



ACLU report blasts violations of basic rights for hundreds of immigrants detained in Massachusetts

First-of-its-kind study details poor jail conditions, denial of medical care and violations of due process against immigrants held for months without being accused of a crime

FOR IMMEDIATE RELEASE

December 10, 2008

CONTACT:

Laura Rótolo, Staff Attorney, (617) 482-3170 ext. 311 or (781) 475-6005, lrotolo@aclum.org
 Christopher Ott, Communications Manager, (617) 482-3170 ext. 322, cott@aclum.org

BOSTON -- Hundreds of people not accused of committing crimes are being detained for long periods in Massachusetts jails, in conditions that violate fundamental rights, and they are subject to retaliation if they complain to authorities, according to a two-year investigation by the ACLU of Massachusetts. The human rights investigation into conditions for immigrants detained in the Commonwealth by Immigration and Customs Enforcement (ICE) found that hundreds of people arrested for non-criminal immigration violations spend months and sometimes years in overcrowded county jails, where their human rights are often denied, while they wait to be deported or fight a legal battle to stay in the country.

The report, "Detention and Deportation in the Age of ICE: Immigrants and Human Rights in Massachusetts," is the first of its kind to thoroughly document jail conditions and due process issues for immigrants detained in Massachusetts at facilities statewide. These detention centers include jails in Suffolk, Essex, Franklin, Bristol, and Plymouth Counties. The report features the results of interviews and correspondence with 40 detained persons, and analysis of hundreds of pages of government documents obtained under the Freedom of Information Act.

"Our research revealed that ICE combines a heavy-handed approach to deportations with a hands-off approach to protecting the rights of those in its care," said Laura Rótolo, Staff Attorney with the ACLU of Massachusetts and the report's author and primary researcher. "Additionally, ICE appears eager to silence complaints about detention conditions by moving people who complain to other facilities, far away from their families and any attorney that their families may have hired to protect their rights."

Key findings of the report, released on the 60th anniversary of the Universal Declaration of Human Rights, include:

- Conditions at jails that violate basic human rights and due process requirements, including crowded and poor conditions, lack of access to bathrooms, and lack of access to private rooms to meet with attorneys;
- Abuse including threats, coercion, physical force, and use of racial and ethnic epithets;

- Denial of access to needed medical care;
- The housing of immigration detainees who have not been accused of a crime with convicted, violent criminal offenders;
- Overcrowding, with more than half of those arrested in New England being transferred to detention centers in places such as Texas or Louisiana, where they are cut off from family, friends, and resources they need to prove their right to be here;
- Periods of detention lasting longer than the law allows, with ICE systems unable to adequately track how long individuals have been in detention or even where in the United States they are being held;
- Superficial inspections of detention facilities that focus on policy, not practice, and impose no consequences for failure to meet ICE standards.

The ACLU of Massachusetts made ICE aware of the findings in its report in a certified letter. The agency did not respond.

"Given the violations of rights that immigrants in detention face and ICE's apparent indifference, it is troubling that people are forced to spend months and years in detention," said Rótoló. "Even people accused of crimes get the option of posting bail so they can remain free until they get their day in court. As a matter of law, many immigrants arrested by ICE do not have this right. Instead, they face the consequences that our criminal system reserves for the most violent criminal offenders."

The report also includes detailed recommendations for the Massachusetts state government, county sheriffs and jail administrators, Congress, the Department of Homeland Security and ICE to address the problems revealed by the report. They include:

- Congress should pass detention standards that are binding on all facilities holding ICE detainees and mandate effective and genuine oversight of local facilities;
- ICE should end the practice of transferring people who report on unsanitary conditions or abuse issues;
- ICE should upgrade systems to track in real-time the location of detained persons and the length of their detention;
- Massachusetts should address the overcrowding of county jails by expanding release alternatives for criminal offenders;
- County jails should ensure that detention conditions protect basic rights of all detained persons -- whether criminal or civil detainees -- and train staff on the special needs of the civil detainee population.

"Despite a huge growth in immigration detention in the last decade, the U.S. has woefully inadequate and legally non-binding detention standards in place," said Jamil Dakwar, Director of the ACLU Human Rights Program. "On the 60th anniversary of the Universal Declaration of Human Rights, we call on the next administration and Congress to use the UDHR as a guide to institute more humane and fair immigration detention policies, including the consideration of alternatives to detention and more effective oversight mechanisms to prevent neglect and abuse."

The ACLU of Massachusetts also today released a white paper on medical issues in immigration detention. The paper provides further detail on the difficulties faced by detained immigrants in accessing adequate medical care in the months or years they spend in ICE custody in Massachusetts.

"One of the greatest injustices we found was the situation of persons who become ill in ICE detention. If ICE denies them care, they can't appeal that decision, and they can't get their own care because ICE won't release them based on medical needs," said Rótoló. ICE has to pre-approve any medical care that goes beyond the capacity of the local jail's doctors -- yet ICE will only pay for medical care that keeps the person healthy enough to be deported. The report documents that conditions as serious as skin infections, pre-cancerous lesions, and a broken finger have gone untreated.

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"It is disturbing that some immigrants need a lawyer to get seen by a doctor," said Jarrett T. Barrios, President of the Blue Cross Blue Shield of Massachusetts Foundation, whose mission is to expand access to health care, and which funded the report's medical care white paper. One of the findings of this portion of the report is that those detained at ICE facilities deal with the cumbersome process of seeing a doctor by giving up altogether and hoping their ailments heal on their own, making repeated requests and risk being seen as a nuisance, or relying on their attorney to request care on their behalf.

"The ACLU of Massachusetts has long been concerned about the heavy-handed enforcement of immigration law," said Carol Rose, ACLU of Massachusetts Executive Director. "We need laws and policies that, at a minimum, protect the basic rights guaranteed to those in ICE custody by both the U.S. Constitution and international law."

Both ACLU reports, along with the documents received under the Freedom of Information Act and other material such as video interviews with immigrants, are available at:

<http://www.aclum.org/ice>

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For more information about the ACLU of Massachusetts, go to:

www.aclum.org