

Civil Rights in Immigrant Detention Centers in New Mexico



**New Mexico Advisory Committee
to the U.S. Commission on Civil Rights**

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Advisory Committees to the U.S. Commission on Civil Rights

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states, the District of Columbia, and the five U.S. territories. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. They are authorized to advise the Commission in writing of any knowledge or information they have of any alleged deprivation of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, national origin, or in the administration of justice; advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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Executive Summary

The New Mexico Advisory Committee voted in October 2024 to initiate an inquiry into civil rights in the state's three immigrant detention centers which are located in Otero, Cibola and Torrance Counties. The selection was based upon ongoing reports of due process violations, unsafe conditions, systemic contracting concerns in these facilities, a federal complaint regarding the Torrance facility and a wrongful death lawsuit. Around 1,500 individuals, primarily asylum seekers, are detained in New Mexico in privately managed detention centers, under contracts between ICE and respective counties.

The Committee's process was shorter than typical, with public hearings held between December 2024 and January 2025. The Committee undertook extensive efforts to solicit participation from all relevant stakeholders, including the Department of Homeland Security (DHS), CoreCivic and Management & Training Corp, local and national immigrant rights advocates, County Managers, detention center Wardens, and the New Mexico Attorney General's Office. Several entities declined to, or did not, respond.

Key Findings: The Committee made five major findings which informed their recommendations.

- 1. Limited Access to Legal Representation and Rights Education:** Detained individuals face significant barriers to legal counsel and education, including limited access to legal service providers and "Know Your Rights" presentations.
- 2. Deficiencies in Credible Fear Interviews (CFIs):** CFIs are sometimes conducted without adequate privacy or interpretation, compromising confidentiality and due process.
- 3. Ongoing Concerns About Physical Conditions and Safety:** Testimony and an official 2022 Office of Inspector General report highlighted unsanitary conditions and inadequate medical care. Local officials disputed some claims and acknowledged room for improvement.
- 4. Contracting Structure Undermines Oversight:** The use of county-level passthrough intergovernmental service agreements (IGSA) with private contractors creates fragmented accountability and possible financial incentives to detain unnecessarily.
- 5. Insufficient Oversight and Transparency:** Existing oversight mechanisms are inconsistently applied. State and federal agencies provide limited public information, and local oversight varies in rigor.

Recommendations: The report includes recommendations intended to address and alleviate civil rights concerns, directed at multiple levels of government:

To DHS: Close all three detention centers; end passthrough contracting; expand community-based alternatives; create independent oversight; publish detention facility reports.

To Congress and the Executive Branch: End guaranteed bed quotas; redirect funds to alternatives; establish external oversight.

To the NM Legislature: Encourage closure of facilities; create state oversight structures; prohibit new IGSA contracts; require public hearings for renewals.

To County Managers: Withdraw from IGSAs; increase transparency in contracting and oversight practices.

To the NM Attorney General: Exercise contract oversight authority and proactively disclose contract terms and findings; create an oversight system for monitoring centers.

Introduction

In October 2024, the New Mexico Advisory Committee (Committee) to the U.S. Commission on Civil Rights (Commission) adopted a proposal to evaluate the civil rights in the three immigrant detention centers in the state. While other important topics may have surfaced throughout the Committee's inquiry, matters that are outside the scope of this specific civil rights mandate are left for another discussion.

As part of this inquiry, the Committee heard testimony via videoconferences held from December 2024 to January 2025. The following report results from a review of testimony provided at these meetings, combined with written testimony submitted during the related timeframe. It begins with a brief background of the issues the Committee considered and then identifies primary findings as they emerged from this testimony. Finally, it makes recommendations for addressing related civil rights concerns. This report and the recommendations included within it were adopted by majority by the Committee on Monday, July 28, 2025.¹

¹ Each member's vote was recorded in the minutes for this Committee meeting. You can find the minutes for this meeting at <https://usccr.box.com/s/v9pvrstefz68d5w9ox46013sfaad53da>.

Background

As of June 9, 2025 there are 1,496 people held in ICE custody in New Mexico, the population in these facilities has stayed more or less steady throughout the Committee’s project.² Since the Committee drafted the report in March 2025, it appears there has begun to be a slow but steady increase in the population. Nearly all individuals are recently arrived asylum seekers whose detention is discretionary under federal immigration law.³

New Mexico has three immigrant detention centers in Otero, Cibola, and Torrance Counties, and civil rights abuses have been reported in each. Although ICE holds contracts with these counties, the facilities are operated by private companies through sub-contracts. The Torrance County facility and the Cibola County facility are owned and operated by CoreCivic,⁴ and the Otero County facility is owned by the county and operated by the Management & Training Corp.⁵ These contracts are awarded as no bid non-competitive contracts rather than the conventional federal procurement requirements.⁶

Civil Rights Concerns

In August 2023 several organizations, including the New Mexico Immigrant Law Center, Las Americas Immigrant Advocacy Center, Innovation Law Lab, and the ACLU of New Mexico, filed a complaint against the Department of Homeland Security (DHS) regarding the Torrance County Detention Facility (TCDF).⁷ The complaint highlights severe due process violations and human rights abuses occurring at the facility.⁸ The organizations accuse DHS and its contractor, CoreCivic, of failing to ensure the safety and well-being of detainees.⁹ They document issues such as interference with legal representation, flawed credible fear interview procedures,

² TRAC Immigration. Detention Facilities Average Daily Population. <https://tracreports.org/immigration/detentionstats/facilities.html>.

³ TRAC Immigration. Detention Facilities Average Daily Population. <https://tracreports.org/immigration/detentionstats/facilities.html>.

⁴ CoreCivic. “Torrance County Detention Facility.” *CoreCivic*. <https://www.corecivic.com/facilities/torrance-county-detention-facility>.

⁵ New Mexico Corrections Department. “Otero County Prison Facility.” *New Mexico Corrections Department*. Accessed May 21, 2025. <https://www.cd.nm.gov/divisions/adult-prisons/nmcd-prison-facilities/otero-county-prison-facility/>.

⁶ Genovese Testimony, Transcript I, p. 5; Sheff Testimony, Transcript I, p. 11. U.S. Government Accountability Office. *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detainee Complaints*. GAO-21-149. February 2021. <https://www.gao.gov/products/gao-21-149>.

⁷ ACLU of New Mexico Press Release. August 23, 2023. “Leading Advocacy Organizations Submit Federal Complaint Regarding Ongoing Human Rights Violations at Torrance County Detention Facility.” <https://www.aclu-nm.org/en/press-releases/leading-advocacy-organizations-submit-federal-complaint-regarding-ongoing-human>.

⁸ *Ibid*.

⁹ Diana Buda, Daisy Gomez Rivera, and Natalia Ocampo. “‘What They’re Doing to Me is an Injustice’: Violations of the 2011 Performance-Based National Detention Standards in New Mexico Immigration Detention Facilities.” March 2024. <https://static1.squarespace.com/static/5f4ecbcc12b596143f5c3306/t/65f1d497c9d5002214700d5c/1710347417153/March+2024+Report+%28With+Exhibits%29.pdf>.

negligent medical care, physical assaults by guards, labor exploitation, and retaliation against detainees who report abuse. The complaint includes testimonies from detainees that corroborate these allegations.¹⁰

The advocacy groups demand that DHS terminate its contract with the Torrance County facility, stop transferring individuals to the facility, and release those currently detained with appropriate legal proceedings. They argue that the conditions at Torrance are inhumane and that the facility should be shut down to prevent further harm to the detainees.¹¹

Additionally, The American Civil Liberties Union (ACLU) of New Mexico and the law firm of Coyle & Benoit, PLLC is suing CoreCivic on behalf of the wrongful death estate of Kesley Vial, a 23-year-old Brazilian asylum seeker.¹² They allege that the extreme negligence and systemic failures in mental health care led to Vial's preventable death by suicide while detained at the Torrance County Detention Facility. Despite clear signs of Vial's worsening mental state and urgent warnings from federal inspectors about the facility's unsafe conditions, CoreCivic staff neglected to take necessary precautions, resulting in his tragic death.¹³

State & Federal Rights

Immigrants in detention, including those seeking asylum, are protected by several key constitutional rights. Under the Fifth Amendment, they are entitled to due process, which means the government must provide fair procedures before detaining or deporting someone. This includes the right to a hearing, the ability to present evidence, and the chance to seek asylum or other legal protections.¹⁴ While the Sixth Amendment guarantees the right to legal counsel in criminal cases, it does not require the government to provide a lawyer in civil immigration proceedings, though detained immigrants still have the right to hire one.¹⁵ Although immigration detention is classified as civil and not punitive, individuals held in such custody retain constitutional protections.¹⁶ Conditions of confinement in immigration detention are evaluated under the applicable constitutional standards, which prohibit treatment that amounts to punishment or violates basic standards of human dignity. Courts have held that civil detainees

¹⁰ Ibid.

¹¹ Ibid.

¹² ACLU of New Mexico Press Release. September 27, 2023. "ACLU Sues Private Prison Company After Preventable Death of Asylum Seeker at Torrance Detention Facility." <https://www.aclu.org/press-releases/aclu-sues-private-prison-company-after-preventable-death-of-asylum-seeker-at-torrance-detention-facility>.

¹³ Ibid.

¹⁴ U.S. Const. amends. IV, V, VIII, and XIV; *Plyler v. Doe*, 457 U.S. 202, 210 (1982); 8 U.S.C. § 1158 (2009); 8 C.F.R. § 1241.14 (2003).

¹⁵ U.S. Const. amends. IV, V, VIII, and XIV; 8 U.S.C. § 1362 (2012)

¹⁶ *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984); 8 C.F.R. § 1241.14 (2003)

must not be subjected to conditions that are harsher than those faced by criminal detainees, since civil detention cannot permissibly serve a punitive function.¹⁷

Several other federal and state authorities determine the conditions and rights of detainees in immigrant detention facilities including:

- Immigration and Nationality Act (INA): Enacted in 1952, the INA provides the primary legal framework for U.S. immigration policy. It governs all aspects of immigration, including the grounds for detention, deportation, asylum, and the procedures for immigration court hearings. It authorizes the detention of certain non-citizens, including those seeking asylum and those subject to removal.¹⁸
- Prison Rape Elimination Act (PREA): Passed in 2003, PREA establishes a zero-tolerance policy for sexual assault in all U.S. detention facilities, including immigration detention centers. It mandates that these facilities implement measures to prevent, detect, and respond to sexual abuse, with specific standards for training, reporting, and protection of vulnerable detainees.¹⁹
- The Flores Settlement Agreement:²⁰ Originating from a 1985 lawsuit, this agreement sets national standards for the detention, treatment, and release of minors in immigration custody.²¹ It mandates that children be held in the “least restrictive setting[s]” and emphasizes family reunification.²² It also requires that facilities meet basic standards for health, safety, and care.²³
- The New Mexico Human Rights Act of 1969, aims to prevent and address discrimination in various areas, including education, employment, housing, public accommodations, and credit. The Act provides from its inception that all individuals, regardless of immigration status, are treated fairly and equitably within the state of New Mexico.²⁴ In 2023, the Human Rights Act was amended to add more protections for broader groups of people, defending them against various kinds of discrimination by the government. It clarifies the Act applies to all New Mexico government agencies and adds definitions for sex, gender, gender identity, disabilities, and sexual orientation.²⁵
- The New Mexico Civil Rights Act of 2022 protects the rights, privileges and immunities as provided for in the bill of rights of the state constitution. This includes immigrants and asylum seekers if their rights are infringed upon by state or local government officials or

¹⁷ For further discussion, see Alina Das, *The Law and Lawlessness of U.S. Immigration Detention*, 138 HARV. L. REV. 705 (2024). <https://harvardlawreview.org/print/vol-138/the-law-and-lawlessness-of-u-s-immigration-detention/>.

¹⁸ Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

¹⁹ Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, 117 Stat. 972 (2003); 6 C.F.R. § 115.11 (2014).

²⁰ Stipulated Settlement Agreement, *Flores v. Reno*, No. CV 85-4544-RJK (Px) (C.D. Cal. Jan. 17, 1997).

²¹ *Id.* at ¶ 9.

²² *Id.* at ¶ 11, 18.

²³ *Id.* at ¶ 12.

²⁴ N.M. Stat. Ann. §§ 28-1-1 to 28-1-14.

²⁵ NM Stat § 28-1-7 (2023).

entities. The measure allows a person to litigate any deprivation of those rights, privileges or immunities and prohibits the use of qualified immunity as a defense for depriving a person of those constitutional civil rights. It is significant because it provides a state-level avenue for addressing civil rights issues, particularly for those who may face barriers in federal court.²⁶

Other federal guidelines dictate conditions and standards for immigrant detention. The 2011 Performance-Based National Detention Standards (PBNDS)²⁷ were established by the U.S. Immigration and Customs Enforcement (ICE) to improve the conditions and management of detention facilities. These standards aim to ensure the safety, security, and well-being of detainees by setting guidelines in key areas such as medical care, access to legal resources, conditions of confinement, and mental health services. The PBNDS also addresses issues like detainee communication, visitation rights, and grievance procedures, emphasizing the humane treatment of detainees and adherence to established protocols.²⁸

The Credible Fear Interview (CFI)²⁹ was established through the creation of expedited removal enacted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), amending the INA (Immigration and Nationality Act). CFIs are meant to be a safety valve in the expedited removal process to prevent the swift deportation of bona fide asylum seekers. CFIs are the initial screening process used by U.S. immigration officials to determine whether an asylum seeker has a "credible fear" of persecution or torture in their home country. This process is the first step for individuals who have been detained after entering the U.S. and are seeking asylum. The Credible Fear Interview process is intended to protect individuals who face genuine danger if returned to their home country, while also managing the flow of arrivals within the U.S. immigration system.

²⁶ New Mexico Civil Rights Act, N.M. Stat. Ann. §§ 41-4A-13.

²⁷ U.S. DEP'T OF HOMELAND SEC., "2011 OPERATIONS MANUAL ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS," I.C.E. <https://www.ice.gov/detain/detention-management/2011>.

²⁸ *Id.*

²⁹ Immigration and Nationality Act, 8 U.S.C. §§ 1158, 1225(b) (2021); 8 C.F.R. § 208.30 (2023); U.S. Citizenship and Immigration Services, USCIS Policy Manual, Volume 1: Asylum, Part D: Credible Fear of Persecution or Torture (2023).

Methodology

As a matter of historical precedent, and in order to achieve transparency, Committee studies involve a collection of public, testimonial evidence and written comments from individuals directly impacted by the civil rights topic at hand; researchers and experts that have rigorously studied and reported on the topic; community organizations and advocates representing a broad range of backgrounds and perspectives related to the topic; and government officials tasked with related policy decisions and the administration of those policies.

Committee studies require Committee members to utilize their expertise in selecting a sample of panelists that is the most useful for the purposes of the study and will result in a broad and diverse understanding of the issue. This method of sampling requires Committee members to draw from their own experiences, knowledge, opinions and views to gain an understanding of the issue and possible policy solutions. Committees are composed of volunteer professionals that are familiar with civil rights issues in their state or territory. Members represent a variety of political viewpoints, occupations, races, ages, and gender identities, as well as a variety of backgrounds, skills, and experiences. The intentional diversity of each Committee promotes vigorous debate and full exploration of the issues. It also serves to assist in offsetting biases that can result in the oversight of nuances in the testimony.

In fulfillment of the Committee's responsibility to advise the Commission of civil rights matters in their locales, Committees conduct an in-depth review and thematic analysis of the testimony received and other data gathered throughout the course of their inquiry. Committee members use this publicly collected information, often from those directly impacted by the civil rights topic of study, or others with direct expert knowledge of such matters, to identify findings and recommendations to report to the Commission. Drafts of the Committee's report are publicly available and shared with panelists and other contributors to ensure that their testimony was accurately captured. Reports are also shared with affected agencies to request for clarification regarding allegations noted in the testimony.

For the purposes of this study, ***Findings*** are defined as what the testimony and other data suggested, revealed, or indicated based on the information collected by the Committee. Findings refer to a synthesis of observations confirmed by majority vote of members, rather than conclusions drawn by any one member. ***Recommendations*** are specific actions or proposed policy interventions intended to address or alleviate the civil rights concerns raised in the related finding(s). Where findings indicate a lack of sufficient knowledge or available data to fully understand the civil rights issues at hand, recommendations may also target specific directed areas in need of further, more rigorous study. Recommendations are directed to the Commission; they request that the Commission itself take a specific action, or that the Commission forward recommendations to other federal or state agencies, policymakers, or stakeholders.

Overview of Testimony

The New Mexico Advisory Committee is composed of New Mexico citizens who sought to explore the issue of civil rights in immigrant detention centers from an open-minded and neutral posture. During a series of online panels, the Committee heard from lawyers, community advocates, academics, and county officials. The agendas, minutes, and presentation slides for these panels can be found in Appendix B. In addition, the Committee invited broad participation through written testimony.

The Committee went to great lengths to solicit participation from stakeholders representing diverse perspectives. The Committee made many outreach attempts over several months to engage administrators of the immigrant detention centers, individuals with direct experience of the conditions within the facility, CoreCivic, and the state's attorney general office. The Committee made a particularly strong effort to have the testimony of ICE officials and staff from the Department of Homeland Security included in the project. Efforts were made to solicit their participation at the public panels, through written testimony, and/or by joining a Committee meeting. Regrettably, despite these multiple attempts by Committee members and U.S. Commission on Civil Rights staff, these stakeholders did not participate in expressing their views to the Committee. Hence, the views of these stakeholders remain largely absent from this report. A full list of individuals and organizations that were invited, but were unable or unwilling to participate is attached in Appendix E.

Findings

The section below communicates the observations and conclusions of the Committee based on the testimony received during its investigation. While the Committee has not independently verified each assertion and Committee members are not experts on the topic at hand, a diverse and balanced selection of panelists was chosen to testify due to their professional experience, academic credentials, subject matter expertise, and/or firsthand experience with the topics at hand.

In keeping with their duty to inform the Commission of: (1) matters related to discrimination or a denial of equal protection of the laws; and (2) matters of mutual concern in the preparation of reports of the Commission to the President and the Congress,³⁰ the New Mexico Advisory Committee submits the following findings to the Commission.

Finding I: Detained immigrants in New Mexico have limited access to legal representation and rights education, which may be affecting their ability to fully exercise their rights.

The Sixth Amendment guarantees right to counsel, even for immigrant detainees.³¹ In matters related to immigration proceedings, the government does not have to provide a lawyer for non-citizens, but detainees maintain the right to hire one. Most individuals in detention represent themselves in immigration proceedings without the benefit of legal counsel.³² The number of nonprofit attorneys providing free legal services to detained individuals in New Mexico is limited, and some of those attorneys split their time between detained and non-detained cases.³³ Language barriers, limited phone access, and facility restrictions further complicate efforts to connect with legal assistance.³⁴

Know Your Rights presentations, often the only legal education available to detained individuals, are not consistently accessible.³⁵ These sessions help individuals understand immigration law and recognize viable claims.³⁶ Without them, individuals may unknowingly forfeit their opportunity to pursue legal protection.³⁷

³⁰ 45 C.F.R. § 703.2 (2018).

³¹ U.S. CONST. amend. VI.

³² Moore Written Statement, p. 2; Genovese Testimony, Transcript I, p. 16.

³³ Genovese Testimony, Transcript I, p. 16; Sheff Testimony, Transcript I, p. 17.

³⁴ Genovese Testimony, Transcript I, p. 17; Torres-Avila Testimony, Transcript I, p. 21.

³⁵ Genovese Testimony, Transcript I, p. 9; Philabaum Testimony, Transcript I, p. 30.

³⁶ Genovese Testimony, Transcript I, p. 9; Moore Written Statement, p. 3.

³⁷ Moore Written Statement, p. 3; Genovese Testimony, Transcript I, p. 9.

In one case, an 18-year-old asylum seeker who was eligible for both asylum and special immigrant juvenile status³⁸ was deported after being denied access to a Know Your Rights presentation and undergoing a Credible Fear Interview without privacy or legal orientation.³⁹

Detainees housed in administrative or protective units, often for safety or medical reasons, may experience delays in receiving legal materials or be excluded from group-based legal education programs such as Know Your Rights presentations.⁴⁰ While such placements are not inherently punitive, the resulting limitations may prevent individuals from accessing the same legal information and opportunities as others.⁴¹

Finding II: The Credible Fear Interview is an essential element of the asylum-seeking process, and detainees in New Mexico immigrant detention centers may be facing procedural deficiencies in these interviews.

Those seeking asylum in the U.S. are entitled to a Credible Fear Interview. During these interviews the asylum seeker must be informed, in a language they understand the purpose, process, and consequences of the interview.⁴² They also have a right to confidentiality so that seekers can discuss sensitive topics freely.⁴³ In New Mexico, Credible Fear Interviews are sometimes conducted in shared rooms or cubicles where conversations can be overheard by detention staff or other detainees.⁴⁴ These conditions undermine confidentiality and may hinder full participation.⁴⁵ Lack of privacy during these interviews may discourage individuals from fully disclosing their fear or trauma, especially in cases involving violence, persecution, or abuse.⁴⁶

Additional, language interpretation may not be consistently provided.⁴⁷ Those who do not speak English or Spanish may not receive interpretation services and are sometimes forced to rely on

³⁸ Genovese Testimony, Transcript I, p. 9–10. American Civil Liberties Union of New Mexico, “Leading Advocacy Organizations Submit Federal Complaint Regarding Ongoing Human Rights Violations at Torrance County Detention Facility,” August 23, 2023, [Found here](#).

³⁹ Moore Written Statement, p. 5.

⁴⁰ Moore Written Statement, p. 6; U.S. Government Accountability Office, *ICE Needs to Improve Oversight of Segregation and Individuals with Mental Health Conditions*, GAO-22-104529, Feb. 2022, [Found here](#).

⁴¹ Genovese Testimony, Transcript I, p. 17.

⁴² See Immigration and Nationality Act, 8 U.S.C. §§ 1158, 1225(b) (2021); 8 C.F.R. § 208.30 (2025); U.S. Citizenship and Immigr. Servs., USCIS Policy Manual, Volume 1: Asylum, Part D: Credible Fear of Persecution or Torture (2023).

⁴³ 8 C.F.R. § 208.6 (20214); U.S. Citizenship & Immigr. Servs., *Affirmative Asylum Procedures Manual*, Sec III III.C, Confidentiality Issues (Feb. 2025), <https://www.uscis.gov/sites/default/files/document/guides/AAPM.pdf>.

⁴⁴ Torres-Avila Testimony, Transcript I, p. 21; Moore Written Statement, p. 5.

⁴⁵ Moore Written Statement, p. 5.

⁴⁶ Moore Written Statement, p. 5; Torres-Avila Testimony, Transcript I, p. 21.

⁴⁷ Genovese Testimony, Transcript I, p. 11; Moore Written Statement, p. 4.

other detainees to translate legal information, compromising accuracy and confidentiality.⁴⁸ Without interpretation and preparation, individuals are unable to meaningfully participate in the process, increasing the risk that valid claims will be denied and raising serious concerns about procedural fairness.⁴⁹

Finding III: There continue to be reports of problems with the physical conditions and safety in the detention centers in New Mexico.

There were reports of unsanitary conditions in the facilities including safety concerns about the food served, access to required personal hygiene standards, and the overall cleanliness of the facilities.⁵⁰ For example, the Torrance County facility had a repeating issue with raw sewage leaking into the same area that inmates were contained for hours and days at a time.⁵¹

In addition to concerns about the overall sanitation of the facilities, there were even more worrying issues raised about safety in these facilities. These issues include people going without medical attention, drug trafficking by facility staff, and being assaulted by other inmates and guards.⁵² Some panelists asserted that many of the deaths that occur in these facilities are preventable with improved safety standards.⁵³

Concerns about the sanitation and safety of these facilities has been raised to the public officials responsible for oversight.⁵⁴ In the case of the Torrance County Detention Center, county officials personally inspected the facility and interviewed current and former employees. They concluded basic safety measures were being met.⁵⁵ The Torrance County manager believed that many of the complaints about and calls for the closure of the facility were made by people who had no firsthand knowledge of the conditions inside.⁵⁶

There have also been concerns raised at the federal level about the fitness and safety of these facilities.⁵⁷ The most significant is the unprecedented order for immediate closure of the

⁴⁸ Moore Written Statement, p. 6.

⁴⁹ Genovese Testimony, Transcript I, p. 11; Moore Written Statement, p. 4.

⁵⁰ Genovese Testimony, Transcript I p. 4-5; Torres Testimony, transcript I, p. 7.

⁵¹ Genovese Testimony, Transcript I, p. 5.

⁵² Torres-Avila Testimony, Transcript I, p. 7; Genovese Testimony, Transcript I, p. 4; Sheff Testimony, Transcript I, p. 8.

⁵³ Sheff Testimony, Transcript I, p. 8.

⁵⁴ Barela Testimony, Transcript II, p. 8.

⁵⁵ Barela Testimony, Transcript II, p. 2-3.

⁵⁶ Barela Testimony, Transcript II, p. 5 & 8

⁵⁷ Sheff Testimony, Transcript I, p. 7; U.S. Government Accountability Office, *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detention Contracts*, GAO-21-149, Jan. 2021, <https://www.gao.gov/products/gao-21-149>; Office of the Immigration Detention Ombudsman, *2021 Annual Report to Congress*, U.S. Department of Homeland Security, Apr. 29, 2022, https://www.dhs.gov/sites/default/files/2022-05/OIDO_2021AnnualReport_5-10-22_508compliant.pdf; U.S. Department of Homeland Security, Office of

Torrance County facility after a surprise inspection of the Office of Inspector General for the Department of Homeland Security in early 2022 and reiterated several months later in a subsequent report.⁵⁸ While we are limited in our information to fully understand why the recommendations of the Office of Inspector General were not followed by the Department of Homeland Security, to our knowledge none of the underlying conditions have changed, only the decision to close to the facility. It is a concerning indication that more attention is needed to ensure basic standards are met.

Finding IV: Many of the current issues identified in the immigrant detention centers are rooted in the contracting process between ICE, the local counties, and private facility operators.

Immigrant detention centers in New Mexico are set-up through intergovernmental services agreements (IGSAs). The county acts as the pass-through agent to facilitate ICE detention via private contractors in their county. This contracting system can create some circularity and confusion when it comes to oversight and accountability and leaves each stakeholder only partially accountable for addressing issues.⁵⁹

This method of contracting also circumvents ordinary federal procurement and competitive bidding requirements.⁶⁰ By circumventing the ordinary federal procurement process, there might be a decline in transparency and competition that could improve the conditions of the facilities.⁶¹

There is a clear incentive for the counties to continue the current contracting process. In their role as a pass-through agent for ICE there is no direct financial benefit to the county for the non-county detainees.⁶² But there are some secondary benefits, including a reduction in costs for housing county detainees and an economic benefit for the county.⁶³ For example, in Torrance

Inspector General, *Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years 2020–2023*, OIG-24-59, <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf>; U.S. Department of Homeland Security, Office of Inspector General, *Management Alert – Immediate Removal of All Detainees from the Torrance County Detention Facility*, OIG-22-31, Mar. 16, 2022, <https://www.oig.dhs.gov/sites/default/files/assets/2022-05/OIG-22-31-Mar22-mgmtalert.pdf>.

⁵⁸ Sheff Testimony, Transcript I, p. 7; Genovese Testimony, Transcript I, p. 4; [OIG-22-75 - Violations of ICE Detention Standards at Torrance County Detention Facility](#).

⁵⁹ Torres-Avila Testimony, Transcript I, p. 5; Genovese Testimony, Transcript I, p. 2.

⁶⁰ Genovese Testimony, Transcript I, p. 2.

⁶¹ Torres-Avila Testimony, Transcript I, p. 5; Genovese Testimony, Transcript I, p. 2; U.S. Government Accountability Office, *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detention Contracts*, GAO-21-149, Jan. 2021, <https://www.gao.gov/products/gao-21-149>.

⁶² Barela Testimony, Transcript II, p.9.

⁶³ Barela Testimony, Transcript II, p. 3; Genovese Testimony, Transcript I, p. 20.

County the CoreCivic facility is one of the largest employers in the county and responsible for approximately \$3.1 million in annual economic impact.⁶⁴

With this contract arrangement there also might be an incentive for ICE to detain immigrants that might not otherwise be detained, in order to meet contract requirements.⁶⁵ ICE has the authority to use their discretion on who is detained and who is released with instructions to attend a court date.⁶⁶ The current contracts have a minimum number of beds that ICE must pay for, whether there are detainees to fill those beds or not.⁶⁷ Although public data demonstrates that the Torrance County facility is consistently detaining a population under the guaranteed minimum provided in the contract.⁶⁸

Finding V: There is a need for more transparency and accountability in the oversight process.

There are avenues defined by ICE and the federal government to hold contractors and facilities accountable when they are found to be out of compliance.⁶⁹ But the Committee remains concerned that many of these accountability measures go unrealized and there is a lack of follow-through.⁷⁰ For example, Senator Heinrich's office has been advocating more oversight from the federal government for years.⁷¹ His office reported that responses to concerns raised are often hit-or-miss and piecemeal rather than systematic in addressing problems.⁷²

To clarify who is responsible for oversight and increase public trust, efforts could be made to be more transparent. Currently, one of the only ways to understand what is happening in these facilities and whether issues are being addressed is through public records requests.⁷³ These can be burdensome, costly, and time-consuming for both the public and the officials processing the request.⁷⁴

Local and state government could take a more active role in oversight and accountability in the state of New Mexico. While the Torrance County officials maintained they were meeting all their oversight requirements and going above and beyond to monitor the facilities, they acknowledged

⁶⁴ Barela Testimony, Transcript II, p. 3.

⁶⁵ Genovese Testimony, Transcript I, p. 3.

⁶⁶ Genovese Testimony, Transcript I, p. 3.

⁶⁷ Genovese Testimony, Transcript I, p. 3.

⁶⁸ TRAC Immigration. Detention Facilities Average Daily Population. [Found here.](#)

⁶⁹ Sheff Testimony, Transcript I, p. 8.

⁷⁰ Torres-Avila Testimony, Transcript I, p. 7; Sheff Testimony, Transcript I, p. 9.

⁷¹ Torres-Avila Testimony, Transcript I, p. 6.

⁷² Torres Testimony, Transcript I, p. 6.

⁷³ Sheff Testimony, Transcript I, p. 9.

⁷⁴ Sheff Testimony, Transcript I, p. 9.

they could consider being more transparent with their findings.⁷⁵ From what we can tell, the New Mexico Attorney General's office is not prioritizing monitoring these facilities.⁷⁶ The office approves each county's IGSA with private contractors and ICE.⁷⁷ It appears that this oversight function is deferential to the judgment of the counties, but we were not able to hear the Attorney General's perspective on this role.⁷⁸

A 2021 report from the U.S. Government Accountability Office (GAO-21-149) underscores the dangers posed by ICE's failure to consistently enforce oversight and contract compliance across detention facilities.⁷⁹ In some cases, failures in oversight were linked to preventable deaths. Although the report does not name New Mexico specifically, the structural issues it identifies, such as poor oversight, inadequate accountability mechanisms, misaligned contracting incentives, and risk to detainee wellbeing, mirror those reported by stakeholders in New Mexico.

⁷⁵ Barela Testimony, Transcript II, p. 6.

⁷⁶ The Attorney General was invited to participate in the project, but declined to do so.

⁷⁷ Sheff Testimony, Transcript I, p. 24.

⁷⁸ Sheff Testimony, Transcript I, p. 24.

⁷⁹ U.S. Government Accountability Office (GAO), *Immigration Detention: ICE Should Enhance Its Use of Facility Oversight Data and Management of Detainee Complaints* (GAO-21-149, February 2021).
<https://www.gao.gov/products/gao-21-149>.

Recommendations

Among their duties, advisory committees are authorized to advise the Commission: (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws, and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress. In keeping with these responsibilities, and given the testimony heard on this topic, the Committee submits the following recommendations to the Commission:

The U.S. Commission on Civil Rights should issue the following recommendations to the Department of Homeland Security:

1. Immediately begin the process of closing the Torrance, Cibola, and Otero County immigrant detention facilities in New Mexico.
2. Terminate its use of county-level passthrough contracts with private prison operators in New Mexico.
3. Invest in, encourage, and expand community-based alternatives to detention, including but not limited to case management, check-ins with ICE or community partners, electronic monitoring, and legal orientation programs Use these programs to transition from the use of immigrant detention centers.
4. Create an oversight mechanism that operates independently from its enforcement division and has the authority to intervene when detention standards are violated. This body should not report through existing ICE field offices and must maintain transparency in how it conducts inspections and follows up on findings.
5. Publish detention facility inspection reports and contract performance data on a public platform in a timely and accessible manner.

The U.S. Commission on Civil Rights should issue the following recommendations to the U.S. Congress and Executive Branch:

1. Review the cost effectiveness and consider ending the practice of guaranteed minimum bed quotas in immigration detention contracts.
2. Redirect current budget line items for immigrant detention to invest and expand the Alternative to Detention programs.
3. Create an oversight mechanism that operates independently from its enforcement division and has the authority to intervene when detention standards are violated. This body

should not report through existing ICE field offices and must maintain transparency in how it conducts inspections and follows up on findings.

The U.S. Commission on Civil Rights should issue the following recommendations to the New Mexico Legislature:

1. Encourage the closing of the Torrance, Cibola, and Otero County immigrant detention facilities in New Mexico.
2. Create a robust oversight system for monitoring immigrant detention centers in the state.
3. Prohibit the use of new Intergovernmental Service Agreements (IGSAs) for immigration detention and require public hearings before the renewal or extension of any existing agreements.

The U.S. Commission on Civil Rights should issue the following recommendations to the New Mexico County Managers:

1. Withdraw from existing Intergovernmental Service Agreements (IGSAs) for immigration detention and refrain from renewing them upon expiration.
2. Provide a transparent contracting process, for current and future contracts.
3. Ensure transparency in oversight procedures, including how oversight is implemented, issues the county may uncover, and how those issues are addressed.

The U.S. Commission on Civil Rights should issue the following recommendations to the Attorney General Office of New Mexico:

1. Exercise oversight authority over county IGSA agreements and publicly disclose contract terms and monitoring outcomes. Proactively share these findings with the relevant federal and state authorities.
2. Create a robust oversight system for monitoring immigrant detention centers in the state.

Appendices

- A. Committee Member Statements
- B. Panel Agendas, Minutes, and Presentation Slides
- C. Hearing Transcripts
- D. Written Testimony
- E. List of Individuals and Organizations Invited, but Declined to Participate

Appendix A – Committee Member Statements

Dissent Submitted by Vice Chair Doug Turner, co-signed by Chair Christopher Saucedo

August 5, 2025

We, Christopher Saucedo, Chair, and Douglas Turner, Vice Chair of the New Mexico Advisory Board of the US Commission on Civil Rights, respectfully submit this Statement of Dissent to the July 2025 report on Civil Rights in Immigrant Detention Centers in New Mexico as submitted for publication to the Commission on behalf of the New Mexico Advisory Committee. While we strongly support the New Mexico Advisory Committee's work, we disagree with the following two broad recommendations:

1. Immediately begin the process of closing the Torrance, Cibola and Otero County immigrant detention facilities in New Mexico.
2. Terminate the use of county-level passthrough contracts with private prison operators in New Mexico.

We believe that neither of these recommendations address the issues related to the creation and expansion of alternative detention options, enhancing oversight and transparency of detention operations and standards, or the creation of platforms to release prompt and accessible information to the public.

Moreover, while most of the recommendations in the report offer specific guidance and outcomes, we feel that the report offers no detention alternatives should New Mexico facilities be closed or real problems, legal or otherwise, with the current contracting mechanism.

Because the vote on approving this report was made on all recommendations rather than on a recommendation-by-recommendation basis, we voted no.

Respectfully,

Douglas Turner, Vice Chair

Christopher Saucedo, Chair

Appendix B - Panel Agendas, Minutes, and Presentation Slides

Meeting Minutes & Presentation Slides can be accessed at:

<https://usccr.app.box.com/folder/290445559013?s=34vf1uxz988zg728v58yazo4zf61jpar>

Panel 1: Advocates Panel

Tuesday, December 3, 2024 at 1:00pm MT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. Sofia Genovese, New Mexico Immigrant Law Center
 - b. Dahveed Torres-Avila, Senator Heinrich's Office
 - c. Rebecca Sheff, ACLU New Mexico
- III. Q & A
- IV. Public Comment
- V. Adjournment

Panel 2: Torrance County Manager Panel

Wednesday, January 15, 2025 at 1:00pm MT

Agenda

- I. Welcome & Opening Remarks
- II. Panelist Remarks
 - a. County Manager Barela, Torrance County
 - b. Chief Matthias Wicks, Tulsa Public Schools Police Department
- III. Q & A
- IV. Public Comment
- V. Adjournment

Appendix C – Hearing Transcripts

December 3, 2024 Online Panel Transcript (AKA Transcript I)

January 15, 2025 Online Panel Transcript (AKA Transcript II)

Documents found at: <https://usccr.box.com/s/dil8ysq1ugux7b4qas6steflncw45kp0>

Appendix D – Written Testimony

All written testimony can be found at: <https://usccr.box.com/s/6ucl88it6a3t87q3wj0tdvx80yizfrsj>

Testimony submitted by:

Jennifer Moore, Regents' Professor, University of New Mexico School of Law

Appendix E - List of Individuals and Organizations Invited, but Declined to Participate

Andrew Free, #DetentionKills Founder

Anne M. Orcutt, Attorney, Struck Love Bojanowski & Acedo, Plc

BakerRipley, participant in the Department of Homeland Security Case Management Pilot Program

Brian Todd, manager of Public Affairs, CoreCivic

Dora Castro, Warden, Otero County Processing Center

Elmer Chavez, President, New Mexico State Corrections Union – Local 3422, American Federation of State, County, and Municipal Employees (AFSCME) Council 18

George Dedos, Warden, CoreCivic Detention Center

Global Refugee HQ, participant in the Department of Homeland Security Case Management Pilot Program

Joseph Roemmich, Warden, Cibola County Corrections Center

Kate Fletcher, Cibola County Manager

Lutheran Social Services of the National Capital Area, participant in the Department of Homeland Security Case Management Pilot Program

Mary De Anda-Ybarra, ICE Enforcement and Removal Operations (ERO) Field Office Director, Department of Homeland Security

Pamela Heltner, Otero County Manager

Raúl Torrez, New Mexico Attorney General

Rebecca Gambler, US Government Accountability Office (GAO)

Ryan Gustin, director of Public Affairs, CoreCivic

Shoba Sivaprasad Wadhia, Department of Homeland Security Office for Civil Rights and Civil Liberties

Thomas C. Kait, Jr., Deputy Inspector General for Inspections and Evaluations, Department of Homeland Security