



URL: <http://www.aclu.org/immigrants/detention/30102prs20070613.html>

## ACLU Sues U.S. Immigration Officials and For-Profit Corrections Corporation Over Grossly Deficient Health Care (6/13/2007)

### ACLU Says Inadequate Medical Care Causes “Great Physical Suffering” and Risk of “Premature Death” to Detainees at the San Diego Correctional Facility

FOR IMMEDIATE RELEASE

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SAN DIEGO -- The American Civil Liberties Union today filed a class action lawsuit on behalf of immigrant detainees at San Diego Correctional Facility (SDCF), charging that inadequate medical and mental health care have caused unnecessary suffering and, in several cases, avoidable death.

*Woods v. Myers*, the lawsuit filed by the ACLU's National Prison Project and Immigrants' Rights Project, the ACLU of San Diego & Imperial Counties and the law firm of Cooley Godward Kronish LLP, says that detainees are routinely subjected to long delays before treatment, denied necessary medication for chronic illnesses, and refused essential referrals prescribed by medical staff.

“The quality of care provided to detainees at San Diego Correctional Facility is horrific, and in stark contrast to American values,” said Tom Jawetz, immigration detention staff attorney for the ACLU National Prison Project. “The federal government must do more to ensure that immigrant detainees do not suffer and die unnecessarily.”

The lawsuit specifically names eleven detainees, including a woman who has a neurological disorder that has caused a painful glomus tumor on her finger; several detainees with untreated bipolar disorder and depression; a man who was forced to wait more than eight months for eye surgery and nearly suffered permanent disfigurement; and detainees with Type 2 diabetes, hypercholesterolemia, hypertension, abscessed and broken teeth, and chest pains.

The ACLU believes that inadequate medical care at SDCF has — on several occasions — resulted in death; in one such case, a Ghanaian man suffering obvious chest pains was denied treatment and was ordered to submit a written sick call request shortly before his death.

According to the ACLU, one of the most serious problems with health care at SDCF, as at other immigration facilities around the country, is that it is provided in accordance with the deeply flawed Division of Immigration Health Services (DIHS) Covered Services Package. On-site medical staff must get approval from DIHS to provide medically necessary referrals before treating detainees. Medical staff at the facility, who are responsible for examining patients and determining necessary treatment, are frequently told by DIHS staff reviewing the case on paper in Washington DC, that they may not provide that treatment due to limitations in the DIHS package.

“The Division of Immigration Health Services needs to make major improvements to its benefits package to ensure detainees get the treatment they need,” said David Blair-Loy, Legal Director of the ACLU of San Diego & Imperial Counties. “It is imperative that DIHS make significant changes to its current practices that cause avoidable suffering due to its slow bureaucratic process.”

The ACLU charges in its lawsuit that the incompetence and indifference of immigration officials in refusing to provide appropriate medical care amounts to punishment that violates the Fifth Amendment of the United States Constitution. The Fifth Amendment prohibits subjecting any person in the custody of the United States to unnecessary pain and suffering. Because SDCF holds civil immigrant detainees, not one of whom is serving a criminal sentence, the Fifth Amendment applies to protect their civil rights.

“People at SDCF are being denied fundamental health care and in extreme circumstances are suffering long term health consequences or death because the authorities are refusing to treat them,” said Anthony M. Stiegler, litigation partner at Cooley Godward Kronish LLP. “This lack of treatment for these civil immigration detainees is both inhumane and clearly unconstitutional.”

Attorneys representing the detainees are Jawetz, Gouri Bhat, and David C. Fathi of the National Prison Project of the ACLU, Blair-Loy of the ACLU of San Diego & Imperial Counties, Judy Rabinovitz and Mónica Ramírez of the Immigrants' Rights Project of the ACLU, and Stiegler and Mary Kathryn Kelley of Cooley Godward Kronish LLP.

The complaint filed by the ACLU in *Woods v. Myers* can be found online at: [www.aclu.org/immigrants/detention/30101q120070613.html](http://www.aclu.org/immigrants/detention/30101q120070613.html)

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