

Immigration Advocates: ICE, GEO Mesa Verde Contract Raises Transparency and Accountability Concerns

March 15, 2019—San Francisco—Immigration advocates in California are deeply alarmed over the legality of a newly announced \$19 million contract between Immigration and Customs Enforcement (ICE) and GEO Group, Inc. to continue the operations of the Mesa Verde Detention Facility in Bakersfield, California. Following the City of McFarland’s decision to end its contract with ICE, which had made the city an intermediary between ICE and GEO, the facility faced closure because California’s Dignity Not Detention Act prohibits any new state or local government contracts for ICE detention.

ICE did not provide any information in advance of the sudden announcement that a direct contract had already been entered into by ICE and GEO, despite numerous inquiries from stakeholders. Critically, the direct contract was entered into without the competitive bidding process required by federal law. ICE cited “unusual and compelling urgency” as the basis for circumventing the usual and mandatory bidding requirements and executing the one-year contract.

In response to the complete lack of transparency that has taken place with regard to the fate of the Mesa Verde facility and ICE’s execution of a direct, multimillion-dollar contract with the notorious GEO Group, a coalition of advocates issued the following statement:

Mesa Verde Detention Facility is yet another example of ICE and private prison companies keeping the public in the dark in order to continue profiting off of the mass incarceration of immigrants. Following months of inquiries by congressional offices, community advocates and the media regarding the future of the facility, ICE has shown it is incapable of transparency and accountability. The recent unilateral contract executed by ICE and GEO Group raises serious state and federal legal questions that warrant immediate inquiry and action. The one year, \$19,377,500 agreement was based on dubious legal authority and seems to be solely focused on continuing the operation of this facility, regardless of legal restrictions, procedures, or the well-being of detained individuals.

In attempting to justify the contract, ICE claimed: “Delaying award of a sole-source contract would require ICE to relocate almost 400 detainees to other facilities, some with serious medical conditions, only to be relocated once the new contract is awarded. This would result in serious injury to the detainees as well as incur an unnecessary serious financial burden to cover the cost of relocating such a large population.”

ICE’s statement misleadingly suggests that there are no alternatives to detention for the nearly 400 individuals at Mesa Verde and that the only solution is to reward a corporation set up to profit from civil detention. The for-profit detention of immigrants is reprehensible and dehumanizing, and our federal government should be held accountable for its underhanded award of millions, in circumvention of federal law, to a corporation that recorded revenues of \$2.33 billion in 2018, while being sued for forcing immigrants to work for \$1 a day in their facilities.

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The fact that ICE used the medical conditions of detained individuals as part of the legal basis to bypass the public bidding process is bitterly ironic, as ICE has the power to free those with serious medical needs from detention, and yet refuses to do so. In addition, the California Attorney General's office released a report on detention conditions this month, which noted that the most recent inspection of Mesa Verde by ICE's own Office of Detention Oversight found the facility deficient with regard to medical care.

ICE should not be allowed to outsource the dirty work of immigration detention to third parties outside the bounds of federal law and without transparency. We demand that ICE take full responsibility for the detention apparatus and deportation machine that it has created. If it is unwilling to do so then it must accept freedom as the only alternative to the dehumanization and detention of immigrants.

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Northern California Collaborative for Immigrant Justice (NCCIJ)

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A. L. Costa Community Development. Ctr.
Action Team for Immigrants' Rights UUC Ventura
African Advocacy Network
Alianza Americas
Alianza Sacramento
Arab Resource & Organizing Center
Asian Americans Advancing Justice-Los Angeles
Asian Law Caucus: Asian Americans Advancing Justice
Central Valley Immigrant Integration Collaborative (CVIIC)
Asian Pacific Islander Legal Outreach
Bend the Arc: Jewish Action of Southern California
Buen Vecino
California Rural Legal Assistance Foundation
Carecen of Northern CA
Catholic Charities of Santa Clara County
Catholic Worker Movement
Center for Gender & Refugee Studies – California
Clergy and Laity United for Economic Justice
Community Legal Services in East Palo Alto
Council on American-Islamic Relations-Central California
Dolores Street Community Services
Education and Leadership Foundation
Episcopal Diocese of San Joaquin
Faith in the Valley
Fiesta Familiar de la Costa Central
Friends of Broward Detainees
Houston DSA EcoSocialists
Humboldt Rapid Response Network
Immigrant Legal Resource Center (ILRC)
Coastside Immigration Action Group
Immigration Committee of National Lawyers Guild SF Chapter
Immigration Task Force of Monterey County
Indivisible San Fernando Valley
Innovation Law Lab

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Inland Coalition for Immigrant Justice
Interfaith Movement for Human Integrity
Justice & Diversity Center of The Bar Association of San Francisco
Kehilla Community Synagogue
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Kern Welcoming and Extending Solidarity to Immigrants
La Raza Centro Legal, San Francisco
Los Angeles Raids Rapid Response Network
La Raza Community Resource Center
LAGAI -- Queer Insurrection
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Children
Ministers of Claremont United Church of Christ
Mujeres Unidas y Activas: MUA
NorCal Resist
North Bay Organizing Project
North Bay Rapid Response Network: Napa, Solano and Sonoma Counties
Northern California Chapter of the American Immigration Lawyers Association
University of San Francisco immigration and deportation defense clinic
Northern California Rapid Response and Immigrant Defense Network (NCRRIDN)
Immigrant Center for Women and Children (ICWC)
Oakland Community Organizations
Oakland Law Collaborative
Orange County Rapid Response Network
Pacifica Social Justice
Pajaro Valley Rapid Response Network
Pangea Legal Services
Queers Undermining Israeli Terrorism (QUIT!)
Rapid Response Network in Santa Clara County
Rapid Response Network of Monterey County
Refugee Support Network
Resilience OC
San Diego Rapid Response Network
SFV Indivisible - Immigration

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California Raid's Response Steering Committee
Social Justice Collaborative
Southern Central Coast Rapid Response Network
Step Up! Sacramento
The Multicultural Center of Marin
UFW Foundation
United Now for Immigrant Rights
Watsonville Law Center
WE Rise SF/ Labor Center for Immigrant Justice

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The Justice & Diversity Center (JDC) advances fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession. JDC is the largest legal services providers in San Francisco. JDC's primary purpose is the delivery of free legal services to low-income San Franciscans, as well as the non-profits that serve them. JDC delivers free legal services through its Legal Services Programs division, which consists of the Pro Bono Legal Services Program, Homeless Advocacy Project, and the Immigration Program. JDC provides enrichment programs to diverse youth and young adults through its Diversity Educational Programs. JDC's programs serve approximately 9,500 disadvantaged San Franciscans a year, with the overarching goal of assisting the community's most vulnerable members with accessing the judicial system and strengthening their personal, professional, and economic security.

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