

6 Guards in New Jersey Charged With Beating Jailed Immigrants

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Body

Six Union County corrections officers were arrested before dawn today on charges of beating and taunting illegal immigrants brought to their jail last June.

The 25 immigrants were being transferred to the Union County Jail after an uprising at a privately run detention center nearby. As their van arrived, prosecutors said, jail guards formed a gantlet to punch and kick them.

Over the next four hours, the prosecutors said, the guards broke one detainee's collarbone, shoved other detainees' heads in toilets, used pliers to pull out one man's pubic hair and forced a line of men to kneel naked on the jail floor and chant, "America is No. 1."

Prosecutors said that at least two dozen officers participated in the beatings and that more arrests were likely.

An attorney for the arrested officers denied the charges, saying the detainees had fabricated their accounts.

Joyce Antila Phipps, a lawyer for six of the immigrants, said the men were "shocked and appalled" by the guards' actions. In America, she said, "they never expected the type of treatment they received from the police in their home countries."

The 25 detainees sent to the Union County Jail were among 315 people awaiting immigration hearings who had been held at the Immigration and Naturalization Service center in Elizabeth. After the June 18 disturbance, which caused considerable property damage but no serious injuries to guards, an I.N.S. investigation concluded that the detainees acted because of abusive and inhumane conditions at the center, which has been closed.

The prosecutors said there was no clear motive for the guards to torment the immigrants. Union County corrections officers were not involved in controlling the disturbance at the center, which was administered by a private contractor, the Esmor Correctional Services Corporation, based in Melville, L.I.

"Some people are arrogant and believe they are above the law," said Edward M. Neafsey, Acting Union County Prosecutor. "Others don't really care about the law because this is how they get their kicks."

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First Assistant Prosecutor Michael J. LaPolla speculated that the guards may have been trying to intimidate a new group of inmates in the belief they had just been involved in an uprising. In fact, prosecutors said, none of the men sent to the Union County Jail had participated in the disturbance at the center.

Ms. Phipps, the immigrants' lawyer, said that none of the 25 detainees were criminals or posed any danger to the guards. She said most were professionals or students who had spoken out against repressive governments and then fled to the United States.

She declined to identify the men by name, but said one was a chemical engineer from Ghana, another was a Jehovah's Witness fleeing Romania for religious reasons and a third was an Algerian student whose father had been murdered by religious fundamentalists.

The officers charged include Lieut. Joseph Salay, who was in command when the detainees arrived, two sergeants and three corrections officers. They face charges of official misconduct, which carry penalties of 5 to 10 years in prison, prosecutors said.

Anthony Pope, the officers' lawyer, described them as professionals and "family men," and said the account of the beatings had been fabricated by the detainees. He suggested the injuries reported by the immigrants had been inflicted during the disturbance at the I.N.S. center.

"Wherever the injuries may have occurred, certainly it was not at the hands of these officers," Mr. Pope said.

Mr. LaPolla said the detainees sent to the Elizabeth jail had received brief medical checks before being taken away from the I.N.S. center. He said that if any had been injured, they would not have been sent to the Union County Jail.

Mr. Neafsey said he was confident that the detainees had not concocted a story because they spoke several different languages. Also, the detainees were held in small groups in different cells before being transferred to Federal custody in Pennsylvania, so they would not have been able to meet and fabricate a story.

Mr. Neafsey said prosecutors had obtained videotaped statements from 24 detainees. The 25th was deported before the investigation of the beatings began in early July.

Officer Michael Sica, president of the corrections officers' union, said all the guards were expected to be free on bail by yesterday evening. He criticized prosecutors for arresting the officers at 5 A.M., rather than allowing them to surrender. He said it was part of an effort by prosecutors to intimidate other officers and persuade them to testify.

But Mr. Neafsey, the Acting Prosecutor, said the officers should not expect special treatment from his office. "We moved in early for safety reasons," he said. "These defendants should not expect any treatment that is different than that accorded to defendants in any other criminal matter."

Immigrants' rights advocates hailed the Union County Prosecutor's response to the detainees' allegations of mistreatment by guards. They said such accusations often go unheard.

"I don't doubt that the things we saw happen there go on all over the country," said Judy Rabinovitz, senior staff counsel for the A.C.L.U. Rights Project. "But I don't think there are many prosecutors who pursue them in the same way. My concern is that this is a widespread problem and that the norm is that this thing goes on and there is no accountability for it."

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