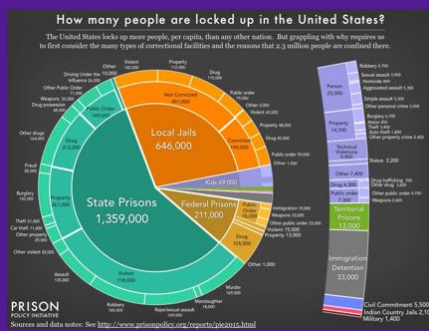


IMMIGRANT DETENTION AT THE ETOWAH JAIL



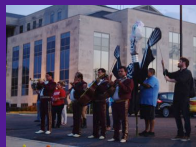
#SHUTDOWNETOWAH

Immigrant Detention in Context: The Mass Incarceration System



Terminology

- ECDC = Etowah County Detention Center (a.k.a. Etowah County jail)
- DHS = U.S. Department of Homeland Security
- ICE = U.S. Immigration & Customs Enforcement (ICE is a component of DHS, responsible for enforcing immigration laws in the interior, overseeing detention and deportation system)
- CRCL = DHS Office of Civil Rights and Civil Liberties
- IGSA = Intergovernmental Service Agreement (a contract between the federal government and a local government entity to house ICE detainees)
- FOIA = Freedom of Information Act
- LPR = U.S. lawful permanent resident (i.e., green card holder)



Immigration Detention – Basic Facts



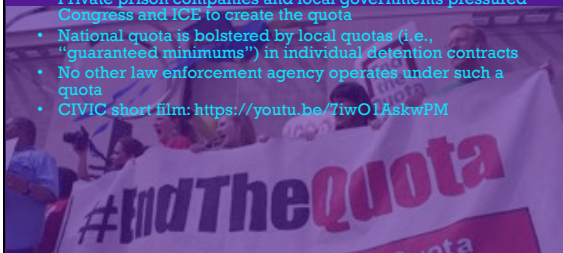
- In 2013, US government detained approx. 441,000 people in over 200 immigrant jails
- Detention budget: \$2.3 Billion (FY 2016)
- Detention system is overseen by ICE
- 62% of facilities are run by private corporations (CCA, GEO Group); many also run by local governments (like Etowah County)
- Detained population includes men, women, and children; undocumented immigrants (visa overstays and individuals who crossed the border), asylum seekers and individuals fleeing torture, persecution, and economic deprivation, documented immigrants, including Lawful Permanent Residents (LPRs)
- Anyone who is not a U.S. citizen can be subject to deportation and detention
- Harsh immigration and criminal laws passed in 1996 and post-9/11 counterterrorism mentality led to huge spike in immigrant detention
- Immigration detention is civil detention, intended to last a few days or weeks at most
- There have been 185 recorded deaths in detention since 2003

Mandatory Detention

- Roughly 70% of immigrants in detention are mandatorily detained
- Drastically expanded by 1996 laws (AEDPA and IIRIRA)
 - Expansion of “Aggravated Felony” definition to include vast range of offenses, including misdemeanors and other minor offenses
- Mandatorily detained individuals have no right to a bond hearing or any other meaningful individualized assessment of legality or necessity of detention
 - Several federal courts of appeals have found that detainees have a right to a bond hearing after 6 months, or after detention becomes “unreasonable”
 - Supreme Court will issue a decision on this issue in the next few months – *Jennings v. Rodriguez*
- Coupled with massive backlog in immigration court system, leads to detention lasting months or years in contravention of constitutional, human rights, and common sense principles
- Many—probably most—Etowah detainees are subject to pre-final order mandatory detention because of criminal history, or post-final order detention, despite the fact that they will not be removed anytime in the near, foreseeable future

The Detention Bed Quota

- Language introduced into 2009 DHS Appropriations Act requiring minimum of 33,400 immigrant detention beds at any given time – increased to 34,000 in 2013
- Private prison companies and local governments pressured Congress and ICE to create the quota
- National quota is bolstered by local quotas (i.e., “guaranteed minimums”) in individual detention contracts
- No other law enforcement agency operates under such a quota
- CIVIC short film: <https://youtu.be/TiwO1AskwPM>



About Etowah

- Etowah is an IGSA (Intergovernmental Service Agreement) facility – ICE contracts with Etowah County to house immigrant detainees in county jail
- Currently holds **about 300 male detainees** – from all over the U.S., many nationalities, population includes longtime U.S. permanent residents, asylum seekers and others who fear persecution in their home countries, and stateless individuals and detainees from countries that lack repatriation treaties with the U.S. or routinely do not accept deportees
- Etowah charges ICE the **lowest** per diem in the country - **\$40 per detainee per day**; AL law allows Sheriff to pocket additional savings
- ICE almost terminated contract in 2010, but AL representatives and county officials successfully pressured DHS to keep Etowah open
- Etowah is ICE's **warehouse for prolonged detainees** – many have been detained for months or years, and may never be deported
- Extremely isolated – hours from nearest major urban center and hundreds or thousands of miles from detainees' families, support networks, and lawyers (if they have one)
- Numerous reports of systemic abuses and violations, facility has promised reform but failed to deliver

Reported Abuses & Violations

Advocates, independent monitors, and detainees have made numerous reports of grave, systemic abuses at Etowah:

- Meager, rotten, and barely edible food
- Denial of essential medical and mental healthcare
- Isolation and deprivation, no access to the outdoors - never
- Minimal to no programming
- No legal orientation program or other legal services
- Loved ones can only visit by video monitor, exorbitant phone rates
- Physical and verbal abuse by ICE and county officers
- Excessive and retaliatory use of solitary confinement
- Extremely prolonged detention – many detained over a year, some for over four or five years

Inspections vs. Reality

Etowah County Detention Center, Alabama:

Detention Standards (as of 2012):	2000 NDIS
Facility Type:	IGSA
2012 ICE Average Daily Population:	333

2011 ERO		2012 ERO		2012 ODO	
Private Contract Inspector:	MGT	Private Contract Inspector:	Nakamoto	Private Contract Inspector:	Creative Corrections
Rating:	Acceptable	Rating:	Acceptable	Rating:	N/A
Deficient Standards:	0	Deficient Standards:	0	Deficient Standards:	0
Deficient Components:	9	Deficient Components:	0	Deficient Components:	8

Etowah has passed recent DHS inspections with flying colors...

BUT there are glaring inconsistencies between the inspections and the egregious violations reported from the ground by advocates and detainees, as well as between ODO and ERO inspections, and across different years...

Inspections vs. Reality (cont.)

- Legal Orientation Program rated “Acceptable”
 - No such program exists; inspectors considered acceptable because the facility has a written policy regarding LOPs
- Visitation rated “Acceptable”
 - Visitation is only by video monitor, is limited to one half hour, allows for no privacy, and requires prior approval

Inspections vs. Reality (cont.)

- “[O]utdoor recreation is provided at this facility”
 - The only “outdoor recreation” at Etowah is the “sweat box” in each pod – “a cement room (including a cement ceiling) the size of half a basketball court. Near the top of one or two of the walls, very high up, are relatively small windows with bars that allow outside air to enter the area. It is impossible to see anything out of these windows. In two of the pods this ‘outdoor recreation’ had a basketball hoop; in the third, low-level pod, plumbing made a basketball hoop inaccessible.” (WRC, *Politicized Neglect*); “[D]uring Ramadan, Muslims at Etowah were forced to pray in the “sweatbox” while others were using it for recreation” (DWN, *Expose & Close*)

Inspections vs. Reality (cont.)

- Food Service rated “Acceptable”
 - Detainees “almost universally complained that the food was served in insufficient quantities and that its quality was worse than at other facilities where they had previously been detained. One immigrant who has been in multiple facilities over a 20-month period described the food at Etowah as ‘the worst I’ve seen.’ Another described it as ‘disgusting.’ An immigrant who had been transferred to at least three facilities stated that he had ‘never experienced anything [as] degrading as the treatment here at Etowah’ and remarked that dinner was served around 4:30 pm and breakfast was nearly 12 to 13 hours later, with meager portions. He pointed out that most people detained in the facility couldn’t afford extra food from the commissary and end up going to bed hungry. He also noted that Etowah, unlike other facilities, fails to provide a nightly snack for diabetic immigrants, instead forcing them to take insulin and pills on an empty stomach.” (DWN, *Expose & Close, One Year Later*)

Inspections vs. Reality (cont.)

- Programming rated "Acceptable," claimed detainees have access to wide range of programs including World Aquaculture Program, Puppies without Borders, and Adventure Programming
 - Detainees reported that "these programs were effectively nonexistent and in reality the facility had a nothing more than a broken fish tank and a rock-climbing wall in a room the size of a cell." (NIJC/DWN, *Lives in Peril*)

DHS Civil Rights Office "super-recommends" Etowah's closure

- In its Fiscal Year 2015 report, DHS's own Office of Civil Rights and Civil Liberties (CRCL) recognized the repeated past failures to implement recommended reforms at Etowah, and acknowledged that it had issued a "super-recommendations memorandum" to ICE leadership recommending that ICE terminate its contract to house detainees at Etowah
- #ShutDownEtowah member organizations filed a Freedom of Information Act (FOIA) request for the memorandum. DHS recently denied the request, and we are considering taking them to court



Campaign Members



The Shut Down Etowah campaign is made up of individuals and civil, immigrant, and human rights organizations based in Alabama and across the country that are committed to ending the human rights abuses at the Etowah County Detention Center.

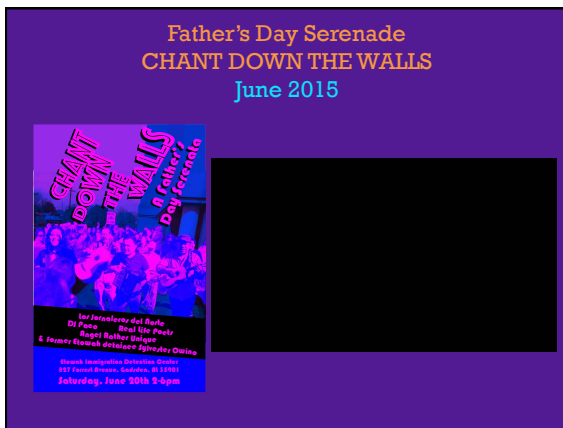
Campaign Goals

1. End immigrant detention at the Etowah County Detention Center in Gadsden, AL
2. Secure release of individual Etowah detainees subject to prolonged detention and civil rights abuses

Campaign Tactics

- **Organizing tactics:**
 - Build a network of Alabama residents, social justice organizations, faith communities, and detainees' family members committed to supporting campaign
 - Media advocacy (press and social media) to publicize abuses and humanize detainees
 - Direct actions at the detention center (vigils, concerts, protests, marches, sit-ins)
 - Public campaigns calling for a detainee's release
 - Pressure DHS/ICE and county officials to terminate contract through public letters, petitions, and in-person meetings
- **Legal tactics:**
 - Civil rights litigation and administrative complaints
 - Habeas corpus petitions for prolonged detainees
 - Legal support for direct action and public pressure strategies



















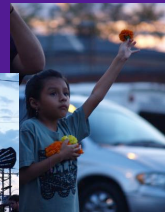
We Want Freedom Action
April 2016



"Super-recommendations memo" FOIA Press
Conference at 16th Street Baptist Church
September 2016



Day of the Dead Procession
November 2016





How can I get involved?

- Write a letter to a detained person
- Visit a detained person w/ the Etowah Visitation Project
- Attend a vigil or direct action at the jail
- Host a community meeting like this one at your home, church, business or organization
- Etowah Co. residents: call and write to your commissioner and attend County Commission meetings
- Follow @ShutDownEtowah on social media and sign up for our email list
- Learn more: visit www.shutdownetowah.org/Resources
