



Decades of Violations at the Yuba County Jail: An Urgent Call to End their Contract with ICE

BRIEF CREATED BY THE YUBA LIBERATION COALITION

June 2022

ABOUT THE YUBA LIBERATION COALITION

The Yuba Liberation Coalition (YLC), formerly Somos15 and then FreeTheYuba11, was created in the wake of the pandemic when legal service providers, organizers, and advocates joined efforts to free as many people from ICE custody at Yuba County Jail as possible. The Yuba Liberation Coalition continues to work closely with currently and formerly detained individuals, as well as faith groups, grassroots & immigrant rights organizations, and community members to fight for the liberation of everyone in immigrant custody at the Yuba County Jail and to terminate the contract between the jail and ICE.

Organizations that make up the Yuba Liberation Coalition include the ACLU of Northern California, California Collaborative for Immigrant Justice, Faithful Friends, Pangea Legal Services & Carlos Saucedo.

Authors: Laura Duarte Bateman - CCIJ, Edwin Carmona-Cruz - CCIJ, Minju Cho - ACLU

ACKNOWLEDGEMENTS

First we want to thank currently and formerly detained individuals for sharing their stories with us and allowing us to fight alongside them for liberation. The work doesn't stop until everyone is free.

We also want to thank the organizations, communities and individuals that have fought tirelessly for decades to end the contract between Yuba County Jail and ICE and have laid the foundation for our work. To them, and to all other side fights that nurture our knowledge, strategies and ac-

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The Yuba Liberation Coalition and community members outside of ICE's offices in San Francisco demanding the end of the contract between the agency and Yuba County Jail. December 15, 2021

PURPOSE

The purpose of this brief is to gather the evidence that has resulted from the work of cross collaboration between formerly detained individuals, advocates and legal service providers. For decades, people detained for ICE at the Yuba County Jail (YCJ) have denounced its conditions and fought to inform the public about what is happening behind its walls.

As of late June 2022, there are only 4 individuals detained at YCJ. **This relatively low number makes terminating the contract logistically far simpler than it might otherwise be.** This is a critical moment for immigration advocates to call on local and national leaders to do the right thing and end Yuba County Jail's ability to detain immigrants.

The damning trail of evidence shared in this brief demonstrates that not only is immigration detention at YCJ cruel, but completely unnecessary. What follows is a representative summary of evidence and collection of resources from a variety of stakeholder perspectives substantiating the ongoing demand for closure.



Community members holding a vigil for the 8 men that remained in ICE custody at the Yuba County Jail. May 31, 2022

BACKGROUND



Yuba County Jail entrance

Yuba County Jail is the last county jail in California to have an Intergovernmental Service Agreement (IGSA) with Immigration and Customs Enforcement (ICE). **Out of the eight immigration detention facilities in California, Yuba County Jail is the only one that operates under a public contract, and is not privately owned and operated by a for-profit prison corporation.**

The jail is operated by the Yuba County Sheriff's Office and located in Marysville, California. ICE has been

detaining immigrants at the Yuba County Jail since 1994. While in recent years other counties have voluntarily ended their cooperation with ICE, Yuba County has not. People frequently lose months –if not years– of their lives to ICE detention, despite the fact that they could be safely released to their families and communities while they fight their case.

A COUNTY'S FINANCIAL DEPENDENCE AT THE EXPENSE OF HUMAN RIGHTS

Like many counties across the U.S. that hold contracts with ICE to detain immigrants, Yuba County depends heavily on its IGSA with ICE to make ends meet. For the past three decades Yuba has struggled financially, partly due to two fatal floods in 1986 and 1997 that caused over \$395 million in damage altogether. The biggest loss was attributed to the flood of 1986 when Peach Tree Mall, the “economic driver”¹ of the county, was completely destroyed by the water. The mall had only been in operation for a little over a decade. It included a movie theater, an arcade, and over 57 businesses that never came back.

In the late 1990s ICE showed up with a quick solution for the struggling county: secured payment to detain immigrants at their county jail. Over the years ICE has been amending to expand their contract with Yuba County Jail. Meanwhile, the county is being sunk into financial dependence at the expense of human rights.

Although ICE presented what seemed to be a life-saving solution for Yuba County at a time of desperation, it has forced the county to be stuck in the past. **The financial agreement between ICE and Yuba County does not represent economic growth for the latter.** Instead of separating families and causing suffering in order to get by, Yuba County could bring communities together, make businesses flourish and activate the local economy if it received financial assistance to invest in sustainable economic infrastructure.



Image from the 1986 Yuba River flood. The top of Peach Tree Mall can be seen in the mid left.

Photo courtesy of Ron Crites for Appeal Democrat

IGSA CONTRACT DETAILS

Yuba County Jail began detaining immigrants in 1994. In 2004, ICE Office of Detention and Removal signed an Intergovernmental Service Agreement (“the ICE contract”)² with the Yuba County Sheriff to begin detaining immigrants at the Yuba County Jail.

- On November 18, 2008 the ICE contract was updated to increase bed capacity for ICE detainees to 220, half of the total bed capacity at YCJ.
- The April 2020 and May 2020 amendments to the ICE contract respectively extended the contract “indefinitely” with no expiration date.
- A 150 bed minimum was added at a rate of \$158.13 per bed per day, amounting to a **minimum payment from ICE to YCJ of \$23,719.50 per day** regardless of how many people are detained at the facility.
- Between October 27, 2021 and December 27, 2021, no one was detained in ICE custody at YCJ, yet ICE paid Yuba approximately \$1.28 million.



C Pod inside Yuba County Jail, photo courtesy of Rosen Bien Galvan & Grunfeld LLP



Jail cells inside Yuba County Jail, photo courtesy of Rosen Bien Galvan & Grunfeld LLP



H Tank inside Yuba County Jail, photo courtesy of Rosen Bien Galvan & Grunfeld LLP

CONSENT DECREE: A DARK PAST AND UGLIER PRESENT

Yuba County Jail has been operating under a federal-court-ordered consent decree since 1979 due to deficiencies in “medical and mental health care, staffing, grievances, and exercise and recreation.”³ On August 23, 2018, the parties agreed to an Amended Consent Decree which required improving health and recreation conditions as well as disability access.

The Amended Consent Decree was approved on January 30, 2019. Nevertheless, recent reports by Rosen Bien Galvan & Grunfeld LLP (RBGG), the court-appointed monitor of the consent decree, consistently show that Yuba County Jail remains persistently non-compliant with numerous provisions of the Amended Consent Decree, particularly with regard to inadequate medical care.⁴

The report demonstrates:

- One person died in a holding cell at Yuba County Jail after “Jail staff failed to adhere to several policies and protocols during the three days [the deceased individual] spent at the Jail before his death,” including the failure to have him examined by a healthcare practitioner or sent to the emergency room for evaluation.
- YCJ regularly and inappropriately places individuals with serious mental illness in administrative segregation; fails to provide any inpatient mental health care, inadequately staffs medical and mental health care services, denies disability accommodations based on inappropriate blanket rules and without due process, and unreasonably delays in providing specialty care.

In 2016 advocates and lawyers counted at least 41 suicide attempts in a span of two years inside of Yuba County Jail.⁵ Not even a year later, Bertram Hiscock, 34, died by suicide at the facility.⁶

A judge had declared Hiscock not mentally competent to stand trial. Despite knowing this and two prior suicide attempts at YCJ, they didn’t give him proper care. He died from self suffocation.

The most recent death by suicide occurred on December 1, 2021. These findings, which have been consistently denounced by detained individuals and documented by journalists, advocates, organizers, and legal service providers, show decades of violations by Yuba County Jail of human rights and detention standards.

In 2021, eight individuals who were detained at one of the eight detention facilities across California, including at Yuba County Jail, filed an Office of Civil Rights and Civil Liberties complaint⁷ for First Amendment Rights violations due to retaliation the named individuals’ suffered for their participation in hunger strikes.



R Pod inside Yuba County Jail, photo courtesy of Rosen Bien Galvan & Grunfeld LLP

COMMUNITY LEGAL DEPOPULATION EFFORT

At the start of the COVID-19 pandemic in March 2020, ICE was incarcerating approximately 175 people inside Yuba County Jail. Within weeks, a group of immigrants' rights organizations based in Northern California filed a class action lawsuit in federal court in San Francisco, covering all persons detained in Yuba County Jail and Mesa Verde ICE Processing Facility. The lawsuit, *Zepeda Rivas v. Jennings*,⁸ put forth a simple argument: When the government deprives people of their liberty and places them at its mercy, it is responsible for their health and safety. Because jails and prisons are dense, congregate settings, it is impossible for detained people to maintain social distance when facilities are at or near capacity limits. For people to have a reasonable opportunity to keep themselves safe from COVID-19, they must be able to practice social distancing from others. If social distancing is impossible, the government must take action to make it possible—this includes releasing a certain number of individuals from its custody.

Because of *Zepeda Rivas*, the number of people held for ICE inside Yuba County Jail began to decrease. As people were released, with certain reasonable conditions they were required to follow, it became clear that detention had been wildly and unnecessarily overused. ICE claims that detention is necessary to make sure people attend their immigration court hearings, that they don't commit crimes, and that they don't flee. But the *Zepeda Rivas* releases showed that even after the Yuba County Jail population dwindled to a fraction of what it had been—and other litigation and advocacy victories brought that number down even further, to zero—people continued to show up to their immigration court hearings, followed the laws, and stayed with their families and communities: just like they told ICE they would.



Alex, formerly detained at YCJ and released under the Zepeda Rivas Lawsuit with Katie Kavanagh, his immigration attorney. October 30, 2021



Ricardo Vasquez-Cruz, the last member of the #FreeTheYuba11 to be released from YCJ and his family with Jennifer Friedman, his immigration attorney, and members of the Zepeda Rivas and SFPD teams.

VOICES

We have collected a series of testimonies from directly impacted individuals, as well as quotes and excerpts from complaints, Government Oversight reports and letters sent by Congressional Representatives that support our fight to end the contract between Yuba County Jail and ICE.

Directly Impacted Individuals

Hunger strikes and COVID-19: the individuals detained at Yuba County Jail have gone on at least 6 hunger strikes since 2018. Many of the strikes took place during the pandemic in response to the lack of PPE, medical care, and the lack of general protection from COVID-19. Below are the testimonies of Juan Jose Erazo, and Jonny Vasquez two of the individuals who participated in various hunger strikes while they were detained:

“We are more exposed to the illness here than we were before. On Sunday May 10, 2020, I decided to go on hunger strike because of these conditions. I want to change this story. I’ve been locked up a long time...ICE is exposing me to this illness, and they just don’t care. ICE says we’re a danger to society, and that we’re protected from the disease. We aren’t a danger; we are in danger. We’re in danger here because we could get sick at any moment and they are putting us at greater risk. For me, deciding to go on hunger strike isn’t just for me. I’m doing it for everyone here. My voice isn’t just for me. I want people to realize that this just isn’t me and that everyone here is in danger. Here, and in Mesa Verde. We’re not safe.”

- Juan Jose Erazo, 2020

“Going on hunger strike did not completely change the conditions of Yuba County Jail, but when you are detained, there are very limited options you have to raise your voice and to be heard. The only thing you have control over is your own body and what you choose to do with it. I chose to use my body to protest the terrible conditions at the jail. I don’t know that I could have done this before if I hadn’t already been working on improving the condition of my mental and emotional states.”
-Jonny Vasquez, 2020



Jonny and his family, the day he was released from ICE custody at the Yuba County Jail- June 25, 2021

Freedom testimonies: It has been almost a year since Fredy and Leonel, two of the last eleven men detained at the Yuba County Jail before everyone was released from the facility in October 2022, regained their freedom. They now lead very different lives, but will always share the painful memory and the mental, physical and financial long term effects of immigrant detention.

“The first thing I did when I was released from ICE detention was drive with my mom and dad to San Jose to eat tacos. The second was to call my attorney to begin my rehabilitation program as soon as possible. I am doing well in the program and I also work in my family restaurant Alams Taqueria. After being released one of the hardest things for me was fitting into my old clothes. At Yuba they gave us a lot of carbohydrates and soy based food. Almost no fruits or vegetables. In addition to that there was limited space to exercise. Days of tasteless food are over for me, but I still struggle with the health issues I developed while being detained.”

- Fredy Montoya, 2021

“The day I was released, as we were driving on the 5 freeway, I saw the mountains and I knew I was going home. It was a feeling that I had been waiting for for a long time. There are a lot of blues songs that talk about trains and I remember one song that goes “I’m waiting for a train that doesn’t come” that’s how I used to feel. But it finally came. Now that I’ve been released I don’t take anything for granted. I’ve been able to bond a lot with my 16-year-old son who I take to school every day. I also enjoy cooking with my mom. I’m almost done with my parole course and I’m up to date with the electronic and technological advancements that I had missed out on while incarcerated. I’m still wary about the decision from the 9th Circuit, but having my life back makes the wait more bearable.”

- Leonel Sanchez Lagunas, 2021



Leonel celebrating with community members minutes after being granted bond.
September 16, 2021



Fredy outside the family restaurant where he works as a chef.

Federal Accountability

Office of Civil Rights and Civil Liberties (OCRCL) Complaint -

Due to retaliation experienced by immigrants in detention, including some detained in ICE custody at the Yuba County Jail, legal services providers and community-based organizations filed an OCRCL complaint on behalf of eight individuals for First Amendment retaliation:

“Mr. Mejia was treated inhumanely by YCJ deputies. Guards passing his housing area in the night would bang on the bars to wake people with no apparent reason. Mr. Mejia witnessed YCJ deputies intentionally destroying personal property, including photographs and personal radios, a precious link to the outside world. YCJ deputies destroyed Mr. Mejia’s food, ostensibly because it was not in the original packaging. Food items purchased in the canteen were precious because of the poor quality of food served at YCJ. When Mr. Mejia and others submitted grievances about the conditions or mistreatment, they faced retaliation, including further destruction of personal property.”

Government Oversight - In addition to its failure to comply with the Consent Decree, Yuba County Jail also consistently fails to meet ICE’s 2019 National Detention Standards, with which it is contractually obligated to comply. ICE not only fails to record deficiencies but also fails to make facilities accountable for violating their own standards.

- A June 2018 report issued by Office of Inspector General found that ICE’s inspection scheme and subsequent monitoring have not led to sustained compliance with national detention standards or systemic improvements in detention facilities across the country.

- In April 2021’s Office of Detention Oversight (ODO) Inspection, ICE found 31 deficiencies, with nearly a quarter of them in “Medical Care” alone.⁹
- In one instance, a detained person reported that he had not been informed about the results of medical tests conducted months earlier; though the nurse practitioner insisted otherwise, the ODO found there was no documentation indicating the results had been communicated to the detained person.
- YCJ medical staff also failed to inform a detained person about the results of his April 2020 and August 2020 electrocardiogram tests until April 6, 2021—apparently prompted by the ODO’s inspection.
- The jail failed to complete health and/or dental assessments for a quarter of the population detained for ICE within 14 days of their arrival, as required.
- Additionally, ODO found that some credential files of medical staff “did not contain primary source verification to confirm valid professional licensure,” as required; and that the jail’s refusal to provide ODO with requested training records for one nurse prevented ODO from verifying the nurse had completed required training, which the ODO described as “a repeat deficiency.”

Congressional Representatives

In October 2021, 24 members of the California Congressional Delegation—in addition to Congressman John Garamendi, in whose district Yuba County Jail is located—sent a letter to DHS Secretary Alejandro Mayorkas elevating the same concerns noted in this brief and urged him to terminate the ICE contract with Yuba County Jail once and for all. This letter has gone unanswered.

“We ask that you take steps to terminate ICE’s contract with Yuba County Jail. As the last county jail in the State of California with an ICE contract, the facility’s consistently unsanitary conditions and low population makes it a microcosm of the many problems with ICE detention facilities around the country. Significantly, Yuba has been subject to a federal consent decree going back to 1979.3 The decree, which was amended in 2018, requires the county to improve conditions at the jail, including by providing timely medical care, changing the physical structure of the jail, and providing mental health care and suicide risk assessments for certain detainees. Further, the ICE Office of Detention Oversight’s most recent inspection of Yuba revealed 31 deficiencies and found that it was in compliance with only half of the 18 ICE detention standards. Those detained at Yuba have experienced a lack of medical care, broken hygiene facilities, unsanitary conditions including mold and insects, spoiled food, and excessive use of solitary confinement, leading to repeat protests and hunger strikes, when formal complaints were mishandled. In July 2020, guards retaliated against two men peacefully protesting poor conditions related to COVID-19 by ripping up their mattresses and denying them access to phone calls, mail, and soap. As of October 12, 2021, only one detainee remains in ICE custody at Yuba, an obvious waste of resources. We ask that the IGSA with Yuba be terminated, as the facility has proven that is unable to meet the basic detention standards set by ICE.”

- Excerpt from the letter sent by members of Congress to DHS Secretary, Alejandro Mayorkas.

YUBA LIBERATION, CONTRACT TERMINATION!

This brief demonstrates and further supports what the community has always known: detention is not necessary. In the case of Yuba County Jail, the call for the IGSA contract termination is not an extreme demand but rather one that has proven to be logistically possible thanks to the collective efforts of directly impacted individuals, advocates, and legal services providers to depopulate the jail over the past two years. Our communities deserve to be treated with basic human dignity and live a life safe from family separation. It is the hope that we can finally move beyond the troubled past and put an end to this inhumane practice.



The Yuba Liberation Coalition and supporters gather outside the Yuba County Government Center to demand the end of the contract between Yuba County Jail and ICE. March 22, 2022

REFERENCES AND ADDITIONAL RESOURCES

From Advocates and Directly Impacted Individuals

[Yuba Liberation Coalition Landing Page](#)

[Immigrant Detention In California: Opportunities for Accountability](#) - Detention Conditions Report written by Disability Rights California, Immigrant Defense Advocates and the California Collaborative for Immigrant Justice

[Potential violations of Cal. Penal Code § 4002 \(prohibiting the co-mingling of people detained for civil process and people detained or incarcerated for criminal process\) and other unlawful conditions of detention at Yuba County Jail](#) - Letter sent by the ACLU to the Yuba County Sheriff and Board of Supervisors

From Government Oversight

[Office of Detention Oversight Compliance Inspection, April 2021](#)

[Office of Inspector General Report: ICE Needs to Improve Its Oversight of Segregation Use in Detention Facilities](#)

[Letter from 24 members of Congress asking for the shutdown of three detention centers in California](#)

From Journalists

[2022.01.26 | SF Chronicle | OP ED: I've done time in 12 California prisons. Yuba County Jail immigrant detention was worse than all of them](#)

[2022.01.21 | Appeal Democrat | ICE halts new intakes at Yuba Co. Jail](#)

[2021.12.17 | KQED | Protesters Demand ICE Stop Using Yuba Jail to Detain Immigrants](#)

[2021.11.20 | SF Chronicle | It's the Last California Jail Used In California by ICE. And He's the Last Immigrant Detainee Inside It](#)

[2021.10.28 | La Opinión | Liberan al último inmigrante detenido en cárcel del norte de California](#)

[2021.10.28 | Daily Kos | Last person detained by ICE at California jail is now free following advocacy from groups, lawmakers](#)

[2021.10.21 | Appeal Democrat | Members of Congress call on ICE to end agreement with Yuba County Jail](#)

[2021.10.21 | SF Chronicle | Congressional Lawmakers Take Aim at Three Detention Centers](#)

[2021.10.21 | La Opinión | Piden a Mayorkas cierre de centros de detención de Adelanto y Otay Mesa](#)

[2021.10.21 | Davis Vanguard | And Then There Were Two: Legal Counsel for Last Two Immigrants Held by ICE in Yuba County Jail Tell Court Migrants' Detention Unlawful](#)

[2021.01.27 | KPFA | "Who will make it out alive is a gamble": COVID-19 inside ICE detention in Yuba County Jail](#)

[2021.01.26 | KQED | 'They Didn't Listen to Us': ICE Detainee Who Waged Hunger Strikes for COVID-19 Protections Gets Virus](#)

[2020.12.23 | KQED | Immigrant Advocates Sound Alarm Over Escalating COVID-19 Outbreak in Yuba County Jail](#)

[2018.05 | AP News | Yuba County sheriff: \\$6.5M ICE contract critical](#)

END NOTES

Endnotes

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- 2 Intergovernmental Service Agreement for Housing Detainees . (n.d.). Retrieved June 30, 2022, from <https://www.ice.gov/doclib/foia/isa/igsapa-ssaiccountyjail.pdf>
- 3 C White, C. (2022, January 7). Yuba County Jail Monitoring Report again finds county not in compliance with amended consent decree. Rosen Bien Galvan & Grunfeld LLP. Retrieved June 30, 2022, from <https://rbgg.com/yuba-county-jail-monitoring-report-again-finds-county-not-in-compliance-with-amended-consent-decree/>
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- 9 Office of Detention Oversight Compliance Inspection. (2021, April). Retrieved June 30, 2022, from https://www.ice.gov/doclib/foia/odo-compliance-inspections/yubaCoJailMarysvilleCA_Apr5-9_2021.pdf

The FreeTheYuba11



Javier, released in April after +16 months in ICE detention



Jonny, released in June after +36 months in ICE detention



Maynor, released in August after +36 months in ICE detention



Fredy released in August after +23 months in ICE detention



Leo, released in September after +20 months in ICE detention



Luis, released in October after +16 months in ICE detention



Ricardo, released in October after +36 months in ICE detention



Our hearts are always with Ruperto, Darwin, Marvin and Don Juve, the four members of the FreeTheYuba11 Campaign that were unfortunately deported.