



STATE OF WASHINGTON  
Office of the Governor

November 28, 2018

John V. Kelly  
Acting Inspector General  
U.S. Department of Homeland Security  
245 Murray Lane SW  
Mail Stop 0305  
Washington, D.C. 20528

Dear Inspector General Kelly:

In light of deeply concerning events, I am writing today to reiterate and reinforce my request for an immediate, independent inspection of the health and safety conditions at the Northwest Detention Center (NWDC) located in Tacoma, Washington.

As you must be aware, Mergensana Amar, an asylum-seeker who was held for nearly a year at the NWDC — operated by the U.S. Immigration and Customs Enforcement (ICE) — tragically died in my state on November 24, 2018. His death falls on the heels of my last letter to you, dated October 5, 2018, which was prompted by reports of urgent health and safety concerns for all persons held at the NWDC. I requested that your office immediately investigate the conditions described in these reports, including inadequate access to healthcare for detainees. Please find my previous letter to you enclosed.

As you are also aware, I simultaneously requested that the Office of Inspector General (OIG) of the U.S. Department of Health and Human Services (HHS) conduct an investigation into the safety and well-being of detainees at the NWDC. I received a reply dated November 21, 2018, advising that your office has the sole inspection authority over the NWDC and that my request was forwarded to you and Gary Thorne, Special Agent in Charge.

I have yet to hear from you or your office about the status of either of these requests.

The recent tragic death of Mr. Amar only confirms and underscores the need for an immediate, independent inspection of the NWDC by your office, including direct communication with detainees to determine first-hand the status of their health and safety. I strongly urge you to initiate such an inspection, without delay, and I request a prompt response in writing from your office to this second letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Inslee".

Jay Inslee  
Governor

Enclosure



JAY INSLEE  
Governor



STATE OF WASHINGTON  
Office of the Governor

October 5, 2018

John V. Kelly  
Acting Inspector General  
U.S. Department of Homeland Security  
245 Murray Drive SW  
Washington, DC 20528

Dear Inspector General Kelly:

I am deeply troubled by reports of urgent health and safety concerns at the U.S. Immigration and Customs Enforcement's (ICE) Northwest Detention Center (NWDC) located in Tacoma, Washington. These include reports of untreated, and the negligent treatment of, communicable disease outbreaks, inadequate care for persons who suffer from mental illnesses, administration of incorrect medications, and potential toxic chemical exposure without appropriate assessments, medical treatment or remediation. Enclosed are two (2) letters outlining these concerns.

If true, the conditions described in these letters are untenable. Every individual held at the NWDC must be provided timely and adequate healthcare.

I am, to say the least, extremely skeptical of prior inspections of the NWDC conducted by private contractors hired by ICE. The Office of Inspector General's (OIG) June 26, 2018, report, in which your Office found that ICE's inspections and monitoring of detention facilities do not lead to sustained compliance or systemic improvements, confirms my skepticism and increases my concern for the safety and well-being of the detainees at the NWDC.

I ask for an immediate, independent inspection of the NWDC by the OIG, including direct communication with detainees, to determine first-hand the status of their health and safety.

Very truly yours,

Jay Inslee  
Governor

Enclosures





NWDC Resistance  
PO Box 31202  
Seattle, WA 98103

September 24<sup>th</sup>, 2018

Re: Crisis at the Northwest Detention Center

Governor Jay Inslee,  
Mayor Victoria Woodward

Last week, US Immigration and Customs Enforcement's Northwest Detention Center (NWDC), owned and operated by The GEO Group in the City of Tacoma, witnessed an outbreak of both contagious diseases and health hazards due to an e-waste fire. It is vital that lawmakers ensure the health and safety of Tacoma city and Washington state residents in the wake of both a spontaneous fire and escalation of an on-going contagious disease outbreak. These demonstrate a growing health and safety crisis in the City of Tacoma in the hands of GEO Group, a private corporation without transparency and accountability to local residents. Key events include:

- 1) On Monday September 17, 2018, at approximately 2am, an **e-waste fire spontaneously combusted into a fire** 300 meters from the NWDC, which lasted for more than 10 hours and required Tacoma Fire Department presence for hours after. Tacoma Fire Department requested "people avoid the immediate area" even after the fire was under control and tweeted that "If in the area, caution should be used to avoid inhaling fumes." While Simon Metals employees had personal protective equipment (PPE) and were quickly evacuated, and Port of Tacoma stopped operations and tweeted "Due to a fire in the Tideflats, all terminal operations in Tacoma are on hold until air quality improves. Normal Operations are expected to resume as soon as the wind shifts," people detained were neither provided with PPE nor informed about the cause of smoke enveloping the NWDC. On September 17, activists received calls from people reporting that they were coughing and experiencing symptoms from bad air quality including chest pain, headaches and vomiting within their units but they did not know what was going on. Neither ICE nor GEO Group employees explained that there was an e-waste or offered appropriate measures, which is of grave concern for people suffering from respiratory illnesses, including inhalers for people with asthma.

As we have previously argued, and Tacoma City Planning Commission acknowledged in making the NWDC a non-conforming land use in February 2018, heavy industrial and/or Port-Maritime Industrial Zones are not appropriate for residential facilities. Even after the NWDC expanded to 1,575 bed capacity, the Washington Department of Ecology approved expansion of the Simon Metals scrap metal facility into e-waste recycling, including highly combustible e-waste batteries. People detained report that it took all week for the warden to report to them about the fire, this after many filed kites (grievances) asking what had happened on Monday. According to the warden "only plastics burned and those are not dangerous or toxic."

# NWDC RESISTANCE

We ask that the governor take personal responsibility, along with city and state lawmakers who participated in the siting, zone and permitting of the NWDC and the e-waste recycling in close proximity, for investigating the effects of the e-waste fire. While many of us use lithium batteries in our computers and cellphones, this should not be at the expense of the health of Washington state residents. We ask both that the state Department of Ecology investigate the cause of the spontaneous fire and the potential chemical exposure, and that the state Department of Health ensure that people detained receive appropriate medical treatment or remediation if they were exposed to harmful or toxic chemicals in the air. We also request any information provided to the City of Tacoma regarding the handling of the fumes at NWDC by The GEO Group and Immigration Customs Enforcement as well as by Tacoma Fire Department.

- 2) 2018's **second varicella outbreak** in the detention center escalated to new levels. The outbreak reportedly had spread from two units on September 7, to at least six units of the detention center on September 20, 2018: B2, G3, C1, A1, A3, and F2. GEO Group and ICE Health Services staff were not able to keep the disease contained, and more people were exposed within the medical clinic of the detention center on September 20 due to negligence from staff by mixing people detained waiting to be seen by the medics with people already exposed to the virus. Newly exposed people reportedly were moved to a seventh pod, F4. Based on people detained reports, the number of people exposed to the virus could reach at minimum 400 individuals. Varicella virus, or chicken pox, is a highly contagious disease that is mild in children but can be severe for adults, particularly those with other medical vulnerabilities. It is of note that the NWDC is more likely to have people detained with medical concerns than other facilities that explicitly do not have the capabilities to offer comprehensive medical services. We have heard the following from people detained:
- “Two people in my pod that left to the medical didn’t come back” said one of the many people detained reporting the same scenario throughout the day.
  - “(GEO) made a mistake and mixed people,” said another person detained.
  - One more reported, “Two people detained while working entered a waiting room where other people detained were, and later found out by a GEO guard those people in the waiting room have been exposed to varicella. They almost were sent to the pod where all people who were exposed to varicella are, but the guard let them stay in the pod with us.”

This poses significant problems both to human health and to due process, as people in quarantine cannot visit their legal counsel to prepare for their immigration hearings, but these hearings have not been rescheduled to the best of our knowledge.

We call on city and state lawmakers to follow up to find out if ICE Health Services and GEO Group have plans for containing this outbreak, if ICE and GEO are complying with their own plans, and to ensure that they are making vaccinations available to unvaccinated adults. We would like city and state public health officials to visit people held in quarantined pods (not just an official tour) to make sure that proper procedures are in place and being followed.



- 3) Last week marked the **fifth week of hunger strike** on the part of one individual, demanding among other things access to medical care, with others participating in hunger strikes of shorter duration. Of particular concern is the issue of force-feeding, a form of torture. Two civil rights lawyers filed a lawsuit against ICE last week in order to block the force-feeding of two individuals at NWDC. On Tuesday, September 18 a hearing for this lawsuit was canceled, because Judge Benjamin H. Settle claimed that it was against the wrong party: GEO Group should be sued instead of ICE. However, ICE sets policy for hunger strikes and force feeding, and also runs the medical facilities at the detention center, where force-feeding would take place. The lawsuit also uncovered that in the Western District Court ICE has requested and obtained orders allowing them to impose “involuntary medical monitoring, [involuntary] hydration or [involuntary feeding]... on at least six occasions prior.” Also noted is that those documents have been sealed.

Rather than a general tour, we call on city council officials and state legislators to visit individuals who have participated in hunger strikes. This is crucial to both understand the context of their demands for basic medical care (that GEO and ICE have denied them), as well as to ensure their first amendment right of freedom of speech is protected. To do so, city and state lawmakers must investigate why orders to force-feed have been sealed, and how to obtain more information about such records.

These three urgent health and safety issues – an e-waste fire, a contagious disease outbreak, and a judge’s ruling against detainees’ First Amendment rights -- are in addition to the regular reports that we receive of a lack of medical care for detained immigrants. It is unacceptable that residents of Tacoma or Washington should have such a tenuous connection to their human rights while in custody of the federal government. While no individual lawmaker or agency is responsible for this growing health crisis, the collective failure of local and state agencies to act to protect the health and safety of workers and detainees at the NWDC is the responsibility of all of us at the city, county and state level. We sincerely hope that you will act and respond to our requests to ensure that detained immigrants have access to clean air and water, medical care when required and access to legal counsel as required by law.

Sincerely,

NWDC Resistance

Cc: *Interagency Council on Health Disparities*  
*Tacoma Council Members:*  
*Anders Ibsen*  
*Justin Camarata*  
*Keith Blocker*  
*Catherine Ushka*  
*Chris Beale*  
*Lillian Hunter*  
*Connor McCarthy*



*Ryan Mello*

*State Senator Jeannine Darneille*

*State Rep. Laurie Jenkins*

*State Rep. Jake Fey*

*U.S. Senator Maria Cantwell*

*U.S. Senator Patty Murray*

*U.S. Rep. Adam Smith*





September 13, 2018

Dr. Benjamin Danielson  
Governor's Interagency Council on Health Disparities  
State of Washington

Dear Dr. Danielson,

We write to you as groups that work in solidarity with people held in the Northwest Detention Center (NWDC), their families, and those at risk of immigration detention. Over three weeks of hunger strikes by people detained at the NWDC have brought renewed attention to the deplorable sanitary conditions and medical neglect at this residential facility. These people are on hunger strike in many cases because they are requesting medical care.

Immigrants held in detention, particularly asylum seekers, often enter the Northwest Detention Center with physical, and emotional health problems that are exacerbated by poor care provided at the facility. Key examples of this include many people with diabetes who do not have access to appropriate diets and insulin shots as required by their condition. Detainees with diabetes report feeling weak and faint, but GEO guards denied them access to medical staff who would have checked their insulin levels and responded appropriately. Other detainees enter the NWDC with documented mental health issues, but the facility does not provide on-site psychological supervision (only access to a phone if detainees are willing and able to call for help, rare in severe cases of schizophrenia, etc.). In June 2017, a man with documented mental illnesses was left alone in the shower with a razor blade. The detainee attempted suicide and reportedly only survived due to one guard's willingness to break protocol and place pressure on the man's wound to keep him from bleeding out. This suggests that existing facility protocols at the NWDC are inadequate to keep people with mental illnesses alive.

In multiple cases, detainees have reported being given the wrong prescription medication. Healthcare providers in the NWDC are either unable or unwilling to care for the detainee's medical requirements. Rather, when people are taken to the emergency department in more critical stages of illness that hospital doctors discover the detainees were prescribed and administered incorrect medication by NWDC facility staff. We urge the AG's Civil Rights Unit to investigate these practices with the relevant pharmaceutical and facility licensing boards to ensure that they have been properly reported and the NWDC is meeting requirements to maintain a facility license.

GEO and ICE repeatedly fail to provide urgent and necessary medical care to those in their charge. People currently held in detention report that if someone loses consciousness and falls down, it usually takes guards more than 10 minutes to check on the person and begin the process of taking them to the hospital. This delay would be too long to save a person from stroke, heart attack, or similar incident that requires a quick and competent medical response.

This delay in care may have been a contributing factor to a pregnant woman who lost her baby early in 2017 while being held at the NWDC. The following are some of the egregious documented cases of substandard medical conditions and response at the facility. In December 2015, Angel Padilla was repeatedly denied his requests to see a doctor, despite the fact that he already had a cancer diagnosis for a growing malignant tumor when he arrived. ICE was fully aware that he had a malignant tumor, and he was sent from California to the Northwest Detention Center precisely because they were charged with providing him medical care. In January 2016, he was found unconscious in his cell and taken to the hospital. Hospital doctors recommended that Angel Padilla have surgery immediately to remove the tumor. Instead, ICE and GEO officials delayed and canceled his surgery multiple times over the course of 4 months. Finally, his family and community supporters paid to have him released on bond in May 2016. He had surgery less than a week later, by which time the kidney had grown to the size of a football.

We respectfully request that the Interagency Council respond to this ongoing health crisis in three ways:

- 1) Recommend, in writing, that Governor Jay Insley visit the NWDC and meet with people with medical conditions. It is crucial that the governor and his chief of staff see for themselves and talk with the people detained in the state of Washington. We know of multiple people on hunger strike for more than two weeks because they are demanding treatment for serious medical conditions, including sexually transmitted diseases.

We also request that the Interagency Council write a letter to the Office of Inspector General recommending an independent investigation of medical care provision at the NWDC.

- 2) On Saturday, September 8, we saw signs posted that there is the second varicella outbreak in 2018, and the 4<sup>th</sup> outbreak in the last three years, that we know of. While the signs outside the NWDC say, "it is highly advisable that you not enter this facility," people detained have been told that they cannot leave their living areas or receive any visits for 21 days. We believe this includes access to their legal counsel as they prepare to present their immigration cases, a significant barrier to due process. Given the repeated nature of this disease outbreak and the lack of transparency from GEO Group, the company that operates the facility, we ask that Pierce County Health Department immediately initiate a thorough investigation of the underlying sanitary conditions that are the cause of people's illnesses and isolation through quarantine. At a minimum, this investigation should include reviewing medical records of people who have contracted illnesses, discussions with healthcare providers who are immunizing detainees, and unannounced inspections of both the bathrooms and kitchen areas.

We also request that the Interagency Council write a letter to the Office of Inspector General recommending an independent investigation of basic health and sanitation conditions at the NWDC.



We look forward to your thorough investigation of the Northwest Detention Center and efforts to ensure that the state of Washington complies with all relevant health laws and regulations – even for immigrants held in detention centers.

Sincerely,

Maru Mora Villalpando, Wendy Pantoja Castillo; ShaCorrie Tunkara; and Megan Ybarra;  
Northwest Detention Center Resistance (NWDCR)

cc: Jay Insley, Governor

cc: Christy Curwick Hoff, WA Department of Health