

Congress of the United States
House of Representatives
Washington, DC 20515

December 12, 2011

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

We are writing regarding the issue of sexual abuse in immigration detention facilities in the United States. We thank you for your recent testimony before the House Judiciary Committee during which you reiterated your “zero-tolerance” policy toward sexual assault. We believe there is an affirmative obligation on the part of custodians to adopt strong, clear policies to prevent sexual assault in detention. Indeed, that is why Democrats and Republicans came together to enact the Prison Rape Elimination Act (PREA) of 2003.

Sexual abuse in immigration detention facilities is a pernicious problem. The Prison Rape Elimination Commission found that “[a] large and growing number of detained immigrants are at risk of sexual abuse. Their heightened vulnerability and unusual circumstances require special interventions.” The Report indicated that “[m]any factors—personal and circumstantial, alone or in combination—make immigration detainees especially vulnerable to sexual abuse.” Several recent high profile cases involving sexual assault at different immigration detention facilities in the United States confirm the Commission’s findings. At the Willacy Detention Center in Raymondville, Texas, a contract security officer pled guilty earlier this year to sexually assaulting a female inmate. The problem of sexual abuse at the Willacy Detention Center was highlighted in the Frontline segment, “Lost in Detention,” and revealed a very disturbing situation of rampant sexual abuse and retaliation for reporting such abuse.

Similarly, at the T. Don Hutto Detention Facility in Taylor, Texas, a contract employee pled guilty last year to abusing eight female detainees. The American Civil Liberties Union of Texas has filed a federal class-action damages lawsuit on behalf of three immigrant women who were sexually assaulted while in the custody of Immigration and Customs Enforcement (ICE) at this facility. In addition, at the Port Isabel Detention Center in Los Fresnos, Texas, a former guard was convicted last year of repeated sexual abuse of five female detainees in his custody.

While we commend your “zero-tolerance” stance toward sexual assault in ICE detention facilities, these allegations, and others around the nation, demonstrate that there continues to be widespread sexual assault in ICE detention facilities, and that more must be done. Moreover, PREA itself reflected

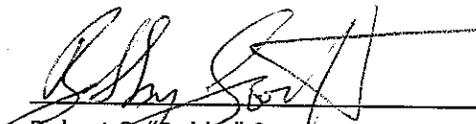
Congress' zero-tolerance policy toward sexual assault in prison; one of the purposes of PREA was "to establish a zero-tolerance policy for the incidence of prison rape in prisons in the United States."

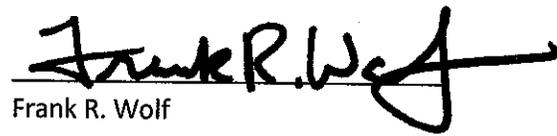
In light of the persistent, pervasive nature of the problem, a strong, uniform approach is needed. We understand that ICE has revised its Performance-Based National Detention Standards (PBNDS), including the standard concerning the prevention of sexual assault. The revised PBNDS, still under review within ICE, explicitly incorporate provisions from the standards recommended by the National Prison Rape Elimination Commission. We urge ICE to fully incorporate the PREA standards and expeditiously approve and implement them.

In conclusion, it was Congress' intent by passing PREA to end prison rape. The Act specifically stated that it intended to "make the prevention of prison rape a top priority in each prison system." We sought to prevent and eliminate rape of *all* people in government custody, including those being detained on civil immigration charges. As you will recall, immigration detention facilities were under the jurisdiction of the Department of Justice as PREA was under development and were thereby clearly intended to be included under the law. We write today, as co-sponsors of PREA in the House, to reiterate that we indeed intended that PREA cover immigration detainees wherever they are housed. In order to help us achieve this goal, the Department of Homeland Security should support issuance of PREA regulations that cover all immigration detainees.

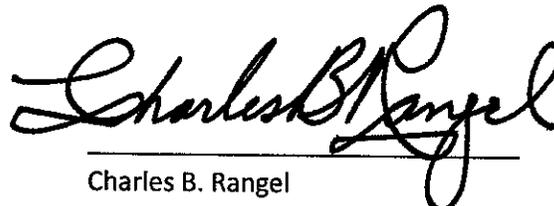
We urge you to ensure that Congress' intent is effectuated in this regard in the most expeditious manner possible given the grave consequences of any further delay.

Very truly yours,

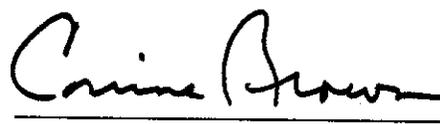

Robert C. "Bobby" Scott
Member of Congress


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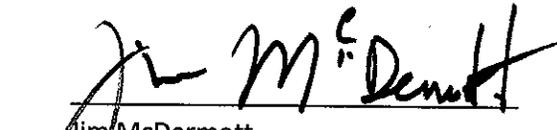

Corrine Brown
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