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ICE will revamp detainee system

Policy of using converted prisons to hold families of illegal immigrants is on its way out

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Three years ago, immigrant families sent to a Central Texas immigration detention center found themselves at a converted prison rimmed in razor wire. Child inmates slept with their parents in cells monitored by lasers, stood still for daily head counts and donned navy detention uniforms available in sizes as small as infant onesies. They reported getting only one hour of school a day and going weeks without playing in the sun.

As word spread about conditions for families at the T. Don Hutto Family Residential Facility, critics pointed to the former medium-security prison as being emblematic of problems associated with the Bush administration's immigration detention practices.

On Thursday, top Department of Homeland Security officials announced plans to end the controversial policy of housing families at the center as part of a major overhaul of the nation's immigration detention system.

John Morton, chief of Immigration and Customs Enforcement, announced plans to increase direct federal oversight of the immigration detention system, which houses an estimated 400,000 people annually in more than 350 facilities — with the largest share of beds in Texas.

Not the usual inmates

The detention centers have been sharply criticized in recent years amid reports of substandard medical care, detainee deaths and poor access to attorneys. Morton said the system will be revamped to get away from a penal detention model that relies heavily on contracts with correctional facilities and private industry. Within the next three to five years, he said, the agency aims to use facilities designed, located and operated specifically for immigration purposes.

“What we're trying to do is design a system that reflects the unique civil detention authorities that we're exercising,” Morton said. “The population that we detain is different than the population that is detained in a traditional prison or jail setting.”

Morton said ICE will hire detention managers to work at each of the 23 largest immigration detention facilities in the country, which collectively house more than 40 percent of ICE detainees. The managers will provide direct oversight of daily operations at those centers, he said. His list of planned reforms also includes improved medical care, detention conditions and system oversight.

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Praise for oversight

ICE has dozens of agreements to house detainees in Texas jails and prisons, and reported an average daily population of about 3,700 through those partnerships in Texas during the 2008 fiscal year, according to ICE data. Nationally, the agency also administers eight of its own facilities and has seven contract detention facilities owned and operated by private companies, including the Houston Contract Detention Facility, which in May housed an average of 877 detainees.

Immigrant advocates and some members of Congress applauded ICE's announcement of the reforms, though some called for additional changes to strengthen oversight and due process protections for detainees.

"We hope it signals an approach that is more fair, more humane and more in keeping with our American value system than putting innocent children behind bars and detaining nonviolent, noncriminal immigrants," said ACLU of Texas executive director Terri Burke.

Barbara Hines, an attorney who oversees the University of Texas immigration law clinic and was one of the first nonprofit attorneys to visit the Hutto facility, praised ICE's addition of monitors to oversee daily operations at larger immigration facilities.

"Having ICE monitors in prisons is a good step forward because I think in the last couple years, the expansion of detention has gotten out of

control, leading to deaths and a lack of medical care," Hines said. "But I don't think ICE is capable of policing itself."

In March 2007, attorneys for immigrant children detained with their parents at Hutto sued the U. S. government. As part of a settlement agreement later that year, ICE agreed to enforceable standards at Hutto, including external oversight and improved education, nutrition and medical care.

Morton said that instead of housing families, the Hutto facility, which is owned by the for-profit Corrections Corporation of America, will house female detainees. He said ICE will continue to house families at a former nursing home in Pennsylvania, and review family detention on a "case-by-case basis," including exploring alternatives such as electronic monitoring.

But critics were concerned that ending family detention could resurrect the old "catch-and-release" policy. For years, illegal immigrants with children routinely were detained at the border and then released into the U.S., but many failed to appear for court dates.

"One way of circumventing detention was to come across the border with a child," said U.S. Sen. John Cornyn, R-Texas. "That's why it was important that these detention facilities for families be provided."

Morton stressed that ICE is not shying away from immigration detention in general. "We are going to continue to detain people, and we are going to continue to detain people on a large scale," he

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