

United States Senate

WASHINGTON, DC 20510

July 24, 2019

VIA ELECTRONIC SUBMISSION

The Honorable Matthew Albence
Acting Director
U.S. Immigration and Customs Enforcement

Dear Acting Director Albence:

In light of recent allegations of the misuse of solitary confinement, we write to you today to follow up on previous oversight regarding solitary confinement at Immigration and Customs Enforcement (ICE)-owned and ICE-contracted detention facilities.¹

In the past, both of us have raised concerns about the use of solitary confinement at ICE detention facilities. For example, Senator Grassley wrote a letter in June 2015 to then-Secretary of the Department of Homeland Security (DHS) Jeh Johnson to raise concerns about how detainees with medical and mental health concerns were placed in segregation.² The DHS Office of the Inspector General (OIG) has issued multiple reports on this practice since 2015, and we want to know what steps ICE has taken to document and justify the use of segregation.

As part of this follow-up, we would like to draw your attention to DHS OIG reports issued in September 2017, December 2017, and June 2019.^{3 4 5} While the September 2017 report states that ICE field staff were generally following procedure for documenting segregation placements, the OIG also found there were deficiencies at the field office level in reporting detainees placed in segregation who had mental health concerns. Further, the December 2017 report highlighted serious deficiencies in properly documenting the use of segregation. It is imperative that ICE swiftly resolve any lacking oversight or improper documentation pertaining to the use of segregation.

¹ Hannah Rappleye, Andrew W. Lehen, Spencer Woodman, Vanessa Swales and Maryam Saleh, *Thousands of immigrants suffer in solitary confinement in U.S. detention centers*, NBC News, May 21, 2019, available at <https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffer-solitary-confinement-u-s-detention-centers-n1007881>

² See <https://www.documentcloud.org/documents/5998116-Grassley-and-Franken-Letter-to-DHS.html>

³ Department of Homeland Security, Office of the Inspector General, *ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Health Conditions*, available at <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-17-119-Sep17.pdf>

⁴ Department of Homeland Security, Office of the Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities*, available at <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

⁵ Department of Homeland Security, Office of the Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities*, available at <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

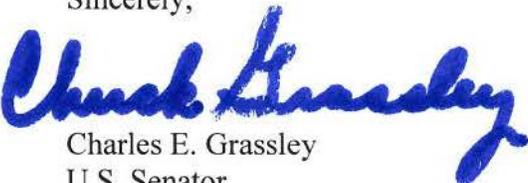
The OIG reports also indicate a more basic structural challenge for ICE. Specifically, ICE field offices are severely limited in their ability to handle the full range of challenges each detention location presents. Many detention facilities have two basic areas of detention: general population and segregation. As noted in the OIG reports, detainees who require special attention are placed in a detention space where only one detainee is held and monitored; these detention spaces are also known as segregation. Unlike the U.S. Bureau of Prisons, ICE detention facilities are not funded to assess and address all scenarios; nor are they funded to provide for multi-level detention facilities.

To better understand the progress and limitations under which ICE operates their detention facilities, please provide a briefing to our staff on the following questions and issues.

1. How many individuals have been placed in administrative segregation during FY17, FY18, and the first two quarters of FY19? Please provide this information broken down on a quarterly basis.
2. Please outline actions taken by ICE to confirm all reports of segregation are recorded in a timely manner.
3. Please explain ongoing practices by ICE to ensure that the use of segregation is appropriate and required.
4. How many levels of detention and special populations does ICE manage?
5. How does ICE ensure that owned and contracted detention facilities are properly monitored, inspected, and deficiencies quickly remedied?
6. What specific assistance from Congress would ICE need to ensure the agency is addressing the OIG's concerns as it pertains to those detainees who require special attention?

Thank you for your attention to this matter. Please direct any follow-up questions to Drew Robinson in Senator Grassley's office and Sam Simon in Senator Blumenthal's office.

Sincerely,


Charles E. Grassley
U.S. Senator


Richard Blumenthal
U.S. Senator