

VIA U.S. Mail

February 27, 2019

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, DC 20510



The GEO Group, Inc.

Corporate Headquarters

One Park Place, Suite 700
621 Northwest 53rd Street
Boca Raton, Florida 33487

Re: Information Request from The GEO Group

Dear Senator Warren:

The following is in response to your letter dated November 15, 2018.

For over three decades, GEO has been a successful service provider to the federal government with a longstanding record of delivering high-quality service to U.S. Immigration and Customs Enforcement (“ICE”) under both Democratic and Republican Administrations. We are proud of the services our employees deliver daily at the facilities we manage for ICE. Please know, that we work diligently to ensure that these facilities comply with ICE’s Performance-Based National Detention Standards as well as independent guidelines set by other third-party accreditation entities.

We have respectfully taken the liberty to expand our response to include the following:

- Background information on GEO
- The historic development of private service providers for government corrections and detention facilities
- GEO’s analysis of the August 2016 OIG Report on Contract Facilities for the BOP
- GEO’s response to the September 2018 OIG Report on the Adelanto, California ICE Processing Center
- GEO’s response to Document Requests

We are hopeful that this expanded response is helpful in better understanding our company and the private sector’s supporting role in assisting federal and state government agencies in fulfilling their mission of providing safe, secure, and humane detention/corrections facilities through public/private partnerships.

Sincerely,

Daniel Ragsdale
Executive Vice President, Contract Compliance
The GEO Group, Inc.

I. COMPANY LOBBYING AND CAMPAIGN CONTRIBUTIONS

I want to be very clear, that our company does not lobby or play any role in policy discussions, debates, or enactment of any laws regarding criminal justice or immigration. We have never engaged in advocacy or lobbied government officials regarding policies, regulations or laws related to the length of prison sentences, whether or not to punish certain behaviors, or the basis for an individual's detention or incarceration.

We agree that to do so would likely be considered a conflict of interest, given our primary business of secure residential care. We fully support the position that it is not appropriate for us as a corrections/detention service provider to assist in identifying the needs of a government agency. Instead, we do have the legitimate right to promote our company's ability in servicing the government's needs in our areas of expertise, through our organizational and financial resources.

Occasionally, we are asked by government officials if we have opinions regarding different approaches to prison sentencing. These officials mistakenly speculate that the nature of our business would logically give rise to such opinions. Our consistent reply has been, that we do not claim to be criminologists, and we are not otherwise, properly credentialed to provide such opinions.

Our lawful lobbying activities focus exclusively on promoting the benefits of public-private partnerships and GEO's proven capabilities in delivering secure, residential housing and care in correctional and detention facilities, community reentry and supervision programs, and electronic-monitoring services. Particularly, at the state level, we work to highlight our evidence-based rehabilitation programs both in residential and post-release settings, through our award-winning enhanced offender rehabilitation program entitled the GEO Continuum of Care (CoC).¹

All of GEO's political contributions, made either by our employee-funded non-partisan political action committee (PAC) or our corporate subsidiaries, always comply with all applicable federal and state laws. These contributions should not be construed as an endorsement of all policies or positions adopted by any individual candidate or organization. All contributions to federal Super PACs have been made by a GEO subsidiary that does not hold any federal contracts.

¹ See generally GEO Continuum of Care 2017 Annual Report, <https://www.geogroup.com/Portals/0/coc/CoC%202017%20annual%20report.pdf>

V. RESPONSE TO THE OIG REPORT ON THE ADELANTO, CALIFORNIA ICE PROCESSING CENTER

This is a relatively new 1,940-bed facility which was most recently expanded in 2015 during the Obama Administration. The facility is comprised of two buildings, Adelanto East and Adelanto West, with separate offices for the ICE employees. It is a high-volume processing center that has an **average length of stay of 79 days**, and has processed approximately **50,000 individuals since its opening in 2011**. Each year **approximately 8,500 residents are processed through this facility**.

The current population includes individuals from 78 countries, speaking 34 different languages. The residents are of poor general health, having received limited prior health services. **Approximately 33% are chronic medically ill, chronic mentally ill, or seriously mentally ill.**

Approximately 40% of the Adelanto Facility residents are convicted criminal aliens. Accordingly, the design of the Facility needed to accommodate multiple security classifications from high, medium to low risk levels. The housing accommodation areas include dormitory-style, as well as, cellular units.

Comparatively speaking, the physical plant of the Adelanto Facility ranks in the top tier of any comparable detention or correctional facility in the United States.

The Adelanto ICE Processing Center was accredited by the American Correctional Association (ACA) in 2014 and was re-accredited in 2017 with a score of 99.6%. The facility was accredited by the National Commission on Correctional Health Care (NCCHC) in 2016 with a perfect score of 100%.

GEO has engaged Wellpath, one of the country's largest professional correctional/detention healthcare organizations, to provide healthcare services to the residents. The health services staffing is unusually large, with a total complement of 85 personnel. The staff includes 21 registered nurses, 26 licensed nurses, a physician, 8 mental health specialists and two contract dentists on call.

We believe this health services staffing is one of the largest in any detention or correctional facility in the United States and results in quality health services for the residents.

The Adelanto facility is subject to extensive regulatory requirements and on-going reviews and audits. ICE conducts routine and unannounced independent reviews to ensure compliance with federal government's Performance-Based National Detention Standards (PBNDS) promulgated in 2011, and updated in 2016, by the Obama Administration.

During the most recent annual audit, the facility was found to be in compliance with 100% of the mandated ICE standards.

ICE Staffing and Contract Oversight

There are 55 full-time ICE staff with offices at the Adelanto Facility. The ICE Office of Enforcement and Removal Operations (ERO) has two major responsibilities as it pertains to the operation of the Adelanto ICE Processing Center. First, is to provide oversight of the vendor's performance and adherence to all contract requirements. ICE assigns a Contracting Officer Representative (COR) to administer the contract on behalf of ICE's Contracting Officer. The duties of the COR include reviewing monthly reports provided by the contractor, staffing plans, approving new hires, review and audit invoices, issuing contract discrepancies reports and reviewing and accepting contractor submitted corrective action plans (CAPS).

ICE ERO also permanently assigns an independent Detention Services Manager (DSM) whose sole responsibility is to ensure contractor and ICE staff compliance with all ICE detention policy, procedures and national detention standards. The DSM will conduct daily scheduled and unscheduled audits and reviews of contractor performance through observation, review of records and direct engagement with contractor staff. Any performance discrepancies are documented and provided to the COR for corrective action.

On an *ad hoc* basis, ICE assigns an Immigration Health Services Corp (IHSC) employee to provide services similar to the DSM but only focusing on the medical services provided at the facility.

Secondarily, because Adelanto serves as a processing center, the Department of Homeland Security (DHS) and Department of Justice (DOJ) assigns officers, lawyers and administrative law judges to the facility on a full-time basis. DHS/ICE assigns supervisory and non-supervisory deportation officers who are responsible for providing case management and attorneys who appear in immigration court, over those who are detained at the facility. **Their duties (not an inclusive list) include determining who is to be held at the facility, determining the detainee's classification and housing designation, providing detainee communication and interacting with detainees' legal representatives and foreign consular officials.**

Last, the DOJ assigns federal administrative law judges (immigration judges) and their staffs to adjudicate the cases that are presented for their review at the court facilities established within the Adelanto facility.

With respect to the OIG Report findings on the Adelanto Health Services, please note that GEO clarified or corrected all of the concerns, with the review and approval of ICE.

VI. RESPONSE TO DOCUMENT REQUESTS

1. **With respect to copies of all GEO contracts with ICE, we respectfully request that you direct this request to ICE for a response.** As a contractor who supports ICE, we believe that the agency is the best party to respond to an oversight request. This conclusion is based on the likely possibility that the agency may choose to redact portions of these documents to protect law enforcement and other sensitive information. The agency has redacted information from contracts in the past when it has posted contracts to its Freedom of Information Act reading room on the agency's website.

The following is a listing of all GEO immigration facilities:

Facility	County	State
Broward Transition Center	Broward	Florida
Folkston ICE Processing Center	Charlton	Georgia
Alexandria Staging Facility	Rapides (Parish)	Louisiana
LaSalle ICE Processing Center	LaSalle (Parish)	Louisiana
Pine Prairie ICE Processing Center	Evangeline (Parish)	Louisiana
Montgomery ICE Processing Center	Conroe	Texas
Joe Corley ICE Processing Center	Conroe	Texas
Karnes County Residential Center	Karnes	Texas
South Texas ICE Processing Center	Frio	Texas
Adelanto ICE Processing Center	San Bernardino	California
Mesa Verde ICE Processing Center	Kern	California
Aurora ICE Processing Center	Adams	Colorado
Tacoma ICE Processing Center	Pierce	Washington

2. **With respect to providing copies of all inspection records or other audits or reviews of compliance and conditions at the facility, we respectfully request that you direct this request to ICE for a response.** As a contractor who supports ICE, we believe that the agency is the best party to respond to an oversight request. This conclusion is based upon the likely possibility that the agency may choose to redact portions these its inspection reports to protect law enforcement and other sensitive information. The agency has redacted information from inspection reports in the past when it has posted these reports to its Freedom of Information Act reading room on the agency's website.
3. **With respect to providing a list of all ICE waivers granted to the facility to waive non-compliance with cited deficiencies, we respectfully request that you direct this request to ICE for a response.** As a contractor who supports ICE, we respectfully believe that the agency is the best party to fully respond to waiver requests it has granted as ICE is the entity that adjudicates any waiver requests under the agency's detention standards.
4. **With respect to copies of any notification letters to ICE regarding credible accusations of forced labor violations by GEO,** please know that GEO has never been credibly accused of forced labor violations. For more than 32 years, The GEO Group has built a reputation on its commitment to respect the human rights of all persons in the company's care.

In 2013, the GEO Board of Directors formalized that commitment when it adopted the GEO Global Human Rights Policy. In that policy, GEO acknowledged the unique nature of its operations as a service provider of detention, correction, residential treatment, and monitoring related services to governmental entities, and significant role that respect for human rights plays in those operations.

The GEO Group believes that integration of that policy into daily operations is as important to the company as having the policy itself. To that end, following GEO's adoption of its Global Human Rights Policy, The GEO Group developed and rolled out a comprehensive training program to inform and educate all current employees on the company's commitment to respect human rights. All new GEO corrections officers and employees are required to participate in this training. GEO is also working with key stakeholders to help the company understand different perspectives on human rights in detention and corrections.

GEO's implementation of its commitment to respect human rights is a process that requires ongoing assessment of its efforts, and continuous improvement. The GEO Group is committed to that process, and that commitment stems from the highest level of the organization.

Further, GEO is required to follow ICE's performance-based national detention standards including the Voluntary Work Program (VWP). The VWP "provides detainees opportunities to work and earn money while confined, subject to the number of work opportunities available and within the constraints of the safety, security and good order of the facility." PBNDS 2011 § 5.8(1). Detainees are not required to participate in the VWP.

The VWP serves important purposes for ICE. One purpose of the VWP is to minimize disciplinary issues within the detention facilities by reducing idleness and providing detainees with the opportunity to work. Another purpose of the VWP is to improve detainee morale, and money earned through the program also allows detainees to buy commissary goods, pay for phone calls, etc.

Pursuant to Public Law No. 95-431 (October 10, 1978) Congress has restricted funding to ICE for any allowances to aliens in excess of \$1 per day, and accordingly, any payment by GEO for allowances to aliens in excess of the \$1 per day is not allowed as a reimbursable cost.

Further, for GEO to pay aliens in custody a minimum wage rate pursuant to the applicable state law, as advocated by some critics, GEO would be in violation of Title 8 U.S.C. § 1324a(a)(1)(A) which "makes it unlawful for any person or other entity to hire, recruit, or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien, as defined in subsection 1324a(h)(3)."