

May 20, 2020

Attorney General Xavier Becerra  
1300 I Street  
Sacramento, CA 95814

**Re: Investigation and Accountability for Deaths in California Private Immigration  
Detention Facilities**

We are writing to express our grief, outrage, and grave concern over the death of Choung Woong Ahn, a 74 year old man who died in his cell on Sunday evening in the Mesa Verde Detention Facility, a private facility owned and operated by the GEO Group. Mr. Ahn had been held in this facility since February and suffered from diabetes, hypertension and heart- and lung-related issues. His case was a clear example of a medically vulnerable individual who was denied their right to life by ICE and GEO.

Reports have stated the preliminary cause of death was self-strangulation, though ICE will supposedly investigate his cause of death. We do not need the agency which created the circumstances for this death to conduct an investigation. The reality is clear for everyone to see: ICE is acting as the judge, jury and executioner in these cases.

This is now the second death in detention in California in the month of May. The first was Carlos Escobar Mejia, a 57 year old man who died from exposure to COVID-19 at the Otay Mesa facility, owned and operated by the for-profit CoreCivic. What happened to Mr. Ahn and Mr. Escobar Mejia is happening to thousands of immigrants detained in the state of California. We need action and we need it now.

**We need an investigation into what took place by an independent agency, with the goals of protecting the health and safety of the individuals in those facilities. That investigation should come from your office.**

We are writing this letter to your office to expressly remind you of your power under AB 103 to “engage in reviews of county, local, or private locked detention facilities in which noncitizens are being housed or detained for purposes of civil immigration proceedings in California.” We are aware that you completed a preliminary review of these facilities in 2019. We are also aware that your power to enter these facilities remains in place until 2027.

While your office may not have jurisdiction over the decisions of ICE or the federal government, it does retain clear jurisdiction over the conduct of private corporations. This includes retaining jurisdiction over federal contractors who are violating the terms of their contract and are thus no longer immune from either civil or criminal liability. **"When a contractor violates both federal law and the government's express instructions... there is no immunity."** *Campbell-Ewald Co. v. Gomez*, 577 U.S. \_\_\_\_\_. 193 L.Ed.2d 571 (2016).

As it stands, ICE has issued COVID-19 Pandemic Response Requirements, which include "mandatory requirements" for all facilities housing ICE detainees as well as best practices. Dedicated detention facilities—those housing only ICE detainees—as well as non-dedicated facilities with mixed populations, including local jails, "must" (1) comply with their applicable detention standards and facility contract; (2) comply with the CDC Interim Guidelines and the March 27, 2020 Action Plan; (3) notify the local ICE Field Office Director and Federal Medical Center of known or suspected COVID-19 cases; and (4) notify the FOD and FMC "as soon as practicable" of any detainee meeting CDC's criteria for higher risk of harm.

There have been numerous and clear instances in which these operators are violating the standards of care in their contracts, as well as federal and state laws that govern these facilities.

These private operators are clearly acting outside of the law. Your office is tasked with upholding the law in the state of California. Therefore it is unacceptable to us that your office has failed to even recognize its authority to act in this context when people are dying at the hands of these private operators.

**In conclusion we summarize our requests as the following:**

1. Initiate a specific and thorough investigation into the deaths of Mr. Ahn and Mr. Esobar Mejia, assessing the criminal and civil liability of private operators.
2. Initiate reviews of health and safety conditions, and contractual violations of all five immigrant detention facilities in the state of California.
3. Provide clear legal guidance as to consequences applicable to private operators who break the law or violate their contracts in these facilities. This includes the now mandatory requirements for operators to comply with ICE performance based standards as well as CDC guidance.

Sincerely,

A. L. Costa Community Development Center  
ACLU Foundations of California  
Action Team for Immigrant Rights (ATIR)  
African Advocacy Network  
Alianza Sacramento  
American Friends Service Committee, US-Mexico Border Program  
Asian Americans Advancing Justice - Asian Law Caucus  
Asylum Sponsorship Project  
Bay Area Asylum Support Coalition (BAASC)  
Black Alliance for Just Immigration  
California Coalition for Women Prisoners  
California Collaborative for Immigrant Justice (CCIJ)  
California Immigrant Youth Justice Alliance  
California Sanctuary Campaign  
CALMA: Collective Action for Laborers, Migrants, & Asylum Seekers  
Campaign for Immigrant Detention Reform (CIDR)  
Catholic Charities SF  
Central American Resource Center (CARECEN) of California  
Centro Legal de la Raza  
Coastside Immigrant Advocacy Group  
Council on American-Islamic Relations (CAIR) of California  
Disability Rights California  
Dolores Street Community Services (DSCS)  
Esperanza Immigrant Rights Project  
Freedom for Immigrants  
Haven Law Group  
Immigrant Defenders Law Center  
Immigrant Defense Advocates  
Immigrant Legal Defense  
Indivisible Sacramento  
Inland Coalition for Immigrant Justice

Interfaith Movement for Human Integrity  
Kehilla Community Synagogue  
Kern Youth Abolitionists (KYA)  
Law Office of Ravi Patel  
Law Office Of Vanessa Frank  
Legal Allies  
Monument Impact  
National Immigration Project of the National Lawyers Guild  
Nikkei Resisters  
NorCal Resist  
North Bay Organizing Project  
North Bay Rapid Response Network: Napa, Solano and Sonoma Counties  
Open Door Legal  
Opening Doors, Inc  
Pacifica Social Justice  
Pangea Legal Services  
Porterville City Council Member, District 1  
Public Counsel  
Pueblo Sin Fronteras  
Sacramento Immigration Coalition  
Sacred Heart Community Service  
San Bernardino Community Service Center  
San Francisco Bay Area Day of Remembrance Committee  
San Francisco District Attorney  
San Francisco Public Defender  
San Joaquin College of Law - New American Legal Clinic  
Services, Immigrant Rights & Education Network (SIREN)  
UFW Foundation  
University of California, Irvine Law Students for Immigrant Justice  
University of San Francisco Immigration & Deportation Defense Clinic  
USC Gould School of Law Immigration Clinic  
Wellstone Democratic Renewal Club