suicide attempts highlight mental health concerns in immigrant detention". The Hill. March 2023. <https://thehill.com/latino/3881755-suicide-attempts-highlight-mental-health-concerns-in-immigrant-detention/>

<sup>29</sup> Ibid.

<sup>30</sup> "Details emerge about French citizen who died in US immigration detention". RFI. March 2020. <https://www.rfi.fr/en/americas/20200103-details-emerge-french-citizen-died-us-immigration-detention-samuelino-mavinga>

<sup>31</sup> Complaint to Recover Damages for Wrongful Death, Negligence, and Breach of Contract, Larissa Lozano v. CoreCivic of Tennessee, LLC, et al., No. 202-CV-202207064 (N.M. 2d D. Ct, filed Nov. 23, 2022).



## **References and Additional Resources**

### **Advocates and Directly Impacted Individuals**

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<https://innovationlawlab.org/blog/open-letter-ultimos-querreros-torrance/>
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### **Government Oversight**

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## **The Media**

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