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Rep DeSaulnier urges Contra Costa County to end ICE detentions

Otis R. Taylor Jr. | on March 10, 2018



Photo: Noah Berger, Special To The Chronicle

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A guard searches women returning to a residential building at the West County Detention Facility in Richmond in October 2017.

U.S. Rep. Mark DeSaulnier says it's time for Contra Costa County to end its relationship with U.S. Immigration and Customs Enforcement.

The Democratic congressman from Concord, who recently toured the Richmond jail that the county leases to the federal government for detention of undocumented immigrants, said that the Contra Costa County sheriff's office's [move this week to ban volunteers](#) from visiting immigrants inside the jail — to check on their well-being — was the last straw.

“As a resident of Contra Costa, as somebody who represents the area and served four terms on the board of supervisors, I really think they should terminate the contract,” he said of the county's \$6-million-a-year deal with ICE to house detainees at its county jail. “At this point, it causes too much trouble for the county and for the community.”

The group the sheriff's office banned is Community Initiatives for Visiting Immigrants in Confinement, or CIVIC, a San Francisco advocacy group that wants the U.S. to end immigrant detention. It's no coincidence the group got banned on the same day the U.S. Department of Justice filed a suit against California to challenge three state laws that make it tougher for federal immigration agents to do their work here. CIVIC says it helped draft one of those laws, AB103, a bill that gives the state attorney general inspection oversight of detention facilities.

Up until this week, CIVIC sent volunteers to the West County Detention Facility jail every Friday to visit immigrant inmates. CIVIC was featured in several of my columns about abuses of immigrant detainees at the jail.

The Richmond jail is the only federal immigration detention center in the Bay Area. The county is paid \$82 per day per detainee for holding people for deportation on the government's behalf. And it holds about 200 immigrants a day.

A year ago, the Contra Costa Board of Supervisors voted 4-1 to commit \$25 million for the construction of a 150,000-square-foot expansion of the jail. The sheriff's office said it needed to alleviate overcrowding at its Martinez jail. Some critics suggested the sheriff's office was just looking for more space to hold immigrants. They may have a point. It's a lucrative business.

But the Richmond jail is a mess.

In November, I reported on Dianny Patricia Menendez, a native of Honduras who had been jailed at the facility since May. She begged an immigration judge in October to be **deported rather than endure the jail conditions**. She said she — and others — were not allowed to use the restrooms and were forced to urinate and defecate into red biodegradable bags given to them by jail staff. I toured the jail on the day Menendez was being deported and spoke to other women who had their own similar stories to share.

DeSaulnier and state Sen. Nancy Skinner, D-Berkeley, called on Attorney General Xavier Becerra to **investigate the jail**. U.S. Sen. Dianne Feinstein, D-Calif., wrote to Thomas Homan, acting director of ICE, and **asked him to investigate**. On Dec. 4, Becerra said his office would look into the allegations of mistreatment at the jail. He has until March 2019 to report to state lawmakers.

DeSaulnier was elected to Congress in 2014 and represents a majority of Contra Costa County. In Congress, he's focused on government oversight and accountability, as well as improving the state's transportation infrastructure. Before Congress and the state Legislature, DeSaulnier served on the Contra Costa County Board of Supervisors for 12 years.

"I don't need to tell them how to do their job," DeSaulnier said, referring to the supervisors, "But I think it's time to end the contract."

Whether that will happen remains to be seen. Sheriff David Livingston, who signs the contracts, isn't likely to give it up. His office didn't respond to my questions.

The board of supervisors could pressure him, but John Gioia, the supervisor whose district includes the jail and who has repeatedly called for the contract to end, says it's up to Livingston.

In the meantime, the ACLU is looking into whether the sheriff's decision to ban CIVIC violates the First Amendment, said Julia Harumi Mass, a senior staff attorney for ACLU of Northern California.

In a statement, the sheriff's office said it revoked CIVIC's access to jail inmates **because its volunteers violated multiple rules**, including depositing of money into commissary accounts, relaying messages to family and friends of detainees and providing their personal phone numbers and addresses to those they were visiting. The sheriff's office also claimed volunteers sent "contraband" — without defining what the contraband was.

CIVIC's visitation program at the detention facility began in 2011, and every Friday from 1 to 2:30 p.m. volunteers like Rodrigo Torres spent time with detainees.

"My heart dropped. I just wanted to cry," said Torres, recalling when he learned his clearance had been revoked. "I'm thinking about all the people that I would be seeing on Friday that I can't."

CIVIC volunteers became a conduit between lawyers and families.

"They want us to explain what's happening to them," Torres told me. "They don't know how to contact their families. They don't know how to use the phone system."

Usually 40 detainees — 20 men, 20 women — attended the visitation, and each volunteer saw two or three people of each gender.

The visitation was also a time when detainees could share their problems with people they trusted, people they knew would listen — and believe them. That's how I learned that several women complained about being forced to urinate and defecate in red biodegradable bags that jail staff give them.

In a **letter signed by the 27 inmates and sent to CIVIC**, the women said that jail staff didn't give them access to classroom learning materials that they readily give non-immigrant inmates. The letter also told of immigrant detainees being kept locked up for hours and told to use bags in their cells when they need to go to the bathroom.

"It wasn't until CIVIC helped raise attention to some of the very serious concerns about jail conditions that they have lost this access," Mass said. "The jail's decision to exclude CIVIC from the visitation program or to end the program raises real First Amendment concerns, because they have been providing the service for years."

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