

May 3, 2022

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, DC 20536-5009

Submitted via Online Records Portal

RE: Freedom of Information Act Request - Torrance County Detention Facility

EXPEDITED PROCESSING REQUESTED

FEE WAIVER REQUESTED

To Whom It May Concern:

On behalf of Innovation Law Lab, the American Civil Liberties Union of New Mexico submits this request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.* seeking the following records:

Requested Records

Innovation Law Lab hereby requests the following records¹ that have been prepared, modified, received, transmitted, collected, and/or maintained by U.S. Immigration and Customs Enforcement (“ICE”):

1. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the DHS Office of Inspector General (“OIG”) inspection of the Torrance County Detention Facility (“TCDF”) that took place from February 1, 2022 through February 3, 2022, including but not limited to: all records regarding the exit briefing that was conducted on or about February 3, 2022 by the DHS OIG inspection team with TCDF and ICE personnel; and any formal response issued by CoreCivic regarding the inspection.
2. Any and all correspondence from March 16, 2022 through the date of processing of this request that discusses, describes, references, or otherwise pertains to the March 16, 2022 DHS OIG alert regarding TCDF (# OIG-22-31):

¹ The term “records” as used herein includes all records or communications (whether in proposed, draft, or final form) preserved in electronic or written form, including but not limited to correspondence, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, memoranda, agreements, notes, meeting notes, calendars, telephone logs, orders, policies, procedures, protocols, reports, rules, technical manuals, training manuals, technical specifications, training materials, or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, audiotapes and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

- a. Between and within ICE Enforcement and Removal Operations, ICE Office of Professional Responsibility's Office of Detention Oversight, ICE Office of Acquisition Management, ICE Office of the Principal Legal Advisor, ICE Chief of Staff, and the DHS Office of Inspector General;
 - b. Between any components of ICE and The Nakamoto Group;
 - c. Between any components of ICE and Torrance County employees, administrators, and/or county commissioners; and
 - d. Between any components of ICE and CoreCivic employees and/or agents.
3. Any and all records regarding the ICE leadership walk-through that took place at TCDF on February 28, 2022.
4. Any and all records from July 29, 2021 through the date of processing of this request regarding the following at TCDF:
 - a. Inoperable and/or malfunctioning sinks, toilets, showers, and faucets in housing units, including but not limited to a lack of hot or cold water;
 - b. The use of "out of order" tags on cells in housing units;
 - c. Cell doors failing to unlock automatically or open remotely in housing units;
 - d. Inoperable and/or malfunctioning call buttons in cells in housing units;
 - e. The use of plastic bags and/or other items to cover faucets in housing units;
 - f. Any and all testing of tap water including for hardness;
 - g. Any and all testing by a state laboratory of samples of drinking and/or wastewater, and any related testing and safety certification(s);
 - h. The use of coolers containing ice and/or water in housing units, including but not limited to the frequency with which such coolers are cleaned and refilled;
 - i. All commissary purchases of water and other beverages; and
 - j. Maintenance issues in the kitchen, including but not limited to inoperable and/or malfunctioning heat, leaky faucets, damage to the floor, and paint on the floor causing individuals to slip and fall.
5. Any and all work orders at TCDF for facility maintenance and/or repairs that were drafted, submitted, pending, and/or completed between July 29, 2021 and the date of processing of this request, including but not limited to work orders regarding plumbing issues, faucets, sinks, showers, toilets, vent systems, heating, cooling, and mold.
6. Any and all contract discrepancy reports, warnings, corrective action plans, appeals, financial penalties (including deductions and withholdings), white papers, evaluations, tracking tools, contract modifications, and quality assurance surveillance plans, as well as all related correspondence, meeting notes, attachments, and supporting documentation, regarding TCDF from December 1, 2020 through the date of processing of this request, including but not limited to the March 1, 2022 contract discrepancy report and March 1, 2022 contract modification.
7. Any and all invoices and supporting documentation for TCDF, as well as invoice payments and documentation of deductions and withholdings for TCDF, from February 1, 2022 through the date of processing of this request.

8. Any and all policies, directives, rules, interpretations, post orders, instructions, procedures, and guidance that were created, received, modified, amended, and/or supplemented from February 1, 2022 through the date of processing of this request regarding the operation and/or management of TCDF.
9. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the ICE OPR Office of Detention Oversight (“ODO”) inspection of TCDF that took place from November 16, 2021 through November 18, 2021, including but not limited to all records regarding:
 - a. Any and all correspondence, meeting notes, and other records regarding the need for, timing of, scope of, and scheduling of this inspection;
 - b. Any and all documents reviewed pre-inspection by the inspection team;
 - c. Any and all checklists, interview forms, and other forms and tools used during the inspection;
 - d. The closeout briefing(s) that were conducted by ODO inspectors with TCDF and local ICE ERO officials regarding preliminary findings;
 - e. Any and all summaries shared with ICE ERO management officials;
 - f. Any and all waivers requested and/or granted regarding any detention standards and/or components thereof;
 - g. Any and all subsequent corrective action plans developed by ICE ERO and/or CoreCivic; and
 - h. Any and all documentation regarding the implementation of such corrective action plans.
10. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding the Nakamoto Group inspections of TCDF that took place in November 2021 and from March 29, 2022 through March 31, 2022, including but not limited to:
 - a. Any and all correspondence, meeting notes, and other records regarding the need for, timing of, and scheduling of each of these inspections;
 - b. Any and all documents reviewed pre-inspection by the inspection team(s);
 - c. Any and all checklists, interview forms, and other forms and tools used during the inspection;
 - d. The cover letter, G-324 and G-324A Inspection Form(s), and any and all supporting documentation for each of these inspections;
 - e. Any and all records regarding the out-brief(s) conducted by the Nakamoto inspection team(s) with ICE officials and TCDF staff at the time of each of these inspections;
 - f. Any and all waivers requested and/or granted regarding any detention standards and/or components thereof;
 - g. Any and all subsequent corrective action plans developed by ICE ERO and/or CoreCivic; and
 - h. Any and all documentation regarding the implementation of such corrective action plans.
11. Any and all records regarding all other audits and inspections, whether routine or otherwise, whether announced or unannounced, whether by federal, state, or local

entities, that occurred at TCDF from February 4, 2022 through the date of processing of this request, including but not limited to any such audits or inspections regarding the U.S. Marshals Service population and/or the Torrance County population at TCDF.

12. Any and all records regarding the transfer of individuals in ICE custody to TCDF, as well as any and all records regarding the transfer of individuals in ICE custody from TCDF to other detention facilities, subsequent to the March 16, 2022 DHS OIG alert regarding TCDF (# OIG-22-31), including but not limited to records regarding any deliberations on such transfers and/or conditions to be fulfilled prior to such transfers. Please note that this item is not a request for the names of any such individuals transferred or other personally identifiable information regarding such individuals.
13. Any and all records regarding the potential, anticipated, or actual transfer of female individuals in ICE custody to TCDF.
14. Any and all reports, summaries, memoranda, notes, correspondence, and other records regarding Representative Melanie Stansbury's visit to TCDF on March 21, 2022, including but not limited to:
 - a. Logs and other records comprehensively identifying all housing units occupied by individuals in ICE custody as of 7:00 A.M. on the date of Representative Melanie Stansbury's visit;
 - b. Logs and other records comprehensively identifying all housing units visited by Representative Melanie Stansbury during her visit; and
 - c. Any and all records regarding any actual or attempted movement on that date of individuals in ICE custody from their housing units to the gymnasium or any outdoor yard area whether for routine recreation activities or otherwise.
15. Any and all policies, directives, rules, interpretations, post orders, instructions, procedures, and guidance that were in effect for CoreCivic personnel at TCDF from February 1, 2022 through the date of processing of this request or were created, received, modified, amended, and/or supplemented from February 1, 2022 through the date of processing of this request, regarding preparations for and/or conduct during inspections, audits, and oversight visits, including but not limited to general housekeeping, cleaning and maintenance, accompaniment of inspectors, auditors, and visitors by CoreCivic personnel, and whether and how inspectors, auditors, and visitors are to communicate with detainees and inmates.
16. Any and all records regarding TCDF staffing from February 1, 2022 through the date of processing of this request, including:
 - a. Staffing reports, charts, matrixes, plans, and proposals;
 - b. Disaggregated records regarding staffing of security/correctional positions, medical and mental health positions, maintenance positions, and other positions;
 - c. Designation of any posts or positions as essential;
 - d. Records regarding temporary duty assignment (TDY) staffing;
 - e. Records regarding overtime shifts;

- f. Records regarding the number of hours per week that CoreCivic Chief Medical Officer Keith Ivens has provided direct medical services at TCDF and/or served as medical director or physician at TCDF, including but not limited to “call” or other after-hours availability;
 - g. Records regarding vacant positions and the duration of any such vacancies;
 - h. Records regarding the number of new hires, the number of employees in pre-service training, and the number of employees awaiting ICE clearance; and
 - i. Records regarding the number of employees whose employment ended, including those who quit, were fired, were let go, and/or failed to complete any probationary period.
17. Any and all policies, directives, rules, orders, and instructions that were in effect at TCDF as of February 1, 2022 regarding the following, as well as any modifications of and supplements to any such records through the date of processing of this request:
- a. Mandatory overtime for CoreCivic personnel;
 - b. Temporary duty assignment (TDY) staffing;
 - c. Environmental health and safety, including but not limited to preventative maintenance, regular inspections, surveys of environmental health conditions, availability of safe potable water, and general housekeeping;
 - d. The processing of work orders for facility maintenance and/or repairs;
 - e. Commissary; and
 - f. Compliance with the *Fraihat* court order and ICE’s Pandemic Response Requirements.
18. The TCDF detainee handbook that was in effect as of February 1, 2022, as well as any modifications, updates, supplements, or other versions of such handbook from that date through the date of processing of this request.

If it is your position that responsive records exist but that certain records or portions thereof are exempt from disclosure, please identify the records that are being withheld and state the specific FOIA exemption claimed as to each record or portion thereof being withheld. Please note that Innovation Law Lab expects the release of all segregable portions of otherwise exempt records. In addition, please note that Innovation Law Lab seeks each record in its entirety. Accordingly, please provide all nonexempt portions of the requested records, without redacting portions of any records as “non-responsive,” “out of scope,” or the like.

Innovation Law Lab requests that responsive records be provided in electronic form wherever possible. For hard copies of the requested records, please furnish the records to the following address: ACLU of New Mexico, P.O. Box 566, Albuquerque, NM, 87103.

Request for Expedited Processing

Innovation Law Lab requests that this FOIA request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e) because this FOIA request involves: (1) circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of individuals in ICE custody at the Torrance County Detention

Facility; (2) an urgency to inform the public about an actual or alleged federal government activity; (3) the loss of substantial due process rights; and (4) a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. Please see attached for a statement on behalf of Innovation Law Lab in support of this request for expedited processing. *See Attachment 1.*

Request for Fee Waiver

Innovation Law Lab requests that all fees associated with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11(k) because disclosure is "likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester" and Innovation Law Lab does not seek the records for a commercial purpose. 5 U.S.C. § 552(a)(4)(A)(iii).

A. Disclosure of the Information Is in the Public Interest

The requested records will provide important, nonpublic information that directly relates to ICE's operations and activities at the Torrance County Detention Facility. TCDF, which is owned and operated by CoreCivic, detains individuals in ICE custody pursuant to an Intergovernmental Service Agreement ("IGSA") that ICE has signed with Torrance County. It has come to Innovation Law Lab's attention recently that the living conditions at TCDF pose immediate health and safety risks to the individuals detained there, due in significant part to CoreCivic's critical understaffing of the facility. ICE is aware of these conditions and understaffing and yet the agency has failed to respond adequately to the situation at TCDF, including by disregarding the March 16, 2022 DHS OIG recommendation for all detainees to be immediately removed from the facility. The requested records will thus be meaningfully informative about the government's policies and practices in this area, and will contribute significantly to public understanding of ICE's operations and activities at the Torrance County Detention Facility.

Moreover, the requested records are of immense public concern, as shown by the substantial public attention already devoted to the health, safety, sanitation, and understaffing issues at TCDF.² Notably, Members of Congress have called on ICE to adhere to the OIG's recommendations and have even called for the ICE contract at TCDF to be terminated.³ As ICE

² See, e.g., Sacchetti, Maria, "Inspector general, ICE clash over conditions at immigration detention facility in New Mexico," *The Washington Post*, March 18, 2022, <https://www.washingtonpost.com/national-security/2022/03/18/ice-detention-unsanitary-new-mexico/>; Sands, Geneva, "Mold and clogged toilets at ICE center spark watchdog call for 'immediate' removal of detainees," *CNN*, March 18, 2022, <https://www.cnn.com/2022/03/18/politics/dhs-ice-immigration-facility-conditions/index.html>; Fox, Ben, "Report finds unsafe conditions in New Mexico migrant jail," *ABC News*, March 18, 2022, <https://abcnews.go.com/Politics/wireStory/reports-finds-unsafe-conditions-mexico-migrant-jail-83528839>; Gregorian, Dareh, "DHS inspector general calls for detainees to be moved from 'unsanitary' ICE facility," *NBC News*, March 18, 2022, <https://www.nbcnews.com/politics/immigration/dhs-inspector-general-calls-detainees-moved-unsanitary-ice-facility-rcna20630>; Gonzalez, Oriana, "DHS watchdog calls for removal of ICE detainees due to 'egregious' conditions," *Axios*, March 18, 2022, <https://www.axios.com/dhs-ice-detainees-removal-poor-living-conditions-2eaf60c7-14c0-46a5-9c0b-fb4d496227cf.html>.

³ Thompson, Bennie G. and Nanette Diaz Barragan, Letter to DHS Secretary Mayorkas and ICE Acting Director Johnson, *Committee on Homeland Security, U.S. House of Representatives*, March 24, 2022,

recently decided to transfer in more than a hundred people to TCDF despite failing to meaningfully respond to the serious health and safety issues raised in the March 16, 2022 OIG alert, the public’s concern regarding ICE’s operations and activities at the Torrance County Detention Facility has become even more heightened.⁴

Innovation Law Lab has substantial expertise and experience regarding the treatment of individuals in ICE custody at the Torrance County Detention Facility, and has the capacity, intent, and demonstrated ability to effectively disseminate the information it receives to the public free of charge.

Innovation Law Lab (“Law Lab”) is a 501(c)(3) nonprofit organization that harnesses technology, lawyers, and activists to advance immigrant and refugee justice. Law Lab has vast experience providing pro bono legal services to asylum-seeking immigrants in detention, including establishing pro bono projects in Artesia, New Mexico, and Dilley, Texas, to provide representation for immigrant families in detention. As a member of the El Paso Immigration Collaborative (“EPIC”), Law Lab works to win release, provide support, and facilitate legal representation for persons in ICE custody at a number of detention facilities, including TCDF. Law Lab has been serving people detained in ICE custody at TCDF since August 2019. Since August 2019, Law Lab has screened approximately 825 referrals for individuals at TCDF, and of those referrals Law Lab has provided legal services to 190 individuals at TCDF. In addition to pro bono legal representation and advocacy, Law Lab, along with EPIC partner organizations, provides weekly pro bono legal consultations via telephone as well as occasional in-person group legal orientation sessions for individuals detained in TCDF, where expenditures and resources for each are assumed in their entirety by Law Lab and EPIC partners. Law Lab also engages regularly in advocacy related to conditions faced by individuals detained at TCDF, including requests for release pursuant to *Fraihat v. ICE* because of COVID-19 concerns, and a CRCL complaint on behalf of individuals from Haiti that Law Lab co-authored regarding adverse treatment, access to counsel, and due process violations.

Law Lab disseminates information about immigration law and policy in numerous different media and forums for use in educating the public. For example, Law Lab publishes in-depth reports of critical interest that are disseminated to a wide public audience, including reports focusing on conditions and access to legal rights in immigrant detention. Law Lab uses innovative social media strategies to inform the public about immigration law and policy. The organization publishes periodic e-newsletters, long- and short-form videos, and other content systems to widely share information and analysis. Law Lab’s website, innovationlawlab.org, is

https://homeland.house.gov/imo/media/doc/letter_to_dhs_requesting_shutdown_of_nm_facility.pdf; Castillo, Andrea, “Egregious’ conditions at ICE facility spark watchdog call for relocation of detainees,” *Los Angeles Times*, March 18, 2022, <https://www.latimes.com/world-nation/story/2022-03-18/citing-egregious-conditions-inspector-called-for-removal-of-immigrant-detainees-ice-refused>; Press Release, “N.M. Congressional Democrats Condemn Inhumane Conditions at Torrance County Detention Facility,” *Office of Sen. Martin Heinrich*, March 18, 2022, <https://www.heinrich.senate.gov/press-releases/nm-congressional-democrats-condemn-inhumane-conditions-at-torrance-county-detention-facility>; Press Release, “Congresswoman Stansbury Calls for Further Oversight on Torrance Facility,” *Office of Rep. Melanie Stansbury*, March 21, 2022, <https://stansbury.house.gov/media/press-releases/congresswoman-stansbury-calls-further-oversight-torrance-facility>.

⁴ Fisher, Austin, “ICE brings more people into Torrance detention center, congresswoman’s staff confirms,” *Source NM*, April 22, 2022, <https://sourcenm.com/2022/04/22/ice-moves-more-people-into-torrance-detention-center-congresswomans-staff-confirms/>.

intended to share information and educate the public. This website is visited by many members of the public, elected officials, and individuals impacted by immigration law and policy. Law Lab regularly issues press statements and other media alerts to an extensive list of local, regional, and national media outlets. Law Lab maintains regular contact with a broad set of reporters who cover immigration law and policy. Law Lab also does direct advocacy to elected officials at the local, state, and federal level. Law Lab intends to widely disseminate the requested information to the public through its website, e-newsletter, and other forums.

B. Disclosure of the Information Is Not Primarily in the Commercial Interest of the Requester

Innovation Law Lab is a non-profit organization. As detailed above, Innovation Law Lab seeks the requested records for the purpose of disseminating relevant information to the public. Innovation Law Lab does not have a commercial interest in the requested records.

Accordingly, we request that all fees associated with this FOIA request be waived because Innovation Law Lab is entitled to a public interest fee waiver. If, however, a waiver is not granted, please contact Elsa Goossen at (505) 266-5915 ext. 1022 or egoossen@aclu-nm.org to advise us of the amount of any anticipated or estimated search, review, and duplication charges in excess of \$25.00 before you conduct these activities.

* * *

We expect a response within 10 calendar days of the agency's receipt of this request for expedited processing as provided by law. If you have any questions regarding this request or need any additional information, please contact Elsa Goossen at (505) 266-5915 ext. 1022 or egoossen@aclu-nm.org. Thank you for your prompt attention to this matter.

Sincerely,

/s/ Rebecca Sheff

Rebecca Sheff
Senior Staff Attorney
American Civil Liberties Union of New Mexico

Attorney for Innovation Law Lab

ATTACHMENT 1

**Statement in Support of Request for Expedited Processing for
Freedom of Information Act Request - Torrance County Detention Facility**

1. My name is Casey Mangan. I am an attorney and Legal Fellow at Innovation Law Lab.
2. I am requesting expedited processing of this FOIA request pursuant to 5 U.S.C. § 552(a)(6)(E) and 6 C.F.R. § 5.5(e) because this FOIA request involves:
(1) circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of individuals in ICE custody at the Torrance County Detention Facility (“TCDF”); (2) an urgency to inform the public about an actual or alleged federal government activity; (3) the loss of substantial due process rights; and (4) a matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.
3. ***Imminent Threat to Life or Physical Safety:*** This FOIA request involves circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of individuals in ICE custody at TCDF. The critical understaffing of the facility affects detained individuals’ access to medical care and other basic services, including in the event of an emergency. The lack of safe drinking water, inoperable and malfunctioning toilets, sinks, and showers, and mold, among other sanitation issues, pose an immediate risk to detained individuals’ health and wellbeing. The facility’s failure to conduct adequate routine and urgent maintenance exacerbates these issues. Relatedly, access to counsel is vital for individuals in ICE custody to understand and exercise their rights, and to raise concerns through grievances and other avenues. In addition, the medical staff at TCDF have failed to release medically vulnerable individuals pursuant to federal court order and ICE’s Pandemic Response Requirements, despite multiple calls from stakeholders to properly address the failure to identify medically vulnerable individuals. Innovation Law Lab seeks these records on an expedited basis in order to effectively inform and advise the individuals detained at TCDF to whom the organization provides legal services, as to their options for how to address their immediate concerns about dangerous conditions at the facility.
4. ***Urgency to Inform the Public:*** This FOIA request involves an urgency to inform the public about an actual or alleged federal government activity. Although Innovation Law Lab is not a full-time member of the news media, its staff include persons who are primarily engaged in information dissemination. We will distribute this information through all of our social media platforms, including Facebook, Twitter, and Instagram. Additionally, we will share this information with over a dozen legal service provider listservs with a reach of thousands of subscribers nationwide as well as approximately 36,000 Law Lab listserv subscribers. Numerous news articles have already been published on the DHS OIG urgent management alert regarding TCDF,⁵ which is a strong

⁵ See, e.g., Sacchetti, Maria, “Inspector general, ICE clash over conditions at immigration detention facility in New Mexico,” *The Washington Post*, March 18, 2022, <https://www.washingtonpost.com/national-security/2022/03/18/ice-detention-unsanitary-new-mexico/>; Sands, Geneva, “Mold and clogged toilets at ICE center spark watchdog call for ‘immediate’ removal of detainees,” *CNN*, March 18, 2022,

indicator of the particular urgency to inform the public regarding the subject matter of this FOIA request. The New Mexico congressional delegation has expressed serious concerns over the conditions at TCDF and called on ICE to adhere to the OIG's recommendation to immediately remove all detainees from the facility; the Chairman of the House Committee on Homeland Security and the Chairwoman of the Subcommittee on Border Security, Facilitation, & Operations have even called for the ICE contract at TCDF to be terminated.⁶ This urgency extends beyond the public's right to know about government activity generally. Public concern about the treatment of individuals detained in ICE custody at TCDF has been heightened for years, including regarding an unjustified pepper spray attack in 2020 by TCDF personnel on peaceful hunger strikers who were raising concerns about inadequate COVID-19 precautions at TCDF,⁷ and the denial of access to legal counsel in 2021 for Haitian migrants detained at TCDF after suffering abuse and mistreatment by Border Patrol agents in Del Rio, Texas.⁸ This most recent public outcry regarding conditions at TCDF and the treatment of individuals in ICE custody at this facility has amply demonstrated the gravity of the public's concern. Given that ICE has disputed the contents and accuracy of the OIG report, cast doubt on the

<https://www.cnn.com/2022/03/18/politics/dhs-ice-immigration-facility-conditions/index.html>; Fox, Ben, "Report finds unsafe conditions in New Mexico migrant jail," *ABC News*, March 18, 2022, <https://abcnews.go.com/Politics/wireStory/reports-finds-unsafe-conditions-mexico-migrant-jail-83528839>; Gregorian, Dareh, "DHS inspector general calls for detainees to be moved from 'unsanitary' ICE facility," *NBC News*, March 18, 2022, <https://www.nbcnews.com/politics/immigration/dhs-inspector-general-calls-detainees-moved-unsanitary-ice-facility-rcna20630>; Gonzalez, Oriana, "DHS watchdog calls for removal of ICE detainees due to 'egregious' conditions," *Axios*, March 18, 2022, <https://www.axios.com/dhs-ice-detainees-removal-poor-living-conditions-2eaf60c7-14c0-46a5-9c0b-fb4d496227cf.html>; Fisher, Austin, "ICE brings more people into Torrance detention center, congresswoman's staff confirms," *Source NM*, April 22, 2022, <https://sourcennm.com/2022/04/22/ice-moves-more-people-into-torrance-detention-center-congresswomans-staff-confirms/>.

⁶ Thompson, Bennie G. and Nanette Diaz Barragan, Letter to DHS Secretary Mayorkas and ICE Acting Director Johnson, *Committee on Homeland Security, U.S. House of Representatives*, March 24, 2022, https://homeland.house.gov/imo/media/doc/letter_to_dhs_requesting_shutdown_of_nm_facility.pdf; Castillo, Andrea, "'Egregious' conditions at ICE facility spark watchdog call for relocation of detainees," *Los Angeles Times*, March 18, 2022, <https://www.latimes.com/world-nation/story/2022-03-18/citing-egregious-conditions-inspector-called-for-removal-of-immigrant-detainees-ice-refused>; Press Release, "N.M. Congressional Democrats Condemn Inhumane Conditions at Torrance County Detention Facility," *Office of Sen. Martin Heinrich*, March 18, 2022, <https://www.heinrich.senate.gov/press-releases/nm-congressional-democrats-condemn-inhumane-conditions-at-torrance-county-detention-facility>; Press Release, "Congresswoman Stansbury Calls for Further Oversight on Torrance Facility," *Office of Rep. Melanie Stansbury*, March 21, 2022, <https://stansbury.house.gov/media/press-releases/congresswoman-stansbury-calls-further-oversight-torrance-facility>.

⁷ ACLU of New Mexico, "Immigrant Rights Organizations Sue CoreCivic and Torrance County for Chemical Attack on Asylum-Seekers Engaged in Peaceful Hunger Strike at Torrance County Detention Facility" (May 13, 2021), <https://www.aclu-nm.org/en/press-releases/immigrant-rights-organizations-sue-corecivic-and-torrance-county-chemical-attack>.

⁸ Senator Ben Ray Lujan, "Members of N.M. Delegation Call for Increased Oversight at CoreCivic Detention Facility in Torrance County After Asylum Seekers Face Barriers to Legal Representation" (Dec. 17, 2021), <https://www.lujan.senate.gov/newsroom/press-releases/members-of-n-m-delegation-call-for-increased-oversight-at-corecivic-detention-facility-in-torrance-county-after-asylum-seekers-face-barriers-to-legal-representation/>; American Immigration Council, "Council and Partners File Oversight Complaint on Violations of Due Process and Inhumane Conditions at Torrance County Detention Facility," <https://www.americanimmigrationcouncil.org/research/complaint-violations-due-process-inhumane-conditions-at-torrance-detention>; ACLU of New Mexico, "Groups Demand ICE Allow Detained Haitians Access to Legal Services" (Nov. 9, 2021), <https://www.aclu-nm.org/en/press-releases/groups-demand-ice-allow-detained-haitians-access-legal-services>.

objectivity of the OIG inspectors, refused to depopulate the facility, and initiated new transfers into TCDF, there is a warranted and heightened concern regarding ICE's acts and omissions since the OIG alert came out. There is thus a particular urgency to inform the public of the subject matter of this FOIA request.

5. ***Loss of Substantial Due Process Rights:*** This FOIA request involves the loss of substantial due process rights. Individuals in ICE custody at TCDF are generally in removal proceedings. They face significantly heightened challenges in meaningfully exercising their right to seek asylum and other relief from removal due to the immediate threats to their life and safety, and lack of attention to their basic needs, caused by the understaffing and adverse conditions at TCDF and related acts and omissions by ICE. As Law Lab has witnessed firsthand, the dangerous conditions at TCDF traumatize detained individuals and hinder their ability to adequately prepare asylum applications, requests for release, and other filings and testimony. In addition, it is well established that individuals in removal proceedings have the right to legal representation. A vital element of enjoyment of that right includes the ability of such individuals to access attorneys as prospective clients to determine whether the attorney will accept to represent them in removal proceedings or requests for release from custody. In Law Lab's experience, individuals detained at TCDF face significant obstacles in accessing counsel, including the pro bono services provided by Law Lab. Obstacles to access to counsel have occurred regularly since Law Lab first began providing legal services to individuals detained in TCDF in 2019.⁹ These obstacles have been due to, but not limited to, CoreCivic staffing shortages at TCDF and related challenges in scheduling confidential legal calls and legal visits, lack of ICE presence on-site at TCDF, lack of accountability for CoreCivic's failure to comply with multiple components of the 2011 Performance Based National Detention Standards ("PBNDS"), lack of interpretation and translation services, and due process violations related to access to legal information. Law Lab often expends valuable time and resources that would otherwise be spent evaluating potential clients, developing asylum claims, and preparing requests for release, instead discussing detained individuals' concerns regarding immediate health and safety issues at TCDF. These circumstances constitute an immediate and abrupt interference with the substantial due process rights of individuals in ICE custody at TCDF, including but not limited to their right to a meaningful opportunity to seek asylum and their right to non-refoulement.
6. ***Matter of Widespread and Exceptional Media Interest:*** This FOIA request involves a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. As cited above, numerous news outlets have demonstrated substantial and persistent interest in the living conditions at TCDF and the treatment of individuals detained in ICE custody there. This media interest has been heightened due to ICE's factual dispute of the OIG alert calling for the immediate removal of all detainees from the facility, as well as ICE's allegations of bias by the OIG inspection team, the agency's refusal to depopulate the facility, and ICE's recent decision to transfers numerous individuals into TCDF despite

⁹ Innovation Law Lab, "ICE Continues to Deny Haitians Access to Legal Support, Humane Conditions, and Release from Torrance County Detention Facility (Nov. 22, 2021), <https://innovationlawlab.org/press-releases/ice-continues-to-deny-haitians-access-to-legal-support-humane-conditions-and-release-from-torrance-county-detention-facility/>.

unresolved serious health and safety issues at the facility. These actions and omissions by ICE have caused questions to be raised by the public and in the media as to ICE's integrity and called into question its ability to ensure that minimum standards and contractual obligations are met for individuals detained at TCDF in ICE custody. As detailed above, Innovation Law Lab maintains regular contact with members of the press on such matters and has considerable capacity to disseminate the requested information to media outlets.

7. These considerations, whether considered separately or together, are more than sufficient to meet the standard set out in 5 U.S.C. § 552(a)(6)(E) for the agency to grant expedited processing of this FOIA request. For the reasons stated above, I respectfully request expedited processing of this FOIA request pursuant to 5 U.S.C. § 552(a)(6)(E).

I certify that this statement is complete, true, and correct to the best of my knowledge and belief.


Casey Mangano

May 3, 2022
Date