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July 24, 2019

Ms. Jennifer L. Costello  
Acting Inspector General  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Ms. Costello:

I write to request that you conduct an investigation into the use of solitary confinement and other punishments to coerce participation in “voluntary” work programs at federal and federally contracted immigration detention facilities, and the role of Immigration and Customs Enforcement (ICE) policies, procedures, and guidance in such practices.

ICE’s Performance-Based National Detention Standards state that “detainees shall be able to volunteer for work assignments but otherwise shall not be required to work.”<sup>1</sup> But numerous lawsuits indicate that private detention centers coerce detainees into participating in “voluntary” work programs by withholding basic necessities and threatening solitary confinement.

The GEO Group, Inc. (GEO) and CoreCivic, the two largest for-profit, federally-contracted prison companies, face several lawsuits alleging the use of punishment as a tool to coerce detainees into voluntary work programs. A 2014 class action lawsuit filed in Colorado has accused GEO of forcing tens of thousands of detainees, specifically through the threat of solitary confinement, to work for \$1 per day.<sup>2</sup> A 2017 lawsuit in California alleges that GEO forced detainees into so-called voluntary labor programs by depriving them of basic necessities.<sup>3</sup> And a 2018 lawsuit against CoreCivic in Georgia alleges a similar “deprivation scheme” as a means of forcing labor, including by withholding food, clothing, hygiene products, and phone calls to

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<sup>1</sup> Immigration and Customs Enforcement, “Performance-Based National Detention Standards,” 2011 (revised Dec. 2016), <https://www.ice.gov/doclib/detention-standards/2011/5-8.pdf>.

<sup>2</sup> Washington Post, “Thousands of ICE detainees claim they were forced into labor, a violation of anti-slavery laws,” Kristine Phillips, Mar. 5, 2017, [https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/thousands-of-ice-detainees-claim-they-were-forced-into-labor-a-violation-of-anti-slavery-laws/?utm\\_term=.2e1a5ae7d534](https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/thousands-of-ice-detainees-claim-they-were-forced-into-labor-a-violation-of-anti-slavery-laws/?utm_term=.2e1a5ae7d534).

<sup>3</sup> Raul Novoa v. The GEO Group, Civil Action No. 5:17-cv-02514 (C.D. Cal, Dec. 2017), <http://www.burnscharest.com/wp-content/uploads/2017/12/2017-12-19-Novoa-Dkt-1-Complaint2.pdf>.

loved ones.<sup>4</sup> Such behavior would appear to violate ICE policies and forced labor laws under the Trafficking Victims Protection Reauthorization Act.<sup>5</sup>

New evidence suggests that ICE policies, procedures, or guidance – or the GEO Group’s understanding of such policies, procedures, or guidance – may play a role in these alleged abuses. In a letter to ICE officials seeking assistance in the lawsuits against the company, GEO’s Senior Vice President for Business Development David Venturella asserted that “to the extent that plaintiffs allege that disciplinary segregation [solitary confinement] is an unlawful threat for refusal to work, this sanction comes directly from ICE policies.”<sup>6</sup>

GEO’s private claim that ICE policies require, recommend, or allow the use of solitary confinement to coerce participation in a “voluntary” work program is alarming. Despite writing to former Homeland Security Secretary Kirstjen Nielsen about the use of these practices nearly one year ago,<sup>7</sup> I have yet to receive any information from the agency about these practices. To help protect the health and safety of detainees, and to determine whether potentially illegal behavior is being endorsed, encouraged, or allowed by ICE regulations and standards, I ask that you conduct an investigation into this matter. This investigation should include an assessment of the following questions:

1. To what extent have federally contracted, privately run detention centers withheld or threatened to withhold basic necessities from detainees who do not participate in voluntary work?
2. To what extent have federally contracted, privately run detention centers used or threatened to use segregation or solitary confinement as a punishment for detainees who do not participate in voluntary work?
3. To what extent have federally contracted, privately run detention centers used or threatened to use any other form of punishment for detainees who do not participate in voluntary work?
4. To what extent have ICE policies, procedures, or guidance – or implementation of such policies, procedures, or guidance – endorsed, required, recommended, or allowed the use of such punishments or withholdings to encourage participation in work programs?

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<sup>4</sup> Wilhel Hill Barrientos et al. v. CoreCivic, Inc. (M.D. Georgia, April 2018), [https://www.splcenter.org/sites/default/files/01\\_-\\_complaint.pdf](https://www.splcenter.org/sites/default/files/01_-_complaint.pdf); Southern Poverty Law Center, “Wilhen Hill Barrientos et al., v. CoreCivic, Inc.,” Apr. 17, 2018, <https://www.splcenter.org/seeking-justice/case-docket/wilhen-hill-barrientos-et-al-v-corecivic-inc>.

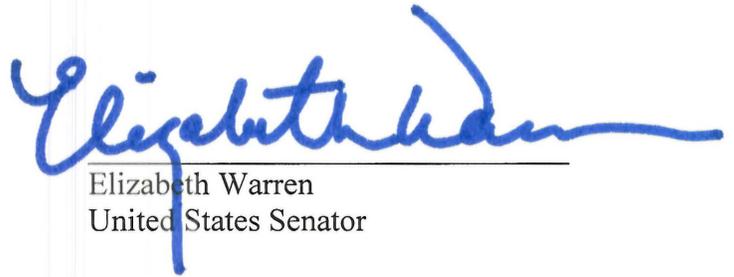
<sup>5</sup> *Supra* note 3; *Supra* note 2; see 18 U.S.C. § 1589, [https://uscode.house.gov/view.xhtml?req=\(title:18%20section:1589%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title18-section1589\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:18%20section:1589%20edition:prelim)%20OR%20(granuleid:USC-prelim-title18-section1589)&f=treesort&edition=prelim&num=0&jumpTo=true).

<sup>6</sup> Daily Beast, “Private Prison Bosses Beg Taxpayers to Pay Human-Trafficking Lawsuit Bills,” Betsy Woodruff, Jul. 17, 2019, <https://www.thedailybeast.com/private-prison-bosses-beg-taxpayers-to-pay-human-trafficking-lawsuit-bills>.

<sup>7</sup> Letter to Secretary Nielson, Aug. 13, 2018, <https://www.documentcloud.org/documents/4755454-8-13-18-Letter-to-Nielsen-Re-Conditions-and.html>.

5. To what extent have federal government-run detention centers withheld or threatened to withhold basic necessities from detainees who do not participate in voluntary work?
6. To what extent have federal government-run detention centers used or threatened to use segregation or solitary confinement as a punishment for detainees who do not participate in voluntary work?
7. To what extent have federal government-run detention centers used or threatened to use any other form of punishment for detainees who do not participate in voluntary work?

Sincerely,



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Elizabeth Warren  
United States Senator