

**Congress of the United States**  
**Washington, DC 20515**

October 27, 2020

George Zoley  
Chief Executive Officer  
The GEO Group, Inc.  
Suite 700  
621 NW 53<sup>rd</sup> Street  
Boca Raton, FL 33487

Dear Mr. Zoley:

We write regarding recent statements filed in *Menocal v. The Geo Group, Inc.*, as well as recently unsealed documents supporting allegations of the use of solitary confinement to coerce participation in “voluntary” work programs at immigration detention facilities managed by the GEO Group. We are alarmed by this evidence, and seek clarification in light of your testimony at a July 13, 2020 Committee on Homeland Security subcommittee hearing examining U.S. Immigration and Customs Enforcement (ICE) contractors’ response to COVID-19.<sup>1</sup>

As you may recall, during the hearing, Representative Joe Neguse (CO-2) asked you the following: “Has GEO ever coerced immigration detainees into volunteering to perform work by threatening or imposing disciplinary segregation, administrative segregation, or solitary confinement or any other kind of sanction?”<sup>2</sup> Your response was “Absolutely not.”<sup>3</sup>

As you know, under ICE’s Performance-Based National Detention Standards, “detainees shall be able to volunteer for work assignments, but otherwise should not be required to work, except to do personal housekeeping.”<sup>4</sup> However, recent court filings and unsealed documents in *Menocal v. The Geo Group, Inc.* include serious allegations and documentation that GEO guards are using threats of solitary confinement as a means to coerce labor from detained immigrants.<sup>5</sup>

For example, Plaintiff Hugo Hernandez-Ceren described an incident with a GEO sergeant where he gathered detained immigrants and said: “If you refuse to clean, you will be sent to the hole . . . And that’s not a place where you want to be at because it’s cold in there [and] you’re going to lose your privileges.”<sup>6</sup> Additionally, Plaintiff Grisel Xahuentitla testified she witnessed such threats, describing an instance “where a fellow detainee was too sick to clean and the guard pointed to the solitary confinement unit and told the sick detainee ‘that if she didn’t do the work,

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<sup>1</sup> *Oversight of ICE Detention Facilities: Examining ICE Contractors’ Response to COVID-19: Hearing Before the Subcomm. On Border Security, Facilitation, and Operations*, 116<sup>th</sup> Cong. (2019), <https://homeland.house.gov/activities/hearings/oversight-of-ice-detention-facilities-examining-ice-contractors-response-to-covid-19>.

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

<sup>3</sup> *Id.*

<sup>4</sup> U.S. IMMIGRATION AND CUSTOMS ENF’T, PERFORMANCE-BASED NAT’L DET. STANDARDS 2011, 405-09 (revised Dec. 2016), <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>.

<sup>5</sup> Plaintiffs’ Response in Opposition to Defendant’s Cross-Motion for Summary Judgement on Defendant’s Affirmative Defense, *Menocal v. The GEO Group, Inc.*, Civil Action No. 1:14-cv-02887-JLK (D. Co., July, 31, 2020); Exhibit Z, *Menocal v. The GEO Group, Inc.*, Civil Action No. 1:14-cv-02887-JLK-MEH (filed April 29, 2020).

<sup>6</sup> *Id.* at 43 (citing Plaintiffs’ Opp. Ex. 2 (Hernandez-Ceren Dep. 78:21-79:5)).

she was going to be sent to the hole.”<sup>7</sup> Furthermore, named Plaintiff Demtrio Valerga testified that when he declined to clean after being woken up one morning by a GEO guard with an order to clean, he was told that if he did not clean, he was going to be taken to the “hole.”<sup>8</sup> Additionally, newly unsealed court documents also appear to demonstrate that GEO guards sent multiple detained immigrants to solitary confinement for refusing to clean common areas.<sup>9</sup>

If true, these allegations contradict your previous testimony at the July 13, 2020 oversight hearing, as well as appear to violate ICE’s own policies and forced labor laws under the Trafficking Victims Protection Reauthorization Act (TVPRA).<sup>10</sup> In light of these documents, we seek to understand whether the assertions you made to Congress were inaccurate:

- Please clarify your “Absolutely not” response to Representative Joe Neguse at the July 13, 2020 hearing to the question on whether the GEO Group has ever coerced detained immigrants into volunteering to perform work by threatening or imposing disciplinary segregation, administrative segregation, or solitary confinement or any other kind of sanction.
- Please provide any and all documents in the possession of the GEO Group related to the use of disciplinary segregation, administrative segregation, solitary confinement or any other kind of sanction or disciplinary action for ICE detained immigrants in GEO Group facilities for failing to clean common areas or failing to obey an order from a GEO Group employee to clean a common area.
- Please provide any and all documents in the possession of the GEO Group related to when you were informed about these allegations and any actions taken by the GEO Group, ICE, or another entity of the Department of Homeland Security to investigate the allegations raised by ICE detained immigrants.

Please respond no later than November 10, 2020. Thank you for your prompt attention to this matter.

Sincerely,



Joe Neguse  
Member of Congress



Bennie G. Thomson  
Chairman, Homeland Security Committee



Kathleen Rice  
Chairwoman, Subcommittee on Border  
Security, Facilitation, & Operations



Pramila Jayapal  
Member of Congress

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<sup>7</sup> *Id.* (citing Plaintiffs’ Reply Ex. 10 ECF No. 287-10 (Xahuentitla Dep. 73:19-74:9)).

<sup>8</sup> *Id.* at 44-45 (citing GEO Ex. M, ECF No. 271-7 (Valerga Dep. 137:12-14)).

<sup>9</sup> Exhibit Z, *Menocal v. The GEO Group, Inc.*, Civil Action No. 1:14-cv-02887-JLK-MEH (filed April 29, 2020).

<sup>10</sup> See *supra* note 4; *supra* note 5; see 18 U.S.C. § 1589.



Jason Crow  
Member of Congress



Ed Perlmutter  
Member of Congress