



SEATTLE
UNIVERSITY
SCHOOL OF LAW

Press Conference, July 15, 2008
VOICES FROM DETENTION

1) Welcome...Jackie O’Ryan, Communications Director, OneAmerica

Immigration detention is the fastest growing form of incarceration in the United States today, according to a recent New York Times article.

In 2007, the U.S. Immigration and Customs Enforcement budget for detention bed space was just short of one billion dollars. This was an increase of over 50% from 2005.

Over 30,000 immigrants are detained daily nationwide. Many are held in privately run facilities such as the Northwest Detention Center on the tide flats of Tacoma. Approximately 63% are held in county jails that have contracts with Homeland Security’s Immigration & Customs Enforcement (ICE), even though immigration violations are considered civil, not criminal, offenses. ICE currently pays private prison companies and local cities and counties for each immigrant held. The increase in detention most benefits the contractors who build and run detention centers. It is important to note that in 2006, Halliburton was awarded a \$385 million contract to build temporary detention centers across the nation.

Recently, numerous reports have emerged that shine a harsh light on America’s immigration detention system. There is emerging clear and alarming evidence of overcrowding, shoddy care, inadequate staffing, lax standards, secrecy and chronic ineptitude. What many Americans may be shocked to know is that there are simply no legally binding—and therefore enforceable—standards that govern the care and treatment of this growing population of immigrant detainees. The Department of Homeland Security has only recently been forced to begin to answer questions about its oversight of detention centers across the nation, and to respond to investigations into the 66 people who have died at detention centers across the country—including the one we speak of today in Tacoma.

This report, **Voices from Detention**, is one of the first of its kind to measure conditions at a detention center with international human rights legal standards and U.S. Constitutional protections. The report focuses specifically on Tacoma’s Northwest Detention Center.

This report is a collaboration between OneAmerica, a nonprofit organization advancing immigrant, civil and human rights, and the Seattle University School Of Law Human Rights Clinic. It was funded by the U.S. Human Rights Fund and the Fund for Nonviolence. Gwynne Skinner, an expert on international human rights law and the professor who oversaw this project for Seattle U., will speak shortly.

Voices from Detention details the results of interviews conducted over eight months by students at Seattle University Law School's Human Rights Clinic. Interviews were conducted with 41 detainees, a family member and 4 attorneys. Every incident detailed in this report was corroborated through additional interviews or by research. Students also were able to ask questions of ICE officials and officials running the detention center. Riddhi Mook-oh-PA-dee-ay, one of those law students, will be speaking to you shortly.

On this easel you see the list of the report's findings we would like to focus on. There is a sheet in your press packets of this list. They can also be found in the executive summary. Pramila Jayapal, founder and executive director of OneAmerica will soon give you details—some of them very graphic—of these findings.

Before we go to the experts, please allow me to introduce you to someone who is speaking for a woman who was very recently released from the Tacoma detention center. The woman she will speak about does not speak English and is afraid that she will be deported if she is identified. Because the danger is very real, she will be speaking to you by speaker phone. Please listen, her story is compelling. We'll call her Corinna. (Corinna talks of a woman who was seven months pregnant at the center, was sent to the emergency room at St. Joseph's in Tacoma with shackles on her hands and feet. The guards refused to remove them—only when she removed her clothes. Then she was examined by the doctor with handcuffs on—the story is about conditions regarding women who are pregnant in the center).

2) Remarks from Pramila Jayapal, Founder and Executive Director, OneAmerica

Press Conference on *Voices From Detention*: A report detailing human rights abuses at the Northwest Detention Center

July 15, 2008

As I go into some more detail about the abuses we found at the Northwest Detention Center, let me first acknowledge the tremendous fear that all detainees—even those who have been released—are facing and that the detentions and raids have caused in immigrant communities across our state.

I wanted to highlight a few key areas of our findings and read some short excerpts from interviews that demonstrate the inhumane treatment detainees are facing. As you listen to these, I want to ask you to think about how you would react if this were your mother, sister, brother or father.

Our report details how detainees were often moved without notification to their family members or attorneys. One particular incident involved a transfer by Federal marshals from the Northwest Detention Center to Alabama in the summer of 2007, in order to make space for the 300-plus immigrants detained at the NWDC following the Del Monte raids in Portland, Oregon.

Detainees gave detailed accounts of hitting, punching and the placement of a hood on a mentally ill detainee during the transfer to Alabama. Detainees were not allowed to use the restroom for over seven hours, resulting in defecation in their airplane seats and being forced to sit in their own feces. Their hands and feet were handcuffed and shackled so that they could not eat the entire time.

Nationally, ICE spent more than \$10 million to transfer 19,400 detainees in 2007. As we have found over and over again, these transfers often result in lawyers and family members being unable to locate detainees after the transfers.

Detainees at the Northwest Detention Center also reported frequent strip searches, often following attorney visits, perhaps as a means of intimidating detainees. One female detainee reported this disturbing account:

“We were stripped completely naked, a female officer told me to open my legs wide and she peeped into my vagina and later, she asked me to turn my back-side and expose my anus [by separating the cheeks with her hands]. I was told to cough several times while in this position—with the officer looking at my private parts. We were forced to subject ourselves to this dehumanizing treatment. For several days afterward, I wept and have continued to have nightmares about this treatment.”

Our investigators also found that approximately 75% of detainees interviewed reported medical problems that required medical attention at the NWDC medical clinic. Eighty percent of those who sought care were dissatisfied with the treatment they received. But these are not just opinions. Documented events and our interviews suggest a widespread problem of inadequate access to medical care, especially emergency medical care. When a food poisoning outbreak occurred on August 11, 2007, and over 300 detainees reported severe abdominal cramps and diarrhea, guards told detainees to wait until the in-house medical clinic opened in the morning. Even during its hours of operation, detainees wait in a standing line for up to four hours. Those requiring outside care wear shackles on their hands and feet. One detainee said shackles were not removed even when the emergency room doctor requested it.

The overcrowding at the detention center has implications not only for living conditions but also for the ability to have attorney client privilege or to get mental health care. Imagine that there are only four confidential interview rooms for the entire 1,000 people. This means there are long lines to see attorneys and be able to have confidential conversations.

Similarly, imagine that the NWDC employs only one full-time psychologist for about 1,000 detainees. While the National Detention Standards require staff at INS centers to be trained to recognize suicide, there appears to be no such training at the NWDC. One detainee described a fellow detainee whose appearance deteriorated over a short period of time until he stopped talking all together. Detainees reported this change to guards who responded that he needed to request medical help himself. While watching TV, the man slumped over and fell on the floor. Detainees again implored guards to help him with no result. Later that night, the man passed out on the floor. Only then was he given attention.

Attorneys from The Northwest Immigrant Rights Project have found nine detainees suffering from mental illness who turned out to be U.S. citizens and were being improperly detained in the detention center.

Let me touch briefly on the issue of food, which our report delves into in some detail. Especially when detainees are being held and kept for periods that range from a few months to sometimes years, the question of nutrition is critical. It is simply inhumane for a pregnant woman, like the one you heard about on the phone, to not receive sufficient food for the baby in her stomach. Another detainee we interviewed weighed 190 pounds upon entering detention. Two years later he was fifty pounds lighter due to insufficient food. The clinic doctor told him to stop exercising because the food he receives does not provide enough nutrition for daily exercise.

Finally, reports of detainees being pressured to sign papers that allow for their removal without understanding that they will not have the right to an attorney and will be deported if they ever return to the United States is simply against those great American principles of due process, of justice and fairness. Since 1943, the US Supreme Court has held that immigrants must be allowed to make intelligent decisions about papers they are signing.

At Congressional hearings conducted by the House Judiciary Committee in May of this year, House Judiciary Committee Chairman John Conyers stated in a letter to Homeland Security Secretary Michael Chertoff that the Department of Homeland Security's disregard for detainee health is simply unacceptable. Letting someone live or die as fate will allow is not just bad medicine, it is inhumane." In a separate statement, Conyers said, "I am concerned that in a rush to look tough on immigration, Homeland Security is sacrificing basic human rights and constitutional protections."

Immigration Subcommittee Chairwoman Zoe Lofgren stated that "Our government has a responsibility to provide a minimum level of humane care to anyone in its custody...ICE has failed miserably in its responsibility to provide civilized and humane treatment to those in its custody."

Ultimately, the findings from our report, *Voices of Detention*, confirm that human rights abuses are taking place right here in our backyard. As Americans concerned with upholding our Constitution and ensuring justice, we should remember that America is degraded when the Government fails to uphold those very rights that make us a great country. And we should note that once some people's rights are abused, all of our rights can be abused.

With the release of this report, we hope to accomplish three important things:

- First and most important, we are calling on Congress to implement legally binding and therefore enforceable standards governing detention and ensuring oversight. Until that happens, we must demand a stop to the detentions and deportations taking place that violate basic Constitutional and human rights. It is simply immoral and un-American. We will be distributing this report to the House Judiciary Committee that has oversight for immigration enforcement. We will also be meeting with our Congressional delegation here in Washington to brief them and ask for their support in pushing for change.

- Second, we want to let people right here in the Northwest know about the abuses taking place in all of our names at the Northwest Detention Center. We believe that most Americans believe in justice and fairness and human rights, and when they hear about the mothers and fathers who are being mistreated and denied due process, they will reject this behavior, move people to action and join in our call for accountability. The report will be a central tool in our national Campaign to Hold the Department of Homeland Security Accountable, as part of the national Rights Working Group coalition. To join the campaign and hold conversations in living rooms, churches and community centers across the country, please visit www.nightof1000conversations.org.
- Finally, for the men and women who are in detention and crying out for help, we hope this report helps to demonstrate that Americans across the country do care—and are determined to stand with them for justice.

3) Outline of remarks from Gwynne Skinner, an expert on international human rights law and the professor who oversaw this project at Seattle University.

One of our missions was to measure the conditions of the NWDC against the requirements of international law and domestic Constitutional law.

- Conditions violate obligations under international law, including customary international law and the refugee convention. Holding asylees in detention violates U.S.'s obligations under the Refugee condition. The conditions constitute Cruel, Inhuman and degrading treatment.
- Conditions violate domestic the 5th Amendment to the Constitution in that the conditions amount to punishment.
- There is no domestic statutory law that governs the conditions of federal immigrant detention centers. There are the National Detention Standards, issued in 2000, that give guidance, but they are not binding. Even those standards are not being followed.
- Other rights being violated include the right to counsel, the right to family unity, due process violations due to the forced signing of papers, right to medical treatment, especially emergency medical treatment and mental health treatment.
- Meant to be a short term facility, but many are in fact held long-term, and the population is twice of that the building was originally designed for.