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ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

June 4, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Acting Director Tae D. Johnson
U.S. Immigrations and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Dear Secretary Mayorkas and Director Johnson,

I am writing to express grave concerns that an ICE contractor has apparently subcontracted with the current owners of a hotel at North Scottsdale Road and East Mountain View Road in Scottsdale, Arizona (the "Hotel Property") to operate a 1,200 person ICE detention facility. This location is next to a residential neighborhood and school. I was extremely disappointed to learn about this through a newspaper report rather than any prior contact from DHS or ICE, even though there are important public safety issues involved in locating any detention center in a community setting.

The root-causes of the current crisis are problems of the Biden Administration's own making, including policies that have administratively—and intentionally—crippled ICE's important law enforcement mission and incentivized illegal immigration. While everyone rightly expects that migrants should be treated humanely, a new detention facility at the Hotel Property should not be established.

First, regardless of how well-intentioned everyone involved is, detention facilities inherently carry some risk that one or more individuals who pose a public safety threat are going to be housed there and potentially leave the premises.

Second, there is no guarantee that housing 1,200 detainees in this area would not result in some of them being released into the community. ICE has adopted irresponsible "enforcement priorities" that administratively repeal almost all ICE enforcement. Those "enforcement priorities" notably do not include those who have previously been convicted of what the Biden Administration deems insufficiently serious crimes, or those who have been charged but not convicted of a crime. Given this, if the prime contractor is unable to place particular detainees, it is foreseeable that ICE could simply release the detainee into the community because they do not fall within the Biden Administration's extremely narrow "enforcement priorities."

Third, based on the limited information available, this does not appear to be a good location for a 1,200 person detention facility in any event, and may well—or at least should—require significant additional study by local government before such a drastic change is implemented. The Hotel Property is

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literally adjacent to an apartment complex and near a senior living facility. It is also across the street from a residential neighborhood and another apartment complex. It is less than a block from a high school, less than one mile from a preschool, and less than two miles from a middle school.

Given the foregoing, I have the following questions:

- What steps are being taken to ensure that persons are only detained at the Hotel Property for 72 hours, and what happens if a placement is not made at the end of the 72 hours? Are the persons simply released into the community at the location of the Hotel Property?
- Are the migrants being screened for COVID-19 before they are being transported to the Hotel Property? What other steps are being taken to ensure that communicable diseases are not being transmitted to the community from the Hotel Property?
- Are the adults and older minors being screened for criminal records prior to being transported to the Hotel Property? What steps is ICE taking to ensure that people charged or convicted of crimes are not being taken into the middle of our communities?
- What steps are being taken to ascertain if any of the minors have been subjected to abuse/neglect/abandonment? Is the Arizona Department of Child Safety being appropriately notified of such cases?
- What is the cost to taxpayers to provide services to detainees, and what steps are being taken to minimize the costs to taxpayers from illegal immigration?
- ICE has its “sensitive location” policy blocking arrests near schools, churches, hospitals, etc. Is it presumable that if a detainee escapes, ICE policy (and the proximity to schools) would preclude ICE from arresting the escapee? Does ICE have a similar “sensitive location” policy for locating detention facilities?
- Does DHS believe that this action falls within a categorical NEPA exclusion? If so, which exclusion? If not, why is neither an environmental impact statement nor environmental assessment being prepared?

There are many serious questions about DHS and ICE’s actions in the current border crisis. And it appears that DHS and ICE are attempting to circumvent any state or local involvement in the decision to establish this detention facility. I invite you or your designee to come meet with the Arizona Attorney General’s Office. In the meantime, I urge you to reverse your decision and not use the Hotel Property as an ICE Detention Center.

Sincerely,



Mark Brnovich
Attorney General