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Children At Risk

A Regulatory Analysis of Abraxas Academy and the Case for an Emergency Removal Order

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Executive Summary

This report examines the ownership structure, governance, compliance record, and legal exposure of Abraxas Alliance, Inc. (“Abraxas Group” in this report), which runs the Abraxas Academy in Morgantown, Pennsylvania; it concludes that the facility operates within a deliberately opaque corporate framework tied to a history of abuse allegations, regulatory failures, and unstable leadership. The findings raise urgent concerns regarding child safety, fiscal accountability, and the Commonwealth’s authority—and obligation—to intervene.

Despite losing a license to operate in November 2025 due to concealing the abuse of children in its care, Abraxas Academy is currently holding up to 30 “unaccompanied minor” migrant children under a contract with the federal Department of Homeland Security.¹ This is in addition to juvenile detainees from Pennsylvania in a separate wing. The \$9.2 million, non-competitive contract for 30 “licensed secure care beds” runs from August 2025 to August 2026, with the possibility of expansion to \$14 million and February 2027.

Beyond the moral and legal implications of detaining minors, there has long been a pattern of documented abuse and mistreatment in this facility. Therefore, it is imperative that the Commonwealth issue an Emergency Removal Order (ERO) to shut down the facility. We believe that the two-decade history of past physical and sexual abuse in Abraxas Academy and other Abraxas Group facilities, combined with the lack of clear mandate, oversight, or accountability among the administrators of Abraxas Academy and ICE, demonstrate an actionable threat to the vulnerable children housed there. In order to protect children from Pennsylvania and beyond, the Abraxas Academy facility must be immediately shut down with an Emergency Removal Order, and the children should be released to their families or sponsors.

Who owns Abraxas Academy?

Abraxas Academy is owned by Inperium Inc., a 509a3 nonprofit “holding company,” which acts similarly to private equity firms in the nonprofit space.² Inperium Inc. centralizes the administration, finances, and some management of multiple 501c3 nonprofits that receive government social services contracts, such as Philadelphia’s Resources for Human Development. Abraxas Alliance, Inc (also referred to and doing business as Abraxas Youth and Family Services) is under the larger umbrella of Inperium Inc.

Abraxas Alliance Inc. has multiple LLCs under its nonprofit and programs in five states.³ One of the LLCs is Cornell Abraxas Group, which holds the contracts for Abraxas Academy. The building and land are owned by Geo Group under its land/property-focused subsidiary WBP Leasing LLC.⁴ Inperium Inc./Abraxas Alliance rents them from this subsidiary.⁵ Geo Group had bought Abraxas Academy in 2010 and sold the company (then a for-profit) to Inperium Inc. (a nonprofit) in 2021 but kept the land/building and WBP Leasing LLC. Abraxas Alliance Inc.’s first year as a nonprofit was FY2022.⁶

Despite the information stated above, the exact leadership and board management of Abraxas Academy and Abraxas Alliance, Inc. are unclear. Ryan Smith is the CEO of Inperium Inc. Jeff Giovino has recently been publicly quoted and referred to as the President, CEO, and Chair of Abraxas Youth and Family Services and is listed as “Director, President/Chair” in Abraxas Alliance, Inc’s 2023 nonprofit amended annual report filed in Florida.⁷ The longtime President and CEO of Abraxas Alliance Inc., Johnathan Swatsburg, supposedly left Inperium Inc. and the Abraxas Alliance Inc. in 2023 and is identified as a Vice President at the Geo Group in 2024 and 2025 materials.⁸ However, he is still listed as President/Chairman and/or Governor of multiple Abraxas LLC registrations for 2024 through 2026.⁹

Intentionally Opaque: Abraxas Management and Finances

A thorough survey of court documents, corporate literature, and articles about the company demonstrates that, despite its nonprofit status, Inperium Inc., and therefore the Abraxas Group, continues to work to maximize profits as opposed to a mission to protect children.

The Abraxas Group's change to nonprofit status comes from past attempts to avoid corporate taxation and social consequences for the private prison industry. Between 2013 and 2020, Geo Group was incorporated as a Real Estate Investment Trust (REIT), which exempted it from federal corporate income taxes but made it dependent on bank loans. Public outrage towards the private prison industry generally, and Geo Group's abuses specifically, hurt Geo Group's revenues and made these loans much less available. In 2021, Geo Group reorganized as a taxable corporation and sold many of its Abraxas Group assets.¹⁰ In December 2021, Abraxas Group became part of Inperium Inc.

Inperium Inc.'s business model is based on acquiring human services nonprofits with the potential for high profits from government contracts. Its business practices and rapid growth have attracted public attention since its acquisition of the large Resources for Human Development (RHD) nonprofit in 2024.¹¹ After acquiring RHD, an Inperium Inc. executive became RHD's board chair, and most of the existing board was forced to resign and be replaced by Inperium Inc. appointees. Experts interviewed by The Philadelphia Inquirer said this was unusual and problematic. While Inperium Inc. markets itself as providing economies of scale to smaller affiliates, the former executive director of a nonprofit it acquired said that it was left \$400,000 in debt and burdened by new fees, including a monthly charge for Inperium Inc.'s lawyers. A FY2024 audit of Inperium Inc. found "material weaknesses in internal controls."¹² In June 2025, Inperium Inc. announced that it was on track to reach \$1 billion in revenue in 2026.¹³

Since 2022, the name of the Director or addressee has been redacted from PA DHS's public correspondence and reports for Abraxas Academy inspections and licensing. Of the eight people listed as "officers, directors, trustees, key employees, and highest compensated employees" on the Abraxas Alliance Inc. 990 for FY2024, five are Inperium Inc. executives, including Inperium Inc. CEO Ryan Smith and supposedly departed Abraxas Group President/CEO Jonathan Swatsburg. The 990 also states that Inperium

Inc. has control over the Board of Directors and must approve of any decision that requires board approval.¹⁴The LLC responsible for the Abraxas Group is registered in Delaware, so the registrations have almost no public information about them. The intentionally complicated leadership structure shows a culture of impunity and obstruction of accountability for any harm that Inperium Inc. and the Abraxas Group may inflict on the vulnerable populations that they are charged to protect. This has allowed for a series of past abuses at the Abraxas Academy site that we know will continue.

Decades of Abuse at Abraxas

The history of abuse at the Abraxas Academy and other Abraxas Group and Inperium Inc. sites displays a consistent lack of care, oversight, and accountability. Despite multiple claims of abuse of minors in their care and abuse within the corporate culture of the company, the Abraxas Group is still allowed to care for some of our most vulnerable populations: juveniles in detention and now unaccompanied minors detained by ICE. The Commonwealth has an obligation to protect the most vulnerable who are in its care. Abraxas's inability to adequately protect and care for those populations is clear; as such, the state must issue an Emergency Removal Order at the Abraxas Academy site to protect these children from a situation that is ripe for further abuses.

Abraxas Academy's history is not defined by a single scandal or isolated incident. Instead, it reflects a recurring pattern of abuse allegations, institutional instability, and legal exposure spanning more than two decades and multiple owners. A chronological review reveals continuity rather than reform at Abraxas Academy and other Abraxas Group facilities in Pennsylvania. Sexual abuse, physical assaults, medical neglect, riots, and escapes have occurred regularly since the Academy's first years.

2002–2006: Closure After Staff Sexual Assaults

Abraxas Academy originally operated under the name New Morgan Academy and ownership of Cornell Companies, a for-profit juvenile detention operator. The facility opened in 2000 with the stated mission of treating “troubled youth with dignity and respect” while combining juvenile justice and mental health services.¹⁵

Only two years later, the facility closed due to rampant abuse of the children detained there. In 2002, the Pennsylvania Department of Public Welfare found that within an eight-month period, 14 sexual assaults had occurred at the facility—most committed by employees against youth residents. Cornell Companies chose to close the facility to avoid an Emergency Removal Order.¹⁶ A Cornell spokesperson acknowledged their failure in the facility's mission to the press and described the most recent incident: four employees assaulted a 15-year-old boy “to teach him a lesson.”¹⁷

Cornell Companies reopened the facility in 2006, this time under Jonathan Swatsburg's leadership. Swatsburg, who later became the CEO of Abraxas Group, was brought in from a "successful program" owned by Cornell Companies elsewhere in Pennsylvania.¹⁸

In 2010, Geo Group acquired Cornell Companies, which included the Abraxas businesses. Pennsylvania DHS inspection and violation reports and lawsuits filed by former detainees describe abuse after the facility reopened.

Civil Litigation: Allegations from 2000 to 2023

Multiple lawsuits have been filed in federal and state courts alleging physical, sexual, and emotional abuse at Abraxas facilities across Pennsylvania. In 2024, nearly 100 plaintiffs filed a lawsuit in the Allegheny County Court of Common Pleas alleging juvenile sexual abuse at Abraxas Group and two other companies' western Pennsylvania juvenile detention facilities between 2000 and 2023.¹⁹ The plaintiffs' attorneys said that there were over 100 more victims who could not sue due to Pennsylvania's statute of limitations. Thirty-three of the plaintiffs alleged abuse at Abraxas Group facilities.

The complaint alleges systemic institutional sexual abuse over a span of more than two decades. Several federal cases illustrate the breadth of claims:

- **Van Buren v. Abraxas Youth and Family Services** (W.D. Pa., filed 2022) — Three plaintiffs alleged physical, mental, and sexual abuse at Abraxas Academy and at Abraxas South Mountain. The complaint stated that between 2017 and 2018, there were at least 18 reports to ChildLine about abuse at Abraxas South Mountain.²⁰ One plaintiff alleged being bitten by a staff member at Abraxas Academy. The court denied class certification.
- **Gunn v. Cornell Abraxas Group, LLC** (W.D. Pa., filed 2023) — Alleged abuse at Abraxas South Mountain during 2008–2009.
- **McKinley v. Cornell Abraxas Group, LLC** (W.D. Pa., 2023) — Plaintiff Thomas McKinley alleged physical and sexual abuse in 2014 at Abraxas Youth & Family Services' residential facility in South Mountain. The case was dismissed on statute-of-limitations grounds rather than factual findings on the merits.

While outcomes vary procedurally, the timeline of allegations—2000 through 2023—demonstrates that claims span multiple ownership structures and managers.

Renewed Criminal Allegations (2023)

In 2023, a 47-year-old staff member at an Abraxas facility was arrested after a youth reported sexual contact. The woman was later sentenced to state prison for disseminating sexual materials to a minor and endangering the welfare of a child. This was the second time in as many years that a staff member had been accused of sexually abusing a teen at the facility.²¹

The recurrence of staff sexual misconduct allegations more than twenty years after the 2002 closure raises significant questions about the effectiveness of hiring practices, supervision, reporting mechanisms, and internal safeguards.

Riots and Escapes: 2023–2025

In addition to abuse allegations, Abraxas Academy has experienced repeated operational crises in recent years.

- **July 2023:** Police from several Berks County departments and state police from three counties responded to a riot at Abraxas Academy.²²
- **September 2023:** Nine youths escaped following a riot at the facility. Four later turned themselves in at a nearby house, reportedly due in part to the facility's remote and difficult terrain.²³
- **July 2024:** Two teenagers escaped.²⁴
- **September 2025:** A large overnight riot resulted in injuries to guards and significant property destruction.²⁵

While secure facilities can face behavioral incidents, the clustering of riots and escapes within a short timeframe suggests systemic strain. Such events often correlate with staffing instability, poor morale, inadequate supervision, or deteriorating institutional conditions. The pattern mirrors earlier periods of instability that preceded litigation and state intervention.

Pennsylvania DHS Violation Reports at Abraxas Academy, 2010-2025

- **August 2012 violation report:** The facility was cited for using access to phone calls as a reward/punishment, with three weekly phone calls as a reward and one phone call per week as a punishment. Abraxas Group responded that now all children get one 10-minute phone call per week (3). Seven staff, including several who had worked at the facility for almost a year, did not have State Police criminal background check records (4).²⁶
- **July 2013 violation report:** “Staff Member B sexually abused Child #3 and #4” (2). “Based on interviews with children and staff members, it was determined that Staff Member A frequently escalates situations that result in restraints. These restraints have not been utilized fairly and are known to cause pain to the child” (3). “Child #1 does not have a health and safety plan to address their risk of aggression or their allergy to fish. Child #2 does not have a health and safety plan to address their allergy to orange juice, red sauce, or tomatoes” (6).²⁷
- **July 2014 violation report:** “On 7/1/2014, Child #4 was placed on a restrictive status and was considered unable to participate in Ramadan” (3). “The 2nd shower stall from the entry to the A1E bathroom had no ceiling panel, exposed metal strips and a plumbing drainage joint directly overhead” (4).²⁸
- **May 2015 violation report:** “On 4/16/15, Staff Member A was observed on video surveillance pushing Child #1 prior to initiating physical intervention” (2).²⁹
- **July 2015 violation report:** At a March exam, a dentist had recommended that a child see an oral surgeon for a tooth extraction (7). At an April follow-up, the dentist noted that the child was still in pain and again recommended referral to an oral surgeon for an extraction. As of the July inspection, the child still hadn’t seen an oral surgeon. Abraxas responded that the child had an oral surgeon appointment scheduled for September. Several children did not have Health and Safety Assessments completed, and one child had not had an annual health exam (4-5).³⁰
- **November 2015 inspection:** “On 9/24/15 ... Child 1 and Staff A were involved in a physical altercation during which Staff A used his teeth to bite Child 1 in the upper abdomen” (2). This inspection also found insufficient staff:child ratios for daytime and overnight shifts.³¹

Pennsylvania DHS Violation Reports at Abraxas Academy, 2010-2025 Continued

- **January 2016 violation report:** “On December 24, 2015, while reviewing video footage, administrative staff observed Staff Member A using inappropriate excessive force during a physical intervention with Resident 1” (2). “10/31/15 at 8:05 PM, Staff Member A and Staff Member B restrained Child #2. Child #2 was seated on a couch when restraint was initiated and was not being a danger to himself or others” (3).³²
- **June 2016 violation report:** Multiple instances of “inappropriate restraint,” including: “While Child #2 was placed in the prone restraint, Staff Member B was positioned on top of the child applying pressure on the child’s respiratory system” (2-3).³³
- **July 2016 inspection:** “Based on interviews with staff it was determined that children can be handcuffed to a bed or other object while undergoing treatment in an outside healthcare facility” (10).³⁴
- **November 2016 violation report:** “Based on interviews with staff and children, photographs and video evidence, there is a preponderance of evidence to suggest that Staff Member A sexually harassed Child #1” (2). Abraxas Group responded that the staff member resigned while on administrative leave and under investigation.³⁵
- **May 2018 violation report:** Inspectors found a leak in a bathroom ceiling, holes in shower walls, and a bedroom door broken and missing a window.³⁶
- **January 2021 complaint investigation:** “Staff member A gave child number 1 the middle finger two times. Staff member A also kicked a table which resulted in hitting child number 1 in the chest.” In response, Staff member A was given supervision and training by the director of psychology.³⁷
- **July 2022 complaint investigation:** “Staff member A made an attempt to strike a resident by throwing a punch towards the resident during an altercation” (p. 3)³⁸
- **February 2025 violation report:** “On [redacted, child [redacted]] was dragged on the floor several feet by [redacted] clothing and punched by staff member A causing [redacted]” (4). “On [redacted], child A was dragged by staff down the hallway several feet” (5).³⁹

November 2025 License Revocation

In November 2025, Pennsylvania DHS revoked Abraxas Academy's License #14405, which is for its Secure Detention Unit. The Academy is allowed to continue detaining children under the license while it appeals the revocation, but its maximum capacity is reduced by 25. The facility's two other licenses are not affected despite the systemic nature of the violations. PA DHS described "a failure to report serious incidents involving youth in addition to failure to provide access after repeated requests by investigators." The attached violation reports describe the willful negligence of Abraxas Group management in greater detail:⁴⁰

- "On [redacted], the facility's leadership failed to file a report of suspected child abuse of a child as required by the Child Protective Services Law. On November 13, 2025, [DHS]... instructed leadership to report all concerns that fall under the CPSL to Childline. The department confirmed after 24 hours later that the allegations still were not reported" (4).
- "On November 4, 2025, child A was sitting at a table and was engaged by the staff member A verbally. This verbal altercation led to the staff member A putting hand on child A's neck shoving face to the table briefly. Other staff safely intervened to deescalate the altercation" (5).
- "On November 17, 2025, the facility's bathroom shower stall was unequipped and posed a hazard as there was a gaping hole in the wall which causes safety issues for residents" (6).
- "The facility was formally informed on 11-13-2025 that there was documentation needed to identify the alleged victims for a contraband incident involving a staff. Additional attempts were made to obtain documentation related to an active child abuse investigation on 11-15-2025, 11-17-2025, 11-18-2025, and 11-20-2025. [DHS] had to hold a meeting with the Executive Director of Operations on 11-21-2025, to obtain the required documentation for the active investigation" (11).
- "The multiple incidents of failure to report as well as failure to document reportable incidents demonstrates a breakdown or lack of enforcement of the procedures for reporting incidents which has caused noncompliance within this chapter and noncompliance within the CPSL" (6).

Continued Contracting Despite Record

Despite this documented history, Abraxas has continued to secure government contracts. In January 2026, Vermont awarded Abraxas Group a \$21.5 million, five-year contract for a new youth residential program. The spokesperson for the Vermont Department for Children and Families said that the Department “was unaware of licensure revocations in other states” when the state finalized its new contract with Abraxas in mid-December.”⁴¹

Similarly, a 2025 investigation by the Washington Post described Washington, D.C. youth being sent to Abraxas facilities amid ongoing lawsuits and prior abuse findings.⁴² The continuation of public contracting in the face of longstanding allegations underscores the importance of regulatory oversight at the state level and the issuance of an Emergency Removal Order for the unaccompanied minor facility in Berks County.

A Deadly Record: Inperium Inc.

Abraxas Academy does not operate in isolation. It sits within a broader corporate structure controlled by Inperium Inc., a rapidly expanding nonprofit holding company that oversees numerous human service providers across multiple states. At its worst, detention and supported living at Inperium Inc. facilities has led to injury and death.⁴³ At their best, Abraxas Group facilities deny children their rights in the name of security. What is clear is that Inperium Inc. and the Abraxas Group have created an institution where the worst offenses against children can go on with little or no oversight and accountability. Based on past patterns and practice, the chances that vulnerable children will be abused and hurt while under the control of Inperium are too high to risk.

At least four residents of group homes for people with disabilities run by Supportive Concepts for Families, an Inperium Inc. nonprofit, were investigated in one year. In the February 2024 - February 2025 period, investigators confirmed “four serious injuries, 11 cases of abuse, 77 cases of neglect, four cases of exploitation, two suicide attempts and two rights violations.”⁴⁴ The violations and harms to residents were so egregious that in April 2025, Pennsylvania regulators forbid Supportive Concepts from accepting new residents in its Northeast Pennsylvania group homes, banned it from opening new homes in the 15-county region, and revoked the license of a group home where a resident died of malnourishment. In that case, staff had falsified weight measurements after the resident became too weak to stand on a scale. Supportive Concepts for Families is not a recent addition to Inperium Inc.: it is where Inperium Inc. CEO Ryan Smith started his career and began building Inperium Inc.’s business model. Before moving to Abraxas Group in Inperium Inc.’s official filings in FY2024, Jeffrey Giovino was Executive VP and COO of Supportive Concepts for Families in FY2022 and 2023.⁴⁵ In FY2024, Ryan Smith was awarded a \$350,000 bonus to his \$1,025,660 base compensation.⁴⁶

Musical Chairs: The Rotating Leadership of Private Prison Executives

In 2006, Swatsburg was transferred from a different Cornell Companies program to run the Abraxas Academy, then called New Morgan Academy, when it reopened after being shut down by the state in 2002 for sexual and physical abuse of boys.⁴⁷ Under Geo Group, Swatsburg led Cornell Abraxas Group, LLC and was “Executive Vice President, Youth Services” as of 2020.⁴⁸ After his formal departure from Abraxas in 2023, Swatsburg returned to the Geo Group as a Vice President. Beginning in 2022 and 2023, PA DHS inspection reports and public correspondence for the Abraxas Academy redact the name of the Abraxas President/CEO or responsible executive.⁴⁹

Jeff Giovino is the current CEO of Abraxas Alliance. His career includes multiple notorious detention companies such as VisionQuest, Cornell Abraxas, and Mid-Atlantic Youth Services, as well as several concurrent LLCs that he founded. Giovino was “Director, Program Operations” for Cornell Abraxas from 1997 to 2005, the period in which Abraxas Academy opened and was then shut down by the state of Pennsylvania.⁵⁰

Giovino was central in the original corruption deals that started the Kids for Cash scandal, although he was never prosecuted. A 2005 Times Leader article described how “Luzerne County’s majority commissioners have chosen a newly formed, one-man firm [Mid-Atlantic Youth Services] to run its detention center over an established company with 6,500 employees”.⁵¹ PA Child Care had chosen Mid-Atlantic Youth Services, founded and run by Giovino, to run the new juvenile detention facility it was contracted to build. Giovino claimed that he had no connection to PA Child Care owners Robert Powell and Gregory Zappala, but it was revealed that he and Zappala had met with commissioners of another county to propose a joint construction-management project earlier that year.

In what became known as the Kids for Cash scandal, Powell and others were later convicted of bribing two judges to send thousands of children to the new Luzerne County juvenile detention facility and one in western PA. The construction of the center itself was a backroom scheme between Powell and one of the judges.⁵² Giovino sold his share in Mid-Atlantic Youth Services in 2008, the year before federal prosecutions began.⁵³

In a 2011 application to the PUC, Giovino listed his only post-2008 affiliations as two LLCs that he owned. Giovino sought a license for one LLC to provide transportation “for at-risk youth for VisionQuests.” That same year, Giovino was quoted as VisionQuest’s regional chief operating officer.⁵⁴ Giovino also wrote that he “managed and operated the non-profit division of VisionQuest,” VisionQuest Lodgemakers, from 1994 to 1997. VisionQuest has been investigated nationally and in Pennsylvania for unscrupulous financial practices and abuse of the children in its care from the 1980s through the present.⁵⁵

In 2017, Giovino became COO at Elwyn.⁵⁶ Swatsburg was on Elwyn’s board from 2018 to 2020. Giovino joined Abraxas as an unpaid board member in FY2020, then left Elwyn for high-paid executive roles at Inperium Inc. and its nonprofits in FY2021.

State Power to Issue an Emergency Removal Order

Abraxas Academy is licensed by the PA Department of Human Services and is subject to regulation by the State. The Pennsylvania Department of Human Services (DHS) regulates the health and safety of both public and private facilities for adults and children. In particular, the law states that “[n]o person” may operate a facility “without having a license therefore issued by the department.”⁵⁷ The regulations governing child residential facilities apply to all “facilities and agencies subject to licensure or approval.”⁵⁸ These requirements apply to any entity, whether operated by a private company or by local government.

Abraxas Academy’s business is owned and operated by Abraxas Alliance, Inc./Abraxas Youth and Family Services (“the Abraxas Group” in this document), a subsidiary of Inperium Inc. Abraxas Alliance, Inc. holds a contract with the federal government.⁵⁹ While federal officials are immune from state regulation, contractors that are not part of the federal government can be subject to state regulation.⁶⁰ Courts have found that as long as regulation of the contractor is not a veiled means of directly controlling the federal government, such regulation is legitimate.⁶¹ For instance, states may tax contractors who are working for the federal government so long as they are not federal government employees themselves.⁶²

Here, Abraxas Alliance, Inc., is operating as a federal contractor. It has a contract with the federal government to house federal detainees but is not otherwise a department, agency, or instrumentality of the federal government. Pennsylvania laws governing childcare facilities, therefore, do apply to Abraxas Academy, as it cannot be shielded by its contract with the federal government.

The Emergency Removal Order process arguably does not interfere with federal law. As described in section 20.37 of the Pennsylvania Code, the process mandates that PA Department of Human Services (PA DHS) remove residents from a facility where it finds “evidence of gross incompetence, negligence, misconduct in operating the facility or agency, or mistreatment or abuse of clients, likely to constitute an immediate and serious danger to the life or health of the clients.” Where these conditions are met, “the Department will take immediate action to remove the clients from the facility.”⁶³ The only effect of the Emergency Removal Order (ERO) on the federal government would be that it would not be able to detain migrants at this particular facility. The shutting down

of the facility would do nothing to change the federal government's relationship with its detainees, as they would remain in federal custody. There is nothing to suggest that an ERO would mean that the state was taking over the custody of federal detainees, as the ERO focuses on simply the "remov[al]" of "clients from the facility."

Moreover, there is no support for the claim that shutting down Abraxas would violate federal law. Specifically, there is no legal support that could be found, in court cases or statutes, that state law does not apply to contract facilities housing federal prisoners. Abraxas Alliance, Inc.'s contract with ICE also does not limit the state's authority over the facility and compliance with state law. Shutting down Abraxas, therefore, contradicts no federal law and would be within the scope of Pennsylvania's authority. Rather, the only federal law on point requires the federal government to comply with state law when using a facility like Abraxas. Such facilities must comply with state licensing requirements.

Pennsylvania has the authority to regulate or shut down facilities within its boundaries, including Abraxas, regardless of the federal detainees being held there. This concept is grounded in the Tenth Amendment of the United States Constitution, where state sovereignty gives states the right to regulate their own internal affairs so long as their regulation does not interfere with federal authority.⁶⁴

Even federal facilities can be reasonably regulated by the states as long as those regulations do not frustrate their inherent purpose.⁶⁵ States, for example, are able to regulate environmental concerns and zoning, which address the health and safety of a community.⁶⁶ Here too, Pennsylvania is trying to regulate the health and safety concerns of child residential facilities. Abraxas Academy, despite its federal contract, is a locally run facility that is subject to state law. The closure of the facility would not frustrate the inherent purpose of the federal government, which is addressing unaccompanied minors who have come to the U.S. seeking asylum. Rather, the federal government has many options available to address this population, including non-detention alternatives that it already applies to unaccompanied minors in the identical position to those that are detained at Abraxas Academy.

As stated above, the mechanism by which residents are removed from a facility is an ERO. PA DHS has acknowledged in court filings that it is required to remove residents where it finds that their health is in serious and immediate danger, stating that it is “required by 55 Pa. Code § 20.37 to immediately remove children from a facility” and that it “must take immediate action to remove children from a center if the gross negligence in operating the facility is likely to constitute an immediate and serious danger to the life or health of the [children].”⁶⁷

In 2010, PA DHS issued an ERO when it found that the Walnut Grove Assembly of God child daycare center was not adequately caring for the children under its supervision.⁶⁸ The facility frequently left four toddlers unsupervised and allowed the children to walk “through an area with a number of hazards, including a cement ditch, unkempt cement stairs, wood planks with rusty nails, gasoline canisters, and a parking lot/access road.” In 2015, an ERO was issued for patients at Liberty Manor Personal Care Home after two staff members were arrested for stealing residents’ medication, and the facility could not provide documentation that another qualified administrator was available to oversee the facility’s operation.⁶⁹

In 2019, PA DHS issued an ERO on the Glen Mills Schools after an Inquirer investigation found that “Serious violence is both an everyday occurrence and an open secret at Glen Mills, and has been for decades... Internal documents, court records, incident reports, and more than 40 interviews with students, staff, and others show top leaders turn a blind eye to the beatings and insulate themselves from reports while failing to properly vet or train the school’s counselors.”⁷⁰ The conditions at the Abraxas Academy similarly constitute an immediate and serious danger to both populations of detained children.

Conclusion

Abraxas Academy operates within a complex and unusually opaque corporate framework, has a documented history of two decades worth of abuse allegations, leadership continuity across controversial detention enterprises, financial control concerns at the parent organization level, and ongoing regulatory and litigation exposure.

The 2021 shift from for-profit to nonprofit ownership did not sever financial ties to GEO Group, did not produce demonstrable structural transparency, and did not eliminate patterns of instability and alleged harm. Given the decades of documented abuse allegations, and the recent riots, escapes, and lawsuits, it is clear that the Commonwealth must use its statutory authority to issue an Emergency Removal Order on the Abraxas Academy.

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