

## I. INTRODUCTION

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In 2009, after an extensive record of abuses and deaths of immigrants in its custody, Immigration and Customs Enforcement (ICE) announced ambitious reform plans and promised a “truly civil” immigration detention system. Yet, more than three years later, ICE continues to subcontract the detention of individuals to county jails and private detention centers where they suffer sexual assault, substandard medical care, lack of due process and abysmal conditions. Among those detained are lawful permanent residents, asylum seekers, crime victims, and survivors of domestic violence and human trafficking—many of them with U.S. citizen relatives and deep ties to local communities. ICE has consistently shown that it is incapable of protecting the basic human rights of immigrants under its care.

The largest immigration detention facility in the country, Stewart Detention Center, a 1,752-bed medium security prison in Lumpkin, Georgia, exemplifies the problems with using large, remote, highly restrictive facilities to house immigrants.

Stewart is operated by the private prison company, Corrections Corporation of America (CCA) through an Intergovernmental Service Agreement (IGSA) with ICE and Stewart County. Problems at Stewart include the far-flung location of the facility and resulting isolation of people detained there, physical and verbal abuse, spoiled food and non-potable water, lack of recreation time, minimal access to legal materials, substandard medical care, little oversight or accountability and the absence of any meaningful grievance procedures.

This report takes most of its information from a 2012 report by the ACLU of Georgia: *Prisoners of Profit: Immigrants and Detention in Georgia*. The ACLU of Georgia report is particularly valuable because access to information about Stewart is so difficult. The nearest major city is Atlanta, which is two and a half hours away, making it difficult for families, legal service providers and advocates to visit their loved ones, clients, and neighbors who are locked up by ICE, or to conduct community monitoring of conditions at the prison. The ACLU of Georgia report is available online at: [http://www.acluga.org/files/2713/3788/2900/Prisoners\\_of\\_Profit.pdf](http://www.acluga.org/files/2713/3788/2900/Prisoners_of_Profit.pdf).



Location is only one of the factors that make it hard to obtain reliable information about what goes on inside Stewart. Even when visits are allowed, they are restricted. For example, the ACLU of Georgia was denied access to visit the law library and the segregation unit. A coalition called Georgia Detention Watch (GDW) facilitates visits to Stewart and accompanies many families to visit their loved ones. According to Everitt Howe, a member of GDW, "The severity of the conditions in the facility strikes everyone who enters. We know we only see a fraction of what goes on inside."

While ICE conducts periodic inspections of the facility, these are not overseen by any independent entity, and the results are not

made available to the public. Furthermore, the standards that ICE maintains are in place to govern facility conditions are not legally enforceable, are based on an inappropriate correctional model, and are promulgated by ICE itself, rather than by a regulatory body with competence in independent oversight.

In spite of all of the obstacles to transparency and accountability, thanks to the work of dedicated volunteers and advocates, and especially to the bravery of those detained at Stewart who are willing to risk their lives and freedom by sharing their stories, some of the abuses at Stewart have been exposed. Short-term reforms are necessary to alleviate the suffering of those imprisoned at Stewart, but ultimately the facility must be shut down.

## II. FACILITY OVERVIEW

**145 Miles:**

*Distance between Lumpkin, Georgia and Atlanta, Georgia*

- ▶ **Location:** Stewart County, Georgia (Distance between Lumpkin, Georgia (GA) and Atlanta, Georgia (GA) 143 Miles.).
- ▶ **Nearest ICE Field Office:** Atlanta, GA.
- ▶ **Opening date:** 1 July 2006.
- ▶ **Contractor:** Corrections Corporation of America (CCA) manages the facility.



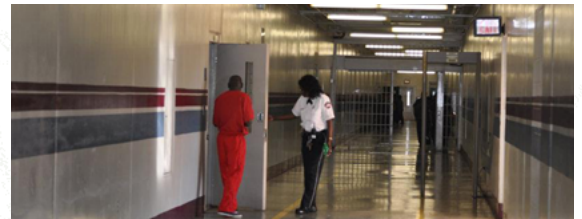
- ▶ **Population:** 1,725 male prisoners, from all over the Southeastern US.
- ▶ **Employees:** approximately 140.
- ▶ **Cost of detention:** \$54.25 per person per day.
- ▶ **Standards:** According to ICE, the 2008 Performance Based National Detention Standards apply.
- ▶ **Legal Services:** Very few immigration attorneys serve Stewart. Most of those held at Stewart do not have legal representation. Stewart does have a Legal Orientation Program.
- ▶ **Court Access:** Until recently, immigration hearings at Stewart took place by video conference with the court in Atlanta. Three immigration judges now work out of four new courtrooms at the facility.
- ▶ **Deportation rates:** The latest TRAC (Transactional Records Access Clearinghouse of Syracuse University at website <http://trac.syr.edu/webinar/20120802>) data shows a 98.5% deportation rate (the highest in the country).

### III. CONCERNS

#### INADEQUATE MEDICAL AND MENTAL HEALTH CARE



ICE Health Service Corps is responsible for providing all health care services at Stewart, but contracts with private companies for medical staff, medical equipment and radiological services. The medical unit consists of medical, dental, and psychological services. The medical and mental health care unit at Stewart is understaffed, resulting in many problems including lack of adequately licensed health care professionals, delays in receiving care, and inadequate mental health care services. Until the summer of 2012 there was no doctor at Stewart, which means the facility was without a doctor for three years. Currently there is only one doctor and only seven nurses on staff at the 1,752-bed facility, which is a ratio of 1 nurse per 250 prisoners. People interviewed reported that it can take days or even weeks for medical requests to be answered. Com-



pounding this problem is the allegation that no member of the medical staff speaks Spanish.

Advocacy groups like the ACLU of Georgia regularly receive complaints from individuals held at Stewart who have unaddressed health needs. Sometimes the results are fatal. This was the case for Roberto Medina-Martinez, a 39-year-old immigrant who died at Stewart in March 2009 of a treatable heart infection. The ACLU of Georgia filed a lawsuit in March 2012 charging Mr. Medina's death was the result of negligent conduct by facility staff. An investigation conducted following his death revealed that the nursing staff failed to refer Mr. Medina for timely medical treatment despite clear evidence of his condition and that the facility



*Of the 32 people interviewed by the ACLU of Georgia at Stewart for their 2012 report, approximately one-third were from out of state and two-thirds of those transferred were from North Carolina.*

physician violated medical standards by failing to follow internal oversight procedures for reviewing medical records.

### DUE PROCESS CONCERNS

Immigrants at Stewart reported facing numerous barriers to preparing adequately for their removal hearings including infrequent access to the law library, unreliable phone access, and (for those few lucky enough to have counsel) a lack of space in which to conduct confidential legal meetings.

At Stewart, all visits—including attorney visits—are no-contact. Each visitation room has a telephone and a plexiglass wall with a small opening at the bottom. Some of the openings have been nailed shut, so attorneys and clients are unable to pass forms or paperwork to one another. On one occasion, an attorney had no alternative but to send the forms back to her client through a guard. Having to communicate in such a fashion presents obvious confidentiality problems. Immigration attorney Carolina Antonini described the problems she faced: “Stewart’s visitation room has a telephone with a cord so short that I cannot see my client’s face and he cannot see mine. You can’t meaningfully talk to a client when you’re looking at a wall. When I prepare my clients for testimony, I need to see their faces.”

Although the ICE Detention Services Manager reports that individuals could use the library whenever they wanted, people interviewed stated that they were only allowed maximum access of three times per week for a set amount of time. Although there is a Legal Orientation Program at Stewart which provides basic information about the court process and legal options, legal materials to help individuals prepare their cases are often not available or are out of date.

### DEVASTATING IMPACT OF TRANSFER TO STEWART

Many of the people held at Stewart are transferred from other parts of the country, sometimes hundreds of miles away. Of the 32 people interviewed by the ACLU of Georgia at Stewart for their 2012 report, approximately

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Carolina Antonini,  
Immigration Attorney

one-third were from out of state and two-thirds of those transferred were from North Carolina. Frequent and costly interstate transfers to Stewart inhibit individuals’ access to their lawyers as well as to their local support systems. The location of Stewart reduces the number of family visits. Lumpkin, Georgia is a difficult drive for family members who live in Atlanta, and an almost impossible one for those from out of state. Many families lack the resources for making the long trip and there are no public accommodations available for families in the town of Lumpkin.

Further compounding the impact of transfers is the inadequacy of visitation and phone access. All visits at Stewart are no-contact. A relative visiting an individual in detention reported that the fact that she could not touch or kiss her husband whom she had not seen for months made her feel “terrible.” Immigrants detained at Stewart reported facing barriers to phone access, including prohibitively high phone charges, a high rate of technical problems with Stewart’s phone system, and lack of privacy for callers. All of these factors seriously impact individuals’ ability to communicate with their attorneys and families.

### INADEQUATE LIVING CONDITIONS

Cell conditions, hygiene, water quality and water shortages, meals, and recreation, are all



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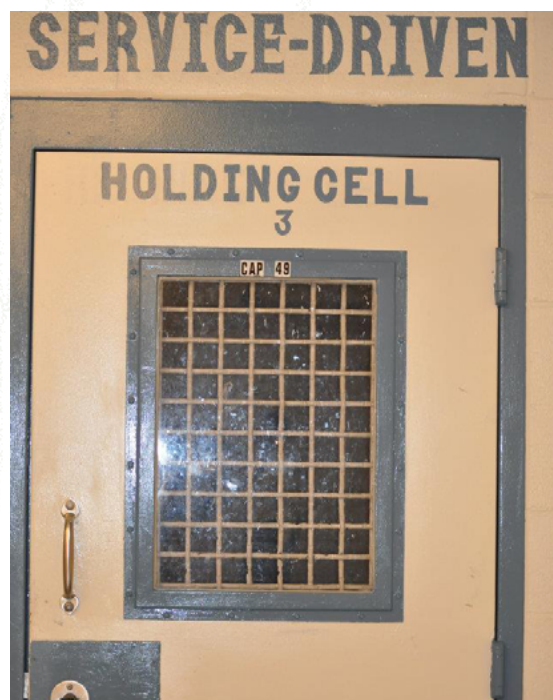
chronically problematic at Stewart according to people interviewed. Interviewees described the cells as unclean and overcrowded. One man named Raul, quoted in the ACLU of Georgia report, described his pod to be about the size of a basketball court, a big open area with 66 people, three toilets, three urinals, and five showers. Raul added that the space was “like a chicken coop” and was cramped and overcrowded. A man named Mahbubal added that Stewart was “like a human zoo.” People reported regular problems with broken showers, clogged toilets, lack of hot water, shortages of personal hygiene items, and periodic water stoppages. They reported that clothing, sheets, and towels are not changed regularly. One person said it took a month for him to get a new pair of socks and underwear after putting in a request. The quality of the drinking water also poses concern, which was described as “green.” A number of people do not drink the water given during meals, but instead go back to their cells and boil water in the microwave for drinking.

There are numerous problems with food services at Stewart. People report long periods between meal times, in some instances up to thirteen hours. Interviewees said that the nutritional quality of the food is inadequate

and meal portions are small. Individuals do not get any fruit and rarely get green vegetables or even meat. They report that guards rush them through their meals, with an average mealtime of less than 10 minutes. Many people reported significant weight loss during their time in detention. Even more troubling are the numerous instances where people reported being served rancid or expired food or finding foreign objects in their meals, such as hair, plastic, and bugs.

Recreation time is often shorter and less frequent than what is required by ICE’s standard on recreation. Those interviewed reported that recreation never lasted more than 35 minutes. Numerous interviewees stated that recreation was not always guaranteed and that on some occasions when the facility was understaffed or the weather was bad, there was no recreation at all.

In August and September 2012, immigrants at Stewart and their family members reported repeated water outages. The weekend of August 25, water was turned off at Stewart for more than 24 hours. People reported that they were instructed to fill the trash cans with water in order to flush the toilet. People melted ice from the ice machine to drink. Another water outage occurred at the end of September.



### **ABUSE OF POWER**

Facility staff often classifies people with no criminal record or no violent criminal history as high security, which then subjects them to further restrictions on their freedom within the facility. Those interviewed reported regular verbal and physical abuse, retaliation by guards and staff, including the use of the segregation unit as a form of punishment, and abuse of individuals with disabilities. Almost all those interviewed stated that they were either the subject of or witness to verbal abuse by CCA officers. These abuses are exacerbated by the lack of a meaningful grievance procedure. Individuals reported that complaints they filed were never addressed and that they were afraid complaining would only provoke facility staff to further abuse.



## IV. RECOMMENDATIONS



ICE should terminate its contract with CCA and

close the Stewart Detention Center. The facility has had consistent problems with medical care, living conditions, treatment by corrections officers and access to lawyers and visitation. No one should be held under these circumstances and closing Stewart Detention Center would be a first step towards ending the use of private prisons for immigration detention.

While taking steps towards contract termination, ICE must immediately:

- ▶ Restore contact visits for family members and attorneys.
- ▶ Remedy the issues regarding water supply, food, and hygiene.
- ▶ End the use of solitary confinement.
- ▶ Provide better training for corrections officers on how to interact with an immigrant population.
- ▶ Expand visitation times so that immigrants can comfortably visit with their loved ones and have sufficient time to justify the travel time.
- ▶ Expand and improve staffing of medical unit with additional doctors.
- ▶ Release anyone not subject to mandatory detention.

This report is part of a series about conditions at ten prisons and jails where immigrants are detained by ICE. To read the other reports and the Executive Summary of overall concerns and recommendations, please go to [detentionwatchnetwork.org/exposeandclose](http://detentionwatchnetwork.org/exposeandclose)



*Except where a publication is cited, the information reported here is based solely on claims made by detained individuals without independent corroboration.*

