

Feb 2, 2019 publicintegrity.org

ICE FAILED TO PENALIZE CONTRACT IMMIGRANT JAILS WITH THOUSANDS OF SAFETY AND RIGHTS VIOLATIONS

U.S. Immigration and Customs Enforcement, ICE, failed to take action against detention facilities the agency contracted with after discovering thousands of violations that jeopardized the safety and rights of detainees, according to a federal Inspector General report. “Between October 1, 2015, and June 30, 2018, ICE imposed financial penalties on only two occasions, despite documenting thousands of instances of the facilities’ failures to comply with detention standards,” inspectors found, based on a review of contracts governing 106 facilities holding an average of 25,000 detainees in 2017. “Instead of holding facilities accountable through financial penalties,” inspectors reported, “ICE issued waivers to facilities with deficient conditions, seeking to exempt them from complying with certain standards.” The more than 14,000 “deficiencies” identified included facilities failing to notify ICE about sexual assaults and failing to forward allegations of staff misconduct to ICE investigators, according to inspectors. The immigrant lockups consist of a mix of privately-run detention centers owned by ICE or private companies, as well as local and county jails and facilities provided through contracts held by the U.S. Marshals Service or other government agencies. Waivers issued by ICE allowed the facilities to use a gas—if guards felt they needed to subdue detainees—that’s 10 times more toxic than pepper spray. Waivers also allowed guards to “commingle” detainees with serious criminal histories with detainees with only minor criminal records or who were accused only of immigration violations. Further, the Department of Homeland Security Inspector General report dated Jan. 29 also asserts that inspectors found that ICE had no formal policy to govern waivers and that organizational problems “impede” monitoring of contracts. Only 28 out of 106 contracts inspectors reviewed required use of a quality-assurance tool that’s useful for holding facilities accountable for deficiencies. The two penalties ICE did impose totaled less than half of 1 percent of the \$3 billion in contracts these 106 facilities received from ICE since the beginning of fiscal 2016, inspectors said. One of the two penalties imposed, inspectors found, was the deduction of funds from one facility with repeat violations of health care and mental-health care standards. The report didn’t identify facilities where violations were found. Data supplied to the Center for Public Integrity shows that in 2018 ICE was holding more than 41,800 detainees on average every day. The Inspector General report found that more than 35,400 immigrant detainees were held on average every day inside 211 contract facilities in 2017. The Center for Public Integrity reported last year on allegations of abuses alleged at privately-run immigrant lockups. GEO Group and CoreCivic are the two largest U.S. private-prison companies. The two companies’ stock value rose after President Donald J. Trump won the 2016 election, promising more aggressive immigration enforcement. The companies, both of which have received contracts recently, contributed \$250,000 each to support Trump’s inauguration festivities. Affiliates of both companies have donated to Republican political groups and candidates, the Center reported. The Center’s investigation reported that a federal review of the 2012 death of a detainee from cardiac arrest found that a nurse at a GEO Group facility wasn’t trained on the use of an EKG. She also waited an hour to call 911, the review found, because “she needed to get the paperwork” completed concerning the detainee’s condition before making the call. CoreCivic, too, is facing scrutiny after a 1-year-old girl became ill inside a Texas family detention center last year and later died after being released with her mother. Another Center story last year reported that a DHS Inspector General report issued in October found shocking medical neglect at a GEO Group facility in Adelanto, California. Inspectors concluded: “ICE’s detainee death reviews for three Adelanto center detainees who have died since fiscal year 2015 also cited medical care deficiencies related to providing necessary and adequate care in a timely manner. ICE must take these continuing violations seriously and address them immediately.”

Correction, Feb. 1, 2019: An earlier version of this story misstated the period of violations as 20 months. It was a 32-month period between October 1, 2015, and June 30, 2018.