City of Tacoma
Privilege Log
Public Disclosure Request #10-2797

| Type of Record | Date | Page No. | Redacted or Withheld | Key Item and explanation for exempting from disclosure |
|---|---|---|---|---|
| Email from Cathy Parker to Jim Walton | 03/25/04 | 11 | Redacted – Attorney/Client Communication | **C** – RCW 42.56.070 (1)(6) Documents and indexes to be made public; and RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications |
| Interdepartmental communication from Kyle Crews to James Walton | 03/16/04 | 21 | Redacted – Attorney/Client Communication | **C** – RCW 42.56.070 (1)(6) Documents and indexes to be made public; and RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications |
| Email from Robin Jenkinson to Jim Walton | 04/09/04 | 23 | Redacted – Attorney/Client Communication and Attorney Work Product | **A** – RCW 42.56.290 Agency party to controversy<br><br>-AND-<br><br>**C** – RCW 42.56.070 (1)(6) Documents and indexes to be made public; and RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications |
| Email from Celia Holderman to Eileen Lewis | 04/09/04 | 24 | Redacted – Attorney/Client Communication and Attorney Work Product | **A** – RCW 42.56.290 Agency party to controversy<br><br>-AND-<br><br>**C** – RCW 42.56.070 (1)(6) Documents and indexes to be made public; and RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications |
| Interdepartmental communication from Kyle Crews to James Walton | 03/16/04 | 25 | Redacted – Attorney/Client Communication | **C** – RCW 42.56.070 (1)(6) Documents and indexes to be made public; and RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications |
| Email from Heidi Stephens to Thomas Stenger | 04/13/04 | 34 | Redacted - Drafts | **B** – RCW 42.56.280 Preliminary drafts, notes, recommendations, intra-agency memorandums |

| KEY ITEM | EXPLANATION/AUTHORITY FOR EXEMPTING FROM DISCLOSURE: |
|---|---|
| **A** | **RCW 42.56.290 Agency party to controversy.**<br>Records that are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts are exempt from disclosure under this chapter. |
| **B** | **RCW 42.56.280 - Preliminary drafts, notes, recommendations, intra-agency memorandums**<br>Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this chapter, except that a specific record is not exempt when publicly cited by an agency in connection with any agency action. |

cc: Council
Bill
Julie
Robin
Frank
Jerry
Chief
Chief Perry

**U.S. Department of Justice**
Immigration and Naturalization Service
Architect-Engineer Resource Center

*Attention: CESWF-PM-INS*
*819 Taylor Street, Room 3A28*
*P.O. Box 17300*
*Fort Worth, TX 76102-0300*

RECEIVED
FEB 1 1 2002
THE MAYOR'S OFFICE

February 4, 2002

Dear Interested Party:

Thank you for your interest in the Immigration and Naturalization Service (INS) proposed Contract Detention Center near Seattle-Tacoma, Washington.

The Notice of Availability for the Final Environmental Impact Statement (EIS) was published in the Federal Register on June 24, 2001. The INS received four comment letters regarding the Final EIS. These letters are addressed in the Record of Decision (ROD), which was signed on December 2001.

While both the Taylor Way and East J Street sites were considered to be environmentally equivalent, the ROD specifies the East J Street site as the preferred site primarily because of the community interest in the East J Street site. A copy of the ROD is attached for your review.

With regard to the final selection of sites or the "No Action" alternative, neither the EIS nor the ROD is the final site selection determinant. The procurement process is still ongoing and must consider other factors such as the anticipated costs and other technical factors. The procurement decision-making officials are those conducting the selection of the contractor and the site. Those individuals are the Administrative Center Laguna Niguel Contracting Officer and the Source Selection Officials who are bound by the Federal Acquisition Regulations (FAR). The ROD is an element in the final review, but the final site selection is based on other selection factors as well. These factors could change the site selected and, if the award of the contract is made, it could be made to another site other than the preferred alternative.

The estimated schedule for contract award actions is as follows:

| | |
|---|---|
| Receipt of "Final Offer" | 29 November 01 |
| Release Questions to Offerors based on Final Offer | 17 December 01 |
| Responses from Offerors Due | 07 January 02 |
| Evaluation of Responses Complete | 21 January 02 |
| HQ counsel and Procurement Review Complete | 05 February 02 |
| Anticipated Award of Contract | 15 February 02 |

cc: Ray Corpuz

Thank you again for your interest. We will anticipate your continued interest in the award of this contract. If you have any further comments or questions, please feel free to contact me at (817) 886-1463 or by mail at the above address. The comment period for this review ends March 6, 2002.

Sincerely,

Eric W. Verwers

Eric W. Verwers
Director,
INS A-E Resource Center

Enclosure

# TACOMA/SEATTLE AREA DETENTION CENTER
# PIERCE COUNTY, WASHINGTON
# ENVIRONMENTAL IMPACT STATEMENT
# RECORD OF DECISION

December 03, 2001

**Lead Agency:** U.S. Department of Justice
Immigration and Naturalization Service

The Final Environmental Impact Statement (EIS) addresses the potential for impacts on the human and natural environments of the proposed construction and operation of a Contractor-owned, Contractor-operated (COCO) detention facility for the Tacoma area. This decision is based on the analyses contained in the Final EIS for the Immigration and Naturalization Service's (INS) Tacoma/Seattle Area Detention Center. As a result, this Record of Decision (ROD) will be forwarded to the INS Contracting Officer for further action.

In making this decision, I have considered the impacts addressed in the Final EIS, scoping meeting notes, and written comments received during the public review processes associated with the preparation of the Final EIS. I have determined that adequate and appropriate responses have been provided to each comment received during this process.

**Summary:**

The primary purpose of the proposed action is to provide for additional facilities to detain illegal immigrants prior to deportation and/or final processing. The objectives of the proposed facility are to provide for the safe and humane detention of up to 500 illegal immigrants, provide for INS offices/administration, and courts, provide for administrative space for facility management, and provide for visitor parking and detainee visitations.

In response to the need for additional detainee space, the INS proposes to lease a COCO facility constructed in the vicinity of the Port of Tacoma and situated near the cities of Tacoma and Seattle, Washington. The contractor would be responsible for obtaining all applicable permits, leases, and other agreed to services. The INS would ensure that adequate facilities and resources are in place to assure the health and safety of the detainees, the staff, and the local public.

The INS is responsible for control of immigration into the United States and to detain illegal immigrants until legal processing is completed. Currently, INS is housing detainees in its administration facility in Seattle, Washington. This facility should accommodate 150 detainees; however, the average population is 182. The maximum capacity of the facility is 230 when all possible extraneous facility spaces are in use. Therefore, the Seattle administrative facility will not meet existing or anticipated capacity requirements.

JAN-28-2002 16:24 HQENG-OFFP 202 353 8551 P.02/06

The INS requires a safe and secure environment for staff and detainees through established operational procedures and effective physical security measures. The facility's detention personnel shall continuously monitor programs and seek ways to respond effectively to emergencies, control any potential for violence in the facility, control the introduction of contraband/narcotics, control tools and other equipment, and maintain and operate a secure facility for all staff and detainees.

**Alternatives:**

Two alternatives, the Proposed Action Alternative and the No-Action Alternative, were carried forward for analyses. The Proposed Action involves the lease of a COCO detention facility that is capable of housing up to 500 detainees from a selected offeror and provides administrative offices and support space for the facility operators and the INS staff. Two sites (East J Street and Taylor Way) under consideration for the Proposed Action Alternative were evaluated. Both sites have been disturbed previously and contain no significant cultural resources or natural habitat. Hazardous waste issues are present at both sites; these issues shall be resolved prior to INS and detainees occupying the facility.

Due to overwhelming support by local Port of Tacoma and City/County officials for the East J Street site, and the fact that both sites were environmentally equal in regards to potential effects and issues, the INS has selected the East J Street site as the environmentally preferred site.

Two other alternative sites under the Proposed Action Alternative were eliminated earlier and not considered in the Final EIS. One site, near the City of Auburn, was eliminated because King County denied the annexation of its portion to Auburn to facilitate the project because its resource use (agriculture) would have been changed. The other site, near the City of Pacific, was rejected because of the presence of wetlands, lack of public service availability, transportation issues, and safety concerns of the community.

The No Action Alternative would require the INS to continue using the administration facility in Seattle, currently operating above its detainee capacity. As such, serious safety issues could arise in regards to both the staff and detention population due to overcrowding. Therefore, this alternative would not satisfy the purposes and needs of the INS.

**Environmental Consequences:**

Both of the two proposed alternative sites are within the Port of Tacoma on properties zoned for heavy industrial use. The Heavy Industrial zoning category does not require a special permit or variance for the construction of a detention facility. This land use is compatible and no changes to the existing land use would occur. Both sites have been significantly disturbed by past development and thus, no significant impacts to soils, native vegetation communities, fish and wildlife resources (including threatened or endangered species), or water resources are anticipated.

The East J Street Site contains some historic structures. However, all the buildings lack historic integrity and are recommended as ineligible for listing in the National Register. Therefore construction at this site would have little effect on cultural resources. As indicated below, however, the Washington Office of Archaeology and Historic Preservation (OAHP) has recommended that these buildings be integrated into the design of the detention facility.

Temporary impacts to the region's air quality would occur during construction due to fugitive dusts from the construction site and increased air emissions from the construction equipment. Slight, long-term increases in pollutants from vehicular traffic to and from the detention facility would occur. However, all of these emissions are expected to be below *de minimus* levels and would not violate the state's air quality standards or adversely affect the region's attainment status.

Some minor beneficial impacts to the socioeconomic conditions would result from the proposed action. These would be from the employment of construction and operations staff and the purchase of construction materials and operational supplies from local vendors. Approximately 40 full-time and part-time people would be hired from the local area during construction. It is estimated that 90 additional full-time and part-time employees would be hired from the local area to staff the facility.

Although an increase in demand on public utilities and services would result from the proposed action, the current capacities of these resources are adequate to accommodate the anticipated increase.

Both sites are within the Commencement Bay near the Shore/Tide Flats Superfund Site. This area is a currently undergoing remediation action. Both sites contain some level of contamination of soil and/or groundwater that need clean up prior to occupation. The remediation actions require coordination and approval by the U.S. Environmental Protection Agency and the State of Washington's Department of Ecology. No additional adverse impacts to groundwater would be expected as a result of the construction and operation of the detention facility.

A cleanup action plan (CAP) is required and will be prepared by the provider for the contaminated soils regardless of which site is ultimately selected. The CAP should address the proper management of soil and groundwater during construction, particularly for soil that may be left onsite. Construction plans and specifications should be prepared identifying remediation areas and cleanup requirements. Soil and groundwater samples will be taken and analyzed during cleanup to verify the concentration at the limits of the excavation.

A cleanup action report will be prepared upon completion of cleanup activities. This report will be submitted to the Washington Department of Ecology with a request for a "No Further Action" statement. The selected contractor will obtain this statement prior to occupation of the site by INS employees, detainees, and other persons under the direct responsibility of INS. The costs to remediate the site and obtain the "No Further Action" statement shall be the responsibility of the selected contractor.

**Public Review of the Final EIS:**

The Final EIS was released to the public for review on June 22, 2001. A 30-day review period was established beginning on that date. Copies of the Final EIS were sent to Federal, state, and local agencies, Native American tribes, various organizations and the general public who had indicated their desire to receive copies or who had commented on the Draft EIS.

Four letters were received during the review period. INS has submitted responses to these letters directly to the senders. The first letter was from the Mayor Mike Crowley, City of Tacoma. Mayor Crowley iterated the city's support for the East J Street site.

The second letter was from Ms. Elaine Spence, Graham & Dunn, representing Correctional Services Corporation, an offeror for the COCO facility. Ms. Spence disagreed with statements in the Final EIS that land use at either site would not change and emphasized that land use permits might be unobtainable at the Taylor Way Site. Ms. Spence also disagreed with statements in the Final EIS regarding the safety concerns of residents of northeast Tacoma.

The third letter was jointly signed by Congressmen Norm Dicks and Adam Smith and expressed support for the East J Street.

Ms. Andrea Riniker, Executive Director of the Port of Tacoma, submitted the fourth letter. Ms. Riniker stated the Port's support for the East J Street site. She also noted that the Port has identified the Taylor Way site as a potential expansion area and that it would be incompatible with the long-term plans of the Port of Tacoma.

A letter was also received for the Washington State Office of Archaeology and Historic Preservation (OAHP) shortly after the review period closed. The OAHP agreed with the EIS that no effect on National Register eligible historic properties. However, the OAHP recommended that the existing 2-story brick building (Carsten office) at the East J Street site be retained and reused as a component of the detention center if this site is selected. The OAHP further recommended that all newly constructed buildings be designed and constructed to be compatible with rehabilitated Carsten office building.

**Decision:**

Given the facts contained in the Final EIS and summarized herein, I have decided that all potential impacts have been adequately addressed and that the INS should proceed with a COCO facility to provide the required detention space needed by the INS at the East J Street site, Tacoma, Washington.

In the event that INS decides to implement the proposed action, the issues regarding hazardous wastes and health risks will need to be resolved prior to the time that INS employees, detainees, and other representatives occupy the selected site.

Rufus Johnson
Acting Director,
Headquarters Facilities and Engineering Division

12 03/2001
Date

file

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE
Seattle, WA 98104

# NEWS RELEASE

Contact: Garrison Courtney
Office of Public Affairs
(206) 553-0596 Fax: (206) 553-0936
Internet: www.ins.gov

May 3, 2002

(WTC)

## INS Confirms Tacoma Branch Office Burglarized

*Several Immigration Forms and Stamps Stolen*

Tacoma, WA– The Immigration and Naturalization Tacoma Support Office was burglarized last night. Several items were taken to include:

1). An INS Admission Stamp
2.) A Parolee Stamp
3.) D-1, and D-2 Stamps
4.) An assortment of INS forms.
5.) An I-551 stamp
6.) .40 Caliber Berretta, with two clips of ammunition

The Seattle District Immigration and Naturalization Service and the Tacoma Police Department are currently investigating the burglary. All items stolen were stored in accordance with National INS Security and Safety Standards.

The Seattle INS would like to affirm that though these items were taken, that does not mean an individual will be able to use them without being questioned or stopped, especially in this time of heightened security.

Badge + laptop were also stolen.

Mayor + RAY,
this will be on the national news.

Pierce County
Office of the Prosecuting Attorney

930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Administration: (253) 798-7070
FAX: (253) 798-6636

GERALD A. HORNE
Prosecuting Attorney

Main Office: (253) 798-7400
1-800-992-2456
Valid only within Washington State

July 31, 2002

Mayor Bill Baarsma
City of Tacoma
747 Market Street
Tacoma, WA 98402

Re: New INS Center in Tacoma

Dear Mayor:

I am disturbed at the announcement in the News Tribune this morning, stating that a contractor for the federal government is building an INS holding/detention center in Tacoma. The News Tribune article states that it will be a 500 bed, $115 million dollar facility which is *"not really a jail" but "will hold undocumented immigrants for anywhere from a day to much longer stretches of time for reasons ranging from paper-work snafus to criminal charges"*.

This decision to permit the government to build yet another facility bringing a criminal element into our city and county was at best short sighted. The citizens of Tacoma and Pierce County will pay a cost far beyond any good that might come from the "holding center's" creation of 120 jobs. It goes beyond just dollar costs. It goes to the quality of life for our citizens and the very image of Tacoma. **The decision reaffirms Tacoma's reputation as the primary "dumping ground" for people and facilities that Snohomish and King Counties don't want.**

Now, we will have a permanent facility that will bring in a criminal element from all over the state and possibly other states.

At a time when we are fighting an over-representation of state Department of Corrections (DOC) Work Release and Pre-release facilities, the city welcomes a huge, comparable federal facility into our midst. We and our law abiding tax payers will have to deal with an element of people who are apprehended from all over the state and brought to Tacoma for detention. Those people will be transported here because they violated existing laws, including criminal laws. They will impact our high crime rate, and further Pierce County's reputation as the most violent county in the state (which it is!). The resulting burden on prosecutors, police, jails, courts, as well as our taxpayers, will far exceed any benefit from the 120 jobs created. Snohomish County's leaders learned that lesson over 20 years ago, and so did King County leaders. Apparently ours did not.

Last year we (Pierce County) **prosecuted** almost **4 times as many felons as Snohomish County** prosecuted. Yet, Pierce County has only **14% more people than Snohomish County.** My drug team alone has been prosecuting more felons than the entire prosecutors office in Snohomish County has been prosecuting for all felonies.

RECEIVED
AUG 05 2002
THE MAYOR'S OFFICE

Printed on recycled paper

Please look at the following **crime rates** as compiled by the Washington Association of Sheriffs and Police Chiefs:

**Pierce County** (Snohomish County)

| | Homicides | Robberies | Aggravated Assaults |
|---|---|---|---|
| 1998 | 46(9) | **1305**(407) | **3,190**(849) |
| 1999 | **20**(11) | **1,111**(344) | **2.909**(715) |
| 2000 | 33(9) | **1,205**(322) | **2,965**(682) |
| 3 Yr Total | 99(29) | **3,621**(1,073) | **9,104**(2,246) |

The **biggest factor in this crime warp** is the long term **presence of DOC Pre-release and Work release facilities that introduce convicts into the community**. We have four such facilities, the same number as King County. But in March, Pierce County had more DOC inmates in our Work Release/Pre-release facilities than King County had. King County has a population 2 ½ times greater than Pierce County. **Snohomish County** ***does not have any state work release/pre-release facility*** **in their county.** Ever since Charles Rodman Campbell left his state work release facility to murder three women, the /people in Snohomish County have successfully kept DOC from placing any Work Release/Pre-release facility in their county. On the other hand, I believe that DOC has placed more work release/pre-release convicts in DOC's Pierce County facilities during the ensuing decades (post Campbell) than anywhere else in the state, including King.

We don't need the INS's detention facility to introduce even more law violators into our county. It is not fair to burden Pierce County tax payers with costs generated by such a facility when our tax payers are already overburdened with convicts introduced by DOC.

Mayor, I know you share my concern. Please pass this on to the city council members and to City Manager Ray Corpuz. If there is anything we can do to stop the INS's construction of the 500 bed "detention center", we must do it.

Thanks for meeting with me last Thursday to discuss DOC's entrenchment in Tacoma. I look forward to further discussions on ways to diminish our intolerable crime warp.

Sincerely,

Gerald A. Horne
Prosecuting Attorney

Cc: Representatives Adam Smith and Norm Dicks
Senators Murray and Cantwell
City Council Members
Pierce County Legislative Delegation
Pierce County Council Members
DOC Secretary Lehman
County Executive and Chief of Staff
Dave Seago, TNT

## Holderman, Celia

**From:** Parker, Cathy
**Sent:** Thursday, March 25, 2004 6:40 PM
**To:** Walton, Jim
**Cc:** Lewis, Eileen; Pugh, Bill (William); Ramsdell, Don; Stewart, Donna; Walter, Melinda; Blackwell, Jeanette; Holderman, Celia; Johns, Ralph; Jensen, Jeffrey
**Subject:** RE: Homeland Security Detention Facility

Jim,

[redacted]

Cathy Parker
Legal Adviser, Tacoma Fire Department
(253) 591-5312
<mailto:cparker@cityoftacoma.org>

**THIS ELECTRONIC MESSAGE CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL OR PRIVILEGED. THE INFORMATION IS INTENDED SOLELY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED.**

-----Original Message-----
**From:** Lewis, Eileen
**Sent:** Thursday, March 25, 2004 5:00 PM

**To:** Parker, Cathy
**Subject:** FW: Homeland Security Detention Facility

-----Original Message-----
**From:** Holderman, Celia **On Behalf Of** Walton, Jim
**Sent:** Wednesday, March 24, 2004 6:28 PM
**To:** Pugh, Bill (William); Lewis, Eileen; Ramsdell, Don
**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette
**Subject:** FW: Homeland Security Detention Facility

Most of these relate to BLUS and our Emergency Management System. Any help you can provide Jim for a response would be most appreciated. THANKS

Celia
-----Original Message-----
**From:** Evans, Bill
**Sent:** Wednesday, March 24, 2004 4:32 PM
**To:** Walton, Jim
**Cc:** Baarsma, Bill; Anderson, Julie; Lonergan, Mike; 'Timothy Smith'
**Subject:** Homeland Security Detention Facility

Dear Jim,

Several disturbing findings have been brought to my attention in relation to the Homeland Security Detention Facility in our city. The facility, as you know, is due to open very soon and I think it imperative to delay that opening until several serious concerns are addressed.

1) Pierce County building code #18E.40.050 states very clearly that "no critical facilities shall be constructed or located in volcanic hazard areas. Critical facilities are those selected from the Uniform Building Code, 1994 Edition, Table No. 16-D, Occupancy Category: #7 Jails and detention facilities." This new detention facility seems to be prohibited in the location where it is being built. I would appreciate it if you could find if CSC received a variance from Pierce County in relation to this policy code. If city code supercedes county code do we not have to abide by some type of Volcanic Hazard regulation?

2) We are told that the city has a plan to deal with emergency situations on the Tideflats but no detailed plan seems to exist for this unique detention facility. I am concerned that the detention facility is, literally, across the street from a propane gas manufacturing plant. I am also concerned about the letter received today from the Longshore Union asking about an evacuation plan and expressing how 'disturbed' they are that terrorists are targeting chemical plants. There will be up to 700 people on the detention center site at any given time. How will they be evacuated in case of a disaster? Where will they be held during an emergency? Does our Fire Department have an evacuation plan for the detention center?

3) We have never had a 'private prison' within our city limits. Since this is neither a Federal, states, county or city detention facility I would like to know what statutory guidance has been developed to monitor and to insure the safe operation of the facility and to guarantee that the health and welfare of the occupants of the prison will be insured.

Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

## Holderman, Celia

**From:** Lewis, Eileen
**Sent:** Thursday, March 25, 2004 5:02 PM
**To:** Holderman, Celia
**Subject:** FW: Homeland Security Detention Facility

Celia, Cathy Parker will e-mail you the material we sent on this the other day in regards to evacuation.
Ralph provided the following. lew

-----Original Message-----
**From:** Johns, Ralph
**Sent:** Thursday, March 25, 2004 2:10 PM
**To:** Lewis, Eileen; Steinhoff, Gary; Anderson, Carl
**Cc:** Buchanan, Peggy
**Subject:** RE: Homeland Security Detention Facility

Chief,
Current fire code 1997 UFC, Section 1303 requires the following:

Section 1302– Emergency Plans and Procedures:

1303.3.4 Group I (institution) Occupancies
1303.4.1 **Emergency Plan.** Additional information provided on emergency plans shall include procedures for use of alarms, notification of occupants and emergency responders in the event of alarm system malfunctions, isolating the fire, evacuating each fire area and the building, and relocating non-ambulatory persons. Copies of the plan shall be given to all supervisory personnel and a copy shall be available on the premises to all personnel at all times.

1303.3.4.2 **Training**
1303.3.4.2.1 General In addition to other specific duty assignments, all employees shall be trained to recognize and respond to fire alarm signals, and to initiate fire alarm signals utilizing both the fire alarm system and the public address system when provided.

1303.3.4.2.2 **Training Frequency.** Employees shall be provided with refresher training for their assigned duties every six months.

1303.3.4.3 **Fire drills.** Fire drills shall be conducted quarterly for each shift. Fire drills shall be for staff members only. Fire drills shall be initiated by either the activation of the fire alarm system or a coded public announcement.

We will not be signing off their CO until we have a copy of their emergency plan.

ralph

-----Original Message-----
**From:** Walter, Melinda **On Behalf Of** Lewis, Eileen
**Sent:** Thursday, March 25, 2004 11:07 AM
**To:** Steinhoff, Gary; Johns, Ralph; Anderson, Carl
**Cc:** Buchanan, Peggy
**Subject:** FW: Homeland Security Detention Facility
**Importance:** High

Chief Lewis would like your comments about Bill Evans' email below as soon as possible so she can respond to to Jim. Thank you.

Melinda
-----Original Message-----
**From:** Holderman, Celia **On Behalf Of** Walton, Jim
**Sent:** Wednesday, March 24, 2004 6:28 PM
**To:** Pugh, Bill (William); Lewis, Eileen; Ramsdell, Don
**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette
**Subject:** FW: Homeland Security Detention Facility

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**Sent:** Wednesday, March 24, 2004 4:32 PM
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Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

## Holderman, Celia

**From:** Lonergan, Mike [MLonerga@ci.tacoma.wa.us]
**Sent:** Friday, March 05, 2004 4:01 PM
**To:** 'Gerry Horne '
**Cc:** 'rjenkins@cityoftacoma.org'; 'jwalton@cityoftacoma.org'
**Subject:** RE: scheduled prison expansion likely will not be funded thisyear

Dear Gerry,

I will inquire about CSC underwriting any local costs of investigation, prosecution and defense for offenses that might be committed at the Tacoma INS facility. I'll copy this to the City Attorney so her staff can research an answer for me. Thanks,

Mike Lonergan
Tacoma City Council

-----Original Message-----
From: Gerry Horne
To: MLonerga@ci.tacoma.wa.us
Sent: 3/4/2004 11:09 AM
Subject: RE: scheduled prison expansion likely will not be funded thisyear

Mike,
I appreciate your criticism regarding a sensitivity I have lacked in exposing DOC activities and those responsible. I have been intentionally sarcastic to call attention to the arbitrary manner in which state policy makers have negatively impacted our community by saturating Tacoma/Lakewood with convict programs. Secretary Lehman speaks for the governor. He also tells the governor what DOC is or is not doing. I believe we leaders need to question what he tells the governor as well as what he tells our leaders; and question whenever he starts "pilot programs" in our communities. I believe that Seattle-Bellevue-Everett have been knowingly insolated from state convict programs at our expense.

I have admiration for those DOC field officers doing a necessary and difficult job. But, I do not have that same admiration for the "policy makers" who continue to justify the status quo. I believe our leaders have been intentionally misled regarding the resulting harm from those DOC programs saturating Tacoma/Lakewood.

Mike, on another note regarding an issue you asked me about earlier, I met with George Wigen, the prison warden for CSC Tacoma. Mr. Wigen graduated from PLU before starting a successful career in federal corrections. He indicates that the new prison will hold 500-750, and that the existing INS (or ICE) prison in Seattle will be closed. Similarly satellite "holding centers" in the northwest, including Portland, will be closed as all the Northwest's aliens will be brought to Tacoma. Mr. Wigen assured me that these aliens will not be released to Tacoma, but instead will be "taken back to where they came from" if not deported. In other words, if the alien is picked up in Portland, he will be returned to Portland.

Many aliens will not be deported,e.g. Russia will not sanction "travel papers" for sex offenders etc. Some countries like Viet Nam will not take any convict. We (the U.S.) are stuck with unsavory convicts who immigrated from those countries.

Some apparent good news for CSC Tacoma was an article in the "Business Examiner" stating that Homeland Security had awarded CSC Tacoma with a $100 million (yes, $100,000,000). With help like that in "high places", CSC has got to have an upswing in its fortunes. The article also states
that Tacoma will generate $84,000 in B&O taxes. Unfortunately, one
murder in the prison will cost us much more than that amount in expenses to our Criminal Justice System.

Do you know if our city officials have contracted for CSC to pay the costs of criminal investigations and prosecutions and defense coming from the prison?

Gerry

>>> "Lonergan, Mike" <MLonerga@ci.tacoma.wa.us> 3/2/04 4:46:22 PM >>>
Gerry,

Thanks for the interesting information about our state's relatively low incarceration rate. It is indeed food for thought.

One item of constructive criticism...because Secretary Lehman is a duly appointed public official, wouldn't it be better not to refer to him by a sarcastic title?

Mike Lonergan
Tacoma City Council

(253-591-5113)
mlonerga@cityoftacoma.org <mailto:mlonerga@cityoftacoma.org>

-----Original Message-----
From: Gerry Horne [mailto:GHORNE@co.pierce.wa.us]
Sent: Monday, March 01, 2004 9:44 AM
To: Mlonerga@cityoftacoma.org
Subject: Fwd: scheduled prison expansion likely will not be funded thisyear

Jim, I'm still waiting for PW + Evans response. Is it ok to give this info for now? DM

## Holderman, Celia

**From:** Ramsdell, Don
**Sent:** Thursday, March 25, 2004 9:40 AM
**To:** Walton, Jim; Pugh, Bill (William); Lewis, Eileen
**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette; Evans, Bill; Holderman, Celia
**Subject:** RE: Homeland Security Detention Facility

Jim,

I met with George Wigen (Correctional Services Corporation), the Warden of the new facility on Tuesday of this week. He indicated that the building is designed as a "minimum security" facility for the means of holding approximately 700 inmates for the Immigration Customs Enforcement Agency (formerly INS but now under Homeland Security). The individuals who will be housed at the facility are those who are either waiting deportation from the US or being considered to be deported by Immigration. These will not be Federal prisoners being held at the facility pending a criminal trial or being incarcerated for a criminal conviction. It is not considered a Federal Detention Facility. However, this will be the facility where the inmates are housed prior to deportation, some of whom had been confined and released from a federal prison facility to this facility (this is the last step of the prison sentence).

The facility will employ approximately 128 employees with the bulk of those being correctional "security" officers, some who wil be armed and some that will not. The facility will actually have its' own "hospital" according to Mr. Wigen but there will be times when there may be an emergent need to transport a prisoner to a local hospital. Those who transport prisoners to a local hospital will be armed and they will be driving a marked "security" vehicle. Also within the facility there will be hearings for those under consideration for deportation. There is a possibility that a person under scrutiny for deportation may win his or her case and be released directly from the facility. According to Mr. Wigen, they have no control over where someone goes once they are released but his experience has been that they usually go back to the area they came from. The facility will service three Western States; Washington, Oregon, and Alaska. However, the facility can be used by Immigration for overflow purposes if another facility anywhere in the US finds itself to be overburdened.

We brought up concerns regarding civil disturbances and evacuation plans in the event there is a riot within the facility or something catastrophic happens requiring an immediate evacuation. Mr. Wigens related that they are working on evacuation plans and that they will be training staff in civil disturbance and riot control once they are hired. The Correctional Services Corporation Tactical Team will be on a call out basis as they will not have enough trained members working within the facility at any one given time to handle a large disturbance. I brought up the issues related to the railroad tracks and other businesses adjacent to the new facility and he indicated he was aware of the issues. He is also asking that the police department enter into an MOU with Correctional Services Corporation for the services of our tactical teams in the event that their resources are overwhelmed during a riot situation. According to Mr. Wigen, entering into an MOU with local jurisdictions is mandated by Immigration. They are seeking the Pierce County Sheriff's Department to be secondary to us. Since the facility will be located within the City we will have primary responsibility to investigate crimes that occur within. Obviously, we do not know as of yet what the impacts will be.

I knew little about this facility until I met with Mr. Wigen. It seems that there was not a great deal of community/city outreach regarding the facility, at least at our end. We will hold off for now regarding entering into an MOU with Correctional Services Corporation until the issues related by Council Member Evans is addressed. The MOU will be for services rendered (cost recovery) within the facility, mainly for tactical team(s) response.

I will be more than happy to discuss these issues with you further if you have any questions.

Don

---

**From:** Holderman, Celia **On Behalf Of** Walton, Jim
**Sent:** Wednesday, March 24, 2004 6:28 PM

**To:** Pugh, Bill (William); Lewis, Eileen; Ramsdell, Don
**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette
**Subject:** FW: Homeland Security Detention Facility

Most of these relate to BLUS and our Emergency Management System. Any help you can provide Jim for a response would be most appreciated. THANKS

Celia
-----Original Message-----
**From:** Evans, Bill
**Sent:** Wednesday, March 24, 2004 4:32 PM
**To:** Walton, Jim
**Cc:** Baarsma, Bill; Anderson, Julie; Lonergan, Mike; 'Timothy Smith'
**Subject:** Homeland Security Detention Facility

Dear Jim,

Several disturbing findings have been brought to my attention in relation to the Homeland Security Detention Facility in our city. The facility, as you know, is due to open very soon and I think it imperative to delay that opening until several serious concerns are addressed.

1) Pierce County building code #18E.40.050 states very clearly that "no critical facilities shall be constructed or located in volcanic hazard areas. Critical facilities are those selected from the Uniform Building Code, 1994 Edition, Table No. 16-D, Occupancy Category: #7 Jails and detention facilities." This new detention facility seems to be prohibited in the location where it is being built. I would appreciate it if you could find if CSC received a variance from Pierce County in relation to this policy code. If city code supercedes county code do we not have to abide by some type of Volcanic Hazard regulation?

2) We are told that the city has a plan to deal with emergency situations on the Tideflats but no detailed plan seems to exist for this unique detention facility. I am concerned that the detention facility is, literally, across the street from a propane gas manufacturing plant. I am also concerned about the letter received today from the Longshore Union asking about an evacuation plan and expressing how 'disturbed' they are that terrorists are targeting chemical plants. There will be up to 700 people on the detention center site at any given time. How will they be evacuated in case of a disaster? Where will they be held during an emergency? Does our Fire Department have an evacuation plan for the detention center?

3) We have never had a 'private prison' within our city limits. Since this is neither a Federal, states, county or city detention facility I would like to know what statutory guidance has been developed to monitor and to insure the safe operation of the facility and to guarantee that the health and welfare of the occupants of the prison will be insured.

Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

INS

## Holderman, Celia

**From:** Ramsdell, Don

**Sent:** Thursday, March 25, 2004 9:40 AM

**To:** Walton, Jim; Pugh, Bill (William); Lewis, Eileen

**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette; Evans, Bill; Holderman, Celia

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**Sent:** Wednesday, March 24, 2004 6:28 PM

**To:** Pugh, Bill (William); Lewis, Eileen; Ramsdell, Don
**Cc:** Stewart, Donna; Walter, Melinda; Blackwell, Jeanette
**Subject:** FW: Homeland Security Detention Facility

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**Sent:** Wednesday, March 24, 2004 4:32 PM
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**Cc:** Baarsma, Bill; Anderson, Julie; Lonergan, Mike; 'Timothy Smith'
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Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

**CITY OF TACOMA**
**INTERDEPARTMENTAL COMMUNICATION**

TO: James L. Walton, City Manager

FROM: Kyle J. Crews, Assistant City Attorney K.J.C.

SUBJECT: INS Detention Facility

DATE: March 16, 2004

[redacted]

I will be happy to answer any further questions you may have on this matter.

TO COUNCIL 3/18/04

cc: Robin Jenkinson, City Attorney

Friltr\INS FACILITY.doc

Fire / Police Responded

**Holderman, Celia**

**From:** Evans, Bill

**Sent:** Wednesday, March 24, 2004 4:32 PM

**To:** Walton, Jim

**Cc:** Baarsma, Bill; Anderson, Julie; Lonergan, Mike; 'Timothy Smith'

**Subject:** Homeland Security Detention Facility

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Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

## Holderman, Celia

**From:** Jenkinson, Robin
**Sent:** Friday, April 09, 2004 9:37 AM
**To:** Walton, Jim
**Cc:** Holderman, Celia; Pauli, Elizabeth
**Subject:** Correctional Services Corp./MOU

[redacted]

## Holderman, Celia

**From:** Holderman, Celia
**Sent:** Friday, April 09, 2004 11:55 AM
**To:** Lewis, Eileen
**Cc:** Walter, Melinda; Jenkinson, Robin; Evans, Bill
**Subject:** FW: Correctional Services Corp./MOU

Chief Lew:

Please see Robin's message below. Jim would like Fire to contact this company to see if a MOU would be beneficial for your department as well. The contact is George Wigen at 206-467-6030. THANKS

-----Original Message-----
**From:** Jenkinson, Robin
**Sent:** Friday, April 09, 2004 9:37 AM
**To:** Walton, Jim
**Cc:** Holderman, Celia; Pauli, Elizabeth
**Subject:** Correctional Services Corp./MOU

[redacted]

**CITY OF TACOMA**
**INTERDEPARTMENTAL COMMUNICATION**

TO: James L. Walton, City Manager

FROM: Kyle J. Crews, Assistant City Attorney K.J.C.

SUBJECT: INS Detention Facility

DATE: March 16, 2004

[redacted]

I will be happy to answer any further questions you may have on this matter.

cc: Robin Jenkinson, City Attorney

Frltr\INS FACILITY.doc

Tacoma City of Tacoma Memorandum

**TO:** James L. Walton
City Manager

**FROM:** William L. Pugh, P.E., Director
Public Works Department

**SUBJECT:** Homeland Security Detention Facility

**DATE:** March 31, 2004

The following is in response to Deputy Mayor Bill Evans question regarding the Homeland Security Detention Facility:

"Pierce County building code #18E.40.050 states very clearly that "no critical facilities shall be constructed or located in volcanic hazard areas. Critical facilities are those selected from the Uniform Building Code, 1994 Edition, Table No. 16-D, Occupancy Category: #7 Jails and detention facilities." This new detention facility seems to be prohibited in the location where it is being built. I would appreciate it if you could find if Correctional Services Corporation received a variance from Pierce County in relation to this policy code. If City code supercedes County code do we not have to abide by some type of Volcanic Hazard regulation?"

The provision in the Pierce County building code that prohibits "critical facilities" from being located or constructed within volcanic hazard areas does not apply within the City limits of Tacoma. In addition, there is no requirement within the City's building or land use codes that prohibit uses on the basis of location within a volcanic hazard area.

Since its adoption in 1992, Tacoma Municipal Code (TMC), Chapter 13.11 Critical Areas, has not included regulations that address "volcanic hazard areas." The proposed Homeland Security Facility is a permitted use under the zoning code and, as such, required the issuance of a building permit but no land use permits. State Environmental Policy Act (SEPA) review for the project resulted in the issuance of a Determination of Non-Significance.

The current Critical Areas Ordinance update effort includes "volcanic hazard areas" within its scope of work. The consultant recommends modifying the zoning code (TMC 13.06) to exclude "critical facilities" from the zoning districts that encompass the volcanic hazardous areas.

The existing facility was legally permitted under the regulations that existed at the time of approval.

William L. Pugh, P.E.
Director

**CITY OF TACOMA**
**INTER-DEPARTMENTAL COMMUNICATION**

RECEIVED
CITY MANAGER'S OFFICE
APR 15 2004

**TO:** James L. Walton, City Manager

**FROM:** Robin S. Jenkinson, City Attorney

**RE:** Correctional Services Corporation/MOU

**DATE:** April 15, 2004

I have attached a copy of the Memorandum of Understanding ("MOU") that Assistant City Attorney Tom Orr received from George Wigen, the Correctional Services Corporation Warden. Mr. Orr will be reviewing this document for the Tacoma Police Department. A copy was also provided to Assistant City Attorney Cathy Parker on behalf of the Tacoma Fire Department.

Please let me know if you have any questions.

RSJ/jd
Attachment

cc: Elizabeth Pauli, Chief Assistant City Attorney (w/att)

h:\memotocm.doc

DRAFT

TACOMA POLICE DEPARTMENT
930 Tacoma Avenue South
Tacoma, Washington 98402

and

CORRECTIONAL SERVICES CORPORATION
NORTHWEST DETENTION CENTER
1623 East J Street
Tacoma, Washington 98423

# MEMORANDUM OF UNDERSTANDING

I. GOALS: This Memorandum of Understanding (MOU) is established in order to provide services and assistance between the Northwest Detention Center and the City of Tacoma Police Department during emergency situations. The MOU outlines specific services that may be provided, as well as the requirements that must be met prior to providing the services. For the purpose of the MOU, and emergency means any unusual situation which requires outside law enforcement intervention, and where internal resources are inadequate to maintain the safe and secure operation of the detention center. Each participant in the MOU will coordinate and fully share information relevant to the emergency or special circumstances to ensure that both parties are able to fulfill their obligations to the public and achieve and early and successful resolution to the emergency.

II. IMPLEMENTATION: In accordance with the terms of the MOU, operational plans will be prepared by the two agencies which will address those issues unique to these locations regarding resources, personnel, notification, etc. For the purpose of this MOU, the term location shall be viewed as a position and/or place, within the responsibility of the NWDC.

The Emergency Contingency Plans developed for and used by the NWDC will be sufficient to address specific operational procedures regarding incidents that may occur at the NWDC. The Emergency Contingency Plans when used in a cooperative effort with the City of Tacoma, are not binding under any circumstances. However, they are based on available resources and personnel. The operational plan will in no way circumvent or oppose the letter and spirit of the MOU.

III. REQUEST FOR ASSISTANCE:

A. Request for assistance must be made by the CSC Warden or his/her designee.

B. Any request for assistance will only be approved by the City of Tacoma's Chief of Police or his/her designee.

III. REQUIREMENTS:

A. The assistance required must be immediate, short termed and limited to operations the Tacoma Police Department is trained for and authorized to provide.

DRAFT

1. Both parties staff will not be expected to become involved in any situation requiring The use of force on detainees not in their respective custody. If a particular situation necessitates the use of force (e.g., for self-protection), the force used must be in accordance with their respective policies.

2. The NWDC may provide non lethal weaponry and chemical agents to the Tacoma Police Department once they verify from the on site commander that they are trained and competent to use such items.

B. The NWDC will bear all expenses, including, but not limited to, overtime and the use of expended equipment and/or supplies incurred by the assisting agency. Reimbursement for staffing past the initial response time will be paid by NWDC within sixty days of the incident. For the purpose of this MOU, initial response time is defined as a period not to exceed eight hours. Reimbursement cost is figured at the rate of pay in effect at the time of the emergency.

## IV. TYPICAL ASSISTANCE AND GUIDELINES:

A. Bomb Squad/SORT Team: The Tacoma Police Department will supply the use of their bomb squad, bomb robot and SORT team, should the NWDC require these services.

B. K-9 Support: The Tacoma Police Department will provide NWDC with the use of their drug, bomb, and tracking dogs, should they request these services.

C. Hostage Negotiation: The Tacoma Police Department will provide NWDC with a trained Hostage negotiator should they request these services.

D. Training: The Tacoma Police Department agrees to participate in one joint training exercise prior to the activation of the NWDC and two per year thereafter. NWDC will be responsible to coordinate the sessions.

D. Disturbance/Crowd Control: The Tacoma Police Department agrees to provide Civil Disturbance and Crowd Control to ensure the integrity of the perimeter of the NWDC if requested.

## V. TERMS OF AGREEMENT:

This MOU will take effect immediately upon signing by all parties. The Tacoma Police Department may withdraw from the MOU by giving NWDC sixty days written notice. This agreement will be reviewed annually or as the need arises.

FOR THE CITY OF TACOMA _____ DATE _____

FOR NORTHWEST DETENTION CENTER _____ DATE _____

Tacoma Police Department
930 Tacoma Ave. South
Tacoma, WA 98402
FAX-(253) 591-5991

# Facsimile Transmittal

To: CATHY PARKER 591-5346
ROBIN/ELIZABETH 5755
KIM GERHARDT 5903

Fax:

From: TOM ORR

Date:

Re:

Pages:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply

**Notes:**

CSC DRAFT MOU:

4-15-04
This is the draft that was received from Correctional Services Corp. (the operator of the new detention facility in the tideflats)

to Celia 4-15-04

CONFIDENTIAL

253-591-5903

# Correctional Services Corporation
## Seattle Facility

253 591 5991

815 Airport Way South
Seattle, WA 98134

(206) 467-6030 / 6031
(206) 467-6047 / 623-8109 FAX

DATE: 3/29/04

ATTN: Kim Gerhardt Tom Orr

FROM: George Wigen

NUMBER OF PAGES: 3 INCLUDING COVER

COMMENTS:
Hi Kim - and/or
Here is a draft.
Hope you feeling better soon
George

Please Mail All Correspondence To: P.O. Box 14330, Seattle, WA 98114

**Leingang, Cynthia**

**From:** Timothy Smith [mr_tjsmith@hotmail.com]
**Sent:** Saturday, March 27, 2004 4:05 AM
**To:** CWATERHOUSE@ATT.NET; aothow@srdi.org; BEVANS2@ci.tacoma.wa.us; bisky@residentpeaceniks.org; Bjball63@aol.com; bkalcorn@harbornet.com; carl1anderson@msn.com; cfbush@uswest.net; cfbush@qwest.net; chemistrigirl@comcast.net; cwaterhouse@worldnet.att.net; d_schafer@bigfoot.com; dsingleton@PRISONREFORM.com; heidigs@hotmail.com; jensenmk@plu.edu; mkimmerling@harbornet.com; nannajamma@yahoo.com; omaha_1973@yahoo.com; Mayor@ci.tacoma.wa.us; Julie.Anderson@ci.tacoma.wa.us; MLonerga@ci.tacoma.wa.us; david.seago@mail.tribnet.com; David.Zeeck@mail.tribnet.com; emergencygrants@NRCPC.org; ewilkinson@king5.com; KPHELPS@ci.tacoma.wa.us; newstips@king5.com; newstips@mail.tribnet.com; paulrichmond_attorney@yahoo.com; takhoman@harbornet.com
**Subject:** Final Check Northwest Detention Center??

Have we checked?

The impending opening of the Northwest Detention Center presents some dilemmas for the City of Tacoma. This article outlines some of the implied agreements that are required between Correctional Services Corporation (CSC), the operator of this facility, and the City of Tacoma in order for CSC to meet its contractual requirements with Immigration and Customs Enforcement. CSC is currently on the financial rocks and needs to open the facility so it is not necessarily focused on filling in the minor details.
The City of Tacoma seems paralyzed when confronted with factual information about the facility and what is both a legal and moral issue involving the Federal Government. So let us take a look at these requirements.

Councilmember Mike Lonergan asked the City Manager a simple question to the on March 16th 2004. This inquiry was focused on any agreements the City of Tacoma has with CSC concerning the operation of the Northwest Detention Center. Kyle J. Crews, Assistant City Attorney relied that "there are no City agreements with CSC." The Bill of Rights Defense Committee-Tacoma apparently has available information which the City staff either does not have or has not reviewed. We believe the situation to be the former rather than the later.

We should consider what the term "agreement" means. Documents obtained from the City Staff clearly show that the City will be providing Water, Sewage, Waste, and Electrical Services as it would to any industry. Surely this constitutes some form of agreement. On site investigations reveal these services are clearly being provided by the City of Tacoma. The response also states that "no other permits were

required from CSC other than normal building and grading permits for the site development". But the documents say much more is required.

For example, prior to occupation an emergency response drill with local law enforcement agencies, as appropriate, shall be practiced. This is a contractor responsibility. The contractor is also required to submit a coordinated evacuation plan and obtain written certification that the plan meets national fire safety codes. According to the City Manager, and the Cities own emergency planning documents, no such plan exists or has been coordinated. The facility must also comply with all applicable federal, state and municipal sanitation, safety, and health codes. No documentation has been uncovered at the County level to show that CSC received a variance to Pierce County building code regarding the construction of a "Jail or detention facility" in a volcanic hazardous zone.

This information is derived from publicly available documents and information in the City archives and files. Clearly, some delay or review of the existing and necessary agreements is needed before this facility opens.
Failure to do so would place the City in a precarious position should an industrial accident occur or some other incident involving a riot or escape from this facility.

The Bill of Rights Defense Committee-Tacoma and our legal advisors stand by to meet with the City staff on Tuesday, 30 March to review these matters. We only wish to avoid a crisis due to the lack of proper oversight and due diligence.

Timothy Smith
Chairperson, Bill of Rights Defense Committee - Tacoma

---

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http://join.msn.com/?page=features/featuredemail

## Holderman, Celia

**From:** Heidi Stephens [heidi.stephens@alaskaair.com]
**Sent:** Tuesday, April 13, 2004 11:46 AM
**To:** Stenger, Thomas
**Cc:** Ramsdell, Don; JWalton@cityoftacoma.org; Jenkinson, Robin; Manthou, Spiro; Ladenburg; Evans, Bill; Baarsama; Talbert; Stenger, Thomas
**Subject:** Re: Emerg. Mtg - City Costs

"Stenger, Thomas" <Thomas.Stenger@ci.tacoma.wa.us> writes:
>Yes, I got the 20-page packet on this company's record. On your request
>for an ordinance: do you know what other localities have done?
>
>I would suspect that the need for immediate regulation is not apparent
>to my colleagues. But by this e-mail, I'm asking our Police Chief:
>what does the City needs to do in the long-term? I'm concerned that if
>TPD needs to pick somebody up there, the jail and court costs could be
>charged to the City.

---

[redacted]

---

This inbound e-mail message has been scanned for Viruses and Content
and cleared by AAG MailScan

## Krona, Carol

**From:** Timothy Smith [mr_tjsmith@hotmail.com]
**Sent:** Friday, November 05, 2004 5:01 AM
**Cc:** ken@flpba.org; BDawe82086@aol.com
**Subject:** The TNT's Coverage of the Abuse at the Northwest Detention Center

All,

What follows is the story in Friday's Tacoma News Tribune about the sexual and physical abuse alleged at the Northwest Detention Center.

Nothing is mentioned about the begging for mercy of one of the plaintiffs or the blood pooling on the floor.

Nothing is mentioned about the plaintiff being placed in solitary confinement without a proper hearing as required in CSC's contract with the Federal Government.

The TNT does not mention the name of the guard that did the beating, Lt McIntyre. If they had wanted to get at least one interview, the TNT could have gone to the camp yesterday and interviewed him. He was driving the perimeter guard truck.

Nothing is mentioned about the fear of sexual mistreatment suffered by the other plaintiff.

One wonders how many beatings will be needed, or god forbid, deaths before our local major newspaper starts some true journalism on this place and begins to expose this company. The story is from the AP wire. These souls didn't even get the courtesy of a local reporter by-line.

One also wonders when the City Council will read the documents provided to them in April about the facility and see the areas where they have influence. In almost every major category (Health, Fire, Building Code, and Police) the company must comply with all Federal, State, and Local laws, regulations, and ordinances.

One beating and one sexual assault is too many - especially for this City and this company.

Detention company sued over alleged abuse, harassment

THE NEWS TRIBUNE
Friday, November 5th, 2004 12:01 AM (PST)

Two people have sued the private company that operates the Northwest Detention Center in Tacoma, alleging one was beaten and the other sexually harassed while they were held on federal immigration charges. The U.S. District Court lawsuit alleges that on July 5, Correctional Services Corp. guards handcuffed Jose Mancilla Gutierrez, 22, threw him to the floor and pushed him repeatedly against a wall, chipping his tooth. They also beat and kicked him, it states.

The lawsuit contends Marisela Manzo Torres, 27, was sexually harassed when officers brushed against her breasts, shined a flashlight on her body and made sexual comments to her over an intercom.

Five guards and officers are named as defendants in addition to Sarasota, Fla.-based Correctional Services.

Warden George Wigen and a federal immigration enforcement officer, George Morones, ruled July 8 that force used against Mancilla wasn't excessive, the

lawsuit says. The Department of Homeland Security inspector general's office is still investigating Manzo's complaints, Morones said.

Mancilla and Manzo faced deportation. Mancilla was released after officials determined he wasn't deportable; Manzo's case is pending. She has been moved to the Federal Detention Center at SeaTac.

The Associated Press

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## Holderman, Celia

**From:** Timothy Smith [mr_tjsmith@hotmail.com]
**Sent:** Thursday, November 04, 2004 8:54 AM
**Subject:** Detainee Sexual and Physical Abuse on the Tideflats

The first lawsuits have been filed against CSC for both the physical and sexual abuse of persons in their care. We provided detailed warnings of this to the City of Tacoma in the spring. The City seemed to feel there was little they could do. Unfortunately, they probably have some liability in all this as well. Sadly, we only can share this with you. This is what happens when a company with a know poor track record of prisoner abuse comes to town.

The mysterious new plume of toxins in the tideflats may have a very well-known source also related to the detention camp. When CSC constructed this facility, they pounded large metal pilings into the sub-surface. This effectively created a large dam or diverting feature directly into the underlying water table. In the summer of 2003, the EPA identified a plume of toxins headed toward the Foss Waterway. Little was done to look into this issue at the time and one wonders if the toxic soup now found there is from the Tacoma Tarpits site. The mix of chemicals sure looks the same.

http://seattlepi.nwsource.com/local/198132_detention04.html

Immigration prisoners allege guard abuse

Thursday, November 4, 2004

By PAUL SHUKOVSKY
SEATTLE POST-INTELLIGENCER REPORTER

Two people are suing a private corrections company, saying one was viciously beaten and the other sexually harassed while they were being held in Tacoma on federal immigration charges.

Dozens of inmates witnessed the allegedly unprovoked beating in July of Jose Mancilla Gutierrez, 22, at the Northwest Detention Center, according to his attorney, Gwynne Skinner.

Correctional Services Corp., which operates the detention center on the Tacoma tide flats for the federal Immigration and Customs Enforcement agency, is named as the defendant in the suit along with five of the company's guards and officials.

Skinner and her partner, Daniel Gross, filed suit in U.S. District Court last week for Mancilla and Marisela Manzo Torres, 27, who contends that officers sexually harassed her.

The warden of the detention center, who works for Correctional Services Corp., could not be reached for comment about the lawsuit.

Mancilla and Manzo both faced deportation. Mancilla was determined not to be deportable and was released. Manzo's case is pending.

Mancilla told his attorneys that on July 5, guards ordered detainees to return to their cells. As he was doing so, a guard identified only as Lt. McIntyre, "yelled at him to stop."

"For no justifiable reason, defendant McIntyre then handcuffed plaintiff (Mancilla), threw him to the floor, and forcefully put his knee into plaintiff Mancilla's back," the lawsuit says.

McIntyre then walked Mancilla to the exit and slammed his face into a wall.

The impact chipped a tooth, split his lip and caused him to bleed. The lawsuit says McIntyre "repeatedly without justification shoved plaintiff Mancilla against the wall."

McIntyre is alleged to have taken Mancilla into a hallway still visible to many cells, where he "violently threw plaintiff (Mancilla) to the ground." Then, joined by a guard identified only as Portillo, both officers "attacked plaintiff, beating and kicking him and repeatedly hitting his head against the floor," the lawsuit says.

As the handcuffed Mancilla begged for mercy, the beating continued and blood pooled on the floor, the lawsuit says.

Several other detainees yelled for the guards to stop.

One detainee contacted the Post--Intelligencer, was interviewed in the detention center and provided an account of the event that closely corresponds to that described in the lawsuit. The detainee, who feared retaliation, asked not to be identified.

He said some of the detainees filed grievances documenting what they had seen.

On July 8, according to the lawsuit, warden George Wigen and Immigration and Customs Enforcement officer in charge George Morones responded to the grievances, saying that the "force was not excessive or abusive." Morones said yesterday that he can't comment on the issue because of the lawsuit. Wigen could not be reached for comment.

After the incident, Mancilla was given medical treatment, then put in solitary confinement without a proper hearing, the lawsuit says.

Manzo also says in the lawsuit that she suffered mistreatment at the hands of McIntyre and other officers.

The lawsuit accuses McIntyre of brushing against her "so that his arm or other parts of his body would touch her breasts." McIntyre passed her cell at night, "shined a flashlight over her body" and repeatedly said "show me." She complied, lifting her blanket, out of fear, according to the lawsuit.

Manzo says that a guard described only as officer Twogood worked in a control room during the night shift and would engage in sexual banter with Manzo over an intercom in her cell.

Morones, the immigration officer in charge, said yesterday that the inspector general's office of the Department of Homeland Security is investigating Manzo's complaints. He would not comment further.

Manzo has been moved to the Federal Detention Center at SeaTac.

Correctional Services Corp., which operates 13 adult detention centers and prisons for government agencies and 19 juvenile centers around the country, has been the subject of several lawsuits surrounding its operations.

Immigration and Customs Enforcement spokeswoman Virginia Kice said yesterday that the agency "has worked very hard to ensure that its detention facilities operate at the highest standards. We want to ensure that our personnel and contract personnel conduct themselves in a professional and appropriate manner."

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## Holderman, Celia

**From:** Leingang, Cynthia on behalf of Baarsma, Bill
**Sent:** Thursday, November 04, 2004 11:47 AM
**To:** Holderman, Celia
**Subject:** FW: First lawsuits against CSC and possibly City of Tacoma

fyi

-----Original Message-----
From: Heidi Stephens [mailto:heidi.stephens@alaskaair.com]
Sent: Thursday, November 04, 2004 11:27 AM
To: Julie.Anderson@ci.tacoma.wa.us; Thomas.Stenger@ci.tacoma.wa.us; Spiro.Manthou@ci.tacoma.wa.us; bevans2@cityoftacoma.org; kphelps@cityoftacoma.org; cladenbu@cityoftacoma.org; bbaarsma@cityoftacoma.org; rtalbert@ci.tacoma.wa.us; mlonerga@ci.tacoma.wa.us; cmointrn@ci.tacoma.wa.us; pcprosatty@co.pierce.wa.us
Subject: First lawsuits against CSC and possibly City of Tacoma

Washington: Abuse reports from Northwest Detention Center

[ http://seattlepi.nwsource.com/local/198132_detention04.html
]http://seattlepi.nwsource.com/local/198132_detention04.html

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## Holderman, Celia

**From:** Lonergan, Mike
**Sent:** Friday, May 28, 2004 4:12 PM
**To:** Anderson, Julie; Holderman, Celia; Baarsma, Bill; Evans, Bill; Stenger, Thomas; Ladenburg, Connie; Manthou, Spiro; Talbert, Rick; Phelps, Kevin
**Cc:** Kopetzky, Gwen; Anderson, Martha ; Huffman, Peter
**Subject:** RE: CSC Research

Hello,

I agree with Councilmember Anderson's comments below. At last night's Public Safety Committee, we were informed that TPD and TFD have both had appropriate officers inspect or tour the facility and discuss evacuation and contingency plans.

A MOU about cost recovery for special response is still in the works, (for SWAT team assistance in the event of a riot, for example.) I have inquired what amount CSC will pay annually in Property and B&O taxes, and staff is looking into that. Except for an extraordinary event, it seems they should receive normal police and fire response as a taxpaying entity.

I was surprised that staff indicated that the Council wants them to find out about staff training levels and other operational information, which would seem to go beyond the City's area of responsibility. I was unaware of the Council request to TEDD concerning economic impact, and don't see need to further pursue it.

Mike Lonergan

-----Original Message-----
From: Anderson, Julie
To: Holderman, Celia; Baarsma, Bill; Evans, Bill; Lonergan, Mike; Stenger, Thomas; Ladenburg, Connie; Manthou, Spiro; Talbert, Rick; Phelps, Kevin
Cc: Kopetzky, Gwen; Anderson, Martha ; Huffman, Peter
Sent: 5/28/2004 2:44 PM
Subject: RE: CSC Research

All --

I am satisfied with the work / efforts of Tacoma staff.

Speaking for myself, I have no interest in interferring with a private enterprise that has contracted with our Federal government.

I am satisfied with the knowledge that TPD and TFP are negotiating an MOU with Correctional Services to mitigate any potential impact to our emergency services. And, I am satisifed that TPD Legal staff are seeking to secure a complete copy of the contract between Correctional Services and ICE. I believe it's important for our city to understand the duration and conditions of the contract, to anticipate future impact to our community (for example, what happens to the facility if the service contract is terminated).

While I have personal concerns about our Federal government's policy-direction and the adminstrative decision to privatize corrections, I do not believe that the City of Tacoma should direct staff resources toward interference with this private contract.

If the facility is properly sited / zoned and meets current health / safety codes, then I believe that our business is done.

Those of us who are rankled by national policies of immigration or privatization should exercise our personal rights and speak directly with the Federal government.

Julie Anderson

-----Original Message-----

From: Holderman, Celia
To: Baarsma, Bill; Evans, Bill; Lonergan, Mike; Stenger, Thomas; Ladenburg, Connie; Manthou, Spiro; Anderson, Julie; Talbert, Rick; Phelps, Kevin
Cc: Kopetzky, Gwen; Anderson, Martha ; Huffman, Peter
Sent: 5/28/2004 11:48 AM
Subject: FW: CSC Research

Council Members:

Back in April when there was a discussion at the Study Session on the Homeland Security Detention Facility, there were some questions raised. In particular, there was a question related to the economic impact on cities where these detention centers have been managed by Correctional Services Corporation (CSC). TEDD staff have been trying to track down some information to share with you on what has occurred in other cities, however, they have not been successful in obtaining the information. Please see Peter's explanation below.

I regret that we weren't able to provide you with the information, but it wasn't for lack of effort by our TEDD staff.

THANKS

Celia

-----Original Message-----
From: Huffman, Peter
Sent: Friday, May 28, 2004 10:58 AM
To: Holderman, Celia
Cc: Anderson, Martha ; Kopetzky, Gwen
Subject: CSC Research

Celia, Jim Colburn has done an extensive research effort of communities that currently have CSC detention facilities similar to the one located in Tacoma and has had very little success receiving responses from these communities (Phoenix, Ft. Worth, Beaumont, and Houston). From the limited contact he has had, it appears that like Tacoma, communities with CSC facilities overall have not conducted an economic impact analysis prior to the facility locating in the community. Jim's research has also shown that communities are not tracking the specific economic impact of the facility on the local economy. It is difficult to single out one employer and collect data on that particular employer's impact to the local economy. Jim has also attempted to contact CSC themselves to identify where the economic data quoted by them came from, but again he has had very little success in getting any information that would be useful.

## Holderman, Celia

**From:** Anderson, Martha
**Sent:** Thursday, April 22, 2004 9:13 AM
**To:** Holderman, Celia
**Subject:** FW: Correctional Services Corporation & Economic Analysis

Here's an update. We are pursuing this research but still haven't found any data. Talked to Peter Huffman again this morning.

-----Original Message-----
**From:** Huffman, Peter
**Sent:** Thursday, April 22, 2004 8:52 AM
**To:** Anderson, Martha
**Subject:** FW: Correctional Services Corporation & Economic Analysis

Jim Colburn has done some research on this topic and is continuing to look, but his initial research shows that many communities did not conduct an economic impact analysis. We are continuing to track down if communities have experienced positive economic impacts; however, apparently the CSC INS detention facilities that are online are still relatively new so this data may not exist outside the company's own research.

-----Original Message-----
**From:** Colburn, Jim
**Sent:** Wednesday, April 14, 2004 3:57 PM
**To:** Huffman, Peter
**Subject:** FW: Correctional Services Corporation & Economic Analysis

FYI

-----Original Message-----
**From:** jeremy.legg@phoenix.gov [mailto:jeremy.legg@phoenix.gov]
**Sent:** Wednesday, April 14, 2004 3:45 PM
**To:** JCOLBURN@ci.tacoma.wa.us
**Subject:** Correctional Services Corporation & Economic Analysis

Dear Mr. Colburn or Mr. Huffman,

Thank you for contacting the City of Phoenix Community & Economic Development Department. Hope things in Tacoma are well.

The city through this department has not conducted any kind of analysis on the impact of the CSC facilities in Arizona, nor has this department entered into any kind of agreement with CSC. Therefore, data is not readily available.

However, the Arizona Department of Corrections, Arizona Department of Commerce or the town of Florence might have some relevant information. Please utilize the provided links, and best of luck in your research.

Sincerely,

Jeremy Legg, Management Assistant
Community & Economic Development

City of Phoenix
200 W. Washington, 20th Floor
Phoenix, AZ 85003

(602) 261-8060 Phone
(602) 495-5097 Fax
(602) 534-3476 TTY

To: Mailbox Community & Economic Development/CED/PHX@PHXENT
From: "Colburn, Jim" <JCOLBURN@ci.tacoma.wa.us>
Date: 04/13/2004 01:03PM
Subject: Correctional Services Corporation

April 13, 2004

Dear Sir or Madam:

The City of Tacoma just completed an opening ceremony for a new 500-bed detention center located in our industrial port area. The new facility represents a public-private partnership between the federal Immigration and Naturalization Service (INS) under the Department of Homeland Security and the Correctional Services Corporation (CSC). The new facility will house illegal immigrants who have committed offenses ranging from civil immigration violations to violent felonies. The City of Tacoma has been supportive of this new facility based, in part, on the promise of employment and increased tax base. While there are 45 new jobs projected, most of the 190 people to be employed at the center will be transferring from the existing INS facility in Seattle that is scheduled to be closed.

The purpose of this inquiry is to determine if the CSC facility located in your community has realized the economic benefits promised by the proponents since the facility first on line. Have you conducted any economic analyses regarding the positive or negative impacts of the facility in your community. We would appreciate any information that you feel you can share regarding your experience with the having a correctional facility in your community and more specifically in working with CSC. We look forward to your reply.

Sincerely,

Peter Huffman, Manager
Growth Management Division
Tacoma Economic Development Department

(253) 591-5373

## Holderman, Celia

**From:** Evans, Bill

**Sent:** Wednesday, March 24, 2004 4:32 PM

**To:** Walton, Jim

**Cc:** Baarsma, Bill; Anderson, Julie; Lonergan, Mike; 'Timothy Smith'

**Subject:** Homeland Security Detention Facility

Dear Jim,

Several disturbing findings have been brought to my attention in relation to the Homeland Security Detention Facility in our city. The facility, as you know, is due to open very soon and I think it imperative to delay that opening until several serious concerns are addressed.

1) Pierce County building code #18E.40.050 states very clearly that "no critical facilities shall be constructed or located in volcanic hazard areas. Critical facilities are those selected from the Uniform Building Code, 1991 Edition, Table No. 16-D, Occupancy Category: #7 Jails and detention facilities." This new detention facility seems to be prohibited in the location where it is being built. I would appreciate it if you could find if CSC received a variance from Pierce County in relation to this policy code. If city code supercedes county code do we not have to abide by some type of Volcanic Hazard regulation?

2) We are told that the city has a plan to deal with emergency situations on the Tideflats but no detailed plan seems to exist for this unique detention facility. I am concerned that the detention facility is, literally, across the street from a propane gas manufacturing plant. I am also concerned about the letter received today from the Longshore Union asking about an evacuation plan and expressing how 'disturbed' they are that terrorists are targeting chemical plants. There will be up to 700 people on the detention center site at any given time. How will they be evacuated in case of a disaster? Where will they be held during an emergency? Does our Fire Department have an evacuation plan for the detention center?

3) We have never had a 'private prison' within our city limits. Since this is neither a Federal, states, county or city detention facility I would like to know what statutory guidance has been developed to monitor and to insure the safe operation of the facility and to guarantee that the health and welfare of the occupants of the prison will be insured.

Thanks very much for your attention to the issue. I look forward to your response at your earliest convenience.

Bill

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**Sent:** Friday, May 28, 2004 10:58 AM

**To:** Holderman, Celia

**Cc:** Anderson, Martha ; Kopetzky, Gwen

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|---|---|
| **C** | **RCW 42.56.070 (1)(6) Documents and indexes to be made public.**<br>(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of *subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.<br>**-AND-**<br>**RCW 5.60.060 (2)(a) Who are disqualified – Privileged Communications**<br>(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment. |