

October 26, 2022

Hon. Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Hon. Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20016

Dear Attorney General Garland and Secretary Mayorkas,

Last month, news outlets reported the horrific shooting of a group of migrants stopping for water in Sierra Blanca, south of El Paso, Texas. Two brothers, Michael and Mark Sheppard, were charged with shooting and killing Jesús Iván Sepúlveda and critically wounding Brenda Berenice Casias Carrillo.ⁱ Mr. Sepúlveda's tragic death left a 6-month-old baby and 3-year-old child fatherless.ⁱⁱ

Mr. Sepúlveda, Ms. Casias Carrillo, and other surviving witnesses were preyed upon when trying to tend to their bodies on an arduous journey to find safety in this country. They were met with bullets, insults, and hatred. Their assailants defended their behavior by claiming they were hunting wild animals — a statement that further betrays the dehumanizing rhetoric and treatment in effect.

There is already troubling evidence that at least one of the Sheppard brothers may have harbored racial animus that particularly targeted noncitizens. Michael Sheppard is the former warden at the West Texas Detention Facility, a privately owned jail that detained noncitizens and subjected them to verbal and physical abuse.ⁱⁱⁱ A 2018 report^{iv} includes disturbing accounts of anti-immigrant violence and racial slurs commonly used within that facility, including one where Michael Sheppard repeatedly kicked a handcuffed person in solitary confinement while warden of the facility.^v Mark Sheppard's former employer is the Hudspeth County Sheriff's Office — the same agency currently investigating the deadly shooting — raising the risk of bias in the investigation.

Those facts alone would suffice to provoke our collective outrage and grief. This week, the Associated Press reported that most of the witnesses have been detained in Immigration and Customs Enforcement (ICE) and U.S. Marshall Service (USMS) custody, further aggravating the trauma and harm they have survived and impeding their ability to assist the ongoing investigation of these shootings.^{vi} Thanks to their attorneys' advocacy, we understand these witnesses to now be released. However, we are dismayed by the initial response from your agencies. This response is inconsistent with ICE's own directive on the treatment of survivors^{vii} and implicitly sanctions the racially-motivated violence that continues to plague this country and disparately harm immigrants of color.

This racist violence is not an isolated incident, but is part of a dangerous trend. Bigoted groups and individuals are increasingly using violence to accomplish their political aims, undermining the right of entire communities of color to exist and live with dignity. A mere three years after the racially motivated mass shooting in neighboring El Paso, these bigoted murders require urgent action.

We respectfully request that you take the following steps with the utmost urgency:

1. Suspend any enforcement measures, including criminal prosecution or the removal or expulsion of these individuals;
2. Refrain from prosecuting any survivors and witnesses in USMS custody and ensure that all survivors have prompt access to medical and mental health care from a safe location in the United States;
3. Launch a federal investigation into these shootings to provide independent oversight and accountability given the horrors inflicted on Mr. Sepúlveda, Ms. Casias Carrillo, and other surviving witnesses;
4. Review and investigate white supremacist rhetoric and behavior within existing detention facilities, federal immigration personnel, contractors, and collaborating law enforcement agencies;^{viii}
5. Direct ICE, USMS, Customs and Border Protection, and collaborating law enforcement agencies to issue formal guidelines for agents prohibiting association, active participation, and support for white nationalist, unauthorized paramilitary, and other extremist groups, consistent with the First Amendment, to enhance transparency and accountability and ensure appropriate discipline. Develop and enforce clear policies to investigate and take disciplinary action in response to violations.

We further urge you to consider the ways in which U.S. government policies and actions that dehumanize Black, Brown and Indigenous migrants, such as the incarceration of immigrants for civil proceedings and summary expulsions at the border, allow white supremacy to thrive and give way to violence.

It is not too late for you to honor and protect the lives of these survivors and ensure that grieving families do not face further trauma inherent to incarceration and removal. Thank you for your attention to this urgent matter.

Sincerely,

Advocates for Basic Legal Equality
African American Ministers In Action
Afghan Coalition
African Communities Together
African Human Rights Coalition
Al Otro Lado
Alianza Americas
America's Voice

American Gateways
American Immigration Council
American Immigration Lawyers Association
Americans for Immigrant Justice
Las Americas Immigrant Advocacy Center
Anti-Defamation League
ASISTA Immigration Assistance
Asylum Seeker Advocacy Project (ASAP)
Bellevue Program for Survivors of Torture
The Black Alliance for Just Immigration (BAJI)
Border Network for Human Rights
El Calvario Immigrant Advocacy Center
Capital Area Immigrants' Rights Coalition
Center for Constitutional Rights
Center for Gender & Refugee Studies
Center for Victims of Torture
Church World Service
Civil Rights Education and Enforcement Center
Cleveland Jobs with Justice
Coalición de Derechos Humanos
Community Asylum Seekers Project
Communities United for Status & Protection (CUSP)
Detention Watch Network
Diocesan Migrant & Refugee Services, Inc.
Doctors for Camp Closure
DRUM - Desis Rising Up & Moving
Freedom for Immigrants (FFI)
Haitian Bridge Alliance
HIAS
Hispanic Federation
Human Rights First
Immigration Center for Women and Children
Immigrant Defenders Law Center
Immigration Equality
Innovation Law Lab
Institute for Justice & Democracy in Haiti
Instituto para las Mujeres en la Migración (IMUMI)
Japanese American Citizens League
Jewish Activists for Immigration Justice of Western MA
Justice in Motion
Legal Aid Justice Center
Mariposa Legal, program of COMMON Foundation
Minnesota Freedom Fund

National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project (NIPNLG)
National Network for Immigrant and Refugee Rights
New Mexico Immigrant Law Center
Next 100
Oasis Legal Services
Quixote Center
La Raza Community Resource Center
Robert F. Kennedy Human Rights
Rocky Mountain Immigrant Advocacy Network
South Asian Americans Leading Together (SAALT)
Southern Border Communities Coalition
Southern Poverty Law Center
Student Clinic for Immigrant Justice
Tahirih Justice Center
UndocuBlack Network
UnidosUS
United We Dream
Washington Office on Latin America
Western States Center
Witness at the Border
Women’s Refugee Commission
Young Center for Immigrant Children’s Rights

ⁱ Paul Weber, *Authorities: Texas man shoots 2 migrants near Mexico border*, AP News (Sept. 30, 2022), <https://apnews.com/article/mexico-shootings-texas-arrests-immigration-b663126e2546e9827f5548b9e93152a9>.

ⁱⁱ AP News, *Family of Mexican migrant slain in West Texas seek answers* (Oct. 5, 2022), <https://apnews.com/article/mexico-shootings-austin-texas-immigration-ab86973d076e6a9b765dee3898f2895f>.

ⁱⁱⁱ Acacia Coronado, *Migrant-death suspect ran detention center accused of abuse*, AP News (Oct. 1, 2022), <https://apnews.com/article/mexico-shootings-texas-immigration-el-paso-5b6d1ec4c218fb24f38f22920753bb58>.

^{iv} University of Texas and Texas A&M Immigrants’ Rights Clinic, RAICES, “*I was treated like an animal*” *Abuses Against African Detainees at the West Texas Detention Facility* (March 22, 2018), <https://law.utexas.edu/wp-content/uploads/sites/11/2018/03/2018-03-IC-WTDF-Report.pdf>.

^v Ryan Devereaux, *Texas Jail Warden Charged With Killing Migrant Was Previously Accused of Serious Abuses*, *The Intercept* (Sept. 29, 2022), <https://theintercept.com/2022/09/29/ice-mike-sheppard-abuses/>.

^{vi} Associated Press, *Migrants who survived shooting in West Texas have been detained for weeks by immigration officials* (Oct. 19, 2022), <https://www.nbcnews.com/news/us-news/migrants-survived-shooting-west-texas-detained-weeks-immigration-offic-rcna52996>.

^{vii} *ICE Directive 11005.3: Using a Victim-Centered Approach with Noncitizen Crime Victims* (Aug. 10, 2021), <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf>.

^{viii} The previous DHS review of extremism in the ranks was inadequate. See Geneva Sands, *Report finds ‘significant gaps’ in DHS’ ability to detect violent extremism in its ranks*, CNN (Mar. 11, 2022), <https://www.cnn.com/2022/03/11/politics/dhs-internal-report-domestic-violent-extremism/index.html>.