The Case at Krome: Conditions and Controversies at U.S. Immigration Detention Centers

By Brianna Nofil (2011)

On October 28, 2004, Joseph Dantica and his son, Maxo, boarded a plane from Haiti to Miami, Florida. Dantica, an 81-year-old minister, was shaken, having just endured several days of politically-fueled riots and raids in his impoverished Haitian community. The day before he left for the United States, Haitian gang leaders confronted him, accusing him of cooperating with the police and demanding payment for gang members’ funerals; Dantica decided he had no choice but to flee his homeland. Upon arriving at Miami International Airport, Dantica misunderstood officials’ questioning and told them that he sought asylum in the United States. While he had the proper visa to enter the country as a tourist and stay with his American brothers, he did not have the documentation to support his accidental request for asylum; the elderly man was swiftly sent to Krome Service Processing Center, a facility for immigrant detention located on the edge of the Florida Everglades. Dantica had not been identified as a security threat, nor were his claims for asylum considered unsubstantiated—he was simply a Haitian man without proper documentation, sent where nearly 800 illegal, predominately-Caribbean aliens already resided: Krome.¹

Once at Krome, officials took away Dantica’s high blood pressure medication and separated him from his son. Dantica’s American family hired an attorney who arranged for a “credible fear interview” which would determine whether Dantica’s claims for asylum were to be considered legitimate by the State. The interview took place several days later and Dantica told authorities he still had not received any replacement medication. While speaking to the interviewer, Dantica became violently ill, vomiting and shaking uncontrollably. A medic came to attend to Dantica, but was initially suspicious of his ailments, claiming to officials that he might be faking the illness. Authorities eventually took Dantica to Jackson Memorial Hospital in Miami, where, for “security reasons” authorities did not permit him to be visited by any family members. On November 3, 2004, Joseph Dantica died: mistreated, alone, and unwelcome in the country from which he had desperately sought protection.

The heavily publicized case of Joseph Dantica raises many of the issues that have plagued both Krome and other immigration detention centers throughout the late 20th century. In this paper, I will argue that the United States policy towards immigrant detention has become increasingly severe and rigid, serving a punitive rather than administrative purpose. I will spend the first half of my paper focusing on the general history of detention centers and the evolution of the Immigration Naturalization Service (INS), and the second half of my paper addressing the case of Krome. I will address three key areas of controversy surrounding immigration detention: (1) Treatment of detainees (2) Access to healthcare, and (3) Financing and administration of detention centers. The question of how and why these detention centers operate will reflect many of the larger themes present in immigration debates throughout history—who has a right to stay in the

\[\text{Ibid.}\]
United States? How do we balance an enforcement of laws with a consciousness of human rights? And how does our treatment of illegal immigrants reflect the values, priorities, and politics of the communities in which we live?

Immigration detention centers are not a new concept; one of the earliest examples can be seen in Ellis Island in the first half of the twentieth century. While Ellis Island is generally thought of as a “beacon of hope” for 19th century immigrants, its 20th century incarnation was used primarily as a holding facility for aliens attempting to enter the United States. The Immigration Act of 1924 had severely restricted immigration and mandated that the 1890 census would now be used to establish quotas. With large masses of European immigrants no longer moving through Ellis Island, the INS decided that the facility would henceforth be utilized as “a center of the assembly, detention, and deportation of aliens who had entered the U.S. illegally or had violated the terms of admittance.”

Activity at Ellis Island peaked during World War II, and by 1946 the center held nearly 7,000 detainees, primarily of German, Italian, and Japanese origins, who authorities believed may pose a threat to American society. By 1952, the war had long ended and Congress passed the Immigration and Nationality Act, a significantly more liberal policy which eliminated racial restrictions and Asian exclusion, and gave priority to highly skilled immigrants or those with family in the United States. Ellis Island held fewer than 30 detainees following the passage of the Act, and officially closed in November of 1954. Immigration detention at Ellis Island shows that the original intention behind the practice was to restrict security threats and enemy nationalists, and it had a flexible mission, changing alongside the increasingly tolerant legislation. The detention

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3 “Ellis Island Timeline” The Statue of Liberty – Ellis Island Foundation
<http://www.ellisisland.org/genealogy/ellis_island_timeline.asp>

policies practiced at Ellis Island in the beginning of the 20th century thus possess a significantly different goal than the seemingly arbitrary, detention-without-cause policies that would detain Joseph Dantica at the beginning of the 21st century.

The philosophy behind modern detention practices, which the government asserts are for structural, “processing” purposes, rather than to punish detainees, can be tied back to the 1893 legal case of *Fong Yue Ting v. United States*. In this case, the Supreme Court established that “the right to exclude or to expel aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign nation” and further clarified, “The order of deportation is not a punishment for crime...It is but a method of enforcing the return to (an alien’s) own country.” Under this precedent, detainees are not being held for punitive purposes, and thus do not receive the same legal protection that would be initiated if charged with a criminal action. Three years later, the Supreme Court would elaborate on this position, stating, “…detention or temporary confinement as part of the means necessary to give effect to the provisions for the exclusion of aliens would be valid…it is not imprisonment in a legal sense.”

A turning point in detention center history came in 1952, when the Immigration and Nationality Act all but eliminated immigration detention centers for the next three decades. Such centers were considered unnecessary and obsolete, as the United States decided they had a firm grasp on controlling the current immigration landscape. The idea of immigration detention was not pondered again until 1980, when over the course of six months Fidel Castro granted permission for over 125,000 Cubans to leave the port of

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5 *Fong Yue Ting v. United States*, 149 U.S. 698, (1892).
7 *Wong Wing v. United States*, 163 U.S. 228 (1896).
Mariel and migrate to the United States; essentially none of the immigrants bore visas or official documentation. The Mariel boatlift made national headlines as the INS desperately sought a solution for organizing and admitting the mass exodus of Cubans. The situation escalated when a year later, an influx of about 15,000 Haitian refugees fled by raft to the Miami shores. Suddenly the INS had two decisions to make: How to standardize the entry of those who would be allowed to stay, and how to systematize the removal of those who would be sent back to their homeland. They found a solution for both in the creation of the Krome Service Processing Center, a makeshift facility established on a former missile testing grounds, twenty-three miles from downtown Miami.

Krome was originally, as its name suggests, a processing center, serving as a port of entry for Cubans who were welcomed as political refugees by the federal government. In July 1982, President Reagan officially passed a new policy for the INS, allowing detention “for all refugees that the INS inspectors did not deem clearly authorized to enter.” The primary victims of the revised legislation were the Haitian boatpeople, who, despite their impoverished, often tumultuous home country, were not classified as political refugees. Pres. Reagan changed Haitian refugee policy so that Haitians would now be intercepted at sea and denied the right to political asylum, while those who did reach U.S. shores would immediately be placed in mandatory detention. Haitians “quickly acquired the dubious distinction of having the highest rejection rate of political asylum applicants,” and Krome quickly gained a reputation as a glorified Haitian

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imprisonment center. Nonetheless, the government stood behind the INS policy, as Attorney General William French Smith stated, “Detention of aliens seeking asylum was necessary to discourage people like the Haitians from setting sail in the first place.” While the government maintained that these facilities merely served an administrative role in the deportation process, quotes such as this imply a punitive purpose as well—that detention was a punishment for those who attempted to enter illegally, and would serve as a deterrent to others considering undocumented entry.

Krome was the first of many INS detention centers established, and by the first years of the 1990’s nine similar centers existed throughout the United States. The number of detainees expanded rapidly throughout the 1990’s; an INS official testified before Congress that from 1994 to 2001, “the average daily detention population (had) more than tripled, from 5,532 to 19,533.” This expansion resulted in part from the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which broadened the scope of criminal offenses for which immigrants could be detained to include minor crimes such as shoplifting, even if they had been committed decades prior to migration. It also dictated that deportees could be detained for as long as two years before being seen by the immigration board and essentially granted the INS “incontestable authority” in detaining those classified as criminal aliens. The IIRIRA presented a much stricter policy than those previously put forth, and it took a distinctive “criminal justice” approach to the immigration problem, choosing to focus on criminal aliens rather than those whose only crime was entering the country illegally. Perhaps this made the reform a more digestible issue politically (as there is less public sympathy for

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11 Dow, 7.
12 Ibid, 9.
immigrants who have committed crimes), perhaps it came from a reluctance and indecisiveness towards how to reform non-criminal immigration detention, or perhaps it came from a desire to pervade the public perception of immigrant detention as a “criminal” affair. Regardless, the policy decisions of 1996 clearly reflect a growing concern with the tangible threat posed to society by immigration. A budget increase for the INS accompanied the new legislation and officially made the organization the largest federal law enforcement agency in the United States. President Clinton’s 1996 budget called for $171 million to double the capacity of detention facilities, as well as $15 million to build new detention centers. 14 The number of personnel employed by detention centers rose from 1,600 to 3,500 in the 1990’s, and spending on detention and removal increased five-fold to a grand total of one billion dollars—by “criminalizing” immigration detention, these large budget increases seemed not only sensible, but necessary, to maintain public safety and order. 15

The increasingly rigid immigration policies of the Reagan and Clinton administrations were influenced by several political and cultural shifts of the 1980’s and 90’s. President Reagan’s policy towards Haitians came partially as a result of Cold War politics—with the large number of political refugees entering from Communist countries, Reagan decided that policies for non-refugee entrants (such as the Haitians) could not be as liberal. 16 The 1980’s also saw a growing concern with the threat posed to society by

15 Hernández, 76.
16 United States policy towards Haitian immigrants has been an ongoing point of controversy, which is especially heated in Miami-Dade county, where the Haitian population is believed to be as high as 200,000. Many argue that Haitian refugees are treated unfairly and discriminately by the U.S. as their claims for asylum are dismissed at a much higher rate than those of other nationalities. Numerous causes have been hypothesized for this treatment, ranging from racism to fear of AIDS to the politics addressed in my paper. In 2004, President Bush declared that all Haitian immigrants intercepted by the U.S. Coast Guard would be returned with no chance for appeal, thus reinforcing Reagan’s policies, but Pres. Obama has begun looking into the possibility of offering Temporary Protected Status to refugees. For more
criminal immigrants. When the media revealed that some of the Mariel Cubans had been released from prison before coming to the U.S., enormous public outcry erupted, leading to a mass (false) generalization that the majority of those entering the United States had criminal backgrounds. Reagan’s “war on drugs” also contributed to the criminal immigration sentiment. Stricter laws regarding drug enforcement caused greater numbers of immigrants with misdemeanor drug possession charges to be classified and detained as criminals. The Anti-Drug Abuse Act of 1988, for example, introduced a new class of deportable drug offenses called “aggravated felonies,” for which both undocumented and documented residents could be detained. Critics viewed this policy as targeting racial minorities and indicating a “racialized shift” in immigrant prosecution.\(^\text{17}\) As Mark Dow writes, “Political rhetoric of the 1980s brought together two indefensible enemies of the state: the criminal, especially the drug criminal, and the alien.” The 1990’s saw a new socio-political movement: the “war on terror.” A suspicion of undocumented immigrants as potential terrorists reduced due-process rights and reintroduced themes of national security to ongoing immigration debates. Policy such as the aforementioned IIRIRA was considered stern but acceptable, as the safety of the United States was now perceived to be in jeopardy. Furthermore, it is notable that both Republican and Democratic administrations held similarly stringent views on immigration detention. Despite the more “progressive” tone of Pres. Clinton’s administration, he, as well as every other president, failed to offer any alternative to the current system of detention.

With the 9/11 attacks on the United States, detention policy underwent a complete restructuring, building significantly on the “war on terror” immigration policies of the

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\(^{17}\) Ibid, 72
past decade. This began with the dismantling of the INS in 2003: all of the agency’s former responsibilities were now designated to the Department of Homeland Security, with matters of deportation and detention now directed through a new bureau: Immigration and Customs Enforcement (ICE). Within the following year, ICE developed a ten-year strategic plan for the organization entitled “Operation Endgame.” The mission of Operation Endgame can be summarized as such: “To remove all removable aliens from the United States.”

To fund Operation Endgame, ICE requested a $4 billion budget, including $100 million for detention and removal of illegal aliens and in December, Pres. Bush signed the Intelligence Reform and Terrorism Prevention, which called for 40,000 new immigrant detention beds. With a renewed focus on widespread detention and deportation, U.S. immigration policy began to garner more attention, and by the late 1990’s and into the 2000’s immigration detention practices began attracting media investigations and a proliferation of lawsuits, raising the public’s consciousness of these “invisible” institutions. One point of controversy was the length of indefinite detention legally permitted. A 2001 Supreme Court case, Zadvydas v. Davis, intended to limit the power of ICE and shorten the maximum length of indefinite detention. However, follow-up investigations by the Government Accountability Office found that ICE had made little change to their policies—in March 2009, the Associated Press found that of the 18,690 detainees with no criminal record, more than 400 had been incarcerated for more than a year and more than 10,000 had been held longer than the legal standard of 31 days.

While the public’s concerns and suspicions towards immigration detention centers have been steadily growing over the past twenty years, the detention facility that has consistently remained at the epicenter of controversy, the target of the most lawsuits and the most investigations, has been the Krome Service Processing Center. I will be using Krome as a contemporary case study for the issues and controversies that have surrounded immigration detention centers in the past twenty years. The events and experiences at Krome are not universal to all detention centers—Krome, as the primary detention center for Caribbean immigrants to the U.S. may face different challenges than a detention center in Texas, holding predominately Mexican immigrants. Nonetheless, the events that have transpired at Krome offer a compelling, diverse view of the obstacles facing both those overseeing detention centers and those who are detained.

Krome

Krome Service Processing Center is a minimum-security facility, located in an almost completely isolated location bordering the Florida Everglades. As previously noted, it was opened in 1979 to accommodate the large number of Mariel Cubans, but began housing immigrants in 1982 in order to detain the large numbers of Haitian refugees being held under Pres. Reagan’s enhanced policies. Krome is one of several U.S. processing centers operated by the INS and ICE (the majority are run by local governments or private detention companies, a theme I will later address). Krome is frequently described as a prison, and at first glance it’s easy to see why. All detainees must wear uniforms, buildings are surrounded by high cement fences topped with razor wire, and center guards take target practice nearby causing an incessant melody of
gunfire to be overheard at Krome.\textsuperscript{22} As Miami Mayor Xavier Suarez said in 1991, while arguing for the permanent closure of Krome, “It looks like a jail. It smells like a jail. It is…a symbol of disparate treatment.”\textsuperscript{23}

The above images show how Krome is represented, both officially and unofficially: the first picture was taken by an amateur photograph and found on an internet blog, while the second image is the “official” presentation of the facility, as

\textsuperscript{23} Jeanne DeQuine “Critics call for closure of immigration center” \textit{USA Today}, 14 June 1991: 6A
found on the governmental website.\textsuperscript{24} The second picture depicts the main administrative building of Krome; the detainees themselves are held in separate dormitory structures, behind the main building. It’s clear that the official picture of Krome is a quite flattering representation of the facility—it looks like a standard office building, and the tropical landscaping makes it almost welcoming. The unofficial picture, however, makes Krome appear much more prison-like. We can see the high fence with the wire strung across the top, serving to keep detainees inside, as well as the low-lying cement structures with small windows.\textsuperscript{25} As Edward Calejo, a former Krome officer who served prison time for detainee abuse, has stated, “When you pass that administration building, that’s where the world begins. Another world begins.”\textsuperscript{26}

Krome is now classified by the Office of the Inspector General as a “long-term detention facility” despite its original purpose as a highly temporary processing center for Mariel Cubans. In 1986, four years after the center began detaining immigrants, Florida Senator Lawton Chiles filed a lawsuit aimed at forcing authorities to transfer criminal refugees from Krome. Florida Governor Bob Graham corroborated Sen. Chiles’ stance, stating: “Krome was never intended to be anything but a temporary facility designed for minimum-security purposes.”\textsuperscript{27} Almost twenty five years later, it’s estimated that fifty-percent of Krome’s refugees have a criminal record and there is little separation between convicted criminals and the general detainee population.\textsuperscript{28} However, because of the

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\footnotetext[25]{Image Two: Division of Immigration Health Services, “Krome Service Processing Center,” <http://www.inshealth.org/Facilities/Krome.shtm>}
\footnotetext[26]{For an aerial map displaying the full layout of Krome Service Processing Center, see Appendix A.}
\footnotetext[27]{Dow, 60.}
\footnotetext[28]{Cheryl Little and Joan Friedland “Krome’s Invisible Prisoners: Cycles of Abuse and Neglect” (Miami: Florida Immigrant Advocacy Center, 1996): 17.}
\end{footnotes}
highly transient population at Krome it has been extremely difficult for investigators to

gain any concrete data and statistics as to the countries of origin, criminal histories, etc.
of detainees. It remains unclear if ICE possesses this information and is refusing to
release it to the public, or if the transitory nature of immigration detention makes these
statistics impossible to maintain.

Alongside increasing concern from the state government, 1986 was also marked

by a large-scale detainee uprising at Krome, the first of many to come in the next two
decades. According to the newspaper write-up, “About 150 Mariel refugees pelted guards
with rocks and set fire to mattresses and furniture Wednesday when officials tried to
break up an extortion ring operating inside the Krome Detention Center.”29 During the
chaos, many inmates, both criminal and non-criminal, tried (unsuccessfully) to escape
and warning shots as well as tear gas were used by the center’s guards. Other inmate
protests have been less violent: in 1990, more than eighty illegal immigrants,
predominately Haitian and Chinese, went on a hunger strike to protest federal
immigration policies that allowed for the quick release of Cubans, but the extended
detention of other nationalities. The strike lasted four days, and ended with officials
promising to review their asylum claims and consider a parole program, that would allow
some detainees to be released until their hearings.30 In 1996 another form of peaceful
protest took place when 170 detainees attempted to raise awareness of their living
conditions at Krome by signing a notarized petition documenting complaints and
demanding improvements. The petition included grievances of dramatic overcrowding,
forcing men to sleep on cots in hallways, as well as unsanitary conditions, such as

30 Kimberly Crockett “Krome Strike Ends.” The Miami Herald, 31 August 1991: 3B.
detainees being allowed only one change of clothes a week and being refused access to restrooms. One Nigerian detainee suggested that the conditions at Krome were a form of “psychological torture,” intended to break the spirit of asylum-seekers and encourage them to accept voluntary deportation.\textsuperscript{31}

These episodes of violence and protest at Krome were well-documented by both the local and national media, and Krome suddenly began attracting significant amounts of unwanted attention from human rights advocates and law groups. The most notorious investigation took place in 1995, when the Congressional Task Force on Immigration Reform was sent to Krome to look into allegations of abuse and inhumane living conditions. It was later revealed that the INS had gone to extensive lengths to hide the true conditions at Krome; the facility had been cleaned up and many detainees were temporarily transferred to other centers to make the dramatic overcrowding appear less significant—these actions were undertaken “with the explicitly stated intent to deceive the delegation.”\textsuperscript{32} An internal INS e-mail regarding the investigation stated: “Current population is 377. We intend to move 40-50 aliens to non-Service facilities upstate…to be stashed out of sight for cosmetic purposes.”\textsuperscript{33} The 1995 scandal, labeled by the media as “Kromegate,” set the tone for the difficulties the media (The Miami Herald and the Sun-Sentinel, in particular), as well as advocacy groups (such as the Florida Immigrant Advocacy Center) would have in gaining access to Krome. Thus, a large portion of what is known about the conditions and operations of Krome has come from detainee testimonies, lawsuits, and the occasional federal report.

\textsuperscript{31} Andres Viglucci “Inmates complain of crush at Krome” The Miami Herald, 16 February 1996: 1B.
Treatment of Detainees

Perhaps the most chronic issue for Krome Service Processing Center has been how to deal with overcrowding. Miami is the central port of entry for Caribbean immigrants, and it is difficult for authorities to predict when an influx of Cubans or Haitians will occur. In 2006, an ICE spokesperson admitted that Krome was holding 927 detainees, despite a publicly stated capacity of about 580. This was the highest number of detainees held since the 1980 Mariel boatlift, when according to a 1996 Justice Department report, Krome was “used to detain up to 2,000” people.34 Detainees estimated the actual 1996 population to be about 1,100, and in November 2006, 255 detainees wrote a letter to the local media complaining of excessive overcrowding. The letter stated, “The campus is overcrowded like sardines, causing a lot of tension that leads to confrontation, unsanitary dorm, showers, and clogged toilets (5 toilets per 120 detainees)...flies, shortage of hygiene items, and recreational activities taken away.”35 The overcrowding repeatedly reported at Krome can lead to other major problems for a contained facility; in 1995, Dr. Ada Rivera, the chief of the Public Health Service Clinic at Krome warned that the overcrowding could have “serious health consequences” and immediate action should be taken to “prevent any potential epidemics.”36 Despite the severely overtaxed conditions, the Department of Homeland Security has shown little interest in the concept of releasing asylum seekers, and instead only detaining high-risk immigrants (those with a criminal record or who pose a tangible threat to society.)

34 Alfonso Chardy “Krome’s population swells” The Miami Herald. 23 September 2006: 1B.
35 Ibid.
36 Little and Friedman, 17.
Issues of racism and physical abuse on the part of Krome’s INS guards have been repeatedly referenced in investigative studies on Krome, such as the Florida Immigration Advocacy Center’s 1996 report, “Krome’s Invisible Prisoners: Cycles of Abuse and Neglect.” In June 1992, Haitian detainees made allegations that guards had “physically abused them, compelled them to scrub toilets with their bare hands, and to pick up cigarette butts in the dark, confiscated their Bibles, and justified this treatment by telling detainees they were HIV positive anyway.”37 Other former detainees have said that they feared filing complaints about guards’ behavior, out of concern they would be transferred to a county prison, where conditions may be worse and they would be surrounded by convicted criminals. A highly publicized lawsuit came in 1996, when INS officer Edward Calejo pled guilty to felony charges of depriving a detainee of civil rights. After a verbal altercation, Calejo placed a detainee in a small cell where he punched the detainee in the head, and kicked his body repeatedly. He later tried to cover up his actions and bribe his fellow guards to serve as false witnesses.38 Constance K. Weiss, an INS administrator at Krome claims these incidents are highly isolated and not representative of the general atmosphere at Krome, posing the question, “Why would we want to run a place where we beat the hell out of people?” Immigrant advocates respond in two parts: “To discourage other potential refugees and because it’s easy to get away with.”39

Treatment of female detainees, who make up approximately 7% of the detained population, has been an especially sensitive issue at Krome. In 2000, the Women’s Commission for Refugee Women and Children published a report entitled: “Behind Locked Doors: Abuse of Refugee Women at the Krome Detention Center.” In the

37 Ibid, 29.
38 Ibid, 29.
39 Welch, 123.
report’s executive summary it stated: “Women consistently describe an atmosphere of fear and intimidation in (Krome). Sexual abuses ranging from rape to sexual molestation and harassment have been occurring repeatedly at the hands of at least 15 male INS officers” and goes on to state that due to language barriers and lack of access to legal services, female detainees are especially vulnerable to abuses. Four months after the publication of the report, the Immigration and Naturalization Service temporarily moved all 90 women being held in Krome, including 55 refugees pleading for asylum, to a Miami-Dade county jail. While the INS promised the women would be kept in a “full service, state of the art” facility, critics became outraged that the victims were the ones being displaced. “Where else in the United States do you jail the people who were sexually abused rather than the people who committed the abuse?” questioned Wendy Young, Washington liaison for the Women’s Commission for Refugee Women and Children. Cases of sexual abuse at Krome persist: in 2008, an ICE agent plea guilty to aggravated sexual assault of a Jamaican immigrant woman and was sentenced to seven years in prison.

Access to Medical Care

Over the past two decades, Krome has been continually plagued by reports of substandard medical conditions. In a series of interviews and visits done by the Miami Herald in 1998, the media noted systematic difficulties (Krome infirmary is designed for short-term stays and is not always equipped to handle the increasingly long holding periods of chronically ill detainees), poor sanitary conditions (the Herald reports: “the clinic dorm periodically is invaded by roaches” and a Krome worker states “there has

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40 Women's Commission for Refugee Women and Children, 6.
41 Fredric N. Tusky “Detained immigrants who alleged sex abuse are transferred to jail; advocates say victims are being punished” San Jose Mercury News, 13 December 2000: 14A.
been no regular fumigation whatsoever.”), poorly trained or understaffed medical teams (Krome has only one physician on site, and nurses are accused of “(ignoring) all but the most severe ailments.”) and other miscellaneous issues.\(^{43}\) Cleanliness has been a recurring complaint of detainees: patients report having to wear dirty uniforms due to Krome’s frequently malfunctioning laundry system, while others claim that detainees are paid a dollar a day to clean the facilities, but can only use water rather than bleach, since a detainee had once drank bleach in a suicide attempt.\(^{44}\) A story used repeatedly in the media throughout the late 1990’s was that of Ashley Anderson, a Jamaican detainee who suffered from paraplegia and diabetes and was extremely vocal about the quality of health care he was receiving at Krome.\(^{45}\) During his stay, Krome did not have the proper size wheelchair to move the paralyzed Anderson, so he was forced to use one that was uncomfortably small. Since the facility had no electric beds, Anderson was placed in a crank bed where nurses had to shift his position (so as not to harm his severe bedsores); other detainees claim they were kept awake for hours at night by the sound of Anderson’s painful cries for assistance. One nurse, in a rushed attempt to reposition Anderson, managed to dislocate the detainee’s arm. Subsequent medical staffs were more hesitant to move him, and thus his bed sores became worse, eventually becoming infected before he was relocated to a Miami hospital.\(^{46}\) He died several weeks after his removal from detention. This story has been used to illustrate the lack of resources, lack of proper training, and lack of response from medical professions in the Krome Service Processing Center.

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\(^{43}\) Andres Viglucci “Critics of clinic paint a tarnished Krome” *The Miami Herald*. 21 September 1998: 1A.

\(^{44}\) Ibid.

\(^{45}\) Andres Viglucci “Inmate death spurs call for Krome review” *The Miami Herald*. 31 January 1999: 1B.

\(^{46}\) Ibid.
In 2001, in response to backlash surrounding Krome’s medical treatment of detainees Michael Rozos, the ICE Director in charge of Florida detention and removal operations told the Miami Herald, “With our partners, the United States Public Health Service...Krome provides a safe, secure, and humane environment.” Lt. Comdr. Dawn Anderson of the Public Health Service corroborated, “When they come in, we assess their needs, and we provide them the best medical care they could possibly get.” Many recent studies and reports by detainees, however, have pled the precise opposite: that medical treatment at Krome is neglectful, primitive, and insufficient. One unexpected source of substantiation against Krome has been former employees of the Krome Public Health Service. A former staff member anonymously told the Miami Herald in 1998: “The majority of the staff there right now is insensitive. They view the people in there as criminals...they just totally ignore them. Staff gets the attitude that no one is really sick. They treat people like everyone is faking it.” Stories like that of Joseph Dantica and Ashley Anderson have created a public that is even more wary towards the condition of Krome’s clinic, as well as of immigration detention nationwide, where in the past five years some 83 detainees have died in, or soon after, custody according to a 2008 Washington Post investigation. Of these 83 losses, 32 of the detainees were under age 40, and actions taken by on-site medical staffs are believed to have contributed to 30 of the detainees’ deaths. Some have attributed conditions to a lack of federal financial commitment: since 2001, the number of detainees has more than tripled to 311,000 (according to the ICE) however funding for the Division of Immigration Health Services (DIHS) has not quite doubled, possessing a $61 million budget for the 2007 operating...
year. Neil Sampson, who served as an interim director for the DIHS, has himself questioned the ICE’s commitment to detainee health and has said that in the world of immigration detention, health care is treated “as an afterthought.” 50

**Financing and Administration of Detention Centers**

A lack of accountability and oversight has contributed to the public suspicion surrounding Krome. Immigration detention relies almost completely on internal reviews by the ICE, and there are no regular, federally mandated audits except in extreme cases. (For example, after the media outcry following Joseph Dantica’s death, a governmental investigation into medical conditions at Krome was initiated. But in general no federal agency is required to track deaths in immigration custody, and if one does occur the results are often not released to the public.) In January 2007, the Inspector General (OIG) of DHS published a report entitled “Treatment of Detainees Housed at Immigration and Customs Enforcement Facilities” which followed the ICE in its annual inspection process. Among the OIG’s findings were “numerous instances of non-compliance with the detention standards that were not reported in the most recent ICE annual inspections.” 51 Although the report noted that Krome was out of compliance with general standards on health care, disciplinary procedures, and access to legal materials, it was still given an “Acceptable” rating by the ICE’s internal review. Also lacking has been a strict oversight policy for detainee grievances. Krome has a secured box where detainees can write grievance reports, and Krome’s Standard Operating Procedures mandate that “…Operations will assign a Second-line Supervisory Immigration Enforcement Agent to the duties of Grievance Officer.” However, according to the OIG’s 2007 report, of 146

50 Ibid.
grievances filed in 2004, only five were actually resolved by the grievance officer as required.⁵² Former detainees filed a federal suit in 2008 demanding the Department of Homeland Security issue legally enforceable regulations for its detention centers, and used the 2007 OIG Report as evidence of inefficiency and abuse.⁵³

Krome is operated and overseen by the federal government which makes it something of an anomaly as the detention industry grows increasingly dependent on private contractors. As demand for immigration detention beds has expanded at an alarming speed, the government has found itself unable to house the large number of detainees in local prisons or in centers like Krome and have looked to businesses such as the Corrections Corporations of America (CCA) to fill the gap.⁵⁴ After 9/11, Homeland Security Secretary Michael Chertoff told Congress that as many as 80 percent of immigrants were failing to show up for deportation hearings and reasoned that the main problem was a lack of detention beds to hold them until their hearing. The private corrections industry is recording huge revenues off of immigration detention: CCA has reported record profits every year since 2003, with the largest increase coming in 2006 when ICE doubled its detention beds from 19,500 to 27,500 and CCA won contracts to prove about half of the new beds.⁵⁵ Forty percent of CCA’s $1.7 billion revenue in 2009 was generated by immigration detention.⁵⁶ It appears that funding for detention will continue to rise; the 2008-2009 ICE budget designated $250 million for detention

bedspace, bringing the total number of beds to 32,000. By comparison, alternatives to
detention, such as releasing immigrants with electronic monitors and requiring regular
visits with immigration agents, were allocated just $10 million in funding. Private and
contracted detention now accounts for over 60 percent of detainee bed space
countrywide.\footnote{Oboler, 49.}

The process of immigration detention, both in Krome and throughout the nation,
has been a policy shrouded in controversy and debate. Lack of transparency on the part of
INS, ICE, and the Department of Homeland Security has created widespread distrust
among the media and the public, while the stories and testimonies of former detainees
have served as powerful corroboration for existing concerns. While certain reports may
be exaggerated, the trend of detention policy is clear: alien detention centers are not
serving a purely administrative role. From their beginnings at Ellis Island, holding
immigrants from countries opposing the U.S. in the war, to their contemporary
incarnation, represented through the Krome Service Processing Center, detention centers’
conditions and practices have consistently served to discourage future undocumented
immigrants as much as they have served to organize immigrants already here. As
disturbing allegations and detainee lawsuits continue to propel Krome into the national
limelight, ICE will need to provide better answers to questions of treatment, medical care,
and oversight at their facilities. Immigration detention has long operated outside the
bounds of the public consciousness, but its startling expansion, aggressive methods, and
increasing media coverage suggest it cannot avoid regulated oversight much longer.
Appendix A

Primary Sources

Newspapers

The Sun-Sentinel: 1986.

Investigative Reports & Briefings


**Court Cases**

Fong Yue Ting v. United States. 149 U.S. 698: 1892.
Wong Wing v. United States. 163 U.S. 228: 1896.
Zadyvas v. Davis et al. 533 U.S. 678: 2001

**Secondary Sources**


