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ICE custody, and has said “Those who do enter the country illegally, they do violate the law, that is a criminal act.”

Legally, staying in the country after your documentation has expired is a civil offense, not a crime. Knowingly crossing the border without the approval of an immigration officer is a misdemeanor, punishable by up to six months in prison.

Someone who has served his or her time, or is doing what criminal courts mandate — like the sous chef going to Alcoholics Anonymous meetings and blowing in a Breathalyzer to start his car — is not an active criminal.

But the immigration detention system and criminal corrections systems overlap, and some civil detainees on ICE holds at NORCOR, it seems, do have pending criminal charges.

Brandenburg portrays NORCOR as different from the GEO Group-managed Northwest Detention Center in Tacoma. He said only ICE detainees with medium and high classification levels are kept at NORCOR.

“That is one of the most egregious lies Bryan Brandenburg is telling,” said Mat dos Santos of the ACLU. He added that ICE sometimes picks up people on “very minor” things, and said the ACLU has a client with zero criminal record who has been held at NORCOR in the past, and another with a simple possession charge.

ICE’s online classification system states that detainees with a “medium low” level have “no history of violent or assaultive charges or convictions, no institutional misconduct, and no gang affiliation.”

The idea of sanctuary is based in a state statute (ORS 181A.820) going back to 1987 that says local jurisdictions cannot use their resources to “detect or apprehend persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.” The Oregon Law Center’s lawsuit in Wasco County Court alleges that NORCOR is violating the sanctuary law with its inter-governmental services agreement “which requires it to incarcerate individuals solely to assist in the enforcement of federal immigration law.”

Oregonians For Immigration Reform, champions anti-immigration legislation, is currently circulating a petition for a ballot measure to repeal ORS 181A.820.

Oregon’s law does allow for agencies to exchange information with immigration officers to verify the immigration status of a person “if the person is arrested for any criminal offense.”

Brandenburg said the jail staff does pass information on arrestees to ICE.

“If somebody is arrested locally, say on a DUI, and they come into our facility, we do a name and date of birth check and background check, and we release that info to immigration,” Brandenburg said. “Now, since they’re local, and since they may be able to post bail, if they can post bail we don’t hold them for ICE. ICE has to arrest them and do whatever ICE does.”

“We also hold those that are being federally prosecuted, federal prosecution cases,” Brandenburg added, offering the example of “someone who’s selling drugs, and hasn’t been convicted yet.”

On behalf of four Wasco County

taxpayers, plaintiffs Brian Stovall, John Olmstead, Connie Krummrich and Karen Brown, the Oregon Law Center suit argues, “Whether or not these persons have criminal charges or convictions, the sole reason they are held by NORCOR is to assist ICE in the enforcement of federal immigration laws.”

Coalition members say institutions such as NORCOR are confusing civil violations like being in the U.S. without proper documentation with criminal offenses such as assault and battery, or rape.

“The people that are being held there on immigration holds are not criminals,” said PCUN’s Ramirez. “The only thing they did is called ‘EWI’ — entered without inspection. It is a violation, but it’s a minor violation of the law.”

Schechtel, with the Gorge ICE Resistance, said the people getting detained by ICE agents and held at NORCOR are being targeted by “paper sweeps.”

Like the sous chef, they may pop up on ICE’s radar due to a recent criminal violation, but typically it’s minor, and often already adjudicated, according to Schechtel.

Brandenburg countered that he sees a difference between a civil and a criminal violation — but “if the civil detainee has been dealing drugs, or breaking into houses, or is part of a gang, should he be allowed to stay (in the country)?”

“The people who are just here illegally, I don’t want anything to do with them,” Brandenburg added.

A top official of the state Democratic party said its resolution, approved June 25, reflects the party’s fundamental beliefs and policy goals: immigration is not a crime.

“Illegally entering the country does not equate with being a rapist and a drug abuser,” said Atkins, the Democratic Party chair. “The idea of equating everyone who may not have arrived in the country legally with people who commit crimes, especially crimes of violence, is just sort of offensive on its face.”

Clergy and members of the Gorge ICE Resistance say children in ICE custody have been placed in NORCOR’s juvenile facility even though they’re not criminals.

Brandenburg says all those at NORCOR, adult or juvenile, fit the facility’s immigration housing policy, which is “basically” that they have criminal histories.

“There’s two ICE juveniles in our facilities that are validated gang members from the East Coast who are being held pending the outcome of their deportation. And they have criminal histories,” he said.

The ACLU contends that “harsh conditions” inside NORCOR exist for both regular prisoners and ICE detainees. The ACLU’s demand letter details what it considers violations of detainees’ lawful rights to attorneys, medical care, inadequate nutrition and exercise facilities, denial of religious liberty, no means of visitation with family and exorbitant phone rates.

Brandenburg responded that such allegations are “unfounded and in truth, false.”

Brandenburg has been administrator for two and a half years, and said the facility’s recidivism rate has dropped from 75 to 64 percent during that time.

“I just opened a mental health treatment unit — just done a lot of really progressive

best practices approaches to dealing with the offender population, and as the result of that, our numbers are going down,” he said.

Whatever the conditions inside NORCOR, multiple sources agree ICE detainees often spend far longer there than criminals awaiting adjudication.

Boonstra, with the Gorge Ecumenical Ministries, said the difference in length of stays is actually the most troubling thing of all about how ICE detainees are treated in NORCOR.

“If you’re in NORCOR as a criminal inmate, your average time at NORCOR is about 12 days, and then you’ll go one place or another,” Boonstra said. “The most haunting thing about being an immigrant detainee is you’re there indefinitely. They wait months and months and months for a court hearing to happen.”

NORCOR’s website, which lists booking dates and other information for inmates — but has no information at all on ICE detainees — suggests most criminals are in the facility for a period of days to a few weeks: 86 of 136 listed on Sept. 24 had been booked that same month.

Dos Santos said some detainees are held as long as six months at a time.

ICE detainees cannot get time off for good behavior when doing work shifts, as regular prisoners can, said Red Stevens, the minister of St. Paul’s Episcopal Church in the Dalles, who visits the detainees every week.

“The jail inmates, the regular criminal inmates get good time for doing these, but ICE detainees can’t get their time shortened,” Stevens said. “So a dollar a day is basically what they’re offered. So some people don’t want to do that, understandably. It gets kind of messy if nobody wants to clean the bathroom.”

In Tacoma, the practice of paying detainees \$1 per shift recently became the focus of a lawsuit by Washington State, which last week announced it is suing The GEO Group for failing to pay immigrants the state-mandated minimum wage.

Exceptions to minimum-wage laws are common for inmates in government-run jails and prisons, such as NORCOR. However, GEO Group is a for-profit company, detaining people facing civil immigration proceedings, and Washington’s lawsuit says those inmates can’t be forced to work for below the minimum wage.

Stevens confirms the ACLU’s account of food inside the facility, and said inmates he interviews “find it insulting that the menu that is posted on the wall is not the menu that they are fed. The food that they are fed is very high on carbohydrates. ... Breakfast this morning was a sack with two hardboiled eggs, four slices of bread and a little snack cake and one of those packets of juice powder, Kool-Aid kind of stuff. That’s the morning meal five times a week.”

Brandenburg said the assertion detainees are fed unhealthy, carbohydrate-laden diets is “complete bullshit.” The jail employs a registered dietician, he noted.

“It’s an example of folks trying to exaggerate a situation to make it seem like it’s worse than what it is,” he said.

In his letter responding to the ACLU’s complaints, Brandenburg writes that NORCOR passed 33 of 35 standards in an “ICE detention audit” in 2011 and are scheduled for another this November.

The easiest way for anyone, media or not, to confirm or deny conditions for ICE detainees inside NORCOR would be to go in and talk to people.

NORCOR and Immigration and Customs Enforcement are publicly funded institutions, meaning employees such as ICE spokeswoman Virginia Kice and NORCOR Administrator Brandenburg are paid with taxpayer money.

But transparency appears to be a low priority at ICE and NORCOR.

Brandenburg said that ICE rules are the reason detainees aren’t on the NORCOR website.

“It’s a standard or statute by ICE. They don’t allow it. They also don’t allow me to post their criminal history. That you’d have to ask (ICE).”

Last week, a source with access to NORCOR’s ICE detainees was able to confirm that a Mexican detainee named Angel Alonso Lujan-Gonzales was able and willing to be interviewed by a reporter, and understood the possible risks.

The day after the source provided Mr. Lujan-Gonzales’ name — Sept. 22, the day an interview request was emailed to ICE spokeswoman Kice and NORCOR Administrator Brandenburg — Street Roots got a call from Brandenburg.

“That guy was moved this morning. They moved several folks this morning,” Brandenburg said. “So, sorry.”

Lujan-Gonzales was able to be located only using his “A” (for “alien”) number in ICE’s system. Multiple queries for him using various versions and spellings of his name returned the message “Your search has returned zero (0) matching records.”

Even if the detainee hadn’t been physically moved, ICE spokeswoman Kice seemed to present a moving target for media wanting to interview a willing detainee.

When first contacted Sept. 15, she responded in an email, “please advise on the person’s name and where they’re being housed. We’ll reach out to the individual to see if he or she is willing to provide signed consent to meet with you. If the detainee consents, we’ll make arrangements for you to meet with him or her.”

But by Sept. 24, after Street Roots specifically requested to interview Lujan-Gonzales and noted the detainee is willing to be interviewed, Kice laid down the bureaucratic roadblocks. Two forms would have to be signed before an interview could take place, Kice wrote. She noted that Lujan-Gonzales is represented by an attorney, “so you’ll need to coordinate with his attorney to clear the interview.”

She didn’t say who that attorney is, and it’s not on the ICE website.

“We would need a completed version of this form before arranging the interview,” she noted. “Also attached is a privacy waiver form ... This is the form we would need to have the detainee complete in order for us to release information to you about his case.”

Kice declined to respond to a list of questions about ICE detainees at NORCOR, noting ICE is “severely short-staffed right now,” and unable to answer emailed questions within a week’s time.

The source who provided Lujan-Gonzales’