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February 17, 2009

The Hon. Charles Moreau  
Mayor  
Central Falls City Hall  
580 Broad Street  
Central Falls, RI 02863

BY FAX AND MAIL

Dear Mayor Moreau:

We have been reading with some distress about the City's response to the fallout from the death of Hiu Lui Ng at the Wyatt Detention Facility last August and, more particularly, the resulting transfer of all immigration detainees from the facility by ICE. Concerned about the loss of taxpayer money resulting from this action, the City has begun actively soliciting private buyers for the prison, including the Corrections Corporation of America (CCA). This prompts a number of concerns on our part, which I wanted to briefly share with you.

First, we note the concern City officials have expressed about the removal of the ICE detainees and the outrage you expressed upon learning the salary being paid to Mr. Ventetuolo as head of the facility. It is sobering to compare those outcries with the general silence from City officials that greeted Mr. Ng's death there. Indeed, only a few months after his tragic death – at a time when it was clear that he had been severely mistreated by prison employees – your confidence in the running of the Wyatt facility was so high that you proudly announced a partnership with the prison, entrusting Wyatt to detain young teenage curfew violators as an apparent public service to the City. The juxtaposition of these responses and the sense of priorities they highlight are extremely disturbing.

The City's interest in looking for a suitor who can fill up the prison again as quickly as possible sadly underscores the power of the prison-industrial complex in this country. Central Falls, with its poor and minority population, serves as a microcosm of the way this phenomenon has twisted our priorities. Rather than focusing on alternatives to incarceration or emphasizing the humane and dignified treatment of people, the issue becomes one of making money off the suffering of others – the detention of people who often do not need to be detained. This is largely how Mr. Ng, a person who had committed no crime and who was never deemed either a flight risk or a danger to society, found himself locked up: he made money for other people.

That brings me to our more specific point. Selling the facility to a corporation like CCA is, from our perspective, like jumping from the frying pan into the fire. It once again shows, however inadvertently, a lack of concern about the humane treatment of detainees. A history of questionable activities at facilities run by CCA cannot be ignored. I wish to offer just a few examples.

The problems at CCA facilities go back more than a decade. For example, a Department of Justice report, released in November of 1998, cited the inexperience and lack of training of officers at a CCA facility in the District of Columbia and the resulting excessive use of force by staff. The report noted the company's failure to recognize its responsibilities as a correctional service provider and its reluctance to accept blame for the unconstitutional conditions of confinement at its prison. After two stabbing deaths, several escapes and deaths resulting from deficient medical care, CCA agreed to pay damages of \$1.65 million.

Indeed, in testimony submitted only last year to the Senate Judiciary Committee in Congress, the ACLU's Washington Legislative Office Director, Caroline Frederickson, testified that: "DHS has entered into more and more contracts with private companies, including the Corrections Corporation of America, to incarcerate immigrants. *Some of the facilities with the poorest conditions are run by CCA*, including the facilities in Hutto and San Diego." (emphasis added)

In San Diego, an ACLU suit filed in 2007 challenged the constitutionality of conditions at the San Diego Correctional Facility (SDCF), an ICE facility run by CCA. The lawsuit addressed the practice of long-term overcrowding at the facility. At the time the lawsuit was filed, more than 650 immigration detainees at the facility were living three-to-a-cell -- resulting in one of them having to sleep on a plastic slab on the floor by the toilet. Additional detainees slept on bunk beds in the recreation area, driving the population of some housing units to more than 50 percent over design capacity.

Overcrowding at SDCF led to incidents of violence at the facility, including a September 2006 disturbance in which detainees who peacefully waited to speak with ICE officials about the new triple-celling policy were abruptly tear-gassed and pepper-sprayed by CCA officers. The policy of triple-celling also resulted in delays in medical and mental health treatment, physical and psychological suffering, the spread of infectious diseases, lack of adequate exercise, and poor sanitation. The suit was settled last year with an agreement to halt the overcrowding.

As for the CCA facility in Hutto, Texas, the ACLU settled a lawsuit there that was filed after it was disclosed that children as young as two years of age were held in the former medium-security facility in prison garb; received inadequate education, medical care, and recreation; and were disciplined by CCA officers who threatened to separate them permanently from their parents.

In another lawsuit filed in 2005 and still pending, dozens of inmates at the Crowley County Correctional Facility in Olney Springs, Colorado, have charged CCA with negligence that sparked a riot in July, 2004, use of excessive force during and after the riot, and indiscriminate and inhumane treatment of inmates who were not involved in the riot. Shortly after the disturbance, the Colorado Department of Corrections issued a report faulting CCA for failing to foresee and prevent the riot, and for helping to provoke it.

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Finally, it is worth pointing out an article that appeared in Time magazine last year. Ronald T. Jones, a former CCA manager, claimed that CCA used a reporting system in which accounts of major, sometimes violent prison disturbances and other significant events were often masked or minimized in reports provided to government agencies with oversight over prison contracts. Jones claimed that the company even began keeping two sets of books — one for internal use that described prison deficiencies in telling detail, and a second set that Jones described as “doctored” for public consumption, to limit bad publicity, litigation, or fines that could compromise CCA’s multi-million dollar contracts with federal, state, or local agencies.

We urge that, before hastening to hire CCA or any other for-profit prison corporation, you and other City officials not let Mr. Ng’s death be in vain. Instead, please consider the consequences that flow from such public-private partnerships that seek to make money, often by cutting corners, with little oversight and with little regard for anything other than the bottom line.

Thank you in advance for your attention to our concerns.

Sincerely,

Steven Brown  
Executive Director

cc: Central Falls City Council