

I. INTRODUCTION

Theo Lacy exemplifies the problem with ICE's overuse of county jails for immigration detention in California and nationally.

In 2009, after an extensive record of abuses and deaths of immigrants in its custody,

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

Theo Lacy Detention Center, located in Orange, CA, is one of a myriad of county jails that ICE uses to house people in California. The facility is owned by the county and operated by the Orange County Sheriff's Department (OCSD). Theo Lacy is a maximum-security facility with 472 beds to house immigrant men.



Source¹

Theo Lacy exemplifies the problem with ICE's overuse of county jails for immigration detention in California and nationally. Immigrants held at Theo Lacy report enduring numerous hardships, ranging from verbal and physical abuse by staff to minimal recreation and family visitation.

The information in this report was collected by local volunteers during a facility tour and visit with detained immigrants in September 2012. Volunteers spoke with over 130 people in small groups of 4 to 12, spending about fifteen minutes for each group. Where possible, the report authors have noted when reported incidents were corroborated by several indi-



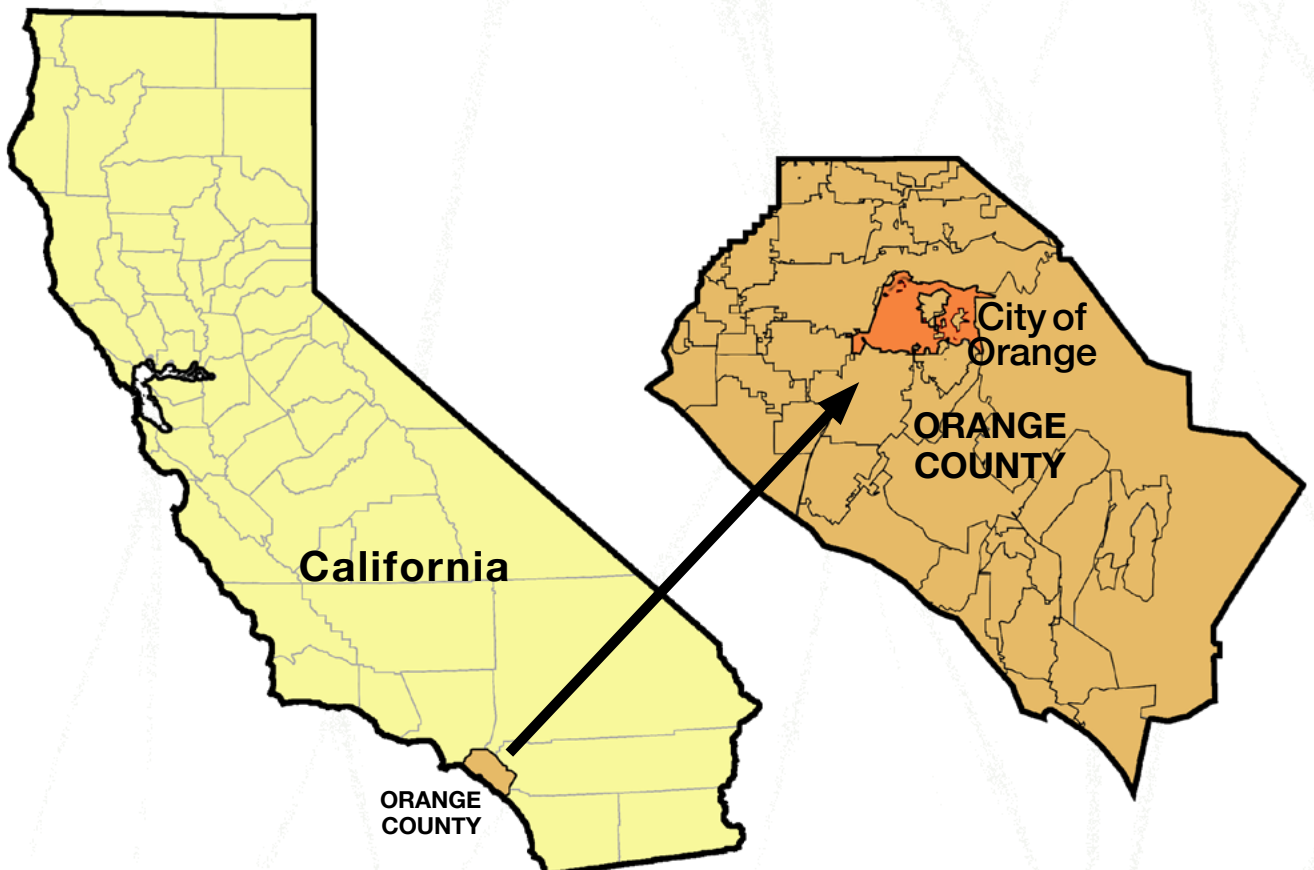
viduals, but in-depth investigations into the validity of complaints were not possible.

The people interviewed for this report are housed in barracks—with over 50 individuals housed in bunk beds in a single room, which

also includes picnic tables for daytime use. There is a single TV. People are allowed to leave this room for breakfast and dinner, and briefly to collect clean clothes and lunches, as well as for 1-2 hours of recreation daily.

II. FACILITY OVERVIEW

- ▶ **Location:** Orange, CA; 501 The City Drive South, Orange, CA (6.3 miles from Anaheim, CA; 29.7 miles from Los Angeles, CA).
- ▶ **Nearest ICE Field Office:** Los Angeles, CA.
- ▶ **Opened:** 1960.
- ▶ **Employees:** 450 staff.
- ▶ **Contract Type:** Intergovernmental Service Agreement. Operated by the Orange County Sheriff's Department (OCSD). The subcontractor for medical services is Orange County Health Care Agency.
- ▶ **Cost:** \$118 a bed per day.
- ▶ **Capacity:** 472 male ICE detainees (408 minimum security, 64 medium/maximum security).²
- ▶ **Average length of stay:** 60 days.³
- ▶ **Legal Orientation/Know Your Rights Programs:** None.



III. CONCERNS



VERBAL ABUSE AND RACISM BY STAFF

A majority of the groups independently reported having experienced racism and verbal abuse by some staff members, although most staff acted with respect and professionalism. People described having witnessed facility staff call a black man “nigger” and a Middle Eastern man a “camel.” One person observed that he was treated better than others and expressed that he felt it was because his skin color was white. One group noted that the staff had mocked them at dinner one night by saying, “Let the US citizens go first before the aliens.” The use of the word, “alien,” was considered particularly offensive, especially to those within the group with permanent resident status or who had lived in the US since early childhood. A man who asked staff for an inmate request form was told, “I’m gonna kick your fucking ass.” A deputy yelled at another man who had come up to get a form for a friend while holding an apple, “Don’t come back here with an apple in your hand or else I’m not giving you shit!” A business owner who was telling a deputy about his enterprise was asked, “So where is this business? In the GHETTO?” One deputy made fun of a per-

“ Let the US citizens go first before the aliens.”

Mocking by Theo Lacy staff

son’s hair, saying he belonged in the jungle. Another told a group of people, “Go back to your country!”

PHYSICAL ABUSE BY STAFF

At least two groups independently related the story of a man who was thrown up against a wall while a larger group of people was walking to a meal. While they stated that the man had filed a grievance, the person had received no response. One group also reported that there is a deputy who kicks people’s feet in the morning to wake them up. Another group reported being threatened with rubber bullet guns, seemingly “just for fun.”

PSYCHOLOGICAL ABUSE BY STAFF

Several groups separately reported that staff literally threw the lunches at people, or onto the ground. Another group of people talked



One man related how his pregnant wife traveled for two hours to see him, waited for an additional two hours, and then only saw him for 15 minutes.

about a deputy who would similarly throw items, such as soap, on the ground purposefully to force people to retrieve them. Another group said that while they were eating, some deputies made vomiting noises to make the men feel sick. One person noted that some deputies' behavior was so atrocious that it was inhumane, saying to a volunteer who happened to be Christian: "We are both Christians, so we both know that this is not the way we should treat each other as human beings."

PROHIBITIVE COSTS TO CONTACT FAMILY MEMBERS

Persons reported that phone cards are only sold in \$22 increments, which gets you "four short calls," with an initial fee of \$2 and then "50 cents a minute" and that on average it costs \$330 per month to talk to one's family for 20 minutes a day. Facility leadership claimed to have "no control" over prices as a contractor provides the service; however, as with any contract, the contractor can be dropped for another contractor if they are not providing the service at reasonable cost. The facility leadership does acknowledge that col-

“ Please tell them...we need access to the outside world.”

An interviewee at Theo Lacy

lect calls from the facility are very expensive. One interviewee begged, "Please tell them... we need access to the outside world."

LIMITED VISITATION

Family visits at this facility are only on Friday, Saturday, and Sunday. Men at Theo Lacy report that visitation time is frequently cut, from the "30-minute minimum" stipulated by the jail, to just 15 minutes, even if family has traveled a great distance for the visit. One man related how his pregnant wife traveled for two hours to see him, waited for an additional two hours, and then only saw him for 15 minutes. In addition, visits at this facility are non-contact because it is a maximum-security

facility; however, all the people we interviewed are classed as minimum-security and would have access to contact visits if housed at a minimum-security facility. One person said, "It's sad how I see my daughter behind the glass."

FEAR OF RETALIATION PREVENTING USE OF GRIEVANCE PROCESSES

There was a universal lack of faith in the grievance system across all groups questioned. People reported that they did not use grievance mechanisms because they were afraid of retaliation by staff. Several persons reported that they had known others to file grievances, but never get a response. Requests made outside the formal grievance process were particularly ineffective; people reported several instances of asking for the air conditioning to be turned down during cold nights, and of officers turning up the air conditioning "just to mess with us."

LEGAL ACCESS

About thirty people were surveyed by a show of hands and fewer than 20% had access to a pro bono lawyer. Several men reported that many of the numbers on the pro bono list were outdated and no longer working; one man contacted thirty-five providers but none were able to take on another case. The facility has a law library with access to Lexis-Nexus, but it has only one computer for the entire population. There are no Know Your Rights presentations or Legal Orientation Programs (LOPs) at the facility.

PROBLEMS ACCESSING THE FACILITY VIA THE NATIONAL VISITATION GUIDELINES

Carefully following ICE's national visitation guidelines, the volunteer group submitted all required forms to ICE two weeks before their proposed visit dates. Late on the Friday before the week of the planned visit, the group was informed that the local Sheriff's office had its own set of forms and ID requirements. ICE asserted that this situation was "out of their hands" and the visit was delayed two more weeks. After much advocacy and



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the assistance of two Congressional representatives’ offices, the group finally got a visit date. Although ICE claims to have a uniform visitation policy designed to streamline visitation at all its facilities, that national policy does not work in conjunction with the local practices at Theo Lacy. ICE’s stated reason for establishing a national access policy was to simplify and enable visits by community members and advocates to its facilities. As it is currently operating at Theo Lacy, it is nothing more than a second layer of bureaucratic red tape.

MISUSE OF SPECIAL MANAGEMENT UNIT (“SMU”)

Men at Theo Lacy are often put into solitary confinement in Special Management Units as punishment for violations of facility rules or to segregate the sick. Solitary confinement is severely damaging to mental health. For example, journalist Terry Anderson described his experience in solitary in Vietnam as a “formless, gray-black misery” which eventually led him to beat his head against a wall until it was bloody and guards stopped him. Solitary has also been shown to lead to mental hospital admission and to cause brain wave abnormalities that persist for months.⁴ Given these serious health risks, there are serious ethical problems with ever using solitary confinement. Theo Lacy staff rationalized the practice of using solitary confinement for punishment by saying that it lasts on average “only” ten days, with a maximum of 30 days. However, according to the United Nations Special Rapporteur on Torture, “indefinite and prolonged solitary confinement, in excess of fifteen days, should...be subject to an absolute prohibition,” because scientific studies have shown that even a few days of solitary confinement can cause lasting mental damage.⁵

According to Lieutenant McHenry of the OCSD, disciplinary segregation at Theo Lacy means that a person is housed 24 hours a day in a small isolation room with no access to visitors and no recreation. They are released briefly every other day for a shower. The lack of recreation period explicitly violates the Performance-based National Detention

Standards (PBNDS) 2008, which, by contract, the OCSD has promised to follow. However, according to Lieutenant McHenry, it is **standard practice** to withhold recreation **as part of the punishment**, rather than due to security or safety concerns. In solitary confinement at Theo Lacy, persons are not allowed newspapers, TV, games/cards, phone calls to family, or more than one book.

LACK OF ACCESS TO MEDICAL CARE



One man interviewed by visitors had bipolar disorder and suffered from panic attacks, which in the past were successfully treated with a combination of medication and counseling.

Although he was given medicine at Theo Lacy, he did not receive counseling. This man was even placed in solitary confinement at one point, which only increased his panic. While sick call requests are supposed to guarantee a detainee will be seen within 24 hours, one man showed his interviewer a red, swollen, and peeling foot—concerning for infection—which had been bothering him since he was kicked during his arrest 8 days prior. He had filed a sick call request 5 days prior, but had not yet been seen by medical staff. Another man reported that he knew two elderly men with blood in their urine who had not yet received any care for their conditions. Another man was told he must surrender his glasses when he was admitted to the facility, but 8 days later, he still had not received a promised jail-issue set of glasses and was led to believe it might be one to two months before an optometrist would come.

OTHER CONDITIONS PROBLEMS

The conditions problems at Theo Lacy are too numerous to include in complete detail here. But they include moldy and frozen food and lack of fruits and vegetables. People also reported that recreation time is often limited arbitrarily or taken away altogether with no explanation. While people used to be allowed to do work on jail premises (for wages of \$1/



day), this is no longer offered. Pillows are not provided and must be purchased. One group stated that they had no hot water in their unit for two weeks, despite filing multiple complaints throughout that time. According to the commissary price list provided by ICE, one Tylenol tablet costs 55 cents (or over \$20 to treat a week-long back ache).



IV. RECOMMENDATIONS



Theo Lacy is not an acceptable environment

for human beings. No set of reforms will be sufficient to make it habitable, therefore ICE should:

- ▶ Terminate its contract with OCSD and cease housing people at this high security facility.
- ▶ Release those detained at Theo Lacy into the community and, if necessary, develop and use community-based programs to monitor and support people while they await their immigration decisions.

While taking steps to close Theo Lacy, ICE should immediately:

- ▶ Enact a zero-tolerance policy for racist comments or abusive treatment of detainees.
- ▶ Discontinue the use of punitive solitary confinement for immigration detainees.

- ▶ Enforce the 2008 PBNDS Standard 32 on Visitation, which governs Theo Lacy's contract. This Detention Standard "ensures that detainees will be able to maintain morale and ties through visitation with their families [and] the community." Theo Lacy should invite Community Initiatives for Visiting Immigrants in Confinement (CIVIC) and its member groups to start a visitation program at the facility to decrease the emotional hardship for isolated men. The community visitation program should be allowed to visit with men during non-visiting hours so as not to take visiting time away from family and friends. Furthermore, the community visitation program should be provided with contact visits, as is the case with many other community visitation programs around the country.
- ▶ Increase visiting days and hours to include weekday and evening hours, similar to Orange County's Musick Facility (also an ICE-contracted facility).

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

ENDNOTES

- ¹ P. 35 (3.2). James A. Musick Site and Facilities Master Plan. Orange County, CA. April 23, 2012.
- ² OCSD ICE/ERO Detention Contract." [Web.] <http://egov.ocgov.com/portal/site/ocgov/menuitem.02b739dec30413a69add603d100000f7/?vgnnextoid=936cd20ebbb29310VgnVCM1000005b00610aRCRD&vgnnextchannel=e923b97cca97b210VgnVCM1000005b00610aRCRD&vgnnextfmt=default> Accessed on Sep 17 2012.
- ³ Ibid. *ALOS is average of Theo Lacy & Musick facilities.
- ⁴ Physicians for Human Rights. (2011). Dual Loyalties: The challenges of providing professional health care to immigration detainees.
- ⁵ United Nations. 18 Oct 2011. "UN Special Rapporteur on torture calls for the prohibition of solitary confinement." [Web.] <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11506&LangID=E>

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

