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NEWS RELEASE

FOR IMMEDIATE RELEASE

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EGREGIOUS MEDICAL NEGLIGENCE LEADS TO ANOTHER DETAINEE'S DEATH; PUBLIC JUSTICE JOINS LAWSUIT BATTLING "UNCONSCIONABLE SYSTEM"

Public Justice, the national public interest law firm known for championing immigrant detainees' rights, joined a federal lawsuit Thursday against detention facilities in Virginia that caused the December 2005 death of Sandra Kenley, a lawful permanent resident from Barbados.

The suit charges the administrators and health care providers at two southern Virginia regional jails – Pamunkey Regional Jail in Hanover and Hampton Roads Regional Jail in Portsmouth – with medical negligence resulting in Ms. Kenley's wrongful death and a violation of Ms. Kenley's constitutional right to adequate medical care. Kenley had been suffering from an oversized fibroid tumor, high cholesterol and high blood pressure when she was taken into custody.

On the day she died, Kenley passed out, face down, in her cell at the Hampton Roads facility. Her cell mate called for help, but officials did not respond until it was too late, according to the complaint.

"Ms. Kenley would be alive and well today, if not for the shoddy medical care provided at the Pamunkey and Hampton Roads facilities," said Bernard J. DiMuro of Alexandria, Va., Public Justice's lead counsel in the case. "Ms. Kenley's medical condition was easily treatable, but both facilities allowed her condition deteriorate, ignoring her frequent pleas for help."

The suit, pending in U.S. District Court in Norfolk, was filed by Kenley's sister, June Everett, and marks the fourth time Public Justice has taken on the country's immigration detention system for its medical neglect of detainees.

The first of the cases was filed on behalf of Moises Carranza Reyes, a former member of the Mexican army and police force, whose one-week stay in a squalid, overcrowded Colorado detention facility cost him part of a leg and part of a lung – and nearly cost him his life. The case ultimately settled for \$1.5 million.

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The second case was filed on behalf of Francisco Castaneda, a Salvadoran immigrant, whose penis was amputated after federal detention authorities in San Diego failed to treat his spreading cancer. Castaneda, 36, died from the cancer one year ago.

The third case involves a diabetic immigrant detainee who suffered an injury to his foot while held at the same San Diego facility as Castaneda. Ignored by the medical staff, Martin Hernandez Banderas' injury grew so bad that, at one point, doctors recommended amputating his leg to save his life.

Several former detainees and their relatives – including Castaneda and Everett – shared their horror stories with a U.S. House subcommittee in October 2007. The hearings, coupled with investigative news reports, have exposed a system rife with abuse and neglect from top to bottom.

Just last week, *The Washington Post* reported the death of a German-born detainee at the Piedmont Regional Jail, another Immigration and Customs Enforcement facility. Allegedly, like those in the Public Justice cases, Guido Newbrough's dire medical needs were ignored by authorities until the man was in extremis.

“Ms. Kenley was yet another victim of the unconscionable system of medical care provided to our nation's immigrant detainees,” said Adele Kimmel, Public Justice's co-counsel in all of its detainee neglect cases. “How many deaths will it take before this badly broken system gets fixed?”

What makes Ms. Kenley's case particularly poignant is that she was a legal resident of the United States and should never have been detained in the first place, Kimmel said.

In addition to DiMuro of DiMuro & Ginsberg, and Kimmel, the Public Justice legal team includes Hillary Collyer of DiMuro & Ginsberg; Stephen M. Smith of The Brain Injury Law Center in Hampton, Va.; and Public Justice Goldberg, Waters & Kraus Fellow Amy Radon.

To read the complaint in *Everett v. Cherry*, go to http://www.publicjustice.net/briefs/Everett_Complaint_020409.PDF. To read about the *Carranza-Reyes*, *Castaneda* and *Banderas* cases, visit the Public Justice website at www.publicjustice.net.

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Public Justice is America's public interest law firm, supported by – and calling on -- a nationwide network of more than 3,000 of the nation's top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of the Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is www.publicjustice.net.