

# Essex County Immigration Detention Expansion, an Invitation for Abuse

## Background

In early August, Essex County Executive, Joe DiVincenzo, entered into a new Inter-Governmental Services Agreement (IGSA) with Immigrations and Customs Enforcement (ICE) to increase the number of ICE detainees held in Essex County from 500 to 1,250. Until the new agreement, New Jersey had experienced a continued increase in the number of immigration detention having reached the previous all time high of approximately 1,600 beds in February, 2010. The Essex County Correctional Facility immediately added 300 additional beds, and the privately-run Delaney Hall opened to 68 women and 382 men opened in October. The total number of detention beds in New Jersey is now around 2,350.

The history of immigration detention in New Jersey includes a myriad of cases of abuse, including a number of shocking deaths, a culture of secrecy and lack of transparency. Up until this fall, New Jersey had only one privately-run facility for immigrant detainees, the Elizabeth Detention Center, the Elizabeth Detention Center, which originally owned and run by a company known, at that time, as Esmore, now Correctional Services Corporation (CSC). The facility changed hands back in 1994 after riots over poor conditions forced it to close temporarily. It is now run by Corrections Corporation of America (CCA). It was the [death of a Guinean tailor, Boubacar Bah](#), while in CCA's custody at Elizabeth that spurred a series of articles by the New York Times and raised the issue of substandard medical care and neglect in immigration detention to the national level.

The Essex County Freeholders voted on December 14, 2011 to accept a bid from Education and Health Centers of America (EHCA), the non-profit affiliate of Community Educations Centers (CEC). CEC has been skirting both pay to pay regulation and campaign donation disclosure requirements through a shell game where EHCA holds the contract but CEC runs the facilities and nets the lion's share of the profits. In New Jersey, pay to play, whereby an individual, business, or organization makes campaign contributions to political parties, or parties themselves, and receives government contracts in exchange, has been, and continues to be, a major political issue.

The following sections will address issues which contributed to the lack of competitiveness in the contracting process, and the loophole in New Jersey's "pay to play" that allows the county to accept EHCA's bid. Preventable deaths have occurred in Delaney Hall and other CEC facilities around the country. The County's claims of how much it will profit are suspect, and should anticipate additional costs.

## NJ State Comptroller's Reports

On June 15, 2011, New Jersey State Comptroller, Matthew Boxer issued a report critical of the state Department of Corrections contracting for 'residential community release programs' or halfway houses, of which EHCA holds more than half of the state's \$62 million in contracts. The Comptroller found that more than 97% of state contract funds paid to EHCA since 1997 went to the for-profit CEC, despite New Jersey law that requires the centers to be non-profit. This raises the question if EHCA is anything but a shell corporation.

It appears that between 1994 and 1996, CEC made good use of its legal counsel and most likely, its political connections, to strike a deal with the AG's office to allow CEC to use EHCA as a shell to comply with the state's legal requirement that only non-profits can hold contracts with the state to operate halfway houses. The arrangement is referenced in [this letter](#) from the NJ Office of the Comptroller to the NJ DOC "*The CEO [of CEC] stated to us that around the time of CEC's formation, he worked with the New Jersey Attorney General's Office to structure the Agreement between CEC and EHCA in a manner that would be compliant with New Jersey law. He further presented us with two letters referencing the arrangement from the AG's Office to his attorney, dated October 7, 1994 and August 2, 1996*". Based on the time-frame it would follow that the lawyer was employed by Dughi & Hewitt, whether it be Palatucci, Christie or another lawyer at the firm. However, the authors of this report have not seen copies of these letters and the Comptroller chose not to share the name of the lawyer so to say so conclusively would be a presumption.

The Comptroller directed the Department of Corrections to request a new review of the arrangement by the State Attorney General, which had been approved by prior Attorneys General in 1994 and 1996. In 1996, EHCA held \$3 million in state contracts. The public has not been informed of the results of any review that AG's office may have done.

By contracting through the non-profit, EHCA President John Clancy avoids having to disclose actual conflicts inherent in political contributions made by CEC to politicians and state party organizations. Since 1997, CEC itself, then called Community Corrections Corporation (CCC), CEC executives and Clancy's family members have made very substantial contributions to New Jersey's major political parties and many politicians who were or are in a position to award halfway house or detention contracts, as well as regulate the industry.

In September, the Comptroller released a second report recommending that the legislature close the 'local loophole' in state 'pay to play' legislation.<sup>i</sup> He recommended that counties have the same restrictions on political contributions for entities bidding for county contracts as the state does and as is already in place at the county level for no bid contracts.

The Comptroller's reports and letter raise three issues that are relevant to Essex County freeholders' voting to accept EHCA's bid.

- 1) The legality of the arrangement between the state government and a non-profit that pays its for-profit affiliate to provide the services is under review by the office of New Jersey's Attorney General. It was reported in an article on PolitickerNJ that the Comptroller's office intended to keep any determination from the AG's office private.
- 2) The Comptroller's office questioned the lack of transparency concerning the fiscal soundness of CEC, since the state is not given access to audited financial statements for CEC, only for EHCA, since EHCA is the vendor. This is problematic since if CEC were to become insolvent, EHCA would not be in a position to provide the 1,390 beds that the state has contracted for. There is reason for concern about CEC's financial soundness based on a lawsuit by David Watson, the former Chief Financial Officer of CEC, who is suing the company for breach of employment contract. Watson alleges in his complaint that John Clancy lied to him about the financial instability of the company.
- 3) The award of the contract to an affiliate of the for-profit CEC violates the spirit of New Jersey's pay to play law. EHCA should only be allowed to bid for state contracts if they not the for-profit CEC, are providing the services. EHCA is currently not in a position to do so, lacking the assets, personnel and experience required.

## **Lack of Oversight**

This past June, after months of testimony from advocates, service providers and community members, Freeholder Caputo, as chair of the freeholder board's penal committee, announced that Essex County would investigate charges of violations of the NJ Administrative Code and other civil & human rights violations. He invited advocates to join this effort to oversee the jail. Mr. Caputo and the freeholder board have since reneged on this offer

The 100% ACA accreditation of both the Essex County Correctional Facility and of Delaney Hall and CEC's various other correctional facility is one of the reasons being used to say that additional oversight is not necessary. However, prison reform advocates and even a former member of ACA's board question if it has any value.

The American Correctional Association has long had questions about its own ability and willingness to adequately assess institutions which it accredits, especially in the criticism by Accreditation Committee member, District of Columbia Chief Judge David Bazelon, in his resignation letter in 1984. In recent decades the ACA has become dependent on the for-profit industry for its revenues, including conference sponsorships, exhibitor, training and accreditation fees, membership dues, and Corrections Magazine ad revenues. It draws its board members from among the for-profit operators, suppliers and subcontractors. Although industry members have used prospective accreditation as a selling point for new contracts, the ACA typically does not consider accrediting new facilities until they have been in operation for two years.

## **Overstated Profits, Externalized & Underestimated Costs**

Advocates have raised serious questions regarding whether the county will experience any net benefit from the contract. In addition, legitimate concerns have been raised about the negative effect that incarceration for profit can be expected to have on those already inhumane conditions that have been documented . The overarching question remains of whether using the incarceration of individuals as a revenue source is a morally acceptable enterprise for Essex County.

Unfortunately for Essex County's coffers, the prison business is labor intensive and one where economies of scale whereby the cost of operation automatically goes down as an enterprise expands do not easily apply. The need for more labor (guards and other personnel) as well as bed space and the overall size of the facility itself as the population expands all keep any potential profits from rising. In fact there is a point at which expanding jail populations begin to negatively impact any financial gains that a facility, local prison board or private prison company might realize. Couple this with the increased potential for lawsuits as conditions deteriorate when prison operators try to do more with less and the prison business becomes much less of a sure thing.

The \$50 million per year the County Executive claims Essex will receive is significantly overstated. Essex County has admitted, through written communication, that this is a projected gross revenue number that has been unrealistically calculated using an absolute best case scenario: That all 1250 beds will be filled at all times at the full \$108/day reimbursement rate.

Though Essex County claims that "all appropriate analysis have been done," it has been less than forthcoming about the costs associated with the contract. We know from published reports that the subcontract with Community Education Centers (CEC) the for-profit firm that runs Delaney Hall, alone will reduce this number by at least \$8-10 million.

There has also been no estimation of the increased cost of providing the necessary additional guards, nor of required improvements to the facilities. Essex County claims while repeatedly promoting the increased training that all guards would undergo as a result of the new contract, there will be no costs associated with this training. Despite repeated requests for information by local advocates, Essex County's Administration vaguely maintains the costs of the contract with ICE are "fixed, based on our operational costs." Although the costs associated with running a public facility are disclosable as public information, Essex County has yet to divulge the size and details of those costs.

Essex County Freeholder Ralph Caputo and chair of the freeholder board's penal committee, says the new contract between the county and ICE is "unpleasant but useful" because it will raise revenues. Joe DiVincenzo has called the agreement between Essex and ICE a "homerun" and says it will "help reduce the financial burden on our taxpayers." However, the county has no control over property taxes. That is up to the individual municipalities to decide. In fact, this fall

Newark announced a 4.6% property tax increase for the coming year despite the fact that Essex County presented a balanced budget for 2011 that included projected revenues of \$27.5 million from the ICE contract.

It appears that Essex County is either not being realistic about costs associated with running an immigration detention facility or will certainly be operating a facility that is woefully unprepared to adequately meet the needs of the expanding immigrant detainee population.

## **Joe DiVincenzo Essex County & NJ Politics**

When Joseph N. DiVincenzo, Jr. was sworn into his second term as Essex County Executive on January 1, 2007, [he pledged to run "government under glass"](#) and to restore integrity and confidence in the Essex County government. He also declared, "there is no doing business as usual"...

DiVincenzo's first term in office immediately followed that of James W. Treffinger, who, after a 20 count indictment, brought by US Attorney Chris Christie, pleaded guilty to, among other things, accepting a \$15,000 campaign contribution in exchange for a county contract. Treffinger spent 13 months in prison and finished out his sentence at CEC's Logan Hall. Treffinger's predecessor, Thomas J. D'Alessio, shared a similar fate. In 1992, D'Alessio [was indicted and accused](#) of, among other things, using campaign funds for real estate ventures and a personal vacation. D'Alessio, while still in office, was convicted in [1994 of extorting \\$58,000](#) from a waste removal company in exchange for assistance with a state permit.

In 2002 during a nasty primary battle between DiVincenzo and Thomas Giblin, it was rumored that DiVincenzo, then freeholder board president, might be caught up in the indictment and ongoing investigation of Treffinger. The specter of any such pending indictment was quashed when, in a highly unusual move, Chris Christie as US Attorney, issued a curt letter stating that DiVincenzo was ["not a subject or target of the grand jury investigation."](#)

DiVincenzo is now on his third term as Essex County's Executive and his political reach extends to Trenton. He maintains a close relationship with and is a strong [political ally of Governor Christie](#). DiVincenzo has also built a political machine that can be the determining factor in local, county, legislative district, and even, statewide and congressional races.

Essex County has historically been mired in political connections, often corrupted, including unelected party bosses and back door deals. Its politicians benefit not only from multiple paid government positions, but also from significant contributions to the county campaign coffers from corporations seeking to do business with Essex County.

Essex County does not have pay-to-play regulations that would bar companies like CEC who donate to Essex County politicians from entering into contracts with the county. The State of New Jersey and several other counties do, including Bergen County which just passed such

regulations this fall. This is something of which corporations such as CEC can, and do, take full advantage. These contributions create huge campaign finance war-chests for local officials. At a usually annual event which Joe DiVincenzo holds at Mayfair Farms, an elegant 19<sup>th</sup> century mansion in West Orange which is now a luxury catering and banquet hall, DiVincenzo reportedly regularly raises as much as \$300,000 adding to his sizable campaign finance coffers. This money can then be used to finance the campaigns of other select politicians. Leonard Luciano, for instance, was appointed mid year in 2011 to fill the District 4 seat on the freeholder board which was vacated by Linda Lordi Cavanaugh. Luciano, a 30-year old who had never been elected to any position in government received the support of DiVincenzo for the appointment and also a significant financial contribution to Luciano's campaign come the fall. Of the over \$13,000 Luciano received in campaign donations, \$8,000 came from DiVincenzo, The next largest source of funding came in the form of a *loan* of \$2,500 from Alexander Trento the chair of the Democratic Committee for West Caldwell.

A virtual unknown outside of West Caldwell political circles, and having lost his only other prior election in which he had ever participated, Luciano needed the money and the benefit of DiVincenzo's endorsement and the Democratic political machine in Essex County to eke out a win by a margin of just 224 votes against Joseph Chiusolo, the Deputy Mayor of Cedar Grove. Luciano recently reaffirmed his unwavering support for the immigration detention contract before dozens of detention project opponents who attended the December 7, 2011 freeholder meeting.

That many legislators are on Essex County's payroll also helps DiVincenzo wield power in Trenton

*"The factor that critics cite as most troubling is that several state legislators also work for Essex County. Directly or indirectly, Mr. DiVincenzo is their boss, and in most cases he played a pivotal role as they rose to power in Trenton.*

*He helped engineer the deal that made one of his top aides, Assemblywoman Sheila Y. Oliver, the Assembly speaker last January. He played a crucial role in the campaign of another top aide, M. Teresa Ruiz; she won a State Senate seat in 2007 over a veteran legislator who had defied party leaders.*

*He helped make Kevin J. Ryan, a county undersheriff, an assemblyman this month, over the efforts of Bergen County Democrats who thought the seat was rightfully theirs. State Senator Nia Gill is a lawyer who represents a county agency. And assorted other politicians have family members on the payrolls of public and private agencies allied with the county executive." – [NY Times January 19, 2011](#)*

DiVincenzo's nepotistic and crony connections are particularly evident on Essex County's Board of Chosen Freeholders. State Sen. Teresa Ruiz is married to Samuel Gonzalez who was a Freeholder until earlier this year. He resigned after he was [indicted on election fraud](#) involving the election of his wife to her current post.. Juan M. Rivera, Jr. was named as Gonzalez interim

replacement, but later won the primary election. Rivera at one time served as director of constituent affairs for Teresa Ruiz. In September, Rivera also resigned and Rolando Bobadilla was appointed to replace him. Bobadilla had also worked for Teresa Ruiz. In addition he continues to be employed by the North Ward Center, a charitable community organization run by Essex County political boss and DiVincenzo backer Steve Adubato. In a measure of Adubato's influence [the Star Ledger article](#) which announced Bobadilla's appointment did not show a picture of the newest member of the freeholder board, but rather it ran a picture of Adubato.

Other notable connections include:

- Congressman Donald Payne's brother William D. Payne, a former State Assemblyman, is also a deputy chief of staff to DiVincenzo
- Congressman Payne's son, Donald Payne, Jr. is an Essex County Freeholder as well as president of Newark's City Council.
- Burt Sebold – Freeholder Pat Sebold's husband is Vendor Administrator for the Essex County Dept of Economic Development.

Essex County which is heavily Democratic is also the second most densely populated county in NJ, next to Hudson. It is ranked third in total population behind Bergen and Middlesex. Any statewide election campaign would be foolish to disregard Essex County making it less likely that any Democratic politician would go against DiVincenzo.

## **Joe DiVincenzo Essex County Jail & CEC**

In 1982 Essex County was placed under a Federal Consent order. Its jail system, then consisting of two facilities, one next to the Hall of Records, the other in North Caldwell were overcrowded and in poor condition. Both buildings were old, the jail annex built in 1862. Their pipes leaked, electrical wiring was exposed and rodents and insects infested the buildings which were generally filthy. To comply with the consent order Essex County would either need to spend substantial amounts of money renovating and expanding these outdated facilities or build a new one. Essex County chose the latter. Not only was consolidation in a single large, more modern facility more prudent, but a wealthy suburb had grown up around the property on which the jail annex sat. It had become valuable real estate

In 1997 Essex County took a major step toward building a new facility when it [issued bonds worth \\$25 million](#) for the construction of a new jail

At the end of December of 1998, the property on which Essex County Correctional Facility came to be built [was sold to the Essex Count Improvement Authority](#) for \$6.5 million by Celanese Chemical.

CEC began to write checks to Joe DiVincenzo in 1999 while he was still a freeholder. His first campaign contribution from CEC was in the amount of \$1800. He is the only freeholder at the time to receive money from CEC.



There is some conflicting information on when construction on the Essex County Correctional Facility actually began but it appears to have been in either 2001 or 2002.

Joe DiVincenzo assumes office as Essex County Executive in January of 2003. He also takes over responsibility for the [oversight of building the new correctional facility](#), taking it away from the Essex County Improvement Authority, which is overseen by the freeholder board.

In 2004, the Essex County Jail Annex in North Caldwell and the Essex County Jail are closed. Prisoners are moved to the new Essex County Correctional Facility on Doremus Avenue in Newark. Chris Christie is on hand for the [ceremonial opening](#) of the Essex County Correctional Facility.

On February 6, 2007 U.S. District Court [Judge Harold Ackerman dismisses the Federal Consent Order](#) that was a part of litigation involving inferior conditions and overcrowding in the Essex County jail system.

In 2008 Essex County signed a contract with the US Marshals that would also allow it to take custody of its first ICE detainees.

## **Bill Palatucci and CEC- Straddling Politics and Business**

William J. Palatucci is currently the Senior Vice President of Community Education Centers. He has never been elected to office, but throughout much of his adult life he has been very involved in New Jersey's Republican Party working on campaigns and as a fundraiser and donor.

Palatucci keeps a very high profile in politics for an unelected official.

- Palatucci helped run Christie's gubernatorial campaign and was co-chair of the governor's inaugural committee.
- He sits on the board of an issue advocacy organization, [Reform Jersey Now](#), that raises money to help promote the policies of Governor Christie
- Palatucci is currently the State Committeeman from New Jersey of the National Republican Central Committee
- He was appointed to both the New Jersey Republican state legislative redistricting committee and the congressional redistricting committee
- Palatucci was ranked the 13<sup>th</sup> [most powerful person in business](#) in the state in 2011 by NJ Biz.

Palatucci's relationship with Governor Chris Christie dates back to at least 1992 when Palatucci joined the firm of Dughi & Hewitt where Christie had been employed since 1987 and where Christie would be made a partner in 1993. As something of a seasoned political operative, having worked on political campaigns including that of former Governor Thomas Kean, Palatucci established and headed up the firm's governmental affairs department. In 1998, Christie also registered as a lobbyist in New Jersey. The firm lobbied in Trenton on behalf of



major corporations and trade groups among them was Community Education Centers. In 2001 Community Education Centers listed [Dughi, Hewitt & Palatucci as its legislative agent](#).

Though Christie himself was a major fundraiser for George W. Bush, it is Palatucci who takes much of the credit for Christie's nomination to the US Attorney's office in 2001. Palatucci claims to have recommended Christie and to have forwarded his resume to DC, specifically to Karl Rove. Back in New Jersey, Christie's nomination raised some eyebrows and caused some controversy amongst the legal community due to Christie's lack of prosecutorial experience. The objections were not enough to scuttle the nomination and in 2002 Chris Christie left the firm which is now known as Dughi, Hewitt & Palatucci for the US Attorney's office.

In 2005, after representing CEC for 15 years, Palatucci joined the company as its Senior Vice President and General Counsel for Public Affairs. Palatucci's experience working with government was one of the things that John Clancy noted as making Palatucci a valuable addition to the company. In a press release about Palatucci joining CEC John Clancy is quoted as saying "He has the experience, the proven leadership skills, and the practical understanding of how government works, which will be instrumental in growing our business from the eight states we presently serve to our goal of more than 20 over the next five years."

Though they no longer are employed at the same law firm, Christie and Palatucci clearly stay in touch. As US Attorney, Christie attends both the [ribbon cutting ceremony](#) in November of 2007 for CEC's new corporate headquarters in West Caldwell and the [ten year anniversary celebration](#) in April of 2008 of Talbot Hall. As Governor, Christie makes an official appearance at the tenth anniversary celebration of Delaney Hall. Pictures from the Delaney Hall event were even posted to [Governor Christie's official website](#).

Chris Christie's first year in office was marked by drastic and dramatic cuts to all types of programs from schools to transportation. However, one area sees funding restored after an initial cut. Christie restores \$3 million in [funding for halfway houses](#). It is hard to imagine how this would not have benefited CEC which held a little over fifty percent of the bed space for the types of programs for which the money had been allocated.

No direct evidence has been uncovered that Palatucci directly solicited the governor to restore New Jersey State funding for halfway houses. To the contrary, Palatucci has said that he has refrained from all lobbying in New Jersey and does not talk to Christie about CEC's business.

However, that does not mean that CEC stopped lobbying in Trenton. In 2010 CEC's political campaign contributions in New Jersey dropped off significantly while it [spent \\$110,000 on lobbying](#) in Trenton. According to New Jersey Election Law Commission reports, CEC is ranked 147 out of 495 in terms of New Jersey lobbying expenditures (just behind Novo Nordisk and just ahead of Metlife). The money was recorded as fees to two different firms Cammarano & Hagan Partners, LLC and 1868 Public Affairs for the purpose of "Community Corrections Funding". 1868 Public Affairs has as one of its senior partners former New Jersey State Assemblyman and Essex County Freeholder Leroy Jones, and currently [employs Joe](#)

[DiVincenzo's son](#). According to a report filed with New Jersey's Election Law Enforcement Commission, [CEC is the fifth largest client](#) of 1868 Public Affairs among the 21 listed.

Whether Palatucci personally goes to Trenton or not, it is unlikely that he does not oversee the lobbying done on CEC's behalf.

## **Delaney Hall**

Delaney Hall is a correctional facility located on the property adjacent to the Essex County Correctional Facility and just 800 feet away. CEC's website states that it has a capacity to hold 1,196 males. In September of 2011 it began housing female ICE detainees as well. It is listed as a residential rehab facility, but according to newspaper reports as well as anecdotal accounts from community members that it also serves as overflow for men charged with "minor offenses". In June of 2009, Scott Faunce, who was then the Director of Corrections for Essex County at the time, [told the Star Ledger](#) that the policy determining who could be housed in Delaney Hall was based largely on bail amounts, not the type of crime. An inmate with a bail amount of less than \$75,000 or less could be considered for incarceration at the less restrictive Delaney Hall.

The property itself has an interesting history. According to documents furnished by CEC as part of the response to the second RFP that Essex County issued for the immigration detention subcontract, it was granted a variance by the City of Newark Zoning Board of Adjustment on April 14, 1993. Blonnie Watson, who became a freeholder in 1996 voted in favor. The City Council of Newark, by way of an ordinance, expanded the allowable use of the property in 1998 to include: "a 'custodial facility'" which it defined as "a residential facility to house custodial adults who are required to reside in such a facility as a result of a court or administrative order."

In June of 1999 [CEC finalized the purchase of the property](#) on Doremus Ave where Delaney Hall is now located. Records show ownership of the property was transferred to Community Corrections Urban Renewal Corp from Northern Real Estate Urban Renewal Company. A previous transaction in 1998 shows the property changes hands from BancShares Realty to Northern Real Estate with an address listed as in care of the Emar Group, which is a subsidiary of Wells Fargo Insurance. CEC finalizes the sale of the property on Doremus Avenue just six months after the Essex County Improvement Authority purchased the adjacent property on which the old Celanese Chemical Plant had been located. Delaney Hall [opened in 2000](#) as a 700 bed facility. In 2002 John Clancy began donating heavily to the Essex County Democrats by writing a check in the amount of \$25,000.

Delaney Hall's original purpose was as a halfway house but in 2004, when the new jail was finished, Delaney Hall began taking overflow from the adjacent Essex County Correctional Facility. The need to alleviate the new jail from potential overcrowding is so great that [CEC signs another contract with Essex County](#) in May of 2006, worth \$3 million annually, to accept prisoners at Logan Hall.

In 2003, CEC sells Delaney Hall to for-profit prison operator GEO Group's Real Estate Investment Trust spinoff, Correctional Properties Trust (CPT) and to lease it back. The details

of the lease agreement will also allow CEC to add in \$3 million to renovate the facility and expand the number of beds to the present 1,196. The initial base rent rate was \$2.31 million per annum or 11.0% of the facility purchase price. Following the first year and continuing during the term of the lease, base rent was set to increase by 3.0% annually on each anniversary.

In 2006, the GEO Group absorbed its REIT, CPT, after a maneuver at its annual meeting, to drive down its stock price in order to facilitate purchase by the parent corporation. Title to Delaney Hall transfers to the GEO Group with the purchase of CPT. Delaney Hall is currently listed in the GEO Group's SEC filings as a correctional facility which it owns, but does not operate.

In June of 2008 Delaney Hall [began housing immigrant detainees](#) for Essex County as part of a US Marshall's contract on which ICE was an authorized agency. Shortly after, in November of the same year, [Mamadou Bah](#) escapes from Delaney Hall and is picked up, but not before making his way to Virginia. All of the ICE detainees [were then moved into the jail](#).

On May 18, 2009, Derek West Harris, who was being held on a traffic violation, was [is murdered by fellow inmates](#) at Delaney Hall. His murderers are fellow inmates who were being held on various weapons and narcotics violations.

Only a year and a half later on December 20, 2010 ICE officially announces that it has selected Essex County Correctional Facility and Delaney Hall as site of new detention facility. Bo Robinson is also mentioned as an expansion option. The facility is somehow hailed as a [model for immigration detention](#).

By October 7, 2011 transfers of all detainees from the Elizabeth Detention Center, another privately held facility run by Corrections Corp of America, to Delaney Hall are completed.

## **Conclusion & End Note**

Though the number and the degree of political connections and campaign contributions may be unique to Essex County what is driving local governments and corporations to embrace the expansion of immigration detention is money. This is the same across the country. Money is providing political power and further enriching corporations which in turn provide more money and more political power.

Whether outright corruption exists or this is just a corporation making the most of political conditions for its own gain remains to be seen. What is evident is that the political situation in Essex County does not lend itself to oversight much less transparency. The checks and balances of divided government are not functioning.

The culture of secrecy and the lack of transparency in immigration detention in New Jersey continue as well in the latest expansion in Essex County. This does not bode well for the 1,250 people who are being held at the behest of ICE, and for the remuneration of \$108/day. Because these individuals are locked up out of the public view it is easy for mistreatment and abuse to be overlooked or even covered up and the money provides incentive to do so.

Individuals in any prison populations are also more vulnerable because the limitations on their freedom make accessing the individuals or the organizations responsible for oversight more difficult. This is the case, even more so, for individuals in immigration detention who do not have a right by law to legal counsel.

The Essex County legislators, responsible for the care of the people in their custody under the new ICE contract, would be well served to institute a community oversight board to prevent New Jersey's sad and tragic history with immigrants in detention from repeating itself in Essex County.

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# Appendices

## I.

### Timeline CEC's other NJ facilities

**1996** The Harbor opens in Hoboken [http://www.cecintl.com/facilities\\_rr\\_nj\\_001.html](http://www.cecintl.com/facilities_rr_nj_001.html)

**1997** [Albert M. "Bo" Robinson](#) opens in Trenton *and expands with additional higher security building in 2008.*

**1998** Tully House [opens](#) in Newark

**2001** Wynona M. Lipman Education and Training Center [opens](#) in Newark.

**2002** NJ State officials [suspend admissions](#) at Wynona M. Lipman after numerous allegations of abuse including the "misuse of physical restraints".

**2003** In September eight staff members are fired following an investigation into the beating of a 17-year-old inmate. The boy who was held down by a staff member while another kicked him was denied medical treatment until the following morning, 9 hours after the incident occurred. The young man's injuries required that he be hospitalized for two days.

**2003** In May in the [press release announcing the sale and lease-back](#) of Delaney Hall there is a note about inmates being held at the facility under contracts with Union and Hudson Counties.

**2004** Wynona M. Lipman Education and Training Center closes, [reportedly due to financial problems](#) It reopens in June as Logan Hall and switches inmate populations from adolescent males to adults in the "halfway back" program.

## II.

### CEC's Campaign Contributions

#### 1997

Date	Amount	Recipient	Donor
09/12/97	\$15,000	NJ Republican State Cmte	Community Corrections Corp
07/21/97	\$2,100	Christine Todd Whitman	Community Corrections Corp
02/06/97	\$525	Christine Todd Whitman	John J. Clancy
03/12/97	\$1,575	Christine Todd Whitman	John J. Clancy
07/21/97	\$2,100	Christine Todd Whitman	John J. Clancy
03/11/97	\$2,100	Christine Todd Whitman	Jesse K. Clancy
07/21/97	\$2,100	Christine Todd Whitman	Jesse K. Clancy
08/29/97	\$2,100	James McGreevey	Jesse K. Clancy

#### 1998

Date	Amount	Recipient	Donor
09/01/98	\$15,000	NJ Republican State Cmte	Community Corrections Corp
05/05/98	\$7,500	Senate Democratic Majority '01	Community Corrections Corp
10/15/98	\$5,000	Essex Co Republican Cmte	Community Corrections Corp
11/02/98	\$5,000	Essex Co Republican Cmte	Community Corrections Corp
03/13/98	\$1,750	Mercer Co Republican Cmte	Community Corrections Corp
02&05/98	\$600	Essex Co Democratic Cmte	John J. Clancy
08/10/98	\$500	Essex Co Democratic Cmte	John J. Clancy
10/08/98	\$1,000	Essex Co Democratic Cmte	John J. Clancy

#### 1999

Date	Amount	Recipient	Donor
09/03/99	\$20,000	NJ Republican State Cmte	Community Corrections Corp
04/01/99	\$10,000	Essex Co Republican Cmte	Community Corrections Corp
10/25/99	\$1,500	Essex Co Republican Cmte	Community Corrections Corp
09/08/99	\$5,400	Election Funds Mercer Co Dems	Community Corrections Corp
03/18/99	\$7,500	Senate Democratic Majority '01	Community Corrections Corp
10/08/99	\$5,000	NJ Democratic State Cmte	Community Corrections Corp
10/08/99	\$1,000	NJ Democratic State Cmte	Community Corrections Corp
04/21/99	\$1,800	Joseph N DiVincenzo Jr.	Community Corrections Corp
02/25/99	\$2,700	Essex Co Democratic Cmte	John J. Clancy
05/24/99	\$1,500	Essex Co Democratic Cmte	John J. Clancy
08&10/99	\$1,750	Essex Co Democratic Cmte	John J. Clancy

**2000**

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
12/12/00	\$30,000	NJ State Democratic Cmte	Community Corrections Corp
05/11/00	\$10,000	NJ Republican State Cmte	Community Corrections Corp
05/26/00	\$10,000	NJ Republican State Cmte	Community Corrections Corp
03/28/00	\$8,000	Senate Democratic Majority '01	Community Corrections Corp
11/17/00	\$5,000	Senate Democratic Majority '01	Community Corrections Corp
06/21/00	\$1,000	Assembly Republican Majority	Community Corrections Corp
09/26/00	\$2,500	Assembly Republican Majority	Community Corrections Corp
07&09/00	\$2,000	Hudson Co Democratic Org	Community Corrections Corp
05/10/00	\$125	Hudson Co Democratic Org	Community Corrections Corp
09/01/00	\$1,000	James E. McGreevey	Community Corrections Corp
09/26/00	\$1,000	James E. McGreevey	Community Corrections Corp
03&04/00	\$800	Essex Co Democratic Cmte	John J. Clancy
05/15/00	\$1,500	Essex Co Democratic Cmte	John J. Clancy
10/14/00	\$350	Essex Co Democratic Cmte	John J. Clancy

**2001**

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
09/30/01	\$37,000	Essex Co Democratic Cmte	Community Corrections Corp
02/27/01	\$18,000	Senate Democratic Majority '01	Community Corrections Corp
05/14/01	\$15,000	Senate Democratic Majority '01	Community Corrections Corp
06/30/01	\$12,000	Senate Democratic Majority '01	Community Corrections Corp
08/06/01	-\$8,000	Senate Democratic Majority '01	Community Corrections Corp
05/01/01	\$10,000	NJ Republican State Cmte	Community Corrections Corp
05/23/01	\$10,000	NJ Republican State Cmte	Community Corrections Corp
10/23/01	\$17,000	NJ Republican State Cmte	Community Corrections Corp
04/09/01	\$2,000	Senate Republican Majority	Community Corrections Corp
09/25/01	\$5,000	Senate Republican Majority	Community Corrections Corp
02/27/01	\$2,000	NJ Democratic State Cmte	Community Corrections Corp
04/25/01	\$1,000	Hudson Co Democratic Org	Community Corrections Corp
09/28/01	\$10,000	Senate Democratic Majority '01	Community Corrections Corp
04/09/01	\$800	Essex Co Democratic Cmte	John J. Clancy
05/07/01	\$1,500	Essex Co Democratic Cmte	John J. Clancy
08/13/01	\$250	Essex Co Democratic Cmte	John J. Clancy



## 2002

Date	Amount	Recipient	Donor
06/06/02	\$10,000	NJ Republican State Cmte	Community Corrections Corp
06/07/02	\$15,000	NJ Republican State Cmte	Community Corrections Corp
04/04/02	\$12,500	Senate Democratic Majority '01	Community Corrections Corp
11/26/02	\$5,000	Senate Democratic Majority '01	Community Corrections Corp
04/25/02	\$10,000	NJ Democratic State Cmte	Community Corrections Corp
09/10/02	\$1,000	NJ Democratic State Cmte	Community Corrections Corp
10/25/02	\$10,000	Hudson Co Democratic Org	Community Corrections Corp
10/17/02	\$10,000	Union Co Democratic Cmte	Community Corrections Corp
03/11/02	\$400	Essex Co Democratic Cmte	John J. Clancy
08/27/02	\$25,000	Essex Co Democratic Cmte	John J. Clancy

## 2003

Date	Amount	Recipient	Donor
02/23/03	\$25,000	New Democratic Assy Leadership	Community Corrections Corp
03/12/03	\$25,000	NJ Democratic State Cmte	Community Corrections Corp
05/28/03	\$25,000	Senate Democratic Majority '01	Community Corrections Corp
10/15/03	\$10,000	Union Co Democratic Cmte	Community Corrections Corp
03/09/03	\$800	Union Co Democratic Cmte	Community Corrections Corp
10/21/03	\$5,000	Assembly Republican Majority	Community Corrections Corp
02&10/03	\$2,500	Bergen Co Democratic Org	Community Corrections Corp
01/24/03	\$1,000	Hudson Co Democratic Org	Community Corrections Corp
06/23/03	\$25,000	Senate Democratic Majority	John J. Clancy

## 2004

For-profit company changed name to Community Education Centers, Inc. Note the \$8,000 contribution to Essex County Democrats was made in the name of CEC in May 2004, while a \$1,200 contribution to Union County Democrats was made in the name of CCC in June of 2004

Date	Amount	Recipient	Donor
03/15/04	\$25,000	Senate Democratic Majority	Community Corrections Corp
05/24/04	\$8,000	Essex Co Democratic Cmte	Community Education Centers
08/24/04	\$10,000	Essex Co Democratic Cmte	Community Education Centers
01/23/04	\$1,000	NJ Democratic State Cmte	Community Corrections Corp
04/06/04	\$1,000	NJ Democratic State Cmte	Community Education Centers
02/06/04	\$800	Union Co Democratic Cmte	Community Corrections Corp
11/09/04	\$2,000	Assembly Republican Victory '05	Community Corrections Corp
01/21/04	\$1,000	Hudson Co Democratic Org	Community Corrections Corp
04/05/04	\$1,000	Joseph Cryan	John Clancy

**2005**

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
03/02/05	\$25,000	New Democratic Assy Leadership	Community Education Centers
10/21/05	\$10,000	NJ Republican State Cmte	Community Education Centers
09/30/05	\$5,000	NJ Democratic State Cmte	Community Education Centers
10/19/05	\$5,000	Blee & Conover- 2 <sup>nd</sup> District Repub	Community Education Centers
04/21/05	\$5,000	Mercer Co Democratic Cmte	Community Education Centers
06/17/05	\$1,000	Camden Co Democratic Cmte	Community Education Centers
04/27/05	\$1,000	Hudson Co Democratic Org	Community Education Centers
03/11/05	\$3,000	Senate Democratic Leadership	John Clancy

**2006**

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
03/02/06	\$25,000	Senate Democratic Leadership	Community Education Centers
03/05/06	\$25,000	Democratic Assy Campaign Cmte	Community Education Centers
03/11/06	\$3,000	Union Co Democratic Cmte	Community Education Centers
05/23/06	\$2,000	Essex Co Democratic Cmte	Community Education Centers
09/01/06	\$2,600	Douglas H. Palmer, Mayor Trenton	Community Education Centers
10/26/06	\$15,000	Essex Co Democratic Cmte	John Clancy

**2007**

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
03/02/06	\$25,000	Senate Democratic Leadership	Community Education Centers
03/05/06	\$25,000	Democratic Assy Campaign Cmte	Community Education Centers
03/11/06	\$3,000	Union Co Democratic Cmte	Community Education Centers
05/23/06	\$2,000	Essex Co Democratic Cmte	Community Education Centers
09/01/06	\$2,600	Douglas H. Palmer, Mayor Trenton	Community Education Centers
10/26/06	\$15,000	Essex Co Democratic Cmte	John Clancy

## 2008

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
03/13/08	\$25,000	Democratic Assy Campaign Cmte	Community Education Centers
03/07/08	\$15,000	Senate Democratic Majority	Community Education Centers
11/13/08	\$10,000	Senate Democratic Majority	Community Education Centers
07/08/08	\$5,000	NJ Democratic State Cmte	Community Education Centers
11/04/08	\$5,000	Essex Co Democratic Cmte	Community Education Centers
04/13/08	\$2,000	Joseph N DiVincenzo Jr	Community Education Centers
07/06/08	\$2,600	Douglas H Palmer	Community Education Centers
07/06/08	\$2,600	Douglas H Palmer	William J Palatucci
07/06/08	\$2,400	Douglas H Palmer	John J. Clancy
04/13/08	\$2,600	Joseph N DiVincenzo Jr	John Clancy, Jr
04/13/08	\$2,600	Joseph N DiVincenzo Jr	Jesse Clancy
04/13/08	\$2,600	Joseph N DiVincenzo Jr	Jessica Clancy
04/13/08	\$2,600	Joseph N DiVincenzo Jr	Jaclyn Clancy
04/13/08	\$2,000	Joseph N ? Jr	John Clancy

## 2009

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
10/28/09	\$25,000	Democratic Assy Campaign Cmte	Community Education Centers
03/25/09	\$15,000	Senate Democratic Majority	Community Education Centers
09/16/09	\$5,000	NJ Democratic State Cmte	Community Education Centers
04&05/09	\$2,600	Essex Co Democratic Cmte	Community Education Centers
08/24/09	\$1,000	Essex Co Democratic Cmte	Community Education Centers
06/29/09	\$2,500	Sheila Y Oliver	Community Education Centers
10/30/09	\$1,000	Sheila Y Oliver	Community Education Centers
10/15/09	\$2,000	Armando B Fontoura-Essex Sheriff	Community Education Centers
03/16/09	\$600	Ralph R Caputo-Assembly	Community Education Centers
01/16/09	\$3,400	Chris Christie	William J Palatucci
03/07/09	\$3,400	Chris Christie	Laura M Palatucci
06/30/09	\$3,400	Chris Christie	William J Palatucci
06/30/09	\$3,400	Chris Christie	Laura M Palatucci

## 2010

CEC, by this time, has hired two outside lobbying firms at the cost of over \$100,000 per year.

<b>Date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Donor</b>
04/20/10	\$1,000	Essex Co Democratic Cmte	Community Education Centers
08/30/10	\$2,000	Barbara Buono – State Senate	Community Education Centers
06/30/10	\$1,500	Democratic Assy Campaign Cmte	John J Clancy
08/09/10	\$1,000	Essex Co Democratic Cmte	John & Jesse Clancy
10/26/10	\$400	Essex Co Democratic Cmte	John Clancy
10/15/10	\$500	Patricia Sebold – 2011 Primary	John Clancy

#### IV.

#### Preventable deaths of people in CEC's custody

Year	Detainee	Age	Facility	Description
2004	Geary Turner	56	Coleman Hall, Juniata Park, PA	Shot to death
2007	Caleb Jensen	15	Alternative Youth Adventures, Montrose, CO	Died of untreated staph infection
2008	Victor Chavez-Chavez	21	Ector County Correction Center, Odessa, TX	Committed suicide, charged with illegal entry by the U.S. Marshals
2009	Derek West Harris	51	Delaney Hall, Newark, NJ	Murdered by fellow inmates
2010	Vicky Fay Purcell	51	Ector County Correction Center, Odessa, Tx	Committed suicide in isolation
2011	Amber Redden	27	Liberty Hall, Indianapolis, IN	Died from complications from ruptured ectopic pregnancy after delay in medical care for nearly 12 hours

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