



ICE DEATH WATCH:

An Advocacy & Organizing Toolkit



DETENTION
WATCH NETWORK

NATIONAL
IMMIGRANT
JUSTICE CENTER
A HEARTLAND ALLIANCE PROGRAM

ABOUT DETENTION WATCH NETWORK

Detention Watch Network (DWN) is a national coalition of organizations and individuals working to expose and challenge the injustices of the United States' immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons. Founded in 1997 by immigrant rights groups, DWN brings together advocates to unify strategy and build partnerships on a local and national level to end immigration detention.

Visit detentionwatchnetwork.org

ABOUT NATIONAL IMMIGRANT JUSTICE CENTER

With offices in Chicago, Indiana, and Washington, D.C., Heartland Alliance's National Immigrant Justice Center (NIJC) is a nongovernmental organization dedicated to ensuring human rights protections and access to justice for all immigrants, refugees, and asylum seekers through a unique combination of direct services, policy reform, impact litigation, and public education.

Visit immigrantjustice.org

ACKNOWLEDGEMENTS

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OVERVIEW

One hundred and sixty-five men and women have died in immigration detention since October 2003. Prior to 2008, U.S. Immigration and Customs Enforcement (ICE) did not publicly provide information about people who had died in their custody. Following advocacy by non-governmental organizations and investigative reporting by *The New York Times* and *The Washington Post*, ICE began publicly reporting on in-custody deaths. Yet problems persist about transparency and accountability over these deaths.

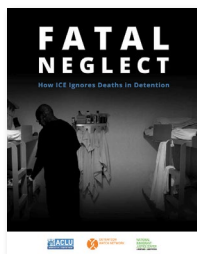
Today ICE provides the names of those who die in custody; however, few details are provided regarding the circumstances of these deaths and whether detention facility conditions played a role. Each death in ICE custody is accompanied by an internal investigation, but these investigations are very rarely released publicly. Of the 35 deaths for which reviews have been released via Freedom of Information Act (FOIA) requests, substandard medical care contributed to at least 15 deaths.

Even when ICE death investigations indicate violations of ICE detention standards, ICE fails to hold facilities accountable and ensure changes are made to address deficiencies that contributed to deaths. For example, there have been 14 deaths at the Eloy Detention Center in Arizona since 2003. Five death investigations at Eloy indicate persistent problems with medical care—ICE concluded that at least one of these deaths could have been prevented—yet the facility remains open.

Detention Watch Network (DWN) and the National Immigrant Justice Center (NIJC) have created this toolkit to provide community organizers, advocates, and other stakeholders with the tools to hold ICE and its contractors responsible for the deaths that happen on their watch.

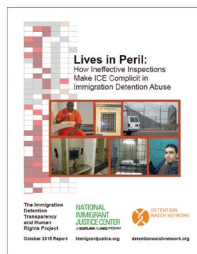
RESOURCES:

- **US: Deaths in Immigration Detention**
Authored by: Human Rights Watch
- **ICE's Systemic Lack of Accountability in Immigration Detention Contracting**
Authored by: NIJC
- **ICE Deaths Watch:** <http://icedeathswatch.tumblr.com/>
- **ICE Deaths List:** goo.gl/c9A1bK



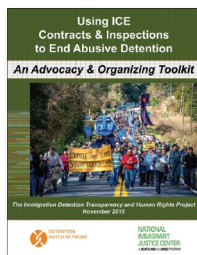
- **Fatal Neglect: How ICE Ignores Deaths in Detention**

Co-authored by: ACLU, DWN and NIJC



- **Lives in Peril: How Ineffective Inspections Make ICE Complicit in Detention Center Abuse**

Co-authored by: DWN and NIJC



- **Using ICE Contracts & Inspections to End Abusive Detention: An Advocacy & Organizing Toolkit**

Co-authored by: DWN and NIJC

TALKING POINTS

- Recent investigations into deaths in detention have found that inadequate medical care at detention centers has contributed to numerous deaths.
- In no uncertain terms, ICE has proven it is not capable of guaranteeing the safety and health of people in its custody.
- Contrary to ICE's claims, its inspections process is woefully inadequate. It allows rampant abuses, substandard medical care, and other violations to continue undetected—sometimes with fatal consequences.
 - Several facilities implicated in medically negligent deaths received passing ratings from ICE inspections, both before and after the deaths occurred, showing that inspections don't identify and address the failings in medical care at these facilities.
 - In one of many examples of medical negligence, Manuel Cota-Domingo died while in ICE custody at Eloy Detention Center after an eight-hour delay in transferring him to the emergency room.
 - Inspections are announced ahead of time and issues raised during interviews with detained individuals are frequently not meaningfully addressed.
 - Inspections are not independent. ICE's inspections are done internally or by contractors paid by ICE, raising concerns about impartiality. Even worse, smaller facilities are only subject to self-inspections.
 - ICE is not transparent or accountable to the public. ICE does not proactively disclose many of its inspections to the public, ensuring that failing facilities avoid public scrutiny.
 - We cannot rely on contractors who make money detaining immigrants to provide sufficient health care for them. Instead, the current contracting process incentivizes cutting corners to save money.

DEMANDS

1. Immediately reduce immigration detention as a first step toward ending the practice entirely.

- a. Release people with serious medical and mental health needs, particularly when individuals require higher-level care.
- b. Immediately terminate contracts for facilities with repeated preventable deaths, such as the Eloy Detention Center in Arizona.
- c. Shift current funding for detention to community-based alternatives, which will allow people to seek medical attention and receive support from family, legal counsel, and community.
- d. Apply current ICE detention standards to all facilities used by ICE and terminate contracts where current standards are not being met.

2. Improve delivery of medical care in detention.

- a. Revise PBNDS 2011 to require that medical care providers be held responsible for meeting the health care needs of individuals in ICE custody as opposed to simply providing “access” to health care.
- b. End the use of private for-profit detention facilities and for-profit medical care subcontractors. Historically, the involvement of contractors and subcontractors has been an obstacle to accountability as each entity, including ICE, shifts the blame to another.
- c. Ensure all detention facilities have fully staffed medical units, as required by their contracts. Terminate contracts if vacant positions aren’t promptly filled by qualified staff.

3. Increase transparency and accountability

- a. Create an independent medical advisory committee to investigate deaths that occur in detention. These should be completed within two months of the death and immediately made publicly available.
- b. Improve the inspections process to ensure inspections catch deficiencies, and result in real consequences (for more in-depth recommendations see our [Lives in Peril](#) report).



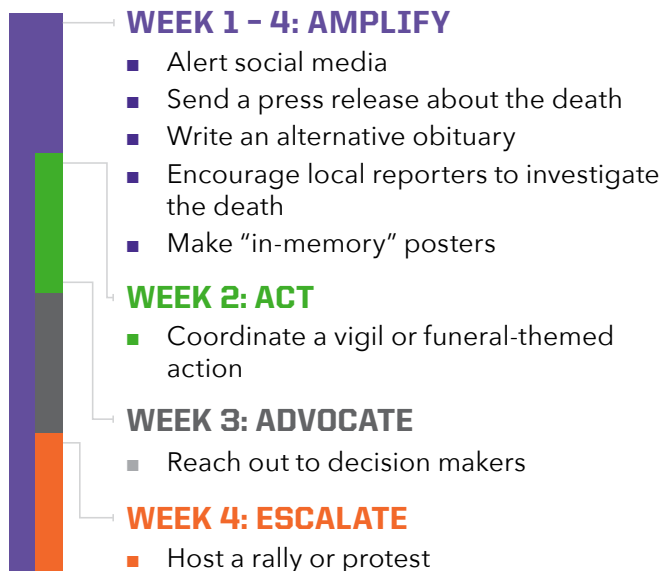
WHAT YOU CAN DO

The following are recommended tactics after a death in detention. Tactics can vary depending on resources and capacity, but do your best to do as much as possible and don't hesitate to ask for support.

Responses to deaths ideally would be as immediate as possible. We encourage advocates to make concerted efforts to contact family members to obtain their permission and participation, if appropriate, and provide them with support and to include their voice in the response process.

Families can sometimes be contacted through outreach to local organizations working at the detention center or contact with other persons in detention. The person's consulate may pass on information to their family as well. It's recommended to make your phone number public on your website and/or social media, so the family can reach out to you.

TIMELINE OF RESPONSE:



Social Media

Hashtags:

Use the following hashtags on Facebook and Twitter when alerting your online community of a death. If you have a photo of the deceased and consent from the family, post on Instagram as well.

- **Specific to the death:** #Name (i.e. #ManuelCotaDomingo), #Facility (i.e. #Eloy) #DetentionDeaths

- **Connecting to the broader conversation on detention:** #EndDetention #Not1More #StopICE

Sample tweets:

- Today #Name died in ICE custody at #Facility in X. We demand @ICEgov be held responsible! #DetentionDeaths #EndDetention #Not1More
- With the untimely death of #Name, @ICEgov continues to prove they are incapable of caring for people in their custody #DetentionDeaths #Not1More
- Yesterday at #Facility, another life was lost due to the unjust and inhumane immigrant detention system #DetentionDeaths #EndDetention
- As of today, X deaths in ICE custody since 2003. Rest in Power #Name #DetentionDeaths #Facility #EndDetention #Not1More

Contact DWN for the total number of deaths to date

Alternative Obituaries

ICE releases a "detainee death announcement" each time an individual dies in custody. While obituaries you read in the newspaper strive to honor the individual's memory and highlight the best of who they were, ICE death announcements are written in a manner that dehumanizes people by emphasizing their violations of immigration law and any criminal history. We encourage supporters to write about these individuals' family relationships and community contributions. It is important to change the narrative that these individual's immigration status or personal histories somehow justifies their deaths in custody.

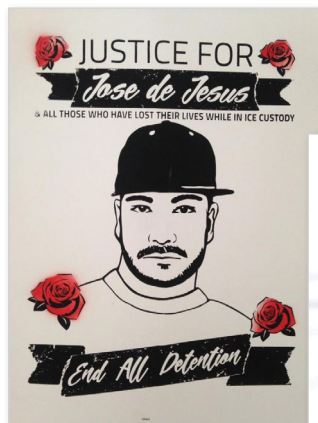
Violence against communities of color and immigrants is pervasive. Although this toolkit is focused on the treatment of detained immigrants, we are aware of the connections between this struggle and that of other communities. To push back against the narrative that immigrant deaths don't matter, we encourage advocates to lift up narratives that honor people who die in detention while being aware that this work is part of a broader effort to hold state and local actors accountable. This includes local officials responsible for operating facilities and those elected officials who are accountable for respecting our community members.

1. **Collect information.** Interview individuals who were detained with the deceased person. Try to locate any family members, legal counsel, or social service providers who can help provide more information on the individual's life.

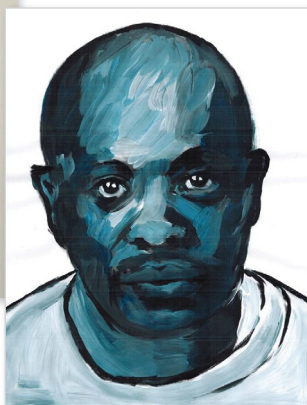
2. **Write an obituary** highlighting the person's contribution to their community, their family, etc.
3. **Promote your alternative obituary** using the media.

Make "In Memory" Posters

Ask local businesses to put up an "in memory" poster, and/or post in public spaces. If the facility where the death occurred is operated by the city or county government, highlight that in the poster.



Poster courtesy of: Puente



Poster courtesy of:
Shut Down Etowah

Support Actions Inside Detention Facilities

It's helpful to maintain communication with those inside the facility to respond to any support they may need, including legal support, or parallel outside actions to get their perspective out to the media.

Vigil or Funeral-Themed Action



Coordinate a vigil or funeral themed action within two weeks of the death, using the following guidelines:

- **Research** the detention center where the death occurred and understand what type of contract it is under to identify targets and opportunities (For more information visit <http://immigrantjustice.org/TransparencyandHumanRights>)
- **Engage allies**, faith leaders and ally elected officials with a goal of at least 25 participants
- **Choose a strategic location** to host your action, such as in front of the facility, ICE field office or local government if the detention contract is an Intergovernmental Service Agreement (IGSA)
- **Send a media advisory** and press release for your action to local reporters
- **Coordinate echo vigils** or funeral-themed actions in other cities

Action example at Stewart Detention Center:

<http://bit.ly/2e4OLUp>



Cuentame YouTube video: *Death For Profit*

Advocate with Decision-Makers

Identify a member of Congress—either senator, the representative in whose district the facility is located, or a nearby representative—to recruit to join you in demanding accountability from ICE and the facility. Request a meeting ([sample request on page 27 of the Using ICE Contracts and Inspections Toolkit](#)), share your concerns about the facility, share what you know about the recent death and about the lack of accountability for deaths throughout the detention system, and ask them to support your demands through a letter to ICE, press release, etc. Remember to follow-up ([sample letter on page 28 of the Using ICE Contracts and Inspections Toolkit](#))!

Alternately, you may want to send a letter to one or more members of Congress. After you send your

letter, follow-up. Call the office to confirm that the letter was received. Call again a couple of days later to say that you're following up on the letter, looking forward to the member's response, and ask if there is any additional information you can provide.

SAMPLE LETTER:

Dear Senator/Representative X,

We are writing to express our concern about a recent death at the [name] detention facility, located in [location; specify it is in their district if relevant]. As you may know, [name] died while in ICE custody on [date]. [Two more sentences about the individual—what you know about them, their family, their medical condition, and/or any difficulty they had accessing medical care. It's ok if you don't know any of this—you can still write the letter!]

Unfortunately, ICE detention facilities have a track record of being unsafe, unaccountable and secretive. Recent reports have shown that inadequate medical care at detention centers has contributed to numerous deaths. This year alone, there have been nine deaths in Immigration and Customs Enforcement (ICE) detention facilities.

ICE claims that it has a robust inspections process intended to prevent deaths but in reality, its inspections process is woefully inadequate. It allows rampant abuses, substandard medical care, and other violations to continue undetected—sometimes with fatal consequences. Several facilities implicated in medically negligent deaths received passing ratings from ICE inspections, both before and after the deaths occurred, proving that inspections don't identify and address the failings in medical care at these facilities. Inspections are announced ahead of time, often don't include interviews with detained people, and are not independent. Even worse, smaller facilities are only subject to self-inspections.

In one of many examples of medical negligence, Manuel Cota-Domingo died while in ICE custody at Eloy Detention Center after an eight-hour delay in transferring him to the emergency room. 14 people have died at Eloy since 2003, and yet the facility continues to hold hundreds of people each day. [Add an example from your own state/facility, if possible]

Finally, ICE is not transparent or accountable to the public. ICE does not proactively disclose many of its inspections to the public, ensuring that failing facilities avoid public scrutiny. While ICE does conduct death reviews after each death in detention, these often take years to complete, are published publicly, and often don't carry any consequences—even when problems at the facility are found to have contributed to the death.

This is unacceptable. Please join us in demanding accountability and transparency for [name] and his/her family. Specifically, please publicly call on ICE to:

- Release people with serious medical and mental health needs;
- Create a truly independent medical advisory committee to investigate deaths that occur in detention. These investigations should be completed within two months of the death and immediately made publicly available.
- In the meantime, and regarding [name's] death, please join us in demanding that ICE conduct its own review within two months and immediately release the full report to the public.
- [Feel free to include other recommendations/demands from people detained in the facility and/or from the list on page XX]

Please don't hesitate to be in touch with any questions. [Include contact information for one person.]

Sincerely,

[organization or individual names]

If your local government is part of the contract for the detention facility (your facility is contracted through an intergovernmental service agreement) you should also request to meet with members of the City Council or County Commissioners, whichever is relevant.

Other ideas to consider:

- If IGSA, take-over of next public meeting
- If IGSA, occupation of target elected official's office
- Op-ed
 - Lindsay Marshall, "It's surprising that more immigrants don't commit suicide in jail," *The Arizona Republic*, May 16, 2013, bit.ly/2fCWyww.

Escalate Action

If no response or commitment is made to investigate the death, escalate your action by hosting a rally or protest ideally within one month since the death, using the following guidelines:

- **Engage allies**, faith leaders and ally elected officials with a goal of at least 50 participants
- **Choose a strategic location** to host your action, such as in front of the facility, ICE field office or local government if IGSA
- **Send a media advisory** and press release for reporter turnout
- **Use social media** to engage your online community about the action

SHADOW INSPECTIONS

In order to conduct a shadow inspection of a detention facility through ICE's **stakeholder access policy**, participants must be associated with an organization and submit the following information:

- Written request to the Enforcement and Removal Operations (ERO) **Field Office Director** at least two weeks in advance of the requested visit. Clearly state in your request that you want both "a detention facility tour" and "visitation with detainees" in order to speak with immigrants who are currently detained. You can find a [sample request letter on page 14 of the *Using ICE Contracts and Inspections Toolkit*](#).
- [Code of Conduct](#).
- [Stakeholder Tour/ Visit Notification Flyer](#). ICE posts this sheet inside the facility so that interested individuals can sign up to speak with you.

If possible, try to recruit a medical professional to join your inspection team! In addition, try to research the medical care provider by searching for news stories or legal cases, if you have access to legal databases like Westlaw or Lexis Nexis. If you know the names of any medical staff, you may be able to use online databases to confirm staff are licensed.

- [List of State Medical Boards](#)
- [List of State Boards of Nursing](#)

During the "tour" portion of the day, you should have a chance to see the medical unit at the facility. You can also ask to speak to a medical provider, if it isn't already arranged.

If you are going to interview detained people, it is best practice to use a consent form to ensure that you are always certain whether you can share something publicly and/or use the person's name.

Information gathered through the inspection, and especially through interviews with detained people, can provide new avenues for demanding accountability from the facility and from ICE.

GET MORE INFORMATION

To obtain documents and reports about in-custody deaths, you will need to file a Freedom of Information Act (FOIA) request with any of the following parties:

- 1. ICE's Office of Detention Oversight (ODO)** conducts death investigations following in-custody deaths, which can take anywhere from a few months to more than a year to conclude. Since ICE very rarely releases death reviews voluntarily, the best way to obtain these documents is through FOIA.
- 2. Local law enforcement agencies** may conduct an investigation depending on the circumstances of the death. Documents obtained may include interviews with staff and even video of the incident.
- 3. Local detention facilities** should conduct an after-incident review to evaluate and correct any flaws that contributed to the death. If the facility is publicly operated, it will likely be easier to obtain the information via FOIA.

FOIA requests to federal agencies typically take much longer than requests to local agencies.

How to file an ICE FOIA request:

<https://www.ice.gov/foia/request>

How to file State FOIAs:

<http://www.nfoic.org/state-foi-resources>