

Congress of the United States
Washington, DC 20515

August 14, 2020

Damon T. Hininger
Chief Executive Officer
CoreCivic
5501 Virginia Way, Suite 110
Brentwood, TN 37027

Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW
Washington, D.C. 20536

Donald W. Washington
Director
U.S. Marshals Service
United States Department of Justice
Washington, D.C. 20530

Dear Mr. Hininger, Acting Director Albence, and Director Washington,

We write to express serious concerns regarding recent COVID-19 test results showing a significant rise in positive cases among inmates and staff at the Cibola County Corrections Center (Cibola). This increase in positive COVID-19 cases raises questions on CoreCivic's preparation and ability to keep inmates, detainees and staff safe, and puts the county of Cibola, NM, which is designated as a primary care health professional shortage area by the Health Resources and Services Administration,¹ at risk of viral exposure.

On July 27, 2020, the New Mexico State Department of Health (NMDOH) announced 170 positive cases at the Cibola facility, which largely contributed to New Mexico's highest count of daily positive cases to date.² Two days later, 76 more positive cases were reported at Cibola. According to CoreCivic, these high numbers were a result of mass testing conducted at Cibola at the direction of NMDOH. In total, as of August 12, 2020, Cibola has recorded 313 positive cases, which accounts for 84% of all positive cases in Cibola County.³

In April 2020, after CoreCivic's first COVID-19 positive case, Members of the New Mexico Congressional delegation asked what preventative measures CoreCivic was taking to prevent further spread. CoreCivic responded through an official letter saying:

“CoreCivic has taken additional company-wide steps with respect to COVID-19, including implementing a Coronavirus Medical Action Plan for each of our facilities;

¹ U.S. Health Resources and Services Administration. <https://data.hrsa.gov/tools/shortage-area/hpsa-find>

² “Updated New Mexico COVID-19 cases: Now at 19,502; five additional deaths.” Jul 27, 2020. <https://www.governor.state.nm.us/2020/07/27/updated-new-mexico-covid-19-cases-now-at-19502-five-additional-deaths/>

³ “Updated New Mexico COVID-19 cases: Now at 22,816; two additional deaths.” August 12, 2020. <https://www.governor.state.nm.us/2020/08/12/updated-new-mexico-covid-19-cases-now-at-22816-two-additional-deaths/>

educating facility staff and inmates about the symptoms of the disease and enhanced hygiene practices to prevent its spread; ordering test kits for COVID-19; strengthening the medical intake process to identify those at high risk of being infected with or contracting COVID-19; and planning for staffing (including food service and medical) and housing contingencies if any member of the facility population or staff is diagnosed with COVID-19.”

We are concerned that while CoreCivic stated it implemented a “Coronavirus Medical Action Plan” for all facilities it operates, ordered test kits for COVID-19, and developed contingency plans in the case of an outbreak, it was not until NMDOH directed Cibola to conduct mass testing—with test kits provided by the state—that CoreCivic realized it had a massive viral outbreak in its facility endangering the safety of inmates, detainees, staff and the local community.

Furthermore, it is our understanding that correctional officers working at the Cibola facility are not wearing adequate PPE when escorting COVID-19 positive inmates into the local hospital, which jeopardizes the safety of hospital workers and patients and puts a strain on the hospital’s PPE stockpile. This also affects the hospital’s ability to continue elective procedures, which local residents depend on for critical health care and the hospital depends on for monthly revenue. At a time when PPE is limited nationwide and rural hospitals are operating on razor thin margins, we cannot risk taking shortcuts to prevent further spread.

This is also troubling since two weeks before the outbreak at Cibola, Mr. Hininger stated during a hearing in the Border Security, Facilitations, and Operations Subcommittee, “we've got plenty of masks in inventory, but also we have the flexibility . . . we can relocate masks to other facilities if there's a higher utilization versus lower utilization.”⁴ Therefore, the quantity of resources and the flexibility to shift resources among facilities are not underlying problems, and we urge you to immediately send adequate PPE to the Cibola facility.

To ensure health deficiencies are addressed at Cibola and do not endanger inmates, detainees, staff, and the local community, please provide answers to the following questions no later than August 21, 2020.

To Mr. Hininger:

1. Did CoreCivic implement a “Coronavirus Medical Action Plan” at the Cibola facility? If so, please provide the plan to my office.
2. Why did CoreCivic use NMDOH’s test kits to conduct the mass testing at Cibola instead of its own test kits?
3. Does CoreCivic have enough federally procured test kits to conduct continuous, routine testing of all inmates, detainees and staff at the Cibola facility? If so:
 - a. Understanding that CoreCivic tests individuals only with COVID-19 symptoms or when NMDOH requests preventative testing, will CoreCivic commit to test

⁴ “Oversight of ICE Detention Facilities: Examining Ice Contractors’ Response to Covid-19.” July 13, 2020. <https://homeland.house.gov/activities/hearings/oversight-of-ice-detention-facilities-examining-ice-contractors-response-to-covid-19>

individuals regularly to avoid undetected mass outbreaks, similar to the outbreak reported on July 27, 2020?

- b. Will CoreCivic commit to using its own test kits rather than rely on NMDOH resources?
4. Before the outbreak reported on July 27, how often did CoreCivic test inmates, detainees and staff at the Cibola facility?
5. Moving forward, does CoreCivic have a plan in place for regular and widespread testing for inmates, detainees, and staff, including asymptomatic individuals?
6. What are CoreCivic's testing practices for transferred and soon to be released inmates?
7. What actions is CoreCivic taking to obtain knowledge of transfer or release dates ahead of time and allow for testing to occur before transfer or release?
8. If an inmate is transferred into the facility, does CoreCivic test and require quarantining prior to placing the individual with the general population?
9. Are inmates, detainees and staff required to wear face masks?
10. Will CoreCivic commit to providing staff at Cibola with adequate PPE such as N-95 masks when escorting inmates and detainees to local hospitals?
11. Is CoreCivic employing best practices among other facilities that have been successful in reducing transmission?

To Acting Director Albence and Director Washington:

1. How many testing kits and N-95 masks has your respective agency provided to Cibola? If none, why has your respective agency not provided Cibola any testing kits or N-95 masks?
2. What is the average per capita of testing kits and N-95 masks your respective agency has provided to facilities detaining individuals under the custody of your agency?

Sincerely,

/s/ Tom Udall
United States Senator

/s/ Martin Heinrich
United States Senator

/s/ Ben Ray Luján
United States Representative

/s/ Xochitl Torres Small
United States Representative

/s/ Deb Haaland
United States Representative