

ABUSE IN ADELANTO:

AN INVESTIGATION INTO A CALIFORNIA
TOWN'S IMMIGRATION JAIL

CIVIC
end isolation



DETENTION
WATCH NETWORK

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Design by Strictly District, LLC.

The primary authors of this report are Christina Fialho and Victoria Mena—an Adelanto native—of Community Initiatives for Visiting Immigrants in Confinement (CIVIC), and Mary Small and Carol Wu of Detention Watch Network (DWN).

CIVIC

CIVIC is dedicated to ending the isolation and abuse of persons in immigration detention through visitation, independent monitoring, storytelling, and advocacy with the ultimate goal of defunding immigration detention. CIVIC currently has over 1,200 volunteers in its network visiting at over 40 immigration detention facilities nationwide. For more information, please visit their website at www.endisolation.org.

Detention Watch Network

DWN is a national coalition of organizations and individuals working to expose and challenge the injustices of the U.S. immigration detention and deportation system and advocate for profound change that promotes the rights and dignity of all persons. Founded in 1997 in response to the explosive growth of the immigration detention and deportation system in the United States, DWN focuses exclusively on immigration detention and deportation issues and is known as a critical national advocate for just policies that promote an eventual end to immigration detention. As a member-led network, DWN unites diverse constituencies to advance the civil and human rights of those impacted by the immigration detention and deportation system through collective advocacy, public education, communications, and field-and-network-building. For more information, please visit their website at www.detentionwatchnetwork.org.

This report is published under the Defund Detention and Expose & Close Campaigns. The Defund Detention Campaign was launched in June 2014 and led by CIVIC in partnership with the residents of Adelanto, including people imprisoned throughout the city. The goal of the Defund Detention Campaign is to mobilize those who have been disenfranchised and excluded from resources in Adelanto, to activate involvement in the city government, stop the expansion of the immigration detention facility and additional private prisons, and expand education opportunities. Expose & Close started in 2012, when DWN coordinated the release of ten reports that detail the acute and chronic human rights violations occurring in immigration detention in the United States. The reports were authored by DWN members and allies, including policy advocates, community organizers, legal service providers, faith groups and individuals personally impacted by detention, who together have deep experience and understanding of the immigration detention system. In 2013, DWN released Expose & Close: One Year Later, to review conditions in the original ten reports and shine the light on new facilities with egregious human rights violations, including the Adelanto Detention Facility. Last year with the alarming expansion of family detention, DWN released another Expose and Close report, focused on the family detention center in Artesia, New Mexico, which was subsequently shut down.

We would like to give thanks to those who have been instrumental in the creation of this report, especially members of Friends of Adelanto Detainees. We are especially thankful to all the individuals whose stories and experiences in detention are featured in the report, including Petra Albrecht, Gerardo Corrales, and Carlos Hidalgo.

EXECUTIVE SUMMARY

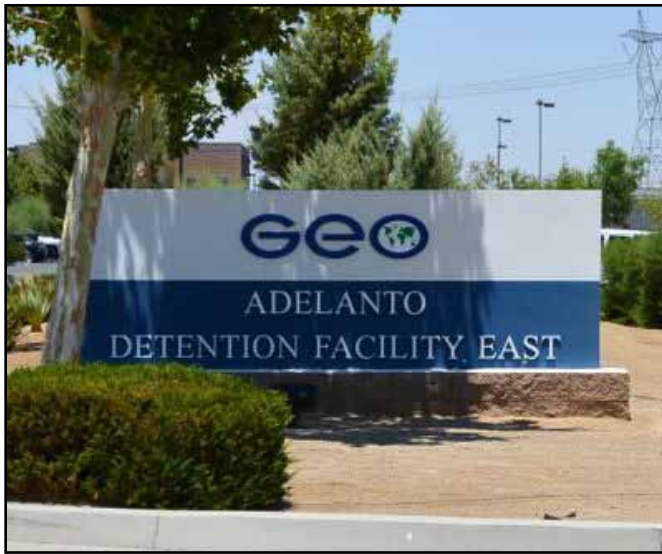


Photo: Christina Fialho

The rural community of Adelanto, California, is home to an immigration detention facility, a county jail, a state prison, and a neighboring federal prison that together hold an overwhelming 9,965 people—almost one third of the city's total population. With the unrealistic belief that prison building would revitalize the community, Adelanto struck a lousy deal that failed to make the city live up to its slogan of "Unlimited Possibilities." Instead, the community suffers from a dearth of jobs, persistent low median income, an unhealthy prioritization of jails over schools, political scandal, and a populace that has come to view the local prison economy as a blight and a drain. To make matters worse, while the city continues to teeter on the edge of bankruptcy, large private prison corporations rake in millions of dollars in revenue from federal contracts secured by Adelanto.

On July 1, 2015, one of the most profitable private prison corporations, The GEO Group (GEO), finished expansion of the Adelanto Detention Facility (ADF), making it the largest adult immigration detention center in the United States with the capacity to imprison 1,940 men and women. Despite being privately owned and operated, the detention of immigrants at ADF is made possible by an intergovernmental service agreement (IGSA) that utilizes the City of Adelanto as the middleman in a contract between GEO and U.S. Immigration & Customs Enforcement (ICE). The conditions at ADF have come under scrutiny by advocates, particularly preceding and following the negligent death of Fernando Dominguez in 2012 and the recent death of Raul Ernesto Morales-Ramos. With confirmed reports of hundreds of detained individuals being placed on suicide watch, multiple attempted suicides, and a miscarriage, the many abuses and problems at ADF are documented in this report.

Through consistent monitoring over a six-month period in 2015, Community Initiatives for Visiting Immigrants in Confinement (CIVIC) has identified the top three complaints—prolonged detention, medical abuse and neglect, and a lack of access to legal representation and the law library. CIVIC also documented four separate instances of extreme physical abuse by GEO staff, one confirmed death, and one confirmed miscarriage at the facility. In two subsequent tours of ADF, tour participants—including Detention Watch Network (DWN)—documented further concerns regarding food and religious freedom.

Among many others documented in this report, these cases demonstrate a pattern and practice of maltreatment:

- 27.5 percent of individuals monitored have been subject to prolonged detention over six months, including one man who has been in detention for five and a half years;
- One man with severe epilepsy who is prone to violent seizures was denied a medically-necessary foam helmet to protect him from injury;
- A young paralyzed man in a wheelchair was denied sanitary catheter bags, leading to a life-threatening urinary tract infection and hospitalization;
- Two men who, as the result of medical problems, soiled either their clothing or bed linens and were denied clean ones for several days;
- Under 13 percent of individuals have legal representation, and ICE barred one attorney on two separate occasions from entering the facility after the attorney participated in a peaceful vigil;
- Individuals are subject to extremely high bonds at an average of \$29,250, including for recent asylum seekers who have passed their credible fear interview and are not mandatorily detained;
- 22 individuals, including a majority of Muslims, have reported violations of religious freedom.

Many of the allegations included in this report are not corroborated due to the closed nature of detention facilities and a pervasive lack of transparency by ICE and GEO; however, the sheer number and consistency of complaints of rights violations point to a crisis within the facility that warrants immediate action.

RECOMMENDATIONS

The facility fosters a hostile environment where detained individuals are afraid to file grievances, where medical needs are neglected, and where staff retaliate when individuals attempt to assert basic human and constitutional rights. In light of these egregious violations, CIVIC and DWN call for the following:



The City of Adelanto should:

- Terminate its contracts with GEO and ICE;
- Pass a City Council-approved moratorium on the creation of, and further expansion of, any additional jails, prisons or detention centers in the city.



U.S. Immigration & Customs Enforcement (ICE) should:

- Terminate its contract with the City of Adelanto and cease detaining all immigrants at ADF;
- Publicly publish the findings of the investigation into the death of Raul Ernesto Morales-Ramos;
- Provide a pro bono telephone extension at ADF so that civil and human rights groups can expand their ability to document and keep congressional offices and the public updated on problems witnessed at remote detention centers.



Congress should:

- Conduct an in-depth investigation into GEO's management of immigration detention facilities, taking into account all deaths at their facilities;
- Pass legislation prohibiting ICE from contracting with private prison companies.

INTRODUCTION

In the summer of 2014, Community Initiatives for Visiting Immigrants in Confinement (CIVIC) launched the Defund Detention Campaign in Adelanto, to prevent the expansion of jails and prison beds in Adelanto. The campaign successfully prevented The GEO Group (GEO)¹ and a team of private prison contractors, which included one of the founders of Corrections Corporation of America (CCA),² from building new prisons. The effort also led to a new permit scheme in Adelanto to protect First Amendment rights of prison protesters³ and the creation of a neighborhood-led committee focused on monitoring city meetings and its plans around prison expansion. Unfortunately, plans to expand the Adelanto Detention Facility (ADF) were completed in 2015, making ADF the largest adult immigration detention facility in the country with a capacity to imprison 1,940 men and women.

In response to numerous allegations of deplorable conditions and abuse at ADF, CIVIC conducted an in-depth investigation of the facility between February and September 2015. The investigation included individual interviews, letters, phone calls, and continual follow-up with 89 people detained at ADF

during this time period. CIVIC and Detention Watch Network (DWN) also conducted tours and subsequent interviews with people in immigration detention on two separate occasions within this time period. Both organizations examined, in detail, the contracts which govern ADF, as well as inspections of the facility conducted by two different entities within Immigration and Customs Enforcement (ICE).

While the details of this report are particular to the City of Adelanto and ADF, the themes and findings are widespread. Like many other detention facilities across the country, the inspections and lack of response to filed complaints reveal that there is no real accountability for the myriad of serious, in some cases fatal, abuses occurring within the walls of ADF. Like many other small prison towns, the City of Adelanto has gambled on the prison industry and lost, bound by poorly negotiated contracts and persistent bad governance.

Therefore, CIVIC and DWN are calling on the City of Adelanto and ICE to terminate their respective contracts and stop detaining immigrants at ADF.

1. Self, B. "For-profit prison group drops plans for third jail in Adelanto." Victorville Daily Press. January 28, 2015. <http://www.vvdailypress.com/article/20150128/NEWS/150129800>
2. Johnson, S. "Adelanto jail plan dead." Victorville Daily Press. September 1, 2015. <http://www.vvdailypress.com/article/20150901/NEWS/150909964>
3. Self, B. "Attorney: City agrees to drop charges." Victorville Daily Press. December 8, 2015. <http://www.vvdailypress.com/article/20141208/NEWS/141209820>

HISTORY OF THE CITY OF ADELANTO

Adelanto is a rural California town of just over 32,000 people.⁴ Nestled in the Mojave Desert, Adelanto is approximately two hours north of Los Angeles. Founded in 1915 as one of California's first planned communities, it once boasted a vibrant agricultural community and was filled with orchards and known for its ciders. Devastated by the Great Depression, Adelanto replaced its trees with poultry farms. The dream of providing opportunity for veterans returning home from World War II was never realized and the land shriveled up, turning it into the rural, desert town that it is today.⁵

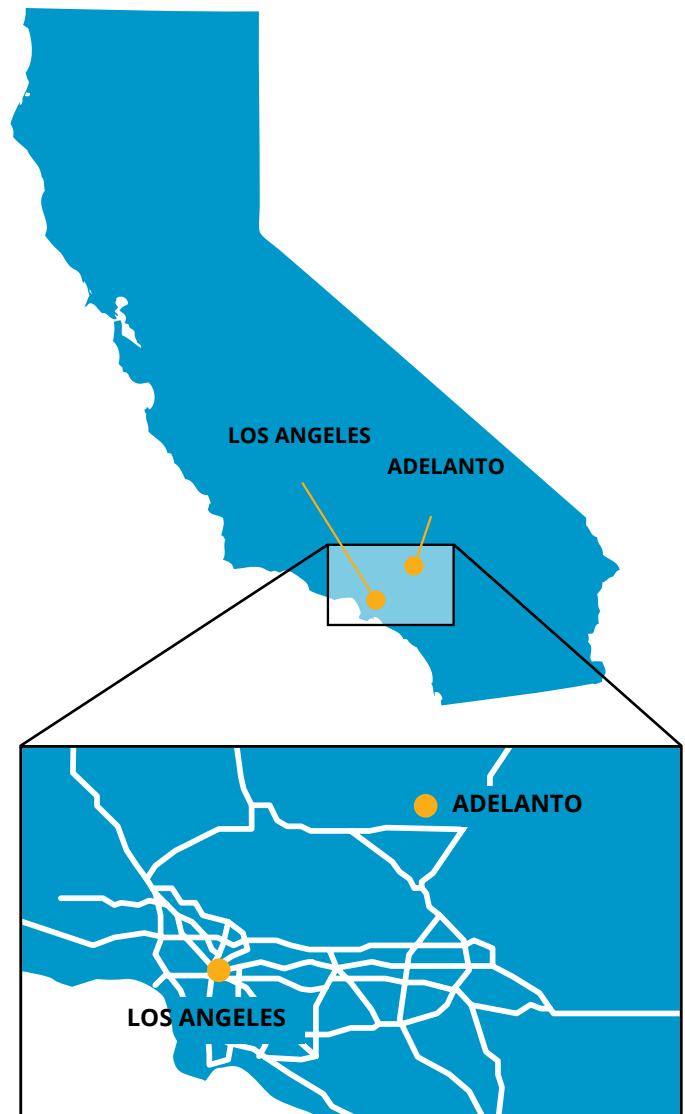
Adelanto caught a break in 1941, when the George Air Force Base (GAFB) was constructed east of the city. The base brought over 3,000 people to the area, creating a military community with economic benefits, and a dependable revenue source. Adelanto incorporated in 1970, becoming an official city, but the fortune did not last. GAFB was decommissioned in 1992 in a series of other base closures and realignments. Adelanto suffered greatly from the loss.

Self-proclaimed as "The City of Unlimited Possibilities," and in need of a new revenue source, city officials turned to incarceration, creating a prison economy, and the home of the High Desert's Prison Industrial Complex.

The City of Adelanto first began this endeavor in 1991, when it built the Victor Valley Medium Correctional Facility (VVMCF) off of Commerce Way (later to become the San Bernardino County Jail). Since that time, there have been two additional facilities constructed, and numerous remodels, and expansions. Today, there are three facilities in Adelanto: the San Bernardino County Jail, GEO's Adelanto Detention Facility (housing immigrants), and GEO's Desert View Modification Facility (housing California state prisoners). In addition, the neighboring Victorville Federal Correctional Complex has two medium security and one high security facility on its compound. All facilities are located within 10 miles of one another, and collectively warehouse 9,965 people. The presence of multiple facilities in such a concentrated area has led to ample confusion. This is even true for ICE, which has a photo of the San Bernardino County Jail instead of GEO's Adelanto Detention Facility on the federal agency's website.

Table 1.

CITY OF ADELANTO	
Population	32,728
2014 Median Income	\$38,768
County	San Bernardino
Location	85 miles north of Los Angeles
Demographics	58% Hispanic or Latino



4. "Adelanto Quick Facts." United States Census Bureau. <http://quickfacts.census.gov/qfd/states/06/0600296.html>

5. "The History of Adelanto." City of Adelanto. http://www.ci.adelanto.ca.us/index.asp?SEC=53C695EC-9BD6-49B3-9ECD-41123B9E2666&Type=B_BASIC

THE BIRTH OF THE ADELANTO DETENTION FACILITY

In the late 2000's, Adelanto was suffering from annual budget shortfalls⁶ and a lack of economic opportunity, despite the influx of prisons.⁷ GEO capitalized on the city's desperation by acquiring ADF for \$28 million in early 2010.⁸ However, while the proceeds from the sale temporarily plugged the city's deficit, it failed to generate any substantial long-term revenue, and by Fiscal Year 2015, the city was once again contemplating bankruptcy.⁹

After GEO acquired ADF in 2010, state prisoners previously held in the ADF building were transferred out, and the facility was closed. The city was bound by a contractual provision in the purchase and sale agreement for ADF, which stated that the "City shall terminate...the employment or service contract of any and all individuals or entities currently employed or contracted to provide services by the City in connection with the management, operation, service, use or maintenance of the Facility."¹⁰ Over 100 local residents lost their jobs.

The city was then obliged to serve as a middleman in a contract that is essentially between GEO and ICE. Again, GEO was helped by a contractual provision which required the city to "cooperate as necessary to facilitate and enter into one or more intergovernmental agreements between the City and local, state or federal agencies for the housing of such agency(ies)' inmates or detainees in the Facility."¹¹ Within a few days of entering into a services contract with GEO,¹² the city signed an intergovernmental service agreement (IGSA) with ICE that included a guaranteed minimum¹³ of 975 beds.¹⁴ The IGSA that the city obtained on GEO's behalf included a per diem rate of \$111 for the first 975 beds, guaranteeing

Table 2.

ADELANTO DETENTION FACILITY	
Facility Type	Intergovernmental Service Agreement (IGSA)
Total Bed Capacity	1,940
Detention Standards	2011 Performance Based National Detention Standards (PBNDS)
2014 Guaranteed Minimum	975
2014 Per Diem for 975 Beds	\$111.04
2014 Per Diem Above 975 Beds	\$49.36

GEO a minimum of \$40 million dollars annually. And as a type of perverse incentive, the per diem rate dips to less than \$50 for beds that are filled above the first 975, encouraging ICE to utilize ADF's full capacity. In return, the city is paid a flat "administrative fee" of \$50,000 per year for the East Adelanto facility (East Building), and is reimbursed at a rate of 75 cents per person per day for the West Adelanto facility (West Building).¹⁵ The West Building has the capacity to detain 1,290 people, but Adelanto only gets paid for the initial capacity of 650.¹⁶ Even in its "best" year, the city can only be paid a mere \$50,487.50. This is far from the long-term answer the city originally sought to its fiscal problems.

6. "City of Adelanto Budgets 2010-2014." Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AABAoMnhlpdde9y7j5cK6wEa/City%20of%20Adelanto%20Budgets%202010-2014?dl=0>

7. Tinoco, M. "Inside the Small California Town with a Lot of Prisons, but Not Much Opportunity." VICE. February 3, 2015. <http://www.vice.com/read/jailtown-usa-where-americas-prison-industrial-complex-calls-home-203>

8. Olson, D. "IMMIGRATION: First Inland detention center opening." The Press Enterprise. August 29, 2011. <http://www.pe.com/articles/center-598462-geo-detainees.html>

9. "FY2014-15 City of Adelanto Annual Budget." Obtained by Community Initiatives for Visiting Immigrants in Confinement. https://www.dropbox.com/sh/8twtkj9zljpwto/AABrWL4wvCy5d4hrNueoA_v0a/City%20of%20Adelanto%20Budgets%202010-2014/FY%2014-15_Annual_Budget.pdf?dl=0

10. "Purchase and Sale Agreement between GEO and Adelanto." Contract Clause 4.1, page 5. Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AACF4tlhQShhrGLsEioIU-Lza/GEO-City%20Purchase%20Sale%20Agreement/PurchaseAndSaleAgreement.pdf?dl=0>

11. "Purchase and Sale Agreement between GEO and Adelanto." Contract Clause 5.5, page 8. Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AACF4tlhQShhrGLsEioIU-Lza/GEO-City%20Purchase%20Sale%20Agreement/PurchaseAndSaleAgreement.pdf?dl=0>

12. Adelanto and GEO signed a service contract on May 17, 2011. Adelanto and ICE signed an IGSA contract on May 27, 2011. "Services Contract between GEO and Adelanto." Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AAANFkrYPPXL7PC4djg5Q8wa/City-GEO%20Contract/Geo%20Contract.pdf?dl=0>; "Adelanto IGSA." NIJC v. DHS, No. 12-cv-05358 (2012), Bates No. ICE 2012FOIA3030Adelanto.000002. <https://www.documentcloud.org/documents/1633813-adelanto-contract.html>

13. A guaranteed minimum is a contractual provision between ICE and certain facilities whereby ICE is obligated to pay for, and ultimately fill, a certain number of immigration detention beds on a daily basis. "Banking on Detention." Detention Watch Network. June 11, 2015. http://www.detentionwatchnetwork.org/sites/default/files/Banking_on_Detention_DWN.pdf

14. The guaranteed minimum may have increased since GEO added 640 beds on July 1, 2015. "Adelanto IGSA." NIJC v. DHS, No. 12-cv-05358 (2012), Bates No. ICE 2012FOIA3030Adelanto.000004. <https://www.documentcloud.org/documents/1633813-adelanto-contract.html>

15. "Services Contract between GEO and Adelanto." Contract clause 9.0, pages 2-3. Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AAANFkrYPPXL7PC4djg5Q8wa/City-GEO%20Contract/Geo%20Contract.pdf?dl=0>

16. Despite the new addition of 640 beds at West Building on July 1, 2015, Adelanto will not be paid beyond what was initially contracted for in 2011.

A HISTORY OF BAD CONTRACTING

Sadly, the City of Adelanto has a history of entering into costly public private partnerships. In addition to being required by the purchase and sale agreement for ADF to terminate employment of all individuals and entities who had been employed in connection with ADF, the city also bears all costs associated with health care, which implies a large portion of detention costs.¹⁷ With no promises by GEO to re-hire, or provide any type of employment protection for Adelanto residents, Adelanto administrators have demonstrated a willingness to contract on terms that are dangerous or even detrimental to the economic health of the city.¹⁸ Current Vice Mayor Pro Tem Jermaine Wright stated, "I'm opposed to building new prisons here because I believe the city needs to find something other than prisons for new business-tax revenues." He continued, "I'm tired of hearing our city being called the Pelican Bay of the High Desert. We just got a new high school and the joke in town is that its mascot should be a prison warden."¹⁹ And long-time Adelanto resident Mario Novoa was quoted as saying, "There's always just been nothing here except the prisons, and as far as I can tell they haven't done much to help the city develop anything other than more prisons."²⁰

This is not the first demonstration of Adelanto's propensity for one-sided and fiscally unsound contracts. In 1991, the city used \$6.5 million in municipal bonds to purchase land for a ballpark (now known as Heritage Field) to host The Mavericks, a privately owned minor league baseball team. Badly written contracts have resulted in the stadium costing the city millions in upkeep while the baseball team rents the field for \$1 a day.²¹ Similarly misaligned priorities were revealed by the county government when Adelanto's first high school was kept from opening its doors for two years in 2012 because it was \$3.4 million over budget²² and yet renovations at the San Bernardino County Jail were completed on time in February 2013 despite being over budget by \$25.4 million.²³

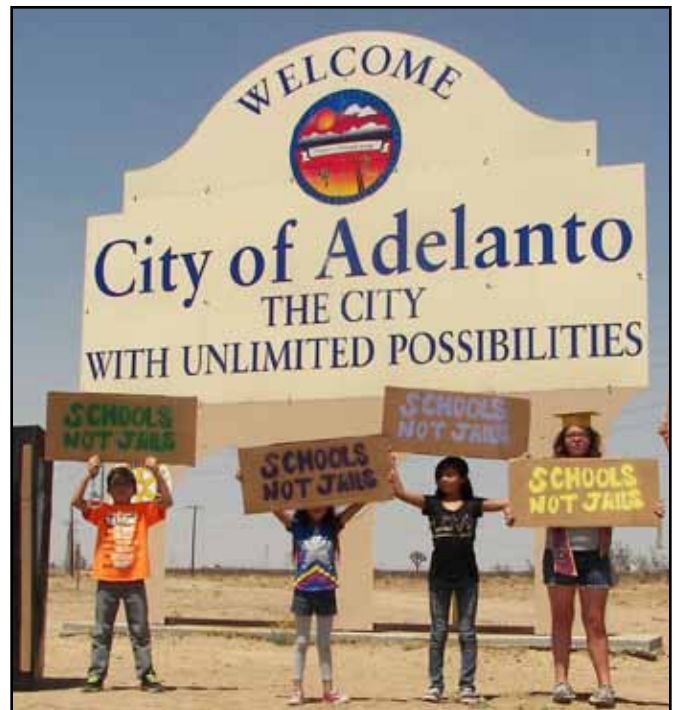


Photo: Victoria Mena

In contrast to the city's poor contracting, GEO has become particularly adept at detaining and profiting off of immigrant lives. According to the most recently available information, GEO holds the largest number of contracts with guaranteed minimums of any private company.²⁴ The plans for expanding ADF to almost three times the facility's original size were presented at least as early as 2009,²⁵ forecasting the incredible profits the company anticipated from the facility. Although ADF started off providing detention space for 650 men in 2011, it doubled in size a year later with the first expansion by building the West Building. And on July 1, 2015, GEO added 640 more beds. This latest expansion, specifically designated to house women, is estimated to bring in \$21 million in revenue for the private corporation.²⁶

17. "Services Contract between GEO and Adelanto." Contract clause 13.0, page 3. Obtained by Community Initiatives for Visiting Immigrants in Confinement. <https://www.dropbox.com/sh/8twtkj9zljpwto/AAANFkrYPPXL7PC4djg5Q8wa/City-GEO%20Contract/Geo%20Contract.pdf?dl=0>
18. City Manager Jim Hart was referenced as saying that "it's not like we're taking a correctional facility and putting it somewhere it doesn't belong or where the community has problems with it." Sewell, A. "Proposed facility in Adelanto could ease jail crowding in L.A. County." Los Angeles Times. May 24, 2014. <http://www.latimes.com/local/la-me-adelanto-jail-20140525-story.html>
19. Crogan, J. "Captive City: Adelanto Embraces Another Prison." Capital & Main. January 29, 2015. <http://capitalandmain.com/latest-news/issues/labor-and-economy/captive-city-adelanto-embraces-more-prisons/>
20. Tinoco, M. "Inside the Small California Town with a Lot of Prisons, but Not Much Opportunity." VICE. February 3, 2015. <http://www.vice.com/read/jailtown-usa-where-americas-prison-industrial-complex-calls-home-203>
21. Self, B. "Cash-strapped Adelanto rejects \$1.6 million cash for Mavericks Stadium." Victorville Daily Press. March 22, 2015. <http://www.vvdailypress.com/article/20150322/NEWS/150329933>
22. Hagen, R. "Adelanto High School opening delayed again." The Sun News. April 21, 2015. <http://www.sbsun.com/general-news/20130421/adelanto-high-school-opening-delayed-again>
23. Nelson, J. "Tab for Adelanto Detention Center expansion higher than expected." The Sun News. February 2, 2014. <http://www.sbsun.com/government-and-politics/20140202/tab-for-adelanto-detention-center-expansion-higher-than-expected>
24. GEO has guaranteed minimums in their contracts for Aurora, Broward, Jena, LaSalle, Pearsall, Karnes, and the Northwest Detention Center. "Banking on Detention." Detention Watch Network. June 11, 2015. http://www.detentionwatchnetwork.org/sites/default/files/Banking_on_Detention_DWN.pdf
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26. Associated Press. "Immigration Detention Center Expands in Adelanto." CBS Los Angeles. July 2, 2015. <http://losangeles.cbslocal.com/2015/07/02/immigration-detention-center-expands-in-adelanto/>; "The GEO Group Announced 640-Bed Expansion of Adelanto Detention Facility in California." Business Wire. April 30, 2014. <http://www.businesswire.com/news/home/20140430005928/en/GEO-Group-Announces-640-Bed-Expansion-Adelanto-Detention#VgQ6nhFVikq>

A HABIT OF UNRESPONSIVE GOVERNANCE

Unfortunately, in addition to a history of poor contracting, the City of Adelanto likewise has a history of scandal, mismanagement, and local politics completely unresponsive to the demands of voters. In 2001, after multiple cases of abuse and fraud, the City of Adelanto was forced to disband its police department, and instead pays the San Bernardino County Sheriffs to provide law enforcement. Investigations found serious cases of abuse by officers, and the then Police Chief Jim Kuntz was caught embezzling money from the canine unit.²⁷ In 2008, Former Mayor Jim Nehmens, and his wife Kelly were sentenced to six months in jail after they were caught embezzling money from the little league fireworks stand.²⁸ The following year, in 2009, the city skipped a \$6 million payment to insurer Ambac, forcing the city to sell bonds to make the \$13 million dollar settlement.²⁹

In 2014, both GEO and Doctor Crants, co-founder of Corrections Corporation of America (CCA), targeted Adelanto to build new prisons. In June 2014, the city—claiming they had no other choice—declared a fiscal emergency, laid-off almost a quarter of the city’s workforce, eliminated the building and safety department, and closed a fire station. In that November’s mayoral election, all the candidates ran on a platform against new jails; only the incumbent, Cari Thomas, supported more jails. Faced with a \$2.6 million deficit, voters were also asked to approve a regressive 7.9% tax increase. Residents voted overwhelmingly against the tax hike, and voted in a new mayor, Richard Kerr, whose platform included no more jails.

During the subsequent lame duck session, the exiting City Council preliminarily approved of two new prison facilities in an effort to strike a deal with GEO and CCA. Newly elected Kerr publicly opposed the vote, stating, “I’m opposed to all prisons and new prisons in Adelanto. The people have spoken and they said they don’t want any more.”³⁰ Community groups tried to reach out to Kerr ahead of the next City Council meeting but were denied access. “We were told that we would have to wait for his contact information until after he is sworn in,” said Mario Novoa, a long time Adelanto resident. However, within hours of being sworn in, and after presentations from Doctor Crants, Kerr and the City Council (in a 4-1 vote) approved a new 3,264-bed private prison.³¹

When asked why he changed his vote and reneged on an integral campaign promise, Mayor Kerr responded, “Sure I changed my mind. It’s like when you’re going for dinner at Shakey’s but then you see Red Robin and decide to get that instead. These facilities will bring good jobs to the town, jobs we need desperately.”

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In that same City Council meeting, newly elected Councilor Charley Glasper—who voted for the development of the new prison—also called for a measure on the November 2015 ballot asking if residents want a moratorium on prison building. “We’re at the crossroads of decisions on prisons. I’ve heard the comments from citizens in Adelanto and down the hill,” the Victorville Daily Press reported him saying. “Personally, deep down inside—yes, I think we do have enough prisons in Adelanto.”³³ However, the Councilor and his colleagues did not follow through on the promise. According to a California Public Record Act response in October 2015, the City of Adelanto says there will be no ballot measure this year regarding a moratorium on prisons. This is clearly a lost opportunity for the city and its residents to embrace possibilities beyond prison. Despite this temporary setback, clear opposition to prisons remains.

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28. Associated Press. “Mayor, wife get jail in theft of \$20K from little league.” USA Today. April 19, 2008. http://usatoday30.usatoday.com/news/topstories/2008-04-19-2211570224_x.htm

29. Nash, J. “Desert Utility Settles Case Alleging It Shortchanged Ambac.” Bloomberg Business. December 11, 2014. <http://www.bloomberg.com/news/articles/2014-12-11/desert-utility-settles-case-alleging-it-shortchanged-ambac>

30. Self, B. “Activist says Adelanto is rushing prison approval.” Hesperia Star. November 8, 2014. <http://www.hesperia.com/article/20141108/News/141109801>

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32. Tinoco, M. “Inside the Small California Town with a Lot of Prisons, but Not Much Opportunity.” VICE. February 3, 2015. <http://www.vice.com/read/jailtown-usa-where-americas-prison-industrial-complex-calls-home-203>

33. Self, B. “Adelanto councilman calls for jail moratorium.” Victorville Daily Press. December 12, 2014. <http://www.vvdaily.com/article/20141212/NEWS/141219919>

LOCAL RESIDENTS PUSH BACK

Local groups have actively pushed back against the recent jail proposals and the growth of Adelanto's prison industrial complex over the years. Concerned with the death of Fernando Dominguez in March 2012, and in an effort to combat the isolation of those held at ADF, concerned community members created the Friends of Adelanto Detainees visitation program—a CIVIC-affiliated volunteer program—to visit and support people detained at ADF. Within the first week of visiting in the summer of 2012, ICE suspended the visitation program and blacklisted volunteers after volunteers publicly criticized ICE for not providing proper training regarding vulnerable populations in the immigration detention system.³⁴ The program soon reemerged and volunteers continue to visit ADF without ICE's support.

The following year, Detention Watch Network included ADF in an Expose & Close report, which called attention to some of the worst immigration detention facilities in the country. In November 2012, three women with the Inland Empire Immigrant Youth Coalition chained themselves to the fence at ADF's East Building to highlight the abuses in the report and to demand the release of immigrants from the facility.³⁵ On this occasion and during other protests outside ADF, people detained inside have reported that the facility censors information by limiting their phone access, clipping articles out of newspapers, and denying access to visitors.

Residents fighting against the continued expansion of the prison system in Adelanto saw a win in January 2015, as GEO withdrew its bid for an additional 1,050-bed facility in the city.³⁶ Another victory occurred in February, when former City Manager James Hart, who negotiated the existing deals with GEO and had been a vocal proponent of adding more jails to the city, resigned.³⁷ In September 2015, despite serious lobbying pressure that was financially backed by prison mogul Doctor Crants,³⁸ the Los Angeles Board of Directors decided not to enter into negotiations to build a new jail in Adelanto. Yet despite these significant wins, developers are still trying to push for a new jail, plotting to use the November 2015 local elections to change the make-up of the Board of Supervisors to welcome another prison.³⁹

THE LATEST EXPANSION

The first expansion of ADF happened in 2012 through the construction of the standalone West Building, increasing the total capacity to 1,300. The new West Building possessed many upgrades that the East Building did not, including a cafeteria and an open outside recreation area. The most recent expansion of ADF was completed on July 1, 2015. It included an additional 650 beds built in the West Building and renovations in the East Building. The expansion means that ADF will now also incarcerate women, who are currently being held in the East Building, along with some men.⁴⁰

Nationally, the conversation about the expansion has focused on ADF developing a transgender housing unit. The latest tour of the facility included a look at Housing Unit 1 Charlie, which an ICE Assistant Field Office Director (AFOD) said would be available to house transgender individuals. Although the AFOD as well as ICE headquarters have insisted that a final decision has not yet been made, during the September 2015 tour, a GEO staff person confirmed that some GEO staff are undergoing sensitivity training to work with vulnerable populations, including LGBT people.



Photo: The GEO Group, Inc.

34. Bracken, A. "How Volunteers Keep Watch, Ease Isolation of Immigrant Detainees." PRI's The World. September 13, 2013. <http://www.pri.org/stories/2013-09-13/how-volunteers-keep-watch-ease-isolation-immigrant-detainees>

35. Steinberg, J. "Women undeterred after being jailed for Adelanto prison protest." The Sun News. November 26, 2013. <http://www.sbsun.com/general-news/20131126/women-undeterred-after-being-jailed-for-adelanto-prison-protest>

36. Self, B. "For-profit prison group drops plans for third jail in Adelanto." Victorville Daily Press. January 28, 2015. <http://www.vvdailypress.com/article/20150128/NEWS/150129800>

37. "Embattled Hart Now Out As City Manager in Adelanto." San Bernardino County Sentinel. February 28, 2015. <http://sbsentinel.com/2015/02/embattled-hart-now-out-as-city-manager-in-adelanto/>

38. Self, B. "Former DA joins prison push." Hesperia Star. March 19, 2015. <http://www.hesperia.com/article/20150319/NEWS/150319707/10082/NEWS>

39. Johnson, S. "Jail developer hopeful proposal could be revisited." Victorville Daily Press. September 12, 2015. <http://www.vvdailypress.com/article/20150912/NEWS/150919946>

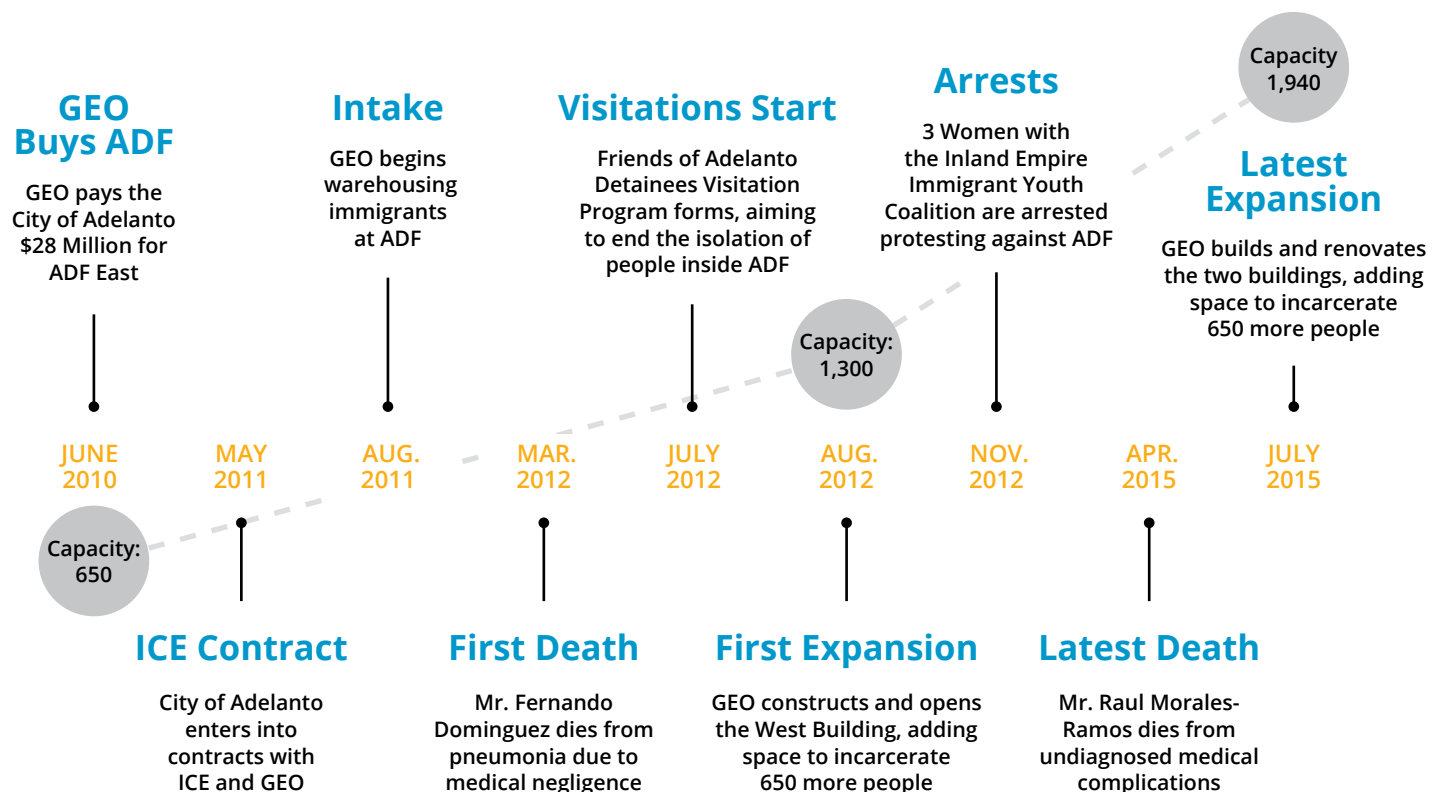
40. The majority of men continue to be held at the West Building.

LACK OF OVERSIGHT⁴¹

From its inception, the City of Adelanto’s contract with GEO has been characterized by inadequate accountability and oversight. By contracting under unequal terms and preemptively granting expansion, the city has placed the power of negotiation into the hands of a private corporation whose interest is to keep profits high and expenditures low, even if it comes at an elevated human cost. The city, however, is not the only one at fault. Internal inspections conducted in 2011 and 2012 by Enforcement and Removal Operations (ERO, an entity within ICE)⁴² of ADF present a whitewashed picture of a facility that is in complete compliance with relevant detention standards.⁴³ The parallel inspection process conducted by the Office of Detention Oversight (ODO, also within ICE) offers a more accurate, if still incomplete, picture of failings within the facility.

Regarding the 2012 death of 58-year-old Fernando Dominguez, the ODO wrote in its audit that there were “several egregious errors committed by [ADF] medical staff... [and concluded that] the detainee’s death could have been prevented and that the detainee received an unacceptable level of medical care while detained at [ADF].”⁴⁴ In the 2014 ODO inspection, ADF reported 13 incidents of sexual assault and abuse, but ADF “was only able to produce evidence of one notification to ERO. ERO staff was unable to verify receipt of any notifications.”⁴⁵ Marked as a priority component by the ODO, the inspectors go on to find “wide inconsistencies in the quality of documentation in case files” and a failure to have policies regarding a victim’s legal needs or procedures in cooperating with a criminal investigative entity (i.e., the sheriff’s office) to ensure non-interference.⁴⁶

Timeline of the Adelanto Detention Facility



41. The audits that were reviewed for this report are the 2011 ERO inspection of East Adelanto, 2012 ERO inspections of East and West Adelanto, and the 2012 and 2014 ODO Inspections of East and West Adelanto. On File with Owner.

42. The Office of Detention Oversight is housed within ICE’s Office of Professional Responsibility. ERO’s audits are conducted by its own division called the Detention Management Division.

43. According to its IGSA contract, ADF is supposed to be compliant with and inspected against the Performance Based National Detention Standards of 2011 (PBNS 2011). “Adelanto IGSA.” NIJC v. DHS, No. 12-cv-05358 (2012), Bates No. ICE 2012FOIA3030Adelanto.000159. <https://www.documentcloud.org/documents/1633813-adelanto-contract.html>

44. “Office of Detention Oversight 2012 Compliance Inspection for the Adelanto Detention Facility.” Page 2. On File with Owner.

45. “Office of Detention Oversight 2014 Compliance Inspection for the Adelanto Detention Facility.” Page 17. On File with Owner.

46. “Office of Detention Oversight 2014 Compliance Inspection for the Adelanto Detention Facility.” Page 18. On File with Owner.



Photo: Alonso Yáñez/La Opinión

Despite these and other findings by ODO, ERO has consistently given ADF a passing grade even though in 2011 the facility failed a mandatory component under the 2008 Performance-Based National Detention Standards (PBNDS). Even in 2012, after the preventable death of Dominguez, the facility's medical standard was found to be in compliance by the ERO inspectors. In fact, the 2012 ERO audit of the West Building found zero deficient components.

The lackluster way in which inspections are conducted—both in rigor and credibility—demonstrate a general unwillingness of governments (at the local and federal levels) to hold immigration detention centers accountable. ICE's PBNDS do not carry the weight of law, as they are merely guidelines. The standards also do not adequately represent the lived realities of detained people. Even the most updated version of detention standards, against which ADF is now inspected, fail to measure some of the more important aspects, such as the presence of contact visitation and the cost of commissary items. Standards fail to take into account a facility's remote location as well, which could impede due process either by limiting access to legal counsel or forcing detained individuals to appear in court by video.

ICE also inhibits the ability for congressional representatives and civil rights groups to monitor ADF. In July 2014, after speaking with a person who was detained at ADF, Congresswoman Judy Chu requested a tour of ADF. The Congresswoman was required to book her visit weeks in advance and was forbidden from taking photos, using recording devices, or speaking with detained individuals while on the tour. Congresswoman Chu was allowed to speak to one man in detention, but it was CIVIC not ICE that facilitated the connection. A year later in July 2015, Congresswoman Judy Chu, along with over two dozen congressional representatives, sent a letter to ICE and the Inspectors General for DHS and the Department of Justice, requesting among other things that ICE "[p]rovide a civil rights group such as CIVIC with a pro bono telephone extension at [ADF] so that the community may expand its ability to document and keep our offices updated on problems witnessed at this remote Center." ICE responded to the congressional representatives by saying the agency was "unable to add CIVIC to the system, as this platform is reserved for organizations that provide pro-bono legal representation." However, when CIVIC had previously tried to be added to the list as an organization providing legal advice, ICE said that adding legal service providers was "not within our operational purview" and referred CIVIC to the Department of Justice.

47. Mandatory components that are found deficient cause not only the standard to be found deficient but for the facility to not meet standards. Although ADF was found to not meet standards in a memo to the Los Angeles Field Office, a final rating of meets standards was assigned. In 2011, the facility failed a mandatory medical standard component because physical examinations were not being performed within 14 days of arrival. "Enforcement and Removal Operations 2011 Inspection of the Adelanto Detention Facility East." NIJC v. DHS, No. 12-cv-05358 (2012), Bates No. ICE 2012FOIA03030.013904.

48. "Exclusive: Report Blames Detainee's Death on Immigration Center's Medical Staff." CBS Los Angeles. February 24, 2014. <http://losangeles.cbslocal.com/2014/02/24/exclusive-report-blames-detainees-death-on-immigration-centers-medical-staff/>

49. "Enforcement and Removal Operations 2012 Inspection of the Adelanto Detention Facility East." NIJC v. DHS, No. 12-cv-05358 (2012), Bates No. ICE 2012FOIA03030.002988.

50. "2011 Performance-Based National Detention Standards." Immigration and Customs Enforcement. <http://www.ice.gov/detention-standards/2011>

ABUSE DOCUMENTATION METHODOLOGY

The research for the remainder of this report was conducted between February and September 2015 by CIVIC, which has been visiting and monitoring ADF since 2012. CIVIC and its affiliated visitation program volunteers conducted individual interviews and continual follow-up with a total of 89 people detained at ADF during this time period. These 89 people were self-selecting and reached out to CIVIC and its affiliated visitation programs directly with complaints. Initial interviews were conducted in person at ADF with regular follow-up through visits, letters, and telephone calls. CIVIC also interviewed one former employee of GEO who quit after witnessing the type of abuse described in this report.

CIVIC and DWN conducted tours and subsequent interviews with people held at ADF on two separate occasions within this time period. Participants, including local and national stakeholders, had the opportunity to tour the facility with ICE and GEO staff, and to ask questions about what they observed. These tours encompassed the intake, visitation, and medical areas at both the East and West Buildings. Participants also were taken through administrative and disciplinary segregation housing units (two different types of solitary confinement), men’s and women’s housing units, outdoor recreation spaces, the religious services rooms, the visitation area, and the law library. The tour was followed by an opportunity to conduct small-group interviews with detained individuals who signed up to speak with tour participants.

Similar to the 89 people CIVIC monitored over time, the men interviewed on the tours were self-selecting.⁵¹ On July 9, 2015, tour participants met with 18 men detained in the East Building at ADF and 67 men detained in the West Building, including the new expanded wing that had opened on July 1, 2015. Although there were eight women who had already been transferred to ADF, ICE claimed that none of them signed up to speak with tour participants. On September 3, 2015, tour participants met with 65 men. Once again, they were told that no women had signed up, although in visiting the women’s housing unit, the women said that the sign-up sheet had been removed before they had a chance to sign up. During the small group interviews in September, stakeholders conducted quick surveys to get a sense of what proportion of individuals were experiencing difficulties at ADF in different categories (See Table 3).⁵² Some of the individuals that spoke with tour participants were also being tracked over time by CIVIC.

The immigrants held at ADF described a climate of fear in the detention center. While some of the people interviewed had already submitted formal grievances to both ICE and GEO, many interviewees told tour participants that they were afraid of reprisal if they were identified as having submitted a grievance. In fact, nearly 55 percent of the people interviewed during the tours said that they had experienced retaliation or other trouble filing grievances at ADF. As a result, many names, precise ages, countries of origin, and other identifying details have been withheld in this report to protect their security. Most names have been replaced with pseudo initials. Many of the allegations included in this report are not corroborated due to the closed nature of detention facilities and a pervasive lack of transparency by ICE and GEO; however, the sheer number and consistency of complaints of rights violations highlighted below point to a crisis within the facility that warrants immediate action.

Table 3.

ABUSE REPORTS STATISTICS REPORTED DURING 9/3/15 TOUR	
Prolonged Detention	16 (24.6%)
Food	55 (84.6%)
Hygiene	29 (44.6%)
Medical	36 (55.4%)
Phone Access	29 (44.6%)
Physical Abuse	9 (13.8%)
Religious Freedoms	30 (46.2%)
Filing Grievances	35 (53.8%)

51. Some of the men that CIVIC kept in touch with during this period were also interviewed during the subsequent tours.

52. Legal access/law library, prolonged detention, food, hygiene, medical, phone access, physical abuse, sexual abuse, abuse of detainee’s family, religious freedoms, solitary confinement, retaliatory transfers, visitor access, LBGT/Homophobia, trouble filing grievances, personal property.

DETENTION CENTER ABUSES OVERVIEW

The top three complaints CIVIC received between February and September 2015 were prolonged detention (61 percent), medical abuse/neglect (15.87 percent), and lack of access to legal representation and to the law library (14.49 percent). In addition, over 11 percent of those interviewed said they suffered religious freedom violations, 9.5 percent of those interviewed experienced physical abuse, and approximately 8 percent were held in solitary confinement. In the six months in which CIVIC conducted this proactive oversight, four separate instances of extreme physical abuse by GEO staff, one confirmed death, and one confirmed miscarriage at the facility were documented.

The top three complaints from the two tours were food, medical neglect, and religious freedom issues, though individuals also raised concerns about prolonged detention, extraordinarily high bond amounts, and lack of access to legal representation. In addition to the issues described in Table 3 (on the previous page), several men described difficulties with accessing their personal property—perhaps best illustrated by a man who, despite submitting a request well in advance, was unable to access required documents from his personal property before his court date, causing his entire case to be pushed back. Furthermore, many detained immigrants who choose to work at ADF are not paid the requisite \$1 per day required by the standards that govern ICE’s Voluntary Work Program.⁵³ GEO’s Detainee Work Detail Application states, “There are 40 paid positions in the work member detail program. If all paid position are filled, would

you be interested in working on a voluntary basis?” During the September tour, the AFOD estimated that approximately 100 detained individuals currently work within ADF. If only 40 of these positions at ADF are compensated, then many immigrants who choose to work are not paid \$1 per day, violating ICE’s own standard.

CIVIC also found that many LGBT people detained at ADF were afraid to express their true identity or were exposed to repeated verbal assaults. During the July 9th tour, an ICE AFOD explained his desire to create a pod at ADF for only transgender women, slightly different from the Santa Ana City Jail pod that detains transgender and gay individuals. Expressing his bias against gay men, this AFOD is quoted as saying, “Hey I would say I was gay too in order to get into the pod because it has carpet.” When questioned further, the ICE AFOD and a GEO staff member⁵⁴ could not explain the difference between male-to-female and female-to-male transgender individuals.

Also extremely concerning is the high number of people placed on suicide watch, and the correspondingly high number of attempted suicides. According to the ODO Inspection in 2014, 115 people were placed on suicide watch and 8 people attempted suicide in the preceding year. These numbers are shocking within a facility that at the time incarcerated under 1,300 people, and clearly indicate that something is deeply wrong within ADF.

According to the ODO Inspection in 2014, 115 people were placed on suicide watch and 8 people attempted suicide in the preceding year. These numbers are shocking within a facility that at the time incarcerated under 1,300 people, and clearly indicate that something is deeply wrong within ADF.

53. “2011 PBNDV Voluntary Work Program.” Practice K, page 4. Immigration and Customs Enforcement. http://www.ice.gov/doclib/detention-standards/2011/voluntary_work_program.pdf

54. These names have been redacted, but the authors are willing to provide these names to government officials who desire to investigate these issues further.

PROLONGED DETENTION

Of the 89 people detained at ADF that CIVIC monitored, 80 still remain in immigration detention as of publication. All of these men have been detained for over 31 days, which is the national average length of detention according to the Transactional Records Access Clearinghouse (TRAC).⁵⁵ Of the men who remain in detention at ADF, 27.5 percent have been in immigration detention for over six months. Three men have been in immigration detention since 2012, including one man who has been detained since February 2012. Three additional men have been detained since 2013. Eight others have been detained since 2014. Most of the men who have been in detention for over six months are from El Salvador and Mexico, although other countries of origin include Bangladesh, Guatemala, Nicaragua, Thailand, the Bahamas, Ghana, Pakistan, and Egypt. During the September tour, CIVIC and DWN also met with a man from India who had been in immigration detention for 5.5 years.

To prevent people from being held in limitless detention, the Supreme Court ruled in *Zadvydas v. Davis* (2001) that the indefinite—or potentially lifelong—detention of immigrants raised “serious” constitutional concerns, and interpreted the immigration statute to authorize detention of such immigrants only where their removal is reasonably foreseeable in the future. However, *Zadvydas* only applies to people who are in post-removal detention, that is, those who have a final order of removal from an immigration judge. The majority of people that CIVIC monitored in immigration detention at ADF are in pre-removal detention and are still fighting their cases in immigration court. Three of the men CIVIC has worked with are in post-removal detention, but ICE has failed to abide by its own 2007 policy memo that outlines legally mandated reviews.⁵⁶ For example, June 4, 2015, marked 90 days in post-removal detention for T.E.

ICE failed to provide T.E. with a signed Post-Removal Custody Determination in compliance with the legally mandated reviews. CIVIC emailed ICE’s Los Angeles Field Office to demand T.E. be released or provided with the signed determination letter. T.E. was provided on June 8, 2015, with the signed determination letter denying release, but the order was backdated to June 4th. CIVIC noted this discrepancy in a follow-up email to the ICE Field Office, but received no acknowledgement. T.E. was eventually released later that month and is back home with his wife and children in the United States.

Since July 2015, a large number of asylum seekers from African countries have arrived at ADF, particularly Muslims from Ghana and Somalia. In fact, 27 percent of the men CIVIC has monitored since they were detained in July 2015 are recent asylum seekers from Ghana. While most of these asylum seekers have passed their credible fear interviews, ICE is denying them parole. The immigration court has set their bonds at an average of \$29,250, which effectively acts as a denial of bond. In explaining the situation with bonds of up to \$45,000 for detained asylum-seekers, one man from Ghana said, “If I had that in Ghana, I would be the President. If I have \$3,000, I am a rich man.”

Unfortunately, the problem of extremely high bonds for asylum-seekers—including those who have passed their credible fear interviews and are, by the government’s own measure, likely to win their asylum cases—is not limited to asylum-seekers from Africa. Interviewers from the tours spoke with people from Bangladesh and India with positive credible fear determinations who had been given \$40,000 and \$50,000 bonds, despite being asylum-seekers fleeing persecution.



Photo: Christina Fialho

55. “Legal Noncitizens Receive Longest ICE Detention.” University of Syracuse Transactional Records Access Clearinghouse. June 3, 2013. <http://trac.syr.edu/immigration/reports/321/>

56. “Post Order Custody Reviews Responsibilities and Guidance.” Department of Homeland Security. September 17, 2007. http://www.ice.gov/doclib/foia/dro_policy_memos/postordercustodyreviewsresponsibilitiesandguidancesep172007.pdf

FOOD, HYGENE AND CLEANLINES

A universal complaint from nearly all people interviewed at ADF concerned food. People at the facility have complained that in addition to tasting terrible, the food lacks nutritional value. They report that it is not uncommon to be served food that has spoiled. Complaints also include small portion sizes leaving people in a constant state of hunger. One man in detention said that the reason that work in the kitchen is so appealing—despite its \$1 per day wage—is because kitchen workers have access to extra food. Large gaps between mealtimes further exacerbate the issue. Numerous people have accused the facility of serving even smaller portions on commissary days,⁵⁷ in hopes that more money would be spent on the commissary. Some people have attributed medical issues directly to the lack of decent food. Despite being previously healthy, C.G. reports that he now suffers from stomach pains and high blood pressure. He says that it is because he is not given nearly enough food, forcing him to rely on supplements of instant noodles from the commissary, which contain unhealthy levels of sodium. He said that ADF medical staff told him to drink water and take Tylenol.

Warehousing nearly 2,000 people also has led to multiple complaints about cleanliness and personal hygiene. People

interviewed by CIVIC and DWN complain that they are not given basic cleaning and housekeeping items needed to maintain a clean environment, and that even basic personal hygiene items, like shampoo, are only available through the overpriced commissary. Men in the facility have reported that they have been given recycled razors to shave with and are concerned about their exposure to viruses that could be transmitted.

Essential items like clothing and linens also can be scarce at ADF. Multiple detained men told visitors that GEO had taken away everyone's sweaters, and CIVIC has a copy of GEO's response to a complaint, in which they affirm their decision to deny E.F. a sweater. During the September tour interviews, two different men who, due to medical problems, soiled either their bed linens or their clothing reported having to wait multiple days in order to receive fresh ones. On more than one occasion, people in detention have reported that they had to assist another detained person suffering from mental health issues, who had soiled their clothes. They also affirmed that it can take GEO days to get the person clean clothing.



Photo: Alonso Yáñez/La Opinión

57. Commissary goods must be ordered from a box in the housing unit. The goods are then delivered to people in detention, generally on a weekly basis. There is no actual commissary store.

HEALTH COMPLICATIONS AND DEATH FROM MEDICAL ABUSE AND NEGLECT

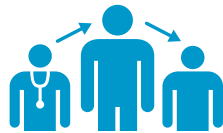
Despite a contract that stipulates that the city is responsible for medical care, GEO has consistently denied or delayed necessary medical and mental health treatment to people detained at ADF, placing their physical and mental well-being at significant risk. As mentioned above, these failures have directly led to the death of at least one man, Fernando Dominguez in 2012. There also are significant questions regarding whether the death of Raul Ernesto Morales-Ramos

in March 2015 was due to the facility's failure to diagnose and treat his intestinal cancer.⁵⁸ In September 2015, the U.S. Commission on Civil Rights released its statutory enforcement report, finding that ADF has "failed to comply with DHS standards for medical care including ignoring serious medical conditions, overmedicating detainees, failure to administer proper medical protocols and delayed transfer to a hospital setting."⁵⁹

The Main Medical Concerns Documented at ADF Include:



extended delays in responding to requests for medical treatment;



repeated failures by medical staff to use language services to communicate with non-English speakers;



overmedication of individuals with mental disabilities;



use of shackles during appointments with psychiatrists;



lack of continuity of care for arriving and departing people with chronic conditions;



unwarranted limits on access to necessary medical treatment, supplies, and services;



delayed or denied care for serious conditions and diseases where the person's removal is alleged to be imminent;



and denial of necessary care or misdiagnoses for people with serious conditions and diseases

On May 15, 2015, CIVIC, the ACLU of Southern California and a coalition of legal service providers sent a letter to ICE and the Office for Civil Rights & Civil Liberties (CRCL), outlining systemic health care deficiencies at ADF.⁶⁰ Having received no response from ICE or CRCL for two months, CIVIC worked with Congresswoman Judy Chu who, along with over two dozen congressional representatives, sent a letter to ICE and the Inspectors General for DHS and the Department of Justice, reinforcing concerns and citing the formal complaint filed in May.⁶¹ Advocates have not received a response from ICE, but on July 20, 2015, CRCL sent the ACLU and CIVIC a letter requesting specific information regarding the medical care concerns at ADF in order to facilitate an investigation, including identifying information for the individuals described.

One former GEO officer explained, "[GEO officers] are not trained for shit. I had to learn everything on my own. They put me in a dorm and then they said, 'Alright. Good luck. See you later.'"

58. Linthicum, K. "Salvadoran immigrant held at Adelanto ICE facility dies." Los Angeles Times. April 7, 2015. <http://www.latimes.com/local/lanow/la-me-ln-detainee-death-20150407-story.html>

59. "With Liberty and Justice for All." U.S. Commission on Civil Rights. September 2015. <http://www.acla.org/File/DownloadEmbeddedFile/65792>

60. "Adelanto Medical Neglect Letter from NGOs." ACLU of Southern California. May 15, 2015. <https://www.aclusocal.org/wp-content/uploads/2015/05/NGO-letter-re-Adelanto-medical-care.pdf>

61. "Congressional Letter to ICE." House of Representatives. July 14, 2015. <https://www.documentcloud.org/documents/2165708-adelanto-letter.html>

People in detention at ADF continue to suffer as a result of the substandard care at the facility. One cause of the substandard care appears to be that GEO guards on duty in the modules at ADF are ill-trained and overworked, and are suffering from extreme compassion fatigue. In a recorded interview on file with CIVIC, one former GEO officer explained, “[GEO officers] are not trained for shit. I had to learn everything on my own. They put me in a dorm and then they said, ‘Alright. Good luck. See you later.’”⁶² This same former officer cited a work culture that required guards to do back-to-back 12- and 16-hour shifts or risk being fired. Despite the lack of training and the extreme overtime hours, he claims that he was responsible for supervising over 100 detained individuals on his own. According to him, he was warned, “If you can’t handle it, you will lose your job.”

This environment, no doubt, contributed to the following incident: B.C. suffers from regular respiratory problems, and on the morning of May 18, 2015, B.C. told Lieutenant O that he was having trouble breathing and needed to be taken to the medical unit immediately. Lieutenant O told Lieutenant P about B.C.’s condition, but Lieutenant P did not take B.C.’s complaint seriously. B.C. eventually lost consciousness but was revived in the module through the help of other detained men before being taken to the medical unit. B.C. filed a formal complaint the same day with GEO, and on May 21st received a response from a registered nurse at GEO acknowledging GEO’s failure: “Medical has noted the following direction to staff: Patient may be taken to medical as needed if complaining of changes in his medical condition. We are sorry for any inconvenience this may have caused you. Medical and Custody staff will continue to provide an appropriate accommodation to your medical needs as ordered by the Doctor. Your grievance has been addressed.”⁶³

The inadequate and dangerous medical care may also be driven by a desire to reduce costs, resulting in unwarranted limits on access to necessary medical treatment and supplies. During the September 2015 tour, CIVIC and DWN spoke to J.R., who suffers from epilepsy. J.R. reported that GEO staff will not touch him when he is having a seizure and that other detained men help prevent him from suffering serious injury during an episode. J.R. was given a foam helmet only after his attorney intervened. Other men in detention confirmed that there are at least a handful of other men who suffer from epilepsy, and that not all of them are provided with protective foam helmets.

B.C. told Lieutenant O that he was having trouble breathing and needed to be taken to the medical unit immediately, but his complaint was not taken seriously. B.C. eventually lost consciousness but was revived in the module through the help of other detained men before being taken to the medical unit.



Photo: Alonso Yáñez/La Opinión

J.R., who suffers from epilepsy, was given a foam helmet to protect his head from injury during seizures only after his attorney intervened.

62. Fialho, Christina and Vickie Mena. “GEO Group Whistleblower Exposes First Amendment Violations, Lack of Officer Training, and Poor Conditions at the Adelanto Detention Center.” Huffington Post. May 19, 2015. http://www.huffingtonpost.com/christina-fialho/geo-group-whistleblower-e_b_7309916.html

63. The grievance and response is on file with CIVIC.

GERARDO CORRALES

Gerardo Corrales, a 19-year-old who is paralyzed from the chest down and relies on a wheelchair, was denied medically necessary supplies, causing him to be hospitalized at an outside facility on March 12, 2015. Originally from Mexico, Corrales has been living in the United States since he was a toddler, and has been in immigration detention since February 2015. When GEO refused to give Corrales enough catheter bags, Corrales was forced to wash his catheter bags in the sink and reuse them. This unsanitary practice led to a serious urinary tract infection. According to Corrales' oral testimony, submitted to congressional representatives in June 2015 along with an affidavit from CIVIC's Christina Fialho,⁶⁴ the doctors at this outside hospital told Corrales that he was suffering from

kidney failure and could have died. After he was brought back to ADF, GEO continued to refuse to provide him with a sufficient number of catheter bags. Corrales also was denied use of an Americans with Disabilities Act (ADA) compliant jail cell because there were not enough rooms available to accommodate all of the men in wheelchairs detained at ADF. This lack of appropriate housing and support for Corrales is a violation of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794(a). CIVIC and the National Day Laborer Organizing Network (NDLON) filed a complaint with ICE's headquarters and DHS's CRCL office on May 1, 2015 regarding the violation. Advocates have received no substantive response from ICE or CRCL to date.



Photo: Corrales family

64. Fialho, C. "Affidavit Regarding Gerardo Corrales." U.S. Congresswoman Judy Chu. June 22, 2015. http://chu.house.gov/sites/chu.house.gov/files/documents/Gerardo_Corrales_Affidavit_Fialho.pdf

Petra Albrecht, originally from Germany, has been denied proper medical attention on numerous occasions, which has had serious ramifications. According to her son-in-law Richard Wheeler, Albrecht suffers from high blood pressure, an accelerated heart rate, ovarian cysts, and three herniated discs that have forced her to use either a cane, walker, or wheelchair. While detained at Otay Detention Facility (Otay) in San Diego, she was told that she had fluid on her heart and a gastrointestinal perforation. Prior to her transfer to ADF, she had an upcoming specialist appointment at Otay. According to Albrecht, when she arrived at ADF, a nurse said, "You are in a new place now; we are going to start all over with tests and medical." On September 10, 2015, Albrecht suffered from symptoms that caused her to go unconscious, suffering what she believes was a heart attack. Wheeler had to call ADF multiple times in order to get medical staff to attend to his mother-in-law, but Albrecht reports that GEO only took a blood pressure reading. On September 11th, CIVIC filed an emergency medical complaint with ICE and CRCL. Receiving no response, Wheeler followed up on September 14th. ICE has not responded, and CRCL responded three weeks later on October 2nd with a form letter from the compliance branch.

As seen in Albrecht's case, transfers often affect the medical treatment of people in immigration detention. T.U., for example, is in his mid-60s and has Hepatitis C. He was scheduled to go to an outside hospital for a procedure on May 21, 2015. After being thrown into solitary confinement for supposedly organizing within ADF, T.U. was transferred to the Theo Lacy Facility in Orange County on May 15th. He has been seen by a doctor at Theo Lacy, but he has been told that they do not do the procedure for which he was scheduled. He remains in detention and has not received his necessary medical treatment.

There are many other documented instances of GEO denying medical treatment to people detained at ADF. G.H. was denied treatment for a serious hip infection because "it was too expensive."⁶⁵ The hip infection ultimately developed into a life-threatening condition that required a six-week

Albrecht suffered from symptoms that caused her to go unconscious. Her son-in-law had to call ADF multiple times in order to get medical staff to attend to his mother-in-law, but Albrecht reports that GEO only took a blood pressure reading.

hospitalization. I.J. suffers from chronic and severe back pain. He was told by GEO that he requires surgery, but that they first needed approval from ICE headquarters to proceed with the medical treatment. K.L., an elderly man who speaks only Spanish, has a chronic issue with his left eye. He does not know what is wrong, and the medical unit at ADF will not provide him with his medical records so that his former physician on the outside can determine his needs. C.D., a diabetic man, was denied diabetic meals. According to C.D., GEO staff monitor the commissary accounts of people with diabetes in detention. If a diabetic person buys food from the commissary, GEO refuses to provide the individual with a diabetic meal. This has happened to C.D. on multiple occasions. CIVIC and DWN also spoke with two individuals who needed glasses but were unable to obtain them.

During the September tour, the AFOD insisted that individuals who submit a request receive a same-day appointment. However, in addition to the case of B.C. detailed above, detained individuals regularly report long delays in being allowed to seek medical care, even after submitting a written request.

65. "Adelanto Medical Neglect Letter from NGOs." ACLU of Southern California. May 15, 2015. <https://www.aclusocal.org/wp-content/uploads/2015/05/NGO-letter-re-Adelanto-medical-care.pdf>

LACK OF ACCESS TO LEGAL REPRESENTATION AND THE LAW LIBRARY

Of the 89 people detained at ADF that CIVIC monitored over the course of six months, only 12.3 percent (11 individuals) have legal representation. The percentage was the same on the tours. This is below the national average of 16 percent, which is already alarmingly low.⁶⁶ This may be due to the remote location of the facility, which is nearly two hours away from a major metropolitan area (Los Angeles). There is a regular Legal Orientation Program (LOP) at ADF, delivered by Catholic Charities' Esperanza Immigrant Rights Project; however, the LOP provider does not have the capacity or the mandate to take on individual cases. Instead, several individuals reported being told by the LOP provider that they need to find an attorney ahead of the next phase of their immigration court proceedings. While this is undoubtedly sound legal advice, the reality is that most detained individuals have no meaningful way to either access or pay for such assistance.

Those who are not represented must conduct their own legal research in the law library, fill out applications, and write their own briefs, making access to the law library and other needed resources absolutely critical. Unfortunately, people in detention say they are only allowed at most one hour per day in the law library. Most of the materials, other than those provided by the LOP provider, are only available in English. Also, inappropriate restrictions on making copies have become a documented problem and people are sometimes restricted to making only three copies a day. The ACLU of Southern California sent a letter to ICE on behalf of one man in December 2014, and received a standard response: "The warden has reminded his staff of ERO's expectations that detainees have access to their legal materials and copy services as well as that we do not discourage or prohibit detainees from reporting or pursuing resolution for grievances." Despite this, detained individuals continue to experience difficulties making sufficient copies at the law library.

On April 10, 2015, Carlos Hidalgo, a detained father who served as a jailhouse lawyer for other men in detention, was prevented by the librarian from making more than three copies. Hidalgo appealed to one of GEO's grievance counselors. According to the original General Incident Report completed by a GEO officer on April 10th,⁶⁷ the grievance counselor told Hidalgo that he could not make copies for him and to

return to the library. Hidalgo refused to go back to the library without being provided with a means to make copies and was subsequently thrown into solitary confinement.

In addition to these restrictions, over the last two years, GEO and ICE have established an unlawful pattern and practice of denying attorney access and interfering with the administration of justice. For example, the ACLU of Southern California and Sidley Austin LLP sent a cease and desist letter to ICE and GEO, demanding that they stop retaliating against attorneys who participate in lawful, peaceful protests outside of the facility. The letter specifically pointed to two instances where CIVIC's co-executive director and attorney Christina Fialho was prevented from meeting with her clients. In addition to these more egregious examples, GEO and ICE have failed to deal with other more mundane issues which impact access to legal representation, including extremely long wait times for attorneys to see their clients, and issues with attorney visitation rooms that are not soundproof, jeopardizing attorney-client confidentiality.

The difficulties facing attorneys are only an extension of a more serious attack on people in immigration detention. For example, five men were placed in solitary confinement for days after allegedly organizing within ADF. Following their confinement, they were transferred to the Theo Lacy Facility on May 15, 2015. T.U., one of the men, had a hearing scheduled at ADF on May 20th, which was postponed because of his transfer. Hidalgo, mentioned above, was a part of this group, and ended up having his hearing postponed three times under suspicious circumstances. His original hearing on May 19th was postponed until May 27th because of his transfer from ADF to Theo Lacy. Although Hidalgo was transferred back to ADF for the hearing on May 27th, his case was postponed until June 2nd because the government lost his file in the transfer. ICE had still not found the file by Hidalgo's June 2nd court date and the government forgot to transfer Hidalgo to his court hearing. Without at least the file, the immigration judge explained that she had no jurisdiction to grant bond or administratively close Hidalgo's case despite being inclined to do so over the government's objection. CIVIC filed a complaint with ICE headquarters, the Los Angeles Field Office, and CRCL on June 3rd. Hidalgo was finally released with an ICE bond on July 7th.

66. "Reforming the Immigration System: Proposals to promote independence, fairness, efficiency and professionalism in the adjudication of removal cases: Executive Summary." American Bar Association Commission on Immigration. February 2010 at ES-7. http://www.americanbar.org/content/dam/aba/migrated/media/nosearch/immigration_reform_executive_summary_012510.au_thcheckdam.pdf

67. Copy of the General Incident Report is on file with CIVIC

PHONE ACCESS

Given the remote location of ADF, reliable, affordable, and confidential phone access is critical for detained individuals to maintain a connection to the outside world, gather evidence needed for their legal proceedings, and communicate with legal counsel. Unfortunately, based on interviews with detained people as well as the reports of people outside the facility, this standard is regularly unmet at ADF. Twenty-nine people who were interviewed during the September tour reported some kind of problem with phone access, including but not limited to prohibitively high cost, problems with the line being cut, and difficulty in moving money from their commissary account onto their phone card.

Phone service at ADF is provided by TALTON, a for-profit phone services provider. In addition to the high cost of phones, family members—of Hidalgo and other men who have been put into solitary confinement or otherwise targeted by ADF for organizing or reporting abuse—have reported having their phone numbers blocked from the facility for multiple weeks or permanently. Family members have had to change their personal phone numbers in order to begin receiving phone calls from their loved ones at ADF.

Furthermore, it is very difficult for people detained in ADF to have an unmonitored call, despite their right to complete privacy in all dealings with their consulate and legal counsel. All phone calls made through the phone banks located in the housing units are monitored, including calls made to consulates, pro bono and low bono legal service providers, and complaint hotlines, which have to be accessed through a special code system. When asked about the process for accessing unmonitored calls, tour participants were told that individuals must submit a paper request (called a “kite”), which then must be reviewed by a shift supervisor. If the request is approved, the individual will then be taken to the shift supervisor’s office to make the call from there, where the phones are not monitored. Given general concerns detailed in the section below about how paper requests are handled, this process likely presents an unacceptable barrier to individuals practically accessing private phone calls to which they have a right.

PHYSICAL AND VERBAL ABUSE

CIVIC also has received multiple complaints of GEO officers threatening to abuse people detained at ADF. M.N. said that GEO officers came into his room, threw all of his personal belongings around the room, threatened him with physical abuse and told him that he better watch out or he would be put in the hole (i.e. solitary confinement). M.N. was eventually placed in solitary confinement for over 72 hours.

On four separate occasions, threats like the one made to M.N. have turned into physical abuse. In the West Building, B.C. witnessed a GEO officer assault a man with a mental illness. According to B.C., the GEO officer grabbed the man and threw him against the wall because he would not turn around to talk to him. There was an ICE officer who was present during the entire incident who did not intervene. A separate and perhaps more brutal incident occurred in the West Building, in which O.A. reports that he was beaten so severely by a GEO officer that he had to temporarily use a wheelchair. Another man, Q.K., also in the West Building, reports that he was assaulted by GEO staff on two separate occasions.

The living conditions for the men, particularly in the West Building, had become so harsh that the men in module 4-Bravo organized a peaceful demonstration on August 26, 2015. During facility population counts, all the men are required to return to their cells. During this peaceful demonstration, these men refused to return to their cells in protest of the physical abuse, lack of warm water for showers, and broken phones in their unit. Two GEO lieutenants and two deputy wardens came to talk with the protesters. One of the lieutenants called the men “dumbasses,” but the deputy warden assured the men that the phones and water temperature would be fixed. Verbal abuse notwithstanding, this instance is likely the high watermark for how facility staff respond to organizing inside the facility and other forms of peaceful protest. In other cases, alleged organizers have been threatened and put into solitary confinement.

RELIGIOUS FREEDOM VIOLATIONS

Although there is a non-denominational Christian chaplain who administers religious services for people in immigration detention, CIVIC has received regular complaints about religious freedom violations from Muslims⁶⁸ and Buddhists held at ADF. At least 22 Muslims at the facility reported religious freedom violations, including that there is no imam to lead Islamic worship services. Although an imam is not necessary for daily prayers, one is needed for the Friday congregational prayers. In the absence of an outside imam, the Shura Council of Southern California recommends that Muslims in immigration detention designate one for themselves. Muslims detained at ADF are regularly prohibited from freely convening every Friday for their prayers. In fact, one former GEO officer explained that two Muslim men were put into solitary confinement for quietly saying their daily prayers together.⁶⁹

Under the ICE detention standards to which ADF is subject, detained individuals are to be provided “reasonable and equitable opportunities” to practice their faith.⁷⁰ This requires

not just that a common space be reserved for a given service, but that detained people know about and can access it. In follow-up to the September tour, DWN raised concerns about the difficulties that Muslims in ADF were experiencing in practicing their religion and were assured that regular Friday prayer services do exist at the facility. However, the consistency with which Muslims detained at ADF report that they are not allowed to gather in groups to pray raises questions about the degree to which these services are publicized or otherwise made practically available.

The standards also require that “Special diets shall be provided for detainees whose religious beliefs require adherence to religious dietary restrictions.”⁷¹ Despite this clear provision, during religious holidays that require fasting during daylight, ADF does not make adequate provision for the men to eat after sunset. Multiple men have described going hungry for an extended number of days, because they did not have money to purchase food from the commissary to eat after sunset.



Photo: Alonso Yáñez/La Opinión

68. Ninety (90) percent of the complaints CIVIC received over the six-month period were from Muslims.

69. Fialho, Christina and Vickie Mena. “GEO Group Whistleblower Exposes First Amendment Violations, Lack of Officer Training, and Poor Conditions at the Adelanto Detention Center.” Huffington Post. May 19, 2015. http://www.huffingtonpost.com/christina-fialho/geo-group-whistleblower-e_b_7309916.html

70. “2011 PBNDs Religious Practices.” Immigration and Customs Enforcement. http://www.ice.gov/doclib/detention-standards/2011/religious_practices.pdf

71. “2011 PBNDs Religious Practices.” Expected Outcome 8. Immigration and Customs Enforcement. http://www.ice.gov/doclib/detention-standards/2011/religious_practices.pdf

SOLITARY CONFINEMENT AND EXCESSIVE LOCKDOWNS

On May 11, 2015, Hidalgo and five other men were placed in solitary confinement for allegedly organizing. Hidalgo was told that because of their organizing, they were a threat to the facility. This was the second time Hidalgo had been placed in solitary since he was detained in February 2015. It is believed that this was retaliation for Hidalgo reporting abuses to CIVIC and other organizations as well as filing his own formal complaint against an ICE officer for vulgar conduct. According to Hidalgo, an ICE officer made a vulgar gesture and told Hidalgo, "You ain't shit." It is CIVIC's understanding that this interaction was captured on a camera installed at the facility, but that this grievance has not been properly investigated.

Hidalgo and the five other men were initially refused a written form to document the decision to place them in solitary. Under ICE Standard 2.12, a person placed in solitary confinement must be "immediately provided a copy of the administrative segregation order describing the reasons for the detainee's placement" there. On May 12th, CIVIC filed a complaint with ICE's headquarters and CRCL. ICE finally provided Hidalgo and the other men with the administrative segregation order, but then transferred all of them to the high-security county jail Theo Lacy Facility on May 15th.

Further serious concerns about the use of solitary confinement were raised in early September when the tour was taken through the "administrative segregation" area. According to the ICE AFOD, people are not placed in this form

of solitary confinement unless they request it because they feel safer or more comfortable in solitary confinement than in the usual housing units. However, as tour participants were leaving the area, several men began banging on the doors to their cells, begging to be taken out of solitary.

There are six headcounts at ADF each day, each of which takes over an hour, during which time there is no movement allowed throughout the facility. During the tours, individuals reported that these counts often restrict outdoor recreation time, visitation, and attorney visitation.

Individuals also have reported that entire modules have experienced multi-day lockdowns due to medical quarantine or as group punishment for one person's actions. Most recently, men were put on a four-day lockdown on or around August 9th as punishment for an incident that occurred between one man in detention and an officer. Sometime around August 18th, multiple dorms were put on lockdown and men were blood tested for shingles. According to a letter CIVIC received from men on the inside, officers told them that they would be on lockdown for at least 28 days, which would mean these men would not have access to outdoor recreation, visits from family and friends, or access to the law library. All food would be delivered directly to the modules. CIVIC is unsure how long the lockdown lasted, but during the month of August, multiple visitors reported waiting two or three hours for a visit only to be told that the person they were attempting to visit was on lockdown.



GRIEVANCES

According to both the ICE AFOD and the warden of the facility, a Grievance Coordinator handles most grievances. The only exception is for grievances placed in the locked box labeled “ICE,” which go directly to the AFOD. Within the described procedure, every complaint is fully and separately investigated.

Despite this articulated process, over half of the people that four participants interviewed reported some kind of problem with the grievance procedure, including both people who had attempted to use the system and those who view it simply as an ineffective avenue for redress. Even worse, many individuals actively fear retaliation if they submit a complaint, either through the facility’s grievance process, or through one of the national mechanisms.⁷²

Some individuals who had submitted grievances reported eventually receiving a written response but expressed

confusion as to how a grievance could be appropriately investigated without direct communication with the complainant. Furthermore, nearly every response to a grievance on file with CIVIC offers a standardized response which does not meaningfully engage with the complaint. For example, on April 2, 2015, E.F. requested a jacket from the medical department. The medical department denied his request and refused to diagnose him with a cold, despite his apparent symptoms to CIVIC volunteers. E.F. filed a written grievance with GEO on April 8th, explaining that he was willing to pay for a jacket if necessary. On April 13th, he received a written response to his grievance from a registered nurse at GEO that stated, “At this time of year in the facility, sweaters are not given out to accommodate the change in weather. Your grievance has been addressed. If you have any further medical needs please submit a sick call.”⁷³

72. Complaints can be submitted to the ICE ERO Detention Report and Information Line, available at <http://www.ice.gov/contact/detention-information-line>; Office of Inspector General, available at https://www.oig.dhs.gov/index.php?option=com_content&view=article&id=51&Itemid=133; the Office of Civil Rights and Civil Liberties, available at <http://www.dhs.gov/about-immigration-section>
73. The grievance and response are on file with CIVIC.

CONCLUSION

The facility fosters a hostile environment where detained individuals are afraid to file grievances, where medical needs are neglected, and where staff retaliate when individuals attempt to assert basic human and constitutional rights. In light of these egregious violations, CIVIC and DWN call for the following:



The City of Adelanto should:

- Terminate its contracts with GEO and ICE;
- Pass a City Council-approved moratorium on the creation of, and further expansion of, any additional jails, prisons or detention centers in the city.



U.S. Immigration & Customs Enforcement (ICE) should:

- Terminate its contract with the City of Adelanto and cease detaining all immigrants at ADF;
- Publicly publish the findings of the investigation into the death of Raul Ernesto Morales-Ramos;
- Provide a pro bono telephone extension at ADF so that civil and human rights groups can expand their ability to document and keep congressional offices and the public updated on problems witnessed at remote detention centers.



Congress should:

- Conduct an in-depth investigation into GEO’s management of immigration detention facilities, taking into account all deaths at their facilities;
- Pass legislation prohibiting ICE from contracting with private prison companies.

The City of Adelanto is at a crossroads. It could continue the expansion of ADF, which would perpetuate the human rights abuses and neglect as documented in this report. Or it could end its dependence on prisons and detention centers, rebuilding the city to live up to its moniker of unlimited possibilities. Detaining immigrants for revenue should never be an option, and it is time for Adelanto to end its dangerous partnership with ICE and GEO.