

CIVIC

Detention in the Desert:
A Look Inside the California City Correctional Center





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CIVIC is dedicated to ending the isolation and abuse of persons in immigration detention by building and strengthening community visitation programs across the United States. Visitation programs connect persons in civil immigration detention with community members. These volunteer visitors provide immigrants in detention with a link to the outside world, while also preventing human rights abuses by creating a community presence in otherwise invisible detention facilities.

CIVIC is a national organization with affiliated community visitation programs across the United States. CIVIC provides capacity-building support to current visitation groups, resources and training to new groups, and a communication platform for all visitation groups. CIVIC combines this practical approach to social change with a vision of social justice, setting in motion a national movement to combat the isolating experience of immigration detention.

For more information about CIVIC, please visit our website at <http://www.endisolation.org>.

This memorandum summarizes and evaluates information gathered at the California City Correctional Center in California City, California, during the delegation's October 11, 2013, visit to the facility. The information was gathered via observation of the facility by the members of the delegation,¹ discussions with nearly all 229 men and women in immigration detention, and discussions with Corrections Corporation of America ("CCA") and Immigration and Customs Enforcement ("ICE") personnel. ICE informed the delegation that this was the first tour of the facility since it opened as an immigration detention facility in early 2010. The facility still operates under ICE's 2008 Performance Based National Detention Standards. This report also contains information obtained by CIVIC during a court watching session conducted on November 1, 2013, at the San Francisco Immigration Court in San Francisco, California.

On October 15, 2013, CCA entered into a lease for its 2,304-bed California City Correctional Center with the California Department of Corrections and Rehabilitations (CDCR) to ease overcrowding of other state prisons in California. This lease agreement is part of Governor Jerry Brown's "realignment" plan—California's response to *Brown v. Plata*, 131 S.Ct. 1910 (2011), which requires California to remedy its longstanding constitutional deficits in prison medical and mental



health care by reducing state prison crowding. Lease payments are expected to commence on December 1, 2013, and CCA is working with ICE to relocate all people in immigration detention at the facility to other immigration detention facilities. CCA explained that they expect all people in immigration detention at the facility to be removed before the end of December 2013. People in immigration detention were already aware of these impending transfers.

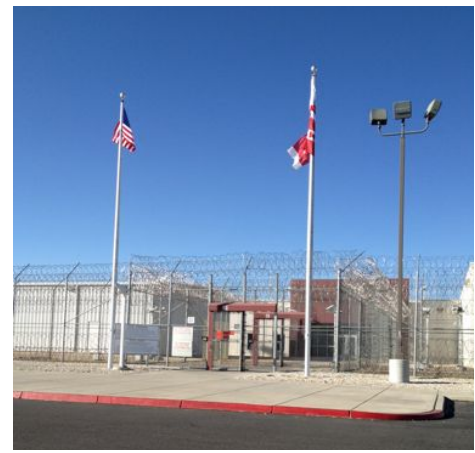
This is not a comprehensive report and does not seek to determine the extent to which the facility complies with ICE's Standards. The purpose of this report is to highlight some of our observations and concerns. We hope that ICE and CCA will take some of our recommendations and apply them at other CCA facilities contracting with ICE. We also hope to provide the visitors and family members of people who have been detained here and those who will be imprisoned here in the future with a little more information about the way this facility feels on the inside.

¹ Christina Fialho, Co-Executive Director of CIVIC (Community Initiatives for Visiting Immigrants in Confinement) led the tour of 12 participants. Participants on the tour and contributors to this report included Gordon Clint and Barbara Leighton, Unitarian Universalist (UU) from Newbury Park who coordinate the CIVIC-affiliated visitation program called Detention Witness with CLUE- VC at the Adelanto Detention Center; Jan Meslin, a UU who coordinates the CIVIC-affiliated visitation program Friends of Orange County Detainees; Michael Kaufman and Sidney Martinez with the ACLU of Southern California; Eldaah Arango, Moisés Valentín, Roni Managa, Angelica Flores, and Nieves Palacios from Ministerios Nuevo Amanecer (Paramount); and Neil J. Jongepier with Palmdale United Methodist Church.

Location of California City Correctional Center

California City is located along the old Twenty Mule Team route to Death Valley. The landscape is a vast dry valley of sand, desert rock, and creosote bush. Turning off California State Route 14, we could see a dark patch of green, perhaps 12 miles away, which was the small town of California City. The Correctional

Center, with its long white rectangular structures, stands out from the desert terrain. As the delegation approached the large parking area of this massive structure, we could see tall chain-link fences, concertina wire, and towering light posts surrounding it like a moat for a desert fortress. Just outside the locked gates, flags for the United States, California, and CCA fly in the wind.



Observation: It was the routine violations of human dignity that were the most shocking to volunteers who visited immigrants at the California City Correctional Center.

Only ICE and its umbrella agency, the Department of Homeland Security (DHS), conduct audits of immigration detention facilities. As there is no independent oversight, there are untold and unrecorded abuses. Immigrants who have been abused by detention staff are made invisible by a code of silence, the threat of retaliation, and a culture that stigmatizes incarcerated people. Volunteer visitors are filling the gap in accountability.

Processing Time

Processing took approximately 30 minutes. Participants filled out forms, showed photo identification, and returned to their cars to deposit prohibited notebooks, wallets, water bottles, and any keys other than the one car key allowed. The participants were allowed to bring in pen and paper.

Two women wore open-toed shoes, and CCA informed the participants that they would not be allowed to enter the facility, as open-toed shoes posed a safety hazard for the participants. The women were permitted to wear oversized sneakers, though, obtained from another participant who had two spare pairs of tennis shoes.

Prior to entering the main corridor of the facility, the participants had to take off their shoes, pass through the metal detector, and receive a florescent stamp on the arm. One of the participants was eighty-one years old and had severe arthritis. He asked if the jail could exempt him from removing his shoes, but the facility denied his request.

Recommendation: CIVIC encourages ICE and CCA to provide facility tour rules to tour participants in advance. This tour was scheduled through ICE's *Stakeholder Procedures for Requesting a Detention Facility Tour and/or Visitation* ("Tour Directive"). Other detention facilities allow people to wear open-toed shoes during a walking tour of ICE-contracted facilities. ICE's Tour Directive was created to streamline the process of requesting a tour of a detention facility. CIVIC understands that each detention facility has its own rules and protocols, but in the absence of national rules that apply equally to all ICE-contracted facilities, ICE should inform participants in advance of any rules particular to the facility.

Tour Leaders

The tour of the facility was led by Virgil Ensey, a CCA employee and the facility's public information officer. He was accompanied by ICE Assistant Field Office Director Monte LaFave and Supervisor Clark, a CCA Unit Supervisor. The delegation very much appreciated the cooperation of these individuals. They were direct and accommodating during our tour of the facility and provided us with ample time to speak to anyone in immigration detention who wished to speak with us. They spent a total of four hours showing us around the facility, answering our questions, and allowing us to speak freely with people in immigration detention who wanted to speak with us. People in immigration detention did not need to wait in a separate room prior to speaking with us, as we were allowed to speak with them in their pods.

With the exception of the few minor issues during the processing time, this tour should be a model for other immigration detention facility tours. However, CIVIC remains deeply concerned about the treatment of people detained at the California City Correctional Center.

The Housing Units

The California City Correctional Center has a total of 10 pods, four of which are being used to house people for ICE and the U.S. Marshals. On the day that we visited, there were 142 men and 87 women in ICE custody. According to ICE, the pod numbers fluctuate, but CCA staff is very flexible because they have empty pods that can be converted and opened quickly if necessary. Average numbers for fiscal year 2013 were higher than usual at 382 men and 95 women.

We walked down football field length corridors with locking gates and metal detectors to visit these four pods of 88 people each. Each pod consists of a large center room implanted with sets of steel round tables and four stationary stools. The perimeter of the room has two tiers of solid cell doors with a narrow window on each door. Two people per cell share a toilet in the cell. Cell doors are locked for nearly every hour and at night. One end of the long room had stalls for showers.

Men in immigration detention are housed only with other men in immigration detention. However, the women are held in the same pod as women under the custody of the U.S. Marshals.

We were told before entering that we might be surprised at how quiet it is in each pod. There are two televisions mounted high on the wall in the common area, but people need to purchase an iPod-like wireless receiver with earphones to listen to them.

Solitary Confinement/Administrative Segregation Units

We also visited the administrative segregation units (a.k.a. the SHU, or secure housing unit) where people in immigration detention as well as people under the custody of the U.S. Marshals were being housed for twenty-three hours a day. There is room for two people per cell. People in the SHU are only allowed one hour of exercise per day: while handcuffed and wearing ankle restraints, they are accompanied by two guards to a small fenced-in location outside. They are fed by sliding trays through the cell doors.

When we walked into the SHU, we saw two tiers of locked cells behind a locked chain link corridor. Instead of tables and stools, there was open space with a desk for guards and one LexisNexis computer encased in its own cage. As Mr. Ensey explained the labels on some of the cells (AD SEG or ICE), some of the men locked up started chanting or yelling in unison. We could not understand what they were trying to communicate to us, and we were not allowed to meet with any of them. ICE and CCA described most of the people in this unit as “violent,” although we were told that some are in the SHU for their own protection.

One man we did get to visit with had been in the SHU previously for over 30 days because he had been suspected of “bartering.” He explained that a fellow person in immigration detention had wanted to trade peanut butter for a stamp with him. He had refused because he was afraid of being punished, but CCA staff had found a piece of paper noting the potential trade. During his over 30 days in the SHU, he was not allowed to call his family.

Both Mr. Ensey and AFOD LaFave explained that the decision to keep someone in solitary confinement must be reviewed every 30 days. Neither Mr. Ensey nor AFOD LaFave had heard about ICE’s new directive on solitary confinement that applies to all ICE facilities. The directive requires ICE “to ensure appropriate review and oversight of decisions to retain detainees in segregated housing for over 14 days as well as placements in segregation for any length of time in the case of people for whom heightened concerns exist based on known special vulnerabilities and other factors related to the detainee’s health or the risk of victimization.”

Recommendation: ICE should ensure that all of its Field Offices and contracted detention facilities are complying with the ICE directive on solitary confinement.

Law Library & Access to Legal Support

People in detention are allowed to use the law library for one hour a day only. The law library rooms are oddly shaped and rather large for only having one small table with one computer with LexisNexis and a chair. We did not see anyone in the two libraries we passed, although CCA told us that they had portable computers that they would deliver to the cells of people in detention upon request. Multiple people with whom we spoke told us that they did not know how to use the computers, let alone do legal research on LexisNexis.

When asked, AFOD LaFave said there is no legal orientation program for people in immigration detention at this facility. He noted that community groups would be welcome to come in to provide legal orientation, as long as they could comply with the 2008 Performance Based National Detention Standards. This is an approval process that takes years. The bulletin boards in the pods had a list of extensions through ICE's Pro Bono Telephone System. The extensions connected to the ABA, consulates, and pro bono attorneys. Unfortunately, we received multiple complaints from people in detention that the lines are always busy or the calls do not go through.

In one pod, a young father was sitting with others reading through legal transcripts of one person's case. He helped those who had difficulty, not because he was trained as a lawyer but because he was bright, bilingual and energetic. As he spoke with us, he paused at one point, looked around at the men sitting at different tables awaiting their fate, shook his head and remarked, "I don't know how ICE got to be so powerful..."

Recommendation: Representing oneself requires hours of preparation. Five hours a week is not enough to mount a strong legal defense. In absence of a court-appointed attorney for people in immigration detention, ICE should provide detention facilities with more computers to allow people in immigration detention to properly represent themselves.

Court Hearings, Bond, and Deportation

Court Hearings. Although the California City Correctional Center is geographically closer to Los Angeles, the facility is under the jurisdiction of ICE's San Francisco Field Office. People in detention are sometimes bussed to the Immigration Court in San Francisco (311 miles away, or a six-hour drive) for the day for their hearing. However, sometimes ICE will decide not to bus individuals to their hearing, and when this occurs, lawyers and their client are not notified in advance.

On November 1, 2013, CIVIC observed a public immigration court hearing for people detained at the California City Correctional Center. The hearing took place at the Immigration

Courthouse at 630 Sansome Street in San Francisco with Judge Anthony S. Murray presiding. Prior to this hearing, neither attorneys nor their clients were notified that people detained at California City would not be bussed to appear for their court hearing in person. Many lawyers in the courtroom had planned to have consultations with their clients prior to the hearing and were not able to do so.

In addition, the technology that allows people detained to attend court hearings via video was not working properly. The people who were detained in California City could not see anything, including the immigration courtroom, Judge Murray, their attorney, and the government attorney. They could hear the voices from the courtroom but had absolutely no visual. People in the courtroom, though, could hear and see the people detained. Judge Murray decided that despite this technical difficulty, that with attorney consent, they would proceed with the hearings scheduled.

When the government attorney began questioning the first person detained, the government attorney did not introduce himself. It was clear to CIVIC that the detained person had no way of knowing by whom he was being questioned. In addition, people detained expressed concern that they did not feel prepared for their hearings given their inability to meet with their attorneys. When one person detained expressed this concern to his attorney through the microphone, but blindly, his attorney informed him that he was in a public courtroom and should not disclose any concerns that he would rather keep private.

Recommendation: Immigration court should prohibit audio-only court proceedings.

Bond. Many of the people in immigration detention explained that they had been granted bond, but the bond was set too high. In particular, we noticed that African men had their bonds set at around \$7,000 to \$8,000, which they could not afford to pay.

Deportation. When people are deported, they are removed from their cells in the middle of the night. AFOD LaFave said that deportees may be taken to Bakersfield, and from there, they are sent to Arizona or Los Angeles for buses to Mexico or charter flights to other countries. Sometimes, individuals are deported on commercial airline flights.

Religious Services and Religious Freedoms

There is a non-denominational Christian chaplain who administers religious services for people in immigration detention. We received concerns from Catholics and Muslims in immigration detention.

People in immigration detention who were Catholic explained that they were sad because they have not been able to receive the sacrament of the Eucharist. One person explained that for some time, a chaplain posing as a Catholic priest was providing them with grape juice rather than wine for the Eucharist. It is a definitive doctrine of the Catholic Church that only pure and

natural grape wine can be employed as valid matter for transubstantiation into the blood of Christ. The 1983 *Code of Canon Law* declares: “The most holy Sacrifice of the Eucharist must be celebrated . . . in wine to which a small quantity of water is to be added . . . The wine must be natural, made from grapes of the vine, and not corrupt” (CIC 924). Moreover, the *Catechism of the Catholic Church* asserts that one of the “essential signs of the Eucharistic sacrament” is “grape wine” (CCC 1412). For a Mass to be valid, a consecration of wine—not grape juice—into Christ’s blood must occur.

At least nine Muslims at the facility told us that there was no Imam to lead Islamic worship services. For regular daily five prayers, Muslims do not need an Imam. However, for Friday congregational prayers, an Imam is needed. In absence of an outside Imam, the Shura Council of Southern California recommends that Muslims in immigration detention designate one from themselves. Muslims detained at the California City Correctional Center have designated one person to be the acting Imam, but it can be difficult to freely convene every Friday for their prayers.

The Kitchen

While we walked through the kitchen, we wore hairnets to prevent food contamination. The area was spotless. Volunteers under the custody of ICE and the U.S. Marshals are paid \$1.00 per day to cook and clean. We were shown the menus, which rotate every five weeks for variety. The food that was prepared and ready to serve looked fairly appetizing.

However, many people in detention mentioned that they had negative experiences with the food. Several people mentioned rotten, expired, or not fully cooked food and milk. We also spoke to at least nine people in immigration detention who were Muslim. They said that the facility does not have a halal diet. A halal diet is one that follows the rules of the Islamic faith, concerning what foods are prohibited, and how some foods should be prepared. These men were given only rice and beans for nearly every meal.

Mr. Ensey assured us that they do have halal meals as well as meals for diabetics.

Recommendation: CCA and ICE should work with an organization such as the Islamic Shura Council of Southern California to ensure that their meals meet halal dietary restrictions.

Medical & Dental Units

We also were directed to the medical and dental units. The medical unit included a padded cell for suicide watch. People in immigration detention shared that it takes approximately two weeks to get an appointment to see a doctor at the facility. Therefore, most people just stay in

bed until they feel better. One woman who was being treated for an autoimmune disease prior to being detained said she is not given proper medication to treat her disease. Another man who was previously diagnosed with bipolar disorder also does not receive proper medication; he explained that he is very anxious, and is only provided with sleeping pills at night.

The dental unit included three dental chairs. People in immigration detention shared that the dentist only does extractions. There also is a barbershop with free haircuts for people who have upcoming court appearances. People in immigration detention do not have to pay to make an appointment with a doctor, but people under the custody of the U.S. Marshals have to pay \$2.00 just to ask for a medical appointment.



Outdoor Recreation

The recreation areas were small, consisting of nothing more than a strip of dirt about 30 to 40 feet long, surrounded by tall concrete walls with concertina wire on top. People in immigration detention are allowed to be in these areas only once a day for one hour at a time. People who are in the SHU are put in a cage outside during their recreation time. The cage is small and has the appearance of a small dog run. Jackets are issued when it is cold.

People in immigration detention receive one hour of recreation each day, but people in detention told us that recreation time is usually at 8 a.m. Some people refuse to go outside because it is still very cold at 8 a.m.

Recommendation: CCA should make these outdoor recreation areas more inviting, potentially with sport equipment and murals. At the very least, the “cage” for people in the SHU should be expanded. It also would be helpful to have indoor recreation areas as the temperatures in California City can get as high as 112 degrees Fahrenheit (°F) and as low as -5°F.

Visitation

Visiting is routinely conducted by appointment only, on recognized federal holidays, Fridays, Saturdays, and Sundays. Visitation for the SHU is by appointment only on Fridays. Visiting hours are from 8 a.m. until 3 p.m., for one-hour increments. To schedule a Visitation Appointment, the visitor must first be requested by the person in detention. Then, the visitor must contact the facility between 12 p.m. and 2 p.m. Monday through Friday. Any visitor requesting a visit who has not made an appointment will not be allowed to visit. All persons denied a visit must depart the facility grounds. Non-visitors are prohibited from waiting in the facility parking area.

Normally, visits are conducted through a Plexiglas window and a telephone. Most people we spoke with had never had a visit at the facility. Many people in detention at California City have families who live many miles away from California City. We spoke to people who had been transferred to California City from as far as Brooklyn, New York. Many families who are struggling financially drive from Los Angeles, San Francisco, and Arizona to the facility, but have been denied visits due to the restrictive visitation policy.

Recommendation: CCA should change its visitation policy so that it no longer requires pre-approval for visitors. GEO Group—another private prison corporation contracting with ICE—runs a facility in Adelanto, California, which allows for contact visits and does not require pre-approval for visitors. This visitation policy ensures that family members who travel for miles are able to visit their loved one when they arrive at the facility, even if they were not aware in advance of the visitation rules.

Phone Privileges

CCA contracts with Securus Technologies.² According to Securus' website, a 15-minute call to a California-based phone number will cost \$6.60 (including a \$1.35 connection fee). However, Securus admits this rate is subject to change at anytime, and multiple people in detention explained that a 15-minute

Facility State: CA
Facility Name: CCA CALIFORNIA CITY CORRECTIONAL CENTER
Call Date: 11/02/2013 Time: 01:00 PM Duration: 15 minutes
RESET SUBMIT

The estimated cost of your call is \$ 6.60

Facility: CCA CALIFORNIA CITY CORRECTIONAL CENTER
Call Duration: 15 Minutes
Connection Charge: \$ 1.35
Rated Cost: \$ 5.25
Total Cost: \$ 6.60

² Securus Technologies, Inc. was formed in 2004 by the merger of T-Netix and Evercom Systems—two of the major players in the prison phone industry. On June 1, 2009, Securus entered into a 5-year contract renewal to provide phone services at 25 facilities operated by CCA. According to a Securus press release, the contract was worth “over \$19 million annually.”

call cost them or their family members closer to \$30.00. Securus Technologies also charges a monthly bill statement fee of \$2.49. There also is a processing fee of \$7.95 for making a payment by credit or debit card.

We received many complaints from people in detention about the phone system, including dropped calls. When a call is placed and no one answers the other line, Securus charges \$1.70 for just placing the call.

Clothes

Both men and women in immigration detention complained about getting rashes as a direct result of the undergarments and the clothes being given to them by the facility.

Overview of Interviews with People in Detention

We were allowed to sit and speak with people in each of the four pods housing people in immigration detention. We were able to meet and talk with people from various countries, including Jamaica, Mexico, El Salvador, Peru, China, the Philippines, and the Ukraine. Each person in detention had a different story. Each person's situation was different, but they all shared one concern: No one knew what was going to happen to them next.

CIVIC commends ICE and CCA for allowing us to visit with people in this open setting. We were allowed to talk with whoever wanted to have a conversation, which meant that we spoke briefly to nearly all of the people in immigration detention.

Besides the concerns listed above, the following is a sampling of some of the main reoccurring grievances we heard from people in immigration detention:

1. The officers who administer strip searches are too forceful.
2. People are brought to ICE's Office in Bakersfield for no apparent reason and without notice. People are made to sit on the cement floor of the ICE office for 24 hours and are fed only baloney sandwiches and chips. The water fountains do not work, and they are only given a small juice box for the day. At the ICE office, they are asked to sign papers and provide ICE with their home address. If they refuse to sign, ICE brings them back to California City.
3. People in immigration detention do not get to participate in any classes, only a Christian Bible Study.
4. Men are treated better than women. Men are always first to eat and first to get a medical appointment.
5. Many people have children under 18 and were nervous about the well-being of their children.

Conclusion

Overall, the massive infrastructure seems carefully designed to warehouse humans, separate them from their families, and deport them as a commodity in a very successful business model. According to Forbes.com, CCA has a market cap of 4.03 billion, and CCA earned \$430 million in 2012 from contracts to imprison non-citizens. The total cost for immigration enforcement last year was \$18 billion, exceeding the combined budgets of the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration and U.S. Secret Service by about \$3.6 billion. The federal government deports 1,100 immigrants per day, and Congress has mandated that an additional 34,000 must languish in detention each day. In following through with this Congressional mandate, President Obama has deported nearly two million immigrants and detained more people than any other Administration in history. The reform law passed by the U.S. Senate (SB744) will dramatically increase enforcement if the House of Representatives also passes it.

When we finally walked through the locked doors and gates and were released to the open desert, the tension of the tour was clearly contrasted by a breath of fresh air. All of us were never more conscious of the wind as we were at that moment. Words from a mythical, moral guidepost came to mind: “Give me your tired, your poor, your huddled masses yearning to breathe free...”

