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United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

KIRIAN L. DAVIS, Chief Counsel and Staff Director  
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July 30, 2018

**VIA ELECTRONIC TRANSMISSION**

The Honorable John V. Kelly  
Deputy Inspector General  
U.S. Department of Homeland Security  
Office of the Inspector General  
Washington, D.C. 20528-0305

The Honorable Daniel R. Levinson  
Inspector General  
U.S. Department of Health and Human Services  
Office of the Inspector General  
Washington, D.C. 20026

Dear Inspector General Kelly and Inspector General Levinson:

We write to you today regarding serious and disturbing allegations of physical and sexual abuse of detainees by guards and other staff at Immigration and Customs Enforcement (ICE) and Health and Human Services (HHS) facilities. Although many of these allegations date back to 2014 and 2015, and some even further, reviewing past claims could help prevent future problems by ensuring migrants currently placed in facilities are protected against all forms of physical, emotional, and sexual assault. These allegations demonstrate a long-term pattern of abuse warranting a thorough investigation into the claims, including the process and procedure by which any guards or contracted staff are hired, trained, and vetted.

On July 17, 2018, the *New York Times* published a detailed report describing the alleged sexual abuse two migrants experienced at an ICE Residential Detention Center.<sup>1</sup> In 2015, a 19-year-old asylum seeker staying in a family detention center in Pennsylvania was sexually assaulted by a male guard and felt compelled to engage in sexual acts because she “didn’t know how to refuse because he told me I was going to be deported.”<sup>2</sup> In the same article, another migrant claimed that while she was in transit to the Hutto Residential Detention Center in Texas her guard “grabbed her breasts...put his hands in [her] pants and . . . touched [her] private

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<sup>1</sup> Emily Kassie, *Sexual Assault Inside ICE Detention: 2 Survivors Tell Their Stories*, *The New York Times* (July 17, 2017) available at <https://www.nytimes.com/2018/07/17/us/sexual-assault-ice-detention-survivor-stories.html>.

<sup>2</sup> *Id.*

parts.”<sup>3</sup> Additionally, early last year, advocates raised serious concerns about the handling of sexual abuse allegations at the same facility, alleging that detainees reported abuse at Hutto, but that employees involved in the allegation were permitted to continue to work with detainees.<sup>4</sup> Sadly, it appears these cases may be far too common as ICE has reported 1,310 claims of sexual abuse against detainees from 2013 to 2017.<sup>5</sup>

Another article alleged employees at two Southwest Key migrant facilities in Arizona abused a 15-year old boy and a girl while in custody. According to the report, in 2015, a youth care worker at the Tucson facility approached the 15-year-old boy on several occasions while the boy was alone in his room. On one occasion, the worker touched the boy inappropriately and attempted to pull down the boy’s pants.”<sup>6</sup> The worker was convicted of class 5 felony sexual abuse, and sentenced to three years of probation.<sup>7</sup>

Similarly, recent press reports have also revealed allegations of abuse of children in HHS-contracted facilities. One report describes a Virginia juvenile detention center where immigrant children were routinely handcuffed, placed in solitary confinement, and left “nude and shivering” in concrete cells.<sup>8</sup> Worse still, lawsuits filed by immigrant children indicate that at least some forms of abuse at this facility had been occurring since 2016, with no clear action taken by either the grantee or HHS to end these practices.<sup>9</sup>

These allegations of abuse are extremely disturbing and must be addressed. This is not a partisan issue as reporting suggests many have been occurring for years. Immigrant families and children kept in federal custody deserve to be treated with basic human dignity and respect and should never be subjected to these forms of abuse.

Accordingly, we ask that you immediately begin an investigation into these allegations, or make public the results of any previously conducted investigation involving these allegations. We also ask that you investigate the adequacy of policies and procedures ICE and HHS have put in place to prevent and deter the abuse of detainees and children placed at its facilities. Finally, we ask that you provide written recommendations to these agencies regarding steps they can take prospectively to reduce—and hopefully end—any abuse of detainees.

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<sup>3</sup> *Id.*

<sup>4</sup> Dianne Solis & James Barragan, *Investigation sought into sexual abuse allegations at Texas immigrant detention Center*, Dallas News (June 25, 2018), available at <https://www.dallasnews.com/news/immigration/2018/06/25/investigation-sought-abuse-allegations-texas-immigrant-detention-center>

<sup>5</sup> *Id.*

<sup>6</sup> Agnel Philip, *Police Reports Tell of Sexual Abuse, Harassment at Arizona Facilities for Migrant Children*, Arizona Republic (July 25, 2018), available at <https://www.azcentral.com/story/news/local/arizona-investigations/2018/07/25/southwest-key-migrant-facilities-see-sex-abuse-harassment-allegations/742133002/>


<sup>7</sup> *Id.*

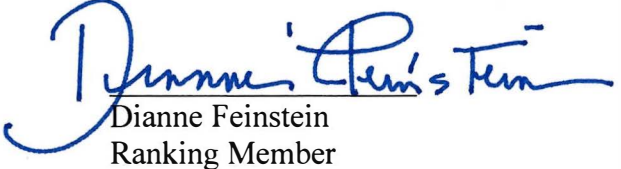
<sup>8</sup> Michael Biesecker, Jake Pearson & Garance Burke, *Young immigrants detained in Virginia center allege abuse*, USA Today (June 21, 2018) available at <https://www.usatoday.com/story/news/nation-now/2018/06/21/abused-immigrant-children-allege-mistreatment-detention-center/720773002/>.

<sup>9</sup> *Id.*

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact Aakash Singh or Katherine Nikas with Chairman Grassley's staff at 202-224-5225 or Jennifer Piatt with Ranking Member Feinstein's staff at 202-224-7703.

Sincerely,

  
Charles E. Grassley  
Chairman  
Senate Judiciary Committee

  
Dianne Feinstein  
Ranking Member  
Senate Judiciary Committee