

Mistreatment at the Richmond jail? There is none, sheriff says

By Otis R. Taylor Jr.

January 4, 2018 Updated: January 5, 2018 10:54am



Photo: Noah Berger, Special To The Chronicle

A guard escorts an Immigration and Customs Enforcement (ICE) detainee past a garden at the West County Detention Facility in Richmond, Calif., on Tuesday, Oct. 31, 2017.

Like a police officer waving rubberneckers past a crime scene, the message from the Contra Costa County Sheriff's Office was clear: There's nothing to see here, folks.

Mistreatment at the Richmond jail? There is none, the Sheriff's Office concluded. No one is being locked for hours on end in their toilet-less rooms, unable to access the hallway restrooms. No one has to urinate or defecate in red biodegradable bags.

“Nearly all of the complaints were unfounded and unsubstantiated,” Sheriff David Livingston said in a [statement released on Dec. 22](#).

That’s right — keep moving, folks.

But, here’s the thing. There’s an obvious conflict of interest when an office investigates itself. The Sheriff’s Office has a \$6 million-a-year contract with Immigration and Customs Enforcement, or ICE, to run the immigration detention center at the West County Detention Facility. After several immigration detainees told me about unbearable, nasty conditions that made at least one of them beg a judge for deportation, the Sheriff’s Office initiated a probe into the complaints.

Investigators watched hundreds of hours of video surveillance and interviewed more than 100 witnesses, the office said.

Sounds thorough, right? Well, it wasn’t.

I’ve been in contact with the woman who made the first major allegation. It turns out she didn’t get interviewed by the four investigators assigned to the case.

Investigators didn’t talk to Dianny Patricia Menendez, the 38-year-old undocumented immigrant who told me she’d rather [be deported than locked in her cell for 23 hours a day](#). She also told me about detainees urinating and defecating into red biohazard bags when they weren’t allowed out of their cells.

Sheriff’s officials said they couldn’t find Menendez, but she isn’t hard to reach. Although she was deported to Honduras in October, she communicates through WhatsApp, an instant messaging service.

Another woman who made allegations of mistreatment is Nancy Mayer, who [wrote a letter that was signed by 27 detainees](#) complaining about their conditions and treatment.

I've been texting with Mayer, 40, since her release on Nov. 23. She's seeking asylum and living with a friend in Victorville, almost two hours east of Los Angeles. She said the sheriff's statement was a lie.

She said she told deputies who asked her about the conditions that they were indeed bad.

"We live a hell inside the jail and we (are) not even paying for a crime. We just are immigrants," she told me in a text this week.

I learned that two other women who spoke to me about their mistreatment when I visited the jail on Oct. 31 have recently been deported.

Adriana Diaz, who had pulled up her shirt to reveal a fist-sized lump near her waistline that she said wasn't being treated at the jail, was deported to Mexico the week before Christmas, according to Rebecca Merton, the national visitation coordinator for Community Initiatives for Visiting Immigrants in Confinement, a group that monitors jails where immigrants are detained. Diaz, 29, wasn't treated before being deported, Merton said.

Ana Henriquez Nulia's arm was in a sling when we met because she'd fallen off the top bunk in her cell. She had requested an X-ray, but instead the medical staff gave her a topical cream and aspirin, she told me. Nulia, 32, was abruptly deported to El Salvador on Wednesday, according to her immigration attorney, Joseph LaCome.

He doesn't believe she was interviewed.

“She would’ve told me,” he said.

Another woman I met at the jail, Karina Paez, was transferred to the Yuba County Jail, according to Merton. Paez told me her roommate at West County defecated in her clothing soon after they arrived. That’s when another detainee told her they needed to yell for a red bag, Paez said.

“Regarding the use of ‘red’ biohazard bags for toilet needs, there was no evidence that any detainee was forced to use the bags in that manner,” the sheriff’s office reported. “In very few cases detainees did use the bags for that purpose in violation of policy.”

OK, folks, the women violated policy by choosing the bags over the bathroom. It’s really time to move along.

No, I’m staying until an outside investigation is completed.

Rep. Mark DeSaulnier, D-Concord, asked state Attorney General Xavier Becerra to [investigate](#). On Dec. 4, Becerra said his office would [look into the allegations of mistreatment at the jail](#). He has until March 2019 to report to state lawmakers. At the same time, U.S. Sen. Dianne Feinstein, D-Calif., [wrote to Thomas Homan](#), acting director of ICE, and [asked him to investigate](#).

According to the sheriff, “many detainees told us they are well treated at the West County Detention Facility.” Funny, that’s not what several jail observers and attorneys, who speak frequently and freely with detainees, even after they’ve been released or deported, have said.

Why didn’t the investigators interview those people? That’s something John Gioia, a Contra Costa County supervisor, suggested at a Contra Costa County Board of Supervisors Public Protection Committee meeting in November.

“We did not speak to community-based organizations (CBO) as we wanted to directly interview the detainees (using translators) to get firsthand accounts,” the sheriff’s office said in a statement on Wednesday. “We did not want to rely on secondhand accounts or hearsay.”

Apparently, some of the women investigators did interview were too afraid to speak up. Merton told me that some women who were interviewed have told CIVIC that they were scared to tell their stories because they feared retaliation.

“Multiple women have told us that they were too afraid to share their concerns with the officials during the interviews,” Merton said. “There’s no transparency. If they’re so sure that there are no abuses, they would release the videos or at least let some independent organization or individual watch these videos.”

Inside the jail, the mistreatment continues, according to an immigration lawyer who has a client at the jail. . The lawyer requested anonymity because cooperating with the news media could lead to retaliation inside the jail against the client and affect immigration proceedings, the lawyer said. The attorney said the client is considering requesting deportation, like Menendez.

On the week that the sheriff released his statement, the attorney said the detainee said that a woman vomited uncontrollably throughout the night in the cell next to hers. According to the attorney, the detainee saw the light on outside the woman’s cell, a signal for deputies that attention is needed.

“Deputies are only summoned by use of the light when incarcerated persons are physically locked in their cells,” the Sheriff’s Office told me this week. “All other times they can freely exit their rooms to ask for assistance.”

Still, the detainee told the attorney that the woman didn’t receive attention until the following morning.

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

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