

YORK COUNTY PRISON FACILITY

IMMIGRANT DETENTION INSPECTION SERIES



Photo: York County Government

FACILITY PROFILE

Location: York, Pennsylvania

Contract type: Intergovernmental Service Agreement (IGSA)

Population: About 600 men and women in ICE custody

Standards: Performance Based National Detention Standards (PBNDS) 2008, PBNDS 2011 Significant Self-harm and Suicide Prevention and Intervention

Contractors: PrimeCare (medical); GTL (phones)



METHODOLOGY

Date of inspection: April 14, 2016

Number of inspectors: 8

Number of detained people interviewed: 44

ABOUT DETENTION INSPECTIONS

The United States has the largest immigration detention infrastructure in the world, with the ability to detain approximately 34,000 people at any given time. Despite

being rife with inhumane conditions and abuses, detention facilities elude accountability through ineffective official inspections that lack independence, fail to check for policy implementation, and often exclude interviews with detained people. In response to inadequate official inspections, Detention Watch Network (DWN) is conducting NGO-led inspections alongside stakeholder organizations to uncover the reality of immigration detention facilities.



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OVERVIEW

York County Prison (York) is a county prison that houses both people in the immigration system and people in the criminal system. York opened in 1979 but has held immigrants through an agreement with Immigration and Customs Enforcement (ICE) since 1992. The NGO-led inspection revealed serious problems in medical care, abuse, and use of solitary confinement. These findings should prompt ICE to implement more stringent third-party inspections, make all inspections available to the public in a timely manner, and enact consequences for violations, such as termination of contracts.



MEDICAL CARE

Interviews with people detained at York revealed delays in responding to medical requests and providing medical care, and either inappropriate or inadequate responses to health issues. York staff informed DWN that they check for medical slips ("sick calls") every day, and that everyone is seen within 24 to 48 hours. Despite this, seventeen people indicated delays in being seen and/or receiving care.

Seven people said they submitted multiple sick calls before receiving a response. One person reported submitting sick calls for four months before receiving treatment, by which time she had sustained nerve damage and a 75 percent hearing loss in one ear from an untreated ear infection. One person reported a seven hour delay in being transferred to the hospital after she began to bleed from a dental surgery three days earlier. Another person reported that he was unable to chew due to broken dentures. He had to continually file sick calls and complaints for three months before seeing a dentist.

Eleven people reported inappropriate or inadequate responses to their health concerns. One person who has epilepsy reported that facility staff do not warn her about fire alarm tests in advance, even though the flashing lights can induce a seizure. One person showed inspectors a

forehead growth that he believed was causing worsening headaches. When he sought medical attention, he was given a brief touch exam, told that the concern was merely cosmetic, and given Tylenol for the headaches. Another person reported pain and shaking all over his body. When he goes to the medical unit, there is no attempt to address the underlying problem; instead, he is only given pain medication.

Finally, although people in ICE custody are not supposed to be charged for medical care, one person showed an inspector a copy of his \$260 medical bill for an x-ray from an outside provider (copy on file with DWN). The medical bill also showed that the individual's x-ray appointment was one week later than the sick call response slip claimed.



LEGAL ACCESS

Inspectors found that the process for accessing the Officer of Inspector General (OIG) Complaint Hotline (which is the same process used to access consulates and pro bono attorneys in the area) was extremely convoluted and likely inaccessible to many detained people. In fact, the directions provide through the phone were wrong and would not result in a connected call.

The process of obtaining a confidential legal call is also difficult, resulting in many detained people communicating with their attorneys through monitored calls. Though ICE staff said that people can obtain a confidential legal call through a written request, interviews revealed that people were much more familiar and had more experience with an alternate process, which does not grant them a confidential call but rather a call in a counselor's office where they are monitored. Even then, at least one person reported delays in being able to make these calls.

About ten people reported that phone calls were extremely expensive, with significant connect fees as well as per-minute charges (though costs vary widely depending on the state or country being called). In

addition to the prohibitive cost, phone accounts must be set up and paid for from outside the facility, meaning that friends and family must create accounts before people at York can access the phones. This delays and impedes access to phones, especially for people without community ties in the U.S.

Language access is a particularly troubling concern at York. At least nine people reported that translation is done by detained people, not by facility staff or phone interpretation. Of the nine, one reported that she herself had translated for others, and two reported relying on other detained people to translate for them. Another person reported that during a medical visit, the doctor communicated with her using a computer software, in which he typed in English and had her read the Spanish translation provided by the software. Given the quality of such automatically-generated translations, this is an extremely inappropriate method for any use, but particularly so for a medical visit.



SOLITARY CONFINEMENT

Though people can be placed in solitary confinement for a variety of reasons, the traumatic effects of isolation occur regardless. Solitary confinement is divided into two categories: disciplinary segregation, which is punitive, and administrative segregation, in which a person is isolated for non-punitive reasons, such as their own safety. Interviews with detained people indicate a concerning use of disciplinary segregation for minor offenses, asking questions or raising complaints. One person reported being placed in solitary confinement for seven days because she had an extra laundry bag, and later for five days because she spoke to a correctional officer while the officer was busy. One person reported being placed in solitary confinement for six days after being physically assaulted by another person in their housing unit in the presence of a correctional officer, who reportedly did not intervene and actually left during the attack. Another person reported being placed in solitary confinement for five days for cutting in line, which he said

was an accident. One person reported being threatened with solitary confinement for asking a captain why he had to be strip searched.

In addition to the overly punitive and retaliatory nature of disciplinary segregation, York blurs the usage of disciplinary and administrative segregation as well. Facility staff told DWN that people with mental health issues are regularly held in disciplinary segregation, raising urgent concerns about the treatment of people with mental health issues at York. While there is a 60 day maximum on disciplinary segregation at York, staff said there is no limit to how long someone with a mental health issue can be placed in solitary confinement.



GRIEVANCES AND ABUSE

Interviews with people detained at York revealed four concerning incidents of abuse.

Two people reported an excessive use of force incident resulting from a disagreement over the number of blankets they were allowed to have. They reported that during the incident, they were sprayed with mace by a captain and physically assaulted by the Certified Emergency Response Team (CERT Team). One person reported that his dentures broke when he was thrown onto a table, that he sustained knee and elbow injuries, and that there was a four day delay before being seen for these injuries. The other person reported ongoing thumb and knee problems. Both individuals were sentenced to solitary confinement for 60 days, though one successfully petitioned for release after 32 days and subsequently filed a grievance about the incident. In a response months later, he reported that the warden defended the CERT Team for utilizing a “new technique” on the individual, who the warden deemed an “instigator.”

Three people reported witnessing other incidents of abuse. Of the three, two separately reported a sexual relationship between a guard and a detained person in ICE custody; one of the two people reported the abuse to a counselor and was subsequently moved to another dorm,

possibly as punishment. One person reported witnessing a physical assault in his housing unit, during which two correctional officers stood outside and did not intervene as a detained person was assaulted by someone else in the housing unit.

In addition to physical and sexual abuse, people detained at York reported a hostile environment. One person reported having received threats of violence from a guard, and two people reported that one guard comes into their housing unit at night and makes a lot of noise by yelling, throwing chairs, and slamming drawers.



QUALITY OF LIFE

In addition to problems with medical care, legal access, and abuse, York diminishes people's quality of life even further through limited visitation access, poor food quality, and an absence of a real outdoor recreation area. York permits in-person and video visitation, though in-person visitation at York is only non-contact. Video visitation is scheduled online and excessive in cost, with the following prices listed on the York website: personal visits cost \$15 for 0-30 minutes, while legal visits cost \$25.20 for 0-30 minutes. An ICE official stated that there is no intention to phase out in-person visitation as a result of having added video visitation.

Three people raised complaints that the food provided at York is not enough, and three people indicated that the food quality is so poor that it leads to constipation. One person reported having to wait eight days to receive vegetarian meals after making the request. Nine people raised complaints about commissary being overpriced, and nine people raised complaints about a lack of hot water or microwave in their housing units to cook soups and instant noodles purchased through commissary.

People who use the main "outdoor recreation" area reportedly receive two hours of outdoor recreation each day. The main "outdoor recreation" area at York is a

room completely surrounded by high walls and a ceiling made up of bars, belying claims that it is indeed "outside." Although we were not able to confirm, we were told that low-level security housing units have outdoor recreation areas attached, and that people in these housing units have access to outdoor recreation all day.

Finally, York has the dubious distinction of being one of the only facilities in which people being detained by ICE in supposed "civil detention" and people serving sentences within the criminal system are placed in the same housing units. This is perhaps one of the clearest indications that the difference between civil and criminal detention is pure fiction. In practice, people are held under the same harsh circumstances which often deny their humanity, dignity, and basic rights.



TRANSPARENCY

ICE denied two stakeholders access to the tour and visitation, citing "security concerns" but failing to provide any details. It appears, however, that the denial was based on their arrests for the misdemeanor offenses of trespassing and obstruction of a public thoroughfare during peaceful civil disobedience, a universally practiced form of peaceful protest recognized under international and domestic law. Allowing broad access to detention centers is an essential element of a transparent and accountable detention system, and was clearly not granted in this case. DWN and two other organizations raised the issue with ICE in April 2016, but did not receive a response until nearly four months later in August 2016. In its response, ICE stated that it does not have a policy of denying stakeholder access based on arrests for nonviolent protests, but failed to provide specific details on why the two stakeholders in this case were not allowed to participate in the York visit.

Additional Information

For more information, please contact
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