

## I. INTRODUCTION

*...ICE continues to subcontract the detention of individuals to county jails and private detention centers where they suffer sexual assault, substandard medical care, lack of due process and abysmal conditions.*

In 2009, after an extensive record of abuses and deaths

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

The Polk County Secure Adult Detention Facility is a 1,054-bed medium-security prison in the city of Livingston. Built in 2005, the all-male detention center, owned by Polk County, is operated by Community Education Centers (CEC), which has recently come under fire for the mismanagement of its “halfway houses” in New Jersey.<sup>1</sup> Inadequate medical care, poor

nutrition, lack of access to legal services, absence of meaningful programming, and a willful neglect of those who are imprisoned plague the Polk detention center. These conditions are exacerbated by the facility’s location in a remote area—approximately 75 miles northeast of Houston—which makes it difficult for legal service providers, human rights observers and families to access. The Polk facility is adjacent to the Allan B. Polunsky Unit, a 2,900-bed maximum-security prison, further illustrating the link between immigration detention and mass incarceration in Texas.

This report is based on a rare tour of the facility in July 2012 by four volunteers from Grassroots Leadership, a non-profit organization working to end for-profit incarceration and reduce reliance on detention, and Texans United for Families, a grassroots advocacy coalition fighting to end immigration detention. When people were notified of this visit, 280 individuals detained in Polk signed up to speak with the visitors. Due to limited time and resources, the visitors managed to speak to only 60 men and conducted 20 one-on-one interviews. Additional information in this report was gathered through



*According to CEC's own admissions, the Polk facility does not comply with the most current 2011 ICE Performance-based National Detention Standards...*

conversations with the warden, members of the CEC staff, and two ICE officials.

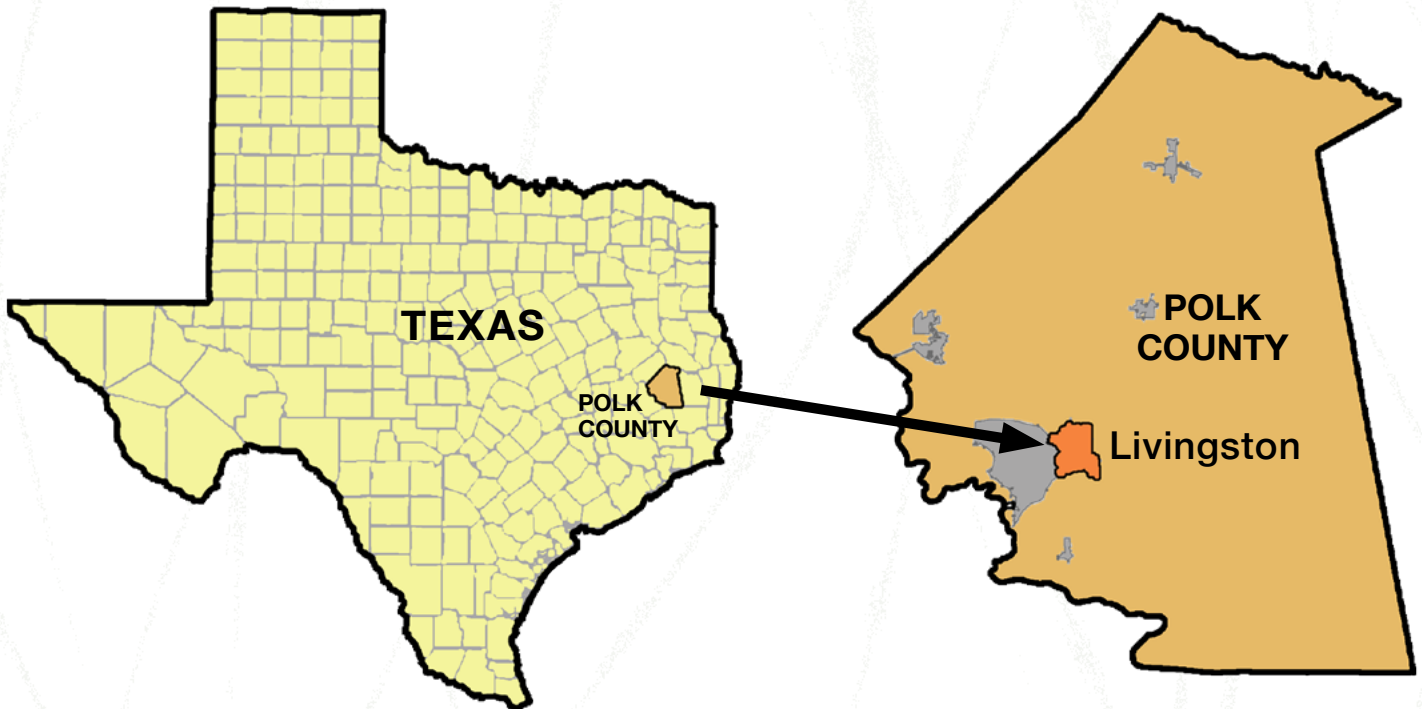
ICE pays an average of \$56 per day to utilize the majority of beds in the Polk detention center, and the remaining beds are under contract with the U.S. Marshals Service (USMS). At the time of the tour, over 700 men were detained under ICE custody. Although CEC officials claimed that the maximum stay was one year, visitors spoke to a 46-year-old Salvadoran man who has been detained in Polk for almost two years. Nearly all the men interviewed were transferred from the Houston Processing Center (HPC), an ICE-contracted private facility in Houston, and are waiting for their immigration hearings.

Some of the men jokingly referred to HPC as a "country club" to highlight the egregious conditions in Polk.

According to CEC, the Polk facility does not comply with the most current 2011 ICE Performance-based National Detention Standards (PBNDS). Instead, the CEC warden stated that it operates the Polk detention center according to the 2000 National Detention Standards, and that CEC makes an effort to comply with the 2008 ICE PBNDS, but that it has not fully implemented even the 2008 standards yet. The failure to comply with recent standards opens up a dangerous gateway to potential violations of immigrants' basic human rights.

## II. FACILITY OVERVIEW

- ▶ **Location:** 3400 FM 350 South, Livingston, TX 77351
- ▶ **Built:** January 2005
- ▶ **Employees:** 190 CEC staff, 24 ICE officials
- ▶ **Contractor:** Community Education Centers
- ▶ **Population:** 1,054 beds, 700 under ICE custody at time of tour



- ▶ **Standards:** According to ICE, the 2000 National Detention Standards apply.
- ▶ **Legal Orientation Program:** None
- ▶ **Nearest ICE Field Office:** Houston Field Office, 126 Northpoint Drive, Houston, TX 77060



### III. CONCERNS

#### CONDITIONS OF CELLS AND ABSENCE OF PROGRAMMING

The facility's interior is a drab grey and beige. Each section of the facility is divided into various chambers that are secured with metal doors and gates. To liven up the dreary atmosphere, CEC has decorated the hallways and walls with patronizing quotes, such as, "Accept Responsibility for Your Choices" and "Positive Thinking Changes Your Life."

Within the facility, people are detained in four types of cells, each furnished with cots, concrete tables, and a shower and toilet area: 106 single occupancy cells, measuring 82.78 square feet; one 4-person cell that is handicap accessible, measuring 664.82 square feet; seventy 8-person cells, measuring 504.27 square feet; and sixteen 24-person dorms, measuring 1343.75 square feet. CEC only gave a tour of the 8-person cells where people detained under ICE and USMS were held.

*“ This isn't a good place. I wouldn't wish it on anyone. (No se lo deseo a nadie). ”*

Cesar Portes

Men detained by ICE are grouped together according to the classification of their security risks, which is designated by the color of their uniforms—red, orange, and blue. A red uniform indicates that a person is a maximum-security risk, orange represents a medium-security risk, and blue indicates a low-security risk. According to CEC, men can move up and down these three categories depending on ICE's determination of one's behavior. Men who are under USMS detention are housed in separate cells from the ICE population and are required to wear white uniforms.

The immediate impression of the 8-person cells is that they appear crowded and unsanitary. The cells are dark, dreary, and lack any natural lighting, factors which add to the already oppressive atmosphere of the facility. The men's freedom of movement is limited by a lack of space and they are visible to guards through a glass window like experimental subjects. It is no surprise, then, that a sense of lethargy pervades these cells. During the tour, men appeared listless and were lying on their cots or staring abjectly at the floor or the walls, while others stood around their dorms with blankets wrapped from head to toe as if cold or suffering from depression. There are no walls or barriers to divide the cells, thus the toilets, shower facilities, and beds are all in the same space making privacy non-existent. This lack of compartmentalization within the cells can lead to unsanitary conditions. In fact, men complained of the humiliation of drinking from water fountains





*Nurses and medical staff do not speak Spanish, which, according to men detained, has resulted in medical neglect, misdiagnoses and wrong prescriptions for treatments.*

that are located directly above toilets. Men are granted up to three hours of recreation outside of these dorms, which means that they eat, sleep, and spend their daytime hours confined to their cells with eight other men for 21-23 hours of the day. Carlos Pineda, who has been detained for three months, summed up common sentiments: “There should be better treatment, better food. There is no fresh air. This is torture here.”

No meaningful social programs exist at Polk. CEC’s sole “arts and crafts program” consists of selling popsicle sticks in the commissary. There are no therapy and substance abuse support programs currently at Polk.

### INADEQUATE MEDICAL CARE

Detained men in this facility reported that medical care is inadequate. The medical unit is staffed by one medical doctor who visits the facility only once per week and a mental health care professional who visits once a month; both are on call at other times. According to the medical staff, approximately 10 to 15 people typically request to see a mental health care provider per week. Given the lack of a licensed medical doctor on-site, most of the medical screenings are performed by nurses and other support staff, who are all employed and trained by CEC. Any request for medical care that the facility cannot handle is outsourced to local hospitals, such as the West Oaks Medical Hospital, located close to Polk.

Nurses and medical staff do not speak Spanish, which, according to men detained, has resulted in medical neglect, misdiagnoses and wrong prescriptions for treatments. Moreover, many men complained that the medical staff typically takes three to four days to respond to medical requests, with some responses taking as long as three weeks.

Some of the conditions that immigrants reported include insomnia, emotional stress, body pains, common colds, and calcium-deficiency. Due to the small sample of men who were interviewed, this list is probably far from exhaustive. For example, Miguel Delgado<sup>2</sup>, a Honduran immigrant, reported that he has had an infection and an inflammation in his

neck for more than five months, a condition he developed while imprisoned in the previous immigration detention center. At the time of the interview, Delgado complained that the pain persisted, and the medical staff had only prescribed pain killers.

One man related that he had submitted a sick call request because he had a fever. By the time nurses triaged him two weeks after he submitted the initial request, he had already recovered because his cellmates nursed him back to health. Another man showed our volunteers a fungal infection on his scalp and the medicine he had received. According to the packaging the medicine was intended for female infections and appeared to be a suppository.

*“ I feel like a boat in the middle of the ocean, just being carried by the water with no control. Everything is up to the decision of the judge. He took my freedom, he took my life. (Quito la libertad, quito la vida). They can just do what they want. There should be human rights.”*

Alejandro Quinones

### SOLITARY CONFINEMENT

Men who commit minor infractions in the facility reported being subjected to segregation, a form of disciplinary action that causes great harm and is often disproportionate to the original infraction. At Polk, men reported being segregated anywhere from 15 to 30 days. The reasons for segregation at Polk appear both numerous and arbitrary. Luis Herrera’s experience is exemplary. Twenty-eight-year-old Herrera, from Mexico, has been detained in Polk for two months and most of his imprisonment has been spent in segregation. He was put in solitary confinement for thirty days for





*...the remoteness of the detention center prevents many families from visiting. As a result, few men receive visitors, and they remain isolated from the outside world.*

“misbehaving.” According to Herrera, CEC guards forced him to sign papers agreeing to be segregated, even though he didn’t understand the forms presented to him in English. During his confinement, Herrera said that he requested immediate assistance and began pounding on his cell door to get the guard’s attention. He said that not only did the guards delay responding to him and dismiss his pleas for help, they threatened to extend his segregation for ten more days out of frustration because they couldn’t understand Spanish, Herrera’s primary language. As a result of this experience, Herrera now suffers from a lesion, and has been unwell ever since.

### VISITATION

Although CEC had recently increased the length of visitation from 30 minutes to 1 hour, the visits are non-contact, posing a challenge to all parties involved. Men detained expressed enormous anguish and emotional frustration at not being able to touch or hug their loved ones, especially their children who often have to make long treks to visit their fathers. During visits, communication is conducted through glass partitions and small metal mouthpieces in concrete booths that provide little privacy. Visitors and detained men are forced to press up close to the mouthpieces in order to be heard, and many

men complained that the mouthpieces are dirty because CEC neglects to sanitize the visitor’s center.

In addition, the remoteness of the detention center prevents many families from visiting. As a result, few men receive visitors, and they remain isolated from the outside world. For example, Carlos Sandoval, originally from Colombia and raised in the U.S., has been detained in Polk for more than nine months. Since his detention, Sandoval has not yet seen his newborn child because his wife is not able to travel long distances with an infant. Indicative of the general isolation one experiences in detention, Pepe Castillo, who has been detained in Polk for nearly a year was overwhelmed with joy and expressed relief that he had the opportunity to shake hands with our volunteers and to be able to physically touch somebody from the outside.

### LACK OF RECREATION

According to CEC, men in detention are permitted one to three hours of recreation per day. At the time of our visit, there were only sunlit indoor recreation rooms, but the spaces appeared overcrowded when filled with only 30 men. Several of the men indicated that there was not enough recreation and that people detained did not have access to fresh air. CEC reported that an outdoor recreation area is under construction.

### PROBLEMS WITH TELEPHONES

People reported that the phones in the detention center are either broken or are in poor working order. During the group meetings nearly all the men highlighted the high cost of phone calls. For example, one interviewee reported that he paid \$10 for a phone card and he was only able to make three 15-minute calls. Many individuals simply cannot afford to purchase additional phone cards for such a high cost. Men also complained unanimously that phones in one building charged a higher rate per minute compared to phones in an adjacent building. This lack of uniformity was the result of CEC contracting with two different phone companies.





### LACK OF NUTRITIOUS MEALS

CEC serves three meals per day, at 4:30 AM, 11 AM, and 4:30 PM. No food is served in the 12-hour interval between dinner and breakfast, and men unanimously complained that they often suffer hunger until the next meal. During this time, men are allowed to purchase food from the commissary, which the men agreed was overpriced. Because most men have little or no money to purchase food, they often save portions of their dinners and pool leftovers to eat together at night. In response to the long hours without food, the men in Polk also rely on their families to send small amounts of money for use in the commissary so that they will not go hungry. These sacrifices, however, create enormous strains on families that already are financially strained on account of their loved one's detention.

All the men unanimously complained that the food is "terrible" and the portions are too small. One respondent stated that he knows that the food the facility serves is often not fresh because he works in the kitchen. Another man stated, "I'm suffering here. They need to change the food system." One of the most striking complaints about nutrition at Polk was the lack of milk. Efrain Castillo, a 51-year old Salvadoran who suffers from osteoporosis, complained that his detention in Polk for thirteen months and nine days worsened his condition. Prior to being

detained, Castillo had undergone surgery for his osteoporosis and doctors insisted that he receive calcium supplements. Since his detention in Polk, Castillo reported that he had not received any milk or calcium supplements.

### LABOR EXPLOITATION AT THE FACILITY

Men who are classified as a low-security risk are offered "job opportunities" to work during their imprisonment. CEC presents these jobs as voluntary employment. According to one immigrant, men work in the kitchen, the laundry room, the barbershop, and as custodians cleaning the hallways, doing much of the physical work to keep the facility running. Men earn \$1 per day for their labor, which they then use to purchase expensive food items from the commissary. Several of the men complained that CEC often does not pay the correct amount of money for the days they worked and sometimes it doesn't pay the men at all.

### INADEQUATE LIBRARY MATERIALS AND OTHER SOCIAL SERVICES

The library in the detention center is severely lacking in legal materials. Men are permitted to use the library one hour per day during open library hours. The library contains thirteen shelves overflowing with romance novels in English, six worn books on corporate law,



and several encyclopedias. The library also has four computers, which CEC claims operate the Lexis-Nexis database. In the group meetings, men complained that the library lacked legal materials and informational

handouts to help the men learn about their cases. Even if CEC offered Lexis-Nexis, it was useless because there was no librarian who possessed the appropriate knowledge to help detained men use such a resource.

## IV. RECOMMENDATIONS



ICE should terminate its contract with Community Education Centers and cease housing immigrants at the Polk County facility. The facility has had consistent problems with overcrowding, inadequate medical care, arbitrary use of segregation, and access to lawyers and visitation. No one should be held under these circumstances and closing Hudson County Jail would be a first step towards ending the overuse of county jails for immigration detention.

While taking steps towards contract termination, ICE must immediately:

- ▶ Comply with the 2012 ICE Performance Based National Detention Standards. Polk currently operates under 2000 National Detention Standards;
- ▶ Allow for more space in the dorms and freedom of movement within the facilities;
- ▶ End the use of solitary confinement;
- ▶ Adopt more varied and nutritious menus;
- ▶ Improve medical staff training and improve responses to medical requests by men detained in the facility. A medical doctor and a mental health care expert need to be available on-site on a daily basis. Medical staff should possess language competency for the populations they serve;
- ▶ Provide meaningful social services and programs for people detained in the facility, such as mental health counseling, and a legal orientation program.

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



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

### ENDNOTES

- <sup>1</sup> [www.nytimes.com/2012/07/24/nyregion/halfway-house-system-needs-overhaul-nj-lawmakers-say.html](http://www.nytimes.com/2012/07/24/nyregion/halfway-house-system-needs-overhaul-nj-lawmakers-say.html)
- <sup>2</sup> To protect the identities of men who were or are still detained in Polk, this report uses only pseudonyms.