

United States Senate

WASHINGTON, DC 20510

April 10, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Martin Luther King Jr Ave SE
Washington, DC 20528

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, DC 20536

Dear Secretary Noem and Acting Director Lyons,

We write to share our concerns regarding the appalling situation unfolding in the holding rooms at the Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) Baltimore Field Office located at the George Fallon Federal Building (hereinafter Baltimore Holding Rooms or BHR). Following reports of prolonged detainment, overcrowding, and inhumane conditions,¹ our staff visited the field office to inspect the conditions there. While the local ICE personnel are making an effort to accommodate detainees' needs during longer stays, it is clear that the directives from the Department of Homeland Security (DHS) and ICE Headquarters in service of President Trump's mass deportation agenda are resulting in unacceptable harms inflicted on those being detained in the BHR. It is imperative that the Baltimore Field Office, and all ICE temporary holding rooms across the country, follow all relevant ICE policies and immediately cease holding detainees in their facilities for more than the 12 hours permitted by current guidelines.²

During our staff's visit to the BHR, we learned that:

- The average length of stay from January 20, 2025 to the date of the staff visit in March was about 1.5 days – this is more than four times the six- to eight-hour duration the BHR is equipped for and three times what is allowed under ICE standards;
- The BHR has recently held up to 54 detainees at once—a concerning number for the size of the rooms, and highly unlikely to meet holding room size requirements under ICE standards;
- There is no infirmary or medical staff on-site, and even when a field medical coordinator is contacted, they are not able to speak to the detainees directly about their medical needs;
- The BHR currently has no food service contract, so ICE staff have been making sandwiches themselves or buying McDonald's, served vaguely "at mealtimes";
- The BHR also has no bed space, so ICE staff has procured emergency foil blankets and inflatable beds that are sanitized daily;
- The current oversight process at field offices including BHR is a self-inspection program.

¹ The Baltimore Banner, "'It's scary right now': ICE holds detainees for days in bedless Baltimore cells." <https://www.thebaltimorebanner.com/politics-power/state-government/ice-baltimore-trump-immigration-deportation-detention-WNRGQUGLTVHD3MBFV4QUMEKDYM/>.

² U.S. Immigration and Customs Enforcement, Office of Enforcement and Removal Operations Directive 11087.1: Operations of ERO Holding Facilities, <https://www.ice.gov/doclib/foia/policy/directive11087.1.pdf>.

Subjecting detainees to such inhumane and unsafe conditions does nothing to improve our border security or deter illegal immigration – it only puts people’s health and safety at risk. Nearly 20 to 25 percent of their arrests are collateral arrests—meaning the individual was not a target for arrest but detained in the course of a separate arrest.

The Baltimore Field Office is holding people for durations longer than they are equipped in response to orders for increased enforcement activity despite ICE’s inability to handle the increased capacity at long-term detention facilities. This is in part due to ICE’s new requirement that all releases be processed through headquarters instead of by the first line officers on the ground, which has unnecessarily extended release processing times and led to mistakes. This new requirement is contrary to longstanding local field office detainment discretion and has resulted in an increase of detainees and the prolonged duration of their custody at the BHR. We appreciate that our local ICE personnel are only trying to do their jobs, but the Administration’s orders are making it impossible for them to comply with the required standards. It is clear that the Baltimore Field Office personnel can only focus on high-priority and criminal deportations if they retain the proper discretionary authority on the individuals they arrest and detain.

In order to handle the increased capacity, BHR has received a waiver to ICE’s 12-hour holding rule. Pressure from the Administration to increase enforcement activity and the revocation of the local field office’s detainment discretion do not qualify as “exceptional circumstances,” and therefore should not allow for the waiver of the 12-hour holding rule. It is therefore deeply concerning that this waiver was granted, exempting them from the minimum standards of detention quality outlined in the agency’s policies.

As part of our duties as Members of Congress to conduct proper oversight of the executive branch, we request that you produce the waiver for the 12-hour holding rule that BHR has received and provide answers to the following by April 24, 2025 to ensure those being detained in the BHR and throughout the United States are being held in safe and humane conditions, as required by agency policy:

1. When was the 12-hour holding rule waiver granted, under what authority was it granted, and what reasoning supports it being granted indefinitely?
2. Please clarify whether the ICE Memorandum on the Operations of ERO Holding Facilities³ applies to the Baltimore Field Office, and if not, please explain.
3. We have learned that due to the lack of immigration detention space on the East Coast, that Department of Defense (DOD) and Bureau of Prisons (BOP) facilities are being considered for use as immigration detention facilities. Which DOD and BOP facilities are being considered? Do those facilities meet the required Performance-Based National Detention Standards? What is the timeline for their usage as ICE detention facilities?
4. Does ICE have additional plans in place to alleviate overcrowding at the BHR?
5. The same day that our staff visited, it was reported by media outlets that Carroll, Garrett, and Washington Counties in Maryland had entered into 287(g) agreements with ICE. Will the increase in 287(g) agreements further impact the operations of the BHR? What is the plan to ensure that the increased pace of arrests and detainments does not lead to the further erosion of the holding room standards?

³ U.S. Immigration and Customs Enforcement, Office of Enforcement and Removal Operations Directive 11087.1: Operations of ERO Holding Facilities, <https://www.ice.gov/doclib/foia/policy/directive11087.1.pdf>.

6. Given that DHS has moved to eliminate the Office for Civil Rights and Civil Liberties, the Office of the Citizenship and Immigration Services Ombudsman, and the Office of the Immigration Detention Ombudsman, which other offices will engage in their respective responsibilities? When will you share that information with the public so that they know where to file civil rights and civil liberties complaints, where to seek help with obtaining immigration benefits, and where to direct complaints about the potential violation of immigration detention standards or misconduct by DHS personnel?

We appreciate your attention to this vital matter and look forward to reviewing your fulsome, timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Van Hollen", written over a horizontal line.

Chris Van Hollen
United States Senator

A handwritten signature in blue ink, appearing to read "Angela D. Alsobrooks", written over a horizontal line.

Angela Alsobrooks
United States Senator