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Office of the Attorney General
Attorney General Bob Ferguson

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AG Ferguson: Jury finds GEO, for-profit operator of Tacoma ICE detention center, must pay detainee workers minimum wage



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Multi-billion dollar corporation violated state minimum wage law by paying workers \$1 per day

OLYMPIA — In a victory for Washington, a federal jury determined that GEO Group Inc. (GEO), the for-profit operator of the Northwest ICE Processing Center, violates Washington's minimum wage laws by paying detainee workers only \$1 per day. The verdict concludes the first phase of a retrial in Attorney General Bob Ferguson's lawsuit against GEO.

After a two-and-a-half-week trial, the jury decided the multi-billion dollar company must pay all its workers Washington's minimum wage of \$13.69 or more. Now, it is up to U.S. District Court Judge Robert Bryan to determine how much GEO unfairly gained from its wage law violations spanning more than 15 years. The Attorney General's Office is requesting that this payment reimburse detainee workers and Tacoma community members.

"This multi-billion dollar corporation illegally exploited the people it detains to line its own pockets," Ferguson said. "Today's victory sends a clear message: Washington will not tolerate corporations that get rich violating the rights of the people."

GEO uses immigration detainee labor to perform virtually all non-security functions at Tacoma's Northwest ICE Processing Center, formerly known as the Northwest Detention Center. Since at least 2005, GEO has paid thousands of detainee workers \$1 per day or, in some instances, extra food for labor that is necessary to keep the facility operational. Washington's current minimum wage is \$13.69 per hour.

Ferguson filed the lawsuit against GEO in September 2017 (<http://www.atg.wa.gov/news/news-releases/ag-ferguson-sues-operator-northwest-detention-center-wage-violations>), alleging that GEO's practice violates Washington law by paying workers less than the minimum wage, and that GEO unjustly enriched itself by doing so.

Today, the jury determined GEO must pay workers no less than Washington's minimum wage, whether the workers are detainees at the facility or those coming from the Tacoma area to seek jobs. At trial, several former and current GEO staff testified that GEO chose to pay detainee workers only \$1 per day, despite the fact that GEO knew it had the ability to pay more. As a result, GEO reduced the number of jobs available to the Tacoma community.

Starting tomorrow, a class of private plaintiffs, represented by lawyers including Adam Berger and Jamal Whitehead of Seattle-based Schroeter Goldmark & Bender, will present arguments to the same jury seeking millions of dollars in wages owed to workers from 2014 through today. The class action presented the first part of its case at the same time as the state.

In the next phase of Washington's case, Judge Bryan will determine how much GEO must give up in profits gained by underpaying its employees over many years. The Attorney General's Office will ask the court to place the money into a fund dedicated to supporting people detained by GEO, as well as job seekers in the community surrounding the detention center who may have lost employment opportunities because of GEO's practices. This phase is expected to start early next week.

Case background

GEO's Northwest ICE Processing Center has the capacity to house up to 1,575 immigrant detainees. Detainees perform most of the work necessary to run the facility. This includes preparing and serving food, running the laundry services, performing facility maintenance and cleaning nearly the entire facility except for areas where detainees are barred from entering. Detainee workers even provide thousands of haircuts per year at the center's barbershop, staffed entirely by detainees.

In interviews with AGO investigators, detainees described working through the night buffing floors and painting walls in exchange for chips and candy.

Detainees reported that they needed money inside the facility to supplement meager food rations, and to afford the pay phones that were the exclusive means of making calls to their loved ones. Detainees' concerns about being paid \$1 per day is one of several concerns that detainees raised during multiple hunger strikes over the last several years.

The Attorney General's Office asserted in the lawsuit and at trial that GEO unjustly profited from its extensive minimum wage violations. Washington's minimum wage laws are meant to protect as many workers as possible and the Washington economy.

There are no exceptions for private, for-profit facilities like GEO's facility. The people detained there are not criminals, nor part of a treatment or rehabilitation program. In contrast with a jail or prison, which house people involved in the criminal justice system and are operated by state or local governments, the detention center is a for-profit facility that houses people who are awaiting civil immigration proceedings.

The Northwest ICE Processing Facility and GEO Group

Located on Tacoma's Tidelands, the Northwest ICE Processing Facility is the fourth-largest immigration detention center in the country. People are held at the facility while undergoing proceedings to determine their immigration status.

GEO has owned and operated the facility since 2005. The Florida-based company has been in partnership with ICE since the 1980s, and in 2015, ICE renewed GEO's contract for the facility through 2025. At the time the contract was renewed, GEO projected the Tacoma detention center would bring in \$57 million in revenue every year at full capacity.

GEO has faced a variety of lawsuits, including a class action suit by current and former detainees at a Colorado facility alleging forced labor. Washington's case was tried together with a class action suit of former detainees at the Tacoma facility.

The Tacoma detention center has faced its own controversies, including multiple hunger strikes by detainees over living conditions, access to medical care and other problems at the facility. Most recently, a group of women went on hunger strike to protest the dangerous conditions they faced while detained at the center during the coronavirus pandemic, including overcrowding, a lack of access to medical care and basic necessities like soap.

Assistant Attorneys General Marsha Chien, Andrea Brenneke, and Lane Polozola, Investigator Alma Poletti, and Legal Assistant Caiti Hall of the Wing Luke Civil Rights Division are leading the case for the Attorney General's Office.

Ferguson created the Wing Luke Civil Rights Division in 2015 to protect the rights of all Washington residents by enforcing state and federal anti-discrimination laws. Ferguson named the division for Wing Luke, who served as an Assistant Attorney General for the State of Washington in the late 1950s and early 1960s. He went on to become the first person of color elected to the Seattle City Council and the first Asian-American elected to public office in the Pacific Northwest.

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