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HRW.org

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Martinez, CA 94553

Re: Termination of Community Initiatives for Visiting Immigrants in Confinement (CIVIC, now known as Freedom for Immigrants) Visitation Programs at West County Detention Facility (WCDF)

Dear Sheriff Livingston:

Human Rights Watch writes to express our deep concerns regarding the termination on March 6, 2018 of the visitation program operated by Community Initiatives for Visiting Immigrants in Confinement (“CIVIC”) for people held in immigration detention at the West County Detention Facility (“WCDF”). We are also troubled by the termination on February 15, 2018 of CIVIC’s free and unmonitored telephone extension at WCDF through the Immigration and Customs Enforcement (“ICE”) pro bono extension platform.

CIVIC’s visitation programs at WCDF and at other immigration detention facilities nationwide have enabled local community members and people in immigration detention to engage in visits that are crucial to supporting immigrants’ well-being while in detention. Since 2011, the Contra Costa County Sheriff’s Office (CCCSO) and ICE’s Enforcement and Removal Operations (ERO) San Francisco Field Office have worked in tandem with CIVIC to facilitate a community visitation program at WCDF. The program is staffed by people from local faith-based communities, universities, nonprofit organizations, and other interested individuals. CCCSO has provided CIVIC volunteers with space in the WCDF visitation room to meet and talk with people in immigration detention every Friday. Alongside the visitation program, ICE has facilitated contact between people held in immigration detention and CIVIC staff and volunteers by providing CIVIC with a free and unmonitored phone extension through its pro bono telephone platform.

The termination — issued several months after CIVIC released a handwritten letter signed by 27 immigration detainees describing in detail a pattern of abuses at the facility and specific misconduct

directed towards women detainees — raises grave concerns that the Office of the Sheriff's actions are retaliation for CIVIC's publication of that letter and other uses of its right to free speech, and that the termination is aimed at silencing criticism and limiting the public awareness of conditions in immigration detention generally at WCDF.¹

Despite many years of a successful visitation program at WCDF, it has recently encountered a series of access restrictions and denials:

- On February 15, 2018, the telephone extension granted to CIVIC on the ICE pro bono system was terminated with no advance warning or subsequent explanation.
- On February 20, 2018, CCCSO suspended the clearance of Rebecca Merton, CIVIC visitation program coordinator, to visit people in immigration detention. CCCSO stated, without explanation, that Ms. Merton violated CCCSO policies and procedures in her interactions with detainees. CCCSO did not respond to Ms. Merton's inquiries regarding the details of these alleged violations. Ms. Merton has been unable to visit people in immigration detention at WCDF since that time.
- On March 5, 2018, Captain Kristi Butterfield of WCDF sent an email to Ms. Merton stating, "[e]ffectively immediately, all privileges for CIVIC and its' volunteers will be revoked." According to the email, the termination of the visitation program occurred because "through emails, phone calls, *radio and newspaper interviews*" of volunteers many of CCCSO's policies and procedures had been violated. (Emphasis added.) Captain Butterfield sent an email the following day to all CIVIC volunteers identical in all respects, except with a sentence providing the volunteers with an opportunity to contest the decision by email.

The timing of the decision to terminate the CIVIC visitation program at WCDF raises serious concerns that the decision was in response to the protected speech of volunteer visitors, rather than by alleged violations of CCCSO policies and procedures. CIVIC has been engaged in the same types of visitation activities for several years with few, if any, problems. But in November 2017, CIVIC volunteers publicly expressed their concerns about degrading conditions and systemic abuses suffered by people held at WCDF. For example, a San Francisco Chronicle article about the suffering experienced by people at WCDF was published after the author visited WCDF and spoke to people detained there.² This article quoted a CIVIC

¹ See "We Are Being Treated Differently. We Only Want To Be Treated with Respect," Imm Print, Nov. 9, 2017, <http://bit.ly/2huQxDF>; "Por eso hoy levanto la voz junto con mis compan eras / Today I raise my voice with my compan eras," Imm Print, Nov. 30, 2017, <http://bit.ly/2p3LIRk>; "CIVIC Spotlight: West County Detention Facility Visitation Group," Imm Print, Dec. 16, 2017, <http://bit.ly/2p2JEcr>.

² See Otis R. Taylor Jr., "Deportation Chosen Over Richmond Jail; Complaints Under Investigation," S.F. Chronicle, Nov. 2, 2017, <http://bit.ly/2tqC8gW>.

volunteer who confirmed accounts of women being held in their cells at WCDF for up to 23 hours each day, often without being able to access bathrooms. Subsequent articles in November 2017 and January 2018 also quoted CIVIC volunteers, Ms. Merton, and other community members describing their knowledge of improper treatment by CCCSO Deputies of detainees at WCDF—including denial of bathroom access, restrictions on access to hygiene items, and inadequate medical care—and their ongoing concerns over such treatment.³

The purported policy violations cited by CCCSO as the basis for the program termination are mainly longstanding practices of CIVIC volunteers that CCCSO has long been aware of. Citing an “investigation,” CCCSO alleged that CIVIC volunteers violated policies by providing their personal phone numbers and addresses to people detained in WCDF, relaying messages to family and friends of those people, receiving phone calls and mail from them, and depositing funds into commissary accounts. Several of the policies cited are specific to employees and as such appear to be inapplicable to the stated and known purpose of CIVIC’s visitation program. Moreover, CCCSO has long been aware of contact by phone and mail between people in immigration detention at WCDF and CIVIC volunteers, as they screen and monitor detainee mail and phone calls. Indeed, ICE facilitated phone contact between detainees and CIVIC volunteers by providing a pro bono phone extension for this purpose. Finally, CCCSO has provided no details on “contraband” that CIVIC volunteers allegedly sent to detainees.

Absent any legitimate justification for terminating this valuable visitation program, Human Rights Watch urges the Contra Costa County Sheriff’s Office and ICE to immediately reinstate the CIVIC visitation program at WCDF.

Sincerely,



Clara Long
Senior Immigration Researcher
US Program
Human Rights Watch

³ See Otis R. Taylor Jr., “Calls to Investigate ICE Jail in Richmond,” S.F. Chronicle, Nov. 8, 2017, <http://bit.ly/2G7s1QQ>; Otis R. Taylor Jr., “Conditions Worsen for Some ICE Detainees at Richmond Jail,” S.F. Chronicle, Nov. 10, 2017, <http://bit.ly/2ldQHb3>; Otis R. Taylor Jr., “Mistreatment at the Richmond Jail? There Is None, Sherriff Says,” S.F. Chronicle, Jan. 4, 2018, <http://bit.ly/2pouCUF>.