

September 10, 2009

Report Urges More Thorough ICE Detention Records

By **THE ASSOCIATED PRESS**

SAN ANTONIO (AP) -- Better record-keeping could ensure U.S. Immigration and Customs Enforcement keeps dangerous immigrants in custody while operating its sprawling detention system safely and lawfully, according to a new report from a nonpartisan think tank.

The report, to be released Thursday by the Washington-based Migration Policy Institute, notes gaps in the information ICE uses to track the more than 33,000 people in its nationwide system of jails and detention centers that hold immigrants awaiting court hearings or deportation.

The gaps include whether a detainee is dangerous or might have a claim to U.S. citizenship, making it hard for the agency to ensure the system operates legally and efficiently, said Donald Kerwin, one of the report's authors.

"This analysis places these criticisms in a new light by asking whether ICE can fully comply with the law, effectively manage its sprawling detention system and create a system better suited to civil detainees," with its current record-keeping, the authors wrote.

MPI's report is based on data in records obtained by The Associated Press through Freedom of Information Act requests. The AP reported in March that more than half of jailed immigrants held by ICE on a single January night had not been convicted of a crime and nearly a third had been held longer than the 31-day average stay reported by the agency.

ICE director John Morton, who assumed the post in May, announced last month that the agency would re-evaluate the system. He said it would seek to treat nonviolent people who aren't a flight risk differently from those with felony convictions facing mandatory detention and deportation.

The agency's database does not currently list whether an immigrant must be detained, as is the case for felons who have served their sentences and been released to ICE custody, or whether the immigrant is believed to be dangerous. It also doesn't list whether an immigrant has a special medical condition or mental health issues.

The database also does not provide answers to some procedural questions that would help determine whether the federal government is complying with a Supreme Court ruling that immigrants can't be held indefinitely, Kerwin said.

"What it seemed to be missing was information that would allow them to make important decisions that they're required to make as part of their responsibility," he said.

ICE spokeswoman Gillian Brigham said the agency recognizes there's room for improvement, but officials are confident the plans announced by Morton "will go a long way in addressing many of the current concerns."

She noted the agency plans more oversight in addition to better medical care and fiscal prudence for the \$1.72 billion detention system.

August 1, 2009

EDITORIAL

Detained and Abused

One toxic remnant of one of the Bush administration's failed wars — the one on illegal immigrants — is immigration detention. Wanting to appear tough, Bush officials cobbled together, at great speed and expense, a network of federal centers, state and county lockups and private, for-profit prisons. They needed lots of beds to warehouse the tens of thousands of people its raiders and local police were flushing out of the shadows.

The results were ugly. As we learned from reports on the secretive system, particularly those by Nina Bernstein in The Times, detainees were locked up and forgotten. They were denied access to lawyers and their families. They languished, sickened and died without medical attention.

On Tuesday, the National Immigration Law Center issued the first comprehensive report on abuses in a system that holds about 30,000 on any given day and more than 300,000 a year. It found “substantial and pervasive violations” — ignored for years — of the government's own minimal monitoring requirements.

The next day, immigrant advocates issued a report containing the testimonies of detainees in a privately run detention center in rural Basile, La., where immigrants are waging the latest of several hunger strikes to get their grievances resolved. They say they have pleaded for access to medicine, lawyers, their families and basic information about their cases. They lack underwear and soap. Rats, spiders, flies and filth are rampant.

Sadly, President Obama's Department of Homeland Security rejected a petition in federal court to enact legally enforceable standards for the treatment of immigrant detainees. Instead, the administration is sticking with a Bush-era system that relies in part on private contractors for quality control, even though those outside monitors are often former federal immigration agents.

Senators Robert Menendez of New Jersey and Kirsten Gillibrand of New York have introduced bills to force the department to adopt legally enforceable rules, with real penalties, for detention centers. Mr. Obama and his homeland security secretary, Janet Napolitano, did not create the system, nor is six months enough to take it apart. But at some point that work must begin.

Copyright 2009 The New York Times Company

[Privacy Policy](#) | [Terms of Service](#) | [Search](#) | [Corrections](#) |  | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)