



SPLC
Southern Poverty
Law Center

March 8, 2018

Sheriff Todd Entrekin
Chief Deputy of Detention Scott Hassell
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Gadsden, AL 35901
VIA EMAIL: tentrekin@etowahcounty.org, shassell@etowahcounty.org

Etowah County Commission
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RE: Planned Renovation of Etowah County Detention Center

Dear Sheriff Entrekin, Chief Deputy of Detention Hassell, and Etowah County Commissioners:

The Civil Rights Education and Enforcement Center (CREEC) is a non-profit law office committed to protecting and promoting civil rights in the United States, including the rights of non-citizens detained by the United States Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE). The Southern Poverty Law Center (SPLC) is a legal non-profit organization, based in Montgomery, Alabama, whose mission is to challenge hate and bigotry and seek justice for the most vulnerable members of our society, including non-citizens detained by DHS and ICE.

We have been monitoring conditions of confinement for ICE detainees held in the Etowah County Detention Center (ECDC) pursuant to the Intergovernmental Agreement with the US Marshals and ICE. We were recently made aware, through a *Gadsden Times* article dated Feb. 27, 2018, of plans to renovate the Etowah County Detention Center. We are concerned that the planned renovation of ECDC does not appear to include any plans to construct or otherwise make available outdoor recreation to people detained

at ECDC. This violates ICE standards and implicates the United States Constitution. We strongly urge you to include outdoor recreational space in the forthcoming renovations of ECDC.

ECDC does not currently offer outdoor recreation to ICE detainees, many of whom are held at ECDC for months or even years at a time. In 2011, ICE inspectors reported that ECDC does not have an outdoor recreation facility. As they noted, "The recreation areas which are adjacent to each housing unit . . . are indoor areas with large windows covered by heavy mesh screens. Although this provides some access to sunlight and fresh air it does not qualify as 'outdoor' recreation per the ICE standard." Moreover, their report also makes clear that ECDC itself does not consider the recreation area to be outdoors, by quoting from the detainee handbook, which states "ECDC offers only indoor recreation" ECDC is thus deficient under applicable ICE standards.

Both the Sheriff's Office and the County Commission are aware that ICE detainees held at ECDC do not have access to outdoor recreation in violation of ICE standards. Notably, Etowah county commissioners made clear to ICE in 2012 that they were enthusiastic about continuing their relationship with ICE, including by spending the necessary funds on outdoor recreation, with proper due diligence.

The Eleventh Circuit, whose rulings are binding upon your offices, provides that civil detainees – which include people confined by ICE while their immigration cases are pending – are entitled to constitutionally adequate conditions of confinement under the Due Process Clause of the Fourteenth Amendment. *Youngberg v. Romeo*, 457 U.S. 307, 315 (1982). Civil detainees may not be held in conditions that amount to punishment. This is also true for people detained with criminal charges awaiting trial.

The Eleventh Circuit has specifically addressed detainees' right to outdoor recreation, finding that denial of outdoor recreation may constitute impermissible punishment under the Constitution *See Wilson v. Blankenship*, 163 F. 3d 1284 (11th Cir. 1998).

ICE detainees at ECDC are routinely subject to prolonged detentions of longer than six months. There are widespread reports of crowded and conflict-ridden indoor recreation at ECDC. The medical and mental health risks of physical inactivity and lack of access to fresh air and sunlight are well-documented. Finally, the plans to renovate ECDC indicate that available resources exist to

Etowah County Sheriff and Etowah County Commission

March 8, 2018

Page 3

provide outdoor recreation. Accordingly, your failure to provide outdoor recreation to ICE detainees at ECDC may violate their constitutional rights.

CREEC and SPLC therefore urge the Etowah County Sheriff's Office and Etowah County Commission to include plans to construct space for outdoor recreation in the planned renovation of the ECDC.

Please contact us if you have any questions at the email addresses and phone numbers below.

Sincerely,

CIVIL RIGHTS EDUCATION
AND ENFORCEMENT CENTER

SOUTHERN POVERTY LAW CENTER



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