INS detainees in units K45 and K46 may submit grievances in boxes marked “TGK Grievance” and “INS Grievance”. However, detainees in K45 report that their grievances have been routinely ignored or outright rejected. For instance, detainees have been told some issues are “not grievable” such as delays with the mail. Detainees also report that it generally takes months before they receive a response to their grievances, if at all.

Detainees report that some grievances have been resolved to the satisfaction of the detainee. For example, TGK has responded to two grievances relating to food service and verbally abusive behavior by officers. On these occasions, TGK personnel have met with the detainee, although the issue was not necessarily resolved.

The Standards provide that meetings with the “first-line supervisor” to orally resolve the issue after a written grievance has been filed is a permissible procedure. However, the Standards also provide that a written response to the grievance is necessary if the detainee is not satisfied after meeting formally with the first-line supervisor. No information is available regarding compliance with this requirement, largely because detainee grievances are routinely not responded to.

The Standards also provide that each detainee must be issued a handbook upon admittance to the facility providing notice of the grievance procedures. The handbook must at a minimum cover all the issues related to grievance procedure listed in the Standards at Chapter 8 Detainee Grievance Procedures, section III G “Detainee Handbook”. INS is not in compliance with the above Standard because detainees are not routinely issued handbooks upon admittance to TGK and have no notice of the applicable grievance procedures.

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65 BW interview with ---- K45 03/26/01. ---- reports however that outgoing mail delivery improved after the grievance was filed.

66 BW interview with ----, K45 03/26/01, A.E. interview with ----, K45 8/1/01.

67 ---- reports that she was made to sign a statement that she was satisfied with the resolution of the grievance after meeting formally with the supervisor regarding her complaints about food service and rude behavior by guards. She was not provided with a copy of the statement. BW interview with ---- K45 03/26/01.

68 When the women were first moved to TGK, FIAC attorneys were told to address pressing concerns about treatment of the women to Fred Crawford, Ombudsman, Miami-Dade County Corrections & Rehabilitation Department. This was working fairly well until FIAC learned that Mr. Crawford had been removed from this position. FIAC has not been told who, if anyone, will replace him in this role. TGK staff also canceled a meeting scheduled for March 8, 2000 with FIAC attorneys and other detainee advocates and failed to schedule. TGK officials claim that INS sent them a letter advising them that any time the advocates wanted to meet with TGK officials they first had to go through INS.

69 See earlier discussion section III “Detainee Handbook”.

70 BW interview with detainees in K45 03/26/01.
Moreover, the TGK handbook (i.e. the one meant for the county inmate population at TGK), even if issued to INS detainees, falls far short of the requirements listed in the Standards because it contains no information regarding the existence of a grievance procedure. Instead, the introduction to the TGK handbook states simply: “If you have legitimate complaints or suggestions, you are encouraged to bring it to the attention of the Unit Manager (Officer.)”

Emergency Grievances

The Standards also provide that each facility must “[i]mplement procedures for identifying and handling an emergency grievance.” INS has not instituted any procedures for filing emergency grievances at TGK that detainees are aware of.

Retaliation

The Standards provide that “[s]taff will not harass, discipline or otherwise retaliate against a detainee lodging a complaint.” Countless detainees report being threatened with transfers or deportation if they complain. Both the asylum seekers in K46 and detainees in K45 report that officers often threaten that things will get worse for them if they complain. Detainees who speak their minds about conditions are frequently targeted for harassment. One detainee who requested to speak to a supervisor regarding a complaint was told that INS was arranging to take her to “the Annex,” a psychiatric ward at the Women’s Detention Center in Miami, which houses suicidal inmates and detainees. The issue about which she wished to speak had nothing to do with her medical condition. TGK staff routinely respond to detainee complaints by saying things like: “It’s not my problem, call Chanel 23” a reference to the fact that several detainees spoke with the media regarding conditions at TGK. One detainee in unit K45 reports that TGK officers routinely call her “Grievie” because she has filed grievances against TGK and INS officers. Such behavior on the part of TGK officers constitutes harassment and intimidation, and is in violation of the Standards’ guarantee against intimidation.

While detainees state that there are a number of officers who treat them fairly and humanely, they also report abusive behavior by both INS and TGK personnel. Detainees also

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71 T.G.K. Correctional Center Inmate Orientation Form, p. 1.

72 Detention Operations Manual; Detainee Services; Detainee Grievance Procedures (III) (E) “Emergency Grievances.”

73 Detention Operations Manual; Detainee Services; Detainee Grievance Procedures (III) (D) “Retaliation.”

74 BW telephone conversation with ---- K45 05/07/01.

75 BW interview with---- K45 03/26/01.
complain that language difficulties experienced by many of them have often led to officers berating them. For example, detainees report that TGK officers routinely respond to non-English speaking detainees’ queries saying: “Whenever you can say that in English, come back and tell me.” TGK officers have also stated that “we don’t need to meet INS standards anymore because you’re getting moved out of here anyway.”

The Standards provide that “[s]taff must forward all detainee grievances containing allegations of officer misconduct to a supervisor or higher-level officials in the chain of command. CDFs and IGSA facilities must forward detainee grievances alleging officer misconduct to INS. INS will investigate every allegation of officer misconduct.” It is at best unclear whether INS is in compliance with this provision of the Standards. One detainee reports that her grievance alleging officer misconduct at TGK, filed in January 2001, was adjudicated at TGK through a formal meeting between the supervisor and the detainee. No INS personnel were present at the meeting and there was no indication that the INS had been notified of the grievance as required by the Standards.

Conclusion

INS is not in compliance with the Standards relating to detainee grievance procedures. The rejection of detainee grievances and the failure to adjudicate grievances on a timely basis, if at all, constitute serious violations of the Standards, which require each facility to respond formally to all grievances and to establish a reasonable time limit for such responses. Furthermore, detainees at TGK have no notice of applicable grievance procedures because they are not issued an INS Detainee Handbook upon admittance to the facility and none is available to them, even upon request. The TGK county inmate Handbook sometimes issued to INS detainees contains no information relating to the existence of a grievance procedure.

VI Visitation

The Standards require that “[f]acilities holding INS detainees shall permit authorized persons to visit detainees, within security and operational constraints. To maintain detainee morale and family relationships, INS encourages visits from family and friends. Facilities shall allow detainees to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials.”

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76 BW interview with ---- K45 05/03/01.

77 Detention Operations Manual; Detainee Services; Detainee Grievance Procedures (III) (F) “Allegations of Officer Misconduct.”

78 BW interview with ---- K45 03/26/01.

79 Detention Operations Manual; Detainee Services; Visitation (I) “Policy.”
Detainees at TGK are permitted to visit with family members twice a week in a non-contact setting and once per month in a contact setting. The Standards require that the facility provide a visitation room “appropriately furnished and arranged, and as comfortable and pleasant as practicable”. The Standards also require that all visits be conducted in a “quiet, orderly, and dignified manner.” In light of these requirements, TGK does not provide a suitable room for family contact visits. All such visits are conducted in the hallway immediately outside the units K45 and K46 and are subject to the constant interruption of guards and other personnel accessing and exiting the units. This arrangement is neither orderly, comfortable, nor quiet as required by the Standards.

VI Attorney Visitation

The Standards state that “[v]isits between legal service providers (or legal assistants) and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.”

TGK is not in compliance with the requirement that detainees shall be provided with facilities to meet privately with their counsel. In unit K45 there was no private consultation room for attorney visits between May and July 2001. Instead, attorneys had to meet with their clients in the law library. While the telephone was finally removed, several serious problems remain with the room provided. Most importantly, this room is not sound insulated and does not meet the requirement of a “private consultation room” not “subject to auditory supervision” under the Standards. TGK and INS officials can either deny detainee requests for library access while an attorney client visit was in progress, or they allow detainees to access the library by walking through the attorney visit room, causing multiple interruptions during the attorney-client meetings. On March 22, 2001, a FIAC attorney’s visit was interrupted almost ten times over the course of one hour by detainees going to, and coming from, their typing class in the library. On April 6, 2001 a FIAC attorney visit was interrupted over a dozen times in less than an hour by both detainees and officers passing through the attorney visitation room on their way to the library or from the library to the unit. This is common.

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80 Detention Operations Manual: Detainee Services; Visitation (III) (G) “Visiting Room Conditions.”

81 Detention Operations Manual: Detainee Services; Visitation (III) (I) “Visits by Legal Representatives and Legal Assistants,” (9) “Private Meeting Room and Interruption for Head Counts.”

82 The INS installed a telephone line in this room in May 2001 and did not remove it until July 2001.

83 Detainees report that private attorneys are treated differently from FIAC attorneys. Detainees tell FIAC that TGK staff allow private attorneys to meet in the room where detainees make phone calls and which previously was used as the attorney visitation room for all attorneys. FIAC attorneys have never been given access to this room since the phone line was installed. If a private attorney requests visitation, TGK officials ask detainees using the phone to terminate the call and vacate the room. CI interview with --- 06/08/01.
The attorney visitation room in the asylum unit (K46) is located between the main unit and the law library. Any detainee wishing to access the law library must walk through the attorney visitation room, causing multiple interruptions of any attorney visit in progress. Depending upon which unit officer is on duty at the time, detainees may also be denied library access when an attorney-client visit is in progress. The attorney visitation room in K46 is small, measuring approximately 8' x 10'. Because there is only one attorney visitation room, multiple attorneys are not able to meet with their clients at the same time unless the second attorney is willing to use the library. Like K45, the attorney visitation room is not sound-insulated. Any conversation taking place in the attorney visitation room can easily be overheard by anyone present in the library, including other detainees, attorneys, guards and TGK personnel, as well as by officers in the adjoining rooms, making it impossible for attorneys to conduct confidential conversations with their clients.

Attorney access to clients in both units is also severely limited due to lengthy counts and lockdowns in the facility, as well as time consuming and cumbersome procedures for calling up clients for attorney visits. For example, it is TGK policy to lockdown the entire jail if there is a medical emergency occurring anywhere in the facility. This means that even medical emergencies in other units of the jail will cause an interruption of any attorney visit in progress in K45 or K46 and the denial of attorney access throughout the duration of the medical emergency. Additionally, TGK procedures generally only allow attorneys to visit with clients whom they have listed on a “pink slip” at the front desk upon arrival. FIAC staff have repeatedly been denied access to clients because of these policies. This rule is meant to deter attorneys representing county inmates from “soliciting” business at the facility. Since immigration detainees do not have a right to counsel at government expense but only “at no cost to the government” and since FIAC provides only pro bono services, TGK administrative staff explicitly agreed to waive this rule and allow FIAC to speak with anyone in the unit seeking their legal assistance. Despite this assurance, TGK on-duty staff still refuse to allow FIAC’s legal staff to speak with clients who approach them once they are in the units. If FIAC wishes to speak with such detainees, they must be escorted back to the main lobby to fill out a new “pink slip”, and get escorted back up to K45 or K46, a process which can take up to one hour.

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84 For example, on March 1, 2001 at 2:30pm a FIAC attorney was denied access to clients at TGK because of ongoing head count. The attorney was asked to return after count cleared at 4:00pm. When he returned at 4:45pm, he was again denied access because of ongoing medical emergency in the facility requiring a total lockdown. The attorney was advised by the lobby officer that it would be “one to two hours” before the facility would open again. The attorney was unable to confer with clients on that day. This is not unusual.

85 CL attorney visit in K46 on 05/02/01.
Headcounts also interfere with attorney client access. Every day, generally between about 2:00-4:00 p.m., attorneys have no access to their clients. It also does not appear that TGK has implemented any procedures for legal visitation for detainees in administrative or disciplinary segregation as required by the Standards.86

Conclusion

The INS is in violation of the Standards applicable to family visitation and attorney visitation. INS does not provide a room for contact family visits and does not provide an alternative setting where such visits may occur in a “quiet, orderly, and dignified manner.” The INS does not provide private consultation rooms, not subject to auditory supervision, for attorney client visits as required by the Standards. Attorney client visits at TGK are subject to constant interruption by detainees and TGK personnel. Attorney access to clients is severely restricted by headcounts and other procedures requiring facility lockdowns, as well as cumbersome and time consuming procedures for requesting attorney-client visitation.

VII Medical Care

The Standards provide that “[a]ll detainees shall have access to medical services that promote detainee health and general well being.” “Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. All facilities will employ, at a minimum, a medical staff large enough to perform basic exams and treatments for all detainees. The OIC, with the cooperation of the Clinical Director, will negotiate and keep current arrangements with nearby medical facilities or health care providers to provide required health care not available within the facility.” The Standards also provide that all new arrivals shall receive initial medical and mental health screening immediately upon arrival and an initial dental screening exam within 14 days of admittance to the facility.

At TGK detainees have experienced a wide range of problems with medical services, including untreated conditions, lack of dental screenings, prolonged and unjustifiable delays before receiving a response to sick call requests, and the inability to communicate with medical staff because of language barriers. They have also reported serious problems in receiving proper medications. It appears that TGK medical staff is not able to effectively accommodate the needs of the INS detainee population.

Medical care at TGK is in many respects deficient. The Standards explicitly require that a facility with 50 to 200 detainees, such as TGK, schedule a sick-call within three days.

of the request: “Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting...Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. Sick call will be regularly scheduled in accordance with the following minimum standards: (2) Facilities with 50 to 200 detainees - a minimum of 3 days per week.”

At TGK however, detainees report that it is taking 10 to 12 days for detainees who have made a sick-call request to see a doctor.

Detainees report that serious medical conditions go untreated for long periods of time. One detainee suffering from a gynecological condition and who was scheduled for surgery on her uterus had the surgery canceled by the INS on the evening before it was to take place. She was never notified of the reason. Another detainee reports that she was seen by a staff doctor at TGK who refused to give her an over-the-counter medication for a yeast infection, insisting that she be referred to an ob-gyn. This detainee was never given a follow up referral to an ob-gyn. Another detainee reported that her yeast infection went untreated for two and one half months. This detainee was prescribed medication by an ob-gyn at TGK three times over the course of two months. The nurses at TGK, however, failed to dispense her medication despite multiple calls to the clinic by on-duty TGK unit officers and multiple detainee sick-call requests. She was finally given the medication a week before her release from INS custody and only after she had seen the ob-gyn for the third time, and the ob-gyn had to again write a prescription for her medication.

A detainee who suffers from epilepsy and other serious illnesses which prevented her from full use of her legs was not given a wheelchair or the daily care she required. While a wheelchair was provided to her at Krome, it was taken away from her when she was transferred to TGK. Instead, she had to use a walker and INS and TGK staff relied on other detainees to assist her with her daily activities, including showering, eating, combing her hair and using the bathroom. Because she was forced to move around without a wheelchair, she fell and broke her knee. INS officials promised they would pay the medical bills for her knee injury upon her release from detention but are refusing to do so since her release.

87 Detention Operations Manual; Health Services; Medical Care (III) (F) “Sick Call.”

88 BW interview with --- and --- on or about 03/28/01.

89 BW interview with --- on or about 03/28/01. This detainee was scheduled for surgery at Jackson Memorial Hospital for her falling uterus.

90 BW interview with ---, K45 on 03/28/01 and on 05/07/01 (after she was released).

91 BW’s client ---.
INS also does not provide the mandatory 14-day dental screenings required by the Standards. Not a single detainee interviewed by FIAC staff has received such a screening.92 Not only are detainees not screened for dental problems but, in fact, many report that TGK staff consistently ignore their requests for dental care. Detainees also report that the “dental care” provided at TGK is basically limited to tooth extraction.93 The Standards require that a variety of dental services (routine dental treatment) be provided including “amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee’s health.”94 Several detainees report having requested dental care for painful toothaches for over one month without any response from TGK personnel.95 The denial of dental treatment for pain relief is a violation of the Standards which require each facility to provide “[e]mergency dental treatment, which includes those procedures directed toward the immediate relief of pain, trauma, and acute oral infection that endangers the health of the detainee.”96

Non-English speaking detainees report that they are unable to communicate with medical staff at TGK and have to resort to sign-language during the initial medical screenings and whenever they seek treatment.97 One long-term detainee in the asylum unit stated that she does not know of any Spanish speaking doctors at TGK. She told FIAC attorneys: “There are no doctors that speak Spanish either, and since I can’t speak English very well, I have to point at my joints and hips when they’re hurting. I can’t even ask them for calcium and estrogen supplements. No one in the infirmary understands me.”98

The fact that TGK medical staff cannot communicate effectively with detainees poses a serious threat to the health and well-being of the detained population and constitutes a serious violation of the Standards, which explicitly require that INS facilities provide translators when needed. The Standards state: “If language difficulties prevent the health care provider/officer from sufficiently communicating with the detainee for purposes of completing the medical screening, the officer shall obtain translation assistance. Such assistance may be provided by another officer or by a professional service, such as a

92 BW interviews with detainees in K45 February through May 2001.

93 BW interview with ---- K45 on or about 03/28/01.

94 Detention Operations Manual: Health Services; Medical Care (III) (E) “Dental Treatment.”

95 BW interview with ----, K45 on or about 03/28/01 and ---- on 05/03/01.

96 Detention Operations Manual: Health Services; Medical Care (III) (E) “Dental Treatment.”

97 BW interview with ----, K45 on or about 03/28/01.

98 GF interview with ---- on 06/08/01.
telephone translation service ... If needed translation assistance cannot be obtained, medical staff will be notified or the screening form will be filled out to refer the detainee to medical personnel for immediate attention.\textsuperscript{99}

The \textit{Standards} also provide for detainee access to their medical records. Specifically, the \textit{Standards} require that copies of medical records be released to the detainee upon request. They further require that “[d]etainees who indicate that they wish to obtain copies of their medical records will be provided with the appropriate form. The INS will provide the detainee with basic assistance in making the written request (if needed) and will assist in transmitting the request to the facility health care provider.”\textsuperscript{100} The INS is not in compliance with this \textit{Standard} because medical records at TGK are so difficult to obtain that they are practically unavailable. FIAC staff has requested the assistance of the INS in obtaining their client’s medical records. The INS has provided no assistance and has instead referred FIAC to TGK officials.\textsuperscript{101}

\textbf{Conclusion}

INS is not in compliance with the \textit{Standards} relating to medical care and fails to provide basic health and dental services to its detainee population. INS fails to provide timely medical care, including the mandatory 14 day dental screening, and does not obtain the translator services necessary to be able to communicate with detainees needing medical services. Serious and painful medical conditions go untreated for months. INS has not provided reasonable procedures for detainees to obtain copies of their medical records.

\textbf{SUMMARY}

The INS’ treatment of the female detained population at the Turner Guilford Knight Correctional Center does not comply with the \textit{Detention Standards} of the Detention Operations Manual of November 2000. Despite assurances that INS would comply with the \textit{Standards} by March 1, 2001, FIAC has determined that even some of the most basic aspects of the \textit{Standards} are not being met, including the lack of appropriate attorney and family visitation facilities and procedures, lack of a suitable law library and reasonable access to it, lack of detainee handbooks, lack of adequate medical treatment, lack of functioning grievance procedures and substandard food service.

\textsuperscript{99} \textit{Detention Operations Manual}; Health Services; Medical Care (III) (D) “Medical Screening (New Arrivals).”

\textsuperscript{100} \textit{Detention Operations Manual}; Health Services; Medical Care (III) (M) “Confidentiality and Release of Medical Records”.

\textsuperscript{101} BW requested the assistance of the Deportation Officer, but was referred to TGK medical staff.
Appendix C: Policies

5. Turner Guilford Knight Correctional Center, Overview.
6. INS Contract with TGK.
The Miami District of the U.S. Immigration and Naturalization Service (INS) announces that the Krome Service Processing Center (Krome) is relocating its female detainee population to the Turner-Guilford-Knight (TGK) Correctional Center in Miami-Dade County to ensure those detainees the most safe, secure and humane detention conditions possible. We anticipate that approximately 90 females will be moved to the facility.

We believe that TGK will offer the best possible conditions for those women who are detained while their immigration cases are active. TGK is a modern, full service facility, conveniently located in Miami-Dade County near Miami International Airport and close to the groups and attorneys providing outside support to many female detainees. The TGK facility will provide INS detainees with increased privacy. They will live in separate rooms, with one or two detainees per room. In addition, TGK will assign only female guards to our female detainees. The detainees will be allowed family visitations on alternating days and their attorneys will have 24-hour, seven-day-a-week access to them. Access to modern medical facilities is available on a 24-hour basis. INS detainees will have access to telephones, recreational activities, a law library, and educational programs. TGK will house INS females separately from other inmates and will further separate INS detainees into criminal and non-criminal housing pods, providing for improved safety and security.

Moving our female detainee population from Krome is part of a comprehensive plan we have been working on for several months. In September of this year an evaluation team from the Department of Justice and Bureau of Prisons visited Krome and conducted an independent assessment of the facility. The assessment team confirmed our belief that there were several areas in need of change at Krome, including the need to move females from the facility. The final decision to relocate the female detainees was made by the Miami District management team, in close consultation with the INS Eastern Regional Office, INS Headquarters and the Department of Justice. We were able to take advantage of an existing Inter-Governmental Agreement (IGA) between the U.S. Marshal’s Service and the Miami-Dade County Department of Corrections for housing at TGK. We have modified the IGA so that TGK will comply with the 36 INS Detention Standards and the 57 Department of Justice Core Detention Standards.

The entire staff of the Miami District has worked closely with our community partners in developing and implementing the changes that we are making at Krome, beginning with today's announcement of the transfer of female detainees. We have been in contact with our Krome Stakeholders – those in the community who have a vested interest in Krome – and we have listened to their concerns. I believe we are responding to those concerns and will continue to do so. As I mentioned, TGK is a facility that offered what we needed. INS officers will be on duty daily at TGK to assist with issues unique to INS and to provide for enhanced case management.

Our efforts to improve our procedures and facilities will not stop with this transfer of female detainees. I want to ensure the community that the INS Miami District will continue its efforts to improve Krome. With the continued help of our own agency, and more importantly, the local community, we will achieve that goal.

-INS-
AGENDA

1. Transfer of female detainees from the Krome Service Processing Center to the Turner-Guilford-Knight Correctional Center in Miami-Dade County

2. Observation by Maria Dominguez, St. Thomas University Human Rights Institute, regarding Larkin Hospital and Jackson Hospital, and the United Nations Code of Detention Standards

3. List of telephone numbers for county jail jurisdiction, and list of telephone extensions for Krome deportation officers

4. Fax number for day-in-advance requests from attorneys for detainee visitation

5. Re-issue 90-day release policy to ensure officers are on board

6. Log-in procedure to ensure that detainees are brought to see attorneys, and to determine attorney arrival and departure
PLEASE DELIVER TO:

Cheryl Little

KROME STAKEHOLDERS

December 12, 2000
MEETING NOTES

Main Topic: Transfer of Female Detainee Population from Krome Service Processing Center

MEETING PARTICIPANTS:
U.S. Department of Justice and INS Representatives --
  Jennifer Prior, Deputy Associate Attorney General, U.S. Dept. of Justice
  Tony Tangeman, Director, Detention and Removal, INS Headquarters
  Anne Corsano, Acting Assistant Regional Director for Detention and Removal
  INS Eastern Regional Office
  Robert A. Wallis, INS Florida District Director
  John J. Bulger, INS Florida Deputy District Director
  John Shewairy, INS Florida District Chief of Staff
  Daniel N. Vara, Chief Counsel, INS Florida District
  Erich Cauller, Director, INS Asylum Office
  Rene Mateo, Office of Chief Counsel Representative for Stakeholders meetings
  Kathy Weiss, Acting Assistant District Director for Detention and Removal
  William M. Cleary, Acting Officer-in-Charge, Krome Service Processing Center
  Phil Baglio, Director of Operations, Krome Service Processing Center
  Jan Lepore, Supervisory Administrative Support Specialist, Krome
  Dave Wing, Officer-in-Charge, Bradenton
  Kirsten Warwar, Director, Public Health Service Facility, Krome
  Ivette Rodriguez, INS Florida District Community Relations Officer
Community Representatives --

Peter D. Coats, Catholic Charities, Archdiocese of Miami
Cheryl Little, Florida Immigrant Advocacy Center
Maria Isabel Casablanca, American Immigration Lawyers Association President
Elena Diaz de Villegas, American Immigration Lawyers Association (AILA)
Alex Solomiary, AILA Representative to Krome
Maria R. Dominguez, St. Thomas University Human Rights Institute
Randy McGrorty, Catholic Charities Legal Services
Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of
Miami-Dade and Broward Counties
Chaplain Bush (for) Rev. Jose Hernandez, South Florida Jail Ministries/AGAPE
Jack Wallace, Florida Immigrant Advocacy Center
Siro del Castillo, Christian Democrat Commission of Human Rights
Jill Sheldon, Catholic Legal Immigration Network (CLINIC)
Barbara Kamali, American Immigration Lawyers Association
Rebecca Sharpless, Florida Immigrant Advocacy Center
Boris N. Wijkstrom, Florida Immigrant Advocacy Center
Samuel E. Diaz, Detention Ministry, Archdiocese of Miami

WELCOME AND INTRODUCTIONS --
(John Shewairy, INS Florida District Chief of Staff)

Main topic for today is the removal of the female detainee population from the
Krome Service Processing Center (Krome) to the Turner-Guilford-Knight (TGK)
Correctional Center in Miami-Dade County

OPENING REMARKS--
(Robert A. Wallis, INS Florida District Director)

Main agenda item for today is TGK. Last meeting, we talked about some
important decisions on a comprehensive plan for Krome. Over the past three
years, we have formed this partnership so we could discuss concerns,
perceptions and issues, in order to address and resolve them.

Today is a real-time issue: the decision has been made to discuss the transfer
of female detainees from Krome to the TGK facility. We have an ongoing
dialogue and we will meet as often as you deem it necessary. Our commitment
is to continue that dialogue. Together, we have developed some core values
and standards: access, safety, humane treatment.

We did not want to locate the females far from Krome, so you could continue
your immigration work. You have helped us identify unique challenges, such
as medical care, attorney visitation, non-commingling of INS detainees with
criminal population, privacy.

The Krome facility was never designed for detention. The decision to transfer
the female detainee population from Krome was the correct decision. At the
TGK facility, the female population will continue to have access to a law library
and education programs through Miami-Dade County.
The transfer of the female detainee population represents a turning point in our long-term strategic plan to improve Krome; it is a partnership with Miami-Dade County, and it is important that you remain involved in the process. At TGK, INS and U.S. Department of Justice detention standards will be applied; Miami-Dade County has agreed to add additional components to meet those standards.

We also have agreed to implement the things that detainees are most concerned about: good food, good health care, and the status of their cases. INS Detention Officer Letty Henfling is at TGK to manage female detainee cases. We wanted female detainees to stay in the area, and TGK is minutes from Krome, and within easy access.

Description of TGK facility: I have seen some of the pods, and they are designed in such a way that there is a feeling of community within the pods. Detainees can decorate, the pods are very communal and can be personalized, although, as in any detention facility, the setting is albeit one of severity.

As always, we are willing to hear your concerns and will work on remedial actions.

COMMENTS AND SLIDE PRESENTATION ON TGK FACILITY --
(William M. Cleary, Acting Officer-in-Charge, Krome)

Agrees with everything said by Mr. Wallis. It is unusual that a detention facility has let us do this, but TGK has allowed us to take photos of the facility. The Corrections and Rehabilitation Department of Metro-Dade County, Florida, is proud of the services they offer detainees.

(Slide/Photo Presentation of TGK Facility was shown).

The TGK facility is 11 years old; it's a state of the art facility in terms of electronics, surveillance, security, and ability to move people.

In each pod, there is a "day room," or living area for detainees. Each pod has two areas, the downstairs and the mezzanine. There are single, individual areas for the rooms. Would like to see all detainees in private rooms. Currently, some detainees have private rooms and some are double-bunking. Most detainees, however, will be by themselves.

There is a pod officer and Miami-Dade will have one person, 24 hours a day, around the clock. There will be direct supervision under a concept which enables detainees to have direct contact with officers. There is an ombudsman for the detainees, who can refer a detainee for psychological care.
INS will also have a presence, 24 hours a day. Letty Henfling will be at TGK for
detainee cases Monday through Friday, 8 a.m. to 4:30 p.m., and is the only
detention officer assigned to the females at TGK. This kind of contact is called
unit management. In addition, there will be an INS Detention Officer on-site,
24 hours a day, seven days a week, when Letty Henfling is not there.

Telephone access: there will be phone access with telephone numbers
programmed in, which is even better than at Krome. There is also a number
for detainees to be able to air grievances.

Attorney contact visitation rooms: there are visitation rooms for attorney visits,
with more direct access than there was at Krome. We don’t want to have
attorneys waiting to see clients. It may take a little bit more time, the first time
an attorney goes to TGK. Please note that TGK doesn’t like cell phones being
brought in.

Safety precautions: at TGK, safety precautions include: self-contained
breathing apparatus in case of fire (have to qualify on a yearly basis, all our
officers will be trained on this); sprinklers (sprinklers are key if we have a fire
in the building; this is part of what makes TGK a modern facility). Every time
we walk through TGK, we are more impressed with their safety and security.

TGK amenities: doors close in the shower facilities; other units at TGK actually
have shower curtains with flowers. Once individuals move in, they can turn it
into their own space, make it more "homey." TGK has agreed to work with our
staff on this. In individual sleeping quarters, along with a bed, there is a
personal desk area, with the toilet on the other side from the bed. There is
regard for personal privacy, which is important. This is the kind of setting for
which our ladies have asked. Upstairs, there is a non-contact visitation area.
There is a kitchen/dining/food service area in the living unit. Food offerings
are comparable to "Appleby's," after which the TGK food service is modeled
after. Detainees can bake cakes and other foods in their unit.

Men and women: there will be no commingling of men and women when
dining; women will dine in their own area.

Criminal and non-criminal detainees: there will be two separate and distinct
units for criminal and non-criminal detainees, and there will be no
commingling between criminal and non-criminal detainees. We will maintain
the separation.

Law library: the unit will have its own separate law library, with five computers
with CD roms, INS inserts, CFR, Immigration Act, and statutes. In addition,
computer disks will be provided for detainee use, so that detainees can save
their work and to ensure privacy. In addition, computer disks will be
introduced as a commissary item and available for purchase there.
Recreation: outdoor recreation includes basketball, handball, racquet ball.

Laundry: each unit also has its own washer and dryer, since detainees usually want the capability to wash their own items and don't always want to go through the laundry facility.

Commissary: the TGK facility has a commissary with almost 300 items. TGK has housed females since the facility first opened, and the commissary features items to meet the needs of female detainees.

Asylum interviews: in the future, asylum interviews will be conducted at the TGK facility, including the initial assessment. A 27-inch television with VCR will be available.

"Know Your Rights" presentations: there will be "know your rights" presentations at TGK, similar to those currently being conducted at Krome. In addition, INS will be working on video presentation of same.

Medical: TGK will have a larger medical staff; there is 24-hour medical care availability; all emergencies are handled; medical referrals are made to Jackson Memorial Hospital, which has a contract with TGK, similar to the Krome contract with the Public Health Service.

Detention: important to know Miami-Dade County's approach to detention. Miami-Dade County is one of the top jails in terms of administration, and are willing to work with INS. TGK administration and staff want to be helpful.

OPEN FORUM/QUESTIONS AND ANSWERS:

Maria Dominguez, St. Thomas University Human Rights Institute —
Question: Capacity of the units?
Response (Bill Cleary): There are 64 beds to each unit. If we need more, we'll seek them out.

Bob Wallis, INS Florida District Director —
Question: Female detainee population?
Response (Bill Cleary): Approximately 80 female detainees; 55 non-criminal detainees; 28 are criminal detainees; average stay is 3-4 months. Before, there were 125 female detainees, but, thanks to Asylum, those numbers have gone down; we are working the asylum cases.

Randy McGorty, Catholic Charities Legal Services —
Question: Are those numbers specific to Krome?
Response (Bill Cleary): yes.
Question: How about others?
Response (Bill Cleary): Haven't taken a look at that yet; thought would handle Krome first.
Bob Wallis, INS Florida District Director --

Question: Any others?
Response (Dave Wing): We have some (female detainees) in Sarasota County.

Maria Isabel Casabianca, American Immigration Lawyers Association --

Question: What about phone access to deportation officers by attorneys?
Response (Bill Cleary): There is a line being installed, and we'll post the phone number in our lobby. We'll have the telephone number available at the next Krome Stakeholders meeting. It's an FTS line; rings in the TGK pod.
Question: Can you call detainees directly?
Response (Bill Cleary): No. No detention facility does that.

Maria Dominguez, St. Thomas University Human Rights Institute --

Question: What is the asylum process?
Response (Bill Cleary): Detainees will go directly to TGK, they will no longer come/go to Krome. There will be a mailbox at TGK, and the file will accompany the detainee. The deportation officer will process the case.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties --

Question: What government entity made the decision to move the female detainee population from Krome; was it just the INS?
Response (Bob Wallis): The decision was made in consultation with, and coordinated with, the INS Headquarters and Eastern Regional Office
Question: Was it thought that in a high security prison, female detainees would be better protected from sexual harassment?
Response (Bob Wallis): There were lots of reasons for the transfer. Krome was not designed to be a co-educational (male/female) facility. This was part of our comprehensive plan. We also needed to meet your expectations, and what the females wanted: where could we find bed space? TGK seemed the best alternative. And we will continue to need your input for non-releasable, long-term detainee population.
Question: Are you paying TGK for housing the female detainee population?
Response (Bob Wallis): There was an already existing intergovernmental agreement with the U.S. Marshals Service. The intergovernmental agreement ensures that INS and U.S. Department of Justice standards are met. We are paying for this. Response from Bill Cleary: We are paying $82.37 per day, per detainee. Response from Bob Wallis: We pay for contractual space.

Cheryl Little, Florida Immigrant Advocacy Center --

Concerns: Non-contact and contact family visits; hours of recreation; are detainees going to court downtown; will detainees be released after they pass their credible fear interviews.
Response (Bill Cleary): Once a month, a contact visit can be made. If there are small children, we'll make special accommodations.
Cheryl Little, Florida Immigrant Advocacy Center —

Question: Contact and non-contact family visits?
Response (Bill Cleary, continued): Contact visits may be more than once a month in the future. Non-contact visits allow more visits than at Krome. Family visits can occur every other day; don't have the hours memorized, but hours of visitation are greater than they are at Krome.

Question: How much recreation time is there?
Response (Bill Cleary): Recreation time hours are from morning to dusk. There are no limitations on going outside at TGK. The door is not locked, so detainees can go outside for recreation.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties —

Question: Can the detainees see sun, trees, sky?
Response (Bill Cleary): Yet, every room has a window to the outside in it. Recreation outdoors is not under cover; there is no awning. Detainees have direct sunlight coming in. There are no trees, though.

Cheryl Little, Florida Immigrant Advocacy Center [FIAC] —

Question: Like in Monroe County?
Response (Bill Cleary): Yes.
Question: If female detainees pass a credible fear interview, will they be released quickly?
Response (Bill Cleary): Yes.
Question: Where are female detainees going to court?
Response (Bill Cleary): At Krome.

Comment: We can appreciate how challenged INS officials have been with the allegations. FIAC has a number of concerns regarding decisions that have been made. It was noted in news articles that the decision to transfer the female detainees was made in consultation with advocacy groups. That is not true. (Cheryl Little) wrote letter to the Attorney General (Janet Reno) regarding concerns. Transfer of female detainees is punitive. TGK is a jail. Also, concerned about detainee access to attorneys; doesn't know how they're going to be able to represent these females, especially those claiming asylum with credible fear cases. We now have a phone number at Krome where detainees can call us for free. Also, we have "Know Your Rights" presentations. We don't have these at TGK. Also, we are concerned about non-family and contact visits. Wrote letter to Attorney General Janet Reno: women who can be released should be released. These women at TGK are being punished; the ones who should be punished are the officers. We wish we had been consulted about the transfer of female detainees beforehand. You are fixing one problem and creating another. The Women's Commission for Refugee Rights of Women will be getting a news release out on this. Sure Amnesty International and the refugee rights community will be upset at this.
Elena Diaz de Villegas, American Immigration Lawyers Association --
Comment: Didn't know about the transfer of women; however, what other alternatives do we have? Cheryl, what would you suggest for detainees?
Response (Cheryl Little): Quasi-jail and not punitive facilities. There have been contracts in the past with Catholic organizations. The Commission for Refugee Rights for Women and Children have recommended more appropriate facilities, but we never had that conversation.

Peter Coats, Catholic Charities, Archdiocese of Miami --
Comment: Has been in contact with the Most Rev. Bishop Thomas G. Wenski, who has decided not to take a position on the facility. Concerned that asylum seekers with no criminal background are not being released. Still concerned that INS focus is on detention, as opposed to release. Will review documentation.
Response (Bob Wallis): There are no boundaries as to what we can talk about. Issued of continued detention is not an issue because we have legislation regarding this. The 1996 law is statute, and the District is not able to turn this around. The issue should be: process. The issue of continued detention is not just a Krome discussion. If this is perceived as punitive, then we need to work on this. Krome is not designed to be a co-ed detention center. From the first day, I made it clear that there would be no children and no families at Krome. We can't manage Krome, so long as it is a co-ed facility. Our mission at Krome should be: males pending removal or pending release. Problems at Krome are directly related to population management. We are talking about alternatives with Tony Tangueran and Jennifer Prior, who are working on the issue of alternative facilities.

Jennifer Prior, Deputy Associate Attorney General --
Comment: Women who can be released should be released; however, there is a need for detention. So what is best: Bureau of Prisons or an alternative facility? Everybody who has come to Krome has determined that females do not belong at Krome, the physical design of this facility should house one gender only, and it should be males. Tony Tangueran will talk about shelters and half-way houses, but now, in Miami-Dade County, this is not a viable alternative. I'm very excited about TGK. They're going to have services at TGK that they won't have here at Krome. We have taken the U.S. Marshals service contract and added more stuff. Have made this into a model contract. This is an exciting opportunity for women at Krome. This is a cure not a curse, a remedy not a punishment. TGK offers more services and more humane living conditions. I encourage you, before you go out and call this punishment, to give us the opportunity to convince you that this is not punishment.
Comment by Cheryl Little: We wish you had talked to us beforehand. What about phone calls:
Comment by Jennifer Prior: We are here to discuss your concerns.
John M. (Jack) Bulger, INS Florida Deputy District Director --
Comment: This is what the Stakeholders is all about. It would be unthinkable to house these women where there is no access to services. This operation is going to have a level of detention services not seen before. There are video, teleconferencing, and all kinds of other options that we still haven’t explored. This is a facility within a facility. And calling it a maximum security prison is not warranted.

Daniel N. Vara, INS Florida District Chief Counsel --
Question: What part of the (attorney) representation process is not being addressed? We already have spoken about asylum cases. If there are any other representation issues affecting detainees, we’ll address them.
Response (Cheryl Little): We don’t want to slow down the credible fear process. And there is no way we can address these at Krome and at TGK at the same time.

Cheryl Little, Florida Immigrant Advocacy Center --
Comment: If we had been consulted before about the transfer of female detainees...No one wants to have females at a facility where they’re going to be abused. We thought there were going to be some conversations before this announcement (of the transfer of female detainees from Krome to TGK). We are still concerned about access. Except for the conduct of some INS officials, we would not be addressing this.
Response (Bob Wallis): This has been part of the strategic plan for this facility (Krome): it’s population management.
Comment (Cheryl Little): I keep hearing this is a new decision.
Comment (Bob Wallis): Last meeting, we spoke about the allegations concerning a small number of individuals, rogue officers who are currently under investigation. The majority of men and women at Krome are doing a good job. Bill Cleary is doing a good job. Men and women at Krome are working hard under difficult circumstances, under a dark cloud. I have always said that Krome is a processing center.
Comment (Jack Bulger): There is a certain percentage of the detainee population that is housed at another facility. One a per capita basis, you’ll have a greater opportunity to meet with clients, more than at Krome. Some kind of move is inevitable.
Comment (Bob Wallis): Assessment teams made the recommendation in July that we should remove the females from Krome.
Comment (Elena Diaz de Villegas): It’s AILA’s decision that asylum seekers should be released. We also have the same problems with people at shelters. They’re not going to have the same medical facilities and other services. And at shelters, you won’t have the same access you have now. I have not read your letter to the Attorney General, so I don’t know what it says.
Randy McGrory, Catholic Charities Legal Services —
Comment: This (the transfer of female detainees from Krome) should have been addressed long ago. I'm a little concerned why we're meeting here. I'm concerned about the purpose at this meeting. I'm shocked that you didn't address this with us before. I've been getting calls about this meeting...so many rumors. If you're serious about community input...
Ms. Prior, we are not talking about "spin." Are we supposed to just rubber-stamp the decision that you have made?
Comment (Bob Wallis): This is supposed to be a dialogue, but I said from the beginning that there would be some decisions that we will have to make, that I will have to make. There will be times when we will make operational decisions.
Comment (Cheryl Little): All we're asking is that we as a group have input into decisions. I wish we could have had input at a meaningful dialogue, along with the Commission for Refugee Women.
Comment (Jennifer Prior): You're wrong, you've had input.
Comment (Cheryl Little): We've requested a meeting on this issue.
Comment (Jennifer Prior): Every issue you've raised is also our concern. We've spent a long time trying to have your concerns considered. There are no new concerns. We've tried to be responsive to your Sept. 24 letter, the Commission's input, and prior Krome Stakeholders meeting. We are here to explain our decision to you. At some point, there is a decision to be made.
Comment (Cheryl Little): We haven't had the opportunity...
Comment (Jennifer Prior): You said release the women, and, if not, put them in half-way houses. This is not a viable option in Miami-Dade County. These women have to be in a secure environment. You have had input, and we've taken this into consideration.
Comment (Randy McGrory): You are telling us after-the-fact. You're saying, "Just trust us." You would have had more support if you had been talking to us.

Peter Coats, Catholic Charities, Archdiocese of Miami —
Comment: I was told that INS District Office wanted to have certain conversations around the agenda. I made clear that you were setting yourselves up without substantive discussions. I told two INS officials that, unless we had dialogue, this was going to be a show-and-tell. And, when we asked for dialogue, it was rebuffed. And this is why we are not taking a position. We will look at this.

Maria Dominguez, St. Thomas University Human Rights Institute —
Comment to Cheryl Little: You didn't meet with the Attorney General?
Response (Cheryl Little): No, we didn't get to meet with the Attorney General. We wanted to be heard, but we never had the opportunity to be heard. The Commission for Refugee Women and Children on October 24 requested a meeting to further discuss our concerns. And then we got a call from Jennifer Prior that they would be following up. We were told that we could not meet with the Attorney General, but that we would be meeting with someone else.
Comment by Jennifer Prior: This is the meeting.
William M. (Bill) Cleary, Acting Officer-in-Charge, Krome --
Comment: What about the newspaper article that you met with the Attorney General to discuss this? The newspaper article said the same thing: whether it's release or a half-way house, INS is looking at the welfare of women.
Comment (Cheryl Little): You shouldn't be quoting "The Miami Herald" article. I have expressed my concern.
Question (John Shewairy): What would you suggest we proceed with at this point?

Cheryl Little, Florida Immigrant Advocacy Center --
Question): When are you planning on moving these women--today, tomorrow?
Response (Bill Cleary): We often move detainees without consulting attorneys. It's part of our responsibility to move detainees. We have the best interests of the detainees at hand. We appreciate that you have an office here, but it's not always fully staffed. Your main office is in downtown Miami. This (the transfer) is being done for the benefit of the detainees. As far as the movement of females, it hasn't been done yet. We are intently listening, we are here. We could see your concern if we had moved them already.

Aude Sicard, Haitian American Grassroots Coalition and Women's Alliance of Miami Dade and Broward Counties --
Comment: We've heard the concerns about contact visits, phone calls, access to attorneys. Detainees are being deprived of these things. Can INS address these issues? For example, can families have contact visits? What about detainee access to phones?
Response (Bob Wallis): TGS meets or exceeds access, according to the detention standards.
Response (Bill Cleary): What we're looking to do at TGK is program the phone numbers for pro-bono attorneys. Detainees will have access to pro-bono attorneys. We want to make access available to pro-bono attorneys.

Robert A. (Bob) Wallis, INS Florida District Director --
Comment: It's important that you hear from me where we go from here with our Stakeholders group. I think it's damaging to hear from you that, "You (INS) are ramming things down people's throats." I take seriously that we have imperiled the trust. When I can get you (Krome Stakeholders) involved at the pre-decisional level, I will do this. But it's tough to do this sometimes. I think we all have to be committed. I care about what our Stakeholders say. But our first responsibility is the safety and security of our women detainees. And, secondly, the safety and security of our officers. We've been talking about this for a long time, and how to improve Krome. We've had some tough issues with which to contend.

María Isabel Casablanca, American Immigration Lawyers Association --
Comment: I have been in the U.S. military for ten years, so I know about male/female situations. I agree with any plan that reduces Krome of its burden (of detaining males and females). The question is: what do we want for women detainees? First is freedom; but we can't always have that. So we want safety and security. We need to focus some of the burden on the U.S. Congress. FIAC is important because it provides representation we can't.

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Randy McGrory, Catholic Charities Legal Services --
Question: What about a subcommittee to look into these (TGK) issues?
Response (Jennifer Prior): I think that's a great idea.
Response (Bob Wallis): I like it.

Maria Dominguez, St. Thomas University Human Rights Institute --
Comment: I never heard about the issue of halfway houses.
Response (Tony Tangeman): The official response is that alternatives to
detention is something we'll be looking at. We agree that detention is not
something we want to do on a routine basis.

Maria Dominguez, St. Thomas University Human Rights Institute --
Question: What would be the INS position on having asylees released?
Response (Tony Tangeman): The statute doesn't give us the ability to release
asylum applicants at airports.
Comment (Bob Wallis): From the District's perspective, that would not be
appropriate. Once credible fear is determined, then we make the decision to
release. (Issues to consider) Are they a flight risk? Are they a risk to the
community?

Siro del Castillo, Christian Democrat Commission of Human Rights --
Comment: Because I didn't come to past meetings, I have kept my mouth
shut. We say we want freedom for our clients. We say that halfway houses
is not a good alternative. I would sacrifice services for more freedom. We
don't want to have people who don't belong behind bars, behind bars.

Alex Solomiary, American Immigration Lawyers Association --
Comment: This is the best alternative that they (INS) looked at. We would
hope that INS is looking at better ways of managing their facilities. Whether
or not I agree, doesn't mean INS is not transferring females to another facility.
Comment (Bob Wallis): This is a national policy issue. This is the best goal.

Samuel E. (Sammy) Diaz, Detention Ministry, Archdiocese of Miami --
Comment: I know all the detention facilities in the area. I've got a chaplain's
pass. But people who don't have a pass, they have to wait an officer, in
order to be escorted to the unit, and it takes time. And that's the only
concern that I have.
Response (Bob Wallis): We'll look into the escort issue.

Audre Sicard, Haitian American Grassroots Coalition and Women's Alliance of
Miami Dade and Broward Counties --
Comment: I have concerns about family contact and the very limited contact.
Response (Bob Wallis): My perception is that there is greater access than at
Krome.
Response (Bill Cleary): Same contact, but different policies.
Response (Bob Wallis): Visiting hours are Monday through Friday, 8 a.m. to
1 p.m., on alternating days based on the last name. Attorney access is
24 hours a day. Once a month, there is direct contact, or on an "as
requested" basis. Mr. Cleary will work on this.
Maria Isabel Casablanca, American Immigration Lawyers Association --
Comment: What is the phone number for arranging visits?
Response (Bill Cleary): I'll be getting it to you.

Boris Wiikstrom, Florida Immigrant Advocacy Center --
Comment: We have passed out a list on detention conditions at Krome.
Can this be included in the minutes?
Response (Bob Wallis): Wouldn't it be best to have these as agenda items?

Boris Wiikstrom, Florida Immigrant Advocacy Center --

List of concerns:

1. Phone access at Krome. There are 3-5 telephones that are broken.
   There are many broken phones. Difficult to have attorney access to
   detainees.

2. Copy-machine is broken.

3. Abuse guards, racial slurs.

4. People are not being reviewed on time.

5. We appreciate your efforts to do human rights presentations, but we
   are experiencing undue delays.

6. Attorney visitations get cancelled because of counts.

7. Detainees don't get their meals because of counts.

8. One deportation officer is handling 120 cases.

9. Females are afraid of filing grievances due to fear of being
   transferred to county jails.

10. Medical care.

Comment (Bob Wallis): I encourage you to get together with Bill Cleary to
    see if these are isolated or systemic issues.

Comment (Bob Wallis): The issue of abuse: we need to know what officers,
    when, where is it happening.

Comment (Bill Cleary): We know there are phone problems, but we are fixing
    them. The copier, when it breaks down, we get it fixed. INS Headquarters
    is working on a new booking system to improve detainee counts.

Response to previously submitted request (Bill Cleary): I have a list of
    deportation officers with their extensions that I will pass out.

# # #
AGENDA

1. Transfer of female detainees from the Krome Service Processing Center to the Turner-Guilford-Knight Correctional Center in Miami-Dade County

2. Observation by Maria Dominguez, St. Thomas University Human Rights Institute, regarding Larkin Hospital and Jackson Hospital, and the United Nations Code of Detention Standards

3. List of telephone numbers for county jail jurisdiction, and list of telephone extensions for Krome deportation officers

4. Fax number for day-in-advance requests from attorneys for detainee visitation

5. Re-issue 90-day release policy to ensure officers are on board

6. Log-in procedure to ensure that detainees are brought to see attorneys, and to determine attorney arrival and departure
Correction from Previous (July 18, 2000) Meeting Minutes:

Comment from Maria Dominguez, St. Thomas University Human Rights Institute should have been noted as follows: “Concerns were raised a year ago about using Larkin [Hospital] instead of Jackson [Hospital]. Have we thought about using Jackson instead of Larkin because of complaints?”

Comments from INS Florida District Director Robert A. Wallis:

Our challenge is to begin building public confidence. There have been recent, heinous allegations of sexual misconduct at Krome Service Processing Center (KSPC). But, we cannot call a press conference; rather, we need to have these investigations run their course. INS Headquarters and the Eastern Regional Office have been involved in looking at the situation, and have given us their support. An Executive Oversight Committee also has been formed, so that we can make recommendations to decision-makers in Washington, D.C. We know that the organizational structure at Krome must change, to ensure that our officers are correctly performing their duties.

The issues that we are hearing are nothing new. Important KSPC issues: continue to be: leadership, facilities, long-term vision plan, and accountability. Oversight, prevention, and holding people accountable are paramount.

The departure of Ed Stubbs as Officer-in-Charge has set us back, and we are once again in transition. Bill Cleary, who is serving as Acting Krome Officer-in-Charge, is experienced in the operation of detention facilities, as well as the policies and procedures involved in detention and removal issues. Mr. Cleary has made his top KSPC priorities: elevating grievances, taking immediate action, and making supervisors and staff accountable.

We are aware of the sensitivity of the ongoing investigations. In the past 24 years, we have referred 193 complaints of misconduct, from minute to important. Five individuals have been removed from KSPC since we have been here. We take allegations of misconduct seriously, but we cannot summarily fire people and put them in jail. We have to follow due process. Currently we have approximately 13 individuals at the District who are under investigation.
1. **What actions are being taken by INS at the Krome Service Processing Center?**

The Florida District of the U.S. Immigration and Naturalization Service (INS) is transferring all female INS detainees currently housed at the Krome Service Processing Center in West Miami-Dade County, to the Turner-Guilford-Knight (TGK) Correctional Center, also in Miami-Dade County.

2. **Why is INS doing this?**

The reason for the transfer is to provide greater safety and security for the female detainees. At the same time we will make Krome a facility used only to lodge male INS detainees while their immigration cases are active. Our goal is to move Krome forward by improving our management of the facility and further concentrating on the quality of the conditions of detention.

3. **When will the females be transferred and will family members be notified?**

Because of security reasons, we do not provide the specific dates of transfers of any INS detainees. We anticipate though that the transfer will occur soon. As soon as possible after the move, we will notify their legal counsel. Once the females are at their new location they will have the opportunity to inform family members.

4. **Why was the TGK facility chosen?**

TGK is a modern, full service facility that offers the safe, secure and humane conditions we wanted. INS officers will be assigned to the facility, visitation hours are provided on alternating days based on last name, attorneys will have access to their clients 24-hours a day, and medical personnel and facilities are on site to respond to a variety of medical needs. More complex medical care is provided under a contract between TGK and Jackson Memorial Hospital. Additionally, TGK offers educational and self-improvement courses such as the GED program and Alcoholics Anonymous, to name a couple. Detainees will have access to telephones, some of which are automatically programmed to connect to local foreign consular offices, the Office of the Inspector General, and assistance groups.

At TGK, INS female detainees will be housed separately from non-INS detainee populations. This is particularly important as it provides for greater safety and security of INS female detainees.

5. **Does TGK have medical facilities and what has INS done to ensure that female detainees will receive quality medical care?**

Yes. Immediate medical care is provided 24-hours a day, seven days a week. For medical situations that require more in-depth medical attention, TGK is contracted with Jackson Memorial Hospital (JMH) in Miami, which provides the full range of routine and emergency care.
medical services. The U.S. Public Health Service (PHS), the agency that provides medical services to detainees at INS-owned detention facilities, has inspected the TGK medical operation and determined that it meets INS requirements. They will also remain available to consult on detainee health issues.

6. Will family members and attorneys be able to visit INS detainees at the TGK facility?

Yes. Family visitation occurs Monday through Friday, alternating days based on last name, from 8:00 a.m. to 1:00 p.m., and 7 p.m. to 9:30 p.m. Attorneys who represent INS detainees may visit with their clients anytime, 24-hours a day, seven days a week.

7. Will the female INS detainees be housed with non-INS detainees at TGK?

No. All female INS detainees housed at TGK are separated from the non-INS detainee population. Under the contract currently in effect with TGK, two self-contained housing pods consisting of 64 beds each, will be used by INS. Each housing pod has its own dining facility, recreation area, and visiting areas. Also, INS female detainees are further separated into criminal and non-criminal groups. These two groups will remain separated in their own individual pods.

8. Other than medical services, what other services will be available to the female detainees?

Detainees will have access to telephones, recreational activities and a law library. In addition, detainees will also have access to substance abuse programs and GED courses.

9. Does TGK meet the INS detention standards?

Yes. TGK will comply with INS’ 36 Detention Standards and with the Department of Justice’s 57 Core Detention Standards. As additional INS/DOJ Standards are issued or changed, TGK will be required to comply with those standards.

10. Will INS personnel be assigned to TGK?

Yes. A female INS Deportation Officer, who has been working female cases at Krome for several months, will be assigned to TGK during normal office hours. In addition, female Detention Enforcement Officers will be assigned to TGK during after-hours periods.

-INS-
The Turner Guilford Knight (TGK) Correctional Center is a full service, state of the art generation jail. Opened in April 1989, TGK was built at a cost of $50 million and named in honor the three individuals who served the Dade County community before their demise- Joe Turner, Alvin Guilford and Clara Knight. Located at NW 36th Street and 72nd Avenue, this imposing multi-storied edifice accommodates about 1,000 male and female inmates in individual rooms, grouped in housing units, affording privacy and security to its residents. Juvenile male inmates are also housed at this facility. TGK is the only facility within the West Operations Bureau that engages in the full scale booking of inmates.

New Generation philosophy assumes that if an inmate is housed in as normal an environment as possible, under the circumstances, that inmate will act and respond in a relatively normal manner. Those exhibiting violent behavior will be reclassified into isolation within the facility or to another facility. This design is based upon the Federal Bureau of Prisons, “Functional Unit Management Concept”.

The management strategy requires direct supervision and the intent is to prevent negative behavior before it occurs. This “Proactive Supervisory” model relies on staff’s ability to supervise and interact rather than rely on structural barriers.

At the Turner Guilford Knight Correctional Center, the inmate population is accommodated in (19) general housing units of 46 rooms, (1) medical housing unit of 38 rooms, (1) administrative and (1) disciplinary detention housing units of 25 safety cells each. These housing unit groupings permit a wide range of classification possibilities as well as having one correctional officer assigned to each general and medical housing unit and (2) correctional officers assigned to the operating expenses for this design compared to the traditional design, permits more efficient use of manpower and results in an operational savings to the county taxpayers.

The individual rooms provide security for the inmates and their property while at the same time satisfies the basic human need for privacy and dignity.

During the day, when not involved in work details, education or religious programs, inmates are allowed to move freely from their rooms to an adjacent central dayroom or exercise areas, where they can relax, watch television or exercise.

Officers maintain security by the using of electronic body alarms, telephones, the passive Surveillance System (intercom) and the use of hand-held radios.
Almost all inmate services occur within the living unit, such as visiting, attorney interviews, counseling, recreation, and dining, thereby eliminating the need for frequent and costly inmate movements. By locating both indoor and outdoor recreation in the housing unit allows the inmate to engage in these activities at will. This decentralized plan increased opportunities for inmate program participation, while the removal of barriers enhances the relationship between inmates and correctional staff.

The appearances of a "New Generation Jail Concept" are generally unlike that of traditional correctional facilities. The use of traditional jail furniture only occurs in special administrative or disciplinary segregation areas. Other areas receive residential or non-institutional type fixtures and furniture. Because vandalism is greatly reduced by the management style, fixtures are not usually broken and are considerably cheaper to purchase and replace if the need arises.

Having more than one television and telephone in each unit reduces friction among inmates. Laundry facilities are provided in each unit and the inmates are responsible for their own laundry.

It has been found that when the concepts of the "New Generation Jail" are incorporated into the design and operation of a correctional facility, incidents of inmate violence, vandalism, sexual assaults, and assaults on correctional officers have been reduced to a point of being virtually non-existent in comparison with other forms of incarceration.

It is precisely these concepts of housing inmates in a secure, environment combined with the concern for an individual's dignity and self-respect that have made the "New Generation Jails Concept" a success.

Those inmates requiring maximum security custody (administration segregation, and disciplinary segregation) are housed in rooms that follow the traditional detention facility philosophy including the use of control booths for observation and maximum hardware (metal door, stainless steel combination water closet and lavatory).

This facility is divided into small manageable components with reinforced secure common walls to enable staff to lock down independent areas to minimize surveillance requirements and provide a means to prevent the spread of disturbances.

Central control is the security center of the facility. All sallyports and security systems are monitored at central control. There are four (4) remote control areas, which can be overridden by central control. The annunciatory panels located within central control directly monitor all door alarms, correctional officer body alarms and door position indicators. Smoke detectors are installed in occupied areas as well as the air conditioning and ventilation ducts serving those areas. These smoke detectors activated the emergency smoke evacuation system and provide a signal to the fire alarm panel. Supply fans feed 100% outside air into contaminated areas to insure positive air pressurization.
All housing and administrative areas are protected by an automatic fire sprinkler system monitored by central control, which has override abort capability in case of inmate tampering with sprinkler heads.

The Standards of the American Correctional Association (ACA) are generally accepted as the national standards for the design and operation of detention facilities. These standards are concerned with the environmental and operational characteristics of a facility in an effort to eliminate the violation of an inmate's constitutional rights while detained. They also apply to recreation, visitation, counseling, sanitation, space, ventilation and lighting conditions and medical and administrative functions.

A design in conformance with ACA standards which receives accreditation from the "Commission on Accreditation for Corrections" does not necessarily guarantee invulnerability to lawsuits alleging violations of inmates' constitutional rights; however, a facility which is designed and managed in accordance with ACA standards will have a positive effect on state and federal court rulings. Conversely, a facility that is not accredited is more vulnerable to lawsuits because its design or operation fails to comply with national standards.
United States Department of Justice
United States Marshals Service

Intergovernmental Service Agreement
Housing of Federal Prisoners

<table>
<thead>
<tr>
<th>1. AGREEMENT NUMBER</th>
<th>2. EFFECTIVE DATE</th>
<th>3. REQUEST FOR DETENTION SERVICES (RDS) NO.</th>
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<tbody>
<tr>
<td>04-01-0008</td>
<td>11/1/00</td>
<td>025-01</td>
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<table>
<thead>
<tr>
<th>4. ISSUING OFFICE</th>
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</thead>
<tbody>
<tr>
<td>UNITED STATES MARSHALS SERVICE</td>
</tr>
<tr>
<td>PRISONER SERVICES DIVISION</td>
</tr>
<tr>
<td>500 ARMY NAVY DRIVE</td>
</tr>
<tr>
<td>ARLINGTON, VA 22202-4210</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. LOCAL GOVERNMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME AND ADDRESS</td>
</tr>
<tr>
<td>Mixed - Dade County Corrections and Rehabilitation Department</td>
</tr>
<tr>
<td>6660 W. Flagler Street</td>
</tr>
<tr>
<td>Miami, FL 33144</td>
</tr>
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<table>
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<tr>
<th>6. APPROPRIATION DATA</th>
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<td>LX1020</td>
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<table>
<thead>
<tr>
<th>7. ITEM NO.</th>
<th>8. SUPPLIES/SERVICES</th>
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<tr>
<td></td>
<td>This agreement is for the housing, safeguarding, and subsistence of federal prisoners, in accordance with the contents set forth herein.</td>
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</table>

<table>
<thead>
<tr>
<th>9. QUANTITY</th>
<th>10. UNIT</th>
<th>11. UNIT PRICE</th>
<th>12. AMOUNT</th>
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<tr>
<td>2,400</td>
<td>PDs</td>
<td>$82.41</td>
<td>$197,784.00</td>
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This Intergovernmental Agreement Number J-804-M-127 is canceled and the new number is as stated in Block No. 1.

<table>
<thead>
<tr>
<th>13. AGENCY CERTIFYING</th>
</tr>
</thead>
<tbody>
<tr>
<td>To the best of my knowledge and belief, data submitted is to support of this agreement is true and correct, the document has been duly authorized by the governing body of the Department or Agency and the Department or agency will comply with ALL PROVISIONS SET FORTH HEREIN.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14. NAME AND TITLE OF LOCAL GOVERNMENT AUTHORIZED TO SIGN AGREEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Lois Spears, Director</td>
</tr>
<tr>
<td>Title: Area Code &amp; Telephone No.: (305) 229-7498</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>15. PRISONER TYPE TO BE INCLUDED</th>
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</thead>
<tbody>
<tr>
<td>Unsentenced</td>
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<tr>
<td>Sentenced</td>
</tr>
<tr>
<td>Adult Male</td>
</tr>
<tr>
<td>Adult Female</td>
</tr>
<tr>
<td>Juvenile</td>
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<tr>
<td>INS</td>
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<table>
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<th>16. LEVEL OF USE</th>
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<td>Minimum (0-249)</td>
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<tr>
<td>Medium (250-999)</td>
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<tr>
<td>Major (&gt;1000)</td>
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</table>

<table>
<thead>
<tr>
<th>17. NAME OF AUTHORIZING OFFICIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Debra Brown</td>
</tr>
<tr>
<td>Date: 11/1/00</td>
</tr>
</tbody>
</table>

PRIOR EDITIONS ARE OBSOLETE AND ARE NOT TO BE USED

FORM USM-1
(Rev. 3/88)
ARTICLE I - PURPOSE AND SECURITY PROVIDED

The purpose of this Intergovernmental Service Agreement (IGA) is to establish a formal binding relationship between the United States Marshals Service (USMS) and other federal user agencies (the Federal Government) and Miami-Dade County (the Local Government) for the detention of persons charged with or convicted of violations of federal law or held as material witnesses (federal prisoners) at the Miami-Dade County Corrections and Rehabilitation Department (the facility).

The Local Government agrees to accept and provide for the secure custody, care, and safekeeping of federal prisoners in accordance with state and local law, standards, policies, procedures, or court orders applicable to the operations of the facility. The USMS considers all federal prisoners medium/maximum security-type prisoners that are housed within the confines of the facility, at a level appropriate for prisoners considered a risk of flight, a danger to the community, or wanted by other jurisdictions.

ARTICLE II - ASSIGNMENT AND CONTRACTING OF PROJECT-SUPPORTED EFFORT

1. Neither this agreement nor any interest therein may be assigned or transferred to any other party without prior written approval by the USMS.

2. None of the principal activities of the project-supported effort shall be contracted out to another organization without prior approval by the USMS. Where the intention to award contracts is made known at the time of application, the approval may be considered granted if those activities are funded as proposed.

3. All contracts or assignments must be formalized in a written contract or other written agreement between the parties involved.

4. The contract or agreement must, at a minimum, state the services to be performed, period of performance, the policies and procedures, and the flow-through requirements that are applicable to the contractor or other recipient. The contract or agreement must include the dollar limitation and the cost principles to be used in determining allowable costs. The contract or other written agreement must not affect the recipient's overall responsibility for the duration of the project and accountability to the government.

ARTICLE III - MEDICAL SERVICES

1. The Local Government agrees to provide federal prisoners with the same level of medical care and services provided by a medical practitioner to local prisoners, including the transportation and security for prisoners requiring removal from the facility for emergency medical services. The IGA jail shall not incur a bill to be paid by the USMS without USMS approval. All costs associated with health care services provided inside the facility are included in the fixed per rate.

2. The Local Government agrees to notify the United States Marshal (USM) as soon as possible of all emergency medical cases requiring removal of a prisoner from the facility and to obtain prior authorization for removal for all other medical services required. All costs associated with hospital or health...
services provided outside the facility will be paid directly by the federal Government. In the event the Local Government has a contract with a medical facility/physician or receives discounted rates, the federal prisoners shall be charged the same rate as local prisoners.

3. When a federal prisoner is being transferred via the USMS airlift, he/she will be provided with three (3) to seven (7) days of prescription medication which will be dispensed from the detention facility. When possible, generic medications should be prescribed.

4. Medical records must travel with the federal prisoner. If the records are maintained at a medical contractor's facility, it is the detention facility's responsibility to obtain them before a federal prisoner is moved.

5. Federal prisoners will not be charged and are not required to pay their own medical expenses. These expenses will be paid by the Federal Government.

6. The Local Government agrees to notify the USM as soon as possible when a federal prisoner is involved in an escape, attempted escape, or conspiracy to escape from the facility.

**ARTICLE IV - RECEIVING AND DISCHARGE**

1. The Local Government agrees to accept as federal prisoners those persons committed by federal law enforcement officers for violations of federal laws only upon presentation by the officer of proper law enforcement credentials.

2. The Local Government agrees to release federal prisoners only to law enforcement officers of agencies initially committing the prisoner (i.e., DEA, INS, etc.) or to a Deputy USM. Those prisoners who are remanded to custody by a USM may only be released to a USM or an agent specified by the USM of the Judicial District.

3. The Federal Government agrees to maintain federal prisoner population levels at or below the level established by the facility administrator.

4. Federal prisoners may not be released from the facility or placed in the custody of state or local officials for any reason except for medical emergency situations. Federal prisoners sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement of Detainers and then only with the concurrence of the District USM.

**ARTICLE V - PERIOD OF PERFORMANCE**

This agreement shall be in effect indefinitely until terminated in writing by either party. Should conditions of an unusual nature occur making it impractical or undesirable to continue to house prisoners, the Local Government may suspend or restrict the use of the facility by giving written notice to the USM. Such notice will be provided thirty (30) days in advance of the effective date of formal termination and, at least two (2) weeks in advance of a suspension or restriction of use unless an emergency situation requires the immediate relocation of prisoners.
# Intergovernmental Service Agreement Schedule

**IGA No. 04-01-0008**

<table>
<thead>
<tr>
<th>Article VI - Temporary Per Diem Rate and Economic Price Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A temporary jail day rate of $82.41 has been established for a period of one (1) year, expiring on October 31, 2001, pending receipt of actual and allowable costs associated with the operation of the facility. The Local Government must submit these costs sixty (60) days prior to expiration. The jail day rate for subsequent periods will be adjusted based on the actual operational costs for the facility which could result in the rate decreasing, increasing, or remaining unchanged.</td>
</tr>
<tr>
<td>2. The Federal Government shall reimburse the Local Government at the per diem rate identified on page one (1) of this agreement. The rate may be renegotiated not more than once per year, after the agreement has been in effect for twelve (12) months.</td>
</tr>
<tr>
<td>3. The rate covers one (1) person per &quot;prisoner day.&quot; The Federal Government may not be billed for two (2) days when a prisoner is admitted one evening and removed the following morning. The Local Government may bill for the day of arrival, but not for the day of departure.</td>
</tr>
<tr>
<td>4. When a rate increase is desired, the Local Government shall submit a written request to the USM at least sixty (60) days prior to the desired effective date of the rate adjustment. All such requests must contain a completed Cost Sheet for Detention Services (USM-243) which can be obtained from the USM. The Local Government agrees to provide additional cost information to support the requested rate increase and to permit an audit of accounting records upon request of the USMS.</td>
</tr>
<tr>
<td>5. Criteria used to evaluate the increase or decrease in the per diem rate shall be those specified in the Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments.</td>
</tr>
<tr>
<td>6. The effective date of the rate modification will be negotiated and specified on the IGA Modification form approved and signed by a USMS Contract Specialist. The effective date will be established on the first day of the month for accounting purposes. Payments at the modified rate will be paid upon the return of the signed modification by the authorized Local Government official to the USM.</td>
</tr>
</tbody>
</table>

## ARTICLE VII - BILLING AND FINANCIAL PROVISIONS

1. The Local Government shall prepare and submit original and separate invoices each month to the federal agencies listed below for certification and payment.

**U.S. MARSHALS SERVICE**

**SOUTHERN DISTRICT OF FLORIDA**

301 NORTH MIAMI AVENUE

ROOM 205

MIAMI, FL 33128-7785

(305) 536-5346

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Form USM 241B
(Rev. 1998)
<table>
<thead>
<tr>
<th>Intergovernmental Service Agreement Schedule</th>
<th>IGA No. 04-01-0008</th>
<th>Page No. 5 of 9</th>
</tr>
</thead>
</table>

**IMMIGRATION AND NATURALIZATION**

**EASTERN REGIONAL OFFICE**

**DEPORTATION AND DEPORTATION DIVISION**

70 KIMBALL AVENUE

S. BURLINGTON, VT 05403-6813

(802) 951-6428

2. To constitute a proper monthly invoice, the name and address of the facility, the name of each federal prisoner, their specific dates of confinement, the total days to be reimbursed, the appropriate per diem rate as approved in the IGA, and the total amount billed (total days multiplied by the rate per day) shall be listed. The name, title, complete address, and phone number of the local official responsible for invoice preparation should also be listed on the invoice.

3. The Prompt Payment Act, Public Law 97-177 (96 Stat. 85, 31 USC 1801), is applicable to payments under this agreement and requires the payment to the Local Government of interest on overdue payments. Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and 5 CFR, Part 1315.

4. Payment under this agreement will be due on the thirtieth (30th) calendar day after receipt of a proper invoice, in the office designated to receive the invoice. If the due date falls on a non-working day (e.g., Saturday, federal holiday), then the due date will be the next working day. The date of the check issued in payment shall be considered to be the due payment is made.

**NOTE: RATES NOT SPECIFIED IN THE AGREEMENT WILL NOT BE AUTHORIZED FOR PAYMENT.**

**ARTICLE VIII - SUPERVISION AND MONITORING RESPONSIBILITY**

All recipients receiving direct awards from the USMS are responsible for the management and fiscal control of all funds. Responsibilities include the accounting of receipts and expenditures, cash management, the maintaining of adequate financial records, and the refunding of expenditures disallowed by audits.

**ARTICLE IX - ACCOUNTING SYSTEMS AND FINANCIAL RECORDS**

1. The recipient shall be required to establish and maintain accounting systems and financial records that accurately account for the funds awarded. These records shall include both federal funds and all matching funds of state, local, and private organizations. State and local recipients shall expend and account for funds in accordance with state laws and procedures for expending and accounting for its own funds, as well as meet the financial management standards in 28 Code of Federal Regulations (CFR), Part 66, and current revisions of OMB Circular A-87.
Intergovernmental Service Agreement Schedule

<table>
<thead>
<tr>
<th>IGA No. 04-01-2008</th>
<th>Page No. 6 of 9</th>
</tr>
</thead>
</table>

2. Recipients are responsible for complying with OMB Circular A-87 and 28 CFR, Part 66, and the keepability of the costs covered therein (submissions of Form USM-243). To avoid possible subsequent disallowance or dispute based on unreasonableness or unallowability under the specific cost principles, recipients must obtain prior approval on the treatment of special or unusual costs.

3. Changes in IGA facilities: The USMS shall be notified by the recipient of any significant change in the facility, including significant variations in inmate populations, which causes a significant change in the level of services under this IGA. The notification shall be supported with sufficient cost data to permit the USMS to equitably adjust the per diem rates included in the IGA. Depending on the size of the facility for purposes of assessing changes in the population, a 10% increase or decrease in the prison population shall be a "significant increase or decrease" for purposes of this subsection.

ARTICLE X - MAINTENANCE AND RETENTION OF RECORDS AND ACCESS TO RECORDS

1. In accordance with 28 CFR, Part 66, all financial records, supporting documents, statistical records, and other records pertinent to contracts or sub-awards awarded under this IGA shall be retained by each organization participating in the program for at least three (3) years for purposes of federal examination and audit.

2. The 3-year retention period set forth in paragraph one (1) above, begins at the end of the first year of completion of services under the IGA. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of all action and resolution of all issues which arise from it or until the end of the regular 3-year period, whichever is later.

3. Access to Records: The USMS and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of recipients or its sub-recipients/contractors, which are pertinent to the award, in order to make audits, examinations, except, and transcripts. The rights of access must not be limited to the required retention period, but shall last as long as the records are retained.

4. Delinquent Debt Collection: The USMS will hold recipient accountable for any overpayment, audit disallowance, or any breach of this agreement that results in a debt owed to the Federal Government. The USMS may apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards.

ARTICLE XI - GOVERNMENT-FURNISHED PROPERTY

1. It is the intention of the USMS to furnish excess federal property to local governments for the specific purpose of improving jail conditions and services. Accountable excess property, such as furniture and equipment, remains titled to the USMS and shall be returned to the custody of the USMS upon termination of the agreement.
Inter-govermental Service Agreement Schedule | IGA No. 04-01-0008 | Page No. 7 of 9

2. The Local Government agrees to inventory, maintain, repair, assume liability for, and manage all federally provided accountable property as well as controlled excess property. Such property cannot be removed from the jail without the prior written approval of USMS Headquarters. The loss or destruction of any such excess property shall be immediately reported to the USM and USMS Headquarters. Accountable and controlled excess property includes any property with a unit acquisition value of $1,000 or more, all furniture, as well as equipment used for security and control, communication, photography, food service, medical care, inmate recreation, etc.

3. The suspension of use or restriction of beds/pass made available to the USMS are agreed to be grounds for the recall and return of any or all government furnished property.

4. The dollar value of property provided each year will not exceed the annual dollar payment made by the USMS for prisoner support unless a specific exemption is granted by the Chief, Prisoner Services Division, USMS Headquarters.

5. It is understood and agreed that the Local Government shall fully defend, indemnify, and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act of any member of the Local Government or anyone else arising out of the use, operation, or handling of any property (to include any vehicle, equipment, and supplies) furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all maintenance, storage, and other expenses related thereto, and no liability for all property furnished to the Local Government.

ARTICLE XII - MODIFICATIONS/DISPUTES

1. Either party may initiate a request for modification to this agreement in writing. All modifications negotiated will be written and approved by a USMS Contracting Officer and submitted to the Local Government on form USM 241A for approval.

2. Disputes, questions, or concerns pertaining to this agreement will be resolved between the USM and the appropriate Local Government official. Space guarantee questions along with any other unresolved issues are to be directed to the Chief, Prisoner Services Division.

ARTICLE XIII - INSPECTION

The Local Government agrees to allow periodic inspections of the facility by USMS Inspectors. Findings of the inspection will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement, and levels of services. The mandatory minimum conditions of confinement which are to be met during the entire period of the IGA agreement are:
Intergovernmental Service Agreement Schedule

1. Adequate, trained jail staff will be provided 24 hour a day to supervise prisoners. Prisoners will be counted at least once on every shift, but at least twice in every 24-hour period. One of the counts must be visual to validate prisoner occupancy.

2. Jail staffing will provide full coverage of all security posts and full surveillance of inmates.

3. Jail will provide for three meals per day for prisoners. The meals must meet the nationally recommended dietary allowances published by the National Academy of Sciences.

4. Jail will provide 24-hour emergency medical care for prisoners.

5. Jail will maintain an automatic smoke and fire detection and alarm system, and maintain written policies and procedures regarding fire and other safety emergency standards.

6. Jail will maintain a water supply and waste disposal program that is certified to be in compliance with applicable laws and regulations.

ARTICLE XIV - CONFLICT OF INTEREST

Personnel and other officials connected with the agreement shall adhere to the requirements given below:

1. Advice. No official or employee of the recipient, a sub-recipient, or a contractor shall participate personally, through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which Department of Justice funds are used, where to his/her knowledge, he/she or his/her immediate family, partner, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, or less than an arm's-length transaction.

2. Appearance. In the use of Department of Justice project funds, officials or employees of the recipient, a sub-recipient or a contractor, shall avoid any action which might result in, or create the appearance of:

   a. Using his or her official position for private gain;
   b. Giving preferential treatment to any person;
   c. Losing complete independence or impartiality;
   d. Making an official decision outside official channels;
   e. Affecting adversely the confidence of the public in the integrity of the government or the program.
<table>
<thead>
<tr>
<th>Intergovernmental Service Agreement Schedule</th>
<th>IGA No. 04-01-0008</th>
<th>Page No. 9 of 9</th>
</tr>
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<tr>
<td>HOSPITAL SERVICES CENTER (4R2)</td>
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<tr>
<td>1611 N. W. 12 AVENUE</td>
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<tr>
<td>NORTH DADE DETENTION CENTER (4YU)</td>
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<td>13551 NORTH STATE ROAD 9</td>
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<td>TRAINING AND TREATMENT CENTER (410)</td>
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<td>WOMEN'S DETENTION CENTER (4BD)</td>
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<tr>
<td>MIAMI, FL 33166</td>
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</table>
# Modification of Intergovernmental Agreement

**U.S. Department of Justice**  
United States Marshals Service

### 1. MODIFICATION NO. 
**ONE (1)**

### 2. REQUEST FOR DETENTION SERVICES NO. 
**N/A**

### 3. EFFECTIVE DATE OF MODIFICATION 
**December 1, 2000**

---

### 4. ISSUING OFFICE 
**U.S. MARSHALS SERVICE**  
**PRISONER SERVICES DIVISION**  
**PROGRAMS AND ASSISTANCE BRANCH**  
500 ARMY NAVY DRIVE  
ARLINGTON, VA 22202-4210

### 5. LOCAL GOVERNMENT 
**Miami - Dade County Corrections and Rehabilitation Department**  
8660 W. Flagler Street  
Miami, FL 33414

### 6. IGA NO. 
**04-01-0008**

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### 8. ACCOUNTING CITATION 
**15X1020**

### 9. ESTIMATED ANNUAL PAYMENT 
**N/A**

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### 10. EXCEPT AS PROVIDED SPECIFICALLY HEREBIN, ALL TERMS AND CONDITIONS OF THE IGA DOCUMENT REFERRED TO IN BLOCK 5, REMAIN UNCHANGED TERMS OF THIS MODIFICATION:

The purposes of this modification are to correct: 1) delete "ARTICLE V - PERIOD OF PERFORMANCE" and substitute with "ARTICLE V - PERIOD OF PERFORMANCE AND BEDSPACE GUARANTEE" and 2) to add article XV - INS REQUIREMENTS ONLY" as follows:

**ARTICLE V - PERIOD OF PERFORMANCE AND BEDSPACE GUARANTEE**

This agreement shall remain in effect for a period of fifteen (15) years after the project(s) listed in Schedule B of CAP Agreement No. 34-04-90 is completed. The Local Government agrees to provide one hundred fifteen (115) bedspaces for federal prisoners upon the request of the USM commencing on the date of completion and activation of all project(s) listed in the above-mentioned CAP agreement. The IGA shall remain in effect through the period of the CAP agreement, and thereafter until terminated or suspended in writing by either party. Such notice will be provided thirty (30) days in advance of the effective date of formal termination and at least two (2) weeks in advance of a suspension of restriction of use unless an emergency situation requires the immediate relocation of prisoners.

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### 11. INSTRUCTIONS TO LOCAL GOVERNMENT FOR EXECUTION OF THIS MODIFICATION:

A. **☐** LOCAL GOVERNMENT IS NOT REQUIRED TO SIGN THIS DOCUMENT

B. **☒** LOCAL GOVERNMENT IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 2 COPIES TO U.S. MARSHAL

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### 12. APPROVAL

A. **Local Government**

   Signature: [Signature]  
   County Manager: [Name]  
   Title: [Title]  
   Date: 11/28/00

B. **Federal Government**

   Signature: [Signature]  
   Contracting Officer: [Name]  
   Title: [Title]  
   Date: 11/24/00

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USMS HQ USE ONLY  
Form USM-241a (Rev. 3/99)  
Page 1 of 2 Pages
ARTICLE XV - INS REQUIREMENTS

For purposes of this Intergovernmental Agreement, all persons in the custody of the INS will be referred to as "Administrative Detainee". This term recognizes that INS detainees are not charged with criminal violations and only held in custody to assure their presence throughout the administrative hearing process, and to assure their presence for removal from the United States pursuant to a lawful final order by the Immigration Court, the Board of Immigration Appeals or other Federal judicial body.

The Local Government shall ensure compliance with the thirty-six (36) INS detention standards, and fifty-seven (57) Department of Justice (DOJ) core detention standards to be provided by INS. The Local Government may adopt, adapt or establish alternative procedures, provided they meet or exceed the standard. As additional INS/DOJ detention standards are issued, and/or changed, they will be incorporated by issuance of a bi-lateral modification. Initial compliance will be made within ninety (90) days from the effective date of this modification.

The Local Government shall make special provisions for non-English speaking, handicapped or illiterate detainees. The INS will reimburse the Local Government for any costs associated with providing telephone language interpretive services, and upon request, will assist the Local Government in obtaining translation services. The Local Government shall include the amount paid for such services as a separate line item on their monthly invoice. The Local Government shall provide all instructions verbally (in English or the detainee's native language as appropriate) to detainees who can not read. The Local Government shall not use detainees for translation services, except in emergency situations. If the Local Government uses a detainee for translation service, it shall notify INS within 24-hours. Translation or orientation material and detainee handbooks will be provided by INS.

The Local Government shall provide suitable office and interview space at all times within the secure dormitory area for the purposes of workspace for an INS case manager and a Detention Enforcement Officer. Interview space shall be separate and apart from the office space to allow for confidentiality without being subject to auditory monitoring, interruption or distraction by other detainees or staff personnel. Telephone service for both areas will not be monitored nor go through a switchboard. The office space will have a minimum of at least two data transmission lines. The INS will be responsible for time and distance charges, fax, telephone, and computer data processing equipment. Office space shall be provided within 30 days, and interview space within 60 days from the effective date of this modification.
MEMORANDUM

TO: All Personnel

DATE: December 20, 2000

From: Captain Betty J. Fuller  B.J. Fuller
Facility Supervisor
Women’s Detention Center

SUBJECT: Immigration and Naturalization Services Detainees

Effective immediately, the Women’s Detention Center will accept Immigration and Naturalization Services (INS) detainees, from Turner-Guilford-Knight Correctional Center, that have been placed on suicidal precaution. The following precautions should be taken into consideration before accepting a suicidal precaution detainee:

1. Notify the captain at the Women’s Detention Center prior to accepting any suicidal precaution detainee from Turner-Guilford-Knight Correctional Center.

2. Notify the captain of the inmate population in 3C1 or 3C2.

3. Check with the psychiatric staff to determine whether or not an inmate in 3C1 or 3C2 can be moved to make room for the INS detainee if necessary.

4. Should space become available, the INS detainee will be housed behind the door in 3C1 or 3C2 in a designated room (example: 370 or 371), and placed on 15-minute checks.

5. After the detainee has been accepted at the Women’s Detention Center, the detainee will not be transported within the facility with any inmates.

6. Under no circumstances will the detainee participate in any activities with inmates.

7. A full lockdown will occur if the inmate goes to the clinic, attorney interview, or special visits. (Example: Same procedure that is utilized for juveniles.)

8. Documentation of overtime should specify INS Detainee Detail.

Should you require any further information, please do not hesitate to contact me.

BJF/Im
Appendix D: Articles, Press Releases, Congressional Testimony & City Commission Resolution


18. Little, Cheryl. “INS shouldn’t have chosen jail,” The Miami Herald, Readers’ Forum, March 17, 2001, p 6B.


Krome women to be moved

Abuse allegations prompt transfer

BY ALFONSO CHARDY
achardy@Miami.com

An estimated 50 women locked up at the Krome Detention Center are about to be transferred to a Miami-Dade County jail — a move meant to protect them as federal agents continue to investigate allegations of sexual abuse at the facility in west Miami-Dade, immigration officials said Monday.

"The female population will be transferred out of the Krome Services Processing Center," said Maria Elena Garcia, an Immigration and Naturalization Service spokeswoman. Garcia said an official announcement is scheduled for today.

An INS statement released late Monday says the women will be relocated to the Turner Guilford Knight Correctional Center near Miami International Airport. The center is a county-operated facility that opened in 1989.

Long sought by immigrant advocates, the removal of women from Krome is a response to several recent episodes of alleged rape and sexual harassment of the female inmates by federal security officers assigned to guard them.

Immigration reform advocates welcomed the move to protect the

Krome, from B1

women — but also expressed concern about moving the women to a county jail.

"The word I'm not hearing is release," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center, which represents many of the women held at Krome. Little's office maintains a full-time lawyer and paralegal at Krome to provide legal services to detainees there.

"It would be highly inappropriate to remove the women to local county jails," Little said. "None of the women at Krome are serving criminal sentences."

People held at Krome are largely foreign nationals either seeking asylum or awaiting deportation after having served time for criminal offenses.

When it happens, the transfer of the women will close a chapter in the troubled history of the Krome facility, where thousands of immigrants and would-be immigrants have been processed for admission into — or deportation from — the United States over the last two decades.

UNDER 20 PERCENT

As of Monday, INS officials said, there were about 500 inmates at Krome — about 90 of them women.

A team of Justice Department and other federal investigators has been probing conditions at Krome for months, focusing particularly on the sexual-abuse allegations. As a result, one detention officer — Lemar Smith — was charged in August with sexually assaulting a male-to-female transsexual detainee from Mexico.

On Sept. 12, INS disclosed the resignation of another detention officer, Michael Uzzell, who has been accused of, among other things, theft and destruction of official files. Also in September, Krome's fleet dispatcher Willie Boyd pleaded guilty to taking a $1,000 bribe.

While no further indictments or resignations have been announced, federal officials have suggested more legal actions may be pending.

OFFICERS REASSIGNED

At least a dozen detention officers have been removed from duty at Krome over the last few months and reassigned to jobs at the local INS headquarters at Biscayne Boulevard and Northeast 79th Street north of downtown Miami.

By removing the women from Krome, INS hopes to protect them from threats and intimidation, and to avoid further accusations of harassment and sexual abuse, officials said.

Transfer of the women was a key recommendation in a landmark study of Krome conditions released in October.

Titled Behind Locked Doors — Abuse of Refugee Women at the Krome Detention Center, the study by the New York-based Women's Commission for Refugee Women and Children proposed releasing female asylum seekers and relocating other women to alternate sites with minimal security.

"County prisons and hotels," the report said, "are not acceptable alternatives to Krome."

"Conditions are harsh and very punitive," said Wendy Young, director of government relations at the Women's Commission. "INS detainees are second-class citizens at county jails, because they don't get their constitutional rights like the other inmates."

-337-
PRESS RELEASE
12/12/00

Asylum Advocacy Groups Denounce Transfer of INS-Detained Women from Krome to County Prison and Call for Their Immediate Release

Contact: Cheryl Little, FIAC (305) 573-1106, x 1001
Wendy Young, Women's Commission, (703) 560-2621
Rachel Watson, Women's Commission, (212) 551-0959

Miami, Florida (December 12, 2000) — Women detained by the Immigration and Naturalization Service (INS) at the Krome Service Processing Center should be released immediately and not transferred to Turner Guilford Knight Correctional Center, the Florida Immigrant Advocacy Center (FIAC) and the Women's Commission for Refugee Women and Children said today.

The INS decision to move the women was prompted by growing evidence of widespread sexual abuse of women detainees at Krome by Immigration and Naturalization Service and Public Health Service officers. But FIAC and the Women's Commission claim that in transferring the detainees to criminal facilities the INS is breaking earlier assurances that they would look for safe, alternative accommodation where the women would still have access to legal services. In an October 24, 2000 letter to Attorney General Janet Reno, FIAC and the Women's Commission called for the immediate release of women asylum seekers and others eligible for parole from Krome and the development of alternatives to detention for those women who cannot be released.

"By moving these women to county prisons, the INS is trying to solve one problem by creating another," noted Cheryl Little, Executive Director of FIAC.

"It is outrageous that the INS is punishing victims of sexual abuse by locking them up in criminal facilities. The men who abused women at Krome belong in jail, not the victims," agreed Mary Diaz, Executive Director of the Women's Commission for Refugee Women and Children.

FIAC is representing several women who raised allegations of sexual abuse and misconduct in the Krome facility last summer. The Women's Commission issued a report in October 2000, "Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center," confirming widespread sexual, physical, verbal, and emotional abuse of women detainees by at least 15 male officers.

Together the two organizations presented their concerns to high-level INS and Justice Department officials earlier this year. These officials indicated to the two agencies that they would explore alternatives for housing women other than county jails.

Approximately 65 percent of INS detainees nationwide are incarcerated in county prisons from which the INS rents bed space. These detainees include women asylum seekers who are exercising their right to seek refugee protection from persecution in their homelands -- including rapists, honor killings, female genital mutilation, and sexual slavery -- and permanent residents with past criminal convictions who have already served their sentences.

Both FIAC and the Women's Commission have documented the devastating effect imprisonment in such facilities has on INS detainees. Detainees are often forced to share cells with criminal inmates, deprived of adequate medical care, and denied access to legal assistance. As newcomers are not provided with government-funded counsel, they rely heavily on pro bono legal service providers who are unable to serve the hundreds of county prisons used by the INS.

Wendy Young, Director of Government Relations and U.S. Programs with the Women's Commission, noted: "We have interviewed many women asylum seekers in county prisons who are lost in the system with no one to help them. By cutting them off from adequate representation, we are running the risk of returning women to the very abuses they escaped."

"If these women are moved to the Turner Guilford Knight Correctional Center, we will be unable to provide them the legal services necessary to seek immigration relief in the United States," commented Joan Friedland, Managing Attorney at FIAC.

FIAC is a non-profit organization which promotes and protects the basic human rights of immigrants of all nationalities. The Women's Commission for Refugee Women and Children is the first organization in the United States dedicated solely to speaking out on behalf of women and children uprooted by armed conflict or persecution.
Activists defend Krome women

BY ALFONSO CHARDY
achardy@herald.com

Most of the women who will be moved from the Krome Detention Center to a county jail are not foreign nationals with a criminal past, but women seeking political asylum and refuge from their home countries.

As many as 60 of the estimated 90 women about to be transferred to Miami-Dade’s Turner Guilford Knight Correctional Center (TGK) are waiting for the Immigration and Naturalization Service to review their petitions for asylum, said Bill Cleary, acting officer in charge at Krome.

Cleary’s disclosure Tuesday outraged immigration activists who believe INS is making a serious mistake in relocating asylum seekers to a jail instead of releasing them while their cases are pending. In fact, they say, transferring the women to a facility designed to house criminal suspects and convicts amounts to further punishment for people who are seeking to escape retribution and persecution in their native countries.

“They are victimized yet again,” said Cheryl Little, executive director of the Florida Immigrant Advocacy Center, which represents many of the women at Krome. “They were victimized in their home countries. They were victimized while at Krome, and now they are being victimized yet again by being sent to a criminal facility.”

The reason for the transfer in the first place is to protect the women from intimidation and threats in the face of an ongoing federal investigation of widespread abuse at Krome. Several women have alleged they were repeatedly sexually abused, harassed and assaulted by Krome officers while the women were detained there.

Concerned about the women’s safety, INS announced Monday it had agreed to move the female detainees. Cleary and Robert Wallis, INS Florida District director, said the female INS detainees will have more protection and privacy at the county jail than at Krome.

‘NOT PUNITIVE’

“This is not a punitive action against these detainees,” Wallis said, adding the move was designed “to ensure those detainees the most safe and humane detention conditions possible.”

The women will be placed in separate “living pods” where each would have an individual room or share it with one or two other detainees, Wallis said. At Krome, he noted, the women lived in dormitories with little privacy.

They also will be segregated from the general population of criminal suspects and convicts. And those seeking asylum also will be separated from aliens with criminal backgrounds. All will have access to attorneys 24 hours a day, seven days a week, Wallis said.

“We believe that TGK will offer the best possible conditions for these women who are detained while their immigration cases are active,” Wallis said.

Under federal laws approved by Congress in 1996, foreign nationals convicted of aggravated felonies are required to be detained by the INS for deportation upon completion of their sentences. The law also requires the detention of asylum seekers until their claim is decided. If it’s deemed valid, the asylum seeker is released. If not, he or she is ordered deported.

PUBLISHED ACCOUNT

In Behind Locked Doors, a recent report on Krome by the Women’s Commission for Refugee Women and Children, a female asylum seeker from China — identified by the pseudonym Chi — told investigators from the commission that “sometimes male guards come into the female dorm late at night.”

While Chi said she was not sure why the male guards would enter the women’s dormitory, the suggestion in the report was they were looking for sex.

Chi fled her country because her grandfather wanted to sell her into slavery to the nephew of a police officer. Chi arrived first in Los Angeles, where the INS detained her, and was subsequently transferred to Miami.

INS would not say when the women will be transferred, but Little said it may happen Thursday. Jack Wallace, one of Little’s Krome attorneys, said that after INS officials showed the women a video of TGK, some began crying and said they’d rather stay at Krome.
First Krome women transfers settling into a new home

BY ALFONSO GHARDY
aghardy@herald.com

The first contingent of women transferred out of the Krome Detention Center began to settle in Thursday into their new quarters: two freshly painted wings in the county-run Turner Guilford Knight Correctional Center near Miami International Airport.

Clad in bright-orange uniforms, the women moved into small rooms — each outfitted with double-bunk beds, a toilet and a sink. The wings assigned to Krome detainees smelled of fresh paint and plastic. Workers had only recently repainted the walls cream and the stairwell, and the new mattresses put on the bunk beds were still wrapped in their protective plastic covers.

The new furniture was a welcome of sorts to the female detainees, 90 in total, being relocated to Miami-Dade's TGK under a contract with the U.S. Immigration and Naturalization Service. The cost to INS: about $82 a day for each detainee.

The relocation, announced Tuesday, comes in the wake of allegations of sexual abuse of female detainees by officers assigned to guard them at Krome. Although the women who made specific allegations have since been released and the suspect officers removed, INS went ahead with the transfer on the grounds that TGK provides better protection and privacy.

The move did not go without glitches. An attorney from the Florida Immigrant Advocacy Center, which represents many of the Krome women, was told to leave when about half a dozen of the detainees attempted to talk to the lawyer, said Cheryl Little, the center's executive director.

"That never happened at Krome," Little said. Ultimately, she said, INS agreed to allow the attorneys to talk to women at will. On hand to witness the arrival of some of the women were senior INS and county corrections department officials, including INS Florida District Director Robert Wallis. Janelle Hall, public affairs administrator for the Miami-Dade Corrections and Rehabilitation Department, and Lt. Richard Marquez, TGK's day shift supervisor, gave The Herald a tour of the facility but did not allow interviews with INS detainees.

Wallis said INS will monitor the relocation and assign personnel to the detainees' wings to reassure the women that their cases remain on track.

Responding to criticism by immigration activists that placing the women, particularly asylum seekers, in jail is an outrage, Wallis said TGK was "the best alternative."

Opened in 1989, TGK is a jail without steel cages, steel bars or steel furniture. On the outside, it resembles an office building. Inside, inmates live in 48-room pods, or units, built around a central dayroom where a guard monitors activities. In the middle of the dayroom are tables and chairs as well as one or two television sets. The kitchen and showers are in one corner. In another corner is the so-called "yard" — a large open-air balcony covered with metal mesh to prevent escapes.

INS detainees are kept in two separate wings on the fourth floor of the five-story Building 1. One wing is designated for "criminal aliens," and the other is for "noncriminal aliens."

The "criminal aliens," the first group of 30 women moved out of Krome, are foreign nationals convicted of an aggravated felony and awaiting deportation.

The wing reserved for noncriminal aliens was still empty awaiting the arrival today of about 60 detainees — girls who have applied for asylum claiming a "credible fear" of persecution in their home countries.
INS WOMEN DETAINES

Florida administrators of the U.S. Immigration and Naturalization Service were right last week to move some 90 women out of the INS's Krome Detention Center, where they might face harassment from guards and staff.

But transferring them — including some 60 asylum seekers with no criminal record — into a Miami-Dade County jail simply punishes the victims for INS's inability to run a clean facility. A better, more-humane alternative for the women would be a secure residential setting, such as Boystown, where the agency houses unaccompanied immigrant children.

Since at least 1985 the INS's Krome detention center, has been the focus of criminal investigations every three to five years. The latest one erupted this year after a detainee accused a Krome officer of rape and other women complained of sexual abuse and harassment.

That officer has been charged, and others have been transferred out of Krome pending investigation. To its credit, the INS has released, under supervision, all the women who came forward to report misconduct at Krome.

Most hurt, however, are the rest of the women detainees who now will be held at Turner-Guilford-Knight Correctional Center.

Granted, the TGK facility is no dungeon. INS detainees are to be segregated from the jail's criminal population, kept in two units with 48 cells each. Units have TVs and a small all-concrete balcony. There are no bars, but there's no doubting this is a jail for criminals.

The asylum seekers being held there, however, have committed no crimes. Others who are pending deportation for committing crimes have fully served their sentences.

For reasons yet unclear, personal items, including medications, were taken away from them in the transfer. No jewelry is allowed now, not even wedding bands. They can make only collect phone calls, and one woman says that a $100 phone card that she used at Krome was confiscated. For this, INS pays $32 per day per detainee.

INS District Director Robert Wallis says that this was the best alternative to Krome detention. Only a directive from INS headquarters would allow the use of shelters, he said.

But nothing in the law says that women detainees can't be kept in more-humane, campus settings that would cost half that of TGK. Nor is innovation or cost-cutting forbidden by INS policy.
Victims of sexual abuse in INS jails

The INS should release those eligible for parole and place others in shelters.

It's time for the INS to revisit its detention policy. Most detainees can be released, especially asylum seekers. For those who can't be released, the INS should explore alternatives. A Vera Institute of Justice study says that supervised release is a viable alternative for most INS detainees. Given proper information and required to periodically report to a parole officer, the vast majority appeared for their INS proceedings.

ALTERNATIVES

Another alternative is to establish shelter-care facilities run by social-service agencies with expertise meeting the needs of the foreign-born. Such facilities have proven to be humane, effective and inexpensive.

Meanwhile, what must not happen is business as usual in the INS Miami District. The agency repeatedly has shown an inability to control Krome. The recent decision shows the agency is only making matters worse. Several officers implicated in the sex scandal remain on duty, while the targets of their alleged behavior are shunted off to jail. Where is the justice in that?

Cheryl Little is executive director of the Florida Immigrant Advocacy Center. Wendy Young is Washington liaison for the Women's Commission for Refugee Women and Children.
Jailed INS detainees cut off, advocates say

BY ALFONSO CHARDY
achardy@herald.com

Two weeks after the relocation of female inmates from the Krome Detention Center to a Miami-Dade County jail, Immigration attorneys are angrily complaining that access to the women is severely restricted and may delay or disrupt their claims for asylum or release.

Attorneys from the Florida Immigrant Advocacy Center, which represents many of the women, have written to Attorney General Janet Reno about their concerns and hope she will order the women released from the Turner Guilford Knott Correctional Center (TGK).

Complaints by the attorneys are the latest controversy to hit the transfer of about 90 foreign female inmates from Krome to TGK earlier this month. As many as 60 of the women are asylum seekers, and the rest are "criminal aliens" awaiting deportation because of their criminal pasts.

The Immigration and Naturalization Service removed the women from Krome because of concerns they were vulnerable to sexual abuse at Krome by officers assigned to guard them.

A team of Justice Department and other federal investigators has been looking into conditions at Krome for months, focusing especially on the sexual-abuse allegations.

Already, one Krome detention officer — Lamar Smith — has been charged with sexually assaulting a male-to-female transgender detainee from Mexico.

Cheryl Little, executive director of the Florida Immigrant Advocacy Center, acknowledged pushing for the removal of the women from Krome.

However, Little said that in conversations with former INS Commissioner Doris Meissner, activists were promised that the women would either be released or transferred to shelters.

Meissner, who left the INS in November, could not be reached for comment. But her main spokeswoman at the INS in Washington said she talked to Meissner and that Meissner denied making such a promise.

Maria Cardona, the INS spokeswoman, said Meissner recalled telling Little that the women would be moved first to an "appropriate" site and much later perhaps released or transferred to shelters.

"We are on that track, but it's not something we can accomplish immediately," Cardona said.

The women were moved to TGK first, Cardona added, because "our immediate concern was for the safety of the women and to get them out of the vicinity of the male population at Krome and the male guards."

However, Little is not the only one who remembers Meissner's promise.

Wendy Young, director of government relations and U.S. programs with the Women's Commission for Refugee Women and Children, also cited the assurances.

"INS is breaking earlier assurances that they would look for safe, alternative accommodation where the women would still have access to legal services," she said.

Little says she was also promised around-the-clock access to the detainees.

"For example, on Dec. 14, an attorney who was consulting with her clients and other female detainees was rudely and inappropriately informed by an INS deportation officer that she had no right to interview some of the women there and [was] told she had to leave immediately," Little and Mary Daz, executive director for the Women's Commission, wrote in a joint letter to Reno.

John Shewairy, INS Florida District chief of staff, did not deny that attorney access at TGK is different from Krome, but he noted that attorneys at Krome do not have 24-hour access, either.

According to the letter to Reno, the main complaints include:

• Detainees have limited ability to reach the outside, because jail telephones permit only collect calls.
• Attorneys cannot call detainees directly or leave messages.
• Detainees' medication and other personal items are taken away.
• Cells are too cold.
• Shewairy promised to look into the complaints.
Sexual abuse fears reach beyond Krome

Inquiry underway as women detainees allege incidents at second Dade facility

BY KARL ROSS
kross@herald.com

Women inmates whisked out of the Krome immigrant detention center last month amid a sexual abuse scandal may not be any safer against would-be predators in their new confines.

Two days after being admitted to a Miami-Dade County jail, a number of the women allegedly were "flashed" by a male inmate in a separate incident that same day, another female inmate was allegedly the victim of a sexual attack.

"The irony is not lost on these women," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center, which pushed for the women's removal from Krome but also fought their relocation to the Turner Guilford Knight Correction Center.

"The women were supposedly transferred for their own protection, and they're telling me they're every bit as vulnerable as they were at Krome," Little said.

The Dec. 12 transfer to TGK was prompted by allegations that male detention officers at Krome were preying on the women, intimidating or entic- ing them into sexual favors.

Federal agents are investigating. Already one Krome officer, Lemar Smith, has been charged with sexually assaulting a transsexual detainee from Mexico.

The latest incidents on Dec. 14 have fueled the fears of immigration advocates and, according to immigration officials, triggered an internal investigation at TGK. The 1,000-bed, maximum-security jail houses male, female and juvenile offenders.

County corrections spokes-
woman Janelle Hall confirmed that TGK's internal affairs department has an open investigation concerning the women inmates from Krome.

"Whether it's sexual or not, I haven't been told," Hall said.

Hall said no details about the investigation were available. But several women have recounted the incidents to private attorneys.

Little said the first incident occurred when a male inmate, part of a supervised work crew at the jail, "exposed himself" to a group of women. The women, she said, were supposed to be segregated from male inmates and overseen by female officers.

That same day, according to the accounts by the women, another male inmate allegedly followed one of the women into a room in the facility and began to kiss and fondle her.

Little said she blames the U.S. Immigration and Naturalization Service for the predica- ment, saying the women are being "needlessly punished and victimized."

She said the women are placed in "lockdown" — a security measure in which inmates are confined to their rooms or cells — whenever a man, inmate or otherwise, is present.

INS spokeswoman Patricia Mancha said John Shewairy, chief of staff for the agency's Florida District, was unavailable for comment. She also confirmed TGK officials have launched an internal probe into "reports of alleged misconduct by county trustees."

Mancha said the agency learned of the sexual abuse allegations by women inmates "immediately" after they were reported and relayed the information to the U.S. Department of Justice, which is overseeing the inquiry into misconduct at Krome.

"The important thing is we don't police ourselves," Mancha said. "We make it known to the proper authorities so they can take action and investigate."

Mancha added that the INS will do "whatever it takes" to ensure the women detainees under its custody are housed in a suitable environment.

The Florida Immigrant Advocacy Center, which represents many of the women transferred out of Krome, petitioned Attorney General Janet Reno for their release from TGK.

The center wants the women either to be released or transferred to privately run shelters.
Imagine the scenario: A woman is removed by the Immigration and Naturalization Service from its Krome detention facility because the INS can't ensure that staff won't sexually harass her. She is taken to a Miami-Dade jail where she presumably will be safe. Within two days she complained to her attorneys that a male inmate fondled her.

Both the U.S. Justice Department, which has an ongoing probe of Krome, and the jail's own internal affairs department are now investigating the latest incidents. It's unclear what they may find.

What's evident, however, is that five weeks after the INS Florida District transferred all women detainees out of Krome, these women still worry about their security; and they have additional difficulties resolving their INS cases difficulties that Krome's male detainees don't face.

The affronted women continue to be punished because of INS's inability to protect them or control its staff.

Now held at the Turner Guilford Knight Correctional Center, the women have less access to their families, lawyers, legal texts, deportation officers, care packages and mail. In some cases medication has been disrupted or altered. They are handcuffed when taken to Krome for asylum interviews or immigration-court hearings, stripped-searched numerous times and subjected to frequent lockdowns in their cells.

Consider this: The other day a number of the women were awakened at around 3:30 a.m. to be taken by bus to Krome. Other than for short periods during which each was taken to see an immigration official or to eat, the women remained in the bus until late afternoon when they were returned to TGK.

Many of the detainees women now held at TGK (as many as 60) are asylum seekers with no known criminal record. Those with criminal convictions have all served their sentences.

We appreciate the INS's wanting to find a safe place to detain the women in their custody. But putting the women in county jails where they are treated as criminal inmates only compounds their mistreatment. Worse, the INS transferred them without a workable plan for how their cases would be processed. And taxpayers are paying a premium of $82 per detainee per day for this.

A more humane alternative would be to house the women in a supervised campus setting that would cost half that of a county jail. Better yet would be for INS to release asylum seekers under supervision.

Either solution would also save the INS Florida District from yet more internal and federal investigations.
PRESS RELEASE

Florida Immigrant Advocacy Center
A non-profit organization dedicated to promoting and protecting the basic human rights of immigrants of all nationalities.
- 3000 Biscayne Blvd., Suite 400 • Miami, FL 33137 • (305) 573-1106 • Fax: (305) 576-6373

Women Asylum Seekers Speak Out About Deplorable Conditions at TGK Correctional Center, Miami

Women pay the price for INS inefficiency and abuses, rights groups charge

PRESS CONFERENCE

11:00 am, Wednesday, February 7, 2001

INS-detained women transferred to the Turner Guilford Knight Correctional Center, allegedly for their own safety, are instead imprisoned in appalling conditions. They are housed in cells and suffer restricted access to lawyers, poor medical care and little or no contact with their families. The majority of these women are seeking refugee protection in the US and have committed no crime.

The women were transferred from the Krome detention facility while authorities investigate allegations of sexual misconduct inflicted on detainees by INS staff. Meanwhile, male asylum seekers are still being housed at Krome, where they sleep in open dormitories, have regular family and legal visits and can exercise outdoors.

As the media have been denied access to TGK, this press conference will give women asylum seekers an opportunity to speak to journalists about the appalling conditions in the prison. The Women’s Commission for Refugee Women and Children and the Florida Immigrant Advocacy Center will urge the INS to end this unnecessary discrimination against women and abuse of basic human rights.

Where: 5th floor conference room,
3000 Biscayne Boulevard
Miami, FL 33137
(Free parking at back of building)

When: 11:00am, Wednesday, February 7, 2001

Who: Woman asylum seeker previously incarcerated at TGK

Wendy Young, Director of Government Relations,
Women’s Commission for Refugee Women and Children
Washington DC

Cheryl Little, Executive Director
Florida Immigrant Advocacy Center (FIAC)
Miami, FL
Detention center conditions criticized

Activists accused the INS of mistreating female refugees at the Turner Guilford Knight center.

BY ALFONSO CHARDY
achardy@herald.com

Activists blasted the federal Immigration and Naturalization Service on Wednesday, accusing it of subjecting dozens of foreign female refugees to harrowing conditions at a county jail — including reports of rats and strip searches.

"We interviewed women of many different nationalities," said Wendy Young, director of the Women's Commission for Refugee Women and Children. "They universally report confusion and fear about being in jail, a treatment that they never expected to receive in the United States."

At a news conference, Young and other immigration activists including Cheryl Little, executive director of the Florida Immigrant Advocacy Center, said the women were upset because on arrival at the county-run Turner Guilford Knight Correctional Center they were stripped of personal belongings including wedding rings, watches, pictures of loved ones and some religious items such as rosaries.

The activists also released an anonymous letter purportedly written by several women who complained about seeing rats at the jail and of being harassed by guards with frequent lockdowns and head counts. They also said they are deprived of sleep because guards shine flashlights inside their cells every hour throughout the night.

One Colombian woman identified only as Marta said in a telephone call to the news conference that women are also stripped-searched on arrival and ordered to squat three times naked.

Janelle Hall, spokeswoman for the Miami-Dade Corrections and Rehabilitation Department, said the issues were under review.

Rodney Germain, an INS spokesman in Miami, was also reviewing the letter before providing a response.

Young, whose organization has been monitoring the transfer of women from the INS-run Krome detention center to TGK, said the news conference marked the opening salvo in a campaign to pressure INS to release the women, most of whom are asylum seekers. INS noted that some of the women are foreign nationals convicted of aggravated felonies.

INS moved the women to TGK after immigration activists and some of the detainees complained about sexual abuse and harassment by some Krome male detention officers.

"I was very depressed," Marta told reporters by phone, "because the training the guards receive is to deal with criminals when the women in our wing were not criminals. One doesn't expect being held in something as horrible as a jail."
TGK women: Conditions poor

Detainees claim food is rotten, rats and harassment rampant

BY ALFONSO GHARDY
a.ghardy@herald.com

Women awaiting deportation described dehumanizing conditions at the county jail where they are being held, claiming that rats scurry through the kitchen, the food is poor and guards wake them hourly through the night.

“Emotional and mental abuse is what we get here,” said Moglisola Adekoya, 39, a Nigerian.

Adekoya is among a group of female inmates who consented to their first face-to-face interview since the Immigration and Naturalization Service in mid-December transferred 90 women detainees from the Krome Service Processing Center in west Miami-Dade to the county-run Turner Guilford Knight Correctional Center near Miami International Airport.

The INS transferred the women in the aftermath of allegations of sexual abuse by detention officers at Krome. One of the female inmates at TGK said she was groped and kissed against her will by an officer at Krome just before the transfer to TGK.

“It happened in October or November when this one officer kept making passes at me and grabbing me,” said the detainee. “One time he grabbed my breasts and another he kissed me.”

The problems cited by the women are the latest in an ongoing scandal involving INS and female detainees once housed at Krome.

INS officials acknowledged that the women are unhappy, but said steps were being taken to improve conditions.

“We are focused on making things better,” said John Shewalry, INS Florida District chief of staff. He specifically promised to take immediate action on the case of the detainee who said she had been sexually abused at Krome.

“We are going to look into it, and if there is credible evidence one of our employees at Krome was involved, he’s gone today,” Shewalry said.

He added that as part of efforts to improve conditions, the INS has established a panel of immigration advocates to monitor TGK and is planning to install complaint and suggestion boxes at the facility’s INS wings.

The women who were interviewed said guards routinely throw away written grievances inmates turn in. Janelle Hall, public affairs administrator for the Miami-Dade Corrections and Rehabilitation Department, said she had no evidence to corroborate the allegations.

Immigration advocates pushed the INS to move the women out of Krome, but they expected the immigration agency to either release the women or move them to shelters — not a county jail.

CLAIMING ABUSE: Lise Haynes, an INS detainee, says that at TGK, “they don’t treat us like human beings.”

The interviews were arranged by Cheryl Little, executive director of the Florida Immigrant Advocacy Center, whose attorneys represent many INS detainees at TGK and Krome. One of Little’s clients is Lise Haynes, 32, a Canadian, who has become one of the most outspoken critics.

“Here, they don’t treat us like human beings,” Haynes said. “Here they call us hos and bitches.”

Under TGK policy, Hall said, “foul language or demeaning statements or offensive language is not tolerated.”

Racquel Williams, 26, of Jamaica — another detainee interviewed — said they are being punished “twice” — once for being foreign-born convicts and again for complaining about abuse at Krome.

The women are among about 100 female detainees at TGK — a group that includes undocumented aliens seeking political asylum and legal permanent residents awaiting deportation because of convictions for aggravated felonies.

Laws passed in 1996 mandate the detention and deportation of foreign nationals convicted of aggravated felonies. Regulations also require detention of asylum-seekers, although often they are released within weeks.

Williams faced drug-related charges that were dismissed, but INS moved to deport her on the grounds that there is still “reason to believe” she committed a crime.

Other major problems at TGK, the women said, involve living conditions, particularly the food that is either spoiled, tastes bad, or is expired — like some recent cereal they were served. Hall said TGK is looking into the complaint but noted that the facility receives fresh cereal shipments weekly.

As for the complaints of rats in the kitchen, Hall said the women do not have access to the kitchen and that an exterminator checks the facility every week. Another issue, they said, is the lack of proper sleep.

Every night, the women say, a guard comes by their cells every hour, pounds on the door and shines a flashlight inside.

Hall said guards are required to check cells hourly to “prevent escapes, suicides or suicide attempts and see whether an inmate needs medical attention.”

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WHY JAIL?

WOMEN FROM KROME AREN'T CRIMINALS

More than two months ago, the U.S. Immigration and Naturalization Service promised to move women being detained at its Krome facility to a place with "safe, secure and humane conditions." That place turned out to be a Miami-Dade County jail. The women — none of whom are criminals — are routinely treated as jail lunatics.

The INS says this complies with federal policy. If so, that policy should change. Most Americans would not consider this as administrative detention. The daily indignities of jail add up to inhumane treatment of these women.

The INS is holding some 100 women at Miami-Dade's Turner Guilford Knight Correctional Center, commonly called TGK. Most seek asylum in this country, having fled violence and persecution in such places as El Salvador, Colombia and Haiti. Even the women awaiting or challenging deportation because of criminal convictions have completed their sentences. Were they U.S. citizens, they would be free.

GRIM CONDITIONS

Some say they witnessed or were victims of sexual abuse at the INS Krome detention center, which is now under investigation. A few claim to have been sexually harassed at TGK right after being moved there in December, which also is being investigated.

Longtime U.S. residents Mojthels Adegoya, Lisa Haynes and Raquel Williams, INS detainees at TGK, met with a Herald Editorial Board member this week and described the grim conditions. They told of being handcuffed when hauled to INS's Krome detention center for asylum interviews or immigration-court hearings — and of being stripped and searched, sometimes roughly, upon their return. Ms. Williams said she and asylum seekers in her unit were awakened at 2 a.m. last week to go to Krome. Put on the bus to Krome around 3 a.m., they weren't returned to TGK until 11 p.m.

CUT OFF

The women's access to relatives and the outside world has been seriously constrained. While men at Krome may have contact visits with family members twice a week, the INS's women detainees at TGK are allowed only one such visit a month — despite the INS's own detention standards that "encourage visits from family and friends."

TGK pay phones, moreover, allow only outrageously expensive collect long-distance calls, which many relatives can't afford. Haynes described how she "begged to use the phone with a calling card" to reach her father who had been rushed to a hospital with heart problems. She said the officer asked her to request it in writing, but didn't grant the request until the next day.

The INS even initially denied these three women access to the news media. The Herald gained an interview only after threatening legal action.

Proper food and medical care also are issues to consider. Adegoya, a chronic asthmatic, said that the inhaler she had at Krome were taken away from her when she arrived at TGK. Only after she suffered several attacks while locked in her cell was she allowed to keep one inhaler with her.

At night when they are trying to sleep, jailers shine flashlights into their cells about once an hour. If the woman doesn't respond, the jailers bang on the door.

HARASSMENT?

The three women said some INS officers and jailers threaten detainees with lock downs, transfer and other punitive treatment — tactics that discourage most of the women from complaining of mistreatment. The three said TGK personnel often berate some women for not knowing English, have tossed written grievances into the trash and routinely call them obscene names.

We can't judge the accuracy of these charges, but there is no evidence to the contrary. Florida INS Chief of Staff John Schwary told The Herald that TGK meets all but one of 30 INS detention standards. He said some harder conditions are acceptable because of TGK's "security reasons."

Mr. Schwary also says that asylum seekers are detained on average two to three weeks only. Yet lawyers say that they have interviewed at least six asylum seekers held at TGK who have been in INS detention from two to six months.

Both INS and TGK staff insist that they are working to address the concerns of the women at TGK. That's a start.

Yet the fundamental problem is that the women seeking political asylum or fighting deportation proceedings don't deserve to be jailed in a criminal facility.
POSITION STATEMENT/PAPER
City of Miami Commission on the Status of Women

REGARDING THE STATUS AND TREATMENT OF FEMALE ASYLUM SEEKERS AND THEIR CHILDREN BY STATE AND FEDERAL AUTHORITIES

The current history of abuse of detainee and asylum seekers at the Krome Avenue facility, and at other facilities, been well documented by the media, United Nations High Commissioner for Refugees, Amnesty International, and the Women’s Commission on Refugee Women and Children. Despite this documentation, public scrutiny, and outcry by agencies, private organizations and individuals, it appears that the condition of the detainees and asylum seekers has not improved.

While it is true that some female detainees have been convicted of crimes that subject them to deportation, the majority of the women being held, as well as their children, are simply refugees seeking a better way of life in the United States.

The United Nations and other organizations have promulgated standards for treatment of refugees that the United States, through the Immigration and Naturalization Service (INS), has yet to practice.

Fewer women than men are held as detainees, which leads to problems of how and where women should be housed and treated. It has been established that it is poor policy to separate women from their children. Nevertheless INS houses under-age children of female asylum seekers at a totally separate facility, i.e., Boys Town. Medical treatment is also required for those in need, yet INS currently fails to live up to its own standards for such treatment, and woman asylum seekers are routinely deprived of their required medical treatment by guards and administrators of the facilities in which they are held. There are documented cases of women with serious medical problems such as epilepsy and hyperthyroidism being denied their medication by guards and administrators until it becomes a critical care situation. In the case of Krome, the medical facility is so inadequate as to beg for federal investigation by the Justice Department.

Women in detention of all sorts should be free from sexual harrassment by guards at those facilities, and should never be put and kept in a situation that is harmful to them physically and emotionally, where the guards are only periodically investigated and/or prosecuted for treatment that runs from groping the women for favors at the cankey, to out and out promises and threats of deportation if the women refuse their sexual advances.

This said, INS has long promised to move the female asylum seekers to facilities that are safer. That is to say, they will no longer be subjected to the harassment (which under UN standards is considered torture) and that they will be in a better position to be near family, attorneys and the like. To that end, the INS has signed a contract with Miami Dade County for the housing of
asylum seekers/detainees at Turner-Guilford Knight Center - the County Jail - under the auspices of the U.S. Marshall's Service, for a period of 15 YEARS. The county is paid $82.00 per day for the care of these women. The County Jail facility at TGK has now held these "prisoners" for a while, and their mistreatment while incarcerated has been documented by several agencies. The women are routinely being abused by jail guards, denied adequate access to their attorneys and families, and continuously complain about the food and adequacy of their medical treatment. They are routinely denied their prescribed medications, interviews with attorneys and families are denied, delayed or overlooked. Where there is a language problem that requires translation, the only translation available is if the attorney or interviewer has a cellular phone to contact an AT&T translating operator. There is a single interview room at TGK which is inadequate at best. While not widely known, these women are often shipped out of TGK to facilities in other states – Pennsylvania, Louisiana, New York – in the middle of the night with no notice to counsel or families. This is outrageous.

We, the City of Miami Commission on the Status of Women would like to weigh in on the ongoing discussions and recommendations made by all the previously mentioned organizations.

We feel that the following minimum standards of care should be followed for the time any women are in detention in our community, either at Krome or at a county jail facility.

1. Asylum seekers who have shown a credible fear of persecution should not be detained, but should be given expeditious and fair hearings. Prolonged detention of asylum seekers is contrary to the principles of international law.

2. For women who cannot be paroled pending a final hearing, the INS should have a more credible holding facility than a county jail, which the taxpayers are essentially paying for twice.

3. Women are exceptionally vulnerable in a real prison detention situation, and the inability to communicate with or understand the guards opens them up to greater abuse. Having an official translator available, and in addition, multilingual guards for these ladies in particular, would be of great assistance.

4. Children should NEVER be separated from their mothers.

5. Working and adequate grievance procedures MUST be in place so the women who complain about their treatment are not subject to retaliation by guards.

6. There should be immediate investigation and suspension of any guard or administrator who is an alleged violator. It would be prudent for the investigation to be made public, so as to deflect the rather obvious conclusions that INS and the County facility are covering up the abuses in the hope the accusers will be deported before they can testify (this has happened) or the detainee is shipped away to another facility. We suggest a civilian oversight board to oversee and assist in these investigations. This will assure fairness for all concerned.
7. Medical treatment and medicine should ALWAYS be available to a needy detainee. Under no circumstances should any woman with a medical condition that requires ongoing medication be put at risk because the guards "don't feel like it" or use the medicine, or lack of it, to better control the inmates. Counseling should be available for those who have been abused or tortured, or simply detained.

8. There is an absolute lack of respect for the asylum seekers by their jailers. Sensitivity training would seem to be an option, along with separate areas of detention. However the prison warden at TGK has stated that he cannot "treat these people differently, or the other prisoners will take it out on them."

9. There must be adequate facilities where the asylum seekers can be alone with their attorneys, with official translators available to assist. These sessions should always remain private and out of the hearing of guards. Privileged communications are just that. This is a fundamental human right, and detainees should never be denied access to counsel.

10. Prisoners have the absolute right to practice their religious beliefs. It is on record that at certain facilities women from places such as Somalia have been forced to remove their veils and strip for body cavity searches by male guards. This is intolerable.

11. Asylum seekers should have access to the basic necessities such as shower facilities and restrooms. Women should never be forced to appear in court or anywhere without being able to properly wash.

12. Asylum seekers should be assured they will remain in a certain facility where they have access to family visitors and their attorneys. They should never be secretly sent to other facilities without proper and fair notice to all. Bed space is not a reasonable excuse.

13. The United States should immediately adopt and ratify the United Nations High Commissioner on Human Rights Guidelines on Human Rights set out in 1999 — and then make sure that federal institutions follow them, or be punished if they do not.

WOMEN WHO HAVE COME TO THE UNITED STATES SEEKING A BETTER LIFE SHOULD BE ASSURED THAT THEY WILL BE KEPT IN A SAFE AND PROTECTED PLACE UNTIL THEIR CLAIMS CAN BE FAIRLY PROCESSED BY THE GOVERNMENT. UNTIL THAT TIME, THEY SHOULD BE TREATED AS ALL ASYLUM SEEKERS HAVE BEEN TREATED HISTORICALLY BY THE UNITED STATES — WITH CARE AND FAIRNESS, NO MATTER WHERE THEY COME FROM, NO MATTER THE LANGUAGE THEY SPEAK, NO MATTER THE COLOR OF THEIR SKIN. THEY HAVE COME HERE TO ESCAPE PERSECUTION, AND ARE DUE THE RESPECT TO WHICH ALL HUMAN BEINGS ARE ENTITLED, NO MATTER THEIR ORIGIN.
United States of America

"I'm not an inmate. Why should I be treated as one?"
Women asylum-seekers punished for state's failure to protect them

"[I] would rather have... been killed in Colombia by the FARC and the UAD (paramilitaries), than be detained at TGK."
Testimony of an asylum-seeker detained at Turner Guilford Knight Correctional Center

Women asylum-seekers are facing serious ill-treatment in a local Miami jail where they were transferred following allegations of sexual abuse at a US federal government immigration centre in Florida. Amnesty International believes that the move has effectively resulted in the women being "punished" for the US Government's original failure to protect them.

The organization is calling on the Immigration and Naturalization Service (INS) to take immediate steps to ensure the safety and well-being of INS women detainees transferred to the Turner Guilford Knight Correctional Center (TGK).

Around 13 December 2000, the INS moved 90 female detainees (as many as 60 are asylum-seekers) from Krome Service Processing Center to TGK. The move followed the publication of a report by the Women's Commission for Refugee Women and Children detailing widespread sexual, physical, verbal and emotional abuse by guards of the female detainees at Krome. TGK has not been the model facility purportedly portrayed by the INS, however. According to reports received by Amnesty International, the treatment of female detainees at TGK is in many respects far more severe than at Krome.

Women have complained of being treated as criminal detainees rather than asylum-seekers. According to the Florida Immigrant Advocacy Center, which has been monitoring the move, the women's medication and other personal belongings were reportedly confiscated upon being transferred to TGK. The women, some of whom are pregnant, complain of insufficient food, inadequate medical care and very cold cells. A detainee alleged that they are told repeatedly that they are inmates and will be treated as such. The women are frequently locked up in isolation, sometimes arbitrarily; they have poor recreational facilities; are awakened frequently throughout the night for prison counts or for blood tests; are not allowed pens; and are subject to arbitrary rules. According to one detainee, the women were stripped-searched on arrival and ordered to squat three times naked.

Although the women are now supervised by female guards at TGK complaints of sexual harassment and abuse continue to be received. Just two days after their arrival, a male trustee -- a prisoner who is part of a work crew -- "exposed himself" to a group of women. That same day another male trustee allegedly kissed and fondled a female detainee while a
male guard apparently stood by. On the following day another male trustee exposed himself to a woman, who had reported sexual abuse by an officer who remains at Krome. The women are now placed in "lockdown" whenever a man is in the cell unit, thus effectively "punishing" the women. "...We were moved [because] there was sexual harassment towards the female population and it was for our own protection. My question is whose protection?" a women detainee stated in a letter received by Amnesty International.

Legal service providers report significant barriers to attorney access at TGK, and detainees are only allowed one personal visit per month, in comparison to the two visits a week they were allowed at Krome. Moreover, they are only allowed to make collect calls which many phones do not accept.

Amnesty International is also concerned that some women who have already passed their "credible fear" asylum interviews, and are thus eligible for release, still remain in detention. Moreover, those who are eligible for release are reportedly told that they will be denied release if they complain about conditions. Some detainees are threatened with file review denials, transfer or lockdown for expressing concern about their treatment. They are also handcuffed when taken to Krome for asylum interviews or immigration court hearings and stripped searched numerous times.

International Standards state that the detention of asylum seekers should normally be avoided. Yet asylum-seekers are not only routinely deprived of their liberty in US prisons and jails, are also often detained indefinitely beyond the limited period suggested by international standards in conditions entirely inappropriate to their status, which may amount to cruel, inhuman, or degrading treatment. The detention policies and practices in the USA fail to follow not only relevant United Nations (UN) standards on treatment of asylum-seekers and refugees but also violate fundamental international legal principles such as Article 9 of the International Covenant on Civil and Political Rights, which prohibits arbitrary detention.
Amnesty International is calling on the INS to take immediate steps to ensure the safety and well-being of INS female detainees transferred from Krome; ensure that they receive humane treatment; are not locked up in isolation or otherwise treated punitively while in detention; and that detainees are not held in local jails. The organization believes that in those limited circumstances where detention of asylum-seekers is justified, they should be detained in a facility appropriate to their status as asylum-seekers, in line with international standards. Amnesty International maintains that the practice of placing women asylum-seekers in punitive "lockdown" is unnecessary and constitutes cruel, inhumane and degrading treatment or punishment.

Amnesty International is also calling on the INS to ensure that male guards and inmate trustees do not have unsupervised access to female facilities which create opportunities for abuse. The INS should also ensure that preventive measures are in place so that women are not afraid to report abuses through fear of reprisals and to protect women from sexual abuse. The organization is also asking to be informed of the outcome of the internal investigation carried out by the TGK Office of Public Affairs into the allegations reported.

Amnesty International believes that asylum-seekers should be given access to legal counsel — and to the UN High Commission for Refugees and appropriate non-governmental organizations assisting detained asylum-seekers — at all stages of their detention. The organization is also raising concern with the INS about reports that one detainee was transferred from TGK to Monroe County Jail, Florida, where she has no legal representation and is housed with the regular inmate population. It is also asking whether 21 asylum-seekers were recently transferred to a county jail in York, Philadelphia, without guaranteed access to attorneys.

**Background**
In October 2000, the Women's Commission for Refugee Women and Children released a report detailing the abuse of refugee women at the Krome Detention Center. Based on interviews with current and former female detainees and INS officials, and the reports of local legal service providers, the Commission found widespread reports of sexual, physical, verbal and emotional abuse of the female detainees at Krome. In an attempt to find a solution to this problem, the INS, without warning, decided to move the 90 female detainees to TGK. The 1,000-bed jail houses male, female and juvenile convicted criminal offenders and those awaiting trial.

While Krome is no longer accepting female asylum-seekers, the women still have to return to Krome for court and asylum office interviews, although the latter will eventually be held at TGK.

A team of Justice Department and other federal investigators have been looking into conditions at Krome for months, focusing especially on the sexual abuse allegations. Two INS officers have been indicted, one for rape and the other for fraud; one Krome detention officer has been charged with sexually assaulting a Mexican transsexual detainee. Nine INS officers have been reassigned from their duties to desk jobs pending the investigation.

In January 2001, the INS issued national standards for the treatment of its detainees whether held in INS-run detention facilities or local jails. The 36 standards cover a broad range of issues, including visiting rights and grievance procedures. There is great concern, however, that the standards will not provide adequate safeguards as they are non-binding. Moreover, critics have argued that these standards do not address important issues such as the frequent transfer of detainees without the notification of their lawyers.
KEYWORDS: WOMEN / PENAL INSTITUTIONS / REFUGEES / SEXUAL HARASSMENT / PRISON STAFF
Sex abuse of female inmates widespread

Report targets jails, prisons in Fla.

BY FRANK DAVIES davies@herald.com

WASHINGTON — Sexual abuse of female inmates in U.S. prisons is widespread and often ignored, and Florida prisons and jails don't do enough to protect women behind bars, according to a 50-state report from Amnesty International released Tuesday.

Cassandra Collins of Tallahassee told a press conference how she was raped by a Gadsden County jail captain five years ago while serving a sentence for writing bad checks. Her complaints were largely ignored until her attacker confessed to raping another guard and was convicted on federal charges.

"He got away with it for a long time," Collins said. "We all want to believe that we live in a country where people are not tortured and women are safe. We don't."

William Schulz, Amnesty's executive director in the United States, said since 1998 his organization has documented more than 1,000 cases of abuse in the nation's jails and prisons, where the female population has grown to about 85,000, including more than 4,000 in Florida.

"Such allegations are often dismissed as an aberration involving the behavior of a few bad apples," Schulz said. "This report shows a major systemic problem."

Florida's criminal laws in such cases are stronger than some other states, but according to the Amnesty report, the state's laws and practices should be strengthened.

"Florida statutes don't cover all forms of sexual abuse, including oral sex and harassment," Schulz said. "And state laws cover only state institutions and state employees — not local jails, guards and other employees often working for private firms."

Collins founded a group of rape victims and advocates two years ago and is lobbying for a bill in Tallahassee to strengthen penalties against abusive prison guards and employees and allow female prisoners to meet with counselors.

"What happened to me should never happen again," Collins said. "This bill gives women in prison basic protection against sexual violence."

Gov. Jeb Bush supports "the concept of protecting jail inmates similar to the protections in the state prisons," said Elizabeth Hirst, a spokeswoman. The governor's office is studying the details of the bills.


In the past year, state and federal officials have investigated several cases in South Florida. Female inmates at Krome Detention Center complained that they were offered freedom for sex, and six guards at a Wackenhut facility in Fort Lauderdale were fired or punished for having sex with inmates.

"There is simply no reason to shackle a woman who is in labor or giving birth," Schulz said.

Susan McDougal of Whitewater fame, who was jailed 22 months on contempt charges, also spoke out at the press conference about "degrading conditions" for women in state and federal prisons.
RESOLUTION NO.______________

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT, STRONGLY URGING THE UNITED STATES DEPARTMENT OF IMMIGRATION AND NATURALIZATION SERVICES, MIAMI-DADE COUNTY DEPARTMENT OF CORRECTIONS AND REHABILITATION AND ANY OTHER STATE- OR FEDERAL AUTHORITIES RESPONSIBLE FOR THE STATUS AND TREATMENT OF FEMALE ASYLUM SEEKERS TO REVIEW THE "POSITION STATEMENT/PAPER" OF THE CITY OF MIAMI COMMISSION ON THE STATUS OF WOMEN REGARDING FEMALE DETAINEEs AND ASYLUM SEEKERS; FURTHER DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN.

WHEREAS, the history of abuse of detainees and asylum seekers at the Krome Avenue facility and other facilities have been well documented by the media, United Nations High Commissioner for Refugees, Amnesty International and the Women's Commission on Refugee Women and Children, but the treatment of the detainees and asylum seekers has not improved; and

WHEREAS, the City of Miami Commission on the Status of Women has set out in its Position Statement/Paper what it believes should be the minimum standards of care for the...
treatment of detainees and asylum seekers detained in facilities; and

WHEREAS, the City Commission wishes to strongly urge the United States Department of Immigration and Naturalization Services, Miami-Dade County Corrections and Rehabilitation and any other state or federal authorities to review the "Position Statement/Paper" of the City of Miami Commission on the Status of Women regarding detainees and asylum seekers;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami City Commission strongly urges the United States Department of Immigration and Naturalization Services, Miami-Dade County Department of Corrections and Rehabilitation and any other state or federal authorities responsible for the status and treatment of female asylum seekers to review the "Position Statement/Paper" of the City of Miami Commission on the Status of Women as attached regarding female detainees and asylum seekers.

Section 3. The City Clerk is hereby directed to transmit a copy of this Resolution to the United States Department of Immigration and Naturalization Service, Attorney
General of the United States, Miami-Dade County Department of Corrections and Rehabilitation and any other state or federal officials deemed appropriate for said purpose.

Section 4. This Resolution shall become effective immediately upon its adoption and signature of the Mayor. 

PASSED AND ADOPTED this _____ day of ____________, 2001.

JOE CAROLLO, MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

ALEJANDRO VILARELLO
CITY ATTORNEY

WS151:LB

2/ If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.
INS shouldn't have chosen jail

We are deeply concerned about the conditions facing the women at the Turner Guilford Knight Correctional Center, but the Immigration and Naturalization Service should bear the brunt of criticism regarding the move of the women from the Krome Avenue detention center.

INS promised a better environment than Krome for the women now at TGK. But INS had to know that in many ways life for the female detainees would be far more restrictive at TGK, a county jail that houses inmates who have been arrested or are already serving sentences.

It appears that little planning was undertaken by INS to ensure that TGK was suitable for the women. INS seems to have rushed to rid itself of the problem of not being able to control corrupt officers at Krome. The women believe they are being punished for someone else's sins.

Many TGK personnel seem interested in trying to ensure that the INS detainees are treated fairly and humanely. And the detainees repeatedly praise the many good officers working at TGK, as they did the many good officers at Krome.

The problem, as TGK officials say they pointed out to INS before the move, is that they cannot treat the INS detainees differently than the regular inmates. But most of the INS detainees at TGK are asylum seekers with no criminal record.

They are terrified when subjected to hourly counts at night and strip-searched each time they return from their hearings at Krome. Most don't even speak English and often are unable to communicate with jail staff.

The INS never seriously explored the possibility of reasonable alternatives to jail, alternatives that have been successfully undertaken in other parts of the country. Nor has it made good on a promise to ensure the implementation of new INS detention standards.

CHERYL LITTLE
Executive Director,
Florida Immigrant Advocacy Center
Miami
Double jeopardy in America

Locked up in a Miami-Dade County jail for more than two months now, Racquel Williams has faced a question that no one in America should have to ask: Why does the United States want to deport her for a crime that she was cleared of?

"All I know is that I was found not guilty, and I want to go home," she says. "It seems that they are trying me again for the same crime."

At her first trial, in federal criminal court, the jury acquitted her. Williams, 26, was on her way back from a two-week vacation in Jamaica, her birthplace, when a Customs inspector found cocaine in her suitcase. That was in September. Protestimg her innocence, she refused a plea deal.

As it turned out, the inspector's testimony later proved critical. He testified that she looked like any normal passenger, says William Thomas, her federal public defender. She wasn't sweating or acting nervous but got upset when they opened the case and found drugs.

At first Williams didn't want to believe it, but she realized that her boyfriend (now ex) must have put the cocaine in her bag. Two days earlier, he had showed up in Jamaica unexpectedly, and he stayed behind when she left. After her arrest at Miami's airport, she used her cell phone to phone him. She was crying and asked him to come help her. He said he would.

"He's still nowhere to be found," she now says, still speaking from jail.

On the stand, Williams told the jurors about her life before the arrest. Living in Virginia Beach with her older sister and grandmother, she was a full-time college student, studying to be a computer administrative specialist while working full time for a local-events promoter. She also was supporting her 6-year-old daughter, Esrica Morris.

"I was about to graduate from school. I had just bought my car. Everything was going how I had prayed for," Williams says. All that effort was "so that my daughter could have a better life."

Williams hasn't seen her daughter for nearly six months. She was desperate when a jail guard took away Esrica's photo for a week. And it breaks her heart when, over the phone, Esrica confesses that she has no record of talking to and can't pray by herself.

"I just want to go back to my life," Williams says understandably.

You would think she could because a jury of her peers found her not guilty on Jan. 5. But she can't. The U.S. Immigration and Naturalization Service won't let her. The agency has overwhelming powers that most Americans would protest if applied to them.

CONVICTION NOT NECESSARY

Not only is the INS trying to deport Williams, in fact, it can do so — for equal, if not less, reason than what was needed to arrest her on federal charges.

Thanks to harsh anti-immigrant laws, no conviction is needed to deport you if the INS shows "reason to believe" that you are a drug dealer or a "knowing aider, abettor, assistant, conspirator, or colluder with others in the illicit trafficking."

While the INS won't discuss specific cases, Florida INS District spokesman Rodney Germain explains its general approach: "If someone presents the right information, we can act on it. Many parts of the Immigration and Nationality Act don't require conviction."

All this applies, of course, only if you are not a U.S. citizen. Even if you were a longtime permanent resident — like Racquel Williams, who arrived at age 12, has lived in United States more than half her life and has a U.S.-born daughter. Even when she has no record of drug crimes. Even after 12 jurors found no reason to believe her guilty of a drug crime.

$82 FOR INJUSTICE

Williams is scheduled for a hearing on her deportation case on April 2. But the INS is cutting her no slack. Apparently, it believes she is a flight risk or danger to the community: INS won't allow her to bond out of jail. Thus, we taxpayers are paying $82 a day to keep her wrongfully in a cell. As if Williams would run to Jamaica to avoid being deported there. As if she would risk long-term separation from her daughter and family.

"There are people who are found innocent because they are innocent. Those are the cases where the INS should exercise their discretion," says Boris Wijkström, Williams' pro-bono attorney from the Florida Immigrant Advocacy Center.

He is right. The INS does have prosecutorial discretion, and it has plenty of people convicted of violent drug crimes to deport. But the Florida INS District is capriciously persecuting Williams. That is more than double jeopardy. Her defense is an offense to the rule of law that most Americans live by.

sharcia@herald.com
INS jailing of women is assailed

BY KARL ROSS
kross@herald.com

The Miami-Dade County Commission on Tuesday called for an end to the internment of female asylum-seekers and immigrant detainees at the county's Turner Guilford Knight Correctional Center (TGK).

The commission considered terminating the arrangement unilaterally with 30 days' notice but instead ordered County Manager Steve Shiver to schedule a meeting with Immigration and Naturalization Service officials.

"Finally, I have some hope now," said Cheryl Little, an immigrant rights attorney who advocates the women's release from TGK.

"One of my concerns is that the women were being forgotten."

Commissioners Barbara Carey-Shuler, Katy Sorenson, Natacha Seltias and Joe Martinez asked to participate in the meeting with INS officials, along with Shiver and U.S. Rep. Carrie Meek, D-Miami.

INS officials were caught off guard by the commission's reaction.

Agency spokesman Rodney Germain said officials at the INS Miami District office are withholding comment until they receive official notice.

WHAT THE MIAMI-DADE COMMISSION DID

- Deferred until Thursday consideration of a resolution that would amend a revenue-sharing agreement between the county and the city of Miami Beach. The resolution responds to concerns about the impact of a proposal to tap the tourism tax - the sources of the revenue - to finance a new baseball stadium for the Florida Marlins.
- Allocated $5,000 to the Africando Arts & Cultural Festival, scheduled to be held May 5. The funding resolution was sponsored by Commissioner Dorrin Rolle as part of an effort to increase commerce with Africa.
- Adopted a resolution urging the Florida Legislature to rename a portion of 57th Avenue between Seventh Street and Flagler Street as Emilio Milian Way in honor of the Cuban-American radio broadcaster who died March 15.
- Authorized the use of $5 million in surplus federal grants to fund a summer jobs program for approximately 3,000 disadvantaged youths.

Several commissioners upbraided the INS for its treatment of the 90 to 90 female detainees.

They were transferred to TGK in November amid a widening federal probe into allegations of sexual misconduct against INS custodians at the Krome immigration detention center.

"The thought that somebody comes to this country and their welcome is a prison, the INS should be ashamed of this." Commissioner Jimmy Morales said.

Noting that he was the son of a female refugee, Morales said the arrangement "disgusted me."

Commissioners said the women should be housed in an alternative setting, perhaps a privately operated shelter. They asked the manager's office to consult with the county's Human Services Department.

"We rescued the women, but we didn't rescue them from Saddam Hussein or somebody," Morales said. "We rescued them from the federal government, and everybody in Congress should be ashamed."

Carey-Shuler put the issue on the commission agenda to provide Miami-Dade Corrections Director Lois Spears with a forum for responding to the public-relations firestorm caused by national news reports.

International watchdog groups such as the Women's Commission for Refugee Women and Children, based in Washington, D.C., and London-based Amnesty International have recently condemned the women's incarceration.
Miami-Dade wants INS to move immigrant women at jail

By JODY A. BENJAMIN
Staff Writer
Posted April 26 2001

Though they moved in only four months ago, immigrant women held at a Miami-Dade County jail may soon be moving out.

The Miami-Dade County Commission wants to reconsider its contract with the Immigration and Naturalization Service to house 93 female INS detainees at the Turner Guilford Knight Correctional Center. INS moved the women to the jail from Krome Detention Center in December while federal authorities investigate allegations that Krome guards pressured women detainees for sex.

"These women are no longer being asked for sexual favors, but this still isn't the appropriate place for them," County Commissioner Katy Sorensen said of the jail near Miami International Airport. "They are being treated like they're still in prison. It just isn't working."

On Tuesday, commissioners asked County Manager Steve Shiver to schedule a meeting with local INS officials to discuss finding another location.

The commission's decision signaled a victory for immigrant advocates who fumed that the women were being "punished twice" because they had complained about treatment at Krome. About two-thirds of the detainees were asylum seekers; the rest had immigration violations such as overstaying a visitor's visa or being convicted felons facing deportation.

"Finally, there's some light at the end of the tunnel," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center. "The Dade County Commission has a much better chance of getting INS to listen to them than we do."

On Wednesday, INS said it had not formally received the county's request and would not comment on the meeting. But a spokesman said INS moved the women to the jail because the agency thought they could not safely be housed...
in a co-ed environment at Krome.

At the jail, the women are held separately from men and are tended to by female guards.

"We realized Krome was not the proper facility so we looked at better places to put them," said INS spokesman Rodney Germain. "Working with the community, we found that [Turner Guilford Knight] was an acceptable place. That hasn't changed."

But daily life worsened for the women after INS transferred them to the jail, Little said. INS said it would try to maintain treatment standards, but the detainees say they have less access to lawyers, families and outdoor recreation.

As they do with other inmates, jail officers stripped INS detainees of their jewelry, underwear and personal items such as toiletries and photographs, Little said. At night, guards count the women once every hour -- shining a flashlight on them to make sure they are still breathing.

"That's fine for a jail population," said Sorenson. "But not for these women."

Men at Krome use phone cards to call their family or attorneys, have contact visits with family once a week and enjoy outdoor recreation such as a basketball court.

INS pays Miami-Dade County $82.41 a day for each detainee housed at the jail. The federal agency holds contracts with jails statewide to hold hundreds of male detainees it cannot fit into Krome.

Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.

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Women’s Commission for Refugee Women and Children  
122 East 43nd Street • New York • NY 10168-1289 • Tel: (212) 551.3111/3088 • Fax:(212) 551.3180

For Immediate Release
Contact: Rachel Watson 212-551-0959

CONGRESS SHOULD FIND ALTERNATIVES TO DETENTION FOR ASYLUM SEEKERS, WOMEN'S COMMISSION TO TELL SENATE

WHAT: Hearing by Senate Committee on the Judiciary Subcommittee on Immigration

WHERE: Dirksen Senate Office Building, Room 226

WHEN: Thursday, May 3, 2001

WHO: Wendy Young, Director of Government Relations and US Programs, Women's Commission for Refugee Women and Children

Asylum seekers in this country often endure arbitrary and prolonged detention in harsh conditions that fail to meet basic standards of decency and compassion, Wendy Young will tell a hearing by the Senate Committee on the Judiciary Subcommittee on Immigration on Thursday. Prolonged detention frequently erodes the physical, mental and emotional health of asylum seekers and is an unnecessary waste of taxpayer dollars, she will testify.

- The average length of detention for asylum seekers in the New York district was 109 days, according to a study by the Hastings College of Law. The Women's Commission has interviewed women and children who have endured years of detention.

- Nationwide, 361 asylum seekers have been in INS detention for more than three years, reported the Dallas Morning News last month.

- It costs the INS and the US taxpayer anywhere from $41 to $156 per day to detain one asylum seeker, the Women's Commission has learned.

Asylum seekers are often housed in prisons, where they are treated like criminals and locked up for hours in cells without access to lawyers, family members or translation services. "I can't treat the INS people differently, I'll have problems," the warden of Miami's Turner Guilford Knight Correctional Center told the Women's Commission. "I have 1200 inmates in here."

In some facilities detainees have been subject to abuse and harassment: strip and cavity searches; handcuffing and shackling; physical, verbal and sexual abuse; and the excessive use of solitary confinement. At the Krome Service Processing Center in Miami, 20 separate allegations of sexual abuse by at least 15 INS officers have surfaced. One officer has been indicted for rape.

The Women's Commission for Refugee Women and Children urges Congress to mandate a rational parole policy for those seeking asylum and alternatives to detention.

Asylum seekers come to the United States seeking refuge from persecution. They do not expect to be imprisoned by the world's leading democracy and defender of human rights.
Oral Testimony Before the Senate Immigration Subcommittee  
Wendy Young  
Women’s Commission for Refugee Women and Children  
May 3, 2001

Good afternoon. On behalf of the Women’s Commission for Refugee Women and Children, thank you for the opportunity to testify regarding the detention of asylum seekers. I also wish to submit my full written testimony to the record.

The Women’s Commission has assessed detention conditions in 35 facilities across the country. We have found that asylum seekers often endure arbitrary and prolonged detention in conditions that undermine the U.S. commitment to refugee protection. Such individuals come to the United States expecting refuge. None expect imprisonment.

Immigration detention has become the fastest growing prison program in the United States. The INS detains 20,000 individuals a day, for an annual total of over 200,000. Approximately five percent of the detained population are asylum seekers. Women constitute seven percent and children three percent.

Statistics related to detention, however, are difficult to pin down because of the INS’s poor data collection. In fact, the INS has failed to comply with a statutory provision which requires annual reports on detention data to Congress.

What has been extensively documented are the harsh and inhumane conditions of detention. All the facilities used by the INS are prisons or the equivalent. Fences, cells, and locked doors define the detainees’ living space. In fact, the term “detention” itself is misleading; “incarceration” better reflects the experience of asylum seekers.

Moreover, detained asylum seekers have suffered sexual, physical, and verbal abuses; commingling with criminal offenders; handcuffing and shackling; inadequate health care; poor translation services; insufficient outdoor recreation; and a lack of appropriate religious services.

Detention also impedes legal representation, which is critical to the success of an asylum claim. More than twice as many detained asylum seekers lack representation as compared to non-detained asylum seekers in removal proceedings. And represented asylum seekers are four to six times more likely to win asylum than those who are unrepresented.

Two examples demonstrate some of the problems in detention. First is sexual abuse at the Krome detention center in Miami, where women detainees have accused 15 officers of rape, molestation and harassment. INS officers made false promises of release to women if they cooperated. They threatened them with deportation, transfer to county jails, or even death if they dared to resist. Instead of placing the women in appropriate alternatives to detention, the INS responded by transferring them to a county prison, where many new problems have arisen.
The treatment that some religious programs have received in detention centers serves as a second example. In 1999, the INS Newark District cancelled an arrangement with Jesuit Refugee Services to provide religious services in the Elizabeth Detention Center. Among the INS's reasons was that a Bible study reading had been based on the gospel of Matthew, which preaches "welcoming the stranger."

The prisons and jails with which the INS contracts, and which provide approximately 60 percent of INS detention space, present special problems because they are not designed to meet asylum seekers' legal and social service needs.

It is also critical to address the situation of children in detention. The 4,500 unaccompanied children in INS custody each year range in age from 18-months to 17-years-old. The INS experiences an inherent conflict of interest with children it holds, as it is acting as their caregiver at the same time that it is seeking their deportation.

While the INS does maintain approximately 600 shelter and foster care beds, it holds approximately one-third of children in juvenile jails, for periods ranging from a few days to more than a year.

Furthermore, less than half of the children in INS custody are represented by counsel. U.S. immigration laws also fail to provide for the appointment of guardians ad litem, a regular practice in other court proceedings.

The INS has recently developed standards for conditions of detention, an acknowledgement that detention practices should be consistent and facilities held accountable. However, the standards are fundamentally flawed because they are non-binding, only the INS is monitoring their implementation, and it has only recently begun the process of applying the standards to prisons with which it contracts. They also do not apply to facilities in which children are detained.

The fundamental question, however, is why the INS is detaining asylum seekers in the first place. It has stated that its policy should normally be to release asylum seekers who have established a credible fear of persecution, but many districts continue to detain asylum seekers for prolonged periods, sometimes years. The disparity between the national policy and local implementation is due to the tremendous discretion to parole asylum seekers delegated to district directors.

The success of pilot projects that have explored the viability of alternatives to detention underscore the irrationality of current practice. Such pilots have ensured that asylum seekers appear for their hearings and that they are treated humanely in the interim. Alternatives have also proven to be much less costly.

In 1990, the INS implemented a pilot project known as the Asylum Pre-Screening Officer Program. Under APSO, 97 percent of paroled asylum seekers appeared for their court hearings.
In 1997, the Vera Institute of Justice tested a supervised release program in New York. The program resulted in up to a 93 percent appearance rate, depending on the level of supervision. It also cost 55 percent less than detention.

In 1999, the INS released 22 Chinese asylum seekers detained in a county prison in rural Illinois to local nonprofit shelters. All but one of the participants remained in the program, resulting in a 96 percent appearance rate.

Finally, New Orleans Catholic Charities has housed more than 30 formerly detained asylum seekers in shelters, none of whom have absconded. The shelters cost the INS one-sixth the cost of detaining individuals in prisons.

In conclusion, asylum seekers will remain vulnerable to arbitrary detention unless Congress mandates a rational parole policy, alternatives to detention, and the restoration of due process.

We recommend the enactment of legislation that establishes that U.S. policy is generally not to detain asylum seekers; delegates the authority to parole asylum seekers or to place them in an detention alternative to asylum officers and immigration judges; mandates the establishment of alternatives to detention; and provides government funding to facilitate legal orientation sessions.

In addition, Congress should move quickly to pass S. 121, the Unaccompanied Alien Child Protection Act, which addresses the critical custody, care, and assistance needs of unaccompanied children.

Depriving an individual of her freedom is one of the gravest actions a government can take. We believe that Congress must take the lead in restoring accountability, consistency, and compassion to U.S. detention policy.

Thank you for holding this important hearing.
REFUGEE ABUSE DETAILED MIAMI CENTER SINGLED OUT IN SENATE HEARING
WILLIAM E. GIBSON Washington Bureau Chief

Immigration agents often seize terrorized refugees, shackle them, humiliate them, toss them in jail with criminals and detain them for many months or years, human-rights activists told a Senate panel on Thursday.

Advocates for asylum reform and several refugees cited numerous instances of alleged abuse, notably accusations of sexual molestation of women detained at the Krome Service Processing Center in Miami.

One by one, refugees related horrific accounts of lengthy experiences in jails and detention centers around the country. Senators on the Immigration Subcommittee were visibly moved and expressed support for new asylum rules.

Sen. Bob Graham, D-Fla., seized the occasion to promote his legislation to create an Office of Children's Services to take care of refugee children who arrive unaccompanied by adults.

Detention by the Immigration and Naturalization Service "can mean handcuffs, shackles, strip-searches or incarceration in jails with violent juveniles," Graham told senators on the panel. "This is unacceptable treatment for one of the most vulnerable groups of our society: children."

Other senators said they would move aggressively to address asylum issues but did not offer specifics.

Sen. Dianne Feinstein, D-Calif., a co-sponsor of Graham's bill, said she became inspired to reform asylum procedures when she discovered one young girl in California had been detained for seven years. "It is, in a sense, a major scandal, and we need to move on it," Feinstein said.

The hearing on Thursday was a somewhat one-sided affair, with INS officials not taking part. INS spokesmen were unavailable for comment
afterwards.

In New York's crowded INS district, the average detention time for asylum-seekers is 109 days, and in some cases around the country the wait can last for several years, according to Wendy A. Young of the Women's Commission for Refugee Women and Children.

"The treatment that women detainees have received in the Miami INS District is perhaps unrivaled in the seriousness of the abuses reported," she said. She cited 20 separate allegations of sexual abuse by at least 15 officers at the Krome Center.

Refugees from several countries stood up in the hearing room one by one as their experiences were described to the subcommittee, and three came forward to testify.

Patrick Mkhizi, a refugee from the Democratic Republic of Congo, said he was put in chains and led to a detention facility in New Jersey after fleeing a regime that had tortured him and beaten his father to death.

At one point, Mkhizi said, immigration agents put him on an airplane bound for his homeland. "I lay on the ground and refused to go. Three detention guards picked me up, handcuffed me tightly and carried me onto the plane. I was absolutely terrified. The airline employees asked the guards to take me off the plane."

Mkhizi said he was finally freed after three and a half years of detention. "The law is very harsh," he said.
Testimony of
Bishop Thomas G. Wenski
Auxiliary Bishop of Miami
on behalf of
National Conference of Catholic Bishops'
Committee on Migration
before
The House Judiciary
Subcommittee on Immigration and Claims
May 15, 2001

I am Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, and member of the U.S. Catholic Bishops' Committee on Migration. I thank you for the opportunity to testify on behalf of the National Conference of Catholic Bishops' Committee on Migration on the budget priorities of the Immigration and Naturalization Service (INS). Specifically, I would like to address the vital topics of INS detention practices, including mandatory detention, funding for alternatives to detention, legal orientation for detainees, and the treatment of children; backlogs in the processing of immigration benefit; border enforcement; Cuban/Haitian resettlement; and INS reorganization.

Mr. Chairman, concern for the immigrant and the experience of immigration are both deeply imbedded in Church teaching. The task of welcoming immigrants, refugees, and displaced persons into full participation in the Church and society with equal rights and duties has long been an integral part of the Roman Catholic faith tradition.

The experience of the Church in the United States has provided the U.S. bishops with a special sensitivity to newcomers in our midst. Arguably no other institution in American life has had as much experience dealing with the integration of newcomers as the Catholic Church, especially through her parishes and schools. Since 1976, the bishops have been clear in their affirmation of the Church's solicitude for newcomers:

The Church, the People of God, is required by the Gospel and by its long tradition to promote and defend the human rights and dignity of people on the move, to advocate social remedies to their problems and to foster opportunities for their spiritual growth. (1)

It is with these values in mind that I address to you my concerns and the concerns of the U.S. Catholic Bishops regarding the fiscal year 2002 budget for the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review.

INS Detention Practices
The Church is deeply concerned about the detention practices of the Immigration and Naturalization Service. As the Subcommittee well knows, the number of people being detained by the INS has tripled in the past three years, making INS detainees the fastest growing population in the country. The INS's detention budget is now over $1 billion a year. More than 22,000 persons are currently detained by the INS, and the number is growing.

The financial costs of this detention is staggering. But as great as the financial cost, so too is the human cost of this staggering increase in INS detainees.

The increase in detention is due to a number of factors. First, Congress in 1996 passed a number of laws that require mandatory detention of aliens, including many for whom detention makes no sense. And second, the decentralized nature of INS decision-making makes it impossible for there to be a national policy on detention.

The bishops recommend a number of policy and legislative changes governing the INS's detention practices:

- First, the Subcommittee take a close look at mandatory detention laws and, wherever possible, make changes to those laws to give the Attorney General more discretion to release INS detainees who are not a danger to society and are not in danger of absconding.

- Second, the Subcommittee should direct the INS to pursue a program of providing alternatives to detention for those detainees who are not a danger to the community and are not in danger of absconding. Such a program could be funded by a small earmark of current INS detention funds and would save the federal government millions in detention costs.

- Third, the Subcommittee should direct the INS to fund "legal orientation presentations" in facilities housing INS detainees to enable detainees to receive accurate legal information about the forms of relief to which they might be eligible or ineligible. This would have the double benefit of speeding proceedings; identifying those detainees who may actually have relief, including valid claims of asylum; and helping those who have no form of relief available to them understand the reality of their situation.

- Fourth, the Subcommittee should enact comprehensive legislation to ensure that unaccompanied alien children in INS custody are treated humanely and not placed in juvenile jails or in adult detention facilities. The manner in which some children have been treated under our current system is nothing short of criminal. Representative Zoe Lofgren, a member of this Subcommittee, is about to introduce legislation that we strongly support on this issue. The legislation will be identical to S. 121, bipartisan children's legislation that was introduced last January by Senator Dianne Feinstein (D-CA).

Implementation of these recommendations would have the salutary benefit of actually reducing INS detention costs while treating the vulnerable among us in a more compassionate and humane manner.

Alternatives to Detention. Sixty percent of the more than 22,000 INS detainees currently are held in local and county jails. The rest are detained in INS facilities, Bureau of Prisons facilities, and private facilities. In anticipation of the increasing numbers of detainees, the INS has requested over 1600 additional "average daily state and local detention bed spaces" and 127 additional detention-related
officer and support positions for fiscal year 2002. We are concerned with this requested increase, and would like INS to consider alternatives to detention which are more cost-effective and more humane.

Many of those detained by INS do not present a danger to themselves or their communities and are not a flight risk. Detaining such individuals wastes valuable federal resources that could be put to better use. Detention is not only costly in terms of dollars; it is costly, as well, in terms of human suffering as people are needlessly separated from loved ones. Often, the person in detention is the breadwinner for United States citizen and/or lawful permanent resident children or spouses. In these instances, the individual in detention, the family members, and the communities all suffer.

The Church acknowledges and recognizes the right and duty of the government to provide for the public safety and welfare of its citizens. This obligation requires that certain dangerous individuals in removal proceedings should be held in detention pending a resolution of their proceedings rather than permitted to remain in the country at large. But along with this duty should be an obligation to assess whether each individual in detention is actually a threat to the safety of the country. Human rights considerations, respect for basic dignity, and the practicalities of cost and efficiency mandates that individuals in proceedings who are not threats to the public safety should not be detained. Along this vein, we believe that those who are not threats to society and are not flight risks should be released from detention. Of particular concern are asylum seekers and indefinite detainees, both of which are groups which the INS has discretion to release.

In addition to providing a more humane and compassionate response to individuals currently detained, viable alternatives to detention for deserving individuals could save millions of dollars in detention costs and free up costly detention space for more urgent uses. For these reasons, Mr. Chairman, I urge you, on behalf of the U.S. Bishops, to earmark at least $20 million from existing funds to support a nationwide program to provide alternatives to detention for individuals who are not a danger to the community and not likely to abscond.

We know that workable alternatives to detention exist. For example, the INS recently funded a pilot project which allowed for the supervised release of more than 500 noncitizens in three categories: asylum-seekers, individuals in removal proceedings due to a criminal conviction, and undocumented persons apprehended at work sites. The results were remarkable. Ninety-one percent of supervised noncitizens in the project appeared in court compared to 71 percent of noncitizens released on bond or parole. Sixty-nine percent of Appearance Assistance Program (AAP) supervised participants complied with final orders of removal compared to 38 percent of a group released on bond or parole. The project showed that supervision costs only $12 per day, as compared to the $61 cost per day for INS detention. (2)

There are also other successful models for alternatives to detention including one operated by Catholic Charities in New Orleans that finds jobs, housing and needed counseling for released asylees as well as long-term detainees. Of twenty-five asylum seekers released from this program, only one has been returned to custody since 2000. The INS supports this project and praises the results. I ask, Mr. Chairman, that an article from the New Orleans Times-Picayune on the program be included in the record.

Based on the budget provided for the supervised release pilot ($2 million a year for one site), we project an expansion of the pilot to the ten areas with the largest detention populations would cost $20 million but could provide significant savings in the FY 2002 INS budget. (3) We urge the subcommittee to consider providing funding for an expansion of these projects to reduce costs and
allow those who are no threat to society to stay out of detention.

Unaccompanied Alien Children. Mr. Chairman, we are particularly concerned about the increasing numbers of unaccompanied minors being held in INS detention. We believe that unaccompanied minors in removal proceedings are deserving of special treatment and that the INS should place as many as possible with family members, in foster care or in privately run shelter-care facilities. Yet a large percentage (approximately 30 percent) are still regularly detained in county or municipal juvenile correction centers, despite the fact that many of these minors have not committed any crime, are not considered flight risks, and do not present disciplinary problems. Detention in these jails greatly impairs the minor's access to counsel, and the inherently harsher conditions of confinement can result in the minor being too demoralized and/or discouraged to seek help or to participate meaningfully in court proceedings.

Unaccompanied minors enter the United States under a variety of circumstances. Some seek to reunite with family members, others are asylum seekers who have experienced persecution, some are children who have been smuggled into the country and are at risk of being caught again by smugglers and forced into sweatshop labor or worse. Whatever their circumstances, these children deserve special care. The guiding principle in placing these children in appropriate settings should be the best interests of the child. Therefore, we believe that the care and placement of unaccompanied minors apprehended by the INS should be provided by child welfare agencies experienced in serving the special needs of children. Unaccompanied minors should not be held in any type of secure facility unless absolutely necessary for the child's or society's safety. When used to detain unaccompanied minors, secure facilities should protect these children from potential dangers and separate them from criminal offenders. Mr. Chairman, I ask that a study on the plight of immigrant and refugee children published by the U.S. Catholic Conference's Migration and Refugee Services be included in the record.

Mr. Chairman, we are gravely concerned with the recent transfer by INS of responsibility for unaccompanied minors to the detention and removal division. We believe that this change is potentially a conflict of interest, since those charged with enforcement responsibilities will also be charged with providing child welfare services. In our view, this responsibility should be housed elsewhere, perhaps in the Department of Justice, and staffed by child welfare experts.

This Subcommittee will soon have before it legislation that Representative Zoe Lofgren is planning to introduce that would make comprehensive reforms in the manner in which unaccompanied alien children in United States custody are treated. The legislation will be virtually identical to S. 121, the "Unaccompanied Alien Child Protection Act of 2001," which was introduced in the Senate by Senators Dianne Feinstein (D-CA) and Bob Graham (D-FL). We respectfully ask the subcommittee to consider this issue within the context of your oversight responsibilities, as well as consider this legislation.

Legal Orientation Presentations. In addition to the many other problems faced by individuals in INS detention, these detainees often carry the added burden of being without easy or affordable access to legal representation. Many of the facilities where they are held are in remote locations, far from legal help. Persons in INS detention do not have access to government appointed counsel, and, because most are indigent and cannot afford a lawyer, more than 90 percent go unrepresented. "Legal orientation" presentations, which provide detainees with a briefing on their rights under U.S. law, could offer hope to these unrepresented individuals as well as improve efficiencies in the immigration system, help identify detainees worthy of relief, and reduce detention costs.
We cannot underestimate how much is at stake for these individuals. All are in danger of losing their right to live in the United States. They also are in danger of being separated from their families. Some are in danger of being returned to countries where they may face persecution and/or death. Without legal help, most individuals in INS detention are unclear as to what the process before an immigration judge entails, what relief may be available to them or how to pursue it.

Non-governmental organizations (NGOs), like the Catholic Legal Immigration Network, Inc. (CLINIC) try to represent people detained by the INS. Unfortunately, because of restricted resources, most people go unrepresented. NGOs have found that the most effective way to screen people in detention to determine who needs a lawyer is through group legal information presentations.

In the summer of 1998, the Department of Justice (DOJ) funded a modest pilot project, through the Executive Office for Immigration Review, that provided legal orientation presentations to detainees in three sites. The project sought to determine whether informing INS detainees of their rights would have any impact on representation rates, the efficiency of the deportation proceedings, or INS detention expenditures.

The DOJ found that the "legal orientation presentations" benefited detainees in ways that also benefitted the INS and the immigration courts. They enabled detainees to receive accurate legal information before their hearings with the Immigration Judge. They helped detainees expeditiously determine whether they had potential relief available. They also greatly increased the number of individuals represented as the screening agencies could determine which people had strong claims and needed a pro bono lawyer to assist them further. In addition, they helped those without relief to reconcile themselves to removal. Immigration Judges, in turn were able to complete more cases in a summary fashion and benefitted from immigrants who came to their hearings informed about the process and the law. The Department of Justice has found that the above benefits allow the legal orientation program to increase the efficiency of both the INS and the immigration courts.

Such programs could result in substantial savings to the government. The DOJ report recommended the expansion of the project, stating that it improved efficiency, reduced detention costs and increased levels of representation. The report found that detainees who received "rights presentations" spent four fewer days in detention than those who did not. By expanding legal orientation presentations to other INS detention facilities, the DOJ estimated that over $8 million in detention costs would be saved annually nationwide. While the DOJ report noted that "[b]ased on case data from the pilot period, the rights presentation has the potential to save both time and money for the government while also benefitting detainees," it also stated that the most significant barrier to replicating the rights presentation program is funding.

Therefore, Mr. Chairman, I urge the Subcommittee to direct the INS to use existing funds to provide funding to make legal orientation presentations available to aliens in detention so as to improve deserving detainees access to relief, increase the efficiency of the system, and reduce the overall cost of detaining aliens.

**Family Reunification and Immigration Benefits Adjudication**

The Catholic Church has long taken the position that family unity should be the driving force behind our immigration policy. Family reunification should remain the cornerstone of our national immigration system. All families, including immigrant families, should be supported in their efforts to re-unite or remain together, and to be self-sufficient.

http://www.house.gov/judiciary/wenski_051501.htm 6/1/01
The U.S. bishops make note of three developments under this Subcommittee's jurisdiction that make it more difficult for immigrant families to reunite and remain together in the United States.

Family Preference System. The U.S. Bishops believe that the family preference system should appropriately affirm values important to our society and provide the types of immigrants that benefit this nation. In this regard, we are deeply troubled by the long periods of time legal immigrants in the U.S. must wait before being reunited with immediate family members living abroad. Currently, legal permanent residents must wait at least three years and, in some cases, more than twelve years, to be reunited with spouses and children living abroad. The waiting periods for other family members, such as parents and siblings, are even longer.

Backlogs in Immigration Benefits Adjudications. Although, these lengthy waits are, in part, a result of the numerical limitations on family-based immigration, they could be substantially alleviated by increasing the processing times of applications for immigration benefits, especially naturalization. For many long-term residents whose naturalization and adjustment of status applications are backlogged, the approval of their applications would mean a much speedier reunification with their immediate family members. For those awaiting naturalization, they will be able to reunite with their families much more quickly once they become U.S. citizens because, as citizens, they will not be subject to the numerical limitations. For those awaiting adjustment of status, they cannot even apply for reunification with their family members until their applications are approved.

The processing times for adjustment applications have averaged 69 months in some parts of the country. At the beginning of fiscal year 1999, the average time for the processing time of a naturalization application was 28 months. Although the average processing time for naturalization applications has decreased recently, many individuals still wait far too long to have their applications adjudicated. Such backlogs encourage undocumented immigration when family members honor their commitment as a spouse or parent by choosing to join their loved ones prior to receiving a visa.

While we are encouraged by President Bush's call for $500 million to be dedicated to reducing the backlog in immigration benefits over the next five years, we are concerned that this amount is grossly insufficient to meet the Administration's stated goal of reducing waiting times for all immigration benefits to six months. We are further concerned that the majority of the $100 million funded for this purpose in FY 2002 is coming from fee accounts and funding that has been carried forward from a prior year rather than from direct appropriations. It is our understanding that the Administration's budget provides only $45 million in "new money" for the critical task of reducing the backlog. Another $20 million is to come from revenues generated by the new premium processing fee, a yet untested source of revenue.

We are deeply concerned that the current FY 2002 funding for reducing the INS backlog in adjudications does not include $100 million in new appropriations. Even this amount is unlikely to be sufficient to address the serious backlogs in adjudications, particularly in light of the increased workload the INS will face in adjudications as a result of the LIFE Act, the increase in H1-B visas, and the extension of TPS to Salvadorans. We are further concerned that, as the premium processing fee is a new program, the projection of the revenue it will generate may be overly optimistic.

We therefore urge you to work with the House Appropriations Subcommittee on Commerce, Justice, State, Judiciary to ensure that the additional new funds are appropriated for FY 2002 to begin the task of reducing the INS adjudications waiting time to six months or less. By providing the necessary
funding in the INS budget to process all immigration benefits, particularly naturalization and adjustment of status applications, in a more timely fashion, we will facilitate the family reunification we, as a nation, so highly value. Moreover, we believe these funds should be directly appropriated rather than generated from fee accounts, and that the funds should be deposited into the "Immigration Services and Infrastructure Improvement Account," a no-year account that was created by Title II of P.L. 106-313, the "Immigration Services and Infrastructure Improvement Act of 2000."

Permanent Restoration of Section 245(i) of the INA. Mr. Chairman, as you know, last year, Congress provided for a temporary extension of the deadline for aliens to file immigration petitions and applications and still make use of Section 245(i) of the Immigration and Nationality Act (INA). As the Subcommittee well knows, Section 245(i) allows undocumented family members of U.S. citizens and legal permanent residents to adjust their status while here in the United States if they are otherwise eligible and have a visa immediately available rather than having to leave the country in order to do so. Without the ability to use Section 245(i), those family members would be required to travel abroad in order to obtain legal status in the United States. In many cases they would have to wait three or ten years before returning to the United States because of changes to the INA made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).

This temporary extension of the filing deadline for making use of Section 245(i) was April 30, 2001. Our dioceses throughout the United States were deluged with requests for assistance with 245(i) applications. Unfortunately, there was not sufficient staff to respond to all requests, and many individuals who met the requirements of this extension were not able to benefit from it because of their inability to obtain legal assistance. More importantly, now that the April 30, 2001 deadline has passed, no one will be eligible for benefits under 245(i), and families will be forced to separate for years before re-uniting or to live together with some family members in an undocumented status.

Mr. Chairman, the Subcommittee has several bills before it that would extend the April 30, 2001, deadline. We support those measures and urge the Subcommittee to move expeditiously to enact an extension of the deadline. At the same time, the U.S. Catholic Bishops believe that Section 245(i) should be a permanent provision of the Immigration and Nationality Act, as it is crucial to supporting immigrant families and promoting the goal of family reunification. Furthermore, the permanent restoration of 245(i) would help to provide funds to the INS for carrying out its adjudicatory functions, as each 245(i) applicant must pay a $1000 penalty to the INS which is used for adjudications. Thus, the permanent restoration of 245(i) would not only promote the value of family unity within our immigration policy, but also would provide needed funds to INS to help alleviate its backlog in immigration adjudications.

**Border Enforcement**

The Church recognizes the right and the responsibility of sovereign states to control their borders. We, therefore, understand that adequate funding and training for the border patrol functions of the INS is necessary to carry out the nation's immigration enforcement function. However, we are deeply concerned that necessary steps be taken to ensure that the human dignity of those involved (border patrol agents as well as those attempting to cross the border) is respected and enhanced. We support efforts to make the border patrol more sensitive to the human rights of those undocumented persons it encounters through the use of independent monitoring mechanisms. We also support efforts to promote sensitivity in local communities to the human rights of migrants.

Over the last several fiscal years, funding for Border Patrol agents has increased dramatically, balloonining from $354 million in 1993 to over $1.2 billion dollars in 2002. The Administration's FY
2002 budget submission would increase the number of Border Patrol agents by 570 to a record level of more than 10,000 agents. At the same time, since the advent of Operation Gatekeeper in 1995, more than 1600 migrants have died in the deserts and mountains of California, Arizona, New Mexico, and Texas.\(^{(9)}\)

The bulk of the INS budget is dedicated to Enforcement and Border Affairs. For FY 2002, the agency is requesting $171.6 million in new funds and 1206 new positions, including an additional 570 Border Patrol agents to support its border management strategy. Among the initiatives the INS plans to fund is the continued deployment of intrusion detection technology and additional intelligence resources.

The FY 2002 budget provides an additional 570 Border Patrol agents in each of fiscal years 2002 and 2003. One of the consequences of having so many new members of the border patrol is a lack of selectivity and training. Compounding the problem is the high attrition rate among Border Patrol agents. Of particular concern is the degree to which border patrol agents have been trained in civil rights and human rights matters. There continue to be reports of civil rights violations along the border, including reports of American citizens who might not "look American" being harassed by border patrol agents.\(^{(10)}\)

Mr. Chairman, the increased border enforcement by the United States since 1994 has increased the risk factors for migrants crossing the border, driving them into more dangerous terrain and into the hands of smugglers. As a result, in recent years the number of deaths of migrants along the border has risen.\(^{(11)}\) While we do not condone or encourage undocumented migration, we nevertheless advocate that the basic human rights of migrants, whatever their legal status, be upheld.

Mr. Chairman, on behalf of the National Conference of Catholic Bishops, we believe it is time for Congress to examine and review U.S. enforcement policy on the U.S.-Mexican border more closely. It is clear that increasing enforcement personnel along the border does not necessarily dampen the will of persons to come to this nation in search of work and a better life, though it can make their journey far more dangerous, and even deadly.\(^{(12)}\)

We believe that new policy options should be considered. We also ask that INS be directed to train and monitor personnel to respect the civil and human rights of migrants they encounter.

The Cuban/Haitian Resettlement Program

Throughout our history the United States has been a beacon of hope to those fleeing political oppression in the form of abusive and totalitarian governments. In the 1980s and 1990s we offered safe haven to many individuals fleeing the anti-democratic governments in Cuba and Haiti. To ease their transition into the United States, the Cuban/Haitian Primary/Secondary Resettlement program (CHPSRP), funded by the Immigration and Naturalization Service (INS) and operated by nonprofit organizations, provides initial processing, orientation, family reunification, case management, and employment referral services for Cubans and Haitians who have been paroled into the United States by the INS.

The purpose of the CHPSRP program is to provide resettlement services for Cuban and Haitian entrants, including unaccompanied minors, who enter the United States without documentation and are subsequently given permission to remain in the United States temporarily ("parole"). Without the program, thousands of Cuban and Haitian entrants and unaccompanied minors paroled by INS would
be released directly into communities without any support or supervision, where they would further strain the already overburdened state and local social service system. Because there exists no line-item appropriation authority for this program, the CHPSRP must rely on user fees paid by immigrants for adjudication services, an unstable and unreliable source of funding which contributes to rollbacks in the program.

The INS has cut funding for family reunification cases under the CHPSRP, threatening services to Cubans and Haitians who enter the United States and who have relatives in the country. For example, the INS has cut the period in which services are offered to individuals from 90 days to 30 days as well as eliminated a one-time direct assistance grant to assist individuals with basic necessities. The reduction in the service period could eliminate the following services past one month after entry: employment referrals and counseling, individual counseling, life-skill training, English instruction referrals and social service and health care referrals. Given that employment authorization processing normally takes much longer than 30 days, the provision of follow-up services beyond that time period is vital to ensure that Cuban and Haitian entrants reach self-sufficiency. The elimination of the direct assistance grant, a small amount which helps defray the costs for basic necessities while an individual waits for up to four months for employment authorization, will have a harsh impact on individuals, families, and communities.

The impact of these cuts is far reaching. Because the majority of Cubans and Haitians served under this program (about 8,000 a year) enter the United States in the South Florida region, Florida will be disproportionately impacted by the cuts. Seventy percent of Cuban/Haitian entrants are family reunification cases, with at least fifty percent living in South Florida. Without follow-up services and direct assistance, Cuban/Haitian entrants will likely turn to the social welfare system for support, further burdening state and federal governments. Without full funding of the Cuban/Haitian program, Cubans and Haitians will have difficulty adjusting to their new home, preventing them from giving their special skills and contributions to their community and state. Based on this need, the U.S. Bishops support line-item appropriations funding for the Cuban/Haitian program in the FY 2002 budget.

INS Reorganization

Finally, Mr. Chairman, the Bishops wish to address the critical issue of INS reorganization. Currently, there exists no clear distinction between the service/adjudication mission of the INS and the enforcement mission. As a result of this lack of separation of functions, in many cases enforcement officials are also charged with adjudicatory responsibilities. For example, while some INS inspectors belong to the enforcement side of INS, they hold broad and unreviewable adjudicatory authority. A separation of functions, governed by a central authority with clout and shared support services, would help bring clarity of mission to the adjudication and enforcement functions, resulting in more efficient adjudications and more accountable enforcement.

A central authority, preferably located in the Department of Justice, is critically important to ensure that legal and policy decisions are consistent between the bureau charged with enforcement and the bureau charged with service/adjudications. Because of the increasing profile of immigration in our country, a high-level person with some clout within the Executive Branch is needed to run the nation's immigration functions. Such a person should have increased access to Executive branch officials, the authority to speak for the Administration on immigration issues, and increased budgetary authority. Upgrading the INS within the federal system would also increase its ability to attract quality managerial talent.
Mr. Chairman, I also urge you to make funding changes a part of INS restructuring. The costs of operating INS are borne by taxpayers but also by customers who are forced to pay fees for certain services. Many "service" functions, such as naturalization application processing, are paid for by fees which are beyond the financial means of many INS customers. The adjudication/service side of INS should not be funded solely on the basis of fees collected from INS' customers. Any reorganization of the INS should ensure that appropriated funds are available to supplement the Examination Fee Account used now to pay for services. We recommend that Congress appropriate funds into the Backlog Reduction account, created through legislation passed in the 106th Congress. The account was created as a revolving fund, to be used at the discretion of the Attorney General, to supplement funding for adjudication services.

Mr. Chairman, we also believe that, within any INS reorganization, the Asylum Division should remain intact and serve as a model for other parts of the agency. Asylum adjudicators require highly specialized knowledge and skills which are distinct from those of other INS adjudicators. Prior to the creation of the Asylum Corps in 1990, asylum determinations were supervised and performed by INS officers who also adjudicated other types of immigration benefits. The creation of the Asylum Corps has dramatically increased efficiencies in adjudications of asylum claims and allowed asylum officers to remain focused on the asylum mission. The asylum division should serve as a model for other important functions of INS, such as the refugee program. For example, the effectiveness and integrity of the refugee program would be enhanced by modeling it on the Asylum Corps, with a dedicated corps within a single line of authority integrating policy making and policy implementation aspects of the program.

Finally, Mr. Chairman, we strongly recommend that the responsibility for caring for unaccompanied minors who come to our country be transferred outside of INS, preferably to a new office within the Department of Justice. These children, often smuggled into ports of entry, are traumatized and often physically or mentally abused when they enter our country. Currently, however, the majority are placed in INS detention facilities or juvenile facilities with criminal offenders for months, and, in some cases, years. INS recently transferred care and custody of these vulnerable children to the Detention and Removal branch of the agency, a clear conflict of interest which gives those charged with detaining children discretion over release decisions. We urge Congress to investigate this recent decision and direct changes in how INS handles unaccompanied alien minors.

**Conclusion**

Mr. Chairman, the United States must continue to be a leader in welcoming immigrants to our land of opportunity and treating them with respect, dignity and justice within our great nation. On behalf of the U.S. Catholic bishops, I would like to conclude with a summary of the recommendations I have discussed for improving the immigration process in the United States, through INS funding of critical programs and services:

- The INS should actively engage in the search for alternatives to detention for deserving aliens. This can be accomplished first, by revisiting our mandatory detention laws and second, having the Subcommittee make clear to the INS its support for the small amount of funding that would be necessary to operate alternative programs. Furthermore, the Subcommittee should work with the Appropriations Committee to ensure that such funding is available to the INS.

- The INS should fund and permit the operation of "legal orientation" presentations, which

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would increase the efficiency of the immigration system, help identify INS detainees worthy of relief, and reduce detention costs.

- The Subcommittee should move swiftly to enact Representative Lofgren's "Unaccompanied Alien Child Protection Act," legislation she will soon introduce that will be identical to S. 121, bipartisan introduced in the Senate by Senators Dianne Feinstein (D-CA) and Bob Graham (D-FL).

- The Subcommittee should act to ensure that family reunification remains the cornerstone of our immigration policy. It can do this by reviewing our family preference system to ensure that it is offering a meaningful opportunity for families to reunify, using its oversight and legislative authority to ensure that the INS is adequately addressing the backlogs in immigration benefits adjudications, including working with the Appropriations Committee to ensure adequate funding for those activities; and instituting Section 245(i) of the Immigration and Nationality Act as a permanent part of our immigration law.

- The Subcommittee should ensure that funding for border enforcement include training in civil rights and human rights matters for border patrol officers. Additionally, the Subcommittee should pursue more comprehensive policies for addressing undocumented migration.

- Line item, no-year appropriation for the Cuban/Haitian resettlement program should be included in the INS FY 2002 budget.

- The INS should be reorganized to separate the adjudication and enforcement divisions with one central authority and give the agency a higher profile within the Department of Justice. In so doing, the Subcommittee must act to ensure that there is adequate funding for the new agency to carry out its service mission and to manage any transition that is necessary.

Each of these recommendations, Mr. Chairman, is offered respectfully, recognizing that all of us involved in the complex issues of migration - whether government officials, private agency personnel, or the faithful - are doing our best to address the challenges of migration in our increasingly globalized world.

Mr. Chairman, it is the view of the U.S. Bishops that we, in the United States, must renew our commitment to welcome newcomers to our shores and to offer them humane and compassionate treatment. By doing so, we serve our own vital interests and act as an example to other nations.

On behalf of the nation's Catholic bishops, I thank you and your colleagues on the Subcommittee for allowing me the opportunity to present our views and for your leadership on this issue of vital national importance.


3. According to the evaluation report of the pilot project, it costs the INS $3,300 to provide
supervised release to each asylum seeker compared to $7,300 to detain an asylum seeker. For those removable for criminal offenses, supervision costs $3,871 compared to $4,575 per detained individual.


5. Id.at "Executive Summary."


http://www.house.gov/judiciary/wenski_051501.htm
Female Detainees at TGK: FIAC Concerns

1. FIAC does not want the detainees at TGK to be moved unless there is a more appropriate place in Miami-Dade County for them to be moved to.

2. At present FIAC is not aware of such a place in the county. We had hoped the Archdiocese would step up to the plate because they are operating shelters for INS detainees in other parts of the country. It seems that INS did not encourage the Archdiocese to open a shelter for the women in Miami, so it would be helpful if the County Commissioners asked them if they would consider doing so.

3. INS needs to immediately spend time and energy pursuing a shelter-type facility in Miami for the female detainees. They have been promising to do this for months, even before the women were moved from Krome to TGK.

4. Shortly after Ed Stubbs was appointed as Krome’s Officer-in-Charge, he and other INS officials from the Miami District Office announced plans to build a separate state of the art facility for the female detainees. On November 10, 1998 they discussed a 12,000 square foot “site in preparation on which a complex will be built to harbor women and unaccompanied children.”

5. In the spring of 1999 Mr. Stubbs approached FIAC about putting together a group of community leaders who might be interested in discussing alternative housing for INS detainees. On May 24, 1999 a number of these individuals met with INS officials and expressed great interest in helping to bring this about. INS officials promised future meetings at which they would discuss their requirements for such a facility, but no further discussions ever took place.

6. The women should not be held in a county jail and they should be housed in Miami. Most are asylum seekers and none are serving criminal sentences. Non-secure shelter housing would meet the needs of the INS as well as facilitate the women’s access to necessary services.

7. Most of the women-in-question have families and attorneys in Miami. Moving them out of Miami would have tragic consequences for them.

8. The Detention Watch Network issued a paper entitled “Alternatives to Detention” in August/September 2000 describing successful shelter models already in place. Also Bishop Thomas Wenski testified on behalf of the National Conference of Catholic Bishops’ Committee on Migration before The House Judiciary Subcommittee on Immigration and Claims on May 15, 2001. His testimony included criticism of INS’ current detention policies.

9. Senators Bob Graham and Edward Kennedy wrote a letter on May 24, 2001 to US Attorney General, John Ashcroft, regarding the women at TGK.
Women describe sexual abuse at INS detention center

Miami officer pleads guilty

By Teresa Miaro
GLOBE CORRESPONDENT

MIAMI — Shortly after the woman arrived at the immigration detention center in Miami, she said, the harassment began. First, the immigration officer told her how attractive she was. He telephoned her in her dorm.

The man, whose job included taking detainees to book in where they meet their attorneys, often called the woman to one of the booths. But instead of finding her attorney there, she found the officer. First, it was just talk, talk that included what an important man he was at the Immigration and Naturalization Service. Soon, she said, he began fondling her.

"It progressively got worse and more," she said. "He touched me. He hurt me. I was scared not only that he hurt me emotionally and mentally, but physically. He was physically hurting me as he tried to get his satisfaction."

The woman was afraid to tell anyone. "If you say anything about it, they try transferring you or you end up staying in INS custody longer," she said. She told her story to investigators only after the allegations were revealed by another detainee she had confided in.

The woman is one of at least 12 women who say officers at the INS's Krome Detention Center in Miami, one of the agency's most problem-plagued facilities, harassed them, sexually assaulted them, or promised favors in exchange for sex.

An investigation that began more than a year ago into the conduct of at least 15 INS officers has resulted in criminal charges against one officer. Lemur Smith, charged with four counts of rape of a transsexual asylum seeker from Mexico, pleaded guilty to two misdemeanors and awaits sentencing.

Officials of four agencies of the Justice Department say the investigation is continuing. "These cases are very, very tough to work," said Judy Ornelis, an FBI spokeswoman.

Allegations of sexual abuse of detainees in INS custody have been made from time to time, but none on the scale of the Krome allegations. In January 2000, federal officials removed 250 INS and federal detainees from the Hillsborough County House of Corrections in Manchester, N.H., after charges of abuse.

Three jail officers were charged with aggravated felonious sexual assault. One was acquitted this month, and two others are awaiting trial. In March, the INS removed eight detainees from the New Hampshire State Prison for Women after an allegation that one of the women engaged in sex with a guard.

At Krome, past investigations into alleged abuses, dating to the 1980s, have yielded few results. Lawyers for the immigrant women fear their clients will be deported and the problems swept under the rug. Several women say they have been threatened by INS officers for talking to investigators, and several potential witnesses have already been deported.

"There is evidence that this dates back for years, and the Justice Department has done little about it," said Wendy Young, director of government relations for the Women's Commission for Refugee Women and Children, which released a report last year on abuse of women at Krome.

"Everyone realizes that Krome needs to be fixed," said Karen Kranen, an INS spokeswoman in Washington. "Any abuse of any INS detainees is unacceptable. We did take the allegations seriously. INS officials in Miami did not respond to written questions."

All of the women at Krome, about 80 asylum seekers and about 50 green-card holders fighting deportation after criminal convictions, have been moved to the Turner Guilford Knight Correctional Institute, a Miami-Dade County jail.

There, they complain, are deprived of privileges they had at Krome, such as twice-weekly contact visits with family, and are subjected to all the rules of a maximum-security prison, though none is serving a criminal sentence. Some women have also been moved to jails in other states.

About nine officers were transferred from Krome to INS headquarters. But about 20 others who were the subject of allegations remain at the center.

Some of the women who cooperated with investigators have been released and allowed to remain in the United States while the investigation continues, but at least two remain behind bars in Miami and others have been shipped out of state.

The reports that the women have provided to their lawyers and to the women's commission are sometimes graphic. Sexual relationships between female detainees and INS officers are common at the center, they said.

One woman said an officer paid a detainee $50 for a lap dance and $30 for letting him feel her breasts. Women allegedly posed for photos wearing underwear brought in by officers, and then the photos were passed around the center. In some cases, the women appeared to be willing sex partners, and in other cases they were desperate to get on the good side of anyone who could help them and their immigration cases.

Krome houses about 600 immigrants, both the newly arrived immigrants seeking asylum and longtime legal permanent residents who are fighting deportation after being convicted of crimes.

Congress passed immigration laws in 1996 that significantly increased the number of immigrants kept in custody, made it harder for immigrants to gain asylum, and drastically increased the number of crimes for which immigrants must be deported.

At least two women said they were threatened by other INS officials after they spoke to investigators. He, too, is accused of sexually abusing at least one woman. In both cases, he allegedly told the women that he would have them criminally prosecuted if they did not agree to be deported.

"I did not know what to do about the situation, and I was also afraid to tell anybody," one woman told her lawyer.

"Immigration officers are more than willing to torture you. They will make you think that your life depends on them, so you don't try to look for trouble."
Colombians: Stop jailing female asylum-seekers

By Madeline Baró Díaz
Miami Bureau
Posted July 7 2001

MIAMI - Colombian immigrant advocates on Friday denounced the INS policy of detaining female asylum seekers at a maximum-security county jail.

"They have been bringing them to this jail where you find criminals, rapists, people who have committed crimes in this community," said Jose Luis Castillo, president of the Colombian American Foundation, at a news conference outside the Turner Guilford Knight Correctional Center.

"This jail was created to punish or reform a person. These Colombian women do not need to be punished or reformed when they have not committed any crime."

Castillo was joined by Maria Elena Pinedo of Concilio de Mujeres (Americans, a Colombian women and immigration attorney (Cherry)

They join a chorus of critics of Immigration and Naturalization December decision to transfer detainees from the Krome detention facility of the jail commonly known as TGK.

Allegations that Krome guards sexually abused female detainees prompted the INS to move them to TGK.

Since then, all new female detainees have been channeled to TGK, said INS official Maria Elena García.

"We have no intentions of having a coed facility as it existed before," García said.

Colombians are a significant number of the TGK detainees, Castillo said.

Armed civil conflicts, high crime and a bad economy have pushed many Colombian asylum seekers to South Florida.

Most of the 100 or so female INS detainees at TGK at any given time are seek...
and are usually released within six days to await their asylum hearings, García.

The rest of the detainees are convicted felons awaiting deportation.

Castillo said about 800 Colombian women have been through TGK since last year and do not have its own figure Friday.

INS officials had painted TGK as a place where detainees would have more privacy, security and more access to attorneys.

But TGK detainees and immigrant advocates paint a different picture.

They say noncriminal detainees are subjected to humiliating searches, have to wear only jail clothes and feet shackled while being transported to and from the jail, and are awake for bed checks in the middle of the night.

At Friday's news conference, a Colombian woman who spent five days at TGK was forced to undress in front of guards and endured strip searches.

"That is the most degrading thing," said the woman, who did not want to identify herself. "I do not want them to continue bringing people here."

Advocates accuse INS of violating their own standards when it comes to TGK's lack of access to lawyers, legal material and medical attention.

They also object to the fact that some detainees are transferred out of Florida because TGK -- or any INS facility -- reaches capacity, officials can choose to send detainees elsewhere in the state or country.

Critics of the INS policy have asked the agency to consider moving women to alternative facility, like a halfway house. That seems unlikely.

"As it stands now, the law requires us to detain individuals and does not provide for halfway houses," García said.

Madeline Baró Díaz can be reached at mbaro@sun-sentinel.com or 305-810-5

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Women's Commission for Refugee Women and Children
122 East 42nd Street · New York · NY 10168-1289 · Tel: (212) 551.3111/3088 · Fax: (212) 551.3180

For Immediate Release

Continued Abuse of Women Asylum Seekers in Miami Reflects INS Failure Nationally to Control Districts

New York, NY - July 10, 2001 — The Immigration and Naturalization Service (INS) has failed in its duty to protect women asylum seekers in its Miami District, reflecting the lack of centralization, planning and sound public policy inherent in the US detention program, concludes a report released today by the Women's Commission for Refugee Women and Children.

"Innocents in Jail" assesses conditions for women asylum seekers at Turner Guilford Knight, a Miami-Dade county jail, to which all female detainees in the Miami district were moved, following widespread allegations of sexual abuse at the INS Krome Service Processing Center. While male asylum seekers at Krome continue to receive legal and family visits, women at TGK are treated like criminals and locked up in cells with limited access to lawyers, family members and translation services and inadequate medical care.

"While the INS was correct to remove women from the dangers they faced at Krome, it is disturbing that they lost other critical services in order to avoid sexual abuse," said Wendy Young, Director of Government Relations and US Programs at the Women's Commission and the author of the report. "It is particularly disturbing in the light of the failure of the Department of Justice to date to adequately pursue criminal or disciplinary actions against the officers responsible for those abuses."

Women detainees at TGK wear prison uniforms and are subject to frequent head counts, periodic lock-downs and solitary confinement. They may be handcuffed and sometimes subjected to strip searches. Many of these women do not speak English and are not given adequate access.
to interpreters, adding to their confusion and their distress. Some of the asylum seekers have been transferred to facilities in other parts of the country, such as York County prison in Pennsylvania, separating them from family members and from their lawyers. Others claim to have been threatened with transfers to other states, including Louisiana and California, for complaining about treatment at TGK. Some women have alleged sexual abuses at the hands of male trustees at the facility.

"There are alternatives to detention, such as supervised release and shelter care," said Mary Diaz, Executive Director of the Women's Commission. "These alternatives have been tested by the INS. There is no need to lock up women who come to this country seeking protection from persecution."

Many of these problems are endemic in the INS detention system across the nation, the report concludes, and can be attributed to the INS's failure to centralize and monitor its detention program. In the report, the Women's Commission for Refugee Women and Children urges INS headquarters to retain management over detention centers and asks Congress to shift parole decisions away from the INS districts to an objective decision-making body, such as the Department of Justice Executive Office for Immigration Review.

"Innocents in Jail: INS Moves Refugee Women from Krome to Turner Guilford Knight Correctional Center, Miami" is available in full on our website:

www.womenscommission.org

Or contact Rachel Watson: 212 551 0959    email: rachelw@womenscommission.org

The Women's Commission for Refugee Women and Children is the only organization in the United States dedicated solely to speaking out on behalf of refugee women and children. It provides expertise in the areas of reproductive health, protection and participation, asylum issues and refugee children and adolescents. Currently there are almost 34 million refugees and internally displaced civilians worldwide—80 percent of whom are women and children.
Human rights group condemns inmate conditions at TGK

BY ALFONSO CHARDY
achardy@herald.com

A prominent human rights organization on Tuesday denounced detention conditions at a Miami-Dade County jail where immigration authorities hold women who are seeking asylum or have been ordered deported.

A 35-page report from the New York-based Women's Commission for Refugee Women and Children says conditions at Turner Guilford Knight Correctional Center — TGK — may be worse than at the Krome Service Processing Center. Female detainees were moved from Krome in December following allegations of widespread sexual abuse there.

"The Women's Commission found TGK to be totally inadequate for the housing of asylum seekers . . .," the report said. "Women interviewed by the Women's Commission consistently expressed their distress over being held at TGK, treatment which they perceive as punitive."

TGK officials referred questions to the U.S. Immigration and Naturalization Service. The INS had no comment.

Not only did the report attack overall detention conditions, it also cited instances of sexual abuse at TGK.
"Women detained by the INS who were subject to deportation for past crimes also reported that they had been sexually harassed at TGK," the report said.

"In one case, a woman alleged that a male trustee molested her. In two other cases, male trustees allegedly flashed the women."

Other allegations in the report echoed complaints the women have made before, including strip searches, unappetizing or inedible food, restricted telephone access and transfers to facilities elsewhere in the country or placement in solitary confinement after filing a complaint.
Female detainees degraded in Miami jail, INS critics say

BY JODY A. BENJAMIN
STAFF WRITER

When she boarded a plane in Calli, Colombia, last March, Elena L. knew she was embarking on a journey full of uncertainty.

But the accountant and mother of three who said she endured four months of threatening phone calls and a narrow escape from a street bomb, never imagined that her quest for political asylum in the United States would include jail.

She never imagined it would include being leered at by male prisoners as she entered the jail booking area. Being forced to disrobe, bend over and cough while a female guard ignored her pleas for help when, from nerves and exhaustion, she suddenly began to menstruate.

"She said there was nothing she could do until this [search] was over," said Elena, 38, who was released from the Turner Guilford Knight Correctional Center five days later. "When you first come into the jail, you make your own psychological adjustment right away. You have to do it.

DETAINES CONTINUES ON 2B
Conditions at jail draw fire

SEEKING ASYLUM: Elena L. spent five days at the Turner Guilford Knight Correctional Center and said she endured humiliating treatment.

Staff photo/A. Enrique Valentin

are not in dire straits take advantage of a system designed to help people who are, he said.

Nevertheless, Schechter said that in recent weeks, the local district has reduced the amount of time asylum seekers with valid claims spend in jail, chopping it from three weeks to an average of six days. It has done so by conducting preliminary asylum interviews over the telephone rather than moving them to Krome, which takes more time. It also plans to install an asylum officer and immigration judge at Turner Guilford Knight to speed up the hearing process.

Advocates said that while any reform is welcome, the timesaving measures are off-target. Women who have difficulty talking about their persecution to asylum officers in person are even less likely to speak freely over the telephone. A 28-page report by the Women's Commission for Refugee Women and Children released last week also lambasted poor medical care at the Miami jail and says translation is inadequate, with detainees often not able to understand guards' instructions.

"You had a very special set of circumstances at Krome that needed a very special answer," said Wendy Young, of the Alexandria, Va.-based commission. "But the system didn't come up with that answer. ... It's time for INS to think outside the box."

Alternatives for housing detainees in South Florida are far from clear, however.

Last June, a subcommittee of the Miami-Dade County Commission met with INS officials to discuss alternatives to housing the women at the jail. But a month later, no concrete option has emerged. On Friday, the group canceled a scheduled meeting on the issue.

"We are totally satisfied with Turner Guilford Knight," Schechter said.

Still, a community group said it will begin to hold candlelight vigils outside the jail in the coming weeks.

"They are often fleeing violence and kidnappings in Colombia, only to come here and be put in a jail," said Maria Eugenia Pinedo of the Miami-based Colombian American Women's Council, which helps women released from the jail to find psychological help, employment and English classes.

ONE OF THE LUCKY ONES

Now living in Miami Beach with Colombian friends as she awaits a formal asylum hearing, Elena L. considers herself one of the lucky ones, because she was held in jail only five days. She knew of others who were held 20 days or longer.

In Colombia, she worked for a man who owned several public relations firms that represented entertainers.

Last November, she received a call from a man who asked her for financial information about her boss without her knowledge. She reported the request to her boss. Soon, she got another call, this time threatening to harm her. More calls followed. In February, a bomb exploded on a street as she drove home from a university where she was taking a graduate course, knocking out her car's rear window. She thought it was an attack directed at her.

She began planning to leave Colombia, arranging for her children, ages 10, 10 and 8, to live with her sister. In late March, she bought a plane ticket to Aruba that included a stopover in Miami.

In Miami, Elena did not continue on to her next flight but instead told an immigration officer that she wanted political asylum.

From there, she said she was taken into an airport holding area with 12 other asylum seekers from different countries. Since a holding cell was full of men, about 10 women were taken to another room, where they had to sleep on the floor or in chairs.

After two nights, she was taken to Turner Guilford Knight, a country jail near the airport. Officials took her purse, which contained a small Bible and photos of her children.

"You could see these men behind a door looking at us," she said. "I hate that first floor."

As part of the booking process, she was strip-searched. Although she began bleeding during the search around 1 a.m., Elena said it was not until noon the next day that officials gave her a sanitary napkin.

Elena also told her never spoke with a lawyer while in detention. After her first night in jail, she said, officials there directed detainees to a list of legal agencies that help immigrants for free. But she opted not to call because of rumors that there would be high costs involved.

On her fourth day in jail, Elena was taken to Krome several miles away for a hearing with an asylum officer. A day later she was freed.

As she had been treated with compassion, Elena shook her head no. "One should be treated as a woman and a human being," she said. "At [the jail], they didn't show compassion to anyone."

Jody A. Benjamin can be reached at benjamin@sun-sentinel.com or 561-554-5530.
Sarasota Herald-Tribune  
Wednesday, July 18, 2001

Sheriff: End weekend sentences Not having the inmates in jail on weekends would free up space for lucrative INS detainees.  
CHAD BINETTE and JENNIFER SULLIVAN STAFF WRITERS

The Sheriff's Office plans to ask judges to eliminate weekend jail sentences to cut costs and make more room for profitable immigration prisoners.

Not having the 30 to 80 inmates who are at the jail on weekends would free up space for people detained by the U.S. Immigration and Naturalization Service. If the county can fill most of the planned 288-bed annex with INS detainees, it could receive more than $5 million a year from the federal government.

The Sheriff's Office expects that it will cost $2.8 million a year to staff the annex in downtown Sarasota, which is scheduled to open in January.

The annex will allow the Sheriff's Office to house more INS detainees, regardless of whether weekend sentences continue.

Inmates who are sentenced to weekends in jail arrive on Fridays and leave on Sundays. Under the Sheriff's Office's plan, those people would work weekends at a county site. They could clean bathrooms at beaches, pick up litter or do other maintenance.

"We're usually talking about people having a problem with drugs or alcohol who need some punishment but also need rehabilitation," said Sarasota County Judge Preston DeVilbiss.

Larry Berberich, an unpaid consultant with the Sheriff's Office, said he intends to present a plan this week to Court Administrator Walt Smith, who will pass the information along to the judges.

County Judge Emanuel Logalbo said he uses weekend sentences for cases involving suspended driver's licenses and a second offense for driving under the influence of alcohol when the last DUI arrest was a long time ago.

Logalbo said he's sentenced about 10 people to weekends in jail since July 1. He wants to continue to have this option because community service is not equivalent to jail time and "a lengthy jail sentence will disrupt their lives" because inmates can't keep their jobs.

DeVilbiss said he stopped using weekend sentences soon after he began hearing criminal cases in 1991.
"I found them to be an administrative nightmare," he said.

DeVilbiss said most people he sentenced to serve weekends never showed up at the jail. When they returned to court on violation of probation charges, they provided a variety of excuses, such as sleeping too late or car trouble.

DeVilbiss said he wishes the county had a work-release program to allow criminals to spend nights in jail while leaving for work during the day.

Some people who are ordered to do community service already pick up litter and handle other maintenance tasks at beaches. Beaches are ideal for community service because supervisors are present seven days a week, said John McCarthy, the county's general manager for parks.

Although part of a tentative property tax increase for 2001-02 would go toward the sheriff's budget, the county commissioners have asked the Sheriff's Office, along with other county departments, to look for ways to save money.

It takes about an hour of a corrections officer's time every week to handle each weekend inmate's arrival and departure, said Berberich, who was asked by Sheriff Bill Balkwill to help with the plan.

Berberich, noting that weekend inmates are in the community five days a week anyway, said he hopes judges will change existing weekend sentences.

The federal government will not commit to filling a certain number of beds with INS detainees. It now pays Sarasota County $45 a day for each detainee, and the amount is expected to rise to about $60 a day.

It costs the Sheriff's Office 88 cents a meal and about $7 a day for each inmate's health care.

The Sarasota County jail housed 11 INS detainees Tuesday. Because the 442-bed Bradenton Detention Center only takes men, most of the Sarasota jail's INS inmates are women.

In May, an average of 425 detainees were in custody at the Bradenton center. Almost all were arrested in Florida, and the typical stay is two months.

Dave Wing, officer in charge of the Bradenton center, said Sarasota's proximity to the immigration court in Bradenton would help fill more beds. The extra Sarasota beds could even prompt the immigration court to handle more cases, he said.

"If the bed space is available, I've worked long enough in this business to know that someone's going to ask me if they can use that particular, available bed," Wing said. "I'm sure that if the bed space becomes available in January, the first day it's not going to be filled up, but there would be a gradual process to use the space."
Detainee scores a victory over INS

Possible Test Case

Her case could serve as a local test of U.S. Attorney General John Ashcroft's hard-line response last week to the June 28 U.S. Supreme Court ruling against indefinite detention of "criminal aliens."

Though Ashcroft said the government will comply with the ruling, his announcement seems a strategy of delay while the State Department pressures reluctant countries to take back their convicted nationals.

Local INS officials have listed Nigeria as one of the countries with long-term detainees here.

According to statistics cited by Ashcroft, there are at least 3,400 long-term detainees nationwide who would be affected by the Supreme Court ruling.

Figures released by the INS office in Miami show that of the 3,400, there are about 262 long-term detainees in Florida — including one Nigerian who is not identified.

"The message here is pretty evident," said Cheryl Little, one of her attorneys.

In its June ruling, the board agreed with Adekoya's contention under the Convention Against Torture that she must not be sent back because she could face torture.

Drug convictions

Adekoya, convicted on drug charges, is among thousands of foreign nationals held by the INS for deportation — after serving their time — as a result of 1996 laws that require the detention and removal of noncitizens convicted of aggravated felonies.

According to Ashcroft, among the 3,400 foreign nationals affected are "hundreds of sexual predators, including a rapist and serial child molester, hundreds of drug traffickers, and hundreds of violent criminals including murderers."

But many immigration attorneys around the country insist that countless long-term detainees were arrested on minor, nonviolent crimes.

Minor Offenses

Little said she recently visited a Sarasota jail where the INS is holding detainees and found that virtually all the women had served sentences for crimes such as petty theft and probation violations.

According to INS statistics, about 500 of the 3,400 are Cubans, including 171 in Florida. One of them is Andrés Prieto, who is in Panama City.

In a telephone call to The Herald last week, Prieto said the INS told him that his most recent request to be released was turned down because he is a "danger" to the community.

Court records show that Prieto was a fugitive from Dade County Jail in 1987 while awaiting trial on charges of aggravated assault and kidnapping.
2-year detention ends for Nigerian woman

A Nigerian woman held by immigration authorities for more than two years has been released from a Miami-Dade County jail after winning a legal victory against the U.S. Immigration and Naturalization Service, which had targeted her for deportation.

Mojisola Adekoya was freed Friday from the Turner Guilford Knight Correctional Center near Miami International Airport soon after receiving a deportation reprieve from the Board of Immigration Appeals, said Adekoya’s Miami attorney, Cheryl Little.

The INS appealed the board’s decision. But Adekoya, 39, was released under conditions of supervision.

Adekoya, reached Sunday at her home in Maryland, believes she was released because of the June 28 U.S. Supreme Court ruling against the indefinite detention of foreign nationals with criminal records whose countries won’t take them back.

INS detained Adekoya after she served four years and eight months on drug-related charges.

Adekoya’s release came as INS has begun releasing certain long-term detainees in response to the court decision and a subsequent memo in July from U.S. Attorney General John Ashcroft.

In Florida, there are about 391 long-term detainees.

In a June ruling, the immigration appeals board agreed with Adekoya’s contention that if she were returned to Nigeria, she could face torture in jail.

— ALFONSO CHARDY
Of misplaced efforts and abuse

BY SUSANA BARCIELA
Editorial Board member

While hijacked planes winged toward New York on Sept. 11, Haydee Klappert was picked up in Hollywood by four Immigration and Naturalization Service officers. The officers wore bullet-proof vests. She, in pajamas, stood next to her 8-year-old son. They handcuffed her. She was being deported.

By the time she arrived at the Miami-Dade County jail for female INS detainees, flames engulfed the World Trade Center. “You picked up the wrong person,” Klappert said wryly. “It wasn’t me you had to go after; it was these guys who bombed the towers.”

Good point.

For years, terror “sleepers” entered the United States, overstayed their visas and plotted the deadliest attack in history against U.S. civilians. The INS, meanwhile, focused untold resources on detaining and deporting people such as Klappert, longtime residents with U.S.-citizen spouses and kids, residents who regrettable may have made mistakes but don’t deserve to have their lives and families destroyed because of them.

The INS alone isn’t to blame. In a fit of xenophobia in 1996, Congress and the Clinton administration unleashed the harshest anti-immigrant laws in recent memory. These laws made relatively minor crimes deportable offenses for anyone not a U.S. citizen. Provisions also mandated that these people be detained until deported.

FIGHTING DEPORTATION

Klappert’s crime: Embezzling $3,340 from a bank where she was a teller. She has no other criminal record. She took a plea deal, she says, because she wanted her family life back. Her sentence was one month served in Miami’s Federal Detention Center in March 1999.

Had she been a citizen, Klappert would have returned home to her U.S.-born husband and kids in Hollywood. Instead she spent the next 18 months in INS custody, mostly at the agency’s Krome detention facility in West Miami-Dade.

As Klappert and her lawyers fought the deportation order in immigration court, weeks turned into months. She befriended bunk mates and other women on a cleaning crew whose task repeatedly turned to affairs with INS officers.

Klappert herself fended off not-so-subtle offers. One officer, she recalls, offered to bring her “things” if she were deported to Nicaragua, where they could have a “relationship.” She told him her husband would give him her answer.

Other women inmates, many pop-ping Krome-issued tranquilizers and anti-depressants, wanted to believe the promises. Klappert describes a deportation officer who promised to get a woman released if she wrote sex letters to him. Another officer approached a detainee while she was in the shower.

In a discussion with Klappert, a veteran INS officer told her that Krome had improved. Ten years ago, he said, officers pulled women from their dorms, spent the night with them in a motel and deported them the next morning. Some of those officers remain at Krome today, he said.

“I got tired and angry seeing all these women abused,” Klappert says. “These guys promised these women all kinds of things only to get something from them.” What the officers wanted and got were sexual favors.

After being approached by high-ranking officers, Klappert says she and other women began to talk. Thus began yet another — and still ongoing — federal investigation into Krome.

This was treatment merited by terrorists — not a cooperating witness.

For her trouble, Klappert was singled out for retribution. Her deportation officer even threatened to get her deported if she didn’t tell him what the federal investigators knew, she says. She told him nothing.

Her reward was a transfer to an isolation cell back at the Federal Detention Center. Those 13 days were, she says, “the worst in my life.” There was no clock, no recreation, no phone calls, no visits other than from lawyers. It was treatment merited by terrorists, not a cooperating witness.

Finally in September last year, she was released after testifying before a federal grand jury.

Three weeks ago the INS held her four days before realizing that her 5-month-old baby had a serious kidney disease. They stopped the deportation and freed her. But the INS, which has discretion, shouldn’t even have picked her up until the investigation was over. Why target a soccer mom when INS resources could be rooting out terrorists?

shbarciela@herald.com
Ex-INS guard guilty of sexually abusing woman detainee

By Jody A. Benjamin
Staff Writer
Posted October 25 2001

A former officer of the Immigration and Naturalization Service pleaded guilty in federal court in Miami on Wednesday to sexually abusing a female detainee in his custody at the Krome immigrant detention camp.

Clarence Parker pleaded guilty to a misdemeanor charge of engaging in a sexual act last October "with an intent to abuse, humiliate, harass, degrade and arouse and gratify" a detainee. Parker is a contract employee who was suspended from Krome in June. After his plea before U.S. District Judge Federico Moreno, Parker, 32, faces a year in prison, a $100,000 fine and payment of restitution.

Parker is the second Krome officer to be indicted for sexual abuse of detainees after two of them first complained about the behavior 17 months ago; a total of 20 detainees have since complained. Another guard, Lemar Smith, was sentenced to eight months in prison in July after pleading guilty to having consensual sex with a detainee.

"This plea supports the complaints that these women have made," said Cheryl Little, executive director of the Florida Immigrant Advocacy Center. The Miami-based nonprofit legal group has helped detainees, both female and male, who complained that guards sexually abused them at Krome. "But INS has been working very hard to deport these victims in recent months," Little said.

Because of the allegations, all female INS detainees have been permanently relocated from Krome to a county jail, the Turner
Gulford Knight Correctional Center in Miami.

Several accused guards also were transferred away from Krome while federal authorities looked into the allegations. But Parker was not one of them.

Little said her office complained in writing about Parker last October, but the INS allowed him to stay on the job until June.

An INS spokeswoman said that at the time, the agency lacked "credible information" even to transfer Parker. But the agency did suspend him "as soon as we learned of his possible actions," said Patricia Mancha.

"We do have due process, and we must follow certain guidelines, but this type of behavior will not be tolerated," she said.

The plea marked the latest in a spate of bad news for the local INS branch. A federal grand jury indicted an INS airport inspector Oct. 18 for allegedly smuggling foreign nationals into the country for fees up to $7,000.

According to the federal indictment, Parker fondled the detainee once. A source familiar with the Krome case said the victim claimed that Parker abused her a half-dozen times, usually in the attorney visitation room where he was stationed.

It is unclear whether the detainees' accusations will lead to more guards being charged. A spokesman for the Office of the Inspector General said the investigation is ongoing.

Jody A. Benjamin can be reached at jbenjamin@sun-sentinel.com or 954-356-4530.

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UNCERTAIN JUSTICE

MISGIVINGS ABOUT MISDEMEANORS

Can the Justice Department effectively investigate Krome detention center?

Clarence Parker, a former Krome guard, pleaded guilty last week to having sex with a detainee. The guard remains free while his victims is still locked up.

This, in short, is what the U.S. Justice Department’s ongoing investigation into wrongdoing at the INS Krome detention center has come to: An abusive guard who coerced sex gets a misdemeanor charge and recommended sentence of less that one year while the powerless detainee remains jailed more than a year under threat of deportation.

On a positive note, the Parker case is the investigation’s second conviction. This begins to vindicate the women who came forward at risk to themselves to testify about sexual abuse and misconduct at Krome.

Yet it also is the second case in which federal prosecutors have plea bargained charges down to misdemeanors. That raises questions about how seriously the Justice Department is pursuing evidence of misconduct.

Investigating the INS’s Krome facility can’t be easy. Other federal probes, particularly one in 1990, have ended without significant findings. Yet current allegations mimic recurring complaints that have surfaced for more than a decade. The pattern suggests that detainee abuse, misconduct and staff immunity may be institutionalized.

A WRIST SLAP

Earlier this year, former Krome officer Lemar Smith avoided serious rape charges, pleaded guilty to two misdemeanors related to sex with an inmate and was sentenced to an eight-month prison term.

Last week’s case was another slap on the wrist. Implicit in Parker’s misdemeanor charge is that sexual acts with a Krome detainee are consensual. How can sex between an inmate and a prison guard be consensual? It can’t be. The guard has all the power.

Parker’s victim told The Herald that she protested his rough advances; he pressed on. She also said that another detainee had already told Krome authorities about Parker and her. Lawyers from the Florida Immigrant Advocacy Center note that the woman attempted suicide shortly after the sexual assaults.

Understandably, like many female detainees, Parker’s victim feared being transferred or, worse, deported far from her children. In fact, after some of the women talked to investigators they were harassed and threatened. As a result, all female detainees were transferred out of Krome.

The sexual assaults occurred in October last year, although federal investigators had been at Krome since mid-year. In February, the victim publicly spoke about the abuse, but Parker wasn’t removed from his job until June.

The INS, meanwhile, has kept the victim behind bars for 14 months — longer than the year she served for two drug-related offenses. Those convictions made her deportable, despite the fact that she’s the parent of two U.S. citizen children who has lived here for more than 30 years.

FREE THE VICTIM

Fortunately, Miami INS District Chief of Staff John Shewalry says that “there are no imminent plans” for deporting the woman now. Yet Miami INS has yet to respond to a request this month that she be released from detention and her deportation officially stayed.

This woman is not a danger to the community nor a flight risk. Rather, she may be eligible for a new “U visa” created for victims of crimes who cooperate in bringing criminals to justice. It would be just for Miami INS to free her.

Beyond the details of this case are broader questions about Justice’s ability to investigate its own agency. Because jail authorities wield such power, the sexual abuse of inmates is always deplorable. Worse, when the victims are deportable, it’s far too easy for the evidence to disappear.

Staffers who commit abuses at federal facilities need to be punished harshly. Otherwise guards, officers and others will see little wrong in using facilities such as Krome as a place offering disposable victims.
Iraqi Christians get caught up in security web of Miami INS

BY ANDRES VIGLIUCI
AND ALFONSO GHARBY
avigliuci@herald.com

Two Iraqi women, one accompanied by her husband, came to Miami seeking political asylum and expecting an understanding reception from U.S. authorities. Instead, they ran smack into the government's domestic war on terrorism.

All three have been held by the Immigration and Naturalization Service for months, as the agency — already leery about releasing any man with an Arabic-sounding name in the aftermath of the Sept. 11 attacks — appears to be extending the policy to women, at least in Florida.

The detention of the women, who under normal circumstances likely would have been freed by now, is the latest element in a strict new regimen of sharpened scrutiny and prolonged detention for foreign nationals from the Middle East and South Asia. The government is holding more than 500 men who were detained after the attacks, most of them on immigration violations.

The women's experience also lends weight to claims that some of those new measures, intended to strengthen the government's hand in rounding up terrorism suspects and safeguarding intelligence information, are being applied to Middle Easterners even when no connection to terrorist groups has been alleged — which is the case with the women and the husband, who are Christian.

In at least one other local case, that...
Iraqi Christians caught up in INS security web

The detention of the women, who normally would have been freed by now, is the latest element in a strict new regimen of sharpened scrutiny and prolonged detention for people from the Middle East and South Asia. They persuad...