Anthology of Abuse: 24 Years at the Etowah County Detention Center

Background

The Etowah County Sheriff's Office began detaining immigrants at the Etowah County Jail in 1997. This facility, referred to as Etowah County Detention Center (Etowah or ECDC), is located in the remote town of Gadsden, Alabama, over 60 miles from the nearest metropolitan area and over 400 miles from its overseeing field office in New Orleans. Immigration and Customs Enforcement (ICE) is able to detain up to 357 people at the facility through a rider on an indefinite intergovernmental service agreement (IGSA) between Etowah County and U.S. Marshals Service (USMS).

The conditions at this facility are widely considered among the worst in the country with the longest average length of stay. Etowah demonstrates some of the most egregious cases of the systemic inadequacies that plague the detention system. For more than two decades, people imprisoned in immigration detention at Etowah have been subject to its harsh conditions, including lack of outdoor recreation and access to fresh air or sunlight, inadequate medical and mental health care, meager and barely edible food, and poor and expensive phone service. These punitive conditions are exacerbated by its remote location which impedes access to legal representation, family and other support networks. According to a report by the Office of Detention Oversight (ODO), most people imprisoned at Etowah are there for long-term periods due to diplomatic or other complications outside of their control.¹ Since ICE refuses to release them from custody, people unnecessarily and cruelly languish at Etowah for months or years at a time.

ICE itself once considered ending the Etowah contract, announcing in December 2010 that it would no longer use the facility. Motivated by perverse financial incentives, Etowah County officials traveled to Washington, D.C. to seek support from Congress in blocking this move. Following political intervention by Senator Richard Shelby, Representative Mike Rogers, and Representative Robert Aderholt, the plan for closure was delayed and ultimately abandoned.² Five years later, in its first "super recommendation" memo, the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) called on ICE to close the facility again to no avail.³

http://www.ice.gov/doclib/foia/odo-complianceinspections/2012etowahcountydetentioncenter-gadsden-almar13-15-2102.pdf.

https://www.fosterglobal.com/news/immigrant_detainees8212012.pdf.

¹ Immigration and Customs Enforcement Office of Detention Oversight. Compliance Inspection: Etowah County Detention Center. March 13-15, 2012.

² Riordan Seville, Lisa and Hannah Rappleye. "When feds sought to shutter immigration jail, politics intervened." NBC News. August 22, 2012.

³ Department of Homeland Security Office for Civil Rights and Civil Liberties. Fiscal Year 2015 Annual Report to Congress. June 10, 2016.

https://www.dhs.gov/sites/default/files/publications/crcl-fy-2015-annual-report.pdf.

Purpose

ICE has continued to insist through internal inspections that the ECDC is in compliance with "rigorous detention standards" despite years of evidence exposing its inhumanity. Etowah is proof that regardless of the amount of oversight conducted, complaints filed, and recommendations made, ICE detention is rotten to its core and incapable of improvement. The facility must be shut down.

This brief is intended to provide an evidence bank for this argument. For years, people detained at Etowah, advocates, lawyers, government agencies, and journalists have witnessed, investigated, and detailed the horrors of confinement at the ECDC, creating a long paper trail of abuse. Yet ICE continues to detain immigrants at Etowah. In June 2021, as other facilities began to depopulate in preparation for potential closure and with the COVID-19 virus still rampant in immigration detention, ICE transferred at least 130 people from facilities in other states to Etowah. Not only does this undermine the purpose of closure as immigrants are forced from one abusive detention facility to another, but it also doubles down on the continued use of the infamously inhumane Etowah County Jail.

We cannot continue to settle for oversight and promises to address conditions. The damning trail of evidence shared in this brief demonstrates that the only solution is to shut the Etowah County Detention Center down and release the people inside. What follows is a comprehensive, but by no means exhaustive summary of evidence and collection of resources from a variety of perspectives substantiating the ongoing demand for closure.

The Paper Trail

From Advocates and Directly Impacted Individuals

Immigrant rights advocates and organizers have long decried the extensive human rights abuses at Etowah. In the last decade, dozens of advocate reports have explicitly highlighted the facility as one of clearest examples of the egregious inadequacies and culture of violence in immigration detention.⁴ Detention Watch Network, Human Rights Watch, National Immigrant Justice Center, Southern Poverty Law Center, and Women's Refugee Commission—to name a few—have all published detailed reports that include countless stories from people detained at Etowah.

Many of these reports demonstrate how Etowah's remote location is compounded by limited phone access and "video visitation" policies. The Southern Poverty Law Center found that most people they spoke with in Etowah had family members in the U.S. and more than half had U.S. citizen children, but

⁴ See References and Additional Resources

the vast majority had not received visitors.⁵ They named distance as a key factor, since many were from states as far as Washington or New York, but the detention center also does not allow in-person visitation. Instead, family and friends must travel to the facility just to use a video system, which does not always work. People at Etowah may also go months or even years without seeing the sun or feeling fresh air. The lack of access to outdoor recreation is worsened by extremely limited indoor programming that consists mostly of time in a cement room referred to as "the sweatbox."⁶ Despite these obvious threats to the mental wellbeing of people in custody, multiple reports emphasize the limited and ill-equipped mental health services available at the facility, often opting to segregate people with severe mental health conditions rather than treat them.

Advocate efforts also include a long history of litigation, letters, and official complaints encouraging action against Etowah. Among them, a complaint filed by Freedom For Immigrants (formerly CIVIC) and formerly and currently detained individuals at Etowah detailed physical abuse at the hands of ICE staff in Etowah, violations of medical and mental healthcare standards, the unnecessary prolonged detention of individuals in custody, and the failure to meet basic nutritional needs.⁷ According to a study the organization conducted in 2017, Etowah ranks sixth in the highest number of calls made to the ICE Detention Reporting and Information Line related to sexual and/or physical abuse incidents. Advocates have also recorded how ICE has maliciously responded to these complaints about this treatment with retaliation—suspending the already limited visitation program,⁸ instituting "lock-downs,"⁹ placing individuals in solitary confinement¹⁰ and charging them with "making terrorist threats."¹¹

Yet there is no other recourse, as the district court continuously ignores or wrongly denies habeas petitions filed by groups like Adelante Alabama Worker Center and the National Immigration Project of

⁶ Detention Watch Network. "Expose & Close: Etowah County Jail, Alabama." November 2012. <u>https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20</u> <u>Etowah%20County.pdf</u>.

http://www.endisolation.org/wp-content/uploads/2015/07/Etowah_Complaint_CIVIC_20151.pdf.

⁵ Cho, Eunice and Paromita Shah. "Shadow Prisons: Immigrant Detention in the South." Southern Poverty Law Center, National Immigration Project of the National Lawyers Guild, Adelante Alabama Worker Center. November 2016. <u>https://www.splcenter.org/20161121/shadow-prisons-immigrant-detention-south</u>.

⁷ Fialho, Christina, Christina Mansfield, and Sylvester Owino. Complaint to Department of Homeland Security Office of Civil RIghts and Civil Liberties. July 2015.

⁸ Ghandehari, Setareh, Luis Suarez, and Gabriela Viera. "First Ten to Communities Not Cages." Detention Watch Network. February 2021.

https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20First%20Ten%20to%20Comm unities%20Not%20Cages.pdf.

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¹⁰ Detention Watch Network. "Expose & Close, One Year Later: The Absence of Accountability in Immigration Detention." November 2013.

https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20 One%20Year%20Later%20Report.pdf.

¹¹ Jawetz, Tom and Sunita Patel. "Conditions of Confinement in Immigration Detention Facilities." Briefing to the UN Special Rapporteur on the Human Rights of Migrants. American Civil Liberties Union. June 2007.

http://www.aclu.org/immigrants-rights/conditions-confinement-immigrant-detention-facilities.

the National Lawyers Guild on behalf of individuals detained there.¹² ICE has always leveraged the ECDC as the location to detain people it cannot deport due to case-related complications, but also maliciously refuses to release. Paired with court dynamics, people are imprisoned with impunity for years at a time without legal justification, a coercion tactic to force people into accepting deportation.¹³

From Government Oversight

Many of the oversight mechanisms in place to review ICE detention are inadequate and/or unenforceable. The DHS Office of the Inspector General (OIG) has found that the infrequency, advance notice, and scope of ICE's primarily internal inspections process is conducive to leaving deficiencies unaddressed for years, despite numerous inspections of individual facilities revealing conditions severe enough to threaten the health and safety of people in custody.¹⁴ Even when this is a proven pattern, as has been documented at the ECDC, accountability mechanisms are virtually nonexistent.

DHS CRCL conducted three onsite inspections at Etowah between 2006 and 2012.¹⁵ These inspections resulted in 49 recommendations from a variety of government-contracted experts¹⁶ addressing discrimination and harassment by staff, ineffective grievance procedures and retaliation for complaints, inadequate access to legal resources and telephone services, inadequate visitation, inadequate medical and mental health, inadequate quantity and quality of food, inadequate types and amount of clothing and bedding, and inadequate personal hygiene supplies.¹⁷

ICE did not respond to the given recommendations for three years, and in that time 50 complaints were opened at Etowah for investigation through CRCL. This prompted CRCL to issue its first ever "super-recommendation memorandum" in 2015 to inform ICE leadership of the seriousness of the problems found in previous investigations at the facility and the continued receipt of additional correspondence raising similar concerns.¹⁸ In the memo, CRCL expresses the same understanding that additional oversight would not address the facility's problems, as it seemed clear that the office's prior

¹² *For example:* Petition for writ of habeas corpus and complaint for injunctive and declaratory relief. Prepared by Adelante Alabama Worker Center, National Immigration Project of the National Lawyers Guild, and Center for Constitutional Rights. April 2020.

https://nipnlg.org/PDFs/practitioners/our_lit/impact_litigation/2020_29Apr_williams-v-horton.pdf. ¹³ Fialho, Mansfield, and Owino. Ibid.

¹⁴ U.S. Department of Homeland Security Office of the Inspector General. "ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements." June 2018. <u>https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf</u>.

¹⁵ Mack, Megan and David Palmer. U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties memorandum to ICE leadership. May 2015. p. 1-5.

http://shutdownetowah.org/wp-content/uploads/2015/07/Adelante-Production-May-7-2019.pdf

¹⁶ See Mental Health Report, Corrections Expert's Report, Medical Report, and Environmental Health and Safety Report under References and Additional Resources.

It is worth noting how heavily redacted most publicly available inspections and investigations reports are, adding to the system's obscurity and lack of public accountability. In fact, these documents were only released after advocates sued DHS under the Freedom of Information Act. *See Adelante Alabama Worker Center et al v. Department of Homeland Security.* <u>https://www.law360.com/articles/1143332</u>. ¹⁷ Mack and Palmer. Ibid.

recommendations were not being implemented. As such, it explicitly requested that ICE no longer use the Etowah County Detention Center to detain people. However, the memo was in no way enforceable, leaving ICE to continue status quo operations.

From Journalists

Etowah has long been the subject of investigating reports exposing the abuses immigrants face in ICE detention. One of its most infamous media moments involved the uncovering of the county sheriff pocketing at least three-quarters of a million dollars in alleged surplus food funds from the facility.¹⁹²⁰²¹ Complaints about the quantity and quality of food served at Etowah are almost universal, with the people detained there describing meager servings of sometimes expired, moldy, and rotten food or meals that inadequately accommodated religious tradition. There have been reports of things from insects to plastic and rocks found in food served at the ECDC and people having to wait up to 13 hours for their next meal. Meanwhile, news outlets broke in 2018 that Etowah County Sheriff Todd Entrekin helped himself to more than \$750,000 over three years, and potentially millions overall, under a state law that permits sheriffs to keep "surplus" food funds. This news ultimately contributed to the incumbent sheriff's loss in the following election, though no remedies at Etowah itself.

Journalism exposing conditions and practices at the ECDC has also been particularly critical since the COVID-19 pandemic began and ravaged the detention system. Reporters have thoroughly documented not only the lack of health and safety precautions that are putting immigrants in custody's lives at risk, but also how facility personnel have leveraged the dangers as retaliation. While it is inherently impossible to be safe from contagious diseases in detention, ICE's disregard for immigrant lives at the ECDC was egregiously evident when *The Intercept* reported that Etowah facility staff threatened people in detention with exposure to COVID-19 if they did not accept deportation²² and punished them with solitary confinement for requesting COVID-19 tests.²³ Multiple people detained in Etowah spoke out through media to impress on the public their rational fear of dying in the Alabama facility, including a

https://www.npr.org/sections/thetwo-way/2018/03/14/593204274/alabama-sheriff-legally-took-750-000-me ant-to-feed-inmates-bought-beach-house.

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https://theintercept.com/2021/02/06/ice-covid-threat-asylum-deportation/.

²³ Donnelly-DeRoven, Clarissa. "Immigrants Detained by ICE Say They Were punished for Requesting COVID-19 Tests." The Intercept. December 3, 2020. https://theintercept.com/2020/12/03/etowah-ice-detention-covid-outbreak/.

¹⁹ Domonoske, Camila. "Alabama Sheriff Legally Took \$750,000 Meant To Feed Inmates, Bought Beach House." National Public Radio. March 14, 2018.

²⁰ Sheets, Connor. "Here's how federal inmates made an Alabama sheriff \$1.5 million." Al.com. January 1, 2019.

protest where a group of people detained threatened to commit suicide due to ICE's disregard for their health and safety amid a pandemic.²⁴

Solution

Directly impacted individuals, advocates, government oversight bodies, and journalists alike have documented over two decades of abuse at the Etowah County Detention Center. As this administration seeks to address the cruelties of our immigration system, it must remember that the problem is much larger than the actions of the previous administration. The current system that relies on an unjust and immoral detention system to respond to migration was created long before the Trump administration took office and has always been plagued by egregiously poor conditions and a culture of violence. When it comes to detention, we demand not only a rollback, not only oversight and a promise to improve conditions, but decisive action.

The Etowah County Detention Center is everything that is wrong with immigration detention. Years of inspections, investigations, and reporting have proven that there is no fixing it. If the administration wants to make good on its promise to protect immigrants and move us towards a more humane immigration system, taking action to close Etowah would be a critical step.

We have only one recommendation for the Etowah County Detention Center: the administration must immediately release everyone currently detained at the facility and shut it down.

²⁴ "ICE detainees threaten suicide, stage protests over coronavirus fears." The Washington Post. March 25, 2020.

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