

# **U.S. TO OVERHAUL DETENTION POLICY FOR IMMIGRANTS**

The New York Times

August 6, 2009 Thursday, Late Edition - Final

Copyright 2009 The New York Times Company

**Section:** Section A; Column 0; Metropolitan Desk; Pg. 1

**Length:** 1245 words

**Byline:** By NINA BERNSTEIN

## **Body**

---

The Obama administration intends to announce an ambitious plan on Thursday to overhaul the much-criticized way the nation detains immigration violators, trying to transform it from a patchwork of jail and prison cells to what its new chief called a "truly civil detention system."

Details are sketchy, and even the first steps will take months or years to complete. They include reviewing the federal government's contracts with more than 350 local jails and private prisons, with an eye toward consolidating many detainees in places more suitable for noncriminals facing deportation -- some possibly in centers built and run by the government.

The plan aims to establish more centralized authority over the system, which holds about 400,000 immigration detainees over the course of a year, and more direct oversight of detention centers that have come under fire for mistreatment of detainees and substandard -- sometimes fatal -- medical care.

One move starts immediately: the government will stop sending families to the T. Don Hutto Residential Center, a former state prison near Austin, Tex., that drew an American Civil Liberties Union lawsuit and scathing news coverage for putting young children behind razor wire.

"We're trying to move away from 'one size fits all,' " John Morton, who heads the Immigration and Customs Enforcement agency as assistant secretary of homeland security, said in an interview on Wednesday. Detention on a large scale must continue, he said, "but it needs to be done thoughtfully and humanely."

Hutto, a 512-bed center run for profit by the Corrections Corporation of America under a \$2.8 million-a-month federal contract, was presented as a centerpiece of the Bush administration's tough approach to immigration enforcement when it opened in 2006. The decision to stop sending families there -- and to set aside plans for three new family detention centers -- is the Obama administration's clearest departure from its predecessor's immigration enforcement policies.

So far, the new administration has embraced many of those policies, expanding a program to verify worker immigration status that has been widely criticized, bolstering partnerships between federal immigration agents and local police departments, and rejecting a petition for legally binding rules on conditions in immigration detention.

But Mr. Morton, a career prosecutor, said he was taking a new philosophical approach to detention -- that the system's purpose was to remove immigration violators from the country, not imprison them, and that under the government's civil authority, detention is aimed at those who pose a serious risk of flight or danger to the community.

## U.S. TO OVERHAUL DETENTION POLICY FOR IMMIGRANTS

Janet Napolitano, the secretary of homeland security, said last week that she expected the number of detainees to stay the same or grow slightly. But Mr. Morton added that the immigration agency would consider alternative ways to assure that those who face deportation -- and are not dangerous -- do not flee.

Reviewing and redesigning all facilities, programs and standards will be the task of a new Office of Detention Policy and Planning, he said. Dora Schriro, special adviser to Ms. Napolitano, will become the director, assisted by two experts on detention management and medical care. The agency will also form two advisory boards of community groups and immigrant advocates, one focusing on detention policies and practices, the other on detainee health care.

Mr. Morton said he would appoint 23 detention managers to work in the 23 largest detention centers, including several run by private companies, to ensure that problems are promptly fixed. He is reorganizing the agency's inspection unit into three regional operations, renaming it the Office of Detention Oversight, and making its agents responsible for investigating detainee grievances as well as conducting routine and random checks.

"A lot of this exists already," he said. "A lot of it is making it work better" while Dr. Schriro's office redesigns the detention system, which he called "disjointed" and "very much dependent on excess capacity in the criminal justice system."

Asked if his vision could include building new civil detention centers, he said yes. The current 32,000-bed network costs \$2.4 billion a year, but the agency is not ready to calculate the cost of a revamped system.

Vanita Gupta, an American Civil Liberties Union lawyer who led the lawsuit against the Hutto center, was jubilant over the decision to stop sending families there, but cautious about the other measures.

"The ending of family detention at Hutto is welcome news and long overdue," she said in an e-mail message. "However, without independently enforceable standards, a reduction in beds, or basic due process before people are locked up, it is hard to see how the government's proposed overhaul of the immigration detention system is anything other than a reorganization or renaming of what was in place before."

Ms. Gupta said the changes at Hutto since 2006 illustrated the importance of enforceable rules. Before the A.C.L.U. lawsuit was settled in 2007, some children under 10 stayed as long as a year, mainly confined to family cells with open toilets, with only one hour of schooling a day. Children told of being threatened by guards with separation from their parents, many of them asylum-seekers from around the world.

Only through judicial enforcement of the settlement, she said, have children been granted such liberties as wearing pajamas at night and taking crayons into family cells. The settlement also required the agency to honor agency standards that had been ignored, like timely reviews of the decision to detain a family at all. Some families have been deported, but others were released or are now awaiting asylum decisions in housing run by nonprofit social service agencies.

That kind of stepped-up triage could be part of the more civil detention system envisioned by Mr. Morton and Dr. Schriro, who has been reviewing the detention system for months and is expected to report her recommendations soon.

But the Hutto case also points to the limits of their approach, advocates say. Under the settlement, parents and children accused of immigration violations were detained when possible at the country's only other family detention center, an 84-bed former nursing home in Leesport, Pa., called the Berks Family Shelter Care Facility. The number detained at Hutto has dropped sharply, to 127 individuals from as many as 450.

Advocates noted that Berks, though eclipsed by the criticism of Hutto -- the subject of protest vigils, a New Yorker article and a documentary -- also has a history of problems, like guards who disciplined children by sending them across the parking lot to a juvenile detention center, and families' being held for two years.

The Hutto legal settlement expires Aug. 29. In the most recent monitoring report last month, Magistrate Judge Andrew W. Austin wrote: "Although the use of this facility to hold families is not a violation of the settlement

## U.S. TO OVERHAUL DETENTION POLICY FOR IMMIGRANTS

agreement, it seems fundamentally wrong to house children and their noncriminal parents this way. We can do better."

Mr. Morton, a career prosecutor, seemed to agree. Hutto will be converted into an immigration jail for women, he said, adding: "I'm not ruling out the possibility of **detaining** families. But Berks is the better facility for that. Hutto is not the long-term answer."

<http://www.nytimes.com>

## Graphic

---

PHOTOS: Two views inside the notorious T. Don Hutto Residential Center in Texas: Above, a family cell left, families in the hall. The government will stop sending families there. (POOL PHOTO BY L.M. OTERO CHARLES REED/DEPARTMENT OF HOMELAND SECURITY. VIA ASSOCIATED PRESS) (pg.A4)

## Classification

---

**Language:** ENGLISH

**Publication-Type:** Newspaper

**Subject:** IMMIGRATION (92%); PRISONS (91%); CORRECTIONS (90%); POLITICAL DETAINEES (90%); **IMMIGRANT DETENTION** CENTERS (90%); PRISON PRIVATIZATION (89%); US FEDERAL GOVERNMENT (89%); IMMIGRATION LAW (89%); FAMILY (87%); DEPORTATION (78%); NATIONAL SECURITY (78%); IMMIGRATION REGULATION & **POLICY** (78%); POLICE FORCES (77%); LITIGATION (77%); PUBLIC CONTRACTING (76%); HUMAN RIGHTS ORGANIZATIONS (75%); INTERVIEWS (72%); CONTRACTS & BIDS (71%); CHILDREN (67%); PUBLIC PROSECUTORS (60%)

**Company:** CORECIVIC INC (84%)

**Organization:** US DEPARTMENT OF HOMELAND SECURITY (82%); AMERICAN CIVIL LIBERTIES UNION (55%)

**Ticker:** CXW (NYSE) (84%)

**Person:** JANET NAPOLITANO (79%)

**Geographic:** AUSTIN, TX, USA (79%); TEXAS, USA (79%); **UNITED STATES** (93%)

U.S. TO OVERHAUL DETENTION POLICY FOR IMMIGRANTS

**Load-Date:** August 6, 2009

---

End of Document