INS Detainees In Florida: A Double Standard Of Treatment

Miami, Florida
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The Florida Immigrant Advocacy Center, Inc. (FIAC) was founded in January of 1996 in anticipation of the drastic changes in the availability of legal services to immigrants due to federal funding restrictions on Legal Services Corporation. FIAC's mission is to protect and promote the basic human rights of immigrants of all nationalities through direct legal services and impact advocacy efforts.

We wish to thank Wendy Young and the Women's Commission for Refugee Women and Children, the City of Miami Commission on the Status of Women, and the Miami-Dade County Commission on the Status of Women for their tireless efforts to help the women who are the subject of this report. Thanks as well to the Miami-Dade County Commissioners who supported our effort to improve conditions of detention for the women.

We also wish to thank Sharon Ginter, who spent endless hours with infinite patience and without whose help this report would not have been possible.

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"We are women, mothers, daughters, fiancées. We are human beings. What is happening to us is not fit for any living being on this planet. We are living beneath the most basic human standards without being criminal, alcoholics, or drug addicts and without having any other type of addiction or vice that could damage society. We are women who have fled our countries because of political, social, and religious problems and out of fear for our physical integrity or of domestic violence. We came to the United States to find a better life, freedom and to work because we all have the drive to succeed. We are able to survive, working in a dignified manner and searching for freedom. We, however, find ourselves incarcerated under the worst of conditions."

Excerpt from February 2001 letter by political asylum seekers detained at TGK

"This is the kind of setting for which our ladies have asked."

Statement by:
Robert Walls, INS District Director,
December 12, 2000

"Why is it that the male detainees are still at Krome if it is unsuitable to live in, as INS [claims]... Why do men from Krome get better treatment than the females? Every answer comes down to the equal protection arguments that the females are being unfairly treated as compared to the male detainees. The male INS detainees are able to stay at Krome where they have a lot more contact with their families, where they get to go outside and see the green grass and trees everyday and they don't have to be strip searched all the time like we do. And they aren't in jail cells like we are, being locked down all the time."

INS detainees' Letter to the Editor,
The Miami Herald, March 2001
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Executive Summary

In mid-December, 2000, all of the women housed at the Krome Service Processing Center (Krome), a minimum-security INS operated detention facility, were moved to the Turner Guilford Knight Correctional Center (TGK), a maximum-security county jail in Miami, Florida. Most of the ninety plus women transferred were asylum seekers.¹ They were moved following allegations by female detainees at Krome of sexual abuse, including sexual molestation, harassment, and even rape, and forced to endure a climate of fear and intimidation.²

While the women themselves were told by Immigration and Naturalization Service (INS) officials that they were being moved because there were worms in the women’s shower at Krome and INS was renovating the women’s living areas, the women’s advocates were told that TGK would be a safer place for the women and that Krome was never designed to house both males and females. Indeed, INS District Director Robert Wallis said that Krome was never designed for detention, it is a processing center.³

INS officials have attempted to portray TGK as a model facility for INS detainees. When informing detainee’s advocates about the move, they insisted that the women’s lives would be greatly improved at TGK. For example, INS promised them better access to attorneys and to medical care, better telephone access, better services and better food (“like Applebees”). Their description of the women’s “private rooms” at TGK resembled those of a local motel.

¹ On December 12, 2000, the day Florida Immigrant Advocacy Center, Inc. (FIAC) attorneys learned of INS’ decision to transfer the women to TGK, there were 55 female asylum seekers and 28 other females at Krome.

² These allegations began to publicly surface in late May, 2000 and an investigation by the Office of Public Integrity, the Office of Inspector General, the FBI and the U.S. Attorney’s Office is pending.

³ INS District Director Robert Wallis said “There were lots of reasons for the transfer. Krome was not designed to be a co-educational (male/female) facility. This was part of our comprehensive plan. We also needed to meet [the women’s advocates] expectations, and what the women wanted.” Krome Stakeholders Meeting, December 12, 2000. In an April 18, 2001 letter to Senator Bob Graham, INS Chief of Staff John Shewairy wrote: “The transfer, in part, was related to our overall detainees population management strategy, which called for the removal of all female detainees from Krome.”
They stressed to the press that both the women and their advocates were in favor of the move, although this clearly was not the case. Indeed, the women at Krome were unaware of INS’ decision to transfer them to TGK at the time of INS’ announcement to the press in this regard. Upon learning of their move to TGK, several of the women broke down and cried. As one detainee reported:

“The move was very unjust. I was the one that read about the move in the paper and I told the other women. That afternoon Krome’s Officer-in-Charge and Deputy Officer came and told us ‘it’s for your own good, we’re moving you because this building is unlivable.’ I said isn’t it because of the sexual scandal you’re moving us and he said no. He got upset with me, but the truth has to be told. He told us all these fabulous lies about TGK. They said whether we like it or not, we’re going to TGK.”

Nigerian detainee

INS also alerted the media about the women’s move to TGK before they told attorneys from Florida Immigrant Advocacy Center, Inc. (FIAC) and the Women’s Commission for Refugee Women and Children (Women’s Commission). In so doing, they broke earlier assurances that they would provide FIAC and the Women’s Commission a meaningful opportunity to discuss an alternative site should they decide to move the women.5

TGK in many respects is far worse for the women than Krome. Complaints about TGK thus far include: attorneys experiencing long delays in meeting with clients and inadequate attorney visitation rooms; inadequate law library; attorneys not permitted to call detainees’ directly or leave messages for them; detainees’ calls to pro bono organizations like FIAC cut off after four or five minutes; detainees’ limited ability to reach the outside because jail telephones permit expensive calls only and most international calls automatically blocked; inadequate medical treatment, including multiple problems in the dispensing of medications; lack of interpreters; lack of activities and insufficient recreation area; lack of spiritual support; lack of adequate and nutritious food, even for those on restrictive diets; detainees not receiving their commissary orders after paying for them; detainees’ personal items, including rosaries, watches, wedding rings and items of personal hygiene confiscated upon transfer to TGK; detainees going for weeks without deodorant, toothbrush, toothpaste,

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5 On December 12, 2000, INS officials from the Miami District Office assured advocates attending the INS Stakeholders meeting that their input had been carefully considered in the decision to move the women to TGK. A number of detainee advocates have complained that the INS’ Krome Stakeholders meetings, which were to provide them a forum to discuss INS detention issues, were simply an INS public relations device. While ultimately the decision about where to house the women is INS’ to make, their insistence that they truly value the input of the Krome Stakeholders rings hollow given the manner in which the move to TGK was handled.
shampoo, sanitary pads and other basic hygienic supplies; detainees experiencing problems sending and receiving mail and not getting stamps or envelopes as needed; detainees handcuffed each time they’re taken to an outside facility and often subject to invasive strip searches upon return; restrictive family visits; detainees housed in tiny, cramped “cells” and subject to arbitrary and frequent lockdowns; detainees subject to hourly counts during the night, which prevents them from sleeping; detainees arbitrarily transferred to remote jails where they are further removed from families and attorneys; inadequate grievance procedures; and limited and restricted access to the press.

While detainees report that a number of officers (both from INS and TGK) have treated them fairly and humanely, other officers do not. Language difficulties experienced by many of the detainees have routinely led to officers misunderstanding, berating, and humiliating them.

Although the women were brought to TGK after complaints that officers at Krome engaged in sexually inappropriate conduct, just days after their move to TGK several of the women were victims of sexually inappropriate behavior there. On at least two occasions male trustees reportedly “flashed” the women and in a separate incident a trustee sexually accosted a female detainee while a male guard stood nearby. For months, the women at TGK were locked down whenever a male was in the unit and they are still sometimes prevented from using the law library if male inmates are nearby. The Krome Acting Deputy Officer-in-Charge told the women at TGK that the sexual harassment at TGK had nothing to do with the INS.

Detainees’ access to the press at TGK has been limited. Only after an attorney from The Miami Herald threatened to sue were journalists permitted to meet with detainees. For several months, both INS and TGK officials insisted on sitting in on all press interviews.

INS, not TGK, should bear the brunt of criticism regarding the move of the women from Krome. As one detainee said, “The INS promised us the moon, stars and sky” when they were moved from Krome. But INS officials had to know that in many ways life for the female detainees would be far more restrictive at TGK because TGK is a “closed”, maximum security county jail and houses inmates who have been arrested or are already serving

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6 These incidents are being investigated by both the US Justice Department and the jail’s own internal affairs department. Detainees’ interviews, January 3, 2001 and January 4, 2001; Karl Ross, “Sexual abuse fears reach beyond Krome,” The Miami Herald, January 7, 2001, p 1A.

7 Detainee interview, December 2000.

8 In a January 19, 2001 letter to FIAC, Attorney General Janet Reno made clear her support of the women’s move from Krome to TGK. However, if the same pretty picture of TGK were painted for Ms. Reno as for the advocates, then it is not surprising that she supported the move. Similarly, TGK officials may well have had the best of intentions when they agreed to house the women.

sentences. Krome, by contrast, is an INS Service Processing Center housing no one serving a criminal sentence. It is an open door facility so detainees there are not housed in cells or locked down, and they have access to the various sections of the compound, including a separate cafeteria, law library, outside patio area and large, outdoor recreation area. They also have better access to families and attorneys, access to vending machines, and are permitted to keep many personal items, including jewelry and certain clothing, as well as items of hygiene.

Ironically, shortly after the women were moved from Krome major improvements in that facility were made, including renovating the women’s former dorms and bathrooms and building a new cafeteria and state of the art medical facility with new, technically advanced equipment. In August, 2001 INS officials acknowledged that the women’s living quarters at Krome were clearly unsuitable prior to the women’s move to TGK. Krome now houses approximately 500 male detainees.

It appears little planning was undertaken by INS to ensure that TGK was suitable for the women. On the contrary, INS seems to have rushed to rid itself of the problem of not being able to control corrupt officers at Krome. And the women, who point out that many of these officers as well as the male INS detainees remain at Krome, ask a legitimate question: “Why are women [detainees] still being treated as second-class citizens in this country?”

Although the INS claims to be acting in the “best interests” of the detainees-in-question, it never seriously explored the possibility of reasonable alternatives to jail for the women, alternatives which have been successfully undertaken in other parts of the country and which

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10 Krome detainees are generally kept in their units except when they go to the cafeteria for meals, to the medical department, to the law library or outside for one hour of outdoor recreation. Those detainees who work at Krome also have access to various areas of the compound, depending on their work.

11 For example, officials said the women’s bathrooms were “awful” and that their living areas were in disrepair.

12 At a meeting in February 2001, the INS Miami District Office TGK liaison acknowledged that during the first month following the women’s move, there was “a lot of talk but no action” on the part of INS regarding fixing problems at TGK. She added that this was to be expected, given that the officials who initially planned the move to TGK were all gone. She also informed FIAC that both the Acting Officer-In-Charge (OIC) at Krome and the Acting Deputy Officer-In-Charge were leaving and that FIAC shouldn’t be addressing their concerns about conditions at TGK to them. Yet during conversations FIAC attorneys had with the OIC that same week, he neither indicated he was leaving nor suggested he would no longer be able to address FIAC’s concerns. On the contrary, he assured FIAC he would.


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they promised to explore in Miami.\textsuperscript{14} Nor have they made good on their promise to ensure the implementation of new INS Detention Standards (hereinafter \textit{Standards}) which were supposed to be fully implemented at TGK by March \textsuperscript{15} \textsuperscript{15}. Indeed, given the current physical layout of TGK, some of the most important \textit{Standards} cannot be met.

In March, 2001 Amnesty International issued a press release, claiming that the women's move from Krome to TGK, effectively resulted in "punishing" them for the U.S. government's failure to protect them and calling on INS to take immediate steps to ensure their safety and well-being. On April 24, 2001 Miami-Dade County Commissioners called for a possible end to the internment of the INS detainees at TGK and asked the County Manager to schedule a meeting with INS to further discuss the issue. Several Commissioners suggested the women should be housed in an alternative setting, like a privately operated shelter. Local INS officials responded that Congress does not permit them to do so.

Indications are that if pressured to move the women out of TGK, INS will move them to an even more inappropriate facility, where they are further removed from attorneys and families. In July, 2001 FIAC learned that INS officials had spoken with Sarasota jail officials about moving female detainees there and that a 288-bed annex is being built at the Sarasota county jail to house "lucrative" INS detainees.\textsuperscript{16} The additional space is expected to be ready for occupancy by early 2002.\textsuperscript{17} Moving the women to Sarasota, which is a four-hour drive from Miami\textsuperscript{18} and where conditions are currently deplorable, would only serve to reinforce the

\textsuperscript{14} Indeed, for years female detainees in Miami with minor children have routinely been housed in a local hotel. Also, in 1998 INS claimed they had secured a 12,000 square foot "site on which a complex will be built to harbor women and unaccompanied children and minors," November 10, 1998 Krome Stakeholders meeting.

\textsuperscript{15} Prior to moving the women INS officials promised that "at TGK, INS and US Department of Justice detention standards will be applied; Miami-Dade County has agreed to add additional components to meet these standards." A separate FIAC memo detailing concerns about implementation of the \textit{INS Standards} at TGK is attached to this report.


\textsuperscript{17} Sarasota officials claim that the new annex will include six pods, each with 44 beds, two pods per floor. They also say that there will be a common area for the INS detainees, an exercise area, a law library in each pod and that detainees will be directly supervised and kept separate from the regular inmates. Statement of Larry Baberick, August 22, 2001. However, most of the women who end up in Sarasota have families and attorneys in Miami and many of the concerns advocates currently have about detaining women in a Sarasota jail remain. See Sarasota County Jail subsection of this report, pp 89-105.

\textsuperscript{18} The Sarasota County Jail is approximately 230 miles from FIAC's main office in Miami, FL.
women’s fears that if they complain, things will get worse.\textsuperscript{19}

While the focus of this report is the treatment of women at TGK, concerns raised in this regard are symptomatic of the larger problem of INS’ failure to protect women in its custody. A separate section of this report therefore discusses the plight of female detainees elsewhere in Florida, including at jails and other facilities in Ft. Lauderdale, Hernando County, Sarasota County, West Palm Beach, Key West and in Miami. Conditions in most of these facilities are worse than at TGK.

This report is based on numerous interviews with female detainees in Florida, FIAC’s own observations, and conversations with jail and INS officials between mid-December 2000 and December 2001. It compliments a June 2001 report written by the Women’s Commission, \textit{Innocents in Jail: INS Moves Refugee Women from Krome to Turner Guilford Knight Correctional Center, Miami}.\textsuperscript{20}

\textsuperscript{19} It should be noted that detainees are a substantial source of funding for the counties that run them. See e.g. Mark Dow, “Inside INS Detention Centers,” \textit{CAQ}, No. 57, Summer 1996, at 34.

\textsuperscript{20} The Women’s Commission also issued a report in October 2000, \textit{Behind Locked Doors: Abuse of Refugee Women the Krome Detention Center}, which focused on the detainees’ allegations of sexual abuse and harassment while at Krome.
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**Turner Guilford Knight Correctional Center**

**Background TGK**

TGK is a multi-storied maximum security facility, which opened in 1989. It houses over 1000 male and female inmates, including juveniles, who have been arrested or are already serving sentences. TGK is the only facility within the West Operations Bureau that engages in the full scale booking of inmates. Upon their arrival at TGK, the INS detainees are fingerprinted, photographed and “booked”, just like the regular TGK inmates.

The INS detainees at TGK are housed in a separate section of the jail, in Units K45 and K46. These two self-contained housing units are adjacent to each other on the fourth floor of the jail. There are bunk beds in each cell in units K45 and K46. Unit K45 has 64 beds for detainees with criminal records who have already served their sentences. K46 has beds for 64 asylum seekers with no criminal records. In mid-December 2001, there were approximately 115 women in INS custody at TGK. Many asylum seekers have been transferred from Miami to York, Pennsylvania, due to the limited bed space at TGK. INS’ assurance that most detainees would have “their own private room” at TGK has not materialized, even in the lesser crowded criminal alien unit.

Despite INS’ claims that the asylum seekers are generally released within 6 days after their arrival, a number of women have remained at TGK for weeks, or even months, after passing their credible fear interviews. While bed space for the asylum seekers is at a premium and INS officials say they only detain those women they can’t release, women from the Middle East having no connection to terrorism or the investigation into the September 11 attacks have been indefinitely detained despite meeting INS requirements for release. The countries of origin included Albania, Argentina, Bahamas, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guyana, Haiti, Honduras, Iraq, Jamaica, Liberia, Mexico, Nicaragua, Nigeria, Peru, the Philippines, Spain, Trinidad, and the United Kingdom.

While in detention these women convinced Asylum Officers that they had a substantial likelihood of proving their eligibility for asylum and satisfied the officers as to their identity. For a more thorough discussion of this issue, see Freedom Denied: Middle Eastern Asylum Seekers Caught Up in US Immigration Sweep, Women’s Commission for Refugee Women and Children, December 2001.
asylum seekers likewise have been indefinitely detained at TGK since early December, 2001. Even detainees who have won their immigration case on appeal have been denied release from TGK and lawful permanent residents found not guilty of criminal charges at trial have been detained there because INS suspects they may have been guilty. 23 Women who only wish to be deported often linger in detention.

A fundamental problem, and one which TGK officials say they pointed out to INS before the move, is that TGK officials claim they cannot treat the INS detainees differently than the regular inmates. The TGK Captain told FIAC in January 2001, “TGK is caught in the middle,” adding that if INS detainees were treated differently he would have a riot on his hands. 24 But there is a real difference between the two populations and most of the INS detainees at TGK are asylum seekers with no criminal record who are terrified when locked down, subjected to hourly counts at night or strip-searched. Most don’t even speak English and are unable to communicate with jail staff.

Ironically, when it has been convenient for TGK officials to treat the two populations differently, they have, but at the INS detainees’ expense. For example, due to a lack of storage space at TGK, INS detainees moved from Krome are not allowed to receive packages from families or friends containing items such as underwear, socks, sneakers, sweaters etc., although the regular TGK inmates can. And although most regular inmates at TGK can visit the jail chapel, take GED classes and use TGK’s main law library, the INS female detainees cannot. As one detainee pointed out:

“We do not have facilities or privileges that inmates have. For example, TGK inmates are allowed to have court clothes and sneakers. INS does not allow those items. On holidays, inmates are allowed to stay up until 2:30 AM, but INS detainees must be in at 12:30 AM. We do not have a coffee pot, a microwave, or a juice fountain like the other inmates. We have to eat the food soggy because we cannot warm it up.” 25

Canadian detainee

Initially, TGK officials seemed genuinely interested in reviewing the INS Standards and

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23 “Detainee scores a victory over INS,” The Miami Herald, July 23, 2001, p 3B; Chardy, Alfonso. “2-year detention ends for Nigerian woman,” The Miami Herald, August 6, 2001, p 2B (This detainee was eventually released); Barciela, Susana. “Double Jeopardy in America,” The Miami Herald, March 19, 2001, p 7B. (Although this detainee was found not guilty by a jury in her criminal case, the INS attempted to deport her on the grounds that they had reason to believe she was a drug trafficker. An immigration judge eventually ruled that the INS had no evidence to suspect this detainee of having committed a crime).


meeting with detainees' advocates to address their concerns. At a February 14, 2001 meeting, a TGK official claimed a document was being prepared to compare the INS Standards with TGK's existing policies. At the March 1st meeting (and the date by which the Standards were to be fully implemented at TGK) TGK officials reported they had been unable to speak with anyone from INS regarding the Standards.\(^{26}\) Then a March 8th meeting with the advocates was postponed and never rescheduled. A TGK official informed a FIAC attorney weeks later, when she ran into him at TGK, that INS had sent TGK a letter stating that TGK officials "could no longer interact directly with the advocates."\(^{27}\) If advocates wanted a meeting with TGK officials, they had to go through the INS. Subsequent requests to INS officials by FIAC attorneys to schedule a meeting have gone unanswered and FIAC has been unable to discuss its concerns about conditions at TGK with either INS or TGK officials since March 1, 2001. Additionally, the TGK Ombudsman responsible for assisting the detainees' advocates with their concerns was removed from that job in March 2001 and not replaced. This breakdown in communication has adversely affected the women housed at TGK.

The INS pays TGK a little over $82.00 per detainee per day.\(^{28}\) Shortly after the move, INS officials said they had signed a fifteen-year contract with TGK to house the female INS population.\(^{29}\)

**Attorney Access**

When announcing the move of the women from Krome to TGK, INS officials stressed that the detainees' attorneys would have around the clock access at TGK.\(^{30}\)

"There are visitation rooms for attorney visits, with more direct access than there was at Krome. We don’t want to have attorneys waiting to see clients."\(^{31}\)

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\(^{26}\) INS officials did not always attend scheduled meetings at TGK and TGK officials have remarked that INS did not always return their calls.

\(^{27}\) Statement of Lieutenant Jose Alejandro, TGK Facility Executive Officer. Indeed, in a letter to the head of the Miami-Dade Department of Corrections, the INS TGK Liaison wrote "I would... appreciate your cooperation in dealing with outside entities such as the Florida Immigrant Advocacy Center, in particular Ms. Little. In the future, if your staff receive requests from Ms. Little to meet and discuss INS matters and TGK, please refer all inquiries to my office. This office will decide if a meeting will occur and when." Letter from Kim Boulia to Lois Spears, March 27, 2001.

\(^{28}\) The INS contract with TGK states that the temporary per diem rate to house a female detainee is $82.41.


\(^{30}\) INS Questions & Answers, December 12, 2000.


INS Detainees In Florida: A Double Standard of Treatment
Acting Officer-In-Charge Krome

Unfortunately, serious access problems experienced by attorneys the first week following the move signaled problems to come. Shortly after the women were transferred from Krome, a FIAC attorney meeting with TGK detainees who requested her help was asked to leave TGK because she had not filed G-28’s for the detainees. The attorney explained that she needed to meet with the women in order to determine whether FIAC could take their case. While FIAC attorneys were permitted to return the following day, officials were not prepared for attorney visitations. On December 15th, 2000, for example, FIAC attorneys had to wait for officers to empty out boxes in the attorney visitation room so that they could meet with their clients.

FIAC attorneys have experienced a number of ongoing problems gaining access to their clients. Afternoon head count is generally from 2:00 pm until 3:30 or 4:00 pm, and no attorneys are permitted to move within the facility during this time. Attorneys’ movement is also restricted during lockdowns, including whenever there is a medical emergency anywhere in the facility. This lack of access is exacerbated by arbitrary policy changes regarding attorney access. In December 2001, for example, a FIAC attorney who regularly was given permission to see his clients at TGK after presenting his driver’s license and bar card was delayed for two hours because officers insisted that he needed a letter granting him permission to enter. Although this situation was eventually resolved, the attorney lost valuable time waiting to see a client whose individual hearing was scheduled for the following day.

Likewise, FIAC attorneys experience undue delays in seeing clients whenever they are already in the women’s units meeting with clients and additional clients request to see them. While the Captain of TGK has assured attorneys that they can simply add the names of these women to the “pink slip”32 in the women’s unit, they are frequently required to return to the lobby to fill out another “pink slip” with the additional detainees’ name(s). This requires attorneys to wait for a TGK officer to be escorted from the fourth to the first floor front desk. Most officers claim they are unfamiliar with the Captain’s decision, informing FIAC attorneys that they cannot solicit clients and that when several women wish to see the attorneys it creates a security problem.

FIAC attorneys who give know-your-rights presentations to the detainees also experience similar delays. Although they usually arrive at TGK around 8:30 am to give these weekly presentations, typically they must wait for about a half hour before being escorted to the unit, especially if there are interpreters with them. Some officers also insist that the presentations end at 11:00 am because it is lunchtime. Additionally, FIAC attorneys have lost valuable time to meet with clients because often the only way women can quickly provide attorneys with copies of their legal documents is if the attorney waits to be escorted to the medical unit.

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32 Attorneys and paralegals put the names of clients they wish to meet with on a “pink slip” upon arrival at TGK. They then carry that “pink slip” to the women’s unit to present to the officer on duty there.

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and back, where copies can be made.

FIAC paralegals, legal interns and interpreters unaccompanied by an attorney have had great difficulty meeting with clients. In order for them to gain access to the INS units, FIAC must fax a letter to the jail with their names and personal identification information in advance. On a number of occasions these letters have been misplaced by TGK, forcing FIAC staff to wait until the letter is located, even when FIAC presents a copy of the letter and fax transmittal sheet upon arrival at TGK. In July, 2001, a FIAC legal intern who frequently visits TGK was not allowed to enter at all because her letter could not be found. In June, 2001 a FIAC paralegal/interpreter was told she would not be permitted to enter because there were already two interpreters in the unit. In December, 2001, a paralegal was told she needed to fax her letter again because her name could not be seen on the fax transmittal sheet, even though she had been using the same letter with fax transmittal to regularly enter TGK for several months.\footnote{The paralegal was eventually allowed to enter after a 45-minute delay.}

Frequent policy changes in entry procedures at TGK, without prior notification, often create undue delays. At times, for example, FIAC staff have been told they couldn’t enter the jail because they were wearing open-toed shoes. At other times, paralegals have been required to present two forms of photo identification rather than one.

On April 26th, 2001 FIAC attorneys were told they could no longer leave phone messages for their clients with TGK officers because TGK “is a jail” and officers didn’t have time to take messages.\footnote{Conversation between FIAC paralegal and TGK officer.} Attorneys were told to instead contact INS officers at TGK to leave messages for their clients. INS officers in turn told the attorneys they didn’t have time to take messages. FIAC’s ability to leave messages for clients now depends on the officer on duty.

Most importantly, there is not ample space to accommodate attorney visits. Each of the two women’s units has only one small attorney visitation room, which measures approximately 8’ x 10’. More than one attorney or paralegal cannot meet with clients at the same time unless detainees are told not to use the law library in order to accommodate a second attorney there. In the asylum unit the attorney visitation area is also used for Bible study, a nurse who occasionally performs TB tests, and parenting classes, which further restricts detainees’ access to attorneys.

The INS Standards require that detainees be able to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials. The attorney visitation rooms, however, afford little or no privacy. As one asylum seeker observed, “There is no confidentiality at TGK for the asylum seekers to speak with their
attorneys because the INS and TGK offices are right next to the attorney room.\textsuperscript{35} The attorney visitation rooms are also directly adjacent to the law library. Any conversations in the attorney visitation room are easily overheard by anyone in the library, including other detainees and officers, as well as by officers in the adjoining rooms, making it impossible for attorneys to have confidential conversations with their clients. Detainees and officers frequently walk through the attorney visitation area to get to the law library or to the main unit. One day in April, in less than an hour over twenty detainees and/or officers walked through the attorney visitation area where a FIAC attorney was meeting with clients. This is not unusual.

From the end of May until mid-July 2001, a special phone for calling card calls was placed in the attorney visitation room in the non-asylum unit, and FIAC attorneys were unable to use that room at all for attorney visits. Attorneys were forced to interview their clients in the law library, which in turn prevented detainees from using the library. Interestingly, detainees report that when private attorneys met with clients during that time they had access to the attorney visitation room:

"I've noticed that the private attorneys are allowed to use the smaller room with a phone to meet with their clients but the FIAC attorneys can only use the library/computer room. If a private attorney needs to see a client and someone is on the phone, the individual on the phone must exit the room and nobody else is allowed to enter until the attorney has left. The officers do not do the same for the FIAC attorneys."\textsuperscript{36}  

\textit{Canadian detainee}

At Krome, FIAC attorneys have a small office so they have better access to detainees there. And interviews of Krome clients are not subject to constant interruption, although conversations in the attorney booths are hindered by a plexiglass divider and can easily be overheard.\textsuperscript{37} The transfer of women from Krome to TGK has seriously taxed FIAC resources since FIAC’s legal staff now must assist detainees both at Krome and at TGK.\textsuperscript{38} This is especially challenging since the majority of women at TGK are subject to expedited removal and scheduled for their asylum interviews within a few days to a few weeks after INS orientation.

\textsuperscript{35} Asylum seeker statement, February 5, 2001.

\textsuperscript{36} Detainee statement, June 8, 2001.

\textsuperscript{37} Krome has four attorney visitation booths, the largest of which is FIAC’s own office.

\textsuperscript{38} FIAC represents most credible fear detainees in Miami INS detention in need of pro bono help, which typically is about 70-75% of asylum-seekers subject to expedited removal in Miami. For example, during the second week of December 2001, the Asylum Office scheduled more than 110 Credible Fear Interviews.
Access to Legal Materials/Law Library

Prior to moving the women from Krome to TGK, INS said the women would have access to a fully equipped law library at TGK:

The unit will have its own separate law library, with five computers with CD-ROMs, INS inserts, CFR, Immigration Act and statutes. In addition, computer disks will be provided for detainee use, so that detainees can save their work and to ensure privacy. Computer disks will be introduced as a commissary item and available for purchase there.

Krome Acting Officer-in-Charge

Additionally, the INS Detention Standards require a suitable law library. According to the Standards, each library must be large enough to facilitate detainee research and writing in a well lit and reasonably quiet area. Each library must also have an adequate number of tables and chairs, to provide access to all detainees who request to use the library. And INS must provide materials, equipment and library materials sufficient to enable detainees to research and prepare legal documents.

The law libraries in both INS units at TGK do not come close to meeting these minimum requirements for a number of reasons. The TGK libraries do not provide detainees with access to the equipment necessary to draft and produce legal documents and computer discs are not available for purchase at Commissary. The library in the asylum unit (K46) has only two computers, one table, two chairs and a small bookcase with a couple of shelves of books. There is no typewriter or photocopier. Although a printer was finally acquired for the library, for months it didn’t have an ink cartridge. The asylum unit’s library is missing various required materials, and the materials that do exist have not been updated and are in English only. Most of the asylum seekers have no idea that they even have a law library, let alone how to use it.

The library in the non-asylum unit has four computers, three of which are operational, only one of which has a word processing program. It has four chairs, two bookcases, one small desk and one printer. There are no typewriters or photocopy machines. Although some additional legal materials were provided in June, 2001, the library still does not contain many materials regarding recent statutory and regulatory changes and all of the materials are still in English only, except for a few dictionaries. In December, 2001, the non-asylum unit’s library had more legal materials than the asylum unit even though several books were still haphazardly strewn on a bookshelf and the room was a mess.

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40 Detention Operations Manual; Detainee Services; Access to Legal Material, (III) (A), "Law Library."

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The library’s many shortcomings are not lost on the detainees:

"The INS says they are treating us well, but we don’t even have a decent law library or phones where we can talk to our lawyers in private. Many of us haven’t even been able to go to what they call the law library for days because they say some books are missing."\(^{41}\)

*Detainee Letter to The Miami Herald*

"We still have no printer and no copier in what they call the ‘law library’. It’s a joke really."\(^{42}\)

*Colombian detainee*

"I have said I will pay for the printer cartridge myself, but they still have not put one in."\(^{43}\)

*Mexican detainee*

"There is no access to a law library that we know of."\(^{44}\)

*Colombian detainee*

INS claims that the computers contain legal materials on diskettes but the women have not been informed of this and have no idea how to access these materials.\(^{45}\) Indeed, most of the women—and especially the asylum seekers—are computer illiterate. With one or two exceptions, those who have some computer skills are only able to use the computers to play card games:\(^{46}\)

"The law library seems like a waste. Nothing there appears to be user friendly or practical."\(^{47}\)

*Canadian detainee*

Most importantly, the law libraries are not nearly large enough to accommodate detainee needs. The size of the library in both units is approximately 10-12 feet by 5 feet. This small space is not large enough to comfortably accommodate the necessary equipment, tables,

\(^{41}\) INS Detainees’ Letter to the Editor, March 2001.

\(^{42}\) Detainee Statement, June 2, 2001.


\(^{44}\) Detainee Statement, February 5, 2001.

\(^{45}\) The one detainee in the non-asylum-unit who can use the computers as a result of lessons she had at Krome said she is the only one to use the computer in her unit. No one has informed her of legal resources that might be available on the computers other than one Lexis CD. PIAC interview, May 2, 2001.

\(^{46}\) The computer games were removed from the computers some time ago because they were not a requirement of the *INS Standards*.

\(^{47}\) Detainee statement, June 8, 2001.
chairs, books and other supplies as well as a reasonable number of detainees. While the asylum unit often houses 64 detainees and the non-asylum unit more than thirty detainees, no more than three detainees at a time are permitted to use the library.\footnote{Detainees must complete request slips for access and submit them to the unit manager. They are also supposed to sign in and out of the law library’s logbook. Legal materials are not to be removed from the library.}

The non-asylum unit’s library is supposed to be open from 9 am-1 pm and from 4 pm-9 pm. The asylum unit’s library is supposed to be open from 9 am-1 pm and 3 pm-9:45 pm. These hours, however, are subject to frequent interruptions by other activities in the law library such as religious services or attorney visitation and by lockdowns, head counts and other jail policies. Detainees also complain that the rules for library access are inconsistently applied:

“I couldn’t go in the library room to type legal documents on the computer. The next morning I asked when we could use the room. In the past, anytime the floor was open, we could use it. We need to know what the policy is regarding access to the law library.”\footnote{Detainee statement, January 9, 2001.}

\textit{Nigerian detainee}

“They keep changing the rules about access to the law library.”\footnote{Detainee statement, June 2, 2001.}

\textit{Colombian detainee}

“We told [the Deputy Officer-in-Charge] the law library was a joke, and that all his talk about researching your case on the computer was ridiculous because there’s no legal program in the computer. And these few outdated books in the so-called ‘law library’, [there is] nothing really to help these ladies.”\footnote{FIAC interview, January 4, 2001.}

\textit{Nigerian detainee}

All detainees accessing the library must walk through the attorney visitation room and conversations in the attorney’s visitation room are easily overheard in the library.\footnote{ABE and parenting classes are sometimes held in the attorney visitation area and at other times in the law library. At times when attorneys are visiting clients, other detainees are sometimes told not to walk through the attorney visitation room to enter or exit the law library.} As mentioned earlier, when the calling card phone was installed in the attorney visitation room in K45 for detainees’ use from May-July 2001, FIAC attorneys -- unlike private attorneys -- were forced to meet all of their clients in the law library, which made that area unavailable to the detainees much of the time. FIAC attorneys are also forbidden from entering the main
section of the women's units. So in order to get to the attorney visitation rooms they must walk through the law library, which disturbs detainees there. This policy apparently does not apply to attorneys visiting non-INS units at TGK.

The INS Standards require that writing tablets, writing implements, carbon paper, non-toxic white out and envelopes be provided for use by the detainees. Indigent women are also entitled to free postage for a specified number of legal and personal documents. The TGK library falls far short of providing these basic supplies. Detainees also complain it is difficult to draft legal documents because "[w]e have nothing to write with. Only pencils, no pens." While they can purchase a felt pen from commissary, detainees report it only lasts a few days.

INS Standards state that each detainee will be permitted to keep in her possession reasonable quantities of legal documents and papers as well as personal address books or pages. Yet the women's legal papers and other important documents, including address books, are often confiscated. Women have reported that TGK officers who have no understanding of their legal cases are generally the ones who take their legal documents:

"When women arrive from [Miami International Airport] they keep all their belongings, even their important papers that they need to get released." Colombian detainee

"They wouldn't let me take legal documents to show the immigration, that I'm here legally, until too late." Mexican detainee

"Detainees are not allowed to keep their own personal papers. Even the papers important to our case are considered contraband. If a detainee requests her documents, they are given to the INS and the INS keeps them. The detainee

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53 The only exceptions to this policy are when FIAC gives its weekly Know Your Rights presentations to asylum seekers or when they are accompanying the press and in the presence of INS officials.

54 Private attorneys have so advised FIAC staff.


56 Most asylum seekers, however, do not order things from commissary because they must do so in English.

57 Detention Operations Manual: Detainee Services; Funds and Personal Property, (III) (B), "Limitations on Possession of Detainee Personal Property."


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doesn’t get to keep a copy. The only reason I have mine is because I came in with the very first group when INS was trying to make everything peaches and cream. If they knew I have them, they would probably take them away.\textsuperscript{50}

\textit{Canadian detainee}

"The TGK officer deny us paper that we need to take to court. Why? They aren’t INS court officer. They don’t know what we need for court."\textsuperscript{51}

\textit{Jamaican detainee}

In order to obtain a copy of any handwritten or other material, the detainee must ask a TGK employee or the INS deportation officer to make the photocopy. These requests are often denied:

"We can’t make copies of important documents needed for our legal cases or to give to our attorneys."\textsuperscript{52}

\textit{Cuban detainee}

Even when copies are made, detainees often do not receive them until several days after the request was made. If a detainee is facing an imminent immigration court or INS imposed deadline, these delays may interfere with the detainee’s ability to effectively represent herself. So detainees have often asked FIAC attorneys to copy their legal documents. However, an INS Deportation Officer told FIAC that INS had instructed their officers never to make copies for the attorneys.\textsuperscript{53} Occasionally, FIAC attorneys have been able to get copies made in TGK’s medical unit, providing an officer is available and willing to permit this.

It appears no TGK employee is responsible for the maintenance and updating of library materials and the INS has no procedures for assisting illiterate or non-English speaking detainees with legal matters.

"I can’t use the library at all. It’s only in English. No one has tried to help me understand anything here except you [FIAC]. There’s not even a dictionary for my language so it’s difficult to get better at the English."\textsuperscript{54}

\textit{Iraqi detainee}

\textsuperscript{50} Detainee statement, June 8, 2001.

\textsuperscript{51} Detainee letter, February 14, 2001.

\textsuperscript{52} Detainee statement, January 9, 2001.

\textsuperscript{53} Conversation between INS Deportation office and FIAC attorney, April, 2001.

\textsuperscript{54} Detainee statement, December 20, 2001.
Indeed, INS detainees needing to communicate with INS officials about their cases have been unable to do so:

"The language is the most difficult thing for me. To not be understood. I have a few small words in English and for the rest, I use sign language. But even when there is something we need, sometimes they understand, and sometimes they don't. Someone from INS came here last week. He wanted information but I couldn't communicate. I told him I could not understand what he was saying and I asked that he please get me an interpreter. He said, "there are no interpreters," and that it wasn't necessary."  

*Iraqi detainee*

Although there is an INS Deportation Officer present at TGK who is supposed to keep detainees informed about their cases, detainees report that certain of these officers say they have no such information or give them misleading and unnecessarily troubling information:

"INS Deportation Officer - seems to take satisfaction in giving the women bad news. She's always telling them they're going to be deported whether it's true or not. And she doesn't give the detainees any information about their case unless they say they want to return home."  

*Nigerian detainee*

The TGK law library does not meet the bare minimum requirements set forth in the INS Detention Standards. Restricting access to a proper library prevents the women at TGK from effectively representing themselves in their legal proceedings and affects most dramatically those detainees who are indigent and unrepresented.

It should also be pointed out that the asylum seekers have experienced further difficulties since the INS is no longer transporting them to Krome for their asylum interviews and the promise to quickly open an Asylum Office at TGK was delayed as INS did not want male Asylum Officers there. For months, all asylum interviews for women at TGK were conducted by telephone (women at TGK interviewed over the phone by Asylum Officers at Krome; AT&T interpreters were also on the phone when necessary). This placed the women at a great disadvantage as misunderstandings are far more likely to occur during telephonic


67 FIAC is not aware of any complaint that an Asylum Officer has sexually harassed or otherwise abused a female detainee. The Supervisor of Operations of the Asylum Division aptly noted in a June 4, 2001 letter to FIAC that "conducting credible fear interviews telephonically is not a preferred interviewing method."
interviews and body language, which can play an important role in assessing a claim, is absent from the process. Although face-to-face asylum interviews finally began at TGK in September 2001, for over nine months countless women there were subject to phone interviews. Male detainees at Krome, on the other hand, were never subject to this method of interviewing.

Moreover, the law library at Krome is far better than the TGK law libraries in many respects. For example, it is much larger, has more extensive legal materials and a greater number of functioning computers than the library at TGK. The library materials at Krome are also better organized and more accessible to the detainees than the limited and disorganized materials in the TGK law library.

**Telephone Access**

INS officials assured detainees that they would have better phone access at TGK than at Krome. They also told the women’s advocates that “TGK meets or exceeds [telephone] access, according to the INS Standards.” Detainees, however, have experienced far greater problems at TGK than at Krome in communicating with both their attorneys and families by phone.

Most asylum seekers at TGK can only make collect calls to family members and friends, which are extremely expensive:

“When a detainee arrives at TGK we are given a document that says we can call anywhere in the United States, 30 minutes for $2.00, other parts $4.00, but it’s not true. The reality is when I call my family in California, 5 minutes costs $15.00 because I have to make a collect call. And other calls its $90. My husband spent $180 on just 5 collect calls I made. We can make collect calls only and no calls outside U.S. I love my family so much, they live in California, but

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68 April 16, 2001 letter from FIAC attorney Cheryl Little to Jeffrey Weiss, Director of International Affairs, Department of Justice; June 4, 2001 letter from Joanna Ruppel, INS Supervisor for Operations, Asylum Division, Office of International Affairs, to Cheryl Little.

69 The Asylum Office in Miami learned about INS’ plans to move the women to TGK the day after the press did. For weeks following the move, INS failed to clarify for them exactly how these cases would be handled.

70 While problems remain at Krome’s law library, it is approximately 20-25 feet in width and 40-45 feet in length. There are at least seven functioning computers and two typewriters. There is an officer assigned to maintain the library, although she has other responsibilities as well.

I’m afraid to call because its very expensive. One of the detainees was told it cost $14.00 for the first minute and the rest $4.00... The worst part for me is not being able to call my husband in California because its collect only.\footnote{Detainee statement, February 5, 2001.}

\textit{Colombian detainee}

“Collect calls are supposed to be 30 minutes, but are automatically cut off in five to ten minutes whenever, and then you have to pay to call back.”\footnote{Detainee statement, June 2, 2001.}

\textit{Canadian detainee}

Being limited to collect calls is also problematic for the detainees because many of their family members and friends do not have phones that accept collect calls.\footnote{This is due to several reasons, including some families not having long distance service or having a costly telephone bill.} TGK also blocks calls once a phone bill reaches $200. Women often resort to letter writing as the only means of communication:

“I am unable to call my husband because the phone company suspended our collect call service because of a bill of $680 for about ten or twelve calls.”\footnote{Detainee statement, May 8, 2001.}

\textit{Colombian detainee}

“You don’t know how many hardships I’ve gone through, out of 23 calls I’ve tried to make, only three weren’t blocked by the TGK phone company.”\footnote{Detainee statement, January 4, 2001.}

\textit{Cuban detainee}

“There is an automatic block by the jail if our phone bill reaches $200, even if the bill is not due or if the bills have always been paid on time.”\footnote{Detainee statement, January 9, 2001.}

\textit{Cuban detainee}

“I’m stressed. So I write my families cause the phone don’t accept collect calls.”\footnote{Detainee letter, February 15, 2001.}

\textit{Jamaican detainee}
There is also an automatic block on calls to many of the detainees’ home countries. TGK officials claim the block is in place because those countries don’t pay their phone bills:

“The biggest problem is not being to communicate with family, and we can’t make international calls. We can make collect calls in the US only.”

*Haitian detainee*

“I have seen cases of cell mates who are here and have been unable to let their family know where they are because there is no international phone service, and INS does not help them with this.”

*Colombian detainee*

“Christmas Eve I was here in TGK and I couldn’t call anybody. No international calls were allowed. A lot of the women are very depressed. In my entire life I never saw anything like this.”

*Colombian detainee*

While detainees in the non-asylum unit have been able to make calling card calls since May 2001, there is only one such phone and the women say it is very difficult to use it as needed:

“You have to run to try to get the phone. It’s like a mother of six children saying, ‘I only have four ice cream cones.’”

*Canadian detainee*

The calling card phone was actually placed in the attorney visitation room from May through July 2001, making that room unavailable for FIAC attorney visits. When this phone was removed in July, detainees were told they would have to use calling cards which, when purchased from commissary, would cost $25 per 100 minutes, even for local calls. In addition, calling cards ordered from Commissary often take weeks to arrive and sometimes have not been delivered at all. Calling cards sent to detainees by their families often do not work on TGK phones.

Calling cards were supposed to be available in the asylum unit in July, 2001, but for some time cards purchased through Commissary didn’t work on the phones in the asylum unit.

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82 FIAC interview, June 18, 2001.

83 FIAC interview, July 12, 2001.
As one detainee noted, “I’ve spent almost $50 on phone cards that I cannot use.” This detainee has not been reimbursed for the cost of the calling cards, despite filing a number of grievances. Moreover, many of the asylum seekers cannot afford calling cards or do not speak English and have no idea how to order anything from Commissary, let alone calling cards:

“I can’t afford to buy a phone card—it’s $25 for 100 minutes, and I only came to the US with $100. And I don’t know how long I will be in this place.”

*Iraqi detainee*

Detainees have been denied permission to use the calling card phone, even in emergencies. For example, upon learning that her father was about to undergo emergency open-heart surgery, one detainee was denied permission by the INS Deportation Officer (DO) to call the hospital. Two days later, after further requests by the detainee to call her father, the DO told her to make a written request to phone her father. When she did so, the DO wrote back, “have you attempted to call on the (collect call) phones for detainees?” although the DO knew the detainee could not do so since the hospital wouldn’t accept collect calls. The detainee was more than willing to pay for the call with a calling card and eventually got permission to make the call, at her own expense. Since all such calls were limited to ten minutes and it took almost 5 minutes to get through to the hospital, this detainee was only able to speak with her father for a few minutes and even then under stressful circumstances:

“I finally was able to talk to my Dad and the Corporal had the INS officer stand next to me while I was talking to my father. There was no privacy at all. The officer was standing next to me, sighing loudly and making signs of exasperation while I was talking to my father.”

*Canadian detainee*

Detainees are supposed to be able to make free, pre-programmed calls to FIAC, but asylum seekers were unable to do so for months. And in early 2001 the phone in the non-asylum unit, which was automatically programmed for free calls to FIAC’s Miami office, was disconnected by an INS Deportation Officer. The other phone there which was to be available upon request for limited calls to attorneys also was moved and even less available to detainees than before.

Notwithstanding the automatically programmed calls to FIAC, detainees have had to make a written request to use a phone to call their private attorneys or other pro-bono organizations or their home country consulates. Even after receiving authorization, women have been

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denied access to the attorney phone:

"An officer told me to get off the phone when I was talking to my attorney, even though I had been authorized to use the phone by the Deportation Officer. The officer said she couldn’t find the paper authorizing me to speak with my attorney. I told her that another officer had dialed my attorney’s number for me.”

\textit{Nigerian detainee}

"To use the phones at TGK you first have to put in a request but sometimes its two days before you get an answer if the Deportation Officer isn’t here, like on Fridays because she’s not here until Monday or Tuesday.”

\textit{Nigerian detainee}

Between April and mid-June 2001, detainees in both the asylum and non-asylum units calling FIAC on the pre-programmed phone were cut off after just a couple of minutes. Detainees also report that officers have often used the attorney phone for their own personal calls and that the TGK phones don’t always work:

"Officer -- hogs the [attorney] phone the entire time she’s there so detainees can’t use it. TGK officers are using this phone all the time.”

\textit{Cuban detainee}

"Every week some person comes and says they’ll fix the phones but that hasn’t happened.”

\textit{Colombian detainee}

The phones for attorney calls at TGK do not provide confidentiality. The four phones in each of the two INS units are only inches apart and next to the recreational area. TGK and INS staff are often close by and can easily overhear phone conversations, as can other detainees. As one asylum seeker remarked, “There is no confidentiality for anything in here.”

The inability to stay in touch with family and other loved ones and to effectively communicate with attorneys has been a source of great frustration for the women. Many of the problems cited to above would be solved if TGK were in compliance with the \textit{INS}
Correspondence and Other Mail

Detainees report serious problems with mail delivery, including prolonged and unjustified delays in receiving mail and irregular delivery of outgoing mail. Detainees are not even getting their legal or certified mail on time, and sometimes not at all. Indeed, TGK staff have told FIAC that INS detainees do not always receive their certified mail.92 One detainee did not receive notice of her immigration court hearing until more than a week after her hearing, even though the hearing notice was served on an INS official fifteen days prior to her hearing.93 The detainee was surprised and unprepared when she ended up in front of the judge. Another detainee received a letter on March 21, 2001, which was postmarked February 27, 2001. Such delays are common.

While one detainee reported receiving a notice of “Disapproval of Incoming Mail,” which rejected her parent’s marriage license and certificates of death as “contraband,” other detainees have reported that their mail is routinely rejected without any notification. They only find out that their mail has been rejected when the mail is returned to the sender. For example, a detainee reported that on March 3, 2001 her aunt sent her several legal documents in the mail but she was not notified that TGK had rejected these items and returned them to the sender until March 15, 2001. Several other detainees in both INS units spoke of similar delays:

“Mails aren’t being deliver[ed] as they arrive. Our boxes from our families are getting lost after being signed for. I’ve been waiting 2-3 weeks now for a box from my family. Enclose[d] in that box is a money order for $80.”94

*Jamaican detainee*

“I got the package, but I still don’t have the letter with the money, which I need for my commissary, or my legal documents. I find it hard to believe that the package got here but the letter didn’t. My family sent the package regular mail and the letter through two-day arrival on the same day.”95

*Canadian detainee*

*INS Standards* require daily (within 24 hours of receipt by facility staff) delivery of

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92 FIAC conversation with TGK official, February 16, 2001.

93 This detainee was scheduled for a hearing on January 11, 2001 before an immigration judge, but did not receive the hearing notice until January 19, 2001.


95 Detainee statement, June 8, 2001.
detainee’s outgoing mail to the post office. However, detainees report that outgoing mail is not always collected on a daily basis because there are days when the postman either forgets to pick up their mail or is unable to do so. Detainees say they have gone three to four days without their mail being picked up and have no regular schedule to depend on:

“The officers don’t take the mail everyday. We have to beg INS officers to take our mail. Sometimes the mail delivery stops for three or four days, for example if it’s Thursday, and we don’t get our mail regularly.”

_Nigerian detainee_

Detainees are also concerned that their outgoing mail is not handled in a secure manner. In both INS units all outgoing mail is collected in an unsecured, open, cardboard crate. Since the crate is unsecured, outgoing correspondence can easily be tampered with.

All detainees’ general correspondence is opened and inspected before delivery to the detainee outside of the detainee’s presence, which violates the _INS Standards_. Detainees report that their special correspondence is also routinely opened and inspected outside of their presence, before they receive it. This includes legal mail, which is clearly marked as such. This also violates TGK’s own policies, as outlined in their inmate handbook.

While detainees have access to writing paper and envelopes and may draft legal and/or personal documents, indigent women are frequently not provided envelopes or stamps in order to mail their correspondence:

“We have to buy stamps now, whereas in the beginning we got free stamps... Every now and then we get envelopes. One stamped envelope costs $0.60. In addition, we do not have access to printers. We have to give our letters to [the Deportation Officer] and she can read everything, violating our privacy. At Krome you typed, printed, and sent letters with total privacy.”

_Canadian detainee_

“Stamps, envelopes, we can’t get them right now and we can’t get them from our family... The women here can’t mail their letters because they never get stamps.”

_Colombian detainee_

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97 The TGK inmate handbook, page 4 states, “All incoming mail is inspected, all privileged [sic] mail (from attorneys, etc.) shall be opened and inspected in your presence.”


During the first week of March, the women were told they would no longer be provided with free stamps even if they were indigent.¹⁰⁰ One detainee who did not have a stamp gave a letter to the INS officer, which the officer held for about two weeks before mailing. Envelopes placed in the outgoing mail crate and which are clearly marked “Legal Mail” are routinely rejected if they do not have postage on them. Thus, often the only way indigent detainees at TGK can send mail is to obtain stamps from other detainees:

“I have to give some female my stamp that I buy from commissary, because they only give two a week. At Krome they supplied all that for us, we could write as much as we want. Some females can’t call or write. Thank God for my family and the little they can spare, so I can share.”¹⁰¹

Jamaican detainee

TGK provides no notary public or certified mail services to detainees. One asylum seeker who requested certified mail services was told to either mail it like regular mail, or not to mail it at all.¹⁰² Another who received a briefing schedule from the Board of Immigration Appeals (BIA) was unable to send the notice to her attorney because she is indigent and TGK would not provide her with postage. She had no way of communicating to her attorney that the appeal briefing schedule had been set because TGK refused to allow her to place a direct call to him.

Unlike the women at TGK, the men detained at Krome can post indigent detainee mail at government expense. All indigent male detainees have access at all times to this service. Notary public and certified mail services are available to male detainees at Krome as well. All legal correspondence and general correspondence at Krome was opened in the presence of detainees when the women were there.

Visitation

The INS Standards require that the detainees be provided a visitation room “appropriately furnished and arranged, and as comfortable and pleasant as practicable” and that all visits be conducted in a “quiet, orderly, and dignified manner.”¹⁰³ The INS Standards also state that “to maintain detainee morale and family relationships, INS encourages visits from family and

¹⁰³ Detention Operations Manual; Detainee Services; Visitation (III) (G), “Visiting Room Conditions.”
Yet detainees at TGK are allowed only one contact visit per month and two non-contact visits a week, in sharp contrast with Krome visitation policy:

"We are entitled to eight visits per month (two per week), but only one of them is a contact visit. The other visits we have to see our relatives through a glass and can’t hear what they say. At Krome we had two contact visits per week."  

*Canadian detainee*

Even scheduled contact visits have been denied. One detainee in the asylum unit requested her monthly contact visit so she could see her sister who had flown in from New York to see her. Initially her sister was denied entry because she was wearing sandals, which are sometimes prohibited at TGK. The detainee’s sister left to find shoes and came back, only to be told she had to wait for several hours. Although the sisters were eventually allowed to see one another, the visit was non-contact and only lasted about 20 minutes because the detainee’s sister had to catch her plane. The detainee was never given an explanation as to why she was not allowed her monthly contact visit on this occasion. Delays and denials of visits are common:

"I had a visit once but I could only see one of my visitors, I couldn’t see anyone else, who came. The second time a visitor came to see me the visitor waited two hours so I could only see her for a couple of minutes."  

*Colombian detainee*

Another detainee was transferred to a county jail in Key West the day her parents came to TGK for a contact visit with her. According to her cellmate:

"[Her] mother and father came by yesterday to see her because it was her birthday but instead of seeing them she was shipped out, just like that."  

*Canadian detainee*

Women detained at TGK who have family members in INS detention elsewhere have great difficulty staying in touch with them. For example, an Argentinian woman was separated

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104 *Detention Operations Manual; Detainee Services; Visitation (I), “Policy.”*


from her younger sister, a minor, as well as from her father and brother. Her younger sister was taken to Boystown, a detention shelter for unaccompanied minors, and her father and brother were taken to Krome. Although her younger sister was allowed to visit her father and brother at Krome, the Argentinian woman at TGK was not.109 Another woman whose husband is detained at Krome says she has to call her husband’s family in Michigan to find out how her husband is doing:

“I can’t even talk to my husband at Krome. I call my husband’s relatives in Michigan to find out about him at Krome. I’ve been to Krome for court more than ten times, I’ve only visited my husband on three of those times.”110

Iraqi detainee

Contact visits are usually conducted in the hallway immediately outside the women’s units and are subject to the constant interruption of guards and other personnel entering and exiting the units. Non-contact visits are ever more problematic. Detainees are permitted a “window visit” where not only are they separated from their visitor by plexiglass but, because the small holes permitting detainees to communicate with their loved ones are below the glass and at waist level, they must spend their visit in a contorted position which makes eye contact virtually impossible.

A number of the women have foregone non-contact visits with family because they feel demeaned and don’t want their children to see them under such circumstances. The lack of contact with their families as a result of restrictive visitation and phone policies at TGK has been a source of enormous stress for the women, many of whom are mothers:

“I truly believe that once I get out of here I’ll have to see a psychologist because it’s too much. The psychological abuse here, with no access to our family, it’s so cruel. At least we could talk to our family by phone from Krome. One officer said even if we complain, nothing is going to change. It will be worse for us.”111

Colombian detainee

“Does INS understand they are not only destroying our lives but destroying our children’s’ lives?”112

Nigerian detainee

TGK officials said in February 2001 that they would see what they could do to increase the


number of contact visits for the women, but added that it would not be easy because they don’t have the staff to accommodate such a request. The visitation policy at TGK has not improved.

Recreation and other Activities

The INS’ press release announcing the move of the Krome women to TGK painted a picture of TGK far different from the harsh reality of the detainees’ lives there. INS promised, for example, that detainees would have access to “substance abuse programs and GED courses,” to outdoor recreation activities including “basketball, handball and racquet ball”.

While there are more planned activities for the TGK detainees now than when they were first moved there in December, 2000, the women still have relatively little to do. This is especially true of the asylum seekers, whose only activity is a weekly Bible study class, in English and Spanish. In the non-asylum unit, ABE classes are held in English; one parenting class session in English was held once a week for three weeks; AA sessions were held for a short time for two women; and Bible study is held once a week in English and Spanish. While many of the INS detainees want to get GED certification, they cannot do so even if they take the required GED classes, although regular inmates can. Additionally, these classes are most often taught in English only.

The outdoor recreation area in both units consists of a small, concrete-walled space with wire mesh across the top. There is no covered or shaded area. Although the detainees reportedly have access to this space everyday from 8 am to 7 pm, they are not allowed there when there are any water puddles or during lockdowns or headcounts, which occur frequently throughout the day. For months they weren’t permitted to go to there after 6:00 pm. The time allotted for using the shower also takes away from their recreation time.

Detainees are denied access to even the most basic recreational activities except for a basketball, a basketball hoop and a soccer ball. In the Summer of 2001, a ping pong table

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113 INS Questions and Answers, December 12, 2000.


115 ABE teaches work-related and vocational skills. The class is taught Monday thru Friday in the non-asylum unit.

116 The two women who participated in AA are no longer at TGK. Most of the women were not even aware that it was offered, and there is no indication that the sessions will be continued.


118 Recreational area is approximately 20' by 25'.

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was moved inside the crowded non-asylum unit but the net was stored in the “law library” and the ping pong balls are nowhere in sight. Whether detainees can use it depends on the officer. The volleyball net is also not available to them. The lack of activity has a profoundly adverse effect on the women:

“Recreation is only going outside to sit down and be surrounded by [concrete] walls.”

*Canadian detainee*

“[W]e don’t have enough to do. We were frustrated yesterday and even had a fight over the TV, this never happened at Krome because we had other things to do.”

*Cuban detainee*

“Our shower time has been cut back to 7 pm. At first, we could take showers until 9 pm. At Krome, detainees can use the shower until 11 pm. Now we have to cut our rec time short so we can meet our shower time.”

*Canadian detainee*

“We have volleyball games using a soccer ball and an imaginary net. The volleyball net is under the officer’s station.”

*Nigerian detainee*

“I don’t do a thing, nothing to do, but be stress out. We have no activity, I try to keep busy by teaching one or two how to use the computer.”

*Jamaican detainee*

“[T]here are no programs, nothing for us to do. We need things to do like handicrafts, ESL, for therapy. Because it is sickening to be in a place like this just thinking about your situation.”

*Colombian detainee*

“There’s nothing to do here, there are no activities, no classes, nothing whatsoever. Why are we wasting our time away like this? I would like to be learning English, or doing something vocational. Just English classes alone, that would be so

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121 Detainee statement, June 8, 2001.

122 FIAC interview, June 18, 2001.


helpful. There's an outdoor court that is the recreation area. It's an empty concrete place with high walls.”

*Iraqi detainee*

Indeed, after being promised by TGK officials in January 2001 that they were going to have origami classes, one detainee was so excited that she made a pretty flyer on the computer saying, “let’s make origami and other handicraft and art activities!” The flyer had a picture of a red rose and was placed on the wall in the law library. To date, no such classes have taken place and the flyer was removed in June 2001. The detainee-in-question explained how counterintuitive the lack of follow-up was:

“You know if they kept these women busy they wouldn’t have any problems with them. If not, they’ll be frustrated and having arguments and all. Why don’t they give us something to do, something constructive? It’s like empty promises.”

*Nigerian detainee*

The TGK detainees are not allowed to receive books or magazines except from the publisher or a volunteer who donates these periodically through the women’s counselor. Families or friends may not send books or magazines to the detainees. They are not even provided with newspapers such as *The Miami Herald*. There is one TV in each unit. Although the women used to be allowed to play some simple games on the computers in the law library, these games were removed in July 2001:

“They’re not an INS requirement. Now they’re just taking everything away from us... They’re not trying to make it any easier.”

*Nigerian detainee*

At Krome, the women had far greater access to the outdoors and recreational activities. For example, they had access to a little patio area directly adjacent to their dorms and to the large, open-spaced recreational area so they could see grass and trees instead of concrete walls.

Also, the detainees at Krome, unlike those at TGK, are allowed to work. Many of the women enjoyed working at Krome, for example on the cleaning crew, and got $1.00 per day for their work. Detainees at TGK say they would enjoy working, as it would give them something to do, and if they were paid even $1.00 a day they could use the money to buy

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127 As per the TGK inmate handbook, “Magazines will be accepted through subscription only, hardback books are not acceptable.” (Page 3).


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much needed items at commissary. While a few TGK detainees have volunteered as “trustees”, for example, to wax the floors, wash clothes, clean showers, serve meals and clean food trays, they are not paid for their work. Detainees who did work at Krome have not been paid for that work since being transferred to TGK:

“I worked at Krome and was supposed to receive $1 a day for my work. Krome owes me from December 1999 to March 2000. I spoke to various officers about this and they keep saying they’re backtracked.”

Nicaraguan detainee

Detainees are not allowed to smoke at TGK, even outside. While the women are aware of the dangers of smoking, they should be given the same smoking privileges that they had at Krome, particularly since upon admittance to TGK many of the women have had their psychotropic medication drastically altered and conditions at TGK are generally far worse than at Krome.

Food Service

“Before they took us away (from Krome) INS told us how... ‘we’d have our coffee pots and microwaves’... They said [once at TGK] we wouldn’t have anything to do with TGK -- they’d bring us food like they do for women at the hotel...”

Cuban detainee

“There is a kitchen/dining/food service area in the living unit. Food offerings are comparable to Appleby’s, after which the TGK food service is modeled after. Detainees can bake cakes and other foods in their unit. We have also agreed to implement the things that detainees are most concerned about...[such as] good food....”

Krome Acting Officer-in-Charge

Unfortunately, there are no baking classes at TGK, far from it, and the food is exceptionally bad. Detainees have consistently reported inedible and unsanitary food items including stale and smelly cold cuts, moldy breakfast items (jam), mildewed and rotten fruits and vegetables. Indeed, a FIAC attorney saw a packet of jelly just given to a detainee that was full of mold. Detainees in both units, including pregnant women, report that their food is neither nutritious.

\[129\] FIAC interview, June 18, 2001.

\[130\] Detainee statement, October 5, 2001.

"The food here is really ugly - - slimy lunch meat, there was even a worm in the meat, moldy food, rotten beans, wilted lettuce, hard bread. Sometimes even though I'm hungry I just can't eat it. I know what the food is like here because I'm in charge of heating it up."\(^{133}\)

**Colombian detainee**

"God forgive me for saying this but the food is very, very disgusting... Where is the healthy, natural orange juice? Is the orange restricted only to see on our uniforms? A huge amount of money is spent every day on detainees? What is it going to cost the INS to have to have decent food you can eat? At least you could enjoy food, the simplest thing for a human being. I would rather starve."\(^{134}\)

**Saudi Arabian detainee**

"When the food come upstairs there is hair and finger print in the food, not properly fix on the nasty, dirty old tray that they serve on."\(^{135}\)

**Jamaican detainee**

"Proper nutrition is also of concern at TGK. When someone is coming to inspect from INS or another institution, then the food is a little more decent. They make sure the tray is full and serve cheese, a fruit, meat, a cookie and jello. On weekends, on the other hand, we are lucky if we get a sandwich and fruit for lunch."\(^{136}\)

**Canadian detainee**

"I've seen mice and rats running in the kitchen area by the janitors closet. There are flying roaches and the food is getting worse."\(^{137}\)

**Colombian detainee**

"I almost choked on a piece of metal I found in my beans. I filled out a report and asked to keep the piece of metal as

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\(^{132}\) A few years ago, TGK unsuccessfully attempted to contract with a different food service carrier. Further attempts to do so should be made.

\(^{133}\) Detainee statement, June 2, 2001.

\(^{134}\) Letter from asylum seeker, May 7, 2001.


\(^{137}\) Detainee statement, June 2, 2001.
proof, but the officers… threatened to shake down my room if I did not surrender [it].”  

**Canadian detainee**

“[The Krome Officer-in-Charge] told us when we left Krome that if he had to bring food from Krome to TGK, he would. What a joke!”

**Nigerian detainee**

“The lunch is always two pieces of cheese, two pieces of meat and four slices of bread. They bring it here way ahead of time and then just leave it out. There was a fungus on my sandwich that I had to throw out, I showed it to the officer. Another lady complained a few days ago about an insect she found in her food. The food makes me lose my appetite.”

**Iraqi detainee**

There is no registered dietician at TGK and no assurance that detainees receive a proper diet. Detainees are given only water to drink and a small serving of milk, or occasionally juice, with breakfast. The food at TGK is not cooked on site but brought in on trays. Meals are supposed to be heated up in ovens in the unit:

“The food is usually cold or burnt. If it is served cold and we ask the officers to run it through the heating device one more time, then the officers leave it in there until it gets burnt. We’ve learned just to take it when its cold because the officers don’t like to be bothered, especially when they are on a personal phone call.”

**Canadian detainee**

Although detainees who are diabetic and require a special diet get warm food, serious concerns remain regarding the quality of their diet. Vegetarians almost never get warm food and get less food than detainees who eat meat:

“The diabetic ladies need to eat—they don’t get enough food.”

**St. Kitts detainee**

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139 Detainee statement, April 6, 2001


141 Detainee statement, June 8, 2001.

"A Haitian lady that is diabetic and can’t eat eggs got grits and powdered eggs. She started crying. She needed to get insulin and she started throwing up."

_Nigerian detainee_

"For vegetarian detainees like me, we get very little... it is too small a portion, like one scoop of peanut butter, 4 slices of bread, salad and an apple... I usually supplement my diet with items from the commissary. I spend about $60 a week in the commissary mostly because I do not eat the food... [It] is very unfair because some detainees do not have money to buy extra food from the commissary."

_Canadian detainee_

"I’m a diabetic and they didn’t have a special diet for me there [TGK]. I could only eat the starches. I never got physical therapy and I couldn’t move around at all. They changed my meds there. So I gained 80 pounds in that time because I could only eat those starches and couldn’t exercise because of my handicap and not getting proper treatment."

_Cuban detainee_

Although detainees may buy food items such as instant coffee and instant noodles at commissary, they lack the necessary equipment to heat many of these foods. In May, 2001 women in the non-asylum unit received a hot water steamer, which they welcomed. And although one officer donated a coffee maker so that women in the asylum unit could have hot water, the other officers rarely allow them to use it:

"Officer ---- makes coffee for us in the mornings when she is here. The other officers only make coffee for themselves."

_Iraqi detainee_

A microwave donated by this same officer for use by the asylum seekers was also taken away by other officers who claimed it would be a fire hazard. These officers, however, have used the microwave for their own meals and snacks. In the absence of a hot plate or microwave, asylum seekers are forced to mix their coffee or instant noodles with warm tap water:

"There is nothing to boil hot water for soup, coffee or tea."

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The officers use a coffee maker but it depends on the officer that day. If not we have to let the pipe run hot water for a while. Still it’s not hot.\footnote{Detainee letter, February 15, 2001.}

\textit{Jamaican detainee}

The women are given breakfast at approximately 5:00 am and dinner as early 4:00 pm. The detainees say they often go hungry at night because of the odd times meals are served. Detainees have no access to vending machines. Those who can afford to buy food at commissary do so, but it is mostly junk food and they do not always get what they ordered or paid for.\footnote{Detainee statement, October 5, 2001. Detainees have also complained that when they were moved from Krome to TGK, the Commissary items they had purchased at Krome were confiscated.} Detainees routinely wait weeks for their commissary orders to be picked up or delivered:

"Thursday is the scheduled day to receive [commissary]. I’m the only one that got it and that was my order from two weeks ago. Nobody got their order but they took their money. I didn’t get 12 items I ordered two weeks ago but I paid for them. They still haven’t reimbursed me for the items, it takes them forever, like a month and a half to two months."\footnote{FIAC interview, June 18, 2001.}

\textit{Canadian detainee}

"Since a lot of us can’t eat the food, we have to buy our own through commissary. But we always have problems using the commissary. Just this past Thursday, June 7, 2001, commissary messed up on everybody’s order. I was given food that I didn’t order, and charged for it, and I was also charged for food that I didn’t order and that I didn’t even get. The same happened to a lot of the other women. One woman was charged and delivered eight bottles of shampoo. Another woman was given five containers of hair grease. One container can last forever, so there is no way she ordered five. They gave another woman 15 packages of sausages when she only ordered one. I ordered some items three weeks ago. The money is missing from my account but I still don’t have the items. They are supposed to deliver the items the very next week. The worse part about commissary is that it takes them at least a month and usually more to credit our accounts. So if they mess up our order and take all our money one week,
then we are left with nothing until we get our refund.”

*Canadian detainee*

“Commissary has inflated prices. Sometimes it takes weeks to get items. It’s been four weeks since the order, my money was taken out of my account, but I haven’t gotten my items yet, and sometime we get the wrong items and they don’t return our money. They don’t care. INS says I don’t have anything to do with it, it’s a TGK problem. TGK says it’s not anything we can do anything about, it’s the Krome outside company, it’s their problem…”

*Nigerian detainee*

Commissary even charges detainees for small packets of sugar, salt and pepper (3 cents each). Some detainees spend their entire commissary allowance on junk food. Detainees with no money for commissary depend on those who do to share their food with them.

The women also say food is wasted:

“During the midnight shift one officer throws food in the garbage before giving it to the women.”

*Canadian detainee*

“How is it possible that, for example, if there are 10 breakfasts left over because the detainees were released, they cannot save those 10 milk cartons in the refrigerator so that it can be used at lunch or to make coffee with milk? How is it possible that the officers force us to throw out those milk cartons, knowing the precarious diet that we have? I don’t see what is wrong with wanting to give these milks to our cellmates. The same thing happens with the bread from the sandwich we get for lunch. If it is covered with a plastic wrap and kept in the refrigerator until 4:00 pm when they let us out again. We could use this bread and eat it with the coffee we some times make. Where is the crime in saving this bread to eat it in the afternoon, when at that time most of us are cold and hungry? Why do we have to throw it away? I don’t understand. They also make us throw out fruits and cereals from the Saturday breakfast. This is cruel and inhumane. I don’t understand this. It is cruel to throw out food when there are so many hungry people; not just in this place, but in the

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152 FIAC interview, March 1, 2001.
world."\textsuperscript{153}

Colombian detainee

While the male detainees at Krome do not regularly dine on lobster and steak, as the Director of Miami-Dade Corrections and Rehabilitation has claimed, their food is certainly more nutritious and appealing than what is served at TGK. Indeed, since moving the women out of Krome, a brand new cafeteria has opened there. The male detainees at Krome also have vending machines and microwave ovens.

Medical Care

"We also have agreed to implement the things detainees are most concerned about:... good health care..."\textsuperscript{154}

\textit{Robert Wallis, INS Florida District Director}

"Access to modern medical facilities is available on a 24-hour basis."

\textit{Robert A. Wallis, INS Florida District Director}

"TGK will have a larger medical staff (than Krome);...all emergencies are handled; medical referrals are made..."\textsuperscript{156}

\textit{William Cleary, Acting Officer-in-Charge}

"Immediate medical care is provided 24 hours a day, seven days a week. For medical situations that require more in-depth medical attention, TGK is contracted with Jackson Memorial Hospital (JMH) in Miami, which provides the full range of routine and emergency medical services. The US Public Health Service (PHS), the agency that provides services to detainees at INS-owned detention facilities, has inspected the TGK medical operation and determined that it meets INS requirements."

\textit{INS Questions & Answers}

"The psych doctor [at Krome] said all we'd be doing is being housed at TGK — he'd be going with us... Medical would


\textsuperscript{154} Krome Notes, December 12, 2000.

\textsuperscript{155} Statement by Robert Wallis, INS District Director, Krome Stakeholders Meeting, December 12, 2000.

\textsuperscript{156} Krome Notes, December 12, 2000.

\textsuperscript{157} INS Questions and Answers, December 12, 2000, Answer #5.

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A year after the women’s transfer, however, it appears there was little real planning for the provision of medical care to INS detainees moved from Krome. It is FLAC’s understanding that the already overwhelmed TGK medical staff responsible for providing medical care to over 1000 of TGK’s regular inmates were simply asked to work overtime upon the detainee’s arrival from Krome.

Many of the detainees at TGK are not receiving adequate medical care. They report experiencing a disturbingly wide range of problems including untreated conditions, untimely responses to medical requests, irregularities in their medications, lack of dental screenings and dental care, lack of counseling and mental health care and significant difficulties in communicating with the medical staff due to language barriers.

When the detainees were transferred to TGK from Krome, their medical files did not follow, only a synopsis of the file was forwarded. After medically screening the women, TGK officials determined that many were over-medicated at Krome (e.g. given too many psychotropic drugs). Abrupt changes in their medication were made and TGK officials feared the detainees were suicidal, which resulted in about eight or nine of the women being temporarily transferred to the psychiatric ward of Palmetto Hospital in Miami. The women claim they were depressed but not suicidal and that the depression resulted from drastic changes in their medication:

“When I was transferred from Krome to TGK on 12-13-00 I did not receive any of my psych meds for almost a week... Many officers and supervisors tried to see if there was any way they could help me get my meds. But, because of the transfers there was a lot of confusion and miscommunication between INS and TGK staff. On two occasions Cpl. ---- and Cpl. ---- took me down to the clinic to see if anything could be done about my meds. Once I was down in the clinic one of the nurses asked me if I wanted to go to the mental hospital to get my meds straightened out because there was nothing they could do in the clinic. I told her I knew these things took time and I was going to try to give them a couple more days. When I was brought back to the unit, as I was entering my room, I passed out.... Once Nurse ---- seen it was me he made a smart remark stating I was faking to go to the (Psych ward) at Palmetto hospital. He was not there when 15 minutes..."


159 At the Palmetto Hospital, detainees themselves had to try to help another detainee with AIDS who was having multiple seizures.

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prior I was offered to go to the Palmetto hospital and had refused. He also stated if I wanted to go suicidal I would be going to the Annex.”

**Canadian detainee**

“I was given the wrong medication. When I started convulsing due to the new medication, I was transferred to Palmetto as suicidal. I wasn’t suicidal, I was on the wrong medication.”

**Cuban detainee**

“[The Krome Deputy Officer-in-Charge] told me we were transferred [to Palmetto] because he got wind from the TGK officers that all the women got together and were planning to commit suicide on December 24, 2000. That’s ridiculous! [One detainee] may have been suicidal but there was no suicide pact.”

**Cuban detainee**

Detainees were not told they were being transferred to the Palmetto Hospital prior to being sent there:

“It was after breakfast... They came in carrying shackles. I was on the phone, they just took the phones and clunk, slammed them down. I knew we were going only because the nurse said goodbye O’Riley. He said he wouldn’t answer questions. I lost it. Because I knew how bad it would be.”

**Cuban detainee**

TGK nurses may order, reduce or discontinue detainees’ medications. Delays and mix-ups in the administering of medications are common. For example, if elevators are not working, no medications are given. And medications are only given twice a day: usually early in the morning and around 5:00 pm. As a result, women who have been prescribed dosages outside of this schedule are not administered their medications when required and instead get double the prescribed amount in the evening. The TGK pharmacy was moved off-site a few years ago, exacerbating problems with the proper dispensing of medications.

Detainees are alarmed that medications continue to be improperly dispensed with serious consequences:

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“TGK cut back my medications. They keep messing up my levels of medication at TGK and I [had] seizures coming and going all the time.”

* Cuban detainee *

“Medical care at TGK is not good. I have gastric problems, can’t eat the food. They took me to the clinic on the 17th, I was told I would get special food and medication but I only got it on the 19th. And for that one day only. And I am supposed to take my medication two times daily but I’m only getting it once a day. It has been one month since I requested to be put back on my medication, with no results and no follow up...Often the women get the wrong medication. That’s why the nurses don’t want to come to the asylum unit.”

* Colombian detainee *

“Detainees who are diabetic need medication before they eat or at different times of the day, which the nurse come whenever and that cause their sugar to go up.”

* Jamaican detainee *

“I only have one functioning kidney and now they are giving me high dosages of Motrin which can cause kidney problems. I take the Motrin but by fixing one problem, they’re creating another. If my kidney is weakened, which Motrin can do, especially in the high dosages they are giving me, I could have to go on dialysis. I don’t want that.”

* Nigerian detainee *

“Medical treatment has been suspended as in the case of a cell mate who came with a recent laser surgery in her right eye. She must apply eye drops 2-3 times a day to avoid opening the wound. She has been detained for 18 days without her eye drops.”

* Colombian detainee *

Women have to beg for medication because the requests are usually ignored. Sometimes we get what we need, but usually

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we don't. When we are given medicine, it is usually the wrong kind. Women who really need medication do not get what they need and those who do not need it are the ones given the medication.”

*Canadian detainee*

Women also report that they needlessly suffer common aches and pains because it takes up to 24 hours for TGK personnel to dispense basic over-the-counter medications such as Tylenol. Often a detainee who has a headache or menstrual cramps will not receive any pain reliever until the following day when the nurse responds to the sick-call request:

“And I have headaches, but if you have a headache you have to fill out a request form to get something for it. So you don’t get the aspirin, Tylenol, whatever until the next day.”

*Colombian detainee*

“Even something as simple as Tylenol takes at least a day or longer to get to us. For example, if one of the women has serious menstrual cramps, she has to put in a request then wait a day or more before she gets the Tylenol.”

*Canadian detainee*

Certain TGK medical staff think detainees just want medication to sedate themselves:

“Doctors at TGK think all the women just want to sleep to pass the time.”

*Cuban detainee*

Women who have been prescribed medicine because they can’t sleep receive their medication at 5:00 pm. This is counterintuitive, especially since the women must be awake and standing outside their cells for an 11:00 pm headcount.

Detainees are not allowed to have any type of medication on them, creating serious problems for some of the women:

“At TGK we were put in a fishbowl. I was never supposed to be shackled or handcuffed because of my seizures. I have acute grand mal seizures. I can break my bones if I’m shackled like that and start seizing. They’re not supposed to leave me alone like that but at TGK all the girls were locked

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in like that... I kept telling them I didn’t have my meds.”

*Cuban detainee*

“I had two asthmatic pumps and inhalers when I came from Krome which they took away upon my arrival at TGK. I have chronic asthma.”

*Nigerian detainee*

Detainees have also complained about the quality of the medical treatment they do receive and report that serious medical conditions go untreated for long periods of time. A Guyanan detainee who was scheduled for surgery on her uterus was notified by INS the night before that it had been canceled. She was never notified of the reason for the cancellation. Others report similar complaints:

“Since I been detained, I never got to have a nail clippers. So my big toe nail started growing in the skin. I finally got help for my infected toe, they did surgery on it, which was a butchering procedure with a sharp knife going under the nail to cut it out. This was done without any local anesthesia. I almost broke my teeth grinding them from the pain.”

*Saudi Arabian detainee*

“They found blood in my stool and didn’t want to give me medication. The Corporal had to call downstairs to force them to see me... They said they didn’t have my medical file so there was nothing they could do.”

*Nigerian detainee*

“Yesterday one of the females was having seizures — nobody showed up and they never saw her for the longest time. Eventually someone came and took her blood...”

*Colombian detainee*

“One female was complaining about her back. Back. On Saturday morning she couldn’t even walk. She was crying

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174 Detainee statement, April 2001. This detainee had been transferred from Krome to Louisiana without her medication. As a result, she became unconscious during the plane trip and had to be hospitalized after arrival in Louisiana. All her legal papers were lost during that transfer as well.


177 Detainee statement, June 2, 2001. Detainees have also reported that those with positive TB results have not been properly treated.

and had to be carried. INS said the medical department said there was nothing they could do. She was in pain like this for 10-15 days. We called Channel 23 and called FIAC. The Deputy Officer in Charge at Krome told this woman that INS had nothing to do with her medical treatment. Later they discovered she had a serious medical problem."

Nigerian detainee

"An old lady (Haitian) is diabetic. She could have died if I hadn’t noticed her and asked the nurse to check on her.”

Saudi Arabian detainee

“You fill out a sick call request and it’ll be days before they pick it up or days before they see you.”

Nicaraguan detainee

On June 2, 2001 a FIAC attorney learned about another Haitian woman who was so ill that she could barely walk or speak. She said her vision was badly blurred, she couldn’t eat but was thirsty all the time, and that she had made several unsuccessful requests to see a doctor. The attorney asked the officer to call the medical department at TGK, which she did, and the detainee was soon thereafter sent to the hospital and diagnosed with chronic diabetes. The officer told the attorney that she had previously unsuccessfully attempted to get PHS medical staff to see this detainee.

Detainees, including those who had surgery for gynecological problems in the past, are routinely denied access to the Ob-gyn. One woman who had not had her period since arriving at TGK and was having lower abdominal pain made numerous requests to see a physician, beginning in March 2001. In late June she was informed that a referral had been made for her to be seen at Jackson Memorial Hospital, but not until August. TGK medical staff refused to give another woman over-the-counter medication for her yeast infection because she had not been examined by an Ob-gyn. Her requests to be seen by the specialist have repeatedly been ignored. Other detainees report similar problems:

“I went to see the doctor regarding a yeast infection and he didn’t give me any medication (not even those that are over the counter) because he was not a Gynecologist. He told me that he could do nothing about it. I am not entitled to see a Gynecologist either.”

Canadian detainee

"I've been requesting to see the Ob-gyn for the past three months, and I haven't seen any. Sometimes I've got three or four months with no period."\textsuperscript{183}

\textit{Nigerian detainee}

Dental care at TGK consists primarily of tooth extractions:

"One woman lost a porcelain tooth but has not been able to replace it because the only dental work they do for us here is pull our teeth. INS is supposed to take us to get our teeth cleaned after six months of detention. I've been with INS going on a year I still haven't gotten my teeth cleaning. Women are losing teeth that could be saved because we are not getting toothbrushes and teeth cleanings."\textsuperscript{184}

\textit{Canadian detainee}

"We have a hard time getting medicine and seeing the doctor is almost impossible. After I had my wisdom teeth pulled, a big ball started growing on the inside of my mouth. It really hurt so I put in a request for ibuprofen. I requested ibuprofen for four months before I was given any. I was also supposed to see an oral surgeon but I'm still waiting."\textsuperscript{185}

\textit{Canadian detainee}

"A young lady has a wisdom tooth that has been bothering her for two weeks. I have been filling up slips for her to be seen by a dentist. There has been no response. I have to fill a rubber glove with hot water and wrap it with small piece of towel to pad her cheek for some comfort."\textsuperscript{186}

\textit{Saudi Arabian detainee}

"They finally took me to a dental surgeon. I was put in a holding cell downstairs. There was no toilet tissue in the bathroom and I saw 10 dead roaches... A female and male officer drove us there. There was an INS cell there but there was a male in there so they put me with the general female population with crackheads, blood on the wall, mustard on the wall, no toilet tissue, it was disgusting. I waited there about an hour. Finally after I begged for toilet tissue long enough, an officer wrapped some tissue around her hand and gave it

\textsuperscript{183} Detainee statement, June 2, 2001.

\textsuperscript{184} Detainee statement, June 8, 2001.

\textsuperscript{185} Detainee statement, June 8, 2001.

\textsuperscript{186} Detainee letter, May 7, 2001.
to me. When I finally saw the dental surgeon, he didn’t take any x-rays. He said he’d give me some pain medication and antibiotics.”\(^{187}\)

**Canadian detainee**

“At Krome the women had their teeth cleaned every six months; at TGK they only pull your teeth.”\(^{188}\)

**Nigerian detainee**

“If men at Krome can get their teeth cleaned, why can’t we?”\(^{189}\)

**Canadian detainee**

An underlying problem is the inability of many of the detainees—especially the asylum seekers—to communicate with medical staff due to language barriers. Although officials claim INS has given TGK authority to provide telephonic translation for medical intakes, detainees report that medical screenings for the most part continue to be conducted in English only. Detainees consistently report that their health issues are more likely to be ignored, misdiagnosed and/or mistreated if they do not speak English. Non-English speaking detainees are extremely frustrated with their inability to communicate with medical staff at TGK and often have to resort to sign language:

“We can’t communicate... The last time I went to the clinic here, a Cuban detainee from the other immigration unit translated for me.”\(^{190}\)

**Colombian detainee**

“I was told by a very nice officer that the women who don’t speak English aren’t being properly screened when they come to TGK. That an English speaking nurse asks them about their health in English and sign language, while touching his or her body parts. She believes that some of these women need medication but do not speak English.”\(^{191}\)

**Jamaican detainee**

“Many women do not fill out requests for medical treatment or medicine because they do not know English and the requests have to be written in English.”\(^{192}\)

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\(^{187}\) FIAC interview, June 18, 2001.

\(^{188}\) FIAC interview, March 2, 2001.

\(^{189}\) FIAC interview, June 28, 2001.

\(^{190}\) Detainee statement, June 2, 2001.


\(^{192}\) Detainee statement, June 8, 2001.
Canadian detainee

Inability to communicate with medical staff affects not only the extent and quality of the medical care detainees receive, it may also prevent confidentiality between the medical staff and detainees. For example, a Spanish-speaking asylum seeker with a urinary tract infection was forced to explain her problem through the interpretation of a male inmate who was also at the clinic:

"The male inmate asked me when the last time I had sex was." 193

Colombian detainee

This detainee was extremely humiliated as a result. She had fled gender-related violence in her home country, making this incident particularly painful for her. Privacy during medical screenings is also compromised because TGK officials removed the transparent privacy glass in the medical screening room. Officers, other detainees and inmates can overhear everything during the screening interview, including intimate questions such as whether someone is HIV positive:

"Everything is doors open, there’s no confidentiality in the medical screenings." 194

Canadian detainee

Detainees are also concerned about the insensitivity with which some medical staff treat them:

"A Corporal was making jokes about some of the women’s medical problems, some who were really needing medication." 195

Jamaican detainee

"[After I fell down] the officers wouldn’t let [another detainee] help me that day. Instead, they made me lie in my own urine and defecation for three hours. I was completely humiliated, the experience was terribly painful. Also, at least 10 officers watched me beat my head against the wall when I had a seizure and only one officer tried to help me, the others just stood around watching. It took three days to get me to the hospital... I can’t forget the other detainees who have done everything for me. I don’t know what I would have done without their help, they’re the ones that took care


of me.”

_Cuban detainee_

“We were actually told by TGK officers plus two nurses that some TGK nurses were taking detainees’ pink slips and throwing them in the garbage.”

_Canadian detainee_

“Ms. ‘X’ is a very cold and rude individual, even though she’s a nurse. She treats people very badly. When I went to see her for my EKG, she told me to take my clothes off but she wouldn’t give me a cover sheet to put over myself. I asked for a cover sheet but she said that if I wanted the procedure done then I was going to have to do without the sheet. When I asked her for a cover sheet, she said ‘Oh, you must think you’re at your doctor’s, we don’t do cover sheets here...’”

_Canadian detainee_

This detainee was especially concerned about being examined without a coversheet because during a prior visit to the clinic a male officer stood at the door while she was seeing the nurse.

Detainees who have attempted to correct nurses’ mistakes in dispersing their medications have likewise been criticized. One such detainee who informed the nurse that she was giving her medication (in the morning) that she was only supposed to receive at night reported:

“[The nurse] snapped at me and told me she knew how to do her job. I know everybody makes mistakes and I was only trying to help her. I don’t think she had to be so nasty and unprofessional.”

_Canadian detainee_

Another detainee suffered from a painful outbreak of hives which caused much of her body, including her lips and tongue, to swell after the medication she was given at Krome was changed. She was twice rushed to the clinic in severe pain. Both times she had to plead to be given her original medication. During her second visit to the clinic, the nurse on duty refused to call the doctor and asked TGK officers to take the detainee back to her unit. When

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196 FIAC interview, April 6, 2001.


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the detainee attempted to explain the gravity of her condition, the nurse stated that she didn’t “have time for this s-—.” After the detainee refused to leave without getting treatment, the nurse stated that she didn’t “give a f-—”. The nurse’s behavior was so abusive that the escorting officer urged the detainee to file a grievance. This officer even told the detainee that she would file her own grievance against the nurse.\textsuperscript{201} The detainee was eventually seen by a physician, but only after the intervention of an escorting officer. According to the detainee, “you have to say you’re [sic] going to kill yourself before getting medical attention” at TGK.

Asylum seekers have been especially traumatized by the attitude of certain medical staff:

“The first time the doctor told me to wait until I was deported and I would get medical attention in my home country of Colombia. The next time I went, the doctor said I was going to be very happy because I was going to be deported... I tried to explain that I was in pain last night to the officer... I don’t receive any treatment when I see the doctor.”\textsuperscript{202}

\textit{Colombian detainee}

“The doctor gave me no privacy at all when I spoke with him, he talked in front of everybody about my case, in front of the officers, the other detainees, everybody was listening to my problem. He also told me they were going to send me back to my country in front of everybody. I felt so violated. I don’t bother going to the doctor anymore because he receives me with one stone in each hand, ready to throw them against me.”\textsuperscript{203}

\textit{Colombian detainee}

Some nurses have complained they are just too busy to help the detainees. One detainee who slit her wrist couldn’t get proper medical attention to clean it for several days and had to soak a sock in bleach to make a makeshift bandage for her wound. Following this incident, the detainee was locked down and reprimanded by an officer:

“When I returned from the hospital I needed something to cover my wrist because it was bleeding and I need[ed] butterfly stitches. I asked [a TGK Corporal] and she asked me to let her see. That’s when she stated that I really didn’t want to kill myself. Because if I did I would have cut my arm the long way across. I told her thank-you, I had never known how [to go] about going to kill myself but now I know how

\textsuperscript{201} This detainee reportedly never received a response to her grievance of January 25, 2001.

\textsuperscript{202} Detainee statement, June 2, 2001.

\textsuperscript{203} Detainee statement, June 2, 2001.
the next time the right way." 204

Canadian detainee

Another detainee who had multiple seizures while at TGK broke down as she described her treatment following a seizure:

"That night I got back from the hospital I couldn’t get out of bed. I had pissed and defecated all over myself. I kept begging for... help. They got me so upset I started convulsing. They let me fall on the floor and go through the whole thing. My knee was in a plastic brace. I was banging my head against the wall... The other girls were yelling for someone to help me but the Officer let me go through the whole thing." 205

Cuban detainee

Despite the obvious distress detention can inflict on the mental health of women not serving criminal sentences, TGK has not advised the detainees of any counseling or therapy that might be available to them. Although psychotropic medication has been prescribed to a number of the women detained at TGK for depression and anxiety-related problems, none of the women FIAC has spoken with are aware of the availability of any psychological counseling or therapy and detainees usually have to self-identify themselves as depressed or suicidal. TGK officials acknowledge that when a detainee appears to be suffering from depression, she is stripped naked and sent to the Women’s Detention Center ("Annex"), where she is generally placed in a single cell to await a nurse to assess her. Detainees report the serious consequences of such a policy:

"The Chinese females used to be pretty happy at Krome, they are crying all the time here at TGK. The Haitian females they cry too, they even faint from depression. They were told if they kept on being depressed they’d be sent to a mental facility." 206

Colombian detainee

"A detainee who is mentally ill is not getting her medication. They keep transferring her to the Annex." 207

Canadian detainee

"They took away all my psych meds. They found the need to

stick me in the nuthouse but not to give me my meds!”

Cuban detainee

“They take detainees to the Annex saying that they are crazy -- no they are just depress and hate this place. I wonder if INS knows this.”

Jamaican detainee

“When you arrive at TGK [you] get a medical evaluation of any existing diseases or medical problem. Sounds so good. But whenever you mention the use of any medication, especially for depression or sleeping problem, they raise a red flag. So the first impression everybody gets is against you because you are seen as a mental case. And they treat you exactly like one, no matter what kind of explanation you try to give them.”

Saudi Arabian detainee

An asylum seeker from Georgia who has been in INS custody since Spring, 2001 was moved repeatedly from TGK to the Annex to the Palmetto Mental Health Center and back to TGK. According to an officer at TGK, each time she was returned there she would refuse her medications and the cycle of transfers would begin anew. See Palmetto Mental Health Center subsection of this report, p 106.

Another asylum seeker who seemed perfectly healthy upon arrival in the United States apparently suffered a psychotic break shortly after her asylum interview at TGK. She was stripped naked and sent to the Annex, where her condition worsened. See Women’s Detention Center subsection of this report, p 105.

Although INS and TGK officials told detainees’ advocates that “an ombudsman [was available] for the detainees and could refer a detainee for psychological care,” that ombudsman was removed from the job a few months after the women were moved to TGK and has not been replaced. Detainees complain that those clearly in need of psychiatric help often linger at TGK without any medical attention at all:

“There was a woman here, an elderly woman, who would throw fits and sometimes bathe with her clothes on, and urinate in her clothes. And because the officer don’t want to.

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deal with her they just locked her in her room and only let her out to eat." 

\textit{Jamaican detainee}

Indeed, rather than providing appropriate treatment for detainees with obvious mental problems, these detainees are routinely placed in lockdown:

"A detainee from El Salvador was depressed, she couldn’t eat. So she was taken to solitary confinement. I asked an officer why [she] wasn’t taken to the Doctor. She was punished because she tried to fight someone who she thought was her sister, but the officers should have known she had serious mental problems... She was crying because she was in a lot of anguish because of her baby. I asked the officer why didn’t they bring [her] baby to her because [she] thought that her baby was dead; it was a newborn baby. I complained to the officers, but instead of taking [her] to the Doctor they took her to isolation again. They just brought her back here but someone called and said she had mental problems and she was taken away again. She was here at TGK two times, for about one week the first time. The way they treated her was cruel. She wasn’t violent, she just couldn’t coordinate."

\textit{Colombian detainee}

Many women are afraid to seek treatment for depression or other medical problems due to threats of transfer or lockdowns if they do:

"I was on psych medication but I’m afraid to say it because they’ve made so many other mistakes with my medication. I need some therapy, I’m just trying to hang in there. The girls here are too scared to tell anybody now because they might ship us to the Annex and say we’re crazy... There are women here that need to see a psychiatrist but if they admit what they’re going through, they’re afraid the doctor will prescribe something for them that’s off the wall."

\textit{Canadian detainee}

Some detainees have been brought to court heavily drugged. Others have been forcibly drugged in order to facilitate their deportation, adding to the problems they might face upon return to their country of origin:

\footnotesize{212 Detainee letter, July 13, 2001.}

\footnotesize{213 Detainee statement, February 5, 2001.}

\footnotesize{214 Detainee statement, June 2, 2001.}
"[One detainee] was drugged up before she was deported. She couldn’t even talk.”

Canadian detainee

“A nurse woke me up to give me a shot... I was taken to the airport and boarded a plane. I fell asleep again. I don’t remember everything about that morning after I got the shot. When I got to St. Kitts... I started feeling really sick. I felt weak and dizzy. I could barely walk or talk. I had to call a cab to take me to the hospital... My speech was slurred... I never felt like that before and I haven’t felt like that again.”

St. Kitts detainee

The profound lack of care provided to women with physical and mental health needs at TGK is disturbing not only because of its adverse effect on the women’s emotional and psychological well-being, but also because of the potential impact on the women’s legal proceedings and their ability to properly articulate their story to a judge or asylum officer.

There is no medical housing for females at TGK, only for the male inmates there... For several months, women needing a blood work-up at TGK had their blood drawn between 11 pm and 3 am because the blood was picked up in the morning for testing and they wanted to prevent it from coagulating.

TGK is not in compliance with the Americans with Disabilities Act. One detainee who suffered from epilepsy and other serious illnesses which prevent her from full use of her legs was not given a wheelchair or the daily care she required at TGK. Instead, officers relied on other detainees assisting her with her daily activities including showering, eating, combing her hair and using the bathroom:

“Lise [INS detainee] did everything for me except eat, go to the bathroom and sleep... She helped me get from one place to another. She did my housekeeping and my clothes. She washed my hair and bathed me. She got a plastic chair so I could bathe. She combed my hair, cut my nails, put cream on me. She had to help me get off the toilet because it wasn’t handicapped accessible for me. Everything you do to yourself everyday, she did for me. I use diaper pads, but they didn’t have those there. They put me in regular diapers. I had continuous seizures... So afterwards I’d need to be cleaned-


up... the guards would yell across the pod, "Hey Lise, your baby needs her diaper changed." After the end of a bad night it still went back to Lise getting up to clean me up, clean my room (get the urine up, change my sheets) washing me all of that. The nurses flat out said Lise was needed to take care of me [although there were] times when they didn't want to give Lise plastic gloves to help when she cleaned me up but she'd clean me anyway."\(^{218}\)

_Cuban detainee_

This detainee had a wheelchair at Krome that was taken from her upon her transfer to TGK. Only after she suffered a bad fall and injured herself at TGK was she provided with a wheelchair.\(^{219}\)

"The first few days of April 2001 is when they put in a handicap shower. That was in the week before I left. I slipped coming out and messed my knee up real bad. They didn't take me to the hospital until the next day. Next day I ended up in a stretcher in an ambulance. At the hospital they said I had to have a wheelchair."\(^{220}\)

_Cuban detainee_

Medical records at TGK have been so difficult to obtain that they are practically unavailable. Every time a detainee asks how she can obtain a copy of her medical records the answer seems to be different. Detainees are routinely told by TGK medical staff that they need a "court order" to get a copy of their medical records and are unaware of any form for requesting medical records. According to the Dade Corrections Health Service, the cost to obtain medical records is $1 per page, even for detainees.\(^{221}\) The INS provides no assistance to detainees requesting medical records. The process has taken weeks and requires significant time, labor, and expense on the part of detainees and/or their attorneys. Medical files are often imperative for court cases, for example to prove persecution in political asylum and torture convention cases.

Moreover, attorneys must request detainees' files through Miami-Dade Corrections Health Services. Typically, TGK is without the file for one-two weeks, after the file is sent from TGK to the Miami-Dade staff. Therefore, if a detainee has a medical problem during this time, it can go untreated.

\(^{218}\) Detainee statement, October 5, 2001.

\(^{219}\) INS promised that they would pay the medical bills for this injury upon the detainees' release from detention but are not doing so.

\(^{220}\) Detainee statement, October 5, 2001.

\(^{221}\) FLAC conversation with Corrections Health Service, December 12, 2001.
Many detainees have been charged three to five dollars each time they’ve gone to the clinic, even though officials claim not to charge INS detainees for medical care. Women have had to spend weeks trying to get reimbursed through their commissary accounts:

"When you check your balance, your money is missing. There are various charges to your account for rent, medical fees—such as receiving an aspirin."

Jamaican detainee

"[One detainee] still hasn’t received her money and she was sent to Key West in December 2000. She was supposed to be reimbursed because they charged her all those $3 medical fees... If you don’t put in a request for a print out of your commissary account you don’t even know they’re charging you—like when you see a doctor."

Canadian detainee

"I have been charged $48, which has been taken out from my account, for medical visits. TGK is charging detainees the same as inmates, although detainees are not supposed to pay. The prices are as follows: $5 for seeing the doctor and for seeing the dentist; $3 for seeing the nurse; $3 for a Tylenol... Even for talking to the nurse when she comes up to the floor I have been charged $3. In addition, we are being charged $3 per page of our medical record."

Canadian detainee

"Now that I’m out I’m still getting medical bills from TGK. And I’m having problems getting what I need done because Medicaid says it [leg injury] happened when I was in another part of the governments custody. I blame TGK for my orthopedic problems. My shoulder still hurts from one of the seizures when I fell because they messed up my meds. I had so many seizures that I never should have had."

Cuban detainee

Religious Practices

Religious services on Sundays in TGK’s Chapel are open to all at TGK except for inmates


223 FLAC interview, June 18, 2001.


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in TGK’s maximum security “L&L’s” (persons convicted of Lewd and Lascivious crimes) and the female INS detainees. The Prison Chaplain therefore visits the detainees in their units, usually on a weekly basis, although she says, “I would love to have them down here [to Chapel] but our hands are tied.”\(^{226}\) Chaplain visits are typically only for those who speak English and Spanish, although cassettes of Bible readings in various other languages are left for women in the asylum unit. The affect of limited access to religious services on the women is evident:

> “With my respect to the Hispanic population, they are the only people who are offered [religious services]. What about me? I don’t speak Spanish. What about Haitians? Don’t they deserve church services in their own language? Or shouldn’t someone check and see what they do need? What about Chinese, Albanians, Arabsians, Russians, Ethiopians etc.?\(^{227}\)"

*Saudi Arabian detainee*

> “I haven’t seen a priest here. I didn’t ask to — I can’t communicate that. I doubt that even if I ask that I can get a priest... They should know I’m Christian because of my name. There are some nuns that visit some of the ladies here but they don’t visit me.”\(^{228}\)

*Iraqi detainee*

Detainees have had to console each other and have told those who can’t benefit from the chaplain’s visits “to read the Bible and pray themselves because [God] is everywhere.”\(^{229}\) Members of the clergy who no longer visit TGK have complained to detainees about restricted access at TGK:

> “A Catholic priest and some Adventists visit here on Tuesday and Sunday, one hour in the attorney visitation room. Some say they won’t return because it was too much of a problem to get in.”\(^{230}\)

*Jamaican detainee*

Detainees also complain about the lack of privacy during Bible studies or any religious gatherings. Some women in the asylum unit organize their own religious services, which they conduct in the outdoor “rec” area. These gatherings are subject to the control of the officers and the women are often told to “keep it down” and not permitted to sing because

\(^{226}\) FIAC conversation with TGK Chaplain, July 12, 2001.


\(^{228}\) Detainee statement, December 13, 2001.

\(^{229}\) FIAC interview, May 2, 2001


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they are told they're too loud.

Religious articles such as rosaries, Bibles or prayer rugs belonging to the women are taken away from them upon arrival at TGK and kept in their personal property. Detainees may later request these items be returned, but rarely make such requests because they don’t want officers going through their personal property and know its unlikely their possessions will be returned to them any time soon, regardless. The Chaplain does provide detainees with another Bible upon request, however these Bibles only contain the New Testament and they have not always been allowed to keep these Bibles either:

“The nuns from the church give us each a Bible. Some officers do not allow some detainees to take the Bible when they are released.”

[Colombian Detainee]

It is unclear whether or not religious books other than the Bible are provided. One woman who requested a Koran was given so many conflicting answers about its availability that she gave up asking. Women are allowed to wear head coverings in the mandatory prison orange, the same color as their uniforms. Muslim women who request a prayer rug or mat may receive a “prayer towel.” A detainee who received such a towel said that it was not provided by TGK, but rather by the Chaplain who bought it for her with her own money. She also stated that she gets “constant harassment by the officers for having an extra towel.”

Women observing dietary restrictions for their religion (e.g. Muslim) are typically given a vegetarian diet, which is neither sufficient in quantity nor of minimum nutritional quality. Only Jewish women are provided with kosher food, and even then only two to three times a week.

**Strip Searches/Nightly Head Counts/Lockdowns**

INS officials painted a rosy picture of the women’s living quarters at TGK for detainees’ advocates:

“I have seen some of the units [at TGK], and they are designed in such a way that there is a feeling of community within the units. Detainees can decorate, the units are very communal and can be personalized....”

[INS District Director]

*231 Detainee letter, May 8, 2001.*

*232 FIAC interview, July 17, 2001.*

*233 FIAC interview, July 17, 2001.*

"In each pod, there is a ‘day room,’ or living area for detainees. Each unit has two areas, the downstairs and the mezzanine. There are single, individual areas for the rooms. We would like to see all detainees in private rooms. Currently, some detainees have private rooms and some are double-bunking. Most detainees, however, will be by themselves... TGK amenities [include] doors that close in the shower facilities; other units at TGK actually have shower curtains with flowers. Once individuals move in, they can turn it into their own space, make it more ‘homey’. In individual sleeping quarters, along with a bed, there is a personal desk area, with the toilet on the other side from the bed. There is regard for personal privacy, which is important. This is the kind of setting for which our ladies have asked.”  

INS Acting Officer-in-Charge, Krome

INS painted a similar picture when addressing the women themselves at Krome about the move:

"The day before they took us away [from Krome]... the big boss and another guy came and told us how everything was going to be the same where we were going... We were still property of INS... The TGK guards would just be there to teach our guards what to do. We'd just be in our rooms — not locked in, just there — like Krome.”

Cuban detainee

Unfortunately, detainees at TGK are housed in stark jail cells, and there is little opportunity to personalize them or for privacy. And most women are double-bunked, even in the lesser crowded non-asylum unit. Indeed, from the moment the women arrive at TGK it is clear that they are in a maximum security jail.

Upon arrival at TGK INS detainees are “booked”, just like the regular inmates, although none have just been charged with a crime or are serving criminal sentences. Booking includes being fingerprinted, completing an arrest form, and being strip-searched.

Immigration court hearings for TGK detainees were held at the Krome Service Processing Center until Fall 2001. While some court proceedings are now held at TGK, detainees

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237 Attorneys representing detainees in court at TGK have raised concerns about the court proceedings there. For example, witnesses must testify through a window and are not easily seen or heard by the Immigration Judge. There have also been serious delays in bringing the women to court at TGK.
with family detained at Krome still have their hearings there. Detainees are patted down, handcuffed and shackled, for transportation to Krome, usually around 3:00 am. They arrive at Krome around 4:30 or 5:00 am, and have had to wait countless hours in the holding cell or in processing at Krome until their hearing. It is not unusual for the entire transportation process to take 8 to 10 hours, depending upon whether the court hearing is scheduled in the morning or in the afternoon. During this time, the detainees do not sleep or have access to phones. They are also not always given something to eat and are humiliated by the experience:

"I am handcuffed to go to court—it makes me feel like a criminal. When they first put the cuffs on me, I couldn’t stop crying. I’m not a criminal. It’s heartbreaking for me. Sometimes in the car on the way to Krome, the handcuffs are taken off, but sometimes I’m handcuffed the whole way there... Sometimes they don’t bring me back to TGK until 8 or 10 at night. I tell them I’m exhausted but they say I have to wait."

Iraqi detainee

"At 3:00 am in the morning we are being handcuffed on our way to court by I.N.S - to and from court. And while we are at Krome awaiting court, we’re not allowed to use the phone."

Jamaican detainee

FIAC attorneys often find that their clients are exhausted, hungry and sleep-deprived by the time their hearing begins:

"I get so tired and so exhausted while I am waiting [at Krome for court]. They leave me sitting in the waiting room from 5 am to 2 pm. Oh I can hardly talk to the Judge I’m so exhausted."

Iraqi detainee

"If I have to go to court, I am woken up at 3am to be taken to Krome... I am so tired by the time I get to court if it is in the afternoon."

Iraqi detainee

Detainees returning to TGK after their immigration hearings are also strip-searched. The extent of the strip search often depends on the officer on duty. These searches are


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dehumanizing and have left many of the women — especially asylum seekers — in tears:

"[When I arrived] at TGK I was processed — finger printed, photographed and searched. Everything was going fine until the moment my body was violated through a strip search." 242 The most invasive action on earth is to be asked to take off my clothes, to be bare naked like the day I was born, in front of someone, no matter whom. I had to face the female officer naked, spread my legs and cough three times, turn backward and do the same thing. What a humiliation. So very intrusive." 243

**Saudi Arabian detainee**

"The [strip] searches are very humiliating; the officers are needlessly rough and insensitive. For example, after the officers put on their gloves to search us and the women neatly fold the clothes they have to take off, the officers pick up the clothes, shake them and just throw them down on the floor, like garbage. One asylum seeker started crying after they were being forced to crouch naked and bend and cough three times." 244

**Jamaican detainee**

"[T]hey have made us take off our clothes, squat, and cough, and they grab our behinds and open them — acts that are degrading and lamentable." 245

**Letter from anonymous asylum seekers**

Detainees also are subject to numerous head counts and lock downs at TGK, adding to their frustration and sense of isolation:

"I have seen some detainees seriously affected by the long periods locked up in cells. This varies [and] depends on the officer in charge and the mood of the officer. For example they open our cells around 9 or 9:30 am, to lock us up again at 2:00 pm, until 4:15 pm, to send us back to the cells at 5:30 pm to serve the food, which takes about 1 hour for both shifts. Then send us again at 7:00 pm while the cleaning is done, until 8:00 pm approximately. Then let us out until 9:45 pm, and again locked up until 10:45 for the count. Then they open

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242 TGK guards have also yelled at women who, with INS' permission, brought food such as crackers and apples back from Krome. FLAC interview, January 12, 2001.


again at 11:00 pm or 11:30 pm until 12:30 am. Look at how little time we are outside of the cells.\textsuperscript{246}

\textbf{Colombian detainee}

"We are subject to additional head counts and different rules of procedure during the head counts [at TGK]. At Krome, we were allowed to sleep or do things other than stand at the door during the count. TGK forces detainees to stand with their hands at their sides during the count in their orange jumpsuits (we cannot even have a head scarf that is not orange) while the floor is cleaned. Ideally these head counts can last from 5 to 20 minutes. However, if one detainee does not understand the directions (given only in English), it can take as long as 1 to 2 hours to complete the count. ...We have been locked down for an extra hour or an hour and a half for what has happened the previous night, though they are supposed to open the floor at 8am. Head counts that begin at 9:45pm can last until 11:30 or 11:45pm. We were not allowed to take a shower on one occasion due to a long lockdown."\textsuperscript{247}

\textbf{Canadian detainee}

Detainees must be awake and standing in line for evening head counts around 9:30–10 pm and must be standing outside their cell doors again around 11:00 pm. They are woken for breakfast at 5:00 am. Even ill detainees haven’t been excused from these late night counts:

"After surgery I wrote a note to the officer of the next shift asking to be excused from standing up at the head count because I was in pain from the surgery and I was heavily medicated by that time. Some officer came to my room to shake me like an earthquake, screaming her head off, ‘get up, it’s a headcount and you need to stop pulling your stunt and quit playing those games.’"\textsuperscript{248}

\textbf{Saudi Arabian detainee}

Hourly headcounts later in the night further interfere with the women’s sleep and are extremely intrusive. Each night on an hourly basis, between midnight and 7:00 am, TGK officers pass by each cell and shine a flashlight on the detainee. If the officer cannot determine whether the detainee is breathing by visually verifying that her chest is “rising and falling”, the officer will bang on the cell door or enter the cell, and call out the detainees’ name. If the detainee still does not move, the officer enters the cell and jostles her until she sees signs of life:

"At night, the officers flash a flashlight in our faces every

\textsuperscript{246} Detainee letter, May 8, 2001.

\textsuperscript{247} Detainee affidavit, March 14, 2001.

\textsuperscript{248} Detainee letter, May 7, 2001.
hour. They flash them directly in the eyes, so close that we can feel the heat emitted from the flashlight. If they do not see that we are moving or breathing, they pound on the door or shake us until we move. We cannot sleep at night. We can sleep during the second shift, but the best time to sleep is during the day shift. These types of head counts did not occur at Krome but we were told that ‘we were at TGK now and TGK runs this.’  

Canadian detainee

“The officers don’t let us sleep. We have to wait until a shift change to go to sleep (which is the 11:00 pm count) and then the officers count every hour, they start banging on our cell doors.”  

Colombian detainee

“I feel very tired all the time because we get no sleep because of the counts at night. The bed is iron and has only a thin mattress and then they come with those flashlights—there’s very little sleep for us. I feel run down and I have no energy... They come very early in the morning, yell our names and open the door. When they make sure we’re there, they just leave the door open, even if we were sleeping and there’s a racket outside. There is one officer that is extremely crude. She came at 11 pm the other night for count and kicked on all our doors and screamed and yelled. Everyone was very scared. She screams at us at 4:30 or 5am for us to get up for breakfast.”  

Iraqi detainee

The frequent presence of a male officer during the nightly counts also troubles the women, especially since their toilet is located in their cell and detainees have been seen using it by male officers conducting count:

“Every night a man comes into our cells to see how we are doing (alive, I suppose). He leaves and every hour somebody returns and shines a flashlight in our face so we are never able to sleep at night.”  

Letter from anonymous asylum seekers

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Asylum seekers who have suffered persecution in their home countries report being re-traumatized by these procedures. Several months ago, TGK officials promised that nightly counts would be conducted in a less intrusive manner but that hasn’t happened.

Many detainees report altered sleeping patterns, such as sleeping during the daytime when the hourly count procedures are less intrusive or requesting sleeping pills.\textsuperscript{253} It is not uncommon for clients to be asleep when FIAC attorneys visit them in the morning or early afternoon. TGK officials have explained to FIAC that these nightly “count” procedures are necessary to prevent suicides and escapes. According to TGK officials, there have been a number of suicide attempts at TGK and “some detainees may not be as healthy as they look.” However, no other county jail in Florida that FIAC is aware of has such frequent, intrusive policies.

In addition to lockdowns during headcounts, for months the women were locked down wherever a male worker or trustee was around, following incidents of sexual harassment and abuse directed against the women shortly after their transfer from Krome to TGK. Just two days after the women arrived at TGK, a male who was part of a work crew flashed some of them. That same day, another male trustee sexually accosted one of the female detainees while a TGK officer stood nearby. A few days later, at least one other detainee was “flashed” by another male trustee in the kitchen area. The male officer who allegedly permitted the male trustee to accost one of the females was back in the female unit days after the incident-in-question was reported, as was one of the trustees.\textsuperscript{254}

One of the women who was flashed reported shortly afterward:

They still have male trustees coming up here to the women’s unit. The guard who was watching out for the trustees when [a detainee] was sexually accosted by him was here last Thursday or Friday doing some work on the plumbing. I saw him. I don’t leave my room and now they lock us up when any males come in, but frankly I’d rather be locked up. I saw the male trustee expose himself on the second day we were at TGK. At first I got paralyzed, just froze for a minute, because I was raped when I was a child and then I just ran out. I told Internal Affairs about it but I didn’t want it tape recorded because I’m afraid of retaliation.”\textsuperscript{255}

\textit{Cuban detainee}

The INS Deputy Officer-In-Charge of Krome told the women at TGK that the sexual

\textsuperscript{253} FIAC interviews, March 23, 2001.

\textsuperscript{254} An investigations by the Department of Justice and Dade County Corrections into these incidents was conducted. FIAC is not aware of the results.

\textsuperscript{255} Detainee statement, January 4, 2001.
harassment had nothing to do with the INS.\textsuperscript{256}

Detainees are also locked in their cells for administrative or disciplinary purposes. Detainees claim that often these lockdowns are arbitrarily imposed:

"Last night we were locked down one half hour early because the officer said the women were too loud. There are a lot of women here and they speak many different languages, so it can get loud but not because women are being disorderly."\textsuperscript{257}

\textit{Canadian detainee}

"[They] locked down my roomie for slamming her door to hard… She [officer] locked her down for 5 days in a room the size of a closet. I would of lost my mind. I don’t know how she survived it. I guess she prayed and cried a lot. This place eats you up inside. It strips you of everything, your dignity, your feelings and emotions."\textsuperscript{258}

\textit{Canadian detainee}

"I was locked down when I asked to use tweezers and mirror that were mine at Krome. I very respectfully challenged the officer’s decision that I couldn’t use them."\textsuperscript{259}

\textit{Canadian detainee}

"The Corporal told me to take down my pictures [of my daughter]. She came at 5:30 am and took them off the wall. I asked her to please give me a grievance slip and the officer said, ‘You’re not getting a slip and you’re lucky I don’t throw your pictures in the trash.’ There were 12 pictures of my 6-year-old daughter."\textsuperscript{260}

\textit{Jamaican detainee}

"If you have disagreement with an officer you are on lock down, meaning confinement or isolation... No matter what you have done."\textsuperscript{261}

\textit{Saudi Arabian detainee}

"And if they don’t like you because your outspoken they tell

\textsuperscript{256} Detainee statement, January 4, 2001.

\textsuperscript{257} FIAC interview, March 1, 2001.

\textsuperscript{258} Detainee statement, June 17, 2001.

\textsuperscript{259} FIAC interview, March 1, 2001.

\textsuperscript{260} Detainee statement, January 17, 2001.

\textsuperscript{261} Detainee letter, May 7, 2001.
lies and lock you down."\textsuperscript{262} Jamaican detainee

"I was locked down for singing in my room after 11:00 pm But singing is our way of venting."\textsuperscript{263}

Bahamian detainee

"And sometimes the officer for whatever reason decides to punish us and locks us up for a longer time. Personally I have gotten to a point of desperation locked up in that tiny room, and I have desperately cried. I have also consoled some of my cellmates when I have seen them affected by this. It is a large psychological harm which they are doing to us."\textsuperscript{264}

Colombian detainee

Detainees have also been locked down simply because they took a few minutes too long to line up for count or because they waved to someone after being told not to talk.\textsuperscript{265} One detainee who tried to help a detainee with hearing problems was locked down for talking too loudly to her. The women claim they have also been locked down simply because the officer on duty had a headache. There was reportedly such a lockdown in July, 2001 in the asylum seekers unit, which was exacerbated since the unit’s air conditioner was not working. The officer apparently was outside in the main unit with a fan during the lockdown.\textsuperscript{266}

Even detainees who have been a tremendous help to the officers have been locked down unnecessarily. According to a seriously handicapped detainee who was assisted daily by another detainee who helped her shower, go to the bathroom, change her diapers etc., the detainee who essentially was doing the officers’ job was routinely targeted by certain officers:

"The officers would punish me by locking me down. They weren’t allowed to lock me down because of my medical condition... They’d lock her down for petty things. But as soon as it came to taking care of me, they’d let her out because they didn’t want to take care of me themselves. If I had a seizure and messed myself, then they’d let her out."\textsuperscript{267}

Cuban detainee

\textsuperscript{262} Detainee letter, February 15, 2001.

\textsuperscript{263} FIAC interview, June 18, 2001.


\textsuperscript{265} FIAC interview, March 1, 2001.

\textsuperscript{266} FIAC interview, July 12, 2001.

\textsuperscript{267} Detainee statement, October 5, 2001.
Usually there aren’t even Spanish speaking officers in the INS units, let alone officers who speak Creole, Mandarin or other languages. All too often detainees don’t understand an officer’s instruction or are unaware of the rules, largely due to language barriers. This is especially so in the asylum unit where most detainees don’t speak English. These detainees are therefore especially at risk of committing unintentional infractions of TGK rules:

“The women who know English and try to translate for those who don’t know English get in trouble by the officers because they talk after they have been told to be quiet. All the women are doing though, is telling the others what the officers want them to do.”

*Canadian detainee*

“Nobody speaks Spanish here in the asylum unit. It is a big problem because no one understands us. Very rarely are there Spanish-speaking officers. They come here as substitutes only.”

*Colombian detainee*

“I speak a few words of English, but I can’t communicate with any officers here in this facility. Only Officer ---- tries to understand me and help me. I just learn by example what the rules are here. I communicate mostly with body or sign language.”

*Iraqi detainee*

“There is a Jamaican woman here and she didn’t know what was going on with the count and all so she was written up, locked down for 15 days. She was sick all the time, throwing up. They only let her out to take a shower. So she said she didn’t respect the officers so they took her to medical. Two ladies from France were in lockdown too, for 8 days. They only got out to shower, no recreation. They were crying all the time.”

*Colombian detainee*

“My opinion - this breaks my heart. I try to help [the non-English speaking detainees] but what can I do - I don’t want to be transfer to elsewhere in the middle of the day or night... I was already warn by the Deportation officer to behave myself. So, I’m chillin but at the same time it’s affecting me as well. I believe that if the detainees speak Spanish or


Creole we should have Spanish and Creole speaking officers."  

Jamaican detainee

"A couple of weeks ago I was locked down when the female TGK officer went around asking the detainees something during head count and I said ‘some of these ladies don’t understand English.’ And she said ‘shut up’ in Spanish and I didn’t understand so I said, ‘What does that mean’ and another detainee said, ‘that means shut up in Spanish.’ After she got done [with count] she locked down the detainee that told me she had said shut up and she locked down [another detainee] for no reason. I said lock me down because I’m the one who questioned the officer. All three of us ended up being locked down."

Canadian detainee

Detainees have no opportunity to contest being locked down. While in lockdown, they have no access to phones. In at least one instance, a detainee whose case was on appeal and who needed to call her attorney could not do so because she was in lockdown:

"I was locked down for five days for nothing; I was only allowed out one hour in the middle of the night to shower. I wasn’t allowed to use the phone while in lockdown. I wasn’t allowed to call my lawyer even though I had appeal decisions to make and needed to discuss whether to appeal my case with her."

Nigerian detainee

Being placed in lockdown can significantly impact those already in a vulnerable mental state, many of whom are fleeing persecution in their countries of origin. Although detainees are entitled to a disciplinary hearing to challenge an officer’s charges against them, an attorney may not represent them during the hearing. Moreover, detainees are locked down while waiting for their hearing, which can take up to five days. Detainees who have been written up by officers generally have not been provided a disciplinary hearing or told that a disciplinary report is being placed in their record. Disciplinary reports can negatively impact a detainee’s prospects for release from INS custody:

"...So [the Deportation Officer] is like, Well, we are doing your paperwork [for release] at this time. But that doesn’t mean you’re going home because this doesn’t look good, cause she just wrote you up. She wrote you a DR, -- which is a Disciplinary Report -- and it’s going into your file and I


have to review your case, so now I have to take into account what has happened. And I go, Well, ok, you do that but then you look at everything else. I mean, since I've been here, I've been working [as a volunteer trustee], I've never had another complaint from any other officer... God knows what she's put in those reports because I've never seen them.  

_Cuban detainee_

While detainees say there are many officers who treat them fairly and humanely, they complain that some officers not only subject them to arbitrary lockdown but abuse them in other ways. As just discussed, most of the abuse is psychological:

"It all depends on which officer is on duty. Some of them go out of their way to help you out, but most others just tell you "oh, well." It seems that's all we hear around here now, "oh, well." If we need medication, "Oh, well." If we're in pain, "Oh, well." If they run out of menstrual pads, "Oh, well." "That's the way it is in jail," they say... Officer --- tells us to be quiet throughout her entire shift. "Be quiet! Be quiet!" That's all she ever says. She also tell us "no laughing." Officer --- is the say way. The third shift doesn't let us listen to the radio at all, even if we have headphones. We can only listen to the t.v. as loud as they want it so sometimes we can't even hear it."  

_Canadian detainee_

"The daily life is typically 5% up 95% down. You are dealing with power abusers... You are in jail stripped of freedom and that isn't enough. In jail we are treated like tribes of different colonies of animals. When they need us to do something, it's a screaming contest to make you afraid and break your self-esteem. Most of the detainees here are newcomers to the U.S.A. and not many of them speak English. I was like that once and it is so frustrating not to be able to communicate. When it comes to a minority group such as Haitian immigrants, it's even worse."  

_Saudi Arabian detainee_

"Some officers treat us well, but others tell us to shut up or lock us down."  

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275 Detainee statement, June 28, 2001. This detainee was eventually released.


"If the officers don’t like you (me for instant) they ignore you and answer you with attitude. Or just say no when they don’t even check. Or I do know, wait ‘till the day officer come. We’re even being deny calls to our lawyer every day… In the other unit they have curling irons, blow dryer, nail clippers and K46 (asylum unit) have none. When we try to borrow it depends on the officers that working. One INS officer told me that she’s only here for the paycheck. And when I tried to confide in one INS officer she went back and told the TGK officer who later confronted me… The officers look at you as if you’re stupid when you talk to them. And they talk about you to other officer. So when they hear your name they say “oh” and right away without knowing you they don’t like you. You can’t be outspoken in here and they don’t like you to bother them or ask them one question more than once."

"I don’t find the proper form to start the letter because of so much pain that we go through in here. I am becoming empty inside of me, only to be filled with pain… She is the only officer that does this type of things."

"They’re not beating us here at TGK but the way they do things is destroying us mentally. I truly believe that once I get out of here I’ll have to see a psychologist because its too much."

A few of the women have reported that they were physically assaulted by officers. One says she was thrown to the floor by an officer and that when she woke up, a TGK Lieutenant, Corporal and an INS officer were standing over her, laughing. Several female detainees in the unit claim they witnessed this incident and fifteen of them filed grievances against the Corporal. Another detainee reported being struck in the chest with an officer’s fist:

"A very well-educated lady wanted to use the library. The officer [in asylum unit] refused the request and I asked her why the lady ended up punished by an officer’s fist to the middle of the lady’s chest. I thought the lady was going to die.

282 FIAC interview, March 1, 2001. This detainee also spoke with the TGK Ombudsman regarding the incident-in-question.

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She was pale for sometime.”

_Saudi Arabian detainee_

“It is not easy to see my cell mates cry, and see how we are subjected to so many humiliations. We have an officer in here [asylum unit]... who is a woman with a very tough heart. She is always screaming at us. She checks our cells and from whatever food we have, she eats what she likes, looks at us with a defiant look, and then she throws out the rest. The other day she hit one of the detainees, and with another one she had a big argument and locked her in a cell for about 15 days. She is a liar and she accuses us of things we have not done, and she swears that she saw it with her own eyes. For her it is important to humiliate us.”

_Colombian detainee_

Detainees say that certain other officers have openly expressed their bias against immigrants:

“Officers verbally mistreat those detainees that do not understand English. The officers tell the detainees that they ‘better get someone to translate’. One night, the officer was telling a Haitian lady to take off a headscarf, but she didn’t understand the officer. When the other detainees told the officer that the lady did not understand English, the officer said: ‘You better understand English, you’re in America. I do not have to learn Creole and all that s—.’ Similarly, an officer has said, ‘They should learn English because they are in this country now’.”

_Canadian detainee_

One officer reportedly directed racist, derogatory remarks at a Haitian detainee who did not speak much English and who therefore could not respond to the officer’s question. According to detainees, the officer commented “that’s why all these mother f-----s are here, if they’re going to come to this country they better speak English”. Similar remarks were made by a TGK nurse who told a Haitian detainee who spoke no English, and who the nurse mistakenly thought was being disrespectful, to “go and suck your mother”. English speaking detainees have tried to help those who are targets of racist remarks:

“I cried my eyes out yesterday for the Haitian girls. They hadn’t been told where they were going. I was the only one who could communicate in English for them. The officer asked me why I was speaking for everybody. I said, ‘excuse

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me, it is because these women can’t communicate."  

Saudi Arabian detainee

"And one officer-corporal said she hate aliens... I don’t believe that these officers have a heart, “heartless officers”. I think they believe that we are inmates. I try praying for them, but they’re so heartless I don’t think it’s working. INS need to know and do something. I was told by a T.G.K officer that I.N.S told them not to give us any special treatment, that they should treat us like they do everybody else. Why? We aren’t prisoners, we’re detainees. I think I need to know, what is the different between inmates and detainees or prisoner and detainees. What is one to do but pray and pray and ask God for strength to face another day. To watch over us and keep us safe from our enemies. What is one to do."  

Jamaican detainee

In January, 2001 detainees were extremely upset after an officer said that she didn’t want to work in the INS unit because the women couldn’t speak English and were “hoes”:

"Officer--- and Officer--- started doing rounds, as they approached.. detainee --- was at her door with her T-shirt and boxers. And Officer --- told her to go put on her uniform. Detainee --- speaks little English and was trying to explain to the officers that her uniforms were not due to the dryer being broken. That’s when the other Haitian girls were speaking Creole to try to translate to the officers what the detainee was trying to say that’s when Officer --- stated, ‘Don’t be talking that shit. Speak English.’ The girls got upset and advised her that... they were not Americans and did not speak English. That’s when she (Officer ---) stated to Officer--- ‘That’s why I didn’t want to work with these INS hoes...’ As she got to the desk she yelled out ‘lockdown’.

Canadian detainee

When the detainees complained about this incident during a meeting convened by the officers, they felt their concerns were brushed aside:

“At no point [during the meeting] did we ever disrespect any staff member. We all raised our hands to speak and our point was that even though they knew that the officer had disrespected us they were going to leave her in the unit. And


all they could say was to write a grievance.”

Canadian detainee

Detainees are especially appreciative of good officers:

“If thank the kind officers who take time out to care. I'm so happy when I can go to bed without a headache because that day was a peaceful day, a day of no yelling and no lock down... They is a few good officers; who is willing to help. And when others officers find that out, they turn around and fight against that officer. And hate them because they be nice to us. Even report them and complain to the Lieutenant making the officer get in trouble. So now the officers are little nervous... They treat us like criminals.”

Jamaican detainee

“There are lots of good officers here at TGK who treat us really well. But that doesn’t make up for the hell that is our lives here since we’ve been moved.”

Detainee’s Letter to the Editor

“We also have an officer... who is really an angel. She treats us with affection, she helps us and she consoles us. But sadly they are taking her out of this unit. We don’t know the reason but we sent a letter requesting that they didn’t take her out of unit K46, but it did not work.”

Colombian detainee

Many of the detainees have no idea when, if ever, they'll be released. Moreover, officers employed by TGK, unlike INS Deportation Officers, have been trained to guard regular inmates in their maximum security jail. Some fail to appreciate that none of the INS detainees are serving time at TGK. And when INS detainees remind them of this, it can exacerbate the officers resolve to treat them like criminals:

“Many of the correctional officers here treat [sic] the women as if they are criminals and speak to them as if they were stupid.”

Jamaican detainee

“Most of the other officers are very mean. They don’t even want to look at us like we’re human beings. I think they treat


animals better than us."\textsuperscript{294} Iraqi detainee

Ironically, female INS officers themselves have expressed concern that they are being discriminated against, since male INS officers don’t have to work at TGK.

FIAC asked TGK officials to permit officers in charge of the asylum seekers to participate in a sensitivity training session so they are more aware of issues affecting these women, but this has not been done. Detainees’ advocates also asked that bilingual officers be assigned to the INS units but, for the most part, this has not happened. FIAC understands the challenges TGK officers assigned to the immigration units face and wish to again emphasize that there are many excellent, professional officers who have gone out of their way to do their job and at the same time be sensitive to the particular needs of the INS detainees. Indeed, most of the officers at TGK do not mistreat detainees. However, those who do have rarely been held accountable by their supervisors and some well-intentioned officers have advised abused detainees to keep quiet and avoid trouble.

While complaints about abusive officers at Krome preceded the women’s move to TGK, because Krome is an “open” facility, male detainees there are not housed in cells or locked down as the women are at TGK. They are therefore not subject to the frequent and inhumane lockdowns or intrusive head counts the women at TGK are. Also, detainees at Krome are far more likely to be able to communicate with officers.

\textbf{Personal Property/Hygiene}

Not long after the women were moved from Krome to TGK, they were told that they could no longer keep their own underwear, socks, sneakers or pajamas, because of “problems with space.”\textsuperscript{295} While some of the women were told they couldn’t keep precious pictures of their children, others were told they could keep a few but could not put small pictures or photographs on the wall next to their cell beds, as they could at Krome.\textsuperscript{296} The women were not even allowed to keep their wedding bands, rosaries, watches, mirrors, tweezers:

"Detainees can’t have their own panties, bras, or sneakers at TGK. It’s terrible. The women here are stripped of their dignity, or the few things they had that made them feel human. I arrived at TGK with pictures of my sons, they were taken away from me. And they took my rosary and religious cross, escapilary, watch. We aren’t even allowed a clock and

\textsuperscript{294} Detainee statement, December 20, 2001.

\textsuperscript{295} TGK Meeting, February 5, 2001. Detainees more recently were told that they can no longer keep their own shoes. Shoes have to either be purchased at Commissary or else the women go without.

\textsuperscript{296} One asylum seeker, for example, had all the pictures of her children confiscated and was told she couldn’t get them back. Another had the pictures of her 7 year old daughter taken away because she had mistakenly put them on her wall.
no mirrors except the one on the wall for all of us.”

Colombian detainee

The INS Standards, however, state that each detainee will be permitted to keep in her possession “reasonable quantities of...small religious items, religious and secular reading material (softbound) and correspondence,..., pictures (not more than 10) measuring 5” x 7” or smaller, prescription glasses, dentures..., wedding ring(s) and other items approved by the Chief Detention Enforcement Officer.”

Personal hygiene items such as deodorant, toothbrush, perfume, shampoo, body lotion, etc. were also confiscated and the women told they would now have to purchase these items from commissary. Detainees have had difficulty accessing their money at TGK so that they can make such purchases and are often charged for items they never received:

“While at Krome, our family was able to mail us hygiene products, here it is not permitted and it is returned by mail to them. According to them that is why we have a commissary so we can get items. But as I said before, the commissary does not function as it should.”

Colombian detainee

Certain hygienic items are not even available at commissary:

“We can’t even have Q-tips to clean our ears. We’re going to clean our ears regardless, we’re willing to buy this stuff.”

Canadian detainee

Women without funds are barely provided the basics:

“Upon arrival, you are offered 2 bars of soap, toilet paper, tooth brush, toothpaste, a small tiny comb (not even a baby could benefit from), 2 panties (five or six times bigger than the actual size), 1 pillow case with flat pillow, 2 sheets (that you can’t call white anymore), a wool blanket, a bed that is solid like a rock padded with a hard flat mattress, a bottle of shampoo that makes your hair look like tooth-picks, and two sets of ugly orange uniforms.”

Saudi Arabian detainee

Yet at times even these items have not been provided. For example, detainees in both units


298 Detention Operations Manual; Detainee Services; Funds and Personal Property (III) (B) “Limitations on Possession of Detainee Personal Property.”


claim they have gone for weeks without a toothbrush, toothpaste, deodorant and shampoo:
“For two months we had no toothpaste, no toothbrush, no comb, no deodorant, and no shampoo. I just got a toothbrush but still there is no toothpaste, comb or deodorant for the women here. At first INS was providing these things for us but after a while they stopped. We had these things when we came here from Krome but they took them away.”

Colombian detainee

Even toilet paper is rationed. Indeed, women report that there were times when detainees experiencing their menstrual cycles had no underpants and no sanitary napkins:
“When the women were having their menstrual cycle, there were no sanitary pads here for some time. We got them one week ago, thank God, but it’s been a regular problem. They just threw toilet paper at us... About two months ago the women had no sanitary pads and no underwear, bras or panties, for about 15 days. I saw women with blood dripping down their legs.”

Colombian detainee

When the women complained about this to INS officials, they were told that it was now up to TGK to provide those supplies and TGK officials in turn told the women that INS was responsible:
“I kept telling INS Deportation Officer ---- about this and she said ‘It’s in the contract that TGK should provide you those things, go tell the TGK officer,’ and I would say, ‘But I can’t communicate with them, they don’t speak Spanish.’ When I told [her] we had no sanitary pads and no underwear, [she] said, ‘so you stay the way you are, what do you want me to do? When are you going to understand you have to ask the TGK people?’”

Colombian detainee

In late June 2001, detainees were each finally provided with a box of 24 sanitary napkins, and no longer had to ask for napkins one at a time. However, a short time later a number of asylum seekers complained that TGK officers had confiscated them:
“Some of the officers who work for TGK go through our rooms at night, looking for ‘God knows what’, they sometimes take away our pads that INS gave to us. The reason for INS giving us the sanitary napkins is because there have been times when there wasn’t pads for the women to


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receive. Or, if there are pads, we can only get one single pad to use.\textsuperscript{305}

\textbf{Jamaican detainee}

In recent months detainees have been told they can only keep the panties and bra they arrive with, and even these are not allowed right away:

“When they first brought me they took away my clothes and gave me a uniform with no panties. I was kept first in a locked room downstairs, from about 3am until 4pm. When they brought me upstairs here I realized it was a real jail. I said, ‘Why? Why am I in jail?’... I did get panties once I came upstairs, but I never imagined the US would treat us in this way.”\textsuperscript{306}

\textbf{Iraqi detainee}

The lack of underclothing was a serious problem for one detainee who was menstruating upon arrival at TGK yet not given any INS-issued underwear.\textsuperscript{307}

Women complain that maintaining proper hygiene at TGK is very difficult:

“They are no clean new uniform for new detainees. We get dirty, worn out pants, jacket and t-shirt to put on upon arrival to TGK.”\textsuperscript{308}

\textbf{Jamaican detainee}

“Now some of the women are getting infections because the towels and clothes are not being washed right. We have to share towels and clothes, so if they are not being washed right, we are all exposed to each others bacteria.”\textsuperscript{309}

\textbf{Canadian detainee}

“There are so many asylum seekers in TGK and there’s not enough detergent to wash our clothes; it’s been 5 days since we could wash our clothes and we’re not allowed to get any detergent from their families.”\textsuperscript{310}

\textbf{Colombian detainee}

A detainee who had been at Krome and was transferred to TGK summed up how difficult it was for the women to adjust to life at TGK:

\textsuperscript{305} Detainee letter, July 13, 2001.

\textsuperscript{306} Detainee statement, December 20, 2001.

\textsuperscript{307} Benjamin, Jody A. “Female detainees degraded in Miami jail, INS critics say,” \textit{Sun-Sentinel}, July 15, 2001, p 1B.

\textsuperscript{308} Detainee letter, February 15, 2001.

\textsuperscript{309} Detainee statement, June 8, 2001.

\textsuperscript{310} Detainee statement, February 5, 2001.
"At Krome, INS gave every person their own bottle of shampoo. Here, the TGK officers only give out a small amount of shampoo in a paper cup. The toothpaste that TGK gives us is so small that you really have to buy your own. We also have to buy our own deodorant now. That’s something INS used to provide for us. The soap we’re now given is actually a small piece of recycled soap. At first, INS provided everybody with a toothbrush when they first arrived, now they only give them out if they happen to have them but usually detainees have to get their own. At Krome, we never went without menstrual pads. Here, it depends on the officer on duty whether a woman gets a pad or not. Some officers attempt to get them from elsewhere, others don’t care. If they run out, they run out."311

Canadian detainee

Although it is extremely cold at TGK and officers there are often seen wearing jackets, detainees moved from Krome were not given sweaters, other warm clothing or even socks and couldn’t keep their own sweaters or jackets.312 TGK officials eventually gave the detainees light INS issued jackets and permitted them to have an extra blanket.

Women who have been released from TGK complain that their property has not been returned to them upon their release:

“I know that many of my cell mates who were released, have lost their luggage. Immigration doesn’t know where it is. TGK doesn’t know, and neither does the airport. From the 15 people who were transferred to New Jersey 3 months ago, none of them received their luggage. One of the ladies called Krome to find out where her luggage was, and - - - told her to find a way to get money and buy clothes because her luggage could not be found. The worst irony is that she came in with a proper visa and all her papers in order, but the airport inspector stopped her because she was bringing 3 suitcases, and because of that they held her for 3 months, and now all her suitcases are lost.”313

Colombian detainee

311 Detainee statement, June 8, 2001. At Krome, detainees also can keep their own underclothing, socks, and shoes.

312 TGK officials have said that the temperatures at TGK are deliberately kept low in order to prevent the spread of disease and prevent fights from breaking out.


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A Haitian woman who was released was not given her dentures until her attorney intervened. Another Haitian woman who was released in June 2001 was told that her property was lost by INS. Detainees report that money has also been taken out of their account by TGK officials upon their release, to go toward the cost of detaining them.

**Detainee Handbook**

The *INS Detention Standards* require that each detainee be issued a handbook providing site-specific information on the policies, rules and procedures of the facility, as well as descriptions of the services, programs and opportunities available. However, TGK does not routinely issue a handbook to the INS detainees upon admittance. Indeed, only one of several detainees in both INS units questioned by FIAC staff at the end of 2001 had ever received a handbook upon arrival at TGK.\(^{314}\) Even if the TGK handbook were issued to detainees, it falls far short of the requirements listed in the *Standards* because it contains no information regarding the existence of a grievance procedure or other important issues. While the *INS Standards* recommend that INS Officers-in-Charge customize the handbooks for each facility housing INS detainees, the TGK handbook is designed for their regular inmate population.

Since TGK does not routinely issue handbooks to the women in INS custody, they have no notice of applicable rules and policies.\(^{315}\) "[T]here are no rules or regulations, by both house rules and incoming inmate handbooks, that informs us of the policies and procedures of this facility."\(^{316}\) Detainees have experienced serious problems as a result. For instance, one detainee's mother sent her daughter a pair of shoes together with a sponsorship letter and other documents necessary for the detainee's INS custody review. Since shoes are considered "contraband," TGK personnel returned the entire package to the sender, including the legal documents. This detainee was facing an imminent deadline for submission of her file review materials and was not eligible for release without a sponsorship letter.\(^{317}\) Neither the detainee nor her mother knew at the time that shoes were considered contraband. Another detainee with a potential claim to US citizenship had her parents' marriage certificate and certificates of death returned to sender because these documents are apparently "contraband" under TGK policies.\(^{318}\) Another detainee had a package returned three times to the sender, at great expense to the sender, because TGK personnel failed to clarify exactly which items

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\(^{314}\) According to TGK officials, their inmate handbook is available in English, Spanish, Creole and Chinese. (Meeting, February 5, 2001).

\(^{315}\) The *INS Detention Standards* state that "The detainee handbook, or equivalent, shall notify detainees of... The facility's rules and procedures governing contraband." *Detention Operations Manual; Security and Control; Contraband (III) (D), "Notice to Detainees."


\(^{317}\) FIAC interview, March 23, 2001. This problem was eventually resolved.

in the package constituted contraband and which did not. Had these detainees been notified of the relevant TGK policies, they could have sent their legal documents directly to their attorneys.

A frequent complaint among detainees is that the rules are always changing:

"As opposed to the treatment received at the Krome Detention Center, the officers at TGK make up their own rules as they go along. I have been subject [here at TGK] to both TGK jail rules or INS rules, whichever is more convenient to the officers in charge."

Canadian detainee

"First it is really very unfair when the policy says one thing and the officer does what they feel... That means it's okay for an officer who is in a bad mood can come in to work and locks the unit down because the policy has no power of authority to back itself up."

Nigerian detainee

"There was a sign posted at TGK that women can have their own sneakers, pajamas, sweatpants, bra, underwear. No wedding rings, watches, no pictures of kids up, no personal items like perfume, body lotion etc. But one day the rule is one thing and the next day another."

Canadian detainee

INS detainees have been granted permission to do something by one officer only to be told something different by another officer. For example, TGK staff told one Cuban detainee that her request for a family visit on December 24 had been approved. But when her family arrived from St. Petersburg at 8:30 am on that date they were turned away and the detainee was told that approval of the visit had not been properly documented. Another detainee who was told by a TGK officer that she could not keep her cosmetics asked that the cosmetics be placed in her property. The officer responded this could not be done, although a few days later the detainee saw another detainee with her confiscated cosmetics.

Detainees need to be provided with orientation handbooks so they are aware of TGK rules,

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324 FLAC interviews with Colombian detainee and Guyanan detainee, January 17, 2001.
and the rules need to be uniformly implemented. Handbooks clearly describing jail policies written in the appropriate languages would prevent countless misunderstandings and help both detainees and officers.

**Detainee Grievance Procedures**

Female detainees at TGK were told they could submit grievances in boxes marked “TGK Grievance” and “INS Grievance”. While detainees report that some grievances have been resolved to their satisfaction (for example, TGK has responded to a few grievances relating to food service and rude behavior by officers), detainees in both units report that their grievances have routinely been ignored or rejected. One woman reported that she filed a grievance regarding TGK’s failure to deliver outgoing mail on a daily basis. At the time the grievance was filed, the official in charge of collecting outgoing mail from the unit would only come to pick up outgoing mail sporadically. A TGK counselor informed the detainee, “the mail situation is not grievable.”

Counselors have returned grievances to detainees for their signature one month after they have been filed, further delaying the process. One detainee who submitted a handwritten eight-page grievance regarding four separate incidents, as per instructions from a TGK Sergeant, had the grievance returned to her weeks later with the notation “Have (detainee) rewrite grievance.” Another reports that TGK officers routinely call her “Grievie” because she has filed grievances against TGK and INS officers.325

Grievance forms are not always made available to the detainees:

> “About three weeks ago, I wanted to write up the fact that officers were refusing to let me get my medication and I asked the TGK officer, ‘Can I have a grievance please.’ She said, ‘I don’t have any.’ I said they should be in the office. She said, ‘Well I don’t work here all the time so I don’t know where they’re at and if she did know to get out of her face, she didn’t want to deal with it now. That officer has only been here a couple of times. She makes us so uptight when she’s here.”326

*Canadian detainee*

TGK has a request slip for detainees to ask for services like medical care. There was no similar slip for the detainees to specifically make requests of INS for several months, so when detainees used the TGK request slip for an immigration request, the TGK officers told them to get in touch with INS.327 INS frequently tells detainees they must address their

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326 FIAC interview, June 18, 2001.

327 Detainees are now able to obtain a “Krome request form” for INS requests.
concerns to TGK officials and vice versa:

"INS tells detainees if there’s any problem, INS is responsible for us but TGK says INS is telling them they can do anything they want to."

Nigerian detainee

The grievance procedure is virtually useless for non-English speaking detainees, which includes most asylum seekers, because grievances must be written in English. The grievance forms are also only available in English. Thus, non-English speaking detainees have little opportunity to voice their complaints and concerns:

"The women here don’t know how to file a grievance. The officers have never told us. I wanted to find out what happened to my belongings; I’ve been trying to find out for 15 days but I just get the run around, they keep telling me to go to different officers."

Colombian detainee

Shortly after the women were transferred to TGK, FIAC wrote a letter to then Attorney General, Janet Reno, regarding the serious concerns women had raised about TGK. According to several detainees, the Krome Deputy Officer in Charge who was subsequently told to investigate the women’s grievances called the letter “bogus,” adding that he had better things to do with his time (“You know, I have a life of my own too”). The women “told him [FIAC] was telling the truth, TGK is hell for us.”

While INS is supposed to ensure that detainees can make free calls to the Office of Inspector General (OIG) with complaints, calls from TGK to the OIG are collect only. When FIAC attorneys tried to place a call to the OIG from the appropriate TGK phone in May, 2001, it seemed the line was dead for several minutes even though the call eventually went through. Detainees had not been told to expect such delays and so they assumed they could not call the OIG.

Detainees are afraid to complain for fear of being locked down:

"You can’t voice your opinion or about how you feel, they lock you down if you do. You’re begging just to be treated like a human being."

Nigerian detainee

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INS Detainees In Florida: A Double Standard of Treatment
"The TGK officers take advantage of our bad situation. They use it against us. They’re always telling us that they’re going to transfer us to California. And they always threaten to put us on lock down, even if we haven’t done anything wrong. They use lock down for everything. One officer had to be told that she couldn’t keep us in lock down for so long."

Canadian detainee

"We have been subjected to a place where we can’t voice our opinion without getting punished or without being labeled suicidal or psychotic."

Detainees’ Letter to the Editor

"Another one of the other officers told us we were always complaining and we didn’t understand that we were getting golden treatment here and we were going to be transferred to another facility and it was going to be the worst place."

Colombian detainee

"A lot of the women at TGK are scared to complain because they’re afraid they’ll be transferred or denied release. I said to [Krome Deputy Officer-in-Charge] do you think it’s fair for us women to be stuck at TGK just because your officers can’t keep their things in their pants?"

Nigerian detainee

"I was told in so many ways that if I spoke [out] they’d keep me there."

Cuban detainee

Some detainees have been threatened with denials of release simply for talking with FIAC attorneys:

"Everybody’s scared to talk to attorneys because we were told if we complained things would get worse."

Colombian detainee

"The worst thing is the women don’t dare complain because if they call FIAC’s office or they call the press and the officers find out, next thing the women are in Ft. Lauderdale


334 Detainees’ Letter to the Editor, the Miami Herald, March 2001.


or Key West, so they just pray and pray and pray.

Cuban detainee

Transfers

Women have been arbitrarily moved from TGK to other jails, both in Florida and out of state:

"[A detainee] was transferred out yesterday... All these officers rushed to her room and the Lieutenant said, ‘Pack all your stuff.’ [She] said, ‘Why, where am I going?’ They said, ‘I don’t know where you’re going.’ [She] starts crying. I told her don’t give them the satisfaction of crying, just pray... She was not told why she was being transferred or given any opportunity to contest it." 339

Canadian detainee

The detainee-in-question, whose birthday fell on the day of the transfer, was expecting a family visit. She was the victim of a sexual assault two days after her transfer from Krome to TGK and had spoken to investigators from TGK’s Office of Public Affairs. She had a custody review in February, 2001 and FIAC attorneys were clearly at a disadvantage attempting to represent her following her transfer to Key West. 341 While detained at the Monroe County jail, she was the only female, INS detainee and was housed with the regular inmate population. 342 This undermines INS’ claim that it is important for the women to be housed separately from the non-INS detainee population “as it provides for greater safety and security of INS female detainees.” 343

A detainee from Belgium was also transferred to the Federal Detention Center without explanation. 344

In April 2001 an openly gay detainee who said she was harassed by a TGK guard was moved to the Ft. Lauderdale jail, where she was the only female INS detainee and endured horrendous conditions of confinement. 345


342 While officers claim this detainee had broken a TGK rule, she was given no opportunity to contest the charge.

343 INS Questions and Answers, December 12, 2000, Answer to #2 “Why is INS doing this?”

344 See Federal Detention Center subsection of this report, p 107.

345 See Fort Lauderdale Jail subsection of this report, p 110.
Detainees who were told by officials that they were about to be released have instead found themselves transferred and deported. On January 18, 2001 TGK officials informed a detainee that she was being released and would be processed out at Krome. Instead, she was transferred to the Sarasota jail and then deported to Haiti. At the time of her transfer and deportation, FIAC was preparing her release request because INS had scheduled a custody review of her case. This detainee was illegally deported to Haiti and INS agreed to return her.\textsuperscript{346} She is now back at TGK.

Due to the limited bed space for asylum seekers at TGK, dozens of women have been transferred to a county prison in York, Pennsylvania, where they are far removed from attorneys and family:\textsuperscript{347}

"The day of my transfer I asked the guard at TGK where was I being sent but I was told that it will be better for me to be transferred and I would be released faster. When I arrived in Pennsylvania... I got really depressed because I had no idea where I was or what was going on with my asylum case. The living conditions were even worse than at TGK."\textsuperscript{348}

\textit{Colombian detainee}

This asylum seeker was transferred to York along with approximately thirty other women at the end of January 2001.\textsuperscript{349} Upon her arrival at the Miami airport, she was separated from her husband, who was taken to Krome. Her husband was quickly released from Krome and, at the insistence of the immigration judge in Pennsylvania, traveled there to present documents in support of his wife’s release request. However, the day he arrived in York, his wife was transferred back to TGK, creating a serious problem for the couple:

"My husband is stranded in Pennsylvania because he does not have money for a plane ticket to return to Miami. He also missed his court date trying to get me released."\textsuperscript{350}

\textit{Colombian detainee}

The threats of transfer have come from both INS and TGK officers. Detainees have no opportunity to contest being transferred. Detainees report being threatened with transfers out of state following concerns raised by certain Miami-Dade County Commissioners about housing the women at TGK:

\textsuperscript{346} FIAC filed a federal lawsuit on her behalf on February 20, 2001.

\textsuperscript{347} At least thirty asylum seekers were sent from TGK to Pennsylvania in January 2001 alone. This number far exceeded the handful of women INS acknowledged transferring, when pressed to respond to questions from FIAC attorneys who had learned of the move. INS' claim that these women were transferred because they all had lawyers in Philadelphia also was false.

\textsuperscript{348} Detainee statement, March 30, 2001.

\textsuperscript{349} FIAC interviews with detainees and TGK officers, January 26 and 30, 2001.

\textsuperscript{350} Detainee statement, March 30, 2001.
"A supervisor from TGK came to our unit and said the contract with INS was over on May 31 and we would all be transferred. Then Officer ---- came to tell us that we used to complain about everything and for that reason we would be transferred to a federal prison so we would know what it was like to be with real criminals.\textsuperscript{351}

Colombian detainee

Indeed, detainees who were moved from Krome say that the reason they were moved to TGK was because they complained about male officers at Krome:

"We told Cleary [former Officer-in-Charge at Krome] they’re moving us out of retaliation, because we spoke up. INS said if they had to get a bulldozer to move us they would. Why do they always transfer the women or deport them after they complain about abuse? Why don’t they want to investigate and find the truth? What are they hiding? What are they afraid of?\textsuperscript{352}

Nigerian detainee

\textbf{Press Access}

In December 2000, two detainees who had spoken to TGK’s Office of Public Affairs regarding allegations of sexual harassment there said they wanted to talk to local television reporters who had expressed an interest in speaking with them. The reporters were denied access to the women with the excuse that they were subjects of a pending investigation and their speaking to the press could hurt the investigation as well as expose the women to retaliation or otherwise harm them. A few weeks later, a local television station and member of the \textit{Miami Herald}’s editorial board requested permission to meet with three more women at TGK, including one who arrived at TGK after the incidents which prompted the investigation and who therefore was not a subject of the pending investigation. They, too, were denied permission to meet with the three detainees.

INS also claimed the press couldn’t meet with the women because the Florida Statutes didn’t permit INS detainees in Florida’s county jails to speak with the press.\textsuperscript{353} This is incorrect and members of the press have met with INS detainees in Florida’s county jails in the past. Only after an attorney from the \textit{Miami Herald} threatened to sue unless Herald staff could meet with the women did the INS grant the press access. However, for months both INS and TGK officials insisted on sitting in on all press interviews, including interviews of women

\textsuperscript{351} Detainee statement, June 2, 2001.

\textsuperscript{352} Detainee statement, April 2001.

\textsuperscript{353} February 5, 2001 meeting with INS officials, statement of Kim Boulia, INS TGK Liaison.
who were sexually abused by officers at Krome. This has had a chilling effect on the detainees’ willingness to speak openly.

The INS Standards clearly permit the detainees’ reasonable access to the press. While the Standards state that in its discretion INS can sit in on press interviews with detainees, this is to be done in exceptional circumstances and not as a general rule.

Some officers have clearly discouraged detainees from talking to the press. One detainee who had agreed to speak with a Miami Herald reporter while at Krome filled out a form requesting to see him after being moved to TGK, only to be given it back by the TGK officer who said, “what makes you think the Herald wants to see you?”

If the detainees dare complain about something, they say officers sarcastically suggest they call the press:

“Officer ---- came and truly we weren’t being loud at all. She told us to turn the TV off and I said why, it’s not loud. She said ‘I don’t care, turn the TV off.’ She said, ‘you guys think that you’re gonna run my unit but it ain’t gonna happen. I don’t care, this is not Krome, this is not INS. Call your lawyer, call the newspapers if you want.”

*Canadian detainee*

“Ever since Channel 23 was here, the officers are really hard on us. Whenever we say we need help, for example, to see the doctor, they say, ‘Well, why don’t you call the news?”

*Colombian detainee*

Indeed, officers have singled out women who were willing to talk to the press:

“One officer said she heard [detainees] saying lies on the news. That we are being sexually harassed. And they all (officers) came up to the unit one by one to look at me. To see who I was. When they see me their facial expression changes, always. When they call me for mail or visit they do

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354 Only after an official from *Time Magazine* insisted on speaking to the women outside of the presence of INS and TGK officials did this policy end.

355 While INS officials have insisted they want to be at arms length regarding the pending Krome investigation into allegations of sexual abuse of detainees, they nonetheless insisted on sitting in on all press interviews with victims of sexual abuse at Krome from December, 2000-August, 2001.


357 FIAC interview, June 18, 2001.

it so rudely and [with] disrespect.\textsuperscript{359}

\textit{Jamaican detainee}

"After the article about TGK, Corporal — got mad and accused [Detainee's name] of using her name and then shook her down over a pair of tweezers."\textsuperscript{360}

\textit{Cuban detainee}

\textsuperscript{359} Detainee letter, February 15, 2001.

\textsuperscript{360} FIAC interview, March 2, 2001.
Other Facilities Housing Female Detainees in Florida

Women are also detained by INS at various other county jails, prisons, hotels and hospitals in Florida. Women seem to face particularly harsh conditions in most of these facilities. For example, they generally have no access to a law library or legal materials, and no access to translation or religious services or to adequate medical care. And they have even less access than the women at TGK to pro bono attorneys or any kind of support network. At times they are the only female INS detainee housed in these facilities and therefore are extremely isolated.

Sarasota County Jail

Female detainees have been held at the Sarasota County Jail in Sarasota, Florida for some time. This jail is about a four and a half hour drive from Miami. While there were only about a dozen women at this facility at the time of this report, the Sarasota Jail is undergoing a major expansion with the expectation of housing many more INS detainees. It is FIAC's understanding that many of the women now in INS custody in Miami could be moved to Sarasota and that in the future women arriving in the United States through Miami could be sent directly there. FIAC is gravely concerned about the potential transfer of women in Florida to Sarasota.

While certain officials from the Sheriff's Office have been quite receptive to FIAC's concerns and have even made some changes to benefit the women, INS detainees in the Sarasota jail are treated worse than many hardcore criminals. Detainees there rarely see the light of day, as they are only allowed outside once every few weeks and have no windows in their living quarters. They are sometimes handcuffed to the wall during attorney client visits. They are always handcuffed when using the calling card phone. They have no access to a law library or legal materials, and are geographically isolated from the organizations that could assist them. Medical care is also grossly inadequate and no interpretation services exist, except through other detainees. The women are not permitted any contact visits, and their children may not visit at all. Some officers have been particularly abusive towards the women detained there by INS.
Background/Physical Layout
The Sarasota County Jail houses both asylum seekers and other female INS detainees with minor criminal histories. When FIAC visited the facility in July 2001, women from such countries as China, Cuba, Guyana, Haiti, Bahamas, Venezuela, and Argentina were there. They were not segregated from the general inmate population:

"They place people with severe drug problems in the cells with us. We'll have heroine addicts coming off the drugs that will throw up everywhere and use the bathroom everywhere."\(^{361}\)

Cuban detainee

"And we're housed with the general inmate population. We have no private cells. So women inmates with gonorrhea, throwing up all night, prostitutes with AIDS, people with all sorts of sexual diseases, we're all in a closed space and it's really awful... We get insulted by the regular inmates about three dozen times a day but thankfully no one has assaulted us. The INS detainees, we just stay in our cells the whole time except to shower, get hot water, that kind of thing, because we're afraid. And we can't sleep at night because the noise is terrible."\(^{362}\)

Venezuelan detainee

"They place the regular inmates with us and don't make them shower. They make us shower before bringing us in."\(^{363}\)

Argentinean detainee

The Sarasota facility is a linear jail, so regular inmates and INS detainees are confined to their cell block while control officers remain outside in the hallways.\(^{364}\) This causes great concern for the women:

"A big problem here is that no officers are ever around. Yesterday, June 17, 2001, one of the detainees passed out in the unit and it was 25 minutes before anybody showed up to help us. If a fight were to break out, it would mean big trouble. Everything is made of steel and no officers are ever around. We get no supervision."\(^{365}\)

Argentinean detainee

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\(^{361}\) Detainee statement, July 18, 2001.


\(^{364}\) This contrasts with the direct supervision of detainees, where officers are stationed in the pod with detainees.

\(^{365}\) Detainee statement, July 18, 2001.

INS Detainees in Florida: A Double Standard of Treatment
"We're housed in a crowded space with the regular inmates, and we never get an officer coming to say ladies, are you ok. Never."  

_Guyanan detainee_

In September 2001, the female detainees were finally moved to a separate dorm where they apparently are no longer mixed with the regular jail population. However, they still commingle with this population when they are let outside for recreation, although this occurs infrequently.

**Attorney Access**

One of the biggest obstacles to attorney access is the long distance between Sarasota and Miami, where most of the women’s attorneys and families are located. Also, it is very difficult for detainees to communicate with attorneys by phone. Detainees must use a calling card or call collect to speak with their attorneys, although there is a phone for regular inmates to make free calls to the Public Defender. While officials have been increasingly helpful in assisting the women in communicating with their attorneys, the women still routinely experience serious obstacles in doing so:

"We are often taken down [to use the phone] after business hours, when the lawyers or INS is closed."  

_Bahamian detainee_

"If I have a card, it may take a week to be able to be taken down to the phone. I requested to call INS regarding my case and it took two months before they took me down to the phone."  

_Haitian detainee_

"We do not get any free phone calls, not to an attorney, not to the court, not to the Consulate and not to the deportation officer."  

_Argentinean detainee_

When attorneys are able to travel to the jail, their clients are sometimes handcuffed to a small hook in the wall during jail visits. Although a jail official told FIAC this was standard policy for “security reasons”, on one occasion an officer allowed detainees to participate in attorney visitation without handcuffs. Between 11:30 until about 2:30 pm, when lunch is scheduled, no visits are allowed.

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INS Detainees in Florida: A Double Standard of Treatment
Legal Materials/Law Library

Detainees have no access to a law library or legal materials regarding immigration matters at the Sarasota County Jail:

"The law library here is a dream that doesn't happen, there is none that we know of."  

_Venezuelan detainee_

"There is no law library. If my family sends clippings from the press,[about immigration laws], they are not given to me."  

_Guyanan detainee_

Detainees have tried to access the main law library available to the regular inmates with no success:

"There's no access to the law library. When I requested access, the response was: 'Does not meet the research request criteria (see inmate handbook) 5/30/01.' But I never got an inmate handbook."  

_Bahamian detainee_

The women are also not provided the appropriate supplemental materials needed to prepare their own legal defense:

"We have no access to legal publications, no envelopes or stamps, and we have to buy paper."  

_Guyanan detainee_

"I was not provided any writing materials or paper. We have to buy them from commissary... We do not get access to the library."  

_Cuban detainee_

"We don't even have access to a phone book."  

_Bahamian detainee_

Before FIAC made a Know Your Rights presentation in Sarasota on July 18, 2001, many of the women there did not even know they had an INS Deportation Officer, much less how to contact him. Most had no idea what was happening with their immigration cases:

“We cannot get in contact with [our Deportation Officers]. They do not accept collect calls. I have only seen and spoken to my deportation officer once. He brought me my papers, and I never saw him again. He told me to tell my family to stop calling him. He denied them any information on my case.”

Cuban detainee

“The INS deportation officers are a joke. They never get in touch with us.”

Venezuelan detainee

“My deportation officer has not helped me at all either. I went to court on my own without knowing anything about my case. I still haven’t talked to my deportation officer. My family tried looking for information by calling the INS. They told them that I wasn’t on the detention list on their computer, but I had already been in detention for two weeks. I had to write the court to find out when my court date was, nobody gave me notice. I was not given a phone number so that I could call the court. I wasn’t even aware of the charges against me. Most women do not know who their deportation officer is.”

Argentinean detainee

“I have never seen my deportation officer.”

Bahamian detainee

**Telephones**

The detainees in Sarasota can generally only make expensive, collect calls to families and other loved ones. While there are two phones for collect calls only in their unit, the phone for calling cards is on another floor. The women are handcuffed to the wall when using the calling card phone and complain that the calling cards are overpriced. They must ask permission to use the calling card phone and it can take several days before they get to use it. Also, they can’t make international calls. The inability to communicate with family members is a source of constant frustration:

“I haven’t been able to talk to my mom since I’ve been here because my mom’s phone can no longer accept collect calls. I could make phone card call but I don’t have a card. Even with a card, they make you wait two to three days or longer to...
go downstairs to use the phone.”

**Haitian detainee**

“On July 12, 2001, I put in a request to use the phone on my birthday to find out about my children. They denied me. Then on July 16, 2001 I put in another request to make a call to find out about my children. The Corporal responded on July 16, 2001 that my caseworker would be in this week but the caseworker said she had never talked to the jail about this. I finally just got to use the phone at 9:00 am this morning (July 18, 2001).”

**Guyanan detainee**

“There are two phones available in the unit. We can use them any time during the day, but they are for collect calls only. To use the phone with a calling card, we have to put in a request. Again, the requests are rarely answered.”

**Argentinian detainee**

“We have to place a request to use the phone. Then we must wait to get a phone appointment, usually not the same day. We are handcuffed when we use the pay phone... We do not get any free phone calls to anyone. We have to buy the phone cards here, we can’t be sent calling cards from home.”

**Cuban detainee**

“I can’t call my Dad in Guyana because that country doesn’t accept collect calls. I needed to make a call for a letter of sponsorship; Officer --- said she had to think about it before she would let me use the phone. We can’t call 1-800 numbers.”

**Guyanan detainee**

**Correspondence and Mail**

INS detainees at Sarasota are not allowed to receive any packages from friends or family. Newspaper articles are not allowed to be sent to detainees. Stamps are not always available to indigent detainees:

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385 See “Inmate Mail Status Form,” July 13, 2001, which states detainee’s mail was in violation of mail rules for the following reason: “Newspaper Articles”.

INS Detained in Florida: A Double Standard of Treatment
"And if you have no money you’re supposed to get $1.50 a week for envelopes and stamps [from the jail]. But this has yet to happen since I’ve been here."  

Venezuelan detainee

"I was not provided any ... envelopes and stamps."

Cuban detainee

Jail officials acknowledged problems with the women’s mail. In response, INS modified the mail system by requesting that all INS detainees’ mail be forwarded daily via FED-EX to the Bradenton INS office. INS stated it would then affix postage to the women’s mail and post it for delivery. This, however, raised concerns among the women about the confidentiality of their correspondence.

Visitation

Contact visits are not permitted at all at the Sarasota County Jail. And INS detainees’ children are not allowed to visit at all, even in a non-contact setting. This has been a great hardship for the women:

"I haven’t been able to see my son the entire time I’ve been here. He needs to be able to see me. He’s just seven years old. And it’s difficult to call. But no children are allowed to visit here."

Cuban detainee

"We can see visitors now non-contact, but they told us in the future visits will be by computer, not actual face to face."

Bahamian detainee

Recreation

INS detainees at Sarasota have almost no access to sunlight. The women’s cells and living quarters have no windows. They have little or nothing to do and are rarely even permitted outside for recreation, except for once every few weeks when they are taken to a screened area on the roof, weather permitting:

"[Recreation] does not exist for us. I have been indoors for three weeks, in a cage. We are taken outside at the same time as the inmates. They always make fun of us and intimidate

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388 Letter to FLAC Executive Director, Cheryl Little, from INS Officer-in-Charge, Bradenton, FL, David A. Wing, August 9, 2001.


us. I get scared. I would rather not go at all. The only exercise we get is by walking up and down in the unit. We are not allowed to work or volunteer.”

*Cuban detainee*

“I have not had any outdoor time in three weeks. My requests have been denied. We do not have any recreation equipment or games. We are not allowed to participate in any classes available to the inmates...We are not allowed to work.”

*Argentinean detainee*

“We just see sun through a glass. There are no windows in our Unit area. Inmates harass us when go to the outside sun room. We have no games, balls or cards available. There are no classes provided.”

*Guyanan detainee*

“Every three weeks you go to a locked cage on the roof, that’s recreation. And there’s absolutely nothing to do there. For a whole month I went without seeing a ray of sun because we have no windows at all in our cells and housing unit. It’s like a dungeon...Volunteers, I guess from church organizations, come in every now and then. I heard they do AA classes so I put in a request for this just to get out of my cell but they’ve never called me. This is my 118th day here. I have been out of my cell block only twice, once to my master calendar hearing and the other to translate for a sick inmate, except for today when the FIAC attorneys came.”

*Venezuelan detainee*

“Since I’ve come to this jail, I haven’t breathed fresh air. Sarasota is much worse than serving sentence, because I could work and had responsibilities while I was in prison. Here I can’t do anything and no one has talked to me or told me what will happen next.”

*Honduran detainee*

Not only do detainees not have access to recreational activities, classes or other activities, they have not been allowed to read newspapers because “people in jails can do some

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INS Detainees in Florida: A Double Standard of Treatment
inventive things with newspapers.” And they can’t watch television programs which interest them, such as the news. While jail officials acknowledged that Spanish speaking detainees had asked for books in Spanish they said the jail had none and neither did INS.

**Food Service**

Food for the INS detainees in Sarasota is not nutritional and is served on unclean trays. Although commissary is available, the women claim it is overpriced and the items offered are not healthy. Meals are served at unusual hours, and the women say they often go hungry. They also say they never get warm food. Special dietary needs are not readily accommodated:

“The food service is terrible. We get three meals: 4:30 am, 11:30 am, and 4:30 pm. I usually only eat breakfast because the food is so bad. They don’t bring it in covered, its cold, and inedible. The fruits are rotten and the meat is smelly. They do not give special meals for people on special diets. The food we get through commissary is also bad. It is old and stale. And they will not exchange items wrongly delivered. They don’t give us our money back and they don’t give us credit in exchange. We are just stuck with it.”

*Argentinean detainee*

“I don’t eat the food at all, only bread and milk.”

*Guyanan detainee*

“The food is terrible, it’s not balanced. Everything is starch and dehydrating.”

*Bahamian detainee*

“I do not get a special diet plate for my lupus condition. The

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397 When FIAC attorneys visited the jail in July, 2001, they complained that detainees were only able to watch sports channels on TV because the TV channel was controlled by a male officer in another part of the jail. Before leaving the jail, attorneys were escorted to the detainees’ unit and saw their delight as a CNN news report came on. Detainees complain that they haven’t been able to watch the news since the attorneys visited in July. Jail officials claim that the women can watch CNN (two hours in the morning, two hours in the afternoon).


399 Jail officials say breakfast time is 4:00-4:30 am for those in the medical unit and 5:00-5:30 am for the other detainees; lunch is at 11:00 am and dinner at 4:00 pm. Conversation with Sarasota jail officer, July, 2001.


food is very bad, spoiled and moldy. It smells bad. We do not get nutritious food. I ate better in Cuba. The only fruit ever given is spoiled oranges. The typical lunch is a bologna sandwich and an orange. We get milk twice a week and cereal on Thursdays and Sundays. Last night I was so hungry that I kept drinking water to settle my stomach. I had no money for commissary and the food that day had been terrible. I mostly live on bread, water, and coffee. Commissary mostly has candies, like chocolates, but then they do not sell us sugar for coffee. The only other food they sell is a small envelope of soup, potato chips, cookies, and hot chocolate and coffee. I always feel cold on the inside and hungry. They never give us warm food. My cell is always cold.\textsuperscript{403}

Cuban detainee

"The trays are dirty, there’s no fresh fruit or veggies. I need a special diet for my diabetes but this has been denied."\textsuperscript{404}

Haitian detainee

"The food is so bad that since I’ve been here I’ve lost 20 pounds and last night I fainted... And we’re starving in here. The plastic trays where they serve the food they don’t wash them well, and old food is stuck to them everywhere. If you could see the trays, there’s not a human being in the world that would want to eat this. And there’s no protein."\textsuperscript{405}

Venezuelan detainee

Medical Care
Medical care for the female detainees is grossly inadequate. Dental and mental health care appear to be nonexistent and INS detainees’ requests for medical attention are often ignored:

"Medical care is awful. None of us have ever seen a doctor, sometimes we get to see a nurse. But women here go days without their medication and some haven’t had their medication at all..."\textsuperscript{406}

Venezuelan detainee

They have even had to pay for medical care. Jail officials have acknowledged that regular inmates are charged for medical services, and if medical personnel are not aware that

\textsuperscript{403} Detainee statement, July 18, 2001.

\textsuperscript{404} Detainee statement, July 18, 2001.

\textsuperscript{405} Detainee statement, July 18, 2001.

\textsuperscript{406} Detainee statement, July 18, 2001.
someone is an INS detainee they could be erroneously charged as well:

"We even have to pay for our medical care. They take the money out of our commissary the minute one penny hits your account. So if you get $5.00, instead of being able to buy deodorant or shampoo, they take it if we saw a nurse for something."  

Venezuelan detainee

Jail officials also acknowledged that one detainee who had complained about inappropriate charges on her commissary account was wrongfully charged about $45. due to a computer error.

Inadequate access to medical care has had serious consequences for the women. For example, a diabetic Haitian detainee who has only received one of the necessary medications to regulate her blood sugar level has seen her sugar level more than double on occasion. This detainee had never spent any time in prison before being placed in INS detention:

"I'm diabetic and they don't give me the right medication. My blood sugar has gone up too high—up to 200 since I been here. Nurse ---- told me they don't give me the glucophage—a medicine I need—because it's too expensive."  

Haitian detainee

One Cuban detainee who was diagnosed with Lupus before her detention in Sarasota initially went without her medication:

"I was diagnosed with Lupus... My medication was taken from me when I got to [this] county jail. I placed requests to see the Doctor, but I have not seen one yet. I went 3 days without my medication at first. I'm supposed to take medication twice a day for the lupus, plus antibiotics, and vitamins."  

Cuban detainee

On July 23, 2001 this detainee became very ill with a high fever but was not seen by a doctor. She complained the nurses were always waking her up in the middle of the night to do blood analyses but never told her the results.  

Similarly, a Honduran detainee said that the medications she was taking for her medical condition were taken away from her upon arrival.

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408 FIAC conversation with Sarasota jail official, August 22, 2001.
at Sarasota.\textsuperscript{412} And a detainee from Guyana who had given birth under horrific conditions while incarcerated at the Orange County Jail near Orlando in December 2000 never received follow-up medical treatment in the Sarasota jail and developed kidney problems. She also had a knee injury which went untreated. When this detainee was released from detention, she was not given the prescriptions she had while in Sarasota, making it extremely difficult for her to get her medication. Jail officials have complained that many of the INS detainees who arrive in Sarasota were wrongfully over-medicated in the previous facility housing them:

"We've seen so darn many females coming here so doped up
— lots of agencies just dope them up to shut them up."\textsuperscript{413}

\textit{Sarasota jail official}

\section*{Religious Practice}

INS detainees are allowed to keep a Bible, but no other religious articles. The Bible is taken away from them if they are placed in lockdown. If they put in a request through the Chaplain, they may go to Bible study once a week and attend the Chapel on Sundays. However, most religious services are in English only. Respect for religions other than Christian is not clear:

"We have to place a request to go to church. Only a few are allowed to go at one time. The religious gatherings are not in all languages. I go just to get out even if I don’t understand. I have a Bible that a detainee left me when she left."\textsuperscript{414}

\textit{Cuban detainee}

"We are allowed to keep a Bible, but not a rosary. We have to request to go to Bible study or to see a minister."\textsuperscript{415}

\textit{Argentinean detainee}

"No religious books are allowed. I am Hindu and requested a prayer book but I was not allowed access to one. I do not eat the food because of [religious] diet requirements."\textsuperscript{416}

\textit{Guyanan detainee}

\section*{Lockdowns/Transfers}

Lockdown is used arbitrarily and unnecessarily as a disciplinary measure, with little or no opportunity for detainees to challenge. After learning about the death of her husband, a Haitian detainee who broke down had her arms twisted behind her back by two officers and

\begin{footnotes}
\footnote{412 Detainee statement, August 4, 2001.}
\footnote{413 FIAC conversation with Sarasota jail official, August 22, 2001.}
\footnote{414 Detainee statement, July 18, 2001.}
\footnote{415 Detainee statement, July 18, 2001.}
\footnote{416 Detainee statement, July 18, 2001.}
\end{footnotes}
was put in lockdown. Prior to this, this detainee was locked down for three weeks because she had tried to stop a fight between two of the jails regular inmates. She was told she was being locked down while she was under investigation for her involvement in the incident and only after she was found not guilty was she let out of lockdown. Conditions of lockdown are severe:

"They leave the light on 24 hours a day in lockdown. In lockdown, one’s Bible is taken away."  

Haitian detainee

INS detainees in immigration proceedings must be transported to downtown Bradenton for court. One detainee who was taken to the Manatee County Central Jail in Bradenton on August 1st, 2001 for her hearing on August 2nd was held in Manatee in lockdown for fifteen days:

"I was in Manatee County Central Jail for the last fifteen days in lockdown. I wasn’t allowed to use the phone. In the fifteen days I didn’t go outside... I had on a Sarasota County Jail uniform for six days before I was wearing Manatee County Central Jail uniform. I went to Immigration Court... and I wanted to appeal the decision but I’ve lost fifteen days being in Manatee County Central Jail in lockdown and not being able to reach anyone... The Officers didn’t seem to know anything either. I didn’t even have my legal papers for INS Court; they were put in my property. That took seven days before I’ve received it. I didn’t have pencil, paper or envelope to write anybody."  

Bahamian detainee

A Haitian detainee frantically called FIAC’s office from a holding cell at the Manatee County Central Jail in Bradenton in September 2001. Although she was being transferred, she thought she was being deported because officers led her to believe this was the case, which unnecessarily caused her great anxiety.

Another Haitian detainee who was still in immigration proceedings was told to “roll it up” and taken from the Sarasota jail to the airport to be deported. She was mistaken for another detainee and only after she arrived in a van at the airport did the officer realize their mistake:

"[The officer] asked me if my name is ---. I said ‘no, my

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419 This detainee had 30 days to appeal.


421 Telephone conversation with detainee on or about September 6, 2001.
name is ---.’ The INS officer was shock [sic], ‘Oh! It’s not you.’ I said ‘no it’s not me.’ [He said,] ‘Oh we have the wrong person.’ I said, ‘I believe you do’. 

_Haitian detainee_

She was subsequently taken back to Sarasota County Jail, but is frightened that she could be deported mistakenly.

_Treatment by Officers_

Detainees say they have been subject to verbal and, on occasion, physical abuse:

“The Correctional Officers here talk to you like you’re nobody. They’ll yell at us – ‘what do you want! what do you need!’ -- real aggressive like. They’re so quick to say, ‘immigrants, they’re immigrants’.

_Bahamian detainee_

One Haitian detainee with serious psychological problems who wasn’t getting proper medication or counseling said an officer told her he didn’t like immigrants and she should be deported to Haiti. After she got into an argument with another detainee she was handcuffed so tightly that she has a scar on her wrist. After inappropriately confronting an officer who she claims had physically assaulted her, she was placed in three-point shackles for 12 hours and had to wait two hours before being granted permission to use the bathroom. Another detainee claims that when the detainee-in-question requested another food tray because hers was very dirty, the officer told her, “There’s nothing wrong with that tray, take that shit and eat it.” The Haitian detainee claims this officer locks her down “for every little thing.”

For the most part, however, the officers ignore the women:

“The officers are never around, they leave us alone. They don’t want to have anything to do with us immigrants.”

_Cuban detainee_

When FIAC was visiting the facility in late August 2001, a FIAC attorney overheard an officer shouting at a group of female detainees who were quietly talking as they got into an elevator, “you’re inmates, stop talking,”

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423 The detainee admitted to spitting on the officer after he struck her on her thigh and shoulder and pushed her head against the bench she was shackled to. Detainee statement, July 18, 2001.


**Personal Property/Hygiene**

Until September, 2001 basic hygienic supplies, such as shampoo and deodorant, were not being provided to detainees and they were not permitted to receive these items from family.\(^{427}\) Detainees have not even been provided with sanitary napkins as necessary:

> "When I first got here, I was not given any pads so I had to make my own."\(^{428}\)

*Argentinean detainee*

> "I'm having my period, so I asked for sanitary pads and toilet paper when I was at the infirmary and they didn't give it to me."\(^{429}\)

*Venezuelan detainee*

> "The sheets on the beds are never changed or washed. We are not allowed to send them to be washed with the uniform. The uniform is washed once a week. In the meantime we have to wear an oversized, old, blue t-shirt. We can keep our own bar and underwear, but we have to buy any extra. They run out of sizes and we have to buy extra large ones. We do not get pillows."\(^{430}\)

*Cuban detainee*

> "We cannot receive any personal items through the mail, so we have to buy everything through the commissary."\(^{431}\)

*Argentinean detainee*

Commissary prices are exorbitant and detainees have had to pay for everything from medical care to pencils to underwear. Storage space for the detainees is at a premium, which severely limits what they are allowed to keep:

> "We're allowed to keep food and hygiene products only. My pictures were taken away but I placed requests for them until they were given back. It's really difficult to access your personal property. Requests are just ignored."\(^{432}\)

*Guayanin detainee*

> "The only thing we are allowed to keep is food, mail, and hygiene products. We can't keep too much mail either. Too

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\(^{427}\) In mid-September 2001, the detainees received their first hygienic supply kit, which they welcomed.


\(^{429}\) Detainee statement, July 18, 2001.

\(^{430}\) Detainee statement, July 18, 2001.

\(^{431}\) Detainee statement, July 18, 2001.

\(^{432}\) Detainee statement, July 18, 2001.
much would be if it is stacked higher than 4-5 inches. Then it must be placed in our property. I think our property is kept downstairs, but requests to access our property are ignored.\textsuperscript{433}  

\textit{Argentinean detainee}  

“We have to buy everything, even the pencils which are very small without an eraser. We have to ask the officer to sharpen them because we cannot keep sharpeners...I usually just use my fingernails...”\textsuperscript{434}  

\textit{Cuban detainee}  

“I’ve put in five requests to get pictures of my family from my property, but they’ve never answered. These requests are a joke, they never answer them. And we only get one uniform (one pair pants, one pair shorts, two T-shirt-like tops) -- prison uniform, it’s the same as the regular inmates uniform. And we wash them ourselves because when the jail washed them, we all broke out in a rash.”\textsuperscript{435}  

\textit{Venezuelan detainee}  

\textbf{Grievance Procedures}  

When FIAC spoke with the women detained in Sarasota in July 2001, none of them had received a detainee handbook and some were not even aware that they could file a grievance.\textsuperscript{436}  The women who did know that they could file grievances perceive the procedure as ineffective and even problematic:  

“We don’t feel free to place any grievance. They put people who place grievances in isolation. I know of one detainee who was placed in lock down for seven days after putting in a complaint against the officer.”\textsuperscript{437}  

\textit{Argentinean detainee}  

“If you write a grievance, they immediately put you in lock down, handcuff you to the bed and leave you there for a couple of days so you can straighten out. They say you’re causing trouble. Then they come back and say, well are you ready to stop writing grievances and of course we say yes.”\textsuperscript{438}  

\textsuperscript{433} Detainee statement, July 18, 2001.  

\textsuperscript{434} Detainee statement, July 18, 2001.  

\textsuperscript{435} Detainee statement, July 18, 2001.  

\textsuperscript{436} Two detainee statements, July 18, 2001.  

\textsuperscript{437} Detainee statement, July 18, 2001.  

\textsuperscript{438} Detainee statement, July 18, 2001.
Jail officials told FIAC that while some of the women appeared to have legitimate grievances, they could not address the women's concern unless they filled out a complaint form.\textsuperscript{439}

\textbf{Language Problems}

As is the case at TGK, many of the problems the women at Sarasota confront are compounded if they do not speak English:

\begin{quote}
"With us right now are two asylum seekers from China who speak Mandarin, they can't communicate with anybody."\textsuperscript{440}
\end{quote}

\textit{Venezuelan detainee}

\begin{quote}
"There are no interpreters here. If you do not speak English, nobody communicates with you. The Chinese girls here do not know anything about their case and nobody helps them."\textsuperscript{441}
\end{quote}

\textit{Argentinean detainee}

\begin{quote}
"Everything is English only. They don't speak or deal with you if you don't know the language."\textsuperscript{442}
\end{quote}

\textit{Guyanan detainee}

\textbf{Women's Detention Center, Miami}

The Women's Detention Center (WDC), also known as the "Annex," is another Dade County facility which houses female INS detainees who have been placed on suicide watch.\textsuperscript{443} It appears that some women transferred to the WDC may not necessarily be on suicide watch, but rather have serious mental health issues that cannot be addressed at TGK. One woman, an asylum seeker previously mentioned in this report who suffered an apparent psychotic break, was transferred to the WDC in July, 2001. Her cousin, a psychiatric nurse, was given permission to visit the detainee after contacting a local Congresswoman. The cousin described the conditions of detention at WDC:

\begin{quote}
"The condition in which I saw [her] was extremely disturbing."
\end{quote}

\textsuperscript{439} FIAC conversation with Sarasota jail official, August 22, 2001.

\textsuperscript{440} Detainee statement, July 18, 2001.

\textsuperscript{441} Detainee statement, July 18, 2001.

\textsuperscript{442} Detainee statement, July 18, 2001.

\textsuperscript{443} See December 20, 2000 Memorandum from Captain Betty Fuller (Facility Supervisor, Women's Detention Center).
She was completely naked lying on a bare narrow cot secured in a cell next to a security guard. Her lips were dried, chapped and cracked. She appeared to be extremely dehydrated. She expressed a desire for some water. I requested a cup of water from the security guard on duty. The guard directed me to a dirty empty milk carton which I used to secure water from the tap in the cell. She drank four cartons of water. [The next day] I revisited [her]. I saw her lying naked on the cot in a worse condition that the day before. When an attempt was made to get her up, she collapsed. At that point, I was asked to leave.  

Cousin of detained asylum seeker

**Palmetto Mental Health Center, Miami**

The above-mentioned Guyanan asylum seeker was eventually transferred to the Palmetto Mental Health Center, where her relatives were not allowed to see her for several days. She was heavily medicated with such drugs as Haldol, Ativan, Syroquil and Cogentin. The family, concerned about the amount and kind of drugs being prescribed for her, only consented after they were told that if they did not sign and agree to this, a court order would be obtained. The family claims the medications were changed without their knowledge and/or permission. A FIAC staff person accompanied the young woman’s relatives to the Palmetto Mental Health Center where they initially encountered her incoherent and lying on the floor. A nurse reported that at night the woman was handcuffed to her bed to prevent her from falling to the floor.

Although this Guyanan asylum seeker was eventually released, her relatives have encountered significant obstacles in obtaining her medical records for her continued medical treatment.  

And several months after her release, she was still unable to discuss what had caused her psychotic break.

TGK’s inability to properly address and treat mental health issues has led to a number of detainees being transferred from TGK to the Women’s Detention Center to the Palmetto Mental Health Center, an experience which clearly appears to add to their trauma rather than relieve it. One asylum seeker from Georgia with very serious mental health issues first arrived at TGK in May 2001. She was ordered deported without representation and transferred repeatedly from TGK to the Women’s Detention Center to Palmetto Mental Health Center, and back to TGK. The woman’s condition did not improve and, in October

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446 FIAC telephone conversation with relatives of Guyanan asylum seeker, October 24, 2001.
2001, she was eventually transferred to a mental health hospital in South Carolina.

**Federal Detention Center, Miami**

Several women have been transferred from TGK to the Federal Detention Center (FDC) in downtown Miami without explanation. One such INS detainee wrote:

"I've been living in this federal detention center for about a month now... I went to Krome as planned, but before I could see the judge they came and took me to F.D.C. instead. I didn't have a clue what was going on... INS officers took me over there, but they couldn't tell me that much either. They just said that it is not strange for them to take detainees from one jail to another. Obviously they were used to it. In fact, that female officer was really nice. She apologised because they had to handcuff and shackles me. I felt like an outlaw. They didn't do that to me when they moved me from Key West to T.G.K. Not even when they transported me from Orlando to Key West by plane! I felt so bad... for real. Unfortunately, there was nothing I could do, except do what they told me to. Finally she asked me what I wanted her to do with my stuff that still was at T.G.K. (Some was even at Krome, like my GED work) Because [the Deportation Officer] told her she had to take everything and just "get rid of it" Those were [her] words!! It didn't amase me. Strange thing was that I was not allowed to keep anything, not even a Bible!... I'm telling you, they don't let you keep ANYTHING!! Sad but true... We are on lockdown regularly! And several counts a day. It starts with one at 7:30 am. You have to be fully dressed, beds made, room superclean! We cannot get under the covers all day long!"\(^{447}\)

**Local Hotel, Miami**

INS also detains women who arrive with their children in a local Comfort Suites Hotel in Miami. Although FIAC has never been granted access to the hotel itself, women and children have raised serious concerns about the conditions there.\(^{448}\) For example, a Haitian asylum

\(^{447}\) Detainee letter, April 9, 2001.

\(^{448}\) Attorneys can request that the women be brought to Krome to meet with attorneys, but often these requests are ignored.
seeker complained about the lack of proper hygiene and other such problems:
“They gave me a shirt, shorts, a sweater and pants at Krome. But it was so cold at the hotel that I wore everything all together, all the time... I spent 12 days in those clothes they gave me... They didn’t give me any sanitary napkins for my bleeding. Whenever my panties were bloody I washed them, let them dry and wore them again.”

Haitian detainee

Women and children detained at the hotel may be separated from other family members detained elsewhere. An Iranian woman detained at the Hotel with her son was separated from her other son who had just turned eighteen the month before they were apprehended:
“We came here [to the United States] because we wanted to be treated like human beings... I did not know they would take my son away from me and separate us like this. We had different expectations of the US... When I was separated from my son, there were no other females or female officers to make me more comfortable. It was a very heavy load when my son was taken away... When they took my oldest son away — it gave me a nervous breakdown — I was taken to the hospital thinking I had a heart attack. They did some tests but never gave me the final results. They didn’t give me an interpreter there at first, so [my son] interpreted for me...”

Iranian detainee

All visitation occurs at Krome, not at the Hotel, including attorney-client visitation, which is problematic for those at the Hotel:
“When we go to Krome, we are called to go at 4 am, and brought to Processing at about 5 am. They never tell us why we are going, like if we have court, visitation with my son, or an attorney visit... We never know what time they will be taken to Krome or what time we’ll be brought back to the Hotel.”

Iranian detainee

On at least three occasions, FIAC has requested to speak with detainees at the Hotel who were not brought to Krome when requested. On other occasions, detainees from the Hotel have been brought hours later than requested. FIAC has found that detainees are exhausted.

by the time they get to Krome.

INS detainees at the Hotel have no access to recreation. They are apparently not allowed outside at all. "We could just see the sun from a window," a 16-year-old Argentinean girl told FLAC.\footnote{FIAC interview, August 8, 2001.} Children are provided no educational classes and families report they just sit on their beds all day and watch TV, because they have nothing else to do. One Iranian boy said he has tried to make conversation with the officers to practice his English but has been told that is not permitted.\footnote{FIAC interview, December 14, 2001.} Also, there is no law library at the Hotel so women and children held there have no access to legal materials or a detainee handbook. Although they are allowed to make phone calls, they cannot send or receive mail.

Food for detainees at the Hotel is brought to them from Krome which has been a problem:

"I'm allergic to fish and dairy products. When I tried to complain that I was allergic to some of the food, [my son] told me they said, 'this is it whether you want it or not,' so I just don't eat what I'm allergic to."\footnote{Detainee statement, December 14, 2001.}

\textit{Iranian detainee}

Women at the hotel in need of medical treatment have been ignored, often times because they can't communicate with anyone at the Hotel. For example, an asylum seeker from Haiti who was pregnant upon arrival in the United States, in July, 2001, and initially processed at TGK informed medical staff through body language that she was pregnant (she was not provided with a Creole interpreter and does not speak English). Within days after her transfer to the Comfort Suites Hotel she began bleeding excessively:

"To communicate I mostly just used my hands. Only three times did they use the phone to get me an interpreter... I asked them to please help me. And that was when they took me to the hospital... When I was at the hospital, after they did the ultrasound, the interpreter left. I asked the nurse if everything was ok. She said, "baby ok". The police that accompanied me also told me that I and the baby was ok."\footnote{Detainee statement, August 20, 2001.}

\textit{Haitian detainee}

When this detainee went to the Krome clinic for treatment, she claims medical staff there told her they "couldn't believe that I had been bleeding so long and no one did anything about it. They gave me an emergency letter to go to Jackson [Memorial Hospital]."\footnote{Detainee statement, August 20, 2001.} The day after she was released from the hotel, she suffered a miscarriage.
Ft. Lauderdale Jail

As previously mentioned, an openly gay female INS detainee who was harassed by a certain TGK Officer was transferred to the Ft. Lauderdale jail. At the Ft. Lauderdale jail, she was the only female INS detainee. She was unable to call her attorney at FIAC for several days and had no access to a law library or recreation. She described what happened to her there as follows:

"I was kept in a cell by myself. I started my menstruation and kept asking the officers for maxi pads, but they wouldn't give me any. They would laugh at me and ignore me. I begged them to please give me one because I was bleeding on myself. After asking for a long time, I started yelling that I had an emergency, that I needed to see a nurse. I yelled, "emergency, emergency! I have an emergency!" But the officers still did not give me a maxi pad. Instead, three officers went into my cell and came at me. They grabbed me using force and took me out of the cell. As they were taking me out, two of them spit on me. They put me in another cell that was smaller. They said I was causing chaos in the bigger cell, but I was the only one in it and the only thing I was doing was yelling for a maxi pad. There was a camera in the cell. The camera saw everything.

I was put in the single cell but I still didn't get any pads. I didn't stop asking. The guards just ignored me or laughed at me. They kept saying bad things about immigrants. That immigrants should stay out of America. I kept calling for a nurse but nobody listened to me. I think I passed out. When I woke up, a nurse was there. I think she took my pulse or my temperature. Then she said that it wasn't true that I was on my period. She said I couldn't be on my period because of my pulse or my temperature, one of the two. The nurse left without giving me a pad.

I didn't know what to do. I felt desperate. All I wanted was a maxi pad. So I took some of my own blood and I wrote the word HELP on the wall using my blood. The officers took pictures of me and took pictures of the wall. They started making fun of me, telling me I was crazy. This was during

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457 This detainee had been accused of being suicidal while at TGK. Thus, she was transferred to the Women's Detention Center where she was stripped of everything, including her underwear. This was a serious problem when she began menstruating upon her transfer to the Ft. Lauderdale jail and was without underwear.
the 3 to 11 shift and it was the Thursday before I was sent to the hospital (April 26, 2001).

I finally got two pads. But two were not enough for me. I needed more, so I asked for more when those ran out. Instead of getting more pads, they put me in the black chair. The black restraining chair. I was strapped down in the chair and handcuffed for sixteen hours. I was put there during one shift and stayed there for an entire shift after that. I wasn’t allowed to use the bathroom or get a pad. I was kept dirty. I went to the bathroom on myself and was bleeding on my clothes.”

Another female detainee who was transferred to Fort Lauderdale echoed the above complaints:

“There was no running water to drink— I didn’t find out we could have water until four days after I got there. The bottom of the shower was green, there was mold and mildew everywhere. The shower was a drizzle. They stripped me of everything when I got there, I had to fight to have my Bible.”

*Canadian detainee*

Attorney access at Fort Lauderdale is particularly problematic. Due to lack of space, attorneys are generally prevented from visiting clients everyday until 1:00 pm. The attorney visitation room where non-contact telephonic visits occur also serves as a courtroom in the morning from 8:00 am until approximately 11:00 am. Around 11:00 am detainees must get their lunch and a guard change occurs at 3:00 pm, preventing attorney-client communications. Officers also frequently enter and exit the room, which is right off the main entrance. Attorneys, therefore, often experience significant delays in seeing their clients, even once inside the jail.

While attorneys can request permission to have a non-contact visit with clients in advance of the visit they are often barred from doing so, regardless of the time of day. According to certain Ft. Lauderdale jail officials, contact visits with attorneys are prohibited. When questioned about this policy, a supervising officer said “we have had a contract for 10 years with INS and this is the way it has always been.”

Attorneys have to request that guards bring detainees any legal documents they may need to review. The detainee then has to request a guard to return the document to the attorney. This is cumbersome and results in unnecessary and improper delays in access to counsel.

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458 Detainee statement, June 13, 2001. This detainee was subsequently forcibly drugged and deported to St. Kitts.

supervising officer claims that INS is aware that Ft. Lauderdale jail officials have to treat the INS detainees like all other county detainees.

**West Palm Beach: Stockade and Palm Beach County Jail**

Accounts of conditions of detention at the West Palm Beach Stockade and Palm Beach County jail raise serious concerns regarding the treatment of female detainees there. For example, one Haitian asylum seeker who arrived by boat in July 2001 was sent to the Palm Beach County Jail and separated from her five year old daughter. Her daughter was sent to Boystown, an INS shelter for unaccompanied minors in Miami. Although the mother had fully cooperated with U.S. government officials by agreeing to testify against the smugglers who had brought her to the US, she was forced to endure horrendous conditions during the two months she was in INS custody in West Palm Beach.

During the entire time she was detained, she was not allowed to see, or even speak with, her daughter. Of the Palm Beach County Jail, which she says is called the “Gun Club,” she said:

"When I arrived at ‘Gun Club’ I was handcuffed and they put me in a room by myself. There was no bed in the room, just a toilet. When I came they took all my things away from me—all the clothes I arrived in and my jewelry, even my panties. I got a uniform, but I never got panties. When I realized that I would be spending the night in that room, I asked if I could have somewhere to sleep. The officer told me Immigration put me there, there was nowhere for me to sleep. They did take my handcuffs off, but I spent the whole night standing. I hadn’t been able to shower or bathe for many days, and since there was nowhere for me to bathe there, I decided to use the water in the toilet bowl to clean myself. I think that’s why I developed a vaginal infection. The infection was never treated though because none of the doctors I saw could speak Creole."  

_Haitian detainee_

This asylum seeker was eventually transferred to the Stockade, another county facility in West Palm Beach; but each of the four times she went to court to testify against her smugglers, she was brought back to the Palm Beach County Jail:

“When I had to go to court, I would be woken up at 3am. And then I’d spend the whole day standing. They would take

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460 The Palm Beach County Jail is located on Gun Club Road in West Palm Beach.

me back out to the “Gun Club” where I was in a cell like the one I spent the first night in. I got food because they would push it in a box through the door. And there was that toilet in the room. On top of the toilet there was something like a faucet. When I asked for water to drink, they told me to drink from that. Then I would be taken to court and back to that cell to stand. And I would have to wait there until 9pm when someone would come to pick me up to take me back to the Stockade.”

Haitian detainee

At the Stockade, things were only a little better. She was placed in a unit with 24 women serving criminal sentences and was not only the lone asylum seeker, but the only Creole-speaker. She had no way to communicate her needs and was never provided with an interpreter. She had no access to legal materials, a law library, or to a handbook with the rules and policies of the facility in any language, much less Creole. Although she had not had her menstrual cycle since her arrival in the US, she never received medical treatment.

Hernando County Jail

Female INS detainees housed in county jails tend to be extremely isolated. One detainee who was eventually transferred to TGK spent just under a year at the Hernando County Jail, where she was the only female INS detainee. Although she had better access to spiritual support, classes and volunteer opportunities than she now has at TGK, she was very unhappy in the Hernando facility because she was so far removed from her family and attorney and had no contact with INS about her immigration case:

“To begin with, I never knew the true reason for my transfer... Also, I would go months without seeing my family. Not because they wouldn’t want to come, but because of the distance which made it real difficult for them to come and visit. I was in Hernando two weeks short of a year and never once did anyone from Krome come and see me. INS officials would come at least once a month to talk with the other male detainees to inquire about their conditions and what have you, but they never came to talk to me. I once asked the Unit Manager to advice INS the next time they came that I wanted to speak with them. When that day came I still wasn’t able to speak with anybody. I asked the Unit Manager if she had told them that I wanted to speak with them and she said yes but that they had said that they didn’t want to speak with me. That really frustrated me because I was the only INS female 462

detainee there, and I honestly felt as if they had just placed me there to forget about me. The 30-some male INS detainees that were there had their own unit, while I was housed with the general population. It was a real difficult and trying time for me. On two different occasions I had been unjustly punished and locked down for a misunderstanding and error on their part. On two different occasions from that, the whole unit had been locked down and we were neglected breakfast. The excuse was that the officer didn’t know the unit was on lock down and when she saw that noone came out to eat she figured that it was because noone wanted to eat.”

**Monroe County Jail**

Some female INS detainees are occasionally housed at the Monroe County Jail in Key West, Florida, which is approximately three hours south of Miami. A Cuban detainee previously mentioned in this report was transferred from TGK to the Monroe jail in January 2001, without notice to her FIAC attorney. This detainee was accosted by a male inmate at TGK who kissed and fondled her while an officer stood nearby. FIAC urged the woman to give details about the incident to the Internal Affairs investigators at TGK, which she did. She believes her reputation as a detainee who stood up for herself and others at TGK contributed to her sudden transfer.

At the Monroe County Jail, this young Cuban woman was the only female INS detainee and she was housed with the regular criminal population. Although the Monroe County Jail receives approximately $82 per diem for each INS detainee it houses, the detainee-in-question was denied privileges that other INS detainees at the jail had. Moreover, there was no one at Monroe to whom she could address her concerns. The INS Deportation Officer assigned to this jail retired in early Summer of 2001 and was not replaced during her incarceration there.

While at the Monroe facility, this detainee spent most of her time in a common area, where she took literacy classes and which had a television. Literacy classes were her only activity. She never got outdoors, and the only natural light she saw was between meals and

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464 See Monroe County Jail subsection of this report, p 114.

465 Even an INS officer present during a *Time* magazine interview of this detainee seemed surprised that she hadn’t been given higher grade INS-issued hygiene products and more frequent contact visits and phone privileges.
lockdown. She and the other female inmates were locked down two times a day and then again during the entire night.

This detainee spent longer in the Monroe jail than any of the regular female inmates. During her eight months there she saw many other women inmates — but no other female INS detainees — admitted, released and returned. She was extremely depressed and was prescribed anti-depressant and anti-anxiety medication.

She was allowed only one half-hour contact visit a month with her children, and even that was difficult because of the 150 mile distance between Monroe and Miami. Since she was treated as a regular inmate at Monroe, she could not receive phone calls and could only make collect calls. Her phone bill to her mother, with whom her children were living, exceeded $800 a month. Each collect call to her family was at least $6.25. She summed up her sense of isolation during a conversation with a reporter for *Time* magazine:

"Those things (like communicating with family) may not seem like a lot to those of you on the outside, but for us it’s everything. I act normal, I go with the flow, but it’s hard. When I got arrested I accepted that I was going to go to prison. Then I accepted that I would be in INS detention for three months. But now, I don’t see myself getting out. I’m not going to lie to myself. I feel all alone..."

*Cuban detainee*

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465 She did have access to a small, enclosed concrete-walled space adjacent to the women’s unit, which serves as the female inmates recreation area.

467 Detainee statement, Fall, 2001.

*INS Detainees In Florida: A Double Standard of Treatment*
4

Conclusion

The treatment of female INS detainees in Florida points to a pervasive pattern of discrimination and neglect. INS officials in Florida clearly focus their resources on male detainees, who comprise the bulk of their population. Even while at Krome the women complained that the male detainees there received preferential treatment. And unlike their male counterparts, females sent to county jails in Florida often find they are the only female there in INS custody.

The women justifiably feel that they have been punished twice. As one asylum seeker wrote, “Immigration has taken the women out of a frying pan and into fire.”468 And while the abuses the women complain of vary in severity, all violate the human dignity of the victims.

While no one wishes to see women housed in a facility where they are vulnerable to abuse, it seems the INS in trying to solve one problem has created another. The women should not have to sacrifice their access to essential services and basic human dignity in order to be protected from sexual abuse. Several Krome employees alleged to have engaged in sexual misconduct at Krome remain there. It is they who belong in jail, not their victims.469

While some conditions at TGK have improved recently, the longer women are detained there and in the other facilities described in this report, the more difficult it is for them to cope with the harsh and punitive environment they’re exposed to daily.470

INS’ reaction to the public airing of allegations of abusive treatment of female detainees has


469 In the months following complaints of sexual harassment and abuse in 2000, the INS District Director claimed that he was constrained from actually punishing his officers until the FBI investigation was finally completed. In the early 1990's, a different District Director said the same thing, following complaints by detainees that they were being sexually and physically abused. Yet advocates for the abused detainees in the early 1990's have never been informed of the result of that investigation and some of the same officers accused of abusing detainees then were the subject of the latest Krome investigation.

470 It is important to note that most of the women who are the subject of this report continue to be detained in maximum security jail settings and are therefore subject to the rules imposed on criminals.
been disheartening.\textsuperscript{471} INS officials conveniently blame TGK or officials running the other facilities housing women in Florida for many of the problems referred to in this report and vice versa. Rather than simply dismissing concerns about the women as unfounded, INS and jail officials should make a serious attempt to improve conditions for the women. At the very least, the female detainees housed in Florida should have the same privileges as their male counterparts at Krome. Most importantly, the INS Standards, which were supposed to be fully implemented at TGK by March 1, 2001, need to immediately take affect there, and in all other Florida facilities housing women.\textsuperscript{472}

Female detainees who can be released should be quickly released.\textsuperscript{473} For those who cannot be released, the INS should seriously and promptly explore alternative detention sites in the Miami area.\textsuperscript{474} By developing alternative detention settings in Miami-Dade County, where the recently adopted INS Standards can be fully met, the INS would fulfill its objective of creating more humane conditions for persons in its custody and would drastically reduce the daily suffering of the women currently detained at TGK and elsewhere in Florida.

The complaints outlined in this report unfortunately are not new and it is unrealistic to expect INS to clean up its own act. A workable complaint system, protecting the rights of complainants as well as those of officers accused, needs to be developed as part of a system of checks and balances to keep officers accountable to humane standards of treatment. To succeed, it must include the participation of groups independent of the government. A viable system might include a civilian oversight committee or community task force, patterned after civilian review panels that investigate allegations of police misconduct.

FIAC issues this report with a sense of anger at the mistreatment of female detainees in Florida and frustration with the lack of government action to remedy the situation. Yet it also does so in the hope that public pressure will move the government beyond its current defensive posture to dialogue with detainees, detainee advocates, and other concerned members of the community in order to develop safeguards to protect the human rights of female detainees in Florida and at all other detention centers in the United States.

\textsuperscript{471} TGK detainees claim that in January, the Acting Deputy Officer-in-Charge of Krome complained that he had been instructed to follow-up on the “bogus letter” FIAC sent to the Attorney General on December 19, listing concerns about conditions at TGK, and that he “had a life too and had better things to do.” Also, the Officer-in-Charge of Krome told a group touring his facility in August, 2001 that the female detainees “won’t be back here [Krome] for a long time because their complaints left a bad taste in everybody’s mouth.”

\textsuperscript{472} All detention facilities discussed in this report are required to complete implementation and be in compliance with all INS Detention Standards by December 31, 2002.

\textsuperscript{473} Likewise, those women wishing to return to their countries should be allowed to depart as soon as possible. A number of women have languished in detention at TGK months after being granted Voluntary Departure to their countries of origin.

\textsuperscript{474} See FIAC memorandum, “The law permits INS detainees at TGK to be detained in non-jail setting.”
**Post Script**

**IN THEIR OWN WORDS**

"In the beginning, INS made everything seem like it was going to be peaches and cream at TGK. I guess because of the investigation at Krome... But now things are different, no more peaches and cream."\(^{475}\)

*Canadian detainee*

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"INS officers treat you like you're a nobody. At Krome they have officers who did so many bad things. Tell me, do they have a right to hide behind their badge?"\(^{476}\)

*Colombian detainee*

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"Most of us come from our countries running away from persecution, kidnapping, violations of human rights, physical and psychological torture. We came to this country, a country known as the land of the free, a country where human rights are above everything. And we find ourselves doing jail time without committing any other crime but to try to save our lives and those of our loved ones. We pay a very high price for a right that every human being has, 'right to life'."\(^{477}\)

*Colombian detainee*

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"We have been begging for someone to help us, and free us of this horrible nightmare... Most of us come from our countries running away from persecution, kidnapping, violation of human rights, physical and psychological torture. We came to this country, a country known as the land of the free, a country where human rights are above everything. And we find ourselves doing jail time without committing any other crime but to try to save our lives and those of our loved ones."\(^{478}\)

*Colombian detainee*

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"We are sick and tired of the degrading and inhumane treatment that both Immigration and TGK has done... This is unjust. The women here are hungry, depressed and stressed out. However, the only

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\(^{475}\) Detainee statement, June 8, 2001.

\(^{476}\) Asylum seeker statement, February 5, 2001.


reason for us enduring this tragic state of suffering is just because we want a chance to live... We endure this just because of freedom. Why are we being treated as if we are threats to society? Especially in a country that was founded and built by immigrants?“

_Jamaican detainee_

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“I can’t find words to express the immense pain that fills my entire being, I feel that it can’t fit inside of me. It’s as if my heart and soul might explode in a thousand pieces. I don’t have the capacity to understand for what reason I have been treated this way... For what reason they would have detained me for so much time, for what reason they would have subjected me to all that I have lived through here... For what reason did they end what little strength and hopes that I had. Why they have destroyed my soul in this way if I never, absolutely never, disrespected the laws of this country... I respected the laws, I was honest and in the face of my honesty, the response has been... as if I were the worst criminal in the world... There are no human rights. I cannot believe it. I cannot accept that I paid ten months of detention in a jail just for the desire of wanting to save my life and those of my children.”

_Colombian detainee_

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“All around us we see people playing games with our lives. We are not animals. Please change things and help us find a reliable, concrete and expeditious solution to our current situation.”

_Detainees’ letter_

* * * *

“This is not detention, it’s persecution... And even calling immigrants, aliens, that hurts. A definition for an alien is a strange object. Is that what we are? We are not UFO’s. America needs to open its eyes and its mind.”

_Saudi Arabian detainee_

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“I have gotten to think that if God had not given me those 4 children that I have, I would have personally returned to my country so that I will get killed and not keep putting up with this treatment. I believe there is no right, no matter how powerful this country is, to treat us this way. We are human beings with feelings, with families, with

values like any American citizen.\textsuperscript{483}

\textit{Colombian detainee}

\* \* \* \* 

"What kind of correction facility is TGK? Where are the people who can do something about this? Where is the U.N.? Is this what the U.S.A. is all about? I can't believe it. This is not detention, it's persecution... America needs to open its eyes and its mind. Where is civilization?"\textsuperscript{484}

\textit{Saudi Arabian detainee}

\* \* \* \* 

"We are here to sort out our paperwork, but they treat us like we have committed the worst of homicides. We are hungry, we are cold... We hope that we can find here what we cannot find in our own countries: justice and liberty. We are proud to be women and we are not weak and will not stand down. I hope this letter will serve to inform Immigration, the presidents of countries, world health and human rights organizations of our situation in order that they understand what they are doing. We are not animals. Please change things and continue helping us."\textsuperscript{485}

\textit{Detainees' letter}

\* \* \* \* 

"This place eats you up inside. It strips you of everything, your dignity, your feelings and emotions."\textsuperscript{486}

\textit{Canadian detainee}

\* \* \* \* 

"I am an ordinary person who came to this country dreaming about freedom."\textsuperscript{487}

\textit{Saudi Arabia}

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\textsuperscript{483} Detainee statement, May 8, 2001.

\textsuperscript{484} Detainee statement, May 7, 2001.

\textsuperscript{485} Detainees’ letter, February, 2001.

\textsuperscript{486} Detainee statement, June 17, 2001.

\textsuperscript{487} Detainee letter, May 7, 2001.

\textbf{INS Detainees In Florida: A Double Standard of Treatment}
Attachments

Appendix A: Detainee Statements & Grievances

TGK:
30. Detainee statement, December 20, 2001

Other Detention Facilities:
C. Inmate mail status form, Sarasota County Jail, July 13, 2001.
D. Detainee statement, Sarasota County Jail, July 18, 2001.
Asylum seekers transferred from Krome

Creole Translation of the complaints of the Haitian women detainees at T. G. K.

I am a representative the Haitian group and I am writing this letter to see if we could get some kind of improvement in the way things are done here at T.G.K. Our family does not know where we are staying. We do not have any money with us because the INS officials kept our money, therefore, we can only call collect, and most our family phone lines do not accept collect. I would like to speak to my family however, I am unable to do so. Also I have no idea for how many days I am going to be in that place. I do not know if they are going to process the same way it was at Krome but we are begging you to help us find a solution as soon as possible. Please I did not write my name because I do not know if they will not take any action against me

Thanks

I am writing one more little thing, I need an interpreter who speak Creole so we can tell them our needs so the interpreter will be able to give our messages.

12-15-00
December 16, 2000

U.S Department of Justice
Immigration & Naturalization

To Whom It May Concern:

I am writing this in behalf of the detainees of immigration. We were at the Krome Detention Center and on Dec. 13, 2000, we were transferred to T.G.K. Dade County Jail. First of all we were told that the move was to better our situation and we would be much happier at the new location. The very next day they came at 6:00 am and told us to pack our stuff because we were being transferred. We could not take any of our stuff only underwear and bras. Some of us did not even get that. We were brought to a dirty cell that we stayed in until late afternoon without water or food. Finally they gave us two sandwiches without anything to drink.

We were booked all over again. We were giving an arrest form that said we were criminals. We did not eat again until 6:30 p.m. that day and the food was frozen when we got it. We are being locked down all hours of the day and all night. We are told over and over again that we are inmates and will be treated as such.

A lot of us have not received any medication. The ones that have, their medication have been drastically changed. We did come with this medication and some of us have been taking it for years.

We are being woken up at 5:00 a.m. to eat breakfast, nothing to drink but water. We have not had anything hot to drink at anytime. We eat lunch at 11:00 a.m. which consist of two piece of rotten salami, four stall pieces of bread, water down Jell-O, and two pieces of frozen cheese. We don't eat dinner until 6:00 p.m. or 7:00 p.m. Dinner consists of one uncooked chicken quarter leg, ¼ cup of what suppose to be stuffing, about ½ of dried freezer burnt peas, ¼ cup of applesauce, and ¼ cup of pineapples. All the food is reheated and reheated again. Most of the time it is still cold. The food has no taste; we do not even have the basics like salt.
This unit was not prepared for any human being to inhabit. There is no water fountain, we must drink water from the faucet. The ice is put in a garbage can in which every one sticks their hands. The air conditioner is set on a very low temperature for which we are freezing. INS has not provided us with jackets, sweatshirts, or extra blankets.

Our phone privileges are limited to collect calls only. We cannot use a phone card or three way calling. Most of the numbers we call say that there is a block on them. When at Krome there was no problem getting through. They say we have free access to free programs like Florida Immigrant Advocacy Program, which is not true. We can get through, but when we dial the extension number the phone disconnects.

Our visitations are through a glass. We must be here for at least thirty days before we could get a contact visit. We are only allowed one contact visit a month. When at Krome we had two contact visits a week. On special occasions we were allowed more and extended visits.

We have not one single mirror. We are not allowed to smoke. For us that smoke, it is very stressful. We have no recreation, except for a little area with a basketball hoop, but we have no ball.

Our families must send us money orders that take up to 21 days to clear. We can not get anymore packages from our families we must buy everything from canteen. We have no microwave to heat up water or the food we purchase from canteen.

All we are asking is for the same rights and privileges that the men have. Why are the men allowed more rights and privileges? All of us here have done our time and we feel that we should not be put back in jail all over again. We are Federal Detainees not Dade County Jail Inmates. We should be treated with more respect, consideration, and our rights should not be violated.

We want all our privileges back. We are being threatened! That if we can’t take it here, they will put us in another county jail like Monroe or Ft. Lauderdale. They also stated that if we keep complaining they would send us to another state up north. The women here are terrified to say anything.

In the middle of the night they come and bang loudly on the window they say for security measures. They also wake us up every hour on the 10:30 to 6:30 shift. They threaten us constantly to lock us down because of the noise. We can’t keep the noise down because everything echoes.
Today they called us all together and told us after being locked down for three hours at 1:30 to 4:30pm that if we didn't conform to there rules and regulations we were going to be locked down all day long and all night long. Why are we being subjected to this place? We want something done.

On December 17, 2000 at or around 7:00pm Officer [REDACTED] was working. When she first got to the unit she stated that she did not want to work here because this place was a joke. The ladies were speaking another language and she stated that if they were not going to speak English not to speak that shit. The ladies responded that they were in immigration for that purpose because they were from another country and that was their first language. That is when the officer stated that she did not want to work with these hoes.

She tried to lock us down but no one moved. She then called back up and a corporal and two sergeants came. Three girls were locked down for no reason and then the whole unit was locked down. Two out of the three went to the psyche hospital. That makes eight to the Palmetto Hospital. When the entire backup came they were all men and they have their gloves on.

On December 18, 2000 I spoke to Ms. [REDACTED] and she said that I was very manipulative and that my release depended on my attitude here. To take it as it was.

Thank you for your assistance and cooperation in this matter.

Sincerely,
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
MIAMI, FL

KROME NSFC 18201 SW 12TH ST.
MIAMI, FL 33194

RE: [REDACTED]
INMATE NO: [REDACTED]

NOTICE OF HEARING IN REMOVAL PROCEEDINGS

DATE OF NOTICE: Dec 28, 2000
FILE: [REDACTED]

You are hereby notified that a hearing in this case is scheduled/rescheduled before an Immigration Court on Jan 11, 2001 at 9:00 A.M. at

18201 S.W. 12TH ST
MIAMI, FL 33194

You may be represented in this proceeding at no expense to the Government by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. If you wish to be represented, your attorney or representative should appear with you at the scheduled hearing.

Except as otherwise ordered by an Immigration Judge, any motions (including motions for continuances and motions to withdraw as counsel), applications, or other correspondence concerning this case should be filed with the Immigration Court at:

18201 S.W. 12TH ST
MIAMI, FL 33194

at least 10 days prior to the scheduled hearing. Evidence of payment of appropriate filing fees must be included.

ANYONE EXPECTING TO ENTER THE FACILITY IN ORDER TO APPEAR AT THE IMMIGRATION HEARING IS SUBJECT TO CORRECTIONS DEPARTMENT POLICIES AND PROCEDURES REGARDING ENTRY. CONTACT THE SECURITY OFFICE AT THIS PRISON IN ADVANCE OF THE DAY OF THE HEARING FOR FURTHER SPECIFIC INFORMATION ABOUT ENTRY GUIDELINES.

For information regarding the status of your case, call toll free 1-800-898-7180 OR 703-305-1662.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (X)
TO: [X] ALIEN [ ] ALIEN c/o Custodial Officer [ ] ALIEN'S ATT/REP [ ] INS
DATE: 12-28-01 BY: COURT STAFF
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

POA

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GRIEVANCE REPORT

INFORMAL REVIEW

(This form must be filed within 3 working days of grievance incident)

Grievance File #: __________

Date Prepared: 01-01-01

NAME: ___________________________

JAIL #: __________________________

Housing Unit: 21-5

DESCRIPTION OF PROBLEM: (Please make as short as possible) TGK STAFF

Please see attached exhibit A-B-C-D

ACTION REQUESTED BY INMATE: A thorough internal investigation

This Grievance has been inform

H ave

Rew rit e Grievance

SIG: ____________________________

DATE: __________________________

This Informal Resolution is accepted: YES: ______ NO: ______

If no, a date will be set for a hearing by the Hearing Committee.
Dear Ms. Cheryl Little:

How are you doing? Well I do hope that with this letter it should all be clear that I am out of Krome as of the 13th of Dec. We were all transferred to T G K county Jail in Miami Dade.

Well it was a surprise to all the ladies. If we did not see this information in Miami Herald newspaper a day before we got moved. I.N.S. would just be packed us up like we are nothing, and moved without any notice of any kind.

We asked for answers that same day (on the 12th of Dec). The officer that was assigned to 14B that day called their office. My guess is to the security captain (Ms. [redacted]) to find out the truth about the story in the newspaper. At first she came to see if she could claim the ladies down, but my guess was she couldn't do anything with situation. The ladies were already worried. The only thing she could do was to go to the front office to find out.

She made report to the camp supervisor of what was going on with the ladies. She then came back to let us know that there would a meeting with the deportation officer, and the O.I.C., and some of the top official to answers to all our concerns. Our concerns were answered all right. Only to finds out that we do not have a choice on the matter. I felt that this is our life at lease we should be given an adequate information concerning the movement before ever the due day of movement.

We got our answers to some of our questions, which was not satisfying to me. (We were given bogus excuses). We were told that the movement was for our own good.

Ms. Little, to be honest with you the reason that we were moved was because the I.N.S. male officers could not control their manhood when it came to the women which by now it most be old news to you.

What angered me the most was how little credit they gave the ladies? What were they thinking? When the O.I.C. (Ms. [redacted]) was trying to feed us that lie. About the transition been a good one for the ladies, and the garbage about protection. Who was he trying to fool, or was kidding?

They claim that the place is unsuitable to live in, but turned around and put the males in this supposedly unsuitable living area. What sense does that make to an intelligent person?

The News stated that the reason that we were moved was that there was sexual harassment towards the female population, and it was for our own protection. My question is whose protection? Theirs, or the female population.
If so why move us all to an even more dangerous, and confinement, shout of from our loved ones. Place where dignity and respect are taken away from us. Environment where there are constant threats direct, indirectly and they are more abusive. Place you’re been treated like you are serving time all over again.

Why are we been subjected to place where you can not voice your opinion without getting punished? I do believe that we still have an act of constitution that protect the freedom of opinions as long as it does not violate any rules, or regulations.

I do believe that we finished paying our debt to the society, why are we been punished again for someone else sins, because that is how It felt about this move. You are not to express the way that you feel without anyone labeling your action to be suicidal, or psychotic.

Are we been protected, or are we been put through another Trauma Exposure to sexual, mental and, psychological abuse?

Constant fear not only from the threat by the correctional officers, but also the retaliation of the immigration dept about their 90 days review been denied.

The third day that we were moved down here, I had an Asthma attack in which it took them about 15-20 minutes to give me my pumps which were taken away from me. I still didn’t get my right pump.

The medical department staffs are very rude; the treatments are very deplorable. Bedside manners are really despicable. They handle the detainees like the have no rights to medical treatment. Some of their medical staffs treat you as if you’re a border to them or they do not like their jobs.

Since we got here my entire medical problem has increased; they are not giving me my medication. I had 2 Asthma pumps when I got here they were taken away from me by one of the jailers, and was misplaced or possibly thrown away like the rest of our medications from krome. I am now with constant chest pain, I do have difficulty with my breathing. I’ve complained, but no action has been taken. I do understand that I have to be patient, but for how long with these ignorant people?

All around me and all that I see are these people playing games with my life. I see favoritism, and discrimination all over. I’m having a flash backs of what immigration had taken me through in between the month of April-June of 2000 where I was almost killed due to their negligence.

**Thursday January 04, 2001**

Today I found out that some amount of money as been missing form my account. It was supposed to be put back, at least that was what I was told by the counselor. I’m
really concerned about this the situation that I.N.S. brought us to subject us to? How long will this go on? The same day I wrote a request to the counselor. There as not been an answer as of today the January 8, 2001. I have notified the deportation officer in charge. I still do not know where my money is, it does not matter how little it might be it is still mine.

**FOOD**

The food is very deplorable. For breakfast we are given powered scrambled eggs three times a week. For lunch we always have cold stale bread, rotten, slimy and smelly cold cut. And for dinner sometime it a little decent, but not enough to feed a two years old child.

The way the food is presented is not sanitary. Also it’s extremely unpleasant and it’s not appetizing at all. It is poorly tasteless, and inferior.

Some of us or any of us that have a dog or a cat will never subject our pets to such cruelty. The so call trays that the food is placed in should not be used to serve an animal, let alone a human- being.
CORRECTIONS & REHABILITATION DEPARTMENT

TO:  LIEUTENANT
     SERGEANT
     OFFICER
     NURSE
     SOCIAL SERVICES
     OTHER

FROM:  

JAIL NUMBER:  

DATE:  01-16-01

Type of Request

☐ PHONE CALL
☐ MEDICATION
☐ CLOTHING FOR COURT
☐ SPEAK TO YOU
☐ OTHER

REMARKS: (Explain Request) Father is in the hospital.
And had surgery this morning.
May I please call to see how he is doing tonight?

(Do not write below this line)  
Have you attempted to call on the phones for detainees?
RE Cheryl Little 1-27-01

Here's a brief summary of my medical problem.

Six years ago I was diagnosed with having hives. I've been on medication for this illness since it was diagnosed. Though its not life threatening it's been known to cause breathing problems in patients. In my case I have the worst type of hives which is chronic hives. Without the right type of medication or the right amount, my body will start to break down and the symptom will develop.

At Krome my medical problem was under control, there was never a problem with getting my medication at all. Now, since being transfered to TGK (12-13-00) my medication was changed. Right now I am okay with what I am presently (1-26-01) taking. The problem I experienced with the medical staff is unbelievable. Next page is the incident that took place on (1-25-01)

K. 45 Rm #

Turner Guilford Knight 7000 NW 41st street Miami, FL 33166

/s/ [Signature]

Page 2

On January 25th 01 time 5:15 pm. I had to be taken to medical by Corporal [Redacted] because of severe out breaks of hives. There at medical we were met by Nurse [Redacted] who told us that there was nothing she can do for me. She said "I already looked in your medical chart." I then explained to the nurse how my medication was changed and the medication Benadryl that was prescribed (1-26-01) is not helping me. I was in tears the whole time while trying to show the nurse my back area, where the blisters were! Also my face on one side was swollen. She then dismissed me by saying to Corporal [Redacted] "take her back to her dorm. I don't have time for this." Now then thats when I got so angry and put my foot down by stating, "I am not going nowhere!!! "Nurse [Redacted] then look at me before leaving the door and said "I don't give a fuck." Then tears really began to fall down my face non stop. At this time Corporal [Redacted] tried to console me. Corporal [Redacted] then took me to a higher form of authority someone in uniform. I explained what happened. Then I was taken back to medical where I was seen by a male medical nurse who made the call to the doctor. The prescription order was put in right then and there! I received (vestirelle) which is keeping the hives under controelle. But to think how I was violated by a medical personel is just wrong. Both me and the Corporal wrote a complaint against Nurse [Redacted]. I would like to see something done about the nurse's behavior towards me. It was unprofessional!

/s/ [Signature]
Letter to the Editor
From TGK detainees

We are writing to follow-up on the Miami Herald article on Saturday, February 24, 2001 about our situation at TGK. First, we want to say that though the food is awfully bad and we have seen rats (?), those are not the serious problems here. We are much more concerned about not being able to stay in touch with our families, being locked down a lot of the time – like whenever there is a male worker around – and being stripped of our dignity. We can't even have our wedding rings, rosaries, or pictures of our children and every time we have to go to Krome for our hearings they strip search us in the most awful way when we return. And we have to insist just to be able to take our legal papers to Krome for our hearings.

The INS says they are treating us well, but we don't even have a decent law library or phones where we can talk to our lawyers in private. Many of us haven't even been able to go to what they call the law library for days because they say some books are missing.

They say they moved us here for our safety but they really moved us because the INS male officers couldn't control their manhood when it came to the women.

We have been subjected to a place where we can't voice our opinion without getting punished or without being labeled suicidal or psychotic.

Why is it that the male detainees are still at Krome if it is unsuitable to live in, as INS told us. Why are women still being treated as second class citizens in this country? Why do men from Krome get better treatment than the females? Every answer comes down to the equal protection arguments that the females are being unfairly treated as compared to the male detainees.

The INS detainees are able to stay at Krome where they have a lot more contact with their families, where they get to go outside and see the green grass and trees everyday and they don't have to be strip searched all the time like we do. And they aren't in jail cells like we are, being locked down all the time.

We hold the INS responsible for our treatment, not TGK. We're being treated like prisoners even though we're not because INS put us in this jail. They punished us instead of their corrupt officers.

There are lots of good officers here at TGK who treat us really well. But that doesn't make up for the hell that is our lives here since we've been moved.

All around us we see people playing games with our lives. We are not animals. Please change things and help us find a reliable, concrete and expeditious solution to our current situation.
EQUAL PROTECTION CLAUSE.

Equal protection clause of the Fourteenth Amendment to prisons. This Amendment prohibits the government from denying "any person within [their] jurisdiction the equal protection of the laws." The purpose of the equal protection clause is to guarantee "that similar individuals will be dealt with in a similar manner by the government. Prisoners/Detainees do not surrender their rights to equal protection at the facility gate.

What does this mean for the women as whole in this country, female in prisons/jail houses in general, and most especially with the I.N.S. women of KROME DETENTION? That is the question that come to mind when, and each time that I looked back on the situation. Every answer comes down to the equal protection arguments that the females are being treated unfairly as compared to the male detainees who are in the same situation as per processing with deportation and housing is concern.

This is a country that has laws, which protects not only certain group of people, but also all human being. That is why the constitution was written to make sure that we all can be treated as one under the laws. Unlike other 3rd world countries where women are treated as second class citizens.

Why are women still been treated as second class citizens in this country? This question is beyond my understanding. The discernment that I get from these laws was that women have the same right as men. Why do men from krome get better treatment than the female? Why do we have to fight before we could get what is rightfully due to us by law? Why is it that when females try to go for what they believe in they says that women complain too much, and most of the time our concerns are ignored?

When we try to get some understanding of all these issues, they either think that we are asking for too much. When we fight back they label the individual as a troublemaker, a liar, manipulator. They might even go to the extent of retaliation by transfer us to a long distance facility far away our families, attorneys, and legal representative/advisers.

There are issues that I.N.S. hopes to bring to uniformity to the detention facilities processes with release of Comprehensive Standards. This does not only include the federal facilities, which also include the state, local, and independent facilities.

This right includes the right to access and visitation standards, adequate access to privacy for detainees telephone calls regarding legal matters, standards for a law library in a detention facility, Correspondence and other mail in a timely manner, adequate medical attention, three nutritional meal.

This is to inform you that the three major fundamental issues of HUMAN RIGHT, CIVIL RIGHTS, AND CONSTITUTIONAL RIGHTS were been violated by this contracted facilities (T.G.K.). These three fundamental issues will be discussed and example of violation will be giving.

MEDICAL

Failure to provide adequate medical attention to a prisoner or detainee is a fundamental violation of the EIGHTH AMENDMENT RIGHT. According to this constitutional right the conditions of confinement must not involve the wanton and unnecessary infliction of pain nor may they be grossly disproportionate to the severity of the crime warranting imprisonment.

How ever in the case where an I.N.S. detainees are being house in any facilities. These facilities are bind by law to provide an adequate medical attention regardless of the sex, race, or nationality.
As a matter of fact this facility (T.G.K) as not met up to the standards that was set for them under the constitutional guidelines and the ruling of the Supreme Court. Where it has noted that [a] n inmate must rely on prison authorities to treat his or her medical needs. If the authorities fail to do so, those needs will not be met. At the most simple level and inmate or detainees cannot self-treat by calling in sick, changing a diet, or purchasing and using simple remedies such as aspirin, cold pills, laxatives, or bandages. In most case they cannot afford to do so for lack of funds.

More significantly, they cannot choose a doctor or form of treatment. Because they cannot go to the emergency room of a local hospital, they will have medical needs that must be met on an emergency basis and around the clock.

This facility medical department has violate that right when they denying me of my medication, and also when the delay access to medical care also by withholding and changing my medication.

**INDIVIDUAL RIGHT SERIES @ 302. [INITIAL SCREENING WHEN ENTERING FACILITY.]**

Screening all incoming detainees and inmate within a reasonable period in order to check to see if the individual has any condition that requires treatment and to check for the existence of any contagious disease.

This was done to me upon my arrival, question was asked about my medical history and the kind of medication that I have been taken for these medical problems in hope that I will be put on this same kind of medication that I have been taken for years.

**@3.07 RECORDS.**

There must be a medical records system that assures complete and accurate records of the medical needs and treatments for each inmate/detainee. The reasons for this "paper work" requirement attaining constitution significance should be obvious.

A doctor cannot adequately determine the medical needs of the detainees without a history. The doctor cannot treat the inmate/detainee without knowing such elementary facts as the detainee's allergies to a certain medication or his history with certain treatments. It is impossible to determine the effectiveness of a treatment and, thus whether alternative treatments should be considered, without records verifying the effects of the treatment. Thus, one common finding is that an institution's medical records system is inadequate ad must be reformed.

To my great surprise I was taken off these medication but when I asked; I was told that there was no medical file sent from krome that has all the list of the medical problem and kind of medication that was prescribed. A request was sent to the deportation officer (Ms. [name]).

She told me that all files have been sent to T.G.K. Letter in the month of Dec I was told be the medical administrator that there was no medical file sent from Krome to this facility. As of this point I really do not know whom to believe any more, neither I.N.S nor T.G.K. want to take responsibility. Main while my health is in limbo.

There were several examples of medical negligence, and endangerment. There is no one listening to complains. Neither the I.N.S officials nor, the T.G.K. staff, or the administration. Want to be involved. None want to take responsibility, however I do wonder who will blame whom when there is a victim of this unconcern act of this department.

The next day that we arrived here; I had an Asthma attack in which it took them about 15-20 minutes to give me my pumps which were taken away from me. And when they finally bring it, they brought one and a wrong pump was brought I have no other choice but to use it, but it does not help very much. I asked for
my pumps that were taken away from me by one of the intake cpral. Nobody has any idea of where these
two pumps were. I know for a fact that the pumps can not just walk out by themselves

Since we got here my entire medical problem has increased; they are not giving me my proper medication.
I had 2 different Asthma pumps, and was misplaced or possibly thrown away like the rest of our medications
from krome. I am now with constant chest pain, I do have difficultly with my breathing. I’ve complained, but
no action has been taken. I do understand that I have to be patient, but for how long with these ignorant people?

Medical request must be written before you are seen for treatment and some times it take three to four days
before you can be seen. And if ever you get lucky they have this medical staff that really have a very bad
bedside manner.

On the 9th of Jan 2001 a request was sent to the medical dept. for a refill of a prescribed heel ointment. On the
13th of the same month another slip was sent for medication call (C.T.M.) for my sinus problem and irregular
B/M. As an ASTHAMATIC patient, there were medications that I cannot take so as not to activate any
seriousness with my breathing. I found this out due to the past experience that I had with taken medicine. On
the 14th of January, 01 I was called to see DOCTOR [REDACTED]. After showing him the problem and the
empty tube for the prescribed ointment this doctor still refused to give me treatment.

The lack of concerns towards the detainee’s medical problem is really out cry. The abuse, back talking to the
detainees, the unprofessional attitude, the discrimination from the medical department.

On January, 25th of 2001. At 5:15p.m. Ms [REDACTED] who was diagnosed with having
chronic Hives for over six years now. Even though she medical illness might not be considered to be a life
threaded. It’s known to cause breathing problems in-patients. In her case she have the worst level type of
Hives. Which without the right medication or right amount of medication her body will start to go into a
shock, and she will be swelling up all over in her body and constant itching.

On this day in question she had already seeing the doctor for the problem but was give a lesser amount of
BENADRYL which instead of lessening the swelling it got worsened. The CORPORAL saw this then walked
her personally down to the medical department.

They met with one of the nurse (Ms [REDACTED]) who told her that she had already looked in her chart that there
was nothing that she could do to help her with. She saw this problem she could have just get in touch with the
DOCTOR on call for that day to explain the situation to him get an approval on either for increase for the
BENADRYL, or another prescription. She did non-of this she turned around and asked the corporal to send
Ms Johnson back with the problem. She refused to give treatment to her. Ms [REDACTED] refused to go
back. Nurse [REDACTED] got abusive by using profanity words like (I DON’T GIVE A F—). Ms [REDACTED]
started crying. She was taken to the higher form of authority by corporal SIMMONS, where the problem was latter
order another nurse to get on the phone and get the doctor for change of medication which she was on when
she was in Krome.

Our concerns were when will the T.G.K. medical department stop playing Gods or try and error with our
lives? When are they going to start to listen to us, and do the right thing by getting our right medical files, and
give the right medical attention? I do not think that we are asking for too much for the system, but just what
is rightfully ours under the Constitutional Rights. But krome I.N.S. is letting this facility get away with
violation.

It will be dangerous for me to let the doctors here change my medication. Not that they’re not a qualified
physicians. I do not think that I should be subjected to the try and error procedural system of medicine that they
go by in this facility. My health and life is more valuables to me, and my family.
Medical request was sent to the clinic on the 25th of Jan to be seen for irregular B/M and other problems. It is the 31st of Jan still has not got the medical attention requested for. Probably wouldn't be seen if it is up to the medical department.

There are lots of inadequacies with this department, I.N.S. knows and got lots of complaints about this situation, but instead of looking into the matter, all complaints were been ignored. When, or what will it take to get the attention of both administration to check these problems out?

What will it take for them to know that these women are not faking the illness? At least that was one of the so call health care giver said to me when I complained of chest pain. It got to a point that I dread going to the medical department, or to even ask for medical help because of the consequences that I might be verbally such as been call a liar, or even worse.

**EYES CARE. @3.09**

The same general principles apply to care as to any other form of medical care. Thus, delay or denial of care, if sufficiently serious, is a violation of the Constitution. Detainees are entitled to corrective glasses and a failure to provide them, unless only for a short time, will result in liability. I.N.S. has fail to provide this obligation even when been house in krome. They do not consider this part of treatment to be insignificant. They either shift their blame on limb excuses, like not be able to get an approval from Washington headquarter.

**@ 3.11 HEALTH NEEDS OF WOMEN.**

The female detainees have a special need. There are some isolated cases where a detainee has already been schedule to go to outside hospital for a minor adjustment with the womb that is giving her pain. This procedural was to occur right before she was transferred to this facility. All the medical files came with her but no one tried to get anything help. Questions were raised, but answer was not given.

Another one was that a female was cut off from the usage of the S.T.D. medication. She was told that with out an outbreak they would not give medication to her. There's so many issues about this matter.

**MENTAL HEALTH @3.12**

There are no doubt the statistic of mental health in this country is higher in the correctional department. Delays in providing needed psychiatric care violate the Constitution. Failure to follow through on needed treatment ordered by a doctor violates the Eighth Amendment. Withholding, or cutting off medication of a detainee is not humanly thing to do to anyone.

**FOOD**

The food is very deplorable. For breakfast we are given powered scrambled eggs three times a week. For lunch it's always frozen meal, (cold stale bread, rotten, slimy and smelly cold cut) we are subjected to cold meal every afternoon we have never been given HOT meal for lunch. And for dinner sometime it a little decent, but not enough to feed a two years old child.

The way the food is presented is not sanitary. Also it's extremely unpleasant and it's not appetizing at all. It is very tasteless, and inferior.

Some of us or any of us that have a dog or a cat will never subject our pets to such cructly. The so call trays that the food is placed in should not be used to serve an animal, let alone a human- being. The trays are either not properly cleaned, broken, or/and smelly.

Before we left I.N.S. promises on the 12th of Dec, Mr. [redacted], Mr. [redacted], and Ms. [redacted] came to address us at Krome. Our concerns about the food were brought up by one of the detainees. We were told
that if the meals in T.G.K. did not meet I.N.S. standards, also that if we do not like what would be giving to us. I.N.S. would make other arrangements to feed us. Mr. [redacted] further more stated that “if they have to bring the meals from Krome to T.G.K they would do so.” Now, is the time for them to keep their words of honor if they do have any at all?

On many occasions we’ve been fed rotten meal, and we dare not complain of it for fear of being punished. The retherms that are used to warm breakfast/ dinner is constantly broken, and sometime it takes three to five days before it gets fixed.

Feeding time is very inconsistent; T.G.K. officers come with their own personal system. Some lock the women down before the meal for half an hour to an hour, and same duration of time after meal. Some skip the before drills. Sometime we get locked down for more than the amount of times mentioned on the above.
Each time out of our rooms gets shorter. It all depends on how the officer feels each day. What we got out of the presentation in krome, was that we’d only be locked down for counts.

Today the 31 January 2001 the ladies in unit 46 did not start to eat dinner until 7pm, because the retherms that is use for warming the meals as been broken for about a week.

Nobody bothers to fix, or change it they have to wait for hours before they can eat, or they will have to eat cold dinner. What are we to do with this mess?

The men are not subjected to all the pains. If women have done some kind of crime to deserved this kind of treatment it will be understandable, however in this case we feel that we were been victimized.

**CONSTANT HARRASSMENTS, MENTAL, AND EMOTIONAL ABUSE BY SOME OF THE OFFICERS**

On the mid-night shift it was a constant harassment by the night corporal with different attacks. Each day it’s a different issue with her such as why do we have to have two blankets, or what makes us so special than the rest of the population of T.G.K.

A week a go, during the count this same corporal came by, and did a shake down took all and every blankets, uniforms, and pillows. One of the detainees said that the blanket that was left for her was a half blanket and that she will want to change it. They had some kind of an argument which in the first place was very unprofessional to do yelling with a detainees was a NO! NO! She then went further by saying “IF YOU DON’T LIKE IT HERE, OR LIKE WHAT IS GOING ON STOP COMMITING CRIME AND DON’T COME TO JAIL.” First I do feel that it was very insensitive of her to say so, and not only that it was very rude to go down that line of talk. Secondly, it was an abusive statement to make especially to some that already finished their sentence. There’re so much abusive statements that we sometimes over looked many a times that can not be mentioned.

Another example happened on 17th of Jan 2001. There were two detainees that were from Tallahassee F.C.I. in to T.G.K. there property was taken back to Krome. They were left with what was on them, and HYGIENE products. Their cloth was exchanged with the Uniform. The corporal in charge of the shift that particular night said it was okay to have their sneakers and their hygiene. These are the statements for the two ladies.

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My name is [redacted]

D.C. Number [redacted] I'm in unit K4-5.

On the day of my arrival on the 17th of Jan 2001 at T.G.K. county Jail in Miami. The corporal allowed me to have my sneakers and my Hygiene products in the unit. Officer [redacted] harassed me; she told me that I am not allowed to have my sneakers and my personal hygiene, which was in my make-up bag. She was not
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the booking officer that took care of us that night she took over and took all that I had with me and said she was putting them in the property room. She took my bag I then asked she what would be come of my bag I was told that it would be in the trash because it was confiscated. I then told her that I was given permission by the corporal. She said “the corporal is not up stairs, I am.” I know by the rules of any institution that any property that are taken from an inmate/detainee must be place in their property and if confiscated, a confiscation paper must be issued to the individual with the property, but in this case it did not happened. What reason I do not know? Ms [redacted] who was with me reported this, but nothing was done.

I arrived in T.G.K. on 1-17-01 at approximately 11.45 p.m. When my property was checked, I was told I could not have any of it this property consisted of Hygiene products, thermos pajamas, sweat suit, and white sneakers all of this was obtained at the commissary at F.C.I. in Tallahassee. So I asked a corporal if I can take at least my sneakers and my Hygiene which was in two plastic see through cosmetics bags. She said I might, and grant me permission. I gut my sneakers on and carried my cosmetics bags when officer [redacted] approached me and started harassing me. She said OH! No you are not going up stairs with those sneakers, and what’s in those bags? I said the corporal allowed me to have this and she said the corporal is not upstairs, I am. Take those sneakers off and put them in your property then snatch my cosmetic bags and empty them and said I could not have them. So I asked her to put them in my property and she said no they are confiscated and walked away with them. I would greatly appreciate it if some things were done about this kind of treatment that we are getting from these officers. I made a mistake and have already paid for it. I am a human being and wish to be treated like one.

MONEY ISSUES.

It is every easy for the finance department to take money out of detainee’s account. Number of times there as been companies about how unnecessary deduction as been made and it takes them for ever to return it back into the account.

The question that needs to be answers is what kind of arrangement does I.N.S. made with T.G.K. Concerning this matter?

When this ladies get released how do they get the missing amount if the get deported, or get to be released in to the streets? What kind of information are they been given regarding how to receive their money? Because this issues has been a concern issues to myself, and some of this ladies. Because money has been missing out of my account which as been reported of, it as been one month and half now the money is not back in to my account. What if I have been released out of their custody what will become of that money?
Letter from [REDACTED]

February, 2001

I don’t know Cherly Little Past and I difficinet don’t know what tomorrow will bring her. But the INS officers and T.G.K. officers act as if tomorrow is theirs. Tomorrow is Mines says the lord.

If it wasn’t for cherly little and the ACV (Advocacy) Center I don’t know what would become of the women housing at t.g.k. today or some female who were being detain a Krome before and after the sexual harrestment charges came up.

When I first came to Krome, I heard about the AVC center and how many female they have help, who didn’t have money to get lawyers. I also heard about the sexual harrestment and what it did to some of the females. Baby were being born and female who came to Krome who came to Krome unipregnant Became Pregant. I myself was never sexual harrest at Krome. No matter how Bad I wanted to be release no detainee or officers could fool me to trick me much less even convience me of doing or giving them sexual Pleasures. Yes I said officers.

Thats what these female told me. My not so good friend [REDACTED], But my Sister in christ and womanhood. I sympatize with her I see her pain when she talk of the horrible incendent. She told me about what happen at Krome and what happen at T.G.K. since they got there. “Some women are eigher soft, easy and cheap,” I thought to meself. But what can they do when their back is against the wall and youre being theaten by your own officials. Someone who was train to protect and serve, who is Suppose to represent the land of liberty and Justice. Where is the Justice in this one. All I see is inJustice.

At T.G.K. there are two Sides. One for people seeking Asylum from this Country and another for Criminal. Yes, criminal. At least that what their being called. It really hurt me. These women are women, their daughters, Sisters, Aunts, nieces, granddaughters, Mothers and friends. I don’t know each of them story. But I do know that they already payed their depth to Society.

And are awaying Deportation. Some of them have Been living in America for over 15 yrs. Their have American kids, all their families are here and yet the land of liberty and Justice is punishing them Twice. “Well you should thank cherly little for that” one I.N.S. officer told Me. “She cried wolf and now you’ll got to suffer Because of it.” She cried wolf, what that suppose to mean — no comment. I’ll tell you what it mean. It mean that the female who was being sexual abharness should have kept their mouth shut. Well the I.N.S. officer should have kept is zipper up and Protect and Serve.

What was these officers thinking. Do they not have a life. Do they not have wives and families. Do they not live in the real world. Why do they had to come to work for the United State of America to fundle on women. I think I.N.S. should serious evaluate these Male employee before hiring them. Where’s the Justice. Today [REDACTED] is still awaiting
Deportation which she don’t mind going Back to her country, because she’s Just tried of being treated like animal and would like very much to be free. But what about the females who don’t want to go Back to they’re Country. Every day there are 5-10 females leaving to go free on the asylum side, females who have never Been to American, females who don’t even know the colors of the American flag. Females who can not speak English at all. And these females who do speak English, who knows their American History are waiting to be deported. I tell you. Please show me Justice.

They said Mrs. Cherly little cried wolf. Why Because she’s trying to help us. Why because someone don’t like the way I.N.S. is treating us. Why Because she once fell victim to I.N.S. rules and regulation. It hurt me to hear of this rumor even worst to repeat. This was said by an I.N.S. officer, a male I.N.S. officer at Krome last week. I was asked, Who’s you’re lawyer and I reply “Cherly little and her group.” “Oh god, the lady herself, she hate I.N.S., and she’s piss at I.N.S. and she’ll do anything to piss them off.” He continue “she was a triffer, a Cambodian, she payed a lawyer a lot of money and I.N.S. release her, so she became a lawyer to F____ with I.N.S. to get back at them. I tell you that women, bwoy, that women.”

I just smile to myself and said, way to go cherly, way to go. If you ask me. I don’t Blame her. If it wasn’t for her, we would still Be at Krome yes. But under False Pretents. The women who are varnerable would fall trap to these officers and no one would care. But Miss little Care. Whether she’s mad at I.N.S. for what they did to her or not, She’s trying to help these females and Protect the ones left to come. And if you ask me she’s doing a Damn good Job. But I.N.S. don’t have any heart, there Don’t. If they did they would never have deported _______ to Haiti a country where she have never been to when she’s a citizen of another. Its Been 2 months since they deport her to hatti. She have 3 young children all American citizen her children needs her. Now she’s in Hati in Prison for what. Only I.N.S. and god knows. What about____, she’s been found not guilty of her criminal charges by the United State of America, the land of liberty and Justice and for 2 months now she’s still Being house at T.G.K. Ms. _______ Been living in America for 15 years now. All her families are America citizen, not to Mention her 16 year old daughter who is stress out over missing her Mom. So why is I.N.S. holding her, “for reason to believe”, reason to believe that’s she a triffer. This person have only been to her native Country 6-7 times in 15 years. 4 of those time as a minor with (her) families. That don’t sound like a triffer to me. It even look like I.N.S. is trying to do a Double Jeopardy on me. And I believe the 3 Amendent state that a person can not be charge for the same crime twice. Said Ms. _______. So what is I.N.S. doing to Ms ______? I guess we will have to wait until April 2, 2001 @ 9:00 am. That’s when she go Back to court for an hearing. But for the mean time her lawyer who is from Ms cherly little office try to get her a Bond and was denied. I wonder why. “I really Miss my daughter and I Just want to go home”.

In the mean time the fight for better food and a better enviroment and telephone and visitation (sic) and Ms _______ release and for I.N.S. to bring back ______ to the country continues. What will Be the out come. We’re at a point of no return. Lets pray.

** Original letter from ______ on file at FIAC (February 2001).
TGK
Asylum Unit (K46)

Statement of

[Redacted] (Colombian Asylum Seeker)

February 5, 2001

[Redacted], a detainee from El Salvador, was depressed, she couldn’t eat. So she was taken to solitary confinement. I asked an officer why [Redacted] wasn’t taken to the Doctor. She was punished because she tried to fight someone who she thought was her sister, but the officers should have known she had serious mental problems. One and a half months ago when [Redacted] came back to the asylum pod, everybody was afraid of her. Then for no reason, the officers sent her back to solitary confinement. They handcuffed her, twisted her arm, terrorizing her. She was crying because she was in a lot of anguish because of her baby. I asked the officer why didn’t they bring [Redacted] baby to her because [Redacted] thought that her baby was dead; it was a newborn baby. I complained to the officers, but instead of taking [Redacted] to the Doctor they took her to isolation again. They just brought her back here but someone called and said she had mental problems and she was taken away again. She was here at TGK two times, for about one week the first time. The way they treated her was cruel. She wasn’t violent, she just couldn’t coordinate.

Some officers treat us well, but some others tell us to shut up or lock us down. And sometimes we need something hot but they won’t let us use the microwave now.

There is no access to a law library that we know of.

Nobody speaks Spanish here in the asylum pod. It is a big problem because no one understands us. Very rarely are there Spanish-speaking Officers. They come here as substitutes only.

When we arrived at TGK we could make local calls. Then we could make international calls but only for one week. They have stopped all international calls. It’s very expensive to call long distance in the U.S.

When a detainee arrives at TGK we are given a document that says we can call anywhere in the United States, 30 minutes for $2.00, other parts $4.00 but it’s not true. The reality is when I call my family in California, 5 minutes costs $15.00 because I have to make a collect call. And other calls its $90. My husband spent $180 on just 5 collect calls I made. We can make collect calls only and no calls outside U.S. I love my family so much, they live in California, but I’m afraid to call because its very expensive. One of the detainees was told it cost $14.00 for the first minute.
and the rest $4.00. We have the international phone but its collect only. One week they stopped all the out-of-state calls.

There is no confidentiality for anything in here.

Detainees can’t have their own panties, bras, or sneakers at TGK. It’s terrible. The women here are stripped of their dignity, of the few things they had that made them feel human.

I arrived at TGK with pictures of my sons, they were taken away from me. And they took my rosary and religious cross, escapilary, watch. We aren’t even allowed a clock and no mirrors except the one on the wall for all of us.

TV is the only thing we have to keep us occupied and there aren’t many channels.

A Catholic priest and some Adventists visit here on Tuesday and Sunday, one hour in the attorney visitation room. Some say they won’t return because it was too much of a problem to get in.

The women here don’t know how to file a grievance. The officers have never told us. I wanted to find out what happened to my belongings; I’ve been trying to find out for 15 days but I just get the run around, they keep telling me to go to different officers.

When the detainees arrive at TGK, the jail takes $15.00 each month from their commissary money, even if they’re here for only 20 days. No one told us why they were doing this or even that they were doing it. When detainees are released that’s what they find out, because that money is kept by the jail, that’s what the women who have been released told me. We asked a TGK officer if that’s what they did and the officer said “yes.”

I had a visit once but I could only see one of my visitors, I couldn’t see anyone else, who came. The second time a visitor came to see me the visitor waited two hours so I could only see her for a couple of minutes.

Every week some person comes and says they’ll fix the phones but that hasn’t happened. The worst part for me is not being able to call my husband in California because its collect only.

The officers don’t let us sleep. We have to wait until a shift change to go to sleep (which is the 11:00 pm count) and then the officers count every hour, they start banging on our cell doors. And if they are doing a count, we can’t talk or watch TV. There is a Jamaican woman here and she didn’t know what was going on with the count and all so she was written up, locked down for 15 days. She was sick all the time, throwing up. They only let her out to take a shower. So she said she didn’t respect the officers so they took her to medical. Two ladies from France were in lockdown too, for 8 days. They only got out to shower, no recreation. They were crying all the time.
There are so many asylum seekers in TGK and there’s not enough detergent to wash our clothes; it’s been 5 days since we could wash our clothes and we’re not allowed to get any detergent from their families.

I have been 5 months INS custody.

Medical care at TGK is not good. I have gastric problems, can’t eat the food. They took me to the clinic on the 17th, I was told I would get special food and medication but I only got it on the 19th. And for that one day only. And I am supposed to take my medication two times daily but I’m only getting it once a day.

It has been one month since I requested to be put back on my medication, with no results and no follow up. And I have headaches but if you have a headache you have to fill out a request form to get something for it. So you don’t get the aspirin, tylenol, whatever until the next day.

Yesterday one of the females was having seizures — nobody showed up and they never saw her for the longest time. Eventually someone came and took her blood.

Stamps, envelopes, we can’t get them right now and we can’t get them from our family. The officers said in the future they’d give us stamps. The women here can’t mail their letters because they never get stamps.

We were better off at Krome. I want to be deported because I can’t take it anymore.

There is no confidentiality at TGK for the asylum seekers to speak with their attorneys because the INS and TGK offices are right next to the attorney room.

Often the women get the wrong medication. That’s why the nurses don’t want to come to the asylum pod. The officers told the women they are whiny and complain to the press, they think they’re better than anybody else.

INS officers treat you like you’re a nobody. At Krome they have officers who did so many bad things. Tell me, do they have a right to hide behind their badge?

They’re not beating us here at TGK but the way that they do things is destroying us mentally. I truly believe that once I get out of here I’ll have to see a psychologist because it’s too much. The psychological abuse here, with no access to our family, it’s so cruel. At least we could talk to our family by phone from Krome. One officer said even if we complain, nothing is going to change. It will be worse for us.

Christmas Eve I was here in TGK and I couldn’t call anybody. No international calls were allowed. A lot of the women are very depressed. In my entire life I never saw anything like this.
The Chinese females used to be pretty happy at Krome, they are crying all the time here at TGK. The Haitian females they cry too, they even faint from depression. They were told if they kept on being depressed they’d be sent to a mental facility.

Everybody’s scared to talk to attorneys because we were told if we complained things would get worse. The Officers come at 2:00-3:00 am. to take us to Krome for our asylum interviews. Then the women have to wait at Krome all day in the hallway until they’re finally taken back to TGK.
Letter from [Redacted]
Asylum POD TGK (K46)
2/15/01

On Tuesday February 13, 2001 9 females were taken to Krome for court. 4 females got
done by one o'clock. 5 were left back. 4 got back before 2:00 PM the other 5 not until 10:30
PM at night.

Reason - They had to find a unit to take us.
One of the 4 female refuse to be stripped search by the T.G.K officers, so they jump her
and stripped her, about four of them.
The T.G.K. officer deny us paper that we need to take to court. Why? they aren't I.N.S court
officer. They don't know what we need for court.
They put us down in the morning at 3:00 am when they wake us up to court and strip us on
returning from court. Squat [sic] and cough 3 time butt naked.

I was told by a very nice officer that the women who don't speak English aren't being
properly screen when they come to T.G.K. That an English speaken nurse ask them about their
health in English and sign language, while touching his or her body parts. She believes that some
of these women need medication but do not speak English. By her I was also told that a detainee
from K45 (other INS pod) almost die because of overdose of medication. Detainees who are
diabetic need medication before they eat or at different times of the day, which the nurse come
whenever and that cause they sugar to go up.

When the food come upstairs there is hair and finger print in the food, not properly fix on the
nasty, dirty old tray that they serve on. We don't even get the paper at Krome we did. The T.V's
don't work very well on news channel, plus we're always lock down at that time.
If the officers don't like you (me for instant) they ignore you and answer you with attitude. Or
just say no when they don't even check. Or I do know, wait 'till the day officer come. We're
even being deny calls to our lawyer every day.

Mails aren't being deliver as they arrive. Our boxes from our families are getting lost
after being signed for. I've been waiting 2-3 wks now for a box of hair supplies from my family.
Enclose in that box is a money order for $80.

Commissary sheets haven't been pick up from the asylum part K46 in 3 weeks. The
detainees have been without commissary for that long and God knows how much longer. Our
families can't even mail us magazines to read.

They take detainees to the anex saying that they are crazy -- no they are just depress and
hate this place. I wonder if I.N.S knows this.

Why are all the Creole speaken officer and Spanish speaken officer in (sic) K45, when all
the detainees in (sic) K46 (asylum unit)only speak Spanish and Creole and on K45, 9 out of 10
detainees speak English. We have no Spanish speaken officers (in asylum unit). And why do
they call K45 the criminal unit, aren't we all detainees of I.N.S.

K45 - have curling irons, blow dryer, nail clippers and K46 (asylum unit) have none.
When we try to borrow it depends on the officers that working. One I.N.S officer told me that
she's only here for the paycheck. And when I tried to confide in one I.N.S officer she went back
and told the T.G.K officer who later confronted me.

The I.N.S officers just sit there or they follow behind the T.G.K. officer like young
puppies. They let them yell at us and do anything they want to us.

- 150 -
Oh yeah. At 3:00 am in the morning we are being handcuff on our way to court by I.N.S - to and from court. And while we are at Krome awaiting court, we’re not allow to use the phone.

They is no clean new uniform for new detainees. They get dirty, worn out pants, jacket and t-shirt to put on upon arrival to T.G.K.

They is nothing to boil hot water for soup, coffee or tea. The officers use a coffee maker but it depends on the officer that day. If not we have to let the pipe run hot water for a while. Still its not hot.

You should see how the detainees try to explain themself to the officers. Only because thy don’t speak English or the officer their languages.

If you’re sick you write a request or something [and] two-three days later nothing. You ask to see the nurse you have to wait til he/she bring medication up. And if you didn’t write up a sick request you’re out of luck.

The officers look at you as if you’re stupid when you talk to them. And they talk about you to other officer. So when they hear your name they say “oh” and right away without knowing you they don’t like you. And if they don’t like you because your outspoken they tell lies and lock you down. You can’t be outspoken in here and they don’t like for you to bother them or ask them one question more than once. They is a few good officers; who is willing to help. And when others officers find that out, they turn around and fight against that officer. And hate them because they be nice to us. Even report them and complain to the Lieutenant making the officer get in trouble. So now the officers are little nervous (sic).

They say that we the I.N.S detainees think we are better than the inmates. That I.N.S give us every thing such as Dove Soap, which they have to buy out in the world and close up toothpaste and how our hair is always done and make up, that we don’t look like criminals so they treat us like criminals. And one officer-corporal - said she hate aliens.

Sometime the nurse come at 1:30 am when these girls are asleep. But I can’t sleep at night so I see this. An English speaken nurse. Only 4 or 5 detainees speak English + the officers.

My opinion - This breaks my heart. I try to help but what can I do - I don’t want to be tranfer to elsewhere in the middle of the day or night. I don’t like it here, but what can I do. I was already warn by the Deportation officer to behave myself. So, I’m chillin but at the same time it’s affecting me as well. I believe that if the detainees speak Spanish or Creole we should have Spanish and Creole speaking officers. What purpose does the I.N.S officers serve if they do nothing but wait for their paycheck. I don’t (do a) thing, nothing to do, but be stress out. We have no activity, I try to keep busy by teaching one or two how to use the computer. Because in the world today thats something you must know. I thank the kind officers who take time out to care. I’m so happy when I can go to bed without a headache because that day was a peaceful day, a day of no yelling and no lock down. And that’s hardly (ever). But I’m so glad to see these female leave everyday, but as soon as they leave here come more.

Why can’t the I.N.S officers be in charge since I.N.S is paying T.G.K to house us. And let the T.G.K officers wait on their paycheck. It really hurt to be deny of things that you’re intitle to. Especially by a T.G.K officer when its I.N.S who provide it for us. I don’t believe that these officers have a heart, “heartless officers”. I think they believe that we are inmates. It’s as if we’re doing time all over again. I try praying for them, but they’re so heartless I don’t think it’s working.

I.N.S need to know and do something. I was told by a T.G.K officer that I.N.S told them
not to give us any special treatment, that they should treat us like they do everybody else. Why?

We aren't prisoners we're detainee. I think I need to know, what is the different between inmates and detainees or prisoner and detainee. Why do the officers at T.G.K hate us so. Is it because we're aliens or criminal according to them. What is one to do but pray and pray and ask God for strength to face another day. To watch over us and keep us safe from our enemies.

What is one to do.

My family mailed me a magazine it took them one week to give it to me after 5-6 request asking for it. When it did arrive to me in big black writing it said "Last chance," no family is allow to mail books only well know book store. But the rules states no hard cover book only paper. So what's the problem. I think it's because of me - [redacted] the spoke person. Thats what I'm being call. T.G.K star.* Some officer asked one detainee one day when she was returning from court, "Where's the movie star, she didn't get bond yet. The spoke person for your unit. I thought after all that she would be gone already, I guess the news did nothing for her. She talk too much and lie."

One officer said she heard them saying lies on the news. That we are being sexual harrasted. And how they all (officers) came up to the unit one by one to look at me. To see who I was. When they see me their facial expression change, always. When they call me for mail or visit they do it so rudely and disrespect. But that O.K cause God don't like ugly, he's see's everything, he's always awake and soon and very soon it soon will be over, soon. But in the mean time all we can do is be patient and believe that something is going to work out. Maybe not now but for who else left to come after we're gone.

2:30 am Wed Feb. 15, the nurse is still here taking blood and giving T.B tests to the young lady. Something they should do upon arrival to T.G.K. or Krome. I know because I'm looking at them right now as I write. 2:30 am -02-15-01. Because I can't sleep. I'm stress. So I write my families cause the phone don't accept collect calls, so I write. I have to give some female my stamp that I buy from commissary, because they only give 2 a week. At Krome they supplied all that for us, we could write as much as we want. Some females can't call or write. Thank God for my family and the little they can spare, so I can share.

I just now saw someone translating a question in Spanish, 2:40 am, I believe another detainee.

*NOTE: [redacted] was found not guilty by a jury on a drug charge and then placed in INS custody because INS said they had reasonable suspicion she was guilty. While at TGK, [redacted] was interviewed by a Miami television station and quoted in the Miami Herald.

**Original letter from [redacted] is on file at FLAC.
Nigerian Detainee: TGK
Grievance Report
02-18-01

There has been so much of inconsistency regarding lock down hours on holidays.

On the 18th of Feb 2001 we asked Corporel [블록] of the midnight shift about the hours that we were to be locked down for the night since the next day is a holiday that we would like to know what the policy is. She first said she did not know with T.G.K. but the overall policy stated that 2 am. like Friday & Sat. But she will try to find out for us.

She later came back with an answer. She told me that Lt [블록] asked someone and the someone told him 12:30 am.

First it is really very unfair when the policy says one thing and the officer does what they feel.

My question is that if the policy was made when and if the officers would do what they feel like. That means it's okay for an officer who is in a bad mood can come in to work and locks the unit down because the policy has no power of authority to back itself up.

Secondly while other unit are out till 2 am because that office in that unit feel that the policy should prevail that show inconsistency.
Nigerian Detainee: TGK  
Grievance Report  
02-28-01

On the 28th of Feb. 01. during the 10:30 pm count Officer [redacted] came on as the 45 Unit manager. She opened the doors for count. She told the ladies to stop talking during count and she went on to add that we should put our hands by our side. At first we thought she was just joking, until she went around to tell everyone to do so.

First there are no rules or regulations (by both house rules and incoming inmate handbooks) that informs us of the policies and procedures of this facility.

By her telling us to put our hands on our side is not only a mental abuse, its also misuse of power and authority.

My question is what does hands on our side has to do with disruption of the count. To my understanding we are not in some kind of boot camp nor in the army.

Officer [redacted] went down counting. Upon getting to the detainee in room 4515 who is a non English speaking elderly lady, her action and conduct was very unprofessional and disrespectful towards her. She was yelling to her (detainee) for the ladies to put their hands on their sides. This elderly lady has no understanding of anything that Ms. [redacted] was telling her and she kept on standing there. Ms. [redacted], she wouldn’t let no other person translate to the detainee since we can not talk during count.

Furthermore she said “If she doesn’t understand English she needs to go learn how to speak it because I’m not going to speak Creole either.” Even though this lady did not understand a word that was said to her. I as a person feels offended towards her behavior and lack of understanding. Most of all the kind of racial remarks is so degrading.

Even though we all complied to her demand I feel that we should not be subjected to that kind of abuse either verbally or mentally.

Furthermore we don’t have to learn English just to be able to communicate with her. It is her job to ask for a translator if she need one.

We are here for INS to be processed not for anyone to go down on us or make us feel like we are nobody.

It is very inhuman, to be verbally abused is unacceptable. Not when we are already as low as you can be.

I made a complaint to Ms. [redacted] who was the supervisor on that shift she told me she would have a talk with her.

*Original on file at FIAC.
Letter from Colombian Asylum Seeker

I, [redacted], testify that on January 28, 2001, I was transferred along with about 30 more people to Pennsylvania. Ever since, none of the inmates have been released.

We were taken up in an airplane, handcuffed, looking at as if we were criminals. The only thing I came to this country for was for protection. I have no criminal record. The prison we were taken to has utmost security. The name of the prison is York Co. Prison, located at 3400 Concord Road, York, P.A. 17402. (717) 840-7580.

Chinese, Haitians, and Colombians were transferred. If five or six have been released that may be considered to be a lot, one is not released that quick. We are about 90 people in a basketball field; there are some with criminal records, lesbians, and even women sick with AIDS. We are given food with worms in it. If I go to complain, I am not allow to speak up.

The guards are men and women. We do not have any types of communication. When you get sick, they bring you to a hole that is called “el biellun”. The women all shower naked in open air showers while some look at others in the shower. When you are bathing, you have to cover yourself with your other hand.

They prohibit us from washing our underwear. The only place to hang the clothes is on the bedframe. There is a great deal of mistreatment. Morally, in TGK, when I was at TGK, they actually treat you rather well. You can not compare the treatment in York with the treatment in TGK. At TGK, a guard gave me some markers while up there in York, a mean guard took them away from me after I had them for a while. These markers allowed me to entertain myself.

I believe that if someone comes to ask for protection, they should not be treating people in that way. I went to my court hearings. I do not have an attorney because I can not afford one. All my papers, marriage certificate, Colombian identification card, passport, court documents, documentation of persecution I suffered, the affidavit, the income tax statements of the people where I will live upon release, and even with all this information and documentation, they denied my freedom and release.

I have my three children in Colombia. The father of my two older children was killed about one month ago in Colombia. It was these same threats that made me fear for my life and my children.

Please I beg you to help all these people that have all these problems. I also ask that you do not allow these types of injustices to occur with these people, and with all this abuse. When I arrived here at TGK, a guard, knowing that I came from another prison, but knowing also that I was not a criminal, made me totally undress and made me open even my genital parts to show her. I think this is an abuse to make one bend over, squat down, and show everything. I don’t think it is necessary to require this type of treatment. It is even less necessary for my case because I have suffered through this already for three months.
I also ask that they bring all these people in York Pennsylvania back with us. Please do something. My sister-in-law named [redacted] is still in Pennsylvania. They have not let her out and she has already been there for three months. She came with me and she also thought that the United States was a very good place but now I am traumatized with everything they have made me do.

For me this has all been a horrible nightmare that never again in my entire life will I ever forget in any possible way. This nightmare will always surround me. There is mistreatment in York, Pennsylvania, such that it has arrived to the point where if you have your menstrual period, you have to save your dirty tampon in a bag and bring them to your bed. I think this is an example of treatment that is not very good.
Detainee Statement

AFTER THE FIRST INTERVIEW.

March 3, 2001

The interview finished, getting back to the unit was no problem. Until after the effect reaction of the same day. Sassy comments were made by some of the officers. Some took it personal, some felt it alright to do what we felt that it would make things better, where some think that we are just wasting our time and energy.

Now where do we go from here? When would things start to change for better? Something got worsen, some stay the same, while some get just polished up a little.

The reason why I did the interview was to make the public have an idea of what was go on after been moved from Krome, so that changing can be made for better environment for the women so to find out where are men getting better treatment than the women. I thought it was suppose to be a equal right.

To my surprise when the first article came out it was not what I had expected. I felt anger for what I saw in the paper how in the world could this happen I said to my self.

If they want the fact of our accusation they could at least investigate with T.G.K. staff that has direct contact with detainees and cross-reference with the unit logbook that always has all activity in the unit.

The so call T.G.K. spokes person that said that the detainee does not have direct access to the Kitchen and all other comment does not have any dealing with us on day to day choices. The kitchen in question is not the main kitchen that we are talking off. It is the mini- kitchen in the unit, and the are still rats/mice that are still running around it. Though they put some glue traps it does not help at all, you still can see them around.

FOOD.

The food is still the same no changes, as a matter of fact on March 1, 2001 the three vegetarian trays that was brought both for lunch and dinner were pack with dirty container.

The beans was severed was routine, smiley like it has been cooked for seven days and not put in the cooler for that amount of days, but they severed it to us. The lack of concerns with the food service dept will get some sick with food poisoning.

On the second of March there were baby roaches running around the trays. On the third of March lunch trays are full of ants.

The amounts are still not much to fill a two years old. Some time we see baby roaches curling around the trays.

MEDICAL DEPT.

There are no changes with the medical dept, which was the major issues but was not addressed in at all in the Newspaper articles. The medical dept has not fulfilled services at all.

They have continually endanger the detainee’s lives on many occasion by giving wrong medication, refusing them their medications, claming that they are lying when they are hurting.
The try and error medical practices are what we get from this dept. When complain is made about them, all that you get from some of the staffs are verbal abuse.

The I.N.S. detainees are not to pay for the medical treatment, but we found ourselves being charged for seeing the doctor/ nurse. And when complained we were told they would return our money back in to our account which some time never does.

Many occasions when money are taken out of detainees account it take an act of God to make them return it back in to the account. Question why does it take them so long to put it back.

We are now forced to go with T.G.K. rules that include all and everything that as to do with inmate to be just serving time. These rules include no playing of cards at the mid-night shift and on Sunday. All these are not addressed in the articles.

Verbal abuse still continues with some of the officers not all mostly when it comes to the non-English Speaking detainees.
AFFIDAVIT FROM: CANADIAN DETAINEE

03/14/01

Conditions at the Turner Guilford Knight (TGK) Correctional Facility

I, ____________, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge.

I have been detained at TGK since December 13, 2000 and have witnessed and/or been subject to the following conditions:

Mistreatment and/or Harassment:

1. As opposed to the treatment received at the Krome Detention Center, the officers at TGK make up their own rules as they go along. I have been subject to both TGK jail rules or INS rules, whichever is more convenient to the officers in charge. We are subject to additional head counts and different rules of procedure during the head counts. At Krome, we were allowed to sleep or do things other than stand at the door during the count. TGK forces detainees to stand with their hands at their sides during the count in their orange jumpsuits (we cannot even have a head scarf that is not orange) while the floor is cleaned. Ideally these head counts can last from 5 to 20 minutes. However, if one detainee does not understand the directions (given only in English), it can take as long as 1 to 2 hours to complete the count. Delays on the head count have led to longer lock downs on the next day. We have been locked down for an extra hour or an hour and a half for what has happened the previous night, though they are supposed to open the floor at 8 AM(?). Head counts that begin at 9:45 PM can last until 11:30 or 11:45 PM. We were not allowed to take a shower on one occasion due to a long lockdown.

2. Officers verbally mistreat those detainees that do not understand English. The officers tell the detainees that they “better get someone to translate.” One night, the officer was telling a Haitian lady to take off a head scarf, but she didn’t understand the officer. When the other detainees told the officer that the lady did not understand English, the officer said: “You better understand English, you’re in America. I do not have to learn Creole and all that shit.” Similarly, an officer has said “They should learn English because they are in this country now.” One TGK officer, Officer ____________, calls us the “immigration ho’s (whores) and bitches.”

3. At night, the officers flash a flashlight in our faces every hour. They flash them directly in the eyes, so close that we can feel the heat emitted from the flashlight. If they do not see that we are moving or breathing, they pound on the door or
shake us until we move. We cannot sleep at night. We can sleep during the second shift, but the best time to sleep is during the day shift.

4. These types of head counts did not occur at Krome but we were told that "we were at TGK now and TGK runs this." One detainee was locked up for five days for pushing the door. Two days after arriving at TGK, I was flashed by male inmates.

Medical and Health Issues

5. I have been charged $48, which has been taken out from my account, for medical visits. TGK is charging detainees the same as inmates, although detainees are not supposed to pay. The prices are as follows: $5 for seeing the doctor and for seeing the dentist; $3 for seeing the nurse; $3 for a Tylenol. We have to write one problem only in each request and the doctor or nurse will see us about that problem only, even if we have written a bunch of requests explaining different medical problems. Thus, it is one problem per request per visit. They would throw away requests if you did not follow the proper procedure of keeping a pink slip, a process that we were not told about. Even for talking to the nurse when she comes up to the floor I have been charged $3. In addition, we are being charged $3 per page of our medical record. Only attorneys can request it and TGK can decide whether to approve it or not.

6. I went to see the doctor regarding a yeast infection and he didn’t give me any medication (not even those that are over the counter) because he was not a Gynecologist. He told me that he could do nothing about it. I am not entitled to see a Gynecologist either. In addition, I have not received anything for migraines. In Krome, I had steroid sprays for my nose. At TGK, they don’t give anything for sinusitis. Krome was having me see an Ear-Nose-Throat (ENT) specialist. Here, they said they "go by their own rules." In Dec. 2000, I saw [obscured] (nurse practitioner) about bowel movement problems, itching, and sinusitis. She said she would refer me to an ENT and Neurologist (for the sinus and migraine problems). Nothing has happened. The speed of relief depends on the nurse and the nature of the problem - sometimes it can happen in 2 days, sometimes 2 weeks, in this particular case, never.

7. The dentist who pulled my wisdom teeth a month and a half ago said that I needed a tooth cleaning. Krome had cleaning services for detainees but the dentist has told me that they do not do cleanings, only pullings, at TGK.

8. Proper nutrition is also of concern at TGK. When someone is coming to inspect from INS or another institution, then the food is a little more decent. They make sure the tray is full and serve cheese, a fruit, meat, a cookie and jello. On weekends, on the other hand, we are lucky if we get a sandwich and fruit for lunch. For vegetarian detainees like me, we get very little. At first the food was
really spoiled. The food is no longer spoiled, but it is too small a portion (e.g. one scoop of peanut butter, 4 slices of bread, salad and an apple). They substitute beans for meat but then vegetarians end up getting weird combinations like mashed potatoes and beans. I usually supplement my diet with items from the commissary. I spend about $60 a week (including hygiene) from the commissary mostly because I do not eat the food. Officers have the discretion to give us extra food, and they use this power over us. If we get extra trays it is up to the officer to decide whether to give it to us or not. Otherwise, they throw them away. They have thrown away 17 trays, which is very unfair because some detainees do not have money to buy extra food from the commissary.

Limited Privileges

9. We do not have facilities or privileges that inmates have. For example, TGK inmates are allowed to have court clothes and sneakers. INS does not allow those items. On holidays, inmates are allowed to stay up until 2:30 AM, but INS detainees must be in at 12:30 AM. We do not have a coffee pot, a microwave, or a juice fountain like the other inmates. We have to eat the food soggy because we cannot warm it up. For example, I buy soups from the commissary, which cost $0.50. Since I do not have a place to warm it or cook it, I put hot tap water in the soup and close it and hope that the hot water will cook the contents.

10. We have to buy stamps now, whereas in the beginning we got free stamps. They have told me that since I have money in my account I cannot get them for free. Every now and then we get envelopes. One stamped envelope costs $0.60. In addition, we do not have access to printers. We have to give our letters to Ms. [REDACTED] and she can read everything, violating our privacy. At Krome you typed, printed, and sent letters with total privacy.

11. We have a phone that is for the use of INS detainees to call our attorneys and our family. Some officers let us use it and others do not. It depends on the officer. But even if we are not allowed to use it, TGK and INS officers utilize this phone for their personal use. We have four other phones to make collect calls. We are charged $4 for the first minute and $1 for every minute after that.

12. We are allowed only one contact visit per month for one hour. We are entitled to eight visits per month (two per week), but only one of them is a contact visit. The other visits we have to see our relatives through a glass and can't hear what they say. At Krome we had two contact visits per week.

13. We are not allowed to engage in recreation at night, such as cards, games, or music. The outside recreation area is only a small concrete basketball court with no other recreational equipment.

14. Attempts to remedy the above problems go unheeded. We write the requests but
nothing is done. I have given these requests to INS and TGK officers. At one point I got tired and I stopped writing them, but now I am writing them again because Boris (FIAC) told me to do it.

I declare under penalty of perjury under the laws of the United States that all the foregoing statements are true to the best of my knowledge.
My name is [REDACTED] A [REDACTED].

I arrived in the United States with a visitor visa on January 15, 2001 along with my husband, my mother-in-law, my sister-in-law and we requested political asylum because we were persecuted in our country. I do not have a criminal record. That same day I was taken to jail (TGK). It was a surprise to me because I had told them that I wanted to apply for asylum and did not have a criminal record. Three days later, I was taken from TGK to Krome for my orientation. I was never called for an interview until I got transferred to Pennsylvania along with 30 other INS detainees who were with me at TGK on January 28, 2001. The day of my transfer I asked the guard at TGK where was I being sent but I was told that it will be better for me to be transferred and would be released faster. When I arrived in Pennsylvania on January 28, I got really depressed because I had no idea where I was or what was going on with my asylum case. The living conditions were even worse than at TGK. Three days later I went to my credible fear interview.

The next day I was told that I had passed the credible fear interview. I was also served a Notice To Appear (NTA) scheduled for March 1, 2001. On March 1, 2001 at 9:00 a.m. I was scheduled to go to 3434 Concord Rd., York, PA before an immigration judge. When I went to the court the Judge asked me if I wanted to wait for two months to find a lawyer. I told him that I did not have money to pay a lawyer and that I will represent myself since I don’t have a criminal record. The Judge agreed and rescheduled the hearing for March 6, 2001. However, the day before my court hearing I was called by the Office of INS where they gave me an envelope with my parole card. I asked why they wouldn’t release me. I was told that I needed tax documents from my sponsor and an affidavit of support to be eligible for release. Luckily I had a friend who lives in Pennsylvania by the name of [REDACTED]. He came and provided the requested documents but then INS came by with another excuse saying that they could not let me go because the affidavit was supposed to be from someone who lives in Miami since my husband lived there. My husband, who arrived in Miami the same time I did and who was already released from Krome, traveled to Pennsylvania with the affidavit and income tax papers from his friend in Miami. Due to his flight schedule, my husband arrived March 22nd at 4:00 pm, a few hours after the court hearing but he was not allowed to see me. During my court hearing, they would not let me explain why I did not have the requested documents for this hearing. The interpreter told me that the Judge had said that I was going to be transferred back to Krome. I then told them that my husband was going to arrive in Pennsylvania in the afternoon but the Judge said that he could not do anything for me, about that, that it will be the INS office that will make the decision. After that I was returned to the jail.

On March 25th my husband brought the requested documents to the Court and I was told that I
would be released in two days. Finally on March 29th at 9:00 a.m. while I was watching TV my number was called (they don’t use names, they use numbers) and I was told that I was going to be transferred. I was automatically handcuffed and taken to a little room to change clothes. I could not say good-bye to anyone. My husband was waiting to visit me but they would not allow me to see him. I begged one of the guards to tell my husband that I was being transferred. As I was leaving the jail, I saw my husband leaving the building and I burst out crying. The INS agent asked me why I was crying and I told him that I just saw my husband but I couldn’t say anything to him. So they stopped the car and I was able to say goodbye to my husband. I arrived at the airport at 1:30 p.m. and very hungry. I hadn’t had any food since the previous day. The INS agent gave me a couple of cookies they had bought for themselves. I also asked for water and I was taken to the water fountain.

My flight was scheduled to leave at 4:00 pm but because of mechanical problems, all the passengers were asked to leave the plane. I was so scared because I am a detainee and I didn’t want to be accused of trying to escape. I explained this to the attendants and also told them I was so hungry. The flight attendants gave me an apple and a little bag of peanuts. I ate the apple and saved the peanuts to eat later. I arrived in Miami at 9:15pm. where two INS agents were waiting for me. I was taken to TGK and had to be fingerprinted and stripsearched again. I tried to tell the officers that I already had been fingerprinted and stripsearched the first time I was at TGK, that I was just being transferred but they kept saying “no Spanish, no Spanish” and insisted on the fingerprints and stripsearch and humiliated me further by making me do bendovers when they strip searched me. I was finally taken to my cell at 2:30 a.m. I was very hungry. I no longer had the peanuts because the officers took the little bag from me when I arrived at TGK.

I am so worried about what will happen to me and my husband. My husband is stranded in Pennsylvania because he does not have money for a plane ticket to return to Miami. He also missed his court date trying to get me released. Please help us, we are so desperate.
Statement of
Nigerian Detainee at TGK
April 2001

INS are the ones causing the confusion. They tell females one thing, that INS is in control, but they tell TGK another thing. INS tells detainees if there’s any problem INS is responsible for us but TGK says INS is telling them they can do anything they want to.

One female was complaining about her bad back. On Saturday morning she couldn’t even walk. She was crying and had to be carried. INS said the medical department said there was nothing they could do. She was in pain like this for 10-15 days. We called Channel 23 and called FIAC. The Deputy Officer in charge at Krome told this woman that INS had nothing to do with her medical treatment. Later they discovered she had a serious medical problem.

I had two asthmatic pumps and inhalers when I came from Krome which they took away upon my arrival at TGK. I have chronic asthma. Cpt. [Redacted], Lt. [Redacted], [Redacted] said I need my pumps, all my medication. When they moved me to Louisiana on the plane without my medication my oxygen level dropped to 60. I needed emergency oxygen. When the plane arrived in Louisiana, INS took me to the Orleans Parish Jail where there was a lot of smoke. I was in the hospital for four days. All my property is still lost from that trip, including all my legal documents. INS lied (Deputy Officer in-Charge [Redacted] and Cpt. [Redacted]) and told me they had contacted my attorney but they didn’t.

The officers in Louisiana were verbally abusive to females. They called INS and said, “you need to get these bitches out of here.” Most of these women were asylum seekers and didn’t even speak English. INS said to the women, “If you want to get asylum you have to behave yourselves.” Three females, asylum seekers, didn’t understand what was going on. They were being forced to strip searched but because of their religion they needed to keep their head scarves on. Their scarves were torn from them, it was horrifying, degrading, no human being should be treated like that. There was no translator around to explain to them why their scarves were being removed. Then they were sent to Selma, Tennessee and in 24 hour lockdown and racially abused (“‘nigger’, yo quiero taco bell”). No medical attention was provided in Tennessee.

The Somalian women got deported. FIAC tried to help.

Officer-In-Charge Cleary from Krome gave the women now at TGK the impression they would be treated like INS detainees at TGK. But they sure aren’t.

INS told the females at Krome before the move to TGK that their dorm at Krome was uninhabitable/full of worms. We told Cleary they’re moving us out of retaliation, because we spoke up. INS said if they had to get a bulldozer to move us they would. Why do they always transfer the women or deport them after they complain about abuse? Why don’t they want to investigate and find the truth? What are they hiding? What are they afraid of?
You can't voice your opinion or about how you feel, they lock you down if you do. You're begging just to be treated like a human being.

To use the phones at TGK you first have to put in a request but sometimes its two days before you get an answer if Deportation Officer [REDACTED] isn't here (e.g. on Fridays because she's not here until Monday or Tuesday).

We also have to beg sometimes to get them to check our mail. The medical care is even worse.
Statement of

Asylum Pod (K46)
05-07-01

I am an ordinary person who came to this country dreaming about freedom. I need not say any more.

Because of my unusual circumstances, in order for me to gain legal permanent residence in the United States, I had to apply for political asylum. My asylum claim was denied so I appealed my case within the 30 day time frame but the appeal was also denied. Then I was picked up by INS and sent to the TGK county jail. I have been at TGK since ______________.

At TGK I was processed (finger printed, photographed and searched). Everything was going fine until the moment my body was violated through a strip search. The most invasive action on earth is to be asked to take off my clothes, to be bare naked like the day I was born, in front of someone, no matter who. I had to face the female officer naked, spread my legs and cough three times, turn backward and do the same thing. What a humiliation. So very intrusive.

The next step when you arrive at TGK is going to get a medical evaluation of any existing diseases or medical problem. Sounds so good. But whenever you mention the use of any medication, especially for depression or sleeping problem, they raise a red flag. So the first impression every body gets is against you because you are seen as a mental case. And they treat you exactly like one, no matter what kind of explanation you try to give them. No one is listening; they are taking over whatever personal life you had, walking to your cell whenever they like.

Upon arrival, you are offered 2 bars of soap, toilet paper, tooth brush, toothpaste, a small tiny comb (not even a baby could benefit from), 2 panties (five or six times bigger than the actual size), 1 pillow case with flat pillow, 2 sheets (that you can’t call white anymore), a wool blanket, a bed that is solid like a rock padded with a hard flat mattress, a bottle of shampoo that makes your hair look like tooth-picks, and two sets of ugly orange uniforms.

The daily life is typically 5% up 95% down. You are dealing with power abusers. Only the detainees make it an up day for each other sometimes.

And the most hateful, inhumane word is what they call head count. Back home in Saudi Arabia head count is a term used for the trading of animals such as horses, camels, sheep, goats, cows. Why don’t they, instead, use the word detainees count or prisoner count or population count? But head count, where is humanity, where is the value of me as a person? No matter what have you done, you are in jail stripped of freedom and that isn’t enough. In jail we are treated like tribes of

1 Also known as

- 167 -
different colonies of animals. When they need us to do something, it’s a screaming contest to make you afraid and break your self esteem.

Most of the detainees here are newcomers to the U.S.A. and not many of them speak English. It was like that once and it is so frustrating not to be able to communicate. When it comes to a minority group such as Haitian immigrants, it’s even worse. If one of them is having a headache they have to fill out a long slip (request form) for two Tylenol that you can get over the counter if you’re not in jail. But here you need to see the doctor.

Black people are my favorite friends. I have to be the counselor for them. They come to me to have things done for them such as filling out request forms, speaking to the officer for them, and do this or that for them. I love it, but what’s going to happen when I leave here? Who is going to help them? A young lady has a wisdom tooth that has been bothering her for two weeks. I have been filling up slips for her to be seen by a dentist. There has been no response. I have to fill a rubber glove with hot water and wrap it with small piece of towel to pad her cheek for some comfort. Another old lady (Haitian) is diabetic. She could have died if I hadn’t noticed her and asked the nurse to check on her. Another inmate, a very well-educated lady, wanted to use the library. The officer refused the request and I asked her why the lady ended up punished by an officer’s fist to the middle of the lady’s chest. I thought the lady was going to die. She was pale for sometime. Myself, I have been mis-diagnosed medically several times. I complained of an itching problem and an LPN prescribed anti-fungal cream which made my itching even worse. I asked to be seen by a doctor but he didn’t do any better. He gave me hydro contixon, which was not the solution, for the third time. I continued to seek medical help and finally I was given Benedryl pills. In addition, since I been detained, I never got to have a nail clippers. So my big toe nail started growing in the skin. I finally got help for my infected toe, they did surgery on it, which was a butchering procedure with a sharp knife going under the nail to cut it out. This was done without any local anaesthesia. I almost broke my teeth grinding them from the pain.

The same day the nurse gave me a pain killer and 50 mg. of Benedryl in addition to my daily medication that I take for my severe anxiety and depression. I finally reached out for the bed and slept. According to the officers here, it was the biggest crime I have ever made. After the surgery I wrote a note to the officer of the next shift asking to be excused from standing up at the head count because I was in pain from the surgery and I was heavily medicated by that time. See attached. Some officer, supposedly a [fe]male, came to my room to shake me like an earthquake, screaming her head off, “get up, it’s a head count and you need to stop pulling your stunt and quit playing those games.” I could not take it anymore. So I said to her “I am not getting paid for pulling stunts and I do not like the way you are talking to me. I am not a prisoner neither, am I in a boot camp.” The supervisor who is supposed to be more professional answered me, “You need to be in boot camp.” So I said, “excuse me mam?”

So the officer goes again, “I will look you down for five days so you’ll learn to be by the door during the head count.” Again I said, “I would love to see you locking me up. What difference is it going to make when I am already in lock up.” Three officer were screaming at me and getting bent out of shape simply because I was medicated and sleeping. What, a crime? Where is my human right? What kind of impression does this system show the aliens. Where are the INS legislatures from? What’s going on in regard to the detention of Aliens. The government always
complains about the [depresset?] Why is the taxpayers having to pay for detaining [Aliens].

With my respect to the Hispanic population, they are the only people who are offered a chapel for church. What about me? I don’t speak Spanish. What about Haitians? Don’t they deserve church services in their own language? Or shouldn’t someone check and see what they do need? What about Chinese, Albanians, Arabians, Russians, Ethiopians etc.?

For the first time in my life I have witnessed an abuse of non-criminal people. Even criminals do not deserve it. If you have disagreement with an officer you are on lock down, meaning confinement or isolation. Inside isolation... what a humility!!

By the way, the food issue is very big issue here. God forgive me for saying this but the food is very, very disgusting. I, myself, would not even feed my dog this kind of food. We live in Florida for heaven sake’s. Where is the healthy, natural orange juice? Is the orange restricted only to see on our uniforms? A huge amount of money is spent every day on detainees (Alien)? What is it going to cost the INS to have to have decent food you can eat. At least you could enjoy food, the simplest thing for a human being. I would rather starve.

What kind of correction facility is TGK? Where are the people who can do something about this? Where is the U.N.? Is this what the U.S.A. is all about? I can’t believe it. This is not detention, it’s persecution. It is a very severe punishment on whatever assumption it is. It still isn’t right. And even calling immigrants, aliens, that hurts. A definition for an alien is a strange object. Is that what we are? Why can’t we be called a foreigner instead?

We are not UFO’s. America needs to open its eyes and its mind. Where is civilization?
LETTER FROM COLOMBIAN ASYLUM SEEKER AT TGK
May 8, 2001

I don’t find the proper form to start this letter because of so much pain that we go through in here. I am becoming empty inside of me, only to be filled with pain. It is not easy to see my cell mates cry, and see how we are subjected to so many humiliations. We have an officer in here named Officer [redacted], who is a woman with a very tough heart. She is always screaming at us. She checks our cells and from whatever food we have, she eats what she likes, looks at us with a defiant look, and then she throws out the rest. The other day she hit one of the detainees, and with another one she had a big argument and locked her in a cell for about 15 days. She is a liar and she accuses us of things we have not done, and she swears that she saw it with her own eyes. For her it is important to humiliate us. She takes out from our meals things like cookies and grapes which are her favorite. She is the only officer that does this type of things.

Another problem is that immigration never came back to give us shampoo, deodorant, bath soap, toothpaste, and sanitary napkins. TGK is supposed to provide these things and nothing ever gets in here. And the very few times it comes, it is not enough for everyone, and if Officer [redacted] is here, she hides them and says there would be nothing until the day she feels like it, and to whoever she wants to give it to. She also hides the laundry detergent, Clorox, and cleaning supplies. Whenever we ask for them, if she is in a good mood, she gives it to us, otherwise she tells you that there is no more, and she looks at you like if you are garbage. On Sunday, May 6, she locked us up for about two hours, and she put one detainee to clean and do the work that 7 or 9 of us do. She did not let us make juice for lunch, instead she said we had to eat our sandwich with water for lunch, because as the officer had decided it will be that way. Later in the yard she told some detainees that we were going to be transferred to a federal prison and mixed in with all type of criminals so that we stop complaining. She said that we are always complaining and that now we are going to really know about rules.

We also have an officer named Officer [redacted] who is really an angel. She treats us with affection, she helps us and she consoles us. But sadly they are taking her out of this unit. We don’t know the reason but we sent a letter requesting that they didn’t take her out of unit K46, but it did not work. Sunday May 6 was the last time she was with us. They are now training another person to replace her.

On a different note, I know that many of my cell mates who were released, have lost their luggage. Immigration doesn’t know where it is. TGK doesn’t know, and neither does the airport. From the 15 people who were transferred to New Jersey 3 months ago, none of them received their luggage. One of the ladies called Krome to find out where her luggage was, and Mr. [redacted] told her to find a way to get money and buy clothes because her luggage could not be found. The worst irony is that she came in with a proper visa and all her papers in order, but the airport inspector stopped her because she was bringing 3 suitcases, and because of that they held her for 3 months, and now all her suitcases are lost.

Phone service: They suspended all international calls, and the prices for domestic calls are really high. A call to California costs $5 for the first minute and $1 each additional minute. One cell
mate told me that a call to South Carolina was $5 for the first minute and $4 each additional minute. In addition, there are telephones in here which have collect call service but the calls never go through. I think is better to list all the irregularities that are present.

1. Abuse by some of the officers. Verbal and psychological abuse, and sometimes even physical abuse as I previously mentioned.
2. They light up our cells with a flashlight all night.
3. There are no personal hygiene products, and shortage of the indispensable items.
4. No contact with visitors and the ones who come have to wait up to an hour to come up.
5. Deficient medical service: If we have any pain, we have to make a request for a Tylenol and they give it to us the next day.
6. The air conditioning is really high sometimes.
7. Phone service: no international service and domestic service too costly.
8. Loss of luggage.
9. No postage stamps.
10. We practically have no access to the commissary. If we make a request, it comes after 20 days or a month, many times after the person who requested it has left.
11. When the detainees arrive at Krome and sometimes when they arrive at the airport, they make them take off all their clothes. They make them bend over and open their butt with their hands and cough. They search their mouth, under the tongue, the hair, socks, shoes, absolutely everything.
12. I have seen cases of cell mates who are here and have been unable to let their family know where they are because there is no international phone service, and INS does not help them with this.
13. Also the access to medicine which come with prescription from their country and are under medical treatment. Medical treatment has been suspended as in the case of a cell mate who came with a recent laser surgery in her right eye. She must apply eye drops 2-3 times a day to avoid opening the wound. She has been detained for 18 days without her eye drops.
14. Since December 14, 200 we have two television sets without antennas, and it has been impossible to get them to put an antenna so we can watch TV.
15. In my case, I am unable to call my husband because the phone company suspended our collect call service because of a bill of $680 for about 10 or 12 calls. My husband sent me two letters with postage stamps and pictures of him and my sons, and the letters were returned to him opened. I don’t know why this happened.
16. While at Krome, our family was able to mail us hygiene products, here it is not permitted and it is returned by mail to them. According to them that is why we have a commissary so we can get items. But as I said before, the commissary does not function as it should.
17. The money that they turn in cash when they are first held, it is returned to them in a check.
18. There are rats, roaches and mosquitos.
19. The nuns from the church give us each a bible. Some officers do not allow some detainees to take the bible when they are released.
20. The food is the same horrible food we have had during these terrible 5 months that we have been here. According to them it would not get better. That is why I left this point for last. This is another point which I have not been able to comprehend.
How is it possible that, for example, if there are 10 breakfasts left over because the detainees were released, they cannot save those 10 milk cartons in the refrigerator so that it can be used at lunch or to make coffee with milk? How is it possible that the officers, force us to throw out those milk cartons, knowing the precarious diet that we have? I don’t see what is wrong with wanting to give these milks to our cell mates. The same thing happens with the bread from the sandwich we get for lunch. If it is covered with a plastic wrap and kept in the refrigerator until 4:00 p.m. when they let us out again. We could use this bread and eat it with the coffee we some times make. Where is the crime in saving this bread to eat it in the afternoon, when at that time most of us are cold and hungry? Why do we have to throw it away? I don’t understand. They also make us throw out fruits and cereals from the Saturday breakfast. This is cruel and inhumane. I don’t understand this. It is cruel to throw out food when there are so many hungry people; not just in this place, but in the world.

I have seen some detainees seriously affected by the long periods locked up in cells. This varies depends on the officer in charge and the mood of the officer. For example they open our cells around 9 or 9:30 a.m., to lock us up again at 2:00 p.m., until 4:15 p.m., to send us back to the cells at 5:30 p.m. to serve the food which takes about 1 hour for both shifts. Then send us again at 7:00 p.m. while the cleaning is done, until 8:00 p.m. approximately. Then let us out until 9:45 p.m., and again locked up until 10:45 for the count. Then they open again at 11:00 p.m. or 11:30 p.m. until 12:30 a.m. Look at how much time we are outside of the cells. And sometimes the officer for whatever reason decides to punish us and locks us up for a longer time. Personally I have gotten to a point of desperation locked up in that tiny room, and I have desperately cried. I have also consoled some of my cell mates when I have seen them affected by this. It is a large psychological harm which they are doing to us.

I am enclosing the telephone numbers and names of the cell mates who lost their luggage.

This cell mate will give you names and contact numbers of the other ones who were transferred to New Jersey.

The detainee with the laser eye surgery is Mexican and her name is , and she is still detained.

We have been begging for someone to help us, and free us of this horrible nightmare. It’s been already 5 months and things do not get better.

Most of us come from our countries running away from persecution, kidnapping, violation of human rights, physical and psychological torture. We came to this country, a country known as the land of the free, a country where human rights are above everything. And we find ourselves doing jail time without committing any other crime but to try to save our lives and those of our loved ones. We pay a very high price for a right that every human being has, “the right to life.” And if this was
not enough, without contact with our family, humiliated, morally and physically destroyed, and once we gain our freedom, we find out that the money we turned in has been converted into a check, which at the time of cashing it loses 3%; the luggage does not appear and this is what they call justice and organization.

They send out to the streets women who do not know this country, with a check that they don't know where to cash, with no other clothes but the ones they have on, and to manage it on her own.

I have gotten to think that if God had not given me those 4 children that I have, I would have personally returned to my country so that I will get killed and not keep putting up with this treatment.

I believe there is no right, no matter how powerful this country is, to treat us this way. We are human beings with feelings, with families, with values like any American citizen.

We want to be treated as respectable people. Not like animals or a thing which does not feel or think. An honorable treatment is not too much to ask, is an elemental right. Correct?

CERTIFICATION OF TRANSLATION

I, Ingrid Suarez, certify that I am competent to translate from Spanish to English, and that I have fully and accurately translated the foregoing.

Ingrid Suarez

May 9, 2001
GRIEVANCES

1. We were all holidays weekend without hot water in the showers.

2. I was said an inmate found a worm in the food.

3. I have not received compensation on my work as Librarian Trustee; gender discriminating since men at Krome do; not even floopy disk want to give me Ms. [name], INS.

4. Proctor's note in my card has brought negative attitudes from Unit officers.

5. My account is frozen therefore, I have been denied even manila envelopes and stamps for my Legal Mail all.

6. I was said that the Telephone Cards sold about 2 wks ago don't work for use in the telephones of the Unit.

7. INS men detained are allowed contact visits and INS women detained are not but only under authorization; discriminatory by gender.

8. For more than 2 wks I have asked the white pages telephone book and C&R officers have ignored me.

9. I was promised a printer for the Law Library and Unit 45 got it, not Unit 46 since more than one month ago.

10. I couldn't send my complaints to the governor; lack of envelopes and address of Congressman.
Colombian Asylum Seeker Statement: TGK 06-02-01

Lack of medical care at TGK is a big problem at TGK. I have gastritis and was taken three times to the so-called doctor who only speaks English and he can’t help me. We can’t communicate. The first time the doctor told me to wait until I was deported and I would get medical attention in my home country of Colombia. The next time I went, the doctor said I was going to be very happy because I was going to be deported. I don’t have my ovaries, I have been in pain and just want some medical advice. I used to be on hormones and calcium but they haven’t given me these since I’ve been detained. I have a lot of pain. I tried to explain that I was in pain last night to the officer. How can I tell the doctor, he doesn’t give me the appointment to tell him. The officer and nurse said she would try to help me. But I don’t receive any treatment when I see the doctor. The last time I went to the clinic here, a Cuban detainee from the other immigration pod translated for me. The doctor gave me no privacy at all when I spoke with him, he talked in front of everybody about my case, in front of the officers, the other detainees, everybody was listening to my problem. He also told me they were going to send me back to my country, in front of everybody. I felt so violated. I don’t bother going to the doctor anymore because he receives me with one stone in each hand, ready to throw them against me. So I try to tell the nurse and the nurse says to tell the Doctor. When I was at Krome I requested an appointment to see the doctor at Krome but he never got to see me.

I made a written complaint with the help of some other women.

It hasn’t happened lately, but there was an officer here who used to lock us down all the time. She was mad at the Jamaicans and Haitians and so she locked us all down.

The food here is really ugly -- slimy lunch meat, there was even a worm in the meat, moldy food, rotten beans, wilted lettuce, hard bread. Sometimes even though I’m hungry I just can’t eat it. I know what the food is like here because I’m in charge of heating it up.

We still have no printer and no copier in what they call the “law library”. It’s a joke really.

A supervisor from TGK came to our pod and said the contract with INS was over on May 31 and we would all be transferred. Then Officer [redacted] came to tell us that we used to complain about everything and for that reason we would be transferred to a federal prison so we would know what it was like to be with real criminals. That was around the end of April or beginning of May.

In the last week or two, things are a lot better because of the officer here now. She speaks English.

But there are no programs, nothing for us to do. We need things to do like handicrafts, ESL, for therapy. Because it is sickening to be in a place like this just thinking about your situation.

Also, they keep changing the rules here.
When the women arrive from The Miami airport lately the officers here keep all their belongings, even their important papers that they need to get released.

My husband had sent me two cards and pictures of my children in the mail but they sent them back to my husband. But now finally I have a picture of my husband and two sons that they let me keep.

For two months we had no toothpaste, no toothbrush, no comb, no deodorant, and no shampoo. I just got a toothbrush but still there is no toothpaste, comb or deodorant for the women here. At first INS was providing these things for us but after a while they stopped. We had these things when we came here from Krome but they took them away. I got some shampoo now but they just brought it in two little boxes of it so I just got a little bit in a cup. The problem is they won’t let us use our own. And when the women were having their menstrual cycle, there were no sanitary pads here for some time. We got them one week ago, thank god, but its been a regular problem. They just threw toilet paper at us. We were told we can buy them at commissary which would be fine but we can’t get trustee pay here like you could at Krome, we got $1.00 a day there for working. Plus a lot of the women here can’t even get their own money from property. I think the new officer will try to get us things now.

About two months ago the women had no sanitary pads and no underwear, bras or panties, for about 15 days. I saw women with blood dripping down their legs. I kept telling INS Deportation Officer about this and she said its in the contract that TGK should provide you those things, go tell the TGK officer and I would say but I can’t communicate with them, they don’t speak Spanish. When I told we had no sanitary pads and no underwear, said, “so you stay the way you are, what do you want me to do? When are you going to understand you have to ask the TGK people.”

This whole holiday weekend we had no hot water.

One of the officers who works in the afternoon now is very nice, its such a relief.

After I was interviewed on Spanish TV, Officer said I kept complaining and we were going to be transferred to a federal prison and we’d know what it is like to live with real criminals. When Officer was here on her shift, on two to three occasions she only gave us bread and water at lunch.

Another one of the other officers, who spoke Spanish, also told us we were always complaining and we didn’t understand that we were getting golden treatment here and we were going to be transferred to another facility and it was going to be the worst place.

The last two weeks we finally have a officer here regularly who speaks Spanish; no one here regularly speaks Creole though.
PERSONAL STATEMENT OF CANADIAN DETAINEE

JUNE 8, 2001

I was in the very first group to be transferred from Krome to TGK so I’ve seen all the changes that have taken place. In the beginning, INS made everything seem like it was going to be peaches and cream at TGK. I guess because of the investigation at Krome. At first, the TGK officers weren’t that nice to us but after a while they started treating us better. But now things are different, no more peaches and cream. Ever since INS came into the picture, the TGK officers started acting different. Now they don’t try to be nice to us. They are a lot stricter with us and some of them go out of their way to be mean. I think the INS influenced the TGK officers in a negative way. And really it was Officer [redacted] from INS that influenced everybody. At first, Officer [redacted] from the INS office here was very friendly and helpful, but not anymore. Now she separates herself from us and doesn’t talk to us. That was Officer [redacted]’s influence because she wasn’t like that to us before.

The TGK officers take advantage of our bad situation. They use it against us. They’re always telling us that they’re going to transfer us to California. And they always threaten to put us on lock down, even if we haven’t done anything wrong. They use lock down for everything. One officer had to be told that she couldn’t keep us in lock down for so long. Officer [redacted] tells us to be quiet throughout her entire shift. “Be quiet! Be quiet!” That’s all she ever says. She also tells us “no laughing.” Officer [redacted] is the way. The third shift doesn’t let us listen to the radio AT ALL, even if we have headphones. We can only listen to the t.v. as loud as they want it so sometimes we can’t even hear it. It all depends on which officer is on duty.

Some of them go out of there way to help you out, but most others just tell you “oh, well.” It seems that’s all we hear around here now, “oh, well.” If we need medication, “Oh, well.” If we’re in pain, “Oh, well.” If they run out of menstrual pads, “Oh, well.” “That’s the way it is in jail,” they say.

We have a hard time getting medicine and seeing the doctor is almost impossible. After I had my wisdom teeth pulled, a big ball started growing on the inside of my mouth. It really hurt so I put in a request for ibuprofen. I requested ibuprofen for FOUR months before I was given any. I was also supposed to see an oral surgeon but I’m still waiting.

On Monday, June 4, 2001, I finally got to see someone about my chest pains. I’ve been getting chest pains and my left arm goes numb. I put in request after request. The only reason I finally got to see a doctor for my chest pains and my tooth condition is because of Cheryl Little’s help.

The attending nurse, Ms. [redacted], didn’t even take my vital signs when I told her about the chest pains. She just gave me some ibuprofen. Ms. [redacted] is a very cold and rude individual, even though she’s a nurse. She treats people very badly. When I went to see her for my EKG, she told me to take my clothes off but she wouldn’t give me a cover sheet to put over myself. I asked for a cover sheet but she said that if I wanted the procedure done then I was going to have to do without the sheet. The nurse also told me that if I did not agree to the EKG, then I had to
sign a piece of paper saying I had refused treatment. I told her I was not going to do the test with a sheet to cover up with and that I was not going to sign anything. I never got the EKG.

Many women do not fill out requests for medical treatment or medicine because they do not know English and the requests have to be written in English. Even something as simple as Tylenol takes at least a day or longer to get to us. For example, if one of the women has serious menstrual cramps, she has to put in a request then wait a day or more before she gets the Tylenol. Women have to beg for medication because the requests are usually ignored. Sometimes we get what we need, but usually we don’t. When we are given medicine, it is usually the wrong kind. Women who really need medication do not get what they need and those who do not need it are the ones given the medication. We have to save the medicine because we don’t know how long it will take to get it if we really need it. We also share with each other what little we get.

One woman lost a porcelain tooth but has not been able to replace it because the only dental work they do for us here is pull our teeth. INS is supposed take us to get our teeth cleaned after six months of detention. I’ve been with INS going on a year I still haven’t gotten my teeth cleaning. Women are losing teeth that could be saved because we are not getting toothbrushes and teeth cleanings.

Now some of the women are getting infections because the towels and clothes are not being washed right. We have to share towels and clothes, so if they are not being washed right, we are all exposed to each other's bacteria.

Today, Friday, June 8, 2001, we were served rotten vegetables, again. The food is so bad that we can’t eat it. Its horrible. Once, I almost choked on a piece of metal I found in my beans. I filled out a report and asked to keep the piece of metal as proof, but the officers told me that only my attorney could ask for it. Officer [REDACTED] and Officer [REDACTED] threatened to shake down my room if I did not surrender the piece of metal. I didn’t get to keep a copy of the report either.

The food is usually cold or burnt. If it is served cold and we ask the officers to run it through the heating device one more time, then the officers leave it in there until it gets burnt. We’ve learned just to take it when its cold because the officers don’t like to be bothered, especially when they are on a personal phone call and they are usually on a personal phone call.

Since a lot of us can’t eat the food; we have to buy our own through commissary. But we always have problems using the commissary. Just this past Thursday, June 7, 2001, commissary messed up on everybody’s order. I was given food that I didn’t order, and charged for it, and I was also charged for food that I didn’t order and that I didn’t even get. The same happened to a lot of the other women. One woman was charged and delivered eight bottles of shampoo. Another woman was given five containers of hair grease. One container can last forever, so there is no way she ordered five. They gave another woman 15 packages of sausages when she only ordered one. I ordered some items three weeks ago. The money is missing from my account but
I still don’t have the items. They are supposed to deliver the items the very next week.

The worse part about commissary is that it takes them at least a month and usually more to credit our accounts. So if they mess up our order and take all our money one week, then we are left with nothing until we get our refund. At least I have family that can help me if I really need something. The women without any family suffer the most. When we complain about the commissary, we are told that the commissary is a PRIVILEGE. But I know that commissary is not just a privilege.

At Krome, INS gave every person their own bottle of shampoo. Here, the TGK officers only give out a small amount of shampoo in a paper cup. The toothpaste that TGK gives us is so small that you really have to buy your own. We also have to buy our own deodorant now. That's something INS used to provide for us. The soap we’re now given is actually a small piece of recycled soap. At first, INS provided everybody with a toothbrush when they first arrived, now they only give them out if they happen to have them but usually detainees have to get their own. At Krome, we never went without menstrual pads. Here, it depends on the officer on duty whether a woman gets a pad or not. Some officers attempt to get them from elsewhere, others don’t care. If they run out, they run out.

Detainees are not allowed to keep their own personal papers. Even the papers important to our case are considered “contraband.” If a detainee requests her documents, they are given to the INS and the INS keeps them. The detainee doesn’t get to keep a copy. The only reason I have mine is because I came in with the very first group when INS was trying to make everything peaches and cream. If they knew I have them, they would probably take them away.

We’re supposed to be provided pens, but here we don’t have pens. We also don’t have envelopes or stamps. I’m also missing some mail. My family sent me a letter with a money order in it and also a package with some toiletries. I got the package, but I still don’t have the letter with the money, which I need for my commissary. I find it hard to believe that the package got here but the letter didn’t. My family sent the package regular mail and the letter through two-day arrival.

Also, our shower time has been cut back to 7 p.m. At first, we could take showers until 9 p.m. At Krome, detainees can use the shower until 11 p.m. Now we have to cut our rec time short so we can meet our shower time.

The women who know English and try to translate for those who don’t know English get in trouble by the officers because they talk after they have been told to be quiet. All the women are doing though, is telling the others what the officers want them to do.

The temperature inside has gone from too cold to too hot now.

I’ve noticed that the private attorneys are allowed to use the smaller room with a phone to
meet with their clients but the FIAC attorneys can only use the library/computer room. If a private attorney needs to see a client and someone is on the phone, the individual on the phone must exit the room and nobody else is allowed to enter until the attorney has left. The officers do not do the same for the FIAC attorneys.
ATTN: FIAC
FAX: 305-576-6273

FROM: [REDACTED]
FAX: [REDACTED]
H:


to: FLORIDA IMMIGRANT ADVOCACY CENTRE
3000 Biscayne Blvd., Suite 400
Miami, FL 33137
March 3, 2001

I was arrested yesterday 3/2/01 by INS. I was disembarking after an 11 day cruise. I was simply in transit on my way to the airport. I was informed then by INS that I could not enter the USA transit or otherwise unless I had a waiver. This was all news to me since my deportation was close to 10 years ago. I've returned on vacation numerous times and was never asked for a visa waiver.

Since I was on my way home I asked if I could pay for the Visa and they (INS) could escort me to the airport to guarantee my departure. I was informed this was impossible. I now had to see an immigration judge. Therefore, they told my husband to leave he would be more help to me. They told me I would be held in detention until a court date could be appointed.

This now involved several problems. First, my mom has Alzheimer’s, she’s 86 years old and she lives with me. I’m her caretaker. She was in a temporary home for 2 weeks while we were on vacation. My husband tried to have them keep her longer. If there’s no bed, he’ll be in trouble trying to find another bed. Second, there’s my job. How do I explain I can’t go to work and for how long?

The whole day was a nightmare. I was detained at 8:30 AM. At 3:30 I still had nothing to eat. There was a water fountain. The officer asked if I had eaten. I told him no. He got me an army meal. They warmed it up but it was cold (tuna noodles). We finally left INS to be transported to TGK. After being fingerprinted twice with INS we repeated the whole process. I was stripped search and given a uniform. They put me in a holding tank. I arrived at 5PM. I was in the tank for 4 hours. I was never offered anything to eat or drink. I was seen by the nurse, whom I told of my medication I should of taken at 6:30-7:00, it was 9:00 PM. After the nurse’s screening they decided I had to be evaluated by the psychical [sic] dept. at the annex. I had to be seen by the doctor in order to receive my prescribed medication that I had in my personal property.

So off I went again this time with shackles on my ankles too tight to walk they were cutting into my skin and handcuffed. Like a dangerous animal. All I did was be ignorant about the fact I needed a Visa for transit in the U.S. I had to crawl on my knees to get in the van. This was horrible. I was once a criminal. I did my time and paid my debt to society. I never thought I would be treated like a dangerous criminal again. I’ve put all that past life behind me. I have a good life now. If I had known I needed this Visa I would of obtained it a long time ago.

Once at the annex the officer told the escorting officer that she cold remove the shackles if she wanted. She said yes because she didn’t want to wait for me because I was too slow. We got to the Doctor’s and of course no doctor. I was assessed by the nurse who said she could not dispense any medicine until I was seen by the doctor. This upset me since I was already feeling very anxious. My medication helps control my nervousness and nausea and sweaty hands. She
felt some compassion or concern. She decided to page the doctor on his beeper. Thank God he responded and agreed to let me have at least on of my medication at bedtime. This came as a great relief. Now, it was said I had to come back on Monday to see the doctor. Why they took me there in the 1st place without knowing if the doctor was there or not. I was assessed by the nurse as non-suicidal. Which the nurse at TGK had already assessed.

Now, back to TGK we went. This time the officer was a little more compassionate she didn’t put the shackles back on. We got back around 11 PM. I still haven’t eaten anything or been offered. I had a small water with my medication at the annex. New shift at TGK so they don’t know my story except the nurse. One the officers wants to fingerprint me again. I explain my story. So instead they go for the ultimate strip search. Which I find difficult to comprehend since I was with an officer escort the whole time. After the search 11:30 an officer in charge walked y with some sandwiches and offered me some. So I finally got a bite to eat. I was so tired by then I could barely eat a bite. I had now been in custody for 15 hours with one cold meal and now a stale sandwich.

The officer that escorted me to the annex now took me to the clinic here at TGK. They cleared me to go up to unit 45 where most INS cases are held. There’s unit 46 which are administrative hold and unit 45 which are criminal hold. So now I’m considered criminal for not holding a proper paper they should of told me [about] when I came in to the U.S. I wouldn’t be in detention now.

On our way up to unit 45 they radioed the officer to bring me back down. I was really feeling like I would never lay down. The officer had me confused with another INS girl they had earlier. So they had me sit down and wait for another officer to bring me back up. Since the officer that was my escort went home. I finally got brought up around 12:15. It took about 15 min. I got my room assignment and bedding. made my bed and laid down. It was too noisy to sleep but laying down on the hard bed felt good any ways. Lights out were at 2 AM so I slept after that. Then the[y] woke me up at 5 AM to ask if I wanted breakfast. I was too tired to be bothered although I was starving. I slept until 9 AM and got up.

Today March 4th has been uneventful. Since I can’t call anyone to help me. No Canadian counselate [sic] and no lawyer until Monday. They gave me clothing and 1 towel
Last Sunday the 18th of March, I hurt my ankle. At first I thought it was just from walking too much on the cement in the Rec yard with bad shoes. So I quit. That night my ankle began swelling and I could no longer put my weight on it. So I got a plastic glove from the kitchen and filled it with ice with hopes of bringing the swelling down. I kept it for a few hours and went to bed with a lot of pain.

The next morning I could barely walk. When the nurse came I had filled a request to go to the clinic and have my ankle checked out. The nurse looked at it and documented which ankle and the swelling and gave me 2 Tylenol. I had to put more ice throughout the day. When the nurse came at night I couldn’t get any Tylenol. So I went to bed with pain again.

By Tuesday as I spoke with the officer, she thought since I gave the request on Monday they should call me on Tuesday P.M. Tuesday came and went and I never went to the clinic. Wednesday morning (March 21, 2001) I wrote another request to see the doctor to at least get an ace bandage or something for the pain. I continued to put ice. The nurse that came in the morning gave me some Tylenol and the pink slip receipt from my request and told me to stay off of it as much as possible. Thursday came hoping I would be called to the clinic still nothing. So Friday I filled out my 3rd request. My ankle is better, most of the swelling has gone alone. However, it still hurts and I still can’t put my weight on it or walk normally. I’m still waiting.

Today is Saturday and I was told they don’t do clinic on weekends. However, I still haven’t been called.

March 24, 2001

I’ve been here 22 days. I’ve finally got a court date yesterday. I will appear on the 27th [of] March at 9:00 AM. These 3 weeks have been incredible. The officers here are on a power trip. Specifically the younger ones. They are for the most part black and racist. When they lock us down at night you always hear the same little click that are not locked down. They hang out with the officer and laughed and speak loud. Of course they can do no wrong. If a white girl steps out of line at count time or speaks we are automatically punished. Some of the times the Jamaican click never shuts up so the next day we get punished. Which means they keep us in lock down longer after dinner 1 hour sometimes more.

Some of the groupies as I call them are actually working and cleaning. While others are not even trustees. They laugh and talk as if they were old time buddies. These are also the ones that get extra meals when there’s some available. The officers seem very often to be jealous of the white girls and some of the Spanish. This is the only time in their life they’ll ever have power over us.

March 25, 2001
Today, they decided they were cleaning out the air in the unit. The do this by blasting air through the vents. The noise is unbearable. You can’t hear yourself talk and it smells horrible. It moves all kinds of dust particles from the vent. So it’s flying all over the place. I couldn’t stand it so I went outside along with most of the unit. This is supposed to last 1 hour. So when do you supposed they did this, at dinner time of course. So we had to eat in the noise with all the dust particles flying over our food. Just to make it nastier that it already is.

When I got to my room after dinner there were dust balls in my sink, toilet and counter top. I had to clean up. It’s only a small vent in my room. I shudder to think about all the dirt that came out of those two huge vents in the unit.

March 26, 2001

Well, they’ve moved me back downstairs to a 2 person unit. I was moved originally when they locked down my roomie for slamming her door to hard. The officer had it out for her, it was mutual hatred. She locked her down for 5 days in a room the size of a closet. I would of lost my mind. I don’t know how she survived it. I guess she prayed and cried a lot. This place eats you up inside. It strips you of everything, your dignity, your feelings and emotions. Everyday when I speak to my husband I have to put up a front that I am ok so both of us won’t fall apart. There’s hope I’m finally going to court tomorrow after 25 days of wasting away, physically and emotionally.

March 27, 2001

Well, they woke me up at 2:45 AM for court. Gave me 5 minutes to get dressed and cleaned and told me to hurry up. I got downstairs where they put me in a holding cell with at least 25 other women. Needless to say it was standing room only. So already with a swollen ankle only to get worse. We were in there for a over 1 hour. It was overcrowded, stinky and noisy. We were all INS, all the others were seeking asylum from countries like Haiti, Nicaragua, Columbia, you name it. All I wanted was to home. We arrived at Krome around 6 AM put again in a holding cell not where they have beds, chairs and a t.v. but the other stinky holding cell with 3 narrow benches and a toilet and no ventilation. The officer was nice enough to open the door when they gave us our bagged breakfast. Finally, by 8:30 AM we were aloud [allowed] outside to sit and wait to be seen eighter by a judge or asylum agents.

At 11:00 I was called for my court appearance. My lawyer never showed up. I was devastated because now the judge want to give me a continuance so I would have proper representation. I went nuts. I told him I can no longer wait here and rot away in a jail cell. I have a life, a sick mother who needs me, a good job I’m about to lose and a husband that’s about to have a nervous breakdown. Can I not represent myself since all I want is to go home. He said fire your lawyer and you can represent yourself and so I did. He asks me a few questions. The whole matter took less than 10 minutes. This is what I had been waiting 25 days for. The judge
ruled for expeditious deportation.

To think this lawyer when I met him 4-5 days after I arrived at TGK told me I would be home within 3 weeks. He told me the sooner he received his $1,000.00 U.S. he would get cracking on the case. My husband rushed for him to get the money withing 2 days sending it Federal Express. So he had the money the 1st week. Kept promising every time I spoke with him for sure any day you'll get a court date. Then doesn’t even show up for court then has the gall to keep sending my husband a bill for balance owing of another $1,000.00 U.S. All he did for me is make a few phone calls. The Canadian counselate [sic] kept me just as informed as he did during the whole time.

We left Krome around 5:00 PM. By this time I could barely walk. My ankle was so big I could no longer keep my shoe on and definitelly [sic] put no weight on it. We're now talking about 9 days since I first injured my ankle with no medical help whatsoever.

Which also brings up another point. My prescribed medication that I had been taking for close to one year was never givent to me. The psyche at TGK would not even try to call my doctor to find out the importance of the medication. He said and I quote "It comes from another country, how do I know what it is." As if Canada was a 3rd world country. If he had taken the time to look it up he would of discovered it is a very common drug called “N/Manarax” and is given for people with social anxiety. As if I wasn’t anxious enough being there, this just added to my despair. He would only give me Tragodone which is an anti-depressant to help you sleep. I’m grateful for that or else I would of gotten no sleep whatsoever. I was already sleep deprived because of the noise and how hard the beds were. Besides the fact they would wake you up every hour putting a flashlight in your face or actually talking to you asking “Hey how you doing?” I guess they’ve had suicides in the past and this is the reason why they did this.

Coming back to our return to TGK that day. When the officer on the unit saw me limping she did inquire as to what happened. She was the 1st officer to show any concern when I showed my foot. She said this is a medical emergency, you’re going to the clinic. She called and was down there in ¾ hour after trying for 9 days. Apparently they had misplaced my file.

What I don’t understand about them claiming they misplaced my file is I sent down 3 different requests about every three days I sent a new one. What did they do when they receive the requests if they couldn’t find the file. You would think that they would look for it or set up an appointment anyways as they knew it was 2-3rd time. The doctor prescribe Motrin for 5 days.

April 1, 2001

Well, they don’t have any of my medication for me and a few others. It seems when the end of the month comes they have to file for renewals for anyone on prescribed medication. The pharmacy is right down the street so I don’t see where the problem is. This means pain in the ankle and no sleep for me until I get my pills.
April 02, 2001

Monday, well I was told I would be leaving no more than a week after trial which means tomorrow. So I’ll try and fix my hair as best as possible since they don’t even have a blow dryer. They had one the first week it broke and they still haven’t replaced it a month later. Still no medication, this is getting ridiculous. Hopefully they’ll call me in the middle of the night to leave.

April 03, 2001

I’m still here. I called the Canadian Consulate and she says all the paperwork has been done, there’s nothing else she can do. She said you are definitely leaving any day now. Still no medication. It’s bad enough they’ve taken me off of my regular medication, that keeps me balance on an even keel. Now I can’t even get sleep. The officer just got me out of bed to send me to the clinic apparently. They’ve found a few tablets floating around for me and the other girl. Thank God we might sleep tonight.

April 04, 2001

Still here. I spoke with the INS officer here. She says they’re missing a piece of paper from Canada. I called my husband who’s been in constant contact with the office of our representatives. She found the paper they’re talking about was faxed last week. I spoke to my lawyer who informs me INS is having trouble with their travel clerk and there’s apparently nobody else who can do the job. Bull---- there we go again no medication. This is really becoming an everlasting nightmare.

April 05, 2001

I’ve just been informed that I will be spending another weekend here. I can’t believe this. I broke down and cried for about 10 minutes. It’s like I’m never going to get out of this hell-hole.

I have never felt so degraded in my life. How could this really be happening to me? All because of a missing piece of paper in my passport. Unknown to me that I ever needed a waiver.

I’ve lost 20 lbs., my skin has all dried up, peeled, flaked off. My hair is all dried out as well. You can’t even get a face cloth to wash your face. You have to buy it off commissary. Imagine you can’t even get a roll of toilet paper without bringing your empty roll to the officer. How undignified? Then you have to eat with a plastic spoon only. No chance of ever getting a plastic fork or knife. We might end up killing each other going mad being locked up like rats in a cage. That’s exactly how I feel when I walk around in circles outside. That’s when I was able to walk. I spent more than three weeks unable to walk at all thanks to this great medical assistance. The finally got my meds so I’ll sleep. I wish I could sleep through until Monday. I don’t want to see another lunch of mystery meat, cheese and dry white bread. I don’t think I’ll eat beans for a very long time, boiled chicken which I would never be caught dead eating but when you’re hungry and you need to survive you eat the disgusting food anyways. You can’t get tampons for your period. You have to walk around with these huge sanitary napkins they are just gross. You never have privacy since you are mostly two to a cell. It was so difficult to dal with
the same people day in and day out especially when you suffer from social anxiety disorder like myself and they take you off your medication. I had anxiety attacks on a regular basis. At the same time not trying to show it to anyone else. Because you never want to let your guard down, since you never know what to expect from others around you. Whether it be the officers or other detainees.

It’s Sunday and once again I’m trying to fix my hair so I can look half decent if I leave tomorrow, since you never know until they wake you up. I’m praying this is it before my husband goes totally insane. I truly believe he won’t survive another day. I can hear it in his voice. He’s really struggling to keep it all together. Also I can’t wait to go pick up mom. My brother had to put her in an institution because my sister-in-law could not handle her care. It was too demanding for her. It is a lot of work. I guess I’m use to it since I’ve been doing it for 7½ years.

April 9, 2001

They woke me up at 3:00 a.m. This was it, I was so nervous. I felt sorry for my poor roomy I was leaving behind. She’s been there 6 months and has spent $15,000. in lawyer fees and is still waiting to go back to court. I swear this is a scam between INS and immigration lawyers and the government. So I was on my way they handcuff me again although I’m going home. I got in the van with 6 or 7 other INS detainees. For the most part except one they were all seeking asylum. So we went to get my property and then on to Krome to wait for my flight. They locked us into the room. It was about 6 a.m. They gave us our bag breakfast which wasn’t bad compared to TGK food. Around 8:00 a.m. they called all the ones seeking asylum. They told me to change my clothes. I couldn’t wait to put real clothes on including a real bra...! Then I found out my flight wasn’t until 7:30 p.m.. So they woke me up at 3:00 a.m. to keep me locked up for a flight at 7:30 p.m. How stupid can it get? Around 1:00 p.m. they came to get me. We were on the way to the airport. There was a German guy in the van. They were putting him on a 4:00 p.m. flight. Once we got to the airport they found out the guy had a real deep cut on his wrist. He had done it the night before while he was working emptying the trash cans. So they had to bring him back to Krome to see the doctor which meant I had to go also. It’s as if we were now attached at the hip. The trek back to Krome, the van was so hot as the temperature rose outside so did it inside the van. The air conditioning was definitely not working in the back, especially with all the grills on the inside the air couldn’t get out of the vents. So we were at Krome for about one hour for nothing since by now the cut was so open to make any sutures. So they changed the bandage and sent him on his way with me tagging along. We returned to the airport. It was now getting very close to his departure time. So we stop in front of the terminal and one of the INS officers went in to get the German’s boarding pass. They were flying him to Frankfurt which he hadn’t been in ten years. He never lived in Frankfurt. He lived 5 hours away. He had no money in is pocket because the money his wife brought, $1,000 in travelers checks, seem to have disappeared she brought the day before he was leaving he was being deported, because INS had misplace his file. He’s married to an American and now his visa ran out. So one month at Krome and a booth back to Germany, leaving the wife with three young kids, no income, and only credit cards to survive on. What a great country, USA----! Meanwhile, it took
~ Letter from [Redacted] ~

Asylum seeker, TGK
Received June 28, 2001

I can't find words to express the immense pain that fills my entire being, I feel that it can't fit inside of me. It's as if my heart and soul might explode in a thousand pieces. I don't have the capacity to understand for what reason I have been treated this way. From the first moment I arrived in this country I told the truth, the same thing that I have repeated during these long months. For what reason they would have detained me for so much time, for what reason they would have subjected me to all that I have lived through here if they knew perfectly well the law of this country and they knew that it was so inflexible that there wouldn't have been any possibility for an opportunity for a life for me. For what reason did they end what little strength and hopes that I had. Why they have destroyed my soul in this way if I never, absolutely never, disrespected the laws of this country. I arrived with all of my papers in order. I respected the laws, I was honest and in the face of my honesty, the response has been to keep me detained refusing any possibility, to not allow any option, not even a voluntary departure to a third country, nothing, as if I were the worst criminal in the world. I have begged anyway, I have implored that they please might have compassion for my children and for me to allow just one chance please. And it has not been possible; it has not been (humanly possible? [writing not clear]) to shake the immigration laws of this country. These are not laws to judge human beings. There aren't feelings; there are no human rights. I cannot believe it. I cannot accept that I paid ten months of detention in a jail just for the desire of wanting to save my life and those of my children. I don't know what awaits me. I know what I have to do but I don't count on the [necessary?] resources to do it. I don't know what they're going to do with my children and me I don't know, only God in His great power and mercy will be able to do something for me, only He has the power to do this for me and then he has already done so much, so much for me.
K46 (Asylum pod)

Letter received July 13, 2001

Why are the innocents being punished?

There is a place called Turner Guilford Knight Correctional Center in Miami-Dade. This is where women from all over the world are being “housed” because of their immigration status, due to the recent treatment that they were receiving at the Krome Detention Center in South Miami, the women were removed and taken to TGK. However, instead of ensuring their safety, the women have been placed in a real hellhole. Immigration has taken the women out of a frying pan and into fire. Here at TGK the women are told that “you are not a prison and no one should treat you as such,” however this is not so. Many of the correctional officers here treat the women as if they are criminal and they speak to them as if they were stupid. And the main reason for this is because of the lack of communication between the officers and the detainees. Majority of the women here come from non-English speaking countries. There is a major language barrier in TGK.

Secondly the next major issue is the medical department. There is a detainee here who, upon processing, told the nurse that she has a serious bladder problem and she was currently see the doctor who works for TGK and let him prescribe the medicine for her. It has been almost 3 weeks since she was told she would see the doctor and she has written several “sick slips” to the nurse who comes to the unit at night. She is unable to get her medicine and no one has made a response to do anything as yet. The other issue is the mental state of some of the women that INS brings to TGK. There was woman here, an elderly woman, who would throw fits and sometimes bathe with her clothes on, and urinate in her clothes. And because the officer don’t want to deal with her they just locked her in her room and only let her out to eat. Another major problem is the lack of hygiene products, such as soap, deodorant, toothpaste. INS has rented out 2 sections from Turner Guilford Knight, each housing at least 50-60 women per unit. And there are times when the unit falls short of supplies. Sometimes they do not have enough toothpaste to go around. The women have to share small trial size tube of toothpaste between 50-60 women, sometimes for a week or two. The next problem is the food. Every single day we are fed the same thing, everyday, bread, bread, bread, and more bread. When we receive our “dinner” the same thing, bread, bread, bread and more bread, with old moldy cheese. When we receive our “dinner” the meat is very much undercooked and it stinks. The food makes you sick, but because the women cannot do any better they have to eat this so called food. It’s a catch 22, if you don’t eat the food, you will be sick, and if you do eat it, you will still get sick. If you have money in your account and purchase something from the commissary it takes weeks to receive your order and if or when it does come, the order is incorrect. You have to raise hell in order to receive your refund. And when you check your balance, your money is missing. There are various charges to your account for rent, medical fees—such as receiving an aspirin. The reason why the women put so much emphasis on the commissary is because the food here is so horrible. Not even a dog on the street would eat it. The trays that the food is served on is dirty with old food from the day before. There is a washer and dryer in one unit, but the women cannot get to use them, because the officers keep them under lock and key. So, the
women have to wash their clothes by hand and dry them outside in the rec area. The officers lock the women in their rooms anytime they feel like and for how long they want. Some of the officers who work for TGK go through our rooms at night, looking for “God knows what” they sometimes take away our pads that INS gave to us. The reason for INS giving us the sanitary napkins is because there have been times when there wasn’t pads for the women to receive. Or, if there are pads, we can only get one single pad to use. There are women here who want to return to their countries—most of them are Jamaicans—and INS has done nothing to speed up the process. Instead they place the blame on the Jamaican consulate in Miami, claiming that they are the reason for the hold up. When in fact the two INS agents that they have been working at TGK do nothing to help these women. Haitian, Latin Americans, Chinese and many other nationalities come in everyday at a rapid amount and as soon as they arrive at TGK they are processed, either back to their country or into the US. Meanwhile, these other women who have been here for almost 3 months cannot get to go home. These women are sick and tired of the degrading and inhumane treatment that both Immigration and TGK has done to them. It isn’t fair, they are not being fed, they are stressed out, and INS has done nothing to help them. Why keep them here if they cannot be treated as right, as humans. These women need to go home to their countries. This is unjust. The women here are hungry, depressed and stressed out. However, the only reason for them enduring this tragic state of suffering is just because they want a chance to live and work to help their families back in their countries, have left their children, some small and some newborns. They endure this just because of freedom. Why are they being treated as if they are threats to society? Especially in a country that was founded and built by immigrants?
Statement of
Cuban Detainee
October 5, 2001

1. My name is [Redacted]. I am from Cuba and came to the US in 1962 when I was seven years old.

2. I was sentenced to 13½ months for a drug crime. I had been arrested before but I had never been to prison. I was at BCI from March 3, 2000 until December 1, 2000.

3. I first met [Detainee] around March 10 or 11 at BCI. [Detainee] was my “back up” primary aide — but she’s the one that did it all the time. She did everything for me except eat, go to the bathroom and sleep.

4. I have serious medical problems. I’m epileptic and diabetic. I have Hepatitis C. I have sclerosis. I’m manic-depressive. I have asthma. I also have a cyst in my ovary that I’m getting ready to have surgery on. I am seriously handicapped.

5. At BCI [Detainee] took complete care of me — she was pulling three jobs there. She’s a workaholic to tell you the truth. She did her job, was my aide and she did my job. She helped me get from one place to another. She did my housekeeping and my clothes. She washed my hair and bathed me. She combed my hair, cut my nails, put cream on me. Everything you do to yourself everyday, she did for me. Before I opened my mouth she knew what I needed.

6. They had messed up my meds. there so bad I was having seizures all over the place and it was [Detainee] who helped me through that.

7. [Detainee] was sent to Krome before I was — my sense of time then isn’t very good but I think it was a month or so before me.

8. When I got to Krome in the beginning of December, they knew all my medical conditions. It took 24 hours and I started convulsing, but after that I have no complaints about how my medical condition was treated (at Krome).

9. And at Krome [Detainee] was the one taking care of me. She wasn’t assigned to take care of me. She just did it because that’s the kind of person she is — if anyone needs help she’s there. She always took me to the clinic, the showered and bathed me, she got my meds. for me. She got up at 4:30 a.m. with me because that’s when I had to go to clinic to get my insulin. She knew what to do, even when I had my seizures. I had my wheelchair there at Krome.

10. I was at Krome for 13 days. The day before they took us away they came — the big boss
and another guy — they came and told us how everything was going to be the same where we were going. We’d have our coffee pots and microwaves. Only difference they said was that we wouldn’t be able to smoke. They said we wouldn’t have anything to do with TGK — they’d bring us our food like they do for women at the hotel. But when we left they kept our commissary. They kept what we’d just bought.

11. Next day they showed up, it was after breakfast. I don’t think the guards in the dorm knew we were going. They came in carrying shackles. I was on the phone, they just took the phones and clunk, slammed them down. I knew we were going only because the nurse said goodbye [redacted]. He said he wouldn’t answer questions. I lost it. Because I knew how bad it would be. The psych doctor said all we’d be doing is being housed at TGK — he’d be going with us. The TGK guards would just be there to teach our guards what to do. Medical would still be done through Krome. We were still property of INS. Our Deportation Officer would still be there. We’d just be in our rooms — not locked in, just there — like Krome.

12. They said when they took us out: we can either do this the easy way or we’ll drag you out by your hair if need be.

13. At TGK we got put in the fishbowl. I was never supposed to be shackled or handcuffed because of my seizures. I have acute grand mal seizures. I can break my bones if I’m shackled like that and start seizing. They’re not supposed to leave me alone like that but at TGK all the girls were locked in like that. They said I’d be the first one sent upstairs, I was like the last one. I kept telling them I didn’t have my meds.

14. By the time I got upstairs it was late afternoon — I didn’t see what all happened that day but heard about it later. The guard there was nice then, she put me in a big open room — a visual room. It wasn’t a handicapped room then — the bathroom wasn’t either. At Krome when they had put me in the van they had said they’d be keeping my wheelchair. I got the walker out of my property.

15. [Detainee] made up my room for me there — it was all ready. She got everything she could that she knew I needed. [Detainee] had to help me get off the toilet there because it wasn’t handicapped accessible for me. She got a plastic chair so I could bathe — and she helped bathe me.

16. There were only three good officers, one was transferred. Officer [redacted] didn’t agree with how I was kept in my room all the time. There was rumor that I had AIDS so no one wanted to be near me. [redacted] and [redacted] helped take care of me sometimes too.

17. If I didn’t have [Detainee] though I think I’d have ended up in the nuthouse. The other officers would laugh at me. It was terrible.
I use diaper pads, but they didn’t have those there. They put me in regular diapers. I had continuous seizures there. I wasn’t getting the proper amounts of medications. So afterwards I’d need to be cleaned-up so I’d ask real quietly for [Detainee] and the guards would yell across the pod, “Hey [Detainee], your baby needs her diaper changed.”

The officers just let [Detainee] do everything for me. There were about five that were real bad. They’d say “Don’t think ya’ll are special, we don’t care what they say, this is how it’s going to be.”

Sgt. [redacted] went on this binge — she had a big time shakedown. It was instigated by Cpl. [redacted]. My glasses were broken in that.

The second day at TGK, they took me down to the clinic. The nurse asked me if I was suicidal. I told them I had no intention of committing suicide. What they did was get rid of all those that could speak for themselves. They said we were the “ring-leaders” for complaining about the lies they told us. So we were sent to Palmetto General Hospital.

At first we could use the phone so we called everyone—like FIAC and Chanel 23. Then they came in like gang busters and separated us. Then we couldn’t use a phone unless they dialed for us. They wanted to shackle us to the bed but they couldn’t. The kept us in our rooms locked in. I told a patient there to call my dad and brother.

I don’t know how long I was there but I spent Christmas there. I believe I came back to TGK the day after Christmas. I told them they brought me there because I had supposedly tried to commit suicide. I said keep me there and I will commit suicide. I think they wanted to keep me there because it was handicapped accessible. Then I was sent back to TGK.

Back at TGK, I got back to my room. They had told Officer [redacted] to pack my stuff up and send it to Krome because they wanted to keep me at the hospital. She didn’t do that though. It was back to [Detainee] taking care of me again.

It all depended on the officer how we were treated there. They’d lock [Detainee] down for petty things. But as soon as it came to taking care of me, they’d let [Detainee] out because they didn’t want to take care of me themselves. If I had a seizure and messed myself, then they’d let her out.

The first few days of April 2001 is when they put in a handicap shower. That was in the week before I left. I slipped coming out and messed my knee up real bad. They didn’t take me to the hospital until the next day. I was just upstairs. Next day I ended up in a stretcher in an ambulance. At the hospital they said I had to have a wheelchair. They got me some plastic one.
27. That night I got back from the hospital I couldn’t get out of bed. I had pissed and defecated all over myself. I kept begging for them to let [Detainee] out to help me. They got me so upset I started convulsing. They let me fall on the floor and go through the whole thing. My knee was in a plastic brace. I was banging my head against the wall. I knew I’d hit my head because there was a knot there. The other girls were yelling for someone to help me but the Officer let me go through the whole thing.

28. I’m a diabetic and they didn’t have a special diet for me there. I could only eat the starches. I never got physical therapy and I couldn’t move around at all. They changed my meds there. So I gained 80 pounds in that time because I could only eat those starches and couldn’t exercise because of my handicap and not getting proper treatment.

29. They took me down from 1000 mg. of Deprikote three times a day to 500 mg. two times a day. Those are my seizure meds. They took away all my psych meds. They found the need to stick me in the nuthouse but not to give me my meds! They took my 90 mg. of Phenobarbital two times a day. It’s a barbiturate. They took that down bad. Messing with my dosage like that consequently made my seizures go out of control.

30. There were little stages of petty things. After the end of a bad night it still went back to [Detainee] getting up to clean me up, clean my room (get the urine up, change my sheets) washing me all of that. The nurses flat out said [Detainee] was needed to take care of me.

31. Bottom line is we served our time. We didn’t need to go back to jail. Prison was nothing like the punishment we got at TGK.

32. The petty things included times when they didn’t want to give [Detainee] plastic gloves to help when she cleaned me up but she’d clean me anyway.

33. When I had problems with my money, [Detainee] would help. She’d make sure to give me things.

34. There was a lot of verbal abuse a lot of threatening. The officers would punish me by locking [Detainee] down. They weren’t allowed to lock me down because of my medical condition. [Detainee] would go through hell and high water to get to em and help me.

35. Now [Detainee] the only one that stood up for all of us, she’s the one still there.

36. [Detainee] is a very polite person. She always asks things respectfully. But she always, always stands up for other people no matter their race, color, creed. That’s what gave her problems. That’s why they want to get rid of her. Definitely some of those officers had it out for her — [Detainee] — certain officers get really nasty with her. They told her she’s nothing but an inmate. Things could get harder for her. She’s high profile. She was our voice. Plus she speaks French so she’d translate for the Haitian girls. They use her for
cleaning, for doing all these things, but if an officer is having a bad day, they take it out on [Detainee].

37. Deportation Officer [redacted] said to [Detainee], “You can pick the airport you want in Canada because I’ll make sure you get there.”

38. [Detainee] has paid her time. They need to quit writing things up about her. She’s more than paid for what she’d done. She’s got a place to go, a job waiting for her. She’ll always have a place in my home and my heart. She’s the reason I managed to survive TGK. There’s no one that’s helped me as she has — totally unconditionally. She took care of me like I was her child. It didn’t matter how degrading, how hard it was to take care of me. She was always there when I needed here no matter how emotionally worn down or hurt she was.

39. Now that I’m out I’m still getting medical bills from TGK. And I’m having problems getting what I need done because Medicaid says it happened when I was in another part of the government’s custody.

40. I blame TGK for my orthopedic problems. My shoulder still hurts from one of the seizures when I fell because they messed up my meds. I had so many seizures that I never should have had.

41. [Detainee] has served her time. There’s two boys out there that need their mother. There’s girls that have done so much worse and she’s the one that’s still there. Because she’s the one that stood up for people when no one else would.

42. I’m suing INS for what they did to me. For the suffering and degradation and mental and physical anguish I went through. I was petrified — terrified to speak out when I was there, so [Detainee] spoke for me. I was told in so many ways that if I spoke they’d keep me there. I believe [Detainee] is not being given her freedom because she’s stood up for her and our rights. I believe she’s in jail for daring to tell the truth.

/s/
[redacted]

10-5-01
Date
Female Iraqi Asylum Seeker at TGK

*Husband detained at Krome*

December 13, 2001

- My name is [REDACTED] and I am from Iraq. My husband and I entered the US as asylum seekers at the Miami International Airport on since August 30th, 2001. We have been detained since that time. My husband and I were separated when we arrived. He is at Krome.

- I was first kept in the hotel for 18 days — after September 17th they brought me here.

- We have had many others [detainees] with us — Spanish, Haitian, Indian. Everybody else has gone though — only we are left. Only we are still here. Even the people that had no lawyers — they left too. It would be a lot easier if we knew how long we would be here, but I can't take it because there's no clear answer about how long we have to stay here — we have no idea how long we'll be here. And I'm very scared because I heard they are deporting all the Arabs. I am very afraid we will be sent back to Iraq.

- We have sponsors and we passed the credible fear interview. I don't know why we haven't been released. My husband has a lot of family in Michigan. They hired a lawyer for us there, I don't remember my lawyer's name because I've never met him. He is also in Michigan.

- We have had to go through court while we're here in jail. Now I know we have our big hearing [merits hearing] on January 3rd. Our lawyer is supposed to come to Miami for that.

- My husband and I came here for protection — everybody says the US is a country of liberty and democracy, and all we wanted was to live in peace — we heard here they protect people. All we expected was protection and peace. The smuggler just said we'd be in a camp for a week or two. I had no idea I'd be in a jail. I never dreamed would be wearing clothes like this — I never thought we would leave only to now go through this. We've always lived a decent life. But, there is God, and hopefully someone will help us.

- There's really no communication with us. Am I here because I'm Iraqi or because I'm Arab or what's the problem? If it's question of Arabs, we are not Arabs, we are Chaldean Christians and I'm not Muslim, I'm Christian. So I'm not Muslim, I'm not Arab.

- I don't get mail or visits here [at TGK]. I can't even talk to my husband at Krome. I call my husband's relatives in Michigan to find out about him at Krome.

- I call collect because the telephone cards are too expensive. They are $25 for 100
minutes. So I call collect and I make the calls very short.

- In the beginning I couldn’t see or talk to my husband at all, so after a couple times at court I started crying a lot. There was one nice man at the court who asked me why I was crying—then he arranged for me to see my husband. They also let us talk for about one hour 1½ hours in someone’s office before our interview.

- I’ve been to Krome for court more than ten times, I’ve only visited my husband on three of those times. I get so tired and so exhausted while I am waiting there. They leave me sitting in the waiting room from 5 a.m. to 2 p.m.

- Oh I can hardly talk to the Judge I’m so exhausted. My husband told the Immigration Judge, “This is too much for my wife.” The Judge said it was none of his business. My husband asked why they’re doing this to me. The Judge said he can’t help, he doesn’t control how they transport us, or the people/staff involved.

- At the airport we were separated. We were separated right from there—they didn’t tell me where my husband was going or where I was going. They took me first to hotel, and it was clean, but there was no coming or going there. After 18 days they took me to TGK. I didn’t know where I was going really, after 18 days I thought I was getting out. But then from 6 to 10 a.m. I had my fingerprints taken and I was searched, and I was shocked to be packed in a room with two other ladies for about four to five hours. It wasn’t until I was here, locked in, that I had the realization that I was in a prison, and I just cried. I kept crying. I cried the whole first week I was here.

- If I have to go to court, I am woken up at 3 am to be taken to Krome. I am handcuffed to go to court—it makes me feel like a criminal. When they first put the handcuffs on me, I couldn’t stop crying. I’m not a criminal. It’s heartbreaking for me. Sometimes in the car on the way to Krome, the hand cuffs are taken off, but sometimes I’m handcuffed the whole way there. I am so tired by the time I get to court if it is in the afternoon. Sometimes they don’t bring me back to TGK until 8 or 10 at night. I tell them I’m exhausted but they say I have to wait. They pat me down at TGK when I get back. I’ve been to court so many times. How many more times do I have to go to court?

- My husband and I did the interview at Krome. Our case really is about my husband. I’m only here because I’m his wife. My husband did the interview on September 10th; they read me a summary his interview. I didn’t get my own interview. My husband was there when the summary was read. It think it’s because at the airport my husband really was the one in charge—that’s why. No one comes here to TGK just to talk to me. Only once, downstairs, someone asked me for contacts: telephone and people here. No one explained to me the process for release, only at the interview. We really don’t have any clear answers about how long we will be here. Maybe now that I see you, maybe now there is hope.
I had my Bible in a bag when I came. It is very small and I brought it in, it is in my room. I haven’t seen a priest here. I didn’t ask to—I can’t communicate that. I doubt that even if ask if I can get a priest. The rest of the detainees though, they get a priest—the Spanish, they get one. They should know I’m Christian because of my name. There are some nuns that visit some of the ladies here but they don’t visit me.

**Communication:** I speak a few words of English, but I can’t communicate with any officers here in this facility. Only Officer [redacted] tries to understand me and help me.

I just learn by example what the rules are here. I communicate mostly with body or sign language.

**Visitation:** Visits with my husband are only at Krome.

I have a bad skin allergy problem that has not been treated here. When I met the doctor, he got telephonic interpreter. It was male interpreter. That was the only time I’ve had an interpreter here.

At 10:00 p.m. there is a count, then we are put in the cells and there is a shift change, and a count again at 11:00—they give us a break to get out of the cell—and the at 12:30 we’re back to the rooms, and they search the rooms. At night the flashlights come all the time—in the beginning I couldn’t sleep at all.

One night an officer came kicking and knocking on all our doors to wake us up, I guess for the count. She was screaming and I was very scared. I still don’t really know what that was about because I don’t understand English. I’ve never been in jail before so I’ve never been exposed to being treated like this. It’s very frightening to not understand.

The food is terrible here. Sometimes the salad is completely rotten. The chicken is not cooked at all. In my culture it’s unacceptable to eat rare meat—to eat meat that is not cooked well. And here when you cut the chicken, sometimes the blood comes out. I just don’t eat it, I have no choice.

We got jackets but we only have one blanket. It is very cold here and one blanket is not enough. We used to have two blankets but after some new women came that had lice they took everything away from us and we only have one blanket each now.
Female Iraqi Asylum Seeker, TGK  
December 20, 2001

• My name is [redacted]. I am 24 years old and I am from Iraq. I fled my country and arrived to the US alone on November 23rd, 2001. I was detained as soon as I came. But I don’t know why we’re here in jail — we are not criminals in any way.

• The first day I was interviewed and kept at the airport. The first shock was there at the airport when I was handcuffed like a criminal. Then they brought me here to this jail on November 24th. When they first brought me they took away my clothes and gave me a uniform with no panties. I was kept first in a locked room downstairs, from about 3am until 4pm. When they brought me upstairs here I realized it was a real jail. I said, “Why? Why am I in jail?” They told me it was because I came here without papers. I did get panties once I came upstairs, but I never imagined the US would treat us in this way.

• They interviewed me again here at the jail on November 28th. They asked me why I left and they wanted the telephone numbers and addresses of my family here in the US. I was interviewed by a male officer, but it didn’t bother me. There was an interpreter on the phone.

• My sister is a US citizen, she got asylum in Canada. Her husband got asylum here in the US, and they married and she also became a US citizen. And my mother is also here and she has a green card. They are all in Michigan.

• After the interview, they came back to tell me that I have a credible fear of returning to Iraq so I can apply for asylum here. I asked them when I would get released from this jail and they said they didn’t know, that it has nothing to do with them.

• [Another Iraqi detainee’s] husband, is my distant cousin. I did not know they would be here when I came. I didn’t know I would be in jail. But when I got to this jail I found [her] here. So we can talk to each other, and no one else really, because we don’t speak English, just Arabic. I would have gone out of my mind by now if [she] wasn’t here. I only know a few small words in English.

• I asked this officer here about release, I think she works for INS. She told me, “I don’t think you’re getting out in a hurry from here.” She said I may be at TGK “for weeks and weeks.”

• This jail is a very mean place. I am very unhappy and depressed here.

• There is no medical treatment here. I had pain in my hand and couldn’t sleep so I asked three times to go to the doctor. I was told no, I could not see a doctor. They gave me a Tylenol and said, “That should do.” I don’t speak much English, so Officer [redacted]
makes the medical requests for me. She is a nice officer.

- A few of the officers are good. The other day the lunch was rotten and I had to throw mine in the dustbin. A nice officer offered to bring us food because she saw how rotten the lunch was. Officer [REDACTED] makes coffee for us in the mornings when she is here. The other officers only make coffee for themselves. Most of the other officers are very mean. They don’t even want to look at us like we’re human beings. I think they treat animals better than us.

- Most of them are very inconsiderate. They come very early in the morning, yell our names and open the door. When they make sure we’re there, they just leave the door open, even if we were sleeping and there’s a racket outside. There is one officer that is extremely crude. She came at 11 the other night for count and kicked on all our doors and screamed and yelled. Everyone was very scared. She screams at us at 4:30 or 5 am for us to get up for breakfast.

- There was a Syrian girl here, she had a different situation that us, she was not an asylum seeker. Her husband was at Krome and they were finally released after they paid a bond. She was very sick when she was here. She kept telling them she was sick. Her husband also complained for her and then they took her downstairs and asked her why she was making problems for them by complaining like that. I’m a little scared to complain now, because I don’t want to get in trouble. There was something wrong with her spine. It took them a really long time to even give her medication, and when they finally did, it wasn’t regular.

- I don’t complain about my health. I feel very tired all the time because we get no sleep because of the counts at night. The bed is iron and has only a thin mattress and then they come with those flashlights—there’s very little sleep for us. I feel run down and I have no energy.

- The lunch is always two pieces of cheese, two pieces of meat and four slices of bread. They bring it here way ahead of time and then just leave it out. There was a fungus on my sandwich that I had to throw out, I showed it to the officer. Another lady complained a few days ago about an insect she found in her food. The food makes me lose my appetite.

- We get a small carton of milk in the morning at breakfast and sometimes a very small juice. The rest of the day it’s only water.

- I’ve never gotten mail or visits here. I make collect calls to my family. I can’t afford to buy a phone card—it’s $25 for 100 minutes, and I only came to the US with $100. And I don’t know how long I will be in this place.
• I can't call my lawyer because he doesn't accept collect calls. I wish that he would use an interpreter to speak with me, he says he understands what I say but I know he doesn't.

• I can't use the library at all. It's only in English. No one has tried to help me understand anything here except you. There's not even a dictionary for my language so it's difficult to get better at the English.

• There's nothing to do here, there are no activities, no classes, nothing whatsoever. Why are we wasting our time away like this? I would like to be learning English, or doing something vocational. Just English classes alone, that would be so helpful. There's an outdoor court that is the recreation area. It's an empty concrete place with high walls. Sometimes there are some balls we can throw to each other, but mostly the women just sit outside there when we can.

• The language is the most difficult thing for me. To not be understood. I have a few small words in English and for the rest, I use sign language. But even when there is something we need, sometimes they understand, and sometimes they don't.

• Someone from INS came here last week. He wanted information but I couldn't communicate. I told him I could not understand what he was saying and I asked that he please get me an interpreter. He said, "There are no interpreters," and that it wasn't necessary.

• I am sad and shocked that this is how we are treated here. I ran away from my country and came here for security and protection. We have come from great oppression in Iraq only to feel that we are oppressed here as well.
My experience at Hernando County Jail was one of mixed emotions. Those emotions consisted of frustration and anger as well as tranquility and relief. My reasons for frustration and anger were many. To begin with, I never knew the true reason for my transfer. I truly believe that it was done intentionally in the attempt to get me out of Krome for the benefit of them. Also, I would go months without seeing my family. Not because they wouldn’t want to come, but because of the distance which made it real difficult for them to come and visit. I was in Hernando two weeks short of a year and never once did anyone from Krome come and see me. INS officials would come at least once a month to talk with the other male detainees to inquire about their conditions and what have you, but they never came to talk to me. I once asked the Unit Manager to advice INS the next time they came that I wanted to speak with them. When that day came I still wasn’t able to speak with anybody. I asked the Unit Manager if she had told them that I wanted to speak with them and she said yes but that they had said that they didn’t want to speak with me. That really frustrated me because I was the only INS female detainee there, and I honestly felt as if they had just placed me there to forget about me. The 30-some male INS detainees that were there had their own unit, while I was housed with the general population. It was a real difficult and trying time for me. On two different occasions I had been unjustly punished and locked down for a misunderstanding and error on their part. On two different occasions from that, the whole unit had been locked down and we were neglected breakfast. The excuse was that the officer didn’t know the unit was on lock down and when she saw that none came out to eat she figured that it was because none wanted to eat. The good thing about my experience at Hernando County was that I had access to many positive classes. They had spiritual courses, positive life skill classes, everything to help a person cope and better themselves. I took full advantage of that. In December the program director asked me to organize and direct a Christmas show for the staff and volunteers of the jail. I did, and it was an absolute success. I believe that was my most memorable experience in Hernando County besides the moments that I got to spend with my family. Also, I was allowed trustee status, so I was able to work in the kitchen and in the dormitory. When I wasn’t tutoring or involved in some other project, I would work in the kitchen from 4 am.-12 pm and then in the dorm from 3 pm-11 pm. I tried to stay as busy as I could. Overall, my experience at Hernando County Jail was a learning one. But then again, the whole duration of my incarceration has been one big learning and growing experience.
I was transferred from Krome to the Ft. Lauderdale county jail by INS. After Cheryl came to see me there I tried to call her but the officers would not let me use the phone. I sent her a letter that I wrote but I don’t know if she ever got it.

I was kept in a cell by myself. I started my menstruation and kept asking the officers for maxi pads, but they wouldn’t give me any. They would laugh at me and ignore me. I begged them to please give me one because I was bleeding on myself. After asking for a long time, I started yelling that I had an emergency, that I needed to see a nurse. I yelled, “emergency, emergency! I have an emergency!” But the officers still did not give me a maxi pad. Instead, three officers went into my cell and came at me. They grabbed me using force and took me out of the cell. As they were taking me out, two of them spit on me. They put me in another cell that was smaller. They said I was causing chaos in the bigger cell, but I was the only one in it and the only thing I was doing was yelling for a maxi pad. There was a camera in the cell. The camera saw everything.

I was put in the single cell but I still didn’t get any pads. I didn’t stop asking. The guards just ignored me or laughed at me. They kept saying bad things about immigrants. That immigrants should stay out of America. I kept calling for a nurse but nobody listened to me. I think I passed out. When I woke up, a nurse was there. I think she took my pulse or my temperature. Then she said that it wasn’t true that I was on my period. She said I couldn’t be on my period because of my pulse or my temperature, one of the two. The nurse left without giving me a pad.

I didn’t know what to do. I felt desperate. All I wanted was a maxi pad. So I took some of my own blood and I wrote the word HELP on the wall using my blood. The officers took pictures of me and took pictures of the wall. They started making fun of me, telling me I was crazy. This was during the 3 to 11 shift and it was the Thursday before I was sent to the hospital (April 26, 2001).

I finally got two pads. But two were not enough for me. I needed more, so I asked for more when those ran out. Instead of getting more pads, they put me in the black chair. The black restraining chair. I was stripped down in the chair and handcuffed for sixteen hours. I was put there during one shift and stayed there for an entire shift after that. I wasn’t allowed to use the bathroom or get a pad. I was kept dirty. I went to the bathroom on myself and was bleeding on my clothes.

When they took me out of the black chair I told the lieutenant, the only black one there, that I was going to press charges on them. I told him I was going to press charges because they spit on me and kept me restrained and mistreated me. He told me that I made everything up. He said I was imagining things. I think that after I threatened to sue them, they decided to get me out of there because at first they didn’t want me to leave
the jail. Then all of a sudden, the counselor at the jail recommended that I leave. I think the lieutenant talked to the counselor.

I was sent to the hospital the next day, Friday (April 27, 2001). I think they sent me there so they could hurry up and deport me. They told the hospital that I was hallucinating and seeing things. They also showed the doctor the pictures they took of me when I wrote HELP on the wall. The doctor asked me if I was acting that way so that I wouldn’t get deported. I told him no. I told him I was there because of the bad treatment I got at the jail. He asked me how I felt at the hospital. I told him I felt so relieved. I was so relieved that I wasn’t in that jail anymore. But I think the doctor knew they were just keeping me there until they could deport me because he never did anything to help me.

I also talked to a social worker. She took notes on everything I told her and encouraged me to talk to Cheryl. She said she was going to call Cheryl, too. I don’t know if she did. They gave me some depression pills when I first got there. All I did while I was there is sleep because I was so tired from sitting in the black chair.

I was in the hospital four days. The last day, a nurse woke me up to give me a shot. She said the doctor ordered it. I fell right back asleep. The next thing I remember is somebody telling me it was time to go. It was somebody in a uniform. I think it was the same officer who brought me to the hospital. I also think it was still dark outside when we left. He took me to Krome to get my luggage. I was taken to the airport and boarded a plane. I fell asleep again. I don’t remember everything about that morning after I got the shot.

When I got to St. Kitts, the police met me at the airport and took me to the station. I stayed there until somebody could pick me up. I was questioned while I waited. Not long after I got there I started feeling really sick. I felt weak and dizzy. I could barely walk or talk. I had to call a cab to take me to the hospital. When I was telling them how I felt I couldn’t even get the words out. My speech was slurred. I was talking very slow and my jaw felt heavy.

I told the hospital people I was given a shot in the U.S. that morning. I asked them to give me cogenen. I heard other people ask for that before. I heard it takes away the symptoms of drugs. The nurse gave me a shot and I left the hospital. But I went back again the same night because I started feeling the same way again. The nurse gave me a stronger dose the second time and I stayed in the hospital until I felt better. I went to the hospital two times the same day I came home (May 1, 2001). I never felt like that before and I haven’t felt like that again.

I still want to sue them for the way they mistreated me.
SARASOTA COUNTY JAIL
INMATE MAIL STATUS FORM

DATE  7-13-01

INMATE ____________________________

On  7-13-01  you received a letter/package
from  ________________________________

postmarked  7-11-01

Inspection of said mail indicates that it is in violation of the mail rules outlined in the Sarasohta County Jail Inmate Handbook and shall be confiscated/returned for the following reason:

NEWSPAPER ARTICLES

☒ This mail shall be placed in your Personal Property Storage Bin and shall be returned to you upon your discharge from this facility.

☐ This mail has been returned to Sender.

SUPERVISOR ____________________________

Original - Inmate File    Copy - Inmate

BC-2-86a  CSB-93-070
Statement of
Sarasota County Jail
07-18-01

- My name is [redacted]. I am from Venezuela. I have been in INS custody since June 11, 2001. First I was in Panama City county jail for one night, then on June 12th I was brought to the Sarasota jail and I've been here ever since.

- I spent 1½ years in federal prison but I have made a motion to vacate my conviction, which is still pending. My mother is a U.S. citizen and so is one of my sisters, the other is becoming one.

- Life at the Sarasota county jail is unbearable. For example, the food is so bad that since I've been here I've lost 20 pounds and last night I fainted. They took me to the infirmary and told me I was dehydrated. So they put me in a cell by myself, no light, no water (and I'm dehydrated), no blankets, just a plastic mattress, from 8:30 p.m. until 8:00 a.m. this morning. I'm having my period, so I asked for sanitary pads and toilet paper when I was at the infirmary and they didn't give it to me.

- And they forgot I was there and they didn't even give me breakfast. So I started crying and banging on the cell door. A male officer came and I asked about breakfast and why I was still there. He told me I should have asked about breakfast earlier. But I didn't even know what time it was. So I started crying again, saying please take me back to my cell. I still didn't have any water. And so they brought me to my cell around 8:00 a.m.

- I was supposed to be under observation in the infirmary, but no one came to see me. I stayed awake all night waiting for someone to come see me.

- I feel real weak now. I left the Tallahassee prison with anemia and told them here at Sarasota that. And they haven't helped me with that at all.

- I was a state probation officer and I have worked in many jails before, but I've never seen anything like this jail in Sarasota.

- The law library here is a dream, that doesn't happen, there is none that we know of. Telephone access is also a dream. I requested permission to use the public phone so I could use my calling card to make an international call and none have been granted.

- We even have to pay for our medical care. They take the money out of our commissary the minute one penny hits your account. So if you get $5.00, instead of being able to buy deodorant or shampoo, they take it if we saw a nurse for something.

- We have to buy everything here, from deodorant to shampoo to underwear (we can only
keep the one pair of panties and bra we came with). And some women here have no money so those of us who do, we have to help them with the little money we have. And you’re not allowed to get anything from the outside, from your families.

• And if you have no money you’re supposed to get $1.50 a week for envelopes and stamps. But this has yet to happen since I’ve been here.

• And we’re housed with the general inmate population. We have no private cells. So women inmates with gonorrhea, throwing up all night, prostitutes with AIDS, people with all sorts of sexual diseases, we’re all in a closed space and it’s really awful. And there are no guards around during the day, except to bring us the meals. We get insulted by the regular inmates about three dozen times a day but thankfully no one has assaulted us. The INS detainees, we just stay in our cells the whole time except to shower, get hot water, that kind of thing, because we’re afraid. And we can’t sleep at night because the noise is terrible.

• And the guards during the night when we’re locked down make so much noise, that you wake up every half hour.

• And when we arrive here at the Sarasota jail, we’re five days in a holding cell wearing the same clothes we came with and no shower. There is a shower but it doesn’t work. And the shower is just an open area, no shower curtain or any privacy at all. And its right next to the water fountain.

• Medical care is awful. None of us have ever seen a doctor, sometimes we get to see a nurse. But women here go days without their medication ans some haven’t had their medication at all. Diabetics get an extra milk, that’s it.

• Every three weeks you go to a locked cage on the roof, that’s recreation. And there’s absolutely nothing to do there. For a whole month I went without seeing a ray of sun because we have no windows at all in our cells and housing unit. Its like a dungeon.

• We got an orientation book when we arrived but all of the things they say we should have access to, we don’t. And I’ve only seen the orientation book in English and a lot of the women here don’t speak English. For example, with us right now are two asylum seekers from China who speak Mandarin; they can’t communicate with anybody.

• Volunteers, I guess from church organizations, come in every now and then. I heard they do AA classes so I put in a request for this just to get out of my cell but they’ve never called me.

• This is my 118th day here. I have been out of my cell block only twice, once to my master calendar hearing and the other to translate for a sick inmate (except for today when the
FIAC attorneys came).

- Seriously speaking, I've never seen a jail like this, it is so dirty. We do our own cleaning, we're supposed to rotate the cleaning responsibilities. But only INS detainees clean, the regular inmate with us don't. The medical holding cell is so dirty it looks like it hasn't been cleaned in 20 years. And everything is steel, the beds, the table we eat on, the chairs. So the sound just echos and it gets so loud.

- And we're starving in here. The plastic trays where they serve the food they don't wash them well, and old food is stuck to them everywhere. If you could see the trays, there's not a human being in the world that would want to eat this. And there's no protein.

- Once a week we get a small toothpaste and two tiny soaps and toilet paper twice a week. But the toothpaste and soap definitely doesn't last the week.

- I've put in five requests to get pictures of my family from my property, but they've never answered. These requests are a joke, they never answer them.

- And we only get one uniform (one pair pants, one pair shorts, two T-shirt-like tops) -- prison uniform, it's the same as the regular inmates uniform. And we wash them ourselves because when the jail washed them, we all broke out in a rash.

- And we can't have newspapers or watch the news on TV. We heard about the recent Supreme Court decisions which could affect some of us and so we wanted to read about it but we couldn't.

- If you write a grievance, they immediately put you in lock down, handcuff you to the bed and leave you there for a couple of days so you can straighten out. They say you're causing trouble. Then they come back and say, well are you ready to stop writing grievances and of course we say yes.

- If I'm released, I don't want to forget about this. For the rest of the girls here, I can't forget about this. And none of the women in INS detention here committed violent crimes, none, yet we're treated like horrible criminals.

- And the INS deportation officers are a joke. They never get in touch with us. And the list of agencies the judge gives us that may help us with our cases don't even take collect calls, only FIAC answers us. So we spend so much time wasted with places that can't help us.

- We are isolated from anything you can think of in here. You'd be better off if you sign deportation papers and go home. And that's what they want us to do.
August 20, 2001

Statement regarding the Comfort Suites Hotel

I, [redacted], state the following under penalty of perjury:

1. My name is [redacted]. I was born on [redacted] in St. Louis, Haiti. I entered the United States on July 27, 2001 on a boat. My A# is [redacted]. I speak Creole.

2. I was walking on the street the same day I arrived around 5 or 6 in the morning, and the police came and apprehended me and six other people. There were five at first, and then they caught another so that's six people all together.

3. They took us to several police stations, I don't really know where they were. We spent a whole day going around to all of these stations. It was in West Palm Beach, then they took me to Krome and then TGK.

4. At one of the police stations in West Palm Beach, we were three women all together, and that's when they did our papers. I did not say that I was pregnant at that time. The person that interviewed us spoke Creole. The man did not really explain anything to me, he just asked me to sign and I did.

5. Just to get out of the car they put us in handcuffs. To enter TGK we were in handcuffs, but when we got inside then they took them off.

6. At Krome, they gave me a uniform and something to eat, but that wasn't until about 5pm. I was starving.

7. I was taken to TGK for processing, and took pictures of me and took my fingerprints. When they strip-searched me, that's when they saw my panties were bloody. They asked me what was wrong and that's when I told them I was pregnant.

8. One of the people that was at the jail with me could speak a little English. But she didn't translate for me, I just had to keep pointing at my stomach.

9. After I told them that I was pregnant, they took me to the hotel. It was called the Comfort Suites. They took some of the other people somewhere else.

10. At about 2am in the morning is when they took me to the hotel, so that was the morning of July 28, 2001.

11. I was in a room with another woman, but that person moved out the next day. I just went to sleep that night. There were people that came to visit us and ask us if we were ok. The guards sit in the hallway.

12. The next day, July 28th, I was still bleeding so I went to tell them. I asked them please to call a Haitian interpreter for me. They did, and that's when I explained that I was bleeding.

13. I asked them if they could take me to the hospital. They just took me to a man that had a stethoscope. He asked me to urinate and he put me on a scale and he asked me to fill out a form asking if I had a bunch of diseases. That form was in Creole. I didn't have any of those diseases so I checked no.
14. Then I was prescribed Tylenol, Maalox and some other medicine I didn’t know. When I went to the hospital later and showed them what I was taking they said those medicines that I didn’t know were just vitamins.

15. The bleeding came and went each day. I only saw that man that had the stethoscope twice.

16. I could not tolerate the food at the hotel. I had diarrhea and my stomach was hurting. I forced myself to eat the food because I did not want to be too weak. When I went to the nurse the second time, they gave me Maalox. If it didn’t stop they said to come back.

17. The day they took me to the hospital was August 2nd or 3rd, but I wasn’t bleeding that day.

18. When I went to the hospital, I had an interpreter and I explained why I was there. They told me they had to put a machine inside me to take out all my urine. That was before they did a sonogram or anything. They put a tube inside my vagina. They took me to another room where they put the stuff on my stomach and I was watching the screen and they did the ultrasound.

19. Then they took my blood. When I was at the hospital, after they did the ultrasound, the interpreter left. I asked the nurse if everything was ok. She said, “baby ok”. The police that accompanied me also told me that I and the baby was ok. They took the tube out before I went back to the hotel, but it really hurt.

20. In the morning I was given two slices of bread and a small carton of milk, but I didn’t eat them because I couldn’t tolerate the food. I didn’t know how to say I was starving. And the police asked me if I wanted something, the police could tell I was hungry, and we communicated with body language. They gave me a Pepsi. They gave me back my uniform and they took me back to the hotel. I went to the hospital around 9 in the morning, and came back around 5 or 6 in the evening.

21. After I came back from the hospital, my chest was hurting and my stomach hurt. I was still bleeding, but I didn’t tell them anything, because they said the baby was ok. The blood was very dark but still, they said

22. Just my waist kept hurting and my head was hurting. And I was dizzy.

23. I never had a credible fear interview because I came by boat. At the first police station I went to they asked me very few basic questions. That was all.

24. They never showed me a video about my legal rights or anything about the immigration process. Just at the police station there was a computer and he was typing. My name, if I was married, how I got here and where I was from.

25. While I was at the hotel, I was able to communicate with my family. I told my family how sick I was and that’s why they were trying so hard to contact me.

26. When my family tried to call me at the hotel, they told them no one by my name was staying there. They told my aunt for the address of the hotel, and she went there personally, and she was told she could not see me, that she had to go to Krome first to be able to see her. We can only have visits at Krome. I was only allowed to see my
27. I tried to ask the officers for the name, address and number of the hotel so my family could visit but they said no.

28. I could call my family once a day, and that was only when the black Americans were there. Sometimes when the white people were there I couldn’t call, not all of them were bad, just some.

29. I was there for fourteen days, and there were three days that I could not call my family and they could not call me.

30. I could not send or receive mail at the hotel. They won’t even give you the phone number, so imagine for a letter!

31. I never found anybody to talk to at the hotel. I don’t know if there were rules. They just put me in the room, and at each shift change, they came to ask if I was ok.

32. There was no handbook or anything like that.

33. To communicate I mostly just used my hands. Only three times did they use the phone to get me an interpreter. I asked to call the Creole interpreter when I was feeling very bad. Once it was a woman, and two of the times it was a man. The first time it was when I wasn’t feeling well, and it was a woman. When I went to the nurse, they put me on the phone with her. That’s when I was asked lots of questions about how I felt and what was my problem. The other two times were also when I wasn’t feeling well. I asked them to please help me. And that was when they took me to the hospital.

34. We could not go outside at all at the hotel. There was another Haitian lady that had a baby, and sometimes I was allowed to go and talk to her. But that was the only activity I had. There was a TV, but I was not told I could use it, so I never turned it on.

35. At Krome I was given toothpaste, a toothbrush and soap. They didn’t give me shampoo but that was at the hotel. At the hotel there was also a towel, blanket, sheets and those things.

36. They gave me a shirt, shorts, a sweater and pants at Krome. But it was so cold at the hotel that I wore everything all together, all the time. I didn’t know how to control the air-conditioning. The day that I was leaving there was a Hispanic woman that came with three of her children, they tried to get someone to fix the AC, but it was still very cold.

37. I spent 12 days in those clothes they gave me. I decided to take off the uniform and wear the clothes I came it. I was in my dirty clothes, but there was a bathroom with a shower. The day I was leaving they gave me a new uniform to leave in, it was blue.

38. They didn’t give me any sanitary napkins for my bleeding. Whenever my panties were bloody I washed them, let them dry and wore them again.

39. When I wasn’t feeling well, I would rub my stomach to show them I didn’t feel well. Or I would rub my head or chest to show if they hurt.
40. The officers were not so bad to me. I told them the food was bad for me but they kept giving it to me, they didn’t do anything to change it. They fed us three times a day and each day it was different, but I guess I had the problem, it gave me diarrhea.

41. On Thursday at noon, I was taken to Krome and they asked me to sign some papers and I did and then I was released. That was August 9, 2001—the day I was released.

42. On the same day, I went to Church World Service. On Friday I went back to Church World Service and they gave me a letter so I could go to a clinic, because we all thought I was still pregnant.

43. Then my family took me to a clinic called Borinquen. They couldn’t believe that I had been bleeding so long and no one did anything about it. They gave me an emergency letter to go to Jackson. They couldn’t take my case because it was too serious and I had been bleeding for many days.

44. On Monday, August 13, 2001, I went to the emergency room at Jackson. When I was told the chances were very small that the baby could still be alive, they told me to stay in bed and not do anything.

45. I went home, and I stayed in bed all day Tuesday also. Then I was getting cramps, and I felt I had to go to the bathroom. But before I could get to the bathroom a big blob of blood came out of me onto the floor.

46. We took the blood and put it in a glass, and took it to the hospital, and they did some tests. They told me I had lost my baby. And there was nothing left inside me. I am still bleeding even now.

47. They didn’t tell me why I had the miscarriage. They gave me a list of clinics and told me to go to them for follow up treatment.

48. I was held many days bleeding without medical treatment at the hotel. If I had received medical treatment, I’m sure I would not have lost my baby. I could not communicate with them, but they didn’t try to help me either. The people that were watching us they came and said hello, how are you, and it was polite, but they didn’t really care.

Verification

I verify that the statements made in this declaration are true and correct. I understand that false statements herein are made subject to the penalties of perjury.

Dated: August 20, 2001
Miami, FL
My name is [Redacted]. I am from Haiti and I arrived to the United States on July 9, 2001. I came with my five-year-old daughter. When we arrived, we were apprehended by the US Marshals (I think), and we were all kept on the boat for four days. We were smuggled here and everyone on the boat was telling different stories, there were 22 of us on the boat. But I told the truth so they decided to keep me to testify as a witness against the smugglers. So on or about July 13th, 2001, I was taken to “Gun Club,” which is the Palm Beach County Jail. I have not seen or talked to my daughter since we were on the boat.

When I arrived at “Gun Club” I was handcuffed and they put me in a room by myself. There was no bed in the room, just a toilet. When I came they took all my things away from me—all the clothes I arrived in and my jewelry, even my panties. I got a uniform, but I never got panties. When I realized that I would be spending the night in that room, I asked if I could have somewhere to sleep. The officer told me Immigration put me there, there was nowhere for me to sleep. They did take my handcuffs off, but I spent the whole night standing.

I hadn’t been able to shower or bathe for many days, and since there was nowhere for me to bathe there, I decided to use the water in the toilet bowl to clean myself. I think that’s why I developed a vaginal infection. The infection was never treated though because none of the doctors I saw could speak Creole.

After that whole night standing in that cell at “Gun Club,” I was taken to the Stockade, which is also in West Palm Beach. There I was put in a pod of 24 women. All the women were serving criminal sentences. I was the only one there that wasn’t a criminal. It was a terrible, terrible place. The women inmates were always fighting and smoking all kinds of things and the officers curse at you.

There was one officer that was so mean to me that whenever she was working I wouldn’t come out to eat. I don’t speak English so I don’t know exactly what she was saying but whatever it was, I could tell it wasn’t very nice. I think she was always angry with me because I couldn’t understand her. No one helped me find an interpreter and there weren’t any Haitians there for most of the time I was there.

I haven’t had my period since I arrived in the US. I’m worried about that because it’s never happened before. And I had that infection and I didn’t get panties for over two months, until I arrived here at TGK on September 15th. One time when I had a fever at the Stockade they sent me to the doctor. I tried to tell him with body language that I had a vaginal infection, but he couldn’t understand me so he didn’t do anything. I went to the doctor many times after that but they never did anything because they don’t speak Creole.
At the Stockade when I first got there they gave me a little bar of soap, a toothbrush and toothpaste. The toothpaste lasted three days and they never gave me a new one. I brushed my teeth with the soap. I washed my hair with the soap because I never got shampoo. I didn't get deodorant or anything like that. I got two sheets, a blanket and a pillow, but those were never washed the whole time I was there. We did get to change our uniforms twice a week.

The water in the shower at the Stockade was so hot it was hard to bathe. I still have marks on my legs from where it burnt me. It was like boiling water.

The rest of the pod was clean but that's only because we cleaned it ourselves, everyday at 4 am.

I could send and receive mail at the Stockade. The mail always arrived open though. I never got legal mail so I don't know if they open that too. They never gave me stamps, but the other inmates would give me some.

I could use the phones to call my family. I called them collect. I don't know another way to call them. I could call up to three times a day from 6am until 11pm. No one ever told me anything about my daughter and there was no one I could ask. My mother heard she was with the "IRS." But I still haven't seen her or spoken to her at all since we were split up from the boat.

I got contact visits at the Stockade. My mother came to see me about six times. I don't know how she got in, or how you make a request, I just know I would get called and then I would visit with her.

I could practice my religion there. I am Protestant.

The food was terrible there. Things were very bad. They put sugar on the food instead of salt so I couldn't eat it.

We got one hour of recreation outside each morning.

I never got a handbook or any information on the rules and policies at the Stockade. I never got anything in Creole. I couldn't ask about things because I don't speak English.

There wasn't a library at the Stockade that I knew of. There weren't any materials about anything at all. I had a Public Defender for when I went to court against the smugglers. I don't have an immigration attorney. I don't know how legal access is at the Stockade because my lawyer never visited me.

I went to court four times while I was at the Stockade to testify against my smugglers. I don't know how many different people I was interviewed by or where they were all from. I know some were from the US Marshals. The last time I went to court there must have been 25 different people that all asked me questions.
When I had to go to court, I would be woken up at 3am. And then I’d spend the whole day standing. They would take me back out to the “Gun Club” where I was in a cell like the one I spent the first night in. I got food because they would push it in a box through the door. And there was that toilet in the room. On top of the toilet there was something like a faucet. When I asked for water to drink, they told me to drink from that. Then I would be taken to court and back to that cell to stand. And I would have to wait there until 9pm when someone would come to pick me up to take me back to the Stockade.

I was never separated from the rest of the population at the Stockade except when I went to court.

I don’t know if there was a grievance procedure because I don’t speak English. In the last few days I was at the Stockade there was a Haitian officer. When I asked how to complain, the officer told me they don’t have any information for me because they’re just getting paid by Immigration to keep me there.

I think I was transferred to TGK because I got in trouble with another inmate. She tried to kiss me and I pushed her. She reported me to an officer. I think she said I hit her. The day I was supposed to be transferred, which I think was Tuesday, September 18th, I was taken to a holding cell to stand again. I stood there from 3am until 8pm at night when they came to get me. They handcuffed me when I was transported. First they took me to Krome where I was for about an hour and a half. Then they brought me here to TGK.

The only thing I heard from Immigration before I came to TGK was when they gave me a paper with my picture on it and someone read it to me in Creole. The paper said if I was deported and tried to come back here it would be a crime and I would have to spend five to 20 years in jail. I never talked to a Deportation Officer or anyone before I came to TGK.

I got my paper that I passed my credible fear interview yesterday (September 24th). My Deportation Officer here told me I should be released tomorrow. This morning she told me my daughter has already been released.
Appendix B: Correspondence, Memorandums & Letters


3. Letter to Krome Service Processing Center's Officer-In-Charge, William Cleary, from FIAC attorneys Cheryl Little, Joan Friedland and Rebecca Sharpless, January 9, 2001.

4. Letter to Krome Service Processing Center's Officer-In-Charge, William Cleary, from FIAC attorneys Cheryl Little, Joan Friedland and Rebecca Sharpless, January 16, 2001.


11. Letter to Jeffrey Weiss, Director of International Affairs, Department of Justice, from FIAC Executive Director Cheryl Little, April 16, 2001.


16. Letter to Kimberly Boulia, TGK Liaison INS Miami District from FIAC Executive Director Cheryl Little, June 14, 2001.


19. Letter to FIAC Executive Director Cheryl Little, from INS Officer in Charge (Bradenton, FL), David A. Wing, August 9, 2001.


Via facsimile: 202/514-4507

December 19, 2000

The Honorable Janet Reno
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Rm 5111
Washington, DC 20530-0238

Dear Madam Attorney General Reno:

We are writing to express our deep concern regarding INS’ recent decision to move all of the female detainees at Krome Service Processing Center to the Turner Guilford Knight Correctional Center (TGK), a county prison in Miami. On December 12, the day we learned of the decision, this included 55 asylum seekers and 28 detainees with past criminal convictions who have already served their sentences. Several aspects of this are troubling.

First, INS officials stressed that attorneys would have around the clock access to the detainees at TGK. Unfortunately, this has not proven to be the case. For example, on December 14, a FIAC attorney who was consulting with her clients and other female detainees was rudely and inappropriately informed by an INS Deportation Officer that she had no right to interview some of the women there and told she had to leave immediately. While FIAC attorneys were permitted to return the next day to meet with detainees, clearly INS is not prepared for attorney visitations at TGK. On December 15, 2000, for example, FIAC attorneys had to wait for officers to empty out boxes in a small room so that they could meet with their clients. On December 16, a FIAC attorney who arrived at TGK around 2:30 p.m. was told he couldn’t see his clients until after 4:00 p.m., due to a head count. On December 17, when that attorney returned to TGK to meet with two detainees in Pod K 45, he was told that there was a “situation” occurring and they had no idea when he would be given access to his clients. On December 18, FIAC attorneys ran into similar problems with head counts and other serious obstacles to representation. Additionally, the women have not been informed about access to a law library and are not permitted to have pens or pencils. Although there is an INS Deportation Officer present at TGK, she has told detainees that she has no available information about their cases.

These barriers to attorney access at TGK are exacerbating what is already a tremendous burden on FIAC resources. FIAC’s legal staff is currently overwhelmed assisting asylum seekers and others at Krome and are without the resources to
effectively expand their operations to TGK. As you may know, Krome detainees subject to expedited removal have been scheduled for their asylum interviews within 1-2 weeks after INS orientation. The list of Krome detainees in the credible fear asylum process on December 13 was 193. The Asylum Office schedules about 50-60 interviews a week. FIAC represents all credible fear detainees in need of pro bono help, which typically is about 70-75% of them. So each day FIAC prepares a significant number of asylum seekers for their asylum interviews and then, once detainees prove their case, submits their parole requests. This is in addition to providing know-your-rights presentations and assisting many other Krome detainees with their cases as well. We fear that any attempts by FIAC to try to help the women at TGK with their asylum cases could seriously delay the processing of those cases.

A conversation yesterday with Enrich Cauzer, INS Chief Asylum Officer in Miami, substantiates our fear that adjudication of these cases will be delayed. Apparently Mr. Cauzer only learned about INS plans to move the women to TGK last Tuesday. Mr. Cauzer sounded concerned that INS had not yet clarified exactly how these cases would be handled and that a backlog of cases was building in the meantime. He added that because of limited resources, the Asylum Office would have to conduct the orientation and Service decision phases of the credible fear process by telephone. Female asylum seekers in expedited removal, therefore, will have less access to the Asylum Office and will likely spend longer in detention than their male counterparts at Krome.

Second, INS officials attempted to portray TGK as a model facility for INS detainees, which we have ascertained is not the case. TGK in many respects is far worse for the detainees than Krome. See attached statements from FIAC attorneys and INS detainees. Complaints thus far include: detainees’ limited ability to reach the outside because jail telephones permit collect calls only; attorneys not permitted to call detainees’ directly or leave messages for them; detainees’ medications taken away from them during transfer to TGK; detainees’ inability to communicate in English (several Chinese and Spanish speaking women couldn’t communicate with TGK officers); detainees’ personal items, including watches, wedding rings and other jewelry, hygiene items and $100.00 phone card confiscated during transfer; restrictive family visits (only one contact family visit per month); and inadequate grievance procedures. Additionally, the women have no mirrors, no towels and complain that their pods are like an ice box and they have only short-sleeved uniforms. Detainees, including pregnant women, also complain that their food is insufficient (thawed, soggy sandwiches for each meal and one piece of fruit daily) and there is no commissary. On December 14, the women brought to K 45 were given breakfast at around 5:00 a.m., lunch around 8:30 a.m. and dinner between 6-8 p.m. Those in the second pod experienced a similar problem. The food they had purchased while at Krome was confiscated so they had no choice but to go for hours without food. The recreation area is a small area within high cement walls, a cement floor and no roof. The women are locked in their cells (routinely referred to by INS as their “private rooms”) during count and at night. The women complain that they can’t sleep because during the night the guards conduct 3-4 counts, shining a flashlight in the detainees’ face during one, and entering the cell and banging on the window to make sure the detainees have not tried to escape during another. In short, the women feel as if they’re being punished.

Several of the women also said they were threatened with transfers if they complained. One detainee who had agreed to speak with a Miami Herald photographer while at Krome filled out a form requesting to see him, only to be given it back by the TGK officer who said, “what makes you think the Herald wants to see you?” The photographer had in fact been trying to gain permission to meet with this detainee for over a week. Yesterday afternoon, FIAC learned that this detainee was deported to Haiti.

Third, it seems that asylum seeker’s eligible for release remain in detention. One woman at TGK passed
her credible fear asylum interview two weeks ago and we believe that about a dozen other women who also
passed their asylum interviews remain there as well. Many others have not yet received Asylum Office
orientations, which they would have been given if they had remained at Krome.

Fourth, in their press release and/or at the INS Krome Stakeholders meeting, INS suggested that detainees’
advocates and the detainees themselves welcomed the transfer. This is far from true. Upon learning of the
move to TGK, several of the women broke down and cried. And had INS officials in Miami not gone out
of their way to avoid discussing the move with us before the December 12th meeting, they would have been
aware of our serious concerns. Indeed, we believe that by transferring the women to a county jail, INS is
breaking earlier assurances that they would look for safe, alternative accommodations where the women
would still have adequate access to legal services and are especially troubled that the decision to move the
women was made without first providing us a meaningful opportunity to further discuss our concerns. In
fact, INS alerted the media regarding the transfer before informing us.

We understand that, in the end, the decision about what to do with the women-in-question is INS’ decision
to make. However, District Director Robert Wallis’ insistence that the INS truly values the input of the
Krome Stakeholders in INS detention matters rings hollow since clearly this was not the case with respect
to the move to TGK. Indeed, FIAC staff have long complained that concerns they raise during these
meetings are not taken seriously by the INS District Office.

While naturally we don’t want to see the women housed in a facility where they are vulnerable to abuse, it
seems the INS in trying to solve one problem has created another. The women at Krome have long
complained that the male detainees there receive preferential treatment. This latest decision bolsters that
belief. Several Krome employees alleged to have engaged in sexual misconduct at Krome remain there. It
is they who belong in jail, not their victims.

It is time for the INS to revisit its detention policy. Most INS detainees can be released, especially asylum
seekers. For those who cannot be released, the INS should explore alternatives to detention. In a recent
study, the Vera Institute of Justice demonstrated that supervised release is a viable alternative for most INS
detainees. Provided with proper information and required to periodically report to a parole officer, the vast
majority of individuals who participated in the program appeared for their proceedings.

Another alternative is to establish shelter care facilities under the auspices of social service agencies with
expertise in meeting the needs of the foreign-born. Such facilities have been tried at the local level and have
proven to be both humane, effective, and cheap.

If it is at all possible, we would like to meet with you to more fully discuss our concerns. Thank you for
your attention to this matter.

Sincerely,

Cheryl Little, Esq.
Executive Director

Mary Diaz, Executive Director
Women’s Commission for Refugee Women & Children
January 4, 2001

Rebecca Sharpless  
Attorney at Law  
Florida Immigrant Advocacy Center, Inc.  
3000 Biscayne Blvd., Ste. 400  
Miami, Florida 33137

Dear Ms. Sharpless:

Thank you for your letter dated January 2, 2001. In order to maintain security and control we must abide by the policies and procedures regarding individuals visiting our detention facilities.

We can, however, expedite the time spent by the paralegals who have already obtained clearance. Please have your staff bring with them on Florida Immigrant Advocacy Center, Inc. stationery, the names of the clients they intend on interviewing. The paralegals can then be afforded the opportunity to visit their clients.

We thank you for your cooperation and look forward to being of service to you and your staff.

Yours truly,

[Signature]

Charles McKenzie, Acting Captain  
Facility Supervisor
January 9, 2001

William Cleary
Officer-In-Charge
Krome Service Processing Center
18201 SW 12th Street
Miami, FL 33194

Dear Mr. Cleary:

Per your invitation, we write with our concerns regarding the transfer of all female detainees from Krome to the Turner Guilford Knight facility (TGK). We hope to meet with you and TGK officials to resolve these issues as soon as possible. In addition, as discussed on Friday, we would like to accompany you on a tour of the TGK facility and the two INS pods at your earliest convenience.

I. Attorney Access Issues. Our office attorneys have had a number of problems gaining access to the TGK detainees. As you know, shortly after the women were transferred from Krome, one of our attorneys was asked to leave when she was meeting with TGK detainees who had asked to speak with her. While INS now recognizes that attorneys should be able to speak with detainees who ask for assistance, several problems remain unresolved. First, whenever a detainee asks an attorney for assistance while the attorney is at TGK meeting with other clients, the attorney is not allowed to immediately meet with that detainee. Rather, the attorney must return to the front desk at TGK and fill out another “pink slip” with the detainee’s name on it. This procedure is extremely time consuming, as attorneys must wait for a TGK officer to be escorted to and from the front desk. Moreover, TGK often has counts or lockdowns during which no attorneys are permitted to move within the facility. This has resulted in attorneys waiting for up to two and a half hours in order to return to the attorney room in the pod.

Second, INS instructs the TGK officers to prevent attorneys from stepping one foot into the pod area. Attorneys are walked to the attorney visitation area through the computer room rather than through the pod. This policy is not a TGK policy and does not apply to attorneys visiting non-INS pods. The policy serves no legitimate purpose.

Third, while detainees seeking legal help are able to call our Miami office for free, they cannot call FIAC’s Krome office this way or call their private attorneys, other pro bono organizations or their home country consulate. While a phone has been made available to the detainees in the attorney visitation room for calls to attorneys or the Consulate, they can only use this phone for up to ten minutes and when attorneys are there seeing their clients it is not available to them. INS officers also use the phone which limits detainees’ access. Detainees
can only use this phone if they make a written request to do so.

Fourth, each INS pod appears to have only one attorney visitation area. This is a serious problem when more than one attorney needs to meet with the detainees at a time. At Krome, there were four attorney booths.

Fifth, attorneys cannot call detainees at TGK or leave messages for them.

Finally, Florida Immigrant Advocacy Center (FIAC) and Catholic Legal Immigration Network (CLINIC) attorneys are prepared to give know-your-rights presentations to the TGK detainees and hope that arrangements are immediately made to accommodate this.

2. Paralegal Access Issues. As you know, our office employs several paralegals who work with detainees in the asylum credible fear screening process on a daily basis. Under the Immigration and Nationality Act and its regulations, detainees in the credible fear process have a right to be represented by non-attorney “consultants.” As you know, the credible fear process moves quickly, and time between a detainee’s arrival and the credible fear interview (where eligibility to apply for asylum is determined) is short. At Krome, our paralegals are able to speak to detainees when not accompanied by an attorney. At TGK, our paralegals do not have routine access to the facility when not accompanied by an attorney. According to a sergeant at the facility, paralegals can only gain access if we send a letter with their names and the names of the detainees we represent. This procedure is unworkable because of the large and ever-changing population of credible fear detainees. We simply cannot send a letter every day with an updated client list. Even if we could, our paralegals’ access to new clients would be delayed until TGK’s administrative office is able to approve the letter with the client’s name on it. This in turn will delay the processing of our clients’ political asylum cases.

3. Telephone Access. Detainees report that they can make only collect calls to family members and friends. At Krome, they could use calling cards. Being limited to calling cards is problematic for the detainees, as many of their families and friends do not have phones that accept collect calls. (This is due to several reasons, including not having long distance service or having a high telephone bill.) Also, all TGK phones are automatically blocked by TGK whenever the detainee’s calls exceed $200.00 and despite the fact that the party whose phone is blocked pays their bills on time. While you confirmed that the detainees do not have calling card telephone access, you stated that they have “something better.” You said that the commissary at TGK allows detainees to put money in a telephone account that they can use to fund telephone calls. Per your suggestion, we asked detainees if they could make calls using an account through the TGK commissary. They reported that this is not possible.

4. Medical care. Many of the detainees at TGK are still not receiving adequate medical care. When the detainees were transferred to TGK from Krome, their medical files did not follow, only a synopsis of the file. Medication given to some of the women was drastically reduced or changed, apparently because TGK medical staff believe that the detainees were over-medicated at Krome (e.g. given too many psychotropic drugs). These women were not provided any psychological counseling or other treatment to help them adjust to the sudden change in their medication. One detainee with epilepsy has suffered multiple seizures as a result of changes in her medication. Another had a seizure as a result of being taken off her medication. This detainee was accused of
faking a seizure. TGK staff held a “meeting” at which they advised the detainees that they would be sent to the “Annex” (another county facility) if they acted up, implying that the women who had reactions to being taken off their prior medications were faking their symptoms. Several women reported feeling extremely depressed. Approximately three weeks ago a group of about eight women asked to be taken to the hospital and many were wrongly accused of being suicidal and brought to the mental health center of Palmetto Hospital. At Palmetto, detainees themselves had to try to help another detainee with AIDS who was having multiple seizures. Detainees also report rude treatment by some of the medical staff and many are now afraid to complain of depression or other medical problems due to threats of transfers if they do. Certain TGK medical staff think detainees just want medication so they can “sleep their time away”. One detainee was placed on thorazine and is experiencing ill effects from the drug. Detainees are not allowed to have any type of medication on them. Even asthma pumps must be kept with the guards. Detainees who late in the afternoon need an aspirin for a headache or for menstrual cramps must fill out a slip requesting this and don’t get the requested pill until the next day. According to some TGK officers and nurses, detainees’ request slips have been thrown in the garbage by a few of the TGK nurses. Some nurses continue to make mistakes in administering medication and complain they are too busy to help the detainees. It is our understanding that there was no real plan in place for the provision of medical services to the INS detainees transferred to TGK and that translations are not provided on site, but telephonically.

5. **Sexual Harassment.** Men are often in the female INS pods to work. Just two days after the women were moved from Krome to TGK, a male who was part of a work crew took down his pants and flashed some of the detainees. That same day, another trustee sexually accosted one of the female detainees while a TGK officer apparently stood by. Now, the women are put in lockdown whenever a man is in the pod. The women also cannot be in the law library (which faces the hallway) when male inmates are in the hallway. Placing the women in lockdown and limiting their access to the law library whenever men are in sight punishes the victims and is unacceptable. The women were initially brought to TGK to protect them from men at Krome and the irony is not lost on them that at TGK they have been subject to the very same kind of abuse. Indeed, the male officer who allegedly permitted the male trustee to accost one of the females at TGK was back in the female pod days after the incident-in-question was reported. Acting Deputy Officer-in-Charge Webster told the women at TGK that the sexual harassment there has nothing to do with the INS. This lack of accountability is alarming. Also, when several of the women were sent from TGK to the Palmetto Hospital, they were surrounded only by male nurses and male guards. Female staff were brought in only after the women complained about this.

6. **Continued Detention of Women who Can Be Released.** You and other Justice Department officials have promised that all women who could be released would be released so that they would not have to be detained at TGK. After meeting with a number of detainees, we have learned that some women at TGK could be released immediately (including those who only wish to be deported) and that others will be eligible for release in the very near future. We were disturbed to learn that detainees have been told that they will be denied release if they complain about conditions at TGK. Some detainees have been threatened with file review denials for simply talking with our office’s attorneys. We ask that all women who are eligible for release be released as soon as possible and that INS cease to threaten the detainees with denials of their file reviews.
7. **Lockdown/Transfer.** The detainees are routinely placed in lockdown in their cells and threatened with being transferred to the Annex or another county jail (e.g. Fort Lauderdale). This occurs when a detainee complains about the conditions at TGK, expresses suicidal thoughts, or states she is going to go on a hunger strike. The threats of transfer come from both INS and some TGK officers. Detainees have no opportunity to defend themselves before being punished in this way. While in lockdown detainees have no access to phones. In at least one case, a detainee whose case was on appeal and who needed to call her attorney could not do so. Detainees do not receive due process when a lockdown occurs or they are transferred as punishment. Detainees should not be punished when they express concerns about their treatment.

8. **Contact Visits.** Detainees are currently allowed only one contact family visit per month. At Krome, they received two contact visits per week. This is especially troubling, given that they have much more difficulty reaching their families by phone from TGK. The number of contact visits at TGK should be increased to at least the number detainees receive at Krome.

9. **Law Library.** There is a room containing several computers in each pod. The law library consists solely of a small bookcase with a couple of rows of books in English. The women are not aware of any legal materials available on the computer. The rules for access to this room are inconsistently applied, and women are denied access when men are in the pod or when trustees are in the hallway. Also, there is no printer or copier for the women’s use. The detainees do not have access to the general law library at TGK.

10. **TGK Staff.** While some TGK staff are polite and professional, others are not. A few weeks ago, detainees reported being woken up in the middle of the night by shouting and banging on the cells by the officers. While this does not appear to be happening anymore, certain staff continue to yell at the detainees, saying that they will be treated like the other criminal detainees and will be placed in lockdown or transferred if they complain. Detainees reported that one officer said that she didn’t want to work in the INS pod because the women were speaking another language and were “hoes.” The women became extremely upset by this. One detainee who cut her wrist and couldn’t get proper medical attention to clean it for several days reported that a TGK Corporal told her that if she had really wanted to kill herself she would have made a long vertical cut on her wrist rather than a horizontal cut. The Corporal demonstrated how she should have done it. This detainee had to soak a sock in bleach to make a makeshift bandage for her wound.

11. **Request Slips.** TGK has a request slip for detainees to request services like medical care. There is no request slip for the detainees to make requests of INS. When detainees use the TGK request slip for an immigration request, the TGK officers tell them to ask INS. INS should have a procedure for processing requests and grievances.

12. **Temperature.** It is extremely cold at TGK. TGK officers are often seen wearing jackets due to the cold. Detainees are not given sweaters or other warm clothing to protect them against the cold. The temperature should be raised to make the pod more comfortable.

13. **Personal packages.** Detainees report that they are not allowed to receive packages from family members and friends and must purchase all items from the commissary. At Krome, they could receive packages. The policy at TGK should be modified to allow the detainees to receive packages like they could at Krome.
14. **Mail.** Detainees often have to beg INS to pick up their outgoing mail and sometimes must wait days for their mail to be picked up. Also, they do not receive mail regularly.

15. **Personal items.** Detainees are only allowed to have the most basic of personal hygiene items and are not permitted to have things like mirrors and hand lotion. Therefore, items the women had at Krome were taken from them. Detainees should be permitted to have at least as many of these items as they did at Krome.

16. **Poor Food Quality.** As you know, the food at TGK is not cooked on site but brought in on trays. Hot meals are heated up in ovens in the pod. Detainees complain that the food is terrible and not prepared well. They are given only water to drink and one glass of milk with breakfast. Detainees have no access to vending machines or microwave ovens, which would allow them to supplement their diets. They say they can buy supplemental food from the commissary but that it is expensive, not healthy food (e.g., chips), and not immediately available. INS should contract with a different, higher quality food caterer and should make alternative sources of food available to the detainees. A microwave oven would greatly assist the women in preparing alternative meals.

17. **Smoking.** Detainees are not allowed to smoke at TGK, even outside. Detainees should be given the same smoking privileges that they had at Krome, particularly given the fact that their psych medication has been drastically altered and that conditions at TGK are generally far worse than at Krome.

18. **Pens.** Detainees cannot have pens, only pencils.

19. **Pictures on Cell Walls.** Detainees are not allowed to put even small pictures or photographs on the wall next to their beds in the cell. Detainees should be allowed to hang things on the walls in their cells.

20. **Recreation.** There are no recreation activities at all for the detainees. Recreation consists solely of "going outside to sit down and be surrounded by [concrete] walls," as one detainee put it.

21. **Access to deportation officers.** Some detainees report that they have received no information at all from INS about their cases.

22. **Disability Access.** TGK is not in compliance with standards for handicapped access.

The above concerns amply demonstrate that moving the women to TGK has created a host of serious problems, including ongoing sexual harassment. The women rightly feel that they have been punished for having been victims of abuse at Krome. It is simply unfair and punitive to subject these women to the kind of treatment they are receiving at TGK, especially when the male detainees at Krome receive far greater privileges.

INS officials conveniently blame TGK for many of the above problems and vice versa. It is our understanding that Mr. Webster, Acting Deputy Officer-in-Charge of Krome, complained to the detainees at TGK a short while ago that he had been instructed to follow-up on the "bogus letter" FIAC sent to the Attorney General on December 19 and that he had a life too and had better things to do. We hope that
rather than simply dismiss our concerns as unfounded, as has all too often been the case in the past, INS officials will undertake a serious look at the problems confronting detainees at TGK.

Thank you for your prompt attention to this matter.

Sincerely,

[Signature]
Cheryl Little
Executive Director

Joan Friedland
Managing Attorney/Impact Advocacy

Rebecca Sharpless
Supervising Attorney/Impact Advocacy

cc: Attorney General Janet Reno
January 16, 2001

William Cleary
Officer-In-Charge
Krome Service Processing Center
18201 SW 12th Street
Miami, FL 33194

Dear Mr. Cleary:

We are writing to bring the following additional matters to your attention regarding the detention of women at Turner Guilford Knight facility (TGK):

1. Women and children (aged about 2 months-12 years) have been awakened around 3:30 a.m. and taken from TGK and from hotels during pre-dawn hours to Krome and held on a bus there for many hours, until late in the afternoon. They were allowed off the bus only to eat and for the short time required for processing their cases.

2. Florida Immigrant Advocacy Center (FIAC) is not included in the free, preprogrammed calls in Pod 46, the TGK unit holding the asylum seekers. Additionally, the telephone in the attorney visitation room in Pod K 45, which the detainees have limited access to in order to call attorneys, is not working.

3. TGK guards yelled at, strip searched and conducted body cavity searches on women who, with INS permission, brought food back from Krome (such as crackers, apples, breakfast food). Women have also been strip searched on numerous other occasions at the whims of guards.

4. Women are handcuffed each time they are taken to Krome for their asylum interviews or court dates.

5. TGK guards have yelled at non-English speaking women who do not understand orders given in English.

6. 21 asylum seekers were sent from TGK to Philadelphia a couple of weeks ago. This number far exceeds the handful of women INS acknowledged transferring. INS' claim that these women were transferred because they all had lawyers in Philadelphia also appears false. These women would have been represented by FIAC here. The Krome asylum seekers were moved to TGK without any apparent plan for the smooth transition of the processing of their cases. This resulted in a backlog of cases, which in turn appears to have resulted in the transfers to Pennsylvania.
7. A number of asylum seekers at TGK did not have an opportunity to meet with FIAC’s legal staff in order to prepare for their credible fear interviews.

8. Women who have passed their credible fear interviews remain at TGK, despite overcrowding there. For example, we met with one asylum seeker from India who had passed her asylum interview three weeks ago. Also, last week we left you the names of three women whom we don’t believe should be at TGK. Two only wish to be deported and one was found not guilty on her criminal charge.

9. At least two detainees were awakened at 3:00 a.m. for blood tests.

We are concerned that we have received no response to our earlier letter outlining our concerns regarding the transfer of all female detainees from Krome to TGK, nor have you returned our telephone calls, nor have arrangements been made for a tour of TGK or for know-your-rights presentations. We look forward to your early response to our letters and telephone calls.

Sincerely,

Cheryl Little
Executive Director

Joan Friedland
Managing Attorney/Immigration

Rebecca Sharpless
Supervising Attorney/Impact Advocacy

cc: Attorney General Janet Reno
Cheryl Little, Esq.
Executive Director
Florida Immigrant Advocacy Center
Suite 400
3000 Biscayne Blvd.
Miami, FL 33137

Dear Ms. Little:

Thank you for your letter dated December 19, 2000, regarding your concerns related to the move of female INS detainees from Krome to Turner-Guilford-Knight (TGK), a decision I fully supported. I remain convinced that TGK is the best available detention alternative to Krome.

In your letter you raised a number of important issues ranging from attorney access to conditions at TGK, some of which were transition-related and have been resolved. For those that have not been resolved, and as new areas of concern arise, I encourage you to continue to bring these matters to the attention of the INS and the new Attorney General. Specifically, I encourage you to work with the group of INS employees and Krome stakeholders that has been formed to address exactly the kinds of issues you raise in your letter.

With respect to the larger issue you raise regarding INS's overall detention policies, INS and the Department of Justice recognize that these are matters that require considerable attention. In that regard, Deputy Executive Associate Commissioner Tony Tangeman, at INS headquarters, has been charged with reviewing INS's detention policies and recommending needed revisions. I thank you for your informed thoughts on these matters and encourage you to continue to work with INS at both the local and headquarters levels on these matters.

Sincerely,

Janet Reno

Janet Reno
January 23, 2001

Kimberly Boulia, TGK Liaison
Miami District Office
Immigration & Naturalization Service
7880 Biscayne Blvd.
Miami, FL 33138

Dear Ms. Boulia:

This letter is to inform you of our most recent concerns regarding the detainees at TGK.

Lockdowns/Grievances. The women continue to be locked down frequently, even when a male trustee is in the hallway and not actually in the women’s pod. Lockdowns also are arbitrarily imposed. For example, one detainee was unreasonably locked down about a half dozen times last week (e.g. because she wanted to use the tweezers and mirror). That same detainee, who had no opportunity to contest the lockdowns, had previously filed a handwritten eight page grievance which was returned to her with the notation “Have Lise Haynes rewrite grievance.” See attached. The TGK Sergeant had told her to write the grievance exactly as she had. This detainee daily assists a disabled detainee who needs help showering, changing her diapers, washing and combing her hair etc., so she has been of great benefit to the staff.

Access to the Press. Both Lisandra Cordova and another detainee who had spoken to the Office of Public Affairs regarding allegations of sexual harassment at TGK wished to talk to reporters from Channel 10 and Telemundo. Accordingly, several days ago reporters from both stations requested permission from INS to meet with them. INS denied permission in both instances with the excuse that the women were subjects of a pending investigation and their speaking to the press could hurt the investigation as well as expose them to retaliation. Subsequently, Channel 10 and the Miami Herald requested permission to meet with three more women at TGK, including one who arrived at TGK after the incidents which prompted the investigation took place and who therefore clearly is not a subject of the pending investigation. The Miami Herald and Channel 10 were denied permission to meet with all three of these detainees. Yesterday you told us the press could not meet with the women because the Florida Statutes don’t permit INS detainees in Florida’s County jails to speak with the press. I do not believe the Florida Statutes do this, and indeed, in the
past members of the press have met with INS detainees in Florida’s county jails.
Most importantly, the INS Standards which INS officials assured us would be implemented at
TGK permit the detainees access to the press. Denying the women access to the press under the
guise of protecting them or suggesting that Florida law prohibits it is ludicrous and only serves to
undermine INS’ claims of good faith regarding the transfer.

Mail. Detainees are not even getting their legal mail on time. A detainee who was scheduled for
a 01/11/01 hearing before an immigration judge did not receive the hearing notice until 01/19/01.
The hearing notice was initially served on an INS official on 12/28/00, and the detainee was
therefore surprised and unprepared when she ended up in front of the judge. See attached. Legal
mail for detainees has also been opened out of their presence.

Additionally, women without sufficient funds in their account who are therefore entitled to free
stamps and envelopes are not always getting the stamps and envelopes (depends on officer). One
detainee who did not have a stamp gave a letter to the INS officer which the officer held for about
two weeks before mailing.

Transfers. On January 16th at about 6:00 p.m., all the women in K45 were locked down and
Lisandra Cordova was told to pack all her things. When she asked officers where she was going
and why she was being taken from TGK, she was told they did not know. Lisandra, whose
birthday was that same day, was expecting a family visit and began to cry. Her move to TGK is
troubling for a number of reasons. At the Monroe County jail, Lisandra is housed with the
regular inmate population. In its December 12 press release justifying the female detainees’ move
to TGK, INS noted that it was important for INS female detainees to be housed separately from
the non-INS detainee population “as it provides for greater safety and security of INS female
detainees.” See attached. Lisandra has a custody review scheduled for February 14th and we
cannot effectively represent her if she remains in Key West. Moreover, she was the victim of a
sexual assault two days after her transfer from Krome to TGK and has spoken to investigators
from TGK’s Office of Public Affairs about this. We need Lisandra in Miami so, if necessary, we
can assist her in this matter as well. We therefore request her immediate transfer back to Miami.

On 01/18/01 Gertha Clairville was told by TGK officials that she was being released and Gertha
called her family to pick her up at Krome. Gertha was not released and Krome officials told her
family that she was at TGK. Apparently Ms. Clairville was transferred to the Sarasota jail and
then deported. We were preparing Ms. Clairville for her custody review scheduled for 01/31/01.
Ms. Clairville’s treatment was unconscionable, and we request an explanation of what happened
in her case.

Phone calls. The phone in K45 which is automatically programmed for free calls to FIAC’s
Miami office was disconnected by INS Deportation Officer Heising and the phone available upon
request for limited calls to attorneys in the attorney visitation area has been moved and is even
less available to detainees than before. The telephone that INS in its press release claimed would
be automatically programmed to connect to the Office of Inspector General if detainees wished to
lodge complaints is not so programmed. Indeed, INS officer Miller told me on 01/21/01 that detainees can only make collect calls to the OIG. Detainees have also been denied permission to call criminal attorneys (to challenge their criminal convictions) on the phone which is supposed to be available for calls to attorneys.

Additionally, detainees have been denied permission to use the phone in emergencies. For example, upon learning on 01/14/01 that her father was about to undergo emergency open heart surgery, a detainee requested and was denied permission to call the hospital to inquire about him. On 01/16/01 when she was eventually told by INS Deportation Officer Heiling to make a written request to phone her father and did so, Heiling wrote back “have you attempted to call on the phones for detainees,” something Ms. Helfing already knew she could not do because the hospital would not accept a collect call. See attached. The detainee was more than willing to pay for the call with her calling card except that card is useless for pay phones at TGK. The detainee finally got permission to call the hospital on 01/17/01 at her own expense on the phone that permits her to use her calling card, but because it took almost 5 minutes to get through to the hospital, she was only allowed to speak to her father for a few minutes. (The detainees are limited to ten minutes on the phone-in-question).

Sexual Harassment. In my letter of January 9, 2001 I referred to an incident where a male trustee flashed a number of the women and a separate incident that same day involving the sexual assault of a detainee. I just learned that the following day a detainee was flashed by another trustee. This was reported to the Office of Public Affairs at TGK. This same detainee was the victim of sexual abuse by an officer who remains at Krome.

Recreation. The women have almost nothing to do, and are denied access to even the most basic recreational activities except for a basketball and a basketball hoop. The INS’ press release announcing the move of the Krome women to TGK painted a picture of TGK far different from the harsh reality of the detainees’ lives there. INS promised, for example, that detainees would have access to “educational and self-improvement courses,” to “recreational activities ... to substance abuse programs and GED courses.” This has not happened.

Arbitrary Rules/Lack of Accountability. Detainees are given conflicting information about TGK policies by different officers. While detainees who were taken from Krome to TGK were initially permitted to keep their sneakers, shampoo and conditioner, recent arrivals were told they could not. One detainee who was recently told by a TGK officer that she could not keep her cosmetics asked that the cosmetics be placed in her property. The officer responded this could not be done, that they were being confiscated. A few days later the detainee saw another detainee with her confiscated cosmetics. Another detainee who had been at TGK for four days still hadn’t gotten access to her money at TGK. Also, recent arrivals were told they could not keep extra pairs of underwear, they could only keep the panties and bra they arrived with. This was a serious problem for one detainee who was menstruating upon arrival at TGK.

Detainees have been told they were granted permission to do something only to later be told that
was not the case. For example, one detainee was told by TGK staff that her request for a family visit on December 24 had been approved. When her family arrived from St. Petersburg on that date they were turned away and the detainee was told that approval of the visit had not been properly documented. The rules at TGK seem to be constantly changing. Detainees need to be provided with orientation handbooks so they are aware of TGK rules. Moreover, INS has broken the promise it made prior to transferring the women that INS’ 36 Detention Standards and the DOJ’s 57 Core Detention Standards would be implemented at TGK.

Abusive officers. While the detainees tell us that a number of officers (both from INS and TGK) have treated them fairly and humanly, other officers don’t. Unfortunately, INS Deportation Officer Heffling appears to have a particularly bad attitude toward many of the women, particularly those in K45. When INS proudly announced the move to TGK, care was taken to point out what an asset it would be for the detainees to have a Deportation Officer on site at TGK. While certainly it would be an advantage if that officer were accessible to the detainees, Officer Heffling has proven to be more of a hindrance than a help. FIAC attorneys have also found her less than helpful on a number of occasions. By contrast, INS Deportation Officer Hurley, who I believe was recently transferred to Buffalo, was well liked by the women. You noted yesterday that the female INS officers who were being required to leave Krome in order to go to TGK felt as if they were being discriminated against (since male officers get to stay at Krome). While I can appreciate their view, it is the detainees who suffer when the officers resent their job.

According to the detainees, daytime TGK officers such as Ms. Cooper, Ms. Morning, Cpt. Gray, Ms. Thompson and Ms. St. Fleur treat them fairly and well but some others do not. Indeed, TGK Officer Ambrister, who called the detainees “hoes” a few weeks ago, is supervising the women again. Another officer refused for four days to return the pictures of a detainee’s six year old child which the detainee had mistakenly placed on her cell wall and locked down a detainee just because she waved to another detainee after detainees were told not to talk. Similarly, detainees were locked down a few days ago simply because they took a few minutes too long to line up for count. One TGK officer directed racist, derogatory remarks at a Haitian detainee who couldn’t speak much English and who therefore didn’t respond to the officer’s question (officer commented “that’s why all these mother f----s are here, if they’re going to come to this country they better speak English”). Similar remarks were made by a TGK nurse (nurse told a Haitian detainee who did not speak English and who the nurse mistakenly thought was being disrespectful “go and suck your mother”).

Food. The food remains intolerable. Indeed, I saw a packet of jelly given to a detainee for breakfast the other day that was full of mold.

Conclusion. The women report that conditions at TGK get more restrictive each day. For example, they could not go into the “rec” area after 6:00 p.m. last week, they are routinely awakened in the middle of the night for blood tests (rather than taken during the day), and they can’t even get the Miami Herald.
We are deeply troubled that after more than a month since the transfer of the women to TGK, not only have things there not improved for them, they have gotten worse. Your comment yesterday that this was to be expected, given that the officials who initially planned the move to TGK are all gone now, only serves as a reminder of the harm from the constant change in leadership at Krome. This has long been a problem and unfortunately the consequences for detainees are devastating.

Yesterday you informed us that both the Acting Officer-In-Charge at Krome, Mr. Cleary, and the Acting Deputy Officer-In-Charge were leaving and that we shouldn’t be addressing our concerns about the women at TGK to Mr. Cleary. Yet Mr. Cleary in conversations as recently as late week neither told me he was leaving nor suggested he would no longer be able to address our concerns. On the contrary, he assured me he would.

It was also troubling to learn yesterday that INS has a 15 year contract with TGK. We again reiterate that women in INS custody who are not serving criminal sentences should not be held in county jails.

You heard a number of participants in yesterday’s meeting, apart from FIAC attorneys, complain that they thought the INS Stakeholders meetings which were to provide a forum for detainee advocates to discuss INS detention issues were simply an INS public relations device which “sandbagged” those of us who had hoped our concerns would be fairly addressed. While I am encouraged that you have been assigned to help resolve the problems at TGK, I believe you have been given an impossible job and that without adequate help you cannot begin to fix things there in a timely fashion. You yourself acknowledged that for the past month there has been a lot of talk but no action on the part of INS regarding TGK. Not long ago, INS District Director Robert Wallis asked detainee advocates to extend the “honeymoon” period he had asked for when he arrived several years ago so he could fix Krome. INS must assume responsibility for fixing problems of their own doing now.

I regret having to bring so many issues to your attention so soon after you arrived in Miami and look forward to working with you to improve conditions for the INS detainees at TGK.

Sincerely,

Cheryl Little
Executive Director

cc: William Cleary
January 31, 2001

Cheryl Little
Florida Immigrant Advocacy Center, Inc.
3000 Biscayne Blvd.
Miami, FL 33137

Dear Ms. Little:

The issues raised in your letters dated January 9, 2001 and January 29, 2001 regarding TGK will be discussed at the February 5, 2001 meeting. The Immigration and Naturalization Service with the assistance of TGK and the subcommittee will resolve issues to better serve the aliens.

I look forward to our discussions on February 5, 2001 at TGK. If you have any further issues or questions please call me at 305-762-3746.

Sincerely,

[Signature]

Kimberly Boulia
Special Assistant/ Detention and Removal
Miami District
February 7, 2001

TO:       Ms. Gwen Mike, TGK Supervisor

FROM:    Ms. Geraldine Stubbs

SUBJECT:  Medical History and Physical Assessment form

Dear Ms. Mike:

I would like to reiterate my concerns regarding the existing Medical History and Physical Assessment Form. I have no problem with the medical history portion of this form because it is simply asking the patient to confirm or deny past or present medical illnesses by filling a check (✓) mark in the ‘yes’ or ‘no’ designated columns.

However, the physical assessment exam portion of the form troubles me a great deal, since it implies and necessitates the performance of a thorough hands-on examination. This examination is far beyond my scope of practice and contradicts JMH’s Administrative policy #402 - Assessment of the patient #4A.

You are, in fact, directing me to perform an illegal act and expecting me to commit fraud. As you indicated during our conversation on 2/5/01, the form is nothing more than a visual exam, but common sense contradicts this because heart and lung sounds cannot be visual.

Secondly, if the performance of this exam by a licensed practical nurse were appropriate and ethical, why the necessity of a doctor’s signature to co-sign this exam which again encourages deceit in our system.

Please respond in writing as to your interpretation of the exam so that I may determine a closer and more concise understanding of the ethics presently being performed. This would ease my mind, and, I am sure, enable me to be a more efficient LPN.

Sincerely,

Geraldine Stubbs, LPN

Geraldine Stubbs, LPN
March 8, 2001

Robert Wallis, District Director
INS
7880 Biscayne Boulevard
Miami, FL 33138

Re: Women detainees at TGK

Dear Mr. Wallis:

On behalf of the Executive Committee of the Miami-Dade County Commission for Women, I am writing to express our concern over the continued detention of women who are seeking political asylum and the conditions of their detention.

We agree with the position that women seeking political asylum in the United States should not be incarcerated. These women are not criminals and should not be treated as such. The United Nations and other organizations have publicly recognized standards of treatment of refugees that should be followed. INS should seriously review its regulations and determine if the drastic measures currently in place are necessary for asylum-seekers.

We are also concerned about the conditions faced by the women, first at the Krome Detention Center and now at the TGK county facility. We do not understand, for example, why men detainees at TGK can have visits from outsiders twice a week while the women can only have these once a month. Reports about inadequate medical care, abusive guards, and the denial of reasonable telephone requests are also alarming. It seems that these women are sometimes being treated worse than the convicted criminals who are there.
We urge INS to reverse its policy of detaining and incarcerating political asylum seekers. At the very least, INS should release these women to a shelter or other location that is less restrictive while they are pending adjudication of their asylum request.

Sincerely,

[Signature]

Magali R. Abad
Chairperson

Cc: Senator Bob Graham
    Senator Bill Nelson
    Congresswoman Ileana Ros-Lehtinen
    Kimberly Boulia, INS TIGK Liaison
    Lois Spears, Director, Miami-Dade Corrections Dept.
    Cheryl Little, Esq., Florida Immigrant Advocacy Center
March 27, 2001

Department of Corrections
Miami-Dade County
Miami, Florida

Dear Ms. Spears:

The United States Immigration and Naturalization Service appreciates all the effort your Department has initiated to be in compliance with the INS Detention Standards.

I would also appreciate your cooperation in dealing with outside entities such as, the Florida Immigrant Advocacy Center, in particular Ms. Little. In the future, if your staff receive requests from Ms. Little to meet and discuss INS matters and TGK please refer all inquiries to my office. This office will decide if a meeting will occur and when. I will then reach out to your staff to advise of that meeting.

If you have any further suggestions or questions please don’t hesitate to call me at 305-762-3746. I look forward to meeting with you again.

Sincerely,

Kim Boulia
Via Facsimile: 202/305-5340

April 16, 2001

Jeffrey Weiss  
Director of International Affairs  
Department of Justice  
425 Eye Street NW  
Washington, DC 20536

Dear Jeffrey:

I am writing to express our deep concern over recent developments regarding the processing of asylum seekers in the expedited removal process who arrive in Miami. On April 9 I spoke with Erich Cauller, Chief Asylum Officer, INS, who informed me of a number of disturbing changes in the handling of these cases.

First, upon arrival at the Miami International Airport (MIA), persons determined to be asylum seekers are now given an orientation by INS inspectors who also inform the asylum seekers that they can sign waiver forms in order to speed up their cases. Asylum seekers have long complained about their treatment at MIA at the hands of INS inspectors who often fail to properly explain their rights to them or to treat them fairly and humanely. Indeed, asylum applicants tell us that inspectors have falsely accused them of making fraudulent claims for asylum and threatened them with jail time unless they withdrew their claims. They have also complained that inspectors have asked them to sign papers they don’t understand and that they have had problems communicating with inspectors. Attorneys have no access whatsoever to asylum seekers detained at MIA and therefore have no opportunity to attempt to ensure that they fully understand their rights.

Second, the Asylum Office has decided to conduct telephonic interviews of female asylum seekers housed at the Turner Guilford Knight Correctional Center (TGK). The INS Miami District office apparently doesn’t want to continue transporting the females from TGK to Krome for their interviews and INS’ earlier assurances that the Asylum Office would be provided adequate space at TGK have fallen by the wayside. The women at TGK, therefore, will be interviewed over the phone by Asylum Officers at TGK and AT&T interpreters will be available as needed. A handful of telephonic interviews apparently took place last week and more will be conducted this week. It is my understanding that the new process will be fully implemented within the next few weeks.
The decision to conduct these telephonic interviews represents yet another broken promise by INS officials who vowed that asylum applicants moved to TGK would not be adversely affected by the move and that the women would have even greater access to attorneys. Moreover, this is yet one more example of how the female INS detainees are being discriminated against, since their male counterparts at Krome will continue to be provided face to face interviews with Asylum Officers there.

Assurances that if the telephonic interview results in a negative decision, the individual-in-question will be re-interviewed in person by an Asylum Officer fall far short of addressing the problem. Asylum seekers generally have no idea about our legal system upon arrival and are easily intimidated by authority figures. Telephonic interviews can be unnerving to applicants and eliminate a critical source of determining the applicant’s meaning. This is especially so in cases where there is also an interpreter on the line. Additionally, at TGK there are a number of serious obstacles to attorney access, including frequent interruptions by detainees who must walk through the single, small attorney visitation area in order to get to the “law library” and by officers who also use the area as a walk-through. Most importantly, the attorney visitation room is not soundproof so persons in the adjoining “law library” and officers in the main pod and in their own small office, which also adjoins the attorney visitation room, can both see and hear what is taking place there. The small office for TGK and INS staff is apparently where detainees’ telephonic interviews take place. The use of a speakerphone for the interviews further heightens privacy concerns. All of these problems are exacerbated by the fact that FIAC’s legal staff are now being forced to be at both Krome and TGK to assist the asylum seekers.

Third, our clients tell us that those passing the credible fear interviews are now being required to present a passport, national identification document or original birth certificate in order to be eligible for release from detention. This is especially alarming given the great difficulty many asylum seekers have in obtaining this documentation and given the unusually harsh conditions of detention at TGK.

Shortly after the 1996 laws passed, Department of Justice Officials encouraged FIAC to open an office at Krome in order to provide pro bono help to asylum seekers subject to the new expedited removal process. We did so and over the past few years have helped thousands of credible fear applicants and established a good working relationship with the Miami Asylum Office. While not always an ideal situation, I believe that the processing of asylum cases in Miami in many ways developed into a model. Since moving the women to TGK, however, that model has quickly deteriorated to the point that it now serves as an example of everything that can go wrong in the process.

I’m sure I don’t need to remind you of what can be at stake in asylum cases. Although the 1996 laws mandate that the asylum process for those arriving at ports of entry like MIA is now an expedited one, the Asylum Office should do what it can to ensure a fair, thorough review of cases and INS must ensure that attorneys have adequate access to their asylum clients. Unfortunately, rather than responsibly handling the need to transport the women to Krome for their interviews or to make available an asylum office at TGK, the INS once again attempts to solve its problems by punishing the female detainees. And, much to our dismay, the Asylum Office is going along with that.

It is important to note that all too often immigration judges who ultimately review the expedited removal asylum cases use the so-called “record” of the initial asylum interview to the detriment of the asylum seeker. If, for example, something the applicant tells the judge was not noted by the asylum officer or if
there are some minor inconsistencies between what the applicant supposedly said at the interview and at the judge’s hearing then the judge can determine the asylum applicant lacks credibility. So it is imperative that the integrity of Asylum Office interviews be preserved as best as possible.

Based on the above, we urge you to immediately end the policy which permits INS inspectors to both conduct orientation of asylum seekers at MIA and to discuss their signing waiver forms. Until this is done, FIAC requests immediate access to the asylum seekers at MIA to inform them of their basic rights. Asylum officers, not INS inspectors, should be orienting the asylum seekers and attorneys should be informing them of their options regarding the signing of waivers.

FIAC also urges you to immediately stop telephonic interviews of the female detainees at TGK and to permit attorneys the opportunity to effectively represent asylum seekers seeking help with their cases. We will be asking the appropriate INS officials to stop demanding excessive documentation before releasing detainees.

I look forward to your prompt response.

Sincerely,

Cheryl Little, Esq.
Executive Director

Rebecca Sharpless, Esq.
Supervising Attorney

Boris Wijkstrom, Esq.

Jack Wallace, Esq.

cc: Joseph Langlois, Director Asylum Branch
    Anthony Tangeman, Deputy Executive Associate Commissioner, Office of Detention and Removal
    Kevin Rooney, Acting INS Commissioner
    Wendy Young, Women’s Commission for Refugee Women and Children
April 18, 2001

Senator Bob Graham
United States Senate
2252 Killeen Center Boulevard, 3rd Floor
Tallahassee, Florida 32308

Dear Senator Graham:

I am writing in reference to your April 13th letter to District Director Robert A. Wallis, regarding correspondence received at your office from the Miami-Dade County Commission for Women in regard to the detention of certain female aliens and the conditions of their detention.

As you are aware, in December 2000, the Florida District transferred all female detainees from the Krome Service Processing Center to the Turner-Gulford-Knight (TGK) Correctional Center, a Miami-Dade County Department of Corrections facility located in West Miami. The transfer, in part, was related to our overall detainee population management strategy, which called for the removal of all female detainees from Krome. Our planning process was complete and included an endorsement from the United States Department of Justice, Bureau of Prisons, as well as participation from officials of the Office of the United States Attorney General.

A critical element of our planning process centered on the inputs we had received over time from our Krome Stakeholders—a group of immigrant advocates, community based organization leaders, local and county officials and private bar immigration attorneys. A principle concern held by all who provided us with inputs focused on the need to keep our female detainees in an area that was geographically close to their support networks. Those networks consist of family members, immigration attorneys, and advocate groups.

The Florida District at its best, proudly serving our community
with competence, fairness, dignity and respect.
The TGK facility offered what we needed to ensure the safe and humane detention of these females in our custody. The facility adheres to the standards outlined by the American Correctional Association. In addition, our pre-inspection process found that the facility already adhered to most of the 36 INS detention standards implemented January 1, 2001. I should mention here that detention facilities contracted by the INS have a full two years to comply with all 36 detention standards. However, TGK officials have agreed to reach full compliance in a matter of months.

Since the transfer of our female detainees in December 2000, we have maintained a full-time staff of two INS officers at TGK. Their primary duties include processing the detainees' cases to effect either their removal from the United States, their release from detention, or their continued detention. In addition, they respond to detainees' needs and work with the staff of TGK to ensure the safety and well being of the detainees.

Most of the individuals within the immigration community with whom we interact on a daily basis have accepted our decision and have worked with us to make improvements where needed. We are proud of this collaborative effort and we are committed to making additional changes where and when we can. There are a handful of individuals within the community who have been and continue to be extremely critical of our decision to transfer the detainees. We accept the fact that our decisions will not always be popular; however, we continue to seek the input of everyone who has an interest in our activities.

Most of the commentary we have received centers on the belief of certain advocates that aliens should not be detained at all, including asylum seekers. District Director Bob Wallis, Deputy Director Jack Bulger and I have been available to the media and any other interested parties to provide factual information on INS detention policies and procedures. More importantly, we have educated people on the fact that the current immigration laws of this country mandate the detention of certain classes of immigration law violators. As you know, that includes credible fear and asylum cases, which ultimately are eligible for release after initial processing.
With regard to credible fear and asylum cases, I should take this opportunity to mention that at TGK, these and other administrative non-criminal cases are separated from the criminal alien population. While the release of an asylum applicant from detention is discretionary, Director Wallis has always exercised that discretion on a broad basis. Recently, we have enhanced our efforts to reduce the time that the asylum cases are kept in detention. We are happy to say that the average length of detention of an asylum applicant is six days, down from slightly more than three weeks just a month ago. The only time that we would not release an asylum seeker from detention is if that individual posed a threat to the public order or safety of our communities.

We have worked closely with the staff of TGK to make changes where we can, and we are proud of our efforts thus far. You have our commitment that where we can make additional changes that are consistent with current laws and the policies and procedures of the INS and the Department of Justice, we will do that. The safety and well being of our detainees, regardless of where they are located, is our highest priority.

I hope this information will be helpful to you. If I may be of further assistance to you and your staff, please telephone me at (305) 762-3405. On behalf of the Florida District of the INS, I extend our warmest regards and thanks for your continued support.

Sincerely,

John C. Shewairy
Chief of Staff

The Florida District is in fact proudly serving our community with competence, fairness, dignity and respect.
Mr. Steve Shiver
Miami-Dade County, Manager
111 NW 1st St.
Suite 2910
Miami, Florida 33128

Dear Mr. Shiver,

In an effort to ensure you have factual information for the meeting scheduled on Friday, June 1, 2001, we are providing background, history, information about detained population history and the potential effects of ending the Immigration and Naturalization Service's (INS) partnership with the Turner-Guilford-Knight Correctional Center (TGK).

BACKGROUND

In September 2000, a proposal was forwarded to INS Headquarters to relocate female detainees from Krome. It received the endorsement and approval of all components in INS, and was subsequently approved by the Office of the Attorney General. Options for the detention of females included INS-owned facilities and IGSA facilities in Florida and elsewhere.

During the planning phase of the transfer, we had discussions with community groups and other non-governmental organizations represented in a forum known as the Krome Stakeholders. The principal concern voiced repeatedly from Stakeholders and others was the need for us to keep the female detainees in Miami, close to their support networks (i.e. families, attorneys, and advocates).

Factors in selecting a detention facility included: accreditation of the facility, standards in place, level of compliance and willingness to comply with current and future INS detention standards, and the overall operation of the facility. A critical factor was the location of the facility, which would allow us to address the community’s primary concerns.
TGK was highlighted as a possible site and ultimately selected because: the staff and facility met current INS standards; the facility is modern and characterized as new generation, enabling a more humane detention environment; the staff is professional and of the highest moral, ethical and competency standards; the staff is committed to enhancing conditions at TGK to comply with future INS detention standards and requirements; and, the Miami, location satisfied the community's primary concern: ensuring the female detainees in remained in Miami, close to their support networks.

TGK, THE AGREEMENT

Our partnership began on December 12, 2000, when we transferred 90 female INS detainees from the Krome Service Processing Center (Krome) to TGK. The INS has agreements with State and local government facilities across the nation under Intergovernmental Service Agreements (IGSA). The transfer of the female detainees was possible under a modification to an existing IGSA between the Miami-Dade County Department of Corrections and the United States Marshal Service.

Prior to the transfer of the INS females, this existing IGSA was renegotiated to reflect increases in detention costs incurred by the County since the last modification of the contract. A final detention cost of $82.41 per female detainee, per day, was agreed upon and finalized in November 2000. INS contracted for the availability and use of more than one hundred beds at TGK. This IGSA, specifically the portion that deals directly with the INS female detainees and the use of the TGK facility, may be renegotiated at the one-year anniversary date in November 2001.

The use of your facility allows INS to ensure that the highest possible standards of detainee treatment are in place, practiced, and closely scrutinized. Your staff has not fallen short of INS expectations. The INS firmly believes that the best interests of the female detainees and the community are being met by the continued use of TGK. This Miami-Dade County facility and the employees that operate it work on a daily basis to meet or exceed the INS detention standards currently in place. The IGSA requires the facility to ensure compliance with thirty-six INS detention standards. A formal assessment on TGK's compliance is scheduled for this summer.

In the first weeks following the transfer to your facility INS received a number of complaints from the detainees about issues ranging from the food to the law library. Both INS and your staff directly addressed the issues. Recently the United Nations High Commissioner for Refugees (UNHCR) visited your facility and published a May 2001 report supporting the movement of females from the Krome Service Processing Center.

THE DETAINED POPULATION

In 1996, responding to pressure from the United States public, Congress significantly amended the Immigration and Nationality laws of the United States. These amendments included a statutory mandate to detain certain immigration law violators – including aliens who claim asylum and criminal aliens who have completed their sentences.
As a result of this statutory mandate, detention needs have dramatically increased in the Florida District. On average, the daily INS detainee population total throughout the State of Florida is approximately 1,500. This includes 400-500 males at Krome and another 400 at a facility in Bradenton, Florida. The remaining detainee population is dispersed among other county facilities, similar to TGK, that the INS utilizes in several other Florida counties.

The Florida District’s detainee population management strategy includes a number of aspects that allow the INS to adhere to our statutory obligations and manage the safe, secure and humane detention of this ever-increasing illegal alien population in INS-owned and IGSA facilities.

At TGK the daily average population during May 2001, has been approximately 90 detainees. An average of 40% have been convicted of various crimes which include violent crimes and the other 60% are cases without an identified criminal background.

To be eligible for release, detainees must demonstrate that they do not pose a danger to the community and that they are not a flight risk. Of the cases without an identified criminal background, many have arrived in the United States without valid documents and their identity has not been confirmed. In light of recent events such as terrorist attacks within the United States, the release of such individuals without first ascertaining identity presents a considerable risk to national security. Further, persons released in a hasty manner without proper medical clearance, may pose serious public health risks associated with infectious diseases.

We understand some members of the Board are concerned that female asylum seekers have not been released to halfway houses. It appears these members are under the impression that INS provides this option to male asylum seekers. This is inaccurate. INS releases a small number of both males and females to halfway houses in Florida. These individuals are nationals of Cuba who arrived in the United States during the Mariel Boatlift of 1980 and are being released from incarceration. In an agreement with the Bureau of Prisons, they are placed in halfway houses as a condition of their release on parole. At present, the INS does not have a similar program for asylum seekers.

**Potential Effects of Ending the INS/TGK Partnership**

Current federal law mandates the detention of the female aliens presently housed at TGK. While some may be eligible for release consideration at some point in the future, currently they must be detained. The INS Florida District prefers to meet the best interests of the female detainees, their families and the community by keeping the females in Miami. However, INS must continue to meet statutory obligations to the United States by detaining criminal aliens and those who pose a danger to the community or are a flight risk.

While INS Headquarters is currently in the process of considering alternatives to formal detention, no formal policy has been promulgated and therefore alternatives can not yet be utilized.
The INS has no other INS-owned or IGSA facility in South Florida to house female INS detainees. If your facility is no longer a viable option, the INS Florida District will make arrangements to house the female detainees at another county facility. In the event facilities in Florida cannot be utilized, our goal is to use existing bed space as close to Florida as possible, minimizing any adverse impact to the availability of detainee support networks.

We have enjoyed a wonderful partnership with the TGK facility. Together we have served the best interests of the community, the female detainee population, and the national detention requirements. If we must move from your facility, we will have no alternative but to house our female detainees in a county facility distant from Miami, or even out of state.

We look forward to meeting with you to discuss these issues, and stand ready to provide any further information you may need.

Sincerely,

John Bulger
Acting District Director
Commissioner Barbara Carey-Shuler  
Miami-Dade County Board of County Commission  
111 NW 1st St.  
Suite 220  
Miami, Florida 33128  

Dear Commissioner Carey-Shuler,

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Factors in selecting a detention facility included: accreditation of the facility, standards in place, level of compliance and willingness to comply with current and future INS detention standards, and the overall operation of the facility. A critical factor was the location of the facility, which would allow us to address the community’s primary concerns.
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We look forward to meeting with you to discuss these issues, and stand ready to provide any further information you may need.

Sincerely,

[Signature]

John Bulger
Acting District Director
Cheryl Little, Esq.
Florida Immigrant Advocacy Center, Inc.
3000 Biscayne Blvd.
Suite 400
Miami, FL 33137

Dear Cheryl:

This is in response to your letter to Jeffery Weiss of April 16 and a follow-up to our conversation of April 20, during which we discussed concerns raised in your letter. Your letter was referred to me to respond to the issues you raised related to the credible fear process. First, I would like to thank you for taking the time to write and express your concerns. We appreciate the perspective and insight of the advocacy community and value the on-going dialogue we have with FIAC on asylum issues.

In your letter, you raised several issues related to the expedited removal/credible fear process and detention of asylum seekers at the Turner Guilford Knight Correctional Center (TCK). Because the Office of International Affairs does not have authority over detention standards or parole determinations, we are unable to respond to the concerns you raised related to those issues. However, Joseph Langlois, Director of the Asylum Division, referred your concerns to Anthony Tangeman, Deputy Executive Associate Commissioner of the Office of Detention and Removal, and you may, of course, pursue your detention-related concerns with him.

You expressed concern about INS inspectors at Miami International Airport providing orientations to asylum seekers and informing them about their right to waive the required 48-hour waiting period before their credible fear interviews. You request that asylum officers, not INS inspectors, provide orientations to asylum seekers and assert that attorneys should be informing asylum seekers of their options with respect to waivers.

Since the inception of the expedited removal process, Inspectors have provided a limited orientation to individuals who are referred for a credible fear interview. They are required to provide the individual with the M-444, Information About Credible Fear Interview, in the individual’s language, if available, or otherwise to have it translated to the individual in a language he or she can understand. Previously, Asylum Office staff in Miami duplicated this effort, giving asylum seekers a second M-444 at another orientation. To avoid duplication, Asylum Officers in Miami now verify at the time of interview that each individual referred for a credible fear interview has received the M-444 and has an understanding of the credible fear process, as is required by 8
CFR 208.30(d). Inspectors provide a list of legal services providers, as required by 8 CFR 235.3(b)(4)(i), and notify asylum seekers of their right to a consultant. Additionally, to decrease the amount of time an individual may face in mandatory detention, Inspectors began giving asylum seekers more detailed information about the credible fear process, including the right to waive the 48-hour waiting period, and providing them with a blank waiver form. Previously, most asylum seekers did not know they were allowed to waive the 48-hour period until they met with an Asylum Officer, which could be several days after the person was placed in detention.

To ensure that all asylum seekers are properly informed of their rights, both with respect to the right to a consultant and the right to a waiting period of at least 48 hours to prepare for the credible fear interview, we have established procedural safeguards. First, when the Asylum Office receives the A-file of an individual referred for a credible fear determination, it is reviewed to ascertain whether the Inspector completed a checklist (created by the Director of the Miami Asylum Office) documenting that the asylum seeker received an orientation, including notification of the right to a consultant. A copy of that checklist is attached to this letter for your information. If there is no checklist in the file, or a checklist is present but indicates a complete orientation was not given, Asylum Office staff provides a full orientation.

Second, at the beginning of each credible fear interview, the Asylum Officer verifies that the asylum seeker was given the M-444 and understands the credible fear process. If the Asylum Office is able to schedule the credible fear interview within 48 hours and the asylum seeker has signed a waiver of the waiting period, the Asylum Officer confirms that the asylum seeker understands his or her right to the 48-hour waiting period and voluntarily has waived that right. An asylum seeker who expresses a desire to wait, or to consult with someone, will be accommodated by having the credible fear interview rescheduled. Thus, any potential misunderstanding related to the Inspector’s presentation of the asylum seeker’s rights or the credible fear process should be detected and corrected by the Asylum Officer before the substantive portion of the credible fear interview begins. As you know from FIA’s experience at Krome, most asylum seekers want to be released from detention quickly. Informing asylum seekers of their right to waive the 48-hour period early in the process and thus enabling them to exercise that right, when the Asylum Office has resources to accommodate the request, may minimize the time they are subject to mandatory detention. We believe that we have established sufficient procedural safeguards to ensure that asylum seekers are not prejudiced by our efforts to avoid unnecessary duplication in process and that they will benefit from receiving more information about their full rights earlier in the process.

The Asylum Division views the current process of having telephonic interviews of TGK detainees as a stopgap measure, intended to process detained females as quickly as possible until a resolution can be reached to enable both male and female asylum officers to conduct interviews at TGK. Currently, earnest efforts are underway to resolve this issue to enable Asylum Officers to conduct in-person interviews of the TGK detainees. I am hopeful that progress is being made and Asylum Officers will soon be able to conduct in-person interviews for the TGK detainees.

While we agree that conducting credible fear interviews telephonically is not a preferred interviewing method, I would like to emphasize that we require a second in-person interview when an asylum seeker’s telephonic explanation of harm feared or experienced seems insufficient for a positive credible fear determination. Ultimately the goals are to determine these cases correctly and quickly; no evidence indicates that telephonic interviews undermine these goals.
You also raise several issues regarding the arrangement at TGK that affects attorney access and privacy. The office for credible fear interviews was selected with the asylum seeker's privacy in mind. A small room with two doors, one leading to the pod and the other to the attorney visitation area and law library, serves as the office for the credible fear interview. With both doors closed during the interview, the INS Officer and the asylum seeker are in an enclosed, private space in which to focus on the interview without interruption. Voices should not be audible during interviews under normal conditions outside that office. Interruptions at times may be necessary but should be kept at a minimum. The speakerphones, which you believe pose privacy concerns, are currently the only way to ensure that interpreter services are available for the interview and are routinely used nationally for all credible fear interviews in which interpretation is necessary. We will make efforts to emphasize the importance of privacy to all staff at TGK to minimize interruptions.

I hope this letter clarifies our position and our efforts to ensure a fair process for asylum seekers and has responded to your concerns. I will be in touch with you regarding our continued efforts to provide in-person credible fear interviews to individuals detained at TGK. Again, thank you for expressing your concerns.

Sincerely,

[Signature]
Joanna Ruppel
Supervisor for Operations
Asylum Division, Office of International Affairs

Attachment

cc: Jeff Weiss, Director, Office of International Affairs
    Anthony Tangeman, Deputy Executive Associate Commissioner, Detention and Removal
    J. Scott Blackman, Regional Director, Eastern Region
    Joseph Langlois, Director, Asylum Division
    Erich Cauller, Miami Asylum Office
    Jack Bulger, Acting District Director, Miami District
Record of Credible Fear Orientation

Alien’s Name ___________________________ File Number: ______________

Language ___________________________ Date: _______________________

Check all of the blocks below that apply. Fasten completed form on right side of A-file.

1. □ Alien was shown credible fear orientation videotape in the above language, or
   □ Form M-444 was interpreted to alien in the above language by a person fluent in English and the above language (videotape not available in alien’s language), or
   □ Credible fear process was not explained because neither videotape nor interpreter was available (Asylum Pre-Screening Officer must conduct orientation)

2. □ Issued Form M-444 in English and above language, or
   □ Issued Form M-444 in English only

3. □ Issued Listing of Legal Services

4. □ Alien was instructed to appear at his or her credible fear interview with the name, address and phone number of a sponsor in the United States (family member, friend, etc.) in case release from detention is considered

5. □ Consultant Notification Form (printed on yellow paper) was issued and the following notice was interpreted to the alien:

   Your credible fear interview will not be conducted until after you have been in detention for 48 hours, excluding weekends and holidays. During this time you may seek the services of a consultant to assist you in presenting your case before an asylum pre-screening officer. If you obtain the services of a consultant before your credible fear interview is conducted, you or your consultant must complete the Consultant Notification Form and your consultant must either hand-deliver the form or fax it to Asylum Pre-Screening Office at (305) 551-2834.

6. □ If applicant is traveling with family members, files for entire family have been bundled together to ensure concurrent processing by APSO Unit

______________________________
Signature and Title of Officer Prov.:259-screenation
June 14, 2001

Kimberly Boulia, TGK Liaison
Miami District Office
Immigration & Naturalization Service
7880 Biscayne Blvd.
Miami, FL 33138

Dear Ms. Boulia:

I write to request that we have regular meetings with officials from the Immigration and Naturalization Service and the Turner Guilford Knight (TGK) facility to discuss any ongoing concerns about the treatment of female INS detainees at TGK. We found this type of meeting productive in the past.

I thank you in advance for your consideration of this request and I look forward to our future meetings.

Sincerely,

Cheryl Little
Executive Director

cc: Captain Fernandez
Turner Guilford Knight Correctional Center
THE LAW PERMITS INS DETAINEE S AT TGK TO BE DETAINED IN A NON-JAIL SETTING

I. Introduction.

Under the immigration law, regulations, and detention standards of the Immigration and Naturalization Service (INS), INS detainees subject to mandatory detention can be detained in alternative detention settings. Both local and out-of-state precedent exists for the detention of INS detainees like the women currently held at the Turner Guilford Knight Correctional Center (TGK) in alternative detention settings, such as shelters, hotels, and other non-jail facilities.

II. Laws, Regulations, and INS Guidelines Regarding Detention.

A. Immigration law and regulations permit alternatives to jail and jail-like detention.

Pursuant to the 1996 amendments to the Immigration and Nationality Act (INA), the INS is required to detain asylum seekers until they pass a credible fear interview.1 Although the law mandates the detention of asylum seekers prior to a positive credible fear determination, nothing

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1 Arriving aliens lacking legal documentation who indicate either an intent to apply for asylum or a fear of persecution if returned to their home country “shall be detained pending a final determination of credible fear of persecution.” See INA §235(b)(1)(B)(IV). To pass a credible fear interview, the alien must demonstrate to the satisfaction of an INS officer, that his or her fear of persecution is credible.
in the law requires a jail or jail-like detention setting.²

Similarly, nothing in the immigration law requires the INS to detain non-asylum seekers in a facility like TGK. While the immigration law requires the mandatory detention of certain non-asylum seekers with certain criminal backgrounds, the law permits INS to detain these individuals in non-jail settings.³

INS detainees can be held either in public or private facilities with whom the INS has contracted, providing that the facilities have been approved by the INS Jail Inspection Program. See 8 CFR §235.3(e). Regulations require only that the detention facility (1) have 24-hour supervision; (2) meet safety and emergency codes; (3) provide food service; and (4) have emergency medical care available. Id.

None of these regulatory requirements obligates the INS to house INS detainees in jails or jail-like settings. Twenty-four hour supervision can exist in shelters as well as jails or INS Service Processing Centers. There is no reason to believe shelters could not fulfill the food service, medical care, and safety requirements listed in 8 CFR §235.3(e). In fact, shelters may be far better able to fulfill these requirements than jails or INS Service Processing Centers. For example, Boystown, the shelter for unaccompanied minors in Miami, provides better food and access to medical care than TGK.⁴

B. INS Guidelines on detention permit alternatives to jail and jail-like detention.

Like the immigration law and INS regulations, the INS’ Guidelines on detention issued in January of this year also permit detention in non-jail settings. According to former INS Commissioner Doris Meissner, these guidelines are aimed at ensuring “safe, secure, and humane conditions for all aliens in custody.”⁵

The new standards give detainees certain basic rights, such as access to legal services,

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² The law does not define what “detention” means except to say that, “[t]he service will assume custody of any alien subject to detention under paragraph (b) (expedited removal).” 8 CFR § 235.3(d).

³ Under the immigration law, even people with relatively minor criminal convictions must be detained without the possibility of a bond. See INA § 236(c)(1). The mandatory detention provision does not specify the type of facility in which these people must be detained.

⁴ Interviews conducted with detainees at both facilities show much more dissatisfaction with food service and medical care at TGK than at Boystown. For detailed information on food service and medical care at TGK see “INS Detention Standards Memo,” Florida Immigrant Advocacy Center, June 2001.

religious services, medical care, telephones, and recreation. Moreover, the standards direct regions to “assign detainees to the least restrictive housing unit consistent with facility safety and security (emphasis supplied).” Both the INS’ objectives as described by Doris Meissner and the focus of the new standards encourage humane detention conditions for all INS detainees. Detaining the women currently at TGK in a non-jail setting therefore would be consistent with INS’ Guidelines on detention.

III. Examples of Non-Jail Detention and INS Partnerships with Local Organizations.

In a number of locations, including Miami, the INS detains individuals in non-jail settings. For example, in Miami the INS now detains women who arrive with their children in local motel rooms. Also, other individuals in INS custody are currently sometimes housed in Miami motels when INS facilities are full. INS officers stand guard outside the motel rooms where the detainees are confined. While a guarded motel room is not an ideal model of non-jail detention, it demonstrates that the Miami INS district utilizes non-jail detention settings for its detainees and has the discretion to choose alternative detention settings to Krome or a county jail.

Detention in non-jail settings also occurs in other parts of the country. An example of non-jail detention is a pilot family shelter that opened in Leesport, Pennsylvania in March 2001. The shelter houses asylum seekers who arrive as a family and are awaiting their credible fear interviews. Although the shelter is extremely isolated, it is considered a success by INS and the INS announced plans to open family shelters in Texas, Chicago, and possibly California. The Leesport shelter houses detainees in dormitories and provides computers, art supplies, classes, and recreational facilities to detainees. Families are kept under supervision and individuals can only leave the shelter with an escort. Some detainees are released a few weeks after passing their credible fear interviews; others are not.

There are also several unaccompanied minors’ shelters for juveniles in INS detention, including a shelter in Miami. The Boystown Shelter in Miami and Georgia Children’s Baptist Home in Meansville, Georgia are two examples of shelters detaining juvenile aliens. At Boystown and Georgia Children’s Baptist Home, juveniles attend school, have access to recreation facilities, and are not locked behind bars. These detention settings conform with the

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7 Id. at 5.

8 Families in Leesport, Pennsylvania were housed in hotels prior to the family shelter opening, for example. See New York Times article.


10 See New York Times article.
immigration law and INS regulations on detention, but provide a much more humane and less restrictive environment than jails.

The INS also partners with local non-governmental organizations to release detainees into programs that assist the detainees to re-integrate back into society. If it were not for these programs, these detainees typically would not be released.11

Programs such as the Community Working Group in New Orleans, the Vera Institute in New York,12 Friendship House in York, Catholic Charities in Miami,13 Casa Juan Diego in Houston, and the East Bay Sanctuary in Oakland house and supervise asylum seekers (who have passed credible fear interviews) and/or individuals with criminal convictions who could not be removed to their home countries. In Houston, the INS released several asylum seeking mothers with children directly from the airport to Casa Juan Diego. In New Orleans, the INS also released seven non-criminal stateless individuals without documents to the Community Working Group.

Participating immigrants live in local shelters, halfway houses, or with host families. Some of the programs keep immigrants under strict supervision, requiring daily or weekly phone calls and bi-weekly meetings with case-workers. Immigrants who do not comply with program requirements, or who pose a danger to other program participants, can be returned to jail or jail-like detention settings.

These supervisory programs demonstrate that the INS has wide discretion to partner with local non-governmental organizations to create programs tailored to local needs. If the INS in other jurisdictions is able to work with local organizations to release detainees who would not otherwise be released, INS in Miami-Dade County can work with local organizations to find alternative detention settings for the women held at TGK.

11 Several of the programs described in this section supervise and/or house non-asylum seeking immigrants with criminal convictions who have been released on bail or on their own recognizance. In the absence of supervisory programs, these immigrants would normally not be released because they have no family to go to. Additionally, several of these programs are located in districts where asylum seekers are normally detained until they win their asylum cases, such as New Orleans, Houston, and Detroit.

12 From February 1997-March 2000, the INS contracted with the Vera Institute in to operate a temporary supervised release program for asylum seekers (who have passed credible fear interviews) and for certain non-asylum seekers with criminal convictions. Although the Institute was a success, it was intended to be a temporary experiment. In fact, it was supposed to close before March 2000, but the closing date was extended due to the program’s success. For the project’s final report, See www.vera.org/aap/finalreport.

13 Catholic Charities in Miami supervised non-removable Marielito Cubans during their transition from prison to society. Immigrants lived in halfway houses for three months, but were under the program’s supervision for seven months. The program was a success, but it closed in the winter of 2000 due to a lack of funding. For details on this program, call: Eleanor Will (305) 754-2444.
IV Workable Alternatives to TGK for Female INS Detainees.

The INS should build on the many alternate detention settings and local partnerships already in existence and house female detainees in a Miami shelter or shelter-like facility.

There is a growing consensus among human rights groups, religious groups, and even INS officials that asylum seekers should be detained only to the extent required by law and that they should not be detained in jails or jail-like settings. Even Attorney General John Ashcroft stated publicly that it is an "embarrassment to our system of justice an freedom" when people who have not committed crimes are detained for long periods of time.

A shelter is the appropriate detention model for female asylum seekers during the period of time that they must be detained. A low security facility like a shelter is also the most appropriate detention model for female detainees who are not asylum seekers but have finished serving their criminal sentences. As administrative detainees, they do not need to be held in jails or jail-like settings. Indeed, the United States Supreme Court last week stated that the "purpose and effect" of INS detention is assumed to be nonpunitive because INS detainees are subject to civil, not criminal, proceedings. Unfortunately, the reality is that INS detainees tend to be subject to harsher treatment while in INS custody in county jails than those criminally incarcerated there. The harsh conditions of INS detention, in turn, impairs detainees' ability to seek release. An appropriate level of security could be accomplished at a shelter or shelter-like facility while at the same time satisfying INS' goal of developing more humane conditions of confinement.

In addition to the standards for detention required by the immigration laws and the INS, alternative detention settings should meet or exceed certain humane standards. Appropriate

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14 See, e.g., Testimony of Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, before The House Judiciary Subcommittee on Immigration and Claims (May 15, 2001); Memorandum from Office of INS Deputy Commissioner, "Implementation of Expedited Removal" (March 31, 1997) (release may be considered under normal parole criteria once an individual has established a credible fear of persecution); Memorandum from INS Executive Associate Commissioner for Field Operations, "Expedited Removal: Additional Policy Guidance," (December 30, 1997) (stating that release is an option for asylum seekers who have met the credible fear standard); Memorandum from INS Executive Associate Commissioner for Field Operations, "Detention Guidelines," (October 9, 1998) (stating that INS policy is to favor release asylum seekers who have established a credible fear of persecution).

15 FDCH Political Transcripts, June 6, 2001, Testimony of Attorney General Ashcroft during hearing on the Justice Department held by U.S. Representative James Sensenbrenner (R-WI), at 41.

16 The Supreme Court recently struck down the indefinite detention of INS detainees whose repatriation is not foreseeable. See Zadvydas v. Davis and INS v Ma, 2001 U.S. LEXIS 4912 (June 28, 2001). In so doing, the Court stated that immigration proceedings are civil in nature and are "assume[d]... nonpunitive in purpose and effect." Id. at *23.
alternatives to detention should, at a minimum, provide: private family visitation rooms, private attorney visitation rooms, outdoor recreation facilities, GED and other classes, and law libraries with adequate and current legal resources. Facility staffing and resources should also be culturally and linguistically appropriate for the various detainee populations.

Detaining the women in local motels or hotels is not a viable option because confining detainees in this manner is too restrictive for a population that is not serving a criminal sentence.

An important consideration in choosing a site for such a facility is that it be located in Miami-Dade County so that the women are not isolated from their families, legal counsel, and communities. The strong community support for the TGK women that exists in Miami-Dade County makes the creation of an alternative detention setting here particularly feasible.

By developing alternative detention settings in Miami-Dade County where the recently adopted INS standards can be fully met, the INS would fulfill its objective of creating more humane conditions for aliens in custody and would drastically reduce the daily suffering of the women currently detained at TGK.

The County Commission should urge the INS should take immediate action to create shelters and alternative detention settings in Miami-Dade County for the female INS detainees currently held at TGK.

*July 2001*
Cheryl Little, Executive Director
Florida Immigrant Advocacy Center, Inc.
3000 Biscayne Blvd., Suite 400
Miami, Florida 33137

Dear Ms. Little:

This is in reply to your concern pertaining to irregularities in the mail service at the county jail facilities under the jurisdiction of the Bradenton Detention Center (BDC).

The internal mail system for indigent mail for INS detainees within the Manatee facilities was partially modified as of today. A decision was made to terminate the manual log for legal mail pertaining to the movement of the mail from the Annex Facility to the Downtown Detention Facility (DDF). This will eliminate the delay in forwarding mail from the Annex Facility to my office to affix postage or for internal delivery. I am not aware of any delay in the movement of mail from within the DDF to the INS office.

In addition, I have forwarded correspondence to both the Sarasota County Jail and the Citrus County Jail facility requesting that they forward indigent detainee mail to my office via FED-X, billed to our account, on a daily basis. This will ensure that each of the facilities under this office has a system to permit for an effective flow of indigent detainee legal and regular mail from a particular facility to the INS office. Upon receipt, our office will continue to timely affix postage and or route the mail internally.

Please be assured that this office has processed and affixed postage to a considerable amount of mail, without regard to determine if a detainee is actually indigent or not. The postage is simply affixed the day that the mail arrives to our office and it is mailed. I believe that I have now set in place a standard that addresses timeliness, as well as a generosity, and I’ll continue to monitor the matter very closely.
Should you have any specific case in the future, please call it to my direct attention as soon as possible. My direct fax number is (941) 750-9357 and my direct voice line is (941) 742-5644. I well understand the importance of timeliness as well as a concern and each are important to my management philosophy.

Sincerely,

David A. Wing
Officer in Charge

Cc: Lt. Ackles, Facility Director
Manatee County Sheriff's Office
Warden Melendez, Citrus County
Mr. Berberich, Sarasota County Sheriff's Office
August 17, 2001

Larry Berberich, Advisor to Sheriff
Sheriff's Office, Sarasota County Jail
P.O. Box 4115
2071 Ringling Blvd.
Sarasota, FL 34230-4115

RE: Female INS detainees at Sarasota County Jail

Dear Mr. Berberich:

Thank you for accommodating our presentations and visits to the Sarasota County Jail on July 18th and August 4th. The officers were informative and very cooperative on both occasions. Unfortunately, we have some very serious concerns about the treatment of the women detained by INS in Sarasota.

Our concerns include:

- Female INS detainees are not segregated from the general inmate population;
- Detainees have no access to a law library or legal materials;
- It is very difficult for detainees to communicate with attorneys by phone (there is however, a phone for regular inmates to call the Public Defender);
- When allowed to use the phone outside of their housing unit, the women are handcuffed to the wall;
- Basic hygienic supplies, such as shampoo and deodorant, are not provided to detainees and they are not permitted to receive these items from family;
- Detainees often are not provided with sanitary napkins as necessary;
- Commissary prices are exorbitant and detainees must pay for everything from medical care to pencils to underwear;
- Contact visits are not permitted and detainees’ children are not allowed to visit at all;
- Medical, dental and mental health care for detainees is grossly inadequate and INS detainees’ requests for medical attention are often ignored;
- Detainees have almost no access to sunlight (their cells and living quarters have no windows and they rarely are permitted to go to the roof).
• Not only do detainees not have access to recreational activities, classes or other activities, they have not been allowed to read newspapers or watch news programs on television;
• In the event of a daytime emergency, there is virtually no one for the detainees to alert because guards are not inside their unit;
• Lockdown is used arbitrarily and unnecessarily as a disciplinary measure, with little or no opportunity for detainees to challenge;
• Detainees say they have been subject to verbal and, on occasion, physical abuse;
• Food is not nutritional and is served on unclean trays; and
• Grievance procedures are ineffective.

As I mentioned when we spoke a few weeks ago, INS Standards designed to ensure that detainees are treated fairly and humanly are to be implemented at all INS run and contract facilities. It seems apparent that conditions at the Sarasota facility fall far short of meeting these basic standards. Given the planned expansion of this facility to house a greater number of INS detainees, we would like to discuss our concerns with you as soon as possible.

We look forward to your prompt attention to this matter.

Sincerely,

[Signature]

Cheryl Little
Executive Director
Charu Newhouse al-Sahli

cc: David Wing, Officer-in-Charge, Immigration and Naturalization Service, Bradenton, FL
MEMORANDUM

To: Chris Nugent, American Bar Association

From: Florida Immigrant Advocacy Center, Inc. (FIAC)

Re: INS Compliance with Detention Standards at the Turner Guilford Knight Detention Center, Miami, Florida

Date: September 1, 2001

This memorandum summarizes and evaluates information gathered at the Turner-Guilford-Knight Detention Center ("TGK"), through interviews with detainees, observation by FIAC staff, and discussions with INS and TGK personnel from December 2000 through August 2001.1

INS Detention Standards

The Immigration and Naturalization Service promulgated "INS Detention Standards" in November 2000 to ensure the "safe, secure and humane treatment of individuals detained by the INS". The 36 Standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies, to grievance procedures and food service. These standards apply to INS Service Processing Centers, Contract Detention Facilities, and state and local government facilities used by the INS through Intergovernmental Service Agreements. The Detention Standards went into effect at INS S.P.C.s on January 1, 2001. The INS aims to phase in the standards in its contract facilities, and state and local facilities, over the next two years. The INS Detention Standards constitute a "floor", not a "ceiling", for treatment of INS detainees. In other words, they are meant to establish the minimal requirements which INS must adhere to in its facilities. Each District Director or OIC may, in his or her discretion, promulgate policies and practices affording INS detainees more enhanced rights and protections than those provided for by the Standards.

Turner-Guilford-Knight Correctional Center is a maximum security county jail housing about 1200 inmates, most of whom are in pretrial detention or serving county jail time. It also houses the INS female detainee population transferred from Krome S.P.C. in December 2000 in the wake of allegations of widespread sexual abuse of detainees at Krome.

1 Footnotes in this memorandum generally cite to one detainee and one date although many detainees have made the same complaints on a number of occasions.
Upon evacuation of the female detainees from Krome, the INS assured all interested parties that TGK would meet all INS Detention Standards by March 1, 2001. The INS contract with TGK so specifies.

INS detainees at TGK are housed in units K45 and K46. Unit K45 holds detainees in removal proceedings (or in indefinite detention) based on prior criminal convictions. Unit K46 houses asylum seekers and other INS detainees who do not have criminal records.

This memorandum discusses INS compliance with the Detention Standards as outlined in the INS Detention Operations Manual. The memo focuses on select portions of the standards where INS compliance is of particular importance for the achievement of INS’s stated goal to insure the “safe, secure, and humane treatment” of their detainees. In particular, this memo focuses on INS compliance with the following Standards: 1) Access to Legal Material; 2) Correspondence and Other Mail; 3) Detainee Handbook; 4) Food Service; 5) Detainee Grievance Procedures; 6) Visitation; and 7) Medical Care.

I. Access to Legal Material

The INS Detention Standards mandate that each INS facility have a law library.\(^2\) The library must be large enough to accommodate a reasonable number of detainees and be located in a well-lit and reasonably quiet area. In addition to size, each library must have an adequate number of tables and chairs, in order to provide access to all detainees who request to use the library. It must also provide materials, equipment and library holdings sufficient to enable detainees to research and prepare legal documents.

The law libraries in TGK pods K45 and K46 do not meet these minimum requirements because they are not nearly large enough to accommodate detainee needs and are not sufficiently well equipped to enable detainees to draft and produce legal documents.

1. Physical Layout

The size of the library in each pod is approximately 10-12 feet in length and approximately 5 feet in width. This space is immediately adjacent to TGK officers’ control room, the attorney visitation room, and the office of the INS deportation officer assigned to TGK. This small space is neither isolated from noise nor is it large enough to accommodate comfortably more than 3 or 4 detainees at one time. Indeed, use of the law library is limited to three detainees at a time.\(^3\) All detainees accessing the library must walk through the attorney visitation room. Detainees are frequently denied access to the library if an attorney

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\(^2\) Detention Operations Manual; Detainee Services; Access to Legal Material (III) (A) “Law Library.”

\(^3\) As mandated by the sign posted outside and inside of the law library.
is meeting with a client. In May 2001, TGK installed a telephone in the K45 attorney-client room so that detainees could make outside calls using a calling-card. From May to mid-July 2001, FLAC’s legal staff was forced to use the law library as the attorney visitation room. The library is not insulated for sound and conversations in this room are easily overheard in the duty officers’ control room and the INS office. Moreover, during this time attorney-client visits interfered with the detainees’ access to the library and its resources.⁴

2. Equipment and Holdings

The TGK library does not provide detainees with access to the equipment necessary to draft and produce legal documents. The INS Detention Standards mandate that an adequate number of typewriters and/or computers, carbon paper, writing implements, writing tablets and non-toxic liquid paper be available for use by the detainees.

The law libraries do not have typewriters. The library in K45 has four computers; three are operational but only one has word processing capabilities.⁵ The detainees can play games on the other two functioning computers but cannot use them to type out letters or documents.⁶ One computer has been in disrepair since January. A detainee who reported this problem at the beginning of the year (2001) was told that the computer would be repaired by a Krome employee as soon as time permitted.⁷ As of July 12, 2001, the computer still did not work and no one had attempted to repair it.⁸

The INS eventually provided each pod with a printer, but for months the detainees in K45 could not print out their own documents because the printer lacked an ink cartridge. Despite frequent request for ink in order to use the printer, as of August 2001, the detainees in K45 still could not print out their own documents.⁹ All requests for ink were ignored. While K46 has two computers with word processing capabilities, the use of the computer remains “a joke,”¹⁰ in one detainee’s words. Without a functioning printer, the only way for a detainee to obtain a hard copy of legal documents prepared on the computer is to save the

⁴See section on Access to the Library pg. 5.

⁵The only useful software on the functioning computer is Microsoft Word. INS provided Lexis-Nexis service on CD-rom. However, the program requires training and INS has not provided instructions to detainees for its use. A.E. observation, 08/01/01.

⁶A.E. interview with ----, TGK K45 07/06/01.

⁷BW interview with ----, TGK 03/20/01.

⁸A.E. interview with ----, TGK 07/12/01.

⁹A.E. interview with ----, TGK K46 08/01/01.

¹⁰A.E. interview with ----, TGK K45 07/06/01.
documents on diskette and then request the INS deportation officer to print the materials. This procedure compromises the confidentiality of the documents and is an unacceptable alternative to most detainees who use the library. 11 Moreover, even if detainees are willing to sacrifice confidentiality, they still run into problems trying to print because they usually do not have access to diskettes.

Although pencils and paper are provided for preparation of legal materials, carbon paper is unavailable and detainees have only indirect access to a photocopy machine. While the Standards do not require INS facilities to provide detainees with direct access to photocopy machines, they nevertheless require that the facility ensure that detainees can obtain photocopies of legal materials when needed. The Standards state that this goal can be met “by providing detainees with access to a copier or by making copies upon request.” 12 At TGK, detainees must ask a TGK employee or the INS deportation officer to make the photocopy.13 Often, detainees do not receive their requested copies until several days after the request was made or the copies are not made at all. When a detainee is facing an imminent immigration court or INS imposed deadline, these delays may interfere with the detainee’s ability to effectively represent herself.

3. Writing Materials

In addition to computers, the INS requires that writing tablets, writing implements, carbon paper, non-toxic white out and envelopes be provided for use by the detainees. Indigent women are also entitled to free postage for a specified number of legal and personal documents. The TGK library falls far short of providing these basic supplies. While detainees generally have access to writing paper and envelopes, they also have gone without envelopes for up to a month or longer.14 In addition, TGK has frequently failed to provide indigent women with stamps for their correspondence. One officer even told detainees that TGK’s policy did not include providing postage. Envelopes placed in the outgoing mail crate and clearly marked “Legal Mail” are routinely rejected if they do not have postage on them.15

11 Interview with ---- on 03/20/01, see also statement of ----.


13 The INS Detention Standards contemplate such a result and mandate that no information clearly connected to a detainee’s legal proceedings be read on its face. In reality, it would be difficult to monitor whether TGK employees were only reading this information or were complying with the Detention Standards.

14 A.E. interview with----, TGK K45 07/06/01.

15 BW interview with----, TGK K45 on 03/22/01.
Often, the only way indigent women at TGK can send mail is to obtain stamps from other detainees.

INS’s failure to provide indigent detainees with stamps for their legal and personal correspondence is a clear violation of the Standards. The Standards provide that “[t]he facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential legal representative or any court.” As evidence of the importance the Standards give to this requirement, it is addressed in a more detailed manner in another section of the Detention Operations Manual which deals with detainee correspondence. This section provides that “[t]he OIC shall establish procedures to provide indigent detainees the postage allowance that is available at government expense. Indigent detainees will be permitted to mail a reasonable amount of mail each week, at least five pieces of special correspondence and three pieces of general correspondence. Indigent detainees will be permitted to mail the following at government expense: 1. All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court...” Because of the INS’s failure to meet this standard, there is no guarantee that a detainee at TGK will be able to obtain the necessary postage in order to send her legal or personal correspondence.

One detainee reported that the INS deportation officer assigned to TGK posts mail for them by taking the mail to Krome S.P.C. once a week and placing it in the box designated for indigent detainee mail. This procedure, however, penalizes indigent detainees by failing to guarantee timely delivery of outgoing mail. Moreover, the once weekly delivery of indigent detainee mail does not comport with the Standards, which require daily (within 24 hours of receipt by facility staff) delivery of outgoing mail to the U.S. Postal Service. Additionally, it appears that most detainees at TGK are unaware that they can post their correspondence through the deportation officer.

4. Access to the Library

The INS Detention Standards mandate that each facility devise a flexible schedule in order to permit all detainees use of the law library for a minimum of five hours per week. These five hours cannot cause a detainee to miss a meal, recreation time or any other planned activity.

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16 Detention Operations Manual; Detainee Services; Access to Legal Material (III) (O) “Envelopes and Stamps for Legal Material.”

17 Detention Operations Manual; Detainee Services; Correspondence and Other Mail (III) (I) “Postage Allowance.”

18 BW interview with— K45 03/21/01.
The TGK facility allows detainees to use the library during the day shift only and subject to a number of restrictions. For example, access to the library in K45 was especially limited from May through July 2001, when attorney-client meetings took place in the library rather than in the designated visitation room. Attorneys can only visit with clients during the day and these visitations can last for hours. Whenever an attorney requested visitation with a client during these months, any detainee(s) using the library was asked to leave immediately. This caused frequent and prolonged disruptions to library access, and made it impossible for the detainees to predict whether they would have meaningful library time on any given day.

Library access is also prohibited during head counts and lock downs, which occur frequently, as well as during medical emergencies. The library has several large windows facing the hallway outside the unit, where family contact visits are held. Access to the library is also prohibited during such visits. Library access is likewise prohibited while janitorial staff clean the hallway outside the unit. This last prohibition arose as a result of an incident wherein a male inmate (trustee) who works with the TGK janitorial staff exposed himself to female detainees using the law library. The library is not available to the detainees during the midnight shift, when there are no scheduled activities.

The library in K46 is subject to the same restrictions as those in K45. Officers frequently deny access when attorneys are in the visitation room. Moreover, other activities are scheduled in the attorney visitation room or in the library which prevent detainees from accessing the library during the posted hours. For example, chaplain visits and bible study groups may also take place in the attorney visitation room. The nurse has also used the attorney visitation room, rather than the clinic, to conduct TB tests. The library in K46 has also been used by the deportation officer to show orientation videos in different languages to persons in the credible fear process. Detainees are not allowed in the library during these times.

INS posted the following library hours in the law library in Summer, 2001: Library Access Daily 9 AM- 1:00 PM, 4 PM- 9:00 PM. This posting fails to mention the limitations.

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19 In May 2001, the INS installed a telephone line in the attorney-client room for use by detainees and FIAC attorneys were relegated to the library space for client meetings. TGK removed the phone on June 12, 2001. Attorneys can now use the visitation room to meet with clients instead of the library.

20 The afternoon headcount alone generally occurs from about 2:00-4:00 p.m. Lockdowns can last for up to three hours; duration depends on the officer on duty.

21 Two detainees filed grievances because they felt that this rule unfairly punished them for someone else’s misconduct. They suggested that the windows of the library could be temporarily covered with a piece of cloth or paper while the janitorial staff worked outside. TGK staff rejected their suggestions stating security concerns. The detainees never received a formal response to their grievance.
on library use mentioned above and gives the impression that library privileges are far greater than they actually are.

In addition to restricted access, detainees have been required to sign-in for library access. The sign posted in the library advises detainees: 1. Complete Request Slip for Access and Submit to Unit Manager, 2. Participants must sign in and sign out in the law Library Log Book, 3. Legal Materials must not be Removed from Area, and 4. Maximum Capacity 3 Detainees. This sign-in and sign-out procedure is arbitrarily enforced, and use of the log book is inconsistent. There is a log purporting to document which detainees are granted access to the library and for how long, however, the log does not reveal the length of each visit. A detainee may be granted access to the library, sign the required log, and then within minutes be forced to leave the library because of an attorney-client meeting. Therefore, despite the fact that the log reveals library use, no substantial access may have actually occurred.

5. Legal Materials

The Detention Standards require all law libraries in SPCs, CDFs and IGSA facilities to hold the legal materials contained in Attachment A of the Access to Legal Materials chapter of the Detention Operations Manual. These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner. In addition, the Standards require that the facility post a list of its holdings in the law library and designate an employee with responsibility for updating the materials, inspecting them weekly and maintaining them in good order.

The libraries at TGK do not contain all the mandatory materials and updates for use by the detainees. The TGK libraries are not only missing various required materials, but most materials have not been updated for many months. The updates that are present in the library are often not attached to or in close proximity to the original materials, rendering it nearly impossible for a detainee to acquire the most current information. The library does not contain updated materials regarding recent statutory and regulatory changes, some of which affect female detainees in particular. For instance, other than the Interpreter Releases, the library does not contain any supplemental information on the LIFE Act or on recent amendments to the Violence Against Women Act.

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22 A.E. interview with----, 07/06/01.


24 The INS has stated that it is in the process of acquiring the required materials. When FIAC inspected the library in April 2001 and July 2001 several of the required holdings were still missing.
Due to space limitations, INS has proposed providing the required library holdings on computer disc and CD-Rom.\textsuperscript{25} However, most detainees are not computer literate and the INS has not agreed to provide the necessary training and introduction to computer-based legal research for non-computer literate detainees.

It further appears that no TGK or INS employee is responsible for the maintenance and updating of library materials as required by the INS Standards.\textsuperscript{26} Detainees report that INS staff have assigned detainees the task of supervising the library and ensuring the orderly presentation of publications. The detainees assigned as library custodians are responsible for inserting updated materials in the proper publications and for reporting on missing books. However, detainees do not receive the training or support necessary for such a job post. The detainee in charge of the K46 library reports that her requests for library materials are typically denied or ignored.\textsuperscript{27} Moreover, the Standards require that "the facility designate an employee [with responsibility for] updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed."\textsuperscript{28} It appears that the facility has not designated such an employee. The INS deportation officer in charge of the TGK docket has claimed that she is not responsible for the library and has referred FIAC staff to the INS employee in charge of the library at Krome. While this Krome officer is in charge of furnishing the TGK libraries with the required materials, it is unclear whether she has ever visited TGK and it is highly improbable that she visits on a weekly basis to inspect the library. Detainees in both K45 and K46 report never having seen her in either library.\textsuperscript{29}

The materials in the library in K46 mimic those of K45. However, it appears that poor management of this library encourages detainees to remove books and publications from the shelves and keep them for their own private use in their cells. Critical publications were missing from the library when inspected by FIAC staff in the summer of 2001.\textsuperscript{30} The Standards require that the "facility develop procedures that effectively prevent detainees

\textsuperscript{25} Meeting with TGK and INS officials at TGK on February 5, 2001.

\textsuperscript{26} It should also be noted that current information that can be acquired through the Internet is not available to the detainees as they have no Internet access. While not required by the INS Detention Standards, it is one way to ensure current and updated information.

\textsuperscript{27} A.E. interview with ---, TGK K46 07/06/01. INS staff ignore her requests for ink cartridges, diskettes, and publications.

\textsuperscript{28} Detention Operations Manual: Detainee Services; Access to Legal Material (III) (F) "Updading Legal Materials."

\textsuperscript{29} BW interview with detainees at TGK 03/26/01.

\textsuperscript{30} AE inspection, 7/6/01.
from damaging, destroying or removing equipment, materials or supplies from the law library. Facilities are encouraged to monitor detainees’ use of legal materials to prevent vandalism."\(^3^1\) TGK is in violation of the *Standards* in that they have not developed the required procedures to ensure adequate operation of the library.\(^3^2\)

The INS has no procedures for assisting illiterate or non-English speaking detainees with legal matters. The *Standards* explicitly provide that each facility shall “establish procedures to meet this obligation, such as: 1) helping the detainee obtain assistance in using the law library and drafting legal documents for detainees with appropriate language and reading-writing abilities, and 2) assisting in contacting pro bono legal-assistance organizations from the INS-provided list.” The *Standards* further state that “[i]f such methods prove unsuccessful in providing a particular non-English speaking or illiterate detainee with sufficient assistance, the facility shall contact the INS to determine appropriate further action.”\(^3^3\) No such procedures are in place at TGK.

6. Law Library Access for Detainees in Special Management Units

The *Standards* require that “[d]etainees housed in Administrative or Disciplinary Segregation units shall have the same law library privileges as the general population, unless compelling security concerns require limitations.”\(^3^4\)

TGK has no procedures in place to accommodate requests from detainees who are placed in administrative or disciplinary segregation to use the law library. Detainees report that they are not allowed to use the library when they have been locked down for disciplinary reasons and that they have no access when they have been transferred to “the Annex,” a medical unit at TGK, to the federal jail in Miami (FDC) or to county jails such as Ft. Lauderdale or Key West.\(^3^5\)

7. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters

\(^3^1\) *Detention Operations Manual*: Detainee Services; Access to Legal Material (III) (H) “Supervision.”

\(^3^2\) INS and TGK officials claim that the asylum seekers are released within six days after their arrival at TGK, however FIAC attorneys dispute this. In their experience, the asylum seekers are generally at TGK for about two weeks, but a number of them have been there over a month, including some who have been there since the women were moved from Krome in December, 2000.

\(^3^3\) *Detention Operations Manual*: Detainee Services; Access to Legal Materials (III)(L) “Assistance to Illiterate and Non-English Speaking Detainees.”


\(^3^5\) BW interview with TGK detainees 03/26/01.
The Standards require that “[t]he facility shall provide assistance to any unrepresented detainee who requests a notary public, certified mail or other such services to pursue a legal matter” if the detainee is unable to meet the need through family members or community organizations.\(^\text{36}\)

TGK provides no notary public or certified mail services to detainees. TGK also does not appear to assist detainees with other services related to pressing legal matters. For instance, in March, 2001 a detained asylum seeker in K46 received a briefing schedule from the BIA for her appeal brief. She was unable to send it to her attorney because she is indigent and TGK would not provide her with postage. She also had no way of communicating to her attorney that the briefing schedule had been set because TGK refused to allow her to place a direct call to him.\(^\text{37}\)

**Conclusion**

The TGK library does not meet the bare minimum requirements set forth in the INS *Detention Standards*. There are serious problems with detainee access to the libraries at TGK and the library lacks sufficient materials and equipment to allow detainees to properly research and prepare legal documents. INS’ non-compliance with the Standards prevents detainees at TGK from effectively representing themselves in their legal proceedings and affects most dramatically those detainees who are indigent and unrepresented.

II Correspondence and Other Mail

The *Detention Standards* establish policies and procedures for the efficient management of detainee correspondence. Specifically the Standards require all facilities to “ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility.” The standards also require that the INS Officer-In-Charge (OIC) “ensure that staff members apply facility policy and procedures concerning detainee correspondence and other mail.”\(^\text{38}\)

1. Detainee Notification

The Standards require each facility to notify detainees of its policies on correspondence and other mail through the detainee handbook or its equivalent, provided to each detainee upon admittance. The Standards also require that all rules relating to

\(^{36}\) *Detention Operations Manual*: Detainee Services; Access to Legal Material (III) (P) “Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters.”  

\(^{37}\) BW interview with --- 03/23/01.  

\(^{38}\) *Detention Operations Manual*: Detainee Services; Correspondence and Other Mail (III) (A) “General.”
correspondence be posted in each housing area.\textsuperscript{39} The rules must at a minimum address all issues related to incoming and out-going mail listed in Section III (C) of this chapter of the \textit{Standards}.

TGK is not in compliance with the above minimal notification requirements. TGK has not routinely issued a handbook to detainees upon admittance.\textsuperscript{40} Only one of several detainees in K45 and K46 questioned by Fiac staff had received a detainee handbook upon admittance to TGK, and this handbook is not the site-specific detainee handbook required by the \textit{Standards}.\textsuperscript{41} Because TGK does not routinely issue handbooks to the detainees, detainees have no notice of applicable policies. Moreover, correspondence policies are not posted in the units as required by the \textit{Standards}.

Lack of notice of the policies and procedures relating to correspondence has led to the unnecessary rejection of detainees’ legitimate legal and personal correspondence. A number of detainees have reported that family members often innocently send them items which TGK considers contraband, together with important legal documents. If one item in a package is considered contraband, the entire package is returned to the sender. Since detainees are not notified of applicable TGK policies, they are not able to make alternate arrangements for their correspondence, such as directing legal documents to their attorney and/or avoiding the mixing of contraband with other legitimate items of correspondence.

2. \textbf{Processing}

The \textit{Standards} require that detainee correspondence “shall be delivered to the detainee and to the postal service on a regular schedule.” The \textit{Standards} also require that all “\textit{i}ncoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility” and that “\textit{o}utgoing correspondence shall be delivered to the postal service no later than the day after it is received by facility staff or placed in a designated mail depository, excluding weekends and holidays.”\textsuperscript{42}

Detainees report serious problems with mail delivery service, including prolonged and unjustified delays in receiving mail and the irregular delivery of outgoing mail to the

\begin{footnotesize}
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\item \textsuperscript{39} \textit{Detention Operations Manual}; Detainee Services; Correspondence and Other Mail: (III) (B) “Detainee Notification.”
\item \textsuperscript{40} Moreover, the inmate handbook that is occasionally issued does not address most of the issues required by the \textit{Standards}.
\item \textsuperscript{41} BW interview with TGK detainees in K45 and K46 on 03/23/01, and A.E. interview with TGK detainees on 8/1/01. See Detainee Services, Chapter 5, “Detainee Handbook”.
\item \textsuperscript{42} \textit{Detention Operations Manual}; Detainee Services; Correspondence and Other Mail (III) (C) “Processing”.
\end{itemize}
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U.S. Postal Service. Even important legal mail has not been received by detainees on time.

Detainees also report that they cannot count on their outgoing mail arriving on time because there are many days when the TGK officer in charge of collecting outgoing mail “forgets” to pass by their unit. This occurs frequently. Thus, if a detainee deposits a piece of outgoing mail on Thursday evening and the postman “forgets” to pass by their unit on Friday, the mail might not be delivered to the U.S. Postal Service until the following Monday. Detainees report that even when mail is collected, it takes an extraordinarily long time to reach the recipient.

2. Inspection of Incoming Correspondence and Other Mail

The Standards provide that each facility shall establish procedures allowing staff to “open and inspect incoming general correspondence and other mail [...] in the presence of the detainee” for purposes of detecting contraband. Such inspection includes the reading of general correspondence. Special correspondence (i.e. legal correspondence) shall be inspected in the presence of the detainee but not read.

The INS is in violation of the Standards because detainees’ correspondence at TGK is opened and inspected before delivery to the detainee and not in her presence. This often includes legal mail which has clear special correspondence markings on the exterior of the envelope such as the address of the “law office” which sent the mail. Since special correspondence is opened outside the presence of the detainee in violation of the Standards, it is impossible to determine whether INS or other officials also read the special correspondence before delivering it to the detainee. Such a reading would also violate the Standards.

3. Inspection of Outgoing Correspondence and Other Mail

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43 BW interview with---- K45 03/23/01.

44 The term “special correspondence” is defined as any “written communication to or from private attorneys and other legal representatives; government attorneys; judges, courts; embassies and consulates; the president and vice-president of the United States, members of Congress, the Department of Justice (including INS and the Office of the Inspector General; the U.S. Public Health Service; administrators of grievance systems; and representatives of the news media. Detention Operations Manual; section 4(III)(E)(2) “Inspection of Incoming Correspondence and Other Mail”.

45 Detention Operations Manual; Detainee Services; Correspondence and Other Mail (III) (E) “Inspection of Incoming Correspondence and Other Mail”.

46 BW interview with detainees in K45 and K46 03/23/21.

47 BW interview with----, K45 03/23/01.
The *Standards* provide that outgoing general correspondence may, in some circumstances, be inspected but that outgoing special correspondence shall not be inspected. 48

Detainees are concerned that outgoing mail is not handled in a secure manner. In units K45 and K46 all outgoing mail is collected in an unsecured, open, cardboard crate. Since the receptacle is unsecured, outgoing correspondence can easily be tampered with by other detainees or INS or TGK employees. 49

5. **Rejection of Incoming and Outgoing Mail and Contraband Recording and Handling**

The *Standards* require that “[a]ll facilities [...] implement policies and procedures addressing the issue of acceptable and non-acceptable mail.” These procedures shall include a requirement that affected detainees be “notified when incoming or outgoing mail is confiscated or withheld (in whole or in part)” and provided with a “receipt for the confiscated or withheld items.” 50

While one detainee reported receiving a notice of “Disapproval of Incoming Mail” rejecting her parent’s marriage licence and certificates of death as “contraband”, other detainees have reported that their mail is routinely rejected without any notification. 51 They find out that their mail has been rejected only when the mail is returned to the sender and the sender subsequently communicates with them. 52

6. **Postage Allowance**

The INS’s non-compliance with the requirement that indigent detainees be provided with a postage allowance at government expense was discussed earlier in section I “Access to Legal Material” of this memo.

7. **Notaries, Certified Mail, and Miscellaneous Needs Associated with Legal Matters**

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48 *Detention Operations Manual*, Detainee Services; Correspondence and Other Mail (III) (F), “Inspection of Outgoing Correspondence and Other Mail.”

49 BW interview with K45 03/23/03.

50 *Detention Operations Manual*, Detainee Services; Correspondence and Other Mail (III) (G), “Rejection of Incoming and Outgoing Mail.”

51 BW interview with K45, K45, and K46, K46 03/23/01 and 03/26/01.

52 BW interview with on 03/23/01.
INS' non-compliance with the requirement that detainees be provided with access to notary public services and certified mail service was noted earlier in Section I ("Access to Legal Materials") of this memo. Additionally, it should be noted that one detainee requesting certified mail services was told either to mail it like regular mail, or not to mail it at all.\footnote{Detainee statement 05/08/01.}

\section{Detainee Handbook}

The \textit{Standards} require that every OIC "develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources including the facility."\footnote{\textit{Detention Operations Manual}; Detainee Services; Detainee Handbook (I) "Policy."} The \textit{Standards} provide a sample handbook to be used as a model, subject to customization by the OIC to suit the particular facility in question. The Handbook is supposed to constitute a comprehensive guide to life in the facility and include, at a minimum, the information specified in section III A through J of the \textit{Detainee Handbook Standard}. The purpose of the Handbook requirement is to give detainees notice of all applicable rules, policies, and privileges of the facility.

The INS is not in compliance with this \textit{Standard} because TGK does not routinely issue handbooks to INS detainees. In fact, with only one exception, all detainees interviewed on March 23, 2001 and April 3, 2001, reported never having seen a detainee handbook and never having received any information on applicable TGK procedures.\footnote{BW interviews with detainees in K45 and 46 on 03/23/01 and 4/3/01.} The one handbook which was given to a detainee was not a site-specific INS detainee handbook, as required by the \textit{Standards}, but the handbook provided to the county inmate population at TGK. One detainee in K45 was told upon requesting an INS detainee handbook that it was still not available because they are still compiling information to assemble it.\footnote{A.E. interview with--- K45 on 8/1/01} detainees also report that they are not aware of handbooks available for review in the units. It is not until a detainee is accused of committing a disciplinary infraction that she is made aware of the existence of a detainee handbook. Frequently an officer will ask, "Didn't you read the Handbook?"  

INS' failure to routinely provide detainees with handbooks in a language they understand has potentially serious consequences for detainees at TGK. Because detainees lack notice of TGK procedures and policies they are unnecessarily exposed to the risk of committing unintentional infractions of the disciplinary code. The purpose of this \textit{Standard} requiring the issuance of a handbook to all INS detainees is not only to inform detainees of
applicable procedures but also to avoid unnecessary violations of procedures predicated on misunderstandings or lack of notice.

Conclusion

The INS is in violation of the Standards relating to issuance of detainee handbooks. Because the INS does not issue handbooks to detainees, detainees are kept in the dark regarding TGK policies and procedures. INS non-compliance with the Standards prevents detainees from fully understanding and accessing those things to which they are entitled at TGK. Also, lack of notice of applicable procedures exposes INS detainees to the risk of committing unintentional disciplinary infractions which in some cases may prejudice their cases for release from detention. The INS is also in violation of the Standards by failing to provide, or even create, a site-specific handbook for INS detainees at TGK.

IV Food Service

The Standards on Food Service contain a comprehensive list of requirements set out in 36 pages of the Detention Operations Manual, relating to the preparation and presentation of food at INS contract facilities. Most of the requirements, which range from the custody and security of food, to its preparation, and presentation, are not immediately observable and/or verifiable by detainees or FIAC staff. Therefore, no information is available at this time regarding whether TGK kitchen and food service staff are in compliance with the Standards relating to preparation of food in the kitchens.

More generally, the Standards provide that it is “INS policy to provide detainees with nutritious, attractively presented meals, prepared in a sanitary manner.” The Standards further provide that “[t]he overall goal of a quality food service program is to provide nutritious and appetizing meals, efficiently and within the budgetary restrictions ...” of the facility. 57

Detainees in both units uniformly report that their food is neither nutritious nor attractively presented. They have made widespread complaints that the food is not handled in a sanitary manner. Detainees are seldom served warm food for dinner unless they are diabetic or require a special diet. Vegetarians almost never get warm food and get less food than detainees who eat meat. When detainees complain that their food is cold, it often comes back to them burned. 58 Although detainees may now purchase coffee and tea from the Commissary, the asylum seekers’ unit still lacks hot water to make it. Lunches uniformly

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57 Detention Operations Manual; Detainee services; Food Service (III)(D) “Menu Planning,” (1) “General Policy.”

58 AE interview with——, 08/01/01

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consist of four slices of bread, two slices of cheese and two slices of slimy lunch meat. Detainees report that with the exception of the cold cuts and chicken, all other meat products are not actually meat but soy-based meat substitutes.\textsuperscript{59}

Detainees have consistently reported inedible and unsanitary food items including stale and smelly cold-cuts, moldy breakfast items (jam), mildewed and rotten fruits and vegetables, and moldy lunch bread. One detainee reportedly found a piece of sharp metal in a serving of beans.\textsuperscript{60} Moreover, detainees say that their food servings are too small to satisfy their needs.\textsuperscript{61} They therefore resort to buying commissary items such as chips, candy, and other junk food at inflated prices, to satisfy their hunger. Some detainees spend their entire commissary allowance on junk food.\textsuperscript{62} Detainees with no money for commissary items depend on those who have funds to share food with them. Although detainees may buy food items such as instant coffee and instant noodles, there are no facilities in the units to prepare these foods. In the absence of a hot plate or microwave, detainees are forced to mix their coffee, instant noodles, and soups, with warm tap water. They report preferring to eat cold burritos over the food service meals.

In addition, detainees report unsanitary conditions at TGK. In the food service area of the unit there are rodent traps and detainees report seeing rats, mice and/or their droppings in the kitchen and outdoor recreation area and roaches inside their units.\textsuperscript{63}

V Detainee Grievance Procedures

The \textit{Standards} provide that “[e]very facility will develop and implement standard operating procedures (SOP) that address detainee grievances. Among other things, each SOP must establish a reasonable time limit for: (1) processing, investigating, and responding to grievances; (2) convening a grievance committee to review formal complaints; and (3) providing written responses to detainees who filed formal grievances, including the basis for the decision. The SOP must also prescribe procedures applicable for emergency grievances. All grievances will receive supervisory review and include guarantees against reprisal.”\textsuperscript{64}

\textsuperscript{59} BW interview with----, K45 03/23/01.

\textsuperscript{60} AE interview with ---- 06/08/01.

\textsuperscript{61} BW interview with---- K45 03/23/01.

\textsuperscript{62} Detainees also don’t always get what they ordered and paid for from commissary. BW interview with ---- K45 03/23/01.

\textsuperscript{63} BW interview with----, K45 on 05/03/01, A.E. interview with----, K45 8/1/01.

\textsuperscript{64} Detention Operations Manual; Detainee Services; Detainee Grievance Procedures (I) “Policy.”

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INS detainees in units K45 and K46 may submit grievances in boxes marked “TGK Grievance” and “INS Grievance”. However, detainees in K45 report that their grievances have been routinely ignored or outright rejected. For instance, detainees have been told some issues are “not grievable”\(^{65}\) such as delays with the mail. Detainees also report that it generally takes months before they receive a response to their grievances, if at all.

Detainees report that some grievances have been resolved to the satisfaction of the detainee. For example, TGK has responded to two grievances relating to food service and verbally abusive behavior by officers. On these occasions, TGK personnel have met with the detainee, although the issue was not necessarily resolved.\(^{66}\)

The *Standards* provide that meetings with the “first-line supervisor” to orally resolve the issue after a written grievance has been filed is a permissible procedure.\(^{67}\) However, the *Standards* also provide that a written response to the grievance is necessary if the detainee is not satisfied after meeting formally with the first-line supervisor. No information is available regarding compliance with this requirement, largely because detainee grievances are routinely not responded to.\(^{68}\)

The *Standards* also provide that each detainee must be issued a handbook upon admittance to the facility providing notice of the grievance procedures.\(^{69}\) The handbook must at a minimum cover all the issues related to grievance procedure listed in the *Standards* at Chapter 8 Detainee Grievance Procedures, section III G “Detainee Handbook”. INS is not in compliance with the above *Standard* because detainees are not routinely issued handbooks upon admittance to TGK and have no notice of the applicable grievance procedures.\(^{70}\)

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\(^{65}\) BW interview with---- K45 03/26/01. ---- reports however that outgoing mail delivery improved after the grievance was filed.

\(^{66}\) BW interview with----, K45 03/26/01, A.E. interview with----, K45 8/1/01.

\(^{67}\) ---- reports that she was made to sign a statement that she was satisfied with the resolution of the grievance after meeting formally with the supervisor regarding her complaints about food service and rude behavior by guards. She was not provided with a copy of the statement. BW interview with---- K45 03/26/01.

\(^{68}\) When the women were first moved to TGK, FIAC attorneys were told to address pressing concerns about treatment of the women to Fred Crawford, Ombudsman, Miami-Dade County Corrections & Rehabilitation Department. This was working fairly well until FIAC learned that Mr. Crawford had been removed from this position. FIAC has not been told who, if anyone, will replace him in this role. TGK staff also canceled a meeting scheduled for March 8, 2000 with FIAC attorneys and other detainee advocates and failed to schedule. TGK officials claim that INS sent them a letter advising them that any time the advocates wanted to meet with TGK officials they first had to go through INS.

\(^{69}\) See earlier discussion section III “Detainee Handbook”.

\(^{70}\) BW interview with detainees in K45 03/26/01.
Moreover, the TGK handbook (i.e. the one meant for the county inmate population at TGK), even if issued to INS detainees, falls far short of the requirements listed in the Standards because it contains no information regarding the existence of a grievance procedure. Instead, the introduction to the TGK handbook states simply: “If you have legitimate complaints or suggestions, you are encouraged to bring it to the attention of the Unit Manager (Officer.)”

Emergency Grievances

The Standards also provide that each facility must “[i]mplement procedures for identifying and handling an emergency grievance.” INS has not instituted any procedures for filing emergency grievances at TGK that detainees are aware of.

Retaliation

The Standards provide that “[s]taff will not harass, discipline or otherwise retaliate against a detainee lodging a complaint.” Countless detainees report being threatened with transfers or deportation if they complain. Both the asylum seekers in K46 and detainees in K45 report that officers often threaten that things will get worse for them if they complain. Detainees who speak their minds about conditions are frequently targeted for harassment. One detainee who requested to speak to a supervisor regarding a complaint was told that INS was arranging to take her to “the Annex,” a psychiatric ward at the Women’s Detention Center in Miami, which houses suicidal inmates and detainees. The issue about which she wished to speak had nothing to do with her medical condition. TGK staff routinely respond to detainee complaints by saying things like: “It’s not my problem, call Chanel 23” a reference to the fact that several detainees spoke with the media regarding conditions at TGK. One detainee in unit K45 reports that TGK officers routinely call her “Grievic” because she has filed grievances against TGK and INS officers. Such behavior on the part of TGK officers constitutes harassment and intimidation, and is in violation of the Standards’ guarantee against intimidation.

While detainees state that there are a number of officers who treat them fairly and humanely, they also report abusive behavior by both INS and TGK personnel. Detainees also

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71 T.G.K. Correctional Center Inmate Orientation Form, p. 1.


73 Detention Operations Manual: Detainee Services; Detainee Grievance Procedures (III) (D) “Retaliation.”

74 BW telephone conversation with ---- K45 05/07/01.

75 BW interview with ---- K45 03/26/01.
complain that language difficulties experienced by many of them have often led to officers berating them. For example, detainees report that TGK officers routinely respond to non-English speaking detainees’ queries saying: “Whenever you can say that in English, come back and tell me.” TGK officers have also stated that “we don’t need to meet INS standards anymore because you’re getting moved out of here anyway.”

The Standards provide that “[s]taff must forward all detainee grievances containing allegations of officer misconduct to a supervisor or higher-level officials in the chain of command. CDFs and IGSA facilities must forward detainee grievances alleging officer misconduct to INS. INS will investigate every allegation of officer misconduct.” It is at best unclear whether INS is in compliance with this provision of the Standards. One detainee reports that her grievance alleging officer misconduct at TGK, filed in January 2001, was adjudicated at TGK through a formal meeting between the supervisor and the detainee. No INS personnel were present at the meeting and there was no indication that the INS had been notified of the grievance as required by the Standards.

**Conclusion**

INS is not in compliance with the Standards relating to detainee grievance procedures. The rejection of detainee grievances and the failure to adjudicate grievances on a timely basis, if at all, constitute serious violations of the Standards, which require each facility to respond formally to all grievances and to establish a reasonable time limit for such responses. Furthermore, detainees at TGK have no notice of applicable grievance procedures because they are not issued an INS Detainee Handbook upon admittance to the facility and none is available to them, even upon request. The TGK county inmate Handbook sometimes issued to INS detainees contains no information relating to the existence of a grievance procedure.

**VI Visitation**

The Standards require that “[f]acilities holding INS detainees shall permit authorized persons to visit detainees, within security and operational constraints. To maintain detainee morale and family relationships, INS encourages visits from family and friends. Facilities shall allow detainees to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials.”

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76 BW interview with ---- K45 05/03/01.

77 *Detention Operations Manual;* Detainee Services; Detainee Grievance Procedures (III) (F) “Allegations of Officer Misconduct.”

78 BW interview with---- K45 03/26/01.

79 *Detention Operations Manual;* Detainee Services; Visitation (I) “Policy.”
Detainees at TGK are permitted to visit with family members twice a week in a non-contact setting and once per month in a contact setting. The Standards require that the facility provide a visitation room “appropriately furnished and arranged, and as comfortable and pleasant as practicable”. The Standards also require that all visits be conducted in a “quiet, orderly, and dignified manner.” Notwithstanding these requirements, TGK does not provide a suitable room for family contact visits. All such visits are conducted in the hallway immediately outside the units K45 and K46 and are subject to the constant interruption of guards and other personnel accessing and exiting the units. This arrangement is neither orderly, comfortable, nor quiet as required by the Standards.

VI Attorney Visitation

The Standards state that “[v]isits between legal service providers (or legal assistants) and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.”

TGK is not in compliance with the requirement that detainees shall be provided with facilities to meet privately with their counsel. In unit K45 there was no private consultation room for attorney visits between May and July 2001. Instead, attorneys had to meet with their clients in the law library. While the telephone was finally removed, several serious problems remain with the room provided. Most importantly, this room is not sound insulated and does not meet the requirement of a “private consultation room” not “subject to auditory supervision” under the Standards. TGK and INS officials can either deny detainee requests for library access while an attorney client visit was in progress, or they allow detainees to access the library by walking through the attorney visit room, causing multiple interruptions during the attorney-client meetings. On March 22, 2001 a FIAC attorney’s visit was interrupted almost ten times over the course of one hour by detainees going to, and coming from, their typing class in the library. On April 6, 2001 a FIAC attorney visit was interrupted over a dozen times in less than an hour by both detainees and officers passing through the attorney visitation room on their way to the library or from the library to the unit. This is common.

80 Detention Operations Manual; Detainee Services; Visitation (III) (G) “Visiting Room Conditions.”

81 Detention Operations Manual; Detainee Services; Visitation (III) (I) “Visits by Legal Representatives and Legal Assistants,” (9) “Private Meeting Room and Interruption for Head Counts.”

82 The INS installed a telephone line in this room in May 2001 and did not remove it until July 2001.

83 Detainees report that private attorneys are treated differently from FIAC attorneys. Detainees tell FIAC that TGK staff allow private attorneys to meet in the room where detainees make phone calls and which previously was used as the attorney visitation room for all attorneys. FIAC attorneys have never been given access to this room since the phone line was installed. If a private attorney requests visitation, TGK officials ask detainees using the phone to terminate the call and vacate the room. CL interview with — 06/08/01.
The attorney visitation room in the asylum unit (K46) is located between the main unit and the law library. Any detainee wishing to access the law library must walk through the attorney visitation room, causing multiple interruptions of any attorney visit in progress. Depending upon which unit officer is on duty at the time, detainees may also be denied library access when an attorney-client visit is in progress. The attorney visitation room in K46 is small, measuring approximately 8' x 10'. Because there is only one attorney visitation room, multiple attorneys are not able to meet with their clients at the same time unless the second attorney is willing to use the library. Like K45, the attorney visitation room is not sound-insulated. Any conversation taking place in the attorney visitation room can easily be overheard by anyone present in the library, including other detainees, attorneys, guards and TGK personnel, as well as by officers in the adjoining rooms, making it impossible for attorneys to conduct confidential conversations with their clients.

Attorney access to clients in both units is also severely limited due to lengthy counts and lockdowns in the facility, as well as time consuming and cumbersome procedures for calling up clients for attorney visits. For example, it is TGK policy to lockdown the entire jail if there is a medical emergency occurring anywhere in the facility. This means that even medical emergencies in other units of the jail will cause an interruption of any attorney visit in progress in K45 or K46 and the denial of attorney access throughout the duration of the medical emergency. Additionally, TGK procedures generally only allow attorneys to visit with clients whom they have listed on a “pink slip” at the front desk upon arrival. FIAC staff have repeatedly been denied access to clients because of these policies. 84 This rule is meant to deter attorneys representing county inmates from “soliciting” business at the facility. Since immigration detainees do not have a right to counsel at government expense but only “at no cost to the government” and since FIAC provides only pro bono services, TGK administrative staff explicitly agreed to waive this rule and allow FIAC to speak with anyone in the unit seeking their legal assistance. Despite this assurance, TGK on-duty staff still refuse to allow FIAC’s legal staff to speak with clients who approach them once they are in the units. 85 If FIAC wishes to speak with such detainees, they must be escorted back to the main lobby to fill out a new “pink slip”, and get escorted back up to K45 or K46, a process which can take up to one hour.

84 For example, on March 1, 2001 at 2:30pm a FIAC attorney was denied access to clients at TGK because of ongoing head count. The attorney was asked to return after count cleared at 4:00pm. When he returned at 4:45pm, he was again denied access because of ongoing medical emergency in the facility requiring a total lockdown. The attorney was advised by the lobby officer that it would be “one to two hours” before the facility would open again. The attorney was unable to confer with clients on that day. This is not unusual.

85 CL attorney visit in K46 on 05/02/01.
Headcounts also interfere with attorney client access. Every day, generally between about 2:00-4:00 p.m., attorneys have no access to their clients. It also does not appear that TGK has implemented any procedures for legal visitation for detainees in administrative or disciplinary segregation as required by the Standards.\textsuperscript{86}

**Conclusion**

The INS is in violation of the Standards applicable to family visitation and attorney visitation. INS does not provide a room for contact family visits and does not provide an alternative setting where such visits may occur in a “quiet, orderly, and dignified manner.” The INS does not provide private consultation rooms, not subject to auditory supervision, for attorney client visits as required by the Standards. Attorney client visits at TGK are subject to constant interruption by detainees and TGK personnel. Attorney access to clients is severely restricted by headcounts and other procedures requiring facility lockdowns, as well as cumbersome and time consuming procedures for requesting attorney-client visitation.

**VII Medical Care**

The Standards provide that “[a]ll detainees shall have access to medical services that promote detainee health and general well being.” “Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. All facilities will employ, at a minimum, a medical staff large enough to perform basic exams and treatments for all detainees. The OIC, with the cooperation of the Clinical Director, will negotiate and keep current arrangements with nearby medical facilities or health care providers to provide required health care not available within the facility.” The Standards also provide that all new arrivals shall receive initial medical and mental health screening immediately upon arrival and an initial dental screening exam within 14 days of admittance to the facility.

At TGK detainees have experienced a wide range of problems with medical services, including untreated conditions, lack of dental screenings, prolonged and unjustifiable delays before receiving a response to sick call requests, and the inability to communicate with medical staff because of language barriers. They have also reported serious problems in receiving proper medications. It appears that TGK medical staff is not able to effectively accommodate the needs of the INS detainee population.

Medical care at TGK is in many respects deficient. The Standards explicitly require that a facility with 50 to 200 detainees, such as TGK, schedule a sick-call within three days

\textsuperscript{86} Detention Operations Manual; Detainee Services; Visitation (III) (I) “Visits by Legal Representatives and Legal Assistants,” (12) “Legal Visitation for Detainees in Administrative and Disciplinary Segregation.”
of the request: "Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting... Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. Sick call will be regularly scheduled in accordance with the following minimum standards: (2) Facilities with 50 to 200 detainees - a minimum of 3 days per week." At TGK, however, detainees report that it takes 10 to 12 days for detainees who have made a sick-call request to see a doctor.

Detainees report that serious medical conditions go untreated for long periods of time. One detainee suffering from a gynecological condition and who was scheduled for surgery on her uterus had the surgery canceled by the INS on the evening before it was to take place. She was never notified of the reason. Another detainee reports that she was seen by a staff doctor at TGK who refused to give her an over-the-counter medication for a yeast infection, insisting that she be referred to an ob-gyn. This detainee was never given a follow up referral to an ob-gyn. Another detainee reported that her yeast infection went untreated for two and one half months. This detainee was prescribed medication by an ob-gyn at TGK three times over the course of two months. The nurses at TGK, however, failed to dispense her medication despite multiple calls to the clinic by on-duty TGK unit officers and multiple detainee sick-call requests. She was finally given the medication a week before her release from INS custody and only after she had seen the ob-gyn for the third time, and the ob-gyn had to again write a prescription for her medication.

A detainee who suffers from epilepsy and other serious illnesses which prevented her from full use of her legs was not given a wheelchair or the daily care she required. While a wheelchair was provided to her at Krome, it was taken away from her when she was transferred to TGK. Instead, she had to use a walker and INS and TGK staff relied on other detainees to assist her with her daily activities, including showering, eating, combing her hair and using the bathroom. Because she was forced to move around without a wheelchair, she fell and broke her knee. INS officials promised they would pay the medical bills for her knee injury upon her release from detention but are refusing to do so since her release.

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87 Detention Operations Manual; Health Services; Medical Care (III) (F) “Sick Call.”

88 BW interview with --- and --- on or about 03/28/01.

89 BW interview with --- on or about 03/28/01. This detainee was scheduled for surgery at Jackson Memorial Hospital for her falling uterus.

90 BW interview with ----, K45 on 03/28/01 and on 05/07/01 (after she was released).

91 BW's client ----.
INS also does not provide the mandatory 14-day dental screenings required by the Standards. Not a single detainee interviewed by FIAC staff has received such a screening. Not only are detainees not screened for dental problems but, in fact, many report that TGK staff consistently ignore their requests for dental care. Detainees also report that the “dental care” provided at TGK is basically limited to tooth extraction. The Standards require that a variety of dental services (routine dental treatment) be provided including “amalgam and composite restorations, prophylaxis, root canals, extractions; x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee’s health.” Several detainees report having requested dental care for painful toothaches for over one month without any response from TGK personnel. The denial of dental treatment for pain relief is a violation of the Standards which require each facility to provide “[e]mergency dental treatment, which includes those procedures directed toward the immediate relief of pain, trauma, and acute oral infection that endangers the health of the detainee.”

Non-English speaking detainees report that they are unable to communicate with medical staff at TGK and have to resort to sign-language during the initial medical screenings and whenever they seek treatment. One long-term detainee in the asylum unit stated that she does not know of any Spanish speaking doctors at TGK. She told FIAC attorneys: “There are no doctors that speak Spanish either, and since I can’t speak English very well, I have to point at my joints and hips when they’re hurting. I can’t even ask them for calcium and estrogen supplements. No one in the infirmary understands me.”

The fact that TGK medical staff cannot communicate effectively with detainees poses a serious threat to the health and well-being of the detained population and constitutes a serious violation of the Standards, which explicitly require that INS facilities provide translators when needed. The Standards state: “If language difficulties prevent the health care provider/office from sufficiently communicating with the detainee for purposes of completing the medical screening, the officer shall obtain translation assistance. Such assistance may be provided by another officer or by a professional service, such as a

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92 BW interviews with detainees in K45 February through May 2001.

93 BW interview with --- K45 on or about 03/28/01.

94 Detention Operations Manual: Health Services; Medical Care (III) (E) “Dental Treatment.”

95 BW interview with ---, K45 on or about 03/28/01 and --- on 05/03/01.

96 Detention Operations Manual: Health Services; Medical Care (III) (E) “Dental Treatment.”

97 BW interview with ---, K45 on or about 03/28/01.

98 GF interview with --- on 06/08/01.
telephone translation service ... If needed translation assistance cannot be obtained, medical staff will be notified or the screening form will be filled out to refer the detainee to medical personnel for immediate attention.\textsuperscript{99}

The Standards also provide for detainee access to their medical records. Specifically, the Standards require that copies of medical records be released to the detainee upon request. They further require that "[d]etainees who indicate that they wish to obtain copies of their medical records will be provided with the appropriate form. The INS will provide the detainee with basic assistance in making the written request (if needed) and will assist in transmitting the request to the facility health care provider."\textsuperscript{100} The INS is not in compliance with this Standard because medical records at TGK are so difficult to obtain that they are practically unavailable. FIAC staff has requested the assistance of the INS in obtaining their client's medical records. The INS has provided no assistance and has instead referred FIAC to TGK officials.\textsuperscript{101}

Conclusion

INS is not in compliance with the Standards relating to medical care and fails to provide basic health and dental services to its detainee population. INS fails to provide timely medical care, including the mandatory 14 day dental screening, and does not obtain the translator services necessary to be able to communicate with detainees needing medical services. Serious and painful medical conditions go untreated for months. INS has not provided reasonable procedures for detainees to obtain copies of their medical records.

SUMMARY

The INS' treatment of the female detained population at the Turner Guilford Knight Correctional Center does not comply with the Detention Standards of the Detention Operations Manual of November 2000. Despite assurances that INS would comply with the Standards by March 1, 2001, FIAC has determined that even some of the most basic aspects of the Standards are not being met, including the lack of appropriate attorney and family visitation facilities and procedures, lack of a suitable law library and reasonable access to it, lack of detainee handbooks, lack of adequate medical treatment, lack of functioning grievance procedures and substandard food service.

\textsuperscript{99} Detention Operations Manual; Health Services; Medical Care (III) (D) "Medical Screening (New Arrivals)."

\textsuperscript{100} Detention Operations Manual; Health Services; Medical Care (III) (M) "Confidentiality and Release of Medical Records".

\textsuperscript{101} BW requested the assistance of the Deportation Officer, but was referred to TGK medical staff.
Appendix C: Policies


5. Turner Guilford Knight Correctional Center, Overview.

6. INS Contract with TGK.

STATEMENT

By: Robert A. Wallis
INS Florida District Director

The Miami District of the U.S. Immigration and Naturalization Service (INS) announces that the Krome Service Processing Center (Krome) is relocating its female detainee population to the Turner-Guilford-Knight (TGK) Correctional Center in Miami-Dade County to ensure those detainees the most safe, secure and humane detention conditions possible. We anticipate that approximately 90 females will be moved to the facility.

We believe that TGK will offer the best possible conditions for these women who are detained while their immigration cases are active. TGK is a modern, full service facility, conveniently located in Miami-Dade County near Miami International Airport and close to the groups and attorneys providing outside support to many female detainees. The TGK facility will provide INS detainees with increased privacy. They will live in separate rooms, with one or two detainees per room. In addition, TGK will assign only female guards to our female detainees. The detainees will be allowed family visitations on alternating days and their attorneys will have 24-hour, seven-day-a-week access to them. Access to modern medical facilities is available on a 24-hour basis. INS detainees will have access to telephones, recreational activities, a law library, and educational programs. TGK will house INS females separately from other inmates and will further separate INS detainees into criminal and non-criminal housing pods, providing for improved safety and security.

Moving our female detainees from Krome is part of a comprehensive plan we have been working on for several months. In September of this year an evaluation team from the Department of Justice and Bureau of Prisons visited Krome and conducted an independent assessment of the facility. The assessment team confirmed our belief that there were several areas in need of change at Krome, including the need to move females from the facility. The final decision to relocate the female detainees was made by the Miami District management team, in close consultation with the INS Eastern Regional Office, INS Headquarters and the Department of Justice. We were able to take advantage of an existing Inter-Governmental Agreement (IGA) between the U.S. Marshal’s Service and the Miami-Dade County Department of Corrections for housing at TGK. We have modified the IGA so that TGK will comply with the 36 INS Detention Standards and the 57 Department of Justice Core Detention Standards.

The entire staff of the Miami District has worked closely with our community partners in developing and implementing the changes that we are making at Krome, beginning with today’s announcement of the transfer of female detainees. We have been in contact with our Krome Stakeholders – those in the community who have a vested interest in Krome – and we have listened to their concerns. I believe we are responding to those concerns and will continue to do so. As I mentioned, TGK is a facility that offered what we needed. INS officers will be on duty daily at TGK to assist with issues unique to INS and to provide for enhanced case management.

Our efforts to improve our procedures and facilities will not stop with this transfer of female detainees. I want to ensure the community that the INS Miami District will continue its efforts to improve Krome. With the continued help of our own agency, and more importantly, the local community, we will achieve that goal.

-INS-

December 12, 2000
KROME STAKEHOLDERS MEETING
DECEMBER 12, 2000

AGENDA

1. Transfer of female detainees from the Krome Service Processing Center to the Turner-Guilford-Knight Correctional Center in Miami-Dade County

2. Observation by Maria Dominguez, St. Thomas University Human Rights Institute, regarding Larkin Hospital and Jackson Hospital, and the United Nations Code of Detention Standards

3. List of telephone numbers for county jail jurisdiction, and list of telephone extensions for Krome deportation officers

4. Fax number for day-in-advance requests from attorneys for detainee visitation

5. Re-issue 90-day release policy to ensure officers are on board

6. Log-in procedure to ensure that detainees are brought to see attorneys, and to determine attorney arrival and departure
PLEASE DELIVER TO:

Cheryl Little

KROME STAKEHOLDERS
December 12, 2000
MEETING NOTES

Main Topic: Transfer of Female Detainee Population
from Krome Service Processing Center

MEETING PARTICIPANTS:
U.S. Department of Justice and INS Representatives --
Jennifer Prior, Deputy Associate Attorney General, U.S. Dept. of Justice
Tony Tangeman, Director, Detention and Removal, INS Headquarters
Anne Corsano, Acting Assistant Regional Director for Detention and Removal
INS Eastern Regional Office
Robert A. Wallis, INS Florida District Director
John J. Bulger, INS Florida Deputy District Director
John Shewairy, INS Florida District Chief of Staff
Daniel N. Vara, Chief Counsel, INS Florida District
Erich Cauller, Director, INS Asylum Office
Rene Mateo, Office of Chief Counsel Representative for Stakeholders meetings
Kathy Weiss, Acting Assistant District Director for Detention and Removal
William M. Cleary, Acting Officer-in-Charge, Krome Service Processing Center
Phil Baglio, Director of Operations, Krome Service Processing Center
Jan Lepore, Supervisory Administrative Support Specialist, Krome
Dave Wing, Officer-in-Charge, Bradenton
Kirsten Warwar, Director, Public Health Service Facility, Krome
Ivette Rodriguez, INS Florida District Community Relations Officer
Community Representatives --

Peter D. Coats, Catholic Charities, Archdiocese of Miami
Cheryl Little, Florida Immigrant Advocacy Center
Maria Isabel Casablanca, American Immigration Lawyers Association President
Elena Diaz de Villegas, American Immigration Lawyers Association (AILA)
Alex Solomiany, AILA Representative to Krome
Maria R. Dominguez, St. Thomas University Human Rights Institute
Randy McGrorty, Catholic Charities Legal Services
Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of
Miami-Dade and Broward Counties
Chaplain Bush (for) Rev. Jose Hernandez, South Florida Jail Ministries/AGAPE
Jack Wallace, Florida Immigrant Advocacy Center
Siro del Castillo, Christian Democrat Commission of Human Rights
Jill Sheldon, Catholic Legal Immigration Network (CLINIC) --
Barbara Kamali, American Immigration Lawyers Association
Rebecca Sharpless, Florida Immigrant Advocacy Center
Boris N. Wijkstrom, Florida Immigrant Advocacy Center
Samuel E. Diaz, Detention Ministry, Archdiocese of Miami

WELCOME AND INTRODUCTIONS --
(John Shewairy, INS Florida District Chief of Staff)

Main topic for today is the removal of the female detainee population from the
Krome Service Processing Center (Krome) to the Turner-Guilford-Knight (TGK)
Correctional Center in Miami-Dade County

OPENING REMARKS--
(Robert A. Wallis, INS Florida District Director)

Main agenda item for today is TGK. Last meeting, we talked about some
important decisions on a comprehensive plan for Krome. Over the past three
years, we have formed this partnership so we could discuss concerns,
perceptions and issues, in order to address and resolve them.

Today is a real-time issue: the decision has been made to discuss the transfer
of female detainees from Krome to the TGK facility. We have an ongoing
dialogue and we will meet as often as you deem it necessary. Our commitment
is to continue that dialogue. Together, we have developed some core values
and standards: access, safety, humane treatment.

We did not want to locate the females far from Krome, so you could continue
your immigration work. You have helped us identify unique challenges, such
as medical care, attorney visitation, non-commingling of INS detainees with
criminal population, privacy.

The Krome facility was never designed for detention. The decision to transfer
the female detainee population from Krome was the correct decision. At the
TGK facility, the female population will continue to have access to a law library
and education programs through Miami-Dade County.
The transfer of the female detainee population represents a turning point in our long-term strategic plan to improve Krome; it is a partnership with Miami-Dade County, and it is important that you remain involved in the process. At TGK, INS and U.S. Department of Justice detention standards will be applied; Miami-Dade County has agreed to add additional components to meet those standards.

We also have agreed to implement the things that detainees are most concerned about: good food, good health care, and the status of their cases. INS Detention Officer Letty Henfling is at TGK to manage female detainee cases. We wanted female detainees to stay in the area, and TGK is minutes from Krome, and within easy access.

Description of TGK facility: I have seen some of the pods, and they are designed in such a way that there is a feeling of community within the pods. Detainees can decorate, the pods are very communal and can be personalized, although, as in any detention facility, the setting is albeit one of severity.

As always, we are willing to hear your concerns and will work on remedial actions.

**COMMENTS AND SLIDE PRESENTATION ON TGK FACILITY**

*(William M. Cleary, Acting Officer-in-Charge, Krome)*

Agrees with everything said by Mr. Wallis. It is unusual that a detention facility has let us do this, but TGK has allowed us to take photos of the facility. The Corrections and Rehabilitation Department of Metro-Dade County, Florida, is proud of the services they offer detainees.

(Slide/Photo Presentation of TGK Facility was shown).

The TGK facility is 11 years old; it's a state of the art facility in terms of electronics, surveillance, security, and ability to move people.

In each pod, there is a "day room," or living area for detainees. Each pod has two areas, the downstairs and the mezzanine. There are single, individual areas for the rooms. Would like to see all detainees in private rooms. Currently, some detainees have private rooms and some are double-bunking. Most detainees, however, will be by themselves.

There is a pod officer and Miami-Dade will have one person, 24 hours a day, around the clock. There will be direct supervision under a concept which enables detainees to have direct contact with officers. There is an ombudsman for the detainees, who can refer a detainee for psychological care.
INS will also have a presence, 24 hours a day. Letty Henfling will be at TGK for detainee cases Monday through Friday, 8 a.m. to 4:30 p.m., and is the only detention officer assigned to the females at TGK. This kind of contact is called unit management. In addition, there will be an INS Detention Officer on-site, 24 hours a day, seven days a week, when Letty Henfling is not there.

Telephone access: there will be phone access with telephone numbers programmed in, which is even better than at Krome. There is also a number for detainees to be able to air grievances.

Attorney contact visitation rooms: there are visitation rooms for attorney visits, with more direct access than there was at Krome. We don't want to have attorneys waiting to see clients. It may take a little bit more time, the first time an attorney goes to TGK. Please note that TGK doesn't like cell phones being brought in.

Safety precautions: at TGK, safety precautions include: self-contained breathing apparatus in case of fire (have to qualify on a yearly basis, all our officers will be trained on this); sprinklers (sprinklers are key if we have a fire in the building; this is part of what makes TGK a modern facility). Every time we walk through TGK, we are more impressed with their safety and security.

TGK amenities: doors close in the shower facilities; other units at TGK actually have shower curtains with flowers. Once individuals move in, they can turn it into their own space, make it more "homey." TGK has agreed to work with our staff on this. In individual sleeping quarters, along with a bed, there is a personal desk area, with the toilet on the other side from the bed. There is regard for personal privacy, which is important. This is the kind of setting for which our ladies have asked. Upstairs, there is a non-contact visitation area. There is a kitchen/dining/food service area in the living unit. Food offerings are comparable to "Appleby's," after which the TGK food service is modeled after. Detainees can bake cakes and other foods in their unit.

Men and women: there will be no commingling of men and women when dining; women will dine in their own area.

Criminal and non-criminal detainees: there will be two separate and distinct units for criminal and non-criminal detainees, and there will be no commingling between criminal and non-criminal detainees. We will maintain the separation.

Law library: the unit will have its own separate law library, with five computers with CD roms, INS inserts, CFR, Immigration Act, and statutes. In addition, computer disks will be provided for detainee use, so that detainees can save their work and to ensure privacy. In addition, computer disks will be introduced as a commissary item and available for purchase there.
Recreation: outdoor recreation includes basketball, handball, racquet ball.

Laundry: each unit also has its own washer and dryer, since detainees usually want the capability to wash their own items and don't always want to go through the laundry facility.

Commissary: the TGK facility has a commissary with almost 300 items. TGK has housed females since the facility first opened, and the commissary features items to meet the needs of female detainees.

Asylum interviews: in the future, asylum interviews will be conducted at the TGK facility, including the initial assessment. A 27-inch television with VCR will be available.

"Know Your Rights" presentations: there will be "know your rights" presentations at TGK, similar to those currently being conducted at Krome. In addition, INS will be working on video presentation of same.

Medical: TGK will have a larger medical staff; there is 24-hour medical care availability; all emergencies are handled; medical referrals are made to Jackson Memorial Hospital, which has a contract with TGK, similar to the Krome contract with the Public Health Service.

Detention: important to know Miami-Dade County's approach to detention. Miami-Dade County is one of the top jails in terms of administration, and are willing to work with INS. TGK administration and staff want to be helpful.

OPEN FORUM/QUESTIONS AND ANSWERS:

Maria Dominguez, St. Thomas University Human Rights Institute --
Question: Capacity of the units?
Response (Bill Cleary): There are 64 beds to each unit. If we need more, we'll seek them out.

Bob Wallis, INS Florida District Director --
Question: Female detainee population?
Response (Bill Cleary): Approximately 80 female detainees; 55 non-criminal detainees; 28 are criminal detainees; average stay is 3-4 months. Before, there were 125 female detainees, but, thanks to Asylum, those numbers have gone down; we are working the asylum cases.

Randy McGrory, Catholic Charities Legal Services --
Question: Are those numbers specific to Krome?
Response (Bill Cleary): yes.
Question: How about others?
Response (Bill Cleary): Haven't taken a look at that yet; thought would handle Krome first.
Bob Wallis, INS Florida District Director --
Question: Any others?
Response (Dave Wing): We have some (female detainees) in Sarasota County.

Maria Isabel Casabianca, American Immigration Lawyers Association --
Question: What about phone access to deportation officers by attorneys?
Response (Bill Cleary): There is a line being installed, and we'll post the phone number in our lobby. We'll have the telephone number available at the next Krome Stakeholders meeting. It's an FTS line; rings in the TGK pod.
Question: Can you call detainees directly?
Response (Bill Cleary): No. No detention facility does that.

Maria Dominguez, St. Thomas University Human Rights Institute --
Question: What is the asylum process?
Response (Bill Cleary): Detainees will go directly to TGK, they will no longer come/go to Krome. There will be a mailbox at TGK, and the file will accompany the detainee. The deportation officer will process the case.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties --
Question: What government entity made the decision to move the female detainee population from Krome; was it just the INS?
Response (Bob Wallis): The decision was made in consultation with, and coordinated with, the INS Headquarters and Eastern Regional Office.
Question: Was it thought that in a high security prison, female detainees would be better protected from sexual harassment?
Response (Bob Wallis): There were lots of reasons for the transfer. Krome was not designed to be a co-educational (male/female) facility. This was part of our comprehensive plan. We also needed to meet your expectations, and what the females wanted: where could we find bed space? TGK seemed the best alternative. And we will continue to need your input for non-releasable, long-term detainee population.
Question: Are you paying TGK for housing the female detainee population?
Response (Bob Wallis): There was an already existing intergovernmental agreement with the U.S. Marshals Service. The intergovernmental agreement ensures that INS and U.S. Department of Justice standards are met.
We are paying for this. Response from Bill Cleary: We are paying $82.37 per day, per detainee. Response from Bob Wallis: We pay for contractual space.

Cheryl Little, Florida Immigrant Advocacy Center --
Concerns: Non-contact and contact family visits; hours of recreation; are detainees going to court downtown; will detainees be released after they pass their credible fear interviews.
Response (Bill Cleary): Once a month, a contact visit can be made. If there are small children, we'll make special accommodations.
Cheryl Little, Florida Immigrant Advocacy Center --
Question: Contact and non-contact family visits?
Response (Bill Cleary, continued): Contact visits may be more than once a month in the future. Non-contact visits allow more visits than at Krome. Family visits can occur every other day; don't have the hours memorized, but hours of visitation are greater than they are at Krome.
Question: How much recreation time is there?
Response (Bill Cleary): Recreation time hours are from morning to dusk. There are no limitations on going outside at TGK. The door is not locked, so detainees can go outside for recreation.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties --
Question: Can the detainees see sun, trees, sky?
Response (Bill Cleary): Yet, every room has a window to the outside in it. Recreation outdoors is not under cover; there is no awning. Detainees have direct sunlight coming in. There are no trees, though.

Cheryl Little, Florida Immigrant Advocacy Center [FIAC] --
Question: Like in Monroe County?
Response (Bill Cleary): Yes.
Question: If female detainees pass a credible fear interview, will they be released quickly?
Response (Bill Cleary): Yes.
Question: Where are female detainees going to court?
Response (Bill Cleary): At Krome.
Comment: We can appreciate how challenged INS officials have been with the allegations. FIAC has a number of concerns regarding decisions that have been made. It was noted in news articles that the decision to transfer the female detainees was made in consultation with advocacy groups. That is not true. (Cheryl Little) wrote letter to the Attorney General (Janet Reno) regarding concerns. Transfer of female detainees is punitive. TGK is a jail. Also, concerned about detainee access to attorneys; doesn't know how they're going to be able to represent these females; especially those claiming asylum with credible fear cases. We now have a phone number at Krome where detainees can call us for free. Also, we have "Know Your Rights" presentations. We don't have these at TGK. Also, we are concerned about non-family and contact visits. Wrote letter to Attorney General Janet Reno: women who can be released should be released. These women at TGK are being punished; the ones who should be punished are the officers. We wish we had been consulted about the transfer of female detainees beforehand. You are fixing one problem and creating another. The Women's Commission for Refugee Rights of Women will be getting a news release out on this. Sure Amnesty International and the refugee rights community will be upset at this.
Elena Diaz de Villegas, American Immigration Lawyers Association --
Comment: Didn't know about the transfer of women; however, what other alternatives do we have? Cheryl, what would you suggest for detainees?
Response (Cheryl Little): Quasi-jail and non-punitive facilities. There have been contracts in the past with Catholic organizations. The Commission for Refugee Rights for Women and Children have recommended more appropriate facilities, but we never had that conversation.

Peter Coats, Catholic Charities, Archdiocese of Miami --
Comment: Has been in contact with the Most Rev. Bishop Thomas G. Wenski, who has decided not to take a position on the facility. Concerned that asylum seekers with no criminal background are not being released. Still concerned that INS focus is on detention, as opposed to release. Will review documentation.
Response (Bob Wallis): There are no boundaries as to what we can talk about. Issued of continued detention is not an issue because we have legislation regarding this. The 1996 law is statute, and the District is not able to turn this around. The issue should be: process. The issue of continued detention is not just a Krome discussion. If this is perceived as punitive, then we need to work on this. Krome is not designed to be a co-ed detention center. From the first day, I made it clear that there would be no children and no families at Krome. We can't manage Krome, so long as it is a co-ed facility. Our mission at Krome should be: males pending removal or pending release. Problems at Krome are directly related to population management. We are talking about alternatives with Tony Tangeman and Jennifer Prior, who are working on the issue of alternative facilities.

Jennifer Prior, Deputy Associate Attorney General --
Comment: Women who can be released should be released; however, there is a need for detention. So what is best: Bureau of Prisons or an alternative facility? Everybody who has come to Krome has determined that females do not belong at Krome. The physical design of this facility should house one gender only, and it should be males. Tony Tangeman will talk about shelters and half-way houses, but now, in Miami-Dade County, this is not a viable alternative. I'm very excited about TGK. They're going to have services at TGK that they won't have here at Krome. We have taken the U.S. Marshals service contract and added more stuff. Have made this into a model contract. This is an exciting opportunity for women at Krome. This is a cure not a curse, a remedy not a punishment. TGK offers more services and more humane living conditions. I encourage you, before you go out and call this punishment, to give us the opportunity to convince you that this is not punishment.
Comment by Cheryl Little: We wish you had talked to us beforehand. What about phone calls?
Comment by Jennifer Prior: We are here to discuss your concerns.
John M. (Jack) Bulger, INS Florida Deputy District Director

Comment: This is what the Stakeholders is all about. It would be unthinkable to house these women where there is no access to services. This operation is going to have a level of detention services not seen before. There are video, teleconferencing, and all kinds of other options that we still haven't explored. This is a facility within a facility. And calling it a maximum security prison is not warranted.

Daniel N. Vara, INS Florida District Chief Counsel

Question: What part of the (attorney) representation process is not being addressed? We already have spoken about asylum cases. If there are any other representation issues affecting detainees, we'll address them.

Response (Cheryl Little): We don't want to slow down the credible fear process. And there is no way we can address these at Krome and at TGK at the same time.

Cheryl Little, Florida Immigrant Advocacy Center

Comment: If we had been consulted before [about the transfer of female detainees]...No one wants to have females at a facility where they're going to be abused. We thought there were going to be some conversations before this announcement [of the transfer of female detainees from Krome to TGK]. We are still concerned about access. Except for the conduct of some INS officials, we would not be addressing this.

Response (Bob Wallis): This has been part of the strategic plan for this facility (Krome): it's population management.

Comment (Cheryl Little): I keep hearing this is a new decision.

Comment (Bob Wallis): Last meeting, we spoke about the allegations concerning a small number of individuals, rogue officers who are currently under investigation. The majority of men and women at Krome are doing a good job. Bill Cleary is doing a good job. Men and women at Krome are working hard under difficult circumstances, under a dark cloud. I have always said that Krome is a processing center.

Comment (Jack Bulger): There is a certain percentage of the detainee population that is housed at another facility. One a per capita basis, you'll have a greater opportunity to meet with clients, more than at Krome. Some kind of move is inevitable.

Comment (Bob Wallis): Assessment teams made the recommendation in July that we should remove the females from Krome.

Comment (Elena Diaz de Villegas): It's AILA's decision that asylum seekers should be released. We also have the same problems with people at shelters. They're not going to have the same medical facilities and other services. And at shelters, you won't have the same access you have now. I have not read your letter to the Attorney General, so I don't know what it says.
Randy McGrorty, Catholic Charities Legal Services
Comment: This (the transfer of female detainees from Xrome) should have been addressed long ago. I'm a little concerned why we're meeting here. I'm concerned about the purpose at this meeting. I'm shocked that you didn't address this with us before. I've been getting calls about this meeting...so many rumors. If you're serious about community input...
Ms. Prior, we are not talking about "spin." Are we supposed to just rubber-stamp the decision that you have made?
Comment (Bob Wallis): This is supposed to be a dialogue, but I said from the beginning that there would be some decisions that we will have to make, that I will have to make. There will be times when we will make operational decisions.
Comment (Cheryl Little): All we're asking is that we as a group have input into decisions. I wish we could have had input and a meaningful dialogue, along with the Commission for Refugee Women.
Comment (Jennifer Prior): You're wrong, you've had input.
Comment (Cheryl Little): We've requested a meeting on this issue.
Comment (Jennifer Prior): Every issue you've raised is also our concern. We've spent a long time trying to have your concerns considered. There are no new concerns. We've tried to be responsive to your Sept. 24 letter, the Commission's input, and prior Krome Stakeholders meeting. We are here to explain our decision to you. At some point, there is a decision to be made.
Comment (Cheryl Little): We haven't had the opportunity...
Comment (Jennifer Prior): You said release the women, and, if not, put them in half-way houses. This is not a viable option in Miami-Dade County. These women have to be in a secure environment. You have had input, and we've taken this into consideration.
Comment (Randy McGrorty): You are telling us after-the-fact. You're saying, "Just trust us." You would have had more support if you had been talking to us.

Peter Coats, Catholic Charities, Archdiocese of Miami
Comment: I was told that INS District Office wanted to have certain conversations around the agenda. I made clear that you were setting yourselves up without substantive discussions. I told two INS officials that, unless we had dialogue, this was going to be a show-and-tell. And, when we asked for dialogue, it was rebuffed. And this is why we are not taking a position. We will look at this.

Maria Dominguez, St. Thomas University Human Rights Institute
Comment to Cheryl Little: You didn't meet with the Attorney General?
Response (Cheryl Little): No, we didn't get to meet with the Attorney General. We wanted to be heard, but we never had the opportunity to be heard. The Commission for Refugee Women and Children on October 24 requested a meeting to further discuss our concerns. And then we got a call from Jennifer Prior that they would be following up. We were told that we could not meet with the Attorney General, but that we would be meeting with someone else.
Comment by Jennifer Prior: This is the meeting.
William M. (Bill) Cleary, Acting Officer-in-Charge, Krome —
Comment: What about the newspaper article that you met with the Attorney General to discuss this? The newspaper article said the same thing: whether it's release or a half-way house, INS is looking at the welfare of women.
Comment (Cheryl Little): You shouldn't be quoting "The Miami Herald" article. I have expressed my concern.
Question (John Shewairy): What would you suggest we proceed with at this point?

Cheryl Little, Florida Immigrant Advocacy Center —
Question): When are you planning on moving these women—today, tomorrow?
Response (Bill Cleary): We often move detainees without consulting attorneys. It's part of our responsibility to move detainees. We have the best interests of the detainees at hand. We appreciate that you have an office here, but it's not always fully staffed. Your main office is in downtown Miami. This (the transfer) is being done for the benefit of the detainees. As far as the movement of females, it hasn't been done yet. We are intently listening, we are here. We could see your concern if we had moved them already.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties —
Comment: We've heard the concerns about contact visits, phone calls, access to attorneys. Detainees are being deprived of these things. Can INS address these issues? For example, can families have contact visits? What about detainee access to phones?
Response (Bob Wallis): TGS meets or exceeds access, according to the detention standards.
Response (Bill Cleary): What we're looking to do at TGK is program the phone numbers for pro-bono attorneys. Detainees will have access to pro-bono attorneys. We want to make access available to pro-bono attorneys.

Robert A. (Bob) Wallis, INS Florida District Director —
Comment: It's important that you hear from me where we go from here with our Stakeholders group. I think it's damaging to hear from you that, "You (INS) are ramming things down people's throats." I take seriously that we have imperiled the trust. When I can get you (Krome Stakeholders) involved at the pre-decisional level, I will do this. But it's tough to do this sometimes. I think we all have to be committed. I care about what our Stakeholders say. But our first responsibility is the safety and security of our women detainees. And, secondly, the safety and security of our officers. We've been talking about this for a long time, and how to improve Krome. We've had some tough issues with which to contend.

Maria Isabel Casablanca, American Immigration Lawyers Association —
Comment: I have been in the U.S. military for ten years, so I know about male/female situations. I agree with any plan that reduces Krome of its burden (of detaining males and females). The question is: what do we want for women detainees? First is freedom; but we can't always have that. So we want safety and security. We need to focus some of the burden on the U.S. Congress. FIAC is important because it provides representation we can't.
Randy McGrorty, Catholic Charities Legal Services --
Question: What about a subcommittee to look into these [TGK] issues?
Response (Jennifer Prior): I think that's a great idea.
Response (Bob Wallis): I like it.

Maria Dominguez, St. Thomas University Human Rights Institute --
Comment: I never heard about the issue of half-way houses.
Response (Tony Tangeman): The official response is that alternatives to detention is something we'll be looking at. We agree that detention is not something we want to do on a routine basis.

Maria Dominguez, St. Thomas University Human Rights Institute --
Question: What would be the INS position on having asylees released?
Response (Tony Tangeman): The statute doesn't give us the ability to release asylum applicants at airports.
Comment (Bob Wallis): From the District's perspective, that would not be appropriate. Once credible fear is determined, then we make the decision to release. (Issues to consider) Are they a flight risk? Are they a risk to the community?

Siro del Castillo, Christian Democrat Commission of Human Rights --
Comment: Because I didn't come to past meetings, I have kept my mouth shut. We say we want freedom for our clients; We say that half-way houses is not a good alternative. I would sacrifice services for more freedom. We don't want to have people who don't belong behind bars, behind bars.

Alex Solomiary, American Immigration Lawyers Association --
Comment: This is the best alternative that they [INS] looked at. We would hope that INS is looking at better ways of managing their facilities. Whether or not I agree, doesn't mean INS is not transferring females to another facility.
Comment (Bob Wallis): This is a national policy issue. This is the best goal.

Samuel E. (Sammy) Diaz, Detention Ministry, Archdiocese of Miami --
Comment: I know all the detention facilities in the area. I've got a chaplain's pass. But people who don't have a pass, they have to wait an officer, in order to be escorted to the unit, and it takes time. And that's the only concern that I have.
Response (Bob Wallis): We'll look into the escort issue.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties --
Comment: I have concerns about family contact and the very limited contact.
Response (Bob Wallis): My perception is that there is greater access than at Krome.
Response (Bill Cleary): Same contact, but different policies.
Response (Bob Wallis): Visiting hours are Monday through Friday, 8 a.m. to 1 p.m., on alternating days based on the last name. Attorney access is 24 hours a day. Once a month, there is direct contact, or on an "as requested" basis. Mr. Cleary will work on this.
Maria Isabel Casablanca, American Immigration Lawyers Association --
Comment: What is the phone number for arranging visits?
Response (Bill Cleary): I'll be getting it to you.

Boris Wijkstrom, Florida Immigrant Advocacy Center --
Comment: We have passed out a list on detention conditions at Krome. Can this be included in the minutes?
Response (Bob Wallis): Wouldn't it be best to have these as agenda items?

Boris Wijkstrom, Florida Immigrant Advocacy Center --
List of concerns:

1. Phone access at Krome. There are 3-5 telephones that are broken. There are many broken phones. Difficult to have attorney access to detainees.

2. Copy-machine is broken.

3. Abuse guards, racial slurs.

4. People are not being reviewed on time.

5. We appreciate your efforts to do human rights presentations, but we are experiencing undue delays.

6. Attorney visitations get cancelled because of counts.

7. Detainees don't get their meals because of counts.

8. One deportation officer is handling 120 cases.

9. Females are afraid of filing grievances due to fear of being transferred to county jails.

10. Medical care.

Comment (Bob Wallis): I encourage you to get together with Bill Cleary to see if these are isolated or systemic issues.

Comment (Bob Wallis): The issue of abuse: we need to know what officers, when, where is it happening.

Comment (Bill Cleary): We know there are phone problems, but we are fixing them. The copier, when it breaks down, we get it fixed. INS Headquarters is working on a new booking system to improve detainee counts.

Response to previously submitted request (Bill Cleary): I have a list of deportation officers with their extensions that I will pass out.
KROME STAKEHOLDERS MEETING
DECEMBER 12, 2000

AGENDA

1. Transfer of female detainees from the Krome Service Processing Center to the Turner-Guilford-Knight Correctional Center in Miami-Dade County

2. Observation by Maria Dominguez, St. Thomas University Human Rights Institute, regarding Larkin Hospital and Jackson Hospital, and the United Nations Code of Detention Standards

3. List of telephone numbers for county jail jurisdiction, and list of telephone extensions for Krome deportation officers

4. Fax number for day-in-advance requests from attorneys for detainee visitation

5. Re-issue 90-day release policy to ensure officers are on board

6. Log-in procedure to ensure that detainees are brought to see attorneys, and to determine attorney arrival and departure
KROME STAKEHOLDERS
September 12, 2000
Meeting Notes

Correction from Previous (July 18, 2000) Meeting Minutes:

Comment from Maria Dominguez, St. Thomas University Human Rights Institute should have been noted as follows: “Concerns were raised a year ago about using Larkin (Hospital) instead of Jackson (Hospital). Have we thought about using Jackson instead of Larkin because of complaints?”

Comments from INS Florida District Director Robert A. Wallis:

Our challenge is to begin building public confidence. There have been recent, heinous allegations of sexual misconduct at Krome Service Processing Center (KSPC). But, we cannot call a press conference; rather, we need to have these investigations run their course. INS Headquarters and the Eastern Regional Office have been involved in looking at the situation, and have given us their support. An Executive Oversight Committee also has been formed, so that we can make recommendations to decision-makers in Washington, D.C. We know that the organizational structure at Krome must change, to ensure that our officers are correctly performing their duties.

The issues that we are hearing are nothing new. Important KSPC issues: continue to be: leadership, facilities, long-term vision plan, and accountability. Oversight, prevention, and holding people accountable are paramount.

The departure of Ed Stubbs as Officer-in-Charge has set us back, and we are once again in transition. Bill Cleary, who is serving as Acting Krome Officer-in-Charge, is experienced in the operation of detention facilities, as well as the policies and procedures involved in detention and removal issues. Mr. Cleary has made his top KSPC priorities: elevating grievances, taking immediate action, and making supervisors and staff accountable.

We are aware of the sensitivity of the ongoing investigations. In the past 24 years, we have referred 193 complaints of misconduct, from minute to important. Five individuals have been removed from KSPC since we have been here. We take allegations of misconduct seriously, but we cannot summarily fire people and put them in jail. We have to follow due process. Currently we have approximately 13 individuals at the District who are under investigation.
Q&A’s

1. What actions are being taken by INS at the Krome Service Processing Center?

   The Florida District of the U.S. Immigration and Naturalization Service (INS) is transferring all female INS detainees currently housed at the Krome Service Processing Center in West Miami-Dade County, to the Turner-Guilford-Knight (TGK) Correctional Center, also in Miami-Dade County.

2. Why is INS doing this?

   The reason for the transfer is to provide greater safety and security for the female detainees. At the same time we will make Krome a facility used only to lodge male INS detainees while their immigration cases are active. Our goal is to move Krome forward by improving our management of the facility and further concentrating on the quality of the conditions of detention.

3. When will the females be transferred and will family members be notified?

   Because of security reasons, we do not provide the specific dates of transfers of any INS detainees. We anticipate though that the transfer will occur soon. As soon as possible after the move, we will notify their legal counsel. Once the females are at their new location they will have the opportunity to inform family members.

4. Why was the TGK facility chosen?

   TGK is a modern, full service facility that offers the safe, secure and humane conditions we wanted. INS officers will be assigned to the facility, visitation hours are provided on alternating days based on last name, attorneys will have access to their clients 24-hours a day, and medical personnel and facilities are on site to respond to a variety of medical needs. More complex medical care is provided under a contract between TGK and Jackson Memorial Hospital. Additionally, TGK offers educational and self-improvement courses such as the GED program and Alcoholics Anonymous, to name a couple. Detainees will have access to telephones, some of which are automatically programmed to connect to local foreign consular offices, the Office of the Inspector General, and assistance groups.

   At TGK, INS female detainees will be housed separately from non-INS detainee populations. This is particularly important as it provides for greater safety and security of INS female detainees.

5. Does TGK have medical facilities and what has INS done to ensure that female detainees will receive quality medical care?

   Yes. Immediate medical care is provided 24-hours a day, seven days a week. For medical situations that require more in-depth medical attention, TGK is contracted with Jackson Memorial Hospital (JMH) in Miami, which provides the full range of routine and emergency medical care.

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medical services. The U.S. Public Health Service (PHS), the agency that provides medical services to detainees at INS-owned detention facilities, has inspected the TGK medical operation and determined that it meets INS requirements. They will also remain available to consult on detainee health issues.

6. Will family members and attorneys be able to visit INS detainees at the TGK facility?

Yes. Family visitation occurs Monday through Friday, alternating days based on last name, from 8:00 a.m. to 1:00 p.m., and 7 p.m. to 9:30 p.m. Attorneys who represent INS detainees may visit with their clients anytime, 24-hours a day, seven days a week.

7. Will the female INS detainees be housed with non-INS detainees at TGK?

No. All female INS detainees housed at TGK are separated from the non-INS detainee population. Under the contract currently in effect with TGK, two self-contained housing pods consisting of 64 beds each, will be used by INS. Each housing pod has its own dining facility, recreation area, and visiting areas. Also, INS female detainees are further separated into criminal and non-criminal groups. These two groups will remain separated in their own individual pods.

8. Other than medical services, what other services will be available to the female detainees?

Detainees will have access to telephones, recreational activities and a law library. In addition, detainees will also have access to substance abuse programs and GED courses.

9. Does TGK meet the INS detention standards?

Yes. TGK will comply with INS' 36 Detention Standards and with the Department of Justice's 57 Core Detention Standards. As additional INS/DOJ Standards are issued or changed, TGK will be required to comply with those standards.

10. Will INS personnel be assigned to TGK?

Yes. A female INS Deportation Officer, who has been working female cases at Krome for several months, will be assigned to TGK during normal office hours. In addition, female Detention Enforcement Officers will be assigned to TGK during after-hours periods.

-INS-
TURNER GUILFORD KNIGHT CORRECTIONAL CENTER

OVERVIEW

The Turner Guilford Knight (TGK) Correctional Center is a full service, state of the art generation jail. Opened in April 1989, TGK was built at a cost of $50 million and named in honor the three individuals who served the Dade County community before their demise- Joe Turner, Alvin Guilford and Clara Knight. Located at NW 36th Street and 72nd Avenue, this imposing multi-storied edifice accommodates about 1,000 male and female inmates in individual rooms, grouped in housing units, affording privacy and security to its residents. Juvenile male inmates are also housed at this facility. TGK is the only facility within the West Operations Bureau that engages in the full scale booking of inmates.

New Generation philosophy assumes that if an inmate is housed in as normal an environment as possible, under the circumstances, that inmate will act and respond in a relatively normal manner. Those exhibiting violent behavior will be reclassified into isolation within the facility or to another facility. This design is based upon the Federal Bureau of Prisons, “Functional Unit Management Concept”.

The management strategy requires direct supervision and the intent is to prevent negative behavior before it occurs. This “Proactive Supervisory” model relies on staff’s ability to supervise and interact rather than rely on structural barriers.

At the Turner Guilford Knight Correctional Center, the inmate population is accommodated in (19) general housing units of 46 rooms, (1) medical housing unit of 38 rooms, (1) administrative and (1) disciplinary detention housing units of 25 safety cells each. These housing unit groupings permit a wide range of classification possibilities as well as having one correctional officer assigned to each general and medical housing unit and (2) correctional officers assigned to the operating expenses for this design compared to the traditional design, permits more efficient use of manpower and results in an operational savings to the county taxpayers.

The individual rooms provide security for the inmates and their property while at the same time satisfies the basic human need for privacy and dignity.

During the day, when not involved in work details, education or religious programs, inmates are allowed to move freely from their rooms to an adjacent central dayroom or exercise areas, where they can relax, watch television or exercise. Officers maintain security by the using of electronic body alarms, telephones, the passive Surveillance System (intercom) and the use of hand-held radios.
Almost all inmate services occur within the living unit, such as visiting, attorney interviews, counseling, recreation, and dining, thereby eliminating the need for frequent and costly inmate movements. By locating both indoor and outdoor recreation in the housing unit allows the inmate to engage in these activities at will. This decentralized plan increased opportunities for inmate program participation, while the removal of barriers enhances the relationship between inmates and correctional staff.

The appearances of a "New Generation Jail Concept" are generally unlike that of traditional correctional facilities. The use of traditional jail furniture only occurs in special administrative or disciplinary segregation areas. Other areas receive residential or non-institutional type fixtures and furniture. Because vandalism is greatly reduced by the management style, fixtures are not usually broken and are considerably cheaper to purchase and replace if the need arises.

Having more than one television and telephone in each unit reduces friction among inmates. Laundry facilities are provided in each unit and the inmates are responsible for their own laundry.

It has been found that when the concepts of the "New Generation Jail" are incorporated into the design and operation of a correctional facility, incidents of inmate violence, vandalism, sexual assaults, and assaults on correctional officers have been reduced to a point of being virtually non-existent in comparison with other forms of incarceration.

It is precisely these concepts of housing inmates in a secure, environment combined with the concern for an individual's dignity and self-respect that have made the "New Generation Jails Concept" a success.

Those inmates requiring maximum security custody (administration segregation, and disciplinary segregation) are housed in rooms that follow the traditional detention facility philosophy including the use of control booths for observation and maximum hardware (metal door, stainless steel combination water closet and lavatory)

This facility is divided into small manageable components with reinforced secure common walls to enable staff to lock down independent areas to minimize surveillance requirements and provide a means to prevent the spread of disturbances.

Central control is the security center of the facility. All sallyports and security systems are monitored at central control. There are four (4) remote control areas, which can be overridden by central control. The annunciatory panels located within central control directly monitor all door alarms, correctional officer body alarms and door position indicators. Smoke detectors are installed in occupied areas as well as the air conditioning and ventilation ducts serving those areas. These smoke detectors activated the emergency smoke evacuation system and provide a signal to the fire alarm panel. Supply fans feed 100% outside air into contaminated areas to insure positive air pressurization.
All housing and administrative areas are protected by an automatic fire sprinkler system monitored by central control, which has override abort capability in case of inmate tampering with sprinkler heads.

The Standards of the American Correctional Association (ACA) are generally accepted as the national standards for the design and operation of detention facilities. These standards are concerned with the environmental and operational characteristics of a facility in an effort to eliminate the violation of an inmate's constitutional rights while detained. They also apply to recreation, visitation, counseling, sanitation, space, ventilation and lighting conditions and medical and administrative functions.

A design in conformance with ACA standards which receives accreditation from the "Commission on Accreditation for Corrections" does not necessarily guarantee invulnerability to lawsuits alleging violations of inmates' constitutional rights; however, a facility which is designed and managed in accordance with ACA standards will have a positive effect on state and federal court rulings. Conversely, a facility that is not accredited is more vulnerable to lawsuits because its design or operation fails to comply with national standards.
**Intergovernmental Service Agreement**

**Housing of Federal Prisoners**

**Page 1 of 9**

<table>
<thead>
<tr>
<th>1. AGREEMENT NUMBER</th>
<th>2. EFFECTIVE DATE</th>
<th>3. REQUEST FOR DETENTION SERVICES (RDS) NO.</th>
</tr>
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<tbody>
<tr>
<td>04-01-0003</td>
<td>11/1/00</td>
<td>025-01</td>
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</tbody>
</table>

**4. ISSUING OFFICE**

UNITED STATES MARSHALS SERVICE
PRISONER SERVICES DIVISION
600 ARMY NAVY DRIVE
ARLINGTON, VA 22202-4210

**5. LOCAL GOVERNMENT FACILITY CODE(S)**

NAME AND ADDRESS: Mixed - Dade County Corrections and Rehabilitation Department 8660 W. Flagler Street Miami, FL 33144

Contact Person: Lois Spears, Director
Area Code & Telephone No.: (305) 229-7498

**6. APPROPRIATION DATA**

LSX1020

**7. ITEM NO.**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>SUPPLIES/SERVICES</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>This agreement is for the housing, safeguarding, and subsistence of federal prisoners, in accordance with the contents set forth herein.</td>
</tr>
<tr>
<td></td>
<td>ESTIMATED USMS PRISONER DAYS</td>
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<tr>
<td></td>
<td>2,400 PDs</td>
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<tr>
<td></td>
<td>$82.41</td>
</tr>
<tr>
<td></td>
<td>$197,784.00</td>
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</table>

**13. AGENCY CERTIFYING**

To the best of my knowledge and belief, data submitted is in support of this agreement is true and correct, the document has been duly authorized by the governing body of the Department or Agency and the Department or agency will comply with ALL PROVISIONS SET FORTH HEREIN.


**14. NAME AND TITLE OF LOCAL GOVERNMENT AUTHORIZED TO SIGN AGREEMENT**

(Signature) Date

NAME (Type or Print) TITLE

**15. PRISONER TYPE TO BE INCLUDED**

- [ ] Unsenvnted
- [ ] Sentenced
- [ ] Adult Male
- [ ] Adult Female
- [ ] Juvenile
- [ ] INS

**16. LEVEL OF USE**

- [ ] Minimum (0-249)
- [ ] Medium (250-999)
- [ ] Major (>1000+)

**17. NAME OF AUTHORIZING OFFICIAL**

Debra Brown
NAME (Type or Print) Debra Brown

(SIGNATURE OF CONTRACTING OFFICER) [Signature]

DATE: 11/3/00

PRIOR EDITIONS ARE OBSOLETE AND ARE NOT TO BE USED

FORM USM-1 (Rev. 3/99)
### Intergovernmental Service Agreement Schedule

**U.S. Department of Justice**

**United States Marshals Service**

<table>
<thead>
<tr>
<th>Intergovernmental Service Agreement Schedule</th>
<th>IGA No. 04-01-0008</th>
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</tr>
</thead>
</table>

### ARTICLE I - PURPOSE AND SECURITY PROVIDED

The purpose of this Intergovernmental Service Agreement (IGA) is to establish a formal binding relationship between the United States Marshals Service (USMS) and other federal user agencies (the Federal Government) and Miami-Dade County (the Local Government) for the detention of persons charged with or convicted of violations of federal law or held as material witnesses (federal prisoners) at the Miami-Dade County Corrections and Rehabilitation Department (the facility).

The Local Government agrees to accept and provide for the secure custody, care, and safekeeping of federal prisoners in accordance with state and local law, standards, policies, procedures, or court orders applicable to the operation of the facility. The USMS considers all federal prisoners medium/maximum security-type prisoners that are housed within the confines of the facility, at a level appropriate for prisoners considered a risk of flight, a danger to the community, or wanted by other jurisdictions.

### ARTICLE II - ASSIGNMENT AND CONTRACTING OF PROJECT-SUPPORTED EFFORT

1. Neither this agreement nor any interest therein may be assigned or transferred to any other party without prior written approval by the USMS.

2. None of the principal activities of the project-supported effort shall be contracted out to another organization without prior approval by the USMS. Where the intention to award contracts is made known at the time of the application, the approval may be considered granted if those activities are funded as proposed.

3. All contracts or assignments must be formalized in a written contract or other written agreement between the parties involved.

4. The contract or agreement must, at a minimum, state the services to be performed, period of performance, the policies and procedures, and the flow-through requirements that are applicable to the contractor or other recipient. The contract or agreement must include the dollar limitation and the cost principles to be used in determining allowable costs. The contract or other written agreement must not affect the recipient's overall responsibility for the duration of the project and accountability to the government.

### ARTICLE III - MEDICAL SERVICES

1. The Local Government agrees to provide federal prisoners with the same level of medical care and services provided by a medical practitioner to local prisoners, including the transportation and security for prisoners requiring removal from the facility for emergency medical services. The IGA jail shall not incur a bill to be paid by the USMS without USMS approval. All costs associated with health care services provided inside the facility are included in the fixed per rate.

2. The Local Government agrees to notify the United States Marshal (USM) as soon as possible of all emergency medical cases requiring removal of a prisoner from the facility and to obtain prior authorization for removal for all other medical services required. All costs associated with hospital or health...
services provided outside the facility will be paid directly by the federal Government. In the event the
Local Government has a contract with a medical facility/physician or receives discounted rates, the federal
prisoners shall be charged the same rate as local prisoners.

3. When a federal prisoner is being transferred via the USMS airlift, he/she will be provided with three
(3) to seven (7) days of prescription medication which will be dispensed from the detention facility. When
possible, generic medications should be prescribed.

4. Medical records must travel with the federal prisoner. If the records are maintained at a medical
contractor's facility, it is the detention facility's responsibility to obtain them before a federal prisoner is
moved.

5. Federal prisoners will not be charged and are not required to pay their own medical expenses. These
expenses will be paid by the Federal Government.

6. The Local Government agrees to notify the USM as soon as possible when a federal prisoner is
involved in an escape, attempted escape, or conspiracy to escape from the facility.

ARTICLE IV - RECEIVING AND DISCHARGE

1. The Local Government agrees to accept as federal prisoners those persons convicted by federal law
enforcement officers for violations of federal laws only upon presentation by the officer of proper law
enforcement credentials.

2. The Local Government agrees to release federal prisoners only to law enforcement officers of
agencies initially committing the prisoner (i.e., DEA, INS, etc.) or to a Deputy USM. Those prisoners who
are remanded to custody by a USM may only be released to a USM or an agent specified by the USM of the
Judicial District.

3. The Federal Government agrees to maintain federal prisoner population levels at or below the level
established by the facility administrator.

4. Federal prisoners may not be released from the facility or placed in the custody of state or local
officials for any reason except for medical emergency situations. Federal prisoners sought for state or
local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement of
Detainees and then only with the concurrence of the District USM.

ARTICLE V - PERIOD OF PERFORMANCE

This agreement shall be in effect indefinitely until terminated in writing by either party. Should conditions
of an unusual nature occur making it impractical or undesirable to continue to house prisoners, the Local
Government may suspend or restrict the use of the facility by giving written notice to the USM. Such
notice will be provided thirty (30) days in advance of the effective date of formal termination and, at least
two (2) weeks in advance of a suspension or restriction of use unless an emergency situation requires the
immediate relocation of prisoners.
ARTICLE VI - TEMPORARY PER DIEM RATE AND ECONOMIC PRICE ADJUSTMENT

1. A temporary jail day rate of $22.41 has been established for a period of one (1) year, expiring on October 31, 2001, pending receipt of actual and allowable costs associated with the operation of the facility. The Local Government must submit these costs sixty (60) days prior to expiration. The jail day rate for subsequent periods will be adjusted based on the actual operational costs for the facility which could result in the rate decreasing, increasing, or remaining unchanged.

2. The Federal Government shall reimburse the Local Government at the per diem rate identified on page one (1) of this agreement. The rate may be renegotiated not more than once per year, after the agreement has been in effect for twelve (12) months.

3. The rate covers one (1) person per "prisoner day." The Federal Government may not be billed for two (2) days when a prisoner is admitted one evening and removed the following morning. The Local Government may bill for the day of arrival, but not for the day of departure.

4. When a rate increase is desired, the Local Government shall submit a written request to the USM at least sixty (60) days prior to the desired effective date of the rate adjustment. All such requests must contain a completed Cost Sheet for Detention Services (USM-243) which can be obtained from the USM. The Local Government agrees to provide additional cost information to support the requested rate increase and to permit an audit of accounting records upon request of the USMS.

5. Criteria used to evaluate the increase or decrease in the per diem rate shall be those specified in the Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments.

6. The effective date of the rate modification will be negotiated and specified on the IGA Modification form approved and signed by a USMS Contract Specialist. The effective date will be established on the first day of the month for accounting purposes. Payment at the modified rate will be made upon the return of the signed modification by the authorized Local Government officials to the USM.

ARTICLE VII - BILLING AND FINANCIAL PROVISIONS

1. The Local Government shall prepare and submit original and separate invoices each month to the federal agencies listed below for certification and payment.

U.S. MARSHALS SERVICE
SOUTHERN DISTRICT OF FLORIDA
301 NORTH MIAMI AVENUE
ROOM 205
MIAMI, FL 33128-7785
(305) 536-5346
**U.S. Department of Justice**  
**United States Marshals Service**

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<thead>
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**IMMIGRATION AND NATURALIZATION**  
**EASTERN REGIONAL OFFICE**  
**DEPORTATION AND DEPORTATION DIVISION**  
**70 KIMBALL AVENUE**  
**S. BURLINGTON, VT 05403-6813**  
**(802) 951-6428**

2. To constitute a proper monthly invoice, the name and address of the facility, the name of each federal prisoner, their specific dates of confinement, the total days to be reimbursed, the appropriate per diem rate as approved in the IGA, and the total amount billed (total days multiplied by the rate per day) shall be listed. The name, title, complete address, and phone number of the local official responsible for invoice preparation should also be listed on the invoice.

3. The Prompt Payment Act, Public Law 97-177 (96 Stat. 85, 31 USC 1801), is applicable to payments under this agreement and requires the payment to the Local Government of interest on overdue payments. Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and 5 CFR, Part 1315.

4. Payment under this agreement will be due on the thirtieth (30th) calendar day after receipt of a proper invoice, in the office designated to receive the invoice. If the due date falls on a non-working day (e.g., Saturday, federal holiday), then the due date will be the next working day. The date of the check issued in payment shall be considered to be the date payment is made.

**NOTE:** RATES NOT SPECIFIED IN THE AGREEMENT WILL NOT BE AUTHORIZED FOR PAYMENT.

**ARTICLE VIII - SUPERVISION AND MONITORING RESPONSIBILITY**

All recipients receiving direct awards from the USMS are responsible for the management and fiscal control of all funds. Responsibilities include the accounting of receipts and expenditures, cash management, the maintaining of adequate financial records, and the refunding of expenditures disallowed by audits.

**ARTICLE IX - ACCOUNTING SYSTEMS AND FINANCIAL RECORDS**

1. The recipient shall be required to establish and maintain accounting systems and financial records that accurately account for the funds awarded. These records shall include both federal funds and all matching funds of state, local, and private organizations. State and local recipients shall expend and account for funds in accordance with state laws and procedures for expending and accounting for its own funds, as well as meet the financial management standards in 28 Code of Federal Regulations (CFR), Part 66, and current revisions of OMB Circular A-87.
**Intergovernmental Service Agreement Schedule**

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<tr>
<th>IGA No. 04-01-2008</th>
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</table>

2. Recipients are responsible for complying with OMB Circular A-87 and 28 CFR, Part 66, and the allowability of the costs covered therein (subdivision of Form USM-243). To avoid possible subsequent disallowance or dispute based on unreasonableness or unallowability under the specific cost principles, recipients must obtain prior approval on the treatment of special or unusual costs.

3. Changes in IGA facilities: The USMS shall be notified by the recipient of any significant change in the facility, including significant variations in inmate populations, which causes a significant change in the level of services under this IGA. The notification shall be supported with sufficient cost data to permit the USMS to equitably adjust the per diem rates included in the IGA. Depending on the size of the facility for purposes of assessing changes in the population, a 10% increase or decrease in the prison population shall be a "significant increase or decrease" for purposes of this subsection.

**ARTICLE X - MAINTENANCE AND RETENTION OF RECORDS AND ACCESS TO RECORDS**

1. In accordance with 28 CFR, Part 66, all financial records, supporting documents, statistical records, and other records pertinent to contracts or sub-awards awarded under this IGA shall be retained by each organization participating in the program for at least three (3) years for purposes of federal examination and audit.

2. The 3-year retention period set forth in paragraph one (1) above, begins at the end of the first year of completion of service under the IGA. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular 3-year period, whichever is later.

3. Access to Records: The USMS and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of recipients or its sub-recipients/contractors, which are pertinent to the award, in order to make audits, examinations, except, and transcripts. The rights of access must not be limited to the required retention period, but shall last as long as the records are retained.

4. Delinquent Debt Collection: The USMS will hold recipient accountable for any overpayment, audit disallowance, or any breach of this agreement that results in a debt owed to the Federal Government. The USMS may apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards.

**ARTICLE XI - GOVERNMENT FURNISHED PROPERTY**

1. It is the intention of the USMS to furnish excess federal property to local governments for the specific purpose of improving jail conditions and services. Accountable excess property, such as furniture and equipment, remains titled to the USMS and shall be returned to the custody of the USMS upon termination of the agreement.
**Intergovernmental Service Agreement Schedule**

<table>
<thead>
<tr>
<th>IGA No.</th>
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</tbody>
</table>

2. The Local Government agrees to inventory, maintain, repair, assume liability for, and manage all federally provided accountable property as well as controlled excess property. Such property cannot be removed from the jail without the prior written approval of USMS Headquarters. The loss or destruction of any such excess property shall be immediately reported to the USM and USMS Headquarters. Accountable and controlled excess property includes any property with a unit acquisition value of $1,000 or more, all furniture, as well as equipment used for security and control, communication, photography, food service, medical care, inmate recreation, etc.

3. The suspension of use or restriction of beds made available to the USMS are agreed to be grounds for the recall and return of any or all government furnished property.

4. The dollar value of property provided each year will not exceed the annual dollar payment made by the USMS for prisoner support unless a specific exemption is granted by the Chief, Prisoner Services Division, USMS Headquarters.

5. It is understood and agreed that the Local Government shall fully defend, indemnify and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act or any member of the Local Government or anyone else arising out of the use, operation, or handling of any property to include any vehicle, equipment, and supplies furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all maintenance, storage, and other expenses related to the property furnished to the Local Government.

**ARTICLE XII - MODIFICATIONS/DISPUTES**

1. Either party may initiate a request for modification to this agreement in writing. All modifications negotiated will be written and approved by a USMS Contracting Officer and submitted to the Local Government on form USM 241a for approval.

2. Disputes, questions, or concerns pertaining to this agreement will be resolved between the USM and the appropriate Local Government official. Space guarantee questions along with any other unresolved issues are to be directed to the Chief, Prisoner Services Division.

**ARTICLE XIII - INSPECTION**

The Local Government agrees to allow periodic inspections of the facility by USMS Inspectors. Findings of the inspection will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement, and levels of services. The mandatory minimum conditions of confinement which are to be met during the entire period of the IGA agreement are:
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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Adequate, trained jail staff will be provided 24-hour a day to supervise prisoners. Prisoners will be counted at least once on every shift, but at least twice in every 24-hour period. One of the counts must be visual to validate prisoner occupancy.</td>
<td></td>
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<tr>
<td>2. Jail staffing will provide full coverage of all security posts and full surveillance of inmates.</td>
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<tr>
<td>3. Jail will provide for three meals per day for prisoners. The meals must meet the nationally recommended dietary allowances published by the National Academy of Sciences.</td>
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<tr>
<td>4. Jail will provide 24-hour emergency medical care for prisoners.</td>
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<tr>
<td>5. Jail will maintain an automatic smoke and fire detection and alarm system, and maintain written policies and procedures regarding fire and other safety emergency standards.</td>
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<tr>
<td>6. Jail will maintain a water supply and waste disposal program that is certified to be in compliance with applicable laws and regulations.</td>
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**ARTICLE XIV - CONFLICT OF INTEREST**

Personnel and other officials connected with the agreement shall adhere to the requirements given below:

1. Advice. No official or employee of the recipient, a sub-recipient, or a contractor shall participate personally, through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Department of Justice funds are used, where to his/her knowledge, he/she or his/her immediate family, partner, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, or less than an arms-length transaction.

2. Appearance. In the use of Department of Justice project funds, officials or employees of the recipient, a sub-recipient or a contractor, shall avoid any action which might result in, or create the appearance of:

   a. Using his or her official position for private gain;
   b. Giving preferential treatment to any person;
   c. Losing complete independence or impartiality;
   d. Making an official decision outside official channels;
   or
   c. Affecting adversely the confidence of the public in the integrity of the government or the program.

Form USM-241A
(Rev. 1/98)
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<td>HOSPITAL SERVICES CENTER (4R2)</td>
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<tr>
<td>1611 N. W. 12 AVENUE</td>
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<td>MIAMI, FL 33136</td>
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<tr>
<td>NORTH DADE DETENTION CENTER (4YU)</td>
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<td>12501 NORTH STATE ROAD 9</td>
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<tr>
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</table>
# Modification of Intergovernmental Agreement

**U.S. Department of Justice**  
**United States Marshals Service**

### 3. Effective Date of Modification
December 1, 2000

### 4. Issuing Office
**U.S. MARSHALS SERVICE**  
**PRISONER SERVICES DIVISION**  
**PROGRAMS AND ASSISTANCE BRANCH**  
**600 ARMY NAVY DRIVE**  
**ARLINGTON, VA 22202-4210**

### 5. Local Government
**Miami - Dade County Corrections and Rehabilitation Department**  
8660 W. Flagler Street  
Miami, FL 33144

### 6. IGA No.
04-01-0008

### 7. Facility Code(s)
- 4RL, 4YU, 4JO, 4BD
- 4MO, 4BB, 472

### 8. Accounting Citation
15X1020

### 9. Estimated Annual Payment
N/A

### 10. Except as provided specifically herein, all terms and conditions of the IGA document referred to in Block 5, remain unchanged terms of this modification:

The purposes of this modification are to correct: 1) delete "ARTICLE V - PERIOD OF PERFORMANCE" and substitute with "ARTICLE V - PERIOD OF PERFORMANCE AND BEDSPACE GUARANTEED" and 2) to add article XV - INS REQUIREMENTS ONLY" as follows:

**ARTICLE V - PERIOD OF PERFORMANCE AND BEDSPACE GUARANTEED**

This agreement shall remain in effect for a period of fifteen (15) years after the project(s) listed in Schedule B of CAP Agreement No. 34-04-90 is completed. The Local Government agrees to provide one hundred fifteen (115) bedspaces for federal prisoners upon the request of the USM commencing on the date of completion and activation of all projects listed in the above-mentioned CAP agreement. The IGA shall remain in effect through the period of the CAP agreement, and thereafter until terminated or suspended in writing by either party. Such notice will be provided thirty (30) days in advance of the effective date of formal termination and at least two (2) weeks in advance of a suspension of restriction of use unless an emergency situation requires the immediate relocation of prisoners.

### 11. Instructions to Local Government for Execution of This Modification:

A.☐ Local Government is not required to sign this document

B.☒ Local Government is required to sign this document and return 2 copies to U.S. Marshal

### 12. Approval

A. Local Government

[Signature]

Sarrett R. Stiehlein  
County Manager  
11/28/00

B. Federal Government

[Signature]

Debra Browne  
Contracting Officer  
11/24/00

---

USMS HQ USE ONLY

Form USM-211a  
(Rev. 3/99)

Page 1 of 2 Pages
**ARTICLE XV - INS REQUIREMENTS**

For purposes of this Intergovernmental Agreement, all persons in the custody of the INS will be referred to as "Administrative Detainees". This term recognizes that INS detainees are not charged with criminal violations and only held in custody to assure their presence throughout the administrative hearing process, and to assure their presence for removal from the United States pursuant to a lawful final order by the Immigration Court, the Board of Immigration Appeals or other Federal judicial body.

The Local Government shall ensure compliance with the thirty-six (36) INS detention standards and fifty-seven (57) Department of Justice (DOJ) core detention standards to be provided by INS. The Local Government may adopt, adapt or establish alternative procedures, provided they meet or exceed the standard. As additional INS/DOJ detention standards are issued, and/or changed, they will be incorporated by issuance of a bilateral modification. Initial compliance will be made within ninety (90) days from the effective date of this modification.

The Local Government shall make special provisions for non-English speaking, handicapped or illiterate detainees. The INS will reimburse the Local Government for any costs associated with providing telephone language interpretive services, and upon request, will assist the Local Government in obtaining translation services. The Local Government shall include the amount paid for such services as a separate line item on their monthly invoice. The Local Government shall provide all instructions verbally (in English or the detainee's native language as appropriate) to detainees who cannot read. The Local Government shall not use detainees for translation services, except in emergency situations. If the Local Government uses a detainee for translation service, it shall notify INS within 24-hours. Translation or orientation material and detainee handbooks will be provided by INS.

The Local Government shall provide suitable office and interview space at all times within the secure dormitory area for the purposes of workspace for an INS case manager and a Detention Enforcement Officer. Interview space shall be separate and apart from the office space to allow for confidentiality without being subject to auditory monitoring. Interview or distraction by other detainees or staff personnel. Telephone service for both areas will not be monitored nor go through a switchboard. The office space will have a minimum of two data transmission lines. The INS will be responsible for time and distance charges, fax, telephone, and computer data processing equipment. Office space shall be provided within 30 days, and interview spaces within 60 days from the effective date of this modification.
TO: All Personnel

DATE: December 20, 2000

From: Captain Betty J. Fuller  B.J. Fuller
Facility Supervisor
Women’s Detention Center

SUBJECT: Immigration and Naturalization Services Detainees

Effective immediately, the Women’s Detention Center will accept Immigration and Naturalization Services (INS) detainees, from Turner-Guilford-Knight Correctional Center, that have been placed on suicidal precaution. The following precautions should be taken into consideration before accepting a suicidal precaution detainee:

1. Notify the captain at the Women’s Detention Center prior to accepting any suicidal precaution detainee from Turner-Guilford-Knight Correctional Center.

2. Notify the captain of the inmate population in 3C1 or 3C2.

3. Check with the psychiatric staff to determine whether or not an inmate in 3C1 or 3C2 can be moved to make room for the INS detainee if necessary.

4. Should space become available, the INS detainee will be housed behind the door in 3C1 or 3C2 in a designated room (example: 370 or 371), and placed on 15-minute checks.

5. After the detainee has been accepted at the Women’s Detention Center, the detainee will not be transported within the facility with any inmates.

6. Under no circumstance will the detainee participate in any activities with inmates.

7. A full lockdown will occur if the inmate goes to the clinic, attorney interview, or special visits. (Example: Same procedure that is utilized for juveniles.)

8. Documentation of overtime should specify INS Detainee Detail.

Should you require any further information, please do not hesitate to contact me.

BJF/Im
Appendix D: Articles, Press Releases, Congressional Testimony & City Commission Resolution

1. Chardy, Alfonso. "Krome women to be moved," The Miami Herald, December 12, 2000, p 1B.


INS Detainees In Florida: A Double Standard Of Treatment


18. Little, Cheryl. “INS shouldn’t have chosen jail,” The Miami Herald, Readers’ Forum, March 17, 2001, p 6B.


33. "Detainee scores a victory over INS," The Miami Herald, July 23, 2001, p 3B.


Krome women to be moved

Abuse allegations prompt transfer

BY ALFONSO CHARDY
achardy@Miami.com

An estimated 90 women locked up at the Krome Detention Center are about to be transferred to a Miami-Dade County jail — a move meant to protect them — as federal agents continue to investigate allegations of sexual abuse at the facility in west Miami-Dade, Immigration officials said Monday.

“The female population will be transferred out of the Krome Services Processing Center,” said Maria Elena Garcia, an Immigration and Naturalization Service spokeswoman. Garcia said an official announcement is scheduled for today.

An INS statement released late Monday says the women will be relocated to the Turner Guilford Knight Correctional Center near Miami International Airport. The center is a county-operated facility that opened in 1980.

Long sought by immigrant advocates, the removal of women from Krome is a response to several recent episodes of alleged rape and sexual harassment of the female inmates by federal security officers assigned to guard them.

Immigration reform advocates welcomed the move to protect the women — but also expressed concern about moving the women to a county jail.

“The word I’m not hearing is release,” said Cheryl Little, executive director of the Florida Immigrant Advocacy Center, which represents many of the women held at Krome. Little’s office maintains a full-time lawyer and paralegal at Krome to provide legal services to detainees there.

“It would be highly inappropriate to remove the women to local county jails,” Little said. “None of the women at Krome are serving criminal sentences.”

People held at Krome are largely foreign nationals either seeking asylum or awaiting deportation after having served time for criminal offenses.

When it happens, the transfer of women will close a chapter in the troubled history of the Krome facility, where thousands of immigrants and would-be immigrants have been processed for admission into — or deportation from — the United States over the last two decades.

UNDER 20 PERCENT

As of Monday, INS officials said, there were about 500 inmates at Krome — about 90 of them women.

A team of Justice Department and other federal investigators has been probing conditions at Krome for months, focusing particularly on the sexual-abuse allegations. As a result, one detention officer — Lemar Smith — was charged in August with sexually assaulting a male-to-female transsexual detainee from Mexico.

On Sept. 13, INS disclosed the resignation of another detention officer, Michael Uzzell, who has been accused of, among other things, theft and destruction of official files. Also in September, Krome fleet dispatcher Willie Boyd pleaded guilty to taking a $1,000 bribe.

While no further indictments or resignations have been announced, federal officials have suggested more legal actions may be pending.

OFFICERS REASSIGNED

At least a dozen detention officers have been removed from duty at Krome over the last few months and reassigned to jobs at the local INS headquarters at Biscayne Boulevard and Northeast 79th Street north of downtown Miami.

By removing the women from Krome, INS hopes to protect them from threats and intimidation, and to avoid further accusations of harassment and sexual abuse, officials said.

Transfer of the women was a key recommendation in a landmark study of Krome conditions released in October.

Titled Behind Locked Doors — Abuse of Refugee Women at the Krome Detention Center, the study by the New York-based Women’s Commission for Refugee Women and Children proposed releasing female asylum seekers and relocating other women to alternate sites with minimal security.

“County prisons and hotels,” the report said, “are not acceptable alternatives to Krome.”

“Conditions are harsh and very punitive,” said Wendy Young, director of government relations at the Women’s Commission. “INS detainees are second-class citizens at county jails, because they don’t get their constitutional rights like the other inmates.”
PRESS RELEASE
12/12/00

Asylum Advocacy Groups Denounce Transfer of INS-Detained Women from Krome to County Prison and Call for Their Immediate Release

Contact: Cheryl Little, FIAC (305) 573-1106, x 1001
Wendy Young, Women’s Commission, (703) 560-2621
Rachel Watson, Women’s Commission, (212) 551-0959

Miami, Florida (December 12, 2000) — Women detained by the Immigration and Naturalization Service (INS) at the Krome Service Processing Center should be released immediately and not transferred to Turner Guilford Knight Correctional Center, the Florida Immigrant Advocacy Center (FIAC) and the Women’s Commission for Refugee Women and Children said today.

The INS decision to move the women was prompted by growing evidence of widespread sexual abuse of women detainees at Krome by Immigration and Naturalization Service and Public Health Service officers. But FIAC and the Women’s Commission claim that in transferring the detainees to criminal facilities the INS is breaking earlier assurances that they would look for safe, alternative accommodation where the women would still have access to legal services. In an October 24, 2000 letter to Attorney General Janet Reno, FIAC and the Women’s Commission called for the immediate release of women asylum seekers and others eligible for parole from Krome and the development of alternatives to detention for those women who cannot be released.

"By moving these women to county prisons, the INS is trying to solve one problem by creating another," noted Cheryl Little, Executive Director of FIAC.

"It is outrageous that the INS is punishing victims of sexual abuse by locking them up in criminal facilities. The men who abused women at Krome belong in jail, not the victims," agreed Mary Diaz, Executive Director of the Women’s Commission for Refugee Women and Children.

FIAC is representing several women who raised allegations of sexual abuse and misconduct in the Krome facility last summer. The Women’s Commission issued a report in October 2000, "Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center," confirming widespread sexual, physical, verbal, and emotional abuse of women detainees by at least 15 male officers.

Together the two organizations presented their concerns to high-level INS and Justice Department officials earlier this year. These officials indicated to the two agencies that they would explore alternatives for housing women other than county jails.

Approximately 65 percent of INS detainees nationwide are incarcerated in county prisons from which the INS rents bed space. These detainees include women asylum seekers who are exercising their right to seek refugee protection from persecution in their homelands — including rap, honor killings, female genital mutilation, and sexual slavery — and permanent residents with past criminal convictions who have already served their sentences.

Both FIAC and the Women’s Commission have documented the devastating effect imprisonment in such facilities has on INS detainees. Detainees are often forced to share cells with criminal inmates, deprived of adequate medical care, and denied access to legal assistance. As newcomers are not provided with government-funded counsel, they rely heavily on pro bono legal service providers who are unable to serve the hundreds of county prisons used by the INS.

Wendy Young, Director of Government Relations and U.S. Programs with the Women’s Commission, noted: "We have interviewed many women asylum seekers in county prisons who are lost in the system with no one to help them. By cutting them off from adequate representation, we are running the risk of returning women to the very abuses they escaped."

“If these women are moved to the Turner Guilford Knight Correctional Center, we will be unable to provide them the legal services necessary to seek immigration relief in the United States,” commented Joan Friedland, Managing Attorney of FIAC.

FIAC is a non-profit organization which promotes and protects the basic human rights of immigrants of all nationalities. The Women’s Commission for Refugee Women and Children is the first organization in the United States dedicated solely to speaking out on behalf of women and children uprooted by armed conflict or persecution.
Activists defend Krome women

of the Florida Immigrant Advocacy Center, which represents many of the women at Krome. "They were victimized in their home countries. They were victimized while at Krome, and now they are being victimized yet again by being sent to a criminal facility."

The reason for the transfer in the first place is to protect the women from intimidation and threats in the face of an ongoing federal investigation of widespread abuse at Krome. Several women have alleged they were repeatedly sexually abused, harassed and assaulted by Krome officers while the women were detained there.

Concerned about the women's safety, INS announced Monday it had agreed to move the female detainees. Cleary and Robert Wallis, INS Florida District director, said the female INS detainees will have more protection and privacy at the county jail than at Krome.

"NOT PUNITIVE"

"This is not a punitive action against these detainees," Wallis said, adding the move was designed "to ensure those detainees the most safe and humane detention conditions possible."

The women will be placed in separate "living pods" where each would have an individual room or share it with one or two other detainees, Wallis said. At Krome, he noted, the women lived in dormitories with little privacy.

They also will be segregated from the general population of criminal suspects and convicts. And those seeking asylum also will be separated from aliens with criminal backgrounds. All will have access to attorneys 24 hours a day, seven days a week, Wallis said.

"We believe that TGK will offer the best possible conditions for these women who are detained while their immigration cases are active," Wallis said.

Under federal laws approved by Congress in 1996, foreign nationals convicted of aggravated felonies are required to be detained by the INS for deportation upon completion of their sentences. The law also requires the detention of asylum seekers until their claim is decided. If it's deemed valid, the asylum seeker is released. If not, he or she is ordered deported.

PUBLISHED ACCOUNT

In Behind Locked Doors, a recent report on Krome by the Women's Commission for Refugee Women and Children, a female asylum seeker from China — identified by the pseudonym Chi — told investigators from the commission that "sometimes male guards come into the female dorm late at night."

While Chi said she was not sure why the male guards would enter the women's dormitory, the suggestion in the report was they were looking for sex.

Chi fled her country because her grandfather wanted to sell her into slavery to the nephew of a police officer. Chi arrived first in Los Angeles, where the INS detained her, and was subsequently transferred to Miami. INS would not say when the women will be transferred, but Little said it may happen Thursday. Jack Wallace, one of Little's Krome attorneys, said that after INS officials showed the women a video of TGK, some began crying and said they'd rather stay at Krome.
First Krome women transfers settling into a new home

BY ALFONSO CHARDY
achardy@herald.com

The first contingent of women transferred out of the Krome Detention Center began to settle in Thursday into their new quarters: two freshly painted wings in the county-run Turner Guilford Knight Correctional Center near Miami International Airport.

Clad in bright-orange uniforms, the women moved into small rooms — each outfitted with double-bunk beds, a toilet and a sink. The wings assigned to Krome detainees smelled of fresh paint and plastic. Workers had only recently repainted the walls cream and the stairs teal, and the new mattresses put on the bunk beds were still wrapped in their protective plastic covers.

The new furniture was welcome to sorts to the female detainees, 90 in total, being relocated to Miami-Dade’s TGK under a contract with the U.S. Immigration and Naturalization Service. The cost to INS: about $82 a day for each detainee.

The relocation, announced Tuesday, comes in wake of allegations of sexual abuse of female detainees by officers assigned to guard them at Krome. Although the women who made specific allegations have since been released and the suspect officers removed, INS went ahead with the transfer on the grounds that TGK provides better protection and privacy.

The move did not go without glitches. An attorney from the Florida Immigrant Advocacy Center, which represents many of the Krome women, was told to leave when about half a dozen of the detainees attempted to talk to the lawyer, said Cheryl Little, the center’s executive director.

“That never happened at Krome,” Little said. Ultimately, she said, INS agreed to allow the attorneys to talk to women at will. On hand to witness the arrival of some of the women were senior INS and county corrections department officials, including INS Florida District Director Robert Wallis, Janelle Hall, public affairs administrator for the Miami-Dade Corrections and Rehabilitation Department, and Lt. Richard Marquez, TGK’s day-shift supervisor.

Wallis said INS will monitor the relocation and assign personnel to the detainees’ wings to reassure the women that their cases remain on track.

Responding to criticism by immigration activists that placing the women, particularly asylum seekers, in jail is an outrage, Wallis said TGK was “the best alternative.”

Opened in 1989, TGK is a jail without steel cages, steel bars or steel furniture. On the outside, it resembles an office building. Inside, inmates live in 48-room pods, or units, built around a central dayroom where a guard monitors activities. In the middle of the dayroom are tables and chairs as well as one or two television sets. The kitchen and showers are in one corner. In another corner is the so-called “yard” — a large open-air balcony covered with metal mesh to prevent escapes.

INS detainees are kept in two separate wings on the fourth floor of the five-story Building 2. One wing is designated for “criminal aliens,” and the other is for “noncriminal aliens.”

The “criminal aliens,” the first group of 30 women moved out of Krome, are foreigners convicted of an aggravated felony and awaiting deportation.

The wing reserved for noncriminal aliens was still empty awaiting the arrival today of about 60 detainees — women who have applied for asylum claiming a “credible fear” of persecution in their home countries.
INS WOMEN DETAINES

Florida administrators of the U.S. Immigration and Naturalization Service were right last week to move some 90 women out of the INS's Krome Detention Center, where they might face harassment from guards and staff.

But transferring them — including some 60 asylum seekers with no criminal record — into a Miami-Dade County jail simply punishes the victims for INS’s inability to run a clean facility. A better, more-humane alternative for the women would be a secure residential setting, such as Boystown, where the agency houses unaccompanied immigrant children.

Since at least 1985 the INS’s Krome detention center, has been the focus of criminal investigations every three to five years. The latest one erupted this year after a detainee accused a Krome officer of rape and other women complained of sexual abuse and harassment.

That officer has been charged, and others have been transferred out of Krome pending investigation. To its credit, the INS has released, under supervision, all the women who came forward to report misconduct at Krome.

Most hurt, however, are the rest of the women detainees who now will be held at Turner-Guilford-Knight Correctional Center.

Granted, the TGK facility is no dungeon. INS detainees are to be segregated from the jail’s criminal population, kept in two units with 48 cells each. Units have TVs and a small all-concrete balcony. There are no bars, but there’s no doubting this is a jail for criminals.

The asylum seekers being held there, however, have committed no crimes. Others who are pending deportation for committing crimes have fully served their sentences.

For reasons yet unclear, personal items, including medications, were taken away from them in the transfer. No jewelry is allowed now, not even wedding bands. They can make only collect phone calls, and one woman says that a $100 phone card that she used at Krome was confiscated. For this, INS pays $32 per day per detainee.

INS District Director Robert Wallis says that this was the best alternative to Krome detention. Only a directive from INS headquarters would allow the use of shelters, he said.

But nothing in the law says that women detainees can’t be kept in more-humane, campus settings that would cost half that of TGK. Nor is innovation or cost-cutting forbidden by INS policy.
OTHER VIEWS

Victims of sexual abuse in INS jails

By Cheryll Little and Wendy Young

Only the Immigration and Naturalization Service would believe that the best way to protect women against sexual violence is to jail them like criminals.

Despite evidence of widespread sexual abuse of female detainees at its Krome detention facility, the INS transferred 80 women to the Turner-Guildford-Knight Correctional Center, a county prison near the Miami airport. This is counter-intuitive, as there are clear alternatives to detention. The INS should release those women eligible for parole and place the others in shelters.

Abuses at Krome aren’t new. The facility has been the target of multiple federal investigations since it opened in 1981. Fraud, bribe and physical, emotional and sexual misconduct against detainees have been documented repeatedly.

Recently, women detainees reported abuses ranging from rape to sexual molestation and harassment by at least 15 Krome officers. The officers regularly pressured women detainees for sexual favors, the women said. Those who cooperated were promised release and those who resisted or dared complain were threatened with deportation or transfers to county prisons. While women who reported abuses to officials have been released under supervision, all others are now in a criminal facility.

The INS claims it is ensuring the women’s safety. Yet the transfer promises to be devastating. Conditions in county prisons are inappropriate for INS detainees. By their very nature, jails are punitive. INS detainees, especially asylum seekers, have done nothing for which they should be punished.

NO PLACE FOR VACATION

INS attempts to paint the corrections facility as the next best thing to a local hotel are ludicrous. Make no mistake, the facility is no place for a vacation. It is a prison.

The INS also asserts that the women will have better access to attorneys since the jail has more attorney-visitaton hours. But those hours are meaningless when there is no attorney with the time or resources to visit.

Asylum seekers and immigrants aren’t eligible for government representation in their immigration proceedings. This means that they rely heavily on pro bono providers who struggle to meet increased needs. Currently, the Florida Immigrant Advocacy Center provides legal services on-site at the Krome center, an arrangement set up only after years of pressuring the INS for better access to detainees. The advocacy center’s staff is overwhelmed assisting large numbers of detainees at Krome and lacking the resources to expand operations to prison.

Sadly, Krome is a microcosm of a much bigger problem. Since 1996 the INS’s detention program has grown dramatically.

The agency incarcerates 20,000 individuals. A small but significant percentage are asylum seekers who have fled human-rights abuses in their homelands and ask the United States to exercise its long-held tradition of refugee protection. Many detainees are permanent residents with strong U.S. ties, now subject to deportation due to crimes they have paid for — no matter how minor the crime.

The INS hasn’t been able to keep pace and increasingly relies on prisons like Turner-Guildford. Some 65 percent of INS detainees are held in hundreds of such facilities.

It’s time for the INS to revisit detention policy. Most detainees can be released, especially asylum seekers. For those who can’t be released, the INS should explore alternatives. A Vera Institute of Justice study says that supervised release is a viable alternative for most INS detainees. Given proper information and required to periodically report to a parole officer, the vast majority appeared for their INS proceedings.

ALTERNATIVES

Another alternative is to establish shelter-care facilities run by social-service agencies with expertise in dealing with the needs of the foreign-born. Such facilities have proven to be humane, effective and inexpensive.

Meanwhile, what must not happen is business as usual in the INS Miami District. The agency repeatedly has shown an inability to control Krome. The recent decision shows the agency is only making matters worse. Several officers implicated in the sex scandal remain on duty, while the targets of their alleged behavior are shuffled off to jail. Where is the justice in that?

Cheryll Little is executive director of the Florida Immigrant Advocacy Center. Wendy Young is Washington liaison for the Women’s Commission for Refugee Women and Children.
Jailed INS detainees cut off, advocates say

BY ALFONSO CHARDY
achardy@herald.com

Two weeks after the relocation of female inmates from the Krome Detention Center to the Miami-Dade County jail, immigration attorneys are angrily complaining that access to the women is severely restricted and may delay or disrupt their claims for asylum or release.

Attorneys from the Florida Immigrant Advocacy Center, which represents many of the women, have written to Attorney General Janet Reno about their concerns and hoped she will order the women released from the Turner Guilford Knight Correctional Center (TGK).

Complaints by the attorneys are the latest controversy to hit the transfer of about 90 foreign female inmates from Krome to TGK earlier this month. As many as 60 of the women are asylum seekers, and the rest are “illegal aliens” awaiting deportation because of their criminal pasts.

The Immigration and Naturalization Service removed the women from Krome because of concerns they were vulnerable to sexual abuse at Krome by officers assigned to guard them.

A team of Justice Department and other federal investigators has been looking into conditions at Krome for months, focusing especially on the sexual-abuse allegations.

Already, one Krome detention officer — Louisa Smith — has been charged with sexually assaulting a male-to-female transsexual detainee from Mexico.

Cheryl Little, executive director of the Florida Immigrant Advocacy Center, acknowledged pushing for the removal of the women from Krome.

However, Little said that in conversations with former INS Commissioner Doris Meissner, activists were promised that the women would either be released or transferred to shelters.

Meissner, who left the INS in November, could not be reached for comment. But her main spokeswoman at the INS in Washington said she talked to Meissner and that Meissner denied making such a promise.

Maria Cardona, the INS spokeswoman, said Meissner recalled telling Little that the women would be moved first to an “appropriate” site and much later perhaps released or transferred to shelters.

“We are on that track, but it’s not something we can accomplish immediately,” Cardona said.

The women were moved to TGK first, Cardona added, because “our immediate concern was for the safety of the women and to get them out of the vicinity of the male population at Krome and the male guards.”

However, Little is not the only one who remembers Meissner’s promise.

Wendy Young, director of government relations and U.S. programs with the Women’s Commission for Refugee Women and Children, also cited the “assurances.”

“INS is breaking earlier assurances that they would look for safe, alternative accommodation where the women would still have access to legal services,” she said.

Little says she was also promised round-the-clock access to the detainees.

“For example, on Dec. 14, an attorney who was consulting with her clients and other female detainees was rudely and inappropriately informed by an INS deportation officer that she had no right to interview some of the women there and [was] told she had to leave immediately,” Little and Mary Diaz, executive director of the Women’s Commission, wrote in a joint letter to Reno.

John Swain, INS Florida District chief of staff, did not deny that attorney access at TGK is different from Krome, but he noted that attorneys at Krome do not have 24-hour access, either.

According to the letter to Reno, the main complaints include:

- Detainees have limited ability to reach the outside, because jail telephones permit collect calls only.
- Attorneys cannot call detainees directly or leave messages.
- Detainees’ medication and other personal items are taken away.
- Cells are too cold.
- Shewairy promised to look into the complaints.
Sexual abuse fears reach beyond Krome

Inquiry underway as women detainees allege incidents at second Dade facility

BY KARLI ROSSI
kross@herald.com

Women detainees whisked out of the Krome immigrant detention center last month amid a sexual abuse scandal may not be any safer against would-be predators in their new confines.

Two days after being admitted to a Miami-Dade County jail, a number of the women allegedly were "flashed" by a male inmate, in a separate incident that same day, another female inmate was allegedly the victim of a sexual attack.

"The irony is not lost on these women," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center, which pushed for the women's removal from Krome but also fought their relocation to the Turner Guilford Knight Correction Center.

"The women were supposedly transferred for their own protection, yet they're telling me they're every bit as vulnerable as they were at Krome," Little said.

The Dec. 12 transfer to T.G.K. was prompted by allegations that male detention officers at Krome were preying on the women, intimidating or enticing them into sexual favors. Federal agents are investigating. Already one Krome officer, Emar Smith, has been charged with sexually assaults a transsexual detainee from Mexico.

The latest incidents on Dec. 14 have fueled the fears of immigration advocates and, according to immigration officials, triggered an internal investigation at T.G.K. The 1,000-bed, maximum-security jail houses male, female and juvenile offenders.

County corrections spokeswoman Janelle Hall confirmed that T.G.K.'s internal affairs department has an open investigation concerning the women inmates from Krome.

"Whether it's sexual or not, we haven't been told," Hall said.

Hall said no details about the investigation were available. But several women have recounted the incidents to private attorneys.

Little said the first incident occurred when a male inmate, part of a supervised work crew at the jail, "exposed himself" to a group of women. The women, she said, were supposed to be segregated from male inmates and overseen by women officers.

That same day, according to the accounts by the women, another male inmate allegedly followed one of the women into a room in the facility and began to kiss and fondle her.

Little said she blames the U.S. Immigration and Naturalization Service for the predicament, saying the women are being "unduly punished and victimized."

She said the women are placed in "lockdown" — a security measure in which inmates are confined to their rooms or cells — whenever a man, inmate or otherwise, is present.

INS spokeswoman Patricia Mancha said John Shewairy, chief of staff for the agency's Florida District, was unavailable for comment. She also confirmed T.G.K. officials have launched an internal probe into "reports of alleged misconduct by county trustees."

Mancha said the agency learned of the sexual abuse allegations by women inmates "immediately" after they were reported and relayed the information to the U.S. Department of Justice, which is overseeing the inquiry into misconduct at Krome.

"The important thing is we don't police ourselves," Mancha said. "We make it known to the proper authorities so they can take action and investigate."

Mancha added that the INS will do "whatever it takes" to ensure the women detainees under its custody are housed in a suitable environment.

The Florida Immigrant Advocacy Center, which represents many of the women transferred out of Krome, petitioned Attorney General Janet Reno for their release from T.G.K.

The center wants the women either to be released or transferred to privately run shelters.

Little said the maximum security setting also exacerbates the women's access to legal counsel, resulting in delays to their asylum applications. About 60 of the 100 or so women are asylum seekers; the remaining women are "criminal aliens" awaiting deportation.
Imagine the scenario: A woman is removed by the Immigration and Naturalization Service from its Krome detention facility because the INS can't ensure that staff won't sexually harass her. She is taken to a Miami-Dade jail where she presumably will be safe. Within two days she complains to her attorneys that a male inmate fondled her.

Both the U.S. Justice Department, which has an ongoing probe of Krome, and the jail's own internal affairs department are now investigating the latest incidents. It's unclear what they may find.

What's evident, however, is that five weeks after the INS Florida District transferred all women detainees out of Krome, these women still worry about their security; and they have additional difficulties resolving their INS cases — difficulties that Krome's male detainees don't face.

The affronted women continue to be punished because of INS's inability to protect them or control its staff.

Now held at the Turner Guilford Knight Correctional Center, the women have less access to their families, lawyers, legal texts, deportation officers, care packages and mail. In some cases medication has been disrupted or altered. They are handcuffed when taken to Krome for asylum interviews or immigration-court hearings, stripped-searched numerous times and subjected to frequent lockdowns in their cells.

Consider this: The other day a number of the women were awakened at around 3:30 a.m. to be taken by bus to Krome. Other than for short periods during which each was taken to see an immigration official or to eat, the women remained in the bus until late afternoon when they were returned to TGK.

Many of the detainees women now held at TGK (as many as 60) are asylum seekers with no known criminal record. Those with criminal convictions have all served their sentences.

We appreciate the INS's wanting to find a safe place to detain the women in their custody. But putting the women in county jails where they are treated as criminal inmates only compounds their mistreatment. Worse, the INS transferred them without a workable plan for how their cases would be processed. And taxpayers are paying a premium of $82 per detainee per day for this.

A more humane alternative would be to house the women in a supervised campus setting that would cost half that of a county jail. Better yet would be for INS to release asylum seekers under supervision.

Either solution would also save the INS Florida District from yet more internal and federal investigations.
PRESS RELEASE

Florida Immigrant Advocacy Center
A non-profit organization dedicated to promoting and protecting the basic human rights of immigrants of all nationalities.
• 3000 Biscayne Blvd., Suite 400 • Miami, FL 33137 • (305) 573-1106 • Fax: (305) 576-6273

Women Asylum Seekers Speak Out About Deplorable Conditions at TGK Correctional Center, Miami

Women pay the price for INS inefficiency and abuses, rights groups charge

PRESS CONFERENCE

11:00 am, Wednesday, February 7, 2001

INS-detained women transferred to the Turner Guilford Knight Correctional Center, allegedly for their own safety, are instead imprisoned in appalling conditions. They are housed in cells and suffer restricted access to lawyers, poor medical care and little or no contact with their families. The majority of these women are seeking refugee protection in the US and have committed no crime.

The women were transferred from the Krome detention facility while authorities investigate allegations of sexual misconduct inflicted on detainees by INS staff. Meanwhile, male asylum seekers are still being housed at Krome, where they sleep in open dormitories, have regular family and legal visits and can exercise outdoors.

As the media have been denied access to TGK, this press conference will give women asylum seekers an opportunity to speak to journalists about the appalling conditions in the prison. The Women’s Commission for Refugee Women and Children and the Florida Immigrant Advocacy Center will urge the INS to end this unnecessary discrimination against women and abuse of basic human rights.

Where:
5th floor conference room,
3000 Biscayne Boulevard
Miami, FL 33137
(Free parking at back of building)

When:
11:00am, Wednesday, February 7, 2001

Who:
Woman asylum seeker previously incarcerated at TGK
Wendy Young, Director of Government Relations,
Women’s Commission for Refugee Women and Children
Washington DC
Cheryl Little, Executive Director
Florida Immigrant Advocacy Center (FIAC)
Miami, FL
Detention center conditions criticized

BY ALFONSO CHARDAY
achardy@herald.com

Activists accused the INS of mistreating female refugees at the Turner Guilford Knight center.

Center, said the women were upset because on arrival at the county-run Turner Guilford Knight Correctional Center they were stripped of personal belongings including wedding rings, watches, pictures of loved ones and some religious items such as rosaries.

The activists also released an anonymous letter purportedly written by several women who complained about seeing rats at the jail and of being harassed by guards with frequent lockdowns and head counts. They also said they are deprived of sleep because guards shine flashlights inside their cells every hour throughout the night.

One Colombian woman identified only as Marta said in a telephone call to the news conference that women are also stripped-searched on arrival and ordered to squat three times naked.

Janelle Hall, spokeswoman for the Miami-Dade Corrections and Rehabilitation Department, said the issues were under review.

Rodney Germain, an INS spokesman in Miami, was also reviewing the letter before providing a response.

Young, whose organization has been monitoring the transfer of women from the INS-run Krome detention center to TGK, said the news conference marked the opening salvo in a campaign to pressure INS to release the women, most of whom are asylum seekers. INS noted that some of the women are foreign nationals convicted of aggravated felonies.

INS moved the women to TGK after immigration activists and some of the detainees complained about sexual abuse and harassment by some Krome male detention officers.

"I was very depressed," Marta told reporters by phone, "because the training the guards receive is to deal with criminals when the women in our wing were not criminals. One doesn't expect being held in something as horrible as a jail."
TGK women: Conditions poor

Detainees claim food is rotten, rats and harassment rampant

BY ALEONSO GHARDY
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Women awaiting deportation described demeaning conditions at the county jail where they are being held, claiming that rats scamper through the kitchen, the food is poor and guards wake them hourly through the night.

"Emotional and mental abuse is what we get here," said Moglisola Adekoya, 39, a Nigerian.

Adekoya is among a group of female inmates who consented to the first face-to-face interviews since the Immigration and Naturalization Service in mid-December transferred 90 women detainees from the Krome Service Processing Center in west Miami-Dade to the county-run Turner Guilford Knight Correctional Center near Miami International Airport.

The INS transferred the women in the aftermath of allegations of sexual abuse by detention officers at Krome. One of the female inmates at TGK said she was groped and kissed against her will by an officer at Krome just before the transfer to TGK.

"It happened in October or November when this one officer kept making passes at me and grabbing me," said the detainee. "One time he grabbed my breasts and another he kissed me..."

The problems cited by the women are the latest in an ongoing scandal involving INS and female detainees once housed at Krome.

INS officials acknowledged that the women are unhappy, but said steps were being taken to improve conditions.

"We are focused on making things better," said John Shewairy, INS Florida District chief of staff. He specifically promised to take immediate action on the case of the detainee who said she had been sexually abused at Krome.

"We are going to look into it, and if there is credible evidence one of our employees at Krome was involved, he's gone today," Shewairy said.

He added that as part of efforts to improve conditions, the INS has established panels of immigration advocates to monitor TGK and is planning to install complaint and suggestion boxes at the facility's INS wings.

The women who were interviewed said guards routinely throw away written grievances inmates turn in. Janelle Hall, public affairs administrator for the Miami-Dade Corrections and Rehabilitation Department, said she had no evidence to corroborate the allegations.

Immigrant advocates pushed the INS to move the women out of Krome, but they expected the immigration agency to either release the women or move them to shelters — not a county jail.

CLAIMING ABUSE: Lise Haynes, an INS detainee, says that at TGK, "they don't treat us like human beings."

The interviews were arranged by Cheryl Little, executive director of the Florida Immigrant Advocacy Center, whose attorneys represent many INS detainees at TGK and Krome. One of Little's clients is Lise Haynes, 32, a Canadian, who has become one of the most outspoken critics.

"Here, they don't treat us like human beings," Haynes said. "Here they call us hos and bitches."

Under TGK policy, Hall said, "foul language or demeaning statements or offensive language is not tolerated."

Racquel Williams, 26, of Jamaica — another detainee interviewed — said they are being punished "twice" — once for being foreign-born convicts and again for complaining about abuse at Krome.

The women are among about 100 female detainees at TGK — a group that includes undocumented aliens seeking political asylum and legal permanent residents awaiting deportation because of convictions for aggravated felonies.

Laws passed in 1996 mandate the detention and deportation of foreign nationals convicted of aggravated felonies. Regulations also require detention of asylum-seekers, although often they are released within weeks.

Williams faced drug-related charges that were dismissed, but INS moved to deport her on the grounds that there is still "reason to believe" she committed a crime.

Other major problems at TGK, the women said, involve living conditions, particularly the food that is either spoiled, tastes bad, or is expired — like some recent cereal they were served. Hall said TGK is looking into the complaint but noted that the facility receives fresh cereal shipments weekly.

As for the complaints of rats in the kitchen, Hall said the women do not have access to the kitchen and that an exterminator checks the facility every week. Another issue, they said, is the lack of proper sleep. Every night, the women say, a guard comes by their cells every hour, pounds on the door and shines a flashlight inside.

Hall said guards are required to check cells hourly to "prevent escapes, suicides or suicide attempts and see whether an inmate needs medical attention."
WHY JAIL?

MORE THAN TWO MONTHS AGO, the U.S. Immigration and Naturalization Service promised to move women being detained at its Krome facility to a place with "safe, secure and humane conditions." That place turned out to be a Miami-Dade County jail. The women -- none of whom are criminals -- are routinely treated as jail inmates.

The INS says this complies with federal policy. If so, that policy should change. Most Americans would not consider this as administrative detention. The daily indignities of jail add up to inhuman treatment of these women.

The INS is holding some 100 women at Miami-Dade's Turner Guilford Knight Correctional Center, commonly called TGK. Most seek asylum in this country, having fled violence and persecution in such places as Burma, Colombia and Haiti. Even the women awaiting or challenging deportation because of criminal convictions have completed their sentences. Were they U.S. citizens, they would be free.

Grim conditions

Some say they witnessed or were victims of sexual abuse at the INS Krome detention center, which is now under investigation. A few claim to have been sexually harassed at TGK right after being moved there in December, which also is being investigated.

Longtime U.S. residents Mojtelis Adeleye, Lisa Haynes and Raquel Williams, INS detainees at TGK, met with a Herald Editorial Board member this week and described the grim conditions. They told of being handcuffed when bused to INS's Krome detention center for asylum interviews or immigration-court hearings -- and of being stripped and searched, sometimes roughly, upon their return. Ms. Williams said she and asylum seekers in her unit were awakened at 2 a.m. last week to go to Krome. Put on the bus to Krome around 3 a.m., they weren't returned to TGK until 11 p.m.

Cut off

The women's access to relatives and the outside world also has been seriously constrained. While men at Krome may have contact visits with family members twice a week, the INS's women detainees at TGK are allowed only one such visit a month -- despite the INS's own detention standards that "encourage visits from family and friends."

TGK pays phones, moreover, allow only outrageously expensive collect long-distance calls, which many rel

INS policy of jailing women detainees is excessive.

atives can't afford. Haynes described how she "begged to use the phone with a calling card" to reach her father who had been rushed to a hospital with heart problems. She said the officer asked her to request it in writing, but didn't grant the request until the next day.

The INS even initially denied these three women access to the news media. The Herald gained an interview only after threatening legal action.

Proper food and medical care also are issues to consider. Adeleye, a chronic asthmatic, said that the inhalers she had at Krome were taken away from her when she arrived at TGK. Only after she suffered several attacks while locked in her cell was she allowed to keep one inhaler with her.

At night when they are trying to sleep, jailers shine flashlight into their cells about once an hour. If the woman doesn't respond, the jailers bang on the door.

Harassment?

The three women said some INS officers and jailers threaten detainees with lock downs, transfer and other punitive treatment -- tactics that discourage most of the women from complaining of mistreatment. The three said TGK personnel often berate some women for not knowing English, have tossed written grievances into the trash and routinely call them obscene names.

We can't judge the accuracy of these charges, but there is no evidence to the contrary. Florida INS Chief of Staff John Schwarzey told The Herald that TGK meets all but one of 35 INS detention standards. He said some harsher conditions are acceptable because of TGK's "security reasons."

Mr. Schwarzey also says that asylum seekers are detained on average two to three weeks only. Yet lawyers say that they have interviewed at least six asylum seekers held at TGK who have been in INS detention from two to six months.

Both INS and TGK staff insist that they are working to address the concerns of the women at TGK. That's a start. Yet the fundamental problem is that the women seeking political asylum or fighting deportation proceedings don't deserve to be jailed in a criminal facility.
POSITION STATEMENT/PAPER
City of Miami Commission on the Status of Women

REGARDING THE STATUS AND TREATMENT OF FEMALE ASYLUM SEEKERS AND THEIR CHILDREN BY STATE AND FEDERAL AUTHORITIES

The current history of abuse of detainees and asylum seekers at the Krome Avenue facility, and at other facilities, has been well documented by the media, United Nations High Commissioner for Refugees, Amnesty International, and the Women's Commission on Refugee Women and Children. Despite this documentation, public scrutiny, and outcry by agencies, private organizations, and individuals, it appears that the condition of the detainees and asylum seekers has not improved.

While it is true that some female detainees have been convicted of crimes that subject them to deportation, the majority of the women being held, as well as their children, are simply refugees seeking a better way of life in the United States.

The United Nations and other organizations have promulgated standards for treatment of refugees that the United States, through the Immigration and Naturalization Service (INS), has yet to practice.

Fewer women than men are held as detainees, which leads to problems of how and where women should be housed and treated. It has been established that it is poor policy to separate women from their children. Nevertheless INS houses under-age children of female asylum seekers at a totally separate facility, i.e., Boys Town. Medical treatment is also required for those in need, yet INS currently fails to live up to its own standards for such treatment, and women asylum seekers are routinely deprived of the required medical treatment by guards and administrators of the facilities in which they are held. There are documented cases of women with serious medical problems such as epilepsy and hyperthyroidism being denied their medication by guards and administrators until it becomes a critical care situation. In the case of Krome, the medical facility is so inadequate as to beg for federal investigation by the Justice Department.

Women in detention of all sorts should be free from sexual harrassment by guards at those facilities, and should never be put and kept in a situation that is harmful to them physically and emotionally, where the guards are only periodically investigated and/or prosecuted for treatment that runs from groping the women for favors at the canceen, to out and our promises and threats of deportation if the women refuse their sexual advances.

This said, INS has long promised to move the female asylum seekers to facilities that are safer...that is to say, they will no longer be subjected to the harrassment (which under UN standards is considered torture) and that they will be in a better position to be near family, attorneys and the like. To that end, the INS has signed a contract with Miami Dade County for the housing of
asylum seekers/detainees at Turner-Guilford Knight Center - the County Jail - under the auspices of the U.S. Marshall's Service, for a period of 15 YEARS. The county is paid $82.00 per day for the care of these women. The County Jail facility at TGK has now held these "prisoners" for a while, and their mistreatment while incarcerated has been documented by several agencies. The women are routinely being abused by jail guards, denied adequate access to their attorneys and families, and continually complain about the food and adequacy of their medical treatment. They are routinely denied their prescribed medications, interviews with attorneys and families are denied, delayed or overlooked. Where there is a language problem that requires translation, the only translation available is if the attorney or interviewer has a cellular phone to contact an AT&T translating operator. There is a single interview room at TGK which is inadequate at best. While not widely known, these women are often shipped out of TGK to facilities in other states - Pennsylvania, Louisiana, New York - in the middle of the night with no notice to counsel or families. This is outrageous.

We, the City of Miami Commission on the Status of Women would like to weigh in on the ongoing discussions and recommendations made by all the previously mentioned organizations.

We feel that the following minimum standards of care should be followed for the time any women are in detention in our community, either at Krome or at a county jail facility.

1. Asylum seekers who have shown a credible fear of persecution should not be detained, but should be given expeditious and fair hearings. Prolonged detention of asylum seekers is contrary to the principles of international law.

2. For women who cannot be paroled pending a final hearing, the INS should have a more credible holding facility than a county jail, which the taxpayers are essentially paying for twice.

3. Women are exceptionally vulnerable in a real prison detention situation, and the inability to communicate with or understand the guards opens them up to greater abuse. Having an official translator available, and in addition, multilingual guards for these ladies in particular, would be of great assistance.

4. Children should NEVER be separated from their mothers.

5. Working and adequate grievance procedures MUST be in place so the women who complain about their treatment are not subject to retaliation by guards.

6. There should be immediate investigation and suspension of any guard or administrator who is an alleged violator. It would be prudent for the investigation to be made public, so as to deflect the rather obvious conclusions that INS and the County facility are covering up the abuses in the hope the accusers will be deported before they can testify (this has happened) or the detainee is shipped away to another facility. We suggest a civilian oversight board to oversee and assist in these investigations. This will assure fairness for all concerned.
7. Medical treatment and medicine should ALWAYS be available to a needy detainee. Under no circumstances should any woman with a medical condition that requires ongoing medication be put at risk because the guards "don't feel like it" or use the medicine, or lack of it, to better control the inmates. Counseling should be available for those who have been abused or tortured, or simply detained.

8. There is an absolute lack of respect for the asylum seekers by their jailers. Sensitivity training would seem to be an option, along with separate areas of detention. However the prison warden at TGK has stated that he cannot "treat these people differently, or the other prisoners will take it out on them."

9. There must be adequate facilities where the asylum seekers can be alone with their attorneys, with official translators available to assist. These sessions should always remain private and out of the hearing of guards. Privileged communications are just that. This is a fundamental human right, and detainees should never be denied access to counsel.

10. Prisoners have the absolute right to practice their religious beliefs. It is on record that at certain facilities women from places such as Somalia have been forced to remove their veils and strip for body cavity searches by male guards. This is intolerable.

11. Asylum seekers should have access to the basic necessities such as shower facilities and toilets. Women should never be forced to appear in court or anywhere without being able to properly wash.

12. Asylum seekers should be assured they will remain in a certain facility where they have access to family visitors and their attorneys. They should never be secretly sent to other facilities without proper and fair notice to all. Bed space is not a reasonable excuse.

13. The United States should immediately adopt and ratify the United Nations High Commissioner on Human Rights Guidelines on Human Rights set out in 1999 — and then make sure that federal institutions follow them, or be punished if they do not.

WOMEN WHO HAVE COME TO THE UNITED STATES SEEKING A BETTER LIFE SHOULD BE ASSURED THAT THEY WILL BE KEPT IN A SAFE AND PROTECTED PLACE UNTIL THEIR CLAIMS CAN BE FAIRLY PROCESSED BY THE GOVERNMENT. UNTIL THAT TIME, THEY SHOULD BE TREATED AS ALL ASYLUM SEEKERS HAVE BEEN TREATED HISTORICALLY BY THE UNITED STATES — WITH CARE AND FAIRNESS, NO MATTER WHERE THEY CAME FROM, NO MATTER THE LANGUAGE THEY SPEAK, NO MATTER THE COLOR OF THEIR SKIN. THEY HAVE COME HERE TO ESCAPE PERSECUTION, AND ARE DUE THE RESPECT TO WHICH ALL HUMAN BEINGS ARE ENTITLED, NO MATTER THEIR ORIGIN.
United States of America

"I'm not an inmate. Why should I be treated as one?"
Women asylum-seekers punished for state's failure to protect them

"[I] would rather have... been killed in Colombia by the FARC and the UAD (paramilitaries), than be detained at TGK."

Testimony of an asylum-seeker detained at Turner Guilford Knight Correctional Center

Women asylum-seekers are facing serious ill-treatment in a local Miami jail where they were transferred following allegations of sexual abuse at a US federal government immigration centre in Florida. Amnesty International believes that the move has effectively resulted in the women being "punished" for the US Government's original failure to protect them.

The organization is calling on the Immigration and Naturalization Service (INS) to take immediate steps to ensure the safety and well-being of INS women detainees transferred to the Turner Guilford Knight Correctional Center (TGK).

Around 13 December 2000, the INS moved 90 female detainees (as many as 60 are asylum-seekers) from Krome Service Processing Center to TGK. The move followed the publication of a report by the Women's Commission for Refugee Women and Children detailing widespread sexual, physical, verbal and emotional abuse by guards of the female detainees at Krome. TGK has not been the model facility purportedly portrayed by the INS, however. According to reports received by Amnesty International, the treatment of female detainees at TGK is in many respects far more severe than at Krome.

Women have complained of being treated as criminal detainees rather than asylum-seekers. According to the Florida Immigrant Advocacy Center, which has been monitoring the move, the women's medication and other personal belongings were reportedly confiscated upon being transferred to TGK. The women, some of whom are pregnant, complain of insufficient food, inadequate medical care and very cold cells. A detainee alleged that they are told repeatedly that they are inmates and will be treated as such. The women are frequently locked up in isolation, sometimes arbitrarily; they have poor recreational facilities; are awakened frequently throughout the night for prison counts or for blood tests; are not allowed pens; and are subject to arbitrary rules. According to one detainee, the women were stripped-searched on arrival and ordered to squat three times naked.

Although the women are now supervised by female guards at TGK complaints of sexual harassment and abuse continue to be received. Just two days after their arrival, a male trustee -- a prisoner who is part of a work crew -- "exposed himself" to a group of women. That same day another male trustee allegedly kissed and fondled a female detainee while a
male guard apparently stood by. On the following day another male trustee exposed himself to a woman, who had reported sexual abuse by an officer who remains at Krome. The women are now placed in "lockdown" whenever a man is in the cell unit, thus effectively "punishing" the women. "...We were moved [because] there was sexual harassment towards the female population and it was for our own protection. My question is whose protection?" a women detainee stated in a letter received by Amnesty International.

Legal service providers report significant barriers to attorney access at TGK, and detainees are only allowed one personal visit per month, in comparison to the two visits a week they were allowed at Krome. Moreover, they are only allowed to make collect calls which many phones do not accept.

Amnesty International is also concerned that some women who have already passed their "credible fear" asylum interviews, and are thus eligible for release, still remain in detention. Moreover, those who are eligible for release are reportedly told that they will be denied release if they complain about conditions. Some detainees are threatened with file review denials, transfer or lockdown for expressing concern about their treatment. They are also handcuffed when taken to Krome for asylum interviews or immigration court hearings and stripped searched numerous times.

International Standards state that the detention of asylum seekers should normally be avoided. Yet asylum-seekers are not only routinely deprived of their liberty in US prisons and jails, are also often detained indefinitely beyond the limited period suggested by international standards in conditions entirely inappropriate to their status, which may amount to cruel, inhuman, or degrading treatment. The detention policies and practices in the USA fail to follow not only relevant United Nations (UN) standards on treatment of asylum-seekers and refugees but also violate fundamental international legal principles such as Article 9 of the International Covenant on Civil and Political Rights, which prohibits arbitrary detention.
Amnesty International is calling on the INS to take immediate steps to ensure the safety and well-being of INS female detainees transferred from Krome; ensure that they receive humane treatment; are not locked up in isolation or otherwise treated punitively while in detention; and that detainees are not held in local jails. The organization believes that in those limited circumstances where detention of asylum-seekers is justified, they should be detained in a facility appropriate to their status as asylum-seekers, in line with international standards. Amnesty International maintains that the practice of placing women asylum-seekers in punitive "lockdown" is unnecessary and constitutes cruel, inhumane and degrading treatment or punishment.

Amnesty International is also calling on the INS to ensure that male guards and inmate trustees do not have unsupervised access to female facilities which create opportunities for abuse. The INS should also ensure that preventive measures are in place so that women are not afraid to report abuses through fear of reprisals and to protect women from sexual abuse. The organization is also asking to be informed of the outcome of the internal investigation carried out by the TGK Office of Public Affairs into the allegations reported.

Amnesty International believes that asylum-seekers should be given access to legal counsel — and to the UN High Commission for Refugees and appropriate non-governmental organizations assisting detained asylum-seekers — at all stages of their detention. The organization is also raising concern with the INS about reports that one detainee was transferred from TGK to Monroe County Jail, Florida, where she has no legal representation and is housed with the regular inmate population. It is also asking whether 21 asylum-seekers were recently transferred to a county jail in York, Philadelphia, without guaranteed access to attorneys.

**Background**

In October 2000, the Women's Commission for Refugee Women and Children released a report detailing the abuse of refugee women at the Krome Detention Center. Based on interviews with current and former female detainees and INS officials, and the reports of local legal service providers, the Commission found widespread reports of sexual, physical, verbal and emotional abuse of the female detainees at Krome. In an attempt to find a solution to this problem, the INS, without warning, decided to move the 90 female detainees to TGK. The 1,000-bed jail houses male, female and juvenile convicted criminal offenders and those awaiting trial.

While Krome is no longer accepting female asylum-seekers, the women still have to return to Krome for court and asylum office interviews, although the latter will eventually be held at TGK.

A team of Justice Department and other federal investigators have been looking into conditions at Krome for months, focussing especially on the sexual abuse allegations. Two INS officers have been indicted, one for rape and the other for fraud; one Krome detention officer has been charged with sexually assaulting a Mexican transsexual detainee. Nine INS officers have been reassigned from their duties to desk jobs pending the investigation.

In January 2001, the INS issued national standards for the treatment of its detainees whether held in INS-run detention facilities or local jails. The 36 standards cover a broad range of issues, including visiting rights and grievance procedures. There is great concern, however, that the standards will not provide adequate safeguards as they are non-binding. Moreover, critics have argued that these standards do not address important issues such as the frequent transfer of detainees without the notification of their lawyers.
KEYWORDS: WOMEN / PENAL INSTITUTIONS / REFUGEES / SEXUAL HARASSMENT / PRISON STAFF
Sex abuse of female inmates widespread

Report targets jails, prisons in Fla.

BY FRANK DAVIES
davies@herald.com

WASHINGTON — Sexual abuse of female inmates in U.S. prisons is widespread and often ignored, and Florida prisons and jails don’t do enough to protect women behind bars, according to a 50-state report from Amnesty International released Tuesday.

Cassandra Collins of Tallahassee told a press conference how she was raped by a Gadsden County jail captain five years ago while serving a sentence for writing bad checks. Her complaints were largely ignored until her attacker confessed to raping another guard and was convicted on federal charges.

“He got away with it for a long time,” Collins said. “We all want to believe that we live in a country where people are not tortured and women are safe. We don’t.”

William Schulz, Amnesty’s executive director in the United States, said since 1998 his organization has documented more than 1,000 cases of abuse in the nation’s jails and prisons, where the female population has grown to about 85,000, including more than 4,000 in Florida.

“Such allegations are often dismissed as an aberration involving the behavior of a few bad apples,” Schulz said. “This report shows a major systemic problem.”

Florida’s criminal laws in such cases are stronger than some other states, but according to the Amnesty report, the state’s laws and practices should be strengthened.

Florida statutes don’t cover all forms of sexual abuse, including oral sex and harassment. And state laws cover only state institutions and state employees — not local jails, guards and other employees often working for private firms.

Collins founded a group of rape victims and advocates two years ago and is lobbying for a bill in Tallahassee to strengthen penalties against abusive prison guards and employees and allow female prisoners to meet with counselors.

“What happened to me should never happen again,” Collins said. “This bill gives women in prison basic protection against sexual violence.”

Gov. Jeb Bush supports “the concept of protecting jail inmates similar to the protections in the state prisons,” said Elizabeth Hirst, a spokeswomen. The governor’s office is studying the details of the bills.


In the past year, state and federal officials have investigated several cases in South Florida. Female inmates at Krome Detention Center complained that they were offered freedom for sex, and six guards at a Wackenhut facility in Fort Lauderdale were fired or punished for having sex with inmates.

Susan McDougal of White-water fame, who was jailed 22 months on contempt charges, also spoke out at the press conference about “degrading conditions” for women in state and federal prisons.

In some areas, Florida fared better than other states in the Amnesty report. Florida is one of three states that bar male guards from conducting “pat-down” searches of female inmates.

In many states, including Florida, pregnant inmates are routinely shackled when they are transported, and 18 states — but not Florida — allow inmates to be shackled during labor.

“There is simply no reason to shackles a woman who is in labor or giving birth,” Schulz said.

Michael McDonald of White-water fame, who was jailed 22 months on contempt charges, also spoke out at the press conference about “degrading conditions” for women in state and federal prisons.
RESOLUTION NO. __________

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, STRONGLY URGING THE UNITED STATES DEPARTMENT OF IMMIGRATION AND NATURALIZATION SERVICES, MIAMI-DADE COUNTY DEPARTMENT OF CORRECTIONS AND REHABILITATION AND ANY OTHER STATE- OR FEDERAL AUTHORITIES RESPONSIBLE FOR THE STATUS AND TREATMENT OF FEMALE ASYLUM SEEKERS TO REVIEW THE "POSITION STATEMENT/PAPER" OF THE CITY OF MIAMI COMMISSION ON THE STATUS OF WOMEN REGARDING FEMALE DETAINES AND ASYLUM SEEKERS; FURTHER DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN.

WHEREAS, the history of abuse of detainees and asylum seekers at the Krome Avenue facility and other facilities have been well documented by the media, United Nations High Commissioner for Refugees, Amnesty International and the Women's Commission on Refugee Women and Children, but the treatment of the detainees and asylum seekers has not improved; and

WHEREAS, the City of Miami Commission on the Status of Women has set out in its Position Statement/Paper what it believes should be the minimum standards of care for the
treatment of detainees and asylum seekers detained in facilities; and

WHEREAS, the City Commission wishes to strongly urge the United States Department of Immigration and Naturalization Services, Miami-Dade County Corrections and Rehabilitation and any other state or federal authorities to review the Position Statement/Paper of the City of Miami Commission on the Status of Women regarding detainees and asylum seekers;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami City Commission strongly urges the United States Department of Immigration and Naturalization Services, Miami-Dade County Department of Corrections and Rehabilitation and any other state or federal authorities responsible for the status and treatment of female asylum seekers to review the "Position Statement/Paper" of the City of Miami Commission on the Status of Women as attached regarding female detainees and asylum seekers.

Section 3. The City Clerk is hereby directed to transmit a copy of this Resolution to the United States Department of Immigration and Naturalization Service, Attorney
General of the United States, Miami-Dade County Department of Corrections and Rehabilitation and any other state or federal officials deemed appropriate for said purpose.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.\footnote{2}

PASSED AND ADOPTED this ___ day of __________, 2001.

\begin{center}
JOE CAROLLO, MAYOR
\end{center}

ATTEST:

\begin{center}
WALTER J. FOEMAN
CITY CLERK
\end{center}

APPROVED AS TO FORM AND CORRECTNESS.\footnote{3}

\begin{center}
ALEJANDRO VILARELLO
CITY ATTORNEY
\end{center}

W5151:LB

\footnote{2}{If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.}
INS shouldn't have chosen jail

We are deeply concerned about the conditions facing the women at the Turner Guilford Knight Correctional Center, but the Immigration and Naturalization Service should bear the brunt of criticism regarding the move of the women from the Krome Avenue detention center.

INS promised a better environment than Krome for the women now at TGK. But INS had to know that in many ways life for the female detainees would be far more restrictive at TGK, a county jail that houses inmates who have been arrested or are already serving sentences.

It appears that little planning was undertaken by INS to ensure that TGK was suitable for the women. INS seems to have rushed to rid itself of the problem of not being able to control corrupt officers at Krome. The women believe they are being punished for someone else's sins.

Many TGK personnel seem interested in trying to ensure that the INS detainees are treated fairly and humanely. And the detainees repeatedly praise the many good officers working at TGK, as they did the many good officers at Krome.

The problem, as TGK officials say they pointed out to INS before the move, is that they cannot treat the INS detainees differently than the regular inmates. But most of the INS detainees at TGK are asylum seekers with no criminal record.

They are terrified when subjected to hourly counts at night and strip-searched each time they return from their hearings at Krome. Most don't even speak English and often are unable to communicate with jail staff.

The INS never seriously explored the possibility of reasonable alternatives to jail, alternatives that have been successfully undertaken in other parts of the country. Nor has it made good on a promise to ensure the implementation of new INS detention standards.

CHERYL LITTLE
Executive Director,
Florida Immigrant Advocacy Center
Miami
Locked up in a Miami-Dade County jail for more than two months now, Racquel Williams has faced a question that no one in America should have to face: Why does the United States want to deport her for a crime that she was cleared of?

“All I know is that I was found not guilty, and I want to go home,” she says. “It seems that they are trying me again for the same crime.”

At her first trial, in federal criminal court, the jury acquitted her. Williams, 26, was on her way back from a two-week vacation in Jamaica, her birthplace, when a Customs inspector found cocaine in her suitcase. That was in September. Protesting her innocence, she refused a plea deal.

As it turned out, the inspector’s testimony later proved critical. He testified that she looked like any normal passenger, says William Thomas, her federal public defender. She wasn’t sweating or acting nervous but got upset when they opened the case and found drugs.

At first Williams didn’t want to believe it, but she realized that her boyfriend (now ex) must have put the cocaine in her bag. Two days earlier, he had showed up in Jamaica unexpectedly, and he stayed behind when she left. After her arrest at Miami’s airport, she used her one call to phone him. She was crying and asked him to come help her. He said he would.

“She’s still nowhere to be found,” she now says, still speaking from jail.

On the stand, Williams told the jurors about her life before the arrest. Living in Virginia Beach with her older sister and grandmother, she was a full-time college student, studying to be a computer administrative specialist while working full time for a local-events promoter. She also was supporting her 6-year-old daughter, Ersica Morris.

“I was about to graduate from school. I had just bought my car. Everything was going how I had prayed for,” Williams says. All that effort was “so that my daughter could have a better life.”

Williams hasn’t seen her daughter for nearly six months. She was desperate when a jail guard took away Ersica’s photo for a week. And it breaks her heart when, over the phone, Ersica confesses that she has nobody to talk to and can’t pray by herself.

“I just want to go back to my life,” Williams says understandably.

You would think she could because a jury of her peers found her not guilty on Jan. 5. But she can’t. The U.S. Immigration and Naturalization Service won’t let her. The agency has overwhelming powers that most Americans would protest if applied to them.

CONVICTION NOT NECESSARY

Not only is the INS trying to deport Williams, in fact, it can do so — for equal, if not less, reason than what was needed to arrest her on federal charges.

Thanks to harsh anti-immigrant laws, no conviction is needed to deport you if the INS shows “reason to believe” that you are a drug dealer or “a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking.”

While the INS won’t discuss specific cases, Florida INS District spokesman Rodney Germain explains its general approach: “If someone presents the right information, we can act on it. Many parts of the Immigration and Nationality Act don’t require conviction.”

All this applies, of course, only if you are not a U.S. citizen. Even if you have a longtime permanent resident — like Racquel Williams, who arrived at age 12, has lived in United States more than half her life and has a U.S.-born daughter. Even when she has no record of drug crimes. Even after 12 jurors found no reason to believe her guilty of a drug crime.

$82 FOR INJUSTICE

Williams is scheduled for a hearing on her deportation case on April 2. But the INS is cutting her no slack. Apparently, it believes she is a flight risk or danger to the community. INS won’t allow her to bond out of jail. Thus, we taxpayers are paying $82 a day to keep her wrongly in a cell. As if Williams would run to Jamaica to avoid being deported there. As if she would risk long-term separation from her daughter and family.

“There are people who are found innocent because they are innocent. Those are the cases where the INS should exercise their discretion,” says Boris Wijkström, Williams’s pro-bono attorney from the Florida Immigrant Advocacy Center.

He is right. The INS does have prosecutorial discretion, and it has plenty of people convicted of violent drug crimes to deport. But the Florida INS District is capriciously persecuting Williams. That is more than double jeopardy. Her treatment is an offense to the rule of law that most Americans live by.

sharciela@herald.com
INS jailing of women is assailed

BY KARL ROSS
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The Miami-Dade County Commission on Tuesday called for an end to the internment of female asylum-seekers and immigrant detainees at the county's Turner Guilford Knight Correctional Center (TGK).

The commission considered terminating the arrangement unilaterally with 30 days' notice but instead ordered County Manager Steve Shiver to schedule a meeting with Immigration and Naturalization Service officials.

"Finally, I have some hope now," said Cheryl Little, an immigrant rights attorney who advocates the women's release from TGK.

"One of my concerns is that the women were being forgotten."

Commissioners Barbara Carey-Shuler, Katy Sorenson, Natasha Seijas and Joe Martinez asked to participate in the meeting with INS officials, along with Shiver and U.S. Rep. Carrie Meek, D-Miami.

INS officials were caught off guard by the commission's reaction.

Agency spokesman Rodney Germain said officials at the INS Miami District office are withholding comment until they receive official notice.

**WHAT THE MIAMI-DADE COMMISSION DID**

- Deferred until Thursday consideration of a resolution that would amend a revenue-sharing agreement between the county and the city of Miami Beach. The resolution responds to concerns about the impact of a proposal to tap the tourism tax – the sources of the revenue – to finance a new baseball stadium for the Florida Marlins.
- Allocated $5,000 to the Africando Arts & Cultural Festival, scheduled to be held May 5. The funding resolution was sponsored by Commissioner Dorrin Rolle as part of an effort to increase commerce with Africa.
- Adopted a resolution urging the Florida Legislature to rename a portion of 57th Avenue between Seventh Street and Flagler Street as Emilio Milian Way in honor of the Cuban-American radio broadcaster who died March 15.
- Authorized the use of $5 million in surplus federal grants to fund a summer jobs program for approximately 3,000 disadvantaged youths.

Several commissioners upbraided the INS for its treatment of the 80 to 90 female detainees.

They were transferred to TGK in November amid a widening federal probe into allegations of sexual misconduct against INS custodians at the Krome immigration detention center.

"I think that someone comes to this country and their welcome is a prison, the INS should be ashamed of this," Commissioner Jimmy Morales said.

Noting that he was the son of a female refugee, Morales said the arrangement "disgusts me."

Commissioners said the women should be housed in an alternative setting, perhaps a privately operated shelter. They asked the manager's office to consult with the county's Human Services Department.

"We rescued the women, but we didn't rescue them from Saddam Hussein or somebody," Morales said. "We rescued them from the federal government, and everybody in Congress should be ashamed." Carey-Shuler put the issue on the commission agenda to provide Miami-Dade Corrections Director Lois Spears with a forum for responding to the public-relations firestorm caused by national news reports.

International watchdog groups such as the Women's Commission for Refugee Women and Children, based in Washington, D.C., and London-based Amnesty International have recently condemned the women's incarceration.
Miami-Dade wants INS to move immigrant women at jail

By JODY A. BENJAMIN
Staff Writer
Posted April 26 2001

Though they moved in only four months ago, immigrant women held at a Miami-Dade County jail may soon be moving out.

The Miami-Dade County Commission wants to reconsider its contract with the Immigration and Naturalization Service to house 93 female INS detainees at the Turner Guilford Knight Correctional Center. INS moved the women to the jail from Krome Detention Center in December while federal authorities investigate allegations that Krome guards pressured women detainees for sex.

"These women are no longer being asked for sexual favors, but this still isn't the appropriate place for them," County Commissioner Katy Sorenson said of the jail near Miami International Airport. "They are being treated like they're still in prison. It just isn't working."

On Tuesday, commissioners asked County Manager Steve Shiver to schedule a meeting with local INS officials to discuss finding another location.

The commission's decision signaled a victory for immigrant advocates who fumed that the women were being "punished twice" because they had complained about treatment at Krome. About two-thirds of the detainees were asylum seekers; the rest had immigration violations such as overstaying a visitor's visa or are convicted felons facing deportation.

"Finally, there's some light at the end of the tunnel," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center. "The Dade County Commission has a much better chance of getting INS to listen to them than we do."

On Wednesday, INS said it had not formally received the county's request and would not comment on the meeting. But a spokesman said INS moved the women to the jail because the agency thought they could not safely be housed.
in a co-ed environment at Krome.

At the jail, the women are held separately from men and are tended to by female guards.

"We realized Krome was not the proper facility so we looked at better places to put them," said INS spokesman Rodney Germain. "Working with the community, we found that [Turner Guilford Knight] was an acceptable place. That hasn't changed."

But daily life worsened for the women after INS transferred them to the jail, Little said. INS said it would try to maintain treatment standards, but the detainees say they have less access to lawyers, families and outdoor recreation.

As they do with other inmates, jail officers stripped INS detainees of their jewelry, underwear and personal items such as toiletries and photographs, Little said. At night, guards count the women once every hour -- shining a flashlight on them to make sure they are still breathing.

"That's fine for a jail population," said Sorenson. "But not for these women."

Men at Krome use phone cards to call their family or attorneys, have contact visits with family once a week and enjoy outdoor recreation such as a basketball court.

INS pays Miami-Dade County $82.41 a day for each detainee housed at the jail. The federal agency holds contracts with jails statewide to hold hundreds of male detainees it cannot fit into Krome.

Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.

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For Immediate Release

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CONGRESS SHOULD FIND ALTERNATIVES TO DETENTION FOR ASYLUM SEEKERS, WOMEN'S COMMISSION TO TELL SENATE

WHAT: Hearing by Senate Committee on the Judiciary Subcommittee on Immigration

WHERE: Dirksen Senate Office Building, Room 226

WHEN: Thursday, May 3, 2001

WHO: Wendy Young, Director of Government Relations and US Programs,
Women's Commission for Refugee Women and Children

Asylum seekers in this country often endure arbitrary and prolonged detention in harsh conditions that fail to meet basic standards of decency and compassion, Wendy Young will tell a hearing by the Senate Committee on the Judiciary Subcommittee on Immigration on Thursday. Prolonged detention frequently erodes the physical, mental and emotional health of asylum seekers and is an unnecessary waste of taxpayer dollars, she will testify.

- The average length of detention for asylum seekers in the New York district was 109 days, according to a study by the Hastings College of Law. The Women's Commission has interviewed women and children who have endured years of detention.

- Nationwide, 361 asylum seekers have been in INS detention for more than three years, reported the Dallas Morning News last month.

- It costs the INS and the US taxpayer anywhere from $41 to $156 per day to detain one asylum seeker, the Women's Commission has learned.

Asylum seekers are often housed in prisons, where they are treated like criminals and locked up for hours in cells without access to lawyers, family members or translation services. "I can't treat the INS people differently, I'll have problems," the warden of Miami's Turner Guilford Knight Correctional Center told the Women's Commission. "I have 1200 inmates in here."

In some facilities detainees have been subject to abuse and harassment: strip and cavity searches; handcuffing and shackling; physical, verbal and sexual abuse; and the excessive use of solitary confinement. At the Krome Service Processing Center in Miami, 20 separate allegations of sexual abuse by at least 15 INS officers have surfaced. One officer has been indicted for rape.

The Women's Commission for Refugee Women and Children urges Congress to mandate a rational parole policy for those seeking asylum and alternatives to detention.

Asylum seekers come to the United States seeking refuge from persecution. They do not expect to be imprisoned by the world's leading democracy and defender of human rights.
Good afternoon. On behalf of the Women’s Commission for Refugee Women and Children, thank you for the opportunity to testify regarding the detention of asylum seekers. I also wish to submit my full written testimony to the record.

The Women’s Commission has assessed detention conditions in 35 facilities across the country. We have found that asylum seekers often endure arbitrary and prolonged detention in conditions that undermine the U.S. commitment to refugee protection. Such individuals come to the United States expecting refuge. None expect imprisonment.

Immigration detention has become the fastest growing prison program in the United States. The INS detains 20,000 individuals a day, for an annual total of over 200,000. Approximately five percent of the detained population are asylum seekers. Women constitute seven percent and children three percent.

Statistics related to detention, however, are difficult to pin down because of the INS’s poor data collection. In fact, the INS has failed to comply with a statutory provision which requires annual reports on detention data to Congress.

What has been extensively documented are the harsh and inhumane conditions of detention. All the facilities used by the INS are prisons or the equivalent. Fences, cells, and locked doors define the detainees’ living space. In fact, the term “detention” itself is misleading; “incarceration” better reflects the experience of asylum seekers.

Moreover, detained asylum seekers have suffered sexual, physical, and verbal abuses; commingling with criminal offenders; handcuffing and shackling; inadequate health care; poor translation services; insufficient outdoor recreation; and a lack of appropriate religious services.

Detention also impedes legal representation, which is critical to the success of an asylum claim. More than twice as many detained asylum seekers lack representation as compared to non-detained asylum seekers in removal proceedings. And represented asylum seekers are four to six times more likely to win asylum than those who are unrepresented.

Two examples demonstrate some of the problems in detention. First is sexual abuse at the Krome detention center in Miami, where women detainees have accused 15 officers of rape, molestation and harassment. INS officers made false promises of release to women if they cooperated. They threatened them with deportation, transfer to county jails, or even death if they dared to resist. Instead of placing the women in appropriate alternatives to detention, the INS responded by transferring them to a county prison, where many new problems have arisen.
The treatment that some religious programs have received in detention centers serves as a second example. In 1999, the INS Newark District cancelled an arrangement with Jesuit Refugee Services to provide religious services in the Elizabeth Detention Center. Among the INS’s reasons was that a Bible study reading had been based on the gospel of Matthew, which preaches “welcoming the stranger.”

The prisons and jails with which the INS contracts, and which provide approximately 60 percent of INS detention space, present special problems because they are not designed to meet asylum seekers’ legal and social service needs.

It is also critical to address the situation of children in detention. The 4,500 unaccompanied children in INS custody each year range in age from 18-months to 17-years-old. The INS experiences an inherent conflict of interest with children it holds, as it is acting as their caregiver at the same time that it is seeking their deportation.

While the INS does maintain approximately 600 shelter and foster care beds, it holds approximately one-third of children in juvenile jails, for periods ranging from a few days to more than a year.

Furthermore, less than half of the children in INS custody are represented by counsel. U.S. immigration laws also fail to provide for the appointment of guardians ad litem, a regular practice in other court proceedings.

The INS has recently developed standards for conditions of detention, an acknowledgement that detention practices should be consistent and facilities held accountable. However, the standards are fundamentally flawed because they are non-binding, only the INS is monitoring their implementation, and it has only recently begun the process of applying the standards to prisons with which it contracts. They also do not apply to facilities in which children are detained.

The fundamental question, however, is why the INS is detaining asylum seekers in the first place. It has stated that its policy should normally be to release asylum seekers who have established a credible fear of persecution, but many districts continue to detain asylum seekers for prolonged periods, sometimes years. The disparity between the national policy and local implementation is due to the tremendous discretion to parole asylum seekers delegated to district directors.

The success of pilot projects that have explored the viability of alternatives to detention underscore the irrationality of current practice. Such pilots have ensured that asylum seekers appear for their hearings and that they are treated humanely in the interim. Alternatives have also proven to be much less costly.

In 1990, the INS implemented a pilot project known as the Asylum Pre-Screening Officer Program. Under APSO, 97 percent of paroled asylum seekers appeared for their court hearings.

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In 1997, the Vera Institute of Justice tested a supervised release program in New York. The program resulted in up to a 93 percent appearance rate, depending on the level of supervision. It also cost 55 percent less than detention.

In 1999, the INS released 22 Chinese asylum seekers detained in a county prison in rural Illinois to local nonprofit shelters. All but one of the participants remained in the program, resulting in a 96 percent appearance rate.

Finally, New Orleans Catholic Charities has housed more than 30 formerly detained asylum seekers in shelters, none of whom have absconded. The shelters cost the INS one-sixth the cost of detaining individuals in prisons.

In conclusion, asylum seekers will remain vulnerable to arbitrary detention unless Congress mandates a rational parole policy, alternatives to detention, and the restoration of due process.

We recommend the enactment of legislation that establishes that U.S. policy is generally not to detain asylum seekers; delegates the authority to parole asylum seekers or to place them in an detention alternative to asylum officers and immigration judges; mandates the establishment of alternatives to detention; and provides government funding to facilitate legal orientation sessions.

In addition, Congress should move quickly to pass S. 121, the Unaccompanied Alien Child Protection Act, which addresses the critical custody, care, and assistance needs of unaccompanied children.

Depriving an individual of her freedom is one of the gravest actions a government can take. We believe that Congress must take the lead in restoring accountability, consistency, and compassion to U.S. detention policy.

Thank you for holding this important hearing.
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Friday, May 4, 2001

NATIONAL

REFUGEE ABUSE DETAILED MIAMI CENTER SINGLED OUT IN SENATE HEARING
WILLIAM E. GIBSON Washington Bureau Chief

Immigration agents often seize terrorized refugees, shackie them,
humiliate them, toss them in jail with criminals and detain them for
many months or years, human-rights activists told a Senate panel on
Thursday.

Advocates for asylum reform and several refugees cited numerous
instances of alleged abuse, notably accusations of sexual molestation
of women detained at the Krome Service Processing Center in Miami.

One by one, refugees related horrific accounts of lengthy
experiences in jails and detention centers around the country.
Senators on the Immigration Subcommittee were visibly moved and
expressed support for new asylum rules.

Sen. Bob Graham, D-Fla., seized the occasion to promote his
legislation to create an Office of Children's Services to take care
of refugee children who arrive unaccompanied by adults.

Detention by the Immigration and Naturalization Service "can mean
handcuffs, shackles, strip-searches or incarceration in jails with
violent juveniles," Graham told senators on the panel. "This is
unacceptable treatment for one of the most vulnerable groups of our
society: children."

Other senators said they would move aggressively to address asylum
issues but did not offer specifics.

Sen. Dianne Feinstein, D-Calif., a co-sponsor of Graham's bill,
said she became inspired to reform asylum procedures when she
discovered one young girl in California had been detained for seven
years. "It is, in a sense, a major scandal, and we need to move on
it," Feinstein said.

The hearing on Thursday was a somewhat one-sided affair, with INS
officials not taking part. INS spokesmen were unavailable for comment
afterwards.

In New York's crowded INS district, the average detention time for asylum-seekers is 109 days, and in some cases around the country the wait can last for several years, according to Wendy A. Young of the Women's Commission for Refugee Women and Children.

"The treatment that women detainees have received in the Miami INS District is perhaps unrivaled in the seriousness of the abuses reported," she said. She cited 20 separate allegations of sexual abuse by at least 15 officers at the Krome Center.

Refugees from several countries stood up in the hearing room one by one as their experiences were described to the subcommittee, and three came forward to testify.

Patrick Mkhizi, a refugee from the Democratic Republic of Congo, said he was put in chains and led to a detention facility in New Jersey after fleeing a regime that had tortured him and beaten his father to death.

At one point, Mkhizi said, immigration agents put him on an airplane bound for his homeland. "I lay on the ground and refused to go. Three detention guards picked me up, handcuffed me tightly and carried me onto the plane. I was absolutely terrified. The airline employees asked the guards to take me off the plane."

Mkhizi said he was finally freed after three and a half years of detention. "The law is very harsh," he said.
Testimony
of
Bishop Thomas G. Wenski
Auxiliary Bishop of Miami
on behalf of
National Conference of Catholic Bishops'
Committee on Migration
before
The House Judiciary
Subcommittee on Immigration and Claims
May 15, 2001

I am Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, and member of the U.S. Catholic Bishops' Committee on Migration. I thank you for the opportunity to testify on behalf of the National Conference of Catholic Bishops' Committee on Migration on the budget priorities of the Immigration and Naturalization Service (INS). Specifically, I would like to address the vital topics of INS detention practices, including mandatory detention, funding for alternatives to detention, legal orientation for detainees, and the treatment of children; backlogs in the processing of immigration benefit; border enforcement; Cuban/Haitian resettlement; and INS reorganization.

Mr. Chairman, concern for the immigrant and the experience of immigration are both deeply imbedded in Church teaching. The task of welcoming immigrants, refugees, and displaced persons into full participation in the Church and society with equal rights and duties has long been an integral part of the Roman Catholic faith tradition.

The experience of the Church in the United States has provided the U.S. bishops with a special sensitivity to newcomers in our midst. Arguably no other institution in American life has had as much experience dealing with the integration of newcomers as the Catholic Church, especially through her parishes and schools. Since 1976, the bishops have been clear in their affirmation of the Church's solicitude for newcomers:

The Church, the People of God, is required by the Gospel and by its long tradition to promote and defend the human rights and dignity of people on the move, to advocate social remedies to their problems and to foster opportunities for their spiritual growth. (1)

It is with these values in mind that I address to you my concerns and the concerns of the U.S. Catholic Bishops regarding the fiscal year 2002 budget for the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review.

INS Detention Practices
The Church is deeply concerned about the detention practices of the Immigration and Naturalization Service. As the Subcommittee well knows, the number of people being detained by the INS has tripled in the past three years, making INS detainees the fastest growing population in the country. The INS's detention budget is now over $1 billion a year. More than 22,000 persons are currently detained by the INS, and the number is growing.

The financial costs of this detention is staggering. But as great as the financial cost, so too is the human cost of this staggering increase in INS detainees.

The increase in detention is due to a number of factors. First, Congress in 1996 passed a number of laws that require mandatory detention of aliens, including many for whom detention makes no sense. And second, the decentralized nature of INS decision-making makes it impossible for there to be a national policy on detention.

The bishops recommend a number of policy and legislative changes governing the INS's detention practices:

- First, the Subcommittee take a close look at mandatory detention laws and, wherever possible, make changes to those laws to give the Attorney General more discretion to release INS detainees who are not a danger to society and are not in danger of absconding.

- Second, the Subcommittee should direct the INS to pursue a program of providing alternatives to detention for those detainees who are not a danger to the community and are not in danger of absconding. Such a program could be funded by a small earmark of current INS detention funds and would save the federal government millions in detention costs.

- Third, the Subcommittee should direct the INS to fund "legal orientation presentations" in facilities housing INS detainees to enable detainees to receive accurate legal information about the forms of relief to which they might be eligible or ineligible. This would have the double benefit of speeding proceedings; identifying those detainees who may actually have relief, including valid claims of asylum; and helping those who have no form of relief available to them understand the reality of their situation.

- Fourth, the Subcommittee should enact comprehensive legislation to ensure that unaccompanied alien children in INS custody are treated humanely and not placed in juvenile jails or in adult detention facilities. The manner in which some children have been treated under our current system is nothing short of criminal. Representative Zoe Lofgren, a member of this Subcommittee, is about to introduce legislation that we strongly support on this issue. The legislation will be identical to S. 121, bipartisan children's legislation that was introduced last January by Senator Dianne Feinstein (D-CA).

Implementation of these recommendations would have the salutary benefit of actually reducing INS detention costs while treating the vulnerable among us in a more compassionate and humane manner.

Alternatives to Detention. Sixty percent of the more than 22,000 INS detainees currently are held in local and county jails. The rest are detained in INS facilities, Bureau of Prisons facilities, and private facilities. In anticipation of the increasing numbers of detainees, the INS has requested over 1600 additional "average daily state and local detention bed spaces" and 127 additional detention-related
officer and support positions for fiscal year 2002. We are concerned with this requested increase, and would like INS to consider alternatives to detention which are more cost-effective and more humane.

Many of those detained by INS do not present a danger to themselves or their communities and are not a flight risk. Detaining such individuals wastes valuable federal resources that could be put to better use. Detention is not only costly in terms of dollars; it is costly, as well, in terms of human suffering as people are needlessly separated from loved ones. Often, the person in detention is the breadwinner for United States citizen and/or lawful permanent resident children or spouses. In these instances, the individual in detention, the family members, and the communities all suffer.

The Church acknowledges and recognizes the right and duty of the government to provide for the public safety and welfare of its citizens. This obligation requires that certain dangerous individuals in removal proceedings should be held in detention pending a resolution of their proceedings rather than permitted to remain in the country at large. But along with this duty should be an obligation to assess whether each individual in detention is actually a threat to the safety of the country. Human rights considerations, respect for basic dignity, and the practicalities of cost and efficiency mandate that individuals in proceedings who are not threats to the public safety should not be detained. Along this vein, we believe that those who are not threats to society and are not flight risks should be released from detention. Of particular concern are asylum seekers and indefinite detainees, both of which are groups which the INS has discretion to release.

In addition to providing a more humane and compassionate response to individuals currently detained, viable alternatives to detention for deserving individuals could save millions of dollars in detention costs and free up costly detention space for more urgent uses. For these reasons, Mr. Chairman, I urge you, on behalf of the U.S. Bishops, to earmark at least $20 million from existing funds to support a nationwide program to provide alternatives to detention for individuals who are not a danger to the community and not likely to abscond.

We know that workable alternatives to detention exist. For example, the INS recently funded a pilot project which allowed for the supervised release of more than 500 noncitizens in three categories: asylum seekers, individuals in removal proceedings due to a criminal conviction, and undocumented persons apprehended at work sites. The results were remarkable. Ninety-one percent of supervised noncitizens in the project appeared in court compared to 71 percent of noncitizens released on bond or parole. Sixty-nine percent of Appearance Assistance Program (AAP) supervised participants complied with final orders of removal compared to 38 percent of a group released on bond or parole. The project showed that supervision costs only $12 per day, as compared to the $61 cost per day for INS detention.⁹

There are also other successful models for alternatives to detention including one operated by Catholic Charities in New Orleans that finds jobs, housing and needed counseling for released asylees as well as long-term detainees. Of twenty-five asylum seekers released from this program, only one has been returned to custody since 2000. The INS supports this project and praises the results. I ask, Mr. Chairman, that an article from the New Orleans Times-Picayune on the program be included in the record.

Based on the budget provided for the supervised release pilot ($2 million a year for one site), we project an expansion of the pilot to the ten areas with the largest detention populations would cost $20 million but could provide significant savings in the FY 2002 INS budget.¹⁰ We urge the subcommittee to consider providing funding for an expansion of these projects to reduce costs and
allow those who are no threat to society to stay out of detention.

Unaccompanied Alien Children. Mr. Chairman, we are particularly concerned about the increasing numbers of unaccompanied minors being held in INS detention. We believe that unaccompanied minors in removal proceedings are deserving of special treatment and that the INS should place as many as possible with family members, in foster care or in privately run shelter-care facilities. Yet a large percentage (approximately 30 percent) are still regularly detained in county or municipal juvenile correction centers, despite the fact that many of these minors have not committed any crime, are not considered flight risks, and do not present disciplinary problems. Detention in these jails greatly impairs the minor's access to counsel, and the inherently harsher conditions of confinement can result in the minor being too demoralized and/or discouraged to seek help or to participate meaningfully in court proceedings.

Unaccompanied minors enter the United States under a variety of circumstances. Some seek to reunite with family members, others are asylum seekers who have experienced persecution, some are children who have been smuggled into the country and are at risk of being caught again by smugglers and forced into sweatshop labor or worse. Whatever their circumstances, these children deserve special care. The guiding principle in placing these children in appropriate settings should be the best interests of the child. Therefore, we believe that the care and placement of unaccompanied minors apprehended by the INS should be provided by child welfare agencies experienced in serving the special needs of children. Unaccompanied minors should not be held in any type of secure facility unless absolutely necessary for the child's or society's safety. When used to detain unaccompanied minors, secure facilities should protect these children from potential dangers and separate them from criminal offenders. Mr. Chairman, I ask that a study on the plight of immigrant and refugee children published by the U.S. Catholic Conference's Migration and Refugee Services be included in the record.

Mr. Chairman, we are gravely concerned with the recent transfer by INS of responsibility for unaccompanied minors to the detention and removal division. We believe that this change is potentially a conflict of interest, since those charged with enforcement responsibilities will also be charged with providing child welfare services. In our view, this responsibility should be housed elsewhere, perhaps in the Department of Justice, and staffed by child welfare experts.

This Subcommittee will soon have before it legislation that Representative Zoe Lofgren is planning to introduce that would make comprehensive reforms in the manner in which unaccompanied alien children in United States custody are treated. The legislation will be virtually identical to S. 121, the "Unaccompanied Alien Child Protection Act of 2001," which was introduced in the Senate by Senators Dianne Feinstein (D-CA) and Bob Graham (D-FL). We respectfully ask the subcommittee to consider this issue within the context of your oversight responsibilities, as well as consider this legislation.

Legal Orientation Presentations. In addition to the many other problems faced by individuals in INS detention, these detainees often carry the added burden of being without easy or affordable access to legal representation. Many of the facilities where they are held are in remote locations, far from legal help. Persons in INS detention do not have access to government appointed counsel, and, because most are indigent and cannot afford a lawyer, more than 90 percent go unrepresented. "Legal orientation" presentations, which provide detainees with a briefing on their rights under U.S. law, could offer hope to these unrepresented individuals as well as improve efficiencies in the immigration system, help identify detainees worthy of relief, and reduce detention costs.
We cannot underestimate how much is at stake for these individuals. All are in danger of losing their right to live in the United States. They also are in danger of being separated from their families. Some are in danger of being returned to countries where they may face persecution and/or death. Without legal help, most individuals in INS detention are unclear as to what the process before an immigration judge entails, what relief may be available to them or how to pursue it.

Non-governmental organizations (NGOs), like the Catholic Legal Immigration Network, Inc. (CLINIC) try to represent people detained by the INS. Unfortunately, because of restricted resources, most people go unrepresented. NGOs have found that the most effective way to screen people in detention to determine who needs a lawyer is through group legal information presentations.

In the summer of 1998, the Department of Justice (DOJ) funded a modest pilot project, through the Executive Office for Immigration Review, that provided legal orientation presentations to detainees in three sites. The project sought to determine whether informing INS detainees of their rights would have any impact on representation rates, the efficiency of the deportation proceedings, or INS detention expenditures.

The DOJ found that the "legal orientation presentations" benefitted detainees in ways that also benefitted the INS and the immigration courts. They enabled detainees to receive accurate legal information before their hearings with the Immigration Judge. They helped detainees expeditiously determine whether they had potential relief available. They also greatly increased the number of individuals represented as the screening agencies could determine which people had strong claims and needed a pro bono lawyer to assist them further. In addition, they helped those without relief to reconcile themselves to removal. Immigration Judges, in turn were able to complete more cases in a summary fashion and benefitted from immigrants who came to their hearings informed about the process and the law. The Department of Justice has found that the above benefits allow the legal orientation program to increase the efficiency of both the INS and the immigration courts.

Such programs could result in substantial savings to the government. The DOJ report recommended the expansion of the project, stating that it improved efficiency, reduced detention costs and increased levels of representation. The report found that detainees who received "rights presentations" spent four fewer days in detention than those who did not. By expanding legal orientation presentations to other INS detention facilities, the DOJ estimated that over $8 million in detention costs would be saved annually nationwide.\(^4\) While the DOJ report noted that "[b]ased on case data from the pilot period, the rights presentation has the potential to save both time and money for the government while also benefitting detainees," it also stated that the most significant barrier to replicating the rights presentation program is funding.\(^5\)

Therefore, Mr. Chairman, I urge the Subcommittee to direct the INS to use existing funds to provide funding to make legal orientation presentations available to aliens in detention so as to improve deserving detainees access to relief, increase the efficiency of the system, and reduce the overall cost of detaining aliens.

**Family Reunification and Immigration Benefits Adjudication**

The Catholic Church has long taken the position that family unity should be the driving force behind our immigration policy. Family reunification should remain the cornerstone of our national immigration system. All families, including immigrant families, should be supported in their efforts to re-unite or remain together, and to be self-sufficient.

http://www.house.gov/judiciary/wenski_051501.htm 6/1/01
The U.S. bishops make note of three developments under this Subcommittee's jurisdiction that make it more difficult for immigrant families to reunite and remain together in the United States.

Family Preference System. The U.S. Bishops believe that the family preference system should appropriately affirm values important to our society and provide the types of immigrants that benefit this nation. In this regard, we are deeply troubled by the long periods of time legal immigrants in the U.S. must wait before being reunited with immediate family members living abroad. Currently, legal permanent residents must wait at least three years and, in some cases, more than twelve years, to be reunited with spouses and children living abroad.\(^6\) The waiting periods for other family members, such as parents and siblings, are even longer.

Backlogs in Immigration Benefits Adjudications. Although, these lengthy waits are, in part, a result of the numerical limitations on family-based immigration, they could be substantially alleviated by increasing the processing times of applications for immigration benefits, especially naturalization. For many long-term residents whose naturalization and adjustment of status applications are backlogged, the approval of their applications would mean a much speedier reunification with their immediate family members. For those awaiting naturalization, they will be able to reunite with their families much more quickly once they become U.S. citizens because, as citizens, they will not be subject to the numerical limitations. For those awaiting adjustment of status, they cannot even apply for reunification with their family members until their applications are approved.

The processing times for adjustment applications have averaged 69 months in some parts of the country.\(^2\) At the beginning of fiscal year 1999, the average time for the processing time of a naturalization application was 28 months.\(^8\) Although the average processing time for naturalization applications has decreased recently, many individuals still wait far too long to have their applications adjudicated. Such backlogs encourage undocumented immigration when family members honor their commitment as a spouse or parent by choosing to join their loved ones prior to receiving a visa.

While we are encouraged by President Bush's call for $500 million to be dedicated to reducing the backlog in immigration benefits over the next five years, we are concerned that this amount is grossly insufficient to meet the Administration's stated goal of reducing waiting times for all immigration benefits to six months. We are further concerned that the majority of the $100 million funded for this purpose in FY 2002 is coming from fee accounts and funding that has been carried forward from a prior year rather than from direct appropriations. It is our understanding that the Administration's budget provides only $45 million in "new money" for the critical task of reducing the backlog. Another $20 million is to come from revenues generated by the new premium processing fee, a yet untested source of revenue.

We are deeply concerned that the current FY 2002 funding for reducing the INS backlog in adjudications does not include $100 million in new appropriations. Even this amount is unlikely to be sufficient to address the serious backlogs in adjudications, particularly in light of the increased workload the INS will face in adjudications as a result of the LIFE Act, the increase in H1-B visas, and the extension of TPS to Salvadorans. We are further concerned that, as the premium processing fee is a new program, the projection of the revenue it will generate may be overly optimistic.

We therefore urge you to work with the House Appropriations Subcommittee on Commerce, Justice, State, Judiciary to ensure that the additional new funds are appropriated for FY 2002 to begin the task of reducing the INS adjudications waiting time to six months or less. By providing the necessary

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funding in the INS budget to process all immigration benefits, particularly naturalization and adjustment of status applications, in a more timely fashion, we will facilitate the family reunification we, as a nation, so highly value. Moreover, we believe these funds should be directly appropriated rather than generated from fee accounts, and that the funds should be deposited into the "Immigration Services and Infrastructure Improvement Account," a no-year account that was created by Title II of P.L. 106-313, the "Immigration Services and Infrastructure Improvement Act of 2000."

Permanent Restoration of Section 245(i) of the INA. Mr. Chairman, as you know, last year, Congress provided for a temporary extension of the deadline for aliens to file immigration petitions and applications and still make use of Section 245(i) of the Immigration and Nationality Act (INA). As the Subcommittee well knows, Section 245(i) allows undocumented family members of U.S. citizens and legal permanent residents to adjust their status while here in the United States if they are otherwise eligible and have a visa immediately available rather than having to leave the country in order to do so. Without the ability to use Section 245(i), those family members would be required to travel abroad in order to obtain legal status in the United States. In many cases they would have to wait three or ten years before returning to the United States because of changes to the INA made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).

This temporary extension of the filing deadline for making use of Section 245(i) was April 30, 2001. Our dioceses throughout the United States were deluged with requests for assistance with 245(i) applications. Unfortunately, there was not sufficient staff to respond to all requests, and many individuals who met the requirements of this extension were not able to benefit from it because of their inability to obtain legal assistance. More importantly, now that the April 30, 2001 deadline has passed, no one will be eligible for benefits under 245(i), and families will be forced to separate for years before re-uniting or to live together with some family members in an undocumented status.

Mr. Chairman, the Subcommittee has several bills before it that would extend the April 30, 2001, deadline. We support those measures and urge the Subcommittee to move expeditiously to enact an extension of the deadline. At the same time, the U.S. Catholic Bishops believe that Section 245(i) should be a permanent provision of the Immigration and Nationality Act, as it is crucial to supporting immigrant families and promoting the goal of family reunification. Furthermore, the permanent restoration of 245(i) would help to provide funds to the INS for carrying out its adjudicatory functions, as each 245(i) applicant must pay a $1000 penalty to the INS which is used for adjudications. Thus, the permanent restoration of 245(i) would not only promote the value of family unity within our immigration policy, but also would provide needed funds to INS to help alleviate its backlog in immigration adjudications.

Border Enforcement

The Church recognizes the right and the responsibility of sovereign states to control their borders. We, therefore, understand that adequate funding and training for the border patrol functions of the INS is necessary to carry out the nation's immigration enforcement function. However, we are deeply concerned that necessary steps be taken to ensure that the human dignity of those involved (border patrol agents as well as those attempting to cross the border) is respected and enhanced. We support efforts to make the border patrol more sensitive to the human rights of those undocumented persons it encounters through the use of independent monitoring mechanisms. We also support efforts to promote sensitivity in local communities to the human rights of migrants.

Over the last several fiscal years, funding for Border Patrol agents has increased dramatically, ballooning from $354 million in 1993 to over $1.2 billion dollars in 2002. The Administration's FY...
2002 budget submission would increase the number of Border Patrol agents by 570 to a record level of more than 10,000 agents. At the same time, since the advent of Operation Gatekeeper in 1995, more than 1600 migrants have died in the deserts and mountains of California, Arizona, New Mexico, and Texas.\(^{(9)}\)

The bulk of the INS budget is dedicated to Enforcement and Border Affairs. For FY 2002, the agency is requesting $171.6 million in new funds and 1206 new positions, including an additional 570 Border Patrol agents to support its border management strategy. Among the initiatives the INS plans to fund is the continued deployment of intrusion detection technology and additional intelligence resources.

The FY 2002 budget provides an additional 570 Border Patrol agents in each of fiscal years 2002 and 2003. One of the consequences of having so many new members of the border patrol is a lack of selectivity and training. Compounding the problem is the high attrition rate among Border Patrol agents. Of particular concern is the degree to which border patrol agents have been trained in civil rights and human rights matters. There continue to be reports of civil rights violations along the border, including reports of American citizens who might not "look American" being harassed by border patrol agents.\(^{(10)}\)

Mr. Chairman, the increased border enforcement by the United States since 1994 has increased the risk factors for migrants crossing the border, driving them into more dangerous terrain and into the hands of smugglers. As a result, in recent years the number of deaths of migrants along the border has risen.\(^{(11)}\) While we do not condone or encourage undocumented migration, we nevertheless advocate that the basic human rights of migrants, whatever their legal status, be upheld.

Mr. Chairman, on behalf of the National Conference of Catholic Bishops, we believe it is time for Congress to examine and review U.S. enforcement policy on the U.S.-Mexican border more closely. It is clear that increasing enforcement personnel along the border does not necessarily dampen the will of persons to come to this nation in search of work and a better life, though it can make their journey far more dangerous, and even deadly.\(^{(12)}\)

We believe that new policy options should be considered. We also ask that INS be directed to train and monitor personnel to respect the civil and human rights of migrants they encounter.

**The Cuban/Haitian Resettlement Program**

Throughout our history the United States has been a beacon of hope to those fleeing political oppression in the form of abusive and totalitarian governments. In the 1980s and 1990s we offered safe haven to many individuals fleeing the anti-democratic governments in Cuba and Haiti. To ease their transition into the United States, the Cuban/Haitian Primary/Secondary Resettlement program (CHPSRP), funded by the Immigration and Naturalization Service (INS) and operated by nonprofit organizations, provides initial processing, orientation, family reunification, case management, and employment referral services for Cubans and Haitians who have been paroled into the United States by the INS.

The purpose of the CHPSRP program is to provide resettlement services for Cuban and Haitian entrants, including unaccompanied minors, who enter the United States without documentation and are subsequently given permission to remain in the United States temporarily ("parole"). Without the program, thousands of Cuban and Haitian entrants and unaccompanied minors paroled by INS would

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be released directly into communities without any support or supervision, where they would further strain the already overburdened state and local social service system. Because there exists no line-item appropriation authority for this program, the CHPSRP must rely on user fees paid by immigrants for adjudication services, an unstable and unreliable source of funding which contributes to rollbacks in the program.

The INS has cut funding for family reunification cases under the CHPSRP, threatening services to Cubans and Haitians who enter the United States and who have relatives in the country. For example, the INS has cut the period in which services are offered to individuals from 90 days to 30 days as well as eliminated a one-time direct assistance grant to assist individuals with basic necessities. The reduction in the service period could eliminate the following services past one month after entry: employment referrals and counseling, individual counseling, life-skills training, English instruction referrals and social service and health care referrals. Given that employment authorization processing normally takes much longer than 30 days, the provision of follow-up services beyond that time period is vital to ensure that Cuban and Haitian entrants reach self-sufficiency. The elimination of the direct assistance grant, a small amount which helps defray the costs for basic necessities while an individual waits for up to four months for employment authorization, will have a harsh impact on individuals, families, and communities.

The impact of these cuts is far reaching. Because the majority of Cubans and Haitians served under this program (about 8,000 a year) enter the United States in the South Florida region, Florida will be disproportionately impacted by the cuts. Seventy percent of Cuban/Haitian entrants are family reunification cases, with at least fifty percent living in South Florida. Without follow-up services and direct assistance, Cuban/Haitian entrants will likely turn to the social welfare system for support, further burdening state and federal governments. Without full funding of the Cuban/Haitian program, Cubans and Haitians will have difficulty adjusting to their new home, preventing them from giving their special skills and contributions to their community and state. Based on this need, the U.S. Bishops support line-item appropriations funding for the Cuban/Haitian program in the FY 2002 budget.

INS Reorganization

Finally, Mr. Chairman, the Bishops wish to address the critical issue of INS reorganization. Currently, there exists no clear distinction between the service/adjudication mission of the INS and the enforcement mission. As a result of this lack of separation of functions, in many cases enforcement officials are also charged with adjudicatory responsibilities. For example, while some INS inspectors belong to the enforcement side of INS, they hold broad and unreviewable adjudicatory authority. A separation of functions, governed by a central authority with clout and shared support services, would help bring clarity of mission to the adjudication and enforcement functions, resulting in more efficient adjudications and more accountable enforcement.

A central authority, preferably located in the Department of Justice, is critically important to ensure that legal and policy decisions are consistent between the bureau charged with enforcement and the bureau charged with service/adjudications. Because of the increasing profile of immigration in our country, a high-level person with some clout within the Executive Branch is needed to run the nation's immigration functions. Such a person should have increased access to Executive branch officials, the authority to speak for the Administration on immigration issues, and increased budgetary authority. Upgrading the INS within the federal system would also increase its ability to attract quality managerial talent.
Mr. Chairman, I also urge you to make funding changes a part of INS restructuring. The costs of operating INS are borne by taxpayers but also by customers who are forced to pay fees for certain services. Many "service" functions, such as naturalization application processing, are paid for by fees which are beyond the financial means of many INS customers. The adjudication/service side of INS should not be funded solely on the basis of fees collected from INS' customers. Any reorganization of the INS should ensure that appropriated funds are available to supplement the Examination Fee Account used now to pay for services. We recommend that Congress appropriate funds into the Backlog Reduction account, created through legislation passed in the 106th Congress. The account was created as a revolving fund, to be used at the discretion of the Attorney General, to supplement funding for adjudication services.

Mr. Chairman, we also believe that, within any INS reorganization, the Asylum Division should remain intact and serve as a model for other parts of the agency. Asylum adjudicators require highly specialized knowledge and skills which are distinct from those of other INS adjudicators. Prior to the creation of the Asylum Corps in 1990, asylum determinations were supervised and performed by INS officers who also adjudicated other types of immigration benefits. The creation of the Asylum Corps has dramatically increased efficiencies in adjudications of asylum claims and allowed asylum officers to remain focused on the asylum mission. The asylum division should serve as a model for other important functions of INS, such as the refugee program. For example, the effectiveness and integrity of the refugee program would be enhanced by modeling it on the Asylum Corps, with a dedicated corps within a single line of authority integrating policy making and policy implementation aspects of the program.

Finally, Mr. Chairman, we strongly recommend that the responsibility for caring for unaccompanied minors who come to our country be transferred outside of INS, preferably to a new office within the Department of Justice. These children, often smuggled into ports of entry, are traumatized and often physically or mentally abused when they enter our country. Currently, however, the majority are placed in INS detention facilities or juvenile facilities with criminal offenders for months, and, in some cases, years. INS recently transferred care and custody of these vulnerable children to the Detention and Removal branch of the agency, a clear conflict of interest which gives those charged with detaining children discretion over release decisions. We urge Congress to investigate this recent decision and direct changes in how INS handles unaccompanied alien minors.

Conclusion

Mr. Chairman, the United States must continue to be a leader in welcoming immigrants to our land of opportunity and treating them with respect, dignity and justice within our great nation. On behalf of the U.S. Catholic bishops, I would like to conclude with a summary of the recommendations I have discussed for improving the immigration process in the United States, through INS funding of critical programs and services:

- The INS should actively engage in the search for alternatives to detention for deserving aliens. This can be accomplished first, by revisiting our mandatory detention laws and second, having the Subcommittee make clear to the INS its support for the small amount of funding that would be necessary to operate alternative programs. Furthermore, the Subcommittee should work with the Appropriations Committee to ensure that such funding is available to the INS.

- The INS should fund and permit the operation of "legal orientation" presentations, which

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would increase the efficiency of the immigration system, help identify INS detainees worthy of relief, and reduce detention costs.

- The Subcommittee should move swiftly to enact Representative Lofgren's "Unaccompanied Alien Child Protection Act," legislation she will soon introduce that will be identical to S. 121, bipartisan introduced in the Senate by Senators Dianne Feinstein (D-CA) and Bob Graham (D-FL).

- The Subcommittee should act to ensure that family reunification remains the cornerstone of our immigration policy. It can do this by reviewing our family preference system to ensure that it is offering a meaningful opportunity for families to reunify, using its oversight and legislative authority to ensure that the INS is adequately addressing the backlogs in immigration benefits adjudications, including working with the Appropriations Committee to ensure adequate funding for those activities; and instituting Section 245(i) of the Immigration and Nationality Act as a permanent part of our immigration law.

- The Subcommittee should ensure that funding for border enforcement include training in civil rights and human rights matters for border patrol officers. Additionally, the Subcommittee should pursue more comprehensive policies for addressing undocumented migration.

- Line item, no-year appropriation for the Cuban/Haitian resettlement program should be included in the INS FY 2002 budget.

- The INS should be reorganized to separate the adjudication and enforcement divisions with one central authority and give the agency a higher profile within the Department of Justice. In so doing, the Subcommittee must act to ensure that there is adequate funding for the new agency to carry out its service mission and to manage any transition that is necessary.

Each of these recommendations, Mr. Chairman, is offered respectfully, recognizing that all of us involved in the complex issues of migration - whether government officials, private agency personnel, or the faithful - are doing our best to address the challenges of migration in our increasingly globalized world.

Mr. Chairman, it is the view of the U.S. Bishops that we, in the United States, must renew our commitment to welcome newcomers to our shores and to offer them humane and compassionate treatment. By doing so, we serve our own vital interests and act as an example to other nations.

On behalf of the nation's Catholic bishops, I thank you and your colleagues on the Subcommittee for allowing me the opportunity to present our views and for your leadership on this issue of vital national importance.


3. According to the evaluation report of the pilot project, it costs the INS $3,300 to provide
supervised release to each asylum seeker compared to $7,300 to detain an asylum seeker. For those removable for criminal offenses, supervision costs $3,871 compared to $4,575 per detained individual.


5. Id. at "Executive Summary."


Female Detainees at TGK: FIAC Concerns

1. FIAC does not want the detainees at TGK to be moved unless there is a more appropriate place in Miami-Dade County for them to be moved to.

2. At present, FIAC is not aware of such a place in the county. We had hoped the Archdiocese would step up to the plate because they are operating shelters for INS detainees in other parts of the country. It seems that INS did not encourage the Archdiocese to open a shelter for the women in Miami, so it would be helpful if the County Commissioners asked them if they would consider doing so.

3. INS needs to immediately spend time and energy pursuing a shelter-type facility in Miami for the female detainees. They have been promising to do this for months, even before the women were moved from Krome to TGK.

4. Shortly after Ed Stubbs was appointed as Krome's Officer-in-Charge, he and other INS officials from the Miami District Office announced plans to build a separate state of the art facility for the female detainees. On November 10, 1998 they discussed a 12,000 square foot "site in preparation on which a complex will be built to harbor women and unaccompanied children."

5. In the spring of 1999 Mr. Stubbs approached FIAC about putting together a group of community leaders who might be interested in discussing alternative housing for INS detainees. On May 24, 1999 a number of these individuals met with INS officials and expressed great interest in helping to bring this about. INS officials promised future meetings at which they would discuss their requirements for such a facility, but no further discussions ever took place.

6. The women should not be held in a county jail and they should be housed in Miami. Most are asylum seekers and none are serving criminal sentences. Non-secure shelter housing would meet the needs of the INS as well as facilitate the women's access to necessary services.

7. Most of the women-in-question have families and attorneys in Miami. Moving them out of Miami would have tragic consequences for them.

8. The Detention Watch Network issued a paper entitled "Alternatives to Detention" in August/September 2000 describing successful shelter models already in place. Also Bishop Thomas Wenski testified on behalf of the National Conference of Catholic Bishops' Committee on Migration before The House Judiciary Subcommittee on Immigration and Claims on May 15, 2001. His testimony included criticism of INS' current detention policies.

9. Senators Bob Graham and Edward Kennedy wrote a letter on May 24, 2001 to US Attorney General, John Ashcroft, regarding the women at TGK.
Women describe sexual abuse at INS detention center

Miami officer pleads guilty

By Teresa Mears
Globe Correspondent

MIAMI – Shortly after the woman arrived at the immigration detention center in Miami, she said, the harassment began. First, the immigration officer told her how attractive she was. He telephoned her in her dorm.

The man, whose job included taking detainees to booths where they meet their attorneys, often called the woman to one of the booths. But instead of finding her attorney there, she found the officer. First, it was just talk, talk that included what an important man he was at the Immigration and Naturalization Service. Soon, she said, he began fondling her.

"It progressively got worse and more," she said. "He touched me. He hurt me. I was scared not only that he hurt me emotionally and mentally, but physically. He was physically hurting me as he tried to get his satisfaction."

The woman was afraid to tell anyone. "If you say anything about it, they try transferring you or you end up staying in INS custody longer," she said. She told her story to investigators only after the allegations were revealed by another detainee she had confided in.

The woman is one of at least 12 women who say officers at the INS's Krome Detention Center in Miami, one of the agency's most problem-plagued facilities, harassed them, sexually assaulted them, or promised favors in exchange for sex.

An investigation that began more than a year ago into the conduct of at least 15 INS officers has resulted in criminal charges against one officer. Lemar Smith, charged with four counts of rape of a transsexual asylum seeker from Mexico, pleaded guilty to two misdemeanors and awaits sentencing.

Officials of four agencies of the Justice Department say the investigation is continuing. "These cases are very, very tough to work," said Judy Ornellas, an FBI spokeswoman.

Allegations of sexual abuse of detainees in INS custody have been made from time to time, but none on the scale of the Krome allegations. In January 2000, federal officials removed 250 INS and federal detainees from the Hillsborough County House of Corrections in Manchester, N.H., after charges of abuse.

Three jail officers were charged with aggravated felonious sexual assault. One was acquitted this month, and two others are awaiting trial. In March, the INS removed eight detainees from the New Hampshire State Prison for Women after an allegation that one of the women engaged in sex with a guard.

At Krome, past investigations into alleged abuses, dating to the 1980s, have yielded few results. Lawyers for the immigrant women face their clients will be deported and the problems swept under the rug. Several women say they have been threatened by INS officers for talking to investigators, and several potential witnesses have already been deported.

"There is evidence that this dates back for years, and the Justice Department has done little about it," said Wendy Young, director of government relations for the Women's Commission for Refugee Women and Children, which released a report last year on abuse of women at Krome.

"Everyone realizes that Krome needs to be fixed," said Karen Kranze, a INS spokeswoman in Washington. "Any abuse of any INS detainees is unacceptable. We did take the allegations seriously." INS officials in Miami did not respond to written questions.

All of the women at Krome, about 60 asylum seekers and about 30 green-card holders fighting deportation after criminal convictions, have been moved to the Turner Guilford Knight Correctional Institute, a Miami-Dade County jail.

There, they complain, they are deprived of privileges they had at Krome, such as twice-weekly contact visits with family, and are subjected to all the rules of a maximum-security prison, though none is serving a criminal sentence. Some women have also been moved to jails in other states.

About nine officers were transferred from Krome to INS headquarters. But about a half-dozen officers who were the subject of allegations remain at the center.

Some of the women who cooperated with investigators have been released and allowed to remain in the United States while the investigation continues, but at least two remain behind bars in Miami and others have been shipped out of state.

The reports that the women have provided to their lawyers and to the women's commission are sometimes graphic. Sexual relationships between female detainees and INS officers are common at the center, they said.

One woman said an officer paid a detainee $50 for a lap dance and $30 for letting him feel her breasts. Women allegedly posed for photos wearing underwear brought in by officers, and then the photos were passed around the center. In some cases, the women appeared to be willing sex partners, and in other cases they were desperate to get on the good side of anyone who could help their immigration cases.

Krome houses about 600 immigrants, both the newly arrived migrants seeking asylum and longtime legal permanent residents who are fighting deportation after being convicted of crimes.

Congress passed immigration laws in 1996 that significantly increased the number of immigrants kept in custody, made it harder for immigrants to gain asylum, and drastically increased the number of crimes for which immigrants must be deported.

At least two women said they were threatened by their deportation officer after they spoke to investigators. He, too, is accused of sexually abusing at least one woman. In both cases, he allegedly told the women that he would have them criminally prosecuted if they did not agree to be deported.

"I did not know what to do about the situation, and I was also afraid to tell anybody," one woman told her lawyer. "Deportation officers are like God to you. They make you think that your destiny depends on them, so you do not try to look for trouble."
Colombians: Stop jailing female asylum-seekers

By Madeline Baró Díaz
Miami Bureau
Posted July 7 2001

MIAMI - Colombian immigrant advocates on Friday denounced the INS policy of detaining female asylum seekers at a maximum-security county jail.

"They have been bringing them to this jail where you find criminals, rapists, people who have committed crimes in this community," said Jose Luis Castillo, president of the Colombian American Foundation, at a news conference outside the Turner Guilford Knight Correctional Center.

"This jail was created to punish or reform a person. These Colombian women do not need to be punished or reformed when they have not committed any crime."

Castillo was joined by Maria El Pinedo of Concilio de Mujeres Americanas, a Colombian woman and immigration attorney Chei

They join a chorus of critics of Immigration and Naturalization December decision to transfer detainees from the Krome de
to the jail commonly known as TGK.

Allegations that Krome guards sexually abused female detainees prompted th
Since then, all new female detainees have been channeled to TGK, said INS s
Maria Elena Garcia.

"We have no intentions of having a coed facility as it existed before," Garcia s
Colombians are a significant number of the TGK detainees, Castillo said.

Armed civil conflicts, high crime and a bad economy have pushed many Colon seek asylum in South Florida.

Most of the 100 or so female INS detainees at TGK at any given time are seek
and are usually released within six days to await their asylum hearings, Garcia.

The rest of the detainees are convicted felons awaiting deportation.

Castillo said about 800 Colombian women have been through TGK since last year and not have its own figure Friday.

INS officials had painted TGK as a place where detainees would have more privacy and more access to attorneys.

But TGK detainees and immigrant advocates paint a different picture.

They say noncriminal detainees are subjected to humiliating searches, have their feet shackled while being transported to and from the jail, and are awake in the middle of the night.

At Friday's news conference, a Colombian woman who spent five days at TGK was forced to undress in front of guards and endured strip searches.

"That is the most degrading thing," said the woman, who did not want to identify herself. "I do not want them to continue bringing people here."

Advocates accuse INS of violating their own standards when it comes to TGK's access to lawyers, legal material and medical attention.

They also object to the fact that some detainees are transferred out of Florida that when TGK -- or any INS facility -- reaches capacity, officials can choose to transfer detainees elsewhere in the state or country.

Critics of the INS policy have asked the agency to consider moving women to alternative facility, like a halfway house. That seems unlikely.

"As it stands now, the law requires us to detain individuals and does not provide halfway houses," Garcia said.

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For Immediate Release

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Continued Abuse of Women Asylum Seekers in Miami Reflects INS Failure Nationally to Control Districts

New York, NY - July 10, 2001 — The Immigration and Naturalization Service (INS) has failed in its duty to protect women asylum seekers in its Miami District, reflecting the lack of centralization, planning and sound public policy inherent in the US detention program, concludes a report released today by the Women's Commission for Refugee Women and Children.

"Innocents in Jail" assesses conditions for women asylum seekers at Turner Guilford Knight, a Miami-Dade county jail, to which all female detainees in the Miami district were moved, following widespread allegations of sexual abuse at the INS Krome Service Processing Center. While male asylum seekers at Krome continue to receive legal and family visits, women at TGK are treated like criminals and locked up in cells with limited access to lawyers, family members and translation services and inadequate medical care.

"While the INS was correct to remove women from the dangers they faced at Krome, it is disturbing that they lost other critical services in order to avoid sexual abuse," said Wendy Young, Director of Government Relations and US Programs at the Women's Commission and the author of the report. "It is particularly disturbing in the light of the failure of the Department of Justice to date to adequately pursue criminal or disciplinary actions against the officers responsible for those abuses."

Women detainees at TGK wear prison uniforms and are subject to frequent head counts, periodic lock-downs and solitary confinement. They may be handcuffed and sometimes subjected to strip searches. Many of these women do not speak English and are not given adequate access
to interpreters, adding to their confusion and their distress. Some of the asylum seekers have been transferred to facilities in other parts of the country, such as York County prison in Pennsylvania, separating them from family members and from their lawyers. Others claim to have been threatened with transfers to other states, including Louisiana and California, for complaining about treatment at TGK. Some women have alleged sexual abuses at the hands of male trustees at the facility.

"There are alternatives to detention, such as supervised release and shelter care," said Mary Diaz, Executive Director of the Women's Commission. "These alternatives have been tested by the INS. There is no need to lock up women who come to this country seeking protection from persecution."

Many of these problems are endemic in the INS detention system across the nation, the report concludes, and can be attributed to the INS's failure to centralize and monitor its detention program. In the report, the Women's Commission for Refugee Women and Children urges INS headquarters to retain management over detention centers and asks Congress to shift parole decisions away from the INS districts to an objective decision-making body, such as the Department of Justice Executive Office for Immigration Review.

"Innocents in Jail: INS Moves Refugee Women from Krome to Turner Guilford Knight Correctional Center, Miami" is available in full on our website:

www.womenscommission.org

Or contact Rachel Watson: 212 551 0959 email: rachelw@womenscommission.org

The Women's Commission for Refugee Women and Children is the only organization in the United States dedicated solely to speaking out on behalf of refugee women and children. It provides expertise in the areas of reproductive health, protection and participation, asylum issues and refugee children and adolescents. Currently there are almost 34 million refugees and internally displaced civilians worldwide—80 percent of whom are women and children.
Human rights group condemns inmate conditions at TGK

BY ALFONSO CHARDY
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A prominent human rights organization on Tuesday denounced detention conditions at a Miami-Dade County jail where immigration authorities hold women who are seeking asylum or have been ordered deported.

A 35-page report from the New York-based Women's Commission for Refugee Women and Children says conditions at Turner Guilford Knight Correctional Center — TGK — may be worse than at the Krome Service Processing Center. Female detainees were moved from Krome in December following allegations of widespread sexual abuse there.

"The Women's Commission found TGK to be totally inadequate for the housing of asylum seekers . . . ," the report said. "Women interviewed by the Women's Commission consistently expressed their distress over being held at TGK, treatment which they perceive as punitive."

TGK officials referred questions to the U.S. Immigration and Naturalization Service. The INS had no comment.

Not only did the report attack overall detention conditions, it also cited instances of sexual abuse at TGK.
"Women detained by the INS who were subject to deportation for past crimes also reported that they had been sexually harassed at TGK," the report said.

"In one case, a woman alleged that a male trustee molested her. In two other cases, male trustees allegedly flashed the women."

Other allegations in the report echoed complaints the women have made before, including strip searches, unappetizing or inedible food, restricted telephone access and transfers to facilities elsewhere in the country or placement in solitary confinement after filing a complaint.
Female detainees degraded in Miami jail, INS critics say

BY JODY A. BENJAMIN
STAFF WRITER

When she boarded a plane in Cali, Colombia, last March, Elena L. knew she was embarking on a journey full of uncertainty.

But the accountant and mother of three who said she endured four months of threatening phone calls and a narrow escape from a street bomb, never imagined that her quest for political asylum in the United States would include jail.

She never imagined it would include being leered at by male prisoners as she entered the jail booking area. Being forced to disrobe, bend over and cough while a female guard ignored her pleas for help when, from nerves and exhaustion, she suddenly began to menstruate.

"She said there was nothing she could do until this [search] was over," said Elena, 38, who was released from the Turner Guilford Knight Correctional Center five days later. "When you first come into the jail, you make your own psychological adjustment right away. You have to do it..."

DETAINEES CONTINUES ON 2D
Conditions at jail draw fire

in order to survive. But when this happened, I just cried and cried," she does not want her last name published because she fears retribution against her children, who remain in Colombia.

Since the Immigration and Naturalization Service began holding all female detainees at a county jail last December, the agency has come under increasing criticism—including a scathing report from an international human rights group and a scuffle with local county officials. Last December, frustrated immigration officials said they would no longer house women detainees at their own minimum-security facility, the Krome Service Processing Center, because of allegations that male guards sexually abused them there.

But that solution only created new problems, advocates say. Of all undocumented immigrants seeking to enter or remain in the United States and in South Florida, including men, women's rights and children and perhaps even unaccompanied minors, women at the jail now endure the most degrading conditions and treatment.

"They are being treated as inmates," said Charnu Al-Saft, a detention specialist with the Florida Immigrant Advocacy Center. "Jail is not an appropriate place for people who have not committed a crime. Simply being in jail in this country is not a crime."

But INS officials denounce a portrait painted by advocates of wanton cruelty toward people seeking refuge in the United States, saying the INS Miami district has tried to address advocates' concerns about asylum seekers even as the agency carries out its legal duty to screen new arrivals.

INS Chief of Staff John Schewary said many of those who claim asylum do so only after they are caught trying to enter the country improperly.

"Unfortunately, people who needed a very special answer.,” said Wendy Young, of the Alexandria, Va.-based commission. "But the system didn't come up with that answer. ... It's time for INS to think outside the box."

Alternatives for housing detainees in South Florida are far from clear, however.

Last June, a subcommittee of the Miami-Dade County Commission met with INS officials to discuss alternatives to housing the women at the jail. But a month later, no concrete option has emerged. On Friday, the group canceled a scheduled meeting on the issue.

"We are totally satisfied with [Turner- Guilford Knight],” Schewary said.

Still, a community group said it will begin to hold candlelight vigils outside the jail in the coming weeks.

"They are often fleeing violence and kidnappings in Colombia, only to come here and be put in a jail," said Maria Eugenia Pinedo of the Miami-based Colombian American Women's Council, which helps women released from the jail to find psychological help, employment and English classes.

ONE OF THE LUCKY ONES

Now living in Miami Beach with Colombian friends as she awaits a formal asylum hearing, Elena L. considers herself one of the lucky ones, because she was in jail only five days. She knew of others who were held 20 days or longer.

In Colombia, she worked for a man who owned several public relations firms that represented entertainers.

Last November, she received a call from a man who asked her for financial information about her boss without his knowledge. She refused and the request to her boss. Soon, she got another call, this time threatening to harm her. More calls followed.

In February, a bomb exploded on a street as she drove home from a university where she was taking a graduate course, knocking out her car's rear window. She thought it was an attack directed at her.

She began planning to leave Colombia, arranging for her children, ages 10, 10, and 10, to live with her sister. In late March, she bought a plane ticket to Aruba that included a stopover in Miami.

In Miami, Elena did not continue on to her next flight but instead called an immigration officer that she wanted political asylum.

From there, she was taken into an airport holding area along with 12 other asylum seekers from different flights. Since a holding cell was full of men, about 10 women were taken to another room, where they had to sleep on the floor or in chairs.

After two nights, she was taken to Turner-Guilford Knight, a country jail near the airport. Officials took her purse, which contained a small Bible and photos of her children.

"You could see these men behind a door looking at us," she said. "I hate that first floor."

As part of the booking process, she was strip-searched. Although she began bleeding during the search around 1 a.m., Elena said it was not until noon the next day that officials gave her a sanitary napkin.

Elena said she never spoke with a lawyer while in detention. After her first night in jail, she said, officials there directed detainees to a list of legal agencies that help immigrants for free. But she opted not to call because of rumors that there would be high costs involved.

On her fourth day in jail, Elena was taken to Krome several miles away for a hearing with an asylum officer. A day later, she was freed.

"At the jail, they didn't show compassion to anyone," she said. Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.
Sarasota Herald-Tribune
Wednesday, July 18, 2001

Sheriff: End weekend sentences Not having the inmates in jail on weekends would free up space for lucrative INS detainees.

CHAD BINETTE and JENNIFER SULLIVAN STAFF WRITERS

The Sheriff's Office plans to ask judges to eliminate weekend jail sentences to cut costs and make more room for profitable immigration prisoners.

Not having the 30 to 80 inmates who are at the jail on weekends would free up space for people detained by the U.S. Immigration and Naturalization Service. If the county can fill most of the planned 288-bed annex with INS detainees, it could receive more than $5 million a year from the federal government.

The Sheriff's Office expects that it will cost $2.8 million a year to staff the Annex in downtown Sarasota, which is scheduled to open in January.

The annex will allow the Sheriff's Office to house more INS detainees, regardless of whether weekend sentences continue.

Inmates who are sentenced to weekends in jail arrive on Fridays and leave on Sundays. Under the Sheriff's Office's plan, those people would work weekends at a county site. They could clean bathrooms at beaches, pick up litter or do other maintenance.

"We're usually talking about people having a problem with drugs or alcohol who need some punishment but also need rehabilitation," said Sarasota County Judge Preston DeVilbiss.

Larry Berberich, an unpaid consultant with the Sheriff's Office, said he intends to present a plan this week to Court Administrator Walt Smith, who will pass the information along to the judges.

County Judge Emanuel Logalbo said he uses weekend sentences for cases involving suspended driver's licenses and a second offense for driving under the influence of alcohol when the last DUI arrest was a long time ago.

Logalbo said he's sentenced about 10 people to weekends in jail since July 1. He wants to continue to have this option because community service is not equivalent to jail time and "a lengthy jail sentence will disrupt their lives" because inmates can't keep their jobs.

DeVilbiss said he stopped using weekend sentences soon after he began hearing criminal cases in 1991.
"I found them to be an administrative nightmare," he said.

DeVilbiss said most people he sentenced to serve weekends never showed up at the jail. When they returned to court on violation of probation charges, they provided a variety of excuses, such as sleeping too late or car trouble.

DeVilbiss said he wishes the county had a work-release program to allow criminals to spend nights in jail while leaving for work during the day.

Some people who are ordered to do community service already pick up litter and handle other maintenance tasks at beaches. Beaches are ideal for community service because supervisors are present seven days a week, said John McCarthy, the county's general manager for parks.

Although part of a tentative property tax increase for 2001-02 would go toward the sheriff's budget, the county commissioners have asked the Sheriff's Office, along with other county departments, to look for ways to save money.

It takes about an hour of a corrections officer's time every week to handle each weekend inmate's arrival and departure, said Berberich, who was asked by Sheriff Bill Balkwill to help with the plan.

Berberich, noting that weekend inmates are in the community five days a week anyway, said he hopes judges will change existing weekend sentences.

The federal government will not commit to filling a certain number of beds with INS detainees. It now pays Sarasota County $45 a day for each detainee, and the amount is expected to rise to about $60 a day.

It costs the Sheriff's Office 88 cents a meal and about $7 a day for each inmate's health care.

The Sarasota County jail housed 11 INS detainees Tuesday. Because the 442-bed Bradenton Detention Center only takes men, most of the Sarasota jail's INS inmates are women.

In May, an average of 425 detainees were in custody at the Bradenton center. Almost all were arrested in Florida, and the typical stay is two months.

Dave Wing, officer in charge of the Bradenton center, said Sarasota's proximity to the immigration court in Bradenton would help fill more beds. The extra Sarasota beds could even prompt the immigration court to handle more cases, he said.

"If the bed space is available, I've worked long enough in this business to know that someone's going to ask me if they can use that particular, available bed," Wing said. "I'm sure that if the bed space becomes available in January, the first day it's not going to be filled up, but there would be a gradual process to use the space."
Detainee scores a victory over INS

POSSIBLE TEST CASE

Her case could serve as a local test of U.S. Attorney General John Ashcroft's hard-line response last week to the June 28 U.S. Supreme Court ruling against indefinite detention of "criminal aliens."

Though Ashcroft said the government will comply with the ruling, his announcement seems a strategy of delay while the State Department pressures reluctant countries to take back their convicted nationals.

Local INS officials have listed Nigeria as one of the countries with long-term detainees here.

According to statistics cited by Ashcroft, there are at least 3,400 long-term detainees nationwide who would be affected by the Supreme Court ruling.

Figures released by the INS office in Miami show that of the 3,400, there are about 262 long-term detainees in Florida — including one Nigerian who is not identified.

"The message here is pretty evident," said Cheryl Little, one of her attorneys.

In its June ruling, the board agreed with Adekoya's contention under the Convention Against Torture that she must not be sent back because she could face torture.

DRUG CONVICTIONS

Adekoya, convicted on drug charges, is among thousands of foreign nationals held by the INS for deportation — after serving their time — as a result of 1996 laws that require the detention and removal of non-citizens convicted of aggravated felonies.

According to Ashcroft, among the 3,400 foreign nationals affected are "hundreds of sexual predators, including a rapist and serial child molester, hundreds of drug traffickers, and hundreds of violent criminals including murderers."

But many immigration attorneys around the country insist that countless long-term detainees were arrested on minor, nonviolent crimes.

MINOR OFFENSES

Little said she recently visited a Sarasota jail where the INS is holding detainees and found that virtually all the women had served sentences for crimes such as petty theft and probation violations.

According to INS statistics, about 500 of the 3,400 are Cubans, including 171 in Florida. One of them is Andrés Prieto, who is in Panama City.

In a telephone call to The Herald last week, Prieto said the INS told him that his most recent request to be released was turned down because he is a "danger" to the community.

Court records show that Prieto was a fugitive from Dade County Jail in 1987 while awaiting trial on charges of aggravated assault and kidnapping.
A Nigerian woman held by immigration authorities for more than two years has been released from a Miami-Dade County jail after winning a legal victory against the U.S. Immigration and Naturalization Service, which had targeted her for deportation.

Mojisola Adeyosa was freed Friday from the Turner Guilford Knight Correctional Center near Miami International Airport soon after receiving a deportation reprieve from the Board of Immigration Appeals, said Adeyosa's Miami attorney, Cheryl Little.

The INS appealed the board's decision. But Adeyosa, 39, was released under conditions of supervision.

Adeyosa, reached Sunday at her home in Maryland, believes she was released because of the June 28 U.S. Supreme Court ruling against the indefinite detention of foreign nationals with criminal records whose countries won't take them back.

INS detained Adeyosa after she served four years and eight months on drug-related charges.

Adeyosa's release came as INS has begun releasing certain long-term detainees in response to the court decision and a subsequent memo in July from U.S. Attorney General John Ashcroft.

In Florida, there are about 391 long-term detainees.

In a June ruling, the immigration appeals board agreed with Adeyosa's contention that if she were returned to Nigeria, she could face torture in jail.

— ALFONSO CHARDY
Of misplaced efforts and abuse

BY SUSANA BARCIELA
Editorial Board Member

While hijacked planes winged toward New York on Sept. 11, Haydee Klappert was picked up in Hollywood by four Immigration and Naturalization Service officers. The officers wore bullet-proof vests. She, in pajamas, stood next to her 8-year-old son. They handcuffed her. She was being deported.

By the time she arrived at the Miami-Dade County Jail for female INS detainees, flames engulfed the World Trade Center. “You picked up the wrong person,” Klappert said wryly. “It wasn’t me you had to go after; it was those guys who bombed the towers.”

Good point.

For years, terror “sleepers” entered the United States, oversaw their plans and plotted the deadliest attack in history against U.S. civilians. The INS, meanwhile, focused untold resources on detaining and deporting people such as Klappert: longtime residents with U.S.-citizen spouses and kids, residents who regretfully may have made mistakes but don’t deserve to have their lives and families destroyed because of them.

“The INS alone isn’t to blame. In a fit of xenophobia in 1996, Congress and the Clinton administration unleashed the harshest anti-immigrant laws in recent memory. These laws made relatively minor crimes deportable offenses for anyone not a U.S. citizen. Provisions also mandated that these people be detained until deported.

FIGHTING DEPORTATION

Klappert’s crime: Embezzling $33,540 from a bank where she was a teller. She has no other criminal record. She took a plea deal, she says, because she wanted her family life back. Her sentence was one month served in Miami’s Federal Detention Center in March 1999.

Had she been a citizen, Klappert would have returned home to her U.S.-born husband and kids in Hollywood. Instead she spent the next 18 months in INS custody, mostly at the agency’s Krome detention facility in West Miami-Dade.

As Klappert and her lawyers fought the deportation order in immigration court, weeks turned into months. She befriended bunk mates and other women on a cleaning crew whose talk repeatedly turned to affairs with INS officers.

Klappert herself fended off not-so-subtle offers. One officer, she recalls, offered to bring her “things” if she were deported to Nicaragua, where they could have a “relationship.” She told him her husband would give him her answer.

Other women inmates, many popping Krome-issued tranquilizers and anti-depressants, wanted to believe the promise. Klappert describes a deportation officer who promised to get a woman released if she wrote sex letters to him. Another officer approached a detainee while she was in the shower.

In a discussion with Klappert, a veteran INS officer told her that Krome had improved. Ten years ago, he said, officers pulled women from their dorms, spent the night with them in a motel and deported them the next morning. Some of those officers remain at Krome today, he said.

“I got tired and angry seeing all these women abused,” Klappert says. “These guys promised these women all kinds of things only to get something from them.” What the officers wanted and got were sexual favors.

After being approached by high-ranking officers, Klappert says she and other women began to talk. Thus began yet another — and still ongoing — federal investigation into Krome.

This was treatment merited by terrorists — not a cooperating witness.

For her trouble, Klappert was singled out for retribution. Her deportation officer even threatened to get her deported if she didn’t tell him what the federal investigators knew, she says. She told him nothing.

Her reward was a transfer to an isolation cell back at the Federal Detention Center. Those 13 days were, she says, “the worst in my life.”

There was no clock, no recreation, no phone calls, no visits other than from lawyers. It was treatment merited by terrorists, not a cooperating witness.

Finally in September last year, she was released after testifying before a federal grand jury.

Three weeks ago the INS held her four days before realizing that her 5-month-old baby had a serious kidney disease. They stopped the deportation and freed her. But the INS; which has discretion, shouldn’t even have picked her up until the investigation was over. Why target a soccer mom when INS resources could be rooting out terrorists?

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Ex-INS guard guilty of sexually abusing woman detainee

By Jody A. Benjamin
Staff Writer
Posted October 25 2001

A former officer of the Immigration and Naturalization Service pleaded guilty in federal court in Miami on Wednesday to sexually abusing a female detainee in his custody at the Krome immigrant detention camp.

Clarence Parker pleaded guilty to a misdemeanor charge of engaging in a sexual act last October "with the intent to abuse, humiliate, harass, degrade and arouse and gratify" a detainee. Parker is a contract employee who was suspended from Krome in June. After his plea before U.S. District Judge Federico Moreno, Parker, 32, faces a year in prison, a $100,000 fine and payment of restitution.

Parker is the second Krome officer to be indicted for sexual abuse of detainees after two of them first complained about the behavior 17 months ago; a total of 20 detainees have since complained. Another guard, Lernar Smith, was sentenced to eight months in prison in July after pleading guilty to having consensual sex with a detainee.

"This plea supports the complaints that these women have made," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center. The Miami-based nonprofit legal group has helped detainees, both female and male, who complained that guards sexually abused them at Krome. "But INS has been working very hard to deport these victims in recent months," Little said.

Because of the allegations, all female INS detainees have been permanently relocated from Krome to a county jail, the Turner


10/25/01
Guilford Knight Correctional Center in Miami.

Several accused guards also were transferred away from Krome while federal authorities looked into the allegations. But Parker was not one of them.

Little said her office complained in writing about Parker last October, but the INS allowed him to stay on the job until June.

An INS spokeswoman said that at the time, the agency lacked "credible information" even to transfer Parker. But the agency did suspend him "as soon as we learned of his possible actions," said Patrice Mancha.

"We do have due process, and we must follow certain guidelines, but this type of behavior will not be tolerated," she said.

The plea marked the latest in a spate of bad news for the local INS branch. A federal grand jury indicted an INS airport inspector Oct. 18 for allegedly smuggling foreign nationals into the country for fees up to $7,000.

According to the federal indictment, Parker fondled the detainee once. A source familiar with the Krome case said the victim claimed that Parker abused her a half-dozen times, usually in the attorney visitation room where he was stationed.

It is unclear whether the detainees' accusations will lead to more guards being charged. A spokesman for the Office of the Inspector General said the investigation is ongoing.

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UNCERTAIN JUSTICE
MISGIVINGS ABOUT MISDEMEANORS

Clarence Parker, a former Krome guard, pleaded guilty last week to having sex with a detainee. The guard remains free while his victims is still locked up.

'This, in short, is what the U.S. Justice Department's ongoing investigation into wrongdoing at the INS Krome detention center has come to: An abusive guard who coerced sex gets a misdemeanor charge and recommended sentence of less than one year while the powerless detainee remains jailed more than a year under threat of deportation.

On a positive note, the Parker case is the investigation's second conviction. This begins to vindicate the women who came forward at risk to themselves to testify about sexual abuse and misconduct at Krome.

Yet it also is the second case in which federal prosecutors have plea bargained charges down to misdemeanors. That raises questions about how seriously the Justice Department is pursuing evidence of misconduct.

Investigating the INS's Krome facility can't be easy. Other federal probes, particularly one in 1990, have ended without significant findings. Yet current allegations mimic recurring complaints that have surfaced for more than a decade. The pattern suggests that detainee abuse, misconduct and staff immunity may be institutionalized.

A WRIST SLAP

Earlier this year, former Krome officer Lemar Smith avoided serious rape charges, pleaded guilty to two misdemeanors related to sex with an inmate and was sentenced to an eight-month prison term.

Last week's case was another slap on the wrist. Implicit in Parker's misdemeanor charge is that sexual acts with a Krome detainee are consensual. How can sex between an inmate and a prison guard be consensual? It can't be. The guard has all the power.

Parker's victim told The Herald that she protested his rough advances; he pressed on. She also said that another detainee had already told Krome authorities about Parker and her. Lawyers from the Florida Immigrant Advocacy Center note that the woman attempted suicide shortly after the sexual assaults.

Understandably, like many female detainees, Parker's victim feared being transferred or, worse, deported far from her children. In fact, after some of the women talked to investigators they were harassed and threatened. As a result, all female detainees were transferred out of Krome.

The sexual assaults occurred in October last year, although federal investigators had been at Krome since mid-year. In February, the victim publicly spoke about the abuse, but Parker wasn't removed from his job until June.

The INS, meanwhile, has kept the victim behind bars for 14 months—longer than the year she served for two drug-related offenses. Those convictions made her deportable, despite the fact that she's the parent of two U.S. citizen children who has lived here for more than 30 years.

FREE THE VICTIM

Fortunately, Miami INS District Chief of Staff John Shewairy says that "there are no imminent plans" for deporting the woman now. Yet Miami INS has yet to respond to a request this month that she be released from detention and her deportation officially stayed.

This woman is not a danger to the community nor a flight risk. Rather, she may be eligible for a new "U visa" created for victims of crimes who cooperate in bringing criminals to justice. It would be just for Miami INS to free her.

Beyond the details of this case are broader questions about Justice's ability to investigate its own agency. Because jail authorities wield such power, the sexual abuse of inmates is always deplorable. Worse, when the victims are deportable, it's far too easy for the evidence to disappear.

Staffers who commit abuses at federal facilities need to be punished harshly. Otherwise guards, officers and others will see little wrong in using facilities such as Krome as a place offering disposable victims.
Iraqi Christians get caught up in security web of Miami INS

BY ANDRES VIGLUCCI
AND ALFONSO CHARDY
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Two Iraqi women, one accompanied by her husband, came to Miami seeking political asylum and expecting an understanding reception from U.S. authorities. Instead, they ran smack into the government’s domestic war on terrorism.

All three have been held by the Immigration and Naturalization Service for months, as the agency — already leery about releasing any man with an Arabic-sounding name in the aftermath of the Sept. 11 attacks — appears to be extending the policy to women, at least in Florida.

The detention of the women, who under normal circumstances likely would have been freed by now, is the latest element in a strict new regimen of sharpened scrutiny and prolonged detention for foreign nationals from the Middle East and South Asia. The government is holding more than 500 men who were detained after the attacks, most of them on immigration violations.

The women’s experience also lends weight to claims that some of those new measures, intended to strengthen the government’s hand in rounding up terrorism suspects and safeguarding intelligence information, are being applied to Middle Easterners even when no connection to terrorist groups has been alleged — which is the case with the women and the husband, who are Christian.

In at least one other local case, that

PRAYER: In Miami on Tuesday, Muslims protest the detention of Immigrants.
Iraqi Christians caught up in INS security web

The detention of the women, who normally would have been freed by now, is the latest element in a strict new regimen of sharpened scrutiny and prolonged detention for people from the Middle East and South Asia.

of three Iraqi men detained when they tried to visit a friend working on a cruise ship at the Port of Miami-Dade, the INS used special post-Sept. 11 powers to close usually open hearings in immigration court, even though the FBI has publicly ended its terror watch list.

The government accuses the men, who were legally in the country as refugees, of trying to smuggle in their friend, a charge they deny.

For one of the two detained women, 45-year-old Chaldean Christian, the new regime has meant nearly four months of separation from her husband and imprisonment at a Miami-Dade County jail, where she is subjected to body searches and handcuffing for trips to court.

Her husband is being held at Krome.

HUSBAND'S COUSIN

Because she speaks Arabic, the only cousin at the Turner Guilford Knight Correctional Center with whom she can communicate is a distant cousin of her husband, 24, also a Christian, who arrived in Miami a month ago.

She, too, is being held by the INS, which uses the jail to house detained women.

The two women were hoping to join relatives in Michigan.

The younger woman's sister is a U.S. citizen and her mother a permanent U.S. resident.

Both say they were in trouble with the Hussein's regime — the first woman because her 31-year-old husband, a veteran of the Iran-Iraq war, refused an order to rejoin the military; the younger woman, a university student in computer science, because she refused to join Hussein's Baath political party as most college students are expected to.

The women also said they faced discrimination as Christians in a majority-Muslim country.

Neither of the women speaks much English.

They weep frequently and say in a phone interview that they don't understand why they are being treated harshly when they fled an oppressive regime hostile to the United States.

SEVERAL COMPLAINTS

They complain they get bad food and little sleep at the jail because of noise and frequent checks of their cells at night.

"We are very scared," said the younger woman, speaking through a interpreter, who asked that her name not be published for fear of retaliation against relatives back home.

"I thought the American authorities would help me. We were shocked at this treatment. We never dreamt of being in jail. We are not criminals."

During their detention, they say, they have seen dozens of women of other nationalities released from INS detention after just a few days — normal agency practice when it comes to asylum-seekers.

CLEARED HURDLE

Both of the Iraqi women and the husband weeks ago cleared the first hurdle to asylum, an interview in which they persuaded an INS officer they have a "credible fear" of persecution at home.

INS policy is to release asylum-seekers who show a credible fear while an immigration court makes a final determination in the case, a process that can take a year or more.

In cases where an arriving alien asserts an asylum claim, INS policy favors release from custody if the alien is found to have a credible fear of persecution," said Joseph Greene, the INS's acting deputy executive associate commissioner for operations, speaking Wednesday before the U.S. House Subcommittee on Immigration.

The INS publicly insists it has not singled out Middle Easterners or Arabs for special treatment.

The acting INS district director for Florida, John Bulger, declined a request for an interview on his office's detention policies, even after The Herald provided, at his request, a letter outlining the subject.

POLICY OF SILENCE

Agency policy is not to discuss individual cases.

But federal officials concede that INS officers and agents who deal with aliens have been instructed not to let any Middle Easterner or South Asian out if they are not fully satisfied that they are clean — even if it takes months.

"There is a heightened state of awareness that each person seeking entry into the United States needs to be checked out as thoroughly as possible, so people who arrive without proper documents or without documents are detained while their stories are checked out, and, if we need to hold them while we are checking them out, then we are going to hold them," one official familiar with INS practice said.

Another federal official familiar with immigration enforcement said: "No one is going to let someone go unless they feel absolutely sure the person they are releasing is not going to go out the next day and hijack a plane."

JOURNALIST CURBS

The INS is also making it harder for journalists to visit Middle Eastern and other detainees since the attacks.

The Iraqi women were interviewed by phone because an INS spokesman in Miami, Rodney Germain, said it would take at least two weeks to respond to a Herald request to visit them.

Before Sept. 11, such requests were handled by the local office and routinely approved within days.

Now the requests must be approved at the regional level and in Washington.

Immigration lawyers and advocates, while conceding the need for stepped-up security measures after the attacks, say the INS is needlessly jailing people who pose no threat.

"I can understand that policy for my Islamic clients, even if I don't agree with it," said Wilfredo Allen, a Miami immigration attorney representing the younger Iraqi, noting that Christian women are unlikely to join a jihad against the United States.

"I can't understand it for the Iraqi Christians. It's nonsensical."

The agency is releasing at least some Middle Easterners.

Last week, a male Iraqi asylum-seeker was released from Krome.

The agency has also been willing to release an Iranian woman who came to South Florida seeking asylum with her two teenage sons.

CAN'T POST BAIL

All three, converts to Christianity, have been detained since September — the mother and her 17-year-old son at a guarded motel the INS uses to confine families, and her 18-year-old son at Krome.

The agency set bond for the family, a total of $15,000, but they have been unable to come up with the money so far.

Advocates say it's rare for a family to be held so long at the motel.

"Most people go very quickly through the hotel," said Charu Newhouse Al-Sabhi, detention advocacy coordinator at the Florida Immigrant Advocacy Center in Miami.

Immigrant rights groups say they don't know of other cases of Middle Eastern women held for inordinately long periods by the INS.

But at least two other women were held for several weeks in one of the oddest episodes after the attacks.

The two women were among 11 young Israeli Jews picked up in Ohio, apparently because tipsters and agents may have mistaken their Sephardic names for Arabic ones.

Their lawyer, David Leopold, said one of the first questions that federal agents asked his surprised clients is whether they were Muslim.

The Israeli were charged with working illegally, put into isolated cells, proceedings reserved for national security cases and denied bail.

Nine, including the women, were eventually freed under a promise to leave the country.

Two others agreed to leave but are being held until their departure.

Leopold said one of the women, Zs, was "terrified" to find herself in a jail cell. He blamed what he called INS's "worried incapacity" for the apparent mix-up.

"It raises serious questions about the quality of the investigation," he said.