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ICE is sued over failure to provide documents relating to inhumane New Mexico facility

This past spring, the Department of Homeland Security (DHS) watchdog issued an unprecedented report urging the removal of all immigrant detainees from a dangerous, privately operated facility in New Mexico. The inspector general said the “egregious conditions” merited the “immediate removal” of all immigrants at CoreCivic’s Torrance County Detention Facility (TCDF). But Immigration and Customs Enforcement’s (ICE) initial response to the report was to attack the integrity of the report, including accusing the inspector general’s office of staging photos. It then refused to implement the recommendations. ICE since then has also failed to respond to record requests related to facility conditions, advocates say. They’re now suing to obtain these documents. Innovation Law Lab said in a statement that despite “clear urgency and risk of serious harm to the people currently being detained at TCDF,” ICE has not responded to public records requests made under the Freedom of Information Act. The organization is now suing with assistance from the American Civil Liberties Union (ACLU) of New Mexico and the law firm of Coyle & Benoit, PLLC. “The motion for a preliminary injunction asks that the court direct ICE to promptly provide the records requested so that Innovation Law Lab can use them to inform their advocacy and pro bono legal services at TCDF.” The facility already had a history of abusing immigrants and their rights when the DHS Office of Inspector General said in its March 2022 report that investigators found “excessive and avoidable unsanitary conditions” risking both detained immigrants and staff, including clogged toilets, mold, broken sinks, sporadic hot water, and immigrants forced to use a mop sink for their drinking water. The report also noted critical staffing shortages, noting more than 100 vacancies. “ICE challenged the DHS OIG’s findings and refused to comply with its urgent recommendations,” Innovation Law Lab said, noting that instead of emptying out the facility as the watchdog had recommended, ICE moved more than 100 additional people into the site after it “passed a notoriously lax internal inspection.” “We can’t allow a federal government agency to continue physically and psychologically abusing people detained in its custody and pretend it isn’t happening,” said Ian Philabaum, Co-Director of Anticarceral Legal Organizing at Innovation Law Lab, noting that “ICE ignored the government inspection results and paid a private company to perform a rubber-stamp ‘inspection’ of the facility.” As previously noted, TCDF already faced a lawsuit last year for pepper-spraying detained immigrants who were peacefully protesting inhumane conditions. Later that same year, Torrance faced civil rights complaints about “severe violations” against Haitian asylum-seekers. “ICE proceeded to fill this detention center with human beings who are, as we speak, being subjected to further trauma and denied meaningful access to our legal immigration system,” Philabaum continued. “We need the truth to come to light, and we need it now. The public has the right to know.” TCDF should not only be emptied, it should be shut down for good, as lawmakers urged in March. “The Department has stated that it ‘will not tolerate the mistreatment of individuals in civil immigration detention or substandard conditions of detention,’” Representatives Bennie Thompson and Nanette Barragán wrote. “We urge you to follow through on that commitment by immediately removing detainees from TCDF and ending the contractual agreement with the facility.”