



**AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION**

## Florida

**Katie Blankenship | Deputy Legal Director**  
**American Civil Liberties Union Foundation of Florida**  
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**April 22, 2022**

### **VIA U.S. POSTAL SERVICE AND EMAIL**

Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
Office of the Principal Legal Advisor  
District Court Litigation Division  
500 12th Street, SW, Mailstop 5900  
Washington, DC 20536

Office of the General Counsel  
U.S. Department of Homeland Security  
245 Murray Lane, SW  
Mailstop 0485  
Washington, DC 20528-0485  
[ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)

U.S. Customs and Border Protection  
Office of the Chief Counsel  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

U.S. Citizenship and Immigration Services  
Office of the Chief Counsel  
111 Massachusetts Avenue, NW  
Washington, DC 20529-2260

U.S. Department of Health and Human Services  
Office of the General Counsel  
200 Independence Avenue, SW  
Washington, DC 20201

**Re: Claims for Damages under the Federal Tort Claims Act, 28 U.S.C. §§ 1346,  
2671-2680 – Mr. Michael Wallace (A# 037333176)**

Dear Counsel:


The American Civil Liberties Union Foundation of Florida (ACLUFL) represents Mr. Michael Wallace ("Claimant" or "Mr. Wallace"). Enclosed please find an administrative claim we are filing on his behalf under the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-2680. The claim consists of: (1) this Notice Letter; (2) a Claim Authorization Form; (3) a Standard Form 95; and (4) an Attachment to the Standard Form 95 with corresponding exhibits detailing the basis of Mr. Wallace's claims.

In the attached, we detail how federal government officers, in conjunction with their private contractor agents, violated Mr. Wallace's rights by failing to ensure he received adequate medical care and sufficient access to validly prescribed medication, without medical justification and in contravention of a valid prescription, causing Claimant to suffer seizures and medical symptoms so severe they required emergency medical treatment and ongoing medical care. Claimant also suffered severe and ongoing emotional distress as a direct result of these intentional and negligent acts and of further acts of intimidation and retaliation against Claimant for seeking legal counsel in connection with these claims.

We are submitting this claim without the benefit of formal discovery. Claimant reserves the right to amend or supplement this claim.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,



Katherine H. Blankenship  
Deputy Legal Director  
ACLU of Florida

Enclosures:

1. Claim Authorization Form
2. Standard Form 95
3. Attachment to Standard Form 95 with corresponding exhibits

CC:

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Armor Correctional Healthcare Services  
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Suite 400  
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Dr. Sheri Manguera  
Armor Correctional Healthcare Services  
Glades County Detention Center  
P.O. Box 39  
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**AUTHORIZATION TO FILE ADMINISTRATIVE TORT CLAIM**

I, Michael Wallace, authorize Katherine H. Blankenship of the ACLU of Florida to submit a claim under the Federal Tort Claims Act on behalf of myself, to the U.S. Department of Homeland Security, the U.S. Department of Health and Human Services, and any other government agency, seeking compensation for the unlawful actions of their employees or agents against me.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Printed Name: Michael Wallace

Signature: 

Dated: 11/12/22

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency:  Department of Homeland Security U.S. Immigration and Customs Enforcement Office of the Principal Legal Advisor District Court Litigation Division 500 12th Street, SW, Mailstop 5900 Washington, DC 20536  *See Notice Letter of April 22, 2022 for all applicable federal agencies provided with a copy of the complaint.			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.  <b>Claimant:</b> Michael Wallace (A# 037333176) Krome North Service Processing Center 18201 SW 12th Street Miami, FL 33194 <b>Representative:</b> Katherine H. Blankenship ACLU of Florida 4343 West Flagler Street, Suite 400 Miami, FL 33134		
3. TYPE OF EMPLOYMENT  <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH  11/04/1960	5. MARITAL STATUS  Single	6. DATE AND DAY OF ACCIDENT  July 31, 2021 - February 24, 2022	
7. TIME (A.M. OR P.M.)  See attached.					
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).  See attached.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).  N/A					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).  N/A					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.  See attached.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
See attached.		See attached.			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE		12b. PERSONAL INJURY		12c. WRONGFUL DEATH	
		\$350,000.00		12d. TOTAL (Failure to specify may cause forfeiture of your rights). \$350,000.00	

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

*Katherine H. Bicklesing, ACLU of FL, legal counsel  
submitting on behalf of Michael Wallace*

13b. PHONE NUMBER OF PERSON SIGNING FORM

786-363-1871

14. DATE OF SIGNATURE

04/22/2022

**CIVIL PENALTY FOR PRESENTING  
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT  
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

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NSN 7540-00-634-4046

STANDARD FORM 95 (REV. 2/2007)

Previous Edition is not Usable

PRESCRIBED BY DEPT. OF JUSTICE  
28 CFR 14.2

95-109

**INSURANCE COVERAGE**

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance?

Yes

If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number.

X

No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible?

Yes

X

No

17. If deductible, state amount.

0.00

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

N/A

19. Do you carry public liability and property damage insurance?

Yes

If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code).

X

No

N/A

**FTCA Standard Form 95 - Attachment**  
**Claimant: Michael Wallace (A# 037333176)**

**Answer 6: Date and Day of Accident:**

Mr. Michael Wallace (A# 037333176) ("Mr. Wallace") was transferred from York County Detention Center ("York") to Glades County Detention Center ("Glades") on or about July 31, 2021. Mr. Wallace's injuries occurred throughout his detention at Glades until his transfer to Krome North Processing Center ("Krome") on or about February 24, 2022. Mr. Wallace's mistreatment includes, but is not limited to, the denial of necessary medical care during his transfer to Glades on July 31, 2021; denial of prescription anti-seizure medication from approximately August 1 to August 5, 2021; and unwarranted segregation, as well as other acts of retaliation and intimidation by Glades County's medical subcontractor, Armor Correctional Healthcare Services ("Armor"), Dr. Sheri Manguiera ("Dr. Manguiera"), and Armor medical staff as well as Glades Officers, from approximately February 6 to February 24, 2022.

**Answer 7: Time (A.M. or P.M.)**

Mr. Wallace's injuries occurred at various times both day and night within the date ranges identified above.

**Answer 8: Basis of Claim**

Mr. Wallace's claims relate to the extreme medical neglect and deliberate indifference he suffered at Glades County Detention Center. His mistreatment and injuries occurred throughout his detention at Glades, but were most acute during two primary date ranges, namely July 31-August 5, 2021 and February 6-24, 2022.

The first date range from July 31-August 5, 2021, concerns the denial of necessary medical treatment during transfer and the denial of Mr. Wallace's prescription medication upon his transfer to Glades. Mr. Wallace is epileptic and has seizures if he does not take his medicine regularly. During his transfer from York to Glades, Mr. Wallace became ill and required emergency medical attention. He informed the officer, presumably an ICE employee or other contractor, who was driving the transfer bus, but this information was ignored. Mr. Wallace began throwing up on the bus and only when other detainees continued to urgently request help for Mr. Wallace, did the officer finally pull the bus over. By this time, Mr. Wallace was in acute distress.

When the ICE officers finally pulled the bus over, Mr. Wallace required emergency medical attention and was transported via ambulance to the Cleveland Clinic in Weston, Florida. He received treatment for abdominal pain and vomiting and was released to ICE officers several hours later.

Mr. Wallace was then transported to Glades and placed in the medical ward for observation for two nights. During the time he was under medical surveillance, Armor medical staff provided his prescription medication, which had traveled with Mr. Wallace from York.



On August 2, 2021, Mr. Wallace was released from medical observation and moved into his housing unit. That night, during the evening medication distribution, Glades staff refused to provide Mr. Wallace with his prescription medication, including his anti-seizure medication, Carbamazepine. Mr. Wallace spoke with medical staff and Glades officers to explain the importance of taking his anti-seizure medication, but to no avail. Not only did Glades County Sheriff's officers and Armor medical staff deny Mr. Wallace his medication that night, they continued to withhold his anti-seizure medication for the next three days, despite the fact that Mr. Wallace's prescription medication records indicated next to his Carbamazepine prescription: "DO NOT SKIP MEDICATION."

Mr. Wallace continued to plead with officers and medical staff to provide his medication and explained that he would likely suffer a seizure if his medication was not provided. The officers and medical staff ignored Mr. Wallace's pleas and provided contradictory explanations for why they were withholding his prescription medication. For example, one nurse told Mr. Wallace that the medication had been ordered but the pharmacy had yet to provide it. Glades officers and medical staff also claimed to have no record of him receiving or requiring medication, despite Mr. Wallace's Transfer Summary, which sets forth Mr. Wallace's medical conditions, including epilepsy, and lists his prescription medications. Mr. Wallace was also told by Glades officers that his prescription medication from York was in the property room but that they would not provide it to him.

As Mr. Wallace feared, he suffered a seizure on the afternoon of August 5, 2021. After this seizure, Mr. Wallace was taken to the medical unit and seen by Armor's physician, Dr. Sheri Manguiera. Mr. Wallace reports that Dr. Manguiera told him that she had prescribed his anti-seizure medication to avoid further lapses, but that she had changed the medication and prescribed a lower dose. Mr. Wallace's medical records confirm that Dr. Manguiera changed Mr. Wallace's medication and lowered the dosage prior to any initial health assessment, which was not performed until August 6, 2021, and despite his epileptic episode on August 5, 2021.

After his seizure on August 5, 2021, Mr. Wallace began suffering side effects such as headaches, dizziness, chills, and stomach pain. These side effects continue to this day. Mr. Wallace also suffered additional epileptic episodes that we allege were directly caused, wholly or in part, by the actions of Glades officers and Armor medical staff described above: namely the denial of and changes to Mr. Wallace's anti-seizure medication. For example, Glades officers and/or Armor medical staff again denied Mr. Wallace his anti-seizure medication on December 3, 2021, and he suffered additional epileptic episodes on December 22, 2021 and February 5, 2022.

Subsequently, Dr. Manguiera intimidated Mr. Wallace in retaliation for his decision to seek legal counsel in connection with his mistreatment at Glades. Specifically, Dr. Manguiera began discussing his attorney client relationship with the ACLU of Florida with Mr. Wallace, expressing her displeasure with his intent to seek relief for the harm he suffered at Glades and pressuring him to drop his complaints and any potential lawsuit regarding same.

On February 5, 2022, Mr. Wallace suffered another seizure and had to be hospitalized. When he returned to Glades, Dr. Manguiera placed him in medical isolation for eighteen days where he was denied his personal belongings and allowed only limited contact with family and legal counsel. Mr. Wallace was fearful of retaliation due to this isolation and Dr. Manguiera's

comments and attitude towards him regarding his attorney client relationship with the ACLU of Florida.

While in medical segregation, Mr. Wallace also began to experience abrupt changes in his physical responses to his medication. After taking his medication, Mr. Wallace reports that he suddenly began to feel groggy, disoriented, and thirsty to the point of insatiability. Mr. Wallace suspects these symptoms were due to a change in his medication, which was never discussed with or disclosed to him. He feared that his medication was being changed or tampered with in retaliation against him for going public with his complaints about his medical treatment at Glades. He requested assistance and reported these symptoms to Glades officers and Armor medical staff, but received neither assistance nor medical care in addressing his medical concerns and severe symptoms.

Mr. Wallace was transferred to Krome North Processing Center ("Krome") on or about February 24, 2022. Mr. Wallace reports that the extreme physical symptoms he experienced during his last weeks at Glades subsided quickly upon his arrival at Krome.

Pursuant to the National Detention Standards, the Intergovernmental Services Agreement ("IGSA") between ICE and Glades County, and ICE policies and protocols, ICE is required to ensure continuity of care to detainees transferred to other ICE facilities to avoid any disruption to prescription medication and critical medical care. ICE is further obligated to provide its detainees with sufficient medical care and consistent access to prescription medication. ICE has additional obligations and policies to regularly inspect its facilities; ensure that facilities operating pursuant to contracts with outside medical subcontractors, i.e., those not under the direct care of ICE Health Services Corps, are providing sufficient medical care; and to make sure that all facilities adhere to the National Detention Standards ("NDS") or the Performance-Based National Detention Standards ("PBNDS"), whichever is adopted per the contract.<sup>1</sup> Upon notice of any mistreatment or medical neglect, ICE is also required to investigate and ensure correction and compliance with the NDS or PBNDS. ICE failed in these obligations in regard to Mr. Wallace and others similarly situated. ICE's failure to ensure the care of those in its custody and supervise its contractors is violative of the NDS, the IGSA, and the United States Constitution. Such failures are also tortious, substantiating claims that include but are not limited to negligence under Florida law.

Mr. Wallace is but one example of the many instances of extreme medical neglect and deliberate indifference to the medical needs of ICE detainees at Glades. ICE has been provided notice of the systemic problems at Glades, including but not limited to, extreme medical neglect, denial of prescription medication, and changes to medication absent an initial medical assessment or documented medical need through numerous lawsuits.<sup>2</sup> There have also been over 70 complaints submitted to the Department of Homeland Security Office of Civil Rights and Civil Liberties regarding the patterns of abuse at Glades. ICE was also provided a copy of a January 21, 2022 letter from the ACLU of Florida to the Glades County Commissioners

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<sup>1</sup> The IGSA between ICE and Glades County adopts the NDS.

<sup>2</sup> See e.g., *Gayle v. Meade*, 2020 WL 2203576 (S.D. Fla. May 2, 2020); *St. Louis v. Martin*, 2020 WL 3490179, at \*1 (M.D. Fla. June 26, 2020).

documenting Mr. Wallace's specific treatment, a copy of which is attached for reference as **Exhibit A**.

ICE failed to intervene, inspect, and supervise its contractor, namely Glades County and Glades County Sheriff's Office and their medical subcontractor, Armor Correctional Healthcare Services, to ensure that all ICE detainees received proper and sufficient medical care at Glades. Despite notice of specific and serious problems with the medical care at Glades, and Mr. Wallace's experience in particular, ICE continued to fail in its obligations to inspect and ensure that all deficient conditions and the mistreatment of Mr. Wallace and other ICE detainees at Glades were addressed and corrected. This violated ICE's own policies and protocols, as set forth in the NDS and IGSA. ICE further failed to ensure that all detainees in its custody, and specifically Mr. Wallace, were provided sufficient medical care during transfer and upon arrival at Glades.

#### **Answer 10: Nature and Extent of Injury**

As a result of the extreme medical neglect and deliberate indifference Mr. Wallace suffered at Glades as described in detail above, Mr. Wallace was hospitalized on several occasions for epileptic episodes, suffered severe side effects as detailed above and which include but are not limited to dizziness, headaches, chills, and stomach pain, and has ongoing symptoms due to the mistreatment and seizures he suffered at Glades. Mr. Wallace's medication is specifically designed to prevent or greatly reduce the likelihood of seizures, and we allege that his seizures were the direct result of ICE and Glades' failure to provide sufficient medical care and the denial of his critical prescription medication. Mr. Wallace's injuries are also a foreseeable result of ICE's failure to ensure his continuity of care upon his transfer from York to Glades, ICE's failure to supervise its contractor, and its refusal to investigate or intervene upon notice of the extreme medical neglect at Glades to prevent further harm to Mr. Wallace and others similarly situated. Additionally, he continues to suffer from side effects that include but are not limited to chronic headaches, fatigue, dizziness, stomach pain, and chills that we allege are due to or exacerbated by his epileptic episodes and denial of medical care and medication at Glades, as well as emotional distress. Mr. Wallace may suffer long term health effects due to these episodes, the denial of and changes to his medication, and the failure to provide medical care.

Mr. Wallace also suffers from severe emotional distress due to the retaliation and intimidation he experienced at Glades by Dr. Manguiera and other Glades officers and medical staff. He may suffer long term mental health effects and emotional distress based on his mistreatment at Glades.

#### **Answer 11: Witnesses**

- Abraham Sano; A# 098527368, detainee currently housed at Krome
- George Monsour; A# 046824667, detainee currently housed at Krome
- Rohan Jordan; A# 046244081, detainee currently housed at Krome
- Additional detainees who prefer to remain anonymous
- Dr. Sheri Manguiera, Armor Health Provider

- Rana J. Pierce, Armor Health Provider

Possible witnesses also include multiple Glades County Sheriff's Office employees and officers and Armor medical staff whose identities are unknown at this time.

This is not intended to be an exhaustive list of possible witnesses.

**Attachments:**

**Exhibit A: Katherine H. Blankenship January 21, 2022 Letter to Glades County Commissioners and attached exhibits**



American Civil Liberties Union  
Foundation

Florida

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January 21, 2022

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Tony Whidden  
Donna Storter Long  
Jerry Sapp  
Tim Stanley  
Glades County Commissioners  
PO Box 10  
500 Avenue J, Suite 102  
Moore Haven, Florida 33471

**RE: Non-Renewal of IGSA for Glades County Detention Center**

Dear Glades County Commissioners:

I write on behalf of the ACLU of Florida to request that you not renew the Glades County's Intergovernmental Service Agreement ("IGSA") with Immigration & Customs Enforcement (ICE) due to serious, ongoing issues at the Glades County Detention Center ("Glades"). The ACLU of Florida initiated an investigation of Glades in 2021 in response to a number of complaints setting forth strikingly similar allegations of inhumane conditions, medical neglect, exposure to toxic chemicals, racial bias and anti-Black harassment and threats, unwarranted and excessive use of physical force, punitive use of solitary confinement, and failure to maintain records pursuant to federal requirements. Our investigation, which included but is not limited to the collection of sworn declarations from detained individuals and the collection and review of medical records and public records, confirms that there are persistent patterns of abuse and neglect at Glades that reflect inhumane treatment of those detained within your county and expose Glades County to potential liability.

I will discuss these issues in more detail and have also provided supporting materials for your reference and consideration. Enclosed herein you will find copies of recent complaints submitted to the Department of Homeland Security, Office of Civil Rights and Civil Liberties ("CRCL"); media coverage documenting many of the longstanding problems at Glades; datapoints and findings from the Florida Detention Database;<sup>1</sup> correspondence from United States Senators requesting the termination of the IGSA; and correspondence to various federal agencies reporting a recent carbon monoxide leak that exposed and injured several Glades detainees and staff members.

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<sup>1</sup> The Florida Detention Database tracks complaints regarding the conditions of confinement and access to counsel at Florida immigration detention centers.

There are several persistent issues at Glades that require specific attention as it is our position that such conditions and treatment of immigrant detainees violates the IGSA, the 2019 National Detention Standards, and the constitutional rights of the impacted individuals. As holder of the IGSA contract, Glades County's liability exposure is significant. I will discuss these issues in turn.

#### **I. Failure to Provide Sufficient Medical Care and Denial of Prescription Medication**

There is a persistent and pervasive pattern at Glades of denying necessary medical treatment and prescription medication. In the past four months, the ACLU of Florida has spoken to over a dozen detained individuals, many of whom have sworn under penalty of perjury that Glades County Sheriff's Office ("GCSO") and Armor Health Care ("Armor"), Glades County's medical care subcontractor who was hired to provide medical care to detained individuals at Glades, systematically refuse medication and/or sufficient medical care and treatment.

The denial of prescription medication is especially acute for recent transfers into Glades. In the summer of 2021, Glades received a significant number of transfers from the Essex and York detention centers in New Jersey and Pennsylvania, respectively. As a matter of course, these individuals were given their prescription medication prior to leaving Essex or York and traveled with their medication down to Glades. However, upon arrival at Glades, prescription medications were confiscated and GCSO and its medical staff refused to provide prescription medication to transferees for typically two to fourteen days.

The denial of prescription medication had, and continues to have, life-threatening consequences. Mr. Michael Wallace arrived at Glades on July 31, 2021. Mr. Wallace's medical records from August 1, 2021 note that he suffers from multiple chronic medical conditions, including "epilepsy and recurrent seizures." His medications include Carbamazepine, which is commonly used to treat seizure disorders. There is also a note in his medical records instructing medical staff: "DO NOT SKIP MEDICATION." Despite GCSO's knowledge of Mr. Wallace's epilepsy and the importance of providing his seizure medication, Mr. Wallace did not receive his medication from Monday night August 2 to Thursday morning August 5, 2021. During this time period, Mr. Wallace pleaded with GCSO and medical staff to provide his prescription medication, explaining that his medication was critical to preventing a seizure.

Medical records from this time frame note that the medication was not provided to Mr. Wallace because "med not available/pharmacy notified." However, Mr. Wallace attests that GCSO had his medication from York, which was initially provided on his first day at Glades and then confiscated without explanation. When Mr. Wallace pressed GCSO and Armor medical staff about why they didn't simply provide his prescription medication from York, he was given contradictory answers. Mr. Wallace states:

The nurses gave me various and contradicting excuses each time I requested my medication. For example, I was told that the medication had been ordered but they were waiting on the pharmacy to provide the medication. I was also told that they had no record of me receiving or requiring medication. I was also told that my medication from York was in the property room and that they would not get it for me.

Michael Wallace Declaration, December 15, 2021.

Due to GCSO's refusal to provide Mr. Wallace his critical prescription medication, Mr. Wallace suffered a seizure in the Glades housing unit on August 5, 2021. Medical records dating from Mr. Wallace's first day at Glades note that he has epilepsy and a seizure disorder and that he takes medication to prevent seizures, but it was not until after his seizure at Glades on August 5, 2021, that Dr. Sheri Manguiera instructed staff to "confirm medication is available for continuity of care going forward." Despite Dr. Manguiera's knowledge of Mr. Wallace's condition, his medication history, and the devastating results of GCSO and Armor's failure to provide such medication, Mr. Wallace reports that Dr. Manguiera changed his medication to a cheaper generic version and decreased his dosage. When Mr. Wallace requested his original medication at the correct dosage, Mr. Wallace affirms that:

Dr. Manguiera also told me that she was prescribing the cheapest drug on the market because I am from Jamaica and since I was likely to be deported, Jamaican doctors would not be able to afford my previous medication and would only be able to afford the cheapest version of the drug. I felt Dr. Manguiera's statements were inappropriate, discriminatory, and not in my best interest. I do not understand why she felt it appropriate to base my medical care on my immigration case and I was frustrated that she refused to provide my medication at the original dosage since it had been working consistently for five years.

Michael Wallace Declaration, December 15, 2021.

Prior to this incident, Mr. Wallace had not suffered a seizure since 2017, when he commenced taking Carbamazepine. After his seizure at Glades, Mr. Wallace has had yet another seizure and continues to suffer severe side effects "including dizziness, headaches, chills, and stomach pain." Michael Wallace Declaration, December 15, 2021.

Mr. Wallace is only one example of GCSO and Armor's failure to provide necessary medical care and medication. Luis Diaz Almanzar arrived at Glades on August 25, 2021 with a first-degree AV block and high blood pressure. His medical records include previous hospital visits for his heart condition and a history of prescribed medication for same. However, his prescription medication for these conditions were discontinued without explanation upon his transfer, and despite multiple requests for medical attention and complaints of chest pains, possible seizures and black outs, and heart palpitations, Mr. Diaz Almanzar was not provided treatment or prescription medication for his heart condition and high blood pressure until almost three months later. In November 2021, he was finally allowed to see an outside physician. The doctor confirmed Mr. Diaz Almanzar's AV Block and instructed that Mr. Diaz Almanzar should follow up with a cardiac specialist immediately. Mr. Diaz Almanzar was transferred out of Glades shortly after this visit without the opportunity to see the cardiac specialist.

Mental health medication is also systematically withheld upon arrival at Glades or prescriptions are changed and/or dosages are decreased prior to mental health assessments. Abraham Sano arrived at Glades on July 31, 2021, another transferee from a northeastern detention center. Mr. Sano suffers from a number of chronic and serious illnesses, including anxiety, bipolar disorder, depression, and hypertension. Like many others, Mr. Sano traveled to Glades with his medication, but it was confiscated upon arrival. Thereafter, GCSO and Armor failed to provide antipsychotic medication, Risperidone, for several days, noting that "med not available/Pharmacy notified via fax." Mr. Sano suffered extreme withdrawal symptoms from the withholding of his medication. Mr. Sano affirms that:

"[T]he sudden stop in my psychiatric medication worsened my mental illness conditions and led to insomnia and serious withdrawal symptoms . . . Several of the men in my unit have diagnosed mental illnesses like myself but the officers and medical staff have not been consistent in their treatment and evaluation. This has led to the deterioration of several detainees' mental health and has resulted in several instances of self-harm and suicide attempts."

Abraham Sano Declaration, December 2, 2021.

GCSO and Armor took no steps to provide Mr. Sano his antipsychotic medication despite his medical intake screening which documents three separate suicide attempts and notes that "[patient] stated everything is good so long as he's taking his medications." Not only that, they provided Mr. Sano with no medical treatment or attention for his serious withdrawal symptoms, which included symptoms of severe depression.

Mr. Diaz Almanzar suffered a similar experience regarding his medication for mental health conditions, which include anxiety, depression, and post-traumatic stress disorder. Mr. Diaz Almanzar's ICE transfer summary notes that he was prescribed Mirtazapine at 30 mg per day. However, Glades' prescription medication records reflect that as of August 25, 2021, the date of Mr. Diaz Almanzar's transfer, the dosage was decreased to 15 mg. However, Mr. Diaz Almanzar's initial mental health evaluation was not until September 16, 2021. Mr. Diaz suffered harmful withdrawal symptoms from this abrupt change in medication. He affirms:

When I asked why my medication dosage was reduced, the psychiatrist told me that he was not in control of Glades' policies and "they only do 15 milligrams at Glades." I had withdrawal symptoms and detrimental side effects due to the abrupt change in my mental health medication. I continued to have out of body experiences and disorientation during my time at Glades, and I experienced several episodes of not knowing where I was. Despite these side effects and withdrawal symptoms, the Glades psychiatrist refused to increase my dosage to the original prescribed dosage. He provided no justification for his refusal besides citing a Glades policy to not provide more than 15 milligrams.

Luis Diaz Almanzar Declaration, December 10, 2021.

Mr. Wallace, Mr. Diaz Almanzar, and Mr. Sano are far from alone in their experience at Glades. The ACLU of Florida has numerous sworn declarations affirming similar experiences, all with the same pattern of extreme medical neglect. GCSO and Armor's failure to provide critical medication and its pattern of arbitrarily reducing dosages or changing medications for cheaper options has led to life-threatening repercussions with lasting damages. Time and again detained individuals at Glades report that they do not feel safe at Glades, that the staff and officers at Glades do not care about their wellbeing, that the doctor and nurses do not listen to them and ignore their sick calls, and that it is impossible to receive necessary medical attention at Glades.

Glades County is contractually and legally obligated to provide sufficient medical care for all individuals detained at Glades pursuant to the IGSA. *See* IGSA at 4 ("The Service Provider is required to house detainees and perform related detention services in accordance with the most current edition of ICE National Detention Standards."). The 2019 ICE Detention Standards instruct that Glades County must



provide “[m]edically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee” and “[c]omprehensive, routine and preventive health care, as medically indicated.”<sup>2</sup>

Failure to provide necessary medical care is not only a breach of the IGSA, but it violates the constitutional rights of the detained individuals. The Eleventh Circuit has made clear that “[t]he knowledge of the need for medical care and intentional refusal to provide that care has consistently been held to surpass negligence and constitute deliberate indifference . . . Furthermore, if necessary medical treatment has been delayed for non-medical reasons, a case of deliberate indifference has been made out.” See *Ancata v. Prison Health Servs., Inc.*, 769 F.2d 700, 704 (11th Cir. 1985).

Not only is failure to provide necessary medical care a constitutional violation, but it also specifically exposes Glades County to potential liability. In *Ancata*, the Eleventh Circuit found the local government responsible for the deliberate indifference of its medical care subcontractor:

The federal courts have consistently ruled that governments, state and local, have an obligation to provide medical care to incarcerated individuals. This duty is not absolved by contracting with an entity such as Prison Health Services. Although Prison Health Services has contracted to perform an obligation owed by the county, the county itself remains liable for any constitutional deprivations caused by the policies or customs of the Health Service. In that sense, the county's duty is non-delegable.

*Ancata*, 769 F.2d at 705 (internal citations omitted).

#### **a. Exposure to Toxic Chemicals and Carbon Monoxide**

In addition to the ongoing pattern of GCSO's failure to provide medical treatment and care, Glades detainees have also been exposed to dangerous toxic chemicals and carbon monoxide. Below you will find the link to an article from Scientific American<sup>3</sup> detailing GCSO's persistent use of toxic chemical sprays in a manner that violates EPA standards and puts detained individuals at serious risk. As noted by Scientific American, the “caustic disinfectants [] have caused breathing problems and bleeding” and can lead to long term damage, such as birth defects and reproductive issues. A complaint regarding the ongoing use of this toxic chemical spray was submitted to the CRCL on August 26, 2021, a copy of which is enclosed for your reference.

Detained individuals at Glades were also recently exposed to a serious carbon monoxide leak that led to several individuals requiring hospitalization. Despite GCSO's knowledge of the leak and the extreme medical risk to those exposed, it directed detained individuals to return to work in the kitchen the exact same day, only a few hours after the first victim of the leak collapsed and was rushed to the hospital. Not only that, but GCSO and Armor again failed to provide proper medical care for those exposed to the leak.

The ACLU of Florida has collected declarations from individuals affirming that after exposure, they experienced severe headaches and other symptoms. Despite GCSO's knowledge of their exposure,

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<sup>2</sup> <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf> at 112.

<sup>3</sup> <https://www.scientificamerican.com/article/immigrants-in-u-s-detention-exposed-to-hazardous-disinfectants-every-day/>.

individuals were only given Ibuprofen and sent back to work in the kitchen, which was the main point of exposure. Several individuals continued to report symptoms for days and weeks after exposure but were merely given over-the-counter pain medication without any further follow-up or blood analysis.

Again, this failure to provide adequate medical care goes beyond negligence and exposes Glades County to claims of deliberate indifference. In *McElligott v. Foley*, the court found deliberate indifference even where physicians “provided some medication” because the patient “continued to feel severe pain and as his condition deteriorated, [the physicians], with knowledge of [the patient’s] condition, failed to provide care in response to his needs.” 182 F.3d 1248, 1258 (11th Cir. 1999).

Details of the carbon monoxide leak and GCSO’s failure to prevent and properly address the leak is detailed in a letter submitted to you, the Glades County Health Department, ICE, and the Occupational Health and Safety Administration on December 10, 2021. It is enclosed here for your reference.

## **II. Unwarranted Use of Force and Punitive Use of Solitary Confinement**

For years now, Glades has been the subject of numerous complaints detailing the unwarranted and excessive use of force, punitive use of solitary confinement, and racialized harassment and discrimination against detained individuals. At the outset, it is crucial to remember that the detention of immigrants at Glades is civil and, therefore, non-punitive in nature. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (explaining that immigrant detention is “civil, not criminal, and we assume that they are nonpunitive in purpose and effect”).

Yet GCSO consistently employs the excessive use of force and solitary confinement as a means of intimidation and punishment without justification or adherence to the ICE Detention Standards.<sup>4</sup> In 2021 alone, there were at least twenty-eight complaints against GCSO officers for excessive use of force and punitive solitary confinement, fifteen of which were submitted in complaints to the CRCL and a number of which are currently the subject of an ongoing investigation by the Department of Homeland Security. Multiple individuals report GCSO officers threatening pepper spray and physical assault to pressure and intimidate detainees. These behaviors are in direct contradiction to the ICE Detention Standards, which state that “[u]nder no circumstances shall force be used to punish a detainee.” 2019 ICE Detention Standards at 44.

Several egregious instances of physical assaults and excessive use of force are detailed below.

- Multiple declarants have reported physical assaults at the hands of GCSO officers at blind spots where there are no surveillance cameras. Mohamed Farah was severely beaten by several GCSO officers after submitting complaints for GCSO’s refusal to provide his prescription medication. These officers threw Mr. Farah against the wall and

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<sup>4</sup> “For the purpose of these standards, force is defined as the physical actions necessary to overcome resistance, to gain control, contain, or restrain a detainee. The use of force is authorized only after all reasonable efforts to resolve a situation have failed. Officers shall use only the force necessary to gain control of the detainee; to protect and ensure the safety of detainees, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility. Physical restraints shall be used to gain control of an apparently dangerous detainee only under specified conditions.” 2019 ICE National Detention Standard, Use of Force and Restraints, Section I at 44.

onto the floor, dragging him away from the pill line where he had requested his medication and into a hallway without surveillance cameras. While Mr. Farah was handcuffed, officers beat him in the face, arms, shoulder, and back. Mr. Farah suffered contusions on his face and body and still suffers from shoulder pain and limited mobility caused by this physical assault. Following this attack, a GCSO officer mocked Mr. Farah, saying "Oh, they got you at that spot" referring to a blind spot without video cameras. When Mr. Farah asked for medical attention, he was denied. Mohamed Farah Declaration, December 10, 2021.

- Another individual, N.T., who is the subject of a complaint submitted to the CRCL on October 1, 2021 (enclosed herein) was severely beaten at Glades' blind spots and pepper sprayed repeatedly while handcuffed. He was then placed in a restraint chair, while handcuffed and without the opportunity to wash off the pepper spray, for over four hours. He continues to suffer pain and numbness in his wrists and thumbs after this incident.
- Abraham Sano and six other African immigrants were attacked at approximately 6:15 am on the morning of September 16, 2021, while most of the men were asleep. Mr. Sano affirms that "[u]nprovoked and unprompted, Captain Gadson and the officers began to throw us against the walls and handcuff us. They did so without warning or providing a reason for the use of physical force. The officers then pepper sprayed me and several other men without warning or reason. Captain Gadson pepper sprayed me directly in my face and the side of my head for approximately one to two minutes as I was being handcuffed." Abraham Sano Declaration, December 2, 2021. Mr. Sano reports that he was then taken to solitary confinement without the opportunity to shower and forced to remain in his uniform, which was soaked with pepper spray, for approximately 30 hours. Mr. Sano suffers from high blood pressure and other serious, chronic medical issues, and his blood pressure spiked to dangerous levels following this assault. His medical records are void of any pre or post medical screening for this use of force, as required by ICE Detention Standards.<sup>5</sup> Two of the other men that were the victims of this attack were also taken to solitary confinement and subsequently attempted suicide. The events of September 16th are detailed in a complaint to the CRCL dated September 22, 2021 and enclosed herein for your reference.

**a. Racial Bias and Anti-Black Discrimination**

Many reports of physical abuse and intimidation at Glades are also rooted in racial bias and anti-Black discrimination. Mr. Farah, a Somali immigrant, who was severely beaten by GCSO officers at a blind spot, affirms that officers repeatedly referred to him as a "stupid Somalian" and "loser," telling him "we don't want you here" and "go back to your country," "all Muslims are terrorists." They further threatened Mr. Farah, stating "We're gonna treat you like an inmate," "We're not ICE, we're county," and "We will treat you however we want to treat you." Mohamed Farah Declaration, December 10, 2021.

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<sup>5</sup> "1. In immediate use-of-force situations, staff shall seek the assistance of mental health or other medical personnel immediately upon gaining physical control of the detainee. 2. In all calculated uses of force, the use-of-force team leader shall seek the guidance of qualified health personnel (based on a review of the detainee's medical record) to identify physical or mental health concerns. If the medical or mental health professional determines that the detainee requires continuing care, he or she shall make the necessary arrangements. Continuing care may involve such measures as admission to a hospital." 2019 ICE Detention Standards, p. 48.

A CRCL complaint was submitted on September 16, 2021 on behalf of Ernst Francois after guards subjected him to targeted harassment and intimidation, racialized threats of death, and arbitrary and retributive imposition of solitary confinement. The facility's director reportedly, and on more than one occasion, threatened to leave a noose in Mr. Francois' cell. This complaint is also included for your reference.

While GCSO officers have the right to use force and solitary confinement when necessary to maintain a safe environment, they must adhere to both the 2019 National Detention Standards and the Eighth Amendment. *See Hudson v. McMillian*, 503 U.S. 1, 10 (1992) ("Punishments 'incompatible with the evolving standards of decency that mark the progress of a maturing society' or 'involving the unnecessary and wanton infliction of pain' are 'repugnant to the Eighth Amendment.'") (internal citations omitted).<sup>6</sup> GCSO's persistent pattern of excessive use of force and mistreatment of ICE detainees fails to comport with the IGSA and infringes upon the constitutional rights enjoyed by all individuals in GCSO's custody.

Not only is this pattern of behavior inhumane and offensive to "the evolving standards of decency that mark the progress of a maturing society,"<sup>7</sup> it exposes Glades County to potential liability sounded in tort and violations of 42 U.S. Code § 1983. For example, in *Thomas v. Bryant*, the Eleventh Circuit affirmed that the excessive use of force in pepper-spraying prisoners resulted in prison officials' liability under 42 U.S. Code § 1983. *See* 614 F.3d 1288, 1304 (11th Cir. 2010).

### Conclusion

The problems and abuses at Glades are not anecdotal or one-off examples of misbehavior by a few bad apples. They are persistent and systemic. They are also issues known to Glades County for many months, even years, yet GCSO has refused or proven itself incapable of addressing them. Many of the CRCL complaints referenced and enclosed were sent to Glades County along with ICE and other federal agencies. Taken together, these failures not only expose Glades County to contractual breaches and legal liability, they show unequivocally that GCSO is incapable of responsibly operating the ICE detention facility within your County.

As stated above, I write on behalf of the ACLU of Florida to respectfully request that you oppose renewal of the IGSA. The rampant problems at Glades, and the negative impact it has on the entire Glades County community, should weigh heavily in your deliberations about whether to renew the IGSA with ICE in March of this year. Not only does Glades County face potential liability for federal and state claims, the IGSA specifically states that Glades County can seek no redress from ICE for legal fees and has indemnification obligations in the event of legal action for Glades County's failure to perform

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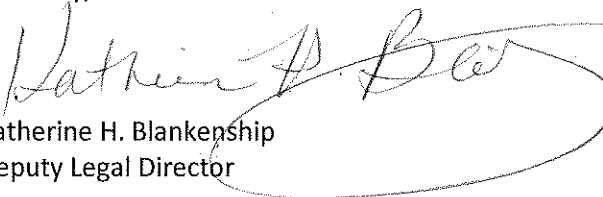
<sup>6</sup> *See also Farmer v. Brennan*, 511 U.S. 825, 832 (1994) ("the Eighth Amendment places restraints on prison officials, who may not, for example, use excessive physical force against prisoners. . . . The Amendment also imposes duties on these officials, who must provide humane conditions of confinement; prison officials must ensure that inmates receive adequate food, clothing, shelter, and medical care, and must 'take reasonable measures to guarantee the safety of the inmates'") (internal citations omitted).

<sup>7</sup> *Hudson v. McMillian*, 503 U.S. 1, 10–11 (1992).

pursuant to the contract and the law. See IGSA, Art. III(C)(7) and Art. XIV. For all these reasons, we urge you not to renew the IGSA with Immigration & Customs Enforcement.

Thank you for your attention to this critical matter. I am available to discuss and answer questions at your convenience.

Sincerely,



Katherine H. Blankenship  
Deputy Legal Director

CC:

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Joel T. Mikelson, Assistant Field Office Director  
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Sheriff David Hardin  
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IMMIGRANT  
ACTION  
ALLIANCE



TOGETHER WE WILL END IMMIGRATION DETENTION

FREEDOM  
FOR IMMIGRANTS



Americans for  
Immigrant Justice

February 22, 2021

SENT VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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***Re: Violations of Civil Rights, COVID-19 Protocols, Reckless Endangerment, and other Abuses at the Glades County Detention Center (Florida)***

Dear Inspector Cuffari and Officer Culliton-Gonzalez:

The following organizations—Americans for Immigrant Justice, Freedom for Immigrants, Immigrant Action Alliance, Southern Poverty Law Center, American Civil Liberties Union (ACLU) of Florida, Florida Immigrant Coalition, Doctors For Camp Closure Florida Chapter, Detention Watch Network, and United We Dream—submit this multi-individual civil rights complaint on behalf of Steve Cooper, Rodney

London, Romaine Wilson, Sebastian Radetic, those previously harmed while detained who may suffer long term consequences, and the approximately 300 individuals whose lives are being recklessly endangered today at the Glades County Detention Center ("GCDC"). We urge the DHS Office for Civil Rights and Civil Liberties (CRCL), pursuant to its authority under 6 U.S.C. § 345, to immediately 1) Investigate Medical Practices at GCDC and Denial of Release, 2) Recommend that ICE Terminate the Intergovernmental Services Agreement (IGSA) with Glades County, and 3) Recommend the Immediate Release of All Individuals Detained to Community.

The above named organizations provide this accounting of Immigration and Customs Enforcement ("ICE"), Glades County Sheriff's Office, and its contractors' reckless and ongoing endangerment of the lives and well-being of those they are contractually and constitutionally obligated to care for in the Glades County Detention Center from pandemic onset to present. We file this complaint in an attempt to secure immediate oversight preventing additional deaths and long term health consequences of those whose civil rights are being violated.

**Direct testimony from 25 individuals currently or formerly detained underscore persistent patterns or practices of abuse:**

This complaint includes direct testimony from 25 individuals currently and formerly detained. All reports made by those who remain in detention are submitted anonymously due to concerns of retaliation. Some of these individuals are willing to be identified in the case of a formal investigation. Together, these testimonies clearly demonstrate informed and deliberate indifference toward the safety and well being of those under the care of ICE and Glades County, as these entities were made aware of these complaints and conditions for the past ten months. This disregard for the welfare of those in their custody includes violations of ICE's own detention standards and COVID-19 protocols, CDC guidance, and the U.S. Constitution.<sup>1</sup>

Sources of direct testimony include:

- Legal declarations submitted within the *Gayle v. Meade* litigation spanning April, May, and June 2020, including initial lawsuit filing and two subsequent motions to enforce the court's order;
- Civil rights complaints detailing 1) medical abuse and medical neglect, 2) physical violence and pepper spray in response to peaceful protest and public reporting, and 3) the use of highly toxic chemical spray intended to combat the spread of COVID-19;
- Habeas petitions in federal court detailing constitutional violations;
- Interviews conducted in January 2021 detailing current conditions;
- Reports regarding the death of Onoval Perez Montufar who died due to COVID-19 negligence at the Glades County Detention Center.

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<sup>1</sup> 2019 National Detention Standards for Non-Dedicated Facilities, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>. (hereinafter "2019 NDS"); U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>. (hereinafter "PRR"); Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, Center for Disease Control and Prevention (Updated Dec. 31, 2020) [https://www.cdc.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/04/CDC\\_guidance-correctional-detention.pdf](https://www.cdc.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/04/CDC_guidance-correctional-detention.pdf). (hereinafter "CDC Guidance"); Order Adopting in Part Magistrate Judge's Report and Recommendation, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 76 at 6-7 (S.D. Fla. Apr. 30, 2020). (as a result of the evidence the record as of April 30, 2020, this Court concluded conditions at Glades constituted "a violation of the Petitioners['] Fifth and Eighth Amendment rights.").

These direct testimonies provide a timeline from the onset of the pandemic to the present, including persistent pattern or practice of:

- Medical abuse;
- Lack of personal protective equipment (PPE), sanitation, soap and other hygiene products;
- Transfers without implementing appropriate quarantine or medical screening
- Mixing of people who have tested positive for COVID-19 or who have been exposed to the virus with people who had tested negative or had not yet tested
- ICE failing to follow court orders and release high-risk individuals from GCDC;
- Hunger strikes demanding basic medical protections, oversight and release due to the entire population's vulnerability;
- Retaliation for peaceful protest and public reporting;
- Use of toxic chemical spray in enclosed spaces at GCDC, contributing to virus spread and harming detained people's health; and
- Hospitalizations, deaths, and disappearances.
- Restrictions to COVID-19 testing access.

The testimony of people detained at GCDC demonstrates both Glades County's negligence, as well as complete inability to guarantee the wellbeing of those in their custody. Although there are basic needs that should be addressed immediately, such as ensuring access to PPE and soap, these steps alone cannot ensure the safety of people detained at GCDC. In its own Pandemic Response Requirements ICE admits that "strict social distancing may not be possible in congregate settings such as detention facilities."<sup>2</sup> As shown throughout this complaint, people detained repeatedly also shed light on the county's inability to safely quarantine people without recourse to cruel practices such as solitary confinement, a practice that increases an individual's risk for injury and even death<sup>3</sup> and which the United Nations has previously described as torture.<sup>4</sup> In addition to these factors, medical professionals have also cited poor ventilation and disconnect from public health systems as systemic issues across carceral settings and contributing factors to the spread of COVID-19.<sup>5</sup> Adding ICE<sup>6</sup> and particularly Glades County's well-documented history of systemic medical neglect and abuse even before the onset of the pandemic,<sup>7</sup> the urgent need to cancel Glades County's contract and to release people to complete their immigration cases in community is clear.

Today, ten months after the onset of the pandemic, individuals detained at Glades County Detention Center report life-threatening medical malpractice, including the intentional denial of treatment and diagnosis qualifying them for medical release. Reported as well is continued widespread medical neglect,

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<sup>2</sup> PRR at 28.

<sup>3</sup> Jayne Leonard, *What are the effects of solitary confinement on health?*, Medical News Today (August 6, 2020), <https://www.medicalnewstoday.com/articles/solitary-confinement-effects>.

<sup>4</sup> Tom Miles, *U.N. expert says solitary confinement in U.S. prisons can be torture*, Reuters (August 3, 2013), <https://www.reuters.com/article/us-usa-california-torture/u-n-expert-says-solitary-confinement-in-u-s-prisons-can-be-torture-idUSBRE97M0QU20130823>.

<sup>5</sup> *Amid pandemic, U.S. must reduce incarceration to protect public safety, report finds*, Brown University (October 22, 2020), <https://www.brown.edu/news/2020-10-22/decarceration>.

<sup>6</sup> Detention Watch Network, American Civil Liberties Union, and National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, (February 2016), <https://www.detentionwatchnetwork.org/pressroom/reports/2016/fatal-neglect>.

<sup>7</sup> Southern Poverty Law Center and Americans for Immigrant Justice, *Prison By Any Other Name: A Report on South Florida Detention Centers* at 10, 30-32 (December 9, 2019), [https://www.splcenter.org/sites/default/files/cjr\\_fla\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fla_detention_report-final_1.pdf).



dangerous "cohorting" or mixing of those well and sick, intrinsic impossibility of implementing social distancing measures, lack of sanitation and disinfection, inadequate mask provisions and usage, lack of infection control, lack of testing, and lack of release for individuals who have qualifying risk factors within the facility, in direct violation of *Fraiha* litigation and ICE's own COVID-19 Pandemic Response Requirements (PRR). The use of highly toxic chemical spray fumigated throughout the facility only further exacerbates the viral spread and causes detained individuals to experience difficulties breathing, with initial studies noting potential long term health consequences, including for women and men's fertility.<sup>8</sup>

All of these factors place people at imminent risk of becoming severely ill or dying from COVID-19. Shockingly, there have also been reports of individuals who were removed from the general population after passing out and their whereabouts were unknown to others in detention as well as to their family members. This, combined with reports from people in detention of overhearing guard conversations about deaths not yet publicly reported, pose serious questions about the true death toll due to COVID-19 in the facility. Advocates and attorneys nationwide express concern that the true number of fatalities due to COVID-19 in ICE detention is higher than publicly reported, due to lack of information regarding the fate of people released from ICE detention after being exposed to or having contracted COVID-19, including release of people who are very ill. Meanwhile, a complete lack of security and accountability exists for those wishing to report their fears for personal safety, harm to others, and the egregious conditions of their confinement. Individuals report retaliation in the form of pepper spray and physical assault, as well as solitary confinement, closing of commissary and texting accounts, and blocking of legal lines. Combined, these reports demonstrate clear violations of ICE's own COVID-19 PRR, the 2019 National Detention Standards, the U.S. Constitution, and public health protocols from the CDC.

Oversight efforts to date have been severely lacking to the point of intentional gross negligence. ICE and the Glades County Sheriff's Office staff who oversee the jail have all been made well aware of what is taking place within the facility and have had ample time to redress grievances and concerns. All parties are contractually responsible, and legally liable, for any harm that takes place, including wrongful death occurring inside the facility. It is clear both ICE and Glades County are unable and unwilling to appropriately mitigate and respond to harm for those in their care.

Under ICE's own COVID-19 policies, facilities that are unable to ensure the care and safety of those in their care should be subject to investigation, followed by the potential removal of the entire detention population from the facility.<sup>9</sup> Given all that is accounted for from pandemic onset to present, despite numerous lawsuit directives, civil rights complaints, public testimony, and grievances filed within the facility, we demand an investigation into the ICE Miami Field Office and GCSO's reckless endangerment of people's lives and we call for CRCL and OIG to recommend that ICE terminate its Intergovernmental Service Agreement with Glades County and immediately release all individuals from the facility given the ample body of evidence already provided against GCDC.

### **ICE and Glades County's Failure to Uphold Obligations:**

When a person is in government custody, either civil or criminal, the law requires the provision of necessary medical care. The Fifth Amendment of the Constitution requires adequate medical care and additional protections for individuals detained. Glades County Detention Center, like all ICE facilities, is

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<sup>8</sup> Anthony Luz, Paul DeLeo, Nathan Pechacek, and Mike Freemantle, *Human health hazard assessment of quaternary ammonium compounds: Didecyl dimethyl ammonium chloride and alkyl (C12-C16) dimethyl benzyl ammonium chloride*, REGULATORY TOXICOLOGY AND PHARMACOLOGY (July 5, 2020), <https://doi.org/10.1016/j.yrtph.2020.104717> ("DDAC and C12-C16 ADBAC are irritating/corrosive to skin at high concentrations, and are acutely toxic via the oral, dermal (C12-C16 ADBAC only), and inhalation exposure routes.")

<sup>9</sup> PRR at 7-8.

also subject to ICE's own standards, which are in place to govern the operations of detention facilities across the country. GCDC is governed by the National Detention Standards ("NDS"), which were initially created in 2000, but were updated in late 2019. The NDS require that all detained individuals receive "medically necessary and appropriate medical" health care, emergency care, and timely responses to medical complaints."<sup>10</sup> The NDS also require that the facility have "written plans that address the management of infectious and communicable diseases, including, but not limited to, testing, isolation, prevention, and education."<sup>11</sup> Reporting and collaboration with local or state health departments are also required.<sup>12</sup>

In response to the COVID-19 pandemic, ICE issued its Pandemic Response Requirements ("PRR"), a set of guidelines and expectations for detention facility operators in "sustaining detention operations while mitigating risk to the safety and wellbeing" of those detained in ICE custody.<sup>13</sup> The PRR was developed in consultation with the Center for Disease Control and Prevention ("CDC").<sup>14</sup> The PRR contains four stated main objectives: protecting detained individuals, among others, from exposure to the virus and "establish[ing] the means to monitor, cohort, quarantine, and isolate the sick from the well."<sup>15</sup>

To address compliance, the PRR calls for "onsite in-person monthly spot checks" at all the facilities.<sup>16</sup> Specifically for "non-dedicated" facilities, such as GCDC, failure to meet the PRR's requirements should lead to ICE issuing a Notice of Intent indicating that the intergovernmental service agreement is in jeopardy due to noncompliance.<sup>17</sup> In response to a facility's noncompliance, ICE may remove or reduce the facility's population.<sup>18</sup>

ICE and GCSO have an obligation to abide by the requirements put forth by ICE ERO and the CDC. The ERO states that it issued these "mandatory requirements to be adopted by all detention facilities...during this unprecedented public health crisis."<sup>19</sup> Additionally, ERO requires all facilities to "adhere to CDC recommendations for cleaning and disinfection during the COVID-19 response."<sup>20</sup> None of the protocols required by the CDC, ICE's own 2019 NDS, or the PRR, have been followed at Glades County Detention Center since the onset of the pandemic until the present day crisis based on the direct testimony referenced in this complaint, in direct violation of the legal and constitutional rights of those detained.

## **Timeline of Events:**

### Pandemic Onset: March and April 2020

The COVID-19 pandemic's veracity and fatality became widespread knowledge in March 2020 throughout the entirety of the United States. Rather than utilizing basic precautions to attempt treatment

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<sup>10</sup> 2019 NDS, Medical Care, II.A., at 12.

<sup>11</sup> *Id.* Medical Care, II.D.2., at 114.

<sup>12</sup> *Id.*

<sup>13</sup> PRR at 5.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 7.

<sup>16</sup> *Id.* ("A spot check is an in-person visit to a detention facility by an ICE Detention Service Manager (DSM) or Detention Standards Compliance Officer (DSCO) for the purpose of assessing whether the facility is complying with the requirements of the ERO PRR. DSMs and DSCOs review policies, logs and records; observe facility operations; speak with facility staff and detainees; and complete a standardized form to note observations and findings.")

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 7-8.

<sup>19</sup> *Id.* at 5.

<sup>20</sup> *Id.* at 23.

and containment of communicable spread, during the first months of the pandemic the Glades County Detention Center staff and ICE officials flagrantly ignored our nation's public health protocols, as well as ICE's own guidance. By March 22, 2020, over 100 people detained at GCDC launched a hunger strike, citing deterioration of already unsanitary conditions, a lack of antibacterial soap, lack of testing, overcrowding, inedible food and the danger posed by in-transfers from other facilities.<sup>21</sup> The following day, March 23, 2020, the Center for Disease Control released Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities<sup>22</sup>, which were followed by ICE's PRR, which the agency issued in its first iteration on April 10, 2020. Firsthand accounts from people detained revealed that individuals were being brought into custody on a daily basis without adequate screening for COVID-19, and ICE was indiscriminately transferring individuals between facilities without employing safety protocols, including quarantine which is impossible in a detention setting. Instead, in the general population housing units GCDC was cohorting, or "mixing," people who were ill with others who were not. During this time period, individuals detained at GCDC also reported people exhibiting clear symptoms for COVID-19, though ICE continued to deny there were positive cases in the facility.

News reports and direct testimony, like the following made to Immigrant Action Alliance ("IAA"), appear to confirm the detention center did, in fact, have people ill with COVID-19<sup>23</sup>, despite ICE only formally reporting the first two cases at GCDC on May 28, 2020. The organization also received reports that GCDC was running out of food and had run out of basic toiletries, hygiene products, and medication, including for colds, pain relief, and diabetes:

*"They came and removed one person yesterday. He never came back. He went to medical. They packed up all his stuff with gloves and masks. I just found out yes he was taken to quarantine. They had to stop court because three guys tested positive for the virus. Please if this gets out, we are helpless. And they have run out of medicine for four days now and there is no supply of hand sanitizer. We ask for it and they say no.... We are all stuck in an unsanitary box together."*  
Anonymous, March 30, 2020

Meanwhile, GCDC failed to provide a basic level of care in other regards as well, compounding the medical abuse detained individuals experienced. For instance, IAA filed two civil rights complaints with DHS on April 2, 2020 and April 13, 2020 citing separate incidents of medication denial, amongst other abuses. In the first incident, a man reported experiencing full withdrawal, including passing out and vomiting, after not receiving his medications for his traumatic brain injury, seizure disorder, mental health disorder, and high cholesterol for at least 4 days. This could have had fatal consequences. The man filed multiple grievances using GCDC's grievance system to no avail, then Immigrant Action Alliance filed a subsequent CRCL complaint on his behalf regarding additional medication denials on July 3, 2020, emphasizing that if he were to have a seizure, he could require immediate brain surgery because of his prior traumatic brain injury. No response was received.

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<sup>21</sup> Manuel Madrid, *Florida ICE Detainees Start Hunger Strike Over Coronavirus Concerns*, Miami New Times (March 26, 2020), <https://www.miaminewtimes.com/news/florida-ice-detainees-on-hunger-strike-amid-coronavirus-1160750>.

<sup>22</sup> CDC Guidance at 19 (The CDC's Guidelines specifically caution that "[c]ohorting multiple quarantined close contacts of COVID-19 case could transmit COVID-19 from those who are infected to those who are uninfected. Cohorting should only be practiced if there are no other available options.").

<sup>23</sup> Manuel Madrid, *Florida ICE Jail Quarantines Detainees Amid Coronavirus Testing*, Miami New Times (March 10, 2020), <https://www.miaminewtimes.com/news/ice-immigrant-detainees-in-glades-county-florida-tested-for-coronavirus-11581235>.

IAA also filed a complaint on behalf of Mr. Romaine Wilson on April 13, 2020 regarding denial of medication. Mr. Wilson reported an April 9, 2020 incident where a sergeant physically assaulted and used abusive language against him, followed by placement in solitary confinement the next day. While in solitary confinement, Mr. Wilson felt unwell and asked twice for his medication for grand mal seizures, with his requests denied. Mr. Wilson proceeded to have a seizure, hitting his head and face. He woke up in the medical unit the following day. As of April 13, 2020, he still had not received the life-saving medication needed to prevent his grand mal seizures. On April 19, 2020, a follow up CRCL was filed reporting Mr. Wilson's face wound had gone untreated and become infected, raising concerns for sepsis. He had been placed again in solitary confinement two days prior, during which time he reported being unable to shower and a nurse refusing to clean his wound, stating he should "call ICE" if he wanted to make a complaint. The DHS Office for Civil Rights and Civil Liberties did not interview participants or provide closure to either complaint.

Early detailed accounts of this reckless endangerment prompted 25 community, legal, and human rights monitoring organizations to submit a letter to Rep. Murcasell Powell on April 3, 2020 calling for the release of all detained people in order to avoid a public catastrophe. On April 13, 2020, a federal class action lawsuit followed suit, seeking the immediate release of all individuals in ICE custody across three detention centers in South Florida, including Glades County Detention Center.<sup>24</sup> Through public declarations, individuals in detention provided firsthand accounts of the dangerous practices being employed that placed people at increased risk of COVID-19 exposure and harm.<sup>25</sup>

**Medical Abuse:** GCDC denied elderly and immunocompromised individuals proper care, placing them at great risk for severe negative health impacts and death from COVID-19. These risks were compounded by medical neglect, a longstanding issue at Glades<sup>26</sup>:

*"Despite my vulnerabilities to COVID-19, no member of the medical staff has evaluated my conditions or well-being to determine whether any additional precautionary measures are necessary to protect me from the illness. I am scared for my life... There are some people in my pod who are coughing, but their medical requests are not being addressed." Alejandro Vincenzo Mugaburu Tapia, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. April 22, 2020)*

*"I have not been tested for COVID-19 and I am not aware of anyone who has been tested. I have not received any medical attention... that is very concerning because I know there are also other people who have chronic illnesses who are high risk for COVID-19 complications, just like me." Anonymous, April 22, 2020*

*"I have significant health issues that I understand put me at high risk of serious complications if I catch COVID-19, including obesity and high blood pressure. I take Amlodipine 10 mg twice a day for my high blood pressure, along with hydrochlorothiazide 25 mg every night. I have been detained by ICE for more than ten months in three different detention centers. First, they held me at the Krome detention center, before they transferred me to Glades County Jail on March 19, 2020. Then I was transferred to Baker on April 28, 2020. When I arrived at Glades, they checked my temperature, and that's it. After that transfer, I had cold symptoms. While at Glades,*

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<sup>24</sup> Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 1 (S.D. Fla. Apr. 13, 2020).

<sup>25</sup> Appendix II Detainee Declarations, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 8-1 (S.D. Fla April 13, 2020).

<sup>26</sup> Southern Poverty Law Center and Americans for Immigrant Justice, Prison By Any Other Name: A Report on South Florida Detention Centers at 10, 30-32 (December 9, 2019), [https://www.splcenter.org/sites/default/files/cjr\\_fl\\_a\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fl_a_detention_report-final_1.pdf).

*I had problems with my medical care. Whenever I happened to be asleep or indisposed when the guards passed out medications in the morning, they just skipped me and forced me to wait until the next day." Anonymous, May 11, 2020*

**Lack of Soap, Sanitation, and PPE:** Documented shortages of soap, toilet paper, disinfectant, and hand sanitizer, as well as lack of or improper use of personal protective equipment (PPE) and dangerous practices employed in food management, all directly contributed to the widespread proliferation of COVID-19 at GCDC:

*"There is no hand sanitizer in the pod for detained people to use... We previously asked the guards for hand sanitizer and they refused. The guards told us the use of hand sanitizer is only for them... The food is usually delivered by one detained person and about four guards. No one wears masks or gloves for the food delivery." Alejandro Vincenzo Mugaburu Tapia, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. April 22, 2020)*

*"We do not have any hand sanitizer available in the common area and they do not provide us with hand sanitizer. They do not provide us with masks or gloves either... Detainees have been asking for masks for weeks but there are none available... Not even the guards who come in and out of the detention center are wearing gloves." Anonymous, April 22, 2020*

*"We often run out of soap, because the guards give us soap only once every two weeks, and when I asked for a refill they told me I was wasting the soap and that I had to wait for soap day. Sometimes when I try to wash my hands in the sink, there is none." Dushane Spaulding, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)*

*"I estimate approximately sixty percent of guards, staff, and ICE officials wear protective gear. The guards who are stationed inside the pod only sometimes use them. They do it when their boss comes around, but they do not always have it on. I have seen guards coughing, both inside and outside the pod... My pod-mates and I also get really nervous when the guards in our pod sneeze... I am aware that there are other pods under quarantine. There are also transfers of detained people to hospitals due to the coronavirus. The same guards that go into those pods or help with transfers come into my pod. This makes me and my pod-mates very nervous." Alejandro Vincenzo Mugaburu Tapia, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. April 22, 2020)*

**Retaliation for Peaceful Protest and Public Reporting:** This complete disregard for individuals' health and safety led to another widespread hunger strike inside the facility that began April 28, 2020. The facility responded by retaliating against people for reporting abuse and neglect to the public. ICE and the GCSO used solitary confinement and/or transfers to other facilities to punish those who spoke out, isolate them from others at the facility, and make it far more difficult for them to continue to report conditions.

*"I was also mistreated by non-medical staff at Glades. I was in solitary confinement for weeks in April 2020, I think because guards were retaliating against me for reporting what goes on in the facility to people outside." Anonymous, May 11, 2020*

In a message to Immigrant Action Alliance on April 16, 2020, one man said of his solitary confinement: *"I just spoke with LT. Palladino, he told me that I'm going to be in confinement forever until I leave Glades County Detention Facility."* This man did remain in solitary until he was transferred to the Baker County Detention Center at the end of April 2020.

Rather than remedy conditions, GCSO responded by punishing and silencing those who reported them. But because conditions at the facility have not materially changed, hunger strikes have continued throughout the pandemic as one of the only ways to draw attention to their condition, yet one that makes them more vulnerable to becoming severely ill or dying from COVID-19. As reported in the following habeas petition filed by a man who had engaged in peaceful protest, prolonged hunger strike can have severe negative health impacts:

*"On the April 28,2020, in Glades County Jail B1 dorm where I was detained, detainees and I started a hunger strike because of COVID-19. Four days after I was transferred to B.C.D.C. in Jacksonville where I continued with my hunger strike with no food and no water, and then six days after I was transferred to W.C.D.C. in Tallahassee where I continued hunger strike with no food and no water until May 12, 2020. Few days after on the June 29,2020, with no explanation I was transferred (back) to the Glades County Jail in Moore Haven. In that period of 15 days with no food and no water I lost 37 pounds and got lot of medical complication, water in my lungs, enema in the lungs, water retention in the legs, kidney not working properly any more, and start having hard time breathing and dry coughing and as a result of that now I have to use asthma pump to get more air in my lungs." Habeas Petition, Radetic v. Miami Field Office Immigration and Customs Enforcement, No. 1:20-cv-23783-MGC, ECF 1 (S.D. Fla. September 11, 2020).*

**Virus Spread - Transfer & Impossibility of Quarantine:** Even as the CDC and others warned against the transfers from state corrections departments to ICE custody as well as between ICE facilities, citing clear evidence that these transfers are fueling the spread of COVID-19, ICE continued to carelessly transfer those in its custody between the GCDC and other ICE facilities.<sup>27</sup> The ICE Miami Field Office responded to court orders to reduce the detention population by transferring individuals around the country, instead of opting to release detained people—even those who were at high risk medically—to their loved ones. Also documented were instances in which transfers were used as a form of retaliation. Amidst a global pandemic, transfers always and inevitably increase propagation risks. Still, ICE and its contractors, including GCSO, exacerbated risk and placed people in danger by failing to even conduct temperature screenings before transfers, attempt to implement even limited social distancing guidelines on the buses used to transport detained people, provide PPE, and to even attempt to quarantine new arrivals at the detention center. These negligent actions indiscriminately spread the virus in detention and within surrounding communities.<sup>28</sup>

*"I was never quarantined when I arrived at the Glades County Jail, and since my arrival on March 11, 2020 new detainees have not been quarantined. On April 13, one of the other detainees in my pod was complaining that he was feeling sick. He was coughing and he said he had the chills and a headache. They came to the pod and examined him, and later one of the guards came and brought him some pills. He has not been removed from the pod. The fear is that he has COVID-19. Prior to April 13th there was another detainee in my pod who was throwing up and was removed. Right now there are other detainees in my pod coughing. The staff has not taken any measure to protect the rest of the detainees from the detainees who are currently ill. No one, including the sick detainees, are provided with masks or any other type of protection. To the best of my knowledge none of the detainees have been tested for COVID-19. There also have not*

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<sup>27</sup> See generally, COVID-19 in ICE Jails, Real-time Conditions Reports, Freedom for Immigrants (last accessed January 27, 2021), <https://www.freedomforimmigrants.org/covid19>.

<sup>28</sup> Detention Watch Network, Hotbeds of Infection: How ICE Detention Contributed to the Spread of COVID-19 in the United States at 26 (December 2020), [https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN\\_Hotbeds%20of%20Infection\\_2020\\_FOR%20WEB.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN_Hotbeds%20of%20Infection_2020_FOR%20WEB.pdf).

*been any visible increase in medical staff." Omar Lopez-Jaramillo, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. April 22, 2020)*

#### Facility-wide Communicable Spread: May - December 2020

By May, ICE and GCSO's abysmal handling of people's acute medical needs and COVID-19 safety precautions from the onset of the virus had led to a catastrophe. Very little changed in terms of the GCSO or ICE's response, leading to an uncontrolled, fully avoidable facility-wide outbreak. The GCSO and ICE's pandemic response constituted not only clear civil rights violations for everyone detained, but full culpability for long-term health impacts and death inside the facility.

On May 28, 2020, IAA filed another civil rights complaint to the attention of the Glades County Sheriff Hardin, Field Office Director Martin, and the civil rights division of DHS, with IAA's Director Wendy King stating:

*"On May 25<sup>th</sup>, a person with a fever of 106 degrees was told to take a shower and given pain pills as treatment. As of May 26<sup>th</sup>, the bathrooms in the A1 housing unit had not been cleaned or sanitized for two days. On May 27<sup>th</sup>, the facility temporarily ran out of medication. As of May 27<sup>th</sup>, Glades County Jail was still reporting that no one had a fever. Despite a deputy at Glades County Jail testing positive for COVID-19, we are receiving reports that NO detained person has been tested for the virus. This morning we received multiple reports about detained people passing out from high fevers. No one has reported being able to see a doctor. Based on the reports we are receiving from people detained at Glades County Jail, we believe the entire population of the jail is at serious risk of illness or death due to the inability to social distance, lack of precautions being taken, lack of testing and lack of medical care. We urge Glades County Sheriff's Office and ICE officials to take immediate action."*

CRCL responded requesting the names and A numbers of individuals in order to follow up on medical concerns. Fearing retaliation towards those reporting, these were not provided but IAA instead requested an independent medical team be sent to investigate the entire facility. Both ICE and GCSO failed to reply or implement any changes to protocols or facilitate medical release, including for those at high risk.

**Medical Abuse:** The summer months saw widespread disease transmission and acute medical neglect, with people cohorted together indiscriminately in the general population units, including those who were symptomatic and asymptomatic. Many individuals still were not tested for COVID-19, including people who were symptomatic. Those who did test positive were not provided appropriate medical care, including those who were known to be at high risk for severe medical complications or death from COVID-19.

The medical staff had no room to isolate individuals who had tested positive for the coronavirus because the medical observation rooms were at capacity. Generally, the staff at GCDC elected not to isolate those who tested positive for COVID-19 due to overcrowding, a direct result of ICE's failure to follow court orders to release those who were medically vulnerable and generally exercise its discretion in favor of release. The doctor at GCDC also completely dismissed concerns and provided questionable medical diagnoses. All of the above violated people's right to appropriate medical care while detained.

*"I have asthma but I do not receive treatment for it at GCDC... Last week, I went to medical to speak to the doctor about my constant headaches and body aches. As I was waiting, I heard the doctor tell men who had tested positive for the coronavirus that they are "young carriers" and that they will be fine, essentially ignoring their concerns and requests for medical attention."*  
Steve Cooper, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

*"Currently, I am experiencing shortness of breath, a dry cough, and headaches right in the middle of my forehead...At this time, the only medical care I have been offered after testing positive for COVID-19 is vitamins...**I have heard the nurses say that all the medical observation rooms are currently full. They do not have space to isolate the individuals who have recently tested positive for COVID-19.**" Anonymous, June 11, 2020*

*"In the cubicle where I sleep, we are four people total. The person that sleeps directly in front of me is less than one foot away. **In my cubicle, there is one person who is positive for the coronavirus. After he received his results, he was not isolated, and he remains in close living quarters with the rest of us.** Despite having symptoms of the coronavirus, I have not been tested. I started feeling sick around May 24, 2020, and I am currently experiencing diarrhea, vomiting, chest pains, and body aches. Last Sunday, I was vomiting and coughing up blood. Previously, I had written sick call requests which explain that I have chest pains, back pains, and was vomiting. On June 10, 2020, I was finally able to see the doctor about my symptoms. **When I was with the doctor, I asked to be tested for COVID-19, but he refused. I explained to the doctor the frequent pain I was feeling in my chest as well as the vomiting, diarrhea, and body aches I am experiencing. The doctor said that the chest pains are due to muscle pain; he said he would prescribe me a muscle relaxer. He did not attribute the chest pains to be a symptom of the coronavirus...** Because I do not feel well, I stay in bed most of the day. This visit on June 10, 2020 was the first time I had seen the doctor in a long time. He often has an attitude and refuses to speak to people who request medical attention." Anonymous, June 12, 2020*

*"On June 12, 2020, one man who was feeling sick for a few days passed out around 12:45 p.m. He was taken out of the pod. Some people who are sick are not eating. Right now, medical attention for people who are sick is limited to a two to four-ounce cup of Gatorade, two Tylenol pills or two ibuprofen pills, and a cold pill. However, the medical staff is keeping a list of people with high fevers. Sometimes, if your name is not on this list and you go to the cart to ask for Gatorade or other medications, you cannot get it. It seems as if high fever is the only COVID-19 symptom that the Glades medical staff take seriously. I do not currently have a high fever and have not been able to access a COVID-19 test." Anonymous, June 12, 2020*

*"Temperature checks happen twice daily... From what I have seen, when someone has a high temperature, they are given a cold pack and vitamins or Tylenol. **Recently, a man in my pod told me that the nurse told him that his fever was 103 degrees. This man was given a cold pack and some pills and remained in general population...** I filled out a medical request two weeks ago and have not been called to medical. In the meantime, I have only been given cold packs, vitamins, and sometimes Tylenol for my symptoms. I have four young U.S. citizen children at home who need me, and I am afraid for my health and safety with the coronavirus pandemic and its widespread outbreak at Glades County Detention Center." Clayton Warner, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*

*"Recently, I have been feeling feverish, fatigued, have a lack of smell and taste, and have had trouble breathing due to an asthma problem that I have had since childhood...**Within the pod, there are people who are experiencing the aforementioned symptoms and some that are not. Some of the people in my pod have been tested for the Coronavirus, and some have not. Of those who have been tested, some have been told by officers that they were positive, but they refuse to give us a copy of our test results.**" Jermaine Scott, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*



*"In Pod A1, there are currently people who have not been tested for the coronavirus and people who have. Those who are positive for the coronavirus have not been taken out of the pod...I have not been tested for the coronavirus although I have had some of the symptoms, like constant body aches. **There are people in my pod who are requesting coronavirus tests because they are exhibiting symptoms, but they have not been tested. One of my pod-mates was told by the doctor that there are not enough tests.**"* Steve Cooper, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

In one egregious example, ICE only tested individuals after they started showing symptoms post-transfer to Krome, in route for deportation. Then, detention staff both at Krome and GCDC lied to people in detention about the test results. Detained people's acute fear for their lives was mocked by guards at the facility. One man who requested to self-quarantine was outright denied the ability to do so, and the medical staff at GCDC denied him an inhaler although he was struggling to breathe.

*"I asked him if we had the virus and if so, who had it. The officer replied that he could not tell me without violating patient confidentiality. **He did say that three of the five of us have the coronavirus.** The officer asked me if we had received the test results, but we had not. The AGS staff then transferred us back to Glades (from Krome).. Then, the Glades staff escorted me to medical... While I waited, I asked the nurse which of us five have the virus. The nurse did not respond. **An officer who was in booking walked in and said that ICE told Glades staff that four out of five of us tested positive.** The staff or the nurses still did not tell me my test results. **I asked if I could self-quarantine since I either had or was exposed to the virus. The Glades staff refused and said there was no room. I was escorted back to general population to pod A1.** The next day, I had an asthma attack in the pod. The doctor was not available to see me or prescribe an inhaler or any breathing treatment. I was told that Glades could not provide me with an inhaler. I was forced to use my cellmate's extra inhaler. **Since I returned to Glades, I have not been seen by the doctor.** The last time I saw the doctor at Glades was the end of March 2020. The only thing I am provided for my coronavirus symptoms are Tylenol or ibuprofen or a cold pack... As of the date this declaration is made, **I still have not been provided the results to my COVID-19 test...** My body still aches, my chest hurts, my eyes hurt, I am having migraines, and I have lost my sense of smell." Terrance Taylor, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*

**ICE Fails to Follow Court Orders and Release High-Risk Individuals from GCDC:** Many of these individuals qualified for release under the *Fraihat* litigation<sup>29</sup> and ICE's own policies due to their pre-existing medical conditions<sup>30</sup>, but it is common for ICE to refuse to release individuals who are detained at GCDC. Despite the fact that these individuals remained at heightened risk of severe illness and death, they remained detained, at imminent risk of harm and further compounding overcrowding at the facility.

*"I have seen people in my pod coughing, but we do not know if anyone has COVID because we have not received tests. We heard that one guard tested positive for COVID. I am not aware of any increases of medical staffing or medical screenings. My temperature was taken once before I entered the facility, but otherwise I have received no screening. Despite my vulnerabilities to COVID-19, no member of the medical staff has evaluated my conditions or well-being to determine whether any additional precautionary measures are necessary to protect me from the illness. I am afraid for my life. If released, I would live with my U.S. Citizen wife (redacted) in*

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<sup>29</sup> Order, *Fraihat, et al v. U.S. Immigration and Customs Enforcement, et al*, No. 5:19-cv-01546-JGB-SHK, ECF No. 132 (C.D. Cal. Apr. 20, 2020). ("[ICE] shall make timely custody determinations for detainees with Risk Factors, per the latest Docket Review Guidance[.]")

<sup>30</sup> PRR at 19.

*Palm Bay, Florida, where I would be able to socially distance"* Dushane Spaulding, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

According to one Haitian man, who is high risk due to chronic asthma for which he uses an inhaler, *"ICE officers have not visited my pod at GCDC for the last month while I have been detained at GCDC. I am not able to speak directly to ICE and make complaints about the conditions at the facility or ask questions about my case. On Monday, May 12, 2020, I filed a release request with ICE asking that I be released from detention pending my removal proceedings given my multiple health issues and increased risk of complications if I were to contract COVID-19 in detention. Since I made that request, the deportation officer has not provided a response to my release request."* James Saintyl, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

His request for release for medical reasons was ultimately denied, despite his COVID-19 risk factors and numerous family ties here in Florida, and he was deported to Haiti in mid-August 2020.

Another individual whose medical condition placed him at heightened risk for COVID-19 ultimately ended up signing his voluntary deportation after 14 years in the United States, leaving behind his wife and child. Despite a formal *Fraiha* petition and U.S.-based family, ICE never responded to his release request.

*"I previously requested release from detention based on my significant mental health issues and the risk I face to contracting COVID-19 in this facility, but ICE never responded to my request. The ICE officers do not come visit GCDC, therefore, the only way we can currently communicate with the officers is through phone calls. The officer assigned to my case has not answered my calls."* Anonymous, June 12, 2020

**Continued Lack of Soap, Sanitation, and PPE:** Despite the facility-wide outbreak, Glades still did not provide detained people with sufficient soap, hand sanitizer or basic cleaning supplies, severely undermining people's ability to protect themselves from virus exposure during the outbreak. Additionally, the facility failed to provide an adequate supply of masks, so that the only masks people had became dirty or broken.

*"We are given masks, but they are often dirty and broken. The masks are replaced inconsistently. The mask I have right now I have had for 5 days... Detainees wear their masks sometimes. In my experience, some detainees don't always wear their masks because they want to preserve it since we don't know when we will get a new one..."* Jermaine Scott, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

*"About two weeks ago, on May 1, 2020, we started receiving a mask each Friday. Up to this point, I have received two masks from GCDC staff. The first mask looked like a proper, blue medical mask. However, the second mask appears to have been stitched together by hand. **It was made out of a hair net and a coffee filter.** I do not believe that this makeshift mask will block germs or air carrying the virus. **Many of the officers have masks but they wear them around their necks** and do not use the masks to cover their mouths."* James Saintyl, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

*"When you go to medical, the GCDC staff or the nurses do not require that we wear a mask. **The transporting officer will escort about twenty people at a time** to reduce trips back and forth to*

*the pods, so we all walk together to medical and **wait in close quarters in the medical department waiting room.** When I went to medical on May 14, 2020, only one or two of the fifteen people in the waiting room were wearing a mask."* James Saintyl, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

*"We do not have consistent access to soap. There is hand soap in the bathroom, but when it runs empty, the staff do not come to fill it up until after dinner time. We never have access to hand sanitizer... The common areas and bathrooms are being cleaned by detainees after every meal. However, we are not provided with enough cleaning supplies to do so. Since my last statement, **the bathrooms are still being cleaned with toilet water.**"* Anonymous, June 12, 2020

*"In the bathroom, there is a soap dispenser that the GCDC staff refill every Monday. With approximately 75 to 80 people living in this pod (A1), **the soap in the dispenser runs out very quickly.** It does not last more than a couple days, but the staff only refill the dispenser once a week."* Steve Cooper, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

These issues directly contributed to the spread of the virus. Moreover, kitchen staff mismanaged the distribution of food and exposed detained people to COVID-19.

*"I have learned that a staff person who manages the kitchen tested positive for COVID-19. **Approximately five people who lived in my pod and worked in the kitchen became sick and never returned to the pod.** Two people from Pod A1 who worked in the barbershop got sick and never came back. We are told that people who are exhibiting symptoms of the coronavirus are held in holding cells in the booking unit of GCDC or in cells in solitary confinement."* Steve Cooper, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

*"We have no hand sanitizer in the pod. We have a soap dispenser, which is only refilled once a week. There has been no change in how often the soap dispenser is refilled since June 5, 2020...**The food trays are not cleaned properly. They usually are covered in mildew..** This is a sanitation issue."* Astley Thomas, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

**Toxic Chemical Spray:** By the end of May 2020, GCDC had one of the highest COVID-19 rates of infection in the country. However, rather than take immediate steps to mitigate the likelihood of death in the facility—for instance, to provide sufficient PPE, sanitation supplies, and release those at high-risk—ICE and GCSO chose to spray a highly toxic chemical multiple times daily in the enclosed housing units and in the presence of detained people. GCSO officials have not made efforts to increase ventilation in the housing units when they spray this chemical, nor do they permit detained individuals to exit the pod for the period of time between when the chemical is sprayed and when it dissipates.

On April 10, 2020, ICE issued a statement<sup>31</sup> asserting that it would follow guidance issued by the Environmental Protection Agency (EPA) regarding the usage of disinfectant products to prevent the spread of COVID-19 in detention facilities, which clearly state the following: 1) the EPA does not

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<sup>31</sup> PRR at 24.

recommend use of fumigation or wide-area spraying<sup>32</sup> and 2) "follow the manufacturer's instructions for all cleaning and disinfection products for concentration, application method, contact time[...]"<sup>33</sup>

On May 23, 2020, an initial complaint filed by IAA to the attention of the Glades County Sheriff Hardin, Field Office Director Martin, and the civil rights division of DHS named the harmful health impacts of this toxic chemical. On June 23, 2020, a supplemental complaint was filed that included over a dozen reports from people in ICE detention at GCDC regarding the serious health consequences that they were suffering due to being exposed to hazardous chemicals.<sup>34</sup> These reports noted that GCSO failed to provide protective gear to the individuals administering the toxic chemical, nor did they improve ventilation before the chemical was sprayed. As a result, the fumigation exacerbated difficulty in breathing as the chemical hung in the air. The use of this chemical also led to the spread of aerosol droplets, spreading the virus and placing everyone at greater risk. Individuals who were positive for COVID-19 struggled to breathe once this chemical was sprayed in their housing units. Finally, the complaint noted that neither those requesting medical attention to address the impact of the chemicals nor those seeking help for the exacerbation of COVID-19's already life-threatening symptoms were provided appropriate medical care.

According to the complaint, at least a dozen individuals housed in units across the facility had reported the following symptoms as widespread among the population of detained people inside Glades, as direct results of the hazardous chemicals being sprayed on them:

- Painful, burning, red, and swollen eyes, nose, and throat;
- Painful breathing, sneezing and coughing;
- Nosebleeds;
- Sneezes and coughs that produce blood;
- Severe nausea;
- Stomach pain;
- Headache.

Reports in the civil rights complaint were provided anonymously due to fear of retaliation:

*"[They] spray the dorms three times a day every day and it's causing shortness of breath in a lot of people. **The containers look like a backpack with a hand pump to spray the chemical mist in the air.**" June 23, 2020 Complaint*

*"Yes, they are still spraying the chemical in the dorms 3 times per day.... **I've been suffering from chronic pain and shortness of breath, especially when they spray the chemical in the dorm, but they keep telling me and other people with medical issues that there is nothing wrong with us. It's been two weeks since I put in a medical request to see the doctor and I have not gotten a response.**" June 23, 2020 Complaint*

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<sup>32</sup> *Can I use fogging, fumigation, or electrostatic spraying or drones to help control COVID-19?*, United States Environmental Protection Agency (last visited January 26, 2021), <https://www.epa.gov/coronavirus/can-i-use-fumigation-or-wide-area-spraying-help-control-covid-19>.

<sup>33</sup> *Guidance for Cleaning and Disinfecting: Public Spaces, Workplaces, Business, Schools, and Homes*, United States Environmental Protection Agency at 5 (April 28, 2020), [https://www.epa.gov/sites/production/files/2020-04/documents/316485-c\\_reopeningamerica\\_guidance\\_4.19\\_6pm.pdf](https://www.epa.gov/sites/production/files/2020-04/documents/316485-c_reopeningamerica_guidance_4.19_6pm.pdf).

<sup>34</sup> Freedom for Immigrants and Friends of Miami Dade Detainees Complaint to Miami Field Office Director, Sheriff David Hardin, and DHS Office of Civil Rights and Civil Liberties (June 23, 2020), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5ef2341bf2c09a07f1ff4775/1592931355823/Glades+Toxic+Exposure+of+People+in+ICE+Detention+to+Hazardous+Chemicals+%282%29.pdf> (Hereinafter referred to as the "June 23, 2020 Complaint").

*"Today they took one more person out of our pod and I overheard the nurse said where we going to put the guy that they taken out and saying they don't have any space. I'm scared and I know they're scared, too. **We're really not safe here. Yes, they are (spraying the chemical) and people have been getting really high fevers and stuff and I'm really scared because I got asthma.**"*

June 23, 2020 Complaint

*"The facility staff continues to spray the disinfectant while we are all in the pod. The chemical that is used causes us difficulty to breathe and also burns our eyes. When the chemical is sprayed, it goes all over the whole pod. **The chemical also causes us to cough, which could potentially further the spread of the virus.**" Astley Thomas, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*

*"We are not permitted to leave the pod while the chemical is sprayed... There is no ventilation in the pod, so the chemical does not quickly dissipate." Anonymous, June 12, 2020*

Glades did not respond directly to the complaint filed by Immigrant Action Alliance, and, when questioned by the media, the GCSO chief deputy ridiculed the concerns.<sup>35</sup>

Not only did Glades County not follow EPA guidance and ICE failed to intervene, but information obtained from an anonymous source indicates this spray was being administered at levels far more highly concentrated than recommended due to directives made by those employed by Glades County. Initial medical studies also note the probability of long term health consequences of these chemical agents, including infertility in women and men detained.<sup>36</sup>

**Continued Transfers & Impossibility of Quarantine:** As noted previously, this complete lack of appropriate safety precautions led to a facility-wide outbreak. On June 4, 2020, ICE officially reported 57 positive cases, and 60 on June 5, 2020; however, as documented throughout this complaint, others who were experiencing severe symptoms made multiple requests for tests, but were denied. At the June 25, 2020 *Gayle vs. Meade* hearing, ICE admitted that in early June it had "discovered" 58 COVID-19 cases at Glades, but rather than identifying and treating individuals who had contracted the virus in a hospital setting and releasing those who had not contracted the virus, ICE opted to cohort the entire 320-person population at Glades for 14 days.<sup>37</sup>

*"I am currently detained in Pod D1 at GCDC... The bunk beds are about four feet apart, but the person to my head is less than one foot away. The cell is very crowded... Given that my cell is currently full, and the housing unit continues to receive transfers from outside of GCDC, **the only way I can social distance is by going to solitary confinement, but I am fearful of the conditions***

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<sup>35</sup>Hunter Walker, *Immigrant detainees say ICE is using coronavirus disinfectant sprays that cause bleeding, burns and pains*, Yahoo Entertainment (May 29, 2020), <https://www.yahoo.com/entertainment/immigrant-detainees-say-ice-is-using-coronavirus-disinfectant-sprays-that-cause-bleeding-burns-and-pain-170426900.html>.

<sup>36</sup> Anthony Luz, Paul DeLeo, Nathan Pechacek, and Mike Freemantle, *Human health hazard assessment of quaternary ammonium compounds: Didecyl dimethyl ammonium chloride and alkyl (C12-C16) dimethyl benzyl ammonium chloride*, REGULATORY TOXICOLOGY AND PHARMACOLOGY (July 5, 2020), <https://doi.org/10.1016/j.yrtph.2020.104717> ("DDAC and C12-C16 ADBAC are irritating/corrosive to skin at high concentrations, and are acutely toxic via the oral, dermal (C12-C16 ADBAC only), and inhalation exposure routes."); Judy S. LaKind and Michael Goodman, *Methodological evaluation of human research on asthmagenicity and occupational cleaning: a case study of quaternary ammonium compounds ("quats")*, ALLERGY, ASTHMA & CLINICAL IMMUNOLOGY (2019), <https://doi.org/10.1186/s13223-019-0384-8>.

<sup>37</sup> Hearing, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 186 (S.D. Fla. June 25, 2020).

***of solitary confinement at this facility.***" James Saintyl, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

*"On May 14th, 2020, I was transferred from Krome to Glades on a bus with 24 other detainees. We all sat very close together on the bus and we were not able to practice social distancing. We also were not given masks for the bus ride, so none of us had masks during the transfer."* Clayton Warner, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

*"I was brought to Glades just a few weeks ago, and I was not put into isolation before I was placed in a large pod and shared bedroom with five other men in bunk beds. Since I was brought in, I have been moved to a different pod, so I have shared a pod with a total of nearly 200 men since I arrived here. **I have seen new men brought into my pod from different detention facilities and from outside of detention, and they have not been placed into quarantine when they have first arrived.**"* Dushane Spaulding, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

*"There has been a lot of movement in and out of the pod where I am at GCDC. The pod was nearly emptied about a week ago when people were transferred and then filled back up with new arrivals within a matter of hours. As far as I am aware, **there is no routine intake quarantine at GCDC. When people are transferred to GCDC, they are brought directly to the pods.** On May 15, 2020, I spoke to one man in my pod who was transferred from Krome to GCDC on May 15, 2020 with 30 other people on a bus. He was immediately placed in the pod at GCDC and was not placed in quarantine first."* James Saintyl, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. May 20, 2020)

ICE argues that such cohorting is permitted under the CDC's Guidelines, which states "[i]f an entire housing unit is under quarantine due to contact with a case from the same housing unit, the entire housing unit may need to be treated as a cohort and quarantine in place."<sup>38</sup> However, the CDC's Guidelines on the issue of cohorting is clear. Cohorting should be avoided and utilized only as a last resort, not as a primary preemptive measure. The CDC's Guidelines specifically caution that "[c]ohorting multiple quarantined close contacts of COVID-19 case could transmit COVID-19 from those who are infected to those who are uninfected. Cohorting should only be practiced if there are no other available options."<sup>39</sup> Had ICE adhered to the CDC's Guidelines cautioning against arbitrary transfers and comingling symptomatic individuals with non-confirmed COVID-19 cases and released people, the enormous cohort created at Glades may have been avoided.

*"On May 28, 2020, I was tested for COVID-19. Days later, I received the results that I am positive for the coronavirus... In my experience, when tested, the staff will not give us a copy of the results of the coronavirus test. Some people are told they are positive, like I was, but some people who are tested do not know whether they are positive or not... Because some of the detainees are not told or given the results of their test, we are not sure of everyone who is positive, but we feel that the entire pod is positive based on the symptoms that we are all exhibiting. I requested my medical records three weeks ago and have not received a response... **While I am no longer experiencing symptoms of coronavirus and have recovered from my fever of 105, others in my pod and cell are still coughing, feeling weak, and have chills. In my experience, when a symptomatic detainee seeks medical attention, the medical staff doesn't really do anything. They just leave you there in the general population. They used to give out Gatorade, but I think they ran out. They are only giving out cold packs now...** In my experience,*

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<sup>38</sup> CDC Guidance at 19.

<sup>39</sup> *Id.*

*a medical request is supposed to be responded to in three to five days. However, I have heard of symptomatic people who have sent in medical requests weeks ago and still have not been responded to or been called down to medical to be seen. It seems like they just don't care. "* Anonymous, June 12, 2020

*"On June 10, 2020, eight men were brought into the pod. I am not sure where they came from. By adding more people to the pod, social distancing is now even harder. My section of the pod is now full with six people. The person who sleeps across from me is about four feet away; the person in front of me is less than twelve inches away, and the person who sleeps in the top bed is about two feet above me...The beds are close together, so we are not able to practice social distancing. Everyone in my cell is symptomatic... **No one in my cell has been tested for the coronavirus.**"* Terrance Taylor, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

*"In the pod where I am assigned (Pod B1), there are both people who have tested positive for COVID-19 and people who have not been tested... For example, one man in my pod has chronic obstructive pulmonary disease ("COPD") and asthma. **He tested positive for COVID-19 but remains in the pod in general population.** Another man who has hypertension tested positive for COVID-19 and is feeling weak. He has not been isolated since he tested positive and also remains in the pod...This arrangement is putting people who are not yet COVID-19 positive at a high risk for contracting the disease. **Close to forty people in this pod have not yet been tested for COVID-19....**"* Anonymous, June 12, 2020

*"Now, I would estimate that almost the entire pod is experiencing symptoms of coronavirus. Some symptomatic people in our pod have been tested for coronavirus, and some have not. There are also some people in our pod who are not symptomatic and have not been tested. I feel that my pod is a cohorted pod of people with the coronavirus, because after we are tested, they do not transfer anyone in or out of the pod. However, I know of some people in this pod who are not symptomatic and have not been tested, but they are still kept in this pod. I am not sure why they would keep the sick people in the same pod as people who are not sick. It seems like the officials and ICE do not care about our health and safety." Anonymous, June 12, 2020*

**Hunger Strikes, Pepper Spray, and Retaliation for Public Reporting:** Little to no information was provided to those detained, creating an atmosphere of desperation and fear. ICE officers refused to respond to detainees' questions, and guards physically assaulted and pepper sprayed individuals for naming safety concerns and protesting peacefully.

*"Since my last statement, I still do not feel safe. Since my last statement, there is still a feeling of hysteria based on the lack of information. We all feel panicked because we think that we all have the coronavirus. We do not feel that anyone here cares about us." Anonymous, June 12, 2020*

*"On June 10, 2020, in the morning, I spoke to a lieutenant and told him there are too many people in the pod. I told him the pod is crowded, and we are unable to properly practice social distance. I spoke to the lieutenant stating that I need to speak to ICE about what is going on because **we haven't seen an ICE officer in about three and a half months.** The lieutenant claimed he would try to get ICE to come to the facility. **I still have not heard from or seen ICE yet.**"* Steve Cooper, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

In June, hundreds again went on hunger strike in response. Some individuals stopped eating as their only recourse for obtaining medical care, while others did so demanding ICE officers respond to their concerns

around imminent health and safety threats and lack of release. A news article published June 17, 2020 reported individuals being pepper sprayed, then denied access to water until the following morning, for speaking up about life-threatening conditions inside the facility.<sup>40</sup>

*"Recently, the detainees went on hunger strike and told officers that we were not going to follow any of the facility rules until ICE came to speak with us. We did not go to meals, did not go to recreation, or go to medical to take out prescription. ICE came two days ago. Officials from ICE told us that we were cohorted and under quarantine. **They told us that we would be cohorted for fourteen days, but that the quarantine could be extended. They explained that the cohort was necessary because there was no place to put anybody, they did not have space.**"* Anonymous, June 12, 2020

*"I have observed people not eating because they are so sick that they cannot get out of bed to come to meals. Others have told me they are not eating as a form of protest because **they believe it is the only way to get attention from officials and receive medical attention...**"* Jermaine Scott, Declaration in *Gayle v. Meade*, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)

Shockingly, individuals also reported pepper spray being used against them for such innocuous activities as refusing to touch an item a guard handled without gloves, and asking for water, all of which violate ICE's own policies around excessive force. Pepper Spray also placed people at greater danger of covid exposure and/or negative health impact through aerosol spray:

*On June 10, 2020, between six a.m. and 6:45 a.m., a Haitian man named Mr. Simeon asked an officer for drinking water because the jug was empty. Sergeant Sierra refused and told the man to step outside the pod. Mr. Simeon refused because he was fearful that the officer would take him outside of the pod and into the hallway outside of the sight of video surveillance cameras and beat or physically harm him. When he refused to leave the pod, Sergeant Sierra pepper sprayed Mr. Simeon directly in his eyes. He was standing just ten feet from the door to exit the pod when he was sprayed. When I saw this happen, I went to assist Mr. Simeon and help him go to the bathroom to clean the pepper spray off of his face. The pepper spray got on me, and I had trouble breathing and stopped breathing...The doctor never....sought me out to check on me afterwards even though I have tested positive for COVID-19, I am an asthmatic with serious respiratory problems, and complications could arise from being exposed to chemical agents." Anonymous, June 12, 2020*

*"On June 10th in the morning, one detainee was asking the sergeants for water, because they are the ones who usually bring us water. He did not have any water all through the night, so he was thirsty and asking for water. **The sergeant denied him water and told him to get back to his cell, but he refused and demanded water. The sergeant pepper sprayed him. That spray often spreads throughout the pod and it makes some people cough.**"* Anonymous, June 12, 2020

**Hospitalizations, Deaths and Disappearances:** By July, sadly but unsurprisingly, a death at Glades due to COVID-19 was formally reported by ICE. A Mexican immigrant, Onoval Perez Montufar, died of COVID-19 complications at the age of 51 on July 11, 2020.<sup>41</sup> His death is a prime example of the

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<sup>40</sup> Monique Madan, *ICE 'retaliated' against detainees for speaking to media, federal complaint says*, Miami Herald (June 17, 2020), <https://www.miamiherald.com/article243603327.html>.

<sup>41</sup> Adolfo Flores and Hamed Aleaziz, *A 51-Year-Old Immigrant Man From Mexico Has Died In ICE Custody After Testing Positive For COVID-19*, BuzzFeed News (July 13, 2020), <https://www.buzzfeednews.com/article/adolfoflores/mexican-immigrant-dies-in-ice-custody>; Monique Madan, *ICE detainee dies of COVID at South Florida hospital - the state's first immigration death*, Miami Herald (July 13,



seriousness of Glades County's lack of appropriate care and provision of safety for those in their custody. It also highlights the reckless endangerment of ICE's unwillingness to release individuals from ICE custody due to the pandemic, especially those whose underlying medical conditions place them at a higher risk of dying from COVID-19.<sup>42</sup> Mr. Montufar's rights and his family's rights were violated and his preventable death is the responsibility of ICE and Glades County.

Others were hospitalized or removed to unknown locations, then disappeared. Alarming, those detained provide examples of people who are hospitalized, some to return repeatedly to the facility despite being in acute distress. Others who passed out and were removed were never heard from again.

*"Recently, I have been feeling weak and fatigued, feverish, and have a lack of taste and smell. Others in my pod have experienced similar symptoms, to include coughing, sneezing, headaches, fevers, and feeling weak or fatigued. Some are throwing up. I have witnessed people who are so sick that they cannot get out of bed. A man in my pod has been experiencing the aforementioned symptoms, including feeling weak and fatigued, high fever, and coughing for about ten days. **He has been so weak that he had to be carried out of the pod around four or five times. Sometimes they take him to medical, but last week, he was taken to the hospital. Three or four days later, he was released from the hospital and came back into my pod. When he returned, he was still showing symptoms and was very weak. Last night, after about six hours of being back in the pod, this man passed out in the pod and was unresponsive, so he was carried outside and put in a chair to wait for the ambulance to arrive...** I would say that approximately seventy-five percent of the detainees in my pod are experiencing symptoms of the coronavirus. **Commanding officers have told the detainees that none of us are dying so it was going to be okay and that we would be fine.** However, I do not feel fine and I, along with many other detainees I have spoken to, are very afraid and worried for our health and safety." Clayton Warner, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*

*"I have personally seen two people in my pod pass out. **When people pass out, they are carried out of the pod on a stretcher and they do not come back.** In my experience, the only time someone is provided with immediate medical attention is when they pass out... if medical staff do respond to a medical request, medical staff treat the aforementioned symptoms by administering Tylenol and giving a cold pack. After this, detainees are returned to the general population. Most recently, I filled out a medical request over a week ago and still have not received any kind of medical attention." Jermaine Scott, Declaration in Gayle v. Meade, 1:20-cv-21553-MGC (S.D. Fla. June 16, 2020)*

The true death toll at Glades County Detention Center is unknown. ICE's formal figures are highly suspect due to lack of information regarding the fate of people released from ICE detention after being exposed to or having contracted COVID-19, including release of people who are very ill.<sup>43</sup>

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2020), <https://www.miamiherald.com/news/local/immigration/article244191262.html>; Alexi Cardona, *Miami Group Plans Vigil for Detainee Who Died in ICE Custody*, Miami New Times (July 17, 2020), <https://www.miaminewtimes.com/news/onoval-perez-montuf-dead-glades-detention-center-florida-covid-19-11667658>.

<sup>42</sup> Another man named Kuan Hui Lee died while in ICE custody within the Miami Field Office on or about August 5, 2020, demonstrating a broader pattern of medical neglect within the south Florida facilities. See Taiwanese man in ICE custody passes away in Florida, U.S. Immigration and Customs Enforcement (August 6, 2020), <https://www.ice.gov/news/releases/taiwanese-man-ice-custody-passes-away-florida>.

<sup>43</sup> See Monique Madan, *'Either he's dead or he's been kidnapped': ICE detainees go 'missing' amid coronavirus*, Miami Herald (June 17, 2020), <https://www.miamiherald.com/news/local/immigration/article243545852.html>.

## Present Crisis: January 2021

This complete lack of oversight and failure to release people on the part of ICE and GCDC has allowed conditions to continue to deteriorate throughout the facility. According to people detained, GCDC is in the midst of a full-scale crisis with another facility-wide outbreak, and conditions are at their worst point since the start of the pandemic. Recent interviews with Immigrant Action Alliance and Americans for Immigrant Justice provide a chilling picture of the abysmal conditions and failure of oversight to address their critical needs.

**Medical Abuse:** It is unsurprising that so many are sick, given the combination of the conditions mentioned throughout our report. The detention center doctor's own failure to wear a mask while treating individuals detained led to the virus' spread in the facility when he himself became ill with COVID-19 in late November 2020. Even basic precautions that were previously being employed, such as taking temperatures twice daily, have been rescinded.

*"Sometimes there are no masks, not even the doctor is wearing one. The doctor was not wearing a mask before. He just started wearing it after he caught the virus, not before." Steve Cooper, Interview, January 10, 2021*

*"Temperature checks used to be conducted once or twice daily whereas now they are only checked sporadically, and many with serious medical issues who should be released are remaining detained.. There is no COVID-19 testing taking place at this time, despite many people being sick. I myself was tested in July 2020, but wasn't provided my test results, and I have not been tested since.. **I think attention will only come once someone drops dead.** There is no sanitation, social distancing. The county jail was better than this. They have us in here like sardines in a can.." Anonymous, January 8, 2021*

In another example of medical abuse, from a CRCL complaint submitted by IAA on January 22, 2021, "[a man detained at Glades], who has been diagnosed with a heart murmur, saw the doctor at Glades County Jail because he was experiencing chest inflammation. He was given ibuprofen 400 mg during his first visit, then 600 mg. Lastly, he was given a muscle relaxer, which caused a near-fatal reaction. After being given the muscle relaxer, [he] fell asleep, but when he woke up, he was unable to breathe. His leg was shaking and he felt extremely dizzy. The incident occurred around 12/23/20. Afterward, he submitted two medical requests, but when these went unanswered, he walked in to see the nurse. [He] says that after the muscle relaxer was prescribed and he experienced such an extreme adverse reaction, he has not trusted the doctor. Meanwhile, he is having extreme chest pain." DHS has not responded to this complaint.

What is surprising is the direct COVID-19 exposure and potential medical malpractice being reported against medical staff. Following a recent court order in the *Fraihat* litigation ICE was legally obligated to release those in their care who were high-risk for severe illness and death from COVID-19.<sup>44</sup> At Glades, ICE and medical staff were well aware of the majority of these individuals since the pandemic onset, particularly since numerous *Fraihat* release requests were submitted and ignored. In addition, ICE's own COVID-19 protocols which demanded they be prioritized for release. Shockingly, rather than upholding the hippocratic oath and doing all they could for the safety and medical well-being of those detained, medical staff began intentionally refusing to put medical diagnoses on people's charts in attempts to block their release under the law and lying about previous diagnoses, according to reports from several detained people. For instance, the doctor also continued to state that severe chest pain, a sign of acute medical

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<sup>44</sup> *Fraihat, et al v. U.S. Immigration and Customs Enforcement, et al*, No. 5:19-cv-01546-JGB-SHK, ECF No. 240 (C.D. Cal. Oct. 7, 2020).

distress due to COVID-19, was simply muscle strain, leading to the near death of an individual mid January:

*"I went to the doctor last week about my chronic chest pain which had been occurring since June 2020. The same doctor informed me in June this pain was due to hypertension, which still has not been treated. On this recent visit the doctor said, "Oh, another one with chest pain," then performed an EKG which gave an abnormal reading. The doctor then confiscated my asthma pump, saying he had not diagnosed it and this was the cause of the chest pain - he said an investigation into who had given it to me would take place. However, the doctor himself diagnosed the inhaler last June when my lifelong asthma became acute as they began spraying the chemicals throughout the center. I've heard from others that the doctor told them he refuses to give new diagnoses in light of the Fraihat litigation which requires high-risk individuals be evaluated for medical release. A group of us wrote a grievance against the doctor last week."* Anonymous, January 8, 2021

*"Despite being diagnosed with numerous medical conditions that I take medication for and the fact that I use an asthma pump daily, the doctor says there's nothing wrong me. I received no medical care when I got sick with COVID-19. The medical staff just told me to take a shower and I would be okay...I've been waiting for my medical records since April or May of last year when I first requested them. Last week, another man here had a seizure while hospitalized, which was confirmed by the hospital doctor. He told us when he returned to the detention center Dr. Charles denied the seizure had taken place."* Anonymous, January 8, 2021

*"The doctor doesn't care for the detainees, he is just working for himself and ICE. Even if there wasn't a virus, people would get sick." The interviewee added that this was because people could become very sick but the medical staff would say they don't require hospitalization because the in-house medical department was sufficient. He noted that it takes a very long time to see a doctor outside of Glades. "* Anonymous, January 4, 2021

*"Despite the fact that I had a severe asthma attack in December, which they didn't treat, and I still feel shortness of breath that requires the use of an inhaler 5-10 times daily, racing heart, and fatigue, ICE denied my Fraihat medical release request because they said I had no medical conditions. They told me if I did face any medical issues, I should access care at the jail."* Anonymous, January 11, 2021

*"The chronic health issues I've had for many years, such as bronchitis, are noted on my medical chart but still going untreated. I placed a sick call over 3 weeks ago which has gone ignored, and I'm forced to use a friend's inhaler since the medical staff refuses to give me one."* Anonymous, January 8, 2021

*"I have heard that two to three people died here, in addition to Onoval. I don't know their names. My friends who worked at the clinic overheard guards there talking about others who have died at Glades."* Anonymous, January 4, 2021

*On January 26, a man detained at Glades reported to Immigrant Action Alliance that when he mentions his health problems, medical staff and the guards have begun to tell him, "no, you're in good health." He was taken off the breathing machine the week of January 25, even though he had regularly received treatments previously, and he is struggling to breathe.*

*Similarly, IAA received a letter postmarked January 21, 2021 from a man detained at Glades, who cannot get records from the medical department at Glades saying he was diagnosed with*

asthma, even though he signed paperwork in June 2020 in order to receive an inhaler. When he noted this to Dr. Jean Saint Charles, Dr. Saint Charles replied that he had not ordered the inhaler; however, the doctor's name is on the box, as shown in the following screenshot obtained by IAA. In a text to IAA, he says he is now unable to get an asthma pump refill after submitting three requests (all of which went unanswered). "I have been complaining to them about having trouble breathing for (2) two weeks now," he wrote, "and still they have not let me see a doctor yet."

How are this is the document that I got from The medical department when they gave me the asthma pump. Im just puzzled because they did not enter my medical condition in their computer about my medical condition.

<sup>2</sup> You can use this to help me send in my Frailhat release request please and thank you.

#### KEEP ON PERSON (KOP) CONTRACT

If I meet the requirements for the "Keep on Person" medication program, and agree to the requirements below, I will be allowed to keep my medication in my possession:

1. I understand that only medications that are approved and ordered by the facility clinician will qualify for this program.
2. I understand that medication may be given to me in a special package that will contain no more than a (30) day supply of medication. The package will contain a label that includes my name, identification number, the medication name, and directions for its use.
3. I understand I must follow instructions on the medication label. Health care staff can check my medicine at any time to make sure I am taking it correctly.
4. I understand, if I believe I am having a problem with the medication, it is my responsibility to notify the nurse or doctor as soon as possible.
5. I AM RESPONSIBLE FOR MY MEDICATION. If I lose, tamper with, share or trade the medication, I will be terminated from the program and may be subject to disciplinary action.
6. If I am transferred or released from this facility I may take the medication with me to complete the prescription. I understand that the medication is not in a child proof container, and accept responsibility.
7. I have received a pre-printed information sheet on all my initial Keep on Person Medications.
8. Once released, I will need to follow up with my health care provider as needed.
9. My Keep on Person (KOP) Medication(s) is/are:

VENTOLIN HFA 90MCG INHALER

ALLERGIES: Tramadol, WOOL

I HAVE READ THE KEEP ON PERSON (KOP) CONTRACT. I ACCEPT THESE TERMS AND ACCEPT RESPONSIBILITY FOR MY MEDICATION. I KNOW HOW TO TAKE MY MEDICATIONS PROPERLY. ALL OF MY QUESTIONS HAVE BEEN ANSWERED.

PATIENT'S SIGNATURE

Dwaine Smith

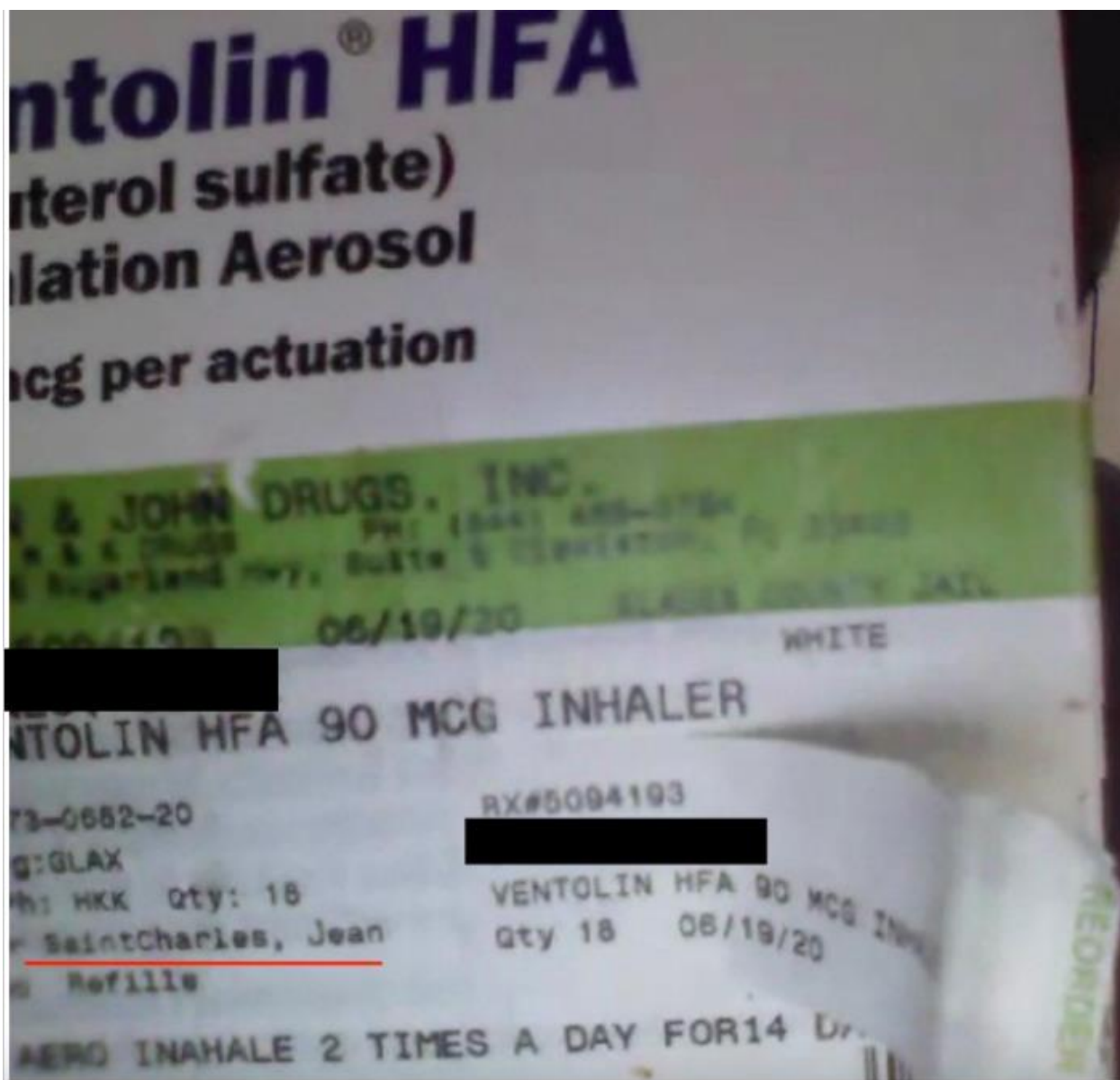
WITNESS (MEDICAL STAFF)

DATE

06-20-2020 Sat 07:14 PM

DATE

PATIENT NAME:	NO:	D.O.B.	SEX:	LOCATION:
	GCS011MNI001604	09-20-1987	M	1*DORM 1*C*096 1*DORM 1*C*096



**Hunger Strikes, Pepper Spray, and Retaliation for Public Reporting:** In response, people detained are using whatever means possible to seek protection and accountability, including filing grievances, considerations of personal injury lawsuits, and facing the risk of retaliation and long term health consequence of putting their body in harm's way through hunger strikes. In late December over 100 people went on yet another hunger strike, demanding the ICE officers whom they have not seen for many months come speak to them. They sought ICE to address the deplorable and dangerous conditions they are living with and their concerns around medical care and continued denial of release:

*"Men and women here went on a hunger strike December 27, which lasted four days. Guards threatened us with pepper spray, and on the 31st a man was dragged out onto the floor and assaulted in the midst of our sit in when we refused to return to our bunks to be counted. I believe they did this to him to intimidate the rest of us to break our strike...ICE Officers did visit us that day, December 31st, and again on Monday, January 4, when they expressed shock at the sight of*

*the bathroom. Glades County is getting the benefits and not treating us right. They are taking the money to take care of the county side."* Anonymous, January 8, 2021

*"I filed a civil rights complaint after my friend was forcefully dragged to the floor by 4 guards during a peaceful sit in the middle of our hunger strike. My friend was released that same day, before ICE officials came. ICE later threatened me that if I continued to hunger strike I would lose privileges and be placed in solitary confinement."* Anonymous, January 8, 2021

*"I would like to start a multi-individual personal injury lawsuit because of the long-term effects on us. And they keep doing it. They have to be held accountable."* Anonymous, January 2, 2021

*"The officers, the way they treat you—they don't want to give you masks.... Then they got more mean with us. DHS wanted to treat us like criminals. To them, we're criminals. A lot of officers were leaving to other facilities. They know what's going on—they know it's going to get shut down, not going to renew the contract."* Rodney London, deported on approximately November 22, 2020, Interview on January 3, 2021

*"ICE officer Joseph Brown was brought in after things got intense and a detainee was dragged out on the floor because he refused to talk or walk when ordered to do so ... During the hunger strike most detainees refused canteen for three days because we demanded to speak with a senior ICE official about the unsanitary condition of the facility. Which was never met. Instead Joseph Brown was sent in to calm the situation at hand due to unresponsiveness by ICE and facility staff. We asked Mr. Brown about how current COVID 19 settings are within the dorms in this facility with no real consideration for detainees health risks of being exposed and no 6 ft social distancing. His reply was 'no comment, due to lawsuit in progress in reference to Fraihat vs ICE,' when asked about the conditions of the facility in terms of sanitation, bathroom toilets leaking, and limited access due to malfunction and availabilities."* Anonymous, January 9, 2021

The last individual reported two days later, through another, that his account was suspended for sending the above message to IAA to confirm the hunger strike and deplorable living conditions they still faced. That same day, the legal line for Americans for Immigrant Justice was cut off mid interview during a separate individuals' abuse reporting.

**Lack of Soap, Sanitation, and PPE:** Improper sanitation and insufficient access to hygiene products and PPE at the facility persist into early 2021.

*"We reported a broken sink in the second floor bathroom in D1 dorm in October. Maintenance staff at Glades said to me, "We aren't fixing anything until after the election," and repairs still haven't been made. Now, there is water leaking down into the cell below the bathroom, and the bed in that cell can't be used because water from the bathroom leaks down onto it."* Anonymous, January 8, 2021

*"This place is not fit to inhabit for anybody, human or animal. There is black mold in the bathroom, and it's not safe. B dorm is leaking. Shitwater runs down the wall, besides people's beds. The inspector IGNORED these things. We said, 'Are you going to check the bathroom?' and they replied, 'No, we already saw one,' 'Yeah but there's another one!' The roof leaks some kind of icicles which are hanging from the ceiling and forming the same thing on the ground. They're 2 inches long, and look like a calcium deposit. We don't know if it's asbestos? They couldn't get approval to open with these things happening. With these things, the place should not be open at all."* Rodney London, January 2, 2021

*"Even the kitchen, they got roaches in the kitchen, in the cakes. Food is spoiled. Health conditions are terrible. They are not abiding by the rules and the laws."* Steve Cooper, January 4, 2021

**Virus Spread: Transfer & Impossibility of Quarantine:** lack of ability to self-protect, and continual transfers into the detention center without people being able to properly quarantine upon arrival or COVID-19 outbreaks properly contained. According to those detained, testing is still not taking place, including for people symptomatic.

*"On December 18, 2020 about 10 detained people were brought to my dorm C1 from B1 (quarantine dorm) after spending only 5 days in quarantine post transfer from Krome Detention Center in Miami, Florida. Others who had been transferred in at the same time were spread to two additional non-quarantine pods in the facility. People in quarantine dorm B1 are regularly mixed with the general population as soon as others are transferred into the facility, regardless of the length of time under quarantine."* Anonymous, January 8, 2021

*"Whenever new people are placed in the dorm, there is a COVID-19 outbreak which is not controlled. I have seen people released who were actively ill with COVID-19."* Anonymous, January 8, 2021

*"Someone went to work in the kitchen and caught COVID-19. He was in my unit but they only took him out that day, then 3 more people started to get sick right after that. They still haven't tested anyone else. The person that they took out from the unit that works in the kitchen came back last night. I guess he was just showing symptoms"* Anonymous January 18 and 19, 2021

#### Lack of Appropriate Oversight:

Despite the humanitarian crisis that has unfolded since the onset of the pandemic, neither ICE nor Glades County took adequate action to prevent further harm as required by the US Constitution, the NDS and CDC Guidelines.

The Due Process Clause provides that no person shall "be deprived of life, liberty, or property, without due process of law." *U.S. Const. amend. V*. Its protections extend to every person within the nation's borders regardless of immigration status. *Mathews v. Diaz*, 426 U.S. 67, 77, (1976) ("Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to that constitutional protection.") "[W]hen the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being." *DeShaney v. Winnebago Cty. Dep't. of Soc. Servs.*, 489 U.S. 189, 199- 200 (1989). The government must provide detained individuals with basic necessities, such as adequate medical care, food, clothing, and shelter; the failure to provide these necessities violates due process. *Hamm*, 774 F.2d at 1573; *Cook ex rel. Estate of Tessier v. Sheriff of Monroe Cty.*, 402 F.3d 1092, 1115 (11th Cir. 2005).

At a minimum, the Fifth Amendment Due Process Clause prohibits ICE's deliberate indifference to a substantial risk of serious harm that would rise to the level of an Eighth Amendment violation in the post-conviction criminal context. *Revere v. Mass. Gen. Hosp.*, 463 U.S. 239, 244, (1983) ("[T]he due process rights of a [detained immigrant] are at least as great as the Eighth Amendment protections available to a convicted prisoner."); *see also Hale v. Tallapoosa County*, 50 F. 3d 1579, 1582 n.4 (11th Cir. 1995). Furthermore, the government may violate the Eighth Amendment of the Constitution when it "ignore[s] a condition of confinement that is sure or very likely to cause serious illness and needless suffering the next



week or month or year," including "exposure of inmates to a serious, communicable disease, "even when "the complaining inmate shows no serious current symptoms." *Helling*, 509 U.S. at 33.

Conditions of confinement for individuals in immigration detention violate the Fifth Amendment of the Constitution when the government fails, with deliberate indifference, to safeguard the health and safety of those in its custody. The government acts with deliberate indifference when it knowingly exposes an individual in its custody to a substantial risk of serious harm. The facts illustrated above clearly demonstrate that ICE and GCDC have subjected those in their custody to conditions of confinement that create a substantial risk of contracting a serious or even fatal case of COVID-19. ICE and GCDC know, or should be aware, of the fact that detained individuals' underlying conditions render them especially vulnerable to severe illness or even death if they contract COVID-19. ICE and GCDC are therefore knowingly subjecting individuals in their custody to an unreasonable risk of serious harm, in violation of constitutional due process. ICE and GCDC have exposed individuals in their custody to a substantial risk of serious harm. ICE and GCDC have known of, or disregarded, the substantial risk of harm to detained individuals' health and safety and as a result have acted with deliberate indifference.

GCDC is subject to ICE's National Detention Standards ("NDS").<sup>45</sup> The current governing version of the NDS is the 2019 National Detention Standards for Non-Dedicated Facilities. Section 1.1(I) of the NDS mandates that "facilit[ies] will operate in accordance with all applicable regulations and codes, such as those of . . . the Centers for Disease Control and Prevention (CDC)."<sup>46</sup> ICE and GCDC have failed to follow their duty to comply with the NDS, which requires compliance with CDC guidelines and federal, state, and local laws. Namely, ICE and GCDC have not implemented the recommended cleaning and disinfecting practices, recommended hygiene practices, nor given the nature of detention can they implement adequate social distancing practices per CDC guidelines. Moreover, ICE and GCDC's cohorting practices violate CDC guidance and increase the threat posed to individuals in their custody.

On April 30, 2020, the court in *Gayle v. Meade* found "record evidence demonstrating that ICE has failed in its duty to protect the safety and general well-being" of 34 petitioners from three south Florida detention centers, including the Glades County Detention Center.<sup>47</sup> The court concluded ICE's failures "amount to cruel and unusual punishment because they are exemplary of deliberate indifference."<sup>48</sup> As a result of the evidence in the record as of April 30, 2020, much of which documented the conditions at GCDC, the court concluded conditions at Krome and Glades constituted "a violation of the Petitioners[]" Fifth and Eighth Amendment rights."<sup>49</sup> The court in *Gayle* further determined that ICE had failed to comply with its own Performance-Based National Detention Standards and Pandemic Response Requirements, violating the individuals' due process rights under the *Accardi* doctrine.<sup>50</sup> Despite this order finding clear constitutional violations at Glades County Detention Center at the end of April 2020, not much has changed in the conditions of the facility nor in ICE's own ability to provide sustained and meaningful oversight over those in its custody at GCDC.

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<sup>45</sup> See Inter-governmental Service Agreement between the United States Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Detention and Removal and Glades County, Moore Haven, Florida at 4 (executed on May 30, 2007), <https://www.documentcloud.org/documents/1658083-glades-county-fl-igsa-contract.html>.

<sup>46</sup> 2019 NDS at 1.

<sup>47</sup> Order Adopting in Part Magistrate Judge's Report and Recommendation, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 76 at 6 (S.D. Fla. Apr. 30, 2020).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 6-7.

<sup>50</sup> *Id.* at 7-9.



From August 31 to September 3, 2020, ICE's Office of Detention Oversight ("ODO") conducted a "compliance inspection" of GCDC.<sup>51</sup> In Fiscal Year 2019, ODO found 12 deficiencies in a variety of areas. In the most recent inspection, in Fiscal Year 2020, ODO found a total of 17 deficiencies among the categories it assesses.<sup>52</sup> Within the deficiencies were some regarding the inadequate medical care provided in the facility, with ODO noting that medical care is an "area of concern."<sup>53</sup> Individuals detained reported that facility conditions were temporarily improved simply to pass the inspection. This lack of appropriate oversight is not only a result of the pandemic, but a longstanding occurrence at GCDC. GCDC and ICE must be held accountable for their negligence.

*"Before the inspection at G.C.D.C. officers used to wear masks and gloves 24/7, and they used to give masks to us detainees twice a week when [there] was supply for toilet papers and shampoo. Since inspection left[,] officers are walking with no gloves, they take off the masks, and we are not getting masks any more on the regular supply bases. With all this said I am afraid for my life here in the detention center, because the officers are breaking all the rules and regulations from CDC and also ICE guidelines."* Complaint, *Radetic v. Miami Field Office Immigration and Customs Enforcement*, No. 1:20-cv-23783-MGC, ECF 1 (S.D. Fla. September 11, 2020).

Over six months since the first case of COVID-19 came to Glades, despite the rampant spread of COVID at the facility, nothing significant had changed in GCDC's procedures. Individuals filing habeas corpus petitions in federal district court argued the government violated their right to due process. Declarations like the one following led them to argue such failures amount to cruel and unusual punishment because they are exemplary of deliberate indifference.

*"People with confirmed cases are deliberately cohorted with people with suspected cases, which shows a total disregard for our safety and well being. This practice also violated ICE April 10, 2020 COVID-19 Pandemic Response Requirements. We are congregated in groups of more than ten people. I am currently in a dorm with about twenty five people that came from Krome within the last three weeks that are confirmed positive for COVID-19 and are cohorted with people that are asymptomatic, or have not been tested at all, just like I was not once tested for COVID-19, or put in the quarantine for 14 days, in all my 5 transfers since April 22, 2020, until June 29, 2020. I am cohorted with people that have high temperatures and showing symptoms of illness, that have been tested for COVID-19, and I have not been tested yet. When I ask for a test I am told no."* Complaint, *Radetic v. Miami Field Office Immigration and Customs Enforcement*, No. 1:20-cv-23783-MGC, ECF 1 (S.D. Fla. September 11, 2020).

Recognizing that environment conditions can be the basis for the state-created danger, Rodney London, an individual over the age of fifty diagnosed with hypertension and asthma, argued that these failures placed him at a heightened risk of not only contracting COVID-19, but also succumbing to the fatal effects of the virus due to his chronic medical conditions. Complaint, *London v. Miami Field Office Immigration and Customs Enforcement*, No. 1:20-cv-23770-MGC, ECF 1 (S.D. Fla. September 11, 2020).

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<sup>51</sup> Office of Detention Oversight, U.S. Immigration and Customs Enforcement, U.S. Dep't of Homeland Security, ERO Miami Field Office Glades County Detention Center August 31-September 3, 2020, [https://www.ice.gov/doclib/foia/odo-compliance-inspections/gladesCoDetCntrMooreHavenFL\\_Aug31-Sep3\\_2020.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/gladesCoDetCntrMooreHavenFL_Aug31-Sep3_2020.pdf).

<sup>52</sup> *Id.* at 6.

<sup>53</sup> *Id.* at 10.

Moreover, Glades County has failed to engage in adequate oversight actions to minimize the burgeoning health crisis. Although the nonprofit Glades Correctional Development Corporation is used to enable relationships with bondholders and shift liability away from Glades County, the county retains certain oversight. For instance, the commissioners have the power to appoint and approve members to the GCDC Board. Furthermore, GCSO is still partially funded by county taxes, and the commissioners must vote to approve its annual budget.

Despite this responsibility, the Sheriff's reports to the county commissioners at their regular meetings focus almost exclusively on the jail finances and the number of people detained there. Any questions about jail conditions that arise are quickly dismissed.

For instance, in the July 7, 2020 Board of County Commissioners meeting, Commissioner Storter Long mentioned news reports regarding the treatment of individuals detained at the facility. To this, GCSO Finance Director Shelley Ridgill stated they have passed all their inspections so if they were mistreating the detained individuals, they would be failing their inspections.<sup>54</sup> This was just days before Onoval Perez Montufar died on July 11, 2020 after contracting COVID-19 at the jail. No discussions of Mr. Montufar's death or the dangerous conditions of confinement were recorded in the Board meeting minutes for meetings directly following.

On August 25, 2020, Onoval Perez Montufar's family, as well as advocates, attorneys, people currently and formerly detained, and family members of those currently detained, all sought congressional oversight through a public Congressional Roundtable. They demanded an investigation into the cause of death, demanded in-person congressional visits to witness the horrors first hand inside the facilities, and an end to all transfers. Representative Greg Steube, who represents Glades County, declined to participate.

On November 23, 2020, nine months after the pandemic onset and as significant rights violations and direct harm were happening to immigrants in the county jail's custody, it remained unclear how much information was provided and what oversight role was being played by responsible officials within Glades County. Glades County Commissioner John Ahern, who serves on both the county commission and the board of the Glades Correctional Development Corporation, told fellow commissioners, "Everything is going fine now." This prefaced a report on the current finances and jail capacity--that ICE was continuing to pay the jail to detain 425 people though they were only detaining 307 individuals for ICE at the time. Commissioner Ahern also reported that they had lost "well over a million of income" because the court in *Gayle* had ordered them to maintain their ICE detained population at 75% capacity or lower. Only after Commissioner Ahern covered the finances did Sheriff Hardin disclose that the doctor assigned to the facility had contracted COVID-19.

Similarly, during the December 8, 2020 commissioners meeting, there was no mention of detention conditions, just concern over whether ICE would continue to pay GCSO for 425 beds.

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<sup>54</sup> The Office of the Inspector General has stated that inspections by the Nakamoto Group, which has conducted inspections at Glades, are "not consistently thorough" and that "its inspections do not fully examine actual conditions." With all inspections, whether conducted by Nakamoto or others, the OIG found that "ICE does not adequately follow up on identified deficiencies or systematically hold facilities accountable for correcting deficiencies." See Office of the Inspector General, U.S. Dep't of Homeland Security, *OIG-18-67, ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 16, 2018), <https://www.oig.dhs.gov/reports/2018/ices-inspections-and-monitoring-detention-facilities-do-not-lead-sustained-compliance>.

This pattern was repeated at the January 12, 2021 meeting. The December 27, 2020 to January 1, 2021 hunger strike in response to unsanitary conditions and fear for their safety was not discussed, nor was there any mention of an officer's assault on one of these peaceful protestors. Commissioner Ahern only mentioned the fact that it was a "lot easier to pay the bills" with the 425 rate from ICE, which was not guaranteed to be paid after January of this year.

Equally concerning is the GCSO's lack of intervention, despite full awareness of all the above taking place. Although the county could exercise a measure of oversight regarding the present humanitarian crisis at GCDC, their concern over the jail's finances distracts them from the larger human cost.

## **Recommendations & Conclusion:**

### **1. Immediate Investigation of Medical Practices and Denial of Release:**

Based on the myriad of concerning reports from detained individuals at Glades County Detention Center since the onset of the pandemic, we believe the entire population of the jail is at serious risk of illness or death due to the inability to practice social distancing, lack of precautions being taken, lack of testing, and lack of adequate medical care led by a doctor whose motives remain questionable. We urge CRCL and OIG to immediately investigate the medical practices at the Glades County Detention Center. Further, every person detained should be provided with an individualized assessment, under a presumption of release, prioritizing those most medically vulnerable to complications from COVID-19.

### **2. ICE should terminate the Intergovernmental Services Agreement (IGSA) with Glades County**

We further urge CRCL and OIG to recommend that ICE terminate the Intergovernmental Services Agreement (IGSA) with Glades County as they have repeatedly demonstrated their inability to provide adequate care to those in their custody.

All parties contractually obligated to uphold the safety and well-being of those detained in ICE custody under the IGSA, namely ICE and Glades County were well aware of the risk created by their negligence and failure to provide adequate care to the people detained in their custody. Internal grievances were filed, concerns around poor medical care and lack of release were publicized widely as people's hunger strikes—and the swift retaliation—was made public through the media. Moreover, congressional representatives from Florida acknowledged the abusive conditions at Glades during a congressional roundtable on August 25, 2020, in which three people directly impacted by Glades' abuses spoke, including Onoval Perez Montufar's niece, who reported the conditions at Glades leading to her uncle's death on July 11, 2020.<sup>55</sup> In addition, a major class action lawsuit was filed in federal court documenting egregious and alarming conditions within the facility. Despite a deluge of information, including ongoing reports over a period of ten months detailing the day-to-day atrocities happening inside GCDC, appropriate response, oversight, and remedy at the time of this filing have been wholly insufficient.

Far from being an appropriate crisis response to a deadly pandemic and facility-wide outbreak, the way in which ICE and Glades County failed to protect and release people under their care is evidenced, over and over, throughout the entirety of the pandemic to date.

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<sup>55</sup> United We Dream, *Testimonies on ICE Cruelty: A Conversation with FL Reps*, (August 25, 2020) <https://www.facebook.com/watch/live/?v=309472236990575>.

### 3. All Individuals Detained Should Be Immediately Released to the Community

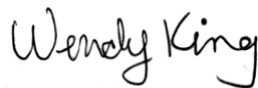
Finally, we remain extremely concerned that the conditions inside Glades are dire, with attempts to seek external support quelled in retaliation, and ongoing inadequate and abysmal medical care. Given reports of disappearances and unconfirmed deaths, the true death toll due to COVID-19 remains in question. Coupled with the intrinsic nature of congregate settings which cause the spread of infectious disease, Glades County Jail has proven itself unable and unwilling to provide those in its care with safety and due process. We believe that without immediate intervention to adequately address the ongoing pandemic and health crisis at GCDC, history will continue to repeat itself. Given the acute crisis which has been unfolding since the pandemic onset to date, we demand the immediate release of all individuals from Glades County Jail's custody. We are extremely concerned that many more individuals will continue to contract COVID-19 in the coming days and weeks, leading to severe illness and potential death.

We look forward to your prompt attention to this issue. Should you have any questions, please contact Jessica Schneider of Americans for Immigrant Justice at [jschneider@aijustice.org](mailto:jschneider@aijustice.org), Wendy King of Immigrant Action Alliance at [wendy@immigrantactionalliance.org](mailto:wendy@immigrantactionalliance.org), or Sofia Casini of Freedom for Immigrants at [scasini@freedomforimmigrants.org](mailto:scasini@freedomforimmigrants.org).

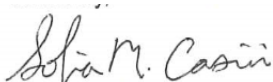
Sincerely,



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**IMMIGRANT  
ACTION  
ALLIANCE**



TOGETHER WE WILL END IMMIGRATION DETENTION

**FREEDOM  
FOR IMMIGRANTS**



**Americans for  
Immigrant Justice**

August 26, 2021

SENT VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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***Re: Violations of Womens' Civil Rights, Toxic Chemical Spray, Sexual Voyeurism, and other Abuses at the Glades County Detention Center (Florida)***

Dear PREA Joint Intake Coordinator, Inspector Cuffari, and Officer Culliton-Gonzalez:

The following organizations—Americans for Immigrant Justice, Freedom for Immigrants, Immigrant Action Alliance, Southern Poverty Law Center, American Civil Liberties Union (ACLU) of Florida, Florida Immigrant Coalition, Doctors for Camp Closure National, Doctors for Camp Closure Florida Chapter, Detention Watch Network, QLatinx, Legal Aid Service of Broward County, United We Dream, Florida Prisoner Solidarity, Community Justice Project, Bergen County Immigrant Strategy Group, Florida Indigenous Alliance, Community Hotline for Incarcerated People, Florida Legal Services, Sabarish P. Neelakanta Law Firm, Abolish ICE NY-NJ Coalition, Human Rights Defense Center, Dignity Power, Inc., and the National Immigration Project of the National Lawyers Guild—submit this multi-individual civil rights complaint on behalf of seven women currently detained at, or recently released from, Glades County Detention Center (“Glades”):

- 1) Petrona Lopez (A#029 393 387)
- 2) Marlissa Joseph (A#216 358 618)
- 3) Lunise Clerveaux (A# 042 892 088)
- 4) Danielle Harris (A# 216 654 262)
- 5) Iris Martinez Napper (A# 096 564 294)
- 6) Anonymous
- 7) Anonymous

Concerningly, a full six months after community-based organizations and legal service entities submitted a 35-page civil rights complaint naming a myriad of human rights violations taking place inside Glades, ICE leadership and Glades County officials with oversight authority have summarily disregarded these concerns, enabling these more recent violations to take place. Toxic chemical spray exacerbating the spread of COVID-19 and with links to infertility continues to pose serious health risks, as does medical neglect towards those suffering serious ailments or ill with COVID-19. Lack of release for those whose illness places them at great risk of severe illness or death due to COVID-19 remains a critical issue. Sanitation supplies remain insufficient, PPE extremely limited, and large-scale incoming transfers from all over the country are taking place at an alarming rate without proper safety protocols. Facing all of these dangers, those bravely speaking out continue to suffer retaliation for their public reporting. In fact, not

only have the coalitions' grave concerns gone ignored, but individuals who participated in the February complaint were retaliated against with off-camera physical assault mirroring the abuse others reported repeatedly in prior complaints. ICE leadership's response to advocates that video evidence had been reviewed and found lacking was negligent and dismissive.<sup>1</sup>

Into these deplorable conditions, recent weeks have seen mass transfer of individuals, including large groups of women who report living conditions which are unsanitary, hostile, and unsafe. These women report that previously named concerns remain ongoing, such as continued exposure to toxic chemical spray in confined spaces, acute medical neglect, deplorable conditions, and insufficient protections from COVID-19, while raising additional concerns unique to women in the facility such as sexual voyeurism by male guards; unannounced entries in violation of privacy and Prison Rape Elimination Acts (PREA) abuse prevention policies; sexually abusive behavior from medical staff; racist verbal abuse; violent and threatening interactions; and hygiene products withheld abusively. Sexually inappropriate behavior and intentional humiliation from Glades County Sheriff's Office's guards and psychiatric staff, in particular, is creating a hostile and unsafe environment for women detained. This environment puts their lives and well-being at constant risk. Such disregard for the welfare of those in their custody includes violations of ICE's own detention standards and COVID-19 protocols, CDC guidance, PREA protocols, and the U.S. Constitution.<sup>2</sup>

The following reports are made by seven women both currently detained and recently released. Reports by those who remain in detention are submitted both named and anonymously due to concerns of retaliation. Some of these individuals are willing to be identified in the case of a formal investigation.

### ***Toxic chemical spray***

*"Do you know something? Last night, they were spraying a chemical, and it's not fair. Yesterday, we were coughing a lot because we couldn't take the vapor and smell of the chemical."*

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<sup>1</sup> On March 5, a meeting took place between ICE Field Office Director Mr. Ripa and advocates from Americans for Immigrant Justice, Freedom for Immigrants, and Immigrant Action Alliance, at which Mr. Ripa informed advocates that a cursory review of video evidence had found no wrongdoing. This is a completely inappropriate response to a request for immediate investigation into the pattern and practice of off-camera assault taking place inside Glades County Detention Center for those who speak up publicly.

<sup>2</sup> 2019 National Detention Standards for Non-Dedicated Facilities, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>. (hereinafter "2019 NDS"); U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations COVID-19 Pandemic Response Requirements (Version 5.0, October 27, 2020), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>. (hereinafter "PRR"); Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, Center for Disease Control and Prevention (Updated Dec. 31, 2020) [https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/04/CDC\\_guidance-correctional-detention.pdf](https://www.cdcr.ca.gov/ccjbh/wp-content/uploads/sites/172/2020/04/CDC_guidance-correctional-detention.pdf). (hereinafter "CDC Guidance"); Order Adopting in Part Magistrate Judge's Report and Recommendation, *Gayle v. Meade*, No. 1:20-cv-21553-MGC, ECF No. 76 at 6-7 (S.D. Fla. Apr. 30, 2020). (as a result of the evidence the record as of April 30, 2020, this Court concluded conditions at Glades constituted "a violation of the Petitioners[] Fifth and Eighth Amendment rights.").

*The new women say that it's not good that they sprayed this chemical because there are women who are allergic or have other illnesses." Anonymous report, August 17, 2021*

The use of highly toxic chemical disinfectant sprayed throughout the facility further exacerbates the spread of COVID-19 by spreading aerosol droplets and causes detained individuals to experience headaches, coughing, and difficulty breathing. In addition to placing general population and individuals who have contracted COVID-19 at even greater risk, studies note potential long term health consequences, including for women and men's fertility.<sup>3</sup>

For example, Marliisa Joseph, who has chronic asthma, reported on August 18, 2021, that the chemical disinfectant that is sprayed in the women's pod is very strong and causes her shortness of breath. She explained that the chemical is sprayed after every meal, usually at approximately six a.m., twelve p.m., and six p.m. Ms. Joseph and the other women are not permitted to leave the pod while the chemical dissipates. When she complained to the doctor at the facility about the use of the chemical disinfectant, the doctor brushed off her complaint.

Lunise Clerveaux, who was detained for several months at Glades, also reports that the toxic chemical "turns the air gray" and lingers. When the chemical was sprayed, the women would scatter around the pod and away from the areas that were sprayed. Ms. Clerveaux herself would hide under her bed sheet until the "gray cloud" went away a bit more. She recounts that she could see the gray air leaving the pod when guards would open the door to enter or exit.

Ms. Clerveaux also reports that the ventilation in the pod is so poor that when pepper spray was used in neighboring pods, the women's pod would feel the effects of pepper spray for days. Women would cough, rinse their eyes, and cover their faces with blankets for several days.

Multiple CRCL complaints have been filed naming this issue. In fact, Immigrant Action Alliance first filed a CRCL complaint on this issue on May 23, 2020, citing the serious respiratory distress the chemical spray caused among people with asthma, bronchitis, and other medical conditions. The complaint reported that after the spray is used, people with asthma struggled to breathe, used their inhalers more frequently, and some people suffered from shortness of breath and/or headaches. Subsequent CRCL complaints named that the manner of aerosol fumigation and lack of ventilation were in violation of appropriate protocols and EPA policies. In fact, toxic chemical spray with the same basic compound, HDQ Neutral, is the subject of two current EPA

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<sup>3</sup> Anthony Luz, Paul DeLeo, Nathan Pechacek, and Mike Freemantle, *Human health hazard assessment of quaternary ammonium compounds: Didecyl dimethyl ammonium chloride and alkyl (C12-C16) dimethyl benzyl ammonium chloride*, REGULATORY TOXICOLOGY AND PHARMACOLOGY (July 5, 2020), <https://doi.org/10.1016/j.yrtph.2020.104717> ("DDAC and C12-C16 ADBAC are irritating/corrosive to skin at high concentrations, and are acutely toxic via the oral, dermal (C12-C16 ADBAC only), and inhalation exposure routes.")



investigations of detention facilities in California<sup>4</sup> and Washington.<sup>5</sup> As shared in the February 2021 civil rights complaint, information obtained by an anonymous source indicates that Glades County Officials have directed the toxic chemicals be administered at a much more highly concentrated state than allowable by the manufacturer or the EPA. These earlier civil rights complaints named medical hardships resulting directly from the spray, including nosebleeds, vomiting, and additional difficulties breathing for those suffering with COVID-19. Well over a year later, the use of toxic chemical spray in confined spaces persists, posing a serious health threat and long-term consequences for these women, including potential infertility.

### ***Sexual misconduct by guards: Voyeurism and Unannounced Entry***

Based on reports our organizations have received, there is alleged sexual misconduct taking place inside the Glades County Detention Center that could amount to violations under the Prison Rape Elimination Act (PREA).

According to the accounts of several women, male guards allegedly enter the women's pod without announcing themselves, which is a violation of policy and their personal privacy. Showers are open inside the women's quarters, with unannounced entries leading to circumstances in which the women report being watched while they shower and made to feel very unsafe.

For example, Lunise Clerveaux was selected to answer a PREA survey around June 2021 and knew male guards should be announcing themselves when they enter the pod. However, more often than not, the guards enter without announcing themselves when they call women for medical or other reasons. Ms. Clerveaux believes that male guards do not feel that they need to announce themselves when they walk in with female guards.

Ms. Clerveaux also reported, and it was substantiated by a second woman, that male guards watch the women from the guard tower, looking down into the dorm space and bathrooms. The light in the guard tower would be turned off, so she could only see the outline of the male guards standing by the glass, looking at her. It happened several times that she would step out of the wet and moldy shower to dry and dress herself outside of the shower, and she would look up and see up to three male guards standing by the glass watching her. She states, "If there's an opportunity for them to look, they look."

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<sup>4</sup> Andrea Castillo, "Prison company violated federal pesticide law in misuse of disinfectant inside immigration detention center," *Los Angeles Times*, March 22, 2021, [https://www.latimes.com/california/story/2021-03-22/prison-company-violated-federal-\[...\]in-misuse-of-disinfectant-inside-immigration-detention-center](https://www.latimes.com/california/story/2021-03-22/prison-company-violated-federal-[...]in-misuse-of-disinfectant-inside-immigration-detention-center).

<sup>5</sup> Tina Vasquez, "EPA warns an immigrant detention center to stop cleaning microwaves with pesticides," *The Counter*, August 11, 2021, <https://thecounter.org/ice-processing-detention-center-immigration-tacoma-pesticides-covid/>.

These conditions and inappropriate behavior enable voyeurism, which constitutes sexual abuse according to the Prison Rape Elimination Act (PREA), where inappropriate visual surveillance of a nude detainee is explicitly named in the definition of sexual abuse.<sup>6</sup>

The NDS 2019 standards specify that, per DHS PREA Standards, ICE detention facilities must adhere to a zero-tolerance policy for all forms of sexual abuse and assault. Moreover, the 2019 PREA audit of Glades says that “staff of the opposite gender... announce their presence when entering an inmate housing unit”; eyewitness accounts refute that this is happening. Glades’ receipt of passing marks on their 2019 PREA audit indicates either there have been significant changes in the facility or investigators did not get an accurate account of what was taking place. These formal allegations of sexual misconduct must be investigated immediately to ensure the women’s safety inside the facility.

### ***Racist verbal abuse***

Danielle Harris has reported filing multiple grievances about discrimination from officers. One officer called her “monkey,” “low life,” and “porky pig.” Despite this racist verbal harassment, Glades staff responded to her multiple grievances by calling her a liar. One Lieutenant said in response that she could pursue mental health counseling if she had concerns about her treatment at the facility.

Iris Martinez Napper also reported significant discrimination against Latino immigrants inside the facility. She stated they are subjected to verbal abuse whenever they request anything they need, with particularly abusive treatment coming from Officer Livingston, specifically, who subjects her and others to regular racist and sexist comments, including “bitch/puta.”

Petrona Lopez, an indigenous woman whose primary language is Akateko, reports that officers discriminate against her and other indigenous women due to their ethnicity. Officers make fun of the way she and several other indigenous women speak; for instance, calling one woman “dirty.” Ms. Lopez reports that a staff person working commissary called a Mexican woman stupid, in addition to using another derogatory term.

Additionally, women in ICE custody in B1 are also housed with those in county custody and are subjected to racist verbal abuse, such as, “You need to go back to your country” or “Hit me so that you can actually get deported.” Danielle Harris recounts that another woman in the pod said to her and another Haitian woman, “You look like you climbed the wall to come here.” Lunise Clerveaux reports hearing women say, “go back to your country,” and have heard the women in ICE custody being called “wall climbers.” The guards allow these statements to be made without consequence, creating a hostile environment for immigrants detained at Glades. Ms. Clerveaux

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<sup>6</sup> Voyeurism, which is defined as the inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring an inmate detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee’s naked body or of a detainee performing bodily functions. (DHS PREA, § 115.6)

believes the guards often favor the women who are in county custody, and when arguments break out between women in ICE custody and county custody, the guards often side with the women in county custody and offer the women in ICE custody the possibility of solitary confinement for “safety.”

One woman reported that there is a Muslim woman currently detained at Glades who wears a hijab, and the officers have yelled at her, “You with the blanket on your head!” Glades has a long record of anti-Muslim discrimination, and the sheriff’s office and the county were even subject to a lawsuit over their obstruction of Muslim individuals from practicing their faith in 2018-2019, and this continued discrimination shows one more instance where Glades persists in harming detained individuals.

According to CRCL’s mandate, allegations of discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability which occur in ICE custody must be investigated. These have clearly taken place in Glades.

### ***Medical neglect, including violation of COVID-19 safety protocols***

*“If they aren’t going to treat us [for our medical issues], we want to be free. We have our families; we aren’t alone. I have my older children who can help me access care.”*

*Petrona Lopez, August 13, 2021*

The women report a lack of medical care amounting to medical neglect: lack of basic COVID-19 precautions, lack of medical care for documented needs, and denial of medications and physical therapy. In some cases, they are even denied initial evaluations for severe medical issues because the medical department simply does not answer their sick calls.

***Violation of COVID-19 precautions.*** The facility has recently received in-transfers of women from the Northeast, and as a result, the women’s pod, B1, is becoming overcrowded. Many of the women who were transferred to Glades have chronic medical conditions, yet ICE needlessly flew them to Florida when they should have released these women to their communities. Cells that previously had one or two people assigned to them now have at least four or five. The cells contain beds that are bolted to the floor, so the women can’t move them in order to better distance themselves. One woman notes that her sleeping area, which contains six beds, is full. There is another wing at Glades with additional dormitories, yet Glades has not opened it and spread people out to allow for social distancing. To make matters worse, there is no ventilation in the women’s pod, yet we know COVID-19 to be an airborne virus.

Furthermore, some women who were recently transferred into Glades report not even being tested for COVID-19 upon arrival to the facility. Women currently detained at Glades also report that the detention center is not implementing a standardized quarantine period for all new in-transfers. For example, three women each experienced different quarantine lengths after arriving at Glades. One woman who arrived at Glades in early July 2021 was quarantined for seven (7) days; another woman was in quarantine for three (3) days; and a third woman who arrived at Glades in mid-July 2021 was quarantined for just two (2) days.

These practices recklessly endanger the health of women at Glades, particularly considering Glades' documented mishandling of the COVID-19 pandemic (see, for example, our CRCL Complaint submitted February 22, case number 21-06-ICE-0274). During the COVID-19 pandemic, Glades has failed to provide adequate personal protective equipment (PPE), sanitation, soap and other hygiene products; has mixed people who have tested positive for COVID-19 or who have been exposed to the virus with people who had tested negative or had not yet been tested; has restricted access to COVID-19 testing; and has sprayed toxic chemicals in enclosed spaces, contributing to virus spread and harming detained people's health. Moreover, ICE has transferred people to Glades without implementing appropriate quarantine or medical screening.

This continual noncompliance with CDC guidance and ICE's own protocols has led to hospitalizations and at least one reported death, with other individuals reported to have been removed from the facility while urgently ill, with their welfare and whereabouts then unaccounted for by prior unit mates. The failure to test women for COVID-19 upon arrival or to appropriately quarantine or allow social distancing shows that the longstanding patterns of reckless endangerment continue, putting these women at imminent risk of becoming severely ill or dying from COVID-19.

***Unaddressed medical need.*** Petrona Lopez, who was transferred from Maryland to Glades in May of this year, reports that she has diabetes, high blood pressure, and extreme back pain due to an operation for colon damage in 2019 for which she has not yet received the physical therapy recommended by physicians. In fact, Ms. Lopez was informed that the exact reason she was transferred to Glades approximately three months ago was to receive this physical therapy, yet over three months later she has not received any type of proper medical attention since she was transferred. Ms. Lopez was informed she would have a doctor's appointment on August 14, 2021 to address her medical concerns, but this appointment never took place.

Prior to surgery, Ms. Lopez used a wheelchair due to herniated disks that severely restricted her mobility. Shortly after surgery, she was taken into ICE custody and denied the follow-up care the surgeon ordered to prevent permanent disability. On November 13, 2020, Freedom for Immigrants filed a civil rights complaint on her behalf due to medical neglect in her prior facility, which likely precipitated the transfer. She continues to be denied the physical therapy she requires to regain her mobility and continues to experience significant pain in her left leg as well as numbness and tingling sensations. The only treatment Ms. Lopez is provided by the Glades medical staff is the occasional pain medication and the topical cream Bengay. Glades staff told her, "This is a jail and not a prison; we aren't going to give you therapy." In fact, she says warm water compresses have been helping her cope with the pain, but guards have been confiscating her warm water during inspections.

Ms. Lopez recently has been experiencing additional pain in her arm, knees, pain in her opposite leg, and fatigue. For example, she says it's hard to raise her arms in the morning due to this pain. Ms. Lopez put in a sick call request in an effort to speak to medical staff about her chronic pain and was told she is on a "wait list." However, she was also told the pain she feels "is normal for her age," dismissing her concerns.

These ongoing denials of physical therapy that Ms. Lopez is facing as well as her decreased mobility have taken a toll on her mental health. She feels extremely stressed and increasingly

depressed. She says, “Everyone is yelling. I don’t sleep. I feel so tired and stressed...If they aren’t going to treat us [for our medical issues], we want to be free. We have our families; we aren’t alone. I have my older children who can help me access care.”

Ms. Lopez also has diabetes, high blood pressure, and is elderly, all of which significantly elevate her risk of severe illness or death due to COVID-19 and are qualifying factors for release under *Frailhat*. However, her requests for release are repeatedly denied, despite the presence of four U.S. based children and a religious community willing to assume both financial and social responsibility for her well-being. This failure to release those medically vulnerable is a widespread pattern and practice inside of Glades which was raised to CRCL and ICE leaderships’ attention in the February 2021 complaint.

### ***Denial of medications.***

*“My medications were taken away. After the fall I had, my head and ears are hurting. I suffer from vertigo, and they are not giving me my medications for this. My daughter had to call because they are not giving me anything. I have requested three sick calls since last week and it wasn’t until my daughter called that they brought me a form to fill it out and check if they can see me.” Anonymous, July 27, 2021*

A woman who was transferred from York to Glades in early July 2021 describes how Glades abruptly took her off her prescribed psychiatric medication—trazadone (for depression and PTSD) - claiming they do not have it at the facility. Glades has only offered to prescribe her Remeron, yet she is allergic. In addition, the psychiatrist at Glades prescribed her a reduced dose of Vistaril, which she had been taking prior to her arrival at the jail to manage her anxiety, and she reports that the lower dosage, which is half of what she was previously prescribed, is not effective. She and others also report sexually inappropriate behavior from this psychiatrist and abuse of power in administration of their medication, which is detailed in the following section of this complaint. Finally, the medical staff provides her with Melatonin, but at inconsistent amounts; sometimes 3 mg and other times 6 mg. She also has experience with ADD and has been diagnosed in the past, but has been told that in detention, “they don’t treat that.”

As a result, she is suffering from symptoms of PTSD and increased anxiety. She is unable to sleep, experiencing nightmares, and waking up screaming at night. She finds herself to be more erratic when interacting with other women. She is also pacing and feeling exhausted due to the lack of sleep and worsened symptoms. Due to their refusal to recognize and treat her ADD, she is having trouble concentrating, completing tasks, and even responding to questions during phone calls. She explained the side effects of being taken off her psychiatric medications, “I’m up and down with my emotions. It’s not fair to my family who is worried about my well-being. My feelings of guilt and shame are coming back. There is only so much yoga I can do to manage my anxiety and depression.”

Beyond the issues with her mental health care, she has a number of chronic medical conditions, including but not limited to type 2 diabetes, tachycardia, high blood pressure, irritable bowel syndrome (IBS), chronic anemia, chronic kidney infections, and a recent bout with COVID-19 while in detention, for which she is still experiencing symptoms. She describes her fight to get the medical attention and medications she needs at Glades as an “uphill battle.”

For example, when we spoke to this woman on August 17, 2021, she explained that due to IBS constipation, she had gone five days without passing a bowel movement and was in pain. She explains, “It’s very uncomfortable. My other medications constipate me. If I don’t have bowel movements, my blood sugar goes up...I have chronic renal disease; I can’t have all these toxins in my body...I have tried to be released under *Fraiht* in York, and ICE denied me.” She noted that there is a medicine she uses to help with this, and although it was approved by the Glades doctor, the doctor then abruptly took her off the medication. Her potassium levels are also very high, yet the doctor is pushing for her to take a medication that does not correct her potassium levels. Although this medication for her bowel movements is considered a “maintenance medication,” the doctor is requiring the medication to be reapproved every two weeks, including subjecting her to new blood tests before approval. She explained that outside of detention blood work to check for any negative side effects of this medication would only be conducted every six months or once a year. She believes there is no medical reason for these frequent blood tests and that the medical staff is simply being unreasonable, saying, “It’s frustrating. In here you are treated like you are stupid. It’s very demeaning.”

Around the second week of August 2021, she went to an appointment in the Palm Beach area with an outside provider who stated that she needs to have an ultrasound within the next two weeks. The provider stated that they could do the ultrasound that same day, however, the officers that escorted her to the appointment claimed she would need authorization and took her back to Glades. Once at Glades, a nurse told her it could take up to six weeks for the ultrasound to be scheduled-- well beyond the recommended timeline the outside provider stated. As of August 17, 2021, she had no idea if the ultrasound was in the process of being approved and scheduled.

She has also received copies of her medical records from Glades and found errors in the documentation. She has type 2 diabetes and normally has her blood sugar taken twice a day, once in the morning and once at night. However, the medical staff has simply stopped testing her blood sugar after she was taken out of quarantine and moved to pod B1. Furthermore, the doctor never informed her that she would be taken off regular blood sugar checks. After reviewing her own medical records, she found that the medical staff wrote that she refused to have her blood sugar taken and that was the reason they were no longer regularly assessing her levels. This is not true; she has never refused and was never provided nor signed a refusal form. Just days ago, she almost fainted while working in laundry due to her blood sugar levels. She had to eat two sandwiches just to get back to normal levels.

In the pill line, she has noticed abnormal practices in the dispensing of people’s medications. She takes metformin as well as Vitamin D among other medications, and one day she was watching while the nurse dispensed these from the pill bottle. She noticed that a variety of different color pills were poured out of one bottle. The nurse said, “Ooops, I don’t think that’s supposed to be in there,” and put the various pills back in the bottle. In no circumstances should a pill bottle have a mix of pills. On another occasion, she was watching the nurse who was dispensing her medications to ensure she was given the correct ones, and the nurse yelled at her, “Don’t watch me, watch TV!”

This woman worked as a nurse prior to her detention and has a master's degree in nursing. She has also lived with these chronic medical conditions for years and is very knowledgeable of what she needs to maintain her health. Yet, the medical staff at Glades wrote to her that everything she says about her medical care and her medical needs is just her opinion; until she provides them with proof of her education, they won't believe her. She says, "What I know is that doctors can't take you off your medication like that; it's part of the ten patient's rights. You have the right to know what medication you are being provided; the right to know the names of your providers...all of that is being violated here."

***Psychiatrist's sexual harassment and abuse of power.*** The woman highlighted in the example above reports experiencing sexual harassment and abuse of power from the Glades' psychiatrist, in addition to the harmful impact of being denied medication. At the start of August, when she first met with Dr. Rosen, a white man who is the only psychiatrist at the facility, as she entered the room wearing her mask he told her, "Take off your mask, so I can see what you look like." He proceeded to say to her, "I have a thing for Chinese women. I have a Chinese wife." Note that she is not Chinese. She then proceeded to ask him once again if she can be prescribed Trazadone, which is a medication that she has found effective in the past, and he denied her request. She also asked for her Vistaril prescription to be increased as the current amount isn't working for her; he said no. When she left her appointment, he said to her, "Wear something sexy next time I see you," and is requiring her to return in two weeks, which isn't normal for routine psychiatric visits unless someone is prescribed new medications, which she was not. The sexual harassment she is subjected to by the psychiatrist is inescapable as he is the only psychiatrist at the facility.

Marlissa Joseph also reports sexual harassment and abuse of power from this psychiatrist. Ms. Joseph has been subjected to sexually explicit, uncomfortable comments by this male psychiatrist who she is forced to meet with in order to request adjustments in her psychiatric medications. For example, he has said, "Your uniform is tight; wear a tighter one next time." She reports that he has made comments to other women like, "You remind me of my wife." Although a previous facility had prescribed her 45 mg of Remeron, at Glades, she's receiving a prescription of 15 mg of Remeron. This lower dosage is not enough for her, and it's not working. She has filled out two sick call requests regarding this medication, but she has not been able to see a doctor and her request has gone unanswered.

These two women have experienced abrupt changes in their psychiatric medications after arriving at Glades, which for at least one is causing significant withdrawal symptoms. The fact that they are now forced to meet with this psychiatrist again in order to request that their medications be returned to prior dosages, leaving them vulnerable to being subjected to further sexual harassment each appointment, indicates an intentional abuse of power may be taking place. This must be investigated immediately, and this medical professional held accountable for their abuse.

***Denial of initial evaluations.*** After experiencing intense pain in her foot, a woman filed a request to be seen in medical, but one week lapsed and she was not called. On July 15, 2021, she wrote another sick call request, however, when she wrote her jail ID number down incorrectly on the form and wanted to correct it, the officer in the unit screamed at her and would not let her

submit the request. She has also spoken to three officers directly about needing medical attention but has been ignored.

Marlissa Joseph suffered a spider bite on July 27, 2021 that caused extreme swelling and pain in her leg, and Glades did not give her any medication or treatment until August 1. When she reported the bite to medical, the first question from the medical staffer was whether she shoots drugs. Though the swelling in her leg has since decreased, Ms. Joseph began to vomit from what she believes to be a side effect of the medications she was provided for the spider bite, which she originally was told were antibiotics. Once she began vomiting, Ms. Joseph made a complaint to the medical staff and inquired about what she had been prescribed and the adverse side effects it was causing. The nurse that attended to her claimed that she was never given antibiotics but was prescribed oral acne medication, which is not what Ms. Joseph was initially told. Ultimately, Ms. Joseph decided to refuse this medication because she remained unclear what she had been prescribed and why it was causing her to vomit.

Ms. Joseph also suffers from chronic asthma. On August 18, she reported that recently she began to experience chest pains and shortness of breath which she took as a sign of her asthma flaring up. She submitted a sick call and asked the attending doctor for an asthma pump. The doctor refused to prescribe her an inhaler, claiming Ms. Joseph does not have asthma, despite Ms. Joseph reporting her asthma at her initial medical intake. Instead, the doctor prescribed Ms. Joseph steroids, noting her chest pains are related to “frequent pneumonia.” As of August 18, 2021, Ms. Joseph says she has not seen a notable decrease in her chest pains after taking the steroids for about four days. The doctor also failed to take precautionary measures and administer a COVID-19 test to Ms. Joseph, despite chest pains and shortness of breath being potential symptoms of the virus. Ms. Josephs says, “When you tell the doctor your problems, she talks to you like you are dumb.”

Furthermore, Ms. Joseph was able to receive a copy of her medical records from the Glades medical department and she found numerous discrepancies, including that the medical staff did not note on her records that in her initial medical evaluation she reported that she has chronic asthma. She complained to an officer about the errors in her medical records, but to her knowledge, nothing has been done to correct them.

The standard of care under ICE’s 2019 National Detention Standards (NDS 2019) Section 4.3 entitles these women to “access to appropriate medical, dental, and mental health care, including emergency services.” Additionally, the women’s right to medical care is protected by the Eighth Amendment of the United States’ Constitution, which protects them from “deliberate indifference,” where facility staff (1) know about a serious condition that needs to be addressed and (2) fail to respond reasonably to it. The injuries and medical conditions listed here meet the Eighth Amendment’s threshold and constitute “serious medical need” eligible for care.

### ***Physically Abusive behavior***

On July 24, 2021, Petrona Lopez requested to be moved to a different dorm because her previous dorm was freezing, and it was exacerbating her pain. The officer had approved her request. When she asked the guard to make sure she was allowed to move she was told her request was



already in the system and approved. However, the person who was previously in her new place within the dorm was moved back that evening without notice or explanation. When Ms. Lopez asked the guard what was happening, he screamed at her to move back to her dorm and slammed the door in her face.

On August 5, 2021, Petrona Lopez reported one of the guards told her to return to her bed when she was supposed to be allowed out of her cell. She was insisting that she was supposed to be let out at that time. The guard yelled at her and violently slammed the door on her. She barely had time to move before the door hit her face. She reported being terrified of the aggression escalating and being hurt by this guard. Ms. Lopez reported the guards but has seen no action taken. She has been fearful of retaliation ever since.

On August 5, 2021, Iris Martinez Napper reported to Freedom for Immigrants' abuse reporting hotline that the first day that she arrived during the transfer process the guards put her ankle shackles on too tightly, and she could not walk correctly. They refused to loosen them. She felt herself losing her balance and she asked a guard if he could provide a hand to help her stay balanced. He refused and she fell on the ground, hard. She hit her knee, shoulder, and head hard against the wall. She was in a lot of pain that day and in the days following and she continuously requested medical attention and an X-ray. They did not provide her a doctor or an X-ray. Instead, they said she was lying about the incident. Eventually, she did get the chance to see a medic, and he confirmed the injury in her leg (it was swollen and purple still). The report was made a month after the incident, at which time her shoulder and head were still in a lot of pain, making her unable to sleep.

### ***Unsanitary, unsafe living conditions and withholding of hygiene products***

***Unsanitary living conditions.*** The women report food and water are contaminated, and water is often inaccessible. Water is yellow, and the water cooler is contaminated with hair and little black stones. In the recreation area, there is a water jug but no cups. In the dorms, there is only one jug of water, and it is always empty. As a result, the women are forced to drink from the sink. Within the bathroom, blood, feces, and urine are everywhere, which women report creates an unsanitary and embarrassing living environment. Given that COVID-19 and other illnesses can be spread through human waste, these unsanitary living conditions are medically dangerous.

Marlissa Joseph recently found a fingernail in her food. Multiple women report pest infestations, with roaches on the tables and bugs—including maggots and worms—in the food. Another woman showed the officers food on her tray that had a bug in it, but they refused to give her a different tray. On or about August 12, 2021, one woman reportedly was eating and bit into a wing of an insect that was in her food. Some women wrote complaints to the officers after finding worms in the beans they were served, however, no one responded to their complaints. Officers sometimes spray for pests when the women complain but sometimes say they will and then do not follow through.



*Worms on a plate of food at Glades, August 9, 2021*

*“The food they give us is as if they were feeding dogs. It doesn’t have any flavor, it’s all messed up, and it smells bad. Some of the women in here have found cockroaches in their food. The women that suffer from diabetes or thyroid problems are denied dietary options because they claim it’s too expensive.” Anonymous, July 24, 2021*

*“The food has bad odors – you put it near your mouth and smell it and think, ‘I can’t eat this.’ ...They know people don’t eat so why don’t they feed us something else? People are always giving their trays back. They are just putting the money [from ICE] in their pocket.” Petrona Lopez, August 13, 2021*

Ms. Lopez has diabetes and must be on a diabetic diet, but the “diabetic tray” is essentially the same as the regular tray. She reports that they just change out an apple sometimes; she is often provided bread and pasta. She reports that some days she simply goes without food because there is not much she can buy at the commissary that she can eat either.

Lunise Clerveaux also reports that there are roaches on the tables and bugs in the food. She also saw a spider that she recognized as poisonous, having known someone that was bitten by that species of spider and had to be hospitalized. She made several complaints about the food but did not see any change while she was detained at Glades.

There is also visible mold in the bathroom ceilings and scum on the walls. Mattresses are cut up and dirty. Women have filed sick calls because of the bedbugs in the facility; however, the nurses have done nothing. There is also reportedly a rat in the facility. When a woman reported this at Glades, an officer informed her that the rat lives in the vending machine. It does not appear that the sheriff's office is taking steps to remove it.

Even the clothing at Glades is unsanitary because laundry is returned wet and moldy. One of the women we interviewed works in the laundry at Glades. Currently, there are only two detained individuals doing the laundry for the entire facility. She reports that the dryers are broken and not properly drying clothes, leaving people's uniforms and other items to be returned wet and musty. She reported the issue with the dryers to multiple staff at Glades, including the Commander and a mechanic, only to have the issue ignored.

A lot of the clothes have black stains on them, which is possible mold and may be due in part to the clothes not drying properly. Furthermore, the officers do not permit individuals to hang their clothes to dry by their beds; if the officers find clothes hanging in the cells, they will confiscate the item.

The individuals working in laundry are also forced to face unsanitary working conditions. For example, one woman found feces on some of the uniforms, and the officers have said that she must clean it off, place the feces in the garbage, and place the uniform in the washer. They are not permitted to throw that uniform away. This is unsafe and unsanitary as there may be blood in the feces or other viruses in the feces like Hepatitis A.

Multiple women report that nothing has come of filing grievances about the living conditions. For example, in response to a grievance Danielle Harris submitted, Glades staff told one woman that the facility has passed inspections, so she is lying about the conditions she experiences every day.

The 2019 Detention Standards "protects detainees... by maintaining high facility standards of cleanliness and sanitation," yet the facility at Glades is moldy, dirty, bug-infested, and unsafe. Far from being "protected," detained individuals at Glades are at risk of becoming ill because of the unsanitary living conditions.

***Withholding of hygiene products.*** The women at Glades are at the mercy of the officers for toilet paper, tampons, and pads, and report verbally abusive behavior for requesting essential items needed for their physical well-being. One roll of toilet paper is supposed to last each woman a week. They must give the officer back the empty toilet paper roll before they can receive a new one. If they run out of toilet paper, an officer will search the person's bunk in and out before they are allowed to receive more. Many times, the women run out of toilet paper and are not provided with a new roll, despite their requests. They are forced to go without or borrow from others.

Oftentimes, the officers will promise to provide two to three rolls of toilet paper a week but will only give out one. Another woman reported that an officer swore at her bunkmate when she

requested more toilet paper after she had run out. When the officer refused to provide the woman with a new roll, she said, “How can I use the bathroom?” The officer responded, “I don’t fucking know,” and walked away. Furthermore, on August 12, 2021, a woman asked for additional sanitary pads and the officer responded by saying they didn’t have any.

Making matters worse, women report that it’s common for them to quickly get stomachaches after they eat the food that Glades provides. Women are running to the bathroom after meals, yet they don’t have enough toilet paper to clean themselves. Petrona Lopez even reported requesting additional toilet paper when she ran out of it, to which the response was, “Ask your neighbor.” She responded that her bunkmate was also out. The guard then told her to “go figure it out on your own.” This left her in the position of having to immediately shower after she passed a bowel movement because she did not have any toilet paper left, which is unsanitary, humiliating, and completely unacceptable.

*“[The officer said] said, ‘It doesn’t matter if your grandma, you, or others complain. I’m going to give out toilet paper as I want.’” Petrona Lopez, August 13, 2021*

Women in ICE custody at Glades are entitled to a safe, healthy living environment while they pursue their immigration case in court, yet at Glades they are subjected to toxic chemical spray, sexual misconduct, racist verbal abuse, medical neglect, unsanitary living conditions, and lack of access to sufficient hygiene products to maintain their health.

## **Recommendations & Conclusion:**

### **1. ICE should terminate the Intergovernmental Services Agreement (IGSA) with Glades County**

It is clear that Glades County has repeatedly demonstrated their unwillingness or inability to provide adequate care to those in their custody. We demand additional oversight measures take place immediately to prevent further harm to immigrants detained, given that prior calls for investigation and demands for intervention to ensure the safety and well-being have either been carried out ineffectively or largely dismissed. It is our understanding that nearly 30 civil rights complaints have been filed in the past two years alone by members of this coalition, including the multi-individual complaint submitted six months prior detailing many of the same egregious abuses highlighted within the body of this complaint. Members of congress have called for the closure of the facility. Yet no notable changes have been made in stopping outright abusive behavior, and the provision of critical medical care or COVID-19 safety protocols at Glades. The women bravely coming forward within this complaint mirror early concerns of life-threatening violations of their rights, while exposing additional rights violations in the form of sexual harassment and abuse of power creating conditions of confinement that are hostile and unsafe.

We therefore urge CRCL and OIG to recommend that Immigrations and Customs Enforcement terminates the Intergovernmental Services Agreement (IGSA) with Glades County. We further urge that the guaranteed minimum payment currently paid by ICE be terminated immediately given that taxpayers are paying for the care of 300 people at any given time, yet for many months there have been significantly less than this number of people detained. Our organizations

raise concerns about gross negligence and highly questionable financial mismanagement by Glades County, given something as simple as provision of essential supplies, such as toilet paper, feminine hygiene products, and unspoiled food, is being withheld from the women. Tax-payer dollars funneled through ICE should no longer be used to prop up this abusive and failing facility.

## **2. Immediate Investigation of Medical Practices and Sexual Misconduct:**

While Immigration and Customs Enforcement considers termination of the contract with Glades County, we urge CRCL and OIG to immediately investigate the abuses raised within the body of this current complaint to prevent life-threatening medical neglect from claiming another life at Glades. Basic COVID-19 protocols must be followed to prevent further deaths, and appropriate medical care provided to address acute medical needs. Moreover, every person detained should be provided with an individualized assessment, under a presumption of release, prioritizing those most medically vulnerable to complications from COVID-19.

We also urge CRCL, OIG, and DHS PREA to immediately investigate the voyeurism and unannounced entry taking place at Glades, as well as the psychiatrist's sexual harassment and abuse of power. ICE detention facilities must adhere to a zero-tolerance policy for all forms of sexual abuse according to the 2019 National Detention Standards.

## **3. Immediate Halt of All Transfers into Glades:**

Since the start of July 2021, ICE has transferred over 100 people into Glades from detention centers across the country, including Essex County Jail and York County Prison that recently terminated their contracts with ICE. Instead of responding to the calls of advocates and community members to release those who remained detained at these two detention centers, ICE abruptly transferred many of these individuals away from their families, communities, and attorneys to other facilities in the South, including Glades, where they have been met with hostile, abusive treatment by the guards and medical neglect.

Glades is a dangerous, unsanitary, and abusive environment for all people, not only women. Multiple prior complaints have demonstrated the serious rights violations and imminent harm immigrants detained, in general, are subjected to in Glades. We therefore urge CRCL and OIG to recommend an immediate halt of all further transfers into Glades.

Transfers, which happen without notice to the individual's attorneys of record, their loved ones, or the individual themselves, have serious implication for an immigrant's ability to access counsel, evidence, and witnesses for their cases, and to contact and be supported by their family and community members. During transfer, people are needlessly subjected to restraints for hours, even days, often leaving them bruised and sore. During the COVID-19 pandemic, transfers pose an added and avoidable danger to the health of people in detention and our communities, as transfers occur without proper PPE, social distancing, and inconsistent quarantine and testing protocols.

The practice of transferring our community members without notice to undisclosed locations is callous and unnecessary, especially when it's within ICE's power and discretion to release them instead. Ultimately, transfers are dangerous, dehumanizing and frightening, and we urge you to recommend an end to all transfers into Glades.

#### **4. All Individuals Detained Should Be Immediately Released to the Community**

Finally, we remain extremely concerned that the conditions inside Glades are dire, with ongoing inadequate and abysmal medical care including lack of basic COVID-19 precautions. Women are exposed to toxic chemical spray with likely long-term health consequences; and are subjected to voyeurism and racist verbal abuse by male guards, unsanitary living conditions, and lack of access to sufficient hygiene products. Their grievances are ignored, and Glades has a longstanding pattern of retaliating against those who report abuses. The reports in this complaint, including sexual voyeurism and unannounced entries violating PREA safety protocols, are even more alarming given Glades County Officials consideration of turning the jail into an all-women's facility, documented in publicly available records from a recent Glades County Commissioners meeting.<sup>7</sup>

Given the dangerous and unsanitary conditions at the facility, we demand the immediate release of all individuals from Glades County Detention Center's custody before further harm takes place.

We look forward to your prompt attention to this issue. Should you have any questions, please contact Jessica Schneider of Americans for Immigrant Justice at [jschneider@aijustice.org](mailto:jschneider@aijustice.org), Wendy King of Immigrant Action Alliance at [wendy@immigrantactionalliance.org](mailto:wendy@immigrantactionalliance.org), or Sofia Casini of Freedom for Immigrants at [scasini@freedomforimmigrants.org](mailto:scasini@freedomforimmigrants.org).

Sincerely,



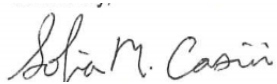
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<sup>7</sup> See Audio Recording of the May 11, 2021 Meeting of the Glades County Board of County Commissioners in which one county official stated that the Glades County Detention Center's "claim to fame is our ability to hold females," and further stating that they plan to use the detention of women as a tool to keep the detention center funded and open.



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September 16, 2021

*Via FedEx Priority Overnight service; cc by email*

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**RE: Ernst Francois (a.k.a. Ernest Francois), A041 582 833**  
**Violations of civil rights and civil liberties at the Glades County Detention Center**

Dear Inspector Cuffari and Officer Culliton–Gonzalez:

The undersigned representatives of American Friends Service Committee and Freedom for Immigrants—joined by Abolish ICE NY–NJ, Americans for Immigrant Justice, Borderless Existence Initiative, Brooklyn Bail Fund, Detention Watch Network, Doctors for Camp Closure–Florida Chapter, Immigrant Action Alliance, Occupy Bergen County, Southern Poverty Law Center, and QLatinx—submit this complaint on behalf of Ernest Francois, a Haitian individual confined in ICE custody at the Glades County Detention Center in Moore Haven, Florida.

During the course of Mr. Francois' detention at the Glades County Detention Center, Immigration and Customs Enforcement ("ICE") officials and county correctional officer have subjected him to a pattern of abusive and unlawful conduct that includes targeted harassment and intimidation; racialized threats of death; and arbitrary and retributive imposition of administrative sanctions including solitary confinement. Of greatest concern, the facility's director repeatedly—and as recently as this morning—made veiled and racialized death threats, suggesting he would leave a noose in Mr. Francois's cell.

The actions of ICE and county officials described in this correspondence are unconstitutional and violate ICE's own 2019 National Detention Standards for Non-Dedicated Facilities. As such, they require your offices immediate attention and redress through a comprehensive and transparent investigation and imposition of appropriate sanctions on the officials responsible. In addition, to ensure Mr. Francois's safety and well-being during the course of the investigation,



your offices must direct ICE to either release Mr. Francois to the community under an Order of Supervision or transfer him from the Glades County Detention Center to another facility.

## **I. Background information**

Mr. Francois is a Black, 48-year-old citizen of Haiti who entered the United States as a lawful permanent resident in 1988. He has four United States–citizen children. Mr. Francois has been detained in the custody of Immigration and Customs Enforcement since September 1, 2017. Though previously a resident of New Jersey, Mr. Francois has been detained in Florida, hundreds of miles from his immediate family members and legal counsel, since June of 2021.

Though Mr. Francois is presently detained under INA § 241(a) pursuant to an administratively final order of removal, his legal challenges to his removal from the United States remain pending. On April 23, 2021, the Board of Immigration Appeals denied Mr. Francois’s motion to reopen his removal proceedings, but he is presently seeking judicial review of that decision in the United States Court of Appeals for the Third Circuit.<sup>1</sup> The court has stayed Mr. Francois’s removal. Additionally, Mr. Francois is challenging his ongoing detention, which now exceeds four years, through a petition for writ of habeas corpus currently pending before the United States District Court for the District of New Jersey.<sup>2</sup>

Throughout Mr. Francois’s detention, at multiple facilities in two states, he has repeatedly suffered targeted harassment, humiliation, racial discrimination, unjustified and arbitrary administrative sanctions, and physical abuse at the hands of correctional officers. Despite repeatedly making formal complaints regarding these forms of official misconduct—to local officials and to this office—he has yet to receive any form of redress.

Of particular note, while detained in ICE custody at the Essex County Correctional Facility in Newark, New Jersey, correctional officers sent Mr. Francois intra-facility mail containing racist, homophobic, and otherwise degrading messages; made verbal threats and racist remarks toward him; and, on at least one occasion, physically assaulted him by shoving him to the ground, resulting in a cervical-spinal injury. Correctional officials initiated this pattern of abusive and unlawful in direct response to Mr. Francois’s exercise of his constitutionally protected right to freedom of expression.<sup>3</sup>

When ICE transferred Mr. Francois to the Bergen County Jail in Hackensack, New Jersey in September of 2020, the abuse continued. On May 3, 2021, Mr. Francois suffered an unprovoked physical attack perpetrated by correctional officers. During the incident, officers punched Mr. Francois in the back of the head, tackled him to the ground, and placed a knee to his neck,

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<sup>1</sup> See *Francois v. Att’y Gen.*, No. 21-1887 (3d Cir. *petition docketed* May 4, 2021).

<sup>2</sup> See *Francois v. Russo, et al.*, No. 2:21-cv-3700 (D.N.J. *petition docketed* Mar. 2, 2021).

<sup>3</sup> See Matt Katz, *ICE Detainee in Newark Claims Retaliation for Exposing Poor Medical Conditions*, Gothamist (Aug. 13, 2020), <https://gothamist.com/news/ice-detainee-newark-claims-retaliation-exposing-poor-medical-conditions>; Matt Katz, *ICE Detainees in Newark Allege Poor Medical Care And Mistreatment*, Gothamist (Jan. 28, 2020), <https://gothamist.com/news/ice-detainees-newark-allege-poor-medical-care-and-mistreatment>.

restricting his breathing. As a result of this incident, Mr. Francois suffered further injuries to his spinal column.

Mr. Francois remains uniquely vulnerable to the threats posed by detention in ICE custody. First, Mr. Francois is Black, and Black individuals in the United States are substantially more likely than whites to experience force at the hands of law enforcement.<sup>4</sup> In addition, Mr. Francois is a member of the nationwide class certified in *Fraihat v. U.S. Immigration and Customs Enforcement* because his medical conditions—including hypertension and indications of liver and cardiovascular disease—render him more vulnerable to severe illness or death from the SARS-CoV-2 virus.

## **II. Harassment, intimidation, racialized threats of death, and arbitrary administrative discipline at the Glades County Detention Center**

On November 9, 2020, ICE transferred Mr. Francois from the Bergen County Jail to the Krome Service Processing Center in Miami, Florida. Then, around the second week of December 2020, ICE transferred Mr. Francois again, this time to the Glades County Detention Center in Moore Haven, Florida. Upon Mr. Francois's arrival at the Glades County Detention Center, officials placed him in a housing unit with other recently arrived individuals for a quarantine period that lasted approximately ten-to-14 days.

About one week after Mr. Francois's quarantine period ended, detained individuals at the facility collectively decided to commence a hunger strike to demand improvements to the unsafe and substandard conditions at the jail. In particular, the strikers voiced concern about insufficient measures to mitigate the spread of COVID-19, reporting that an alarming number of individuals were displaying symptoms of COVID-19 yet had insufficient personal protective equipment to mitigate the spread of the virus and that seriously ill individuals remained in general population. The strikers also reported an inability to access necessary medical care, poor-quality and insufficient food and water, unsanitary bathroom facilities, and ripped and deteriorating bedding. The detained individuals organized the hunger strike autonomously, and people held in housing areas throughout the facility participated.

In the early afternoon of the day the hunger strike commenced, ICE Deportation Officer Brown and a correctional officer walked Mr. Francois to the office of Chad Schipansky, the Commander and Director of Operations for the Detention Division of the Glades County Sheriff's Office. During that encounter, Commander Schipansky indicated that he believed Mr. Francois to be the instigator of the hunger strike. Mr. Francois recalls Commander Schipansky saying something like, "You think I don't know? People in the pod told me you orchestrated the whole thing." Mr. Francois responded that while he supported and was participating in the hunger strike, he did not organize it and did not know who did. After Commander Schipansky addressed Mr. Francois, correctional officers walked him to the segregated housing unit. There, the officers placed Mr. Francois in solitary confinement for the night.

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<sup>4</sup> See, e.g., Phillip Atiba Goff, et al., *The Science of Justice: Race, Arrests, and Police Use of Force*, Center for Policing Equity at Yale Univ. (July 2016), [https://policingequity.org/images/pdfs-doc/CPE\\_SoJ\\_Race-Arrests-UoF\\_2016-07-08-1130.pdf](https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf).

The following day, around lunch time, Commander Schipansky again summoned Mr. Francois to his office. Also present were about two ICE officials and approximately ten county correctional officers. The officials formed a circle around Mr. Francois. They asked him if he was going to resume eating. When Mr. Francois demurred, Commander Schipansky said that he would place Mr. Francois “in the hole” again. He then threatened that he would visit Mr. Francois every day before he went home at 5pm and “give [him] a rope to hang [him]self.” Upon hearing this threat, Mr. Francois indicated that he would cease his hunger strike.

Following the second encounter in Commander Schipansky’s office, correctional officers returned Mr. Francois to a general-population housing unit. They gave him two trays of food, which Mr. Francois accepted but did not eat. Later that evening, ICE returned Mr. Francois to the Krome Service Processing Center. On January 8, 2021, ICE again transferred Mr. Francois, this time returning him to the Bergen County Jail.

On June 14, 2021, ICE transferred Mr. Francois back to the Krome Service Processing Center. At that time, Mr. Francois met with Deportation Officer Nelson Roman. Officer Roman stated that, because of the threats that Mr. Francois received while previously detained at the Glades County Detention Center, ICE would not return him to that facility. Officer Roman also indicated that he had made a note in Mr. Francois’s file to that effect.

Despite Officer Roman’s assurances, ICE transferred Mr. Francois to the Glades County Detention Center on August 25, 2021. Immediately when Mr. Francois stepped off the transport vehicle, several correctional officers pointed him out and said something to the effect of, “Here comes trouble.” The next day, another correctional officer named Oliver said to Mr. Francois something like, “You again; you again.” On approximately three other occasions since Mr. Francois arrived at the Glades County Detention Center, correctional officers have made unprovoked comments singling him out in an adversarial manner. For instance, on about August 27, 2021, two correctional officers approached Mr. Francois’s bunk area and said, “We don’t want you here.”

On approximately August 28, 2021 at around 9:00pm, three correctional officers, including Sergeant Sierra, removed Mr. Francois from his housing unit. They directed him to an area outside the housing unit, in a corner where no security camera could record. The officers placed Mr. Francois with his back to the wall and surrounded him, one to his left, one to his right, and Sergeant Sierra in front of him. The officers stated that Mr. Francois was a “problem.” They told him, “We hope you don’t start the same thing you started last time.” After making this implied threat, the officers returned Mr. Francois to his housing unit.

On August 29, 2021, Mr. Francois commenced a hunger strike to protest the correctional officers’ treatment of him, including their repeated statements in front of other detainees that he is “trouble.” In response, an official removed Mr. Francois from general population and placed him in solitary confinement in the segregated-housing area on the morning of August 29, 2021. During this time, correctional officers escorted Mr. Francois to the medical unit and then returned him to solitary confinement.

On August 30, 2021, Commander Schipansky confronted Mr. Francois near the medical unit. Commander Schipansky said, “It’s you Francois. Are you up to your same thing again?” Mr. Francois responded that he was not up to anything but believed the correctional officers were treating him unfairly. Shortly thereafter, Mr. Francois resumed eating, and correctional officials returned him to general population.

On the morning of September 13, 2021, more than 100 individuals detained in ICE custody across several housing units at the Glades County Detention Center commenced a collective hunger strike to protest poor conditions at the facility. According to individual accounts to attorneys and advocates and approximately 25 calls to Freedom for Immigrants’ National Immigration Hotline in the past week, the strikers are concerned about facility conditions, lack of release, and a lack of protection from COVID-19, reporting the commingling of symptomatic individuals with healthy individuals during another outbreak at the facility.

At present, the hunger-strikers demands include release from custody, including for those whose underlying medical conditions place them at elevated risk of severe illness or death from COVID-19; adequate and appropriate medical care; improved food and nutrition; access to basic necessities like telephones, tablets, hot water, and microwaves; replacement of filthy and deteriorated mattresses, bedding, and shower curtains; and adequate personal protective equipment to inhibit transmission of COVID-19. Mr. Francois joined the hunger strike as a participant because he shares fellow detainees’ demands.

After lunch on September 13, 2021, three correctional officers, including a lieutenant, approached Mr. Francois in his housing unit and instructed him to follow them. When Mr. Francois asked where they were taking him, the officers responded that they were escorting him to the medical unit. However, once Mr. Francois exited the housing unit, the correctional officers placed him in handcuffs. They told Mr. Francois that they were, in fact, taking him to “lockup” on Commander Schipansky’s orders.

Mr. Francois was held in solitary confinement for three full days. He reported that there were no cameras where he was held, and he consequently feared that correctional officers would physically harm or otherwise abuse him without fear of discipline. When Mr. Francois inquired why he was being punished, correctional officers provided no information besides indicating that he was not facing disciplinary charges. There was just one telephone available in the area where Mr. Francois was confined; accordingly, his access to his attorney and the outside world was sporadic and at the discretion of correctional officers. To Mr. Francois’s knowledge, no other detainee participating in the hunger strike was similarly singled out or disciplined.

On September 14, 2021, correctional officers served Mr. Francois with a document dated September 13, 2021 and bearing Commander Schipansky’s name. It stated as follows:

On December 27, 2020, there was a documented incidence of insurrection by this detainee. Upon his return to the facility, it is believed that he is again instigating disruptions in the housing area by telling other detainees to protest and not to eat. On today's date, only a handful of detainees ate breakfast and only six ate lunch. He will remain in administrative confinement.

Despite receiving this document, Mr. Francois was not afforded any form of adjudicative process. Moreover, the document plainly mischaracterized Mr. Francois's peaceful and constitutionally protected protest by use of the inaccurate and inflammatory term "insurrection."

On September 15, 2021, Mr. Francois's attorney corresponded by email with Deportation Officer Maurice Williams and Supervisory Detention and Deportation Officer Carmen Cistaro of ICE's Newark Field Office, which retains jurisdiction over Mr. Francois's case. In response to Mr. Francois's attorney's concerns that Mr. Francois was facing arbitrary and unlawful punishment, Officer Williams reported: "Your client is not protesting a hunger strike and is currently not in the general population due to a disciplinary infraction. Your client will returned [sic] to general population pending the disposition of the disciplinary infraction."

After receiving Officer Williams's response, Mr. Francois's attorney replied that the information was inconsistent with the document that correctional officers had served on Mr. Francois the day prior. At that point, Officer Cistaro contacted Mr. Francois's attorney by phone and indicated that she could provide the code corresponding with the disciplinary infraction with which Mr. Francois was charged but could not otherwise intervene further. At this time, Officer Cistaro has not yet provided Mr. Francois's attorney any information about the nature of the putative disciplinary charge against Mr. Francois.

On the morning of September 16, 2021, Commander Schipansky and Lieutenant Gadson summoned Mr. Francois to a small room containing no security camera. There, they told Mr. Francois that he was being disciplined for attempting to "start riots" at the facility by encouraging others to participate in hunger strikes. Mr. Francois reiterated that he was a participant, not an organizer or instigator, of the hunger strike. During this interaction, Commander Schipansky repeatedly called Mr. Francois a "criminal."

After the foregoing exchange, Commander Schipansky and Lieutenant Gadson told Mr. Francois, "We're done with you. If you attempt to do anything, we'll use force against you." They then stated that they intended to return Mr. Francois to solitary confinement "permanently." They added that, if Mr. Francois resumed eating, they would return him to the general population.

During this encounter, Commander Schipansky reiterated his racialized threats of death toward Mr. Francois. He said, "We don't want you here. I'm going to give you the rope again to hang yourself. You can take that as you want, but we're going to use force against you and put you back in confinement." At that point, the officers returned Mr. Francois to solitary confinement.

At lunchtime on September 16, 2021, a correctional officer offered Mr. Francois lunch and asked whether he was going to eat. In light of Commander Schipansky recently repeated threats of death and the use of force against him, Mr. Francois accepted the food and ceased his hunger strike. This afternoon, correctional officers returned Mr. Francois to general population. He is currently confined in "Pod 8," a housing unit that contains primarily pretrial detainees. However, in light of the pattern of targeted abuse and misconduct that Mr. Francois has endured while at

the Glades County Detention Center, he remains vulnerable to additional harm at the hands of correctional officers. The undersigned remained concerned about his safety and well-being.

The foregoing actions by ICE and Glades County officials violate the United States Constitution and ICE's own 2019 National Detention Standards for Non-Dedicated Facilities. Courts have concluded that hunger strikes intended to convey a particularized message constitute protected speech under the First Amendment.<sup>5</sup> Further, it is axiomatic that government officials may not retaliate against private citizens for exercising their right to free speech.<sup>6</sup> Therefore, Glades County officials' use of threats, intimidation, and administrative sanction to punish Mr. Francois for his peaceful participation in a collective hunger strike is unconstitutional. In addition, this unlawful retribution violates ICE's 2019 National Detention Standards, which treat hunger strikes as medical issues, dictate a focus on detainee health and safety, and do not contemplate punishment or retaliation in any form.<sup>7</sup>

### **III. Request for prompt redress**

We understand that at least three hunger strikes of over 100 individuals have taken place at Glades County Detention Center since the pandemic's onset. This has prompted nearly 30 civil-rights complaints to your offices' attention regarding substandard and dangerous conditions as well as off-camera physical assault inside the Glades County Detention Center. Immediate intervention is imperative.

To remedy the official misconduct detailed in this correspondence, we request that your offices expeditiously do the following:

- (1) Initiate a formal investigation into the conduct alleged. To facilitate a full and fair investigation, we request that your offices (i) inform us of any interview with Mr. Francois that is anticipated or arranged in connection with this investigation and (ii) permit Mr. Francois's attorney to attend any such interview telephonically;
- (2) Identify and hold responsible—through administrative, civil, and criminal penalties—the Glades County officials who have perpetrated the abusive and unlawful actions described in this correspondence; and
- (3) Immediately intervene to protect Mr. Francois's safety and well-being by ensuring that ICE immediately (i) release him from custody to the community under an Order of Supervision or (ii) transfer him from the Glades County Detention Center to the Krome Service Processing Center.

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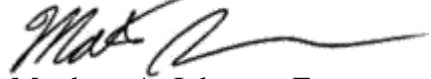
<sup>5</sup> See *Stefanoff v. Hays Cnty.*, 154 F.3d 523, 527 (5th Cir. 1998) (per curiam); *Dumbrique v. Brunner*, No. 14-cv-02598, 2016 WL 3269975, at \*7 (N.D. Cal., June 15, 2016) (citing cases).

<sup>6</sup> See, e.g., *Hartman v. Moore*, 547 U.S. 250, 256 (2006).

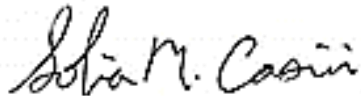
<sup>7</sup> See Dep't of Homeland Sec., Immigr. & Customs Enforcement, 2019 National Detention Standards for Non-Dedicated Facilities, Part 4.2 (2019), [https://www.ice.gov/doclib/detention-standards/2019/4\\_2.pdf](https://www.ice.gov/doclib/detention-standards/2019/4_2.pdf).

We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely yours,



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Cc: Garrett Ripa, Field Office Director  
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John Tsoukaris, Field Office Director  
ICE Enforcement and Removal Operations – Newark Field Office

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ICE Enforcement and Removal Operations – Newark Field Office

David Hardin, Sheriff  
Glades County Sheriff's Office

Chad Schipansky, Commander and Director of Operations  
Glades County Sheriff's Office – Detention Division



September 22, 2021

*Via Priority mail; cc by email*

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**RE: Complaint and Request for Investigation  
Life-threatening Violence Against 7 African Men at the  
Glades County Detention Center**

Dear Inspector Cuffari and Officer Culliton–Gonzalez:

The following organizations and individuals— Immigrant Action Alliance, Freedom for Immigrants, Nationalities Service Center, Americans for Immigrant Justice, Southern Poverty Law Center, Legal Aid Service of Broward County, American Civil Liberties Union of Florida, United We Dream, American Friends Service Committee Immigrant Rights Program, Borderline Existence Initiative, Juntos, Detention Watch Network, and Leena Khandwala, Esq.— submit this complaint on behalf of A.S. E.E., and five other Black, African immigrants presently confined and wrongfully mistreated in ICE custody at the Glades County Detention Center (“Glades”) in Moore Haven, Florida. During their detention at Glades, county correctional officers have subjected them to abusive conduct that includes pepper spray, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions including solitary confinement. A recent group of these individuals expressed their acute distress to Americans for Immigrant Justice’s legal line, Freedom for Immigrants’ National Immigration



Hotline, and through messages to Americans for Immigrants Justice and Immigrant Action Alliance requesting immediate help. A.S. stated directly:

*“Is there anyway I get help I’m in the hole we’ve all been sprayed with (6) of my cellies we haven’t taken a shower place in the hole for no reason.. I’m not going to be able to talk often but we need help or transfer out of here please help us.” A.S., Sept. 16, 2021*

*E.E. stated: “We are being targeted.”*

At this time, the group of men remain in solitary confinement. At least one individual was believed to be hospitalized for a suicide attempt relating to the racial violence he suffered at the hands of the guards but has since returned to Glades. Another was not taken to either medical or the hospital after self-harm. We believe that the seven Black men involved are in imminent danger in light of the violence they have suffered, their ongoing placement in solitary confinement, the lack of access to adequate mental health care, and the facility’s own history of off-camera physical assaults, as documented by multiple civil-rights complaints previously filed to your offices’ attention on behalf of other Black migrants.

Therefore, the issues raised in this complaint require your immediate attention and redress through a comprehensive and transparent investigation. Furthermore, to ensure their safety and well-being during the course of the investigation, your offices must direct ICE to ensure immediate protection. ICE has the discretion to release each of the men who were pepper sprayed and punitively placed in solitary confinement to their families and communities under *Fraiha* medical release, which some qualify for, or their own enforcement priorities. If release is not provided, they must immediately be transferred safely and in compliance with COVID-19 guidelines from the Glades County Detention Center to the Krome Service Processing Center.

## **I. Background**

Since July 2021, ICE has transferred around 200 people into Glades from detention centers across the country, including the York County Prison (“York”), which has been denounced by local advocates for its abusive treatment<sup>1</sup> and recently terminated its contract with ICE. Instead of responding to the calls to release those who remained detained at York, ICE abruptly transferred many of these individuals away from their families, communities, and attorneys to other facilities in the South, including Glades. Upon information and belief, most of the men subject to this complaint were transferred from York to Glades in late July or early August of this year, and the racial violence and targeted retaliation they suffered at York has since followed them to Glades.

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<sup>1</sup>See Matt Enright, “Poor water quality, lack of medical care alleged by ICE detainees at York County Prison,” York Dispatch (June 28, 2021), <https://www.yorkdispatch.com/story/news/2021/06/28/poor-water-quality-lack-medical-care-alleged-ice-detainees-york-county-prison/7778894002/>; Anthony Orozco, Gabriela Martinez, “Immigration advocacy groups say hunger strike at York County Prison led to retaliation,” WITF (Aug. 1, 2021), <https://www.witf.org/2021/08/01/immigration-advocacy-groups-say-hunger-strike-at-york-county-prison-led-to-retaliation/>.

The group of Black men discussed in this complaint are particularly vulnerable to the threats posed by detention in ICE custody. The individuals who were pepper sprayed and subject to violence by the guards at Glades are Black, and Black individuals in the United States are substantially more likely than whites to experience force at the hands of law enforcement.<sup>2</sup> Moreover, research studies have shown that immigrants from Africa or the Caribbean are six times more likely to face solitary confinement inside detention centers than others.<sup>3</sup> The use of violent force against Black immigrants is also part of a documented pattern of anti-Black racism by ICE officials and their contractors. A 2019 report on South Florida detention facilities cites disproportionate use of force and racial slurs directed at Black immigrants.<sup>4</sup> The violence that Black immigrants face in ICE custody is a national issue, and locally, it extends beyond Glades to Florida immigration detention centers at large. Over the past year, concerned parties have lodged multiple civil rights complaints calling for investigation of excessive use of force under the Miami Field Office, naming ICE officers' and private prison guards' illegal use of threats, coercion, and direct force against Black detainees. The violence which these seven men are subject to falls within a clear pattern of racialized brutalization against those in ICE custody, a practice which ICE leadership in Miami<sup>5</sup> and elsewhere has effectively condoned.<sup>6</sup> This is a racial justice issue. According to CRCL's mandate, allegations of discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability which occur in ICE custody must be investigated. There's strong indication that a pattern and practice of racially based abuse of migrants at Glades, and under the Miami Field Office at large, is taking place.

In addition, A.S. and E.E. are members of the nationwide class certified in *Fraihat v. U.S. Immigration and Customs Enforcement*. E.E. suffers from anxiety and depression for which he receives medication, yet he reports he has not received a custody review from ICE under *Fraihat*, in violation of the court's order. A.S.'s medical conditions—specifically his BMI, high blood pressure, lived experience with mental illness, and kidney issues, including the fact that he only has one kidney and is on the verge of being placed on dialysis—render him more vulnerable

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<sup>2</sup> See, e.g., Phillip Atiba Goff, et al., *The Science of Justice: Race, Arrests, and Police Use of Force*, Center for Policing Equity at Yale Univ. (July 2016), [https://policingequity.org/images/pdfs-doc/CPE\\_SoJ\\_Race-Arrests-UoF\\_2016-07-08-1130.pdf](https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf).

<sup>3</sup> See, e.g., Conrad Franco et al, "Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017," <https://osf.io/preprints/socarxiv/zdy7f/>.

<sup>4</sup> Southern Poverty Law Center and Americans for Immigrant Justice, *Prison By Any Other Name: A Report on South Florida Detention Centers* (December 9, 2019), [https://www.splcenter.org/sites/default/files/cjr\\_fl\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fl_detention_report-final_1.pdf).

<sup>5</sup> On March 5, 2021, a meeting took place between ICE Field Office Director Mr. Ripa and advocates from Americans for Immigrant Justice, Freedom for Immigrants, and Immigrant Action Alliance, at which Mr. Ripa informed advocates that a cursory review of video evidence of a civil rights complaint naming off-camera physical assault of a black migrant had found no wrongdoing. This is a completely inappropriate response to a request for immediate investigation into the pattern and practice of off-camera assault taking place inside Glades County Detention Center for those who speak up publicly.

<sup>6</sup> Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, *The State of Black Immigrants* (September 2016), <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.

to severe illness or death from the SARS-CoV-2 virus. In fact, A.S. was placed in solitary confinement the day after he had been in the hospital, nearing kidney failure. As of yesterday, he reported receiving no medical care in solitary confinement, despite the escalating medical distress he is experiencing. Finally, prior to the incident described in this complaint, A.S. reports that the psychiatrist at Glades inexplicably stopped the psychiatric medications he takes to manage the symptoms of his mental illness for about two weeks, leading him to experience insomnia and other withdrawal symptoms. This abuse of power by the facility's sole psychiatrist in which he alters patients' psychiatric medications abruptly and against their wishes, was documented in another CRCL complaint filed late last month where women in Glades reported withholding of medication combined with sexual harassment, leading to acute withdrawal.<sup>7</sup>

## **II. Abusive Use of Pepper Spray, Anti-Black Violence on September 16, 2021**

On Wednesday, September 15, 2021, an ICE Officer who was visiting Glades approached a group of African men that included E.E. and A.S. All but one of the men had been transferred from York to Glades earlier in the summer. The ICE Officer told them to "break it up," potentially implying that they were not allowed to congregate. Given there are plenty of other people at the facility who congregate, this group of seven Black men appeared to have been targeted by ICE on account of their race and ethnicity as Black African immigrants. A.S. states, "We want to be treated fair, like anyone else. When it comes to us, the Africans, they have a problem with us." ICE then told several of the men that they were being moved into different housing units to be separated, to which they responded they did not want to be moved. The Lieutenant then came and overturned the order of ICE, saying they could stay together.

On Thursday, September 16, 2021, at around six a.m., Captain John Gadson and a group of at least 15 officers entered pod C1 and approached one of the six-man cells that was occupied by a group of African immigrants, including A.S. and E.E. They had just returned there after breakfast and were resting. Without explanation, Captain Gadson and the officers then pepper sprayed all the men in the cell, with the Captain directing the pepper spray canister right at A.S.'s face and then the side of his head. The officers accompanying Captain Gadson then dragged the men out of the unit and into the hallway. Lieutenant Arnold grabbed A.S. and violently slammed him against the wall, in a display of excessive force, and then restrained him.

A.S. was then escorted to an area of the jail with a shower and strip-searched. At this point, A.S.'s blood pressure began to skyrocket, and he was having trouble breathing, likely due to being pepper sprayed directly in the face and at close proximity. The officers escorted him to the medical department, where his blood pressure was taken and read at 166/104, which is particularly high. In response, a nurse provided A.S. with a medication, but it only further elevated his blood pressure after he took it. He then sat in the medical department for about an hour without any further attention, and at seven a.m., when the shift change occurred and new nurses arrived, he was told to go to solitary confinement. No shower, change of clothes, or medical care was provided before he was locked in a solitary confinement cell. According to his cellmate, A.S. was crying out for help all day and did not receive a response. Furthermore, not being permitted to shower after being pepper sprayed exacerbated the pain, with the spray

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<sup>7</sup> See

[https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL\\_Conditions+for+Women+at+Glades\\_8.26.2021-final.pdf](https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL_Conditions+for+Women+at+Glades_8.26.2021-final.pdf).

remaining on his clothes and skin. The other men pepper sprayed were denied showers as well; E.E. did not even receive any medical attention before being placed in confinement. Because this is a practice Glades used in the recent past against a group of African migrants who were subjected to months on end of repeated pepper spraying and shower denial, leaving their skin burning,<sup>8</sup> we believe this to be a calculated, abusive tactic Glades has used to increase the level of pain inflicted on these seven men.

According to the 2019 National Detention Standards (“NDS”), “under no circumstances shall force be used to punish a detainee.” (NDS 2.8 Use of Force and Restraints II.A.1) The NDS are also clear that staff, including the Captain, are required to consult medical staff before using pepper spray. (NDS 2.8 Use of Force and Restraints II.H) It’s evident this consultation with medical staff did not take place, or the use of pepper spray on a group of men who were simply sitting on their beds, in a general population dorm, amidst a highly transmissible, respiratory virus, COVID-19, would not have been permitted. Furthermore, the NDS require that after any use of force, medical personnel shall examine the individual involved and any “medical services provided shall be documented,” which clearly did not occur following the Captain’s spraying of these seven men. (NDS 2.8 Use of Force and Restraints II.G.3)

Excessive use of pepper spray and spraying pepper spray into a small cell, like the one where the seven men were at the time of the incident, violate the NDS. It’s also highly dangerous and could lead to death. In Florida, there are documented cases of the use of pepper spray against confined individuals that have resulted in death. *See, e.g.,* Julie K. Brown, “As Florida inmate begged for help, guards gassed him to death, suit says,” Miami Herald (Sep. 20, 2016); Amy Bennett Williams, “Pepper spraying inmate with schizophrenia cruel, unusual, suit says,” News-Press (Sept. 2, 2016); Dara Kam, “Corrections Revamps Policies On Gassing Inmates, Use of Force,” WJCT (Apr. 18, 2015); Dara Kam, “Fatal gassing of inmate to be re-examined by state,” SunSentinel (Mar. 17, 2015).<sup>9</sup>

### **III. Punitive Use of Solitary Confinement; Mental Health Care Neglect; Unreasonable Telephone Access for People in Segregation**

On September 17, more than a day after the incident occurred, A.S. received paperwork stating he was placed in solitary confinement for “interfering with running the institution.” He was not provided information on if or when any disciplinary hearing would take place or how long he would be confined in segregation. While he was later told the disciplinary hearing, in which he

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<sup>8</sup> *See* CRCL Complaint filed with the Officer of Inspector General and Office of Civil Rights and Civil Liberties by Legal Aid Service of Broward County, University of Miami School of Law Immigration Clinic, and Americans for Immigrant Justice on January 8, 2018 on behalf a group of Somali men who were on an aborted deportation flight and subsequently detained at Glades, where they were beaten, pepper sprayed, arbitrarily placed in solitary confinement for extended periods of time, denied access to their legal counsel, and subject to racist, verbal harassment by facility staff.

<sup>9</sup> [www.miamiherald.com/news/special-reports/florida-prisons/article102773597.html](http://www.miamiherald.com/news/special-reports/florida-prisons/article102773597.html); [www.news-press.com/story/news/2016/09/02/pepper-spraying-inmate-schizophrenia-cruel-unusual-suit-says/89536518/news.wjct.org/post/corrections-revamps-policies-gassing-inmates-use-force](http://www.news-press.com/story/news/2016/09/02/pepper-spraying-inmate-schizophrenia-cruel-unusual-suit-says/89536518/news.wjct.org/post/corrections-revamps-policies-gassing-inmates-use-force); [www.sun-sentinel.com/news/florida/fl-nsf-inmate-gassing-20150317-story.html](http://www.sun-sentinel.com/news/florida/fl-nsf-inmate-gassing-20150317-story.html)

could receive 30 days in solitary despite not having violated any facility policy, would take place on September 21, by the afternoon of that day no hearing had taken place.

E.E. also received paperwork on September 17, 2021, however, the documents included the name of another detained man, stating “conduct that disrupts or interferes with the security and orderly running” and “detainee T--- interfered with staff and performance of duties.” As of the evening of September 21, a hearing on these disciplinary charges had yet to be conducted, with an officer telling E.E. that Glades officials needed more time to “investigate.” It appears that Glades officials are haphazardly mounting unfounded disciplinary charges against both E.E. and A.S. in an attempt to justify their continued placement in solitary confinement.

In addition, A.S. and E.E. reported that the solitary confinement housing unit is currently at capacity, with some cells doubled up with two people. A.S. added that there are individuals in county custody currently in confinement who have gone days without a disciplinary hearing. The overuse of solitary confinement at Glades resulted in one of the men who was pepper sprayed being placed in a cell in the booking area of the jail due to a lack of space; these cells in booking do not have a bed or even the most basic provisions. Despite not yet being placed on disciplinary confinement, their placement in solitary confinement is entirely punitive.

Furthermore, at Glades, detained people in solitary confinement do not have regular telephone access to call family, their loved ones, and other legal and civil rights groups; this is especially troublesome given their safety and well-being are currently at risk. Individuals in solitary confinement are only able to access the tablet or a telephone to contact an attorney or loved one with permission from the jail officials, the same officials who violently harmed them just days ago. Moreover, we have received reports that in the midst of this abuse and a hunger strike of over 100 people in ICE custody at Glades, the facility has updated their phone system, and neither ICE nor Glades has informed detained people, legal service organizations, or civil rights groups how unrecorded, unmonitored calls to the various hotlines can now be conducted. ICE is legally obligated to allow unmonitored access to detained individuals’ attorneys and to an abuse reporting hotline. Not only that, fees for adding funds to phone accounts abruptly and steeply increased in the past few days, further hampering communications between people at Glades and their loved ones, advocates, and attorneys. Such isolation is always concerning, and it is particularly problematic for Glades to have blocked phone access after the egregious abuse of these seven African men occurred.

E.E. reported going days without having access to the phone to call his attorney. When he was finally given the phone, he had to kneel down on the floor in his cell and slide his hand through a small door (the flap of the cell door) in order to reach the phone outside the cell. He also reports that the lights are kept on 24 hours a day and that the sink inside his cell does not work. He has no access to hot water inside his cell in confinement. He and the others in solitary are only permitted to come out of their cells for a shower three times per week (Monday/Wednesday/Friday), so while E.E. was pepper sprayed early Thursday morning, he was unable to shower until a day later on Friday.

Several of the men have documented mental illness, and the abuse they are experiencing is resulting in great mental and emotional distress that is leading to self-harm. Despite the NDS requiring jail officials to observe the cells at least every 30 minutes and provide face-to-face

medical assessments with health care personnel at least once a day, A.S. reports there are no consistent medical or mental health checks taking place at this time.

The NDS state that an individual with a “serious mental illness”<sup>10</sup> should not be automatically placed in solitary confinement, and the facility staff in coordination with ICE/ERO shall make every effort to find an alternative housing option where appropriate treatment can be provided. (NDS 2.9 Special Management Units II.M.1) These men were hastily placed in confinement after they were pepper sprayed, with no meaningful inquiry into the state of their mental health, in violation of the standards.

In the early afternoon of September 17, A.S. reported that one of the men was rushed to the emergency room after swallowing and choking on a pencil in a suicide attempt. In the evening of the 17th, A.S. reported that his cellmate swallowed pieces of metal in front of an officer, and the officer did not respond or call for immediate mental health support. Despite the men’s clear desperation and deteriorating mental health, neither officers nor medical staff have been making regular rounds to check on them. The lack of concern for their mental wellbeing had dire and immediate consequences, as later in the evening of September 17, A.S.’s cellmate attempted suicide and was taken from the cell, and his whereabouts were unknown for several days.

On September 19, A.S. reported that he still had not received medical attention and there had been blood in his urine since the day before, indicating rapidly worsening problems with his kidney. He says he has asked every nurse that comes by but is only told to “put in a sick call.” At Glades, it can take weeks to receive a response to sick calls, and sometimes they are not answered at all. A.S. also says he has not yet seen the psychiatrist while in solitary despite numerous requests and a documented history of mental illness.

#### **IV. Request for Prompt Redress**

To remedy the above-detailed misconduct by officials at the Glades County Detention Center, we request that your offices expeditiously do the following:

- (1) Initiate a formal investigation into the conduct alleged. To facilitate a full and fair investigation, we request that your offices (i) inform us of any interview with any of the seven individuals that is anticipated or arranged in connection with this investigation and (ii) permit their counsel to attend any such interview telephonically;
- (2) Identify and hold responsible the Glades County officials who have perpetuated the abusive actions described in the correspondence; and
- (3) Immediately intervene to protect the seven individuals’ safety by ensuring that ICE immediately (i) release them from custody to the community or (ii) if release is not

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<sup>10</sup> The NDS’ definition of a “serious mental illness” include significant symptoms of one of the following: i) psychosis or psychotic disorder; ii) bipolar disorder; iii) schizophrenia or schizoaffective disorder; and iv) major depressive disorder with psychotic features. Severe depressive symptoms, suicidal ideations, marked anxiety, and impulsivity are also symptoms and behaviors categorized in the NDS as constituting a “serious mental illness.” (NDS 4.3 Medical Care II.S.4.a)

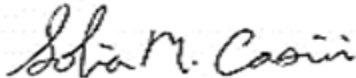
provided, transfer them safely and in compliance with COVID-19 guidelines from the Glades County Detention Center to the Krome Service Processing Center.

Further, we understand that over 30 civil rights complaints regarding substandard and dangerous conditions have been sent to your offices' attention since the onset of the pandemic. Those complaints include reports of off-camera physical assault and retaliation against those who publicly report on the facility's conditions. Immediate intervention is imperative to prevent further harm.

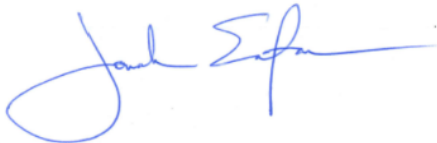
We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely,

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October 1, 2021

*Via Priority mail; cc by email*

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**RE: Complaint and Request for Investigation  
Life-threatening Violence Against a Black Immigrant  
Glades County Detention Center**

Dear Inspector Cuffari and Officer Culliton–Gonzalez:

The following organizations and individuals— Nationalities Service Center, Immigrant Action Alliance, Americans for Immigrant Justice, Juntos, Borderless Existence Initiative, Detention Watch Network, United We Dream, Palm Beach County Environmental Coalition, Campaign to Fight Toxic Prisons, Legal Aid Service of Broward County and Freedom for Immigrants— submit this complaint on behalf of N.T., a Black immigrant who is presently confined and wrongfully mistreated in ICE custody at the Glades County Detention Center (“Glades”) in Moore Haven, Florida. During his detention at Glades, county correctional officials have subjected N.T. to pepper spray, excessive use of force, medical neglect, abusive withholding of hygiene products, and punitive placement in a restraint chair.

At this time, N.T. remains in solitary confinement. We believe his safety and well-being are at risk in light of the violence he suffered, his ongoing placement in solitary confinement, and the



facility's long history of off-camera physical assaults, many of which have been documented in past complaints submitted to your offices' attention on behalf of other Black immigrants.

The issues raised in this complaint require your immediate attention and redress through a comprehensive and transparent investigation. Furthermore, to ensure N.T.'s safety and well-being during the course of the investigation, your offices must direct ICE to ensure his immediate protection. ICE has the discretion to release N.T. to his community, and should do so immediately.

## **I. Background**

Since July 2021, ICE has transferred around 200 people into Glades from detention centers across the country, including the York County Prison ("York"), which has been denounced by local advocates for its abusive treatment<sup>1</sup> and recently terminated its contract with ICE. Instead of responding to the calls to release those who remained detained at York, ICE abruptly transferred many of these individuals away from their families, communities, and attorneys to other facilities in the South, including Glades. While detained at York, N.T. participated in a hunger strike, a right that is protected under the First Amendment, and was subjected to retaliation, including being placed in solitary confinement for an extended period of time.

Prior to his detention at both York and Glades, N.T. was propositioned for sexual acts by a guard in Pike County Correctional Facility in approximately October 2020. He reported this and filed a PREA complaint. The guards then began to retaliate against him, placing him in solitary confinement for allegedly making a false report. N.T. appealed this determination and made further complaints related to medical issues. Due to these complaints and the retaliation he suffered, he was told he could no longer be detained at Pike and was transferred to York. The abuse N.T. has suffered at all three ICE facilities, Pike, York, and Glades, which includes extended periods of time in solitary confinement and medical neglect, proves that his safety cannot be protected in ICE custody, no matter where he is detained.

The violence N.T. has suffered at Glades, which is described in detail below, occurred just days after a separate group of seven Black, African immigrants, most of whom were also transferred from York, were targeted based on their race and ethnicity, pepper sprayed, denied medical attention, and punitively placed in solitary confinement. These instances of violent force against Black immigrants at Glades are part of a larger pattern of anti-Black racism by ICE officials and their contractors in the immigration system. For example, a 2019 report on South Florida detention facilities cites disproportionate use of force and racial slurs directed at Black

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<sup>1</sup>See Matt Enright, "Poor water quality, lack of medical care alleged by ICE detainees at York County Prison," York Dispatch (June 28, 2021), <https://www.yorkdispatch.com/story/news/2021/06/28/poor-water-quality-lack-medical-care-alleged-ice-detainees-york-county-prison/7778894002/>; Anthony Orozco, Gabriela Martinez, "Immigration advocacy groups say hunger strike at York County Prison led to retaliation," WITF (Aug. 1, 2021), <https://www.witf.org/2021/08/01/immigration-advocacy-groups-say-hunger-strike-at-york-county-prison-led-to-retaliation/>.

immigrants.<sup>2</sup> Over the past year, concerned parties have lodged multiple civil rights complaints calling for investigations of excessive use of force under the Miami Field Office, naming ICE officers' and private prison guards' illegal use of threats, coercion, and direct force against Black individuals in detention. The violence which N.T. is subject to falls within a clear pattern of racialized brutalization against those in ICE custody, a practice which ICE leadership in Miami<sup>3</sup> has effectively condoned. According to CRCL's own mandate, allegations of discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability which occur in ICE custody must be investigated. There's strong indication that a pattern and practice of racially based abuse of migrants at Glades, and under the Miami Field Office at large, is taking place, yet ICE has recently renewed its amended contract with Glades that pays the county for a guaranteed minimum of 300 beds, regardless of how many are detained. Thus, in the face of repeated and racialized abuse, ICE has not taken steps to curb the mistreatment but has, through this renewed six-month contract, given Glades license to continue its abuses.

In addition, N.T. suffers from a heart condition, which has been confirmed through multiple EKGs. The irregular EKGs reflect heart conduction, which doctors have explained may be a neurological issue between his heart and brain. However, he has been denied any medical treatment for the condition since arriving at Glades. Brushing off his concerns, a doctor at Glades told him he could have anxiety, yet he was never provided care or medications for that either. He has also been told by medical staff that his heart condition is not a big deal. He continues to experience chest pains, including shortness of breath and dizziness, and his heart feels like it is fluttering. N.T. is a member of the nationwide class certified in *Fraihat v. U.S. Immigration and Customs Enforcement*. N.T. should immediately be released to his community under *Fraihat*.

## **II. Pepper Spray; Physical Assault; Abusive Use of the Restraint Chair**

Per the protocols at Glades for receiving supplies, including hygiene items like soap and toilet paper, an individual who runs out of supplies can take the empty items to an officer and exchange them for new ones. For example, if an individual runs out of toilet paper and needs to request more, they must bring the officer the cardboard roll and will receive new toilet paper. However, as documented in an August 26, 2021 complaint to your offices,<sup>4</sup> officers are abusively

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<sup>2</sup> Southern Poverty Law Center and Americans for Immigrant Justice, Prison By Any Other Name: A Report on South Florida Detention Centers (December 9, 2019), [https://www.splcenter.org/sites/default/files/cjr\\_fl\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fl_detention_report-final_1.pdf).

<sup>3</sup> On March 5, 2021, a meeting took place between ICE Field Office Director Mr. Ripa and advocates from Americans for Immigrant Justice, Freedom for Immigrants, and Immigrant Action Alliance, at which Mr. Ripa informed advocates that a cursory review of video evidence of a civil rights complaint naming off-camera physical assault of a black migrant had found no wrongdoing. This is a completely inappropriate response to a request for immediate investigation into the pattern and practice of off-camera assault taking place inside Glades County Detention Center for those who speak up publicly.

<sup>4</sup>See

[https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL\\_Conditions+for+Women+at+Glades\\_8.26.2021-final.pdf](https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL_Conditions+for+Women+at+Glades_8.26.2021-final.pdf)

denying and withholding toilet paper from men and women at Glades, forcing some to shower immediately after they defecate and others to go days without this most basic hygiene product.

At around 7:30 a.m. on September 21, 2021, N.T. went to exchange his empty toilet paper roll and soap bottle. The guards in the housing unit told him there was no toilet paper they could give him. N.T. responded that he had to go to the bathroom very badly and asked the officer what he was supposed to use to clean himself afterwards. After a back and forth where N.T. continued to request toilet paper, Officer Boston replied to N.T. stating he could “wash his ass in the shower.” She continued on to state that the officers were not going to give him any toilet paper because they did not have any. The officers then closed the door to the housing unit on him.

N.T. knocked on the door four times with his foot, but no officer responded, so he walked away. Then, someone opened the door, so N.T. returned to ask the officers again for toilet paper, explaining he immediately needed to go to the bathroom. At this point, there were four guards present, two women officers including Officer Boston and Officer James and two men, including Lieutenant Mondragon and Sergeant Weston. Lieutenant Mondragon was carrying pepper spray.

When N.T. asked again for toilet paper, he started to become frustrated that his request was repeatedly denied. He asked what the officer would do if they had to use the bathroom without toilet paper. He also stated that he did not believe that there was no toilet paper available in the facility that the officers could provide him. N.T. insisted that there must be toilet paper because the Officers who used the bathroom had access to toilet paper so there should be some available to him too.

In response, the Lieutenant told N.T. to turn around and place his arms behind his back. The Lieutenant handcuffed him, making the cuffs extremely tight around his wrists. N.T. did not resist. The Lieutenant said to N.T., “You can shit on yourself for all I care. You won’t get any toilet paper.” That same officer then grabbed N.T. by his left arm and began to rush him down the hall into another part of the detention center. Although the officer was dragging N.T. as he began to run, N.T. did not resist. Sergeant Weston aided the Lieutenant in escorting N.T. down the hall. The Lieutenant was aggressive, grabbing and dragging N.T. on his left side, but Sergeant Weston, who was on his right, was not.

When they got to the door at the end of the hallway, the Lieutenant slammed N.T.’s head against the door, which is made of plexiglass and metal. He also began to wring and twist the handcuffs around N.T.’s wrists, which caused him great pain. The Lieutenant then pulled N.T. into the second hallway, which leads to the medical department and the law library. This hallway has no cameras. Here, out of a camera’s view, the Lieutenant pepper sprayed N.T. directly in the eyes, and he was immediately unable to see. N.T. struggled for air, and his eyes were burning. He had to ask Sergeant Weston to pull down his face mask because he could not breathe.

The officers then took N.T. to the bathroom, presumably so he could wash out his eyes, but because his hands were in restraints behind his back, he was unable to do so. He tried to reverse his hands in order to press the button on the faucet to release water, but was largely unsuccessful. While N.T. still could not see, his attempts to try and turn on the water apparently angered the guards, and an unknown officer sprayed him again with pepper spray, approximately two times. N.T. states that this was a different pepper spray because it had a different stream and spread out more and went into his lungs, causing them to burn and him to cough. N.T. kicked the gate near

the door in response to being sprayed. Directly after this, an unknown officer made direct threats at N.T. and said, “You’re going to cause me to put my hands on you.”

After being pepper sprayed multiple times, directly in the face, and at close proximity, N.T. could not breathe and was in pain; his eyes were burning. The officers removed him from the bathroom, and in the process, slammed him against the bathroom wall and again twisted the handcuffs around his wrists, causing him pain. A group of about five officers then strapped him into a restraint chair. They did so in silence because N.T. believes they were being recorded. The officers then pushed N.T. in the restraint chair into the booking area of the jail. At this point, he could still barely see but was able to observe that the officers then set a camera on top of a box, which happened to be full of toilet paper.

The officers left N.T. strapped to the restraint chair for approximately three to four hours. During this time, his upper body was soaked in pepper spray. After about three to four hours, officers removed him from the restraint chair, took off his handcuffs, and permitted him to shower. After the handcuffs were removed, N.T.’s hands were left swollen, bruised, and red; he had lost feeling in his thumbs. After he showered, he was taken to the medical department and provided with Motrin.

N.T. was later taken into solitary confinement, unit D2 at the detention center. His hands were swollen from being left in tight handcuffs for about four hours while he was restrained in the chair. He reported to his attorney that he has marks, bruises, and cuts around his wrists where the handcuffs were. On September 28, 2021, he stated that he could not feel the tops of his two thumbs; they were numb. A few days ago, he informed the medical staff that his thumbs were numb but did not receive any medical attention. When he complained to the medical staff a second time, the nurse told N.T. that the doctor was notified of this issue but had previously declined to see him the other day when they were present at the facility. The nurse said N.T. could possibly receive medical attention in the next day or so.

Further, N.T. continued to feel like his skin was burning for several days after being pepper sprayed because the spray sat on his skin for about four hours before he was permitted to shower. He said his entire back, neck, eyes, and face were burning, including where the straps that restrained him were tightened on his body. Because Glades has a history of denying showers to individuals the guards pepper spray, leaving their skin burning,<sup>5</sup> we believe this to be a calculated, abusive tactic Glades has used to increase the level of pain inflicted on N.T.

According to the 2019 National Detention Standards (“NDS”), “under no circumstances shall force be used to punish a detainee.” (NDS 2.8 Use of Force and Restraints II.A.1) The NDS are also clear that staff, including the Captain, are required to consult medical staff before using pepper spray. (NDS 2.8 Use of Force and Restraints II.H) Here, contrary to the standards, a

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<sup>5</sup> See CRCL Complaint filed with the Officer of Inspector General and Office of Civil Rights and Civil Liberties by Legal Aid Service of Broward County, University of Miami School of Law Immigration Clinic, and Americans for Immigrant Justice on January 8, 2018 on behalf a group of Somali men who were on an aborted deportation flight and subsequently detained at Glades, where they were beaten, pepper sprayed, arbitrarily placed in solitary confinement for extended periods of time, denied access to their legal counsel, and subject to racist, verbal harassment by facility staff.

high-ranking jail official deployed pepper spray at close proximity, directly in N.T.'s eyes, while he was already restrained, not resisting, and accompanied by two officers.

After about a week in solitary confinement, N.T. received paperwork notifying him that a disciplinary hearing would take place. The document states that the disciplinary charge mounted against him is "conduct that disrupts, charge code '199'." N.T. notes that the document includes false statements, alleging that N.T. swore at the officers in an aggressive tone, which he did not, and claiming that the officer offered to provide N.T. with toilet paper when it became available, which was never proffered. However, what is most notable about the report is what is omitted. Contrary to what is detailed above, the document only reports that N.T. was pepper sprayed on one occasion and then subsequently escorted to a cell in solitary confinement. It makes no mention of the multiple other instances he was pepper sprayed leading to his skin burning, nor that the officers restrained him for hours in a chair, while he was in severe pain. The document claims "only the least amount of force necessary was used during this incident." If this truly were the case, N.T. would not have had burning skin or thumbs that were numb for days after. The punishment for insisting on access to basic hygiene supplies like toilet paper should never be hours in a restraint chair, having your head slammed against a door, or being pepper sprayed multiple times. The Glades officials can and should immediately remove the disciplinary charge against N.T. and release him from solitary confinement, providing him with immediate medical attention.

On September 30, the disciplinary hearing took place and it lasted no more than a few minutes. At the hearing were D.S. Escalera and a Lieutenant whose name N.T. did not know. N.T. pled not guilty to the charge of "conduct that disrupts," yet he was found "guilty" for what the officers described as having kicked the door aggressively. N.T. further informed the officers at the hearing that the disciplinary report was incorrect in stating that he had only been pepper sprayed once, and that the statement omitted other details of what was done to him. Disregarding N.T.'s account of the violence he suffered, the officers sentenced him to 30 days of disciplinary confinement, and he was not informed he had the right to appeal this decision. To give N.T. the maximum sanction as permitted under the NDS of 30 days in disciplinary confinement<sup>6</sup> is particularly punitive given the harm he has already suffered at the hands of the officers.

Many experts view solitary confinement as tantamount to torture under certain conditions, particularly when used for extended periods of time. Prolonged solitary confinement is typically defined as longer than 15 days because some of the harmful psychological effects begin to worsen at this point. As N.T. arrives at day eleven of solitary confinement on the day this complaint is filed, it becomes ever more urgent that he be released from solitary confinement for his own safety and wellbeing.

N.T. describes the abuse and violence that occurred as "an abuse of power." He states that at Glades he has been treated "like I'm less than a person." Further, he believes that their violence against him and others at the facility is deliberately sought out--he believes the guards do whatever they can to provoke detained people so that the officers can respond violently.

### **III. Request for Prompt Redress**

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<sup>6</sup> See NDS Special Management Units II.B.1

To remedy the above-detailed misconduct by officials at the Glades County Detention Center, we request that your offices expeditiously do the following:

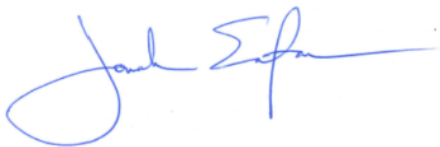
- (1) Initiate a formal investigation into the conduct alleged. To facilitate a full and fair investigation, we request that your offices (i) inform us of any interview with N.T. that is anticipated or arranged in connection with this investigation and (ii) permit his counsel to attend any such interview telephonically;
- (2) Identify and hold responsible the Glades County officials who have perpetuated the abusive actions described in the correspondence; and
- (3) Immediately intervene to protect N.T.'s safety by ensuring that ICE immediately releases him from custody to the community.

Further, we understand that over 30 civil rights complaints regarding substandard and dangerous conditions have been sent to your offices' attention since the onset of the pandemic. Those complaints include reports of off-camera physical assault and retaliation against those who publicly report on the facility's conditions. Immediate intervention is imperative to prevent further harm.

We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely,

Rebecca Talbot  
Glades Lead  
Immigrant Action Alliance  
[rebecca@immigrantactionalliance.org](mailto:rebecca@immigrantactionalliance.org)



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October 20, 2021

*Via electronic mail*

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**RE: Abraham Keita (A# 074 654 638) and Mohamed Farah (A# 071 702 770)  
Violations of civil rights at the Glades County Detention Center**

Dear Inspector Cuffari, Officer Culliton–Gonzalez, and Acting Ombudsman David Gersten:

The following organizations - Immigrant Action Alliance, Americans for Immigrant Justice, and National Immigrant Justice Center - submit this complaint on behalf of Abraham Keita (A# 074 654 638) and Mohamed Farah (A# 071 702 770), who are currently detained at the Glades County Detention Center (“Glades”). Both are Black immigrants, one from Liberia and one from Somalia, and have reported violations of their civil and human rights, including inadequate medical care, physical assault, extended periods of solitary confinement, discriminatory abuse, and anti-Blackness during their detention at Glades.

We urge the DHS Office for Civil Rights and Civil Liberties (CRCL), pursuant to its authority under 6 U.S.C. § 345, to immediately 1) investigate the allegations described within this complaint and 2) recommend the release of these two individuals from Glades.

Further, we request that the Office of Professional Responsibility investigate the conduct of the correctional officers listed below who are employees of the Glades County Sheriff’s Office and sub-contractors of Immigration and Customs Enforcement.

## **I. Background**

Anti-blackness is defined as “behaviors, attitudes and practices of people and institutions that work to dehumanize black people in order to uphold white supremacy,”<sup>1</sup> treatment and behavior that “strips Blackness of value.”<sup>2</sup> Black individuals in the United States are substantially more likely than whites to experience force at the hands of law enforcement.<sup>3</sup> Moreover, research studies have shown that immigrants from Africa or the Caribbean are six times more likely to face solitary confinement inside detention centers than others.<sup>4</sup>

The numerous cases involving use of violent force against Black immigrants has become part of a documented pattern of anti-Black racism by ICE officials and their contractors. A 2019 report, for example, on South Florida detention facilities cites disproportionate use of force and racial slurs

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<sup>1</sup> “Terms and Definitions,” Amherst College, available at: <https://www.amherst.edu/campuslife/our-community/multicultural-resource-center/terms-and-definitions>

<sup>2</sup> “Racial Equity & Anti-Black Racism,” University of California San Francisco, Multicultural Resource Center, available at: <https://mrc.ucsf.edu/racial-equity-anti-black-racism>

<sup>3</sup> See, e.g., Phillip Atiba Goff, et al., *The Science of Justice: Race, Arrests, and Police Use of Force*, Center for Policing Equity at Yale Univ. (July 2016), [https://policingequity.org/images/pdfs-doc/CPE\\_SoJ\\_Race-Arrests-UoF\\_2016-07-08-1130.pdf](https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf).

<sup>4</sup> See, e.g., Conrad Franco et al, “Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017,” <https://osf.io/preprints/socarxiv/zdy7f/>. The DHS OIG also recently found that ICE does not accurately capture or report the full extent of detention facilities’ use of segregation, and lacks the controls to determine whether detention facilities are accurately reporting the use of segregation. See DHS Office of the Inspector General, “ICE Needs to Improve Its Oversight of Segregation Use in Detention Facilities,” OIG-22-01, October 13, 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-10/OIG-22-01-Oct21.pdf>.



directed at Black immigrants.<sup>5</sup> The violence which the complainants describe in this complaint falls within a clear pattern of racialized brutalization against those in ICE custody, a practice which ICE leadership in Miami<sup>6</sup> and elsewhere has effectively permitted to persist.<sup>7</sup>

At Glades, this pattern is unmistakable. Since the start of this year alone, concerned parties have lodged multiple civil rights complaints after Black immigrants at Glades were assaulted—usually in areas where no cameras exist— and then placed in solitary confinement. To date, none of these cases has been resolved and in some cases, efforts to resolve them have resulted in retaliation for those detained.

- On March 3, 2021, Immigrant Action Alliance and Freedom for Immigrants filed a CRCL complaint after Kemar Williams and Kevin Brown, both Jamaican nationals, were beaten, pepper sprayed, and taken into solitary confinement in retaliation for their participation in a previous multi-individual CRCL complaint. An individual who was detained at Glades at the time reported that Mr. Williams was taken to an area without cameras when he was assaulted:

*“Kemar Williams was strategically and intentionally brought to medical, where there are no cameras, to put him in confinement” because he was “speaking out” about conditions at Glades. (Text received by Immigrant Action Alliance, Feb. 12, 2021)*

Disturbingly, ICE Field Office Director Garrett Ripa responded to this report of brutality by telling advocates that he had reviewed the camera footage and considered the use of force appropriate; however, no video evidence from the medical unit had been viewed. Moreover, in and of itself, the use of force at Glades, when used as a response to an individual reporting on conditions at the facility, violates ICE policy; according to the 2019 National Detention Standards (“NDS”), “under no circumstances shall force be used to punish a detainee.” (NDS 2.8 Use of Force and Restraints II.A.1)

Both Mr. Williams and Mr. Brown have been deported to Jamaica and, to our knowledge, they were never interviewed regarding the assault they experienced, and none of the officers involved have been held accountable.

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<sup>5</sup> Southern Poverty Law Center and Americans for Immigrant Justice, Prison By Any Other Name: A Report on South Florida Detention Centers (December 9, 2019), [https://www.splcenter.org/sites/default/files/cjr\\_fl\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fl_detention_report-final_1.pdf).

<sup>6</sup> On March 5, 2021, a meeting took place between ICE Field Office Director Mr. Ripa and advocates from Americans for Immigrant Justice, Freedom for Immigrants, and Immigrant Action Alliance, at which Mr. Ripa informed advocates that a cursory review of video evidence of a civil rights complaint naming off-camera physical assault of a Black migrant had found no wrongdoing. This is a completely inappropriate response to a request for immediate investigation into the pattern and practice of off-camera assault taking place inside Glades County Detention Center for those who speak up publicly.

<sup>7</sup> Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, The State of Black Immigrants (September 2016), <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.

- On April 26, Immigrant Action Alliance filed a CRCL complaint after an officer at Glades injured Sean Taylor, a Jamaican national, while taking him to solitary confinement (CRCL Reference No. 001229-21). An officer slammed him against the wall and then slammed his head onto the floor, injuring his head and shoulders. The doctor at Glades, who expressed concern over Mr. Taylor's injuries, was denied the right to examine him. Mr. Taylor remains in ICE custody at Glades, and, to our knowledge, this case remains unresolved.
- On September 22, Immigrant Action Alliance and thirteen other organizations filed a CRCL complaint on behalf of A.S., E.E., and five other Black, African immigrants after county correctional officers subjected them to abusive conduct that included pepper spray, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions including solitary confinement. As a result of this violence, the men were under extreme duress, and two attempted suicides. A.S. and one other man remain in ICE custody at Glades and are currently receiving threats; E.E. and three other Liberian men were flown to Alexandria Staging Facility to be deported within days after we submitted the complaint. The whereabouts of the seventh man are unknown. DHS is currently investigating ICE's rapid transfer and attempt to remove those who participated in the complaint. Furthermore, E.E., A.S., and one other man who was anonymous in the complaint have since been interviewed by two officials from CRCL's office, indicating that an investigation of their complaint may be underway.
- On October 1, Immigrant Action Alliance and ten other organizations filed a CRCL complaint on behalf of N.T., a Black immigrant. During his detention at Glades, county correctional officials subjected N.T. to pepper spray, excessive use of force, medical neglect, abusive withholding of hygiene products, and punitive placement in a restraint chair. While taking N.T. into solitary, a Lieutenant pepper sprayed N.T. directly in the eyes, in a hallway that leads to the medical department and the law library, a hallway without any cameras. We have not yet received any response from CRCL regarding the treatment of N.T.

The pattern of abuse makes clear that this is a racial justice issue. According to CRCL's mandate, allegations of discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability which occur in ICE custody must be investigated. There's strong indication that a pattern and practice of racially based abuse of migrants at Glades, and under the Miami Field Office at large, is taking place.

## **II. Testimony**

### **A. Abraham Keita**

Abraham Keita is a 27-year-old Liberian man who was transferred from York County Prison in Pennsylvania to Glades County Detention Center on or about July 31, 2021. Abraham reports that he does not feel safe at the detention center, particularly due to his identity as a gay, Black man. At Glades, he has been subjected to extra searches; he has also witnessed officers watching him, pointing at him, and laughing. At Glades, Abraham was part of the "voluntary work program" as a trustee, and he was responsible for cleaning the bathrooms in his housing unit.

On September 28, 2021, Sergeant Annastal (Badge 403) called him from the bathroom where he was working and told him to “standby.” The Sergeant then called another officer to take Abraham outside of the unit. A few minutes later, the Sergeant came back to where Abraham was and immediately began to search him but did not find anything. Officer Calderon, a low-ranking officer, observed the Sergeant while he was conducting the pat down but did not say anything. Abraham reports that he was touched inappropriately during this search, leaving him feeling uncomfortable and violated. Sgt. Annastal placed his hands inside Abraham’s pants at the waistband and grazed Abraham’s genitals with his hands.

Abraham was confused about why he was being searched, but he remained with Officer Calderon in the hallway as instructed. Sgt. Annastal went to conduct a search of Abraham’s cell. The officers passed a message over the radio while Sgt. Annastal was searching the cell, and the officer standing with Abraham placed him in handcuffs. Abraham was still confused as to why he had been called out, searched, and then placed in restraints; he had a hearing in his Immigration Court case that day and feared he would miss it. He was later taken to his court hearing, which was held via videoconference, in restraints. He believes this prejudiced the way the Immigration Judge viewed him and his case.

After Sgt. Annastal finished searching the cell, Abraham was then escorted by Sgt. Annastal and Lieutenant Palladino to a bathroom in the booking area of the jail and told to strip naked by Sgt. Annastal. At this point, the Lieutenant exited the bathroom. Sgt. Annastal took off Abraham’s handcuffs and watched Abraham as he undressed himself. Sgt. Annastal strip searched Abraham; he was told to squat and cough. Abraham asked again what was going on but was not given an explanation. He felt violated by the strip search, noting he was not even strip searched when he arrived at Glades after his transfer from York. Abraham believes that Sgt. Annastal was angry that he did not find any contraband in his belongings, and therefore, ordered that Abraham be restrained and strip searched in retaliation. Abraham did not observe Sgt. Annastal consult with the Lieutenant for approval to conduct the strip search. Without further explanation, Abraham was restrained once more and told he would then be taken to solitary confinement.<sup>8</sup>

ICE standards restrict the use of strip searches on people in detention unless there is reasonable suspicion to do so.<sup>9</sup> The 2019 National Detention Standards (“NDS”), which apply to Glades, state that “staff shall not routinely require a detainee to remove clothing or require a detainee to expose private parts of his or her body to search for contraband.” (NDS 2.7 Searches of Detainees II.C.2.a) In addition, the NDS only permit a strip search when an “articulable and reasonable suspicion exists that contraband is concealed on the detainee’s person.” The facility is required to document

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<sup>8</sup> According to ICE standards, placement in disciplinary segregation alone does not constitute a valid basis for using restraints. *See* ICE, Performance-Based National Detention Standards, 2011, Section 2.12.V.E, Special Management Units (Revised Dec. 2016). “Placement in an SMU does not constitute a valid basis for the use of restraints while in the SMU or during movement around the facility.”

<sup>9</sup> The DHS Office of the Inspector General (OIG) has reported on abuses of ICE standards in other detention facilities involving strip searches without reasonable suspicion or justification. *See* Office of the Inspector General, Concerns about ICE Detainee Treatment and Care at Four Detention Facilities, OIG-19-47, June 3, 2019, available at <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

the search as well as the articulable facts supporting the justification for it. (NDS 2.7 Searches of Detainees II.C.2.c) Furthermore, a “reasonable suspicion” must be based on specific and articulable facts that would lead an officer to believe that an individual is in possession of contraband. (NDS 2.7 Searches of Detainees II.C.2.d) Furthermore, ICE’s 2011 Performance-Based National Detention Centers state “a strip search shall be conducted only when properly authorized by a supervisor.” (ICE, Performance-Based National Detention Standards, 2011, Section 2.10.II.7, Searches of Detainees) After the search of Abraham’s belongings and his person did not result in the officers finding any contraband, it’s not clear whether the Glades correctional officer had the necessary “articulable and reasonable suspicion” and supervisory approval to be able to conduct this strip search.

The Sergeant subsequently claimed the officers had found “rolling papers with coffee smeared on it.” Abraham asked what rule he violated, noting all he had in his belongings were some paper towels from the bathroom. Abraham was subsequently given a disciplinary report in confinement, and the stated disciplinary charge was “conduct that disrupts” (Code 299) with the following allegations: “detainee in possession of rolling papers.” Abraham explains that he did not have any contraband in his possession, and he was being falsely accused. An officer subsequently questioned Abraham and asked what he was doing in the bathroom near the vent. He responded that he was cleaning and simply doing his job as assigned.

On Abraham’s eighth day in confinement, a disciplinary hearing finally took place. The officer who conducted the hearing said that no drugs or contraband were found in his belongings and stated he had done nothing wrong. A female officer at the hearing said to the other officers who were present, “Can we release him now?” A male officer responded by saying he did not want to do “hard work” that day, including any additional paperwork, so he did not agree to releasing Abraham from confinement. Ultimately, the disciplinary panel ordered Abraham to ten days of disciplinary confinement, with eight days of time served. “You’re innocent, but we have to give you ten days,” he was told. On Thursday, October 7, 2021, Abraham was finally released from confinement and placed in housing unit B1.

The officers in Glades have taken items from Abraham’s belongings that are not contraband. Further, Lieutenant Palladino, the same officer who approved his placement in solitary confinement, made anti-immigrant, racist comments to him in the past. For example, in one instance Officer Palladino asked “You are staying out of trouble?” Abraham responded, “What trouble?” Officer Palladino responded, “You ain’t used to doing anything wrong? Like cross the border?”

Finally, Abraham has depression but did not receive mental health care in confinement. He has been unable to sleep, only able to sleep for about one to two hours at a time before he would wake up. While in confinement, he submitted a request for medical attention on the tablet provided but was told he had to put in a paper sick call, yet neither the officers nor the nurses would provide him with the paper form. Abraham said during the nurses’ rounds in confinement he was asked if he was okay, and when he replied that he was not, the nurse did not give him any attention. “They are playing with my health. I don’t think that’s right.” He went on to say, “I feel personally targeted because of my race and because I’m Liberian. I feel like I’m not being heard here.”

Abraham reports that he contacted his Deportation Officer via the tablet to report a PREA violation related to the first pat down by Sgt. Annastal he was subjected to and request a transfer out of Glades for his safety but has not received a response. He also tried to contact his Deportation Officer via phone call but was unable to get through.

“I am used to being targeted for being Black and gay my whole life. I don’t think the way they treated me was right. I just want to be treated fairly. The stigma against Black people is very much alive.”

## **B. Mohamed Farah**

Mohamed Farah is a Somali man who arrived in the United States in 1996. He has been in ICE custody for almost two years and suffers from PTSD, depression, and anxiety. On or about August 12, 2021, he arrived at Glades County Detention Center after he was transferred out of the Eloy Detention Center in Eloy, Arizona. He was told that ICE wanted to use the detention space in Arizona for people who recently arrived at the border, so he and other individuals with “long term” cases, which he understands to mean people whose immigration cases are on appeal, needed to be transferred to Glades. He arrived at Glades with about 75 other individuals. Since then, Mohamed has experienced grave medical neglect and serious physical abuse in ICE detention in Glades.

On Sunday, September 26, 2021, at around eight in the evening, Mohamed was supposed to receive his psychiatric medications through the line for medication, but the nurse did not dispense them. Mohamed tried to speak to the nurse working the pill line to request his medications because he feared that without the medications he would face withdrawal symptoms, including more severe symptoms of his depression and anxiety. However, his conversation with the nurse did not result in him receiving his medications that day; she claimed she did not have his medications. Mohamed felt frustrated by the nurse ignoring his medical needs.

Mohamed then went to speak to Officer Louis (Badge 598), who was nearby, about his medications and said he wanted to make a grievance about the issue. An argument started over the medications, and the officer escorted Mohamed out of the housing unit.

In the hallway, the officer grabbed Mohamed and slammed him to the ground. He hit his back and head on the floor. Mohamed was then placed in restraints. Four other officers came, and they dragged Mohamed down the hallway to an area that is out of view of the surveillance cameras. Lieutenant Arnold (Badge 431) was present and encouraging the other officers to be violent towards Mohamed. Lieutenant Arnold said, “This is how we do it in Glades County! We don’t play around.” Officer Louis punched Mohamed in the face about four to five times. The Lieutenant was watching and did not tell the officer to stop.

This violence against Mohamed happened at what has been described as a “blind spot” in the jail. Mohamed explained that in the hallway before the library, laundry, and kitchen there is no video surveillance. There is an empty hallway with no cameras. Mohamed has heard an officer say that is “their spot” to assault people, and one officer even said to him in a mocking tone after the assault occurred, “Oh they got you at that spot?”

The officers then took Mohamed to the booking area where he spent about two days. He was placed in a cell and given a temporary bed he called a “boat bed” because the cells themselves have no beds. The lights were kept on 24 hours a day, causing him to not be able to sleep. Mohamed says, “If they want to put you in a shower, you’ll sleep in a shower.” In booking, he asked for medical attention, but no one ever came. The same nurse who denied him psychiatric medications came by booking; she did not offer him medical attention.

Mohamed was later moved into solitary confinement. He explains that the solitary confinement unit at Glades is currently full; some cells have two or three people in them. He says his back is in pain and he feels his shoulder is injured. He has bruises on his back. He has cuts on his hands, and they were swollen from the handcuffs. He asked the jail staff to take pictures of the injury, but the officers claimed their camera was broken. He says his “face hurts” when asked if he has headaches from having his head slammed on the floor. Although an x-ray was finally conducted days after the injuries occurred, Mohamed had not been provided with copies of the results or any further treatment.

The disciplinary charge mounted against Mohamed is “disturbing the pill call line” and “disturbing the facility.” He mentioned this is his second time in confinement over a dispute with a nurse about his medications; last time he was forced to spend 14 days in solitary confinement. When the disciplinary hearing finally occurred, Mohamed was sentenced to 30 days in disciplinary confinement, the maximum sentence allowed per the 2019 NDS. He was not given an opportunity to recount what occurred from his perspective at the hearing.

As of October 19, 2021, Mohamed remains in solitary confinement at Glades.<sup>10</sup> On or about October 6, 2021, Mohamed, who is only permitted to shower three times a week while in confinement, was in the shower when the officer who physically assaulted him days earlier threatened to assault him again. The officer indicated that he had heard Mohamed recounting the violence he suffered to someone on the phone and told him, “That’s why I hit you in the face...I’m gonna do it again when you get out of the shower.” Mohamed feared that he was at risk of being harmed again; he put his hands up in the air. Separately, Mohamed has received threats from officers who have told him that they will mistreat him like they did the other Somalis who were detained at Glades before and do what they want with him.<sup>11</sup> Mohamed says, “I don’t want to be the victim again. I’m really scared in this place; there are a lot of blind spots.”

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<sup>10</sup> Numerous studies have found that any time spent in segregation can be detrimental to a person’s health and that individuals in solitary confinement may experience negative psychological and physical effects even after being released. *See i.e.*, Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 WASH. U. J. L. & POL’Y 325 (2006); Kaba F, Lewis A, et al. Solitary confinement and risk of self-harm among jail inmates. *Am. J. Public Health*. 2014 Mar;104(3):442–7; and Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, U.N. Doc. A/66/268 (Aug. 5, 2011) (by Juan E. Mendez).

<sup>11</sup> *See* CRCL Complaint filed with the Officer of Inspector General and Office of Civil Rights and Civil Liberties by Legal Aid Service of Broward County, University of Miami School of Law Immigration Clinic, and Americans for Immigrant Justice on January 8, 2018 on behalf a group of Somali men who were on an aborted deportation flight and subsequently detained at Glades, where they were beaten, pepper sprayed, arbitrarily placed in solitary confinement for extended periods of time, denied access to their legal counsel, and subject to racist, verbal harassment by facility staff.

Mohmed explains that the medical staff are letting the prescription for his psychiatric medications run out and are not refilling the prescription in a timely manner, which is directly affecting his mental health by causing him to suffer significant withdrawal symptoms. When he does not have the medications, he has trouble sleeping, focusing, he has “weird moods,” is withdrawn, and does not want to engage with others. He is also experiencing nightmares which include flashbacks of violence he witnessed in Somalia, frequent sweats, and nausea and vomiting as a result of receiving his psychiatric medications inconsistently. Further, the psychiatrist only visits the facility once every two or four weeks, and with the number of people needing psychiatric care at Glades, the psychiatrist is not always able to see every person during his visit, causing lapses in people’s mental health care. Mohamed says, “I’m in here for asking for my psych meds. If you know your rights, they put you in the hole.” He goes on to say, “I can’t wait for two or three weeks for my medication... You’re not stable when you’re not on the medications that your body got used to.”

### **III. Request for Prompt Redress**

To remedy the above-detailed misconduct by officials at the Glades County Detention Center, we request that your offices expeditiously take the following actions:

- (1) Immediately intervene to ensure the safety of the complainants, to protect them from further abuse and reprisals, by recommending their urgent removal from Glades and release from ICE custody;
- (2) Initiate a formal investigation into the conduct alleged, including the lapses in medical and psychiatric care described by the complainants. To facilitate a full and fair investigation, we request that your offices inform us of any interview that is anticipated or arranged in connection with this investigation, and;
- (3) Identify and hold responsible the Glades County officials who have perpetuated the abusive actions described in the correspondence.

Further, we understand that over 30 civil rights complaints regarding substandard and dangerous conditions at Glades alone have been sent to your offices’ attention since the onset of the pandemic, and many others have been filed regarding deplorable conditions at detention centers throughout the South.<sup>12</sup> Those complaints include reports of off-camera physical assault and retaliation against those who publicly report on the conditions at Glades. Immediate intervention is imperative to prevent further harm.

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<sup>12</sup> See, i.e., Southern Poverty Law Center, CRCL complaint, “Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana,” July 28, 2021, [https://www.splcenter.org/sites/default/files/28\\_july\\_2021\\_complaint\\_and\\_call\\_to\\_close\\_pine\\_prairie\\_and\\_allen\\_parish.pdf](https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parish.pdf).

We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica Schneider', with a long horizontal flourish extending to the right.

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December 9, 2021

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**Subject: Severe Carbon Monoxide Poisoning at Glades County Detention Center**

On Tuesday, November 23, 2021, a carbon monoxide buildup in the kitchen at the Glades County Detention Center (“Glades”) resulted in the poisoning of nine people who were working in the kitchen: six detained individuals and three Glades staff members. Of these, four detained men and one female Glades staff member were hospitalized at Hendry Regional Medical Center, and two of these men subsequently had to be airlifted from Hendry Regional Medical Center to AdventHealth hospital in Orlando because exposure to the gas caused such dire symptoms. The other two detained individuals and two Glades staff members who were exposed to the gas experienced symptoms of carbon monoxide poisoning, including headaches, dizziness, and shortness of breath, but were not taken to the hospital that day. They were administered supplemental oxygen by the medical staff at Glades. Their condition is serious and continues to be monitored. In fact, on December 3, one detained man who was affected was told by medical staff that he would soon be taken to the hospital to have the level of carbon monoxide in his blood checked through additional blood work, even though he had not been hospitalized on November 23rd. Those affected described symptoms including difficulty breathing, dizziness, headaches, and nausea.

The detained kitchen workers who were not taken to the hospital on November 23rd were forced to remain in the kitchen, where the poisonous gas was presumably still building up, until they had finished serving lunch for the facility. It was not until they were cleaning up that a lieutenant told them to stop everything and leave the area. Just as concerning, the detained kitchen workers

were sent back to the kitchen for their shift that evening, even though Duane Pottorff, chief deputy for the Glades County Sheriff's Office, says the area was not cleared by the fire marshal until the next day.<sup>1</sup> In fact, detained individuals say they never saw anyone from the fire department arrive at Glades, and were told that the Glades staff “sprayed something” to make the area safe.

Ramie Douglas (A#079 938 832) who was working in the barbershop, which is near the kitchen, at the time of the incident reported that he also experienced symptoms of carbon monoxide exposure, which included feeling light headed, dizzy, and nauseous. In response, the medical staff only provided him with Ibuprofen, and about a week later, he was transferred to Krome Service Processing Center (“Krome”). He is now receiving breathing treatments and continues to feel nauseous weeks after the incident. Had the fumes spread further, the entire population of the jail--about 168 people at the time, including 84 in ICE custody-- could have been at risk, as could the entire staff of the jail. Indeed, it is entirely possible that more people were affected at the time.

Two weeks after the carbon monoxide poisoning occurred, some of the affected individuals continue to experience symptoms of the poisoning and have received little to no medical treatment for these ongoing medical issues. Renardo Phipps (A#216 678 321), who is from Jamaica and has high blood pressure, was hospitalized at the Hendry Regional Medical Center and subsequently transferred to Krome on or about November 24, 2021. At Hendry Regional Medical Center, he was placed on supplemental oxygen for approximately six to seven hours. When he returned to Glades on November 23rd in the evening, he was forced to sleep in a cell in the processing area of the detention center. At about five a.m., Renardo was told he would be transferred to Krome. After he arrived at Krome, he was never placed in medical observation in the medical housing unit; officials simply sent him to general population. No bloodwork has been conducted since his hospitalization on November 23, 2021 to further monitor his progress after the carbon monoxide exposure. On December 6, 2021, he reported that he continues to have headaches, experience dizziness, and feel fatigued. He put in a sick call request on December 5th but had not been called to medical.

Rollin Manning (A#215 951 402), who is also from Jamaica and has chronic asthma, was airlifted to an Orlando area hospital after he fainted due to the carbon monoxide poisoning. Rollin reported that he was washing trays when he began to feel nauseous and have a headache. He reported his symptoms to a kitchen staff member and an officer. As his symptoms worsened, he asked Glades staff to bring his inhaler. By the time he was brought the inhaler, Rollin explains

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<sup>1</sup> Joshua Ceballos, *Detainees Hospitalized for Carbon Monoxide Poisoning at Glades Detention Center*, Miami New Times (Nov. 30, 2021), <https://www.miaminewtimes.com/news/glades-county-detention-center-carbon-monoxide-exposure-13425720>.

that it was too late – his heart was racing, he had the sweats, his blood pressure was rising, and he could not breathe. He explains that he passed out and was taken to the jail’s medical unit. He was then taken in an ambulance to Hendry Regional Medical Center and subsequently airlifted to an Orlando area hospital. He remembers vomiting at the hospital, being placed on an IV, and being given supplemental oxygen. Once discharged from the hospital, he was taken to an ICE office in the Orlando area. He was then transferred to Krome where he arrived at about three in the morning on November 25, 2021. At Krome, he was placed in solitary confinement while the results of his COVID-19 test were pending and then assigned to a general population housing unit; Rollin was never permitted to remain in medical observation despite his ongoing symptoms from the carbon monoxide poisoning.

Now detained at Krome, Rollin is experiencing significant symptoms related to the exposure to carbon monoxide, including weakness, fatigue, nausea, constant headaches, dizziness, confusion and memory issues, and constant vomiting. Yet medical staff at Krome have only provided Rollin with ibuprofen and have ignored his ongoing symptoms of the CO poisoning. We remain extremely concerned for his wellbeing and health, particularly given the ongoing medical neglect he is experiencing at Krome.

GCSO endangered these lives and failed to prevent the events of November 23 when they neglected to install a carbon monoxide detector<sup>2</sup> in an area where the gas could easily build up. Reportedly, all it took to trigger this event was for a Glades County staff member to forget to turn on the ventilation system. Moreover, GCSO’s mishandling of the carbon monoxide buildup shows a complete disregard for detained individual’s lives and an utter lack of knowledge of safety protocols. It raises questions about whether appropriate evacuation protocols are in place in the facility and whether they would be followed properly in the event of other emergencies.

Despite these life-threatening events, ICE allows Glades to continue operating with very little oversight. This incident is merely the latest in a pattern of neglect, incompetence, abuse, and systemic inhumanity at Glades. If this pattern continues, it is only a matter of time before the next life-threatening event at Glades, yet ICE does little or nothing to intervene. As of December 6, no one from ICE had spoken to the detained men and women about the incident, nor were they given any paperwork such as an incident report. Moreover, ICE is not only continuing its contract with this unsafe facility, it has contracted with the GCSO to pay for a guaranteed minimum of 300 beds through March 2022, even though only around 60 people are currently in ICE custody there as of December 3. Taxpayers should not be paying for a facility that is at one-fifth capacity and that routinely endangers the lives of those detained there.

**We raise this to ICE and DHS leadership** because ICE must continue to systematically evaluate the quality of care at each facility and move to terminate contracts with facilities that

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<sup>2</sup> *Id.*

fail to meet basic standards of care. Glades stands out as such a facility. The 2019 National Detention Standards for Non-dedicated Facilities (“NDS”) protect “detainees, staff, volunteers, and contractors from injury and illness by maintaining high facility standards of cleanliness and sanitation, *safe work practices*, and control of hazardous substances and equipment.”<sup>3</sup> Events such as those that occurred on November 23 show that the facility is incapable of maintaining a safe environment.

**We also raise this to OSHA** because the NDS stipulates that facilities like Glades will “operate in accordance with all applicable regulations and codes, such as those of the Occupational Safety and Health Administration (OSHA).” To prevent carbon monoxide poisoning, **OSHA states** that workplaces should install and regularly check ventilation systems, maintain potentially CO-producing equipment in good working order, and “**provide personal CO monitors with audible alarms if potential exposure to CO exists.**” No such audible alarm existed in the affected area until after the event. The equipment failure also calls into question the steps the facility is taking to follow safe practices for inspecting equipment and ventilation.

Furthermore, OSHA states that workers should be educated “about the sources and conditions that may result in CO poisoning as well as the symptoms and control of CO exposure.” As neither the detained kitchen workers nor the jail kitchen staff were aware that their symptoms could indicate carbon monoxide poisoning, it appears that an essential educational step was missing or grossly inadequate.<sup>4</sup>

Furthermore, Glades failed to follow proper evacuation procedures at the time of the event. Pursuant to 29 CFR Part 1917.24(a), “employees shall be removed from the enclosed space if the carbon monoxide concentration exceeds a ceiling of 100 ppm (0.01%).”<sup>5</sup> The OSHA blog states that once “the level of carbon monoxide reaches 150-200 parts per million,” the gas “can cause serious complications including disorientation, unconsciousness, and death.”<sup>6</sup> Although the carbon monoxide concentration at the time of the event is unknown, it is very likely that it reached or exceeded 150 ppm given that two people in the area were rendered unconscious. Yet rather than clearing all people from the enclosed space at that point, GSCO forced them to continue working. When they returned for the evening shift, they received no assurance or proof that carbon monoxide levels had abated. As stated above, Glades’ failure to appropriately move people from the affected area raises questions about whether appropriate evacuation protocols are in place in the facility and whether they would be followed properly in the event of other emergencies.

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<sup>3</sup> 2019 National Detention Standards for Non-Dedicated Facilities, U.S. Immigration and Customs Enforcement at 1.1 Section I, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>.

<sup>4</sup> <https://www.osha.gov/sites/default/files/publications/carbonmonoxide-factsheet.pdf>

<sup>5</sup> <https://www.osha.gov/laws-regs/regulations/standardnumber/1917/1917.24>

<sup>6</sup> <https://osharegulationsblog.com/oshaguidelines-address-carbon-monoxide-exposure/>

**We also raise this to the Florida Department of Health and the Glades County Department of Health** because of the lasting health consequences the events of November 23 will have for all who were impacted. It is unconscionable to continue operating a facility that has put people's lives at risk in the manner described above, and to continue to imprison those whose health has been permanently harmed due to the negligence of the Glades County Detention Center and we urge you to recommend their immediate release.

Lastly, we raise this to the **Glades County Board of Commissioners** because it is in their power to end the ICE contract. Glades County is a party to the Intergovernmental Service Agreement with ICE, with the Sheriff signing the contract on the county's behalf. The IGSA clearly states that the IGSA can be terminated in writing, by either party and that "either party must provide written notice of intentions to terminate the agreement, 60 days in advance of the effective date of formal termination." The commissioners would be well advised to terminate this contract given that Glades County would be liable in the case of wrongful death suits and personal injury suits. The county continues to make this gamble in the face of continued injuries, illnesses, fatalities, and near fatalities at their county's detention center—a questionable use of their constituents' tax dollars and a stain on their beautiful county.

**Because of this entirely preventable yet nearly fatal catastrophe at Glades, we urge you to:**

- **End the contract** between ICE and Glades County immediately, if it is in your power to do so, or to do all you can to recommend the immediate closure of this dangerous facility.
- **Immediately release**--or recommend the release of-- all six of the detained kitchen workers poisoned by carbon monoxide. Glades's negligence has undoubtedly inflicted permanent health consequences on these six individuals. Even when it is not fatal, carbon monoxide inhalation can cause permanent brain damage and heart damage. Those exposed to the fumes will likely suffer severe health consequences for the rest of their lives due to the actions of the Glades County Sheriff's Office (GCSO). In its failure to prevent this disaster, and in continuing to expose detained individuals to the deadly gas after they began showing symptoms, the Glades County Sheriff's Office recklessly endangered their lives.

**We thus urge all those with oversight** to end the contract between Glades County and ICE, or recommend its termination, and to initiate or recommend the release of these six detained individuals who have been poisoned.

Sincerely,



Rebecca Talbot  
Glades Lead

Immigrant Action Alliance

[Rebecca@immigrantactionalliance.org](mailto:Rebecca@immigrantactionalliance.org)

A handwritten signature in blue ink, appearing to read 'Jessica Schneider', with a long horizontal flourish extending to the right.

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# Summary of Recent Glades Complaints to the Department of Homeland Security, Office of Civil Rights and Civil Liberties

In 2020 and 2021, there were over 65 complaints submitted to the Department of Homeland Security, Office of Civil Rights and Civil Liberties (“CRCL”) regarding inhumane and abusive conditions at Glades.

We believe recent CRCL complaints documenting patterns of persistent abusive conditions prompted an inspection by the CRCL, with the federal agency traveling to Glades at the end of 2021 for a site inspection.

Below is a summary of some of the most critical CRCL complaints filed in recent months:

## February 18, 2020

CRCL complaint regarding retaliatory use of solitary confinement against men on hunger strikes.

## February 22, 2021

CRCL complaint regarding inadequate COVID-19 response and failure of GCSO to provide adequate PPE and COVID precautions per ICE and CDC instructions.

## March 3, 2021

CRCL complaint filed after Kemar Williams and Kevin Brown, both Jamaican nationals, were beaten, pepper sprayed, and taken into solitary confinement in retaliation for their participation in a previous CRCL complaint.

## August 26, 2021

CRCL complaint submitted on behalf of seven women experiencing human rights violations taking place inside Glades, including sexual voyeurism, racial slurs and discrimination, and refusal to provide adequate toilet paper and hygiene products. This complaint also details the continued use of a toxic chemical spray, which caused respiratory distress.

## April 26, 2021

CRCL complaint filed after an officer at Glades injured Sean Taylor, a Jamaican national, while taking him to solitary confinement. An officer slammed him against the wall and then slammed his head onto the floor, injuring his head and shoulders.

## September 16, 2021

CRCL complaint filed on behalf of Ernst Francois after guards subjected him to targeted harassment and intimidation; racialized threats of death; and arbitrary and retributive imposition of administrative sanctions including solitary confinement. The facility’s director reportedly, and on more than one occasion, suggested he would leave a noose in Mr. Francois’ cell.





## September 22, 2021

CRCL complaint filed on behalf of A.S., E.E., and five other Black, African immigrants after county correctional officers subjected them to pepper spray, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions including solitary confinement. As a result of this violence, the men were under extreme duress, and two attempted suicides.



## October 1, 2021

CRCL complaint filed on behalf of N.T., a Black immigrant. At Glades, county correctional officials subjected N.T. to pepper spray, excessive use of force, medical neglect, abusive withholding of hygiene products, and punitive placement in a restraint chair. While taking N.T. into solitary, a lieutenant pepper sprayed him directly in the eyes in a hallway without any cameras while N.T. was handcuffed.



## October 20, 2021

CRCL complaint filed on behalf of Abraham Keita and Mohamed Farah, both Black, African immigrants, who were subjected to punitive administrative sanctions and solitary confinement and deprived of mental health care. Mr. Keita was subjected to a retaliatory strip search by a Glades official, while Mr. Farah was physically assaulted by officers out of view of surveillance cameras.

# Glades Detention Center in the News



## Groups accuse Glades Detention Center of abuse

WGCU | By Cary Barbor

Published November 22, 2021 at 2:31 PM EST



"In late September, a complaint was filed on behalf of 7 Black, African immigrants, stating that county correctional officers at Glades had subjected them to abusive treatment including use of pepper spray, medical neglect, excessive use of force, and solitary confinement."



## Detainees Hospitalized for Carbon Monoxide Poisoning at Glades Detention Center

JOSHUA CEBALLOS | NOVEMBER 30, 2021 | 8:00AM

"Duane Pottorff, chief deputy for the Glades County Sheriff's Office, tells New Times that one of the exhaust fans on a piece of kitchen equipment was not activated on Tuesday, leading to a buildup of carbon monoxide, a colorless and odorless gas, which can cause headaches, weakness, dizziness, nausea, vomiting, shortness of breath, confusion, loss of consciousness, brain damage, and even death."



## Immigrants in U.S. Detention Exposed to Hazardous Disinfectants Every Day

"On August 26 a complaint filed on behalf of detainees at the Glades County Detention Center in Florida, which holds people for U.S. Immigration and Customs Enforcement (ICE), cited ongoing use of a "highly toxic chemical disinfectant," sometimes multiple times per day, alongside "living conditions which are unsanitary, hostile, and unsafe."



## Seven women file complaint alleging abuse, medical neglect at Florida ICE detention center

BY CARLI TEPROFF

UPDATED AUGUST 27, 2021 9:45 AM



"Some of the issues include unannounced entries by male guards into their living area, voyeurism by the guards who watch the women shower, medical neglect and a psychiatrist using his authority "to sexually harass immigrant women at the facility."



## New hunger strike starts at Glades County Detention Center over "appalling pattern of abuses," according to activists

"On Monday, Sept. 13, a mass hunger strike began at Glades County Detention Center (GCDC) in Florida. So far, about 100 detainees have started striking, and at least one entire dorm unit is participating, with more potentially joining them."



## Reproductive Health of Detained Immigrants Endangered by Toxic Cleaning Chemicals: Report

BY ALEX J. ROUHANDEH ON 9/20/21 AT 5:15 PM EDT

"On top of misusing the spray, the report alleges that staff declined to dilute at least one of the formulas even though manufacturers of the compound suggest doing so...Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the facility's specific misuse of these chemicals carries criminal and civil penalties."

# Overview of the Florida Detention Center Database: Glades

39 Complaints

Detailing Misconduct or Abuse by  
Glade Officers or Medical Staff

78 Complaints

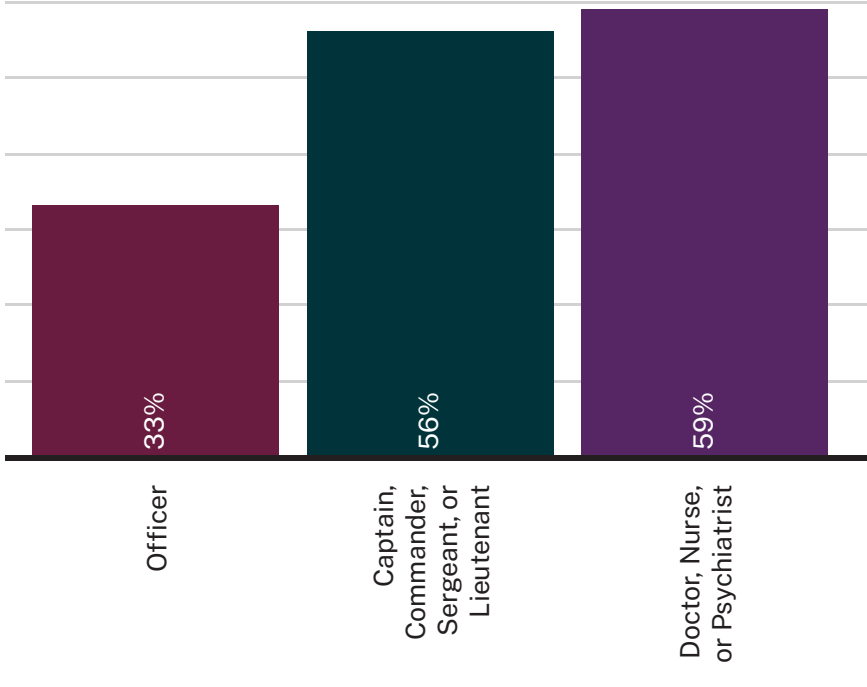
Submitted between 2020-2022

65 Complaints

Submitted to the Department of  
Homeland Security in 2020-2021

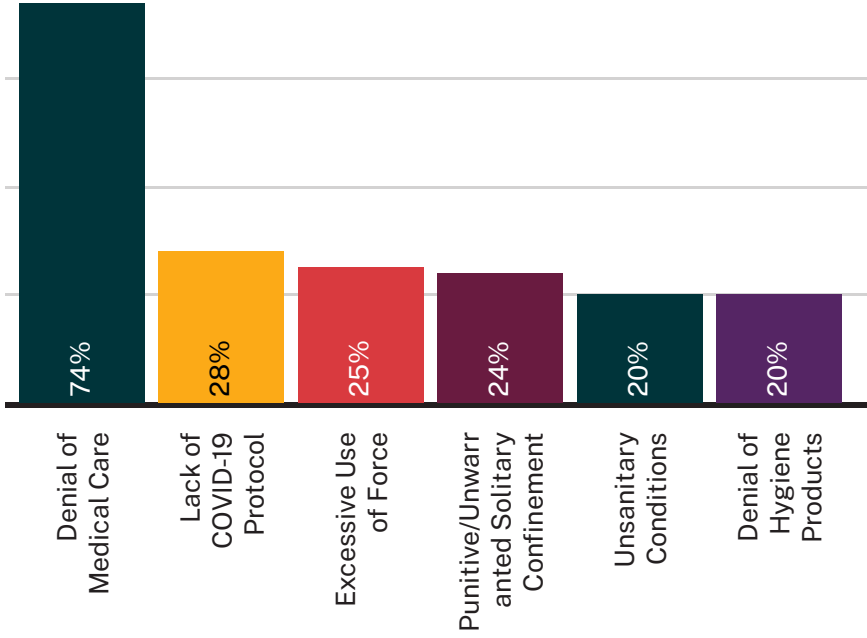
## GCISO and Glades Medical Staff Misconduct and Abuse

44% of all complaints  
% of these complaints that mentioned the following  
officers or staff:



## Nature of Complaints

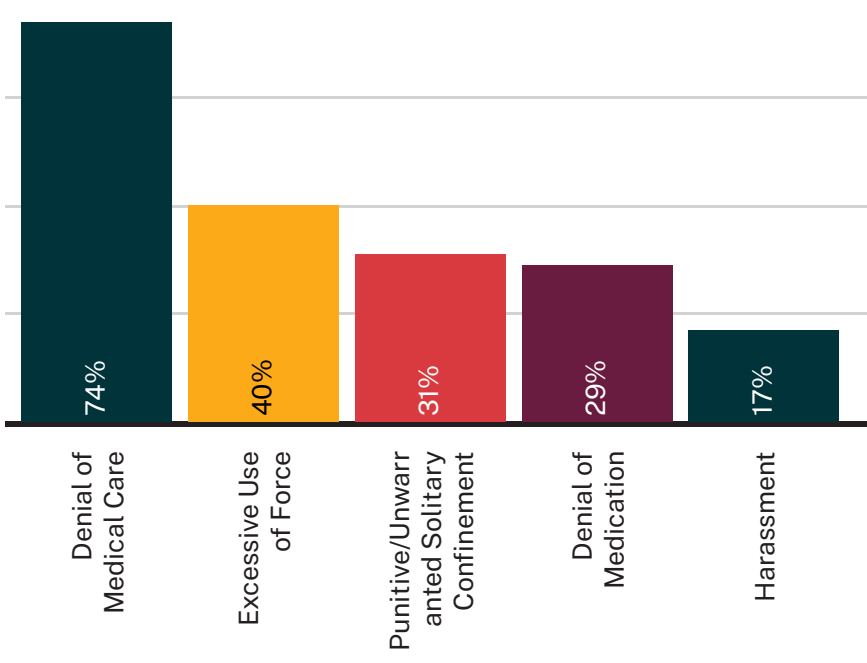
49% of complaints detailed 3 or more abuses  
% of total complaints that detail the following most  
common abuses:



## Glades Transfers

To date, there have been 35 complaints lodged by individuals transferred from northeastern facilities such as New Jersey and Pennsylvania.

% of these complaints that detail the following abuses:



**Congress of the United States**  
**Washington, DC 20515**

July 22, 2021

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr Ave SE  
Washington, DC 20528

Dear Secretary Mayorkas:

We write to request that you move expeditiously to close the Glades County Detention Center in Moore Haven, Florida. Glades operates as a migrant detention center under contract with Immigration and Customs Enforcement. This detention center has a troubling history of abuses and continues to generate reports of alleged medical neglect, excessive use of force, and other violations of human dignity. For these reasons, we respectfully urge the Department to terminate its contract with Glades County and close this facility.

We commend the Department and the Biden administration for your efforts to raise standards of care throughout the civil immigration enforcement process, especially after the last administration established policies that facilitated deplorable and even deadly conditions in migrant detention centers. However, our nation's migrant detention system continues to expose detained people to inhumane conditions at significant costs to American taxpayers. As you know, ICE operates more than 200 facilities nationwide. ICE must continue to systematically evaluate the quality of care at each facility and move to close or terminate contracts with facilities that fail to meet basic standards of care. Glades stands out as such a facility. Additionally, as transfers of detained people continue to happen across the country to the southern U.S., and with COVID-19 outbreaks still plaguing our region's facilities, we must avoid transfers to and from detention centers like Glades.

Advocacy, legal, and medical organizations across the country have reported that Glades has exhibited some of the most egregious cases of the systemic inhumanity that plagues the migrant detention system. A coalition of organizations, including Americans for Immigrant Justice, Freedom for Immigrants, Immigrant Action Alliance, the American Civil Liberties Union of Florida, Doctors for Camp Closure, Detention Watch Network, United We Dream, Florida Immigrant Coalition, and others have filed lawsuits and complaints on behalf of detained people who have suffered abuses at Glades.

In February, several of these organizations jointly filed a multi-individual civil rights complaint with the DHS Office of the Inspector General (OIG) and the Office for Civil Rights and Civil Liberties (CRCL). The complaint includes 25 testimonies of currently and formerly detained individuals. These testimonies detail patterns of medical abuse; lack of soap, hygiene products, sanitation, and PPE; continued transfers between facilities without quarantine; failures to follow court orders to release individuals from Glades; retaliation for peaceful protest, including a pattern of off-camera physical assault; use of toxic chemical spray in enclosed spaces; and

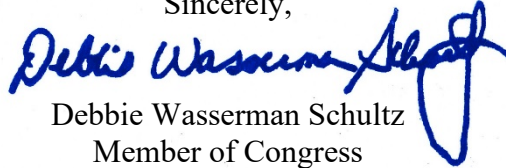
hospitalizations and death. Since February, additional CRCL complaints have been filed, demonstrating that conditions at Glades have not substantially improved.

Further, Glades should be closed for the sake of good governance and responsible stewardship of taxpayer dollars. The detention center is not operationally necessary. ICE has guaranteed Glades County payment for 300 beds, yet the current population is around 60. Our constituents should not be paying for a facility that is at one-fifth capacity and that routinely disrespects the humanity of those detained there.

It is important that the Biden administration take this opportunity to end the previous administration's legacy of immigrant rights abuses. Terminating the contract with Glades County and closing this facility would be a critical step towards the Department's larger goal of creating a fairer, more just, and more efficient civil immigration system.

Thank you for your attention to this matter.

Sincerely,

  
Debbie Wasserman Schultz  
Member of Congress

Ted Deutch  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Lois Frankel  
Member of Congress

Earl Blumenauer  
Member of Congress

Val B. Demings  
Member of Congress

Rashida Tlaib  
Member of Congress

Jamie Raskin  
Member of Congress



December 10, 2021

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**Subject: Severe Carbon Monoxide Poisoning at Glades County Detention Center**

On Tuesday, November 23, 2021, a carbon monoxide buildup in the kitchen at the Glades County Detention Center (“Glades”) resulted in the poisoning of nine people who were working in the kitchen: six detained individuals and three Glades staff members. Of these, four detained men and one female Glades staff member were hospitalized at Hendry Regional Medical Center, and two of the hospitalized men subsequently had to be airlifted from Hendry Regional Medical Center to AdventHealth hospital in Orlando because exposure to the gas caused such dire symptoms. The other two detained individuals and two Glades staff members who were exposed to the gas experienced symptoms of carbon monoxide poisoning, including headaches, dizziness, and shortness of breath, but were not taken to the hospital that day. They were administered supplemental oxygen by the medical staff at Glades. Their condition is serious and continues to be monitored. In fact, on December 3, one detained man who was affected was told by medical staff that he would soon be taken to the hospital to have the level of carbon monoxide in his blood checked through additional blood work, even though he had not been hospitalized on November 23rd.

The detained kitchen workers who were not taken to the hospital on November 23rd were forced to remain in the kitchen, where the poisonous gas was presumably still building up, until they had finished serving lunch for the facility. It was not until they were cleaning up that a lieutenant told them to stop everything and leave the area. When they were finally told to stop working, they were taken to medical, had their vitals checked, and received oxygen for about thirty minutes. After being permitted to rest briefly, the detained kitchen workers were sent back to the kitchen for their shift that evening, even though Duane Pottorff, chief deputy for the Glades County Sheriff's Office, says the area was not cleared by the fire marshall until the next day.<sup>1</sup> In fact, detained individuals say they never saw anyone from the fire department arrive at Glades, and were told that the Glades staff “sprayed something” to make the area safe.

Ramie Douglas (A#079 938 832) was working in the barbershop, which is near the kitchen, at the time of the incident and reported that he also experienced symptoms of carbon monoxide exposure, which included feeling light headed, dizzy, and nauseous. In response, the medical staff only provided him with ibuprofen, and about a week later, he was transferred to Krome Service Processing Center (“Krome”). He is now receiving breathing treatments and continues to feel nauseous weeks after the incident. Had the fumes spread further, the entire population of the jail—about 168 people at the time, including 84 in ICE custody—could have been at risk, as could the entire staff of the jail. Indeed, it is entirely possible that more people were affected at the time.

Two weeks after the carbon monoxide poisoning occurred, many of the affected individuals report continuing to experience symptoms of the poisoning and have received little to no medical treatment for these ongoing medical issues. Renardo Phipps (A#216 678 321), who is from Jamaica and has high blood pressure, was hospitalized at the Hendry Regional Medical Center and subsequently transferred to Krome on or about November 24, 2021. At Hendry Regional Medical Center, he was placed on supplemental oxygen for approximately six to seven hours. When he returned to Glades on November 23rd in the evening, he was forced to sleep in a cell in the processing area of the detention center. At about five a.m., Mr. Phipps was told he would be transferred to Krome. After he arrived at Krome, he was never placed in medical observation in the medical housing unit; officials simply sent him to general population. No bloodwork has been conducted since his hospitalization on November 23, 2021 to further monitor his progress after the carbon monoxide exposure. On December 6, 2021, he reported that he continues to have headaches, experience dizziness, and feel fatigued. He put in a sick call request on December 5th but had not been called to medical.

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<sup>1</sup> Joshua Ceballos, *Detainees Hospitalized for Carbon Monoxide Poisoning at Glades Detention Center*, Miami New Times (Nov. 30, 2021), <https://www.miaminewtimes.com/news/glades-county-detention-center-carbon-monoxide-exposure-13425720>.



Rollin Manning (A#215 951 402), who is also from Jamaica and has chronic asthma, was airlifted to an Orlando area hospital after he fainted due to the carbon monoxide poisoning. Mr. Manning reported that he was washing trays when he began to feel nauseous and have a headache. He reported his symptoms to a kitchen staff member and an officer. As his symptoms worsened, he asked Glades staff to bring his inhaler. By the time he was brought the inhaler, Mr. Manning explains that it was too late – his heart was racing, he was sweating, his blood pressure was rising, and he could not breathe. He explains that he passed out and was taken to the jail's medical unit. He was then taken in an ambulance to Hendry Regional Medical Center and subsequently airlifted to an Orlando area hospital. He remembers vomiting at the hospital, being placed on an IV, and being given supplemental oxygen. Once discharged from the hospital, he was taken to an ICE office in the Orlando area. He was then transferred to Krome where he arrived at about three in the morning on November 25, 2021. At Krome, he was placed in solitary confinement while the results of his COVID-19 test were pending and then assigned to a general population housing unit; Mr. Manning was never permitted to remain in medical observation despite his ongoing symptoms from the carbon monoxide poisoning.

Now detained at Krome, Mr. Manning is experiencing significant symptoms related to the exposure to carbon monoxide, including weakness, fatigue, nausea, constant headaches, dizziness, confusion and memory issues, and constant vomiting. Yet medical staff at Krome have only provided him with ibuprofen and have ignored his ongoing symptoms of the CO poisoning. We remain extremely concerned for his wellbeing and health, particularly given the ongoing medical neglect he is experiencing at Krome.

GCSO endangered these lives and failed to prevent the events of November 23rd when they neglected to install a carbon monoxide detector<sup>2</sup> in an area where the gas could easily build up. Reportedly, all it took to trigger this event was for a Glades County staff member to forget to turn on the ventilation system. Moreover, GCSO's mishandling of the carbon monoxide buildup shows a complete disregard for detained individual's lives and an utter lack of knowledge of safety protocols. It raises questions about whether appropriate evacuation protocols are in place in the facility and whether they would be followed properly in the event of other emergencies.

Despite these life-threatening events, ICE allows Glades to continue operating with very little oversight. This incident is merely the latest in a pattern of neglect, incompetence, abuse, and systemic inhumanity at Glades. If this pattern continues, it is only a matter of time before the next life-threatening event at Glades, yet ICE does little or nothing to intervene. As of December 6, no one from ICE had spoken to the detained men and women about the incident, nor were they given any paperwork such as an incident report. Moreover, ICE is not only continuing its contract with this unsafe facility, it has contracted with the GCSO to pay for a guaranteed minimum of 300 beds through March 2022, even though only around 60 people are currently in

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<sup>2</sup> *Id.*

ICE custody there as of December 3. Taxpayers should not be paying for a facility that is at one-fifth capacity and that routinely endangers the lives of those detained there.

**Therefore, the following organizations—Immigrant Action Alliance, Americans for Immigrant Justice, Doctors for Camp Closure, Freedom for Immigrants, Detention Watch Network, Southern Poverty Law Center, HOPE Community Center of Apopka, FL, and Borderless Existence Initiative—raise these issues for you to take immediate action.**

**We raise this to ICE and DHS leadership** because ICE must continue to systematically evaluate the quality of care at each facility and move to terminate contracts with facilities that fail to meet basic standards of care. Glades stands out as such a facility. The 2019 National Detention Standards for Non-dedicated Facilities (“NDS”) protect “detainees, staff, volunteers, and contractors from injury and illness by maintaining high facility standards of cleanliness and sanitation, *safe work practices*, and control of hazardous substances and equipment.”<sup>3</sup> Events such as those that occurred on November 23 show that the facility is incapable of maintaining a safe environment.

**We also raise this to OSHA** because the NDS stipulates that facilities like Glades will “operate in accordance with all applicable regulations and codes, such as those of the Occupational Safety and Health Administration (OSHA).” To prevent carbon monoxide poisoning, **OSHA states** that workplaces should install and regularly check ventilation systems, maintain potentially CO-producing equipment in good working order, and **“provide personal CO monitors with audible alarms if potential exposure to CO exists.”** No such audible alarm existed in the affected area until after the event. The equipment failure also calls into question the steps the facility is taking to follow safe practices for inspecting equipment and ventilation.

Furthermore, OSHA states that workers should be educated “about the sources and conditions that may result in CO poisoning as well as the symptoms and control of CO exposure.” As neither the detained kitchen workers nor the jail kitchen staff were aware that their symptoms could indicate carbon monoxide poisoning, it appears that an essential educational step was missing or grossly inadequate.<sup>4</sup>

Furthermore, Glades failed to follow proper evacuation procedures at the time of the event. Pursuant to 29 CFR Part 1917.24(a), “employees shall be removed from the enclosed space if the carbon monoxide concentration exceeds a ceiling of 100 ppm (0.01%).”<sup>5</sup> The OSHA blog states

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<sup>3</sup> 2019 National Detention Standards for Non-Dedicated Facilities, U.S. Immigration and Customs Enforcement at 1.1 Section I, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>.

<sup>4</sup> *OSHA Fact Sheet, Carbon Monoxide Poisoning*, <https://www.osha.gov/sites/default/files/publications/carbonmonoxide-factsheet.pdf>

<sup>5</sup> *OSHA Carbon Monoxide Standard, 29 CFR Part 1917.24(a)* <https://www.osha.gov/laws-regs/regulations/standardnumber/1917/1917.24>

that once “the level of carbon monoxide reaches 150-200 parts per million,” the gas “can cause serious complications including disorientation, unconsciousness, and death.”<sup>6</sup> Although the carbon monoxide concentration at the time of the event is unknown, it is very likely that it reached or exceeded 150 ppm given that two people in the area were rendered unconscious. Yet rather than clearing all people from the enclosed space at that point, GSCO forced them to continue working. When they returned for the evening shift, they received no assurance or proof that carbon monoxide levels had abated. As stated above, Glades’ failure to appropriately move people from the affected area raises questions about whether appropriate evacuation protocols are in place in the facility and whether they would be followed properly in the event of other emergencies.

**We also raise this to the Florida Department of Health and the Glades County Department of Health** because of the lasting health consequences the events of November 23 will have for all who were impacted. It is unconscionable to continue operating a facility that has put people’s lives at risk in the manner described above, and to continue to imprison those whose health has been permanently harmed due to the negligence of the Glades County Detention Center and we urge you to recommend their immediate release.

Lastly, we raise this to the **Glades County Board of Commissioners** because it is in their power to end the ICE contract. Glades County is a party to the Intergovernmental Service Agreement with ICE, with the Sheriff signing the contract on the county’s behalf. The IGSA clearly states that the IGSA can be terminated in writing, by either party and that “either party must provide written notice of intentions to terminate the agreement, 60 days in advance of the effective date of formal termination.” The commissioners would be well advised to terminate this contract given that Glades County would be liable in the case of wrongful death suits and personal injury suits. The county continues to make this gamble in the face of continued injuries, illnesses, fatalities, and near fatalities at their county’s detention center—a questionable use of their constituents’ tax dollars and a stain on their beautiful county.

**Because of this entirely preventable yet nearly fatal catastrophe at Glades, we urge you to:**

- **End the contract** between ICE and Glades County immediately, if it is in your power to do so, or to do all you can to recommend the immediate closure of this dangerous facility.
- **Immediately release**—or recommend the release of— all six of the detained kitchen workers poisoned by carbon monoxide. Glades’s negligence has undoubtedly inflicted permanent health consequences on these six individuals. Even when it is not fatal, carbon monoxide inhalation can cause permanent brain damage and heart damage. Those exposed to the fumes will likely suffer severe health consequences for the rest of their

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<sup>6</sup> Bradley Stevens, *OSHA Guidelines Address Carbon Monoxide Exposure*, OSHA Regulations Blog (March 6, 2019), <https://osharegulationsblog.com/osha-guidelines-address-carbon-monoxide-exposure/>

lives due to the actions of the Glades County Sheriff's Office. In its failure to prevent this disaster, and in continuing to expose detained individuals to the deadly gas after they began showing symptoms, the Glades County Sheriff's Office recklessly endangered their lives.

**We urge all those with oversight** to take these actions immediately.

Sincerely,



Rebecca Talbot

Glades Lead

Immigrant Action Alliance

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