

New York Times exposé on immigrant deaths in custody

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A front-page article in Monday's *New York Times* provides some insight into the barbaric treatment of immigrants held in US custody. After obtaining a government list through a Freedom of Information Act request, the *Times* investigated the circumstances surrounding a number of immigrant deaths that occurred in detention centers between 2004 and 2007.

Sixty-six immigrants died in custody during those three years, according to the scantily detailed list, compiled by the federal Immigration and Customs Enforcement (ICE) in January under pressure from Congress to provide an accounting of its treatment of prisoners. At that time, the House passed a bill—which later stalled in the Senate—that would have required states receiving specific federal funds to report deaths of prisoners.

The *Times* article (“Few Details on Immigrants Who Died in Custody,” by Nina Bernstein, May 5, 2008) describes the immigrant detention system as “a patchwork of federal centers, county jails and privately run prisons that has become the nation’s fastest-growing form of incarceration.” The prisons, through which some 330,000 people pass each year according to ICE, are run with little oversight and little documentation.

Within this system, thousands of immigrants are “locked up for days, months or years while the government decides whether to deport them,” the *Times* notes. “Some have no valid visa; some are legal residents, but have past criminal convictions; others are seeking asylum from persecution.” Many who are swept up in ICE raids have committed no crime beyond simply overstaying their visas, and others are needlessly imprisoned while their citizenship applications are processed in the government system.

ICE is part of the Department of Homeland Security,

an agency created by the Bush administration as part of its clampdown on democratic rights in the name of the so-called “war on terror.” With both the Republicans and the Democrats, and particularly the presidential candidates, pledging to implement still more repressive immigration laws, the conditions faced by immigrants are certain to worsen.

Immigrant prisoners and their families are denied many of the basic legal mechanisms available to citizens, the *Times* points out, and no government agency is required to keep track of deaths or to publicly report them. ICE officials told the paper that deaths were reviewed internally, and that the agency notified next of kin and reported deaths to local medical authorities. However, investigations into some of the 66 deaths revealed that in some cases family members were not informed of the hospitalizations or deaths of their loved ones, and the circumstances surrounding such incidents were obscured.

The list of deaths classifies 13 as suicides and 14 as the result of heart problems. Others are vaguely cited as “unwitnessed arrest, epilepsy,” or simply, “undetermined.” In addition, the *Times* states that it was unable to locate many families of the deceased because “No one’s nationality is given, some places of detention are omitted, and some names and birth dates seem garbled.”

The members of one family the newspaper contacted said they were “rebuffed” by the county jail where their relative, 28-year-old Walter Rodriguez-Castro, had been held when they tried to find out why he stopped calling them in April 2006. Two months later, the *Times* reported, “his wife went to his scheduled hearing in San Francisco’s immigration court and learned that he had been dead for many weeks, his body unclaimed in the county morgue.” According to the country

coroner, Rodriguez-Castro had died of undiagnosed and untreated meningitis; on the ICE list, his cause of death was classified as “unresponsive.”

As the *Times* emphasizes, there are no government channels for prisoners or their relatives to challenge abuse. In the event of a prisoner death, “No independent inquiry is mandated. And often relatives who try to investigate the treatment of those who died say they are stymied by fear of immigration authorities, lack of access to lawyers, or sheer distance.”

Among the deaths ICE reported, 38 percent of the detainees had been housed in local or county-run facilities, and 27 percent were in those run by the federal government. A third of the deaths occurred in privately run facilities, although private operations held only 19 percent of the total immigrant prisoners between 2003 and 2007.

While abuse is ubiquitous in the US prison system, privately run, for-profit prisons are especially notorious for brutality and medical neglect of inmates. According to the *Times* investigation, 13 of the deaths on the ICE list occurred at the facilities of one private operator, the Corrections Corporation of America.

The *Times* article featured the case of one immigrant, Guinea-born Boubacar Bah, a 52-year-old tailor working in New York City. Bah was imprisoned in the Corrections Corporation of America’s Elizabeth Detention Center in New Jersey after trying to return from Guinea after a May 2006 visit, during which time the legal immigration green card he had applied for had been denied. The denial automatically revoked his permission to re-enter the US. He was held for nine months while an appeal filed on his behalf was pending.

On February 1, 2007, after appealing in vain to see a doctor for several days, Bah reportedly fell in his cell and hit the back of his head. Afterward, prison records showed, Bah became incoherent and agitated—symptoms of a serious brain injury that were characterized by the prison’s medical personnel as “behavior problems.”

He was shackled to the floor of the infirmary, where he “began to regurgitate.” This was also called “disobeying orders,” and according to the *Times*, Bah was then shackled and put in solitary confinement. After more than 10 hours of unconsciousness on the floor of his cell, a guard wrote that Bah “began to

breathe heavily and started foaming slightly at the mouth.” Three hours after that, an ambulance was called to take Bah to a hospital, where he was diagnosed with a fractured skull and massive hemorrhaging. He lay comatose for four months before dying.

The *Times* noted that for five days, neither the prison nor the federal government notified Bah’s relatives of his condition, and did not allow the family to view related prison records, which Corrections Corporation called “proprietary information.”



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