



Homeland Security

May 28, 2010

Tony Grande
Corrections Corporation of America
10 Burton Hills Blvd.
Nashville, TN 37215

Dear Mr. Grande:

The Department of Homeland Security Immigration and Customs Enforcement (“ICE”) was recently informed of the allegations that a Corrections Corporation of America (“CCA”) employee, working at the Hutto Detention Facility, sexually assaulted female detainees. We understand that this employee was able to commit these alleged crimes because ICE mandated transport policies and procedures were not followed.

These alleged criminal acts, and the disregard of ICE mandated transport policies, stray dramatically from our expectations for detainee care and will not be tolerated. As a result, effective immediately, ICE is placing CCA on probation.

Probation alone will not prevent a reoccurrence of this incident. In order to prevent a reoccurrence of this behavior, and to ensure that CCA detention facilities are consistent with ICE priorities, CCA must also implement the following reforms at its expense. Failure to complete these reforms, or any further violations of ICE policy, may result in the termination of this and every CCA contract with ICE.

1. CCA must cooperate fully and openly with prosecuting officials, providing them full access to information held by CCA that will assist them in the investigation and prosecution of this matter.
2. Immediately conduct renewed background checks for all CCA employees working at facilities holding ICE detainees. Moving forward, these checks must be conducted on a semi-annual basis.
3. Increase the frequency of Prison Rape Elimination Act of 2003 (PREA) training to four times per year for employees at each facility housing ICE detainees. CCA must also allow ICE to select a CCA-funded independent party to verify that Hutto and all other facilities housing ICE detainees are PREA-compliant.
4. Ensure that ICE’s policy that female detainees are not isolated with male officers is enforced in all CCA facilities holding ICE detainees—without exception.
5. Designate an employee at each facility to coordinate and improve detainee’s consular access.

6. Increase availability of legal resources for detainees.

We also understand that you have agreed to promptly ensure compliance with the optimal provisions of the 2010 Performance Based National Detention Standards (PBNDS) (with the exception of those provisions that are subject to third-party implementation issues). We further understand that, once the third-party implementation issues are resolved, you will expedite compliance with those terms. These standards will be implemented at no cost to ICE.

Finally, we note that, as a result of this incident, and in accordance with the Quality Assurance Surveillance Plan, ICE intends to enforce the appropriate financial penalty for a failure to maintain workforce integrity. Should CCA fail to take appropriate action as outlined in this letter, ICE will determine whether another or additional deductions are in order.

Please provide me with a written response confirming your agreement with the corrective action discussed above, and further discussing any additional corrective action that you intend to take. Thank you for your attention to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Sanders', with a horizontal line extending to the right.

David D. Sanders
Contracting Officer