

## I. INTRODUCTION & METHODOLOGY

*The case of Etowah illustrates that ICE continues to operate facilities with conditions of confinement that are not only cruel and inhumane but that also do not meet its own detention standards.*

In 2009, after an extensive record of abuses and deaths of immigrants in its custody, Immigration and Customs Enforcement (ICE) announced ambitious reform plans and promised a “truly civil” immigration detention system. Yet, more than three years later, ICE continues to subcontract the detention of individuals to county jails and private detention centers where they suffer sexual assault, substandard medical care, lack of due process and abysmal conditions. Among those detained are lawful permanent residents, asylum seekers, crime victims, and survivors of domestic violence and human trafficking - many of them with U.S. citizen relatives and deep ties to local communities. ICE has consistently shown that it is incapable of protecting the basic human rights of immigrants under its care.

The conditions experienced by immigrants held at the Etowah County Jail (referred to as Etowah County Detention Center, or ECDC, in the ICE system) are among the worst in the

country. The population mainly comprises immigrants facing longer stays in detention who are housed at Etowah because of its low rates, just \$35 a day per person. There they suffer terribly due to the remote location of the facility and acute chronic conditions, including poor phone and visitation access, the lack of any outdoor recreation or access to fresh air or sunlight, inadequate medical and mental health care, meager and barely edible food, and minimal programming. Advocates have long raised concerns about the conditions of confinement that immigrants detained at Etowah face.<sup>1</sup> The continued use of Etowah is inconsistent with basic human rights standards and the facility holds hundreds of people who will likely not be deported from the United States. Their confinement under these terrible conditions is taking place at great taxpayer expense.

ICE has tried to close down Etowah at least once before. In December 2010, ICE announced that it would immediately end its contract with Etowah and transfer immigrants held there to other facilities under the Atlanta



*Photo: Hannah Rappleye*



Field Office.<sup>2</sup> However, after political intervention by Etowah County officials and Congressional representatives, including Senator Richard Shelby, Representative Mike Rogers and, in particular, Representative Robert Aderholt, chair of the House Appropriations Committee's Subcommittee on Homeland Security, the plan for closure was delayed and then ultimately abandoned.<sup>3</sup> In April 2011, ICE announced that it would continue detaining immigrants at Etowah indefinitely despite the chronic problems identified.<sup>4</sup>

The information in this report comes from: a monitoring visit by the Women's Refugee Commission (WRC) to Etowah in late August 2011 (which included a tour and interviews with detained immigrants, staff and ICE officials); subsequent correspondence between WRC and

individuals detained there;<sup>5</sup> correspondence between people currently and formerly held at Etowah and Families for Freedom (FFF), a New York City based human rights organization that organizes against detention and deportation; and reporting by NBC reporters, Hannah Rappleye and Lisa Riordan Seville.



## II. FACILITY OVERVIEW

- ▶ **Location:** 827 Forrest Avenue, Gadsden, AL
- ▶ **Date opened:** ICE began contracting with the Etowah County Sheriff's Office to hold immigrants at Etowah County Detention Center in 1997
- ▶ **Contractor:** The Etowah County jail has an Intergovernmental Service Agreement contract with ICE to hold immigrants
- ▶ **Nearest ICE Field Office:** New Orleans, LA
- ▶ **Population:** 315 average daily population; total capacity of 357
- ▶ **Cost of detention:** \$35.12 per person per day (one of the lowest in the country), plus additional payments that bring the total to



more than \$5 million a year.<sup>6</sup> At the time of this report, Etowah County and the Sheriff's Office have proposed a new day rate of \$57<sup>7</sup> to ICE officials

► **Legal Orientation/Know Your Rights Program:** None

► **Standards:** 2000 National Detention Standards

### III. CONCERN

*With limited or no proximity to legal providers, and only a few ICE deportation officers to handle requests, many detained immigrants languish in Etowah without any legal assistance.*

Many of the more than 300 men at Etowah— who spend much of their time in cramped cells, denied access to the outdoors – face open-ended stays in the jail. Unlike most facilities, since July 1, 2011, the facility has been holding only males who are expected to remain in immigration custody for a long period of time.<sup>8</sup> Many of these individuals have final orders of removal from an immigration judge, but cannot or will not ultimately be deported, often due to the lack of diplomatic relations between the United States and their home country (such as Cuba or Vietnam) or because an individual is stateless. People in this situation often languish for months or years behind bars, with no idea of when or if they will ever be released. After an order of removal, immigrants have the opportunity to seek release from detention after 90 days. However, the process is complicated and without access to counsel, it is difficult for individuals to navigate the system.

With limited or no proximity to legal providers, and only a few ICE deportation officers to handle requests, many detained immigrants languish in Etowah without any legal assistance. Everyone interviewed, as well as those who wrote WRC, had been at Etowah for several months, and in some cases had been detained there for over one year. More than one respondent reported being told by ICE during his transfer to Etowah that, even

#### POPULATION

*“ I am the longest detainee here and they said they won’t release me until I stop my lawsuit against them. The officer told me today that I was going to die here. ”*

Anthony (detained at Etowah 29 months)

though they knew he could not be deported because of a lack of diplomatic relations with his home country (e.g., Iran), or because of poor conditions in his home country, he would have to wait a minimum of 90 or 180 days in Etowah, at taxpayers' expense.

#### LOCATION

Located at the end of the main road in the small town of Gadsden, Alabama, Etowah is a two and a half hour drive from Atlanta, Geor-



Photo: Hannah Rappleye



*Etowah's remote location is compounded by limited phone access and visitation.*

gia, and six and a half hours from the facility's new regional ICE field office in New Orleans, Louisiana.<sup>9</sup> There are no legal or other service providers within close enough proximity to provide legal orientation programs or "know your rights" presentations. Although ICE committed, as part of its October 2009 plans for reform,<sup>10</sup> to situate facilities closer to metropoles where detained immigrants could access services and have a better chance of being visited by relatives and loved ones, Etowah is hundreds of miles—and a several hour drive—from major cities.

### PHONE ACCESS AND VISITATION

Etowah's remote location is compounded by limited phone access and visitation. People interviewed reported inadequate access to telephones in their housing units, explaining that the restrictive hours of usage meant family members or attorneys were often unavailable at the hours they could call.

Visitation at Etowah is done through video. Any relative or friend wishing to visit someone in detention needs to arrange a visit in advance with officials. On arrival at the facility, he or she is able to visit for one half hour through a video monitor from an external building. There are no dividers between



Photo: Hannah Rappleye

*"I've never seen the psychologist here. I put in multiple requests and nothing... The medical care is the worst I have ever seen!"*

An immigrant at Etowah

the screens, so visits are not private. Officials suggested that they could accommodate special requests to arrange visitation on non-visitation days if family members had to travel far to visit. However, at least one person wrote that the facility was not in fact flexible with such requests. Another person told us that he does not want his daughters to travel so far, only to see him on a video screen.



### MEDICAL CARE

Etowah has a 24-hour health care unit that is subcontracted to a private contractor, Doctors' Care Physicians, P.C. Although WRC staff was told that people could obtain health care every day, many of the people interviewed mentioned receiving no response to their repeated complaints and concerns.

As one man told FFF, "Sick calls are only in the morning. The only time they take folks out to see medics at night is if there is a seizure. For non-threatening symptoms you have to fill out a form called Medical Request form. It takes at least two days for them to send you a written response. I broke my glasses three and half months ago and I still haven't got any new pairs. It takes months to see the eye doctor. I have only seen the eye doctor once in the 15 months I've been here. I have sent 5 to 7 Medical Request Forms just for my eye glasses and all of them they haven't responded to."

The situation is the same for mental health care. One man reported, "I've never seen the psychologist here. I put in multiple requests and nothing. I was taking Prozac and I put in a request for a change in medication, and they



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discontinued my Prozac way back in March. The medical care is the worst I have ever seen!"

The same problems exist with the dental care: "Since August 2011, I've been trying to get a root canal. I have put in over 15 Medical Request Forms and all I get is Ibuprofen. You will get a written response and they take you downstairs and do the routine, you never see a doctor and they aren't really nurses."

## FOOD

Both WRC and FFF have received numerous complaints of inadequate, inedible and insufficient food. Every person interviewed during WRC's visit reported that the quality and quantity of the food was by far the worst of any facility in which they had been detained; after the WRC's visit, detained immigrants mailed letters asking for more food and detailing a weekly menu to illustrate the point.<sup>11</sup> In July 2012, immigrants detained at Etowah staged a hunger strike and sent a letter signed by 100 detainees to ICE and operators of the jail, complaining that the facility was serving food that was rotten and nutritionally inadequate<sup>12</sup> In response to the protest, detainees in Unit 9 were put on lockdown, held for nearly 22 hours a day in their cells.<sup>13</sup> The hunger strike exemplifies the depth of desperation and frustration people in Etowah are experiencing in trying to obtain adequate and edible food.



*Photo: Hannah Rappleye*

**“I stopped eating the tray, it’s not worth it. It’s a recipe for disaster....We’re being fed like we are animals! ”**

An immigrant at Etowah

The only option to supplement food is to make purchases from the Detention Center's commissary, something many people simply cannot afford to do. As a result, many people simply go hungry. As one man put it: "I stopped eating the tray, it's not worth it. It's a recipe for disaster. I eat two spoons of rice and that's it. For folks who have diabetes like me, the food is not enough. Yesterday they had potato chunks, flour paste and boiled cabbage. We're being fed like we are animals!"

## RECREATION AND WORK

Etowah offers no outdoor recreation or access to sunlight. Individuals are housed in three pods that mainly consist of two-man cells, opening onto an indoor area with a few tables and two televisions. Individuals are counted six times per day, which requires that they be in their cells during that time. They can leave their units at other times during the day, but they are restricted to the main floor area of their pod or to the recreation area attached to each pod.

The recreation area is a cement room (including a cement ceiling) the size of half a basketball court. Near the top of one or two of the walls, very high up, are relatively small windows with bars that allow outside air to enter the area. It is impossible to see anything out of these windows. People refer to it as "the sweatbox." One person reported how, during Ramadan, Muslims at Etowah were forced to pray in the "sweatbox" while others were using it for recreation: "It got really hostile and they moved the Muslims to like a boiler room thing, but that didn't work out because they had a hard time figuring out which way was east and it was quite small. They complained and we had to share the 'sweat box' with them."



*Photo: Hannah Rappleye*

There is very minimal programming for immigrants detained at Etowah and, unlike at many detention facilities, they are not permitted to work at the facility. As a result, there are few options to pass the time. For more than a year ICE has offered an aquaculture, tilapia-farming program for detainees, a ten-week training program on small fish farming. From sign-in sheets shown to WRC staff it appeared that dozens of people had taken the classes. Yet nobody WRC interviewed had ever participated in the program, and only a small number said that they knew of its existence.

Etowah staff has informed WRC that they have made a number of changes and created voluntary programs since the WRC visit concerning detainee recreation and well-being. However, when interviewed by FFF in September and October of 2012, people reported that the new programs were essentially meaningless. For example:

On the Feed the World Aquaculture Program, allowing immigrants to learn how to raise fish: “The fish tank has been broken for months. What is the purpose of it?”

Adventure Programming, which allows access to a rock-climbing wall: “As far as I know I haven’t seen the rock climbing wall.”; “Indoor rock climbing, I have been there. It’s no bigger than a cell.”

Educational opportunities in barbering, horticulture and computer skills: “There is no barber class.”; “The horticulture, if they want to call it that. What do you call some earth in a Styrofoam cup, a few seeds and you stick it on the window. Is that a program?”; “There is no computer class to teach us skills.”

## OVERSIGHT

A lack of a substantive monitoring process at Etowah, compounded by a culture of discouraging people from filing grievances, results in no real oversight to protect the basic human rights of immigrants under ICE’s care.

Etowah currently operates according to the 2000 National Detention Standards. There have been two new editions of the Detention Standards since 2000, but ICE has so far failed to implement them at Etowah. ICE

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recently approached Etowah about implementation of the latest standards (known as the 2011 Performance Based National Detention Standards) but the feasibility and timeline for this remains unclear. Furthermore, as internal ICE guidelines, the Detention Standards are not legally enforceable, so immigrants have very limited recourse if the facility does not follow them.

A full-time ICE Detention Service Monitor (DSM) is assigned to Etowah, the role created by ICE as part of its efforts to ensure better and more independent oversight of facilities. As of the WRC's visit, the DSM commutes from Atlanta, and solicits feedback from local and regional staff to report back

Most people held in Etowah have stated that they are not even aware that the purpose of the DSM is to ensure appropriate treatment and living conditions, and so cannot take advantage of what limited help the DSM might be able to provide. Furthermore, many people at Etowah have said that they feared retaliation for filing a grievance or for requesting a redetermination of their ICE security classification. In addition, many felt that grievances were routinely ignored.

In practice, there seems to be minimal oversight and follow-up with regard to specific incidents of abuse. At least two individuals WRC interviewed had been victims of violence. In one case, a man was raped and



*Photo: Hannah Rappleye*

to headquarters. While in theory this position creates an independent layer of oversight, it is less meaningful if ICE only focuses on the implementation of procedures rather than the substance and quality of those procedures. The DSM has stated that his oversight is limited to ensuring that grievances are responded to in a timely manner. The DSM does not review or report on the quality or appropriateness of the responses to grievances by people held at Etowah, or whether they are ever resolved. Nor does the DSM keep track of trends regarding complaints against particular guards or shifts of guards.

assaulted by other people in ICE custody while held at a different facility; in the other case, a man was assaulted during transport. Both individuals reported that little was done in response to their reporting the crimes, beyond pointing them to the toll-free Department of Homeland Security (DHS) phone numbers where they could register a complaint. Lack of legal service providers in the area, lack of privacy at the facility, and lack of any meaningful or safe grievance procedures meant that these men suffered in silence without the opportunity to seek release or relief.



## IV. RECOMMENDATIONS



ICE should terminate its contract with the Etowah County Sheriff's Office and cease housing immigrants in its custody at the facility. The case of Etowah illustrates that ICE continues to operate facilities with conditions of confinement that are not only cruel and inhumane but that also do not meet its own detention standards. There are no improvements that can be made to the facility that would render it humane. Therefore, closing down Etowah is the only acceptable option.

**This report is part of a series about conditions at ten prisons and jails where immigrants are detained by ICE. To read the other reports and the Executive Summary of overall concerns and recommendations, please go to [detentionwatchnetwork.org/exposeandclose](http://detentionwatchnetwork.org/exposeandclose)**



Photo: Hannah Rappleye

### ENDNOTES

- <sup>1</sup> See, for example, Jawetz, Tom and Sunita Patel. "Conditions of Confinement in Immigration Detention Facilities." Briefing to the UN Special Rapporteur on the Human Rights of Migrants. June 2007. <http://www.aclu.org/immigrants-rights/conditions-confinement-immigrant-detention-facilities>
- <sup>2</sup> Rogers, Lisa. "ICE pulling detainees from county jail." *The Gadsden Times*. December 7, 2010.
- <sup>3</sup> Rogers, Lisa. "ICE to delay pulling detainees until March." *The Gadsden Times*. December 9, 2010. Also: Rogers, Lisa. "Jail to house detainees until June 30." *The Gadsden Times*. December 14, 2010.
- <sup>4</sup> Rogers, Lisa. "Etowah County to continue housing ICE detainees." *The Gadsden Times*. April 8, 2011.
- <sup>5</sup> The Women's Refugee Commission's original report documenting their findings, entitled *Politicized Neglect: A Report from Etowah County Detention Center*, can be found here [http://womensrefugeecommission.org/resources/doc\\_download/809-politicized-neglect-a-report-from-etowah-county-detentioncenter](http://womensrefugeecommission.org/resources/doc_download/809-politicized-neglect-a-report-from-etowah-county-detentioncenter). Much of the text from this report has been reprinted here.
- <sup>6</sup> Riordan Seville, Lisa and Rappleye, Hannah. "Immigrant Detainees Land in Limbo in Alabama Jail." *NBC News.com*, August 21, 2012.
- <sup>7</sup> Carter, Kendra. "County Officials Propose Day Rate for Continuing to House ICE Detainees." September 5, 2012.
- <sup>8</sup> Correspondence with Immigration and Customs Enforcement. November 10, 2011. On file with Women's Refugee Commission.
- <sup>9</sup> Per correspondence with Immigration and Customs Enforcement, this transfer of jurisdiction took place on July 1, 2011.
- <sup>10</sup> Schriro, Dora B. *Immigration Detention Overview and Recommendations*. Immigration and Customs Enforcement. October 6, 2009. <http://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>
- <sup>11</sup> Note: food concerns were also raised to ICE ODO inspectors per the 2012 report.
- <sup>12</sup> Riordan Seville, Lisa and Rappleye, Hannah. "Immigrant Detainees Land in Limbo in Alabama Jail." *NBC News.com*, August 21, 2012.
- <sup>13</sup> Ibid.

Except where a publication is cited, the information reported here is based solely on claims made by detained individuals without independent corroboration.

