Testimony from Migrants and Refugees in the Otay Mesa Detention Center
About Detainee Allies and this report

Detainee Allies began in the Del Cerro neighborhood of San Diego in June 2018 as a house-meeting of friends and neighbors concerned about family separation and refugee detention. Since then, we have grown into a 200-member volunteer network including human rights researchers at San Diego State University and student interns. Contributors to this report include Professors Kate Swanson, Rebecca Bartel, Erika Larkins, Jennifer Gonzalez, Angel Nieves, Anne-Marie Debbane, and Joanna Brooks, student interns Juliana Huaroc, Sam Orndorff, Ivette Lorona, Tori Mullenix, Martin Ibarra, and Aliona Galkina, and neighborhood volunteers.

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This report will be under embargo until February 1. After February 1 this report will be released to Senators Elizabeth Warren (D-Mass.), Ron Wyden (D-Ore.), Kamala Harris (D-Calif.), Kirsten Gillibrand (D-N.Y.), Richard Blumenthal (D-Conn.), Bernie Sanders (I-Vt.), Cory Booker (D-N.J.), Edward J. Markey (D-Mass.), Mazie Hirono (D-Hawaii), Tom Udall (D-N.M.), and Jeff Merkley (D-Ore.), our San Diego Congressional Delegation, California Governor Gavin Newsom, Attorney General Xavier Becerra, members of the California Assembly and Legislature - especially Toni Atkins, Lorena Gonzalez Fletcher, Todd Gloria, and Shirley Weber, the American Civil Liberties Union, AFSC, Freedom for Immigrants, SOLACE, Alliance San Diego, the San Diego Immigrant Rights Coalition, the Department of Homeland Security Office of the Inspector General, ICE’s San Diego Field Director, ICE’s Office of Professional Responsibility, and members of the media.
San Diego is a destination for refugees fleeing extreme violence - violence the U.S. helped create.

Record numbers of these refugees are being sent to privately-run prisons like Otay Mesa Detention Center in San Diego, California.

California’s Attorney General is required by law to investigate conditions at Otay Mesa by March 2019.

Detainee Allies, a grassroots group of concerned citizens and researchers in San Diego, has obtained written testimony from refugees at Otay Mesa documenting inhumane conditions.

- Contaminated or insufficient food, 49
- Lack of access to legal representation, 25
- Medical neglect, 22
- Unsafe working conditions for employees, 12
- Forced labor and wage theft, 16
- Denial of access to mail and phone, 12
- Prolonged or indefinite detention (>12 months), 18
- Lack of access to basic hygiene necessities, 4
- Medical-neglect related deaths, 2

(n= number of reported cases, based on the letters received between July and November 2018)

The time for action is now, and we are speaking up.
1. Historical Context

Thousands of Central American refugees seeking asylum in San Diego are fleeing:

- death threats,
- assault,
- torture,
- extortion,
- rape, and
- other atrocities which have become a daily reality in their home countries.

The United States has a direct role in creating these conditions. In the 1980s, the U.S. aggressively backed U.S.-based corporations seeking inexpensive labor abroad. Economic policies supporting these corporations weakened the infrastructure and standards of living for working people in Central America. In this same decade, the U.S. also supported Central American military leaders who plunged their countries into deadly civil wars that killed hundreds of thousands of people - including, in Guatemala, indigenous Mayans.

Central American refugees traveling to the U.S. in the 1980s and 1990s settled in large cities like Los Angeles, where poverty, inequality, and police misconduct towards refugees contributed to the rise and growth of street gangs like MS-13 and Barrio 18. When President Clinton ordered mass deportations of Central Americans with criminal records, the gangs went back too, creating a dangerous environment in countries that did not have the resources to respond to the influx of mass deportations.
Today, these gangs have grown to a scale that makes normal daily life impossible. These countries are effectively in a state of civil war: in El Salvador, for example, there were 60 people killed per 100,000 residents in 2017, making it the most murderous nation in the world. When measured by homicide rate, Honduras is the fourth most dangerous country in the world.

(By comparison, 5.3 people per 100,000 are killed each year in the U.S.)

Many citizens cannot send their children to school. Violence against LGBTQ+ citizens is especially intense. The 2017 election of Honduran President Juan Orlando Hernandez, backed by the Trump administration, was broadly perceived as fraudulent and marked a turning point for many Hondurans, who have now fled to our border city, Tijuana.

It is not only Central Americans who have fled violence and desperation in their home countries. Today, political asylum seekers fleeing persecution and violence in Eritrea, the Democratic Republic of Congo, Cameroon, China, Afghanistan, Pakistan, Venezuela, and Brazil have crossed oceans and continents, taking enormous risks, to seek refuge at our southern border.
A girl in an immigration detention center mapping her journey to the U.S. (Source: Swanson et al., 2015)

A letter to Detainee Allies (formerly Otay Allies) from an asylum-seeking refugee detained in the Otay Mesa Detention Center, 2018

Map depicting the routes that six unaccompanied migrant youth took through Central America and Mexico. Their journeys took between 3 to 60 days. The dashed line represents a flight, whereas the hashed line represents a train journey. This collaborative map was made with youth in an immigrant detention center in Southern California. (Source: Swanson and Torres, 2016)
Instead of offering refugees shelter and assistance, the U.S. has made getting asylum all but impossible. Due to two laws passed in 1996 under President Clinton, people who are seeking asylum in the United States at a port of entry, such as a border checkpoint or an airport, must be detained. These refugees are being sent to immigrant prison, along with non-citizens who have worked and raised families in the US for decades.

**Immigration Detention Boom**

Immigration detention expanded roughly eightfold over the past two decades.

1994
5,532 Detention Beds

2017
41,000+ Detention Beds

(Source: Southern Poverty Law Center, 2018)
Private corporations operate and make money from refugee detention. The federal government has established a policy of contracting with for-profit corporations to hold migrants and refugees in prison while they await court hearings. This policy has turned detention into a growing, lucrative, nationwide industry.

In the 1980s and 1990s, the U.S. detained about 5,000 migrants a day. Today, the U.S. detains 40,000 - 50,000 migrants a day, holding some in "indefinite detention" for 18 months or more. Federal budgets for immigrant detention have tripled since 2005 and now cost $7 billion per year, including $2 billion for private jails.

These enormous federal expenditures enrich shareholders in private prison corporations like CCA/CoreCivic, which are publicly traded on the New York Stock Exchange. CCA/CoreCivic’s market value has grown substantially since the election of President Trump.

There are detention centers not just here in San Diego and other border communities, but virtually everywhere in the United States. Many politicians - Democrat and Republican - take contributions from CCA/CoreCivic and other detention industry corporations.

Why imprison people fleeing violence or seeking to make an honest living?

(Source: Torn Apart/ Separados, 2018)
After the election of President Trump, the federal government enacted a set of “zero tolerance” policies that have ended protections for refugees, including pregnant refugees and women fleeing domestic violence or trafficking. It has also reduced the total number of refugees the U.S. will admit in 2019 to 30,000 - the lowest in our nation’s history. Remember that there are an estimated 10,000 refugees seeking asylum encamped in Tijuana right now.

Under the Bush-era program called “Operation Streamline,” federal immigration courts hold mass trials, charging as many as 70 asylum-seekers at a time with criminal entry or reentry so they are criminally prosecuted before being sent to an immigrant prison as they fight their immigration case.

Under the Trump administration, this program has been expanded to the San Diego-Mexico border region. Most have no legal counsel. Traditional pro bono legal organizations in San Diego cannot meet the increased demand that comes with so many asylum seekers.
Otay Mesa Detention Center is a federally-owned prison run by CoreCivic (formerly Corrections Corporation of America), a publicly traded company with published Securities and Exchange Commission (SEC) filings9. CoreCivic’s annual revenue for 2017 was $1.77 billion10. CoreCivic holds federal contracts with U.S. Immigration and Customs Enforcement (ICE) through 202311.

CoreCivic purchased the land at Otay Mesa Detention Center12 from the County of San Diego in 2010 for $10.3 million. As of 2018, the land is valued at $123 million. Because it purchased this land, Otay Mesa is the only immigrant detention center in California with the ability to expand13. The Otay Mesa Detention Center now houses up to 1,482 ICE detainees14, and it plans to increase its capacity by 1,000 beds by 2020.

Even though Otay Mesa is federally-owned and privately-operated, the State of California has assumed responsibility for monitoring conditions inside.

In 2017, the state of California passed a bill (AB 103), promoted by Freedom for Immigrants and the Immigrant Legal Resource Center, requiring the California Attorney General to review migrant detention centers and provisioning the Attorney General $10 million to develop a report to the legislature on his findings.
As the Attorney General undertakes his investigation, CoreCivic is trying to hide what’s happening inside Otay Mesa Detention Center.

In August 2018, ICE & CoreCivic suspended San Diego’s longest running visitation program, SOLACE (a program of the First Unitarian Universalist Church), because volunteers would not promise that they would stay silent about conditions inside.

In October 2018, CoreCivic shut down a Freedom for Immigrants-operated hotline, preventing detainees at Otay from reporting human rights violations. It has also suspended stakeholder tours, citing lack of resources. Effectively, there is no community access or channels of accountability for a detention center with a known record of abuses and negligence.

4. Despite CoreCivic’s efforts to hide conditions inside, written testimony from refugees at Otay Mesa documents inhumane conditions.

This comprehensive report must be posted on the Attorney General’s website and otherwise made available to the public upon its release to the Legislature and the Governor.

It is due March 2019.
Why is CoreCivic shutting out public oversight?

Eleven United States senators called for an inquiry into CoreCivic-owned detention facilities in November 2018, citing press reports and court filings indicating serious issues:

- CoreCivic engages in forced labor. CoreCivic is the subject of a class-action suit by detained refugees over its “Dollar a Day” program which drives profits by forcing inmates to perform janitorial and other work for $1/a day. In a class-action lawsuit filed in 2018, the Southern Poverty Law Center reports that “detained immigrants at Stewart Detention Center in Lumpkin, Georgia who refuse to work are threatened with solitary confinement and the loss of access to basic necessities, like food, clothing, products for personal hygiene, and phone calls to loved ones, in violation of federal anti-trafficking laws, according to the lawsuit.”

- CoreCivic provides contaminated and insufficient food to detainees. CoreCivic’s food contractor Trinity Group has been fired by the state of Michigan and the subject of press inquiry in Utah and Mississippi for unsanitary food, including food contaminated with maggots, dirt, and hair.

- CoreCivic violates civil rights and liberties of people in its prisons. A CoreCivic-operated jail in Leavenworth, Kansas is accused of systematically denying prisoners awaiting trial their constitutional right to vote. This same Leavenworth facility has a track record of abuses and violations, including secretly recording privileged conversations between prisoners and their attorneys, then sharing the recordings with federal prosecutors.
CoreCivic denies medical care to detainees.

CoreCivic Otay Mesa Detention Center in San Diego has a history of allegations of negligent medical care, including for detainees who are pregnant or are diabetic.

CoreCivic endangers staff and detainees by failing to maintain worker protections and safety.

Lawsuits filed by families of people killed inside CoreCivic facilities allege that CoreCivic prison officials have turned a blind eye when prisoners fashioned weapons for use against one another.

In addition, other monitoring groups have documented abuse at Otay:

Sexual assault.

In April 2017, Freedom for Immigrants (formerly CIVIC) filed a complaint with the Office for Civil Rights & Civil Liberties within DHS detailing the prevalence of reports of sexual abuse, assault, and harassment in U.S. immigration detention facilities nationwide. For its complaint, Freedom for Immigrants analyzed data regarding calls made to the ICE ERO Detention Reporting and Information Line (DRIL) between October 1, 2012 and March 14, 2016. According to this data, Otay was among the top five detention facilities nationwide with the highest number of DRIL calls related to sexual and/or physical abuse incidents.

Abuse motivated by hate or bias.

In June 2018, Freedom for Immigrants released the first national study focusing on abuse motivated by hate and bias toward people in immigration detention. The report detailed complaints denouncing incidents of hate or bias motivated by xenophobia at Otay, such as when an individual was denied pain medication and an X-ray as a result of the prison’s medical staff stated dislike of “illegals [that] only come to the U.S. to steal jobs from White people.”
Since June 2018, a grassroots group of neighbors and colleagues, including human rights researchers based at San Diego State University, has been corresponding with hundreds of refugees detained at Otay Mesa.

Although this report is not meant to be comprehensive in nature, what we hear from the people inside is consistent with reports of abuses at other CCA/CoreCivic facilities. According to people inside Otay Mesa:

"All of us detainees work in the janitorial department, yet we never receive our $1/day salary. They just make us do the cleaning."
--Bryan, July 30, 2018

"Here, I work cleaning, but they never pay me the $1/day wage."
--Jose, August 20, 2018

"Since I’ve been here for more than a year, by law I need a dental visit, and still they haven’t arranged this even though I have asked"
--Reynaldo, November 20, 2018

- **CoreCivic engages in forced labor.**
  Detained refugees and migrants work for $1/day to clean the prison, cook in the kitchen, and work in the barber shop and have no ability to purchase phone time with family, personal hygiene items, and supplemental food if they do not. Some report wage delay or wage theft. The staffing ratio in the prison kitchen is reportedly four paid employees to 40 detainees.

- **CoreCivic denies medical care.**
  Detained refugees and migrants are denied adequate medical care. Two individuals have reportedly died in custody at Otay Mesa in the last few months; detainees report that CoreCivic delays medical treatment until death is imminent and takes individuals off-site to die. Detainees report having been advised by doctors to “drink water” as a remedy for ailments ranging from acute injury to bronchitis. Some report being denied access to psychiatric medication and dental care.
“Sometimes they give us rotten food. . . . They treat us as if we were criminals, and yet our only crime is to flee from our home countries because of the crime and lack of safety there.”
--Ana, August 13, 2018

“We suffer a lot seeing how difficult they’ve made it for us to communicate with our families, and the food they give us often isn’t enough."
--Jose, July 20, 2018

“CoreCivic provides contaminated and insufficient food to detainees.
Food provided by CoreCivic under contract with Trinity Services Group is of poor quality (sometimes spoiled), insufficient to satiate hunger, and unhealthful for people with diabetes and other health conditions. Many detained refugees and migrants report going to bed hungry every night.

“There are many officers who are very aggressive with us. We don’t deserve this.”
--Luis, July 30, 2018

“I can’t communicate with my family and at times I go to bed hungry.”
--Vicente, November 20, 2018

“CoreCivic fails to provide assistive devices to detainees with disabilities.
Detained migrants and refugees have been denied access to assistive devices including corrective lenses.

“CoreCivic endangers staff and detainees by failing to maintain worker protections and safety.
Guards and CoreCivic employees are treated poorly and consequently direct anger and agitation at detainees, including denying them the right to use the phone to call their families."
Detainees also report a number of issues outside the scope of CoreCivic’s facilities administration, but of serious concern, including:

- bonds set as high as $50,000 for political asylum-seeking refugees,
- pervasive lack of access to legal representation, and
- prolonged or indefinite detentions of more than 12 months.

Reports of inhumane treatment at Otay Mesa Detention Center

(Based on the letters received between July and November 2018)
“I have been [in detention] more than 1 year . . . if I go back to Eritrea, what is my chance. Eritrean Government & Military they will send me to prison, how long they will arrest me I don’t know, then they will ask me about my mother, then they will hurt me. After that they will send me to military service. Then they will teach me how to be a killer & how to use a gun. . . . Then at last they will kill me.”
--A, October 3, 2018

“I ran away from my country because I was publishing what was going on in Cameroon and the malpractices of the Cameroon soldiers on social media and because I am a member of an activist group call SCNC. I have been in detention here in CCA since April 2016. I was given a $50,000 bond which I am unable to pay even through a bond company because I have no family in the United States. The only way I can get out of detention now is to pay the $50,000 bond.”
--C, September 23, 2018

Artwork from asylum-seeking refugees in the Otay Mesa Detention Center sent to Detainee Allies (formerly Otay Allies), 2018
“I would like the world to know that
Migrants are the hope of our families
The hope of our countries
The hope for a better society
The hope for a better world
We are the hope that won’t stop shining
We are the light that won’t go out
We are strong in our journey and strong in our lives

And we are not what President Trump believes we are.”

-- Luis, July 30, 2018
Detainee Allies - a grassroots group of neighbors, volunteers, and researchers based at San Diego State University - seeks to amplify the voices of detained refugees and migrants and *uphold standards of human rights and human decency*.

We have written to hundreds of individuals detained at Otay Mesa since June 2018, and have held in our hands letters communicating the extreme violence refugees have fled, their inhumane treatment at Otay Mesa, and their courage, dignity, and hopes for freedom.

We have donated the letters to the San Diego State University Archive so that these testimonies may be preserved and justice done.
We call on California Attorney General Xavier Becerra to read this report, visit San Diego State University to read letters from detainees at Otay Mesa, and personally visit Otay Mesa as he prepares his report to the legislature under AB 103.

We call on our state legislators to read this report and convene a public hearing so that the voices of detainees at Otay Mesa can be heard.

We call on state legislators to enact legislation requiring that detention centers located in California be held accountable to state detention standards, which are more humane than federal detention standards.

We call on federal officials and our elected representatives to end the government’s policy of detention for asylum-seeking refugees.

We call on CoreCivic to immediately restore public access and oversight, including stakeholder tours and visitation programs without non-disclosure agreements.

We call for appropriate legal education and representation for asylum-seeking refugees at Otay Mesa.

We call on the State of California to follow the examples of the states of Michigan and Mississippi in discontinuing contracts with Trinity Group, which provides contaminated food to detained refugees and migrants.

We call on California state employees with pensions managed by CalPERS to demand that CalPERS follow the example of CalSTRS and divest immediately from CoreCivic.
References


13 Ibid.


25 Reutter, op.cit.


Images (in alphabetical order):


