

Calls to investigate ICE jail in Richmond

By Otis R. Taylor Jr.

November 8, 2017 Updated: November 8, 2017 6:00am



Photo: Noah Berger, Special To The Chronicle

A chaplain passes a building at the West County Detention Facility in Richmond, Calif., on Tuesday, Oct. 31, 2017.

Contra Costa County sheriff's officials said they were surprised.

It was news to them last week that female detainees at their jail in Richmond were complaining that they were locked in their cells for 23 hours a day — with no bathroom access.

But as I learn more about the West County Detention Facility, I'm the one who's surprised — by the sheriff's supposed lack of knowledge of what many now say has been going on in their jail facility for years.

And now sheriff's officials are trying to reassure the public that they'll get to the bottom of this — with an “administrative inquiry.”

If detainees are being mistreated at the jail, why should the sheriff's office, which operates the jail, be trusted to conduct an impartial investigation?

It shouldn't.

This week, state Sen. Nancy Skinner, D-Berkeley, sent a letter to Attorney General Xavier Becerra requesting that his office conduct an investigation of the jail.

“Such allegations would certainly rise to the level of a civil rights violation and merit review by the attorney general's office,” Skinner wrote in the letter she shared with me.

CAPITOL OFFICE
STATE CAPITOL
ROOM 2089
SACRAMENTO, CA 95814
TEL (916) 651-4009
FAX (916) 651-4909

DISTRICT OFFICE
1515 CLAY STREET
SUITE 2202
OAKLAND, CA 94612
TEL (510) 286-1333
FAX (510) 286-3885

SENATOR.SKINNER@SENATE.CA.GOV

California State Senate

SENATOR
NANCY SKINNER
MAJORITY WHIP
NINTH SENATORIAL DISTRICT



CHAIR
PUBLIC SAFETY
BUDGET & FISCAL REVIEW
SUBCOMMITTEE 5:
PUBLIC SAFETY & LABOR

COMMITTEES
ENERGY, UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
TRANSPORTATION & HOUSING

November 6, 2017

Attorney General Xavier Becerra
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, California 94244-2550

Dear Attorney General Becerra:

I am writing to seek your assistance in examining the circumstances surrounding a recent series of allegations related to the treatment of immigrants being held in the West County Detention Facility in Contra Costa County. As you are aware, during last Spring's budget hearings, we had a robust discussion regarding the need to provide oversight of all locked facilities being used to detain people who are in the United States but may not have the appropriate documentation. Toward that end, the enacted 2017-18 budget provided the Department of Justice a \$1 million General Fund augmentation and established your agency with oversight over the detention of immigrants.

On November 2, 2017, the *San Francisco Chronicle* published an article entitled "Deportation Chosen Over Richmond Jail; Complaints Under Investigation." That article outlines the complaints of a 38-year old woman who was being detained in the West County Detention Facility and in October asked the judge presiding over her case to deport her because she could no longer tolerate the conditions in the jail. Among the allegations outlined, was the fact that inmates are being held in cells without access to bathrooms. Women being held in Contra Costa have stated that they have been reduced to urinating and defecating in their clothes or in plastic bags in their cells. Such allegations would certainly rise to the level of a civil rights violation and merit review by the Attorney General's office.

This is not the first time that serious concerns have been raised regarding the treatment of people being detained in the state's jails and private detention facilities under contractual arrangements with federal immigration authorities. In fact, last May, my budget subcommittee held a hearing, which you attended, where we expressed concerns about conditions within these facilities and the treatment of people living in them.

As part of that hearing, we discussed a report released by the Office of the Inspector General, Department of Homeland Security that raised significant concerns about the treatment of immigration detainees being held in Orange County's Theo Lacy Detention Center. Among the

issues documented in that report was the fact that detainees were served spoiled lunch meats, forced to use dirty showers, and subjected to harsh solitary confinement. Moreover, at Adelanto, a 2,000 bed private detention facility, there have been reports of deaths due to inadequate medical care, suicides, and multiple hunger strikes protesting unclean water and food, denial of medical care, and excessive bail requirements.

The testimony at, and the information materials related to, the May budget hearing resulted in the Legislature's action to establish your office as the state's oversight authority over these matters.

I ask that you move with all due haste to begin your investigation as soon as possible and that your first investigation be for the Contra Costa jail facility, followed by the Orange County jail facility and Adelanto detention center. Your assistance in this regard is greatly appreciated. I look forward to your office keeping me updated regarding findings so that we may determine if additional action is necessary.

Sincerely,



Nancy Skinner, Chair
Senate Budget Sub Committee #5
Senate Committee on Public Safety

If you missed [the backstory](#) on this, let me recount: Contra Costa County has a \$6 million-a-year contract with U.S. Immigration and Customs Enforcement to run a federal detention center at the Richmond jail. The county houses male and female ICE detainees for the feds.

One of them, Dianny Patricia Menendez, a native of Honduras who had been jailed at the West County Detention Facility since May, begged an immigration judge in October to be deported rather than endure the jail conditions. She was deported last week.

Menendez was the first to tell me about detainees being forced to urinate and defecate in red plastic biodegradable bags that jail staff give them — because they're locked into their toilet-less cells for hours on end. During a tour of the jail, I met more female inmates who shared similar stories.

But deputies during the tour said they didn't understand why the women were complaining. They denied that inmates are locked up for such long periods — and they said they'd investigate.

On Monday, they reiterated their position during a packed Contra Costa County Board of Supervisors Public Protection Committee meeting.

“Our policy in operations, in the female modules, require that the inmates be locked in their cells by the deputies between one and four hours in a 24-hour period, and not consecutive hours,” Undersheriff Michael Casten told the committee. “So we'll be reviewing to see if that has not occurred.”

“It has not occurred,” Linda Torkelson forcefully interjected, drawing laughter from the crowd.

In her two years as a volunteer for Community Initiatives for Visiting Immigrants in Confinement, a group that monitors jails where immigrants are

detained, Torkelson told me she built strong bonds with detainees. One former detainee, a man who spent 22 months confined at the West County jail, told Torkelson that he'd grown accustomed to holding the urge to go — for 20 hours.

“Finally, finally, finally people are paying attention after years of this going on,” Torkelson told me after the meeting.

Another person at the meeting, Deborah Lee, a program director for Interfaith Movement for Human Integrity, a social justice organization, told me she's heard complaints from detainees for years.

“The 23 hours of lockdown for the women, especially,” Lee said. “They are basically in their cells all the time.

“What is going on that the people in charge don't actually know what's happening?” Lee said of sheriff's officials. “Either there's very abusive deputies who are doing their own thing and they don't know, which is a big point of negligence on their part, or they're denying what they do know is happening.”

It's unsettling that there's such a gulf between what detainees and jail monitors have described and what the jailers have said of the conditions inside the jail.

When John Gioia, a Contra Costa County supervisor on the committee, asked Casten how long the investigation would take, Casten said he “might be able to give you a better time frame in a couple of weeks as we get into it.”

That's not fast enough.

Our state attorney general should listen to Skinner and investigate.

San Francisco Chronicle columnist *Otis R. Taylor Jr.* appears *Mondays, Wednesdays and Fridays.*

Email: otaylor@sfchronicle.com Twitter: [@otisrtaylorjr](https://twitter.com/otisrtaylorjr)