

Voices of the Disappeared:

An Investigative Report of New Jersey Immigrant Detention

"History and common sense teach us that an unchecked system of detention carries the potential to become a means of oppression and abuse of others."

-Immigrant detainees at Hudson County Correction Center,
October 2005



New Jersey Civil Rights Defense Committee



Ba Madani, a released Malian detainee held in Passaic County Jail.

“I just want to prove to myself that I am still a human being...I still believe in America, land of justice and liberty for all. .. I am not a criminal and will never be.”

Photo Credit: Herald News, Ryan Mercer



Saleh Ajaj, a released Palestinian detainee held in Passaic County Jail.

“They did not treat us like human beings, they treated us like animals. But we are not criminals.”

Photo Credit: Laura Barisonzi

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PO Box 353
Piscataway, NJ 08855-0353
<http://www.nj-civilrights.org>

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Contributing Editors: Flavia Alaya, Jeannette Gabriel, Eric Lerner, Marion Munk,
Nicki Newby, and Robyn Rodriguez

Executive Summary

This report summarizes the independent findings of a group of citizen activists in New Jersey, the New Jersey Civil Rights Defense Committee (NJCRDC), who organized in early 2003 to expose and prevent the abuse of immigrants via the government's stepped-up immigration detention program after 9/11. It has been written in direct response to the inadequate "audit" of immigrant detention published after two full years of preparation by the Office of Inspector General (OIG) of the Department of Homeland Security (DHS) in December 2006.

For five years before the issuance of this recent audit, NJCRDC members had kept contact with immigrant detainees, especially in the county jail "contract" system maintained by federal authorities in the New York Metropolitan Area. We documented innumerable and systematic abuses and directed the attention of OIG authorities to them. When the OIG announced in late 2004 that two New Jersey jails, Hudson and Passaic, would be included in the audit, we spent many hours preparing for the process, sometimes with the auditors themselves, providing direct testimony from scores of detainees and former detainees and contact information for dozens who had suffered within the system. Detainees too prepared arduously for the audit, hoping their voices would finally be heard. Some suffered retaliation for their activism and were transferred to jails far away from their attorneys and families.

The OIG report was in effect too little too late. It was our deep disappointment with the cursory and bloodless overview that inspired this "Shadow Report." It was obvious to us from the start that county jails, designed only to hold pre-trial people facing criminal charges, were not appropriate for non-criminal, non-punitive immigrant detention. Jailors and County Officials had no experience with such a population and clearly had not been adequately retrained in the wake of 9/11. All across the system we witnessed dozens of independently mounted individual and collective hunger strikes. We'd met with detainees from around the world, timid and angry, articulate and hesitant, we'd seen their individual letters and mass petitions, all similarly decrying the conditions of their detention. . Our data had shown a clear pattern of punitive treatment at the hands of local officials. There seemed no question about flagrant abuses, not just of detention standards but of fundamental human rights.

Even as the official audit was underway, the DHS itself actually terminated its contract with the Passaic County Jail. Although they would not say why, the jail's reputation as one of the worst detention centers in the nation was no secret. Having worked very hard with the detainees to expose conditions there, NJCRDC took some satisfaction in the County spokesperson statement to the Associated Press explaining the termination: "We have 2,000 other inmates in the jail, none of whom send out press releases." NJCRDC 's coordinated inside-outside strategy mobilizing directly with the detainees assured that immigrant detainees voices would be heard.

Now the detainees can be heard again. Their message—and ours—to Immigration and Customs Enforcement (ICE), DHS, and the OIG, is that closing the Passaic County Jail is not enough. This latest audit only muzzles those who have already suffered throughout this system, and sweeps the dirty secrets of widespread abuse in immigrant detention under the rug. NJCRDC's data illustrates a clear pattern of punitive treatment at the hands of local officials. It includes the use of attack dogs, guard beatings and verbal and psychological abuse, squalid and overcrowded living conditions, systemic food and heat deprivation, and inadequate care for detainees' medical needs.

But the report is an indicator that abuse like this is only a consequence of a detention system that is abusive in itself, where immigrants who face nothing more than administrative charges are held as criminals, and innocent people are in jail. Although this report is substantially about the terrible conditions of immigrant detention, it is more fundamentally about the inevitability of abuse under unconstitutional conditions. It is not possible to reform unconstitutional detention or to recommend ways to make it better.

The only way to stop the abuses taking place in the New Jersey jails--and other jails throughout the detention system--is to end immigrant detention itself.

Our desire is to touch readers' hearts and minds. Recent government attempts to develop new even harsher immigration policies are simply another front in a continuing struggle to destroy our basic Constitutional rights. The war on immigrants has created an apartheid system that divides us into those who have a right to the pursuit of happiness and those who don't. Its goal is to stir up anti-immigrant sentiment and push detention abuse even farther below the public radar. Immigrant detention, the "Japanese internment" of our time, is an attack on the very structure of a democratic society. It must be stopped.

Poem from English Detainee

Oh Lord I Plead

Trying to be a part of this nation
For what the wicked done to us
This government is so unjust
(WHY)

In a jail cell I sit

And ask myself why
Do broken spirit die
The voice of my son cry
Daddy why why Daddy why
(WHY)

Being from a foreign land

Trying to be a part of this nation
But instead I am in prison
Fighting deportation for my freedom
(WHY)

Oh government, why Judge

If your constitutional rights are not guaranteed
Your plan is to segregate
Us detainee from our family immediately
(WHY)

Oh Lord I plead

And you show mercy on we
Thank you for the NJ Civil Rights Defense Committee for doing justice
By helping us immigrants, the detainees
(O Lord I plead)

Introduction

New Jersey Civil Rights Defense Committee is a state-wide organization whose individual members come from many walks of life. Inspired by a sense of justice denied to many American immigrants, we have been working with immigrant detainees held in New Jersey's county jails since 2002. The group was initially organized to meet a direct need: to hold officials accountable, especially at Passaic County Jail in Paterson, for brutal responses to detainee hunger strikes and protests inside the jail. We formally came together following a well-organized and nationally-reported public demonstration, a "March Against Fear" in the Muslim community in South Paterson in March, 2003.

Our work with detainees gradually and inevitably spread throughout the state as detainees were transferred to other jails, often in retaliation for their protests against terrible and degrading conditions. Although we too protested these conditions, our mission was then and has remained to facilitate detainees' speaking and organizing for themselves. For a time we published a newsletter that offered a forum for detainees held in administrative detention to speak out and to engage others inside in protest and resistance.

Inevitably, we found ourselves also compiling an archive of this testimony, a living documentary record of the detainees' own written and verbal witness of abuse. Our principle purpose in collecting this information was to keep it before our own eyes, and make it a credible witness both to ourselves and others--to counter the disbelief that such horrific crimes could be taking place against immigrants' rights here in the United States, sight unseen, every day, without any effective legal oversight or accountability.

The Inspector General

The first major audit of immigrant detention centers after 9/11 conducted by the Department of Homeland Security's Office of Inspector General was published in 2002. It found "a pattern of physical and verbal abuse" against the 762 mostly Arab and South Asian immigrants rounded up during the immediate post 9/11 period, but argued that these were isolated incidents. Nevertheless, as New Jersey detainee protests continued throughout 2003 and 2004, and as they drew special attention to the use of attack dogs in immigration facilities, the government was forced to intervene again. In November 2004, right after an NPR report on the use of attack dogs in NJ detention facilities, ICE announced that using dogs for detainee control would no longer meet detention standards in contracted facilities. Immediately following this, in December, Homeland Security's Inspector General Clark Kent Ervin announced a second national audit of immigrant detention centers.

NJCRDC worked very closely with this office and the assigned auditors, offering them access to our archive. Initially the DHS OIG charge had been to investigate 15 detention centers, but after President Bush replaced Ervin as Director of the OIG with Richard Skinner (who moved into the position from FEMA), the audit was sharply curtailed to ten units, and then to five. Notably, after every cut of the numbers of facilities to be audited, two in New Jersey, Hudson and Passaic County Jails, still made the cut.

The long, difficult interaction of the NJCRDC with the OIG (which included meeting in their Washington DC offices along with organizational representatives from Amnesty International, Immigration Forum, Families for Freedom, and other groups) has been recorded in several articles appearing in the on-line journal *CounterPunch* in 2004 and 2005. One stumbling block in the process included disagreement over whether non-lawyers could witness detainee interviews in cases where detainees did not have lawyers and feared retaliation by authorities. Initially the OIG requested our help in providing names of detainees and initially agreed that witnesses from NJCRDC could be present at interviews. However, they later reneged on this agreement, and as a result, many of the detainees were afraid to speak with the OIG since they had expected we would be present. Other issues must have arisen as well that the groups consulting with OIG were not privy to, since the *North Jersey Herald-News* in August, 2005, announced that Sheriff Jerry Speziale had actually "thrown the auditors out" of his jail.

The auditors did resume some version of their activity a month later, but by then our own communication and interaction with the OIG had broken down. Official announcement had it that the audit would be completed by September, then October, then December. Passaic detainees mounted a thunderous petition in December. The NJCRDC, by then shut out of the process, mounted a demonstration at the jail in early January. By the end of that month, ICE had announced that they were phasing out the detention "contract" with Passaic. The Passaic detainees were slowly transferred or released.

The OIG's final audit was not issued until a year later, early in January 2007. It contains no identifiable information that detainees and advocate groups like NJCRDC had provided. Though it quantifies a few abuses, it effectively reads as a bloodless whitewash of DHS detention policies. It went barely noticed in the press and underwhelmed the immigration communities. It was at this point that NJCRDC decided to take matters into our own hands and produce our own report.

The Wide Scope of Detention

It is important to point out that immediately after 9/11 the federal government swept through Middle Eastern immigrant communities, targeting Muslim immigrants who were out of immigration status and throwing them into mandatory detention. Since those initial round-ups, however, the government has significantly widened its net, continuing the raids against Mexican and Latin American immigrants and punishing immigrants from all nations with mandatory detention for immigration violations.

This policy has helped push the immigration detention system to its breaking point, as there are not enough beds available for the number of detainees, especially those with green cards, who have any legal standing to appeal their deportation. The Bureau of Immigration Appeal process, as many lawyers agree, is antiquated and ramshackle. Mandatory detention policies have led to serious overcrowding in immigration units. Increasingly, detainees are transferred far away from their loved ones and communities. The vast majority of detainees being held in New Jersey county jails are from New York City, but some are then transferred even farther away--into rural Pennsylvania, or even Louisiana and Alabama.

Why Should We Believe the Detainees?

Jail officials have continually sought to discredit immigrant detainees' reports of poor treatment and abuse. They write them off as criminals, presumably mendacious by nature, and not deserving of our concern or sympathy. Or they argue that prisoners, no matter how good conditions are, always want them to be better. It was typical of the Sheriff's spokesman at the Passaic County Jail to disparage detainee complaints as nothing more than "publicity stunts."

These are fallacious arguments. Of course the outcries of detainees were pleas for attention; most of them, without access to lawyers, had no other means of calling for help. And the reason they had no routine access to lawyers was precisely because they were not, within the definition of the system, criminals. They languish in administrative detention because the government believes it has no other way of controlling them, not because they are being punished for a crime, or, if they had previously committed a crime, because they are no longer subject to legal punishment for it.

It should go without saying that even the treatment of criminals should stay within accepted standards of human rights. Yet because detainees in fact are not criminals ICE standards are specific on the point that detention is not punitive, and not meant to be. It is clear, however, that detention in New Jersey jails--the detention we know best--is punitive. There is every reason to suppose it is no different in other places where immigrants are rounded up into unsuitable holding facilities or dispersed into jails never meant to be lived in for long periods, and kept in check by correction officers and guards who in most cases lack training specific to this population, and (as we have found) may even consider it their patriotic duty to terrorize them.

Yet our experience tells us that the punitive character of detention is not only to be measured by instances of extreme abuse, though there are many instances of such abuse. It can be seen also in terms of the actual day-to-day living conditions detainees face over protracted periods of time, from months to (in some cases) years. It can be measured in breakdowns of health that no one attends to. It can be ticked off in numbers of families that are broken or destroyed by separation and the loss of mutual support.

Finally, on the issue of credibility, there is a significant amount of overlap in detainee reports from inside the jails. The cases raise similar complaints, the stories are consistent, and witness statements are abundant. Often such witnesses have nothing to gain and everything to lose by speaking out. They speak out anyway.

In all facilities over time, we can see the same officers' names cited for abuse. Again and again reports of mistreatment mention the same issues regardless of the detainees' religious or ethnic background or their location within the jail. They will sometimes initiate petitions signed onto by many detainees protesting the same guard or staff behavior. There are instances of independent overlap in complaints. This is difficult behavior to invent, especially in an intimidated population of prisoners. In one instance, at Bergen, we actually saw a series of petitions emerge from different units within a single facility over a period of months, charging in this case that detainees are being made to pay to secure an appointment with the doctor.

This is one example of the types of issues documented in this report. Perhaps each will inspire various levels of credibility. Taken together, however, they cannot be ignored or dismissed.

Detention as a Problem of Policy

Detainees' concerns are many. NJCRDC has subsumed most of them here into three main categories:

- (1) The conditions of day-to-day living in mandatory detention. As already suggested, this can often be the most painful kind of abuse over the long term. It has no shock value. It is not sensational enough to interest the press. It is demoralizing. And it is compounded by the isolation detainees face, separated from families and religious communities, and without access to legal assistance.
- (2) Inadequate medical care and lack of access to medical care. Detainees often do not receive adequate treatment for ongoing medical concerns, sometimes turning small problems into life threatening conditions.

The harsh nature of detention itself often causes medical problems that are compounded by difficulties in getting medical documentation and treatment.

- (3) Abuse the detainees face from jail officials. Some of the more sensational---or hookable---stories, like those involving attack dogs, have received considerable press. Immigrant detainees have suffered or been witness to many abusive incidents within county jails, some of them horrific. Yet we have seen many credible cases in which no steps have been taken by jail officials OR ICE to remedy the abuse, let alone condemn it or bring the abusers to justice, OR to address the lack of procedure for grieving it, OR at the very least to acknowledge that there are problems and take measures to assure that such practices do not continue.

They do continue. So does the struggle to address them. The detainees in coalition with groups like ours, have taken matters into their own hands to publicize their own plight to the rest of the world, through letters, petitions, lawsuits and hunger strikes.

Unconstitutional Detentions without Charge

The Constitutional Context

The US government policy of detaining hundreds of thousands of immigrants without criminal charge or trial in so-called "administrative detention" is unconstitutional, a fundamental violation of the Bill of Rights. It poses a threat to the basic rights of all who live in this country, whether immigrant or citizen. It forms a part of the government's broad campaign to establish a system of detention outside the protection of the Constitution, extending from the immigrant detention centers to the horror of Guantanamo Bay.

By its nature, such detention encourages the abuses that are documented in this report. In a broader political context, the detentions are also an important aspect of the government's general war of terror against immigrants. The threat and reality of detention for those fighting deportation acts as a severe deterrent against such resistance, and greatly enhances the government's ability to deport hundreds of thousands of immigrants each year. Given the choice of indefinite detention and deportation, most choose deportation. The aim of these deportations, in turn, is not some elusive goal of actually eliminating the 12 million or more undocumented immigrants. Rather it is the enforcement of an extreme climate of fear that makes this large population, and much of the legal immigrant population as well, afraid to defend their rights. It has also led to the creation of a huge underclass forced to work for substandard wages and substandard conditions. The only beneficiaries of this system are the employers, who not only pay the undocumented less, but use these depressed wages to drive down wages and working conditions for all US workers.

The Bill of Rights protects everyone, everywhere, from being held without charges by the US Government. It makes no distinction between citizens and non-citizens or detention within or outside the US border.

The Bill of Rights puts limits on the action of the government. The Fifth Amendment says that "No person ... shall be deprived of life, liberty or property without due process of law." The Fifth and Sixth Amendments define what due process of law is: that to hold a person, an indictment by a Grand Jury is required, that in all cases the accused shall have "the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." There are no exceptions for non-citizens or for actions of the US abroad. The only exception is for accusations against US armed forces personnel "when in actual service in time of War or public danger."

The prohibitions of the Fifth and Sixth Amendments against holding people without charge are critical to the basic rights won by the American Revolution---and defended again and again by succeeding generations. Because of these guarantees, government officials of any kind are allowed, at most, only 48 hours to hold people before they must be either charged or released. Yet the immigrant detentions respect none of these rights. Detainees are not charged with any criminal offenses, are not indicted by a Grand Jury, are not given a trial, and are not guaranteed lawyers (although they may obtain them if they can pay them). Instead they are punished with imprisonment---detention---often for many months or years without any due process of law.

The framework for unconditional detention of immigrants was prepared long before Sept. 11, 2001, although detention was greatly expanded after 2001.

The origins of unconstitutional detention

The 1996 Illegal Immigration Reforms and Immigrant Responsibility Act set up a sweeping system of mandatory detention for those facing deportation proceedings and sharply restricted the use of parole which had been routine. Since this law provided that immigration detention, like deportation, was to be treated as an "administrative" matter, and since it made immigration violations merely civil offenses, it effectively did an end-run around the protections of the Bill of Rights. That is, simply by re-naming imprisonment "administrative detention," the law denied to immigrant detainees all those Constitutional protections.

Congress and President Clinton could have made immigration violations into criminal offenses but that would have required juries to cope with tens of thousands of cases of long-time residents being threatened with deportation and imprisonment and would have allowed immigrants all the rights of other criminal defendants. Instead, they chose to create a parallel system of punishment--"administrative detention" outside of the guarantees of the criminal justice system. Among the many legal fictions this "administrative" system creates is that detention is not punishment, even though in reality it is indistinguishable from imprisonment for a crime.

While detention began to increase sharply in 1997, it was not until September, 2001, that the full force of the 1996 laws was applied, and even exceeded. Immediately after September 11, Attorney General John Ashcroft ordered that all immigrants from Middle Eastern countries picked up for any immigration violation be held without bond until cleared of terrorist ties by the FBI. This resulted in a random sweep of Middle Eastern communities, with more than a thousand individuals detained, most on mere suspicion of immigration violations and held without access to lawyers for months.

But these widely publicized detentions were only the beginning. The new Department of Homeland Security's enforcement arm, Immigration and Customs Enforcement, almost at once began greatly increased sweeps of all immigrants, so that those detained on any given day rose to more than 27,000. These included permanent residents, green-card holders who had committed even trivial crimes, and asylum seekers, as well as those who had overstayed their visas. In many cases it also included those who had merely missed immigration appointments, often because mail had been sent to the wrong address, and of course those who had no infractions whatsoever, but were picked up by mistake.

Denied access to lawyers, unless they could pay for them, subjected to an "administrative" system that often delayed hearings for months or even years, facing "administrative" charges with no prospect of going before a jury, or even an actual judge, many of these detainees linger as much as several years in detention and all are subject to a punishment--imprisonment---meted out to them without due process. Of course the lack of access to the judicial system, and, for 90% of the detainees, to legal counsel, makes the detainees easy targets for the widespread abuse documented in this report.

The government has argued that immigrants do not deserve the protection of the Constitution.

For example, the government brief in the Supreme Court case *Demore vs. Kim* argued that "Because illegal aliens' presence in this country is unlawful, the necessarily limited associations, rights, and responsibilities that they accumulate during their unlawful presence convey only the most attenuated entitlement to constitutional protection." They link this denial of rights to the needs of national security: "The ongoing war in Iraq, military operations in Afghanistan, and vigorous efforts to protect the Nation against further terrorist assaults only underscore the importance of preserving the Political Branches' control over the borders and their capacity to prevent the insinuation of dangerous aliens into American society," the Government said in its brief in another Supreme Court case, *Clark, v. Martinez*.

The Fifth and Sixth amendments protect "all persons" from the actions of the US government, regardless of who or where they are. In recent years, the conservative Supreme Court majority has unfortunately not consistently upheld this clear wording, but a dissenting minority of the Court has stated the case forcefully. In their dissent in *Demore vs. Kim*, Justices Souter, Stevens and Ginsburg argued that "It has been settled for over a century that all aliens within our territory are "persons" entitled to the protection of the Due Process Clause...[T]he government [cannot] avoid the Due Process Clause...by selecting a class of people for confinement on a categorical basis and denying members of that class any chance to dispute the necessity of putting them away."

The government denial of due process guarantees to the tens of thousands of immigrant detainees is part of the same repressive strategy that has led to Guantanamo and the far more absolute deprivation of the rights of the detainees there. It is a strategy, moreover, that threatens the basic rights of all who live in the United States and indeed, many others around the world. George Bush's order of November 13, 2001, setting up detention of "enemy combatants," arrogated to himself the right to designate any non-citizen anywhere in the world an enemy combatant and to detain them indefinitely without any recourse. "The individual shall not be privileged to seek any remedy... in any court of the United States... or any international tribunal," the order read. This same sweeping, monarchical power is given to the president by the Military Commissions Act, allowing him alone to designate anyone, **citizen or non-citizen** as an "unlawful enemy combatant" and denying to non-citizens so designated, and held at Guantanamo, even the most basic right of habeas corpus to challenge their designation or their detention.

The deprivation of rights of this huge swath of Americans is a wedge that undermines the rights of citizens as well.

While the immigrant detentions, along with the far more egregious Guantanamo detentions, are aimed at non-citizens, the deprivation of rights of this huge swath of Americans is a wedge that undermines the rights of citizens as well. In the cases of Yaser Hamdi and Jose Padilla, both U.S. citizens, the Government has used the "enemy combatant" designation to deprive them of liberty and subject at least Padilla to sensory deprivation and other forms of torture. The fact that the Administration decided to release these two from military detentions to avoid a potential Supreme Court challenge should give little comfort. The apparatus of arbitrary detention, now aimed largely at non-citizens, stands ready to engulf citizens at the next opportunity. The issue of immigrant detentions is therefore one that involves the interests not just of immigrants, but of all Americans.

Everyday Life in Detention

Letters from immigrant detainees incarcerated in New Jersey county jails across the state indicate that they are forced to live in overcrowded, dirty, unsanitary and unsafe facilities. Though the Passaic County facility was singled out for the most egregious violations of detainees' rights by the Department of Homeland Security, what is striking is that immigrants' letters from other facilities describe conditions remarkably similar to those found in Passaic. For instance, a January 2006 petition filed by 13 detainees from Latin America, the Caribbean, Africa and the Middle East in Bergen County notes: "The housing conditions are deplorable. Mice are running all over the living area. This has been brought to the officers' attention on duty. The response was that there is nothing they could do about it."

Two months later, in March 2006, 55 detainees (including many of the original 13 petitioners) submit an additional petition to jail authorities as their concerns about housing conditions (as well as other issues related to access to medical care, guard abuse and access to their family members) have still not been addressed.

By June 2006, six months later, conditions in Bergen have worsened. Detainees describe in a short, hurriedly written letter that demonstrates the urgency of their situation: "We... have filed many grievance forms concerning major health violations. We have rain coming in unit an electrical problem of major concern a fire hazard."

In January 2007, one year after the first petition was filed, and significantly, only a month after the DHS-OIG released its report on immigrant detentions, Bergen County inmates' demands are still not being met as 44 detainees file yet another petition protesting inhumane living conditions. Notably, Bergen was left out of the DHS-OIG report which limited itself to only Passaic and Hudson County Correctional facilities.

A.H., writing in November 2005 from Monmouth, describes how the cells are so crowded that he is forced to sleep on the floor. This arrangement has worsened his pre-existing problems with his vertebral column, and short right leg. Indeed, because he had been denied the use of his doctor-prescribed orthopedic shoes, he has experienced even more pain and suffered injury. He complained to the Monmouth authorities several times, but they denied him treatment even though a jail doctor approved new special orthopedic shoes.

Comparing the situation at Bergen and Monmouth with the conditions of Passaic, we note eerie similarities. In an interview with a released Jordanian detainee conducted in the fall of 2006, he describes how the Passaic facility was so overcrowded that detainees were forced to sleep on plastic containers since there were not enough beds to accommodate them. Passaic's cells, like Bergen and Monmouth's, were rat and roach-infested and lacking in proper ventilation.

"We cannot all fit into the day room unless we are shoulder to shoulder....There are mice bite holes in our commissary, leaky roofs, cockroaches, and we're being housed in a jail built to house 800 inmates, where today, it houses over 2,200 inmates." R.E., Passaic

Getting through the day can often be a deeply degrading experience for detainees. Basic toiletries are a luxury, not a privilege, as detainees actually have to acquire money to replenish their supply of toothbrushes, toothpaste, soap, shaving cream, etc. Those who cannot pay go without. A petition from Passaic detainees details how:

"All we get is one prison jumpsuit, one blanket, 2 sheets and a bag of toiletries. A contract for a detainee is average from \$75-\$90 per day. We would truly believe a pair of underwear should be included."

The contract reference is to the per diem by the DHS to the county jails to house the detainees. County officials see detention as a source of revenue and encourage cost-cutting. Laundry services are abysmal as clothing is returned dirty and wet. According to a Jordanian immigrant detained at Passaic, immigrant detainees who attempted to remedy the problem by hanging their clothing to dry were punished by guards.

Detainees often lack any privacy while bathing which they believe not only exposes them to potential violence, but is ultimately a violation of their basic human rights:

"We believe we are entitled to not only privacy but to the protection of the law. We must be secured when we are taking a shower otherwise it will be a violation of human rights, civil rights and against the respect of all religions on earth to expose your body or your sexual parts to anybody. This is by itself a sexual abuse." (Petition, Bergen, January 2006)

Detainees describe situations where they are transferred from cells designated for immigrant detainees to other areas within the jail meant for the general criminal population, either without provocation or as retaliation for raising legitimate complaints.

Transfers

When B.G. was transferred from Passaic to Monmouth in late September 2004 he was put into 23-hour lock down with two other detainees for three weeks. After filing a series of complaints, he was moved to slightly better facilities and allowed some privileges. By February 2005, however, he and other detainees were transferred to a maximum security pod to live with the general prison population. No explanations have been given for the detainees' transfers into the maximum security cells at Monmouth.

"They treat us like animals because we are immigrants, they think we have no human rights in all this world." B.G., Monmouth, 2005

Food

Detainees are fed cold food served in dirty plates, bowls, and trays. Often, food does not conform to requested religious standards, such as Halal or Kosher. Detainees at Passaic went on periodic hunger strikes demanding Kosher food to which the jail periodically acquiesced for a brief time. Detainees who have serious medical conditions like diabetes, high blood pressure or hypertension, are not given the kind of special diets they need to stay healthy. In Passaic, a Guyanese detainee was violently punched and beaten by officers in 2004 for simply asking for a vegetarian meal.

**"I literally poured milk onto the cereal in the tray and grease was floating on top of the milk due to the spaghetti with tomato sauce we had for dinner the night before."
Petition of detainees from 3 units in Passaic, December 2005**

Detainees in Bergen complained about food and linked it to human dignity issues. In January, 2006, fifteen detainees signed a petition complaining about the food and when their concerns were ignored another petition was issued in March, 2006, where 55 detainees joined the protest:

"The food we are served is inadequate (sic), and not enough for one human being. When its served most of the time its cold and never a complete diet. We are being served bread soaked in water half the time, and two pieces is not enough. Sugar is also always wet with either water or vegetable sauce. The food sometimes is spoiled which presents some health risks. We are served Bologna Meals 3-4 times a week. Many times the trays are dirty from previous meals. The kitchen should serve a good Kosher or Halal Meal. The diet meals should have some white meat. We should be served more vegetables. Just need to be served our food in a human fashion."

Certainly some of the conditions that detainees describe are universal to the jail system. On their own terms, these problems need to be addressed, since the United States on principle extends even criminals the right to a decent life while incarcerated. In other cases, however, it is apparent that detainees are subject to worse treatment than other inmates. There is indisputable evidence that jailers often share the racism and xenophobia exacerbated in this country since 9/11, which immigration debates of recent years have made only worse.

Family Contact

Detainees across all county facilities in New Jersey are systematically prevented from contacting their legal representatives and their family members. If they are allowed contact with lawyers and loved ones, their privacy is violated. For example, in July, 2005, 26 detainees from Latin America, the Caribbean, the Middle East, Africa and Eastern Europe, signed a petition listing 10 grievances at the Monmouth County jail. Their number one concern was that county authorities were opening correspondence from their lawyers before making it available to detainees.

The petition states,

"We immigration detainees are having a problem here at the Monmouth County jail with regards to legal mail have been opening [sic] before it reaches the hand of the detainees...It's a great possibility that the jail reads the legal mail. The jail authorities is (sic) violating our confidentiality."

"Pictures that come in your mail from our family is (sic) not given to us when it should be in our mail when it come to this facility." Petition from Hudson, 2005

One month later, a detainee from Guyana and one of the signatories of the July petition further details how detainees are denied contact with their attorneys (text transcribed as in original):

"On August 1, 2005 the jail have changed there telephone company to a company called (Global Tel Link) since the phone company has changed, all my attorneys' phone numbers have been collect call blocked by the jail contracted telephone company. Which is (illegal) to block legal phone calls to attorneys and legal representatives. The jail-contracted telephone company requires each individual attorneys to set up an account before the detainee would be able to place a collect call to their legal representative."

The problem of telephone access is one that plagues other facilities. In another petition from 2005, this time issued by Hudson County detainees, they note that a, **"majority of phones on C-100-West is always broken or systems are always being change without given a notice."**

**"If I want to make a phone call to my family, it costs \$4.89 for the first minute and \$.89 for each additional minute."
Pakastani detainee in Passaic, 2005**

Jail officials systematically appear to deny detainees contact, phone or face-to-face time with their family members. They are prevented from meeting with their wives, partners, parents and children. Writing from Passaic in 2004 about a situation that is not atypical in New Jersey jails, a detainee from Barbados writes:

"The visiting schedule is too short and our families are traveling long distance and we only get to talk to them for about 15 minutes in front of a big glass and unable to touch our kids, nieces, nephews, etc...The phone system is not helping us, it is too expensive and we have to buy phone cards from the jail and there are many times inmates lose time on calling cards because the phones are having problems which we won't get reimbursed for. "

The legal implications of not being able to communicate with family members is described by a Peruvian detainee in Bergen in January 2005: **"The phone system is organized to exploit the call[er] or their families or omit the communication that at times vital to decision making due to...lack of communication with lawyers...family is unaware of court dates, etc."**

**"We only have one visit a week from family. That's not enough for somebody behind bars. Inmates need moral and mental support."
Petition of 13 detainees in Bergen in January 2006**

Abuse: A Condition of Detainee Life

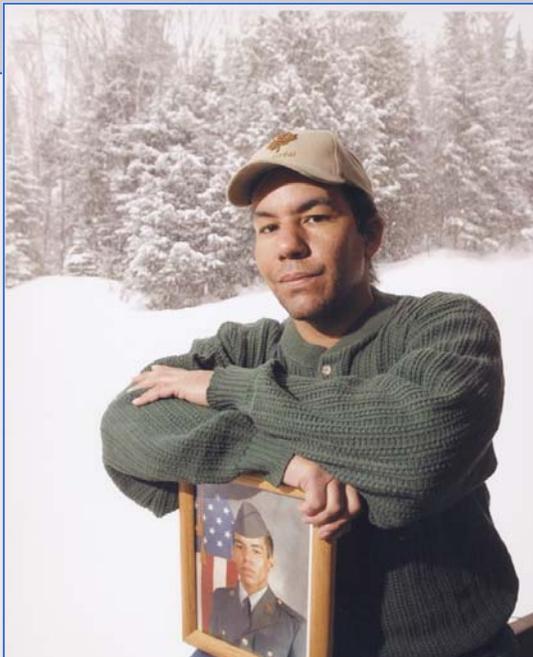
Unconstitutional detention is by its very nature abusive. But it is also an abusive way of life. This was captured by detainee Sacha Sealey, a Canadian who maintained a journal in Bergen County Jail in 2003. His accounts reveal the deep hostility towards detainees in American jails that we have seen throughout this account. For example, on a day that the INS asks for 13 detainees to appear in court, Sealey shows how guards can turn the simple act of transferring prisoners into an opportunity for gratuitous cruelty:

"The transporting officers handcuffed us tightly at the ankles and around the waist with the back of our hands touching...When I inquired about the reason for this method, I was told in a joking manner that it was to enable us to breath easier."

Sealey points out that **"had there been a need for us to protect ourselves in the case of an accident we would have been rendered helpless,"** a prospect made even more plausible by the cramming of all 13 detainees into a 10-person van with some actually doubled over on the floor. When he calls this risk to the sergeant's attention, the sergeant ridicules him, responding sarcastically, **"We can do it like this."** [Sacha Sealey to NJCRDC, Sept. 3, 2003]

Sealey describes an encounter in Bergen in October, 2003 where a supervising court officer tells him that his handcuffs cannot be removed to permit him to sit down on the toilet. "I replied O.K, whatever." This hint of resistance was all it took to inflame the guard into savagery:

"As I walk by him he punched me in the chest and told me to forget about using the bathroom, and to wait outside. When we returned to the holding cell, [he] shackled me [my] feet as well as hands behind my back. "



Sacha Sealey, detained at Hudson, Bergen and Middlesex County Jails. Deported to Canada.
Photo Credit: Newsday

Sealey is far from typical of detainees who are mostly disinclined to exhibit "attitude" toward those who police them. His life-story became somewhat high-profile because he was actually brought to the U.S. at the age of two and raised and educated here. He also enlisted in the army at 17 and served in the invasion of Grenada. Culturally speaking, he is an American. His encounter with immigration actually stems from a drug problem after his stint as a soldier, plus immigration laws that in 1996 redefined certain minor drug crimes as "aggravated felonies." Despite his military service, and although he had been clean for three years, authorities declared Sealey's issues too unAmerican to tolerate and shipped him back to Canada in 2004, after 33 years in the U.S. The hairline separating Sealey from citizenship, no obstacle to putting his life on the line for this country, has proved a legal force-field when it comes to staying here.

His case is a reminder that the people in detention have already paid their dues, and sometimes more. The only reason they are being punished is because they are immigrants.

In some respects, detention can be harsher for women than for men. In a 2007 interview with a former female detainee from The Ghana who was detained at both Middlesex and Elizabeth in 2006, we learned that at Middlesex, although male detainees are separated from the criminal population, female detainees, because of their small number, are mixed with criminal inmates. To make a bad situation even worse, and ensuring their constant harassment, detainees are issued red jumpsuits, whereas inmates wear green. Her fear of being seen and possibly molested in the open showers was so great that she chose to remain dirty rather than bathe. A group of women detainees in Middlesex, having learned that a suicide had recently occurred there, wrote a letter to the deportation officer threatening to all commit suicide if they were not transferred back to Elizabeth.

Impact on Families & Community

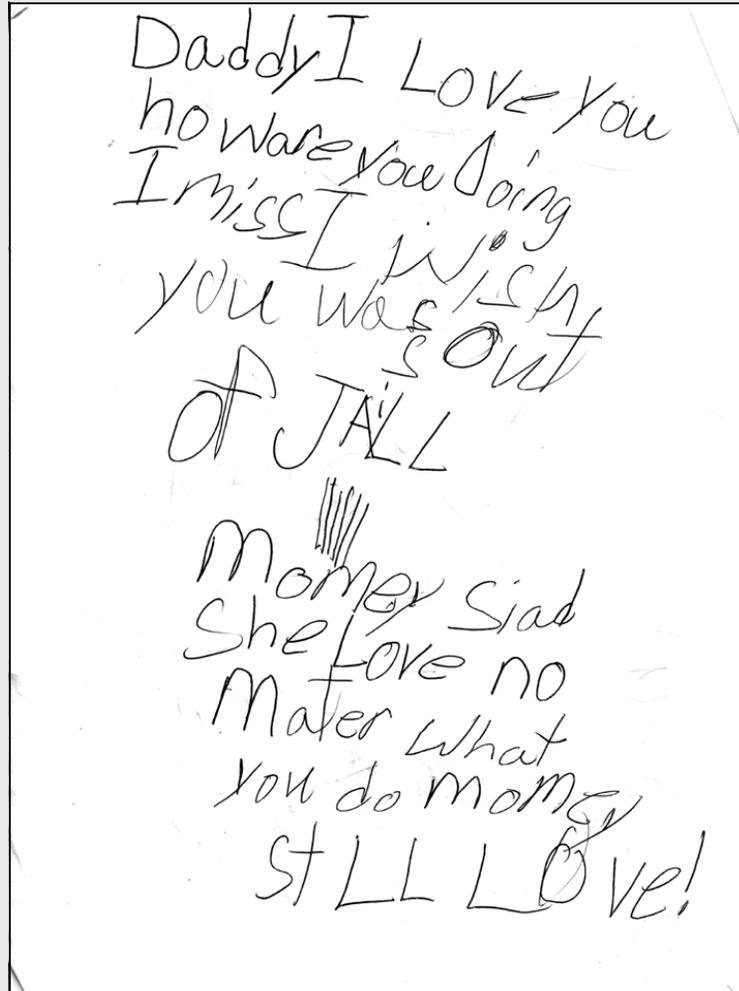
Though the letters received by the NJCRDC have mainly been from immigrants detailing the horrors of life in detention, it is clear from our work that detention and deportation has had devastating effects for immigrants' family members. Because many of the detainees are men, we find that women and children bear the brunt of the burdens of detention outside prison walls.

For instance, a journalist who escaped from Sierra Leone in 1992, for fear of his life, was deported by the U.S. government in 2004, despite the possibility that he would face torture and death by the Sierra Leone government upon his return. He left behind a partner, child, and a baby who was no more than two months old. Though he was able to make a brief phone call to his family while in transit, he was jailed in Sierra Leone and has since fled to The Gambia where he was given refugee status. He spoke about being forced to leave his family behind:

“In the event of my deportation, I am afraid that my fiance and two kids will suffer tremendously, because they depend on me for everything. Who will provide shelter for them? Who will be their role model? Who will be concerned about them going to college? Who will feed them?” (Hudson County Jail, May 2004)

What is even more tragic about this case is that he actually won an appeal against the DHS, which would have entitled him to an immigration hearing to consider the cancellation of his deportation orders. The appeal was granted, however, only after he was shipped out of the country.

The ex-wife of a Guyanese detainee described how her son has been severely impacted by the deportation of his father when he was only six years old. She stated, **“he was stressed out a lot by having to talk to his dad behind bars.”** The prospect of never being able to see his father again seems to have left her son deeply despondent. Now fifteen years old, he has little enthusiasm for school work and began to get into trouble with gangs. Only recently has she been able to help him to get back on track, pleading with him to make good of his life because it is what his father would want.



Daddy I Love you
how are you doing
I miss you
I wish
you was out
of JAIL

Mommy Siad
She Love no
Mater what
you do mommy
STLL LOVE!

“Childs Letter”
Letter from the son of Abdoulie Secka,
a detainee from The Gambia was detained at
Bergen and Passaic

A Haitian woman from New York City tried to explain to immigration officials in 2005 the pain of having her brother, who has lived in the U.S. since he was 8 years old, separated from his parents:

“J.A. has been the main source of help for our ageing parents, both of whom are limited in their abilities to live independently. Both of our parents’ medical and general living conditions have been deteriorating. In particular, our mother has been battling a severe state of depression over the absence of her son who was—and continues to be—her main reason for living. Our mother is now totally deaf and has no comfort of hearing her son’s voice on the phone.”

T.M., a 37-year old detainee from the Dominican Republic who first arrived in the U.S. at the age of five (and was put in detention for having purchased nine packs of cigarettes without paying New York state taxes on them), writes about how his U.S.-citizen family members are likely to be impacted by his detention and pending deportation:

“I have no legal representation because I can’t afford a lawyer. Please don’t let them break the M. family apart. My wife is left all alone to work and care for three small children. It is very hard for her. She is suffering the loss of her husband very much and the children miss their father very much...I am totally devoted to my family and trying to raise my children the best way possible, but now I am about to lose my family.”

Ba Madani, an immigrant from Mali detained at Passaic in 2005 writes, **“Many fathers have been deported breaking up their family, leaving behind young children in a total disregard of American tradition of family values.”** He asks, **“Why do they want my daughter to live her life without her father?”** In many of his letters Madani laments the impact his detention and eventual deportation will have on his little girl (who, at the time of his detention was only 4 years old), **“I may never see my daughter again and I can’t imagine what she may go through if something happens to her mother. Her mother and I, we do not have any relatives in the U.S.”**

In many cases deported immigrants leave behind children who are U.S. citizens. The legal system does not take children into consideration as a reason to keep someone out of detention or stop a deportation proceedings. Not only is this cruel in human terms, but it demonstrates that there is no equality of citizenship in this country.

Medical Abuse in Detention

Medical services are systematically denied to detainees. Detainee letters, from as early as 2002 until very recently, indicate that denial of medical services is a consistent problem across all county facilities. In many cases jailers outright refuse detainees' requests to be treated. These jailers claim that it is ICE's responsibility to administer care, thereby denying any liability for the worsened medical conditions many detainees find themselves in after being incarcerated; ICE then passes the buck back. Detainees often find themselves in bureaucratic limbo as neither county nor feds take responsibility for attending to their health needs. Often, in a typical "blame the victim" strategy, jail officials accuse detainees of either refusing treatment or not taking care of themselves.

Problems range from official indifference in emergency situations, such as heart attacks, which can result in fatal or life-threatening delays, to inappropriate diets and insulin regimens for diabetics, lack of proper medication and exposure to unhealthy conditions for HIV positive patients, long delays or simply ignoring detainees requests to see medical personnel, complete lack of dental care, and inability to obtain medications. Failures to secure translators to help detainees communicate their health concerns to medical personnel are common. There are even cases of denying medical treatment following beatings by guards.

At times detainees are abused in response to requests for medical treatment. A typical case was a permanent resident from Barbados at Monmouth in September 2005. After being denied the care prescribed by his primary care physician, he attempted to appeal to a Monmouth county officer to reconsider his claim. According to the detainee, the officer **"told me that since I was not a United States citizen I was not entitled to the protection of the United States Constitution."** When the detainee responded by saying he would contact a civil rights organization to look into the matter the officer **"threatened to punch me in the face."**

Detainees from all six New Jersey County Jails included in this study, Bergen, Camden, Hudson, Middlesex, Monmouth, and Passaic, report long delays or outright denials in responding to requests to see medical personnel. A Polish immigrant reported in February, 2004 that he complained in 2001 and 2002 about being denied medical and dental care at both Hudson and Passaic and filed a civil complaint against the jails. In this case the judge ruled against Passaic's request to dismiss the charges, writing that prison officials either:

- (1) knew of his need for medical attention but intentionally refused to provide it;**
- (2) delayed necessary medical treatment based on a non-medical reason; or otherwise;**
- (3) prevented him from receiving needed or recommended treatment.**

In May, 2005, following a fight with another detainee, a Jordanian was left with loose teeth and a bleeding mouth. His repeated requests for medical and dental care were ignored. Not until October, 2005, one day before ICE officials visited Passaic, was he finally allowed to see a doctor, who gave him Motrin. The detainee lost two of his teeth due to lack of timely medical attention.

A Cuban detainee lingered at Camden County Jail in early 2002 with a hernia the size of a grapefruit. The condition worsened and all attempts he made to receive medical care were rebuffed. The detainee was told by jail officials that ICE would not pay for the needed surgery. The U.S. government does not deport people back to Cuba so the detainee had no way out of the system and no ability to resolve his medical problems. The hernia worsened until he was finally released after passage of the Supreme Court decision *Clark et al. v. Martinez* that was issued on January 12, 2005. The *Clark et al. v. Martinez* decision made it impossible for the government to indefinitely detain Cuban detainees because there was no reasonable basis for removal to Cuba.

When detainees were able to access medical care they faced an additional host of problems, including the jail officials unwillingness to cover the cost of the care. A petition from 55 detainees in Bergen in March, 2006 detailed the specific dollar amounts they were expected to pay just to get access to doctors and get medication.

“We have bad medical services. When you get sick sometimes it takes 3-5 days to be called to see the doctor after we turned in 3 or 4 slips. When we attempt to explain to the nurses what we are in need of they become argumentative. We need abrupt attention with our medical problems. When we become sick to see a doctor we must pay \$15. When we are incarcerated we have to pay for meds. This is unfair due to the fact that we are not working. Many inmates don’t have money. And if they do they must pay \$50 to be processed.” Petition of 55 detainees, Bergen, March, 2006

A Canadian detainee in December, 2003, complained about the care he was getting during a medical exam when the dentist refused to change his gloves that he had used after handling things on his desk. The dentist said that he was not going to waste money on gloves and finally refused treatment on the basis that, **“I don’t need you type of people.”**

Detainees with chronic illnesses often suffer the most since county jails only designed to house people for thirty days are unable to care for them. In addition, the conditions detainees live under compound existing medical issues. Common problems include inadequate diets and insufficient insulin regimes for diabetic detainees as well as lack of proper medication and exposure to unhealthy conditions for HIV positive patients.

“It is a human right violation to deny someone medical care and this institution does that like if us immigrants are cock-roaches we are not here to take care of but to step on.”
Haitian detainee, Middlesex, May 2004

A 60-year-old Pakistani detainee in December 2005 suffered from insulin-dependent diabetes with hypertension and a heart condition. Hudson Correctional, where he was being held, refused to provide his necessary daily care. He had a stroke in 2003 and as a result is now in a wheelchair and going blind.

At the time of his detention at Hudson, he had to pay the other detainees to help him with very basic tasks such as getting in and out of bed, showering, and getting in and out of his wheelchair. His family sent a private doctor to the jail to see him because they did not believe he was getting appropriate care but Hudson refused the doctor access.

Another older detainee from Ghana had a heart condition and requested treatment throughout 2005. After he finally got permission for heart surgery, he was moved back to Passaic a few days after the surgery. The detainee was very weak and could not walk or take care of his basic hygienic needs without assistance. The jail refused to provide either a walker or wheelchair. The detainee then slipped in the water that was coming down the wall of his cell and fell and hurt himself and the jail denied any responsibility.

A Haitian at Monmouth

P.P., a Haitian national, was transferred to Monmouth after serving almost 12 years at Rahway State Prison for attempted murder. During a fight at Rahway his esophagus was crushed and he required major surgery. This left P.P. with a feeding tube allowing him to receive only a liquid diet.

Upon release from Rahway the DHS could not find a detention facility that could accommodate such a complicated medical case. None of the New Jersey county facilities could handle this problem and all but Monmouth refused to accept him. Although Monmouth clearly could not provide adequate care in this case, authorities were nevertheless perfectly willing to accept ICE payments.

At Monmouth P.P. received nutrition only sporadically and when he complained, was threatened with being assigned a cellmate. This would have been a tremendous hardship since he needed to clean himself four or five times each day to prevent emitting a terrible odor. His family, living nearby, petitioned to have him released into their care but ICE adamantly refused. They maintained his detention in preparation for sending him back to Haiti when and if political conditions improved there. This delay was threatening not only because deportation would likely prove fatal for him since deportees to Haiti are held in jail without access to medical care and sometimes even food, and also because the continued detention put tremendous stress on his system. Each time he filed grievances with immigration authorities, they claimed his needs were being met.

NJCRDC advocated for P.P.'s release at a Monmouth County Freeholder meeting and followed up on an earlier appeal on behalf of other Monmouth detainees concerning brutality issues. County authorities claimed there was no abuse and NJCRDC was hearing only one side of the story. According to county officials, since there were no federal complaints or investigations, there could be no problems.

A Nigerian at Monmouth

Hassan Fagge, a microbiologist who worked at various hospitals and laboratories, suffered from diabetes, heart and kidney problems. His condition was under control before entering detention, than rapidly deteriorated. No specific doctor or nurse was assigned to his case and his medications were constantly changing. No one took blood tests or analyzed his heart or kidney functions.

While at Passaic, guards slammed his head against the cell bars for speaking with another detainee during their check-up. Authorities eventually requested he be transferred out of the facility because they were unable to care for him. ICE responded to this request by sending him to Bergen in March, 2005, but the sheriff and doctor refused him admittance. He was then shipped to Monmouth where the doctor indicated he could not be kept for long because of his medical condition. Both at Passaic and Monmouth doctors requested for Fagge to be provided a specialist to deal with his complicated medical needs but ICE denied these requests. Due to the lack of appropriate medical care received inside detention Fagge is now blind in one eye.

Members of NJCRDC observed Fagge's condition at Monmouth. When he pressed his leg it turned green and left a depression; jail personnel refused to look at him. He was not provided an appropriate diet and there was no adjustment of his insulin in accordance with the amount of food he was given. Furthermore he was placed in isolation for more than two months with only one thin blanket because he complained of not getting treatment. While in isolation the guard at times threw his food in the garbage just after he took his insulin saying, "I don't care if you die." The guard also took his legal papers and writing materials. While still in isolation Fagge threatened that if conditions did not improve he would go on a hunger strike. Ultimately, he was transferred to Hudson County Jail December 8, 2005, and finally released.



“White Snow Lion”
Drawing by Purveegiiian Batsaihan,
detainee held in Pike, Berks, York and Clinton,
County jails in Pennsylvania.
Deported to Mongolia.

Suicide

Detainees are usually at their lowest when they are first detained. Often they have just been caught in some surprise legal web and are suddenly divided from families and communities. Some are afraid they will be returned to horrific conditions in their "home" countries--that they will even be killed. Many think about suicide. Some are in real danger of committing it.

In some cases the desperate actions of the immigrant detainees put them in suicidal situations. For example, two days after he was admitted to detention in Monmouth, on June 9, 2007, a Russian detainee, Samuel Izrailovich Shevaniya launched a hunger strike to protest the government's decision to deport him. A week later, when jail officials thought his life was in jeopardy as he was on the brink of starvation they responded by force feeding him. A week later Monmouth jail officials received a court order from a federal judge in Trenton permitting them to force-feed him "intravenously or with feeding tubes." [Newark Star Ledger, 6/16/07]. Shevaniya was transferred out of Monmouth two months later and his whereabouts are now unknown to us.

The force-feeding represents a shift in ICE policy, since in the past officials had used isolation and threats of transfer to other parts of the country, or long-term solitary confinement, to dissuade detainees from starving themselves. A major problem has in fact been a lack of clear policy for suicidal detainees of any kind. NJCRDC has noted a pattern in reported cases of suicide where the detainee was known to be suicidal yet kept in solitary lockdown without appropriate watch or oversight. One of the most notorious cases is that of Heq Sung Soo at Passaic on February 16, 2005, shortly before the end of the ICE contract there. According to Passaic, Soo was placed in solitary confinement upon arriving. After 6 days, he attempted suicide and was sent to the hospital for psychiatric treatment, where he stayed for nearly three weeks. The evaluation recommended he be treated by the jail as "self-injurious," and Passaic placed him in "receiving," where they could presumably watch him and prevent him injuring himself again. Four days later, the jail advised for unexplained reasons that he be moved back to solitary, for "special watch or observation." After a single day in solitary, he killed himself.

In a situation like this one, it is difficult to call detainee suicide an insane choice. It may be an inevitable consequence of a system that refuses to accept responsibility for special psychological needs, and that deprives isolated and desperate detainees of ways to have their voices heard. Soo, for example, was a Korean who could not understand English and could not apparently communicate his needs or wishes. There is no record of any attempt to seek a translator for him.

ICE recently reported that there have been 62 deaths inside immigrant detention facilities since 2004, that is, within the last 32 months alone. *That is nearly two a month.* The percentage of these that are deemed suicides is not clear, but we think it would be notable. The fact that authorities released this number at all may be an indication of growing pressure to address the problem. We have been told by ICE that there are no current pending investigations into immigrant detention deaths and that **all jail officials have been cleared of any wrongdoing in all 62 reported cases.**

Physical Abuse in Detention

Verbal, mental, and physical abuse is a common fact of existence from the first moment of detention to the last. Often confronted by surprise--in workplace raids, in incidental encounters with police, or at re-entry checkpoints--immigrants are faced with the instant prospect of public humiliation, followed by detentions that are by definition below the legal radar and invite the abuse of authority. With no Miranda rights or access to lawyers, the Constitution a dead letter, detainees are often treated as if they lacked even the accepted international protections of their human rights.

Climate of Abuse

The attitudinal issues are both critical and paradoxical. Prison officers and guards may view immigrant detainees as ipso facto criminals, incorrigibles who can only be controlled with brutality. In some facilities, in defiance of standards, the two prison populations are physically commingled; they are certainly so in the minds of those who keep them. The Passaic County Sheriff casually characterized detainees on public television as "**criminal aliens, guilty of 'murder...rape...sodomy'**" [CNN: "Lou Dobbs Show." 1/3/06], while his public spokesperson routinely attributed pathological motives to detainee petitioners and hunger strikers. Many detainees say that since 2001 it has become commonplace for officials to call them "terrorists." This attitude has persisted despite immigrant roundups netting not a single connection to alleged terrorist activity. Those that detainees encounter on a day-to-day basis--including not just authorities but fellow-prisoners--are thus given license to view them as worse than criminals.

We have seen glaring examples of institutionalized failure even to review complaints. Mark Gary Hough, a British national with an American wife and family, tried to bring suit for a brutal beating he had received during detention at the Florence (AZ) Processing Center in 1994. The total lack of grievance procedure there meant a ten-year struggle against the machinery of institutional, system-wide cover-up. In effect, he had to try to define due process for himself. In an effort to challenge his first deportation and pursue his abuse case, he re-entered the country illegally in 1997. He was detained again at Passaic County Jail in 2002-2003. Since the ruling on his plea against deportation came first, his ten-year struggle resulted in the failure of both legal challenges. The judge observed that while Hough might well have been deprived of constitutional rights in his first detention, he no longer had standing because of his illegal re-entry. The result was, in effect, a complete whitewash of his detention abuse case. (Because it is in some respects typical of abuse complaints here and throughout the system, we have included his deposition among the case studies cited below.)

Complaint processing may only have worsened over the next ten years as the widened but poorly-prepared detention system scrambled to meet post-1996 and then post-2001 challenges. In 2004, Juan Gonzales-Cifuentes, a Mexican bringing suit for assault against Bergen County Jail in 2004, was told at the time of the incident that the jail had no grievance form or grievance process. He was forced to ask his family to hire a lawyer to file a complaint in his behalf. He also refused to accept the systemic failure. He wrote to ICE targeting "the [lack of] grievance system" and pointing to what he and his lawyers called a "malicious cover-up" of this rights violation [letter G-C to Trella, 6-21-2004].

Both examples underscore a reality of prison abuse familiar to human rights advocates everywhere: that authority is often used not just to commit abuse but to erase it. The result is official impunity for the perpetrators and bitter frustration for the victims. Few alleged police or guard brutality cases have actually gone to law. With no court-appointed attorneys and no comprehensive equivalent of Legal Aid for detainees, indeed within a jail subculture that encourages official silence and even retaliation, we know that abuse is not just vastly under-grieved (in any official sense) but under-reported. Few victims or their families actually have resources to hire lawyers. Some lack the literacy skills to appeal to humanitarian or rights organizations or seek out sympathetic reporters.

Some persist in speaking out nonetheless. Despite illness, pain, depression and demoralization, and despite the prospect of insult, if not further injury, as the price of speaking up, detainees have still found the courage to do so. They band together and petition, sometimes in their own behalf, sometimes for others. They show a confidence in the basic American guarantees of justice and due process that even as seasoned a reporter as NPR's Daniel Zwerdling called inspiringly "idealistic." [NPR: 11/17/04] Given the frustration they meet, it can also sometimes be heartbreaking.

Scope of Brutality

The abuse detainees receive is not isolated or scattered. Our archives include hundreds of pages of testimony from hundreds of detainees; full coverage would fill this report by itself. The systemic character of abuse is evidenced by testimony reflecting conditions in several facilities in New Jersey as well as some outside the state. Even the Inspector General's most recent audit had originally included *ten* contract jails around the country cited for possible serious breaches of standards. By the IG's own assertion, only understaffing forced them to limit their final cut to five, one each in California (CCA), Pennsylvania (Berks), and Florida (Krome), and Hudson and Passaic County Jails in New Jersey.

Along with the failure of grievance process and the lack of access to legal support, there is the shortage of watchdog groups like ours around the country that monitor conditions and speak up for detainees. The conclusion must be that federal auditors could not have had access to a complete record. Indeed it has been difficult to choose from our own archive of New Jersey-based letters and affidavits. Each one that is described humanizes someone's suffering, but it can only give a glimpse into the range of abuse and hint at its systemic character.

Several accounts in these pages represent abuses that occurred in Passaic County Jail. We decided to include them, even though this facility is to our knowledge no longer being used to house immigration detainees. We did this for several reasons. First, we believe it is important for people to know the extent of the abuses detainees suffered over the four years of that contract, and how brazen official indifference to this suffering was at every level of responsibility. We also believe these abuses were crimes--crimes that have not been charged, let alone punished, and for which (as one legal commentator has put it) "the evidence has been deported." They remain crimes, just the same, and demand criminal investigation and convictions.

Publicizing Brutality

There has been much publicity and several media reports around the most egregious abuse cases as compared to the other kinds of injury described here. NJCRDC has been very successful in providing detainees a lifeline when abuses take place and putting the victims in direct contact with the media, thus breaking through their extreme isolation and forcing the topic into the public debate. There is always the danger that a media focus on flagrant abuse cases appeals less to our fundamental humanity than to a heightened social craving for sensationalism and violence. In our judgment, shocking cases should never be disconnected from their context in a system that invites abuse and degrades our supposed American values of fairness and justice.

It should be added that as time passed and the government audit following up from the dog attack cases did not seem to be forthcoming, NPR took the step of broadcasting two personal interviews with Dan Zwerdling on September 14, 2006, recapitulating his earlier reports of late 2004 and early 2005. This new work stressed the uncooperative attitude of public officials toward his investigations. Although silent about both detainee activism and work like ours, NPR has brought key exposure to the detainee abuse story as a story of institutional criminality.

(<http://www.wnyc.org/shows/lopate/episodes/2006/09/14/>)

On an activist level, however, the national Bill of Rights Defense Committee has explicitly and repeatedly highlighted detention as a civil and human rights issue. They have credited NJCRDC with following this story and building the documentary record that journalists and, in the first stage of the audit, auditors themselves relied on. They have also worked to get our organizing message out and connect us with grassroots groups in other parts of the country with detainee populations to protect.

The Human Face of Abuse

Many detainee narratives begin with beatings either on arrival or early in detention in circumstances where the use of force appears gratuitous as well as excessive. Its intention is first and foremost to humiliate and intimidate, or as one detainee described it, to "break" the prisoner [Shiekh, 2004: 9].

The early case of Mark Gary Hough (1994) although it took place in Arizona, represents almost an abuse template. Hough describes how while waiting in line for Christmas dinner he was approached by a prison guard who addressed him "in unprofessional language." When the guard was asked why, **"[he] became even more verbally abusive, and attempted to humiliate [me] in front of all the other present detainees and other staff." When the guard turned his verbal abuse on another detainee, several detainees questioned him again. The officer then phoned a signal to prison authorities "that there was a riot in the cafeteria."**

When back-up arrives, the first officer singles out Hough as having **"incited a riot."** Dragged from the cafeteria and thrown into a processing cell, Hough is held there in solitary for over three hours. He tells what happened when the six officers he charges entered and attacked him:

“Immigration Officer [name], who was fully clothed with a full face and head gear, and armed with deadly weapons that included body shield in one hand, club in the other hand...handcuffs, leg iron, [and] mace, was the first to attack. ...This officer while I was sitting down smashed the protective shield into my head and mouth... then with force push my head back against the concrete wall.”

Already severely hurt, Hough is placed in a chokehold and forced from his bench. He tries to scream that he can't breathe but is ignored. The other officers turn him over, roughly cuff his hands behind his back and shackle him in leg-irons, then pull up hard on the chains against the snap of his backbone. Then they drag him to the hole along the concrete floor on his stomach, so that **"toenails from both feet were ripped from [my] skin."** (Mark Gary Hough vs [officers of Florence Processing Center, Florence AZ], "Statement of Case: First Cause of Action," January, 1995).



Mark Gary Hough, a detainee held in Passaic, with his wife Maureen.

Deported to the United Kingdom.

“The Department of Homeland Security, unjustly continues to deny me the right to see my children, and family who reside in the United States. Your truth in justice is simply a one way street. I have demonstrated you have lost what you once called the Land of the Free. The United States has become a prison. “

More than ten years later [May, 2005], the situation for a detainee, P.S. in Hudson County Jail seems to mirror Hough's. P.S. described how, moments after being received into detention, he was asked to spit out his gum and missed the garbage can. He tried to pick it up but his handcuffs prevent him. Then

"Officer [name] slammed me into the block wall, slammed my head into the wall repeatedly as several other officers [names] came out from behind the counter to assist in the first part of the attack. I said, 'I'm sorry,' one officer said, 'Now you sorry, huh?'"

P.S. recalled in detail the beating that sent him to the hospital. He is struck in his legs by one guard while the others hold his handcuffed arms "very hard and high" behind his back.

I said, 'I'll pick up the gum. Just release a handcuff.' They released one so I picked up the gum and threw it out.... I was dragged...to the back and was then... pummeled. I was hit repeatedly in my back, my ribs, punched in the face, in the back of my knees as my head then bounced off the metal benches. The whole time the second part of the beating took place I was violently being restrained with officers holding both my arms very hard and up behind my back.... My head finally broke open and blood squirted everywhere. That did not stop the beating.... [P.S. to NJCRDC, July, 2005]

Such brutality seems to have already become routine at Hudson. An Egyptian detainee there in March 2004 was Sadek Awaed. Awaed described to a reporter how he was severely beaten in an incident that began when a Tunisian detainee, Fathi Ganmi, started arguing with a guard. The guard began to beat Ganmi, and then ordered everyone back to their cells.

Awaed had just had knee surgery, which slowed his return to his cell. He describes how he was attacked: **"[Name] punched me in the face and in my lips. I said, 'Give me one second, cuz.' But the guard cursed at him, shouting, "Stop faking." A former Jersey City cab driver who was subsequently deported, Awaed told *New York Times* reporter Jonathan Miller what happened when the two were joined by a full detail of guards:**

[The first one] pushed me down on the floor. He started kicking me. There were 12, 15 of them, but 2 was holding me down. He was kicking me in the face and in my neck. I said, 'Do whatever you want, but stay away from my knee, I just had an operation.' After they finished beating me up, they pushed me against the wall. When I fell down I was dizzy, and blood started coming out of my nose and mouth. [New York Times, New Jersey section, Sunday, Dec 5, 2004]

Both *The New York Times* and NPR cited hospital records that showed Awaed and Ganmi treated for wounds, Awaed for injuries to the neck and back and Ganmi for injuries to the testicular area and a chipped tooth.

In a letter to NPR/WNYC, Hudson official Victor Aviles counter-claimed that Awaed was a problematic inmate, having been placed in confinement two weeks before for "trying to incite a riot." The same phrase comes back again and again (cf. Hough's earlier report on the guard at Florence). It appears to be official hyperbole for a detainee with any courage or self-respect.

Both media accounts of the Hudson County incident involving Awaed and Ganmi tell us that after an internal review the two guards directly involved were dismissed amid official promises that the other officers who witnessed the beating **"would be retrained."**

Hemnauth Mohabir

The experience of Hemnauth Mohabir, a Guyanese detainee held for over two years in Passaic County Jail, sheds some light on such official attitudes. Mohabir told his story for Dan Zwerdling's first NPR report on November 17, 2004. (Mohabir's words are transcribed from the audio file at <http://www.npr.org/templates/story/story.php?storyId=4173701>).

[Mohabir] says that one night last year at about 11 p.m., a group of about 8 guards at Passaic strolled up to the cell he was sharing with three other detainees. The guards ordered a "roll-call" -- the detainees had to stick their arms through the bars so the guards could read their name bands. Mohabir says he stuck his own wrist through the bars from where he had been sleeping on his bunk. The head officer was standing a few feet away, and he was annoyed that Mohabir didn't get off his bunk and walk over to him.

Mohabir [speaking on audio]: Officer Lieutenant [name] say, 'Hey, you little skinny mother-f...', and then again, 'Get over here, you little skinny mother--....' 'Shut up,' I said. It don't call for that. You don't have to say that...curse me with my mom'--

Zwerdling [on audio, in utter disbelief]: "You said *shut up* to a lieutenant?"

M: Yes, because he curse me with my mom. I think he disrespected me. He say, 'What? you talking to me? and then he say, 'Open this gate,' and they come in and he hit me. I feel like my breath pop, and then he hit me again, and I feel like my breath pop again.

Z: What are the other guards doing?

M: They standing around laughin and mockin at me, and he sayin 'He can take it man, he OK....' [Pause] I was scared....

Mohabir went on a 43-day hunger strike at Passaic in August 2003 to protest his detention and looming deportation. The hunger strike was not just for himself, but to protest the unjust imprisonment of all the detainees. Mohabir's personal suffering and ongoing advocacy on behalf of detainees who were abused both in Passaic and Hudson, where he was later transferred, brought public attention to the atrocities inside Passaic and the rest of the detention system, but was not enough to stop his own deportation back to Guyana.



“Truth Drawing”

The hand that gaveth life, that flows like a river, that grows like a tree, that bears fruits of strength and courage so free, that burneth desire in the chalise (sic) of fire is the path of a perfect soul going higher.

Roti Mohabir, Hemnauth's mother, with his scarf artwork that he made in detention. “Truth Drawing”

Photo Credit: Daniel Zwerdling, NPR

Nabil Elgendy

Another terrible abuse case at Bergen involved a legal permanent resident from Egypt, Nabil Elgendy who was detained on possession charges that he claims were then mysteriously raised to “drug trafficking.” His deposition alleges that he was first subject to abusive treatment by Bergen guards in July 2002 when he was smacked on the head by a guard, receiving a serious cut over his left eye. Elgendy says that a few weeks later, when he reported an overflowing toilet, four officers come to his cell as if on cue, claiming he had damaged it on purpose. They then proceeded to beat him unmercifully.

Elgendy was hospitalized after the assault at the Hackensack University Medical Center, where he received 50 stitches, **"seven... in his nose and 43 near his right eye."** [Hospital record, in Shiekh, "Abuse," 11] Elgendy's is a rare instance of a grievance that was actually fully processed. He filed a complaint against the four assaulting officers with his supportive hospital records. But to create a legal distraction one of the officers filed a counterclaim against Elgendy, and the judge dismissed Elgendy's charges on the grounds that his claim was filed **"too late."**

Elgendy thought his claim was dismissed because he is Arab. To assault "the Arab Muslim detainee then run and charges [sic] them with assault" is a "bad habit" of jail officers, he told reporter Jonathan Miller.

He is far from the only detainee who alleges this consistent "blame the victim" tactic. Muslim prisoners often observe dietary laws by requesting vegetarian meals. This seems to irritate officials and invite hair-trigger aggressive behaviors. An example is an incident on October 14, 2004, when a Guyanese detainee, Peter Ali, complained that the kitchen at Passaic had presented him a meal that was non-vegetarian. **"I told the Sgt, that I get a vegetarian meal, but Sgt. was so abusive to me and told me to come outside the bars. Sgt. then open the gate and when I go... outside the bar, Sgt. slam me to the jail floor on my back. After doing that he and Officer, and several officers drag me around to another room on my back, then Officer held me by my foot for 10 minutes."** The abuse continued for ten minutes, becoming increasingly violent. Ali complains **"I now am suffering with a damage back that never can be fixed..."** (Ali to NJCRDC, 2004)

There does not appear to be any oversight of atrocious guard behavior, silently approved and therefore encouraged by authorities, as this dramatic petition by 20 detainees in Hudson in 2005 illustrates:

Over several months Officer (name) went from shouting and yelling at detainees, to cursing at detainees, to making verbal threats at detainees, **to calling detainees names like faggots, motherfuckers and cockrouches [sic], to calling Spanish people spics and blacks [sic] people monkey.** The man is so outwardly racist that whenever he opens his mouth to speak nine time out of ten there's something derogatory and degrading that he's going to say to a detainee.

Here's some of Officer (name)'s favorite sayings. **"On the fucking Rec Motherfuckers," "Count time fags," "How many fags are in the shower,"** and some days it might be asshole this and asshole that. Just last week Officer (name) boldly and unjustly called a Chinese detainee a **"fucking Gook."** . . . [O]n June 12, 2005 there was about fifteen to twenty detainees watching the NBA finals Basketball Game when Captain (name) had just made his rounds. He was talking to the officers in the bubble and then left. After the captain left Officer (name) came back on to the housing area and stood standing by where everyone was watching the game and loudly stated three times **"who [sic] dick did you motherfuckers had to suck to get late night."** All the time this officer talks about how if he was in charge how badly he would treat us. How we wouldn't be allowed to have nothing. **How he would pack ten people in one cell like a slave ship.**

A Cuban detainee who was a Muslim convert, Rosendo Oreposa-Lewis, received national attention after the Passaic guards used attack dogs against him. Lewis, who was in Passaic for nearly 2 years, helped to document abuses against other detainees as well. His account of the experience of Mexican detainee J.C. exhibits not only officials' gratuitous cruelty, but their tendency to treat the mental anguish of detainees at the start of their imprisonment as an invitation to abuse. J.C. describes, in a signed statement made to Lewis and translated by him, how he was treated at the start of his detention at Passaic when he "failed to get up for roll-call" on two consecutive mornings. He "was taken out of the cell and to the intake area" where he was held for two full days.

Thursday after complaining about my condition I was beaten for no reason. They (the CO's) strapped me to the chair they have for punishment and beat me. My head was broken, my body everywhere hurts and has bruises. My ankle [sic] is swollen, my arms and hands as well[,] result of the handcuffs that they strapped me with....Also, I was sprayed with pepper spray.

With J.C.'s report is the sworn statement of another detainee, V.L., who, as he passed the intake area on his way to a medical check at about 2 pm on Thursday, August 5, witnessed J.C. strapped to what is commonly known to inmates as the "punishment chair."

J.C. was held in this same intake cell until Saturday, when he was finally returned to the detention unit. **"The Detainees there saw how I was in pain. I can hardly walk and am shaking from the pain to all of my body,"** he told Lewis. J.C. found himself too dazed to remember the names of any of the officers who attacked him **"nor did I ever know the reason why I was attacked."** Twelve other detainees signed on as witnesses to the information in this statement [ibid.], which also contains a graphic drawing by Lewis of J.C.'s severely injured body.

The Influence of Abu Ghraib

Public consciousness of abuse was raised in mid-2004 when the world spotlight briefly shone on the horrors committed by American guards at Iraq's Abu Ghraib prison. Images of snarling dogs terrorizing prisoners horrified some Americans and raised awareness of the brutality potential in all secret or unmonitored detentions.

For a moment, stories we had circulated about abuse here in the U.S., mostly to journalistic disbelief or indifference, suddenly became credible: Americans too, if given sufficient license to torture, were capable of coldblooded and gratuitous cruelty. It was not lost on us that one of the most egregious soldier-perpetrators at Abu Ghraib, Charles Graner, Jr., had in fact been a corrections officer in Western Pennsylvania.

Several reporters immediately turned their attention to abuse occurring here in the US. Notable among them Daniel Zwerdling of NPR, whose previously-mentioned coverage included two attention-grabbing broadcasts on November 17 and 18, 2004, which focused heavily on the use of attack dogs at Passaic County Jail (archived at <http://www.npr.org/templates/story/story.php?storyId=4173701>).

Dog Attack! Rosendo Lewis' Report to NJCRDC

On May 10, 2004 I leaned out of my cell and asked a captain to speak to him but accidentally called him Sergeant. **"You piece of shit, who the fuck do you think you're talking to?!"** I said, **"Sir, why you talk to me like that? I'm just trying to ask you a question."** The Capt. said, **"You don't ask me nothing. Do you understand?"** My reply was, **"I have the right to speak."** He became very angry and walked away. About 5 to 10 minutes later he came back, this time through the front door of the dorm. Capt. was accompanied by nine other officers and a German Shepherd K-9 dog. **All ten men, once I was taken out of the dorm and into the hallway, commenced to hit me, slapping me in the face, pulling me by the beard, punching and kicking me then finally the dog was unleashed and clamped down on my left forearm for what seemed an eternity.** I was taken to the Barnet Hospital ER for treatment. When I came back, I was thrown in confinement for thirty days, with a mattress on the floor. I was taken out three times a day into the hallway for roll call and then there, with the Sgt.'s permission and consent an officer squeezed my arm, slapped and humiliated me for days repeatedly. Medication was prescribed but somehow I never got it for the first two weeks. I endured excruciating pain, fear and hunger. I have a haunting dream of the dogs and being hit by the officers.

It is difficult to believe that until this time the use of dogs to restrain and intimidate detainees was sanctioned and routine throughout the detention system.

The day after Zwerdling's first NPR broadcast (although the government claimed no correlation), ICE announced that dogs would no longer be permitted for prisoner control in contracted jails or detention centers. At the same time, the Department of Homeland Security Inspector General also announced a new audit that would specifically address New Jersey detention centers for public release by the Spring of 2005. This report was not actually to see daylight until two years later in January 2007.

Complaints of brutality at Passaic understandably flared during the audit period. So did our own efforts to provide the detainees with more public visibility. When a Korean detainee, Heq Sung Soo committed suicide in a holding cell at Passaic County Jail in February, 2005 [*New York Times* (Nina Bernstein, "Metro Briefing" section) February 17, 2005] advocacy efforts pointed out the jail's complete bungling of appropriate methodology for protecting a suicidal detainee (see "Suicide" section). Soo's death did not help relations between the Jail and OIG auditors, and may have been the beginning of the end of any productive process of review of conditions there.

In May, at the beginning of a mounting sequence of reports that were to lead to the jail's open clash with auditing officials in October (and the cancellation of the ICE contract in January 2006), another Korean-American, Nguyen Vu, was punished for standing up to an officer who tried to take away a musical birthday card he had hoped to send his wife.

So the officer stop punching me, and he pushed me out the door to another hallway, then close the door so no one can't see... [then] they start yelling and screaming at my face. By then I fear for my life. I try to tell them what really happend [sic] and they told me to 'shut the fuck up' 'we don't want to hear you speak.'"

Now Sgt. [name] grabbed and twisted my left wrist to see what was my name, he asked me what does it says on my wrist band, then I say "You can't see?" Then he got mad and sayed [sic] "you smart ass motherfucker," and grabbed me behind my head and slammed it to the wall. Then he seen that I started to bleed while I felt dizzy....

A posse of more officers arrives ("like 3 or more"), push him to the ground and continue to punch him. This goes on until they pull him up, handcuff him, and take him to the medical unit, where the nurse asks him if he wants a painkiller.

By then I was so upset and scared that I wanted to be alone so I told him (the nurse) that I don't want nothing. After that they took me down to the hole and strip search me and called me all kinds of Dirty names with racial remarks and then they threw me in the hole....[Vu to NJCRDC, May 2005]

Vu's repeated pleas for medical attention while in the hole were ignored. When he was finally released, he learned that he himself is actually being charged with assault. This has been a repeated pattern of behavior by jail officials. In disbelief he faced a hearing officer, and was of course vastly relieved to find himself cleared. At least at the time, Vu seemed unable to process the irony that the fierce beating he received would go unpunished.

In December 2005, NJCRDC received a report of the beating of Asama Metwaly, an Egyptian detainee in Passaic, and passed along the information to the *North Jersey Herald News*. Controversy over the jail's compliance with the OIG's audit efforts were very heated by this time. Detention-awareness had become high in the local press. The jail appeared to take a more defensive approach than usual to allegations of official brutality. Both jail and federal officials defended the use of force in the case of Metwaly's beating, counterclaiming that he was not beaten, and the only force used was pepper spray. Bill Maer, spokesman for the Sheriff's Office, admitted that the use of mace was a "fairly regular" occurrence in the jail and that Metwaly needed (and was given) proper medical care. He described the incident as "minor" and one which "happens all the time."

Yet the description of events provided by other detainees runs counter to the official version. Highlighting the reality of mutual support in detention, fifteen immigration detainees who said they witnessed the incident signed a handwritten statement sent to NJCRDC, dated December 14.

“Around 1:30 PM at 2-G-2 we heard some screaming coming from 2-G-3, it sounded like a fight, we from 2-G-2 looked over and saw around 5 officers pinning down and holding a detainee, this took place outside the 2-G-3 dorm which is the reason we from 2-G-2 were able visibly see it. They were punching and kicking him while he was handcuffed. We heard the inmate screaming that he was not resisting the officers, and the officers still continued to hold him down, and hit him. One of the officers Sergeant (name) used pepper spray which effected (sic) a lot of us in 2-G-2. After they sprayed him with pepper spray they carried him away to another unit.”

The reporter who covered the story for the *Herald-News* reminds us that "according to ICE guidelines, the use of force on detainees is authorized 'only after all reasonable efforts to resolve a situation have failed.' In that situation officers should use 'as little force as necessary to gain control of the detainee'" [Karen Keller, *Herald News*, December 23, 2005].

Although the news story also says that ICE did not have a problem with the way the Passaic County Jail handled the case, the jail announced the suspension of their detention program within the week. ICE's official statement in this case may have been an early warning that, audit or no audit, little was going to change. It was a suspicion that the publication of two relatively toothless Inspector General audits has now only confirmed.

Petition from the Passaic Detainees

We immigration detainees in the custody of ICE are demanding immediately release from punitive detention here at Passaic County Jail, and ICE and not to be transfer to another jail where immigration detainees will be subjected to more and more punitive detention by Passaic County and other jail (ICE). Noted that these immigration detainees are not criminals and don't have any criminal charges pending against them, but the immigration detainees are treated as notorious criminals jail behind bars. For years, months without legal representation the immigrant detainees constitutional rights are in limbo with ICE.

The immigration detainees are treated as criminals but don't have the same rights as criminals to attorneys and a jury trial, and put in jail for months years. NOW where is our constitutional rights freedom for all USA.

We immigration detainees are held in legal limbo with department of Homeland Security to deprived them of there life and liberty and place the detainees behind bars without having a criminal charges against them. It's unconstitutional to deprived human beings of there life and liberty and most of all there families.

Many of the immigration detainees who are jailed by ICE for months and even years and many detainees never gets a chance to reunite with there families, parents are being taken away from there children. Where are the family ties laws. The immigration services just disregard there laws to make money off of there poor detainees keeping them behind bars for many years. Immigration judges are deliberately extending detainees cases for many months to keep detainees in jail to profit off of them. It's a big racketeering by the DHS and the contracted jail.

Abuse Continues

Although Passaic County Jail has been closed to ICE detainees since January 2006, detainee abuse and the conditions that lead to abuse, whether in detainee-specific facilities or units adapted from former criminal prisons, have not stopped throughout the detention system.

Indeed it has not stopped at Passaic County Jail, which has now substituted a lucrative contract to hold charged federal prisoners for the detention contract it gave up to hold immigrant detainees. Although no longer in administrative detention, the federal prisoners are still overcrowded, still abused, still denied access to "privileges" like legal and medical resources, phones, and communication contact with families. **In fact, the jail has now reintroduced the K-9 attack dogs that were barred by immigration authorities in 2004.** Just this summer, the NJCRDC received a communication from A.R.R. at the jail that details an attack last November by members of a special SORT squad, with dogs, along with Regulation personnel:

"These officers began punching, kicking and smacking me while I was being dragged without provocation [and with] rage and violence....After this beating, I was transferred to the Medical Department for a medical evaluation of my injuries...Neither at that time nor any time after that was I charged with any violations....I requested...a grievance form, pursuant to jail grievance procedures. Instead of receiving a grievance form the officer gave me an ombudsman slip," which was ignored." [A.R.R. to NJCRDC, information received June, 2007]

Elsewhere, even during the period in 2004-2005 when heightened attention was being focused on the abuses here and at Abu Ghraib, NJCRDC had reports from Monmouth of a Muslim detainee being asked to strip naked for photographs "for no apparent reason," with "his attempts at being given a reason...ignored." [Stanley Organek, NJCRDC, to Sheriff Joseph Oxley, June 14, 2005]

In another case (reported by detainee Peter Ali from Guyana in July 2005 and witnessed by 23 other detainees), there was the presence of dogs in the Monmouth detainee unit again, eight months after ICE standards had been modified. (Ali to NJCRDC, July 14, 2005). Ali was at the time a recent transfer from Passaic County Jail, where he had also reported being beaten twice, the second time when trying to observe what was happening to Nguyen Vu.

It bears repeating that the OIG's audit was delayed till long after the public horror over Abu Ghraib had subsided. It was also long after the contract with Passaic County Jail had ended. When it was finally published—a year and a half late—it raised so few issues and so dehumanized its data that it hardly made a ripple in the media.

[Some of the information in this section was further documented by Irum Shiekh's testimony in, "Abuse in American Prisons," *Muslim World Journal of Human Rights*: Vol. 1: Iss. 1, Article 4. (2004) See esp. pp. 9-13 for NJ information. Available at: <http://www.bepress.com/mwjhr/vol1/iss1/art4>]

Comments from Bryan Lonagan

From the winter of 2003 through the summer of 2007, I worked at the Immigration Law Unit of Legal Aid Society regularly conducting Know-Your-Rights presentations for immigration detainees at the Bergen, Hudson, Passaic County jails in New Jersey. I also ran a weekly hotline for detainees to call for legal advice and information. During that time I spoke with approximately 2,000 detainees or their families. Throughout that period, detainees reported incidents of physical and verbal abuse, deprivation of medical care, interference with religious practices, lack of access to legal materials, overcrowding, and unhealthy conditions. I cannot say that all of these complaints were true. We did not have the resources to document them or investigate their veracity. Moreover, the jails controlled all the documentation. That gave them credence, however, was that the same sorts of complaints were consistently reported by different people, from different cultures, at different times.

Thus, advocates were hopeful in 2005 when the Department of Homeland Security announced that the Office of the Inspector General would be conducting an audit of the Passaic and Hudson County jails. Given the years of waiting for the OIG report, it was a tremendous disappointment. While some have lauded the OIG audit as proof of the problems of immigration detention, it is certainly understated proof. Reading it, one gets the impression that the problems were mostly due to administrative failures. For example, the OIG report discusses problems in the grievance procedure, but barely addresses the underlying substantive abuse. For those of us familiar with what had occurred, the OIG report almost trivializes the true severity of conditions. Congratulations are therefore in order to the NJCRDC for the production of this amazing report which sheds light on the reality of immigration detention in NJ.

Strategies To End Immigrant Detention

The abuses detailed above are the inevitable consequence of the current unconstitutional system of immigrant detentions. They are part of a continuum that extends to Guantanamo and Abu Ghraib and derives from the same policy of detaining people in violation of the Bill of Rights. To stop these outrageous abuses, we must end detentions and the campaign of terror waged against immigrants. Laws enabling unconstitutional detention—the 1996 Illegal Immigration and Antiterrorism Acts, as well as the Military Commissions—must be repealed. It is imperative that all who live in this country be able to live in peace and enjoy full political rights.

Local campaigns can organize to close detention facilities and prosecute those responsible for terrorizing innocent immigrants. Activism can be directed at local facilities under ICE contracts. The focus should be ending these contracts, since fewer facilities result in fewer detentions. When Passaic County announced the cancellation of the ICE contract in December 2005, scores of detainees were released either directly from Passaic County Jail or from neighboring facilities to make room for Passaic transfers.

Passaic County Sheriff Jerry Speziale blamed this change of policy on activist protests, and specifically on protests organized simultaneously inside and outside the facility. We think he was right. The decision came after several years of tireless activism on both sides of the prison wall, and shortly after the detainees circulated a petition demanding cancellation of the ICE contract.

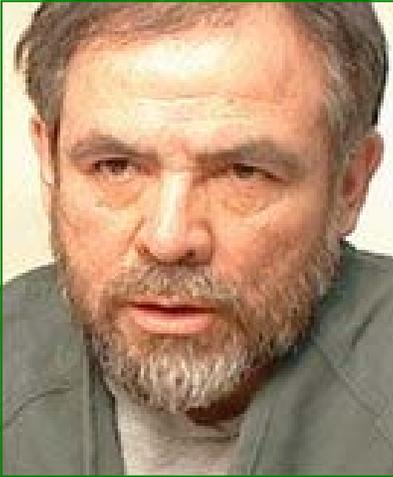
Our experience is that such coordination starts with local public protests demanding termination of ICE contracts and explaining the unconstitutional nature of the detentions. It is important to reach out to detainees, visit them, speak to their relatives, and collect descriptions of how these severe hardships have impacted them and their families.

Some strategies that worked for us were holding community meetings and rallies, distributing flyers, issuing press releases, sending letters and stories to the press, and circulating a newsletter to detainees. Early on, we brought a contingent of speakers to County meetings, where we read graphic statements from detainees and demanded an end to the local contract. This tactic met with hostility, but the long-term effect was to put elected officials on notice that their policy of seeking revenue from the suffering of the imprisoned immigrants would not be tolerated. Thereafter it was impossible for local authorities to plead ignorance.

Detainees understandably focus on conditions of detention--egregious physical and mental abuse, poor food, lack of medical care, etc.--rather than on the illegality of detentions. When the media exploded with exposes of flagrant abuses at Guantanamo and Abu Ghraib, we found the public more receptive to revelations about dog attacks at Passaic. Complaints of inhumane treatment then worked to highlight the problem of the detention itself. We worked directly with the detainees not only to focus on daily problems, but to attack the bigger detention issue, and we provided outside support when they courageously spoke out. Often there need only be one courageous individual to start a petition or mount a hunger strike in order to build a broader campaign.

NJCRDC undertook this work because we believe the rights of immigrant detainees are intricately linked to civil rights for all.

End the Detentions! Free All the Detainees!



In Memoriam

Farouk Abdel-Muhti, 1947-2004

Our friend and comrade, Farouk Abdel Muhti, inspired many of us to take up this work in early 2002. We remember his laughter, his tears, and his in fatigable spirit. A stateless Palestinian, he was released after spending nearly 23 months in immigration detention, much of it in solitary confinement at York County Jail. Three months later he died of a heart attack in Philadelphia while speaking about his and others' experiences in detention.

Comrade Farouk, a broadcast journalist for WBAI, was a tireless advocate for oppressed immigrants and workers everywhere. Here in New Jersey, in Middlesex, Passaic, Camden and Bergen County Jails, he fought against illegal and unconscionable detention by organizing the detainees to stand up and fight back. In all these jails he lifted their spirits by organizing meetings, helping them get legal representation and urging them to overcome their fears and stand up for their rights. He was also a guide and mentor who helped his brothers through crises he deeply, all too deeply, understood.

ICE made Farouk a political prisoner. They punished him with solitary confinement for eight long months. They constantly moved him throughout the jail system. Though he suffered greatly he continued to work for justice, not just for himself but for those around him.

THANK YOU

We would like to thank all the detainees who stepped forward and provided testimony about the abuses they suffered and witnessed inside the New Jersey detention centers. Your bravery and hunger for justice is what made our work possible.

We would also like to thank all the members of NJCRDC and everyone else who has personally supported our work since we began this project in 2002. A special thank you to Frank Siwec who has done an amazing job of building and maintaining our website.

The Funding Exchange and Palo Alto Tenants Union have been crucial by financially underwriting the report and believing in the importance of this work.

We thank the Bill of Rights Defense Committee for their ongoing collaboration with NJCRDC to help to build a network of activists throughout the country and we thank all those involved in anti-detention activism throughout this country for your hard work and dedication to civil rights for all.

**Finally we would like to thank a few individuals and groups who have provided assistance along the way:
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