



CRUELTY *and* CORRUPTION:

Community members line up to visit a woman facing retaliation from ICE and CoreCivic after speaking out publicly about being sexually assaulted by a guard.

CONTRACTING TO LOCK UP IMMIGRANT WOMEN FOR PROFIT AT THE HUTTO DETENTION CENTER

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SUMMARY AND FINDINGS

The story of the T. Don Hutto (“Hutto”) immigration detention center is a story of women deprived of their liberty and dignity in the pursuit of profits for the private prison company that runs the facility. It is also the story of accountability failures and a contracting process that was designed to ensure continued detention at the facility at all costs, despite questionable legality. The story must end with a decision by the federal government to close Hutto.

Hutto holds women seeking asylum during their immigration proceedings, even though most women need not be detained at all, because they have family or community organizations willing to host and support them as they participate in hearings and wait for a decision on their asylum claims. Up to 512 women are detained at the facility at any given time, isolated from legal counsel, family, and other support. The Hutto facility, located in Williamson County, Texas, is managed and owned by private prison company CoreCivic (known as the Corrections Corporation of America until 2016¹). Hutto is operated pursuant to a direct contract between Immigration and Customs Enforcement (“ICE”) and CoreCivic that lasts for ten years—beyond this presidency and the next.

In Texas and around the country, as many as 81% of detained non-citizens are held in privately-run immigration detention centers like Hutto.² Texas is the state with the greatest number of immigration detention beds by far, and almost all detention centers in Texas are privately run.³ The private prison industry is big business in the United States. In 2019, CoreCivic and Geo Group, the two largest private prison companies, had revenues of \$1.98 billion⁴ and \$2.48 billion⁵ respectively. Immigration detention contracts make up 20–30% of these companies’ revenue.⁶

Because of prior litigation and advocacy, conditions at Hutto are, on paper, held to a higher standard than at many other immigration detention facilities. Nonetheless, Hutto remains a prime example of the many serious problems with federal civil immigration detention including the web of profit incentives woven into the fabric of the system.

This report documents and analyzes the history of Hutto and makes the following findings:

- ICE and CoreCivic have entered into a ten-year contract for detention at Hutto against the express wishes of the local community to no longer host an immigration detention center in the area.
- ICE contracted directly with CoreCivic for detention at Hutto in an arrangement that flouts federal law, since federal law envisions use of government facilities for detention rather than private prisons.
- ICE and CoreCivic entered into the current Hutto contract in a process characterized by evasion of competitive bidding requirements. Weak enforcement possibilities mean that there is no clear path for the public to hold the parties accountable.
- CoreCivic has strong incentives to maintain or expand immigration detention at Hutto. These incentives encourage high levels of detention despite the expense to taxpayers and the lack of any need for detention at the facility.
- CoreCivic and its contractors at the Hutto facility maximize profits in large part by delivering poor service, subjecting detained women to unacceptable conditions—ranging from deprivation of adequate food to sexual abuse to forced labor.

- CoreCivic's use of an array of subcontractors at Hutto contributes to a culture of profit-maximization and creates incentives to continue detention without policy justification.
- The federal government has not terminated or refused to extend any contract for the operation of Hutto, or otherwise exerted financial pressure on CoreCivic, even though conditions at Hutto fall short of the criteria set out in contracts and detention standards.
- Federal government auditors who purportedly monitor compliance with detention standards and contractual obligations at Hutto have a financial interest in continued detention at the facility.

Given these findings regarding unaddressed abuses and questionable contracts, the federal government must immediately close Hutto.

The government must also end similar contracts with private prison companies around the country as part of an overall move to end unnecessary and costly immigration detention.

TIMELINE OF HUTTO

- **1990s:** The original owners of the land on which Hutto now sits—a group of Mexican laborers—donate the land to a nearby Catholic church. The Church (Diocese of Austin) sells the land to CoreCivic for \$10. CoreCivic builds a prison on the grounds.
- **July 1997-2004:** The “T. Don Hutto Correctional Facility,” owned by CoreCivic, is operated as a prison until low numbers of inmates results in its closure.
- **2006:** ICE signs a contract with Williamson County, which contracts with CoreCivic, to convert the facility into an immigration detention center for families seeking asylum.
- **2006-2007:** The ACLU, Texas Law Immigration Clinic and a law firm sue the federal government for violations of federal law relating to the treatment of children at the facility. The parties reach a settlement in August 2007, requiring improved conditions. A federal court monitor finds repeated settlement violations and ongoing problematic conditions.
- **January 2008:** ICE and Williamson County change their contract to allow for the detention of “non-criminal [immigrant] females” in addition to families.
- **2009:** The federal government announces an end to family detention at the facility. ICE and Williamson County enter into a new contract that converts the facility to a women's immigration detention center.
- **2010:** The Williamson County District Attorney charges a CoreCivic employee at Hutto with sexually assaulting multiple detained women. The case ends in conviction.

CONTINUED

- 2015:** Women at the facility engage in hunger strikes and protests because of lengthy detention, inadequate food, medical neglect, and other abuse. In reprisal, ICE places a woman in solitary confinement and transfers dozens of women to an even harsher facility in south Texas, many of whom are deported.
- 2017:** The FBI investigates allegations of sexual abuse of detainees by guards. Supporters of the detained women, working with the Grassroots Leadership non-profit, are banned from visiting the facility. More than 50 Members of Congress demand additional inspection per the Prison Rape Elimination Act.
- 2018:** ICE detains mothers separated from their children under the “zero tolerance” policy at the facility. Grassroots Leadership works with community members to express concern.
- June 2018:** Williamson County votes to end the contract for the facility, effective January 2019, after community pressure in the wake of a litany of abuses.
- January 2019-2020:** ICE and CoreCivic sign short-term “emergency” contracts (exempt from competitive bidding) to allow for continued operation of the facility despite the decision by Williamson County to end detention at Hutto.
- November 21, 2019:** ICE issues a non-public Request for Proposals (RFP) for a detention contract with requirements that mirror existing parameters at the Hutto facility.
- January 2020:** Freedom of Information Act litigation forces ICE to finally release records relating to the contracting process at Hutto, which had not previously been made public.
- August 2020:** ICE signs a ten-year contract for operation of the facility directly with CoreCivic shortly before the presidential election and during the COVID-19 pandemic. This contract is announced in the press, but its content is not available publicly.

BACKGROUND: HUTTO'S TROUBLING HISTORY

Unhealthy and Unsafe Conditions of Detention at Hutto

Most women held at Hutto are seeking asylum after having fled extreme violence in their home countries. They face additional trauma as a result of their incarceration.⁷ They are detained for prolonged periods, often months or even years, even though most have families willing to receive and care for them.⁸ By law, their detention should not be punitive since the detained women are held only in connection with their pending immigration proceedings.⁹ Detention at Hutto does not comply with constitutional standards governing civil detention, though. Those constitutional standards require a particularly strong governmental justification to deprive non-citizens of their liberty. No such justification explains the detention of women seeking asylum at Hutto. The women present no danger to the community and have strong incentives to appear for their hearings to gain protection in the United States.¹⁰

MARIA

(not her real name), a 39-year old woman from Guatemala arrived at Hutto after suffering a rape during her border crossing experience. She was bruised, had abdominal pain, and was hemorrhaging as a result of the sexual violence she suffered. Maria told a female guard at Hutto that she needed medical attention, and the guard told Maria that she had to fill out a paper request for a medical visit. Maria fell to the floor as she was very weak and had lost a lot of blood. The guard yelled at Maria to get up and refused to allow other women detained at Hutto to help. The guard then called on the radio for additional guards, and three more officials came to the area where Maria had fallen to the ground. These additional guards also refused to assist Maria in getting up from the floor.

In Maria's words, ***"it is so awful that these guards and ICE agents cannot see us as human beings."***

Women detained at Hutto find it difficult to secure legal representation and to communicate privately with counsel, which makes it much less likely that they will win the right to remain safely in the United States even where they have valid asylum claims.¹¹ Other aspects of immigration detention also make it challenging to participate in their immigration proceedings, including barriers to gathering evidence and video rather than in-person hearings.¹²

In addition to the fact that the detention lacks justification and impedes participation in immigration proceedings, the women detained at Hutto are held in conditions that threaten their health, safety, and dignity. Unsurprisingly, given its history as a "correctional" facility, Hutto shares the same dehumanizing, restrictive, and isolated environment that plagues people incarcerated in prisons across the country. The women held at Hutto while seeking asylum live within cinderblock walls and high fences in cells with metal bunks and under the watch of guards observing them through one-way glass.

The facility has been plagued by sexual abuse of detained women. In 2010, a CoreCivic employee pled guilty to sexually abusing several women as he transported them out of the facility.¹³ In 2017, the FBI opened a civil rights investigation after a detained woman, Laura Monterrosa, reported sexual abuse by a guard.¹⁴ The facility responded to the accusations by placing Laura in solitary confinement for sixty hours and threatening to keep her there "indefinitely" if she did not retract her accusations.¹⁵ Despite the trauma she suffered from the entire experience and a resulting suicide attempt, Laura did not receive meaningful medical and mental health care.¹⁶

This denial of medical care is also far from abnormal. As is the case at other immigration detention centers,¹⁷ medical care at Hutto ranges from inadequate to life threatening.¹⁸ In one instance, a woman who was diagnosed with a tumor in her country of origin reported severe pain in her head that personnel at Hutto failed to treat.¹⁹ Another woman's

type 1 diabetes was so badly managed after her medication was taken from her at the border that, after weeks of seeking appropriate care while facing dangerously high glucose levels, she felt she had no other choice than to sign her own deportation rather than fall into a diabetic coma.²⁰ Women regularly report that medical staff only provide ibuprofen and water as medical treatment.²¹

CoreCivic also coerces women into working at the facility for dollars a day, for example in the cafeteria, even when they are ill or injured.²² For instance, a 2018 lawsuit alleges that CoreCivic took reprisals against women who refused to participate in the work program, which provides key labor for the facility's operation. Guards threatened to place the women in solitary confinement or deprive them of sanitary products, toothpaste, and other necessities.²³

CINTIA (not her real name)

Border officials separated 24-year old Guatemalan mother Cintia from her 6-year old daughter. The authorities sent Cintia to Hutto, all because immigration officials threw away the family’s identification documents. Once Cintia arrived at Hutto, she became very depressed because she could not find out any information about her daughter’s whereabouts and the guards simply laughed. Cintia asked to be able to make phone calls to try to learn what had happened, but the guards at Hutto told her that she would need to buy an expensive phone card even though she did not have any money. In order to earn enough money to make phone calls, Cintia worked in the cafeteria for five days from 4:00 am until 9:00 am and earned only five dollars to use to buy a phone card that lasted for about five minutes. ICE finally decided to release Cintia on an ankle monitor.



She says: ***“it was really terrible to be in Hutto, and I would not wish that experience on anybody.”***

Women detained at Hutto report being served food that is all but “inedible,”²⁴ describing fruit that looked as though it was taken out of the trash,²⁵ and undercooked food.²⁶ The quantity of food is also often insufficient; some purchase additional food from the commissary, but those who cannot are forced to go without.²⁷

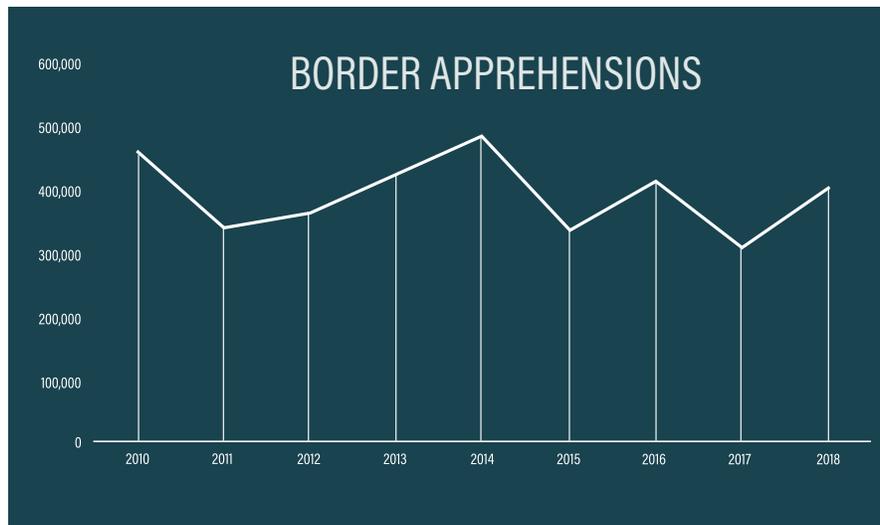
ICE and CoreCivic often engage in reprisals against women who speak out against sexual abuse or other inhumane conditions at the facility in an effort to maintain silence regarding the rights violations taking place. Solitary confinement was meted out to Laura Monterrosa, as described above, and has been used in other instances as well.²⁸ ICE has also carried out transfers to even harsher facilities and deportations of women who protest abuses.²⁹

The facility experienced an outbreak of COVID-19 in June 2020 after a CoreCivic employee contracted the virus.³⁰ CoreCivic reports that 11 staff members have had COVID-19.³¹ Little is known about the current COVID-19 situation in Hutto due to a lack of transparency.³² What is known is that ICE has refused to release high-risk detained women despite being ordered to do so by a federal judge,³³ and that detained women continue to be transferred between Hutto and other facilities.³⁴

Fiscal Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Average Number Women Detained Daily	476	493	496	503	500	496	493	493	492

Source: ICE ERO Custody Management Division, Facility List, <https://immigrantjustice.org/ice-detention-facilities-november-2017>

Despite these problematic conditions, in most recent years, ICE has consistently held women at the facility at near maximum capacity. The numbers of women in detention have not changed significantly even when there are fewer migrants at the border subject to detention. Detention at the facility is thus not closely tied to immigration trends and objectives and instead must be explained by other rationales, particularly profits for the private prison industry.



Source: U.S. Border Patrol, Border Apprehensions by Month, https://www.cbp.gov/sites/default/files/assets/documents/2020-Jan/U.S.%20Border%20Patrol%20Monthly%20Apprehensions%20%28FY%202000%20-%20FY%202019%29_1.pdf

The numbers of women detained at Hutto in 2020 and 2021 were much lower than in prior years for several reasons, including harsh exclusion policies at the United States southern border. The lower numbers make it less complex to end detention at Hutto but do not signify that the facility will close without decisive federal government action. The facility has undergone multiple transformations over its history but has continued to operate.

From Prison to Locking up Families to Detaining Women Asylum Seekers

Hutto is built on land that was originally owned by a collective of immigrant workers and then by the Catholic Church. In 1997, CoreCivic (then Corrections Corporation of America) built the facility as a prison operating in the criminal justice system.³⁵ Hutto was slated for closure in the mid-2000s when prison numbers finally began to shrink as criminal reforms gained a foothold.

However, CoreCivic soon reconfigured Hutto as an immigration detention facility. In 2005, as part of the post-9/11 crackdown carried out under President George W. Bush, ICE announced a policy of detaining all immigrants awaiting immigration court hearings, with a particular focus on asylum seekers arriving at the southern border.³⁶ The policy change caused a 79% spike in the number of detained immigrants.³⁷ Under this new policy, Hutto began to hold entire families.

The transition took place through a complex but common immigration detention contract arrangement. In May 2006, ICE contracted with Williamson County via an intergovernmental services agreement (IGSA) for the operation of a "Family Residential Facility."³⁸ In turn, the county government contracted with CoreCivic to operate the facility as the first private family immigration detention center in the United States.³⁹

The facility came under fire for the abysmal punitive conditions inside. Prison conditions and practices prevailed. CoreCivic forced all members of a family, including infants, to wear prison

garb. Husbands and wives were detained separately and forbidden from visiting each other's cells. Detained families were forced to remain in their cells for as much as twelve hours a day and were subjected to regular counts. Children—who were provided with only an hour of schooling per day—were forbidden from keeping writing implements, toys, or stuffed animals in their cells.⁴⁰ ICE and CoreCivic made no move to improve these conditions until litigation forced changes.

Civil rights advocates filed a lawsuit in March 2007 pursuant to the 1997 Flores settlement agreement, which limits the detention of immigrant children and includes protections for those in custody.⁴¹ A settlement that same year led to moderate conditions improvements for the families detained at Hutto. However, it did not shutter the facility or end the detention of families there.

In 2009, as the Hutto settlement was set to expire and the possibility of new litigation loomed, the relatively new administration of President Barack Obama converted the facility into a women-only immigration detention center.⁴² The troubled facility continued to generate controversy, however. Within a year of the shift, allegations of sexual abuse began to surface; the facility continues to struggle with the issue.

New community outrage gathered in 2018 when ICE detained dozens of mothers at Hutto who had been separated from their children at the border as part of the administration's 'zero tolerance' policy.⁴³ The local community advocated to end detention at Hutto, and the Williamson County Commissioner's Court voted in June 2018 to terminate its contract with ICE. The termination would be effective January 31, 2019.⁴⁴ It appeared that Hutto would finally close.

However, ICE and CoreCivic immediately began taking steps to ensure the facility's continued operation. ICE conducted a shadowy solicitation process and then signed a direct contract with CoreCivic for operation of the facility, allowing Hutto to remain open against the wishes of the local community.

The Suspect Deal for Continued Operation of Hutto

Shortly after Williamson County voted to end the Hutto contract with ICE in 2018, ICE sent out a request for information (RFI) stating that it would solicit bids for a contract to operate an immigration detention center in the area.⁴⁵ The announcement set out an expedited timeline seemingly intended to ensure the Hutto facility's operation and circumvent the local community's decision that it no longer wanted an immigration detention center in its midst. The ICE announcement called for a new contract by January 1, 2019, making it all but impossible for a serious competitive process or for consideration of alternatives to detention at Hutto.⁴⁶

Months later—and on the same day that the existing operating agreement expired in January 2019—ICE announced that it had entered into an interim "emergency" extension of the prior contract with CoreCivic to continue operating the Hutto facility.⁴⁷ CoreCivic and ICE evaded the usual bidding process for federal contracts in connection with this "emergency" agreement.⁴⁸ Yet there was no emergency – the contract termination had been announced months earlier and there was no immigration crisis at hand.

Even after the Hutto contract extension was announced, no information was publicly available about the facility's future. Local advocates had to file a Freedom of Information Act suit to shed light on the secretive process.⁴⁹

CoreCivic operated Hutto pursuant to emergency contract extensions for an extended period. The law envisions that the special arrangement allowing for continued operation without competitive bidding should have been short-term. However, the extensions allowed for continued operation of

the facility without competitive bidding through 2019 and 2020.

ICE did not issue a formal solicitation of bids for a full-term contract until November 21, 2019. When ICE finally issued the Request for Proposals (RFP), the solicitation seemed to be reverse engineered. Only CoreCivic could comply with the terms and only through the continued operation of Hutto as an immigration detention center. The RFP contained unusually detailed requirements for the proposed new facility, which perfectly matched the parameters of the existing facility at Hutto as run by CoreCivic.⁵⁰ For example, the RFP stated that the “new” facility would be required to have the same numbers of beds, security level, distance from airport, and ownership/operation arrangement as Hutto.

On July 31, 2020, ICE revealed it had signed a \$264.6 million ten-year contract directly with CoreCivic for the operation of the Hutto facility. The new contract undid years of advocacy and decision-making at the local level directed at ending immigration detention in the community. It also had the effect of eliminating altogether Williamson County’s oversight and authority over Hutto.⁵¹ The contract’s term was set for an unusually lengthy ten years⁵² so that the arrangement would outlast the next two presidential administrations.

MARIE

(not her real name), fled Cameroon after she was arrested and tortured by authorities because she belongs to the oppressed English-speaking ethnic minority in the country. Upon arrival at the U.S. southern border in 2019, she claimed asylum and passed a screening interview. ICE then detained her at the Hutto detention center for approximately four months while she awaited the final hearing on her case scheduled in Immigration Court. In late February 2020, women detained at Hutto protested their lengthy detention without explanation and the lack of adequate medical care available to them. ICE and the guards at the facility took reprisals, and Marie and many other Cameroonian women were transferred to remote detention centers in Louisiana. The transfers took place without any notice to the women or their attorneys, just as the COVID-19 pandemic was gaining force and travel was restricted. As a result of Marie’s transfer, her final hearing date was postponed leading to more time in detention. She was finally able to win her asylum claim and achieve her freedom.

ANALYSIS:

HUTTO AS A MODEL OF UNNECESSARY AND INHUMANE DETENTION FOR PROFIT AND EVASION OF ACCOUNTABILITY

Circumventing Federal Contracting Laws at Hutto

The new ten-year contract between ICE and CoreCivic for detention at Hutto raises serious legal questions. First, a direct contract between ICE and CoreCivic, like the one at Hutto, may be unlawful under the immigration statute. The main immigration statute that authorizes contracting for detention space does not authorize direct agreements between the federal government and a private entity.⁵³ It specifically sets out only the possibility that ICE may own its own facilities or enter into detention contracts “with any *State, territory, or political subdivision*.” The statute envisions that government entities will be responsible for immigration detention not private prison companies.

The courts have found that other immigration statutes authorizing ICE to arrange for detention likewise do not demonstrate that Congress intended for ICE to “contract with private detention facilities to house immigration detainees.”⁵⁴ In other words, the agreement between ICE and CoreCivic may not have ever been authorized by law.

Second, ICE likely did not comply fully with federal law governing competition in federal agency contracts. Governmental oversight agencies have noted a pattern of arbitrary ICE contracting and evasion of full competitive bidding processes, resulting in contracts for immigration detention that may not be necessary or sufficiently protective of the health and safety of detained migrants.⁵⁵ Such was the case at Hutto.

As noted above, Hutto operated for more than a year and a half pursuant to so-called “emergency” contract extensions that did not require competitive bidding. Furthermore, documents and communications that were initially hidden from the public demonstrate that ICE did not carry out a serious competitive bidding process before entering the current ten-year contract for detention at Hutto.

Instead, ICE intentionally tailored its solicitation for a permanent contract to fit CoreCivic. For example, in one email, an ICE Contracting Officer stated explicitly that the bidding process should be set up to “get ICE what we currently have.”⁵⁶ Another official responded shortly thereafter, saying “I made changes to reflect how we currently operate and what we currently have at [Hutto].”⁵⁷

The main federal law on the subject, the Competition in Contracting Act of 1984 (CICA), requires contracts to be awarded on the basis of full and open competition between potential contractors. There are seven specific exceptions to the competition rule which may be invoked by the awarding agency.⁵⁸ None of these exceptions apply to Hutto. They excuse full competition only in situations of impossibility or infeasibility due to, for instance, a demonstrable compelling emergency.⁵⁹ One of the exceptions is a catch-all provision allowing an agency head to determine that the use of “other than competitive procedures” is necessary to serve the public interest. However, this exception is also inapplicable, as the statute requires the agency head in question to notify Congress in writing at least 30 days before awarding the contract, which did not happen with Hutto.⁶⁰

Federal law regulating government contracts is designed to ensure that the government spends taxpayer money efficiently. The dubious legal maneuvers that gave rise to the present operating contract ensure that the Hutto arrangement will continue to flout these statutory aims. After all, if CoreCivic was capable of providing quality services at Hutto at a fair price to the taxpayer, then it would not need to collude with ICE to do an end-run around the law. In turn, ICE’s willingness to bend over backwards to contract with CoreCivic ensures that CoreCivic has little incentive to provide the level of service theoretically required by the contract.

Ignoring the Costs of Detention at Hutto: Human Suffering and Unnecessary Taxpayer Expense

In addition to questions about the legality of the Hutto detention contract, Hutto’s history shows that the use of the facility—and the use of similar private prison facilities—is bad policy. Specifically, two main problems arise from the web of private companies woven into the fabric of detention at Hutto and elsewhere. First, the arrangement leads to poor conditions in detention. Second, it leads to unnecessary—and costly—levels of detention.

YESICA

(not her real name)

Mexican

57 Years Old



I am an older woman, and I suffer from diabetes, high cholesterol, and high blood pressure. When the Immigration authorities arrested me and took me to the T. Don Hutto jail, they took all of my belongings and threw away the medicines that I had brought with me from Mexico. I told them that I needed the medicines and that they were important for me. The officials just yelled at me in English and said: “no Spanish in America.” I was sick for three days, and they did not take me to a doctor until I fainted after my diabetes got out of control. I lost consciousness. I told the officials that I wanted to speak with my family, but they did not allow me to do so. Instead, they sent me to an area of the detention facility known as “the hole” [solitary confinement]. This room was too cold, and the lights were on all day and night. I could not sleep and could not talk with anybody else. When the Hutto officials took me out of there after four days, they made me put my fingerprint on some papers. They did not explain the papers to me, and I cannot read or write. The officials did not seem to be humans; instead they seemed like robots. I cannot understand why they hate us so much if the only thing that separates is a wall.

All of us are human beings and we deserve to be treated the same.



Reuniting with family after separation caused by detention.

IRIS

(not her real name)
Guatemalan
36 Years Old



Handicrafts made of packaging from ramen soups purchased in the commissary.

“ At Hutto, I suffered discrimination at the hands of the guards just because I was an indigenous woman, and I do not speak good Spanish. My first language is Mam. The officials yelled at me, because I did not understand when they spoke to me. They made me feel like trash, as though I had no value. I was sexually abused while in detention. The officials did not believe me when I tried to explain what happened. They said that I was telling lies. This response caused me to fall into depression and stress. I could not sleep. The food at Hutto was very bad. I also remember that, when I went outside, a guard sexually propositioned me. He said that he could get me out of there and take me to live with him at his house. I do not understand how they can have this type of awful grotesque man taking care of women.

This type of harrassment should not happen in jails especially with women who have already been abused by men and have come here to escape abusive men and who only want to live with liberty and justice.

ELSA

(not her real name)

Honduran

32 Years Old



CoreCivic identification card issued to women detained at Hutto.

“It is so unfair that they treat us immigrants without respect or mercy. Being at Hutto was traumatic, because the guards did what they wanted with us. They decided when I would eat, when I could bathe, when I would go to sleep, and when I could go outdoors to take a walk. Every time that the guards took me and the other women from one part of the facility to another, they yelled at us and told us that we must form a single line along the wall. They threatened us, saying that if we touched one another or failed to follow their orders, they would put a black mark on our records and that the judge would punish us with more time in the jail. It is so unfair that we have no rights. We could not stand up to the guards, because they threatened us with punishment. They said that they would put us in solitary confinement where we would not be able to communicate with anybody, much less use the phone. We would be in a small room in the cold for four days. The guards also yelled at us at all different times of day to present our IDs. Sometimes they woke us up at midnight demanding to see our IDs. If we did not get up right away, they yelled at us and beat loudly on metal doors.

It is hell to be incarcerated and deprived of justice.

CoreCivic Profits by Maintaining Poor Conditions at Hutto

The involvement of private prison company CoreCivic and private subcontractors at Hutto has led to poor conditions at the facility. Many of Hutto's failings—such as the provision of inedible food, the use of forced labor, and the withholding of medical care—directly result in increased profit margins, for CoreCivic and its subcontractors. High-quality food and medical care cost much more than low-quality substitutes; likewise, it would cost much more to pay detained women a fair wage for their work or to hire outside employees to conduct that same work that is needed to meet the basic requirements for running the facility.

The failure to provide adequate amounts of food can also be linked to a profit motive. Not only does the company save money on meal expenses by providing scant portions of low-quality food, but women are forced to supplement their insufficient meals with food that they purchase from the commissary, which is also a for-profit endeavor. In this way, multiple companies directly profit from the hunger of the detained women. Finally, the prolific use of subcontractors (which will be examined below) ensures that service quality will be reduced as each subcontractor seeks to increase profits by cutting costs.

Profit Incentives Lead to Unnecessary Wide-Scale Detention

The problem is not just with conditions at Hutto and other for-profit facilities, however. The outsized role of private prisons, subcontractors, and service providers in immigration detention has a distortionary impact on policy decisions regarding detention. Private prison companies have strong profit incentives to keep detention at current or expanding levels and to keep particular facilities operating regardless of any policy need for detention. The private prison industry engages in extensive lobbying and makes campaign contributions in order to ensure that detention continues at levels that guarantee a profit stream. As the industry has expanded, immigration detention rates have increased.⁶¹

This incentive to maintain or increase levels of detention plays out at Hutto. Given the lucrative web of contracts and subcontracts involved in the administration of Hutto—each with its own high-dollar profit—the parties involved have a strong interest in keeping the facility open. The most recent ten-year contract between CoreCivic and ICE for overall operation of the facility is worth more than \$260 million.⁶² CoreCivic holds separate contracts with other subcontractors for food and commissary services. There are medical contracts as well. ICE contracts with STG International to provide medical services for 21 facilities, including Hutto, for an estimated \$470 million.⁶³ ICE also has a contract for approximately \$370,000 contract with Air Management Solutions, Inc. for “Airborne

CASE-IN-POINT

Hutto's Food Service

The cafeteria at Hutto, operated by Trinity Services Group, is a prime example of how the drive for profits impacts the quality of services rendered. Cost-cutting incentives ensure that the food quality at Hutto is poor and that portion sizes are small.

The commissary at Hutto is run by Keefe Group. Keefe is owned by the same parent company that owns Trinity, the company operating the cafeteria. These companies can maximize profits by keeping the quality and quantity of food at the cafeteria low and forcing detained women to purchase additional food at the commissary.

Further profit-making occurs through the use of forced labor in the kitchens at Hutto. By paying the women detained at Hutto a mere fraction of what an outside employee's salary would be, CoreCivic and its subcontractors are able to maximize their profits at the cost of the women's dignity and well-being.

Infection Isolation Room (AIIR) Maintenance and Certification” at Hutto.⁶⁴ With this many companies and this much money involved, it is hardly surprising that Hutto remains open and women continue to be deprived of their liberty, even as reports of abuse and neglect stack ever higher.

Evasion of Accountability

The substandard conditions at Hutto and the questionable contract for its operation are more concerning because of barriers to accountability. The processes surrounding contracting and auditing shield ICE, CoreCivic, and subcontractors from responsibility.

Contracting That Shields ICE and CoreCivic from Accountability

The direct contract between ICE and CoreCivic removes any possibility of accountability through the local government of Williamson County. Under the old arrangement in which Williamson County participated in the contract, the local government could theoretically provide some oversight of the situation at Hutto. Such oversight is often weak as local governments receive revenue from or are otherwise economically dependent on ICE contracts and so are disincentivized from intervening meaningfully. However, Williamson County did seek to provide some degree of accountability. In fact, it was an attempt by Williamson County to act that led the prior contractual arrangement to be terminated: as abuses in the center came to light, the local government sought to have the facility closed. Now even that measure of local oversight is gone.

Additionally, the present arrangement exacerbates a long-standing failure on the part of ICE to hold CoreCivic to minimum standards of care. The direct contract effectively serves as ICE’s acceptance and ratification of CoreCivic’s shortcomings and thus creates no incentive for improvements. ICE failed to end its arrangements with CoreCivic for detention at Hutto when the local government decided to end the prior contract. Instead, ICE granted a new contract to CoreCivic for an unusually long period of ten years, eliminating any potential for holding CoreCivic responsible for conditions at the facility through the potential loss of a valuable contract. ICE’s refusal to use the contracting process to remedy abuses and violations of detention standards at Hutto is part of a well-documented national pattern denounced by government oversight entities.⁶⁵

There are multiple examples of ICE’s refusal to use the contracting process at Hutto to guarantee CoreCivic’s compliance with applicable standards of care. For example, the most recently available report on Hutto’s compliance with the Prison Rape Elimination Act (PREA) reported in late 2017 on three investigations into sexual abuse, including one that remained open.⁶⁶ It also documented complaints by several women about harassment and barriers to reporting sexual abuse. The PREA reports detailed these important concerns even though the PREA auditing process is often limited, as described below. Yet, none of this critical information was considered in the contracting process that led to the ten-year contract.

Similarly, ICE’s detention standards require Hutto to provide for confidential attorney/client meeting spaces.⁶⁷ For years, attorneys have complained that the open plexiglass cubicles provided for visitation do not offer confidentiality.⁶⁸ Yet, ICE did not even require CoreCivic to make nominal physical changes to the facility to allow for confidential meeting spaces before signing the ten-year contract.

Furthermore, despite the irregularities in the procurement process, ICE and CoreCivic have evaded accountability for their actions in concluding the ten-year contract. If the government does not act to



Community members sing inside a packed county courthouse before the Commissioner's Court vote to end the county's contract for Hutto.

question the Hutto contract, a party with a stake in the case—such as a bidder that was not chosen—would have to bring suit for the process to be scrutinized in court. Detained women and immigration advocates likely have no such ability and so the suspect handling of the contract will probably never be scrutinized by a court.

Ineffective Oversight by Private Prison Company Auditors Hand-Selected by ICE

The lack of a meaningful auditing process further undermines accountability at Hutto. The performance of audits of the facility pursuant to PREA provide a good example of the problem. PREA is a federal law intended to prevent sexual assaults in custody, and ICE has mandated that immigration detention centers undergo periodic audits that should reveal incidents of sexual abuse or problems with compliance with PREA mandates. PREA audits, like many other compliance audits, are conducted by subcontractors hand-picked by ICE, even though the law requires that “independent, third-party auditor[s]” investigate reports of sexual misconduct involving ICE employees or contractors.⁶⁹

ICE has a role in training and certifying auditors, and ICE's Office of Professional Responsibility (OPR) conducts the contracting with auditing companies. The agency's control over which auditors perform the PREA audits—and, by extension, which auditing company will receive a lucrative contract to do so—incentivizes PREA auditors to give these facilities passing grades. In other words, ICE chooses who will be permitted to audit them, giving auditors a strong financial incentive to find detention centers in compliance with PREA so that they will continue to be picked for future auditing positions.

This situation is exacerbated by the fact that most ICE auditing contracts go to private prison companies.⁷⁰ These companies have incentives to obscure problems in detention so that high rates of detention can be defended and efforts to end private immigration detention defeated.

As a result, immigration detention centers often receive passing grades despite being rife with abuse. For example, despite years of documented abuse and several pending cases of alleged sexual abuse by staff at Hutto, the facility was found compliant in the latest available PREA audit of the facility carried out by Creative Corrections, LLC.⁷¹ That company previously faced criticism when one of the company's auditors gave a Boston-area juvenile detention facility a passing audit in 2014, only for the state to shutter the facility that same month after eight employees were charged with physically abusing children detained there.⁷²

Secrecy as Additional Barrier to Accountability

Finally, the government's lack of transparency, in terms of both the contracting process and the final ten-year contract for detention at Hutto, creates barriers to accountability. The federal government did not, at any point, voluntarily release information about the contract process. Rather, local advocates sued ICE under FOIA to force compliance with transparency obligations.⁷³ The secrecy helped ensure that the tailored bidding process set up to accommodate Hutto and CoreCivic could go forward without any challenges.

Additionally, the fact that ICE has contracted with CoreCivic for detention at Hutto means that certain matters—such as the identities of individual guards or of subcontractor firms—are shrouded in secrecy, as private companies are not subject to open records requirements. While some subcontractors are chosen by ICE, the majority contract directly with CoreCivic. Such arrangements are not part of the public record and are not subject to FOIA or other public information requirements; accordingly, some subcontractors at Hutto have yet to be identified. In turn, this makes it much more difficult to identify and ensure accountability for wrongdoing.

CONCLUSION

Despite repeated reports of abuse and substandard conditions, ICE continues to contract with CoreCivic to keep Hutto open. CoreCivic and its many subcontractors record substantial profits while the women detained at the facility suffer the results of the companies' cost-cutting measures—and we, the American people, pay for this secretive arrangement. The only appropriate response is to close down Hutto for good and develop humane community-based alternatives to immigration detention.

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