

# Congress of the United States

Washington, DC 20515

February 19, 2019

John V. Kelly, Acting Director  
Office of Inspector General  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Acting Director Kelly:

Recent reports detail the deeply troubling force-feeding of immigrant detainees on hunger strike by U.S. Immigration and Customs Enforcement (ICE) in several states, including at the El Paso Processing Center in Texas.<sup>1</sup> In keeping with your mission to provide independent oversight, we request that you review the on-site conditions that have precipitated the detainees' protests and remedy any violations of ICE detention standards. We also ask that you clarify the legal process and policy considerations pertaining to the involuntary tube-feeding of ICE detainees.

According to detainees and advocates, the purpose of the hunger strikes in El Paso and elsewhere is to call attention to mistreatment and abuse in immigration detention.<sup>2</sup> Yet, rather than addressing those complaints, ICE is force-feeding detainees and reportedly taking other punitive measures, including solitary confinement.<sup>3</sup> Some detainees allege that detention officers ridicule them and threaten them with deportation, despite their future immigration status being dependent on due process.<sup>4</sup> If accurate, these complaints reveal unequivocal abuses of power that violate the rights of detainees.

Three recent reports from your office, the Office of the Inspector General (OIG), demonstrate a clear pattern of noncompliance at immigration detention facilities. The report dated December 11, 2017, notes that "the problems we identified undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment."<sup>5</sup> A subsequent OIG report released in June of 2018 indicated that a great deal of corrective action had yet to take place, bluntly stating "ICE does not consistently enforce compliance with detention standards."<sup>6</sup> Surveillance footage viewed by OIG investigators has corroborated detainee allegations of abuse and arbitrary punitive actions by detention officers. The most recent OIG report, dated January 29, 2019, similarly asserts, "ICE does not adequately hold detention facility contractors accountable for not meeting performance standards."<sup>7</sup>

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<sup>1</sup> <https://www.apnews.com/c4b201dac8bf48eba17485a5c357b810>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

<sup>6</sup> <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

<sup>7</sup> <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>

It is alarming that ICE and detention facility contractors subject immigrant detainees – some of them asylum seekers – to conditions so odious that detainees would resort to hunger strikes. Responding with force-feeding, which the United Nations (U.N.) Human Rights Commission has called a cruel and inhumane practice<sup>8</sup> that may violate the U.N. Convention Against Torture<sup>9</sup>, is appalling and casts a pall over our government's commitment to basic human rights.

In addition to reviewing the conditions in ICE facilities where force-feeding detainees is occurring and insisting upon remedial actions for ongoing violations or issues that are at odds with existing recommendations made by your office, we request your assistance in getting answers to the following questions as we consider possible reforms to U.S. immigration detention standards:

1. What are the legal requirements for force-feeding detainees?
2. What was the decision-making process that led to persons being force-fed, including the names and titles of all persons involved in the process as well as the rationale for force-feeding?
3. Who monitors the care of detainees determined to require force-feeding? Do detainees have the right to request a second opinion from an independent doctor?
4. Do the medical units where the hunger strikes are occurring have established plans for ensuring the holistic physical and mental health and wellbeing of detainees participating in hunger strikes?
5. Can you confirm that ICE officials followed the hunger strike protocols as outlined in the Performance-Based Detention Standards?<sup>10</sup>
6. We have anecdotal evidence that detainees on hunger strikes in the past have faced retribution for their actions.
  - What process does ICE have in place to protect detainees from such treatment?
  - Have any of these detainees reported facing retribution (i.e. being denied certain comforts unless they broke their hunger strike)? If so, please provide a copy of these reports.
  - Under what circumstances are individuals involved in hunger strikes placed in solitary confinement while refusing food or water?
  - Were any individuals involved in this hunger strike placed in solitary confinement in the 30 days prior to the start of the strike? Were any individuals involved in this hunger strike placed in solitary confinement in the 90 days prior to the start of the strike? If so, how long were they held in solitary confinement?

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<sup>8</sup> <https://www.ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>

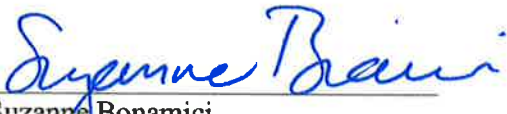
<sup>9</sup> <https://apnews.com/e0941d7d1b0d413b9d9a0b792c34dd26>

<sup>10</sup> <https://www.ice.gov/doclib/detention-standards/2011/4-2.pdf>

7. In the last four years, how many allegations have been made of officers physically or verbally abusing detainees?
8. Were all of those allegations investigated and what was the resulting corrective action for substantiated violations?
9. ICE concurred with all recommendations in the previously cited OIG reports. What is the implementation status of those recommendations?

We continue to have serious concerns about ICE immigration detention standards, as well as the role that outsourcing to private prison companies plays in depressing these standards. The recent media reports confirm our misgivings about ICE's lack of progress on implementing OIG recommendations. We implore you to exercise your oversight responsibilities to make improving conditions at immigration detention facilities a top priority for ICE and ensure the humane treatment of detainees in federal custody.

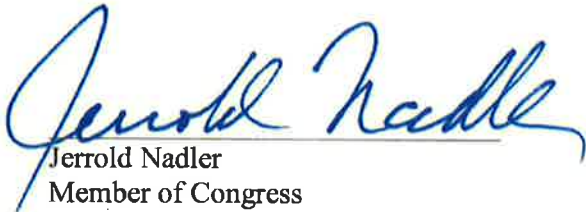
Sincerely,



Suzanne Bonamici  
Member of Congress



Veronica Escobar  
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Jerrold Nadler  
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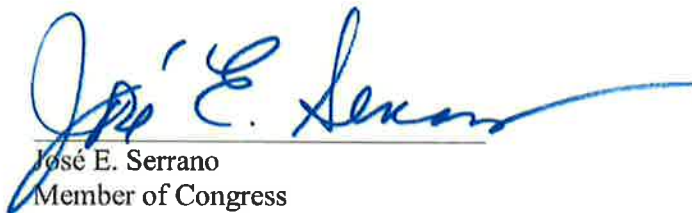
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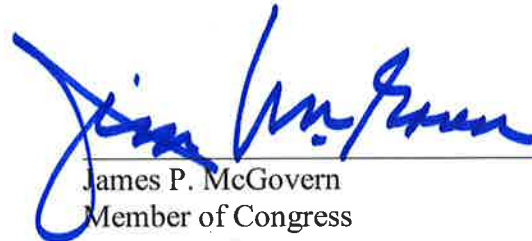
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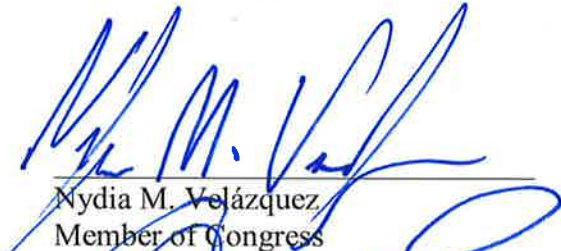
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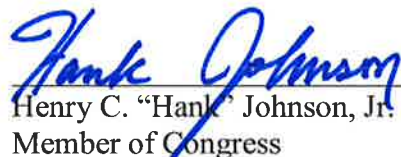
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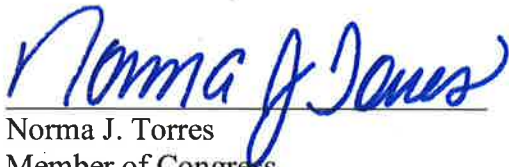
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