

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

July 10, 2019

Mr. Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, D.C. 20506

Dear Mr. Albence:

The Committee is investigating the Trump Administration's rapidly increasing use of for-profit contractors to detain tens of thousands of immigrants, including a troubling series of reports of health and safety violations and the dramatically escalating and seemingly unchecked costs to U.S. taxpayers for these contracts.

Under President Trump, the number of people detained by Immigration and Customs Enforcement (ICE) has increased from a daily average of approximately 38,000 in 2017 to more than 53,000 as of June 2019.¹ Since 2017, at least 25 people have died in ICE custody.²

The Department of Homeland Security (DHS) Office of Inspector General has issued a series of reports raising grave concerns about detention contractors, including facilities run by two major for-profit detention contractors, GEO Group and CoreCivic. For example:

- In December 2017, the Inspector General issued a report detailing findings from inspections of five detention facilities that "identified problems that undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment." For example, at Stewart Detention Center, a

¹ Immigration and Customs Enforcement, Detention Management, Detention Statistics, ICE Currently Detained Population (online at www.ice.gov/detention-management#tab2-) (accessed July 8, 2019); *ICE Is Detaining 50,000 People, an All-Time High*, Daily Beast (Mar. 8, 2019) (online at www.thedailybeast.com/ice-is-detaining-50000-people-a-new-all-time-high); *This Year Saw the Most People in Immigration Detention Since 2001*, CNN (Nov. 12, 2018) (online at www.cnn.com/2018/11/12/politics/ice-detention/index.html); *ICE Is Imprisoning a Record 44,000 People*, Daily Beast (Nov. 11, 2018) (online at www.thedailybeast.com/ice-is-imprisoning-a-record-44000-people).

² *ICE Confirms Death of 30-Year-Old Honduran Man Found Unresponsive at Houston Facility*, CBS News (July 1, 2019) (online at www.cbsnews.com/news/ice-confirms-death-of-30-year-old-honduran-man-found-unresponsive-at-houston-facility/); *24 Immigrants Have Died in ICE Custody During the Trump Administration*, NBC News (June 9, 2019) (online at www.nbcnews.com/politics/immigration/24-immigrants-have-died-ice-custody-during-trump-administration-n1015291).

CoreCivic-run facility, the Inspector General found security risks and problems with detainee medical care due to inadequate staffing and oversight.³

- In February 2018, the Inspector General issued a report finding that ICE violated contracting rules to execute a contract modification with the city of Eloy, Arizona relating to a CoreCivic-run facility. The report also found that “ICE has no assurance that it executed detention center contracts in the best interest of the Federal Government, taxpayers, or detainees.”⁴
- In June 2018, the Inspector General issued a report finding that inspections of detention facilities by ICE and a contractor “do not fully examine actual conditions or identify all deficiencies,” and “do not ensure adequate oversight or systemic improvements in detention conditions, with some deficiencies remaining unaddressed for years.”⁵
- In September 2018, the Inspector General issued an urgent “Management Alert” detailing disturbing findings from an inspection of the Adelanto Processing Center, run by GEO Group, finding “Nooses in Detainee Cells,” “Improper and Overly Restrictive Segregation,” and “Untimely and Inadequate Detainee Medical Care.”⁶
- In January 2019, the Inspector General issued a report finding that ICE had granted waivers to detention contractors that put the health and safety of detained immigrants at risk. For example, in 2018, ICE granted a waiver to a facility run by CoreCivic to use toxic CS gas instead of the less-dangerous pepper spray authorized by detention standards. At another contractor-run facility, ICE granted a waiver allowing detainees with histories of serious criminal offenses to commingle with immigrants who have no serious criminal history, increasing the risk of “victimization or assault.” The report further noted that “ICE has no formal policies and procedures to govern the waiver process, has allowed officials without clear authority to grant waivers, and does not ensure key stakeholders have access to approved waivers.”⁷

³ Department of Homeland Security, Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities* (Dec. 11, 2017) (online at www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf).

⁴ Department of Homeland Security, Office of Inspector General, *Immigration and Customs Enforcement Did Not Follow Federal Procurement Guidelines When Contracting for Detention Services* (Feb. 21, 2018) (online at www.oig.dhs.gov/sites/default/files/assets/2018-02/OIG-18-53-Feb18.pdf).

⁵ Department of Homeland Security, Office of Inspector General, *ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 26, 2018) (online at www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf).

⁶ Department of Homeland Security, Office of Inspector General, *Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California* (Sept. 27, 2018) (online at www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf).

⁷ Department of Homeland Security, Office of Inspector General, *ICE Does Not Fully Use Contracting*

- In June 2019, the Inspector General issued a report detailing findings from unannounced inspections of four detention facilities, three of which are operated by GEO Group, that “revealed violations of ICE’s detention standards and raised concerns about the environment in which detainees are held.” At the contractor-run facilities, the Inspector General observed expired food, dilapidated and moldy bathrooms, and improper segregation, recreation, and visitation practices.⁸

In light of these serious problems, please produce by July 24, 2019, the following documents, covering the time period of January 20, 2017, to present:

1. All ICE contracts or agreements related to immigration detention facilities run by GEO Group or CoreCivic, including contracts between ICE and either company, as well as any contracts with state or local governments or other entities that subcontract with GEO Group or CoreCivic;
2. The following documents related to any of these contracts awarded to GEO Group or CoreCivic without full and open competition:
 - a. all justification and approval documents;
 - b. documents sufficient to identify the factors used to evaluate the contractor’s proposal, how ICE used those factors to evaluate the proposal, the results of ICE’s evaluation, and who the source selection authority was; and
 - c. documents sufficient to identify cost and pricing data and analysis, and labor rates charged, if applicable;
3. All documents related to these contracts regarding any organizational or personal conflicts of interest identified with respect to the selected contractor and how those conflicts were mitigated;
4. All documents related to waivers that ICE issued to any facility managed by GEO Group or CoreCivic for any contractual or legal deficiencies or violations, including all requests ICE received from these facilities for waivers, all waivers ICE issued or denied to these facilities, all communications regarding these waivers, and any policies or procedures regarding these waivers;
5. All documents related to deficiencies in compliance with ICE detention standards or other contractual or legal violations at any facility managed by GEO Group or CoreCivic—whether identified by GEO Group, CoreCivic, another ICE

Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards (Jan. 29, 2019) (online at www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf).

⁸ Department of Homeland Security, Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities* (June 3, 2019) (online at www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf).

contractor, ICE, the DHS Inspector General, or any other entity—including all reports of deficiencies or violations, communications related to these deficiencies or violations, documentation of any corrective action proposed or taken, and any policies or procedures regarding detention standards and ICE’s management or tracking of such deficiencies or violations;

6. Documents sufficient to identify how ICE ensures that contractor-run detention facilities operate in compliance with DHS detention and other applicable standards;
7. The names and titles of the officials responsible for ensuring compliance with these standards at each facility;
8. All documents ICE provided to the DHS Inspector General in connection with the January 29, 2019, Inspector General report entitled, “ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards;” and
9. All communications involving ICE or DHS leadership or political appointees related to GEO Group or CoreCivic, including communications within DHS or with employees of GEO Group or CoreCivic.

In addition, we request a briefing for Committee staff by July 24, 2019 on any ICE contracts awarded to GEO Group or CoreCivic using other than full and open competition.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman



Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil
Liberties

Mr. Matthew T. Albence

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Enclosure

cc: The Honorable Jim Jordan, Ranking Member

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.