

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Case No. 1:14-cv-02887-JLK-MEH

ALEJANDRO MENOCA,  
MARCOS BRAMBILA,  
GRISEL XAHUENTITLA,  
HUGO HERNANDEZ,  
LOURDES ARGUETA,  
JESUS GAYTAN,  
OLGA ALEXAKLINA,  
DAGOBERTO VIZGUERRA, and  
DEMETRIO VALERGA,  
*on their own and on behalf of all others similarly situated,*

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

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**DECLARATION OF ADRIENNE SCHEFFEY IN SUPPORT OF DEFENDANT THE  
GEO GROUP, INC.'S REPLY IN SUPPORT OF ITS CROSS-MOTION FOR  
SUMMARY JUDGMENT**

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I, Adrienne Scheffey, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney for defendant The GEO Group, Inc. (“Defendant” or “GEO”) in the above-captioned matter.
2. I submit this Declaration in support of GEO’s Reply in Support of its Cross-Motion for Summary Judgment.

3. Attached is an index of attached exhibits as required by this Court's practice standards. The exhibits are also outlined below.

4. Attached as **Exhibit A** is a chart setting forth Plaintiffs' responses and replies to GEO's Separate Statement of Undisputed Facts and GEO's responses to Plaintiffs' Additional Facts for the Court's ease of review. The undersigned has created this chart in an effort to streamline review of the disputed and undisputed facts and in compliance with Section III.E.2 of this Court's practice standards.

5. Attached as **Exhibit B** are true and correct copies of excerpts of Dawn Ceja's deposition transcript dated August 5, 2020.

6. Attached as **Exhibit C** are true and correct copies of some of ICE's Contract Assessment Reports which evaluate ICE's contract performance. This exhibit has been filed as Level 1 Restricted.

7. Attached as **Exhibit D** is a true and correct copy of an email that was sent to the undersigned from a member of ICE's legal team regarding the documents referred to as the "HUSP" in the Shannon Ely Declaration that has been filed at 261-7.

8. Attached as **Exhibit E** is a true and correct copy of a letter dated March 7, 2018, from Steve King to ICE regarding the Voluntary Work Program.

9. Attached as **Exhibit F** is a true and correct copy of a letter dated December 15, 2017, from Kamala Harris to the appropriations committee regarding the PBNDS.

10. Attached as **Exhibit G** are true and correct copies of excerpts of Amber Martin's 30(b)(6) deposition transcript dated February 28, 2020.

11. Attached as **Exhibit H** are true and correct copies of excerpts of Daniel Ragsdale's 30(b)(6) deposition transcript dated February 27, 2020.

12. Attached as **Exhibit I** are true and correct copies of excerpts of Sergio Gallegos' deposition transcript dated June 30, 2020.

13. Attached as **Exhibit J** are true and correct copies of excerpts of Joyce Quezada's deposition transcript dated July 28, 2020.

14. Attached as **Exhibit K** is a true and correct copy of a report from ICE to the Congressional Appropriations Subcommittee on Homeland Security dated January 17, 2017.

Executed this 21st day of August, 2020, in Denver, Colorado.

*s/ Adrienne Scheffey*  
\_\_\_\_\_  
Adrienne Scheffey

**CERTIFICATE OF SERVICE**

I hereby certify on this 21st day of August, 2020, a true and correct copy of the foregoing  
**DECLARATION OF ADRIENNE SCHEFFEY IN SUPPORT OF DEFENDANT THE GEO  
GROUP, INC.'S REPLY IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY  
JUDGMENT** was filed and served electronically via the Court's CM/ECF system on the  
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*s/ Nick Mangels*

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**IN THE UNITED STATES DISTRICT COURT  
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**INDEX OF EXHIBITS TO DECLARATION OF ADRIENNE SCHEFFEY IN SUPPORT  
OF DEFENDANT THE GEO GROUP, INC.'S REPLY IN SUPPORT OF ITS CROSS-  
MOTION FOR SUMMARY JUDGMENT**

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<b>Exhibit</b>	<b>Description</b>
<b>A</b>	Chart of Plaintiffs' Responses and Replies to GEO's Separate Statement of Undisputed Facts and GEO's Responses to Plaintiffs' Additional Facts
<b>B</b>	Excerpts of Dawn Ceja's Deposition Transcript dated August 5, 2020
<b>C</b>	ICE Contract Assessment Reports – <b>Filed with this Court as Level 1 Restricted</b>
<b>D</b>	"HUSP" E-mail from ICE
<b>E</b>	Letter from Steve King to ICE re VWP dated March 7, 2018

<b>Exhibit</b>	<b>Description</b>
<b>F</b>	Letter from Kamala Harris to the Appropriations Committee re PBNDS dated December 15, 2017
<b>G</b>	Excerpts of Amber Martin's Deposition Transcript dated February 28, 2020
<b>H</b>	Excerpts of Daniel Ragsdale's 30(b)(6) Deposition Transcript dated February 27, 2020
<b>I</b>	Excerpts of Sergio Gallegos' Deposition Transcript dated June 30, 2020
<b>J</b>	Excerpts of Joyce Quezada's Deposition Transcript dated July 28, 2020
<b>K</b>	Report from ICE to Congressional Appropriations Subcommittee on Homeland Security dated January 17, 2017

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Case No. 1:14-cv-02887-JLK-MEH

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**EXHIBIT A TO GEO’S REPLY IN SUPPORT OF ITS CROSS-MOTION FOR  
SUMMARY JUDGMENT**

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	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
<b>1.</b>	ICE is a federal agency tasked with enforcing U.S. immigration laws. 6 U.S.C. § 542. ECF 270 at 5 (Material Undisputed Fact #1).	Undisputed	
<b>2.</b>	The United States Congress delegated to the Department of Homeland Security, and its agency ICE, the sole authority to arrange for all aspects of the detention of	Admit that 8 U.S.C. § 1231(g) constitutes one source of the Secretary’s detention authority. Dispute	No further response required.



<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
<p>aliens pending the results of their immigration proceedings. 8 U.S.C. § 1231(g)(1) (“The [Secretary of Homeland Security] shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal.”).</p>	<p>that it is the sole source, as other sources include 8 U.S.C. § 1103(a)(A)(11)(A) &amp; (B), and 8 U.S.C. § 1555(d), and dispute that these enactments provide authority for ICE to arrange for “all aspects” of the detention of immigration detainees. The text and history of 8 U.S.C. § 1555(d) and funds relating to specific aspects of the detention of immigration detainees.</p>	
<p><b>3.</b> ICE has the authority to detain foreign nationals suspected of entering the United States unlawfully. 8 U.S.C. §§ 1101 <i>et seq.</i>; ECF 270 at 5 (Material Undisputed Fact #2).</p>	<p>Undisputed.</p>	
<p><b>4.</b> In making these arrangements, ICE must consider the use of private contractors to detain aliens prior to constructing its own facilities. 8 U.S.C. § 1231(g)(2) (“Prior to initiating any project for the construction of any new detention facility for the Service, the Commissioner shall consider the availability for purchase or lease of any existing prison, jail, detention center, or other comparable</p>	<p>Admit that ICE is required to consider alternatives to building its own detention centers, and that these may include subcontracts with private entities. Dispute that the text of 8 USC § 1231(g)(2) requires use of a private subcontractor in every instance, as ICE also enters into contracts with state and local governments. Plaintiffs’ Opp. Ex. 1 (Venturella Dep. 162:13-18).</p>	<p>GEO does not dispute Plaintiffs’ added explanation.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	facility suitable for such use.”).		
5.	As a result of Congress’ directive, ICE neither constructs nor operates its own immigration detention facilities, ECF 271-2 (Dec. of Tae Johnson, cited as “Ex. B”), and therefore its state and private contractors are critical to carrying out the federal function of immigration detention.	Dispute. ICE owns and operates, at least in part, some of its own facilities, including the Krome detention center in South Florida. Plaintiffs’ Reply Ex. 2, ECF No. 287-2 (Evans Dep. 48:13-49:6); GEO Ex. B, ECF No. 271-2 (Tae Johnson Decl. ¶ 9) (“Service Processing Centers are owned by ICE and staffed by a combination of federal and contract employees.”) The evidence GEO provides does not support the statement that ICE does not construct or operate its own immigration detention facilities, or the statement that it does not do so as “a result of Congress’s directive,” or the statement that state and private contractors are “critical.” Moreover, ICE could operate detention centers itself if it so desired. Plaintiffs’ Opp. Ex. 1 (Venturella Dep. 190:13-18).	No further response required.
6.	ICE contracts with GEO to house some of its detainees in detention facilities throughout the country. <i>See</i> <a href="https://www.geogroup.com/Locations">https://www.geogroup.com/Locations</a> . ECF 270 at 5	Undisputed.	

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	(Material Undisputed Fact #3).		
7.	Among GEO’s portfolio of ICE detention facilities is the Aurora Facility. <i>Id.</i>	Undisputed.	
8.	ICE chose to contract with the AIPC to detain aliens pending the resolution of their immigration proceedings. ECF 270 at 9 (Additional Undisputed Fact #5).	Undisputed.	
9.	GEO owns and has continuously operated AIPC, under contracts with ICE from October 22, 2004 to October 22, 2014. ECF 270 at 5 (Material Undisputed Fact #5).	Undisputed.	
10.	A contract between ICE and GEO may be modified during its term by mutual consent of GEO and ICE. ECF 270 at 5 (Material Undisputed Fact #6)	Undisputed.	
11.	All immigration detention processing centers, including the AIPC, must adhere to ICE’s standards. In 2000, the Immigration and Naturalization Service (“INS”), ICE’s predecessor, adopted the original National Detention Standards (the “2000 NDS”).	Undisputed.	
12.	Subsequently, ICE promulgated similar standards in the form of the PBNDS in 2008 (the “2008 PBNDS”) and 2011 (later updated in 2016) (the “2011 PBNDS”). (2000 NDS	Undisputed.	

GEO’s Statement of Undisputed Facts	Plaintiffs’ Response and Supporting Evidence	GEO’s Reply to Plaintiffs’ Response
<p>available at <a href="https://www.ice.gov/detention-standards/2000">https://www.ice.gov/detention-standards/2000</a>; 2008 PBNDS available at: <a href="https://www.ice.gov/detention-standards/2008">https://www.ice.gov/detention-standards/2008</a>; 2011 PBNDS available at: <a href="https://www.ice.gov/detention-standards/2011">https://www.ice.gov/detention-standards/2011</a>).</p>		
<p><b>13.</b> In each contract GEO entered into with ICE for the operation of the AIPC, the 2000 NDS, 2008 PBNDS, or the 2011 PBNDS, as applicable, were incorporated into the contract and GEO was required to comply with the same. ECF 270 at 9-10 (Additional Undisputed Fact #7).</p>	<p>Admit. The parties dispute the mechanism by which the operative version of the PBNDS were “incorporated” into the contract. <i>See</i> Fact Nos. 14-15, 17-18.</p>	
<p><b>14.</b> GEO’s contract with ICE, number ACD-3-C-0008, required it to comply with the 2000 NDS from March 27, 2003 to September 28, 2006. ECF 262-5 at 12 (GEO_MEN 00059754).</p>	<p>Admit. GEO’s contract with ICE, number ACD-3-C-0008, required that, “[u]nless otherwise specified by an authorized INS representative,” GEO “perform in continual compliance <i>with the most current</i> editions of the INS Detention Standards and the American Correctional Association, Standards for Adult Local Detention Facilities (ACA ALDF).” Plaintiffs’ Ex. D, ECF 262-5 at 12 (emphasis added). The 2000 NDS were the most current edition of the INS Detention Standards during the stated period.</p>	

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
15.	<p>GEO’s contract with ICE, number HSCEOP-06-D-00010, effective September 29, 2006, similarly required it to comply with the 2000 NDS. ECF 24-4 at 11 (GEO_MEN 00059644); ECF 260 at 3 (proffering as undisputed the fact that HSCEOP-06-D-00010 was one of GEO’s contracts with ICE during the class period); ECF 262-4 (incorporating the 2000 NDS into the contract).</p>	<p>Dispute. GEO’s contract with ICE, number HSCEOP-06-D-00010, effective September 29, 2006, does not explicitly incorporate the 2000 NDS. Plaintiffs admit that GEO’s contract with ICE, number HSCEOP-06-D-00010, effective September 29, 2006, required that, “[u]nless otherwise specified by the CO,” GEO “perform in accordance with the most current Functional Areas (as outlined in the Performance Requirement Summary), ICE Detention Standards, and American Correctional Association (ACA) Performance-Based Standards for Adult Local Detention Facilities (ALDF).” Plaintiffs Ex. C., ECF 262-4 at 11. Plaintiff’s admit that the 2000 NDS were the most current ICE Detention Standards at the time the contract was signed, but other versions of the PBNDS were published during the term of the above-cited contract.</p>	
16.	<p>On April 28, 2010, GEO entered into a contract modification with ICE (HSCEOP-06-D-00010/P00018) which required it to comply with the 2008 PBNDS, effective</p>	<p>Undisputed.</p>	<p>GEO denies any change in the PBNDS would automatically change GEO’s contract with ICE to incorporate new standards. GEO and ICE specifically incorporated each change to</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	<p>immediately. ECF 270 at 10 (Additional Undisputed #10) (citing ECF 271-3, cited as “Ex. C”); ECF 261-9 (2008 PBNDS).</p>		<p>the PBNDS into its contract modifications so that any cost ramifications could be addressed prior to changing the contract requirements. Ex. G (Amber Martin Dep. 46-47).</p>
<p><b>17.</b></p>	<p>GEO’s subsequent contract with ICE, number HSCEDM-11-D-00003, required it to continue to comply with the 2008 PBNDS. That contract was effective September 15, 2011. ECF 262-2 at 38 (incorporating the 2008 PBNDS into the contract); ECF 270 at 10 (Additional Undisputed Fact #11, #12) (noting Plaintiffs proffer as undisputed the fact that HSCEDM-11-D-00003 was one of GEO’s contracts with ICE during the Class Period).</p>	<p>Dispute. HSCEDM-11-D-00003 incorporated the “DHS/ICE PBNDS (Performance Based National Detention Standards),” and stated that “a copy of the current version is obtainable on the internet Website: <a href="http://www.ice.gov/detenti-on-standards/2008/">http://www.ice.gov/detenti-on-standards/2008/.</a>” The contract also required that “these constraints may change over time; the Contractor shall be knowledgeable of any changes to the constraints and perform in accordance with the most current version of the constraints.” ECF No. 262-2 at 37-38. The 2011 PBNDS were published on February 27, 2012, and were thus the “most current” version of the PBNDS after that date. Reply Ex. 8, ECF No. 287-8 at 10 (ICE report re PBNDS).</p>	<p>GEO denies any change in the PBNDS would automatically change GEO’s contract with ICE to incorporate new standards. GEO and ICE specifically incorporated each change to the PBNDS into its contract modifications so that any cost ramifications could be addressed prior to changing the contract requirements. Ex. G (Amber Martin Dep. 46-47).</p>
<p><b>18.</b></p>	<p>On May 23, 2013, GEO entered into a contract modification with ICE (HSCEDM-11-D-00003/P00005) agreeing that,</p>	<p>Admit. Plaintiffs note that GEO was required to remain aware of and perform in accordance with ongoing changes to the</p>	<p>GEO denies any change in the PBNDS would automatically change GEO’s contract with ICE to incorporate new standards.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	<p>effective June 23, 2013, GEO would comply with the 2011 PBNDS. ECF 270 at 10 (Additional Undisputed Fact #12) (citing ECF 271-4, cited as “Ex. D”); ECF 262-3, 2 (GEO-MEN 00020406; ECF 270 at 10 (Additional Undisputed Fact #11, #12) (noting Plaintiffs proffer as undisputed the fact that HSCEDM-11-D-00003/P00005 was one of GEO’s contracts with ICE during the Class Period).</p>	<p>PBNDS under its existing contract, and in fact began implementing changes associated with the 2011 PBNDS long before the contract modification. Reply Ex. 9, ECF No. 287-9 (A. Martin 30(b)(6) Dep. 43:23-46:6) (describing an email sent April 4, 2012 that included an attachment regarding the major changes between the 2008 and 2011 PBNDS and explicitly mentioning the new language stating that compensation for VWP work is “at least \$1.00”).</p>	<p>GEO and ICE specifically incorporated each change to the PBNDS into its contract modifications so that any cost ramifications could be addressed prior to changing the contract requirements. Ex. G (Amber Martin Dep. 46-47).</p>
<p><b>19.</b></p>	<p>The 2000 NDS and all applicable versions of the PBNDS require GEO to adopt, without alteration, the ICE disciplinary severity scale. ECF 261-10 at 17 (2000 NDS) (Contract Detention Facilities “shall adopt, without changing, the offense categories and disciplinary sanctions set forth in this section.”); ECF 261-9 at 45 (2008 PBNDS) (Contract Detention Facilities “shall adopt, without alteration, the offense categories and disciplinary sanctions set forth in this section.”); ECF 261-8 at 39 (2011 PBNDS) (“All facilities shall have graduated scales of offenses and</p>	<p>Undisputed.</p>	

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	disciplinary consequences as provided in this section.”).		
<b>20.</b>	The 2000 NDS and all versions of the PBNDS require GEO to provide notice to detainees, in the local detainee handbook, of the ICE-mandated disciplinary severity scale. ECF 261-10 at 10 (2000 NDS) (“The detainee handbook, or supplement, issued to each detainee upon admittance, shall provide notice of ... the disciplinary severity scale ...”); ECF 261-9 at 44 (2008 PBNDS) (“The detainee handbook, or supplement, issued to each detainee upon admittance, shall provide notice of ... the disciplinary severity scale ...”); ECF 261-8 at 38 (2011 PBNDS) (“The detainee handbook, or supplement, issued to each detainee upon admittance, shall provide notice of ... the disciplinary severity scale ...”).	Undisputed.	
<b>21.</b>	Likewise, the 2000 NDS and all versions of the PBNDS explicitly provide a disciplinary severity scale that includes the “[r]efusal to clean assigned living area” as an offense which can be sanctioned by “[d]isciplinary segregation (up to 72 hours).” ECF 261-10 at 24 (2000 NDS); ECF 261-9 at 56 (2008 PBNDS); 261-8 at 47 (2011	Undisputed.	



	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	PBNDS); ECF 260 at 17 (Plaintiffs’ Undisputed Facts #77 and #79).		
22.	The 2000 NDS and all versions of the PBNDS also explicitly provide a disciplinary severity scale that lists “[r]efusing to obey the order of a staff member or officer” as an offense which can be sanctioned by “[d]isciplinary segregation (up to 72 hours).” ECF 261-10 at 24 (2000 NDS); ECF 261-9 at 56 (2008 PBNDS); 261-8 at 47 (2011 PBNDS); ECF 260 at 17 (Plaintiffs’ Undisputed Facts #77 and #79).	Undisputed.	
23.	The Aurora Detainee Handbook (the “ <u>AIPC Handbook</u> ”) is issued to all detainees entering Aurora. ECF 270 at 7 (Material Undisputed Fact #14).	Undisputed.	
24.	The AIPC’s Handbook’s disciplinary severity scale does not deviate from the 2000 NDS or the applicable PBNDS. ECF 273-1 (2005 AIPC Handbook, cited as “Ex. E”); (GEO_MEN	Dispute. The severity scales listed in the GEO handbooks do deviate from the NDS and PBNDS. For example, the 2005 Handbook adds additional possible sanctions for	GEO notes that during the deposition of Ms. Ceja, she indicated that the highlights within the document indicate a handbook was a non-final version and likely being updated to comply with new

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	<p>00054151-222); ECF 273-2 (2007 AIPC Handbook, cited as “Ex. F”); ECF 273-3 (2008 AIPC Handbook, cited as “Ex. G”); ECF 273-4 (2010 AIPC Handbook, cited as “Ex. H”); ECF 273-5 (2011 AIPC Handbook, cited as “Ex. I”); ECF 261-17 (October 2013 AIPC Handbook) (Specifically identified in Plaintiffs discovery responses as the basis for their claims); ECF 271-5, Kevin Martin Dep. 40:21-24 (“Q. Do you know if there’s any deviation from between . . . the GEO Detainee Handbook and the PBNDS as far as disciplinary requirements? A. Not as far as disciplinary requirements[.]”) (cited as “Ex. J” to ECF 270).</p>	<p>“greatest” offenses. Compare GEO Ex. E, ECF No. 273-1 at 25 (Local Detainee Handbook (2005 version)) (listing seven potential sanctions for “greatest” offenses) with Plaintiffs’ Ex. N, ECF 261-10 at 20 (INS Standards) (listing four potential sanctions for “greatest” offenses”).</p>	<p>requirements. Ex. B (Ceja 30(b)(6) Dep. 132:6-11 8/05/20). Therefore it is likely this version is one that was in the process of being updated to be used for a different version of the PBNDS.</p> <p>GEO further notes that Plaintiffs do not dispute that the disciplinary severity scale appeared verbatim in every other handbook—nor can they.</p>
<b>25.</b>	<p>All of GEO’s policies are reviewed and approved by an on-site ICE official. ECF 270 at 7 (Material Undisputed Fact #15).</p>	<p>Undisputed.</p>	
<b>26.</b>	<p>The 2000 NDS and the applicable versions of the PBNDS provide for the exact graduated scales of offenses and disciplinary consequences for dedicated facilities, such as the AIPC. ECF 261-10 at 24 (2000 NDS); ECF 261-9 at 56 (2008 PBNDS); 261-8 at 47 (2011 PBNDS).</p>	<p>Undisputed.</p>	

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
27.	<p>The graduated scale of offenses (of which detainees must be made aware) are explicitly laid out in the 2000 NDS and the applicable PBNDS, providing GEO no discretion whatsoever to alter the disciplinary severity scale. ECF 261-10 at 24 (2000 NDS); ECF 261-9 at 56 (2008 PBNDS); 261-8 at 47 (2011 PBNDS).</p>	<p>Undisputed.</p>	
28.	<p>As required by the 2000 NDS and the applicable versions of the PBNDS, the disciplinary severity scale is copied verbatim into the AIPC Handbook. ECF 271-5, Kevin Martin Dep. 40:13-16 (“And does the Detainee Handbook lay out these exact rules from the PBNDS for the detainees as far as discipline goes? A: Yes.”) (cited as “Ex. J” to ECF 270); 83:17-22 (same).</p>	<p>Dispute. Kevin Martin’s testimony is incorrect; the severity scales listed in the GEO handbooks deviate from the NDS and PBNDS. <i>Compare</i> GEO Ex. E, ECF No. 273-1 at 25 (Local Detainee Handbook (2005 version)) (listing seven potential sanctions for “greatest” offenses) <i>with</i> Plaintiffs’ Ex. N, ECF No. 261-10 at 20 (INS Standards) (listing four potential sanctions for “greatest” offenses”).</p>	<p>GEO notes that during the deposition of Ms. Ceja, she indicated that the highlights within the document indicate a handbook was a non-final version and likely being updated to comply with new requirements. Ex. B (Ceja 30(b)(6) Dep. 132:6-11 8/05/20). Therefore it is likely this version is one that was in the process of being updated to be used for a different version of the PBNDS. Therefore, Kevin Martin’s testimony is dispositive.</p> <p>GEO further notes that Plaintiffs do not dispute that the disciplinary severity scale appeared verbatim in every other handbook—nor can they.</p>
29.	<p>In addition to the disciplinary severity scale, GEO has detailed a Sanitation Procedures document that contains a section entitled</p>	<p>Admit that ECF No. 262-8 is a GEO document about Sanitation Procedures; it is entitled simply, “Sanitation Procedures” and is a</p>	<p>No further response.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	“Detainee Sanitation Procedures.” ECF 262-8; ECF 50-4 (the “ <u>Sanitation Procedures</u> ”).	different document from ECF No. 50-4, which is a GEO policy describing the Voluntary Work Program.	
<b>30.</b>	The Sanitation Procedures set forth general standards for sanitation that must be followed by both GEO employees and detainees. <i>Id.</i>	Admit as to ECF No. 262-8.	No further response.
<b>31.</b>	While the sanitation policies for detainees apply to those detainees housed at the AIPC who participate in cleaning tasks through the VWP or by cleaning their living area, ECF 50-1 at 9 (Ceja Dep. 29:13-16), the Sanitation Procedures were not developed to assign tasks to specific individuals, but rather to detail the actual process for cleaning and materials and supplies to be used. ECF 271-5, Kevin Martin Depo. 208:6-11 (cited as “Ex. J” to ECF 270).	Undisputed.	
<b>32.</b>	The Sanitation Procedures do not specify which aspects of cleaning are the responsibility of all detainees and which are the responsibility of VWP workers. ECF 270 at 7 (Material Undisputed Fact #19).	Undisputed.	
<b>33.</b>	The Sanitation Procedures also contain a section detailing the consequences for non-compliance, stating: “The Dormitory/Unit Officer will inspect all living areas daily and report any	Undisputed.	

GEO’s Statement of Undisputed Facts	Plaintiffs’ Response and Supporting Evidence	GEO’s Reply to Plaintiffs’ Response
<p>infraction of these regulations to the immediate supervisor. The officer will notify detainees of unsatisfactory conditions, in cases of continued noncompliance, staff will issue an incident report.” ECF 262-8 at 4; ECF 50-4. The Sanitation Procedures do not provide for any other penalty for non-compliance. <i>Id.</i></p>		
<p>34. GEO has never maintained a separate policy or practice of placing a detainee in solitary confinement for the refusal to clean a living area. Ex. _ (Amber Martin Dep., 134, 135).</p>	<p>Dispute. Although not formally documented in a single written policy, GEO maintained a practice throughout the time period covered by this case of requiring detainees to clean the common living areas without pay (the “Housing Unit Sanitation Policy,” or “HUSP”), and of threatening them with solitary confinement if they did not comply. GEO’s own 30(b)(6) witness admitted the scope of the HUSP, and that solitary confinement was a possible sanction for noncompliance. Plaintiffs’ Ex. P, ECF No. 26112 (Ceja 30(b)(6) Dep. 36:8-37:9; 84:3-85:15); Reply Ex. 5, ECF No. 287-5 (Ceja 30(b)(6) Dep. 79:19-25). Both the sanitation requirements and the penalties for noncompliance are referenced in the</p>	<p>GEO states that the witness describes the cleanup as a meal cleanup. GEO further states that the cited sections of Ms. Ceja’s testimony do not support Plaintiffs’ descriptions.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
		<p>orientation video that GEO shows detainees when they arrive at the AIPC. Plaintiffs’ Ex. X, ECF No. 262-10 at 3, 8 (Detainee Orientation Video). And in fact, GEO did impose solitary confinement on detainees who refused to perform HUSP duties. Plaintiffs’ Ex. Z, ECF No. 262-12 (disciplinary charges and reports). GEO also threatened detainees with solitary confinement on a regular basis when they refused to clean pursuant to the HUSP. <i>See, e.g.</i>, Reply Ex. 10, ECF No. 287-10 (Xahuentitla-Flores Dep. 73:19-74:9; 83:7-19); Plaintiffs’ Opp. Ex. 2 (Hernandez-Ceren Dep. 74:23-75:11, 78:10-79:5); Plaintiffs’ Opp. Ex. 3 (Hernandez-Torres Dep. 60:8-14).</p>	
35.	<p>ICE audits GEO to ensure that GEO complies with all requirements of its contract, including its obligations under the PBNDS. ECF 270 at 13 (Additional Undisputed Fact #24) (citing ECF 273-6, cited as “Ex. L”).</p>	<p>Admit that ICE audits GEO to ensure that it complies with certain requirements of its contract, including PBNDS obligations, but dispute that these audits review or capture all such requirements, or all aspects of the PBNDS. The audits review specific components of PBNDS requirements, which are listed on the audit documents themselves. <i>See</i> GEO Ex L., ECF No. 273-6</p>	<p>GEO disputes that Plaintiffs documents provide any information about the scope of ICE audits. Indeed, Mr. Ragsdale made clear he did not speak for ICE. Further, the testimony in question did not discuss ICE’s audits, but instead was discussing a portion of GEO’s contract with ICE. Ex. H (Ragsdale Dep. 32:21-25).</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
		(Denver Contract Detention Facility Annual Review); Reply Ex. 12, ECF No. 287-12 (Ragsdale 30(b)(6) Dep. 36:1-38:10) (acknowledging that ICE audits do not cover “the requirement that [detainees] clean the common areas”).	
36.	As part of each inspection, each audit reviews compliance with each PBNDs requirement. <i>Id.</i>	Admit that certain audits review compliance with certain PBNDs requirements; however, Plaintiffs dispute that the audits comprehensively review compliance with “each” PBNDs requirement. The audits review specific components of PBNDs requirements, which are listed on the audit documents themselves. <i>See</i> GEO Ex L., ECF No. 273-6 (Denver Contract Detention Facility Annual Review); Reply Ex. 12, ECF No. 287-12 (Ragsdale 30(b)(6) Dep. 36:1-38:10).	GEO disputes that Plaintiffs documents provide any information about the scope of ICE audits. Indeed, Mr. Ragsdale made clear he did not speak for ICE. Further, the testimony in question did not discuss ICE’s audits, but instead was discussing a portion of GEO’s contract with ICE. Ex. H (Ragsdale Dep. 32:21-25).
37.	The materials provided to detainees at intake, including the handbook and orientation video, are regularly audited and have passed each audit since 2004. <i>Id.</i>	Admit; however, the audit reviews only whether the orientation includes sections covering: “Unacceptable activities and behavior; and corresponding sanctions; How to contact ICE; The availability of <i>pro bono</i> legal services, and how to pursue such services; Schedule of programs, services, daily activities,	GEO states that the documents cited do not cover the entirety of the content of the week long audits. Indeed, auditors are provided all of GEO’s policies. ECF 308-1 ¶ 6.  Additionally, Plaintiffs’ own response admits that ICE reviews the AIPC Detainee Handbook which includes

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
		including visitation, telephone usage, mail service, religious programs, count procedures, access to and use of the law library and the general library; sick-call procedures, etc., and the detainee handbook.” GEO Ex. L ECF No. 273-6 at 3 (10/5/2007), 12 (10/22/2009), 26 (10/21/2010), 38 (9/29/2011).	all of the policies at issue in this case.
38.	The audits specifically review intake procedures to ensure that the orientation information provides information about “[u]nacceptable activities and behavior, and corresponding sanctions” as well as the detainee handbook. <i>Id.</i> (GEO-MEN 00131895).	Undisputed.	
39.	The disciplinary severity scale is audited and has passed each audit since 2004. <i>Id.</i>	Dispute that the “disciplinary severity scale is audited.” The audit reviews whether the facility has a “written disciplinary system using progressive levels of reviews and appeals.” GEO Ex. L., ECF No. 273-6 at 6 (10/5/2007), 14 (10/22/2009), 28 (10/21/2010), 40 (9/29/2011), 58 (9/29/2016).	Plaintiffs’ dispute cites to a single sentence of the same audit documents cited by GEO which dedicate over a page to the audit of the disciplinary severity scale and thus the basis for their dispute is without merit.  GEO notes that the cited documents include “remarks” for each year which indicate that the auditors reviewed the detainee handbook every year, which includes the disciplinary severity scale.



	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
			<p>GEO further states that the documents cited do not cover the entirety of the content of the week long audits. Indeed, auditors are provided all of GEO’s policies. ECF 308-1 ¶ 6.</p>
40.	<p>Audits review whether GEO provides notice of the disciplinary severity scale and have found GEO compliance based upon a review of its handbooks. <i>Id.</i> (GEO-MEN 00131936).</p>	<p>Undisputed.</p>	
41.	<p>ICE has not only approved of the disciplinary severity scale but has also acted to implement and enforce the sanctions therein. One of the named Plaintiffs in this case—Demetrio Valerga—explained during his deposition that ICE officers also enforced the ICE sanctions. After claiming that one of GEO’s corrections officers told Mr. Valerga he could be placed in segregation if he did not help clean his own common area, ECF 272-7, Demetrio Valerga Dep., 135:15-137:19 (cited as “Ex. M” to ECF 270), Mr. Valerga then</p>	<p>Admit the events stated above; however, Plaintiffs dispute that the ICE officers onsite at Aurora were authorized to condone acts that deviate from the requirements of the Contract, as GEO’s implementation of the HUSP does. Plaintiffs’ Ex. A, ECF No. 261-2 (A. Martin Dep. 198:22-199:10); Reply Ex. 6, ECF No. 287-6 (A. Martin Dep. 81:22-82:13); GEO’s Second Notice of Supplemental Authority Ex. B, ECF No. 297-2 at 3-4 (Contracting Officer’s Representative (“COR”))</p>	<p>No further response.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	<p>explained ICE officers woke him up, pulled him out of his housing unit, and spoke to him directly. <i>Id.</i> at 138:2-13. During that conversation, ICE officers told Mr. Valerga that he could, in fact, be taken to segregation for refusing to help clean his living area. <i>Id.</i> at 138:15-23.</p>	<p>Appointment Letter) (listing functions and actions the COR “shall not” undertake, including “direct the contractor . . . to operate in conflict with the contract terms and conditions” and “[c]hange or modify any of the terms and conditions . . . of a contract”).</p>	
42.	<p>The 2000 NDS and all applicable versions of the PBNDS require that GEO provide detainees the opportunity to participate in a VWP. ECF 270 at 8 (Material Undisputed Fact #20).</p>	<p>Undisputed.</p>	
43.	<p>The 2000 NDS, with which the AIPC was contractually obligated to comply from March 27, 2003 to April 28, 2010, required GEO to provide “compensation” and explicitly directed that “the stipend is \$1.00 per day, to be paid daily.” ECF 261-10 at 5 (2000 NDS).</p>	<p>Admit except for GEOs use of the phrase “directed that,” which implies that the quoted statement in the PBNDS is an instruction about how GEO must pay VWP workers, as opposed to a statement about the amount that ICE would reimburse GEO for VWP labor. Plaintiff Ex. A, ECF No. 261-2 (A. Martin Dep. 106:6107:22). Plaintiffs also note that GEO was required to comply with the 2008 PBNDS when they were published, <i>see</i> Fact No. 15, which occurred during the stated period, NDS and the 2008 PBNDS. <i>See</i> ECF 261-9 at 63 (2008 PBNDS) (“the compensation is \$1.00 per day”)</p>	<p>No further response.</p>

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
44.	Likewise, the 2008 PBNDS, with which the AIPC was contractually obligated to comply from April 28, 2010 to June 22, 2013, mandated that “the compensation is \$1.00 per day.” ECF 261-9 at 63 (2008 PBNDS).	Admit that the cited document contains the quoted text; however dispute GEO’s statement that this constituted a “mandate[],” as opposed to a statement about the reimbursement offered from ICE to GEO. GEO paid more than \$1.00 a day to detainees at other ICE facilities, including paying up to \$3.00 a day to detainees at its South Texas Detention Facility in 2009, and was therefore well aware that higher pay was an option. Reply Ex. 13, ECF No. 287-13 at 7-13 (South Texas 2009 detainee pay). In addition, GEO can and does request modifications of the Contract when it needs to. Plaintiffs’ Ex. A, ECF No. 261-2 (A. Martin Tr. 106:8-108:10). GEO did not request a contract modification to pay detainees more than \$1.00 per day at the AIPC. <i>Id.</i> at 105:3-12.	No further response as Plaintiffs admit substance of the fact. GEO states that the amounts <i>some</i> detainees received at other facilities are not relevant here.
45.	Beginning on June 23, 2013, AIPC was bound by the 2011 PBNDS, which state that participants in the VWP will be compensated with “at least \$1.00 (USD) per day.” ECF 261-8 at 53 (2011 PBNDS). Thus, the “at least” language upon which the VWP Class	Admit the quoted content of the document, and that the 2011 PBNDS was formally incorporated into the Contract on June 23, 2013. Plaintiffs do not agree with GEO’s implication that the option to pay more than \$1 per day did not exist prior to	No further response. GEO states that the amounts <i>some</i> detainees received at other facilities are not relevant here.

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
	relies was not implemented at the AIPC until approximately halfway through the VWP Class Period.	it formally agreeing to incorporate portions of the 2011 PBNDS into its contract. GEO had an obligation under the relevant contract to be “knowledgeable of any changes to the [PBNDS] and perform in accordance with the most current version of the [PBNDS].” <i>See</i> Response to Additional Fact ¶ 11. In addition, GEO can and does request modifications of the Contract when it needs to. Plaintiffs’ Ex. A, ECF No. 261-2 (A. Martin Tr. 106:8-108:10). GEO did not request a contract modification to pay detainees more than \$1.00 per day. <i>Id.</i> at 105:3-12.	
46.	Before the 2011 PBNDS were implemented at the AIPC, GEO paid the amount it was explicitly directed by ICE to pay to VWP participants: \$1.00 per day. ECF 270 at 15 (Additional Undisputed Fact #36).	Admit that GEO paid VWP participants \$1.00 prior to the implementation of the 2011 PBNDS; dispute that ICE “explicitly directed” GEO to pay this amount.	No further response required.
47.	Thereafter, GEO continued to pay members of the VWP Class \$1.00 per day; the minimum payment explicitly permitted by the 2011 PBNDS. ECF 270 at 15 (Additional Undisputed Fact cc#37).	Undisputed.	

	<b>GEO’s Statement of Undisputed Facts</b>	<b>Plaintiffs’ Response and Supporting Evidence</b>	<b>GEO’s Reply to Plaintiffs’ Response</b>
48.	ICE reimburses its contractors no more than \$1.00 per day for work performed in the VWP. ECF 270 at 8 (Material Undisputed Fact #22).	Undisputed.	
49.	The VWP has been audited each year and has passed each audit since 2004. ECF 270 at 14 (Additional Undisputed Fact #29) (citing GEO-MEN 00131936).	Undisputed	

	<b>Plaintiffs’ Additional Facts</b>	<b>GEO’s Responses</b>
1.	The “ HUSP is not created by ICE nor is it a requirement of the Contract.” Plaintiffs’ Ex. K, ECF No. 261-7 ¶ 22 (Ely Decl.)	<p><u>Disputed.</u> As previously stated, this statement is inadmissible hearsay that cannot be admitted at this stage of the litigation. GEO has previously noted that it is impossible to know what this statement means without knowing what documents ICE considered to be the “HUSP.”</p> <p>The Ely declaration does not refer to the AIPC Handbook and by extension the meal clean-up or the disciplinary policy (the documents at issue in this case). Ex. D (ICE email).</p> <p>Indeed, the attached Exhibit D demonstrates that the drafter of the declaration did <u>not</u> review the AIPC Detainee Handbook when drafting this declaration. Thus, this statement cannot be used reliably to express ICE’s opinion on the meal clean-up (which appears</p>

		<p>only in the AIPC Handbook) or the disciplinary severity scale (which also is contained within the AIPC Handbook). Indeed, ICE drafted the disciplinary severity scale to which Plaintiffs refer in the term “HUSP.”</p>
<p>2.</p>	<p>“ICE” did not draft or negotiate GEO’s HUSP.”</p>	<p><u>Disputed.</u> As previously stated, this statement is inadmissible hearsay that cannot be admitted at this stage of the litigation. GEO has previously noted that it is impossible to know what this statement means without knowing what documents ICE considered to be the “HUSP.”</p> <p>The Ely declaration does not refer to the AIPC Handbook and by extension the meal clean-up or the disciplinary policy (the documents at issue in this case). Ex. D (ICE email).</p> <p>Indeed, the attached Exhibit D demonstrates that the drafter of the declaration did <u>not</u> review the AIPC Detainee Handbook when drafting this declaration. Thus, this statement cannot be used reliably to express ICE’s opinion on the meal clean-up (which appears only in the AIPC Handbook) or the disciplinary severity scale (which also is contained within the AIPC Handbook). Indeed, ICE drafted the disciplinary severity scale to which Plaintiffs refer in the term “HUSP.”</p>
<p>3.</p>	<p>The HUSP is “a GEO Policy, created by GEO.”</p>	<p><u>Disputed.</u> As previously stated, this statement is inadmissible hearsay that cannot be admitted at this stage of the litigation. GEO has previously noted that it is impossible to know what this statement means without knowing what documents ICE considered to be the “HUSP.”</p> <p>The Ely declaration does not refer to the AIPC Handbook and by extension the meal clean-up or the disciplinary policy (the documents at issue in this case). Ex. D (ICE email).</p> <p>Indeed, the attached Exhibit D demonstrates that the drafter of the declaration did <u>not</u> review the AIPC</p>

		<p>Detainee Handbook when drafting this declaration. Thus, this statement cannot be used reliably to express ICE’s opinion on the meal clean-up (which appears only in the AIPC Handbook) or the disciplinary severity scale (which also is contained within the AIPC Handbook). Indeed, ICE drafted the disciplinary severity scale to which Plaintiffs refer in the term “HUSP.”</p>
4.	<p>On February 14, 2018 GEO sent a letter to ICE requesting an equitable adjustment to its contract for the Aurora facility to assist it in paying its legal fees in connection with this litigation. Plaintiffs’ Reply Ex. 3, ECF No. 287-3 (February 14 letter).</p>	<p>GEO admits it sent a letter to ICE on February 14, 2018, but denies that the letter is about only the present action.</p>
5.	<p>The February 14 letter was signed by GEO’s Senior Vice President of Business Development, David Venturella, and drafted in collaboration between Venturella, GEO’s legal department and other GEO officials, including GEO’s General Counsel or other representatives from the General Counsel’s Office. Plaintiffs’ Opp. Ex. 1 (Venturella Dep. 61:1-21; 62:10-63:7).</p>	<p>Admit.</p>
6.	<p>GEO did not disclose the full scope of the mandatory cleaning required under the HUSP in the February 14 letter, describing the policy as requiring only that detainees “perform basic housekeeping chores.” Plaintiffs’ Reply Ex. 3, ECF No. 287-3 (February 14 letter).</p>	<p><u>Dispute.</u> GEO states that the letter speaks for itself and notes that there can be no claim that GEO did not disclose the “full scope” of the present litigation as it cited to the entirety of the docket in this case in footnote 1 of the letter, thereby providing ICE with all information about this case. ECF 287-3. Additionally, there is no recognized meaning of “basic housekeeping chores,” and Plaintiffs do not point to one. To the extent that Plaintiffs do not believe that cleaning up after a meal including sweeping up crumbs and wiping down tables is not “basic housekeeping” GEO disputes this description.</p>

<p>7.</p>	<p>In a letter dated June 21, 2018, ICE denied GEO’s request for an equitable adjustment, explaining that “GEO’s defense of these private lawsuits is a defense of its contract performance.” Plaintiffs’ Opp. Ex. 4 (GEO-MEN00186866 (June 21 letter)).</p>	<p><u>Dispute.</u> GEO states that the letter speaks for itself and indicates that it responds to a request dated April 18, 2018. The letter sets forth a myriad of reasons for denial, namely that GEO has failed to “provide adequate supporting data for the quantum sought.”</p>
<p>8.</p>	<p>The housing pods in the Aurora facility house up to 80 detainees. Plaintiffs’ Opp. Ex. 5 (Pagan Dep. at 108:13-17)</p>	<p>GEO <u>admits</u> that some of its housing pods have the capacity to hold as many as 80 detainees.</p>
<p>9.</p>	<p>The Aurora housing pods include both cells where detainees sleep and common areas where they eat, use the phone, and shower. Plaintiffs’ Opp. Ex. 2 (Hernandez-Ceren Dep. at 25:3-17); Plaintiffs’ Ex. P, ECF No. 261-12 (Ceja 30(b)(6) Dep. 36:25-37:4)</p>	<p>GEO <u>admits</u> that detainees may be housed in pods, which are one such style of housing unit layout, and that those pods include showers, phones, and tables. However, GEO <u>disputes</u> that all detainees are housed in the same style housing unit, noting that some detainees are held in dormitory spaces which do not include cells. ECF 313-10 at 15 (Gallegos Dep. 126:17-25)</p>
<p>10.</p>	<p>GEO told detainees that they have a “common obligation to clean . . . the communal areas” of the housing pods, including the dayroom and bathrooms, on a rotating basis. Plaintiffs’ Ex. F, ECF No. 261-4 (Ragsdale 30(b)(6) Dep. 16:14-18)</p>	<p><u>Dispute.</u> Mr. Ragsdale did not provide testimony about what detainees were told but rather about his personal understanding of general cleaning in the Aurora Facility. ECF 261-4. Communications to detainees about cleaning would be handled at the local facility, not the corporate level where Mr. Ragsdale works. Furthermore, Plaintiffs added to Mr. Ragsdale’s testimony in an improper attempt to conflate different types of cleaning with the rotating meal clean-up at issue in this lawsuit. Plaintiffs added in the phrase “on a rotating basis” at the end of their description. His full quote states:</p> <p>“That folks will clean their immediate living area, meaning making their bed, dealing with their own personal property in their immediate living area. And they also share sort of a common obligation to clean, you know, where the microwave is, where the, you know, game boards are, video games, to keep things in place in a reasonable cleanliness; the bathroom, you know . . .”</p>



		<p>Additionally, it is worth noting that Mr. Ragsdale was not designated for testimony about the local AIPC practices and communications with detainees—Ms. Ceja was and therefore Mr. Ragsdale’s testimony does not speak to communications with detainees at the AIPC as that would be a topic about the local practices.</p>
11.	<p>GEO guards threatened to send detainees to solitary confinement for failing to clean under the HUSP. Plaintiffs’ Opp. Ex. 2 (Hernandez-Ceren Dep. 74:2375:11, 78:10-18); Plaintiffs’ Reply Ex. 10, ECF No. 287-10 (Xahuentitla-Flores Dep. 73:19-74:9; 83:7-19)</p>	<p><u>Dispute.</u> GEO officers never intended to “threaten” anyone. ECF 306-12.</p>
12.	<p>Sending detainees to solitary confinement for failing to clean under the HUSP was within the regular authority of GEO guards. Plaintiffs’ Opp. Ex. 5 (134:18-135:20)</p>	<p><u>Dispute.</u> Plaintiffs’ Exhibit 5 does not include a page 134.</p> <p>GEO reiterates that “HUSP” is a term created by the Plaintiffs. GEO states that the ICE disciplinary severity scale permitted detainees to be sent to segregation for “refusal to clean assigned living area.” Undisputed Fact 21.</p>
13.	<p>GEO placed detainees in segregation during the class period for refusing to clean. Plaintiffs’ Ex. Z, ECF No. 262-12 (disciplinary charges and reports); Plaintiffs’ Opp. Ex. 3 (Hernandez-Torres Dep. 60:8-14); Plaintiffs’ Opp. Ex. 5 (Pagan Dep. at 124:19-125:4)</p>	<p>GEO <u>admits</u> that detainees were placed in segregation during the class period where at least one of the charges listed was the refusal to clean. GEO denies that these were the only charges listed and notes that the documents speak for themselves.</p>
14.	<p>The HUSP requires detainees to “clean up the tables, wipe down the tables, and sweep and mop the floors” in the common areas, Plaintiffs’ Ex. P., ECF No. 261-12 (Ceja 30(b)(6) Dep. at 36:24-37:9), as well as “clean the rec yard,</p>	<p><u>Dispute.</u> The rotating meal clean up, which Plaintiffs refer to as the “HUSP,” involves three tasks: two detainees sweep crumbs from the meal, two detainees mop if needed, and two detainees wipe the tables. The meal clean-up does not involve cleaning the phones, microwaves, garbage, showers, or recreation which are all VWP positions. Ex. I (Gallegos Dep. 130-133); Ex.</p>

	<p>wipe the [] phones, clean the microwave, change the garbage bag, clean the showers, disinfect the showers, [and] pick up all the trash.” Plaintiffs’ Opp. Ex. 2 (Hernandez-Ceren Dep. at 163:3-6)</p>	<p>B (Ceja 30(b)(6) Dep. 72-74, 77 (8/5/2020); Ex. J (Quezada Dep. 64-66).</p>
<p><b>15.</b></p>	<p>These tasks go beyond the basic housekeeping chores permitted by the PBNDS, which states: “Work assignments are voluntary; however, all detainees are responsible for personal housekeeping. Detainees are required to maintain their <i>immediate</i> living areas in a neat and orderly manner by: 1. making their beds daily; 2. stacking loose papers; 3. keeping the floor free of debris and dividers free of clutter; and 4. refraining from hanging/draping clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures or other furniture.” <i>See</i> Plaintiffs’ Ex. L, ECF No. 261-8 at 51 (GEO-MEN 00064345 (2011 PBNDS)) (emphasis added); <i>see also</i> Plaintiffs’ Ex. M, ECF No. 261-9 at 61-62 (GEO-MEN 00063294-95 (2008 PBNDS)); Plaintiffs’ Ex. N, ECF No. 261-10 at 3 (GEO-MEN 00063672 (INS Detention Standard))</p>	<p><u>Dispute</u>. This fact is predicated on the assumption that Plaintiffs’ additional fact 14 is accurate, which it is not as described above. Indeed, a number of the above tasks are performed as Voluntary Work Program positions as explicitly anticipated by the PBNDS. <i>See</i> Plaintiffs’ Ex. L, ECF No. 261-8 at 51 (GEO-MEN 00064345 (2011 PBNDS)) (emphasis added); <i>see also</i> Plaintiffs’ Ex. M, ECF No. 261-9 at 61-62 (GEO-MEN 00063294-95 (2008 PBNDS)); Plaintiffs’ Ex. N, ECF No. 261-10 at 3 (GEO-MEN 00063672 (INS Detention Standard)).</p> <p>Further, Plaintiffs cite to the Voluntary Work Program Section of the PBNDS, not the disciplinary section and provide no explanation as to how the Voluntary Work Program Section limits ICE’s disciplinary scale. Section 5.8 does not mention discipline and does not contain a cross-reference to the disciplinary severity scale despite having a specific section titled “References” which includes internal cross references to other sections of the PBNDS. There is no colorable argument that Section 5.8 instructs detainees that they can make a mess at each meal without the personal obligation to clean-up before moving on to their next activity or face the consequence of a reprimand or warning.</p>
<p><b>16.</b></p>	<p>GEO never verified with ICE whether common areas of the housing pods are part of the “living area” described in the PBNDS. Plaintiffs’ Ex. A,</p>	<p><u>Dispute</u>. ICE’s National Detainee Handbook instructs that detainees may be disciplined if they do not “keep areas that you use clean, including your living area and any general-use areas that you use.” ECF 310-1, 37.</p>

	ECF No. 261-2 (A. Martin Dep. 196:23-198:6)	
17.	The Department of Homeland Security’s Office of Inspector General concluded that “requiring detainees to clean common areas used by all detainees is in violation of ICE standards, as detainees are only required to clean their immediate living area.” Reply Ex. 17, ECF No. 287-17 at 8 (Theo Lacy OIG report)	<u>Dispute.</u> GEO states that this document is inadmissible hearsay and is not related to the Aurora facility so GEO has no knowledge of the same. Indeed, Plaintiffs cite to a blog post as the source of the report with no information about the reliability of that source. <i>See</i> ECF 287 at 4 (declaration of Michael Scimone). Further, the report does not address the Aurora Facility and is therefore not probative of any issue before this Court.
18.	The ICE/GEO contract incorporated the “DHS/ICE PBNDS (Performance Based National Detention Standards),” and stated that “a copy of the current version is obtainable on the internet Website: <a href="http://www.ice.gov/detention-standards/2008/">http://www.ice.gov/detention-standards/2008/.</a> ” The contract also required that “these constraints may change over time; the Contractor shall be knowledgeable of any changes to the constraints and perform in accordance with the most current version of the constraints.” Plaintiffs’ Ex. B, ECF No. 262-2, 37-38 (GEO-MEN 00019655-56). The 2011 PBNDS were published on February 27, 2012, and were thus the “most current” version of the PBNDS after that date. Reply Ex. 8, ECF No. 287-8 at 8 (ICE report re PBNDS)	GEO admits that the quoted statement appears in the document, but denies that any change in the PBNDS would automatically change GEO’s contract with ICE to incorporate new standards. GEO and ICE specifically incorporated each change to the PBNDS into its contract modifications so that any cost ramifications could be addressed prior to changing the contract requirements. Ex. G (Amber Martin Dep. 46-47). As to this specific change, on May 23, 2013, GEO entered into a contract modification with ICE (HSCEDM-11-D-00003/P00005) agreeing that, effective June 23, 2013, GEO would comply with the 2011 PBNDS. ECF 270 at 10 (Additional Undisputed Fact #12) (citing ECF 271-4, cited as “Ex. D”); ECF 262-3, 2 (GEO-MEN 00020406; ECF 270 at 10 (Additional Undisputed Fact #11, #12) (noting Plaintiffs proffer as undisputed the fact that HSCEDM-11-D-00003/P00005 was one of GEO’s contracts with ICE during the Class Period).
19.	GEO pays detainees more than \$1.00 per day at other ICE facilities, including \$1.00 to \$3.00 per day at its South	GEO admits that some detainees receive more than \$1.00 per day at other facilities but denies that <i>all</i> detainees at the listed facilities get the rates listed. Indeed, rates vary by position. GEO further states that

	<p>Texas Detention Facility, \$1.00 to \$2.50 per day at its Folkston ICE Processing Center, \$1.00 to \$3.00 per day at its Joe Corley Detention Facility, and \$1.00 to \$4.00 per day at its LaSalle Detention Facility. Plaintiffs’ Reply Ex. 13, ECF No. 287-13 at 11 (South Texas Detention Center Invoices); Plaintiffs’ Ex. A, ECF No., 261-2 (A. Martin Dep. 109:15-110:13); Plaintiffs’ Ex. BB, ECF No. 261-18 (GEO-MEN 00170339 (VWP Pay Rates))</p>	<p>this information is irrelevant to GEO’s contract with ICE for the Aurora facility.</p>
<p><b>20.</b></p>	<p>In these facilities where GEO pays detainees more than \$1.00 per day for VWP work, it does so “on [its] own dime.” Plaintiffs’ Ex. A, ECF No. 261-2 (A. Martin Dep. 107:18-22; 109:15-110:13)</p>	<p>Admit.</p>

# **EXHIBIT B**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:14-cv-02887-JLK-MEH

---

RULE 30(b)(6) DEPOSITION OF:  
DAWN CEJA, VOLUME I - August 5, 2020  
The GEO Group, Inc.  
(Via RemoteDepo)

---

ALEJANDRO MENOCA, MARCOS BRAMBILA, GRISEL  
XAHUENTITLA, HUGO HERNANDEZ, LOURDES ARGUETA,  
JESUS GAYTAN, OLGA ALEXAKLINA, DAGOBERTO  
VIZGUERRA, and DEMETRIO VALERGA, on their own and  
on behalf of all others similarly situated,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

---

PURSUANT TO NOTICE, the Rule 30(b)(6)  
deposition of DAWN CEJA, THE GEO GROUP, INC., Volume  
I, was taken on behalf of the Plaintiffs by remote  
means in Arapahoe County, Colorado, on August 5, 2020,  
at 9:04 a.m. MDT, before Sherry Wallin, Certified  
Realtime Reporter, Registered Merit Reporter and  
Notary Public within Colorado, appearing remotely from  
Adams County, Colorado.

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16 INFORMATION REQUESTED:

17 Page 93, Line 17

18 Page 175, Line 5

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1 WHEREUPON, the following proceedings  
2 were taken pursuant to the Federal Rules of Civil  
3 Procedure.

4 \* \* \* \* \*

5 THE REPORTER: The attorneys  
6 participating in this deposition acknowledge that I am  
7 not physically present in the deposition room and that  
8 I will be reporting this deposition remotely.

9 They further acknowledge that in lieu of  
10 an oath administered in person the witness will  
11 verbally declare her testimony in this matter is under  
12 penalty of perjury.

13 The parties and their counsel consent to  
14 this arrangement and waive any objections to this  
15 manner of reporting.

16 Please indicate your agreement by  
17 stating your name and your agreement on the record.

18 MS. SCHEFFEY: Adrienne Scheffey,  
19 counsel on behalf of defendant GEO, and we agree.

20 Sorry, Juno.

21 MS. TURNER: Juno Turner, class counsel  
22 for plaintiffs. We agree as well.

23 THE REPORTER: And Ms. Dawn Ceja, do you  
24 solemnly state that the testimony you are about to  
25 give in the cause now pending will be the truth, the

1 whole truth, and nothing but the truth?

2 THE DEPONENT: Yes.

3 DAWN CEJA,

4 having sworn to state the whole truth, testified as  
5 follows:

6 THE REPORTER: Thank you. Please  
7 proceed.

8 EXAMINATION

9 BY MS. TURNER:

10 Q. Thank you. Good morning, Ms. Ceja. We  
11 met briefly before we got on the record again. My  
12 name is Juno Turner, and I am one of the attorneys  
13 who's been appointed as class counsel for the  
14 plaintiff class in this matter.

15 Could you just please state your full  
16 name and business address for the record?

17 A. Dawn Ceja. Business address 3130 North  
18 Oakland Street, Aurora, Colorado 80010.

19 Q. Thank you. And is that the Aurora  
20 detention facility operated by The GEO Group?

21 A. Yes. The Aurora ICE Processing Center.

22 Q. Great. Thank you. And do you  
23 understand that although, given the circumstance of  
24 the deposition, the court reporter wasn't able to  
25 administer an oath to you in person, you've agreed to

1 is performed in the day area by housing units assigned  
2 to the rotation -- housing detainees assigned to the  
3 rotation, correct?

4 MS. SCHEFFEY: Object to form.  
5 Argumentative.

6 A. Those are just the meal cleanup.

7 Q. (BY MS. TURNER) Right. And the meal  
8 cleanup is a cleanup of the day area, correct?

9 MS. SCHEFFEY: Object to form.

10 A. Cleaning up the tables and sweeping,  
11 mopping the floor after meal service.

12 Q. (BY MS. TURNER) Right. And that's  
13 cleaning the day area, correct?

14 MS. SCHEFFEY: Object to form. Asked  
15 and answered. You can answer.

16 A. I don't know if it's a mix on words or a  
17 play on words, but -- if we want to encompass  
18 everything? I'm not sure if I'm understanding what  
19 you're asking, then, or if you're just saying the same  
20 question a different way.

21 Q. (BY MS. TURNER) I'm just saying -- my  
22 question is how you can be sure that this references  
23 only VWP workers.

24 MS. SCHEFFEY: Object to form.

25 A. In my experience and working there for

1 25 years, that's my experience.

2 Q. (BY MS. TURNER) So your experience is  
3 that only VWP -- only VWP workers are charged with  
4 cleaning the day areas?

5 MS. SCHEFFEY: Object to form.  
6 Misstates prior testimony.

7 A. That's not what I'm saying. I don't  
8 want to have you confuse the two. You have your daily  
9 ones that are assigned just to clean up after meal  
10 service; and at this time, in 2010, you also had unit  
11 trustees that would clean the day area before bed,  
12 clean up the showers, clean up the bathroom. That was  
13 all part of VWP.

14 Q. (BY MS. TURNER) Okay. Just to clarify,  
15 this document we reviewed a few minutes ago dates from  
16 2013, correct?

17 A. No, 2014. Isn't it 2014? I'm sorry.

18 Q. 2013, I think. If you look at  
19 page 1509, it says August 20, 2013.

20 A. 2013, yes.

21 Q. So it's your testimony that VWP workers,  
22 before everybody goes to bed, would clean the common  
23 areas; and it's your testimony that VWP workers would  
24 clean the bathrooms in the housing units, correct?

25 A. Yes.

1 MS. SCHEFFEY: Object to form.

2 Q. (BY MS. TURNER) However, you also  
3 testified that each day a group of detainees is  
4 required to clean up after the meals, correct?

5 A. It's two different things.

6 Q. Right. That's why I said you also  
7 testified that there is a group of detainees outside  
8 of the VWP who are assigned to clean up after meals in  
9 the housing unit, correct?

10 MS. SCHEFFEY: Object to form.

11 A. Yes.

12 Q. (BY MS. TURNER) And that cleaning  
13 consists of wiping down the furniture, sweeping the  
14 floors. Might it consist of mopping the floors as  
15 well?

16 A. Yes.

17 Q. Okay. And they do that after each meal,  
18 correct?

19 A. Yes. In the general use area.

20 Q. Okay. So it seems to me that this  
21 language at the bottom of 1506 regarding housekeepers  
22 encompasses work done by both individuals in the VWP  
23 and individuals who are assigned to clean up after  
24 meals.

25 MS. SCHEFFEY: Object to form. Asked

1 are responsible for cleaning up after themselves, both  
2 in their cells and in the general common use areas,  
3 correct?

4 MS. SCHEFFEY: Object to form.  
5 Misstates prior testimony.

6 A. No. I think you're confusing it.  
7 There's --

8 Q. (BY MS. TURNER) Okay. Tell me why I'm  
9 confused.

10 A. There is the group that is assigned, the  
11 five or six detainees that clean up after the meal  
12 service. That's one set.

13 And then you have your trustees, your  
14 porters, your whatever you want to call them that fall  
15 under the VWP that do all of the other cleanup like in  
16 the showers and the bathrooms.

17 Q. Right.

18 A. Or at the end of the evening in the  
19 common area.

20 Q. Right. Okay. So that's -- I think  
21 we're on the same page. But my only question is, in  
22 addition, I believe just a moment ago you testified  
23 that pursuant to the housing unit sanitation policy  
24 all detainees are generally required to keep their  
25 housing unit clean, correct?



1 Q. Okay. And if you just sort of scroll  
2 through the document, you'll see a number of places  
3 where there appears additional highlighting. Do you  
4 see that?

5 A. Yes.

6 Q. Okay. And I'm wondering if that  
7 highlighting indicates changes that were made from the  
8 prior version, if you know.

9 A. Yes. Typically, when items were  
10 highlighted, that would mean that they're either  
11 being -- there is some type of change.

12 Q. And I will just note for the record that  
13 the document that we've marked as Exhibit 7 contains  
14 those same -- the language that is highlighted, but it  
15 is no longer highlighted. And so is it possible that  
16 that indicates that Exhibit 7 is, in fact, a finalized  
17 version?

18 A. It's possible, but I wouldn't know for  
19 sure until I saw a signed copy. But. . .

20 MS. TURNER: Okay. So we'll leave it,  
21 Adrienne, that you all will verify on your end and, if  
22 necessary, will produce her again to ask about any  
23 differences between this and some other final version,  
24 okay?

25 MS. SCHEFFEY: Okay.

1 it back in the chat for you. Would you like me to do  
2 that?

3 A. Yes, please.

4 Okay.

5 Q. Okay. And so in reviewing the  
6 procedures set forth in this document, we talked about  
7 a number of different types of documents that are  
8 generated through the disciplinary process.

9 When -- so starting at sort of the most  
10 basic level, with the general incident report, you  
11 testified that that's something that an officer can  
12 complete about any incident that happens during the  
13 course of a shift, correct?

14 A. Yes.

15 Q. And are those general incident reports  
16 shared with ICE?

17 A. Yes.

18 Q. In what context?

19 A. What do you mean?

20 Q. Like do you hand somebody, you know, a  
21 member of the ICE team at the facility a document? Do  
22 you send it to them by email? Is it shared in a  
23 meeting? How are the general incident reports shared  
24 with ICE?

25 A. I guess it would depend on the time. I

1 mean, if we're talking all the way back in 2004 and  
2 2005, it was probably all hard copy and put in  
3 somebody's mailbox or hand delivered to them. As  
4 technology has grown, a lot of that is emailed.

5 Q. And then what about the incident reports  
6 that are generated as part of the disciplinary  
7 process, are those shared with ICE?

8 A. Yes.

9 Q. And same question as to them. Are they  
10 provided in hard copy? Are they emailed? Has the  
11 process changed over time?

12 A. It will be the same response, how it's  
13 changed over time.

14 Q. Okay. Are there -- during the time  
15 period covered by this case, did you or other GEO  
16 personnel at the Aurora facility have meetings  
17 regularly with ICE personnel at the facility?

18 A. Yes.

19 Q. Is there a name for those meetings?

20 A. We just refer to them as weekly  
21 meetings.

22 Q. And were they weekly?

23 A. Yes.

24 Q. They were in person?

25 A. The majority of them, yes.

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REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

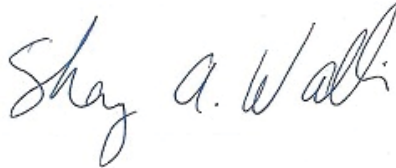
I, SHERRY WALLIN, Certified Realtime Reporter, Registered Merit Reporter and Notary Public ID 19874212873, State of Colorado, do hereby certify that previous to the commencement of the examination, the said DAWN CEJA verbally declared her testimony in this matter is under penalty of perjury; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this 10th day of August, 2020.

My commission expires May 14, 2023.

Reading and Signing was requested.  
 Reading and Signing was waived.  
 Reading and Signing is not required.



\_\_\_\_\_  
Sherry Wallin  
Certified Realtime Reporter  
Registered Merit Reporter

# **EXHIBIT D**

**Scheffey, Adrienne (Assoc-Den)**

---

**From:** [REDACTED]@ice.dhs.gov>  
**Sent:** Friday, July 24, 2020 2:15 PM  
**To:** Scheffey, Adrienne (Assoc-Den); [REDACTED]; [REDACTED]  
**Cc:** Barnacle, Colin (Ptrn-Den); mley@bflaw.com; deismeier@bflaw.com  
**Subject:** RE: Menocal v. GEO Group - Subpoenas served on ICE

Hi Adrienne,

Ms. Ely did not review the detainee handbook to prepare her declaration. With regard to the sanitation procedures, she looked at it only to the extent it was necessary to do so in order to prepare the declaration.

Thanks.

---

**From:** adrienne.scheffey@akerman.com <adrienne.scheffey@akerman.com>  
**Sent:** Friday, July 24, 2020 12:00 PM  
**To:** [REDACTED]@ice.dhs.gov; [REDACTED]@ice.dhs.gov; Si [REDACTED]  
[REDACTED]@ice.dhs.gov; [REDACTED]@ice.dhs.gov; [REDACTED]  
**Cc:** colin.barnacle@akerman.com; mley@bflaw.com; deismeier@bflaw.com  
**Subject:** RE: Menocal v. GEO Group - Subpoenas served on ICE

**CAUTION:** This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact [ICE SOC SPAM](#) with questions or concerns.

[REDACTED]

Following up on this as it is relevant to the same filings that Plaintiffs referenced in their emails about Ms. Sanchez.

Best,

**Adrienne Scheffey**  
Akerman LLP | 1900 Sixteenth Street, Suite 1700 | Denver, CO 80202  
D: 303 640 2512 | T: 303 260 7712  
[adrienne.scheffey@akerman.com](mailto:adrienne.scheffey@akerman.com)

---

**From:** Scheffey, Adrienne (Assoc-Den)  
**Sent:** Friday, July 17, 2020 12:22 PM  
**To:** R [REDACTED]@ice.dhs.gov; [REDACTED]@ice.dhs.gov; [REDACTED]  
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**Cc:** Barnacle, Colin (Ptrn-Den) <[colin.barnacle@akerman.com](mailto:colin.barnacle@akerman.com)>; [mley@bflaw.com](mailto:mley@bflaw.com); [deismeier@bflaw.com](mailto:deismeier@bflaw.com)  
**Subject:** RE: Menocal v. GEO Group - Subpoenas served on ICE

[REDACTED]

Thank you. I want to make sure that I am not misunderstanding your email below. My understanding is that in drafting the declaration, Ms. Ely reviewed only Contract Nos. ACD-3-C-0008, HSCEOP-06-D-00010, and HSCEDM-11-D-00003 and not the Detainee Handbook or the Sanitation Procedures. Is that correct?

Best,

# **EXHIBIT E**

STEVE KING  
4th District, Iowa

COMMITTEES:

# Congress of the United States

AGRICULTURE

## ICE OES

House of Representatives

JUDICIARY

MAR 20 2018

Washington, DC 20515-1504

SMALL BUSINESS

March 7, 2018

The Honorable Jefferson B. Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Alexander Acosta  
Secretary  
U.S. Department of Labor  
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Washington, D.C. 20210

Thomas D. Homan  
Acting Director  
U.S. Immigration and  
Customs Enforcement  
500 12<sup>th</sup> Street, SW  
Washington, DC 20536

**Re: Recent Lawsuits Seeking Substantial Payments to Alien Detainees for Voluntary Institutional Work Performed while in Immigration Detention at Contract Detention Facilities**

Dear Attorney General Sessions, Secretary Acosta, and Acting Director Homan:

We write to inquire as to whether your agencies are taking any actions or adopting any legal positions to address recent lawsuits filed by pro-immigration interest groups and activist state government officials seeking substantial payments from government contractors for work done by alien detainees for institutional maintenance purposes pursuant to what is known as the Voluntary Work Program (VWP). We are currently aware of the existence of at least five such nuisance lawsuits filed against Contract Detention Facilities (CDFs). The core allegations of each of these lawsuits is that the CDFs' payments of \$1 per day to detainees who work in the VWP violates state minimum wage laws, the Trafficking Victims Protection Act (TVPA), unjust enrichment, and other labor law statutes and doctrines.

A few facts are important to note at the outset. First, any alien detained at a CDF is being detained at a facility that is contractually required to meet federal standards as established by Immigration and Customs Enforcement's (ICE) 2011 Performance-Based National Detention Standards (PBNDS). The PBNDS are considered to be among the leading standards in the country for ensuring safe and humane detention conditions. Second, contractors are required by both the PBNDS, and by their contracts with ICE, to provide detainees with opportunities for voluntary work assignments at all CDFs. Third, contractors are paying detainees \$1 per day for work under the VWP because that is the statutory reimbursement rate expressly set by Congress for paying aliens for voluntary work in this specific instance. In other words, if an alien is detained at a facility operated solely by ICE, they are paid \$1 per day for voluntary work. The inexplicable premise of these lawsuits is that aliens should be paid 800% to 1500% more for work at CDFs than at ICE-operated facilities, even though these facilities serve the exact same purpose, engage in the exact same mission (i.e. detention and removal), and even though an alien's placement at any particular detention facility has nothing to do with the Voluntary Work Program.

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[HTTP://WWW.STEVEKING.HOUSE.GOV](http://www.steveking.house.gov)

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ICE-FOIA2018\_0000087



To be clear, alien detainees performing institutional work at CDFs are not employees of the facilities detaining them, and should not be able to file lawsuits seeking remuneration as if they were employees of these facilities. It is our expectation that you will soon get involved in this litigation and take the position that these lawsuits lack legal merit and should be dismissed.

It is important to emphasize that the VWP is not a new program. It was initially authorized in 1950, and was codified that year in Title 8, Section 1555, which states that “Appropriations now or hereafter provided for the Immigration and Naturalization Service shall be available for. . . (d) payment of allowances (at such rate as may be specified from time to time in the appropriation Act involved) to aliens, while held in custody under the immigration laws, for work performed.” Pursuant to the Department of Justice Appropriation Act of 1978, Congress has explicitly stated that “payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under the immigration laws, for work performed,” is the rate that is to be paid to aliens in immigration detention. Pub. L. No. 95-86, 91 Stat. 419, 426 (1978). This is the statutory reimbursement rate that continues to govern work performed pursuant to the VWP.

For decades, including during the Obama Administration, pursuant to these established guidelines, facilities have been paying alien detainees \$1 per day for VWP work without any legal controversy. ICE-operated facilities pay aliens \$1 per day and are not being sued, and ICE’s contracts with CDFs only provide reimbursement for work at the same rate of \$1 per day pursuant to the 1978 statute. The reason there has been no past issue with this program has been because the purpose of the program, as articulated even by the Obama Administration, is to: (1) enhance detention operations and services through detainee productivity; and to (2) reduce the negative impact of confinement through decreased idleness, improved morale, and fewer disciplinary incidents.<sup>1</sup>

Simply put, work under the VWP does not violate the TVPA, the FLSA, state minimum-wage laws, or any other laws. Alien detainees who perform work under the VWP while in contractor custody are not “employees” of these facilities, as they are unauthorized to work by the Secretary of Homeland Security pursuant to 8 U.S.C. § 1324a and are performing work for institutional maintenance, not compensation. See Genco Op. No. 92-8 (INS), 1992 WL 1369347. Moreover, the state law minimum wage and unjust enrichment claims in these cases are preempted by federal law, as detainees are being paid for work within a field of immigration enforcement exclusively controlled by federal law. This is because ICE is barred by Congress from reimbursing work at a rate of higher than \$1 per day. It would provide an unnecessary windfall to the detainees, and drain the federal government of limited taxpayer resources, to require contractors to pay these detainees anywhere between 800%-1500% above what is currently required by law. These costs will simply be passed on to the taxpayers either through a required higher rate of contractual reimbursement or through increased detention costs generally.

The very goal of the advocates who file these lawsuits is to raise the overall costs of immigration detention, in order to discourage its use and diminish the overall level of immigration enforcement in the United States. If these lawsuits succeed, in the absence of immigration detention, the rate of alien “no-shows” to immigration court and the rate of recidivist arrests will undoubtedly increase. These lawsuits are being filed by the same organizations and jurisdictions that are

---

<sup>1</sup> U.S. Immigration and Customs Enforcement, Performance-Based National Detention Standards 2011, *available at* <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf> (Page 405)

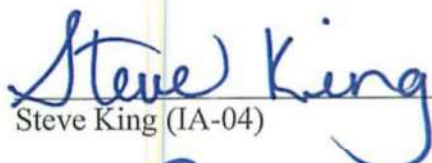
advancing sanctuary city and sanctuary state legislation and who join states and localities to file lawsuits against the Trump Administration's efforts to prioritize the removal of criminal aliens.


There are three critical steps that your agencies can take in very short order that can assist the Courts in clarifying the legal obligations under the VWP.

- First, ICE can issue guidance that updates legacy-INS guidance from February 26, 1992, and makes it clear that alien detainees who perform work at CDFs under the VWP while in contractor custody are not considered "employees" of the facilities.
- Second, DOJ and ICE can participate in the pending litigation either as a party, an interested entity under 28 U.S.C. § 517, or as an *amicus curiae*.
- Third, the Department of Labor can issue clarifying guidance that neither the FLSA nor the federal minimum wage laws apply to alien detainees who perform work at CDFs under the VWP.

Alien detainees should not be able to use immigration detention as a means of obtaining stable employment that will encourage them to pursue frivolous claims to remain in the country and in detention for as long as possible. Unless your agencies act to intervene in these lawsuits, immigration enforcement efforts will be thwarted and the end result will be millions of dollars of unnecessary loss to the federal government in terms of additional expenses for immigration detention.

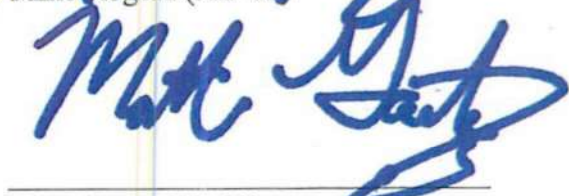
Please let us know if you have any questions.

  
 Steve King (IA-04)

  
 Lamar Smith (TX-21)

  
 Mike Rogers (AL-03)

  
 Paul A. Gosar D.D.S. (AZ-04)

  
 Matt Gaetz (FL-01)

  
 Andy Biggs (AZ-05)



Louie Gohmert (TX-01)



Dana Rohrabacher (CA-48)



Paul Cook (CA-08)



Scott Taylor (VA-02)



Earl L. "Buddy" Carter (GA-01)



John Ratcliffe (TX-04)



Jody Hice (GA-10)



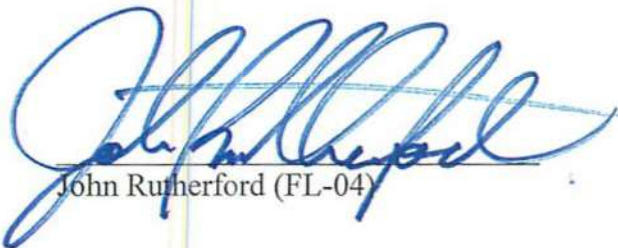
Duncan Hunter (CA-50)



Bob Gibbs (OH-07)



Brian Babin, D.D.S. (TX-36)



John Rutherford (FL-04)



Barry Loudermilk (GA-11)





ICE OES  
MAR 20 2018

U.S. House of Representatives  
WASHINGTON, DC 20515-1504

OFFICIAL BUSINESS

*Steve King*

Thomas D. Homan M.C.  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, DC 20536





DHS-CRDS  
2018 MAR 16 AM 7:29

# **EXHIBIT F**



# United States Senate

WASHINGTON, DC 20510

December 15, 2017

The Honorable John Carter  
Chairman  
House Committee on Appropriations  
Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard  
Ranking Member  
House Committee on Appropriations  
Subcommittee on Homeland Security

The Honorable John Boozman  
Chairman  
Senate Committee on Appropriations  
Subcommittee on Homeland Security

The Honorable Jon Tester  
Ranking Member  
Senate Committee on Appropriations  
Subcommittee on Homeland Security

Dear Chairman Carter, Ranking Member Roybal-Allard, Chairman Boozman, and Ranking Member Tester:

As your Subcommittees consider FY18 Department of Homeland Security (DHS) appropriations, we urge you to include report language to mandate that all Immigration and Customs Enforcement (ICE) detention system facilities, including contract facilities and local and county jails operating under Inter-Governmental Service Agreements, meet ICE 2011 Performance-Based National Detention Standards (PBNDS) requirements as last revised in 2016.<sup>1</sup>

Mandating that all ICE detention system facilities meet updated PBNDS requirements will help mitigate troubling current limits on oversight and accountability in federal immigration detention practices. Implementing these standards is especially important given the dramatic increase in arrests by ICE and efforts under this administration to expand the incarceration of immigrants. These trends, combined with plans by DHS to use criminal detention standards for a civil detention system, require immediate attention by Congress.<sup>2</sup>

ICE PBNDS – overhauled with diverse stakeholder input in 2011, updated in 2013 and again last year– reflect a critical step to improve health and safety within immigrant detention facilities. ICE has failed, however, to conduct reasonable inspections of and broadly apply PBNDS requirements to all of the more than two hundred facilities in its detention system. In fact, the most recent data made publicly available by ICE – which was only released in the course of Freedom of Information Act (FOIA) litigation – reveals that 151 of the 201 detention facilities

<sup>1</sup> U.S. Immigration and Customs Enforcement, *2011 Operations Manual ICE Performance-Based National Detention Standards*, and *Summary of Revisions to ICE Performance-Based National Detention Standards*, Dec. 2016, available at <https://www.ice.gov/detention-standards/2011>

<sup>2</sup> John Burnett, *Big Money as Private Immigrant Jails Boom*, NPR, Nov. 21, 2017, available at <https://www.npr.org/2017/11/21/565318778/big-money-as-private-immigrant-jails-boom>; Caitlin Dickerson, *Trump Plan Would Curtail Protections for Detained Immigrants*, THE NEW YORK TIMES, Apr. 13, 2017, available at <https://www.nytimes.com/2017/04/13/us/detained-immigrants-may-face-harsher-conditions-under-trump.html>

currently in use by ICE are inspected using woefully out of date 2000 National Detention Standards.<sup>3</sup>

Poor conditions and inhumane treatment of immigrants within ICE detention facilities continue to fuel tragic and unjust consequences. Immigrants suffer mentally and physically – some have even lost their lives – as a result of dangerous, cruel, and unsanitary conditions and medical negligence within some facilities.<sup>4</sup> A majority of immigrants in ICE detention facilities additionally face immense barriers to access counsel to assist them in their complex immigration legal proceedings, which violates principles of due process.<sup>5</sup>

Mandating that all facilities within the ICE detention system meet the most current PBNDS requirements as a condition of DHS appropriations would create a powerful framework for oversight and accountability to drive necessary reform of an intolerable federal immigration detention status quo.

Thank you for your consideration of our request and for your considerable efforts on FY18 appropriations.

Sincerely,



KAMALA D. HARRIS  
United States Senator



TAMMY DUCKWORTH  
United States Senator

<sup>3</sup> ICE released its detention facility matrix as of July 2017 to the Center for Constitutional Rights and Detention Watch Network in the course of FOIA litigation. The spreadsheet is maintained on the website of the National Immigrant Justice Center at <http://immigrantjustice.org/index.php/issues/transparencandhumanrights>.

<sup>4</sup> See, e.g., American Civil Liberties Union, Detention Watch Network, National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, Feb. 2016, available at <https://www.immigrantjustice.org/research-items/report-fatal-neglect-how-ice-ignores-deaths-detention>; Human Rights Watch, *Systemic Indifference: Dangerous and Substandard Medical Care in U.S. Immigration Detention*, May 2017, available at <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention>.

<sup>5</sup> See Otis Taylor Jr., *Conditions worsen for some ICE detainees at Richmond jail*, THE SAN FRANCISCO CHRONICLE, Nov. 10, 2017, available at <http://www.sfchronicle.com/news/article/Conditions-worsen-for-some-ICE-detainees-at-12346066.php>; Miriam Valverde, *How do standards measure up at immigration detention centers? A special report*, POLITIFACT, Sept. 10, 2017, available at <http://www.politifact.com/truth-o-meter/article/2017/sep/06/immigration-detention-expansion/>; Office of the Inspector General, U.S. Department of Homeland Security, *Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*, Mar. 6, 2017, available at <https://www.oig.dhs.gov/sites/default/files/assets/Mga/2017/oig-mga-030617.pdf>; Homeland Security Advisory Council, U.S. Department of Homeland Security, *Report of the Subcommittee on Privatized Immigration Detention Facilities*, Dec. 1, 2016, available at <http://www.trbas.com/media/media/acrobat/2016-12/70003382918880-01141658.pdf>; U.S. Government Accountability Office, *Immigration Detention: Additional Actions Needed to Strengthen Management and Oversight of Detainee Medical Care*, Feb. 2016, available at <http://www.gao.gov/assets/680/675484.pdf>



*Edward J. Markey*

EDWARD J. MARKEY  
United States Senator

*Catherine Cortez Masto*

CATHERINE CORTEZ MASTO  
United States Senator

*Mazie Hirono*

MAZIE K. HIRONO  
United States Senator

*Cory A. Booker*

CORY A. BOOKER  
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*Richard Blumenthal*

RICHARD BLUMENTHAL  
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*Sheldon Whitehouse*

SHELDON WHITEHOUSE  
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*Robert Menendez*

ROBERT MENENDEZ  
United States Senator

*Elizabeth Warren*

ELIZABETH WARREN  
United States Senator

*Kirsten Gillibrand*

KIRSTEN GILLIBRAND  
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*Bernard Sanders*

BERNARD SANDERS  
United States Senator

*Ron Wyden*

RON WYDEN  
United States Senator

*Jeffrey A. Merkley*

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United States Senator

*Bob Casey, Jr.*

ROBERT P. CASEY, JR  
United States Senator

*Tim Kaine*

TIM KAINE  
United States Senator

# **EXHIBIT G**

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLORADO

CIVIL ACTION NO.: 1:14-CV-02887-JLK

ALEJANDRO MENOCA, et al.,

Plaintiffs,

-vs-

THE GEO GROUP, INC.,

Defendant.

---

DEPOSITION OF AMBER MARTIN

Friday, February 28, 2020  
9:23 a.m. - 11:40 a.m.

SHAVITZ LAW GROUP, PA  
951 Yamato Road, Suite 285  
Boca Raton, Florida

Stenographically Reported By:  
JULIE BRUENS, FPR  
Florida Professional Reporter

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BY: CHERYL WILKE, ESQUIRE

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(EXHIBITS RETAINED BY MS. TURNER.)



1 increased from one dollar per day to "at least one  
2 dollar per day". Do you see that?

3 A. Yes.

4 Q. Okay. Was GEO aware of this change to the  
5 PBNDS?

6 A. Yes.

7 Q. And did GEO make any changes to the  
8 compensation it pays to detainees as a result of this  
9 change to the PBNDS?

10 A. Not at Aurora, no.

11 Q. What about at other facilities?

12 A. I don't believe there was any changes made.  
13 There are different compensations at different  
14 facilities, but there's no changes made, no.

15 Q. So to the extent that the compensation was  
16 more at other facilities, it wasn't because of this  
17 change to the PBNDS?

18 A. Correct.

19 Q. When, as in this document, ICE has made  
20 changes to the PBNDS that effects GEO's operations, how  
21 does that -- how does GEO sort of account for those  
22 changes in operating the Aurora facility?

23 A. Well, this change here had several different  
24 layers. There was optimal standards, and there was  
25 standards, and we had a negotiation back and forth with

1 ICE on which standards they wanted us to use. When  
2 those standards were memorialized, we changed any  
3 handbooks, policies, and procedures that were  
4 applicable.

5 Q. Okay. So ICE rolls out this new set of  
6 standards, and GEO and ICE have a conversation about the  
7 degree to which GEO's operations need to adjust to  
8 reflect those new standards; is that correct?

9 A. Correct. There were several standards that  
10 had financial impact, and so there was discussions  
11 whether, you know, those standards wanted to be changed  
12 by ICE. That's why they sub-categorized them.

13 Q. And you say whether those standards wanted to  
14 be changed by ICE. What does that mean?

15 A. Like I said, there's optimal standards, and  
16 then I can't remember the other word, but there were  
17 provisional standards, and any time there was a  
18 financial impact that was significant to the government,  
19 then we decided -- you know, we had discussions on  
20 whether or not to -- ICE would enforce those standards.  
21 That's why they had two categories of standards.

22 Q. And the two categories again were --

23 A. Optimal, and I can't remember the other word.

24 Q. Was one of them mandatory?

25 A. It may have been.



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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA,  
COUNTY OF PALM BEACH.

I, Julie Bruens, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of AMBER MARTIN; pages 1 through 77; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

Dated this 4th day of March, 2020.



---

Julie Bruens, FPR  
Florida Professional Reporter

# **EXHIBIT H**

Daniel Ragsdale  
February 27, 2020

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

CIVIL ACTION NO.: 1:14-cv-02887-JLK

ALEJANDRO MENOCA, et al.,

Plaintiffs,

-vs-

THE GEO GROUP, INC.,

Defendant.

\_\_\_\_\_ /

DEPOSITION OF DANIEL RAGSDALE

Thursday, February 27, 2020  
9:20 a.m. - 3:14 p.m.

Shavitz Law Group, P.A.  
951 Yamato Road, #285  
Boca Raton, Florida 33431

Stenographically Reported By:  
JOYCE L. BLUTEAU, RPR, FPR  
Registered Professional Reporter  
Florida Professional Reporter

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BY: CHERYL L. WILKE, ESQUIRE, VP CORPORATE COUNSEL

- - -

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## 13 PLAINTIFF'S EXHIBITS

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15 (Exhibits were retained by Ms. Turner.)

16

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21 2 5/27/03 Contract with the Department of 18

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11 ALDF Standard 71

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1 E on page 1511, that this is part of the Voluntary Work  
2 Program?

3 A. I know it because of my understanding of what  
4 the Housing Unit Sanitation Policy is and sort of what  
5 the requirements are, and what the Voluntary Work  
6 Program, which I think we looked at a document that sort  
7 of lists -- I think it was the first contract, Exhibit 2  
8 that you showed me that sort of laid out what some of  
9 those other possible tasks could be.

10 Q. So, in your understanding, what cleaning is  
11 required of detainees as part of their responsibility to  
12 keep their personal living area clean?

13 A. My understanding is their immediate living  
14 area, meaning their bed, their personal property, that  
15 area, and then shared elements in their housing units.

16 Q. And the shared elements in their housing units,  
17 I know you don't understand the specific details, but  
18 those are cleaned pursuant to some sort of rotation; is  
19 that correct?

20 A. Yes.

21 Q. So I go back to Exhibit 3, the contract, if you  
22 can take a look at page 59666.

23 A. Yes.

24 Q. So at the top of this page it says,  
25 "Performance Requirements Summary."

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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA,            )  
COUNTY OF PALM BEACH.         )

I, Joyce L. Bluteau, Registered Professional Reporter, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of DANIEL RAGSDALE; pages 1 through 183; that a review of the transcript was requested; and that the transcript is a true record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 3rd day of March, 2020.



\_\_\_\_\_  
Joyce L. Bluteau,  
Registered Professional Reporter  
Florida Professional Reporter

# **EXHIBIT I**

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IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLORADO

Civil Action No.: 1:14-cv-02887-JLK

---

RULE 30(b)(6) DEPOSITION OF  
SERGIO GALLEGOS  
THE GEO GROUP, INC.  
June 30, 2020  
via RemoteDepo

---

ALEJANDRO MENOCA, ET AL.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

---

PURSUANT TO NOTICE, the Rule 30(b)(6)  
deposition of SERGIO GALLEGOS was taken on behalf of  
the Plaintiffs by remote means, on June 30, 2020, at  
10:03 a.m., before Shannon Clementi, Registered  
Professional Reporter, Colorado Realtime Certified  
Reporter and Notary Public, appearing remotely from  
Arapahoe County, Colorado.

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Also Present:

Natasha Viteri  
Daniel Perkins

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1                   WHEREUPON, the following proceedings  
2 were taken pursuant to the Colorado Rules of Civil  
3 Procedure.

4                   \*           \*           \*           \*           \*

5                   THE REPORTER: The attorneys participating  
6 in this deposition acknowledge that I am not physically  
7 present in the deposition room and that I will be  
8 reporting this deposition remotely. They further  
9 acknowledge that in lieu of an oath administered in  
10 person, the witness will verbally declare his testimony  
11 in this matter is under penalty of perjury. The  
12 parties and their counsel consent to this arrangement  
13 and waive any objections to this manner of reporting.

14                   Please indicate your agreement by stating  
15 your name and agreement on the record.

16                   THE WITNESS: Sergio Gallegos.

17                   EXAMINATION

18 BY MR. HOOD:

19                   Q. All right. Could you one more time just  
20 state your full name on the record, sir.

21                   A. Sergio Gallegos.

22                   Q. Thank you.

23                   And, actually, you know what, moving a  
24 little closer to the computer would help with audio.  
25 That might help.



1 A. The trustees.

2 Q. Okay. All right. And meaning -- and I'll  
3 just ask this a different way.

4 Are the detainees that clean the showers  
5 in the pods with cells -- are they paid to clean the  
6 showers?

7 A. Yes.

8 Q. Do you know how much they're paid?

9 A. I believe it's one dollar a day. I think  
10 so.

11 Q. Okay. And then, again, in the pods with  
12 cells, who cleans the common space that we talked about  
13 earlier?

14 A. All the detainees and the trustees, too.

15 Q. Okay. So are the detainees that clean the  
16 common space in the pods with cells -- are they paid or  
17 not paid for that cleaning?

18 A. I don't believe they're paid.

19 Q. Okay.

20 A. They only clean after they eat.

21 Q. Okay. How many times a day do they eat?

22 A. Three times: Breakfast, lunch and dinner.

23 Q. Approximately how much time do they spend  
24 cleaning after eating?

25 A. Five, ten minutes. Everybody watch the

1 TVs, so . . . they clean pretty fast.

2 Q. Okay. And do they all clean together?

3 A. No. Usually six detainees and the two  
4 trustees.

5 Q. So some detainees are paid for cleaning  
6 after -- after a meal?

7 A. The trustees only.

8 Q. So what are the detainees doing during  
9 this post-meal cleaning in the common area?

10 A. Everybody goes to the top tier to watch  
11 TV, or they go close their door. That way they let  
12 everybody -- let the other guys sweep and wipe the  
13 tables and mop, and everybody goes to sit back down to  
14 do what they were doing.

15 Q. Okay. And it's both trustees who are paid  
16 and detainees who aren't paid who are providing this  
17 work?

18 A. Yes.

19 Q. How many trustees are there that provide  
20 this common space cleaning after a meal?

21 A. Two.

22 Q. How many unpaid detainees are there that  
23 provide this cleaning service after a meal?

24 A. There's six.

25 Q. So let's talk about the two trustees. Are

1 their job duties the same as the unpaid detainees or  
2 different?

3 A. Different.

4 Q. What do they do?

5 A. The trustees?

6 Q. Yes.

7 A. They -- the trustees maintain the showers.  
8 They throw out trash.

9 Q. I'm sorry. I didn't mean in general; I  
10 mean during this cleanup time after a meal.

11 You said there were two trustees who  
12 helped with the cleaning, and then you said they do  
13 different work than the unpaid detainees. So I'm just  
14 wondering what the difference is between the work  
15 provided by the trustees after clean -- or during that  
16 cleaning and detainees during that cleaning.

17 A. The detainees, that they're not trustees?  
18 Two at the tables, two sweep and two mop.

19 Q. Okay. Maybe I misunderstood you earlier,  
20 and that's probably the source of this.

21 Do the detainees help with the cleaning  
22 after a meal?

23 A. Yes.

24 Q. What do they do?

25 I said "detainees," didn't I? Now I'm

1 adding to the confusion.

2 Do the trustees help with the cleaning  
3 after a meal in the pods with cells?

4 A. Yes.

5 Q. Okay. What do the trustees do during that  
6 cleaning?

7 A. They wipe the phones. They clean the  
8 microwaves. They clean the table where the micro sink  
9 [sic] -- the sink.

10 Q. Okay.

11 A. They go change the water. They get the  
12 water -- clean water for the mops.

13 Q. Okay. And then what do the detainees do  
14 during this cleaning after a meal in the common spaces  
15 of cells with -- or pods with cells?

16 A. Ask that again?

17 Q. Yeah. So we talked about what the  
18 trustees do during that cleaning time. Now I want to  
19 know what the detainees do during that cleaning after  
20 meals in pods with cells.

21 A. Wipe the tables, sweep the floors, mop the  
22 floors.

23 Q. Okay. And you said six --

24 A. Usually, yes.

25 Q. And I'm sorry. You predicted my question,

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REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

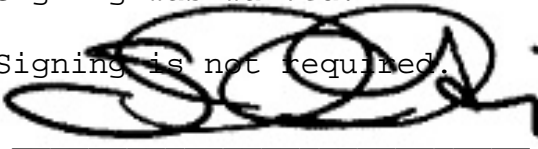
I, Shannon Clementi, Registered Professional Reporter, Colorado Realtime Certified Reporter and Notary Public ID 20004025632, State of Colorado, do hereby certify that previous to the commencement of the examination, the said SERGIO GALLEGOS verbally declared his/her testimony in this matter is under penalty of perjury; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

IN WITNESS WHEREOF, I have affixed my signature this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

My commission expires June 3, 2021.

- Reading and Signing was requested.
- Reading and Signing was waived.
- Reading and Signing is not required.



Shannon Clementi  
Registered Professional Reporter  
Colorado Realtime Certified Reporter

# **EXHIBIT J**

Joyce Quezada  
July 28, 2020

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:14-cv-02887-JLK

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DEPOSITION OF  
JOYCE QUEZADA - July 28, 2020  
via RemoteDepo

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ALEJANDRO MENOCA, ET AL.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

---

PURSUANT TO NOTICE, the deposition of  
JOYCE QUEZADA was taken on behalf of the Plaintiffs by  
remote means, on July 28, 2020, at 9:32 a.m., before  
Shannon Clementi, Registered Professional Reporter,  
Colorado Realtime Certified Reporter and Notary Public,  
appearing remotely from Arapahoe County, Colorado.

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1                   WHEREUPON, the following proceedings  
2 were taken pursuant to the Colorado Rules of Civil  
3 Procedure.

4                   \*           \*           \*           \*           \*

5                   THE REPORTER: The attorneys participating  
6 in this deposition acknowledge that I am not physically  
7 present in the deposition room and that I will be  
8 reporting this deposition remotely. They further  
9 acknowledge that in lieu of an oath administered in  
10 person, the witness will verbally declare her testimony  
11 in this matter is under penalty of perjury. The  
12 parties and their counsel consent to this arrangement  
13 and waive any objections to this manner of reporting.

14                   Please indicate your agreement by stating  
15 your name and agreement on the record.

16                   MS. SCHEFFEY: Adrienne Scheffey on behalf  
17 of the GEO Group. I agree.

18                   MR. TURNER: Andrew Turner on behalf of  
19 the plaintiff class, and we agree.

20                   JOYCE QUEZADA,  
21 having been first duly sworn to state the whole truth,  
22 testified as follows:

23                   (Deponent's reply to oath: Yes, I swear.)

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EXAMINATION

BY MR. TURNER:

Q. Good morning. Could you please state your full name for the record.

A. Joyce Quezada.

Q. And can you provide a spelling for the court reporter, please.

A. Joyce, J-o-y-c-e; Quezada, Q-u-e-z-a-d-a.

Q. Thank you.

Good morning, Officer Quezada. I'm Andrew Turner. I'm an attorney with the Kelman Buescher Firm in Denver, and I'm counsel for the detainee workers in this case.

I'd like to make a record of everyone in attendance for this deposition. Who's with you this morning, Ms. Quezada?

A. With me, no one.

Q. You're alone in that room?

A. Yes.

Q. And where are you today?

A. At the Tech Center on 6400.

Q. So you're in the offices of GEO's attorneys?

A. I'm in the office.

Q. Thank you.

1 MS. SCHEFFEY: Object to form.

2 A. Possibly.

3 Q. (BY MR. TURNER) I'm sorry? What was the  
4 answer?

5 A. Yes.

6 Q. Okay. You weren't always assigned to  
7 female dorms?

8 A. No.

9 Q. What do the dorm trustees do?

10 A. We would have dorm trustees, and then we'd  
11 have the cleanup crew, six of them, and they would help  
12 me serve the trays.

13 And then after the trays were served, we  
14 would get the cleanup crew, the six that -- two to  
15 clean tables, two to mop and two to sweep. And the  
16 trustees would just help them.

17 I would help them also. I'd get the spray  
18 bottle and spray the tables for them, and they would  
19 wipe.

20 Q. Okay.

21 A. And I'd have their buckets ready for them,  
22 and they would just clean up.

23 Q. And you're talking about general cleanup  
24 of the common area, right?

25 A. Yes, the day area.

1 Q. Okay. Bathrooms as well?

2 A. In the dorms?

3 Q. Yeah.

4 A. No.

5 Q. Is that because they're contained in the  
6 cell?

7 A. Yes.

8 Q. So everybody cleans their own cell?

9 MS. SCHEFFEY: Object to form.

10 A. Yes.

11 Q. (BY MR. TURNER) Now, you just called the  
12 group of six the "cleanup crew," right?

13 A. Yes.

14 Q. You referenced earlier a cleanup crew that  
15 applied for the job, right?

16 A. No. Those would be voluntary.

17 Q. So as you understand it, these people  
18 applied for the job?

19 MS. SCHEFFEY: Object to form.

20 A. Just the dorm trustees, and these ones  
21 would be voluntary to help clean up after the meal  
22 service.

23 Q. (BY MR. TURNER) Do you understand whether  
24 that cleanup crew was paid for their work?

25 A. No.

1 Q. You don't know, or you think they were  
2 not?

3 A. No, they weren't. But it was voluntary.  
4 If they didn't want to work, they didn't have to. If  
5 they wanted to help, they could. But they would all  
6 take turns.

7 Q. I see.

8 Let's talk about the trustees. How many  
9 were there in your dorm?

10 A. Two.

11 Q. They would do meal service and meal  
12 cleanup; is that right?

13 MS. SCHEFFEY: Object to form.

14 A. I would be the one, as the officer,  
15 serving the trays, and they would just stand there  
16 while I served the trays. And then after the trays  
17 were served, they ate lunch. They put their trays back  
18 on the cart, and they would -- I would -- they would  
19 just empty the trash.

20 And the volunteer six guys that would  
21 help, they would be the ones cleaning up. And they  
22 help take the trays out of the dorm. And they  
23 supervise the six to clean.

24 Q. (BY MR. TURNER) You supervised the six  
25 who were cleaning, right?

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REPORTER'S CERTIFICATE

STATE OF COLORADO )  
 ) ss.  
CITY AND COUNTY OF DENVER )

I, Shannon Clementi, Registered Professional Reporter, Colorado Realtime Certified Reporter and Notary Public ID 20004025632, State of Colorado, do hereby certify that previous to the commencement of the examination, the said JOYCE QUEZADA verbally declared his/her testimony in this matter is under penalty of perjury; that the said deposition was taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

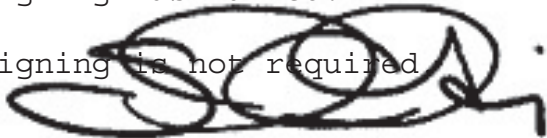
IN WITNESS WHEREOF, I have affixed my signature this 12th day of August, 2020.

My commission expires June 3, 2021.

Reading and Signing was requested.

Reading and Signing was waived.

Reading and Signing is not required.



Shannon Clementi  
Registered Professional Reporter  
Colorado Realtime Certified Reporter

# **EXHIBIT K**





# **Progress in Implementing 2011 PBNDS Standards and DHS PREA Requirements at Detention Facilities**

**January 17, 2017**

**Fiscal Year 2016 Report to Congress**



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

## Message from the Director

January 17, 2017

I am pleased to present the following report, "Progress in Implementing 2011 PBNDS Standards and DHS PREA Requirements at Detention Facilities," which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to requirements in House Report 114-215 that accompanies the Fiscal Year 2016 Department of Homeland Security (DHS) Appropriations Act (P.L. 114-113).



Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable John R. Carter  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Hoeven  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jeanne Shaheen  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 732-3000 or to the Department's Deputy Under Secretary for Management and Chief Financial Officer, Chip Fulghum, at (202) 447-5751.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRS", written over a light blue circular stamp.

Sarah R. Saldaña  
Director  
U.S. Immigration and Customs Enforcement



# Progress in Implementing 2011 PBNDS Standards and DHS PREA Requirements at Detention Facilities Fiscal Year 2016

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## I. Legislative Requirement

This report was compiled in response to legislative language in House Report 114-215 that accompanies the Fiscal Year (FY) 2016 Department of Homeland Security (DHS) Appropriations Act (P.L. 114-113).

House Report 114-215 states:

The recommendation supports ongoing training and stakeholder outreach related to the Prison Rape Elimination Act (PREA) and implementation of the 2011 Performance Based National Detention Standards (PBNDS). Within 45 days after the date of enactment of this Act, ICE shall report on its progress in implementing the 2011 PBNDS and requirements related to PREA, including a list of facilities that are not yet in compliance, and current year and estimated future year costs associated with compliance.

## II. Background

ICE enforces federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety. ICE, through its Office of Enforcement and Removal Operations (ERO), identifies and apprehends removable aliens, detains these individuals when necessary, and effects removals from the United States.

Over the last 20 years, the Nation's immigration detention system has changed significantly—growing from an average daily population (ADP) of fewer than 7,500 detainees in FY 1995 to an ADP of 34,000 detainees for FY 2016. This growth has presented challenges and opportunities for ICE.

In October 2009, DHS and ICE announced a series of detention reform initiatives as part of an ongoing effort to enhance the security and efficiency of the immigration detention system while prioritizing the health, safety, and well-being of detainees. These reforms—which were outlined in the October 2009 report to Congress, *Immigration Detention Overview and Recommendations*, and updated in the July 2012 report to Congress, *Detention Process Improvement and Reform*—included the following recommendation, which has become a key agency initiative:

In coordination with stakeholders, ICE should develop a new set of standards, assessments, and classification tools to inform care, custody restrictions, privileges, programs, and delivery of services consistent with risk level and medical care needs of the population. ICE should expand access to legal materials and counsel, visitation, and religious practice.

On February 27, 2012, ICE issued the 2011 Performance Based National Detention Standards (PBNDS). ICE tailored these revised standards, developed in collaboration with ICE personnel and numerous agency stakeholders, to meet the needs of its diverse detention population. Since that time, ICE has implemented PBNDS 2011 successfully at 28 facilities, representing 60 percent of ICE's FY 2016 ADP.

On March 7, 2014, DHS issued Final Rule, 6 CFR Part 115, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, also known as the DHS Prison Rape Elimination Act (PREA) Standards. The DHS PREA Standards establish robust safeguards against sexual abuse and assault of individuals in DHS custody. Meeting a commitment made in the preamble to the DHS PREA Standards, ICE implemented DHS PREA standards through contract modifications at all of the agency's ICE-dedicated detention facilities.<sup>1</sup> DHS PREA standards are binding at 30 facilities housing approximately 80 percent of the ICE FY 2016 ADP (excluding U.S. Marshals

---

<sup>1</sup> Dedicated detention facilities are those that exclusively house ICE detainees.

Service (USMS) facilities, which are covered by Department of Justice (DOJ) PREA regulations).<sup>2</sup>

This report provides an update on the progress that ICE has made in implementing PBNDs 2011 and DHS PREA Standards at ICE detention facilities.

---

<sup>2</sup> The preamble to the DHS standards states that the standards “do not apply to facilities used by ICE pursuant to an agreement with a DOJ entity (e.g., BOP facilities) or between a DOJ entity (e.g., USMS) and a state or local government or private entity . . . because they are not ‘operated by or pursuant to contract with U.S. Immigration and Customs Enforcement.’”

### III. Implementation of 2011 Performance-Based National Detention Standards and DHS Prison Rape Elimination Act Standards

ICE operates the largest detention system in the Nation, and detention remains an important and necessary part of immigration enforcement. In FY 2016, ICE maintained an ADP of 34,376 detainees, and booked more than 350,000 individuals into ICE custody. The average length of stay in ICE custody was 35 days. Fifty percent of the ICE detained population was removed or released within 11 days, 75 percent was removed or released within 40 days, and 90 percent was removed or released within 90 days. ICE is committed to ensuring that detainees in ICE custody reside in safe, secure, and humane environments and under appropriate conditions of confinement. ICE detention standards and PREA safeguards are among the important mechanisms that ICE utilizes for meeting this essential commitment.

#### A. PBNDS 2011

##### **Overview**

In February 2012, ICE issued the PBNDS to better address the unique needs of ICE's detainee population. ICE designed the revised standards to improve medical and mental health services, implement stronger protections against sexual assault, increase access to legal services and religious opportunities, improve communication for detainees with limited English proficiency, improve the process for reporting and responding to complaints, and increase recreation and visitation.

More specifically, the PBNDS standards:

- Improve medical and mental health care services by requiring the expanded availability of mental health care staff, requiring faster response times for sick call requests and evaluations of detainees with identified health needs, and ensuring closer monitoring of detainees with serious medical and mental health conditions.
- Reinforce protections against sexual abuse and assault in facilities by strengthening requirements for screening, staff training, and detainee education; establishing procedures to ensure the protection and appropriate housing of victims; establishing protocols for conducting prompt and thorough investigations in coordination with criminal law enforcement entities; and putting in place requirements for tracking and monitoring data relating to sexual abuse and assault incidents.



- Broaden detainee access to communications with family, friends, and legal representatives with extended visitation time and enhanced access to telephones.
- Enhance detainee access to legal resources through increasing availability of staff assistance and enabling detainees to attend legal rights group presentations.
- Enhance procedures for reviewing and responding to detainee grievances by providing for additional levels of review and decreased facility response times, encouraging direct detainee communication with ICE regarding grievances or facility responses, and specifying measures for addressing any indications of retaliation against detainees who have filed grievances.
- Improve communication assistance services for detainees with limited English proficiency or disabilities by mandating more specific interpretation and translation services.
- Augment religious opportunities by authorizing a greater number of religious practices and implementing a recruitment process for external religious service providers.

PBNDS also introduced the concept of “optimal” compliance through the development of 18 optimal provisions across nine detention standards. Optimal provisions are adopted through contract negotiation between ICE and the service provider, and are in addition to the mandatory requirements to which a facility is bound when it adopts PBNDS 2011. Examples include increased recreation and visitation hours, increased access to law libraries, and enhanced programming.

## **Implementation**

The application of new detention standards at any given detention facility requires negotiation with the contractor or locality operating the facility, and execution of a separate contract modification incorporating the standards into the facility’s agreement with ICE. The initial rollout of PBNDS required extensive discussions with detention facility operators regarding the new provisions prior to the contract modifications being finalized. Accordingly, ICE focused its initial efforts on dedicated facilities, which house the greatest numbers of detainees.

To date, ICE has implemented PBNDS at all ICE-dedicated adult detention facilities, which consist of five government-owned service processing centers (SPC), seven privately operated contract detention facilities (CDF), and eight dedicated intergovernmental service agreement facilities (DIGSA). Eight nondedicated



intergovernmental service agreement (IGSA) facilities also have adopted PBNDS. In FY 2016, 60 percent of the ICE ADP was housed in a facility governed by PBNDS.<sup>3</sup>

The agency continues, on an ongoing basis, to pursue implementation of these standards at additional nondedicated facilities, with priority given to those facilities housing the largest populations of ICE detainees. ICE requests that service providers adopt PBNDS 2011 for new facilities that are expected to house sizable ICE detention populations, and when their existing contractual agreements expire, when service providers seek equitable rate adjustments, or when other opportunities arise to modify the contract.

## B. DHS PREA Standards

### Overview

In March 2014, DHS promulgated regulations under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79), to prevent, detect and respond to sexual abuse and assault in detention facilities. The DHS PREA rules followed the President's May 17, 2012, Memorandum, "Implementing the Prison Rape Elimination Act," which directs all federal agencies with confinement facilities to work with the Attorney General to create rules or procedures setting standards to prevent, detect, and respond to sexual abuse in confinement facilities. The DHS PREA rules also followed the Violence Against Women Reauthorization Act of 2013, which directed DHS to publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in facilities that maintain custody of aliens detained for a violation of U.S. immigration laws. The DHS PREA regulations, *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities*, require extensive planning and training for officers and others who work in detention facilities, and establish standards for audits and compliance reviews. DHS PREA includes two sets of standards tailored to the types of confinement facilities used by ICE and U.S. Customs and Border Protection (CBP):

- Immigration detention facilities (Subpart A): facilities overseen by ICE and used for longer-term detention of individuals in immigration proceedings or awaiting removal from the United States; and

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<sup>3</sup> The first set of detention standards, known as the National Detention Standards (NDS), was issued in 2000 and is most frequently applicable at county or city jails used by ICE pursuant to an IGSA or U.S. Marshals Service (USMS) Intergovernmental Agreement (IGA). In FY 2016, NDS covered 20 percent of the ICE ADP. ICE's 2008 Performance-Based National Detention Standards (PBNDS 2008) subsequently revised these standards to delineate more clearly the results or outcomes to be achieved, and to improve safety, security, and conditions of confinement for detainees. In FY 2016, PBNDS 2008 covered 13 percent of the ICE ADP. ICE Family Residential Standards (FRS) were developed in 2007 to bolster best practices in family detention and are applicable to ICE's three family residential facilities, as well as to one adult detention facility that exclusively houses female detainees. In FY 2016, FRS covered 6 percent of the ICE ADP.

- Holding facilities (Subpart B): facilities used by ICE and CBP for temporary administrative detention of individuals pending release from custody or transfer to a court, jail, prison, other agency, or other unit of the facility or agency.

DHS PREA Standards cover prevention and responsive planning, hiring procedures, the training and education of both employees and detained individuals, assessment for risk of sexual victimization and abusiveness, reporting requirements, the agency's official response following an allegation of sexual abuse or assault, procedures for both criminal and administrative investigations, the provision of medical and mental care, and audits for compliance procedures, among other areas.

DHS PREA requirements include:

- Development of a zero-tolerance policy
- Designation of an ICE Prevention of Sexual Assault (PSA) Coordinator
- Training of security staff and all employees who may have contact with detainees in proper procedures
- Specialized training for agency and facility investigators and for medical or mental health practitioners in detention facilities
- Consideration of the effect of design or modification of facilities on the ability to protect detainees from sexual abuse
- Development of policies and procedures to ensure that detainees have multiple ways to report sexual abuse, retaliation for reporting sexual abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents
- Development of investigation and evidence protocols to ensure that each allegation of sexual abuse or sexual assault is investigated or referred to an appropriate investigative authority
- Assurance of effective disciplinary sanctions for staff misconduct, neglect, or violations
- Detainee access to medical and mental health assessments, counseling, and support
- Establishment of effective data collection and review procedures
- Requirements for an audit every 3 years of each immigration detention facility that has adopted DHS PREA, and of every holding facility that houses detainees overnight

## Implementation

Prior to the issuance of DHS PREA standards, ICE had developed strong safeguards against sexual abuse or assault of its detainees in both agency policies and the ICE detention standards. ICE built on the foundation established by these policies as it proceeded with its implementation of PREA requirements.

Both PBNDS 2008 and PBNDS 2011 contain sexual abuse and assault prevention and intervention standards that outline responsibilities for facility detention staff. These standards include requirements for screening, training, timely reporting and notification, protection of victims, provision of medical and mental health care, and the investigation and tracking of incidents. In May 2012, ICE sent a letter to all detention facilities with an ADP of greater than 10 detainees and with which ICE had an IGSA or a contract, requesting that they implement PBNDS 2011 Standard 2.11 “Sexual Abuse and Assault Prevention and Intervention.” As a result, 57 detention facilities not otherwise covered by PBNDS 2011 agreed to sign contract modifications adopting Standard 2.11.

In May 2012, ICE issued the agencywide Directive 11062.1, *Sexual Abuse and Assault Prevention and Intervention (SAAPI)*, which established a zero-tolerance policy for sexual abuse and assault of all individuals in ICE custody, and outlined duties of agency employees for timely reporting, coordinating response and investigation, and effective monitoring of all incidents of sexual abuse or assault. ICE revised and reissued the ICE SAAPI Directive in May 2014 to incorporate the additional agency requirements established under DHS PREA. SAAPI requires ERO Field Offices and ICE Office of Professional Responsibility (OPR) investigators to ensure thorough responses to and investigations of all allegations, even when the allegation occurred at a detention facility not covered by DHS PREA standards.

In September 2014, ICE also promulgated a new ERO Directive, *Operations of ERO Holding Facilities*, which incorporates DHS PREA Subpart B requirements specifically applicable to ERO hold rooms and staging facilities. ICE holding facilities are exclusively owned and operated by ICE and are used for the short-term detention of individuals, typically 24 or fewer hours. This ERO policy complements SAAPI by outlining requirements for screening for risk, conducting appropriate searches, and ensuring an immediate response to allegations.

DHS PREA standards require the appointment of an agencywide PSA Coordinator to lead in the development, implementation, and oversight of agency efforts to comply with DHS PREA standards. SAAPI further requires the designation of specially trained coordinators at each field office as well as personnel from relevant ICE Headquarters divisions to collaborate in PREA compliance and implementation efforts. The ICE agency PSA Coordinator, located in the ICE Office of Detention Policy and Planning,

provides regular guidance and technical assistance to the field and works closely with the designated PSA Coordinators for ERO and OPR.

In May 2015, ICE developed and deployed a new interactive database to track all allegations of sexual abuse and assault and to record information about responsive actions and investigative results. OPR, ERO, and the PSA Coordinator collaborate daily to review the agency's response to every new allegation of sexual abuse and assault. As required by SAAPI, the ICE PSA Coordinator submits quarterly reports to the ICE Detention Monitoring Council (DMC), along with monthly reports to a subcommittee of the DMC. The DMC is an ICE intra-agency council that serves as a formal setting to ensure that senior leadership from all ICE programs with detention responsibility jointly examines serious issues, incidents, findings, and allegations related to conditions of detention.

### **Detention Facility PREA Implementation**

DHS PREA standards require that all new, renewed, or substantively modified detention facility contracts incorporate the PREA standards. By the end of FY 2016, DHS PREA contractually was binding at 30 detention facilities. These facilities housed 64 percent of FY 2016 ICE ADP, and 79 percent of the FY 2016 ICE ADP when excluding detainees held in USMS-contracted facilities (which are covered by DOJ PREA regulations). Further, by the end of FY 2016, SAAPI standards contained in either PREA or PBNDS contractually were binding at facilities housing approximately 87 percent of the ICE ADP (96 percent of ICE ADP when excluding USMS-contracted facilities). Pursuant to a commitment made in the preamble to the DHS PREA standards, ICE successfully implemented PREA standards at all 23 dedicated ICE facilities within 18 months of PREA's effective date of May 6, 2014. ICE also has implemented PREA standards at seven nondedicated facilities.

### **PREA Audits**

Immigration detention facilities covered by the DHS PREA Standards must be audited within 3 years of adopting the standards, and at least once every 3 years thereafter. Each ICE holding facility housing detainees overnight also must be audited by July 6, 2018. Holding facilities deemed by this initial audit to be "low risk" subsequently must be audited at least once every 5 years; holding facilities deemed not to be "low risk" during the initial audit must be audited at least once every 3 years. To facilitate PREA audits of ICE facilities, OPR, in coordination with other agency programs, solicited and secured a contract vendor to perform the audits. To promote a consistent and unified approach to conducting the audits required under the DHS PREA Standards, ICE and CBP partnered to award a joint audit contract, although ICE and CBP will manage implementation of their respective PREA audits independently.

## IV. Cost of PBNDS 2011 and PREA Implementation

### A. Cost of PBNDS 2011 Implementation

The cost of implementing PBNDS 2011, thus far, has been within expectations. The mandatory provisions in the PBNDS 2011 standards were implemented at no cost at all but one of the 20 ICE dedicated adult detention facilities.<sup>4</sup> Many service providers did submit requests to ICE for both per-diem increases and one-time upfront funds, and the minimal cost to the Federal Government was accepted only after close scrutiny of the original requests submitted. ICE estimates that further adoption of PBNDS 2011 at additional facilities also will be at no additional cost to the government; however, facilities may request per-diem increases for other reasons that cannot be estimated at this time.

Nondedicated detention facilities generally have adopted PBNDS 2011 at no additional cost, although in several cases the adoption of the new detention standards has corresponded with ICE agreements to increase per diem payments for other reasons, typically to reimburse localities for their increased labor or other operating costs. Some upgrades at nondedicated facilities also included the hiring of additional medical staff, although the request for increased medical staffing was not directly tied to PBNDS 2011 requirements.

In FY 2015, ICE also funded enhancements at a number of detention facilities, including facilities governed by PBNDS 2011 as well as by PBNDS 2008 and NDS. These enhancements resulted in a one-time cost of approximately \$3.3 million and recurring annual costs of approximately \$150,000. The enhancements assisted facilities in providing detainees with services and programming at an optimal level in a number of areas, including:

- Added hours for family visitation
- Additional security cameras and other security measures
- Improved legal access for detainees
- Improved religious resources and expanded religious services
- Enhanced programming and recreation

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<sup>4</sup> Implementation of PBNDS 2011 at the Eloy Federal Contract Facility required additional annual expenditures of approximately \$44,000 and a one-time cost of approximately \$122,000. These additional costs arose from the requirement to provide 1 hour of recreation daily to detainees in administrative segregation; PBNDS 2008 requires 1 hour of recreation for 5 days each week.

## B. Cost of PREA Implementation

All 30 of the facilities that implemented DHS PREA standards by the end of FY 2016 did so without requesting any increases in per diem or one-time payments. ICE estimates that further adoption of DHS PREA standards at additional facilities also will be at no additional cost to the government.

Although not requested by detention facilities as a condition of adopting DHS PREA standards, in FY 2015, ICE agreed to fund the hiring of 14 additional detention facility staff to assist in PREA compliance. The anticipated total cost of these additional positions was approximately \$325,000 in one-time costs and \$900,000 annually thereafter. DHS PREA § 115.11(d) states, “Each facility shall employ or designate a Prevention of Sexual Assault Compliance Manager (PSA Compliance Manager) who shall serve as the facility point of contact for the agency PSA Coordinator and who has sufficient time and authority to oversee facility efforts to comply with facility sexual abuse prevention and intervention policies and procedures.” Additionally, DHS PREA standards contain detailed requirements related to detention facility administrative investigations of sexual assault allegations by specially trained investigators, and facilities may require additional staff to review and investigate allegations of sexual abuse or assault appropriately. Although the facility PSA Compliance Manager or investigator positions can be collateral duties, having a full-time staff member is helpful in ensuring compliance with PREA. Accordingly, ICE offered to pay for one or two additional full-time positions at certain detention facilities.

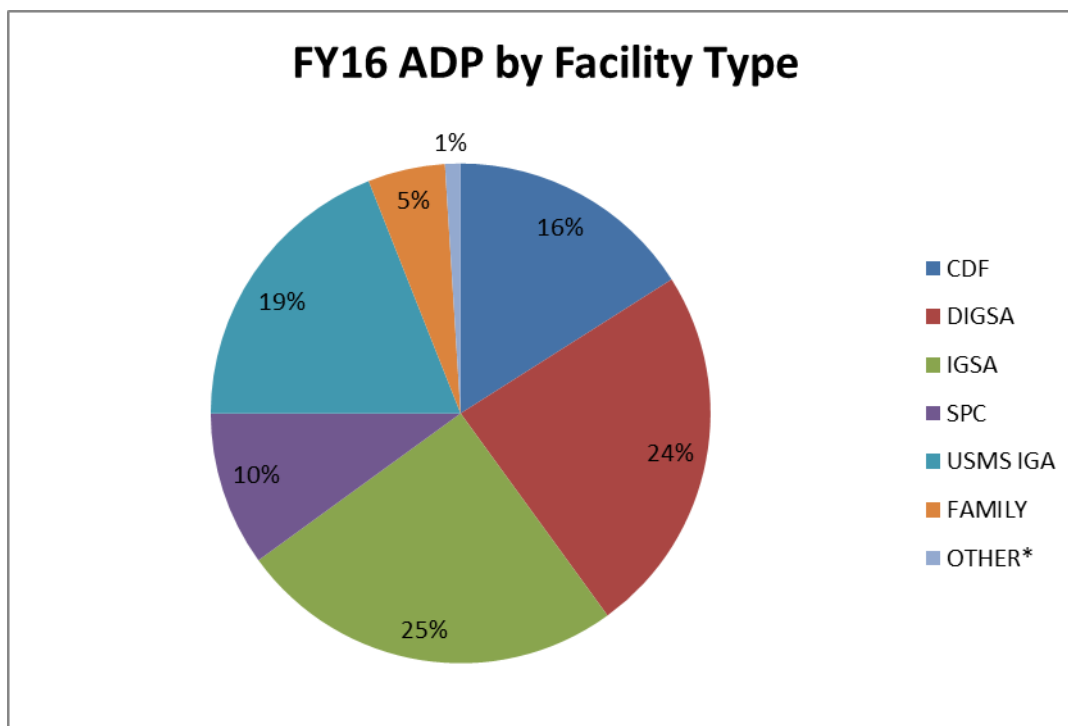
As mentioned in this report, ICE has procured a contract vendor to perform the audits required by the DHS PREA standards. ICE PREA audits are scheduled to begin in the second quarter of FY 2017, and ICE currently expects to ensure the completion of approximately 35 audits during FY 2017 and approximately 25 audits during FY 2018. ICE estimates expenditures of approximately \$350,000 over the first 2 years of auditing.

## V. Appendices

### Appendix A: ICE Detention Population by Facility Type

There are six types of ICE immigration detention facilities:

- Contract Detention Facilities (CDF)
- Dedicated Intergovernmental Service Agreement (DIGSA) Facilities
- Inter-Governmental Service Agreement (IGSA) Facilities
- Service Processing Centers (SPC)
- U.S. Marshals Service (USMS) Intergovernmental Agreement (IGA) Facilities
- Family residential centers<sup>5</sup>

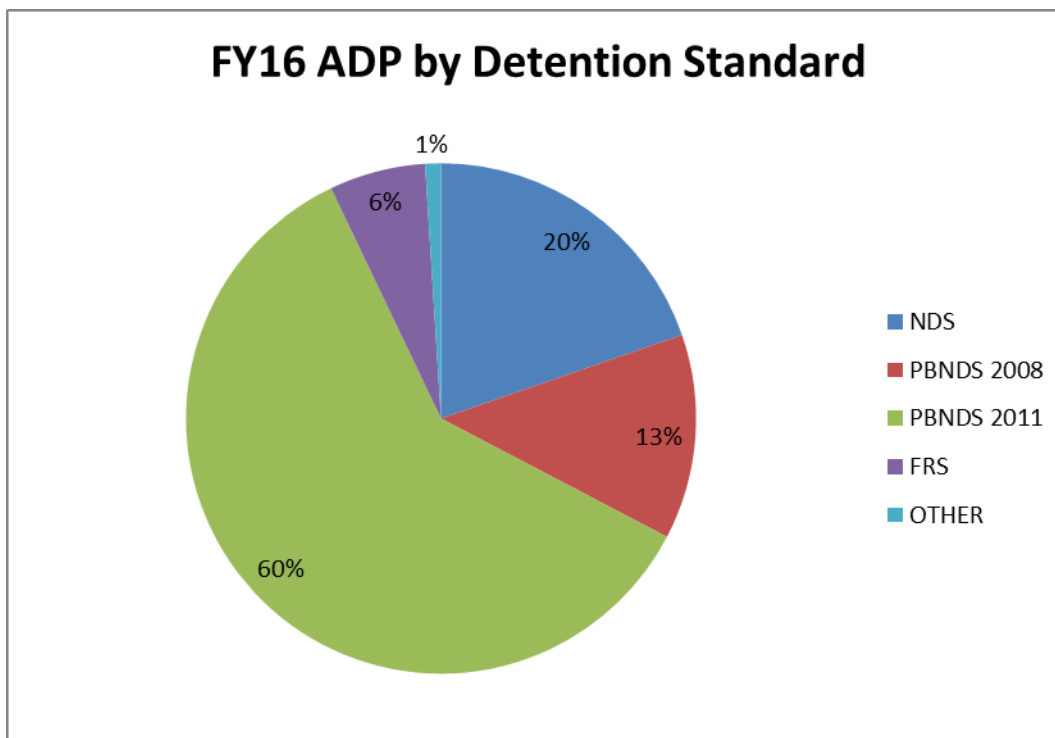


\*The “Other” category includes short-term ICE hold rooms and staging facilities, juvenile facilities, hospitals, and facilities operated by the Department of Justice Bureau of Prisons (BOP).<sup>6</sup>

<sup>5</sup> The three ICE family residential centers are governed IGSA's but are delineated as a separate category.

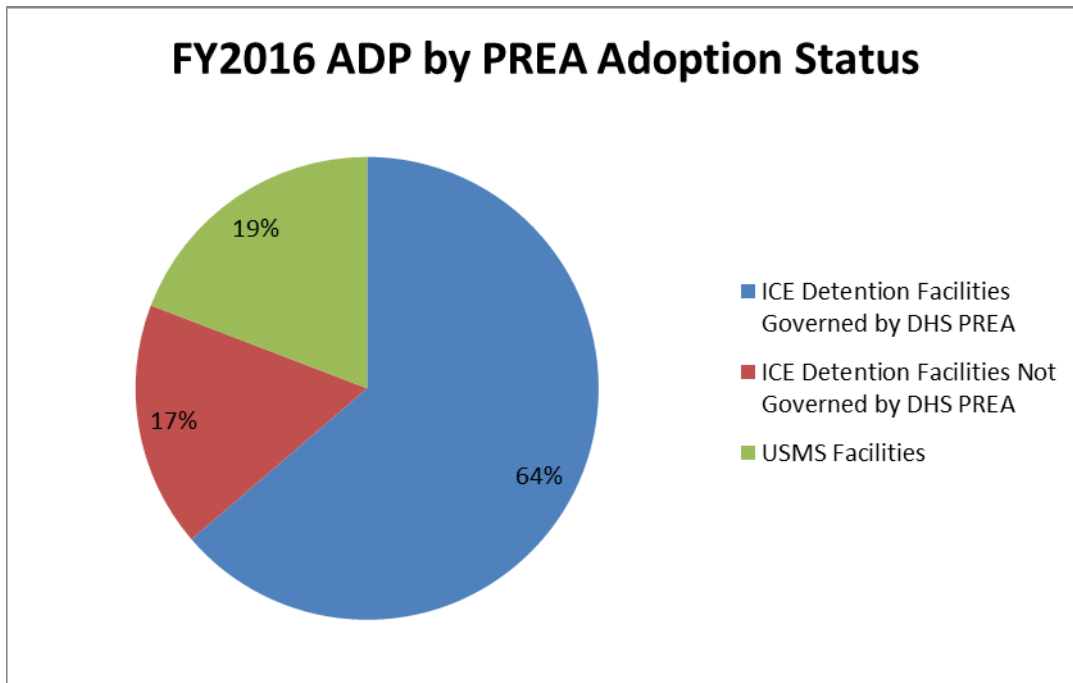
<sup>6</sup> In FY 2016, the ICE average daily population (ADP) of detainees held at BOP facilities was 43.

### Appendix B: ICE Detention Population by Inspection Standard





### Appendix C: ICE Detention Population by PREA Adoption



Appendix D: FY 2016 Facilities under PBNDS 2011 (28 Facilities)\*

Facility Name	State	Facility Type	FY 2016 ADP
SOUTH TEXAS DETENTION COMPLEX	TX	CDF	1,728
ADELANTO CORRECTIONAL FACILITY	CA	DIGSA	1,472
ELOY FEDERAL CONTRACT FACILITY	AZ	DIGSA	1,433
NORTHWEST DETENTION CENTER	WA	CDF	1,411
STEWART DETENTION CENTER	GA	DIGSA	1,369
JENA/LASALLE DETENTION FACILITY	LA	DIGSA	1,105
PORT ISABEL	TX	SPC	1,104
HOUSTON CONTRACT DETENTION FACILITY	TX	CDF	916
JOE CORLEY DETENTION FACILITY	TX	IGSA	894
OTERO COUNTY PROCESSING CENTER	NM	DIGSA	844
OTAY MESA DETENTION CENTER (SAN DIEGO CDF)	CA	USMS IGA	835
EL PASO SERVICE PROCESSING CENTER	TX	SPC	819
IMPERIAL REGIONAL DETENTION FACILITY	CA	DIGSA	681
BROWARD TRANSITIONAL CENTER	FL	CDF	618
IMMIGRATION CENTERS OF AMERICA FARMVILLE	VA	DIGSA	579
KROME NORTH SERVICE PROCESSING CENTER	FL	SPC	558
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	NY	SPC	540
ESSEX COUNTY CORRECTIONAL FACILITY	NJ	IGSA	539
ROLLING PLAINS DETENTION CENTER	TX	IGSA	490
PINE PRAIRIE CORRECTIONAL CENTER	LA	IGSA	479
DENVER CONTRACT DETENTION FACILITY	CO	CDF	477
FLORENCE SERVICE PROCESSING CENTER	AZ	SPC	387
MESA VERDE DETENTION FACILITY	CA	DIGSA	368
ELIZABETH CONTRACT DETENTION FACILITY	NJ	CDF	295
SANTA ANA CITY JAIL	CA	IGSA	189
PULASKI COUNTY JAIL	IL	IGSA	167
HOWARD COUNTY DETENTION CENTER	MD	IGSA	60
ALLEN PARISH PUBLIC SAFETY COMPLEX	LA	IGSA	18

\*Excludes facilities no longer in use as of 9/30/2016

Appendix E: FY 2016 Facilities under PBNDS 2008 (16 Facilities)

Facility Name	State	Facility Type	FY 2016 ADP
CCA, FLORENCE CORRECTIONAL CENTER	AZ	USMS IGA	712
YORK COUNTY PRISON	PA	IGSA	671
IRWIN COUNTY DETENTION CENTER	GA	USMS IGA	546
HUDSON COUNTY CORRECTIONAL CENTER	NJ	USMS IGA	491
RIO GRANDE DETENTION CENTER	TX	USMS IGA	476
THEO LACY FACILITY	CA	IGSA	448
JAMES A. MUSICK FACILITY	CA	IGSA	290
PIKE COUNTY CORRECTIONAL FACILITY	PA	IGSA	169
BRISTOL COUNTY DETENTION CENTER	MA	IGSA	116
NEVADA SOUTHERN DETENTION CENTER	NV	USMS IGA	74
SAINT CLAIR COUNTY JAIL	MI	IGSA	69
STRAFFORD COUNTY CORRECTIONS	NH	IGSA	67
CLAY COUNTY JAIL	IN	USMS IGA	53
MONROE COUNTY DETENTION CENTER	FL	IGSA	52
WESTERN TENNESSEE DETENTION FACILITY	TN	USMS IGA	3
CCA CENTRAL ARIZONA DETENTION CENTER	AZ	USMS IGA	0.2

Appendix F: FY 2016 Facilities under NDS 2000 (144 Facilities)<sup>7</sup>

Facility Name	State	Facility Type	FY 2016 ADP
POLK COUNTY ADULT DETENTION FACILITY	TX	IGSA	563
WEST TEXAS DETENTION FACILITY	TX	USMS IGA	452
LAREDO PROCESSING CENTER	TX	USMS IGA	301
ETOWAH COUNTY JAIL (ALABAMA)	AL	USMS IGA	278
HENDERSON DETENTION CENTER	NV	USMS IGA	240
JOHNSON COUNTY LAW ENFORCEMENT CENTER	TX	IGSA	216
UTAH COUNTY JAIL	UT	IGSA	215
MCHENRY COUNTY CORRECTIONAL FACILITY	IL	USMS IGA	207
DODGE COUNTY JAIL	WI	USMS IGA	199
CONTRA COSTA COUNTY JAIL WEST	CA	USMS IGA	196
SUFFOLK COUNTY HOUSE OF CORRECTIONS	MA	IGSA	192
YUBA COUNTY JAIL	CA	IGSA	189
BAKER COUNTY SHERIFF'S OFFICE	FL	IGSA	188
ORANGE COUNTY JAIL	NY	IGSA	172
KENOSHA COUNTY DETENTION CENTER	WI	USMS IGA	166
WORCESTER COUNTY JAIL	MD	IGSA	165
CALHOUN COUNTY CORRECTIONAL CENTER	MI	IGSA	148
BERGEN COUNTY JAIL	NJ	USMS IGA	147
BOONE COUNTY JAIL	KY	USMS IGA	142
ATLANTA CITY DETENTION CENTER	GA	USMS IGA	139
RIO COSUMNES CORR. CENTER	CA	IGSA	136
TULSA COUNTY JAIL (DAVID L. MOSS JUSTICE CTR)	OK	IGSA	132
GLADES COUNTY DETENTION CENTER	FL	IGSA	130
EAST HIDALGO DETENTION CENTER	TX	USMS IGA	128
SHERBURNE COUNTY JAIL	MN	USMS IGA	127
SAN LUIS REGIONAL DETENTION CENTER	AZ	USMS IGA	101
PLYMOUTH COUNTY CORRECTIONAL FACILITY	MA	IGSA	86
DOUGLAS COUNTY DEPARTMENT OF CORRECTIONS	NE	IGSA	82
BUTLER COUNTY JAIL	OH	IGSA	81
FRANKLIN HOUSE OF CORRECTIONS	MA	USMS IGA	71
WAKULLA COUNTY JAIL	FL	IGSA	62
FREEBORN COUNTY ADULT DETENTION CENTER	MN	IGSA	61
MORGAN COUNTY ADULT DETENTION CENTER	MO	IGSA	51
MONROE COUNTY DETENTION-DORM	MI	IGSA	51
VIRGINIA PENINSULA REGIONAL JAIL	VA	USMS IGA	50
SENECA COUNTY JAIL	OH	IGSA	49
HARDIN COUNTY JAIL	IA	IGSA	45
TORRANCE COUNTY DETENTION FACILITY	NM	USMS IGA	45
CHASE COUNTY DETENTION FACILITY	KS	IGSA	44

<sup>7</sup> Some adult detention facilities are not held to any set of ICE detention standards; ICE Office of Enforcement and Removal Operations refers to these as “non-authorized” facilities. These include facilities operated by the U.S. Department of Justice’s (DOJ) Bureau of Prisons (BOP), which are held to BOP standards and policies; the FY 2016 average daily population (ADP) of ICE detainees at BOP facilities was 45. Adult detention facilities that are used irregularly and/or infrequently are also on the list of nonauthorized facilities; this category applies to any facility with less than 60 man-days in a fiscal year, which is a cumulative sum of the number of detainees present within a facility each evening at midnight. The FY 2016 ADP of adult detention facilities in this category was 4.

Facility Name	State	Facility Type	FY 2016 ADP
FREDERICK COUNTY DETENTION CENTER	MD	IGSA	39
GEAUGA COUNTY JAIL	OH	USMS IGA	38
LA SALLE COUNTY REGIONAL DETENTION CENTER	TX	USMS IGA	35
MARSHALL COUNTY JAIL	IA	USMS IGA	31
ALBANY COUNTY JAIL	NY	USMS IGA	29
MORROW COUNTY CORRECTIONAL FACILITY	OH	IGSA	29
CARVER COUNTY JAIL	MN	IGSA	29
YORK COUNTY DETENTION CENTER	SC	USMS IGA	28
BROOKS COUNTY DETENTION CENTER	TX	USMS IGA	23
WILLACY CO REGIONAL DETENTION FACILITY	TX	USMS IGA	23
DEKALB COUNTY DETENTION CENTER	AL	USMS IGA	22
CALDWELL COUNTY DETENTION CENTER	MO	IGSA	21
KARNES COUNTY CORRECTIONAL CENTER	TX	USMS IGA	20
MONTGOMERY COUNTY JAIL	MO	IGSA	18
EULESS CITY JAIL	TX	IGSA	18
CHIPPEWA COUNTY SSM	MI	IGSA	18
BEDFORD MUNICIPAL DETENTION CENTER	TX	IGSA	16
CLINTON COUNTY JAIL	NY	USMS IGA	14
HALL COUNTY DEPARTMENT OF CORRECTIONS	NE	IGSA	14
WASHOE COUNTY JAIL	NV	USMS IGA	14
NORTHERN OREGON CORRECTIONAL FACILITY	OR	IGSA	14
TENSAS PARISH DETENTION CENTER	LA	IGSA	13
CHRISTIAN COUNTY JAIL	MO	IGSA	13
POTTAWATTAMIE COUNTY JAIL	IA	USMS IGA	12
CLINTON COUNTY CORRECTIONAL FACILITY	PA	USMS IGA	12
ALLEGANY COUNTY JAIL	NY	IGSA	12
RAMSEY COUNTY ADULT DETENTION CENTER	MN	USMS IGA	11
TELLER COUNTY JAIL	CO	IGSA	10
VAL VERDE CORRECTIONAL FACILITY	TX	USMS IGA	9
CHARLESTON COUNTY DETENTION CENTER	SC	USMS IGA	9
YAKIMA COUNTY DEPARTMENT OF CORRECTIONS	WA	USMS IGA	8
LINCOLN COUNTY DETENTION CENTER	MO	IGSA	7
SOUTH CENTRAL REGIONAL JAIL	WV	USMS IGA	6
CASS COUNTY JAIL	NE	USMS IGA	6
EL PASO COUNTY CRIMINAL JUSTICE CENTER	CO	IGSA	6
BUTLER COUNTY JAIL	KS	USMS IGA	5
ELMORE COUNTY JAIL	ID	USMS IGA	5
CHAUTAUQUA COUNTY JAIL	NY	IGSA	5
CAMBRIA COUNTY JAIL	PA	USMS IGA	4
DAVIDSON COUNTY SHERIFF	TN	IGSA	4
COLLIER COUNTY NAPLES JAIL CENTER	FL	IGSA	4
WAYNE COUNTY JAIL	NY	USMS IGA	4
SAINT TAMMANY PARISH JAIL	LA	IGSA	4
SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS	KS	IGSA	3
PHELPS COUNTY JAIL	NE	USMS IGA	3
LINN COUNTY JAIL	IA	USMS IGA	3
GRAND FORKS COUNTY CORRECTIONAL FACILITY	ND	IGSA	3
MINICASSIA DETENTION CENTER	ID	IGSA	3
WAKE COUNTY SHERIFF DEPARTMENT	NC	IGSA	3

Facility Name	State	Facility Type	FY 2016 ADP
WASHINGTON COUNTY JAIL (PURGATORY CORRECTIONAL FAC	UT	USMS IGA	3
POLK COUNTY JAIL	IA	USMS IGA	3
ERIE COUNTY JAIL	PA	USMS IGA	3
LEXINGTON COUNTY JAIL	SC	USMS IGA	2
DEARBORN POLICE DEPARTMENT	MI	IGSA	2
HALL COUNTY JAIL	GA	USMS IGA	2
BALDWIN COUNTY CORRECTIONAL CENTER	AL	IGSA	2
ALEXANDRIA CITY JAIL	VA	USMS IGA	1
NOBLES COUNTY JAIL	MN	IGSA	1
FAYETTE COUNTY DETENTION CENTER	KY	USMS IGA	1
ELGIN POLICE DEPARTMENT	IL	IGSA	1
BURNET COUNTY JAIL	TX	IGSA	1
DELAWARE CO JAIL (GEORGE W. HILL)	PA	USMS IGA	1
PLATTE COUNTY DETENTION CENTER	MO	IGSA	1
RANDALL COUNTY JAIL	TX	USMS IGA	1
JEFFERSON COUNTY JAIL	ID	IGSA	1
FORSYTH COUNTY JAIL	NC	USMS IGA	1
SEBASTIAN COUNTY DETENTION CENTER	AR	USMS IGA	1
MECKLENBURG COUNTY DETENTION CENTER NORTH	NC	USMS IGA	1
COBB COUNTY JAIL	GA	IGSA	1
WHITFIELD COUNTY JAIL	GA	IGSA	1
LONOKE POLICE DEPARTMENT	AR	IGSA	1
ROCK ISLAND COUNTY CORRECTIONAL CENTER	IL	USMS IGA	1
MARION COUNTY JAIL	IN	USMS IGA	1
CASCADE COUNTY JAIL (MONTANA)	MT	USMS IGA	1
GRAYSON COUNTY JAIL	KY	USMS IGA	1
ROANOKE CITY JAIL	VA	IGSA	1
OLDHAM COUNTY JAIL	KY	IGSA	1
JOSEPHINE COUNTY JAIL	OR	USMS IGA	1
MONTGOMERY CITY JAIL	AL	IGSA	1
ORANGE COUNTY JAIL	FL	USMS IGA	1
GARVIN COUNTY DETENTION CENTER	OK	IGSA	1
LUBBOCK COUNTY DETENTION CENTER	TX	USMS IGA	1
MILLER COUNTY JAIL	AR	USMS IGA	1
CUMBERLAND COUNTY JAIL	ME	USMS IGA	1
DAKOTA COUNTY JAIL	NE	USMS IGA	1
NEW HANOVER COUNTY JAIL	NC	IGSA	0.5
LA PAZ COUNTY ADULT DETENTION FACILITY	AZ	USMS IGA	0.4
NATRONA COUNTY JAIL	WY	USMS IGA	0.4
PINELLAS COUNTY JAIL	FL	USMS IGA	0.4
JACK HARWELL DETENTION CENTER	TX	USMS IGA	0.4
PENNINGTON COUNTY JAIL (SOUTH DAKOTA)	SD	USMS IGA	0.3
ORANGE COUNTY INTAKE RELEASE FACILITY	CA	IGSA	0.3
GLENDALE POLICE DEPARTMENT	CA	IGSA	0.2
KENT COUNTY JAIL	MI	IGSA	0.2
NORTHWEST STATE CORRECTIONAL CENTER	VT	USMS IGA	0.2
ANCHORAGE CORRECTIONAL COMPLEX	AK	USMS IGA	0.2
MOFFAT COUNTY JAIL	CO	IGSA	0.2

Facility Name	State	Facility Type	FY 2016 ADP
CENTRAL TEXAS DETENTION FACILITY	TX	USMS IGA	0.2
CABARRUS COUNTY JAIL	NC	IGSA	0.1
GASTON COUNTY JAIL	NC	IGSA	0.1
YAVAPAI COUNTY DETENTION CENTER	AZ	IGSA	0.1
DALE G. HAILE DETENTION CENTER	ID	IGSA	0.1
SANGAMON COUNTY JAIL	IL	USMS IGA	0.04
SALEM COUNTY CORRECTIONAL FACILITY	NJ	USMS IGA	0.02
NORTHERN REGIONAL JAIL	WV	USMS IGA	0.01

### Appendix G: FY 2016 Facilities under FRS (4 Facilities)

Facility Name	State	Facility Type	FY16 ADP
SOUTH TEXAS FAMILY RESIDENTIAL CENTER	TX	FAMILY	1,015
KARNES COUNTY RESIDENTIAL CENTER	TX	FAMILY	512
HUTTO CCA	TX	DIGSA	493
BERKS COUNTY FAMILY SHELTER	PA	FAMILY	79



## Appendix H: FY 2016 Facilities under DHS PREA Standards (30 Facilities)

Facility Name	State	Facility Type	FY16 ADP
SOUTH TEXAS DETENTION COMPLEX	TX	CDF	1,728
ADELANTO CORRECTIONAL FACILITY	CA	DIGSA	1,472
ELOY FEDERAL CONTRACT FACILITY	AZ	DIGSA	1,433
NORTHWEST DETENTION CENTER	WA	CDF	1,411
STEWART DETENTION CENTER	GA	DIGSA	1,369
JENA/LASALLE DETENTION FACILITY	LA	DIGSA	1,105
PORT ISABEL	TX	SPC	1,104
SOUTH TEXAS FAMILY RESIDENTIAL CENTER	TX	FAMILY	1,015
HOUSTON CONTRACT DETENTION FACILITY	TX	CDF	916
JOE CORLEY DETENTION FACILITY	TX	IGSA	894
OTERO COUNTY PROCESSING CENTER	NM	DIGSA	844
EL PASO SERVICE PROCESSING CENTER	TX	SPC	819
IMPERIAL REGIONAL DETENTION FACILITY	CA	DIGSA	681
BROWARD TRANSITIONAL CENTER	FL	CDF	618
IMMIGRATION CENTERS OF AMERICA FARMVILLE	VA	DIGSA	579
POLK COUNTY ADULT DETENTION FACILITY	TX	IGSA	563
KROME NORTH SERVICE PROCESSING CENTER	FL	SPC	558
BUFFALO (BATAVIA) SERVICE PROCESSING CENTER	NY	SPC	540
ESSEX COUNTY CORRECTIONAL FACILITY	NJ	IGSA	539
KARNES COUNTY RESIDENTIAL CENTER	TX	FAMILY	512
HUTTO CCA	TX	DIGSA	493
PINE PRAIRIE CORRECTIONAL CENTER	LA	IGSA	479
DENVER CONTRACT DETENTION FACILITY	CO	CDF	477
FLORENCE SERVICE PROCESSING CENTER	AZ	SPC	387
MESA VERDE DETENTION FACILITY	CA	DIGSA	368
ELIZABETH CONTRACT DETENTION FACILITY	NJ	CDF	295
SANTA ANA CITY JAIL	CA	IGSA	189
PULASKI COUNTY JAIL	IL	IGSA	167
BERKS COUNTY FAMILY SHELTER	PA	FAMILY	79
HOWARD COUNTY DETENTION CENTER	MD	IGSA	60

## Appendix I: FY 2016 Authorized Facilities that have not adopted DHS PREA Standards (78 Facilities)<sup>8</sup>

Facility Name	State	Facility Type	FY16 ADP
YORK COUNTY PRISON	PA	IGSA	671
ROLLING PLAINS DETENTION CENTER	TX	IGSA	490
THEO LACY FACILITY	CA	IGSA	448
JAMES A. MUSICK FACILITY	CA	IGSA	290
JOHNSON COUNTY LAW ENFORCEMENT CENTER	TX	IGSA	216
UTAH COUNTY JAIL	UT	IGSA	215
SUFFOLK COUNTY HOUSE OF CORRECTIONS	MA	IGSA	192
YUBA COUNTY JAIL	CA	IGSA	189
BAKER COUNTY SHERIFF'S OFFICE	FL	IGSA	188
ORANGE COUNTY JAIL	NY	IGSA	172
PIKE COUNTY CORRECTIONAL FACILITY	PA	IGSA	169
WORCESTER COUNTY JAIL	MD	IGSA	165
CALHOUN COUNTY CORRECTIONAL CENTER	MI	IGSA	148
RIO COSUMNES CORR. CENTER	CA	IGSA	136
TULSA COUNTY JAIL (DAVID L. MOSS JUSTICE CTR)	OK	IGSA	132
GLADES COUNTY DETENTION CENTER	FL	IGSA	130
BRISTOL COUNTY DETENTION CENTER	MA	IGSA	116
PLYMOUTH COUNTY CORRECTIONAL FACILITY	MA	IGSA	86
DOUGLAS COUNTY DEPARTMENT OF CORRECTIONS	NE	IGSA	82
BUTLER COUNTY JAIL	OH	IGSA	81
SAINT CLAIR COUNTY JAIL	MI	IGSA	69
STRAFFORD COUNTY CORRECTIONS	NH	IGSA	67
WAKULLA COUNTY JAIL	FL	IGSA	62
FREEBORN COUNTY ADULT DETENTION CENTER	MN	IGSA	61
MONROE COUNTY DETENTION CENTER	FL	IGSA	52
MORGAN COUNTY ADULT DETENTION CENTER	MO	IGSA	51
MONROE COUNTY DETENTION-DORM	MI	IGSA	51
SENECA COUNTY JAIL	OH	IGSA	49
HARDIN COUNTY JAIL	IA	IGSA	45
CHASE COUNTY DETENTION FACILITY	KS	IGSA	44
FREDERICK COUNTY DETENTION CENTER	MD	IGSA	39
MORROW COUNTY CORRECTIONAL FACILITY	OH	IGSA	29
CARVER COUNTY JAIL	MN	IGSA	29
CALDWELL COUNTY DETENTION CENTER	MO	IGSA	21
MONTGOMERY COUNTY JAIL	MO	IGSA	18
EULESS CITY JAIL	TX	IGSA	18
ALLEN PARISH PUBLIC SAFETY COMPLEX	LA	IGSA	18
CHIPPEWA COUNTY SSM	MI	IGSA	18

<sup>8</sup> This list does not include the U.S. Department of Justice's (DOJ) Bureau of Prisons and U.S. Marshals Service facilities, which are covered by DOJ Prison Rape Elimination Act regulations. The list also excludes other detention facilities categorized as "non-authorized" because they are used irregularly and/or infrequently; this category applies to any facility with less than 60 man-days in a fiscal year, which is a cumulative sum of the number of detainees present within a facility each evening at midnight.

Facility Name	State	Facility Type	FY16 ADP
BEDFORD MUNICIPAL DETENTION CENTER	TX	IGSA	16
HALL COUNTY DEPARTMENT OF CORRECTIONS	NE	IGSA	14
NORTHERN OREGON CORRECTIONAL FACILITY	OR	IGSA	14
TENSAS PARISH DETENTION CENTER	LA	IGSA	13
CHRISTIAN COUNTY JAIL	MO	IGSA	13
ALLEGANY COUNTY JAIL	NY	IGSA	12
TELLER COUNTY JAIL	CO	IGSA	10
LINCOLN COUNTY DETENTION CENTER	MO	IGSA	7
EL PASO COUNTY CRIMINAL JUSTICE CENTER	CO	IGSA	6
CHAUTAUQUA COUNTY JAIL	NY	IGSA	5
DAVIDSON COUNTY SHERIFF	TN	IGSA	4
COLLIER COUNTY NAPLES JAIL CENTER	FL	IGSA	4
SAINT TAMMANY PARISH JAIL	LA	IGSA	4
SHAWNEE COUNTY DEPARTMENT OF CORRECTIONS	KS	IGSA	3
GRAND FORKS COUNTY CORRECTIONAL FACILITY	ND	IGSA	3
MINICASSIA DETENTION CENTER	ID	IGSA	3
WAKE COUNTY SHERIFF DEPARTMENT	NC	IGSA	3
DEARBORN POLICE DEPARTMENT	MI	IGSA	2
BALDWIN COUNTY CORRECTIONAL CENTER	AL	IGSA	2
NOBLES COUNTY JAIL	MN	IGSA	1
ELGIN POLICE DEPARTMENT	IL	IGSA	1
BURNET COUNTY JAIL	TX	IGSA	1
PLATTE COUNTY DETENTION CENTER	MO	IGSA	1
JEFFERSON COUNTY JAIL	ID	IGSA	1
COBB COUNTY JAIL	GA	IGSA	1
WHITFIELD COUNTY JAIL	GA	IGSA	1
LONOKE POLICE DEPARTMENT	AR	IGSA	1
ROANOKE CITY JAIL	VA	IGSA	1
OLDHAM COUNTY JAIL	KY	IGSA	1
MONTGOMERY CITY JAIL	AL	IGSA	1
GARVIN COUNTY DETENTION CENTER	OK	IGSA	1
NEW HANOVER COUNTY JAIL	NC	IGSA	0.5
ORANGE COUNTY INTAKE RELEASE FACILITY	CA	IGSA	0.3
GLENDALE POLICE DEPARTMENT	CA	IGSA	0.2
KENT COUNTY JAIL	MI	IGSA	0.2
MOFFAT COUNTY JAIL	CO	IGSA	0.2
CABARRUS COUNTY JAIL	NC	IGSA	0.1
GASTON COUNTY JAIL	NC	IGSA	0.1
YAVAPAI COUNTY DETENTION CENTER	AZ	IGSA	0.1
DALE G. HAILE DETENTION CENTER	ID	IGSA	0.1

## Appendix J: List of Abbreviations/Acronyms

<b>Abbreviation/Acronym</b>	<b>Definition</b>
ADP	Average Daily Population
BOP	Bureau of Prisons
CBP	U.S. Customs and Border Protection
CDF	Contract Detention Facility
DHS	U.S. Department of Homeland Security
DIGSA	Dedicated Intergovernmental Service Agreement
DMC	Detention Monitoring Council
DOJ	U.S. Department of Justice
ERO	Office of Enforcement and Removal Operations
FRS	Family Residential Standards
FY	Fiscal Year
ICE	U.S. Immigration and Customs Enforcement
IGA	Intergovernmental Agreement
IGSA	Intergovernmental Service Agreement
NDS	National Detention Standards
OPR	Office of Professional Responsibility
PBNS	Performance Based National Detention Standards
PREA	Prison Rape Elimination Act
PSA	Prevention of Sexual Assault
SAAPI	Sexual Abuse and Assault Prevention and Intervention
SPC	Service Processing Center
USMS	U.S. Marshals Service