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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2021/01/28/immigrant-detainees-went-on-hunger-strike-against-intolerable-conditions-and-covid-exposure-ice-punished-them-with-solitary-confinement/>

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close

Search

close

close

by [Solitary Confinement Reporting Project](#) | January 28, 2021

This expos of abusive practices at the ICE Processing Center in Tacoma, Washington, was written by Rene Feltz, who received a grant from the [Solitary Confinement Reporting Project](#), administered by Solitary Watch with funding from the Vital Projects Fund. Feltz is the Co-Director of Democracy Now! News and an award-winning investigative journalist who has covered criminal justice and immigration for the Intercept, the Nation, Rewire, the Guardian, and others. This article [was originally published by The Progressive](#).

In March, a man detained at the Tacoma ICE Processing Center in Washington State began showing COVID-19-like symptoms. He was vomiting as guards removed him, and others in his unit took notice. One called the local grassroots immigrant rights group, [La Resistencia](#), and said simply: We don't want to die.

Washington State was, at that time, an [epicenter](#) of the coronavirus pandemic. After some discussion, about eighty detainees [launched](#) a short hunger strike to protest their lack of protection, including guards who neglected to wear masks. Joining with activists on the outside, they successfully called attention to the unsafe practices of [GEO Group](#), the private prison company that runs the [1,575-bed facility](#) for U.S. Immigration and Customs Enforcement (ICE).

But, despite their efforts, little changed. In early June, La Resistencia shared a [video](#) on social media of a maskless guard walking behind a detained man around the same time that two more people [tested positive](#) and an entire unit was put under quarantine. A woman in a different unit was [asked](#) if the guards wear masks and gloves, and responded: The majority, no.

Staff at the Tacoma ICE Processing Center so rarely masked-up that in October, when one guard decided to cover his face, detainees in his unit became suspicious. When they asked why, they learned he had tested positive for COVID-19.

When we got the call about the guard being positive, people said they might want to do another hunger strike, La Resistencias founder, Maru Mora-Villalpando, tells *The Progressive*. But fear of retaliation changed their minds.

They know they could be sent to the hole, says Mora-Villalpando, using a slang term for what ICE euphemistically calls the administrative, punitive, or even medical segregation areas of its Special Management Units. Many detainees are afraid they're not going to be able to handle further isolation after COVID-19 restrictions limited their recreation time, she notes. My understanding is the entire detention center has become a hole to them.

Immigrants in ICE jails nationwide say they are punished with solitary confinement when they refuse to eat food that is rotten or still-frozen and sometimes has screws in it.

As cases of COVID-19 have [festered](#) throughout ICE's sprawling network of 200-plus jails and detention centers, with sometimes deadly results, detainees have turned to hunger strikes to protest conditions that violate the agency's own guidelines. The abuse of solitary confinement in response has prompted legal action from the American Civil Liberties Union.

Participation in a hunger strike is a protected form of expression, says Eunice Cho, senior staff attorney at the ACLU National Prison Project. It is vitally important to support the First Amendment rights of everyone, including immigrants in detention.

Manuel Abrego tries to be as reassuring as possible. When I get a call from somebody in segregation, I always tell them they are not alone, says Abrego, who leads La Resistencias phone support system for people detained by ICE.

Abrego was fifteen years old in 1999 when his family fled violence in El Salvador and were granted Temporary Protected Status in the United States. After struggling to adjust, he eventually got married and had two daughters before a dispute with an acquaintance led to a [conviction](#) for assault. At the end of his prison sentence, Abrego was transferred to the Tacoma ICE Processing Center (then called the Northwest Detention Center). He was shocked at the miserable conditions, which he felt were meant to encourage people to give up on their cases.

They want to push to get you deported, and thats it, Abrego says in an interview at his familys home in Seattle. Guards soon labeled him a troublemaker for being involved in hunger strikes over food quality.

The reason it started was we werent getting fed right, Abrego tells *The Progressive*. Sometimes, in the morning for breakfast, your food comes frozen. There is no way to eat it. Dinner comes the same way. Other times, he says, detainees found worms in their mystery meat.

After he helped organize a hunger strike at the detention center in 2017, Abrego was put in administrative segregation, where he was kept in his cell for twenty-three hours a day. A room in segregation is six-by-ten feet, with a bed and a toilet and sink, a blanket, and one set of clothes, he recalls, adding that the rooms are bound by a solid door with only a small window and a slot to push a meal tray through.

When you are in there, it is like being dead because you are not in contact with people on the outside, Abrego says. He describes his time in solitary as psychological torture, and remembers how guards would often taunt detainees with threats of deportation to try to make you snap.

Abregos ordeal was echoed in [a report](#) released this September by the Senate Committee on Homeland Security, which followed a year-long review of conditions at eight ICE detention centers. Investigators interviewed migrants and staff, several of whom recounted how segregation was used as a tool to punish people on hunger strikes.

A man detained at the River Correctional Center, run by LaSalle Corrections in Ferriday, Louisiana, said guards put him in isolation soon after he went on a hunger strike, because they perceived him as the leader of the protest.

At the Otero County Processing Center in Chaparral, New Mexico, the report noted that migrants indicated that they had been placed in segregation as punishment for engaging in a hunger strike. Officials with Management & Training Corporation, which operates the facility, acknowledged that such individuals had been held in segregation for up to twenty-eight days, but they claimed that the discipline was for other reasons.

ICE guidelines require an initial finding by a disciplinary review panel before someone is put in segregation, but this step is often skipped. For example, in 2018, the Department of Homeland Securitys internal watchdog agency [found](#) that guards put detainees in disciplinary segregation prior to such review at the massive Adelanto ICE Processing Center in California.

Once in segregation, the process of getting out can drag on indefinitely. Abregos requests for release were reviewed and denied every thirty days. Sometimes, he was told, youre an instigator. Other times, he says, ICE would say, GEO says you cannot go out. Then GEO would say, ICE says you cannot go out.

The United Nations special rapporteur on torture has said solitary confinement [should be banned](#) except for very exceptional circumstances, calling isolation longer than fifteen days inhuman or degrading treatment. Abrego says ICE held him in isolation for a devastating eight months. He was released in 2018 with help from the ACLU. But he still feels the effects.

I have been out for two years and I still cannot get situated, Abrego laments.

Abrego now checks in regularly with the ICE office in Seattle as his case proceeds. He supports his family by working as a maintenance man, and spends much of his free time volunteering with La Resistencia.

Im doing better than most people because I have a lot of support, but its hard, Abrego says. I dont wish it on anybody.

In 2014, 1,200 people detained at the Tacoma ICE Processing Center stayed in bed through breakfast and refused lunch and dinner. Their [list of demands](#) included better food, an end to abusive treatment by guards, and a higher quality of medical care.

We opted not to eat so that our silence would be heard, explained a participant named Cipriano, in [a video](#) released by La Resistencia. With our silence, they began to hear us.

Meals got better for a while, but many of those who refused them until the end of the [fifty-six-day protest](#) were put in disciplinary segregation. When spoiled and uncooked food was served again, Mora-Villalpando said, detainees tried to raise their concerns through ICEs grievance process, only to be ignored.

In a July 2015 [grievance form](#) obtained by the University of Washington Center for Human Rights, a center detainee said he was served meat already in a state of decomposition. A food service manager dismissed the complaint as Unfounded.

A year later, another person held at the same facility [declared](#), I am officially refusing to eat until your kitchen staff start treating me as a human being and not some kind of caged animal deservant of partially cooked and uncooked meals. This was officially determined to be Not a grievance.

On April 10, 2017, GEO [reported](#) to ICE that approximately 490 detainees in seven housing units refused their lunch, launching a hunger strike in protest of their treatment at the detention center. The Event Status was marked Routine.

La Resistencia wants ICE to release immigrants from detention where COVID-19 spreads easily, and those who demand safer conditions face what they call the hole.

The ACLU National Prison Project obtained this report through a Freedom of Information Act request that also yielded a batch of emails from officials discussing how to downplay the hunger strikes. As it often does, ICE acknowledged some detainees were refusing meals, but emphasized they could still purchase food from the commissary.

By April 13, ICEs enforcement and removal field officer wrote that the number of participants had fallen to twelve. The next day, an ICE spokesperson replied, OK . . . but the wolves are at the door. Maybe I can come up with something fuzzy . . . using a round number.

Advocates have tried to stop ICE from retaliating against hunger strikers with solitary confinement by documenting the abuse of the agency's own standards. But oversight of violations is notoriously lax.

Almost all inspections of ICE detention centers and jails are preannounced and scheduled weeks in advance. When a U.S. Senate committee [toured](#) California's Adelanto ICE Processing Center, they noticed one of the housing units smelled of fresh paint, and CoreCivic officials instituted a major clean up at another facility in Louisiana. People held in solitary cells at New Mexico's Otero County Processing Center were returned to the general population just prior to the Committee's arrival.

ICE pays a private auditor called the Nakamoto Group to conduct annual inspections, which are considered useless and very, very, very difficult to fail, according to ICE officers [interviewed](#) by the Department of Homeland Security's internal watchdog agency in 2018. Another investigation led by the office of Senator Elizabeth Warren [complained](#) that neither the private prison companies like GEO Group nor Nakamoto have taken responsibility for the numerous failures identified with compliance with ICE's safety and quality standards..

GEO Group [responded](#) to Warren by citing its score of 99.6 percent from the American Correctional Association accreditation as proof of its compliance with ICE standards. But critics [note](#) the ACA has also accredited a detention center in El Paso where detained people were reportedly forced to [drink water from toilets](#), and the Essex County jail in New Jersey, where health inspectors [found](#) spoiled meat and moldy bread in the kitchen, which has led to potentially contaminated food being served to detainees.

In December 2019, ICE [weakened](#) its detention standards, making it easier for companies like GEO Group to pass inspections and maintain their lucrative contracts, for instance, by removing requirements that new detention centers have an outdoor recreation area.

Meanwhile, ICE [halted](#) annual inspections from April through August, citing, CDC guidance and restrictions related to the pandemic.

Despite the dangers posed by COVID-19, ICE has ignored calls from its [own medical experts](#) and a [former](#) acting director to exercise its authority to release immigrants and asylum seekers from civil detention. Instead, advocates like the group [Freedom for Immigrants](#) have [received reports](#) from people in ICE detention centers in California, Louisiana, Texas, Alabama, Colorado, and Arizona who were placed in solitary confinement after being suspected of having the coronavirus.

Oscar Perez Aguirre, a fifty-seven-year-old immigrant with hypertension, [told](#) the Southern Poverty Law Center he contracted COVID-19 in an ICE processing center in Colorado, run by GEO Group, and was sent to the hospital when he started vomiting. Upon returning to detention, he said he was moved to the pod that is known . . . as the Hole, where people go for disciplinary reasons. . . . My cell was filthy and freezing and I had nothing to clean with.

In July, after a nurse tested positive for COVID-19 at GEO Group's Mesa Verde ICE Processing Center in California, detainees [organized](#) hunger and labor strikes to demand cleaner conditions, healthier food, and a halt to transfers. A seventy-four-year-old man named Choung Woong Ahn joined in the hunger strikes and sought release due to his lung disease and diabetes. Instead, he was placed in medical isolation, where he took his own life two days later. Our brother did not deserve to die, and he did not need to be locked up, his family wrote in an [editorial](#) published by *The Sacramento Bee*.

The Northwest Immigrant Rights Project and the ACLU [sued](#) in March to win the release of medically vulnerable detainees at the Tacoma ICE Processing Center. But ICE refused because no one there had yet tested positive.

Public health officials are in agreement it is not a matter of if there is a COVID-19 outbreak in immigrant detention centers, but when, [responded](#) the ACLU's Eunice Cho. ICE should heed their warning.

Within a week, ICE reported the [first infection](#) in detention.

In August, the city council of Tacoma, Washington, [passed](#) a resolution calling on ICE to address health and racial equity issues impacting individuals at the Tacoma ICE Processing Center. Among the city's recommendations was that the facility's operations be suspended for the duration of the COVID-19 pandemic.

But ICE and GEO [say](#) the population of the center is now low enough that people detained there can keep six feet apart. In legal filings, they describe how immigrants who have been transferred from other detention centers are now held in separate units for fourteen days to see if they develop symptoms. An ICE spokesperson [said](#) those who test positive receive appropriate medical care to manage the disease.

Tacoma has also [committed](#) to continue to explore the city's authority at the local level for regulatory oversight of the private detention center. Colorado lawmakers [approved](#) similar legislation in July that states public and private facilities that house or detain noncitizens for purposes of civil immigration proceedings qualify as penal institutions subject to unannounced inspections.

Civil rights advocates like the ACLU's Cho remain concerned that ICE regards detention centers as Constitution-free zones. Despite this, Cho vows to continue to defend the right of detainees to participate in these hunger strikes without fear of retribution.

At the end of October, the third employee in less than a month [tested positive](#) for COVID-19 at the Tacoma ICE Processing Center. Several pods were placed in quarantine and some people were removed for medical monitoring, including one who was in contact with detainees who work in the kitchen. A man in the unit [told](#) La Resistencia he asked about a test and a guard responded: No, you don't need to get tested unless you are showing symptoms. People at the facility have debated their next move.

You can go on a hunger strike, Abrego noted. But when you do it, they may punish you.

The Solitary Confinement Reporting Project awarded grants to journalists on both sides of prison walls to report on solitary confinement.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Solitary Confinement Reporting Project](#)

February 24, 2022

by [Solitary Confinement Reporting Project](#)

February 8, 2021

by [Solitary Confinement Reporting Project](#)

December 24, 2020

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