Dear Inspector General Cuffari and Acting Director Johnson:

On October 14, 2022, the U.S. Immigration and Customs Enforcement (ICE) reported the death of Melvin Ariel Calero-Mendoza, who was detained at the Aurora Contract Detention Facility (“Facility”) operated by the GEO Group in Aurora, Colorado. As the ICE Office of Professional Responsibility (OPR) conducts a review of this fatality, we request that our offices be kept regularly apprised of the investigation process and results. We also request that the Department of Homeland Security (DHS) Office of Inspector General (OIG) complete a thorough review of the results and conduct an independent investigation.

The Facility’s negative history has resulted in enhanced congressional oversight. Following reports of disturbing public health conditions in February 2019, Congressman Crow called for a congressional hearing to investigate activities of the GEO Group, introduced legislation increasing access to federal immigration detention centers for members of Congress and their staff, and initiated weekly visits to the Facility to provide oversight. During the COVID-19 pandemic, we raised further concerns regarding rapid disease spread at the Facility and continued to advocate for appropriate medical care and protective measures.

As we endeavor to provide enhanced oversight of this Facility, we urge you to keep our offices informed of the agency’s investigations into Mr. Calero-Mendoza’s death. In adherence with agency protocol, we request that the DHS OIG and ICE OPR independently investigate Mr. Calero-Mendoza’s death and make the results of the investigations publicly available.

We are also concerned about detainees who reportedly witnessed Mr. Calero-Mendoza’s symptoms and eventual collapse. These individuals importantly help investigators understand events leading to Mr. Calero-Mendoza’s death and the Facility’s response. Investigators need to maintain access to these witnesses and they should be protected from harm and intimidation during the course of the investigation. We request that you:

- Prevent witnesses from being transferred to other facilities, unless at the request of the witness;
● Issue stays of removal for witnesses who have deportation orders for the duration of the investigations;
● Consider paroling witnesses whose cases are pending into the community when appropriate;
● Provide our offices with a list of all detainees who witnessed Mr. Calero-Mendoza’s worsening symptoms and the emergency response, including a manifest showing all persons detained in Aurora South, Dorm E and their pod assignments leading up to the date of Mr. Calero-Mendoza's death;
● Require that interviews of witnesses be recorded and that witnesses not be deterred from having legal counsel present during the interviews; and
● Provide our offices with a list of any witnesses who have already been interviewed.

Following completion of these investigations, we request a Member-level briefing to understand the circumstances surrounding Mr. Calero-Mendoza’s death and what steps the Facility should take to prevent similar deaths in the future.

We urge you to provide our offices with an update on the steps that DHS OIG and ICE OPR have taken regarding this case no later than November 18, 2022. We appreciate your urgency and interest in this matter. Our thoughts are with Mr. Calero-Mendoza’s family at this time and we join our community in mourning this loss of life.

Sincerely,

Jason Crow
Member of Congress

Michael F. Bennet
United States Senator

John Hickenlooper
United States Senator