May 3, 2016

Gary Common Council
401 Broadway, Suite 209
Gary, Indiana 46402

RE: Reject Zoning Variance for GEO Group

Dear President Ronald Brewer and Council Members,

On behalf of Community Initiatives for Visiting Immigrants in Confinement (CIVIC), we write to urge you to reject the zoning variance that GEO Group is seeking by the Gary/Chicago International Airport—and the GEO prison generally. CIVIC is a national nonprofit organization, and we work exclusively in the immigration detention context. Our mission is to end the isolation and abuse of people in U.S. immigration detention through visitation, independent monitoring, storytelling, and advocacy. We have affiliated visitation programs in over 40 immigration detention facilities. GEO Group has proven to be an untrustworthy partner for many local governments, and we would like to explain why in this short letter.

**A GEO Group facility in Gary, Indiana, will not offer any benefits for the town.**

Sixty-two percent of all ICE immigration detention beds in the United States are operated by for-profit prison corporations, up from 49 percent in 2009.¹ Private, for-profit immigration detention facilities make billions in profits every year from holding immigrants, and the counties and cities involved in the intergovernmental service agreements or who issue permits experience little financial or economic gain. In fact, as GEO Group has converted its corporate structure to a Real Estate Investment Trust (REIT), it does not pay income tax and has other special tax advantages that do not contribute to the growth of the overall economy.²

Take the City of Adelanto, for example. GEO Group has compared the facility it wants to build in Gary to its facility in Adelanto, California. The Adelanto Detention Facility detains up to 1,940 women and men each day. It is the largest adult-only immigration detention facility in the country. Prior to the recent expansion of the Adelanto facility, GEO made over $45M each year for imprisoning 1300 immigrants, paying the City of Adelanto only about $225,000 per year.

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With the expansion of the Adelanto Detention Facility to 1940 beds last year, GEO Group expects to generate $21 million in additional annualized revenue from this expansion, according to their annual report.

The City of Adelanto will not see any real benefit from this expansion. In fact, GEO Group initially promised the City of Adelanto more jobs for the people of Adelanto. However, the reality is that as GEO expanded its presence in Adelanto, the community has not improved. GEO failed to hire mostly from people living in Adelanto. Studies have found that unemployment does not go down in towns with one or more prisons. In fact, the Sentencing Project has found that nonprison counties and cities perform marginally better in periods of economic downturn. Additionally, counties that host new prisons received no economic advantage as measured by per capita income. In fact, the opposite is shown. From the inception of the prison building boom in 1982 until 2000, per capita income rose 141% in counties without a prison, but only 132% in counties that hosted a prison.

Adelanto is a good example. The city has become synonymous with prison, which has prevented companies such as McDonald’s and Walmart from being willing to open in Adelanto. Even the former Mayor Cari Thomas who helped shape the prison industry in Adelanto admitted, "You can't buy a pair of shoes in Adelanto," before she was voted out of office. The elementary schools in Adelanto are failing and there are no after-school programs. Children drive by the detention center on their way to school in the neighboring town, looking at the barbed-wire fences instead of a park or recreation facility. The City of Adelanto is now known for its detention facility and its unlimited prison possibilities. We do not want to see this fate for Gary, Indiana. And we highly doubt a prison by an airport is going to attract visitors to Gary.

While failing small towns, GEO Group has committed civil and human rights violations.

The U.S. government detains approximately 400,000 immigrants each year in a network of 250 jails and private prisons. Immigrants in detention include asylum seekers, victims of human trafficking, and legal permanent residents with longstanding community ties. Immigration detention is technically a civil form of confinement, and thus, immigrants in detention lack many of the safeguards of the criminal justice system. They have no right to a court-appointed attorney, a free phone call, or a speedy trial. Forty-six percent of immigrants are transferred away from family and friends, and 84% lack attorneys. Many go without any form of visitation from the outside community. Inadequate medical care and human rights abuses have contributed to approximately 150 reported deaths in custody, including two last year at the Adelanto Detention Facility (a GEO Group facility) in California.

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4 https://www.opensocietyfoundations.org/sites/default/files/bigprisons.pdf
5 Ibid.
7 http://www.huffingtonpost.com/christina-fialho/adelanto-unlimited-prison_b_5683538.html
In 2011, ICE developed the Operations Performance-Based National Detention Standards (PBNDS), which lays out the basic health and safety standards immigrants should expect while in detention. Unfortunately, CIVIC has documented violations of ICE’s PBNDS and consistent reports of physical and sexual abuse, poor access to healthcare, limited access to legal counsel, and overuse of solitary confinement in immigration detention facilities run by GEO Group. Here are just a few examples:

Adelanto Detention Facility (GEO Group)

At the Adelanto Detention Facility (GEO Group), CIVIC has documented a pattern and practice of medical abuse/neglect. With the ACLU of Southern California, we filed a complaint8 with the Office for Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security (DHS) in May 2015 detailing how GEO Group has failed to live up to the PBNDS. The systemic breakdowns at the Adelanto Detention Facility have led to numerous cases in which the health of immigrants was placed at unnecessary risk. We here summarize a small sample of the cases we have documented in the past few years:

- Denial of care to a detainee with Hepatitis C because “his length of stay was uncertain”;
- Denial of a medically-necessary helmet for a detainee with severe epilepsy who is prone to violent seizures;
- Denial of treatment to a detainee with a serious hip infection because “it was too expensive” and that ultimately developed into a life-threatening condition that required a 6-week hospitalization;
- Failure to perform diagnostic tests on a detainee suffering from extreme headaches, dizziness and temporary losses of vision;
- Denial of meal accommodations and sufficient pain medication for a detainee suffering from a severe form of sickle-cell anemia;
- Denial of surgery to correct mobility issues in a stroke victim’s arm;
- Failure to sanitize catheters that medical staff required a partially paralyzed, wheelchair bound detainee to recycle, resulting in a urinary tract infection and hospitalization;9
- Denial of back surgery for a detainee with a slipped disc because “the injury occurred in prison,” and his “stay at Adelanto will be brief”;
- Delayed treatment for a detainee with a severe case of valley fever after he had informed medical staff that his condition requires regular monitoring and specialized care.

Congresswoman Judy Chu (D-CA) and 28 other Congressional representatives sent their own letter to the director of ICE in May 2015, explaining how “GEO’s failure to provide adequate medical care to detainees at Adelanto resulted in the death of at least one detainee, Mr. Fernando Dominguez...Recently, we learned that Raul Ernesto Morales-Ramos, an individual who was detained for five years, died after GEO failed to diagnose and treat his intestinal

9 Congresswoman Judy Chu (D-CA) was particularly concerned about this incident, and included CIVIC’s Christina Fialho’s testimony in a Congressional letter to DHS. See http://chu.house.gov/sites/chu.house.gov/files/documents/Gerardo_Corrales_Affidavit_Fialho.pdf.
In fact, ICE’s Office of Professional Responsibility determined that Mr. Dominguez’s death was caused by “egregious errors” committed by GEO Group medical staff, including “failure to perform proper physical examinations in response to symptoms and complaints, failure to pursue any records critical to continuity of care, and failure to facilitate timely and appropriate access to off-site treatments.” The Office of Detention Oversight concluded Mr. Dominguez’s death “could have been prevented and that the detainee received an unacceptable level of medical care while detained at [Adelanto].”

CRCL did conduct a three-day investigation in December 2015 of the Adelanto Detention Facility, resulting in a change in the medical provider at Adelanto. As GEO Group had convinced the City of Adelanto years ago to act as a middle man in a contract between GEO Group and ICE to evade the competitive federal bidding process, the City of Adelanto was technically on the hook for these abuses in Adelanto. The new medical provider is Correct Care Solutions, a private medical provider that works in local, state, and federal detention facilities. However, CIVIC conducted a tour of the Adelanto Detention Facility on March 23, 2016, and medical care had not improved. Approximately, 130 immigrants signed up to speak with CIVIC, and the medical complaints we heard were devastating. One man suffers from severe migraines, and has begun experiencing seizures while in detention. The seizures have left parts of his body numb, requiring him to use a wheelchair to move. Our volunteers who spoke with this man could see the discoloration on his hands. He explained his pain level: “I have chronic nerve damage. My legs burn so bad I feel the flesh falling off.” He has been provided with medication and the wheelchair, but the medical unit has told him that they think he is faking—a common refrain we here in response to legitimate, even life-threatening medical issues. Another man requires cataract surgery, and although the medical unit schedule d him for surgery, he was told that the machine did not work on the day of his surgery. No future date has been set for his surgery, despite repeated requests.

CIVIC also has documented poor food (including maggots in the meat), poor hygiene, physical abuse, religious freedom violations, and denial of access to counsel at the Adelanto Detention Facility. In one extreme instance, a man was beaten so severely by a GEO Group officer that he had to temporarily use a wheelchair. And on at least three separate occasions, attorneys and legal assistants including were denied access to their clients at Adelanto. For more information on our independent monitoring of Adelanto, please visit www.endisolation.org/adelanto.

Mesa Verde Detention Facility (GEO Group)

At the Mesa Verde Detention Facility (GEO Group), Ms. Monserrat Ruiz Cuevas suffered a miscarriage. GEO staff fully shackled Ms. Cuevas while she was transported to a hospital to

receive urgent medical care related to her pregnancy. While in transit, she tripped on the shackles and fell on her stomach. She suffered a miscarriage the next day. After a doctor confirmed she had suffered a miscarriage, Ms. Ruiz did not receive any follow-up gynecological care to ensure she had not contracted an infection or continued hemorrhaging, despite the fact that Ms. Ruiz was experiencing ongoing bleeding and vaginal irritation. This shackling violated the 2011 PBNDS, which bars the restraint of pregnant women absent “extraordinary circumstances that render restraints absolutely necessary.” The ACLU of Southern California wrote a letter to ICE, detailing Ms. Ruiz’s ordeal.  

GEO Beyond California

GEO’s failures to uphold the PBNDS in the above two California facilities, unfortunately, should not come as a surprise. In 2012, twenty-six members of Congress requested an investigation of the GEO-operated Broward Transitional Center in Florida after hearing reports of inadequate medical care for detained immigrants. The same year, the Department of Justice released a report finding “systematic, egregious, and dangerous practices,” including inadequate medical care, at a GEO facility in Mississippi. At another GEO facility in Pennsylvania, seven people died in less than two years, with several resulting in lawsuits alleging that the facility failed to provide adequate medical care. In 2011, GEO was held civilly liable in a wrongful death action brought by the estate of an inmate at a GEO facility in Oklahoma. There are dozens more suits ranging from allegations of inmate death to abuse to medical neglect that have been filed against GEO.

CIVIC also has documented human and civil rights abuse at other GEO-run immigration detention facilities, such as the Karnes County Residential Center, the Aurora Detention Center, and the Northwest Detention Center. These facilities have put the towns of Karnes City (Texas), Aurora (Colorado), and Tacoma (Washington) on the map for abuse of women and children, medical neglect leading to death, and hunger strikes, respectively. What will Gary, Indiana, be known for?

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14 Letter from Congressional Members Demanding an Investigation of Broward Transitional Center, Sept. 13, 2012 (noting, among other reports, that a woman “was returned to her cell on the same day she had emergency ovarian surgery and that she suffered bleeding and inadequate follow-up care”).
Indiana is home to a growing population of immigrants, and immigration detention would undermine the welcoming nature of Gary, Indiana.

Immigrants, Latinos, and Asians account for growing shares of the economy and population in Indiana. In fact, according to the American Immigration Council, immigrants make up 4.8% of Indiana’s population and they add billions of dollars and tens of thousands of jobs to Indiana’s economy. Immigration also boosts housing values in communities. From 2000 to 2010, according to the Americas Society/Council of the Americas, the value added by immigration to the price of the average home was $3,635 in Marion County. These statistics are just some of the reasons why Indiana’s capital city became an official Welcoming City, and we hope Gary, Indiana, will follow by first rejecting the zoning variance for GEO Group. As the economy continues to grow, Indiana cannot afford to alienate immigrants who are critical components of its labor force, tax base, and business community.

For all the foregoing reasons, CIVIC strongly urges you to reject the zoning variance that GEO Group is seeking by the Gary/Chicago International Airport—and the GEO prison generally. We hope to see Gary, Indiana, become a welcoming community not another prison city. If you require additional information, please do not hesitate to contact us.

Sincerely,

Christina M. Fialho
Co-Founder/Executive Director, CIVIC

Christina Mansfield
Co-Founder/Executive Director, CIVIC

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22 http://www.immigrationpolicy.org/just-facts/new-americans-indiana
23 Ibid.
24 http://www.welcomingamerica.org/programs/member-municipalities
25 We applaud former mayor of Gary Richard Hatcher for talking at the April 12th meeting about welcoming immigrants, including undocumented immigrants, into Gary rather than imprisoning them.