

United States Senate

WASHINGTON, DC 20510

June 6, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave. NW
Washington, DC 20016

Patrick Lechleitner
Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C. 20536

Dear Secretary Mayorkas and Director Lechleitner:

I write in response to public court filings indicating that The GEO Group, Inc. (GEO) has sought and may be awarded a contract by Immigration and Customs Enforcement (ICE) for the provision of immigration detention services at the Delaney Hall Facility in Newark, New Jersey. GEO is a for-profit public company that contracts with local, state, and federal government agencies to lease, operate, or manage correctional and detention facilities, in which documented human rights abuses have occurred. I urge you to reconsider any plans to open a new, privately operated immigration detention center in the State of New Jersey.

On April 15, 2024, GEO filed a lawsuit in the U.S. District Court for the District of New Jersey challenging the constitutionality of N.J. Stat. Ann. § 30:4-8.16(b)(2), which provides that “a private detention facility operating in this State shall not enter into, renew, or extend any immigration detention agreement” as elsewhere defined in the statute. Citing a recent court decision to enjoin enforcement of that statutory provision in a separate action,¹ GEO sought an injunction preventing enforcement of N.J. Stat. Ann. § 30:4-8.16(b)(2) against it pending resolution of the appeal in that action by the Third Circuit Court of Appeals.

In its court filings, GEO stated that it had responded to a May 30, 2023 Request for Information from the United States Department of Homeland Security (DHS), on behalf of ICE, to identify possible detention sites to house non-citizens in the Newark area.² GEO proposed the use of the Delaney Hall Facility to serve as a potential ICE detention site; the Delaney Hall Facility has a permitted use capacity of approximately 1,196 beds and has, since its opening in 2000, housed federal, state, and county detainees, including up to 450 immigration detainees from 2011 to 2017.³ In its complaint, GEO alleged that it “has a realistic chance to be awarded” a significant contract by ICE to open a new, privately-owned and -operated immigration detention facility at the Delaney Hall facility in Newark.⁴

Reports have shown that people detained in privately-owned and -operated immigration detention centers are often subjected to horrific conditions. At facilities owned and operated by

¹ See *CoreCivic, Inc. v. Murphy*, No. 23-967, 2023 WL 5556025 (D.N.J. Aug. 29, 2023).

² Compl. for Declaratory and Injunctive Relief, 2, *Geo Group v. Murphy*, No. 3:24-cv-4990 (D.N.J. Apr. 15, 2024) <https://newjerseymonitor.com/wp-content/uploads/2024/04/1825000-1825885-complaint-4892-8615-3399-v.1.pdf>.

³ *Id.* at 2.

⁴ *Id.* at 4.

GEO, immigrants routinely report experiencing violence, medical neglect, sexual abuse, malnourishment, poor living conditions, and retaliation when they try to report these abuses.⁵ In March 2024, a man died after being placed in solitary confinement for at least 811 consecutive days in a GEO-owned immigration detention facility in Washington State.⁶ At other facilities operated by GEO, the company has been credibly accused of medical neglect,⁷ forcing detained people to work, and retaliating against detained people for refusing to work.⁸ In March of 2023, hundreds of people detained in a GEO-owned facility in Louisiana began a hunger strike, alleging that the facility lacked cleaning supplies, had showers covered in mold, and that running water had a “green tint.”⁹ Another privately-run immigration detention center in Elizabeth, New Jersey has subjected detainees to severe lack of access to fresh air or sunlight, consistent medical neglect, cramped and unsanitary living quarters, and abusive treatment from guards and other staff.¹⁰ According to an August 2022 report, the federal government itself has recommended closing nine detention centers around the country, including six private facilities, pointing to their exorbitant costs and inability to keep detainees safe.¹¹

As a presidential candidate, President Biden was well-aware of the documented abuses in private detention facilities. Stating that, “No business should profit from the suffering of desperate people fleeing violence,” then-candidate Biden promised to “make clear that the federal government should not use private facilities for any detention, including detention of undocumented immigrants.”¹² The percentage of ICE detainees held in private detention centers is still unacceptably high and we must reverse this trend.

According to ICE’s Acquisition Planning Forecast System, ICE intends to enter into an “indefinite” contract for detention services in a facility that would house up to 600 non-

⁵ *Private Prison Company Responds to ICE Detention Center Protests*, CBS NEWS (Aug. 18, 2023)

<https://www.cbsnews.com/sanfrancisco/news/private-prison-company-responds-to-ice-detention-center-protests/>.

⁶ Maurizio Guerrero, *Death of a Mentally Ill Migrant in Solitary Confinement Lays Bare ICE’s Cruelty and Lack of Accountability*, PRISM (Apr. 1, 2024) <https://prismreports.org/2024/04/01/ice-cruelty-kills-another-migrant-solitary-confinement/>; University of Washington, Center for Human Rights, NWDC Conditions Research Update: Charles Leo Daniel’s Death at NWDC in Context (Mar. 15, 2024)

https://jsis.washington.edu/humanrights/2024/03/15/nwdc-conditions-research-update-daniel-death-in-context/#_ftnref5.

⁷ Matt Bloom, *Aurora ICE Death Autopsy Released, Raises Questions About Medical Care in Federal Detention Centers*, CPR NEWS (Feb. 15, 2023) <https://www.cpr.org/2023/02/15/aurora-ice-inmate-deaths/>.

⁸ ACLU Northern California, *After Hours of Violent Abuse, ICE and GEO Group Abruptly Transfer Four Mesa Verde Hunger Strikers to Texas* (Mar. 8, 2023) <https://www.aclunc.org/news/after-hours-violent-abuse-ice-and-geo-group-abruptly-transfer-four-mesa-verde-hunger-strikers>.

⁹ Detention Watch Network, *Mass Hunger Strike at ICE Detention Facility in Louisiana - Detained People Demand to Be Released* (Mar. 2, 2023) <https://www.detentionwatchnetwork.org/pressroom/releases/2023/mass-hunger-strike-ice-detention-facility-louisiana-detained-people-demand>.

¹⁰ Matt Katz, *ICE Jailer in New Jersey Is Sued By Its Landlord, Claiming Unsafe Conditions*, GOTHAMIST (May 3, 2021) <https://gothamist.com/news/ice-jailer-new-jersey-sued-its-landlord-claiming-unsafe-conditions>.

¹¹ Ted Hesson, *Exclusive: Biden Officials Kept Immigration Jails Despite Internal Cost Concerns*, REUTERS (Sep. 27, 2023) <https://www.reuters.com/world/us/biden-officials-kept-immigration-jails-despite-internal-cost-concerns-2023-09-27/>; Dep’t. of Homeland Security, Management Alert, Management Alert – Immediate Removal of All Detainees from the Torrance County Detention Facility (Mar. 16, 2022)

<https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>.

¹² Biden for President, “The Biden Plan for Strengthening America’s Commitment to Justice,” <https://web.archive.org/web/20201101005400/https://joebiden.com/justice/> (emphasis added).

citizens.¹³ Such a contract with GEO Group would represent a significant escalation in the population of detained non-citizens in private detention centers in New Jersey; currently, the sole immigration detention facility in New Jersey houses up to 300 people and is operated by a for-profit private company operating under a two-year contract.¹⁴

A new contract would also serve as an insult to immigrant communities and advocates in New Jersey and around the country who have fought tirelessly to document the human rights abuses at private detention centers and repeatedly pushed the Biden Administration to detain fewer people in more humane settings. I urge you to follow through on President Biden's promise and commit to not open new, privately-run immigration detention facilities in New Jersey.

Sincerely,



Cory A. Booker
United States Senator

¹³ Acquisition Planning Forecast System, No. F2024064617 (Jan. 25, 2024) <https://apfs-cloud.dhs.gov/record/64617/public-print/>.

¹⁴ Stephen Lepore, *ICE Extends Contract With NJ Detention Center with Bill Banning Them on Murphy's Desk*, PIX11 (Aug. 13, 2021) <https://pix11.com/news/local-news/new-jersey/ice-extends-contract-with-nj-detention-center-with-bill-banning-them-on-murphys-desk/>.