



July 31, 2019

VIA ELECTRONIC MAIL AND U.S. PRIORITY MAIL

Ms. Simona Flores, Philadelphia Field Office Director
Enforcement and Removal Operations
U.S. Immigration Customs and Enforcement
114 North 8th Street
Philadelphia, PA 19107

Mr. Clair Doll, Warden
York County Prison
3400 Concord Road
York, PA 17402

RE: FINDINGS FROM APRIL 2, 2019 STAKEHOLDER VISIT TO YORK COUNTY PRISON

Dear Ms. Flores and Mr. Doll:

On behalf of Advancement Project, National Office, Juntos, and Casa San Jose, together with our partners VietLead and Asian Americans United, this letter addresses our findings from our stakeholder visit and tour of the York County Prison (“York”) on April 2, 2019, including a summary of the conversations held that day with people who were detained pursuant to immigration law.¹

We appreciate that your colleagues from U.S. Immigration and Customs Enforcement (“ICE”) took the time to meet with us on April 2nd, including leading us throughout the facility for nearly 2.5 hours and answering the questions that we had along the way. We are also appreciative of having been able to speak to some of the people who were currently detained during the afternoon of the visit. We look forward to continued dialogue with ICE as well as York regarding conditions of confinement in immigration detention facilities in Pennsylvania, including York.

¹ Our organizations obtained written consent from each person we spoke with.

In addition, although VietLead and Asian Americans United were not able to attend the April 2 stakeholder visit to York, both groups wanted to also express some concerns they have repeatedly heard from their community members. VietLead is a community organization that supports the Vietnamese community in Philadelphia and South Jersey. Asian Americans United is a community organization that works primarily in the Chinatown, South and Northeast Philadelphia communities to advocate for the needs of the larger Chinese and other AAPI communities of Philadelphia.

We write to you now to inform you of the findings stemming from our visit. Unfortunately, we witnessed and heard from people a number of issues with which we are deeply concerned. We are worried about the serious problems we witnessed.

As non-profit organizations that believe in and advocate for racial justice for all, including immigrants, we intend to publish a report about our findings in order to provide the public with the same information we witnessed. We therefore invite you to provide any feedback or response to this letter, especially as regards the concerns that we raise. We believe in migration as a human right, and will continue to advocate for the release of all people currently held in immigration detention.

Here are the main issues that we witnessed and heard through interviews:

Hygiene: We witnessed and heard accounts of the awful ways that York denies people in detention basic hygiene and human dignity. This is a direct violation of the PBNDS standards, requiring that facility cleanliness and sanitation be maintained “at the highest level.”² People we spoke with reported that the only access to water is from a faucet that is used both by the cleaning and the cooking staff, in addition to the sixty people living in each pod. Besides the concerns for cross-contamination between raw, uncooked foods and bodily fluids, there is a baseline concern for the cleanliness and safety of the water itself. We heard complaints of the water smelling like fecal matter and sewage. Individuals also reported that the clothing provided to them was inadequate – the facility is kept so cold that most people we spoke with had to buy additional clothing from the commissary in order to stay warm. We also heard several complaints about the laundry – including reports that clothing sent to be laundered would return more soiled than they were sent.

Access to Medical and Mental Health Care: We observed the medical area of York County Prison during our visit. We were also told by ICE and facility officials that there was a total of eight nurses and four certified nurse aides as well as a dentist on site. According to our guides, individuals are required to have a medical inspection conducted by a registered nurse within 72 hours of their intake at the facility. The existence of these resources, however, does not mean they are used. For example, individuals do not actually receive any dental care unless they have been at the facility for over a year or require an extraction. Similarly with eye care. We also heard

² U.S. Immigration & Customs Enforcement, *Performance-Based National Detention Standards, 2011*, Section 1.2.I, Environmental Health and Safety (Revised Dec. 2016). “This detention standard protects detainees, staff, volunteers and contractors from injury and illness by maintaining high facility standards of cleanliness and sanitation, safe work practices and control of hazardous substances and equipment.”

several complaints about the severe delays in the provision of medical care – people would sometimes have to wait days or weeks to have their medical needs addressed.

Inhumane Work Conditions: York County Prison first opened in 1979 and has held immigrants through an Intergovernmental Service Agreement (IGSA) contract with ICE since 1992. The facility has a total population of about 1,500, with the capacity to hold up to 800 in ICE custody. At the time of our visit, York was detaining 690 migrating people. Despite these numbers of incarcerated people, York has no outside cleaning service – the upkeep of the facility is mostly left to the people incarcerated. We witnessed this while touring York and spoke with several people with a range of roles. York depends on the labor of those who are currently detained for janitorial services, cleaning, cooking, and several other positions. Although the work program is described as “voluntary” and individuals have to apply to obtain a position, this characterization makes us question how “voluntary” the work is when the facility is so heavily dependent on the people detained as a work force. We also believe that being paid just over \$1.40 a day for services like cleaning and cooking is an outrageous abuse of the rights of people being detained at York. Without this source of labor, York would be required to fill these roles by outsiders who would be required to earn at least a minimum hourly wage.³

Quality of Life: On our tour of the facility, we saw the “pods” where people are detained. We learned that people are forced to stay in these pods for twenty-three hours a day – including eating all of their meals in the pods. The bathrooms in these pods had no privacy – toilets and showers without any curtains – despite the fact that male and female staff frequently walk into the pods. People who are detained at York also never go outdoors – even the recreation area is a giant, concrete room with garage-door-style “windows” that are opened on occasion. According to the National Institute for Jail Operations, the loss or reduction of recreation-related amenities, such as indoor recreation, and no fresh air or direct sunlight, amounts to a significantly lower quality of life.⁴ These are concerns that could very easily be remedied with small changes like curtains for the showers, or some form of outdoor access for recreation.

Food Quality and Quantity: On our tour of the facility, we were told that York does accommodate the meal preferences of the people who are currently detained. However, in reality we found that these accommodations resulted in less than desirable food provided to people. Complaints included half-cooked meat, spoiled juice, and drinking water (from both faucets and water coolers) that smells like sewage. Some described being given a piece of stale bread and a soy patty multiple times a day. Given how lengthy people’s incarceration can be, the provision of this nutrient-low meal is especially concerning. We also heard about people relying on commissary to supplement the lackluster meals – despite commissary only having junk food and other nutrition-less snacks like chips and candy. In addition, commissary items are expensive – even compared to other prison

³ U.S. Immigration & Customs Enforcement, *Performance-Based National Detention Standards 2011*, Section 5.8, 405-509 (2016 ed.), <http://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf> (stating that each work program be in compliance with the PBNDS requiring that “all work, other than personal housekeeping, be voluntary and not required; that compensation be ‘at least \$1.00 USD per day;’ and that work be limited to 8 hours per day, 40 hours per week”).

⁴ National Institute for Jail Operations, *Prisoner Recreation: Right or Privilege*, 2017, <https://jailtraining.org/prisoner-recreation-right-or-privilege/> (last accessed July 28, 2019).

facilities. York also denies access to hot water and microwaves – so even meals available for purchase from the commissary like ramen or macaroni-and-cheese, must be made and eaten with the same cold, smelly bathroom sink water. There is no reason for these practices other than neglect and an unwillingness to provide for the most basic human needs.

Access to Information and to Visitors: As part of the PBNDS guidelines, ICE encourages facilities to provide opportunities for both contact and non-contact visitation with approved visitors. However, the York facility only allows non-contact visits between the people detained and their visitors. Video visitation is available, but costly. Phone calls are also costly – costs which rise depending on the country being called. Despite the availability of tablets in the pods with WiFi, we heard several complaints of the spotty WiFi that rendered the tablets effectively useless. We saw the library at the York facility designed for legal research – it had minimal resources and the legal books had not been updated since 2007. Further, most if not all of the legal resources, including the online databases, are in English, despite the fact that many of the people detained at York do not speak English. We are aware that the Pennsylvania Immigration Resource Center (PIRC) provides “Know-Your-Rights” presentations pro bono and provides pro bono legal services. However, one small pro bono legal services provider cannot meet the legal needs of the over 600 people who are detained at York.

We bring attention to the aforementioned concerns to you in the hopes of remedying these issues. We oppose the criminalization of immigrants, including their detention, for simply existing in the United States. Every person deserves access to basic things like fresh, healthy food, clean, safe drinking water, and responsive healthcare. It is ICE’s responsibility to ensure the safety and humane treatment of immigrants detained in its custody – even in those facilities that are run by state entities. It is also York’s responsibility to ensure safety and humane treatment as the entity that is housing these migrants. Our visit to York County Prison was eye opening and depressing – witnessing how the current immigration detention system treats, criminalizes, and punishes vulnerable populations – people who should be released to their families and communities whenever possible. The conditions and treatment while they are at York moves us to advocate on their behalf, and to seek remedies for this callous and unnecessary treatment. Moreover, the same can be said about the way the Commonwealth of Pennsylvania treats people who are incarcerated under the criminal legal system. All who are detained at York whether under Federal immigration law or under Pennsylvania law, are subjected to these horrific conditions. We understand that immigration detention is just one piece of the larger mass incarceration machine in the United States.

We cannot sit still while thousands of people are detained at York and other ICE facilities, suffering under what we see as cruel, inhumane, and unnecessary treatment, and in violation of the Universal Declaration of Human Rights and the U.N. Convention Against Torture.⁵ Many of the

⁵ UN General Assembly, *Universal Declaration of Human Rights*, Article 5 (1948) (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”); Article 16, UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Article 16 (1984) (“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the acquiescence of a public official or other person acting in an official capacity.”)

concerns and issues we have listed here could be easily remedied. We hope that ICE and York will take its responsibility seriously and resolve these concerns. **Please respond** to us about any of the above concerns we have shared **within the next thirty (30) days**, including if you think we have misstated numbers or made any errors in recounting our tour experience. We would also like to request an in-person meeting to discuss our concerns – please also respond within the next thirty (30) days if you would like to schedule that meeting. As mentioned previously, we intend to write up a report with our findings and provide the public with access to this information.

In light of the serious concerns we observed and heard from individuals detained at York, we recommend that ICE take the following steps:

1. End ICE usage of the York facility effective immediately;
2. End the detention of migrating individuals;
3. Release individuals under humanitarian parole who have passed credible fear or individuals who are sole caregivers, are elderly, or have a medical condition.
4. Facilitate access to pro bono legal services for those immigrants who are currently detained;

While we do not believe that any amount of reform at York can justify its continued incarceration of immigrants, we believe that the following implementations would vastly improve the quality of life for people currently detained at the facility. In the short term, we propose the following recommendations that can be implemented immediately to address some of the concerns highlighted in this letter. These include:

1. Require more personnel to staff the facility and stop the dependence on those who are incarcerated, either for immigration or under the criminal legal system, for labor in food service and janitorial duties, or increase the payment to those who are detained to at least the federal minimum wage instead of \$1.40/day.
2. Diversify the food items available in the commissary to include healthy items with nutritional value such as fruits, vegetables, yogurt, etc., and ensure that no expired items are sold.
3. Provide people who are detained with access to a separate hot water faucet and microwaves so that they can heat and consume meal items available at the commissary.
4. Create separate sink facilities designated for cleaning the pod, maintaining personal hygiene, food preparation, and drinking, and ensure the quality and safety of the water supply.
5. Utilize bleach and soap in the laundering of all linens and clothes.
6. Require dental screenings after the first month of detention.
7. Allow the implementation of approved contact visits between people who are detained and their families and loved ones.
8. Allow people who are detained to be out of their assigned pods with the exception of counts and meal times.
9. Improve access to legal services, including up-to-date case books and immigration law manuals in multiple languages, not just English.

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10. Improve Wi-Fi capability to ensure that people who are detained can benefit from the use of tablets to communicate with friends and family without exorbitant usage rates.

We believe that these are small asks in light of the large amount of money that York County Prison receives from ICE to spend on housing people in immigration detention.

Please do not hesitate to contact us with any questions or concerns. Please direct your questions or concerns to LJimenez@advancementproject.org and JAlcantara@advancementproject.org or (202) 728-9557. Thank you for your time and attention to this matter.

Sincerely,

/s/ Losmin Jimenez

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