



Detention Center Legal Overview

*Presented by:
County Attorney's office
Regular Session – March 9, 2026*



2.2.26 Commissioners Court Action Items

- 1. Direct the County Attorney's Office** to deliver a public presentation within thirty (30) days regarding the processes, status, and framework associated with detention facilities, in recognition of the significant public concern and interest surrounding this matter.
- 2. Authorize the submission of formal correspondence** from the Commissioners Court expressing opposition to the construction of detention facilities to Congresswoman Veronica Escobar, Congressman Tony Gonzales, Senators Cruz and Cornyn and all members of El Paso County's state legislative delegation, urging them to utilize their respective authorities and resources to obtain comprehensive information concerning any proposed detention facilities within El Paso County, to demand that any construction of such sites follow appropriate procedures and to share such information with El Paso County and its residents.
- 3. Authorize the County Attorney's Office** to request, obtain, and compile any and all available information concerning proposed detention facility sites within El Paso County from municipalities; planning and permitting departments; federal and state agencies; and other relevant governing bodies, including elected officials and staff. Such information shall include, but not be limited to, site maps, applicable permitting requirements and processes, public notice and public comment periods, and meetings or discussions related to proposed sites.



Recap of Events

DATE	EVENT SUMMARY
January 20, 2026	County was made aware of the potential detention center.
January 20, 2026 – January 25, 2026	Various media sources reported known information related to the potential detention center.
January 26, 2026	Provided first executive session presentation to Commissioners Court (CC) regarding its legal rights and responsibilities related to the detention center.
February 2, 2026	Provided second executive session presentation to CC regarding its legal rights and responsibilities related to the detention center. In open, CC approved the various actions as provided in the previous slide, to include providing this presentation within 30 days.
February 3, 2026	City Council directed city staff to research how the City could respond if a federal immigration detention facility were ever proposed within City limits, directed the city manager and city attorney to research options and report back to council within 60 days to include research on a protocol that would require a signed judicial warrant before federal officers could enter City facilities to search, detain or arrest someone.



Recap of Events

DATE	EVENT SUMMARY
February 6, 2026	State House Rep. Vince Perez obtained copies of the property records for the potential location of the detention center and issued media advisory <ul style="list-style-type: none">• Per the GWD, property sold to DHS for \$122,808,000• Property sold by El Paso Logistics II, LLC on 1/27/26• GWD filed with the County Clerk's Office on 2/2/26
February 9, 2026	Provided third executive session presentation to CC regarding its legal rights and responsibilities related to the detention center
February 11, 2026	City of Socorro convenes Special Session and acts to, "direct an investigation into whatever methods the city can take to block the facility"
February 17, 2026	Emergency Services District #2 convenes to discuss new proposed detention facility in the City of Socorro
February 25, 2026	Emergency Services District #2 convenes to discuss new proposed detention facility in the City of Socorro
March 9, 2026	Provide public presentation per the CC's approved action.
March 11, 2026	El Paso Public Service Board (EP Water) to meet and potentially discuss detention center in closed session



Eastwind Logistics Center (Socorro)



Credit: El Paso Matters

Eastwind Logistics Center



Credit: El Paso Matters

- Sold by El Paso Logistics II, LLC to Dept. of Homeland Security on Jan. 27, 2026 for \$122,808,000
- General Warranty Deed signed for El Paso Logistics II, LLC by Devin Schuster, manager of FD Holdings, LLC
- FD Holdings, LLC members are Hunter Harris and Devin Schuster
- Per a 2024 Deed of Trust:
 - El Paso Logistics II, LLC was owned by Flint Development, LLC
- Likely FD Holdings, LLC is a subsidiary of Flint Development, LLC

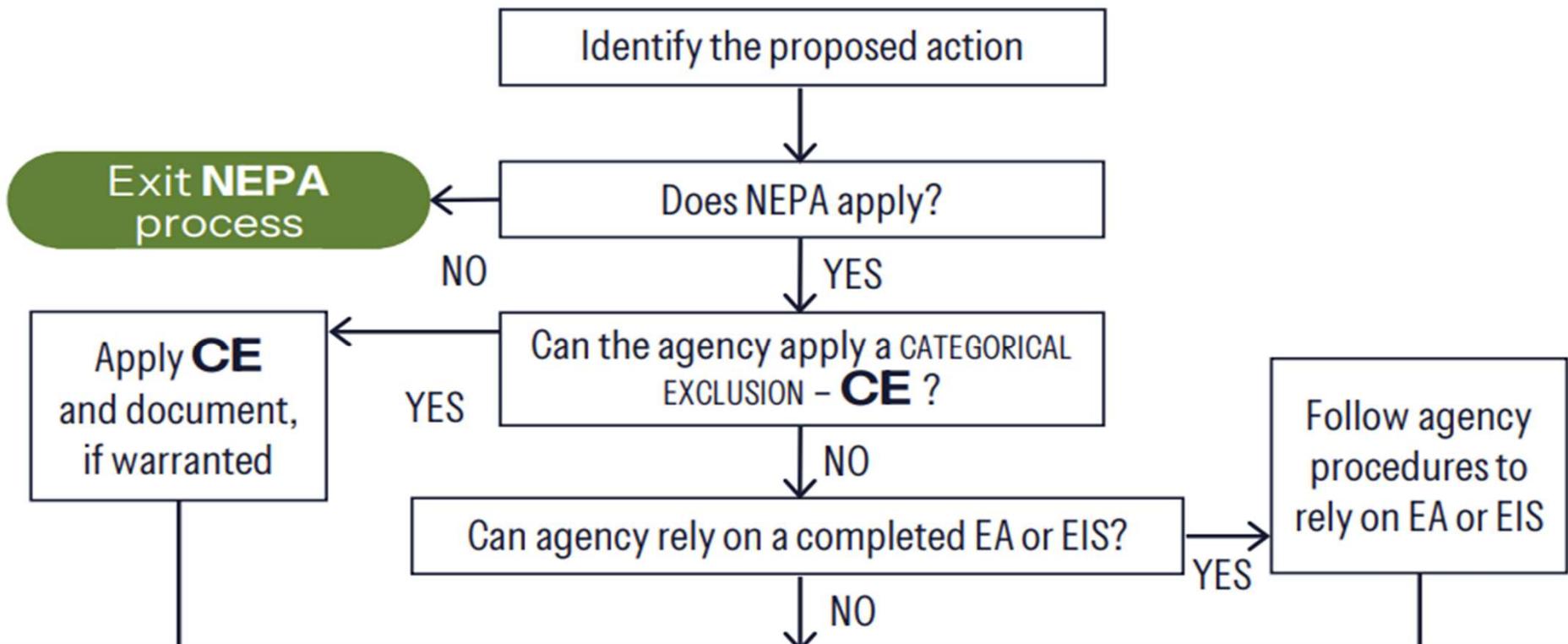


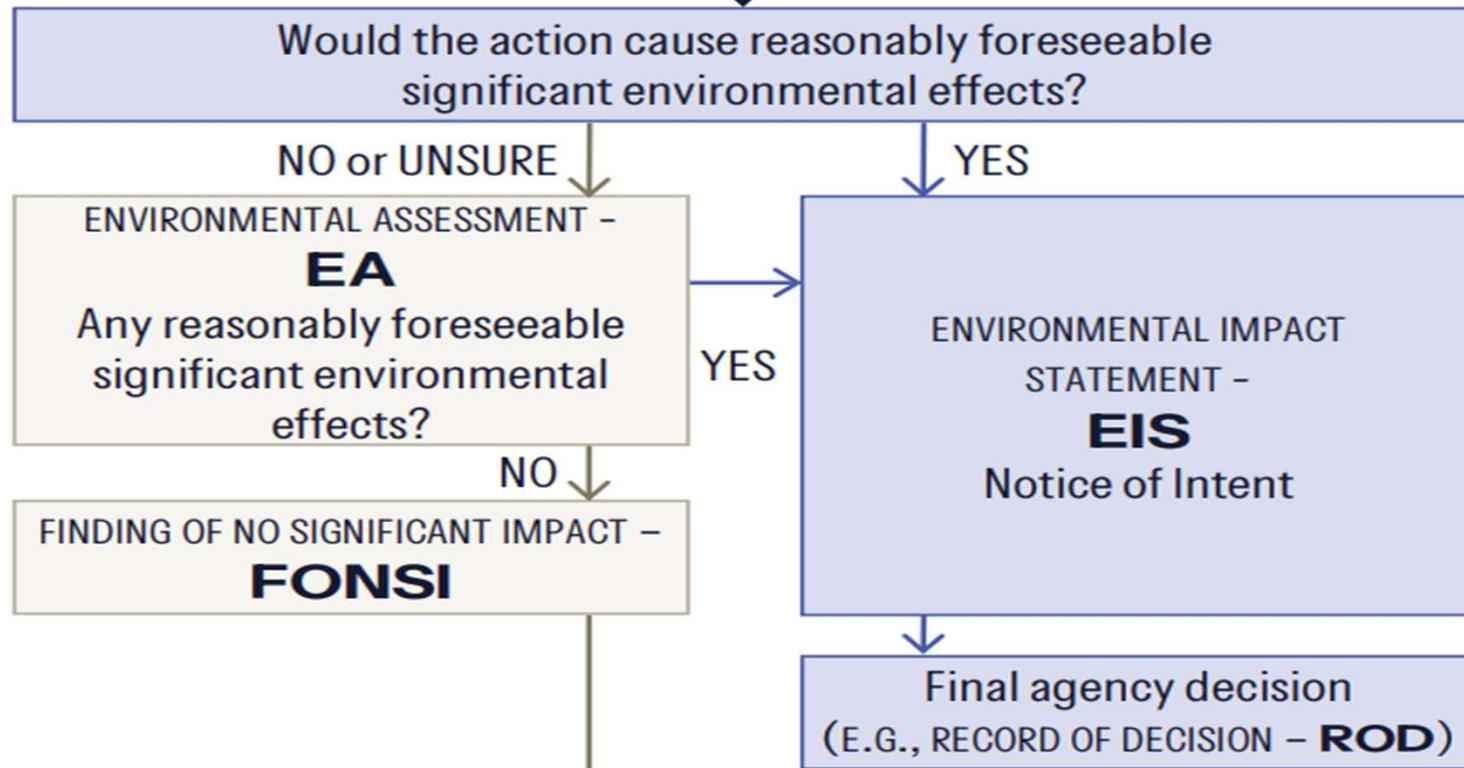
National Environmental Policy Act (NEPA)

- Signed into law in 1970
- Requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions
- Council on Environment Quality oversees NEPA implementation
- Requires detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment
- Cooperation with federal, state, tribal or local agency
 - More than environmental (historic, socioeconomic, etc.)

THE NEPA PROCESS

NATIONAL ENVIRONMENTAL POLICY ACT, *as amended through July 22, 2025*





NEPA complete
Implement action with any commitments in the decision

This flowchart is a supplemental tool providing a visual overview of the NEPA process. For more details, visit [NEPA.gov](https://www.nepa.gov)

JANUARY 2026



Obtaining Property & Making Improvements

- We have not found any evidence that the NEPA process is being followed for this proposed detention center.
- We have not identified any environmental assessment from the federal government for this project.



Status of Detention Facility

- It is unknown whether DHS has formally gone out to bid for the contract services on hiring a vendor for improvements.



Detention Facility Standards

- These facilities are run by various governmental agencies, including Immigration and Customs Enforcement (ICE), Office of Refugee and Resettlement (ORR), U.S. Customs and Border Protection (CBP), and private companies hired by these agencies.
- These facilities are governed by constitutional and statutory standards; the specific guidelines applied vary based on the agency operating the facility.

ICE Detention Facility Standards



- Agency Guidelines are advisory and are not legally binding.
- Guidelines applicable to ICE run detention facilities:
 - National Detention Standards (NDS)
 - Performance Based National Detention Standards (PBNDS)
- Both sets of guidelines establish standards for safety, security, order, care, activities, justice, administration, and management.



Enforcement Authority

- Various U.S. agencies have enforcement authority over detention facility standards:
 - DHS conducts announced and unannounced inspections;
 - ICE's Office of Detention and Oversight (ODO) conducts internal and external inspections;
 - Congress requires ICE to publish inspection reports, but ICE has a tendency of evading standards by indicating the costs would be "too expensive."



Enforcement Authority Continued...

- DHS Office of Immigration Detention Ombudsman (OIDO): assist immigrants and manages complaints related to interactions with immigration officials, including those working in detention facilities; but in March 2025, the Trump administration temporarily closed this office. It is now reopened with “skeleton” teams that are significantly reduced from previous staff sizes.



Enforcement Authority Continued...

- DHS Office of Civil Rights and Civil Liberties (CRCL): conducts reviews and visits and coordinates with ICE; same “skeleton” team as OIDO.
- DHS Office of Inspector General (OIG): conducts unannounced visits of detention facilities.
- DHS Office of Citizen and Immigration Services (CIS) Ombudsman: same “skeleton” team as OIDO.



Correspondence Sent to State and Federal Legislative Delegation

- **Letter on DHS Funding to El Paso Congressional Delegation**
 - Letter sent on Feb. 12th to the full congressional delegation (Cornyn, Cruz, Escobar and Gonzales) requesting accountability from ICE and its private contractors to implement critical policies before making any further appropriations to DHS and its immigration enforcement agencies.
- **Letter on Camp East Montana detention facility to El Paso State Delegation**
 - Letter sent on Feb. 10th to the state delegation (Blanco, Moody, Gonzalez, Morales, Ordaz and Perez) regarding the newly proposed ICE detention center in East El Paso County, advising them of CC action to contact both our federal congressional delegation and State delegation for any alternatives that could be used in stopping or delaying the operations of yet another detention center in our community. We requested their help to the extent that state agencies w/ jx. to review the proposed facility or to issue required permits could review, request oversight, or use any regulatory obligations to delay its opening.
- **Letter on ICE Detention Center to El Paso Congressional Delegation.**
 - Letter sent on Feb. 3rd to the full congressional delegation (Cornyn, Cruz, Escobar, and Gonzales) notifying them about the 200+ constituents who came to offer public comment against the newly proposed ICE detention center in El Paso County and requesting that a National Environmental Protection Act review be conducted.
- **Letter on Camp East Montana detention facility to El Paso Congressional Delegation**
 - Letter sent on Aug. 19, 2025 to full congressional delegation (Cornyn, Cruz, Escobar and Gonzales) requesting a robust congressional oversight of the detention facility and the contractor, demanding transparency in staffing, vetting and training procedures, and safeguarding the constitutional rights of detainees.

Requests for Public Information



- **Freedom of Information Act (FOIA) Request Submissions:**

- Department of Homeland Security Privacy Office
- U.S. Immigration and Customs Enforcement
- CBP FOIA Public Liaison

- **Scope of Requests**

- All communications conducted by DHS staff concerning the planning, proposal, siting, approval, funding, construction, or operation of any new federal detention facilities in the County of El Paso, Texas
- All communications conducted by DHS staff concerning the operation of any existing federal detention facility in the County of El Paso, TX
- All communications conducted by DHS staff concerning the modification of any existing federal detention facility in the County of El Paso, TX
- All records related to the planning, proposal, citing, approval, funding, construction, or operation of any new detention federal facilities in the County of El Paso, TX
- All records related to any person or business entity contracted to manage, service, or administer any new federal detention facilities in the County of El Paso, TX
- All communications with private contractors or local governments regarding the development of any new federal detention facilities in the County of El Paso, TX
- All records concerning feasibility studies, site evacuations, environmental assessments or reviews regarding the development of federal detention facilities in the County of El Paso, TX
- All communications with private contractors or local governments regarding 1455 Eastwind Avenue, Clint, Texas 79836
- All records concerning feasibility studies, site evacuations, environmental assessments or reviews regarding 1455 Eastwind Avenue, Clint, TX 79836



Meetings with Stakeholders

- Met with various stakeholders to include City of Socorro, Lower Valley Water District, Emergency Services District #2, Rep. Mary Gonzalez, Rep. Vince Perez, and Congresswoman Escobar
- Members of the public opposing detention center

QUESTIONS?

