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ACLU of Southern California
1313 W. 8th St. Los Angeles, CA 90017
213.977.5252 aclu-sc.org



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Contact:
ACLU/SC: Gordon Smith or Rachel Uranga
213.977.5252
NILC: Karen Tumlin
213.674.2850

Immigration Officials Sued for Holding Detainees in Appalling Conditions at L.A. Detention Facility

LOS ANGELES, Calif. – A team of legal organizations announced today that it is suing the U.S. Immigration and Customs Enforcement agency in federal district court for detaining immigrants in egregious, unsanitary conditions in a downtown Los Angeles facility without soap, drinking water, toothpaste, toothbrushes, sanitary napkins, changes of clothing or showers. The lawsuit – filed by the American Civil Liberties Union of Southern California, the National Immigration Law Center, and the law firm of Paul, Hastings, Janofsky and Walker LLP – also charges that the unsanitary conditions have led ICE to deprive immigrants of due-process rights such as access to mail or attorneys while in detention.

The facility, known as “B-18,” was intended to temporarily house detainees for no more than 12 hours. But in a perverse distortion of its original purpose, immigration officials have kept detainees in this basement facility for weeks by shuttling them to local jails in the evening and on weekends, and returning them to the facility the next business day.

Under these intolerable conditions, immigration officials often fail to notify detainees that they have the right to obtain release on bond while their cases remain pending. Meanwhile, immigration officials deny detainees any mail correspondence, writing materials or access to other materials that would enable them to defend themselves – all of which are required by law.

“It’s shameful that immigration officers are treating detainees like animals, apparently because the immigration bureaucracy cannot seem to send detainees to the right place,” said Ahilan Arulanantham, ACLU/SC director of immigrant rights and national security. “Officers routinely crowd detainees into dirty cells under grossly unsanitary conditions. They then deny them access to basic constitutional necessities like the use of the mail, making it impossible for them to defend themselves.”

“There is no good reason why authorities cannot simply send the detainees to the right place and release those who are eligible for bond, rather than shuttling them back and forth for days or weeks on end. The B-18 fiasco is yet another example of how our immigration detention system has completely broken down,” Arulanantham added.

The lawsuit also contends that the conditions at issue violate an order from a federal court in Los Angeles in another case which involved similarly egregious abuses.

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“The shell game officials are playing with human lives has left detainees without the ability to access basic services that any detention center must provide. Detainees at B-18 have no access to outdoor recreation and cannot send or receive mail, even for legal purposes,” said Karen Tumlin, a staff attorney with the National Immigration Law Center. “They cannot make private phone calls to attorneys and have no ability to learn their rights because officials deny them access to a law library and create barriers to their access to counsel.”

“The plain fact is that B-18 was never intended to be used as a detention facility,” Tumlin continued. “The facility fails on every level to house detainees in a way that comports with basic notions of dignity. B-18 does not provide soap or a change of clothes to detainees and routinely denies menstruating women sanitary napkins. Detention under such conditions is not only unlawful, but downright cruel.”

While in B-18, detainees are crowded into a cell with as many as 50 other people. In the cell, there is a single phone, a bench and one or two exposed toilets, but no soap or drinking water. Detainees are often forced to sleep on the floor. Menstruating women who ask for sanitary napkins are routinely ignored. And there is no access to medical attention. On some occasions, it has taken ICE officials more than a day to fix a clogged toilet.

Despite these heinous conditions, there is no mechanism for detainees to lodge a complaint.

According to Toliver Besson, a partner at Paul Hastings, the lawsuit gives the new administration of President Barack Obama a way to demonstrate its commitment to immigrants' rights. "The Obama administration has indicated that it wants all immigrant detention facilities to be operated in a clean, safe and constitutional manner. B-18 fails miserably to meet this standard, but the administration's response to this lawsuit is an opportunity to rectify this injustice and show that it is moving in a new direction," Besson said.

The National ACLU Immigrants' Rights Project also serves as co-counsel in the case.

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