

I. INTRODUCTION

Tri-County Detention Center in Ullin, Illinois, exemplifies the problems that still pervade the detention system today... Like most immigration detention facilities, its location isolates immigrants from the outside world and restricts access to legal counsel.

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.

Tri-County Detention Center in Ullin, Illinois, exemplifies the problems that still pervade the detention system today. Tri-County is 350 miles and more than six hours from Chicago. Like most immigration detention facilities, its location isolates immigrants from the outside world and restricts access to legal counsel.



Moreover, ICE fails to provide adequate oversight, allowing human rights abuses to occur with impunity.

This report relies heavily on "No Place For Immigrants: A Policy Brief from Heartland Alliance's National Immigrant Justice Center," Fall 2012. For more than a decade, Heartland Alliance's National Immigrant Justice Center (NIJC) has represented immigrants detained at Tri-County and conducted legal presentations to provide detained immigrants with an understanding of their rights. Through these visits, NIJC has gained an insider's view of Tri-County's dysfunction. Because of ICE's failure to hold the facility accountable and the ongoing human rights and due process violations at the facility, ICE should end its contract with Tri-County immediately.



II. FACILITY OVERVIEW

Six hours:

*Drive
between
Ullin and
Chicago,
Illinois*

- ▶ **Location:** 1026 Shawnee College Road, Ullin, Illinois 62992-2141. Over six hours from Chicago.
- ▶ **Legal Orientation Program:** None.
- ▶ **Nearest ICE Field Office:** Chicago, IL.
- ▶ **Population:** Bed Space = 234; Average Daily Population = 207 (all male)¹.
- ▶ **Opening Date:** 1997.
- ▶ **Employees:** 60 security staff, 18 support staff; 78 total.
- ▶ **Contractor:** Paladin Eastside Psychological Services, Inc.
- ▶ **Detention Standards:** 2000 National Detention Standards.



III. CONCERNS

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COMMUNICATION WITH THE OUTSIDE WORLD

Contact with the outside world is essential for any incarcerated person. Those held at Tri-County who want to speak with family members and lawyers must battle a broken communications infrastructure.

Sen. Richard Durbin (D-IL) visited the jail in early 2012 and shared his alarming observations at an April 2012 Senate Judiciary Committee Department of Homeland Security (DHS) oversight hearing:

[T]here was one thing that was very basic that caught my attention, and that was lack of access to the telephone. ... It may seem like a small issue, but

“ [Immigrants] repeatedly raised with me their concern about their inability to communicate with the outside world, including their family.”

Sen. Richard Durbin (D-IL)

to these immigration detainees it's not. ... They repeatedly raised with me their concern about their inability to communicate with the outside world, including their family. They said they couldn't afford the phone calls that cost well upwards of \$1.00 or \$2.00 a minute



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that they're being charged. We tried to use the phones, local phones, to see how they worked, and they didn't.²

Lawyers often cannot reach their clients detained at Tri-County by phone even when they schedule the call days in advance. This is a particularly serious problem for immigrants in detention, because the government does not provide lawyers to help them negotiate removal proceedings. Instead, immigrants must find and hire lawyers on their own, a next to impossible task without a reliable way to communicate.

Detained immigrants in the Midwest face additional challenges to securing counsel because local nongovernmental organizations like NIJC do not receive government funding to conduct legal orientation programs.³ The lack of resources makes frequent visits to remote jails infeasible. Statistics clearly demonstrate the consequences of such isolation: Detained immigrants with legal representation are five times more likely to win their cases, yet 84 percent of immigrants in detention do not have attorneys.⁴

OVERSIGHT AND ACCOUNTABILITY

Even though its own inspections turned up many deficiencies, ICE gave Tri-County a passing grade each year from 2008 through 2011. Health and medical services at the facility are unacceptable and grossly



understaffed. A 2008 ICE report stated that “[c]urrent Health Services staffing levels should be reviewed to ensure adequate staffing is available to carry out the current mission.”⁵ ICE acknowledged that inadequate staffing in this area would be problematic. At that time, Tri-County had seven professional medical staff for an average population of 195 people. By 2011, Tri-County’s detention population grew to an average of 211 people, but the medical staff dropped down to three, none of whom was a doctor. Nevertheless, after 2008 ICE never again mentioned concerns with the medical staff.⁶

The facility received 475 requests and grievances from detained immigrants within a seven-month period but only 60 received a timely response. Despite this fact,



Photo: immigrationdetention.org

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inspection documents and accounts from those incarcerated at Tri-County indicate that inspectors rarely even talk to detained individuals during their visits.⁷

Tri-County is the only privately run detention center in Illinois. ICE contracts with the county, which then contracts with Paladin Eastside Psychological Services, Inc. This arrangement diffuses ICE's accountability for upholding basic human rights of immigrants in its custody as ICE has no contractual relationship with the entity caring for them.

Asylum seeker Rashed BinRashed recalled the one time an inspector visited during the 18 months he was detained at Tri-County. "He's not there for the detainees. He's not there to see if they're physically ok, if their health is ok, if the living situation is ok," said Rashed of the inspector. "He was just there to cover a check mark to show that there is someone who came."

ABUSE

Physical, sexual and verbal abuse are risks inherent to incarceration, and NGOs working to defend the rights of immigrants in detention regularly hear complaints of such abuse. For example, Samir* was raped and repeatedly forced to perform sexual acts by other people held in the facility. When he tried to tell facility staff he felt unsafe, they jeered at him. Eventually, Samir reported the attacks to ICE, which interviewed him and transferred him to another facility. Samir has not received an update on the investigation's status and local law enforcement authorities have no record of a report being filed.

INADEQUATE MEDICAL CARE

Alejandro,* a Mexican asylum seeker, told a nurse on his first day that he was HIV-positive. He frequently requested HIV treatment and filed complaints of severe pain, but a nurse only gave him Advil. Alejandro was seen by a doctor once, but the doctor refused to conduct a full physical exam. Alejandro did not get treatment for his HIV for an entire month.

* Names have been changed to protect individuals' identities

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Asylum seeker Rashed BinRashed

OVERCROWDING

Rashed BinRashed recalls his 2007 detention at Tri-County when space was so scarce that the jail placed people in segregation pods and imposed the regular punitive rules of solitary confinement, including 23-hour-per-day lockdowns. In 2011, immigrants held at Tri-County reported that some people were forced to sleep on cots with their heads next to toilets that were still in use.

DENIAL OF LEGAL INFORMATION

A pro bono attorney who observed severe overcrowding at Tri-County in 2011 reported:

The room where we usually hold Know Your Rights presentations is now being used for extra beds. There are no tables or chairs for us to do legal intake. Two detainees told me that they had made as many as five written requests to use the law library, but had not been given access.



IV. RECOMMENDATIONS



Tri-County Detention Center is not an acceptable place for housing immigrants. NIJC has contemplated short-term fixes that would address human rights concerns at Tri-County while ICE moves to close the facility. Some of these recommendations were included in included in NIJC's

2011 report *Not Too Late for Reform*. Senator Richard Durbin also has made detailed recommendations to Tri-County and ICE regarding how the facility can improve phone communication for the immigrants in its custody. However, ICE's efforts to address our concerns have repeatedly fallen short. Because of this failure, and because the most significant problem with Tri-County is that it is a remote facility located hundreds of miles from legal aid resources, the only solution is for ICE to immediately close Tri-County.

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



ENDNOTES

- ¹ <http://www.immigrantjustice.org/sites/immigrantjustice.org/files/Tri%202011%20Summary.PDF>, <http://investigativereportingworkshop.org/investigations/immigration-detention/htmlmulti/immigration-detention-map/>
- ² Transcript of Senate Judiciary Committee Hearing on Oversight of the Homeland Security Department, 41-42 (25 April 2012), http://www.micevhill.com/attachments/immigration_documents/hosted_documents/112th_congress/TranscriptOfSenateJudiciarytttCommitteeHearingOnOversightOfDHS.pdf.
- ³ American Bar Association, *Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Proceedings*, 41 (2010).
- ⁴ Sam Dolnick, *As Barriers to Lawyers Persist, Immigrant Advocates Ponder Solutions*, New York Times, (3 March 2011), <http://www.nytimes.com/2011/05/04/nyregion/barriers-to-lawyers-persist-for-immigrants.html>; Vera Institute of Justice, *Improving Efficiency and Promoting Justice in the Immigration System: Lesson from the Legal Orientation Program* (2008).
- ⁵ ICE inspection reports of Tri-County Detention Center for years 2007-2011 obtained pursuant to a Freedom of Information Act (FOIA) request filed by NIJC (April 2011).
- ⁶ *Id.*
- ⁷ *Id.*

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

