

Local

Deportation chosen over Richmond jail; complaints under investigation

By Otis R. Taylor Jr.

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Photo: Noah Berger, Special To The Chronicle

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Surrounded by fellow Immigration and Customs Enforcement detainees, Silvia Citlali Iriarte discusses her legal situation.

Dianny Patricia Menendez begged to be deported.

In early October, the 38-year-old undocumented immigrant told immigration Judge Joseph Park in San Francisco that she could no longer tolerate the conditions at the jail in Contra Costa County where U.S. Immigration and Customs Enforcement was detaining her. The story she and other detainees, their lawyers and jail monitors told me is one that jail officials found hard to believe — yet said they would investigate.

Menendez explained to me, over two phone calls from the West County Detention Facility in Richmond, why she didn't fight deportation to her native Honduras, far from her children and the house she owns in Fontana (San Bernardino County).

The jail cells, she said, have no toilets, and when inmates need to use the bathroom, they must wait for jail staffers to let them out of their cells. Sometimes, Menendez said, inmates are locked up for 23 hours before they can leave their cells, which hold one or two inmates. She described hearing the sound of other distressed female inmates, screaming and pounding on their cell doors.

Their choice, she and others said, is humiliating: urinating and defecating in their clothes or in plastic bags in their cells, which some inmates place into trash cans they squat over.

Do any other detainees live this way?

"All of them," Menendez told me.

On Tuesday, I got a rare tour of the West County Detention Facility — and even rarer access to some of the female ICE detainees there. It's true — the jail cells have no toilets.

Each cluster of cells has a restroom nearby in a secured area that inmates can access by opening their cell door. Here's where the truth gets murky: The women I met said their doors are often locked and they cannot get out. Their jailers say the women are rarely locked in and have access to the bathroom most of the time.



Photo: Noah Berger, Special To The Chronicle

A communal toilet is pictured at the West County Detention Facility in Richmond, Calif., on Tuesday, Oct. 31, 2017.

But after hearing about the allegations this week, Contra Costa County sheriff's officials, who contract with ICE to hold immigration detainees, said they will investigate.

The women I met spoke of having to relieve themselves in red biodegradable plastic bags, the kind given to vomiting inmates going through drug withdrawal.

Karina Paez, who's from Tijuana, told me her roommate defecated in clothing soon after they arrived about a month ago.

"Later on, somebody told us that we were supposed to scream 'red bag' out the window," Paez said, referring to the biodegradable bags. "I didn't know that. I just arrived here, and she was new, too."

Paez, 36, was arrested two years ago in Missouri for possession of heroin with intent to distribute. She said she's ready to leave the U.S. for good, even if it means her life will be in danger because she testified against drug traffickers.

“I can’t do this,” she said, choking back tears. “I really can’t be in my room 23 hours a day. I’m going crazy.”



Photo: Courtesy Photo

Dianny Patricia Menendez got her wish to be deported to her native Honduras.

In the phone interview, Menendez told me that jail staffers frequently cancel the hour of daily “free time,” when inmates can bathe, call family and friends, and clean their cells. There were times, she said, when she had to wait days to shower.

“I just don’t want to be here detained anymore,” Menendez said. “I don’t feel good physically. It’s everything. The terrible food, being enclosed.”

Rodrigo Torres, a volunteer with Community Initiatives for Visiting Immigrants in Confinement, a group that monitors jails where immigrants are detained, has repeatedly heard these complaints about West County.

“A lot of times they’re just not allowed out of their rooms,” Torres said. “So during those times, they’re not allowed even to go to the bathroom and they’re told to use the bio bags.”

An immigration lawyer for one of the women I met also said he’d heard from several inmates that they’re locked in their cells for more than 20 hours.

“It’s not something isolated,” said the attorney, Joseph LaCome. “It’s not just the women that I’ve heard complaints from. It’s also male clients that I have who are in the detention center, too.”

The West County Detention Facility is a minimum security jail off Giant Highway in Richmond near Point Pinole Regional Shoreline, a regional park. It opened in 1991, but it’s not a traditional jail where inmates are locked behind steel bars like seen on an episode of “Law & Order.” There are several classes and programs — computer graphics, engraving, printmaking and landscaping, to name a few — that are available to inmates who are allowed to walk unescorted from their dorms to classes. A majority of the cells are “dry rooms” — lacking toilets and sinks. Each cellblock has shared restrooms and showers.

The Contra Costa County Sheriff’s Office has a \$6 million-a-year contract with ICE to run the immigration detention center. During my tour, 214 ICE detainees were in the jail, 38 of them women. A total of more than 800 inmates are housed at the jail.

The sheriff's officials who gave me the tour said they were surprised by the women's allegations that they were unable to use the restrooms. They denied that inmates are locked up for long periods.

My tour was led by Tom Chalk, a sheriff's captain. We were joined by Chris Simmons, another sheriff's captain; Matthew Schuler, assistant sheriff and commander of the custody services bureau; and Marc Andaya, commander of the West County Detention Facility. Simmons was adamant that detainees aren't kept on lockdown.

"The only time it's locked down at all is during count and some staff changes during the count times," Simmons said.

He pointed out women in the doorways of their cells chatting — and walking to the bathroom — during what was technically a lockdown period.

"The only time that they're in their rooms, a lot of them, especially if they choose to involve themselves in programs, is in the evening when they're sleeping," Simmons said. "Even then, the building's not in lock. They can open their door and go to the restroom and come back."

Simmons and the other jail officials said ICE detainees can drop complaints about anything in boxes fastened to wall on the first floor. They said only ICE has access to the boxes.

"If there's any complaints or anything that comes out of that, we have no way of interfering with it," Chalk said. "ICE then notifies us if there's anything, and of course we'll investigate."

ICE didn't respond to my repeated requests for comment.

I asked my sheriff's tour guides: Why would some women say they were kept from using the bathroom?



Photo: Noah Berger, Special To The Chronicle

A guard searches women returning to a residential building at the West County Detention Facility in Richmond, Calif., on Tuesday, Oct. 31, 2017.

The answer came from Chalk: “Detainees, either because they’re confused, or they have a grievance against us and want to say things that may be inaccurate or untrue — that happens.”

Still, Chalk and the others said they would investigate the complaints.

They won’t be alone in their probe.

The Prison Law Office, a Berkeley nonprofit public interest law firm, has been investigating conditions at Contra Costa County jails for more than a year, focused on access to medical care. Still, Donald Specter, the nonprofit’s executive director, was startled when told of the women’s allegations.

“It’s unusual for prison cells in this day and age not to have toilets,” Specter said.

John Gioia, a Contra Costa County supervisor, was taken aback by the allegations.

“This is the first I’ve heard about this, and I think it warrants further understanding,” Gioia said. “If these allegations are true — I’m not saying they are true — it raises serious issues about the way that the facility is being operated with respect to these individuals.”

It’s not just the bathroom access that had the women clambering to voice their experiences, speaking within earshot of jail officials. Several, like Ana Henriquez Nuila, talked about inadequate access to health services.

Nuila, 32, spoke in Spanish and her words were interpreted by fellow detainee Nancy Meyer, 40. Nuila said she fell off the top bunk in her cell several days ago. Her arm was in a sling. She said she’s asked to get an X-ray, but the medical staff has offered only a topical cream and aspirin — and a spot on a waiting list.

Another detainee, 29-year-old Adriana Diaz, pulled up her shirt to reveal a fist-sized lump near her waistline. It’s growing, and she doesn’t know what it is. She said the jail medical staff hasn’t given her attention.

The jail officials said inmates have access to the facility’s medical staff when they request it.

“The nurse in medical may not give them what they want during the course of that conversation,” Simmons said. “That’s when we see some of the complaints about medical.”

On the day of my tour, Menendez, the woman who begged a judge to be deported to her native Honduras, was getting her wish. She was driven from the Richmond jail to San Francisco’s ICE offices and then taken to the airport.

Menendez was deported twice before during the 20 years she lived in the United States, and her life story is wrapped in tribulation. It includes a drug charge, a DUI charge and a trip back to Honduras in 2011 with the bodies of her sister and her twin nephews who were slain in a domestic violence incident.

Her U.S.-born children, an 18-year-old daughter and a 12-year-old son, are with relatives. She had been trying to return to them in 2016 when she was caught entering the U.S. illegally. Because she was a repeat offender, she was sentenced to 15 months in federal prison, which she served in the Federal Correctional Institution in Dublin.

In May, she was transferred to the West County Detention Center. And on Oct. 11, she begged Judge Park to send her out of the country.

San Francisco Chronicle columnist *Otis R. Taylor Jr.* usually appears Mondays, Wednesdays and Fridays.

Email: otaylor@sfchronicle.com Twitter: [@otisrtaylorjr](https://twitter.com/otisrtaylorjr)



Otis R. Taylor Jr.

East Bay Columnist