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Mentally ill detainees' care criticized

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A growing number of immigrants with mental health issues are being held in federal detention centers that are ill-equipped to care for them, and their cases are being handled in courts that lack consistent procedures to ensure they receive fair hearings, according to a report released today by a Texas advocacy group.

The report, the culmination of a yearlong research project, details what the authors say is a systematic problem in the nation's immigration courts and detention centers. Immigrants with mental disabilities are routinely treated in an unjust and inhumane manner by the system, they said. Texas houses at least one quarter of all immigration detainees in the United States.

Detainees, for example, are often placed in solitary confinement, sometimes for weeks or months, when they display symptoms of mental disability, because untrained detention staff see them as a behavior problem.

In court, detainees usually are not competent enough to defend themselves, yet they are forced to do so because they have no rights to a court-appointed attorney.

“The report highlights a population that's been largely forgotten,” said Ann Baddour, senior policy analyst for Texas Appleseed, the social and economic justice group that wrote the report. “Immigration detention has ramped up so quickly over a short period of time that people have fallen through the cracks.”

Steps already taken

Immigration and Customs Enforcement officials said they are reviewing the report, but a quick glance at the recommendations “reaffirm and reinforce many of the steps ICE has taken and is taking to reform the immigration detention system,” said Carl Rusnok, ICE spokesman.

ICE is currently evaluating all medical and mental health cases to ensure detainees are receiving appropriate care and are detained in facilities that meet their needs, including access to counsel, family and medical and mental health providers, Rusnok said.

“This spring, ICE will publish new detention standards to improve mental health screening and care,” he said.

Texas Appleseed, with help from the law firm Akin Gump Strauss Hauer & Feld, which has offices in Houston, embarked on the project after receiving complaints about unfair treatment of mentally ill immigrants. Through interviews and visits to courts and detention centers, they

discovered a need for consistent procedures to help to identify mentally ill immigrants soon after they are detained or when they are in the court system. They also found that, in many cases, minimum standards set by the Department of Homeland Security to help immigrants simply were not being enforced.

For instance, ICE policy states that initial medical, dental and mental health screening of immigrants assigned to a detention facility shall be done within 12 hours of arrival by a health care provider or a detention officer specially trained to perform the function. Researchers found a detainee, a legal permanent resident, who had been diagnosed with bipolar disorder, post-traumatic stress disorder and severe depression prior to her detention. Her mental health issues were not diagnosed when she was first detained by ICE in August 2006, and her mental illness continued to go undiagnosed and untreated during her 18-month detention.

Problems acknowledged

The report says immigration officials also fail to follow their release policy, which states that when a detainee is released from the facility, the facility shall ensure that the release point is an acceptable one. Many times detainees are released without any concern about their well-being, the report said.

Researchers were told about a detainee with schizophrenia, who spoke only Russian. She was left alone at 1 a.m. at a bus station in a dangerous part of town with only the clothes she was wearing.

Immigration officials have acknowledged there are some problems in the system. Last fall, an internal ICE review of its detention system found substantial deficiencies, including substandard medical and mental health treatment.

Little information is kept on detainees with mental disabilities. ICE detained between 380,000 and 420,000 immigrants last year.

The report offers several recommendations, such as placing detainees in a less restrictive setting to allow them to stay in their community to continue treatment. Many times detainees are taken to another city or state to be detained, which often exacerbates their mental illness. ICE has the discretion to place them in more conducive places but rarely does so, the report said.

The report also recommends that detainees with mental disability be provided with appropriate diagnosis and care in detention.