

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2303**

February 25, 2026

The Honorable Kristi Noem  
Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave SE  
Washington, DC 20528

Mr. Todd Lyons  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

Dear Secretary Noem and Acting Director Lyons,

I write to follow up on recent oversight visits I conducted to the U.S. Immigration and Customs Enforcement (ICE) holding facility at the Bishop Henry Whipple Federal Building (Whipple) in Minnesota on January 31<sup>st</sup>, 2026, February 5<sup>th</sup>, 2026, and February 6<sup>th</sup>, 2026.

Acting within my responsibility as a Member of Congress, I conducted these visits – announced and unannounced – to evaluate the conditions in Whipple, where thousands of Minnesotans – including my constituents – have been detained. As the Department of Homeland Security (DHS) scaled up Operation Metro Surge in recent months, there were widespread reports and eyewitness accounts of abusive tactics by federal agents and dismal conditions for detainees held at the Whipple building.

My time examining the facility has left me gravely concerned about the treatment of detainees in Whipple. As a physician, I was shocked by the lack of standard medical protocols for detainees who enter the facility or experience a medical emergency. In addition, I heard firsthand accounts of detainees being treated cruelly and unprofessionally by ICE officers. A detainee shared that they were forced to sleep in cold temperatures and were not given blankets despite repeatedly requesting them from nearby agents. Another detainee shared that they were not able to make a call to check on their child, who was left behind when she and her husband were detained. Separate reports have documented detainees being denied medical care, medication, access to

feminine hygiene products, food, and overcrowding.<sup>1</sup> These findings demand immediate action to remedy such unacceptable conditions.

During my visits, I asked ICE officials specific questions about standard operating procedure at the facility, existing protocols to ensure detainees receive necessary medical care, and data about detainee capacity. Agents did not provide definitive answers to a number of basic questions, including how many people were being held in the facility at the time and over the past several weeks. While agents articulated awareness of Whipple's designation as a holding facility, they did not acknowledge the existence of DHS policies that outline procedures and standards for ICE holding facilities. A significant number of my questions relating to requirements explicitly outlined in DHS's own standards went unanswered, including information about the medical intake process and protocols for medical emergencies. DHS and ICE have failed to demonstrate transparency and accountability in its prosecution of Operation Metro Surge and its operation of the Whipple building, raising serious concerns about their competence to enforce immigration laws safely and humanely.

To that end, I respectfully request that you provide the following information by March 4<sup>th</sup>, 2026:

- 1) Please provide the number of persons in DHS custody at Whipple for each day since December 4<sup>th</sup>, 2025.
  - a. What is the maximum detention capacity at the Whipple building?
  - b. How many times has capacity been exceeded since December 4<sup>th</sup>, 2025?
    - i. If applicable, please provide the dates on which maximum detention capacity was exceeded.
  - c. For each day, please provide information on how many persons in DHS custody at Whipple were:
    - i. US citizens;
    - ii. Lawful permanent residents;
    - iii. Nonimmigrant visa holders; and
    - iv. Without current lawful status.
  
- 2) Please provide the number of persons in DHS custody at Whipple who were transferred from the Whipple building for each day since December 4<sup>th</sup>, 2025. For each day, please provide the number of detainees who were:
  - a. Released into the community;
  - b. Moved to another facility;
  - c. Removed from the United States; and
  - d. Other.

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<sup>1</sup> The Minnesota Star Tribune, "No humanity": Detainees describe conditions inside Whipple Federal Building." <https://www.startribune.com/no-humanity-detainees-describe-conditions-inside-whipple-federal-building/601566788>

- 3) How many times has the DHS “Nationwide Hold Room Waiver”<sup>2</sup> been used to justify holding someone in DHS custody at the Whipple building for longer than 12 hours?
  - a. What is the average amount of time a detainee is held at Whipple?
  - b. How many times has a detainee been held at Whipple for longer than 72 hours, which is only allowed under “exceptional circumstances”?
    - i. If applicable, please provide the dates and “exceptional circumstances” that required the detainee to be held longer than 72 hours.
  
- 4) Do ICE operations at the Whipple building adhere to ICE Directive 11087.2<sup>3</sup>?
  - a. Are persons held in DHS custody at Whipple screened for serious or acute mental health conditions, pursuant to Section 4.3, Paragraph 1?
  - b. Do ICE officials at Whipple maintain a medical emergency procedure and response plan, pursuant to Section 4.3, Paragraph 4?
    - i. If yes, will you make those documents available to my staff and me?
  - c. Are ICE officials at Whipple maintaining the log of all physical holding room checks – including the time of each check and important observations – pursuant to Section 5.1, Paragraph 4?
    - i. If yes, will you make those logs available to my staff and me?
  - d. Are pregnant women who are held in DHS custody at Whipple getting regular access to meals and nutrition regardless of their time in custody, pursuant to Section 5.2, Paragraph 1?
    - i. How do you determine whether a detainee is pregnant and therefore entitled to these accommodations?
    - ii. How many pregnant women have been held in DHS custody at Whipple since December 4<sup>th</sup>, 2025?
  - e. Who is responsible for screening procedures for sexual abuse and assault prevention, pursuant to Section 5.10?
    - i. Are agents involved in custody, detention, and processing at Whipple trained on the requirements of DHS Prison Rape Elimination Act compliance?
  
- 5) What is the protocol for the medical evaluation of persons in DHS custody upon their arrival at the Whipple building?
  - a. If a detainee at Whipple needs immediate medical attention, what is the average time between the request and a face-to-face encounter with a licensed clinician?
  - b. What standardized medical screening tools are used by officials at Whipple?
  - c. Who is responsible for conducting the medical screening at Whipple?
    - i. What information is collected during the screening?

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<sup>2</sup> ICE Memorandum from Monica Burke, Assistant Director, Custody Management to All ERO Field Office Directors, Nationwide Hold Room Waiver (June 24, 2025),

<https://storage.courtlistener.com/recap/gov.uscourts.mdd.582507/gov.uscourts.mdd.582507.40.3.pdf>

<sup>3</sup> ICE Directive 11087.2: Operations of ERO Holding Facilities, (January 31, 2024),

<https://www.ice.gov/doclib/foia/policy/directive11087.2.pdf>

- ii. How is this information maintained to ensure medical staff at subsequent detention facilities can appropriately meet the detainee's medical needs?
    - d. Since December 4<sup>th</sup>, 2025, how many persons held in DHS custody have arrived at Whipple with injuries?
      - i. How many of these injuries were severe or debilitating?
- 6) What protocol dictates the provision of emergency medical care to persons in DHS custody at the Whipple building?
- a. Are there standardized, non-discretionary triggers for sending a detainee at Whipple to the emergency room?
  - b. How many 911 calls have been made at Whipple since December 4<sup>th</sup>, 2025?
    - i. If applicable, please provide the dates on which this occurred.
  - c. How many detainees at Whipple have been hospitalized since December 4<sup>th</sup>, 2025?
    - i. If applicable, please provide the dates on which this occurred.
  - d. How many detainees at Whipple have attempted suicide since December 4<sup>th</sup>, 2025?
    - i. If applicable, please provide the dates on which this occurred.
  - e. How many detainees have died in custody at Whipple since December 4<sup>th</sup>, 2025?
    - i. If applicable, please provide the dates on which this occurred.
- 7) What hours of day are medical professionals available on site at the Whipple building?
- a. How many medical professionals are available during this timeframe?
  - b. What type(s) of medical professionals are available during this timeframe?
  - c. What is the protocol at Whipple if there is a medical emergency while a medical professional is not on site?
    - i. In this case, who is responsible for evaluating the detainee experiencing the medical emergency?
    - ii. How many times has this occurred since December 4, 2025?
      - 1. If applicable, please provide the dates on which this has occurred.
- 8) What is the protocol to prevent transmission of contagious viral illness among the population of persons in DHS custody at Whipple?
- a. Is there a specific protocol in place to prevent against the spread of measles?
  - b. Since December 4<sup>th</sup>, 2025, how many detainees at Whipple have previously been detained at the Dilley Immigration Processing Center?
- 9) How many times have federal immigration officers assigned to the Whipple building been disciplined since December 4<sup>th</sup>, 2025?
- a. How many ICE officers have been disciplined since December 4<sup>th</sup>, 2025?
  - b. How many Customs and Border Protection officers have been disciplined since December 4<sup>th</sup>, 2025?

- c. How many Homeland Security Investigations officers have been disciplined since December 4<sup>th</sup>, 2025?
  - d. Please provide a list of offenses and disciplinary actions that have been taken against all federal immigration officers at Whipple since December 4<sup>th</sup>, 2025.
  - e. How many investigations have been opened into agent conduct or reports of detainee mistreatment through the Office of Professional Responsibility since December 4<sup>th</sup>, 2025?
  - f. What protocol does DHS follow to train federal immigration officers who arrive for assignment in Minnesota from other states?
  - g. How many officers at Whipple have worked overtime since December 4<sup>th</sup>, 2025?
    - i. How much money has DHS paid in overtime compensation time federal immigration officers assigned to Whipple since December 4<sup>th</sup>, 2025?
- 10) During one of my visits, I was told by ICE officials that video footage of the Whipple detention facility is maintained for 30 days.
- a. What protocol governs the preservation of this video footage?
  - b. Is video footage maintained for longer than 30 days if it captures a detainee suffering a severe injury or medical emergency?
  - c. What is the soonest date at which you will make this footage available to my staff and me?
- 11) What is the soonest date at which you will brief my staff and me on the status of the drawdown of Operation Metro Surge?

Thank you for your attention to this important issue. I look forward to your response by March 4<sup>th</sup>, 2026.

Sincerely,



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Kelly Morrison  
Member of Congress