

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074

<http://oversight.house.gov>

July 10, 2019

Mr. Damon T. Hininger  
President and Chief Executive Officer  
CoreCivic  
10 Burton Hills Boulevard  
Nashville, TN 37215

Dear Mr. Hininger:

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.

The value of Immigration and Customs Enforcement (ICE) contracts awarded to your company, CoreCivic, has increased sharply under the Trump Administration. CoreCivic received approximately \$135 million in new ICE contract awards in fiscal year 2017, an increase of \$36 million over the prior year. In fiscal year 2018, the value of ICE contracts awarded rose even higher, to nearly \$141 million.<sup>1</sup> Additionally, CoreCivic has received large contract awards during the last two years from the Federal Bureau of Prisons and U.S. Marshals Service to operate non-immigration detention facilities.<sup>2</sup> Your Chief Financial Officer recently informed shareholders that CoreCivic's 2019 financial results have exceeded expectations primarily due to an increase in CoreCivic's detention facilities business.<sup>3</sup>

Under President Trump, the number of people detained by ICE has increased from a daily average of approximately 38,000 in 2017 to more than 53,000 as of June 2019.<sup>4</sup> Since 2017, at

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<sup>1</sup> *Recipient Profile: CoreCivic, Inc.*, USASpending.gov (online at [www.usaspending.gov/#/recipient/2a0106f6-9b07-a4c1-9101-6138bb9afb1d-P](http://www.usaspending.gov/#/recipient/2a0106f6-9b07-a4c1-9101-6138bb9afb1d-P)) (accessed July 8, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> *CoreCivic, Inc. (CXW) Q1 2019 Earnings Call Transcript*, The Motley Fool (May 9, 2019) (online at [www.fool.com/earnings/call-transcripts/2019/05/09/corecivic-inc-cxw-q1-2019-earnings-call-transcript.aspx](http://www.fool.com/earnings/call-transcripts/2019/05/09/corecivic-inc-cxw-q1-2019-earnings-call-transcript.aspx)).

<sup>4</sup> Immigration and Customs Enforcement, Detention Management, Detention Statistics, ICE Currently Detained Population (online at [www.ice.gov/detention-management#tab2-](http://www.ice.gov/detention-management#tab2-)) (accessed June 17, 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](http://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](http://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-](http://www.thedailybeast.com/ice-is-imprisoning-a-record-)

least 25 people have died in ICE custody.<sup>5</sup>

The Department of Homeland Security (DHS) Office of Inspector General has issued reports raising serious questions about ICE detention contractors. 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 CoreCivic facility, the Inspector General found security risks and problems with detainee medical care due to inadequate staffing and oversight.<sup>6</sup>
- 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 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.”<sup>7</sup>
- 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.”<sup>8</sup>
- In September 2018, the Inspector General issued an urgent “Management Alert” detailing disturbing findings from an inspection of the Adelanto Processing Center, run by a contractor, finding “Nooses in Detainee Cells,” “Improper and Overly Restrictive Segregation,” and “Untimely and Inadequate Detainee Medical Care.”<sup>9</sup>

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44000-people).

<sup>5</sup> *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/](http://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](http://www.nbcnews.com/politics/immigration/24-immigrants-have-died-ice-custody-during-trump-administration-n1015291)).

<sup>6</sup> 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](http://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf)).

<sup>7</sup> 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](http://www.oig.dhs.gov/sites/default/files/assets/2018-02/OIG-18-53-Feb18.pdf)).

<sup>8</sup> 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](http://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf)).

<sup>9</sup> Department of Homeland Security, Office of Inspector General, *Management Alert – Issues Requiring*

- 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.”<sup>10</sup>
- In June 2019, the Inspector General issued a report detailing findings from unannounced inspections of four detention facilities, three of which are operated by a contractor, 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.<sup>11</sup>

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 CoreCivic contracts related to ICE detention facilities, whether CoreCivic acts as a direct contractor with the federal government or as a subcontractor to another contractor, a state or local government, or any other entity;
2. All subcontracts CoreCivic has awarded for management of any facility covered by these contracts;
3. Documents sufficient to identify each facility managed by CoreCivic under these contracts, the average daily number of people housed at each facility per month, and the total number of people housed at each facility per month;
4. Documents sufficient to show CoreCivic’s cost, revenue, and profit from each of these contracts to date and projected cost, revenue, and profit through the completion of contract performance;

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*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](http://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf)).

<sup>10</sup> Department of Homeland Security, Office of Inspector General, *ICE Does Not Fully Use Contracting 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](http://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf)).

<sup>11</sup> 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](http://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf)).

5. Documents sufficient to identify how CoreCivic ensures that its facilities operate in compliance with DHS detention and other applicable standards;
6. The names and titles of the employees responsible for ensuring compliance with these standards at each facility;
7. Documents sufficient to identify the role CoreCivic's Board of Directors plays in overseeing detention contracts and the operation of facilities managed under these contracts;
8. All documents related to deficiencies in compliance with ICE detention standards or other contractual or legal violations at any facility managed by CoreCivic under these contracts—whether identified by CoreCivic, ICE, another ICE contractor, the DHS Inspector General, or any other entity—including all reports of deficiencies or violations, communications related to these deficiencies or violations, and documentation of any corrective action proposed or taken;
9. All documents related to waivers issued by ICE for any contractual or legal deficiencies or violations, or deviation from applicable detention standards, including any requests for waivers, waivers granted by ICE, and communications related to these waivers;
10. All documents related to CoreCivic's policies or practices for detainee health and safety, including any policy manuals or training documents for CoreCivic employees; and
11. All communications with ICE or DHS leadership or political appointees.

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.

Mr. Damon T. Hininger  
Page 5

Sincerely,



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Elijah E. Cummings  
Chairman



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Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and Civil  
Liberties

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.