



**Homeland
Security**

May 19, 2021

MEMORANDUM FOR: Tae Johnson
Acting Director
Immigration and Customs Enforcement

FROM: Alejandro N. Mayorkas

CC: Joseph Maher
Acting General Counsel
Office of General Counsel

Katherine Culliton-González
Officer for Civil Rights and Civil Liberties
Office for Civil Rights and Civil Liberties

SUBJECT: A First Step to Address the Conditions in Detention Facilities

Thank you for your leadership as we work to more effectively accomplish ICE's critical missions.

In the area of civil immigration enforcement, we already have made meaningful strides in allocating apprehension and removal resources to better achieve public safety and security outcomes. I look forward to our ongoing workforce engagements that will further inform our promulgation of the civil immigration enforcement priorities to replace the current interim guidance.

I am also looking forward to tackling the other areas of civil immigration enforcement in which we can make significant advances. One of the areas involves civil immigration detention. I have been analyzing the use of detention and the conditions in civil immigration detention facilities. I have read DHS reports, including those of our Office for Civil Rights and Civil Liberties, government accountability reports, and numerous additional reports that governmental and non-governmental organizations have issued. I also have benefited from my discussions with you and other subject-matter experts.

Preliminarily, allow me to state one foundational principle: we will not tolerate the mistreatment of individuals in civil immigration detention or substandard conditions of detention.

Pending our further discussion of the lasting improvements we can make regarding civil immigration detention, I direct the following interim actions be taken on the timelines identified below:

I understand the C. Carlos Carreiro Immigration Detention Center in Dartmouth, Massachusetts, is of minimal operational significance to the agency. Moreover, there is ample evidence that the Detention Center's treatment of detained individuals and the conditions of detention are unacceptable. Accordingly, please discontinue use of the C. Carlos Carreiro Immigration Detention Center as soon as possible, including by terminating both the 287(g) agreement that is no longer operationally needed and the Intergovernmental Services Agreement with the Bristol County Sheriff's Office. Detained individuals whose continued detention is needed to achieve our national security, public safety, and border security mission should be moved to a different facility in the area.

Please also prepare to discontinue the use of the Irwin County Detention Center in Ocilla, Georgia, as soon as possible and consistent with any legal obligations. The preparations should include the following measures:

1. coordination with the Office of General Counsel to ensure (a) the preservation of evidence potentially relevant in litigation or investigations, (b) the availability and protection of witnesses in litigation or investigations, and, in any other way needed, (c) the protection of parties' litigation rights and the integrity of investigations;
2. placement or relocation of ICE personnel as appropriate;
3. the movement to a different facility or facilities those detained individuals whose continued detention is needed to achieve our national security, public safety, and border security mission. Access to counsel should be an important factor in placement decisions;
4. an assessment of the impact on Congressional appropriations; and,
5. an assessment of any potential costs associated with the discontinuance of the facility's use.

I will schedule a meeting with you, Joe Maher, and Kathy Culliton-González for the end of next week to discuss the plan for the discontinued use of the Irwin County Detention Center and any issues or concerns you have. In our meeting, we will also discuss my concerns with other federal immigration detention centers. Please be prepared to discuss relevant Congressional appropriations and, as to each specific facility, ICE's current and potential operational needs in the geographic area, the quality of treatment of detained individuals, the conditions of detention, and other factors relevant to the continued operation of each facility.

Please also prepare for me a catalog of new detention contracts and agreements, and any extensions or modifications of detention contracts and agreements, executed between January 1, 2020 and January 20, 2021. The catalog should identify the date on which the contract, agreement, modification, or extension was entered, the contracting parties, and, as to each extension or modification, the changes in terms. In addition, please include in the catalog, for the same time period, any solicitations issued for new detention contracts that have not yet been awarded and the date of anticipated award of each contract. Please let me know how much time you will need to prepare this catalog.

I am available this week to discuss any aspect of this memorandum.

Thank you.