

United States Senate

WASHINGTON, DC 20510

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<http://murphy.senate.gov>

Mayor Renard U. Johnson
300 N. Campbell
El Paso, TX 79901

April 21, 2026

Dear Mayor Johnson,

As you may be aware, United States Immigration and Customs Enforcement (ICE) is purchasing warehouse properties in residential communities and local commercial areas to develop them into detention facilities. This sometimes comes with little to no advance warning for local governments or residents. Public reporting indicates ICE may be planning to build a detention warehouse in your community. As the Senate looks to address funding for the Department of Homeland Security (“Department”) for this and next fiscal year, I am writing to you today, in my capacity as Ranking Member of the Senate Homeland Security Appropriations Subcommittee, to convey the serious risks involved with allowing these facilities in your community.

First, these facilities are likely to be vacated, and remain empty, incomplete and blighted eyesores. Democrats oppose the warehousing of humans in former office spaces and will make defunding these facilities a major priority when we take back control of Congress. Already this year, there have been at least 11 deaths in ICE custody.¹ Last year, there were 31 reported deaths in ICE custody. The buildings ICE is now looking to covert to detain humans are not designed for this purpose and thus are likely to be completely unsanitary and unsafe, especially for pregnant women, children, and medically compromised detainees. The potential for a serious humanitarian catastrophe is very real and, as a result, these warehouse detention facilities will almost certainly be closed by a Democratic president or Congress.

Second, these facilities will undoubtedly face repeated and prolonged litigation. As noted above, there is a serious risk to the health and safety of human life in these facilities. In nearly every federal circuit court, there is at least one applicable settlement agreement, consent decree, former litigation, or ongoing litigation related to the custody conditions in a DHS detention facility. In modern history, ICE has not attempted to detain people in commercial buildings, and courts will likely move to shut some of these facilities down, even before they are closed by a new

¹ Hesson, T. (2026, March 9). *Seventeen people have died in US immigration custody this year, ICE says*. Reuters. <https://www.reuters.com/world/eleven-people-died-us-immigration-custody-this-year-ice-says-2026-04-18/>.

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president or Congress. Regardless, city and state leaders will be ensnared in years of depositions, sunshine law requests and disputes, and questions about liability in this untested concept.

Third, as you know, such facilities are likely to strain essential local public services like your community's fire department, 911 call center, ambulance services, and hospital services, all of which would be responsible for answering emergency calls from the proposed facility. The federal government will not be able to offset these costs, meaning state and local officials will have to fill the gap between local taxpayers. Other issues, such as sewage treatment or water usage, may also create local challenges, as essential water and waste removal services will be burdened by the sudden addition of thousands of potential detainees in warehouses built for commercial purposes. Without a doubt, this facility will impose unfunded mandates on local taxpayers and budgets, all of which will be without federal reimbursement, meaning state and local leaders will need to find the money.²

As you rightly know, decisions made at the local level can have a profound effect on the wellbeing of all residents, irrespective of their immigration status. If you have questions, please do not hesitate to reach out.

Respectfully,



² Institute on Taxation and Economic Policy. (n.d.). *How Do State and Local Governments Raise Funds?*
<https://itep.org/how-do-state-and-local-governments-raise-funds/#>.