

**To:** U.S. Department of Homeland Security (DHS) Officials  
**From:** Shutdown Glades Coalition  
**Date:** November 18, 2021  
**Subject:** Racism at Glades County Detention Center

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The following organizations — American Civil Liberties Union of Florida, Americans for Immigrant Justice, Borderless Existence Initiative, Detention Watch Network, Doctors for Camp Closure, Envision Freedom Fund, Freedom for Immigrants, Immigrant Action Alliance, Southern Poverty Law Center, University of Miami School of Law Immigration Clinic, United We Dream, and Qlatinx - write to request U.S. Immigration and Customs Enforcement (ICE) cancel its contract with Glades County for the Glades County Detention Center (“Glades”) in light of its systemic and consistent pattern of racism and anti-blackness towards Black immigrants.

## **Background**

The numerous cases involving use of force against Black immigrants are part of a documented pattern of anti-Black racism by ICE officials and their contractors. 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> A 2019 report on South Florida detention facilities cites disproportionate use of force and racial slurs directed at Black immigrants.<sup>3</sup> At Glades, this pattern is unmistakable and goes back many years.

As supported by the documentation attached to this memo, racism manifests at Glades in various ways. The treatment of Black immigrants at Glades includes but is not limited to disproportionate: threats of physical violence, use of pepper spray, solitary confinement, extreme forms of physical violence like using the restraint chair, off-camera physical assault, and punitive, arbitrary administrative sanctions. Black immigrants at Glades are also subject to anti-immigrant verbal abuse that is often tied to their nationality. In the last month alone, the facility’s director reportedly suggested he would leave a noose in a Black immigrant’s cell and racially based complaints on behalf of at least 10 Black immigrants have been filed. As another example, a few months ago, officers called a Black woman “monkey,” “low life,” and “porky pig.” While these incidents are not new, they have continued at an alarming rate under this Administration.

## **Documentation of Racist Abuse at Glades**

There is a pattern and practice of racially based abuse of immigrants at Glades that has been documented via direct testimony from current and former individuals detained at Glades,

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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> 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\\_fla\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fla_detention_report-final_1.pdf).

litigation, and in Civil Rights and Civil Liberties (CRCL) complaints filed with DHS over many years. Below is a non-exhaustive list of CRCL complaints filed in the past few years that highlight racially based abuse. Since the start of the COVID-19 pandemic, there have been at least 35 complaints filed related to a breadth of abuses at Glades, including at least 15 filed under this Administration.

- 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. (Appendix 1)
- 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. (Appendix 2)
- 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. (Appendix 3)
- 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. (Appendix 4)
- August 26, 2021 - CRCL complaint filed on behalf of seven women at the facility citing various abuses, including racist verbal abuse. Danielle Harris, one complainant, reported filing multiple grievances about discrimination from officers. One officer called her "monkey," "low life," and "porky pig." (Appendix 5)
- 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. (Appendix 6)
- 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. (Appendix 7)
- January 8, 2018 - CRCL complaint filed on behalf of a group of Somali nationals who were subjected to various abuses, including verbal (called racial slurs such as "monkeys" by guards) and physical assault. (Appendix 8)

### **Request for Contract Termination**

The pattern of abuse at Glades makes clear that its continued operation directly undermines the Biden Administration's commitments to racial equity and improving our immigration system. Investigating these complaints filed with DHS is crucial, but insufficient. The consistent pattern

of complaints already demonstrates a systemic issue at Glades. Lives continue to be in danger as long as this facility is in operation. The facility should no longer be entrusted with the custody of immigrants. Accordingly, we respectfully request that ICE cancel its contract with Glades County, effective immediately.

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NATIONAL  
IMMIGRANT  
JUSTICE CENTER  
A HEARTLAND ALLIANCE PROGRAM

October 25, 2021

*Via electronic mail*

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**RE: [REDACTED] (A# [REDACTED]) and [REDACTED] (A# [REDACTED])**  
**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, National Immigrant Justice Center, Freedom for Immigrants, American Civil Liberties Union of Florida, United We Dream, Palm Beach County Environmental Coalition, Campaign to Fight Toxic Prisons, Florida Prisoner Solidarity, and Doctors for Camp Closure - submit this complaint on behalf of [REDACTED] (A# [REDACTED]) and [REDACTED] (A# [REDACTED]), 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>

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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>.

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 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 [REDACTED] and [REDACTED], 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. [REDACTED] was taken to an area without cameras when he was assaulted:

*“[REDACTED] 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)

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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\\_fla\\_detention\\_report-final\\_1.pdf](https://www.splcenter.org/sites/default/files/cjr_fla_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>.

Both Mr. [REDACTED] and Mr. [REDACTED] 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.

- On April 26, Immigrant Action Alliance filed a CRCL complaint after an officer at Glades injured [REDACTED], 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. [REDACTED]'s injuries, was denied the right to examine him. Mr. [REDACTED] 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. [REDACTED]**

[REDACTED] 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. [REDACTED] 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, [REDACTED] 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 [REDACTED] outside of the unit. A few minutes later, the Sergeant came back to where [REDACTED] 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. [REDACTED] reports that he was touched inappropriately during this search, leaving him feeling uncomfortable and violated. Sgt. Annastal placed his hands inside [REDACTED]’s pants at the waistband and grazed [REDACTED]’s genitals with his hands.

[REDACTED] 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 [REDACTED]’s cell. The officers passed a message over the radio while Sgt. Annastal was searching the cell, and the officer standing with [REDACTED] placed him in handcuffs. [REDACTED] 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, [REDACTED] 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 [REDACTED]’s handcuffs and watched [REDACTED] as he undressed himself. Sgt. Annastal strip searched [REDACTED]; he was told to squat and cough. [REDACTED] 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. [REDACTED] believes that Sgt. Annastal was angry that he did not find any contraband in his belongings, and therefore, ordered that [REDACTED] be restrained and strip searched in retaliation. [REDACTED] did not observe Sgt. Annastal consult with the Lieutenant for approval to conduct the strip search. Without further explanation, [REDACTED] 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

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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>.



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 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 [REDACTED]’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.” [REDACTED] asked what rule he violated, noting all he had in his belongings were some paper towels from the bathroom. [REDACTED] 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.” [REDACTED] explains that he did not have any contraband in his possession, and he was being falsely accused. An officer subsequently questioned [REDACTED] 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 [REDACTED]’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 [REDACTED] from confinement. Ultimately, the disciplinary panel ordered [REDACTED] 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, [REDACTED] was finally released from confinement and placed in housing unit B1.

The officers in Glades have taken items from [REDACTED]’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?” [REDACTED] responded, “What trouble?” Officer Palladino responded, “You ain’t used to doing anything wrong? Like cross the border?”

Finally, [REDACTED] 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. [REDACTED] 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.”

██████ 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. Upon information and belief, ██████ was put back in solitary confinement by the Glades correctional officers on or about October 20, 2021.

“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. ██████**

██████ 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, ██████ 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, ██████ was supposed to receive his psychiatric medications through the line for medication, but the nurse did not dispense them. ██████ 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. ██████ felt frustrated by the nurse ignoring his medical needs.

██████ 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 ██████ out of the housing unit.

In the hallway, the officer grabbed ██████ and slammed him to the ground. He hit his back and head on the floor. ██████ was then placed in restraints. Four other officers came, and they dragged ██████ 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 ██████. Lieutenant Arnold said, “This is how we do it in Glades County! We don’t play around.” Officer Louis punched ██████ in the face about four to five times. The Lieutenant was watching and did not tell the officer to stop.

This violence against ██████ happened at what has been described as a “blind spot” in the jail. ██████ explained that in the hallway before the library, laundry, and kitchen there is no video surveillance. There is an empty hallway with no cameras. ██████ 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 ██████ 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. ██████ 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.

██████ 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, ██████ had not been provided with copies of the results or any further treatment.

The disciplinary charge mounted against ██████ 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, ██████ 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.

On or about October 6, 2021, ██████, who was 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 ██████ 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.” ██████ feared that he was at risk of being harmed again; he put his hands up in the air. Separately, ██████ 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>10</sup> ██████ says, “I don’t want to be the victim again. I’m really scared in this place; there are a lot of blind spots.” On or about October

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<sup>10</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.

20, 2021, ██████ was released from solitary confinement and placed in unit D1 after about 25 days in confinement.<sup>11</sup>

██████ 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. ██████ 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

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<sup>11</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>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

those who publicly report on the conditions at Glades. 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,



Jessica Schneider, Esq.  
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Americans for Immigrant Justice  
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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).



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:

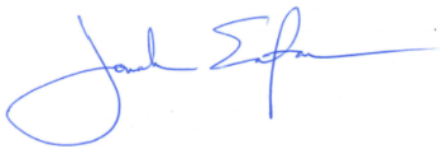
- (1) Initiate a formal investigation into the conduct alleged. To facilitate a full and fair investigation, we request that your offices (i) inform us of any interview with N.T. that is anticipated or arranged in connection with this investigation and (ii) permit his counsel to attend any such interview 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  
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## APPENDIX 3



September 22, 2021

*Via Priority mail; cc by email*

Joseph V. Cuffari, Inspector General  
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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)

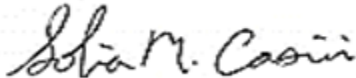
provided, transfer them safely and in compliance with COVID-19 guidelines from the Glades County Detention Center to the Krome Service Processing Center.

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.

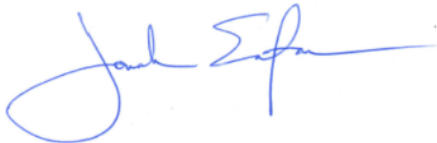
We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely,

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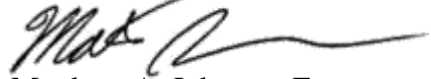
<sup>5</sup> See *Stefanoff v. Hays Cnty.*, 154 F.3d 523, 527 (5th Cir. 1998) (per curiam); *Dumbrique v. Brunner*, No. 14-cv-02598, 2016 WL 3269975, at \*7 (N.D. Cal., June 15, 2016) (citing cases).

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

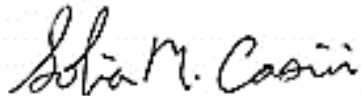
<sup>7</sup> See Dep't of Homeland Sec., Immigr. & Customs Enforcement, 2019 National Detention Standards for Non-Dedicated Facilities, Part 4.2 (2019), [https://www.ice.gov/doclib/detention-standards/2019/4\\_2.pdf](https://www.ice.gov/doclib/detention-standards/2019/4_2.pdf).

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

Kathy A. Perez, Assistant Field Office Director  
ICE Enforcement and Removal Operations – Newark Field Office

Carmen Y. Cistaro, Supervisory Detention Deportation Officer  
ICE Enforcement and Removal Operations – Newark Field Office

Maurice Williams, Deportation Officer  
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

## APPENDIX 5



August 26, 2021

SENT VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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dhardin@gladessheriff.org

***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.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.").

*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 reapplied 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,



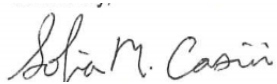
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<sup>7</sup> See Audio Recording of the May 11, 2021 Meeting of the Glades County Board of County Commissioners in which one county official stated that the Glades County Detention Center's "claim to fame is our ability to hold females," and further 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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**Department of Homeland Security (DHS)**  
**Office for Civil Rights and Civil Liberties**

# Civil Rights Complaint

Fillable Version (last modified 05/06/2020)

*The purpose of this document is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This document is not intended to be used for complaints about employment with DHS. You are not required to use this document to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in this document.*

## CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department of Homeland Security as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

**Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this document, or write us an email or letter.**

**This document is available in other languages at [www.dhs.gov/file-civil-rights-complaint](http://www.dhs.gov/file-civil-rights-complaint). Complaints are accepted in languages other than English. If you do not speak or write English, CRCL has access to interpreters and translators and can communicate with you in any language.**

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability?  
 (Note: do not use this form to make a complaint about employment discrimination; see [www.dhs.gov/filing-equal-employment-opportunity-eeo-complaint](http://www.dhs.gov/filing-equal-employment-opportunity-eeo-complaint))
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements or immigration status-related confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity, including discrimination by an organization or program that receives financial assistance from DHS?

## Notes on Confidentiality and Anonymity:

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## Complaint Information

### ① Information about the person who experienced the alleged civil rights/civil liberties violation

(Fill in what you can)

Name: \_\_\_\_\_  
*First and Middle (Given Names) Last (Family Name/Surname)*

Phone #: Cell/Mobile: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
*PO Box or Street address City State Zip*

Country (if outside the United States of America)

Date of Birth (month/day/year): \_\_\_\_\_ Email (optional): \_\_\_\_\_

Alien Registration # (if you have one and it's available): \_\_\_\_\_

☐ Check here if you are in detention now.

Which detention facility? \_\_\_\_\_  
*Facility name Facility address*

☐ Check here if you are represented by an attorney for the issues described in this complaint. If so, please provide the attorney's name and contact information

### ② Are you filling in this complaint form on behalf of another person? If yes, please provide *your* information below, and provide *their* information above. (Please note that you must submit written consent signed by the person who experienced the alleged civil rights or civil liberties violation to allow CRCL to release information to you.)

Name: \_\_\_\_\_  
*First and Middle (Given Names) Last (Family Name/Surname)*

Job Title (optional): \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Phone #: Cell/Mobile: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

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*(If it happened on more than one date, list all dates):*

**Where did this happen?**

Place *(for example, name the detention facility, airport, or other location)*: \_\_\_\_\_

City: \_\_\_\_\_ State or Country: \_\_\_\_\_

**④ Who is this about?**

An employee, contractor, officer or program of *(check as many as apply)*:

- |  |  |
|--|--|
| <input type="checkbox"/> Citizenship and Immigration Services (USCIS)  | <input type="checkbox"/> Not sure  |
| <input type="checkbox"/> Customs and Border Protection (CBP)*          | <input type="checkbox"/> Non-DHS employee working under the authority of DHS (e.g., 287(g) officer) <i>(specify)</i> : _____ |
| <input type="checkbox"/> Customs Officer                               |  |
| <input type="checkbox"/> Border Patrol Agent                           |  |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)    |  |
| <input type="checkbox"/> Immigration and Customs Enforcement (ICE)     |  |
| <input type="checkbox"/> Secret Service (USSS)                         |  |
| <input type="checkbox"/> Transportation Security Administration (TSA)* |  |
| <input type="checkbox"/> U.S. Coast Guard (USCG)                       |  |
| <input type="checkbox"/> Other <i>(specify)</i> : _____                |  |

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*(If you do not know their name(s), provide whatever details you can.)*

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☐ **Yes:** Agency/Office/Court \_\_\_\_\_ Date: \_\_\_\_\_  
☐ **No**

**If so, has anyone responded to your complaint?** ☐ **Yes** ☐ **No**

*(If **Yes**, describe what has been done to respond to your complaint.)*

- ⑦ **Is there any other information you want us to know or consider?** *(If needed, continue on an additional page provided at the end of this form.)*

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⑨ If you have problems understanding this form or any other question, contact CRCL:

**Email:** [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)

**Phone:** Local: 202-401-1474, or

Toll Free: 866-644-8360

**TTY:** Local TTY: 202-401-0470, or

Toll Free TTY: 866-644-8361

**Fax:** 202-401-4708

**U.S. Postal Service:**

Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch, Mail Stop #0190

2707 Martin Luther King Jr Ave SE

Washington, DC 20528-0190

*Note:* Because of security measures, it can take up to 4 weeks for us to receive U.S. mail.

⑩ To submit this form by email, please save, attach, and send to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov). Please attach or send all information that supports your complaint, such as documents, photos, medical records, grievances, or witness statements.

Submit copies, not originals; put your name and the date of this complaint on each document.

(Fax to: 202-401-4708, or email scans of your documents to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), or mail to the address listed above.)

Date this form was completed: \_\_\_\_\_

**Keep a copy of this complaint for your records.**

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**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information as necessary with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ALL-029 Civil Rights and Civil Liberties Records System of Records.

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Please specify which number(s) above you are continuing.**

*Continue on this page, if needed.*

*Continue on this page, if needed.*



**Department of Homeland Security (DHS)**  
Office for Civil Rights and Civil Liberties

# Civil Rights Complaint

Fillable Version (last modified 08/07/2019)

*The purpose of this document is to assist you in filing a civil rights/civil liberties complaint with the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) regarding DHS programs and activities. This document is not intended to be used for complaints about employment with DHS. You are not required to use this document to file a complaint; a letter with the same information is sufficient. However, if you file a complaint by letter, you should include the same information that is requested in this document.*

## CRCL Mission:

The DHS Office for Civil Rights and Civil Liberties (CRCL) supports the Department of Homeland Security as it secures the nation while preserving individual liberty, fairness, and equality under the law. We investigate claims of civil rights and civil liberties abuses, to help DHS improve protections and programs.

**Do you have a DHS civil rights or civil liberties complaint? If you believe that DHS personnel or a DHS program or activity has violated your rights, we want to hear from you. Fill out this document, or write us an email or letter.**

**This document is available in other languages at [www.dhs.gov/file-civil-rights-complaint](http://www.dhs.gov/file-civil-rights-complaint). Complaints are accepted in languages other than English. If you do not speak or write English, CRCL has access to interpreters and translators and can communicate with you in any language.**

In connection with a DHS program, activity, or policy, have you experienced:

- Discrimination based on your race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability?  
(Note: do not use this form to make a complaint about employment discrimination; see [www.dhs.gov/filing-equal-employment-opportunity-eeo-complaint](http://www.dhs.gov/filing-equal-employment-opportunity-eeo-complaint))
- Denial of meaningful access to DHS or DHS-supported programs, activities, or services due to limited English proficiency?
- Violation of your rights while in immigration detention or as a subject of immigration enforcement?
- Discrimination or inappropriate questioning related to entry into the United States?
- Violation of your right to due process, such as your right to timely notice of charges or access to your lawyer?
- Violation of the Violence Against Women Act's confidentiality requirements or immigration status-related confidentiality requirements?
- Physical abuse or any other type of abuse inflicted upon you?
- Any other civil rights or civil liberties violation related to a DHS program or activity, including discrimination by an organization or program that receives financial assistance from DHS?

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## Complaint Information

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(Fill in what you can)

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*First and Middle (Given Names)* *Last (Family Name/Surname)*

Phone #: Cell/Mobile: \_\_\_\_\_ Home: \_\_\_\_\_ Work: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
*PO Box or Street address* *City* *State* *Zip*

Country (if outside the United States of America)

Date of Birth (month/day/year): \_\_\_\_\_ Email (optional): \_\_\_\_\_

Alien Registration # (if you have one and it's available): \_\_\_\_\_

☐ Check here if you are in detention now.

Which detention facility? \_\_\_\_\_  
*Facility name* *Facility address*

☐ Check here if you are represented by an attorney for the issues described in this complaint. If so, please provide the attorney's name and contact information

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An employee, contractor, officer or program of *(check as many as apply)*:

- |  |   |
|--|---|
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| <input type="checkbox"/> Customs and Border Protection (CBP)*          | <input type="checkbox"/> Not sure                                     |
| <input type="checkbox"/> Customs Officer                               | <input type="checkbox"/> Non-DHS employee working under the authority |
| <input type="checkbox"/> Border Patrol Agent                           | of DHS (e.g., 287(g) officer) <i>(specify)</i> : _____                |
| <input type="checkbox"/> Federal Emergency Management Agency (FEMA)    |   |
| <input type="checkbox"/> Immigration and Customs Enforcement (ICE)     |   |
| <input type="checkbox"/> Secret Service (USSS)                         |   |
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Chairperson

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Vice Chairperson

**Brian Lerner**  
Secretary

**Arnold Nazur**  
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**Alison Smith**  
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January 8, 2018

**Mailing Address:**  
P.O. Box 120910  
Ft Lauderdale  
Florida 33312-0016

**Office:**  
491 N. State Road 7  
Plantation, Florida 33317  
**Tel:** (954) 765-8950  
**Fax:** (954) 736-2484  
[www.legalaid.org](http://www.legalaid.org)

Via FedEx and email

John Kelly  
Acting Inspector General  
U.S. Department of Homeland Security  
Office of Inspector General  
245 Murray Lane, SW Building 410  
Washington, DC 20528  
Email: [DHSOIGHOTLINE@dhs.gov](mailto:DHSOIGHOTLINE@dhs.gov)

Cameron Quinn  
Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
Office of Civil Rights and Civil Liberties  
245 Murray Lane, SW Building 410  
Washington, DC 20528  
Email: [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)

**RE: Complaint and Request for Investigation  
Glades Detention Center in Moore Haven, Florida  
Physical Abuse, Inappropriate Use of Segregation, Denial of  
Medical and Mental Health Care and Lack of Attorney Access**

Dear Mr. Kelly and Ms. Quinn:

The Legal Aid Service of Broward County, Inc., Immigration Clinic of the University of Miami School of Law, and Americans for Immigrant Justice file this complaint and request for an investigation into Glades County Detention Center, on behalf of

, and the other men and women facing deportation to Somalia who are currently in Immigration and Customs Enforcement (ICE) custody at Glades Detention Center.

As you are aware, on December 7, 2017, a plane departed Louisiana bound for Somalia, but only made it as far as Dakar, Senegal. The plane sat on a runway at the Dakar airport for over 20 hours. As the plane sat on the runway, the 92 detainees aboard remained bound, their handcuffs secured to their waists,





and their feet shackled together. When the plane's toilets became full with human waste, some of the detainees were forced to urinate into bottles or on themselves. ICE agents kicked, struck, choked, beat, and dragged detainees down the aisle of the plane, and subjected some to verbal abuse and threats. ICE ultimately aborted the trip and flew back to the United States, landing in Miami. In the early morning hours of Saturday, December 9, 2017, ICE transported the still-shackled detainees to two detention centers Florida, including Glades.

On December 27, 2017, we filed an administrative complaint regarding the abuse that occurred on the December 7 flight. The December 7 flight is also the subject of a federal lawsuit, *Ibrahim v. Acosta*, 17-CV-24574-DPG (S.D. Fla.)

*We write today to file an additional complaint against Glades Detention Center (Glades).* We have learned in the course of our representation that our clients' rights are being systematically violated at Glades. Glades employees have subjected our clients to abuse, both verbal and physical, have denied them medical and mental health care, and have employed harsh and punitive measures inappropriate to civil detention, disproportionate to any alleged offense, and in retaliation for complaints. Glades staff have used pepper spray, segregation, shackling and physical abuse on our clients in a discriminatory display of excessive use of force. They have used racial slurs to berate them, including the words "nigger" and "boy." They have interfered with our clients' right to make a grievance by threatening them and placing them in segregation when they express their intention to file a grievance. Our clients have insufficient access to attorneys and telephones at Glades. As detailed below and as described in the attached sworn declarations, the conduct of Glades employees has violated the ICE 2000 National Detention Standards as set forth in the DHS Detention Operations Manual (Sep. 20, 2000) ("2000 NDS"), the ICE 2011 Performance-Based National Detention Standards ("2011 PBNDS"), as well as other legal standards for treatment of individuals in civil detention as set forth in federal law and the U.S. Constitution.

These allegations against Glades are not new. For many years, nonprofit organizations have documented abuses and inadequacies at Glades. Attached are letters from the Immigration Clinic of the University of Miami School of Law ("Immigration Clinic") and the Southern Poverty Law Center detailing many of the same issues raised in this complaint. *See* Exhibit A, Immigration Clinic letter to Field Office Director Moore regarding Glades (May 30, 2017) (documenting complaints of abuse, lack of medical attention, and lack of attorney access, among others); Exhibit B, Southern Poverty Law Center and Immigration Clinic letter to Major Henson and Officer David Waite regarding Glades (Jan. 19, 2016) (documenting complaints of violations of the Prison Rape Elimination Act and lack of halal meals for Muslim detainees, among others); Exhibit C, Immigration Clinic letter to Field Office Director Moore, Asst. Field Office Director Bado, Officer Nieves and Major Henson regarding Glades (Nov. 1, 2013) (documenting complaints of insufficient access to legal representatives, overcrowding, abusive treatment, inappropriate use of segregation and exorbitant telephone fees, among others); Exhibit D, Immigration Clinic letter to Field Office Director Moore and Asst. Field Office Director Candemeres regarding Glades (Oct. 8, 2012) (documenting complaints about lack of private attorney calls, lack of affordable access to phones, lack of medical care, and inappropriate use of segregation, among others); Exhibit E, Immigration Clinic letter to Field Office Director Moore, Asst. Field Office Directors Candemeres and Aiello, Officer Hornett and Warden Bedard (Oct. 7,

2011) (documenting complaints of lack of access to private attorney calls, overcrowding, and water quality, among others).

We urge you to conduct a prompt and thorough investigation into the allegations in this complaint and to take swift action consistent with your respective agency missions to fully address the abuses, inadequacies, and lack of access of counsel at Glades.

If investigators would like to interview

, or any of the other deportees who were on the December 7 flight and detained at Glades, please contact undersigned counsel Andrea Montavon-McKillip, so that she, or another lawyer representing the detainee, is present for any interview or other contact.

## **I. General Allegations**

### **A. Physical Abuse**

According to the 2000 NDS, the following principles apply to the use of force, including the use of pepper spray: “Under no circumstances shall force be used to punish a detainee... Staff shall use only that amount of force necessary to gain control of the detainee.” 2000 NDS, Use of Force, III.B, at 5. The use of force, including pepper spray, is not authorized upon a detainee offering no resistance. *See id.*, III.N, at 14. In addition, “[a]fter any use of force... medical personnel shall examine the detainee, immediately treating any injuries. The medical services provided shall be documented. *See id.*, III.H, at 9. Detention staff must “prepare detailed documentation of all incidents involving the use of force, chemical agents, or non-lethal weapons.”

#### **1. Misuse of Pepper Spray**

Glades officers have abused people through aggressive and dangerous use of pepper spray. Two clients report pepper spray being sprayed into segregation cells while detainees were already inside, causing vomiting and coughing. *See* Exhibit F, Declaration (Jan. 8, 2018); Exhibit G, Declaration (Jan. 8, 2018).

On December 25, 2017, one client, , was pepper sprayed inside the dorm for a long time and from a close distance such that his clothing, face and hair were soaked by the spray. *See* Exhibit H, Declaration (Jan. 8, 2018). He was also sprayed after he was handcuffed. *See id.*; Exhibit I, Dr. Stephen Symes Declaration (Jan. 4, 2018), at ¶13. He was not allowed to wash the spray from his eyes or body, and was not allowed to use a shower for two days, leaving his eyes and skin burning for those two days. *See* Exh. H, Decl. He did not receive medical attention after he was pepper sprayed. *See id.* The pepper spray used on Mr. spread throughout the dorm and caused all of the other detainees to suffer coughing fits. *See* Exh. G, Decl. We believe that a video exists of this incident, and it should be preserved and reviewed in the course of any investigation.

Excessive use of pepper spray, and spraying pepper spray into a segregation cell violate the detention standards. Moreover, use of pepper spray against a person who is restrained or who is already locked in solitary confinement is illegal, highly dangerous, and could lead to death. In Florida, there are documented cases of the use of pepper spray against restrained or 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,” *Sun Sentinel* (Mar. 17, 2015).<sup>1</sup>

The Glades incidents of excessive and abusive use of pepper spray constitute a malicious use of force to cause harm, and gross physical abuse, a flagrant violation of the detention standards, in addition to violating the U.S. constitutional guarantee of due process. U.S. Const., Amend. XIV.

## **2. Excessive Force Followed by Denial of Medical Attention**

Detainees report several instances of excessive use of force on detainees who were restrained or offering no resistance, and where the only purpose of the use of force was to harm the detainees and punish them for making complaints, in clear violation of detention standards. *See* 2000 NDS, Use of Force, III.B, at 5. One detainee reports that, after being put in his segregation cell, he stuck his hands through the door slot so that his handcuffs could be removed. *See* Exhibit J, Declaration (Jan. 8, 2018). The guard removing the cuffs purposefully twisted his hand so that the metal handcuffs scraped against his wrist, leaving it abraded and bleeding. *See id.* He was denied medical attention for this injury. *See id.* Another detainee reports being tackled from behind while handcuffed and while being transported to segregation for no apparent reason. *See* Exhibit K, Declaration (Jan. 8, 2018). He was also denied medical attention. *See id.*

Another detainee was severely beaten, choked, and pepper sprayed, even though he was not involved in an argument between two other detainees. *See* Exh. F, Decl.; Exh. K, Decl. We believe that a video exists of this incident, and it should be preserved and reviewed in the course of any investigation. Another detainee who had had back surgery was purposefully kned in the back and stepped on in the back by guards, in the exact spot where his surgery wound was. *See* Exhibit L, Declaration (Jan. 8, 2018); Exhibit M, John Bruning Declaration (Jan. 4, 2018), at ¶9. He was not receiving medical attention for these injuries. *See id.*

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<sup>1</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/](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](http://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)

These incidents clearly violate detention standards, and constitute a malicious use of force to cause harm, and gross physical abuse, in violation of constitutional standards of due process. U.S. Const., Amend. XIV.

## **B. Misuse of Disciplinary Segregation; Obstruction of Grievance Procedure and Retaliation for Complaints**

Our clients report being placed into segregation for merely asking questions or asking to register a grievance or complaint, and have been accused of “inciting a demonstration” for the same. *See* Exhibit N, Declaration (Jan. 8, 2018); Exh. K, Decl.; Exh. J, Decl. They have been summarily disciplined without being notified of their rights in the disciplinary process. *See* Exh. J, Decl; Exh. F, Decl. They had a hearing only after discipline had already been imposed. *See* Exh. N, Decl. These actions are in violation of our clients’ right to be free from retaliation for filing a grievance.

Civil detention is not supposed be a punishment for detainees, and any disciplinary action in civil detention must be based on a violation of facility rules, subject to written procedures to ensure due process, and “***may not be capricious or retaliatory***.” *See* 2000 NDS, Detainee Discipline, III.A.2, at 1 (emphasis added). Detainees must be notified of the disciplinary process, prohibited acts and the procedure for appealing any disciplinary finding. *See* 2000 NDS, Detainee Discipline, III.L, at 10.

Punishment by housing segregation, also known as the Special Management Unit (SMU), can only be used for disciplinary purposes after a hearing in which the detainee is found in serious breach of the facility rules and only when alternative dispositions would inadequately regulate the detainee’s behavior. *See* 2000 NDS, Special Management Unit (Disciplinary Segregation), III.A, at 1-2. Only the institutional disciplinary panel can place a detainee in segregation. *See* 2000 NDS, Detainee Discipline, III.F, at 7. A detainee cannot be placed in segregation before a written order is signed by the chair of an institutional disciplinary panel, and the order must be given to the detainee within 24 hours. *See id.*, III.B, at 2. All facilities must have procedures for review of segregation cases. *See id.*, III.C, at 2.

In addition, facilities must have detainee grievance procedures that include deadlines for investigating, reviewing and providing written responses to grievances. *See* 2000 NDS, Detainee Grievance Procedures, I, at 1. The facility “must allow the detainee to submit a formal, written grievance to the facility’s grievance committee.” *See* 2000 NDS, Detainee Grievance Procedures, III.A.2, at 2. The facility must allow appeals of grievance decisions. *See* 2000 NDS, Detainee Grievance Procedures, III.C, at 4. Moreover, all grievances must “receive supervisory review, and include ***guarantees against reprisal***.” *See id.* (emphasis added). In fact, the standards specify that “[s]taff will not ***harass, discipline, punish, or otherwise retaliate*** against a detainee lodging a complaint.” *See* 2000 NDS, Detainee Grievance Procedures, III.D, at 4 (emphasis added). Allegations of officer misconduct must be forwarded to ICE for investigation. *See* 2000 NDS, Detainee Grievance Procedures, III.F, at 5.

Glades staff have violated each and every one of these detention standards in disciplining our clients and placing them in segregation. They have placed our clients in segregation for asking questions and requesting to make a grievance. Glades staff have denied our clients the right to participate in the grievance process and have retaliated against them for asking to file a grievance. Our clients have not been notified of their rights in the disciplinary process or how to appeal a disciplinary action. In light of these serious violations, the discipline imposed on all of our clients should be overturned, and at a minimum subjected to serious scrutiny.

### **C. Inadequate Medical Care**

Our clients are not receiving standard of care, and have not been adequately screened and treated for their injuries and the effects of being restrained and stationary on a plane for two days. *See* Exh. I, Dr. Symes Decl., at ¶¶8-9, 12, 17. They are being denied medical care, mental health care, and medications. *See* Exh. M, Bruning Decl., at ¶9; Exhibit O,

Declaration (Jan. 8, 2018); Exh. J, Decl. This includes detainees with serious medical and mental health conditions who are not receiving their prescription medication. *See* Exh. O, Decl.; Exh. J, Decl. Detainees have made multiple requests for medical attention that have gone ignored, in deliberate indifference to their serious conditions. *See* Exh. P, Sick Call Requests of (Dec. 19, 2017).

On December 29, 2017, a physician team from the University of Miami Miller School of Medicine examined 18 of the Somali detainees who had been on the December 7 flight, including 15 housed at Glades. *See* Exh. I, Dr. Symes Decl., at ¶4-6. The physicians found that the extensive and lengthy shackling and the use of force as guards hit, pushed and fully-restrained some of the detainees on the plane had caused injuries to wrists, shoulders, ankles, necks and lower backs. *See id.* at ¶10. Dr. Symes also noted that forced or stressed positioning, coupled with other deprivations, such as what occurred on the plane, is a form of torture that has been used as an enhanced interrogation technique. *See id.* at ¶9. Almost all of those deportees who were examined suffered from ongoing musculoskeletal injuries but were not consistently receiving anti-inflammatory medication and muscle relaxants. *See id.* at ¶16. The physicians reported significant injuries that have gone untreated, including an individual who was poked in the eye on the ICE flight, and who likely has a corneal abrasion that has not been evaluated by an ophthalmologist; one man with a broken right arm, who was assaulted by guards on the plane, has not received proper care and faces the loss of function in his arm; and, another, also with a previously fractured hand that was exacerbated by blows on the flight, has not been properly assessed by an orthopedic specialist. *See id.* at ¶¶11-14. Two men who did not receive their psychotropic medication on the plane decompensated during the flight. *See id.* at ¶15.

The denial of medical attention that has occurred at Glades is in direct violation of the explicit order of the U.S District Court Judge that “Defendants shall provide Plaintiffs with adequate medical treatment for any injuries they have sustained.” *See* Exhibit Q, *Ibrahim v. Acosta*, 17-CV-24574, D.E. 14, Order (Dec. 19, 2017).

It is also in violation of the 2000 NDS, which requires immediately screening upon arrival and a follow-up exam as follows:

All new arrivals shall receive initial medical and mental health screening immediately upon their arrival by a health care provider or an officer trained to perform this function. The screening shall include observations and interview items related to the detainee's potential suicide risk and possible mental disabilities, including mental illness and mental retardation...

The health care provider of each facility will conduct a health appraisal and physical examination on each detainee within 14 days of arrival at the facility...

All non-INS facilities shall have policy and procedure to ensure the initial health screening and assessment is documented...

2000 NDS, Medical Care, III.D., at 3. The 2000 NDS also requires each facility to provide medical attention upon request as follows:

Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting. All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner...

*Id.*, III.F, at 5. Moreover, for facilities with more than 200 detainees, sick call must be available "a minimum of 5 days per week." *Id.*, III.F, at 5 ("Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services."); *see also* 2011 PBNDS, 4.3. Glades fails to meet these standards.

Moreover, the deliberate indifference to the medical needs of individuals in civil detention also violates the U.S. constitutional guarantee of due process. *See* U.S. Const., amend XIV; *Rosemarie M. v. Morton*, 671 F. Supp. 2d 1311, 131 (M.D. Fla. 2009).

We are further concerned that by denying medical care to those with injuries, Glades has erased evidence of the abusive treatment many received on the December 7 flight. Many detainees reported swollen ankles from sitting for two days in shackles and displayed abrasions on their wrists and ankles from the unnecessarily tight handcuffs and shackles and from being pushed, pulled, stomped on, kicked, and thrown around while in shackles. However, by now, much of the visible evidence of those injuries has healed.

#### **D. Violation of Right to Attorney and Telephone Access**

##### **1. No Private or Confidential Attorney Telephone Calls and Other Impediments to Telephone Access**

At present, and for a long time, Glades has violated governing standards by failing to ensure that detainees have private and confidential telephonic access to attorneys. *See* Exhibit R, Sui Chung Declaration, at ¶¶16-19 (Dec. 28, 2017); Exhibit S, Rebecca Sharpless Declaration (Jan. 3, 2018), at ¶¶4-5; Exhibit T, Lauren Gilbert Declaration, at ¶10 (Jan. 4, 2018). Given the remoteness of Glades, it is particularly important that attorneys be able to communicate with their clients by telephone. Attorneys are travelling from around the U.S. to represent the detained Somalis, from places as far away as Idaho and Minnesota, but these visits cannot be the sole

manner of attorney/client communication and telephonic access is crucial to their effective representation of their clients. *See* Exh. S, Sharpless Decl., at ¶14; Exhibit U, Katherine Evans Declaration (Jan. 4, 2018); Exh M, Bruning Decl. However, at Glades, attorneys cannot have private and confidential telephone calls with their clients.

The detention standards require that detainees be allowed to have private and confidential phone calls with their attorneys. According to the 2000 NDS:

The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees.  
Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.

2000 NDS, Telephone Access, III.J, at 4; *see also* 2011 PBNDS, 5.6 Telephone Access, V.F.2, at 389 (same). This means that detainees must be able to call their attorneys on a line that is not monitored and in a private room with a closed door.

As a result of Glades' violation of the attorney telephone standard, detainees must use the pay phones in the living areas to contact their attorneys, which are recorded lines and not private. *See* Exh. S, Sharpless Decl., at ¶4; Exh. R, Chung Decl., at ¶19. Moreover, clients have a very difficult time staying in touch with their attorneys, as attorneys must leave messages, these messages are often not passed unless it is an emergency, and it is costly for detainees without resources to call. *See* Exh. T, Gilbert Decl., at ¶10.

In addition to lacking the ability to talk privately and confidentially with their attorneys, detainees have insufficient access to telephones so that they can remain in contact with their families and communities. According to the 2000 NDS:

The facility shall provide detainees with *reasonable and equitable access* to telephones...

To ensure sufficient access, the facility shall provide at least one telephone for detainee use for every 25 detainees held...

The facility shall maintain detainee telephones in proper working order.

2000 NDS, Telephone Access, III.A., at 1 (emphasis added); *see also* 2011 PBNDS, 5.6 Telephone Access, V.A.1., at 386 (“*Facilities shall be operating at the optimal level when at least one telephone is provided for every ten (1) detainees... Each facility shall provide detainees with access to reasonably priced telephone services.*”) (emphasis in original). However, detainees at Glades have difficulty communicating with family or coordinating retaining counsel due to lack of operable phones and the prohibitive cost of \$.50/minute for a long-distance call. *See* Exh. U, Evans Decl., at ¶7; Exh. F, Decl. According to several clients, on Christmas Day the lack of functioning telephones led to a dispute between detainees and resulted in several clients being placed in segregation. *See* Exh. U, Evans Decl., at ¶3; Exh. H, Decl., at ¶¶4-14. The lack of access and exponential cost for calls is in violation of the 2000 and 2011

detention standards. Glades consistently violates these detention standards regarding confidential attorney phone calls and telephone access.

## **2. Only One Attorney Booth in a Facility with a Population Regularly Exceeding 300**

Glades lacks adequate space for attorneys to meet with their clients in a confidential and private setting. The facility has only a single attorney/client meeting room, and this room is used by both criminal defense and immigration attorneys for an average daily population that regularly exceeds 300 detainees.<sup>2</sup> *See* Exh. S, Sharpless Decl., at ¶7; Exh. R, Chung Decl., at ¶20; Exh. M, Bruning Decl., at ¶5. Moreover, the single attorney/client meeting room is sometimes not available because the U.S. Marshals and others also use it, and attorneys are not given priority when the room is already in use. *See* Exh. S, Sharpless Dec., at ¶7.

Because there is only one attorney/client meeting room, Glades officials will sometimes permit attorneys to use a multi-purpose room. *See* Exh. S, Sharpless Decl., at ¶8; Exh. R, Chung Decl., at ¶20. This room, however, is used for many other purposes, including televideo hearings in both criminal and immigration cases, religious services, and other group meetings, and therefore, it is not always available to attorneys and their clients. *See* Exh. S, Sharpless Decl., at ¶8; Exh. R, Chung Decl., at ¶20. Moreover, the televideo equipment is turned on at all times and periodically blurs out noises. *See* Exh. S, Sharpless Decl., at ¶8. Even when the multi-purpose room is available, it is not possible to interview more than one person in the room in a confidential manner. *See* Exh. S, Sharpless Decl., at ¶9; Exh. M, Bruning Decl., at ¶6. When groups of attorneys travel to Glades to meet with detainees, they must choose between seeing one person at a time to preserve confidentiality and having multiple people in the room at the same time to maximize use of the attorneys present. *See* Exh. S, Sharpless Decl., at ¶9; Exh. M, Bruning Dec., at ¶6.

The 2000 NDS dictate the following:

Visits between legal representatives (or legal assistants) and an individual detainee are confidential and shall not be subject to auditory supervision. ***Private consultation rooms shall be available*** for such meetings...

Staff shall not be present in the confidential area during the attorney-detainee meeting unless the attorney requests the presence of an officer. However, officers may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as the officer cannot overhear the conversation.

On occasion, a situation may arise where private conference rooms are in use and the attorney wishes to meet in a regular or alternate visiting room. Such requests

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<sup>2</sup> As of July 2017, there were 374 detainees at Glades. *See* ICE Detention Facility List as of July 2017, available at [www.detentionwatchnetwork.org](http://www.detentionwatchnetwork.org). It should be noted that the average daily population of detainees in immigration detention has ballooned from 57 in May of 2015 to a high of 398 in March of 2017. *See* ICE Detention Facility List as of April 2017, available at [www.immigrantjustice.org](http://www.immigrantjustice.org).



should be accommodated to the extent practicable, and such meetings shall be afforded the greatest degree of privacy possible under the circumstances.

2000 NDS, Visitation, III.I.9, at 9-10; *see also* 2011 PBNDS, 5.7 Visitation, V.J.9, at 399. Glades cannot meet these detention standards when they have only a single attorney/client meeting room available for a population exceeding 300.

### **3. Unreasonable Additional Restrictions On Attorney and Telephone Access for People in Segregation**

A large percentage of people facing removal to Somalia have been placed in segregation, including 11 at Glades, which has greatly exacerbated difficulties in communicating with counsel and the outside world. *See* Exh. U, Evans Decl., at ¶¶4, 11 (“I am personally aware of at least 19 individuals who were on the December 7, 2017 attempted flight to Somalia who are presently in segregation and facing obstacles in accessing counsel as a result.”); *see also* Exh. M, Bruning Decl. (describing how several Somalis have been placed in segregation, are not receiving medical attention, and have difficulty communicating with lawyers).

Meeting with people in segregation is difficult, as Glades officials will not permit more than one person who is in segregation to meet with an attorney at a time. *See* Exh. M, Bruning Decl., at ¶8; Exh. U, Evans Decl., at ¶5. Given the lack of attorney meeting rooms, this makes it difficult to talk with more than a few people in segregation during any given visit. Moreover, the officials will not permit people in segregation to meet with their lawyers unless they are in shackles, making it uncomfortable and difficult to have a focused and lengthy conversation. *See* Exh. S, Sharpless Decl., ¶10; Exh. M, Bruning Decl., at ¶8; Exh. U, Evans Decl., at ¶5. These policies interfere with attorney access, given that under the 2000 NDS, “[d]etainees in either administrative or disciplinary segregation shall be allowed legal visitation.” 2000 NDX, Visitation, III.I.12, at 10.

Detainees in segregation do not have telephone access to call family, and are only allowed to call an attorney with permission from jail officials. *See* Exh. U, Evans Decl., at ¶6; Exh. G, Decl. Even when allowed an attorney call, it is not private or confidential, which is the same problem faced by detainees in regular population. This violates the 2000 NDS, which states that staff “shall permit detainees in the Special Management Unit [segregation] for disciplinary reasons to make direct and/or free calls as described above, except under compelling security conditions. These conditions shall be documented.” 2000 NDS, Telephone Access, III.G., at 3. The prohibition on telephone access while in segregation violates the detention standards.

## II. Individual Allegations

### A.

is currently in segregation at Glades. On December 25, 2017, he witnessed an argument between detainees over using the phone. Only one or two of the four phones was working that day. He then witnessed Glades guards pepper spray the Somali detainee who was part of the argument, and the pepper spray spread throughout the dorm. He also witnessed guards take another Somali detainee, , out of the dorm to segregation for no apparent reason. On December 26, 2017, he saw leave with another Somali to speak to the guards. When returned, he told and two other Somalis that they were all getting put into segregation. While in his cell in segregation, guards sprayed pepper spray into one of the cells. *See* Exh. F, Decl.

### B.

is currently in segregation in Glades. On December 26, 2017, he saw two detainees ask the sergeant what had happened to another detainee the day before. He later learned that one of the detainees making the inquiry was then taken to segregation. Then, the sergeant took to segregation as well. This was his second time in segregation. The previous time he was in segregation, Glades guards used pepper spray against him by spraying through the slot in the door. The spray made him vomit profusely.

While in his cell in segregation, a guard wanted to take 's food away before he had finished. When said he needed more time, the white guard called him "boy." Another detainee in segregation complained that the remark was racist. When refused to return his tray, the guard threatened to spray pepper him through the slot in the door. was scared because of the previous occasion he had been pepper sprayed in the segregation cell. When is brought out of isolation, he, like the others, is forced to wear handcuffs attached to a band around his waist that "feels like a dog leash." *See* Exh. G, Decl.

### C.

is currently in segregation at Glades. On December 25, 2017, was arguing with another detainee about the phones because he wanted to call his wife and kids as they celebrated Christmas, and there were only one or two phones working that day for the entire dorm of 75-100 people. , another Somali detainee, went over during the argument and tried to calm them down. Another detainee, , also went over. Guards then grabbed and took him outside. Another guard pepper sprayed in the face, using a large canister from a very close distance. The guard sprayed so much pepper spray that it soaked 's face, hair and clothing. The guards then slammed to the floor and handcuffed his hands behind his back. was pepper sprayed a second time while in handcuffs, but could not see because he was already blinded.

The guards put in a room with a shower but did not remove the handcuffs. was blinded by the pepper spray and could not use his hands, so he tried to use his head to turn on the

shower. He could not get the water into his eyes to wash them. The guards then took [redacted] to the nurse. He told her he thought he was going blind and that he needed to be taken to the hospital. The nurse responded, "This is Glades County. We don't take people to the hospital for pepper spray." The nurse then told the guards that she did not need to take his blood pressure and sent him away. The guards took [redacted] to segregation, where he was not allowed to wash or shower for two days. As a result, his eyes and skin were burning for two days. While in segregation, [redacted] could tell that guards had sprayed pepper spray into the cell of another detainee in segregation, because he could smell it and all of the detainees in segregation were coughing. *See* Exh. H, Decl.

[redacted] also has a serious medical complaint. [redacted]'s right hand was injured while in ICE custody in another state. While on the botched deportation flight, a guard aggravated his previous injury when he kicked [redacted] down while he was shackled, and [redacted] fell onto his right hand. *See id.* On December 29, 2017, Dr. Stephen Symes, a doctor at the University of Miami Miller School of Medicine, examined [redacted]'s hand. *See* Exh. I, Dr. Symes Decl. He has provided written testimony that [redacted] has not received standard of care and must be assessed by an orthopedic specialist urgently. He testified that [redacted] now faces possible loss of function in his hand, including nerve damage. *See id.*

#### D.

[redacted] is currently in segregation at Glades. On December 26, 2017, he and [redacted] asked to speak to the captain. [redacted] then inquired about [redacted], another Somali who guards had body slammed the day before, asking to speak to a captain and expressing his view that the guards had touched [redacted] for no reason. A sergeant told him, "There is no captain," and that the body-slammed Somali has "outside charges." [redacted] asked for a formal grievance, and the sergeant refused, cursing at him, and saying "You Somalis are demanding things... This is how we do things here in Glades County." The sergeant sent [redacted] back to the dorm and told another officer to cuff [redacted] and he was sent to segregation. He was found guilty of "inciting a demonstration" and punished with 30 days in segregation.

On January 3, 2018, [redacted] was allowed to shower. A guard cursed at him while he was in the shower, and [redacted] told the guard that he could not talk to him like that. The guard laughed, cursed, and said he would talk however he wanted, stating "This is Glades County." A second guard then berated [redacted] for arguing with the first guard, called him a "nigger," and then locked him in the shower. The second guard refused to let [redacted] out of the shower until he apologized.

The nurse came to give him his medication while he was in the shower, but decided not to give it to him, and he never received his medication. The second guard finally took [redacted] back to his cell. However, when [redacted] stuck his wrist out of the slot in the door for the cuffs to be removed, a guard twisted [redacted]'s hand so that the handcuff cut into the skin on his wrist, leaving it bleeding and swollen. The next day, a nurse looked at him, but refused to treat the cuts on his wrist. [redacted] feels that the mistreatment at Glades has worsened since the federal lawsuit was filed. *See* Exh. J, Decl.

**E.**

is currently in segregation at Glades. After being brought to Glades upon return of the botched deportation flight, and a few others asked the Glades guards to speak to an ICE deportation officer. In response, Glades officers put them into segregation for five days.

On December 25, 2017, heard another Somali detainee, , and another detainee arguing over the phone. then saw another Somali detainee step in between and the other detainee to calm them down. Guards then came into the dorm and grabbed and took him out. watched as several guards punched and kicked while he was on the ground. also saw them pepper spray while they beat him. A guard then returned to the dorm and pepper sprayed inside the dorm. The spray spread everywhere and everyone was coughing. The guards took and another Somali detainee, , to segregation.

The next day, and went to speak to the captain about what had happened. returned and said had been taken to segregation. Then the sergeant came in and said they were all going to segregation.

were taken to segregation for 30 days. On the way to segregation, and while still in handcuffs, the sergeant tackled from behind for no apparent reason, hurting 's neck. complained to the nurse, but she did not examine him, and accepted the sergeant's explanation that it was nothing. requested medical attention after being tackled, but has not seen a doctor. *See* Exh. K, Decl.

**F.**

was injured on December 7, 2017 on the aborted deportation flight when a guard body-slammed him and put his knee into his back where he had previously had surgery. He requested medical attention upon arrival at Glades and informed the nurse about his previous back surgery. The following day the nurse denied his pain medication without explanation. When he asked for the medication he needed, an officer made moves toward to tackle him to the ground. voluntarily got down on the ground and told the officers about his existing back surgery wound. The officer nonetheless stomped on his back where the wound is located. The officer also punched multiple times while other officers watched. was then taken to segregation for 30 days. tried to file a formal grievance but he reports that the officers did not send the written grievance to ICE. *See* Exh. L, Decl.

**G.**

was injured on December 7, 2017 on the aborted deportation flight when guards threw him down on the floor while he was shackled at his wrists, waist, and legs. He requested medical and mental health attention as soon as he arrived at Glades, but still has not seen a doctor or psychiatrist. A day or two after the flight returned, went with a few others to ask to speak to an ICE deportation officer. The Glades sergeant refused and told him it was not his job to call ICE and to back up. When 's friend, another Somali detainee, commented

that the guards get upset whenever they ask for an ICE officer, the sergeant took all of them outside, put them against a wall and yelled at them. Then a female guard came to lecture them, and [redacted] told her, "We need to talk to ICE. We need to be treated like human beings." Then the three of them were sent to segregation for five days.

[redacted] was put in segregation a second time after he was switched between living pods several times and some of his property was missing as a result. On December 20, 2017, [redacted] complained because some of his property was missing. After his complaint, he was switched to a new dorm. The day after his complaint, the sergeant placed him in segregation for a few hours, in retaliation for making a grievance. *See* Exh. N, [redacted] Decl.

## H.

[redacted]'s left hand was injured by guards while being placed onto the plane on December 7, 2017. He has a visible bump protruding from his left hand but his hand has still not been examined by a doctor. [redacted] also noticed blood in his urine after being forced to hold his urine for such a long period of time during the botched deportation flight. He was sent to the emergency room and given antibiotics. After he finished the antibiotics, he requested more, because he started having blood in his urine again. He was told that he would have to see the doctor but he has not seen a doctor yet. [redacted] has also requested mental health care, because he has not been given his psychiatric medication for the last four months that he has been in ICE custody. *See* Exh. O, [redacted] Decl.

## III. Conclusion

Glades staff has failed to treat our clients with humanity and even the most basic respect for the dignity of another human being. This abuse and violation of the governing detention standards cannot be dismissed as an isolated incident or the case of a rogue employee. Instead, they appear to be an institutional problem at Glades, especially in light of the documentation of issues over many years. A common complaint over the years at Glades has been that detainees are treated like animals instead of fellow human beings. *See* Exh. A, 2017 Immigration Clinic letter; Exh. C, 2013 Immigration Clinic letter. The Somali detainees report that the mistreatment has only worsened since the lawsuit was filed, and that the guards appear to be targeting the Somalis. *See* Exh. J, [redacted] Decl.

**We request that our clients be immediately transferred to the Krome Service Processing Center** (or the Broward Transitional Center for the two women), and be immediately provided the necessary medical and mental health care and medications.

In addition, we request a thorough review of all instances of use of force, disciplinary action and segregation involving our clients since December 9, 2017. *See* Exhibit V, List of Clients. We request copies of all video recordings of all instances of use of force, and all documentation of any and all disciplinary hearings involving our clients since December 9, 2017. We further ask that you preserve and not destroy any video recordings or other relevant evidence relating to these incidents.

Please contact us as soon as possible at (954) 736-2493 to resolve this matter.

Sincerely,



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U.S. Senate Subcommittee on Homeland Security, Committee on Appropriations

Rep. Michael McCaul, Chair  
U.S. House Committee on Homeland Security & Governmental Affairs

Rep. Bennie G. Thompson, Ranking Member  
U.S. House Committee on Homeland Security & Governmental Affairs

Rep. John Rutherford, Member (FL-4)  
U.S. House Committee on Homeland Security & Governmental Affairs

Rep. Val Butler Demings, Member (FL-10)  
U.S. House Committee on Homeland Security & Governmental Affairs

Rep. John Carter, Chair  
U.S. House Subcommittee on Homeland Security, Committee on Appropriations

Rep. Lucille Roybal-Allard, Ranking Member  
U.S. House Subcommittee on Homeland Security, Committee on Appropriations

South Florida Congressional Delegation



**TABLE OF SUPPORTING EXHIBITS**

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May 30, 2017

Marc Moore, Field Office Director  
Immigration Custom Enforcement  
865 SW 78th Avenue, Suite 101  
Plantation, FL 33324

Re: Issues of Concern at Glades County Detention Center

Dear FOD Marc Moore,

On behalf of the University of Miami School of Law Immigration Clinic and St. Thomas University School of Law students under the supervision of Lauren Gilbert, we would like to thank you for the opportunity to visit the Glades County Detention Center three times this past academic year. Our students were able to communicate vital legal information to the detainees through know-your-rights presentations, and meeting and communicating with the detainees was a great learning experience for the students.

We write to bring your attention to issues that were raised by detainees during our recent trips. We hope that we can work together toward effective resolutions. As you are likely aware, the UM Law Immigration Clinic has been visiting Glades on a regular basis since 2011 and we have written letters raising concerns on multiple occasions in the past.

In the Clinic's most recent visit, it became aware of a significant increase in the number of detainees at Glades. Due to this rapid increase in population, the issues we raise are more glaring and urgent. The Clinic has identified several areas of concern through its visits to Glades: abusive and inappropriate officer interactions with detainees; medical attention; attorney access to detainees and lack of attorney-client confidentiality and privacy; failure to forward legal mail; inadequate library access; deficient food; women's hygiene; bathroom conditions; and recreational activities. The UM Law Clinic has for many years raised concerns in these areas and has not seen improvement.

We encourage Glades to uphold the highest level of attention and care to all detainees and, at a minimum, to abide by the 2011 Performance-Based National Detention Standards ("2011 Detention Standards").

#### ABUSIVE AND INAPPROPRIATE OFFICER INTERACTIONS WITH DETAINEES

The 2011 Detention Standards states that a detention staffer's "use of force" against a detainee must be "necessary and reasonable force after all reasonable efforts to otherwise resolve a situation have failed, for protection of all persons; to minimize injury to self, detainees, staff and others; to prevent escape or serious property damage; or to maintain the security and orderly operation of the facility."<sup>1</sup> Additionally, the 2011 Detention Standards requires that staffers only use "the degree of

<sup>1</sup> *The 2011 Detention Standards* at 208.

force necessary to gain control of detainees and, under specified conditions, may use physical restraints to gain control of a dangerous detainee.”<sup>2</sup>

The Clinic received reports from multiple detainees that officers are often verbally abusive to detainees and sometimes engage in abuse or excessive force. The Clinic received one report of an officer allegedly having sexual relations with a female detainee.

Almost all of the detainees we spoke to reported that officers use highly inappropriate and degrading language when interacting with the detainees. We received numerous reports of profanity directed at the detainees: ~~“shut the fuck up”~~ and ~~“I’ll drag your ass.”~~ They reported specific insults such as: ~~“immigrant, you should just leave,”~~ ~~“we’ll show you what we do to Mexicans in here.”~~ They also reported being called ~~“pigs”~~ and ~~“monkeys.”~~ Detainees report feeling like they are treated ~~“like animals”~~ and that officers threaten to use physical force against them. The detainees mentioned Officers Mims and Sierra by name as having engaged in abusive behavior. We also received a report that Officer Mims ripped up a detainee’s complaint in front of the detainee.

Some detainees reported physical and sexual violence. They reported tasers and other forms of physical violence being used against immigration detainees. One case involving a male detainee was particularly alarming. The detainee reported that he was completing his kitchen job while lunch was being served. When he completed his job, he was escorted back to his pod along with other detainees. He explained that he had not eaten because he was doing his job during mealtime. The officer told him that mealtime had ended and that he would not be able to eat. The detainee then asked to be allowed to eat because he was completing his assigned job during the time for food. The officer refused and warned the detainee that if he kept talking he would ~~“only”~~ make this more difficult for himself.” After the detainee mumbled under his breath while walking with the other detainees, the officer responded by pushing the detainee against the wall. The officer then placed all of his weight against the detainee while pushing him against a wall. The detainee was trapped between the wall and the front of the officer. Although the detainee did not resist, the officer pushed his head against the wall and handcuffed him. Before the incident, the detainee suffered from pain stemming from surgical pins placed in his leg. The officer’s excessive use of force exacerbated this pain, leaving the detainee in need of medical treatment at Glades. He reports that his requests for medical care were denied.

We received another distressing report of an officer having sexual relations with a female detainee. The detainee (who was not the victim) told us that the officer—who she described as a deportation officer—was dismissed from his job for a week but then was permitted to resume his old job. The detainee was concerned that this officer would continue to act inappropriately with other detainees.

## MEDICAL ATTENTION

The 2011 Detention Standards mandates that ~~“detainees shall be able to request health services on a daily basis and shall receive timely follow-up.”~~<sup>3</sup> Accordingly, we encourage the facility to ensure that all detainee medical requests are dealt with in a timely fashion. The 2011 Detention Standards also states that detainees must ~~“receive”~~ continuity of care from time of admission to time of

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

<sup>3</sup> *Id.* at 277–78 (emphasis added).

transfer.”<sup>4</sup> Non-compliance with continuity of care denies detainees their right to access the health care services required by the Standards. The Standards provide specific examples of continuity of care, including timely transfer to an appropriate facility, a written treatment plan for chronic medical supervision approved by a licensed physician, and timely ordering, dispensing, and administration of prescriptions and medications.

Many detainees criticized the medical treatment at Glades. The detainees reported that while they usually see a nurse, they are unable to see a doctor for days, weeks, and in some cases, even months at time. Even when a doctor is available, there are often insufficient medical supplies for their treatment. For example, a detainee with a broken arm reportedly was unable to obtain the necessary medical assistance because the doctor did not have the resources to cast or X-ray it. Instead, the doctor continued to prescribe the detainee with painkillers, providing only temporary pain relief and causing reliance on the narcotics. The patient has not been referred to an out-patient center to receive proper care.

One detainee whose teeth have fallen out reported that she is unable to get dentures, even after she offered to pay for them herself. A female detainee who suffered blood ~~clots~~” resulting from heavy menstrual periods and very painful ~~cramps~~” stated that she was given only Tylenol to manage the pain. Another detainee had a visible eye infection but reported that he had not received treatment. Another detainee indicated that he suffered from high blood pressure, but that his repeated requests for blood pressure medication had gone unanswered. Another detainee said that the infirmary at Glades is quick to give the women medicine but rarely examines them. When male detainees seek medical attention, officers often dismiss their request and respond by telling them that they are fine or that they need to ~~“toughen up.”~~ Detainees of both genders complained of the extended weeks or months they have waited to receive medical care.

The Clinic urges the Department to ensure that Glades adheres to the medical standards described in the 2011 Detention Standard. If the facility does not have the necessary medical equipment or staff to treat the detainees, the Clinic urges the facility to adhere to the 2011 Detention Standard, Section 4.3(II)(6), which states that a ~~“detainee~~ who is determined to require health care beyond facility resources shall be transferred in a timely manner to an appropriate facility...[and a] written list of referral sources, including emergency and routine care, shall be maintained and updated annually.”<sup>5</sup>

#### ATTORNEY ACCESS AND LACK OF ATTORNEY-CLIENT CONFIDENTIALITY AND PRIVACY

Detainees are entitled to access legal representatives and to have confidential and private communication with a legal representative.<sup>6</sup> The 2011 Detention Standards requires that ~~“in~~ visits referred to as legal visitation,<sup>7</sup> each detainee may meet *privately* with current or prospective *legal representatives*.”<sup>7</sup> Law students qualify as ~~“legal representatives.”~~ The 2011 Detention Standards defines legal representatives as an ~~“attorney~~ or other person representing another in a matter of law, *including: law students* or law graduates not yet admitted to the bar under certain conditions.”<sup>8</sup> As such, law students must be granted the same access to detainees as attorneys.

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<sup>4</sup> *Id.* at 278.

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

<sup>6</sup> See INA § 240(b)(4)(A)&(B).

<sup>7</sup> *The 2011 Detention Standards* at 367 (emphasis added).

<sup>8</sup> *Id.* (emphasis added).

In regard to visitation, the 2011 Detention Standards requires each facility to ~~per~~mit legal visitation seven days a week, including holidays, for a minimum of *eight hours* per day on regular business days (Monday through Friday), and a minimum of *four hours* per day on weekends and holidays.”<sup>9</sup> Each facility is required to provide notification of the rules and hours for legal visitation.

The Clinic’s students have faced hurdles gaining access to detainees. Law students have been told they must request permission to see detainees prior to making the visit and that they must provide an estimate of the time that they expect to speak with detainees. Law students are usually not permitted to speak to the detainees for more than a certain period of time, regardless of the day of the visit. Officers have announced to legal representatives from the Clinic that their allotted time has expired and have ushered them out of the detention center.

The Clinic’s students have also faced resistance from officers when attempting to ensure confidentiality for their in-person attorney–client meetings. The 2011 Detention Standards requires ~~visits~~ between legal representatives or legal assistants and an individual detainee are confidential and shall not be subject to auditory supervision.”<sup>10</sup> Despite this requirement, Glades officers have demanded that the doors remain opened while legal representatives from the Clinic were discussing confidential information with detainees in rooms meant to be private.

Although the Clinic’s students obtain prior clearance to visit detainees before each visit, officers appear unaware and unprepared for their arrival. As a result, the students have sometimes waited significant periods of time for officers to locate the Clinic’s legal visitation request for a particular detainee. This ~~waiting period~~” robs both the law students and the detainees of the already short time allotted for their attorney–client meetings. When officers finally retrieve the detainees from their pods, the officers give them inadequate time to gather essential documents prior to being escorted into the private rooms. As a result, detainees often do not have key immigration documents or personal notes necessary for the law students to conduct their meetings.

Additionally, Clinic students have observed television sets with an attached web camera in the private rooms designed for attorney–client visits. One Clinic student specifically asked if the web camera could be turned off while discussing a confidential matter with her client and was told that the television could not be turned off. The officer stated that the Clinic student should not be concerned that the camera was pointed toward the detainee because the camera was not recording. Nevertheless, the detainee became uncomfortable and questioned the privacy of the room. This created an uncomfortable environment for both the detainee and the legal representative to engage in a critical private conversation. Glades practices undermined both the Detention Standards and the purposes of the client/attorney meeting. We request that the web camera be removed from the attorney-client meeting room.

We have also been made aware that detainees do not have any privacy when speaking with their attorneys telephonically. Detainees are required to have their telephone conversations in the POD area among deportation officers and other detainees. However, this practice contradicts the 2011 Detention Standards, which states ~~detainees~~ shall be able to have confidential contact with attorneys and their authorized representatives in person, on the telephone and through correspondence.”<sup>11</sup> As a result, most detainees do not feel comfortable explaining facts about their

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<sup>9</sup> *The 2011 Detention Standards* at 367–68 (emphasis added).

<sup>10</sup> *The 2011 Detention Standards* at 379.

<sup>11</sup> *2011 Detention Standards* at 401.

cases in such a public forum, especially when these include traumatic events. We also understand that all calls on the POD telephones are recorded, even ones involving attorneys. This directly violates the detention standard.

The Clinic requests that, upon request, detainees be permitted to go into private rooms, such as the client/attorney rooms, in order to privately speak with their legal representatives by telephone. The attorney-client meeting room already has a telephone in it. We request that it be used for the purpose of private and confidential attorney-client calls. We are aware that this request was also made by the South Florida Chapter of the American Immigration Lawyers Association.

#### FAILURE TO FORWARD LEGAL MAIL

We also recently became aware that when detainees are transferred from Glades to another detention center, that their mail is not being forwarded on to them. One detainee we met with in April was transferred later that month to the Wakulla Detention Center in northern Florida. His BIA appeal was denied in early May. He learned about this by checking the EOIR hotline, but never received the actual decision, even though his appeal to the Eleventh Circuit is due in early June. Since he does not know the legal basis on which his appeal was denied, this makes it more difficult for him to appeal his case to the 11th Circuit and to seek a stay of removal. Ms. Gilbert verified that his mail was not being forwarded to him at Wakulla, when a packet of information she had sent to him at Glades in April was returned to her with the notation: Return to Sender; No Mail Receptacle; Unable to Forward. Where *pro se* detainees are being transferred from one detention center to another while their cases are still pending and their mail is not properly being forwarded to them, it makes it virtually impossible for them to effectively represent themselves.

#### LIBRARY ACCESS

The 2011 Detention Standards states that “each facility shall provide a properly equipped law library,” and that proper resources be “provided to detainees to prepare documents for legal proceedings.”<sup>12</sup> The law library is a crucial resource for all detainees, and is particularly critical for detainees who do not have legal counsel. In the case of an unrepresented detainee, the law library is the detainee’s only tool to acquire necessary legal paperwork, understand immigration law, and formulate a case before interacting with immigration judges. Both represented and unrepresented detainees have the right to a properly equipped law library, and must be able to access its materials to help prepare for their legal proceedings.

The Clinic has heard several complaints about inadequate access to library resources such as legal databases and printing. The detainees complained that the Lexis Nexis CDs are outdated and no one trains the detainees on how to operate the program. Most of the men we spoke to asserted that the librarian does not assist them in the library and they must rely on other detainees for guidance. This has created a currency of “favors exchanged” (i.e. certain commodities in exchange for library assistance). The lack of access to legal materials, especially to those who must represent themselves *pro se*, has been an issue of concern of ours since at least 2012, and was also noted in the 2011 assessment by the Office of Detention Oversight. The Standards at 6.3(V)(E)(2)(a) compel detention facilities to “ensure that the most updated statutes, regulations, and other required legal materials are

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<sup>12</sup> *Id.* at 402–03.

in the library at all times.”<sup>13</sup>

We also received reports that law library access is given only to some detainees at very odd hours, including at 7:00 am in the morning.

### DEFICIENT FOOD

The 2011 Detention Standard specifies that ~~a~~ registered dietician shall conduct a complete nutritional analysis that meets U.S. Recommended Daily Allowances (RDA), at least yearly, of every master-cycle menu planned by the FSA.”<sup>14</sup> The USDA Dietary Guidelines for Americans 2010, found on the RDA website, prescribe 31 ounces of protein and 3 cups of dairy per week for sedentary adults.

Nonetheless, a common complaint of detainees is that the food is of extremely poor quality and that the portions are inadequate. The detainees report not being provided fresh vegetables or meat, but only canned foods, including canned meat products. Despite medical requests, detainees who require specific diets due to certain medical conditions, such as diabetes, are forced to eat the same food as other detainees. The inadequate nutritional value of the food provided has led to some detainees developing medical conditions during their detention. For instance, one detainee explained that she developed thyroid problems because of the sodium content of the food. The Clinic requests that the facility ensure that the Standards are met and improved upon to the greatest extent possible.

### WOMEN’S HYGIENE PRODUCTS

The 2011 Detention Standards states that all detention facilities must ensure that ~~each~~ detainee is able to maintain acceptable personal hygiene practices through the provision of adequate bathing facilities and the issuance and exchange of clean clothing, bedding, linens, towels and personal hygiene items.”<sup>15</sup> Additionally, each facility has an obligation to maintain ~~an~~ inventory of clothing, bedding, linens, towels and *personal hygiene* items that is *sufficient to meet the needs of detainees*.”<sup>16</sup>

Female detainees have expressed that the feminine hygiene products are of a very low quality, requiring women to use multiple sanitary pads at one time. Additionally, Glades does not provide an adequate amount of each product and when detainees need more, they are very unlikely to receive it. Detainees report having to use toilet paper because they do not have sufficient hygiene products. Female detainees also reported that their requests for additional toilet paper were frequently denied.

### CLEANLINESS OF BATHROOMS

A common complaint among detainees is that the bathrooms are not clean and that there are insufficient working toilets. A common adjective that the detainees use to describe the bathrooms is ~~disgusting~~.” Some detainees reported that there is no soap or sanitizer in the bathroom.

### RECREATIONAL ACTIVITIES

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<sup>13</sup> *Id.* at 403.

<sup>14</sup> *Id.* at 248–49.

<sup>15</sup> *Id.* at 309.

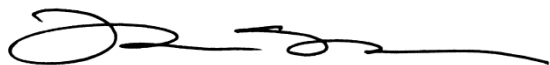
<sup>16</sup> *Id.* (emphasis added).



Detainees report that there are no meaningful recreational activities. They state that there is only one soccer ball for the detainees to play with and that there are no benches outside. The detainees are forced to stand in the hot sun with nothing to do if they wish to receive their recreation time. Although female detainees confirmed that they are allowed to go out five times a week for recreation, they also explained that their recreation time is just one hour and is often concurrent with certain required ~~detention~~ jobs.” For example, one woman stated that recreation time is typically when she must do laundry services so she is unable to attend recreation time.

Again, thank you for providing us with the opportunity to visit the Glades County detention center. We greatly appreciate your time and consideration regarding these matters. As the population of Glades has increased, and may increase further with the Administration’s enforcement goals, we are even more concerned about conditions at Glades. We can be reached at (305) 284-6092.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rebecca Sharpless', with a long horizontal flourish extending to the right.

Rebecca Sharpless, University of Miami School of Law  
Romy Lerner, University of Miami School of Law  
Lauren Gilbert, St. Thomas University School of Law



Fighting Hate  
Teaching Tolerance  
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[www.splcenter.org](http://www.splcenter.org)

**Via Email and U.S. Mail**

January 19, 2016

Major Keith Henson  
Glades County Sheriff's Department  
Glades Detention Center 1297 East SR 78 Moore Haven, FL 33471  
Email: [records1@gladessheriff.org](mailto:records1@gladessheriff.org)

Supervisory Detention and Deportation Officer David Waite  
United States Immigration and Customs Enforcement  
Miami Field Office  
865 SW 78th Avenue Suite 101  
Plantation, FL, 33324  
Email: [David.G.Waite@ice.dhs.gov](mailto:David.G.Waite@ice.dhs.gov)

**Re: Glades County Detention Center - visit concerns and records request**

Dear Major Henson and Supervisory Detention and Deportation Officer Waite:

On behalf of both the University of Miami Immigration Clinic and the Southern Poverty Law Center, I would like to thank you all for arranging our tour of Glades County Detention Center on November 20, 2015. We appreciate the time you took to provide the tour, although we were disappointed that we were unable to visit the housing unit and segregation unit, as we requested during the tour.

We would like to raise the following concerns and questions about ICE practices generally and the conditions at the Glades County Detention Center specifically:

- First, we are concerned that ICE is detaining pregnant women. It is our understanding that one of the pregnant women at Glades is being held in medical observation. A pregnant woman with medical needs serious enough to be housed in the medical unit should not remain in a detained setting.
- It is also our understanding that the other pregnant woman has an order of removal and is facing deportation to Haiti. If this is true, we hope that ICE has reviewed her case under the

April 1 Policy on Resumed Removals to Haiti and considered granting her a stay of removal and release from detention. It is difficult to imagine a humanitarian factor more compelling than pregnancy, especially when female deportees are already so vulnerable in Haiti.

- The medical cells, including beds and toilets, can be viewed by anyone passing by. In addition, we understand that detained or incarcerated individuals (called medical trustees) are responsible for cleaning the medical unit. The Prison Rape Elimination Act (“PREA”) requires privacy for detained individuals from being viewed in bed or unclothed by individuals of the opposite sex, and the Health Insurance Portability and Accountability Act (“HIPAA”) requires privacy for patients’ protected health information. How does Glades Sheriff’s Department and Armor Correctional ensure medical and personal privacy in for those held in the medical unit from nonmedical staff? Please provide any documents reflecting the policy relating to this issue.
- During our tour, we were unable to obtain information about what the policy was for providing recreation to individuals in the medical unit. We were told by Major Henson that whether or not an individual in the medical unit received recreation was up to the medical staff. The Armor employee with whom we spoke, however, was unable to clarify what the policy is as to whether individuals in the medical unit receive regular recreation. Do individuals detained in the medical unit receive regular recreation as a matter of policy, absent a medical reason not to receive such recreation? If so, how often? Please provide any documents reflecting the policy relating to this issue.
- There was clearly a female guard in the tower monitoring male detainees including their sleeping and bathroom spaces. Furthermore, males were present in the viewing tower where female detainees could be seen, including their sleeping and bathroom spaces. What are the facility’s policies to ensure that the facility complies with PREA standards 115.15, (limits to cross gender viewing)? Please provide any documents reflecting the policy relating to this issue.
- We understand that insufficient feminine hygiene products are provided. We were told that the pads are only provided on Tuesday and Fridays, and that women frequently did not have pads when they needed them. We were also told that the pads provided are of low absorbency, and do not last for very long. We understand that during the bus ride to court, at least one detained woman’s pad leaked, and she attended court in blood-stained clothing. Please provide us with any documents reflecting the policy or procedure to ensure that women have sufficient sanitary pads.
- We were told the jail does not permit a detained person transferred from Krome or prison to keep the items that that individual purchased from the Krome or prison commissary. Instead, the person must purchase necessary items, such as toothpaste and shampoo, from the Glades commissary at what we understand are high prices. Does Glades provide sufficient toothpaste and shampoo to meet the needs of detained individuals? If not, why not? If individuals bring

toothpaste, shampoo or other necessary items purchased from the commissary of a transferring facility, are they permitted to keep those items? If not, why not? Please provide any documents reflecting the policy relating to this issue.

- We would also like additional information about Glades' Common Fare program and how it accommodates Muslim dietary needs. We understand that there is a Kosher meal that is provided to Jewish individuals. Why is a Halal meal not similarly available to Muslim individuals? Please provide any documents reflecting the policy relating to this issue.

In addition to the above requests for documents reflecting policies, we are also requesting the following documents under Chapter 119, Florida Statutes, and Article 1, Section 24, of the Florida Constitution, reflecting the following information:

- 1) An organizational chart for the Glades County Sheriff's Office
- 2) An organizational chart for the Glades County detention facility;
- 2) A complete index of all policies and procedures of the Glades County Sheriff's Office;
- 3) A complete index of all of Armor Correctional's policies and procedures of the medical unit at Glades County Jail;
- 4) A copy of the current price list for the commissary.
- 5) A copy of the audit of the fiscal management of the commissary by a disinterested party for the last year, including the certification of compliance with the pricing requirements in accordance with the Florida model jail standards;
- 6) A document reflecting the amounts and purposes of expenditures from the profits of the commissary for the last 1 year.
- 7) A list of the names of the current members of the inmate welfare fund committee.

If you claim that any record is exempt from public disclosure, please state in writing both the statutory citation to any exemption which you claim is applicable and the specific reasons for a conclusion that the requested record is exempt. If you claim that any portion of any record is exempt, please redact that portion of the record that you believe is exempt, state in writing both the statutory citation to any exemption you believe is applicable and the specific reasons for a conclusion that the portion of the record is exempt, and produce the remainder of the record.

If the documents are available electronically, we request that they be produced in electronic format, such as via email ([jessica.wallace@splcenter.org](mailto:jessica.wallace@splcenter.org) and [rlerner@law.miami.edu](mailto:rlerner@law.miami.edu)) or on a CD, to reduce costs.

Finally, we are concerned by the fact that we were not accommodated in our request to meet with the detainees outside of the presence of ICE or Sheriff's representatives. As you are well aware, there is a chilling effect on imprisoned persons when they are asked to discuss conditions of confinement in the presence of those responsible for those confining them (sheriff's office), and in the presence of ICE, which makes custody decision and prosecutes their removal proceedings. We would request that in any future visit, we be permitted to meet with detainees outside of the presence of ICE or the Sheriff's representatives.

Thank you.

Very truly,

s/Jessica Zagier Wallace

Romy Lerner

University of Miami Immigration Law  
Clinic

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Immigration Clinic

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November 1, 2013

Marc Moore, Field Office Director  
Ramon Bado, Assistant Field Office Director  
Miami Field Office  
865 SW 78th Ave Suite A101  
Plantation, FL 33322

SDDO Antonio Nieves  
Immigration and Customs Enforcement  
Glades Detention Center  
1297 East SR 78  
Moore Haven, FL 33471

Major Keith Henson  
Glades Detention Center  
1297 East SR 78  
Moore Haven, FL 33471

**RE: Glades County Detention Center**

Dear Officer Moore, Officer Bado, Officer Nieves, and Major Henson:

On behalf of the Immigration Clinic of the University of Miami School of Law, we would like to thank you for giving us the opportunity to visit the Glades County Detention Center on September 13, 2013. It was a great experience for all of us and we hope that the detainees found our Know Your Rights presentations informative. We are writing regarding some concerns and recommended solutions that we had after our visit to the Glades Detention Center. We would like to request a formal written response that states the steps taken by the facility to correct the issues addressed. We would also like to request a meeting with you. We look forward to working together in resolving the concerns.

Throughout this letter, we make reference to the 2011 ICE Performance-Based National Detention Standards (PBNDS). We were recently informed that Glades is currently operating under the 2000 Detention Standards Operation Manual and will do so until its contract with Immigration and Customs Enforcement (ICE) is renewed. However, it is our understanding that the Glades contract is currently up for renewal or will be in the near future. Further, ICE is not prohibited from encouraging a contract facility to abide by the PBNDS or from making contract renewal contingent on immediate adoption of the most recent standards.

## LEGAL VISITATION

The Glades facility requires that law students representing detainees seek pre-authorization prior to each visit and prohibits law students from contact visitation unless an attorney or legal assistant is present. Facility staff have also indicated that visits may be restricted to two hours. It is our understanding that the restriction is due to competition with family members for non-contact visitation space. While students have so far been able to meet for more than two hours with clients, they have only been able to do so when the room has not been needed for family visitation. These restrictions are unacceptable. Law students qualify as legal representatives and should be given the same access to contact rooms as attorneys, which is at least eight hours on weekdays and four hours on weekends.

The 2011 ICE Performance-Based National Detention Standards (PBNDS) state the following: “In visits referred to as “legal visitation,” each detainee may meet privately with current or prospective *legal representatives* (emphasis added).” 5.7 Visitation, PBNDS (2011). Law students qualify as “legal representatives”. The PBNDS defines legal representatives as: “An attorney or other person representing another in a matter of law, *including: law students* or law graduates not yet admitted to the bar under certain conditions” (emphasis added). As law students, the Clinic’s students are legal representatives and should be granted the same access as attorneys.<sup>1</sup> Under the PBNDS, “[e]ach facility shall permit legal visitation seven days a week, including holidays, for a minimum of *eight hours* per day on regular business days (Monday through Friday), and a minimum of *four hours* per day on weekends and holidays” (emphasis added). Each facility is required to provide notification of the rules and hours for legal visitation.

Restricting law students to non-contact visits violates detainees’ rights to the aforementioned 4 or 8 hours of legal visitation. Moreover, there should be no need for preauthorization for a particular visit by the students when visiting during legal visitation hours. Other facilities grant access for six months after a clearance is done.

Issues with the privacy of visits and communication between the detainees and their legal representatives have been brought to the attention of the facility by previous students. According to the PBNDS, “[v]isits between legal representatives or legal assistants and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.” The officer should be within sight but out of earshot: “As long as staff cannot overhear the conversation, staff may observe such meetings visually through a window or camera, to the extent necessary to maintain security.” We hope the facility will abide by these standards, respecting the confidentiality of visits between detainees and their lawyers.

### Recommendations:

Glades must ensure that the detainees have the same rights to confidential contact legal visitations when meeting with law students as they do with attorneys. Glades must also ensure that all legal representatives have at least eight hours a day Monday-Friday and at least four hours a day on the weekend and holidays for visitation with legal representatives. The officers must also respect the confidentiality of legal visitations and make sure the visits are neither overheard nor recorded.

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<sup>1</sup> Glades has pointed to language in 8 C.F.R. 1292.1 indicating that law students may be represent individuals if they do so under the direct supervision of an attorney. Supervision does not require an attorney to be present for each meeting with the client.

Students should be permitted to visit with their clients at Glades without having to obtain pre-authorization for every visit. Glades should adopt the same access policy as Krome Service Processing Center. Once students pass a background test valid for six months, they can visit Krome in contact rooms during attorney visitation hours.

## **NOISE**

The living pods at Glades are extremely noisy. Despite the cooperation by the detainees, it was difficult for the detainees to hear the students' Know Your Rights presentations. Even minor background noise in the room carries even though the detainees were attentive. The noise issue continued after the presentations and the students found they had difficulty communicating with the detainees on a one-on-one basis. The persistently high level of noise is a concern voiced by the detainees because it affected their ability to talk on the phone and live in an appropriately quiet environment.

The PBNDS, under 1.2 Environmental Health and Safety, states that "the Environmental health conditions shall be maintained at a level that meets recognized standards of hygiene," which includes those from the American Correctional Association ("ACA"). Under the ACA's International Core Standards, "[n]oise levels in inmate housing units do not exceed 70 dBA (A Scale)." These standards were put in place because research by the National Institute for Occupational Safety and Health shows that exposure to loud noises for an extended period of time can lead to increased negative biological and psychological effects. The students observed these effects in the detainees. Moreover, almost all of the detainees with whom we spoke with were taking some kind of medication, especially for depression and anxiety.

The noise level is due in part to the large number of detainees in the pods. There were over 90 detainees in each of the men's pods. In a letter dated October 7, 2011, the students expressed similar concerns regarding overcrowding, where "some detainees mentioned there were not enough beds to accommodate all of them. As a result, some detainees were provided with small plastic sleeping compartments or "canoes." During their recent visit, the students did not observe canoes but did observe that there are six sleeping cots to a sleeping subsection area. The current arrangement appeared overcrowded and most certainly contributes to the noise problem.

### **Recommendations:**

Glades should reduce the number of detainees in each pod to reduce the noise level. In addition, the facility should consider adopting the following well-accepted solutions to reduce noise in correctional facilities: place acoustical materials between ceiling, wall and floor surfaces; use acoustical materials that are at least one inch thick; create air space behind acoustical materials to help absorb low-frequency sound; install carpeting; place acoustical materials located near sound sources; and use upholstered furniture.<sup>2</sup> Furthermore, we would like to request a copy of the decibel recordings of the noise levels in the pods during daytime hours and when the pod is at normal operating capacity.

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<sup>2</sup> *Solutions to Reduce Correctional Staff Stress and Inmate Aggressions*, Cutting Costs: Correctional Facility Design Solutions that Reduce Capital and Operational Costs, (September 21st, 2009) <http://www.corrections.com/performa/?p=25/>.



## **PHONES**

We are concerned about issues detainees have been facing while placing phone calls inside the pods. The detainees have expressed complaints that the phones are in very close proximity with each other and are located in the main area of the pod, making it difficult for anyone to have any privacy during a phone call. These issues were confirmed by our observations during our visit. As mentioned above, the noise level of the pods is a concern, with detainees experiencing difficulty hearing and being heard during a phone call.

We were glad to see the new video visitation systems addition for the detainees located in the pods. According to PBNDS under 5.6 Telephone Access, “[f]acility administrators are encouraged to explore the use of new technologies which can facilitate the provision of cost effective means for enhancing detainees’ ability to communicate by telephone, such as, and not limited to, wireless and/or internet communications.” We are pleased to see the detention center following the PBNDS suggestions and providing a communication option for detainees in addition to the phones. However, the detainees will face the same noise level issues with the video systems unless the noise level is reduced.

In addition, many detainees report that the fees for using the phone are prohibitive. Under PBNDS 5.6 Telephone Access, “Detainees shall have reasonable and equitable access to reasonably priced telephone services,” and “Facilities shall strive to reduce telephone costs”. This issue was also raised by previous students of the clinic in a letter dated October 8, 2012: “Regarding telephone access in general, many detainees report that the fees for using the phone are prohibitive.”

### **Recommendations:**

Glades should address the noise level issue in the pods as described above in order to ensure detainees can hear during phone calls and video visitation. Privacy screens were provided in the pods for the video visitation systems. Glades should make a similar effort to provide a means of ensuring privacy for detainees using the phone.

The facility should work towards reducing the price of phone calls. There is a national effort to reduce the price of phone calls in detention centers. On August 10, 2013, the Federal Communications Commission (“FCC”) adopted an order to lower interstate prison phone rates. According to the Detention Watch Network, “The FCC put in place a safe harbor rate of .12/minute for prepaid calls and .14/min for collect calls. The order also imposes a rate cap of \$.21/minute for debit and prepaid calls and \$.25/minute for collect calls to ensure that prison phone rates are just, reasonable and fair.” The Glades facility should abide by the FCC order and join the national effort to reduce phone fees.

In addition, we request that Glades check and see if the Clinic’s free call code is in working order. The free call code - 9023 has been assigned to us by ICE. The code allows detainees to call the Immigration Clinic. We would be grateful if you could provide the code for the Clinic in the calling list provided to the detainees and post it prominently near the telephones.

## **MISTREATMENT**

Under 2.10 Searches of Detainees in the PBNDS, “[d]etainees will live and work in a safe and orderly environment.” However, some detainees expressed that they do not feel safe at Glades. We are deeply concerned about the accounts of abusive treatment by the guards and by other detainees. The students heard multiple accounts of guards treating the detainees with disrespect, engaging in name-calling, and making racist comments. There were at least four incidents of reported abuse by the guards in the women’s pod, including physical and verbal abuse.

The two men’s pods reported an alarming 18 incidents of physical or verbal abuse from guards and fellow detainees. The verbal abuses include “profanities against inmates” and threats from the guards. One detainee felt the guards treated them like “criminals,” while another felt he was treated like an “animal.”

With respect to physical abuse, detainees reported witnessing officers beat other inmates and witnessing conflicts between the county criminal detainees and the ICE detainees based on their immigration status. Detainees reported guards instigating conflicts between the detainees.

### **Recommendations:**

Under 7.3 Staff Training of the PBNDS, the required training includes, at minimum, training on the following: ICE/ERO detention standards; cultural and language issues, including requirements relating to limited English proficient detainees; requirements related to detainees with disabilities and special needs detainees; code of ethics; use of force; staff rules and regulations; sexual abuse/sexual misconduct awareness and reporting. We recommend that the facility review their staff training and hiring decisions in light of the accounts of reported abuse by the guards and instigation of conflicts by the guards.

The detainee handbook and 6.2 Grievance System of the PBNDS provides for procedures for timely responding to detainee grievances. The detainees should be made aware of the grievance system and ensured that retaliation is prohibited. “Staff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance.” 6.2 Grievance System, PBNDS (2011).

## **SEGREGATION**

The students who visited the segregation pods expressed concerns about the sanitary conditions of the detainees in segregation, their mental health status, and the lack of differentiation between punitive and administrative segregation. The cells are no larger than an average bathroom stall and some do not even have windows. The detainees in the segregation pods were emanating a foul odor because of a lack of hygiene. According to the PBNDS under 4.5 Personal Hygiene, detention centers are to ensure “that each detainee is able to maintain acceptable personal hygiene practices . . . .”

The students were also concerned that one of the inmates in segregation appeared to manifest a serious mental illness. The PBNDS provides that “[m]edical isolation shall not be used as a punitive measure.” We have previously expressed concern that isolation was being used to house people with mental illness. In a letter dated October 8, 2012, the students expressed concern that “[s]olitary confinement is not an appropriate setting for long-term placement of mentally ill detainees and this segregation practice could intensify their mental illness.” During that visit, the professor who visited

the facility's solitary confinement observed that it was being used to hold two detainees in need of psychiatric treatment.

Although some detainees in the special housing unit are in protective custody or administrative segregation rather than serving a sentence for having violated a facility rule, there is a profound lack of differentiation of treatment of detainees in the unit. Detainees of both types are put in a small cell with a locked door for about 23 hours a day, which amounts to punishment. The televisions in the common area were turned on, but the detainees would not be able to see or hear the television from their individual cells. To speak with the students, the detainees had to get on their knees to speak through the low opening in the door. This is both degrading and inconvenient for the detainees. The detainees who are in protective custody should not be subjected to punitive conditions because they requested segregation for their safety or health.

### **Recommendations:**

The segregation unit must follow the same sanitation guidelines in the PBNDS as the rest of the detention facility. Under 1.2 Environmental Health and Safety in the PBNDS, "the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness," which includes the daily cleaning of furniture, fixtures, and floors. Glades must follow the daily cleaning standards in the segregation units and enable detainees to keep a high level of personal hygiene.

The facility must not place mentally ill detainees in segregation for their illness or for punishment. According to 4.3 Medical Care under the PBNDS: "If the detainee's mental illness or developmental disability needs exceeds the treatment capability of the facility, a referral for an outside mental health facility may be initiated." If the facility is unable to provide adequate mental health care for the detainee, we recommend the facility refer the detainee to an outside mental health facility.

Under 5.4 Recreation in PBNDS, the standards for detainees in segregation for administrative reasons is the following: "Facilities operating at the optimal level shall offer detainees at least two hours of recreation or exercise opportunities per day, seven days a week." The facility should strive to meet the optimum level by going beyond the minimum one hour of recreation time required by the standards. To ensure the detainees in segregation for administrative reasons are not being punished, we request that the facility provide at least two hours of recreation, or at least the same amount as the general detainee population, which we understand is an hour and a half.

The detainees who are in administrative segregation should be treated the same as detainees in the regular population. For example, the detainees in protective custody should be able to have their doors remain open so that they have access to the common area with the TV. The requirement that detainees get on their knees to communicate with someone through the low opening in the door is dehumanizing and should be stopped. When law students or others visit, the detainees should be allowed to leave the cell and speak with the students at the tables in the common area of the segregation unit.

## **FOOD**

The detainees report that the amount of food is insufficient. There was also a general complaint about the poor quality of the food. Detainees reported that it is cold most of the time, unhealthy, and often the same. Similar complaints about the food served at the facility were addressed to the facility in a letter dated October 8, 2012: “Detainees complained about the poor quality of the food . . . Several detainees reported taking part in a three-day hunger strike in order to bring attention to the substandard items that were being served.” According to 4.1 Food Service in the PBNDS, the facility “shall provide nutritious and appetizing meals.”

Some detainees expressed that the food served did not match the posted menu or that the menu was not posted at all. The detainees already have very few food options, and their choices are narrowed even more when they are not able to properly heat the soups purchased at the facility’s commissary. Access to hot water dispensers is not available to the detainees as a safety precaution. As a result, the only way to heat the soups is by using lukewarm water in the bathrooms. Despite these problems, detainees continue to purchase the soups because there are limited choices in the facility’s commissary.

In addition, the students observed that food trays were placed on the floors in the hallways. These trays were full of food for the detainees. The students were worried that dust kicked up by passersby would contaminate the detainees’ food. “Food shall be delivered from one place to another in covered containers.” 4.1 Food Service, PBNDS (2011).

### **Recommendations:**

The portion size of the food must be a sufficient amount for the detainees. Under 4.1 Food Service in the PBNDS, “[a]ll detainees shall be provided nutritionally balanced diets that are reviewed at least quarterly by food service personnel and at least annually by a qualified nutritionist or dietitian.” We request to see the most recent nutritional analysis by the dietitian and how closely the facility has followed the master-cycle menu. The facility should respond to the detainees’ comments and increase the portion size and improve the quality of the food.

Glades should respond to the limited food choices available to the detainees by providing more food options in the commissary which do not require hot water to prepare. In addition, the facility should ensure the food served matches the posted menu.

The facility must ensure sanitary guidelines are observed. The food trays should not be on the floor. Glades must keep the food trays covered and transported in a sanitary manner. The PBNDS recommends “individual containers, such as pots with lids, or larger conveyances that can move objects in bulk, such as enclosed, satellite-meals carts.” 4.1 Food Service, PBNDS (2011).

## **SANITARY CONDITIONS**

The majority of the detainees complained that the rooms and the bathrooms are dirty. The water in the bathroom is yellow, not very warm, and smells. In the letter to the facility dated October 7, 2011, the students remarked that “[t]he detainees have also reported this problem to Florida Immigrant Advocacy many times, and FIAC has raised this issue with ICE in the past. Safe, potable water is required by the ICE/DRO Detention Standard on Environmental Health and Safety.”

Aside from the water, the detainees have expressed a hygiene issue concerning cleaning of the sheets. Sheets are changed only once a week. According to 4.5 Personal Hygiene in the PBNDS, detainees are provided with clean clothing, linen and towels on a set scheduled basis, where “an additional exchange of bedding, linens, towels or outer garments shall be made available to detainees if necessary for health or sanitation reasons, and more frequent exchanges of outer garments may be appropriate, especially in hot and humid climates.” While sheets are exchanged weekly, additional sheet changes are required because Florida fits the “hot and humid climate” standard.

### **Recommendations:**

Under 4.5 Personal Hygiene in the PBNDS, Glades must provide “operable showers that are thermostatically controlled to temperatures between 100 and 120 F degrees, to ensure safety and promote hygienic practices.” The facility must also ensure that “at least annually, a state laboratory shall test samples of drinking and wastewater to ensure compliance with applicable standards. A copy of the testing and safety certification shall be maintained on site.” We would like to request to see a copy of the certification of facility water supply.

Under 1.2 Environmental Health and Safety in the PBNDS, “the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness,” which includes the daily cleaning of furniture, fixtures, and floors. Glades must follow the daily cleaning standards to maintain high facility standards of cleanliness and sanitization.

Glades should ensure the sheets be exchanged more than once per week to meet the needs of the “hot and humid climate” of Florida.

### **LAW LIBRARY/LEXIS**

The students have consistently raised concerns about the conditions of the law library at Glades Detention Center. Under 6.3 Law Libraries and Legal Materials of the PBNDS, “Detainees shall have access to a properly equipped law library, legal materials and equipment (including photocopying resources) to facilitate the preparation of documents.”

The law library consisted of only four desktop computers and only one printer. This set-up does not meet the expected practices in the PBNDS, which states that “[t]he law library shall have an adequate number of computers and printers to support the detainee population.” The letter addressed to the facility in October 8, 2012 by previous students stated that “the library is not adequate for a facility that regularly detains well over 400 men and women for ICE.”

In addition, all four of the desktops had an outdated 2007 version of LexisNexis which was incredibly difficult to navigate. It took several law students to figure out how to navigate the program. The officer in the law library was unable to assist the students because she had little to no knowledge as how to navigate LexisNexis. A detainee mentioned the disrespectful attitude of the officer in the law library was the reason he did not return to the law library. The PBNDS states that “Supervision shall not be used to intimidate or otherwise impede detainees’ lawful use of the law library.”

Within LexisNexis, locating immigration forms was difficult. When the students were finally able to locate the forms, they discovered that many forms were outdated and have not been replaced or updated. The law officer in the library confirmed that many forms were outdated in LexisNexis. Under

the PBNDS's Maintaining Up-to-Date Legal Materials, "Each facility administrator shall designate a facility law library coordinator to be responsible for inspecting legal materials *weekly*, updating them, maintaining them in good condition and replacing them promptly as needed" (emphasis added). The students found many of the written legal materials were maintained in good condition but were outdated.

Overall, the students found LexisNexis was very limited in the content and information it provided. Many cases were outdated, the navigation of cases was limited and no instructions on navigating LexisNexis were included. The detainee handbook provides that "if applicable, that LexisNexis is used at the facility and that instructions for its use are available." In addition, the PBNDS on LexisNexis states the facility must provide detainees sufficient access to "instructions on basic use of the system."

The students are also concerned about the lack of confidentiality detainees have in making copies of their documents. In a prior letter to Glades, our Clinic raised a concern that detainees must hand over their legal documents in order to get copies. The letter stated: "Several detainees reported that in order to make copies they must hand over their documents to ICE. This copy protocol violates the confidentiality of their legal documents and cases." This issue has not been resolved. The students found the detainees were still required to turn over their legal papers to an officer who would then make copies in ICE's office.

### **Recommendations:**

The facilities of the law library are inadequate for the number of detainees at Glades. We recommend the law library, at minimum, provide more printers, and allow the detainees confidentiality while printing their documents. The detainees' limited ability to print and copy materials can be detrimental to their cases.

The facility must ensure that updated forms are accessible to the detainees and remove outdated forms. "When a facility receives replacement supplements or other materials, the law librarian or other designated individual shall dispose of the outdated ones." 6.3 Law Libraries and Legal Materials of the PBNDS.

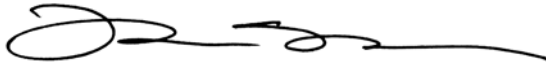
Issues with LexisNexis were brought to the attention of the facility in the past. The problems associated with LexisNexis systems in detention centers is a nationwide issue, but we recommend the facility cooperate with LexisNexis to improve upon the current system. We hope that LexisNexis is able to come educate not only the detainees but also the officers on the usage of LexisNexis as well updating the program itself so it is comprehensive and accessible. This training is essential for the law librarian due to the lack of instructions for LexisNexis available inside the current LexisNexis CD system.

Glades must also ensure that the staff respects the confidentiality of the detainee's documents. Detainees will often need to make copies of personal documents for their cases. According to the PBNDS, "Staff may not read a document that on its face is clearly a legal document involving that detainee."

We greatly appreciate your cooperation with resolving the issues addressed in this letter. Our clinic would like to request a meeting and a formal written response that states the steps taken by the facility to correct the issues addressed. We are hopeful that you will allow us the opportunity to assist you in both reaching the expected outcomes outlined in the Detention Standards Manual and resolving the problems mentioned above. Please do not hesitate in contacting us at 305-284-6092 or by email at [rlerner@law.miami.edu](mailto:rlerner@law.miami.edu) or [rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu) .

Sincerely,

Cyndi Poon, Law Student  
Ellen Dumas, Law Student  
Nancy Shalhub, Law Student  
Beatrice Bianchi, Law Student  
Michelle Obando, Law Student  
Ramandeep K. Mahal, Law Student  
Romy Lerner, Attorney

A handwritten signature in black ink, appearing to read 'Rebecca Sharpless', with a long horizontal flourish extending to the right.

Rebecca Sharpless, Attorney



October 8, 2012

Marc Moore, Field Office Director  
Paul Candemeres, Assistant Field Office Director  
Miami Field Office  
Krome SPC  
18201 SW 12<sup>th</sup> ST  
Miami, FL 22194

RE: Glades Detention Center

Dear Officers Moore and Candemeres:

Thank you for giving us the opportunity to visit the Glades Detention Center on Friday, September 14, 2012. It was a great experience for all of us and we hope that the detainees found our presentations informative. We are writing to you today in order to discuss important issues that detainees raised during our trip with the hope that we can work together toward effective resolutions.

We are deeply concerned by the jail's inability to ensure private phone between detainees and legal counsel. Last week, our clinical students scheduled telephone conversations with two detainees. The students were unable to speak with the detainees in a private room with the door closed and officers and other detainees in the next room could hear their conversation. The students spoke with Sergeant Reynolds and requested that they be able to speak with the detainees in private. Officer Reynolds informed the students that Glades conducts attorney telephone calls only with the door open. Furthermore, several detainees informed us that they believe that private attorney phone calls are being recorded. Attorney-client communications are privileged and should not be recorded.

As you are aware, the ICE Detention Standards provide that "for detainee telephone calls regarding legal matters, each facility shall ensure privacy by providing a reasonable number of telephones on which detainees can make such calls without being overheard by staff or other detainees." Moreover, the standards require that each facility provide a reasonable number of phones from which "detainees shall be supervised within eyeshot, but out of earshot."

Regarding telephone access in general, many detainees report that the fees for using the phone are prohibitive. The lack of affordable access to phones limits the contact that detainees can have with family members, which makes it more difficult for them to participate in the preparation of their cases and to maintain relationships with their family members, friends, and community.



We are concerned with the usability and accessibility of the Lexis/Nexis CD ROM system in the law library. As noted in the ICE/DRO Detention Standards Manual, the Lexis/Nexis CD ROM is an important resource for the detainees as it is "an alternative to obtaining and maintaining the paper-based publications" found in the law library. We are concerned that the detention center's Lexis system is sub-par and unable to meet the legal research needs of the detainees. Professor Rebecca Sharpless and a clinical student had an opportunity to assess the Lexis system with the assistance of a detainee and were able to learn about the system. They discovered that it was extremely difficult to navigate and search for cases. The information is divided across four different CDs and it is extremely difficult to perform a key word search. The structure and organization of the legal cases on the CDs is not intuitive. The materials are not as up-to-date as they could be. Some detainees expressed that they had never used the Lexis/Nexis CD ROM program due to their inability to navigate the program.

Moreover, detainees continue to express concern about long waits to use the law library. Some reported being able to spend only one hour per week or less in the library. The Detention Standard requires that a facility afford detainees "regular access" to the law library, meaning "no less than five hours per week." As we have noted in the past, the law library is in a very small room with only four working computer stations. The library is not adequate for a facility that regularly detains well over 400 men and women for ICE.

In a related matter, many detainees stated that they were unable to print and copy documents necessary for their legal case. Moreover, several detainees reported that in order to make copies they must hand over their documents to ICE. This copy protocol violates the confidentiality of their legal documents and cases. The ICE/DRO Detention Standards Manual provides that "the law library shall provide an adequate number of computers with printers, access to one or more photocopiers and sufficient writing implements, paper, and related office supplies to enable detainees to prepare documents for legal proceedings." The detainees' limited ability to print and copy materials is detrimental to their cases.

Some detainees reported problems with medical care, including long waits and inadequate treatment. The ICE/DRO Detention Standards Manual requires that detainees "receive timely follow-up to their health care requests." In addition, the standard further provides that "all facilities must have an established procedure in place to ensure that all sick call requests are received and triaged by appropriate medical personnel within 48 hours after the detainee submits the request."

Professor Farrin Anello visited the facility's solitary confinement, which was being used to hold two detainees in need of psychiatric treatment. One of the detainees appeared to manifest a very serious mental illness. Solitary confinement is not an appropriate setting for long-term placement of mentally ill detainees and this segregation practice could intensify their mental illness. According to the ICE/DRO Detention Standards, "the administrative health authority shall immediately refer any detainee with mental health needs to a mental health provider for a mental health evaluation...such evaluation and screenings shall include: "Short-stay" unit or infirmary, Special Management Unit, or Community hospitalization.

Some male detainees reported that they were disciplined for having to use the bathroom at night. Others complained about harsh language, including profanity, from the officers.

Detainees complained about the poor quality of the food and said that the posted menu does not match the food being served. Several detainees reported taking part in a three-day hunger strike in order to bring attention to the substandard items that were being served. We are concerned that the detention center's food service is failing to meet its purpose and scope set out by the ICE/DRO Residential Standards, which provides that "residents are provided a nutritionally balanced diet that is prepared and presented by a sanitary and hygienic food service operation."

We greatly appreciate your attention to these issues and would like to request a meeting so we can further discuss the above mentioned issues. We would also like to again visit the law library and review the material that is currently available to the detainees and find ways to improve their legal resources.

Sincerely,

A handwritten signature in cursive script that reads "Alexandra Friz". To the right of the name is a circular stamp containing the letters "AFB".

Alexandra Friz, Law Student  
Paulina Valanty, Law Student  
Haley Kornfeld, Law Student  
Ross Johns, Law Student  
Rebecca Sharpless, Attorney  
Farrin Anello, Attorney

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October 7, 2011

Marc Moore, Field Office Director  
Paul Candemeres, Assistant Field Office Director  
Anthony Aiello, Assistant Field Office Director  
Miami Field Office  
Krome SPC  
18201 SW 12<sup>th</sup> Street  
Miami, FL 22194

Michael Hornett, Supervising Detention and Deportation Officer  
Laura Bedard, Warden  
Glades Detention Center  
1297 East SR 78  
Moore Haven, Florida 33471

Dear Officers Moore, Candemeres, Aiello, Supervising Detention and Officer Hornett, and Warden Bedard,

On behalf of the Immigration Clinic of the University of Miami School of Law, we would like to thank you for giving us the opportunity to visit the Glades Detention Center on Friday, August 26, 2011. It was a great experience for all of us and we hope that the detainees found it informative. We are writing to you today in order to discuss five important issues that were raised during our trip, with the hope that we can work together toward effective resolutions.

First, we are concerned that the facility is not following the ICE/DRO Detention Standard on Law Libraries and Legal Material, which we attach to this letter. The law library is a critical resource for the detainees, and since immigration law is complex, it is important that all detainees have access to the library's reading material. Detainees at Glades expressed concern about extensive waits to use the law library, and reported being able to spend only one hour per week or less in the library. The Detention Standard requires that a facility afford detainees "regular access" to the law library, meaning "no less than five hours per week." Detainees also reported that they were often permitted to use the law library only by foregoing their daily hour of recreation, whereas the Detention Standard specifically prohibits this practice.

During our visit to the Center we provided some legal materials and are happy to provide additional material. The accessibility of this material can also be improved by providing more copies of printed documents or even an electronic file. Further, we believe that together we discuss ways to improve the law library time allotments for the detainees.

Second, we are very concerned about the detainees' lack of access to private attorney phone calls. When speaking with clients at Glades by telephone, we have been informed by officers that all attorney-client calls from that facility are recorded. Attorney-client communications are confidential and privileged and must not be recorded. Government employees also must not be permitted to sit in the room during a detainee's call with an attorney. The ICE/DRO Detention Standard on Law Libraries and Legal Material specifically states that detainees "will be able to have confidential contact with attorneys and their authorized representatives in person, on the telephone, and through correspondence." Section II (2). We request that ICE and Glades correct this situation immediately.

Third, some detainees mentioned there were not enough beds to accommodate all of them. As a result, some detainees were provided with small plastic sleeping compartments or "canoes." The detainees described these provisional sleeping compartments as very uncomfortable and often too small. We are concerned that these accommodations are indicative of overcrowding.

Fourth, we are very concerned with the quality of the water at the facility. The water is yellow and murky and has a foul smell. This was not only brought to our attention by the detainees but was also confirmed by our observations during visits to Glades. The detainees have also reported this problem to Florida Immigrant Advocacy many times, and FIAC has raised this issue with ICE in the past. Safe, potable water is required by the ICE/DRO Detention Standard on Environmental Health and Safety.

Lastly, we would like to receive more information regarding the ways in which detainees have contact with their deportation officer, and in particular, we would like to know how the officers are implementing the prosecutorial discretion discussed in the June 2011 memorandum by ICE Director John Morton. We are interested in learning who makes the prosecutorial discretion decisions, when case reviews for such decisions occur, and how *pro se* detainees can receive notice of their case reviews and have an opportunity to provide relevant information to the decision-makers. We are also interested in learning what information the ICE officers provide during their weekly visits to Glades detainees.

We greatly appreciate your attention to this letter. Our clinic and our partner, Americans for Immigrant Justice (formerly known as Florida Immigrant Advocacy Center) would like to request a meeting with you to discuss how to address these issues. We would also like to visit the law library to review the material that is currently available to the detainees and find ways to improve their legal resources. We are hopeful that you will allow us the opportunity to assist you in both reaching the expected outcomes outlined in the *Detention Standards Manual* and resolving the problems mentioned above.

Sincerely,

Saul Cardenas, Law Student  
Autumn Page, Law Student  
Jessica Marroquin, Law Student  
Andrea Solano, Law Student  
Nurelys Pereiro, Law Student  
Rebecca Sharpless, Attorney  
Farrin Anello, Attorney  
Romy Lerner, Americans for Immigrant Justice

## SWORN DECLARATION OF

I, \_\_\_\_\_, swear under penalty of perjury and state as follows:

1. My name is \_\_\_\_\_ 1. I was born on \_\_\_\_\_, 1982 in Somalia.
2. I have personal knowledge of the matters contained and set forth in this declaration.
3. I am currently in segregation housing, a/k/a "the hole," at Glades County Detention Center.
4. I was on the December 7, 2017 flight to Somalia that returned to the U.S. I have remained in ICE custody.
5. I am afraid of the guards at the Glades County Detention Center because of what I have seen them do to other detainees, including physical violence and threats.
6. On December 25, 2017, I was in the pod and I saw two men arguing over a phone. One of the men was Somali; the other was not. There are four phones for the pod, but only one or two of them were working that day.
7. The guards grabbed a Somali man named \_\_\_\_\_ and took him to the hole. He was not one of the ones who had been arguing. The guards told him he would never get out. I did not hear them give him a reason.
8. The guards pepper sprayed the Somali man who had been arguing, and it spread throughout the pod.
9. The next day, December 26, 2017, I saw two other Somali men leave the pod to talk to the guards. One of them, \_\_\_\_\_, came back. Speaking in Somali, he told me, "\_\_\_\_\_ and another Somali that he thought the guards were going to take all of us to the hole. So, I packed my things.
10. Sergeant Mims came into the pod and asked if we were ready to go to the hole. I went with him. He never gave me a reason why I had to go to the hole.
11. After they put me in the cell, they sprayed pepper spray and it came into my cell and I was coughing. I don't know why because I didn't do anything. I heard others in the hole coughing.

12. Four days after I was put in the hole, I had a hearing. Even though I didn't really understand what I was being accused of, I just said I was guilty because I thought I might get out of the hole faster that way. Instead, I was told I got 30 days in segregation but they did not tell me why.
13. In segregation, I am only able to shower every other day. I am confined to my room 24 hours a day. I get my food through a slot in the door. I can't see sunlight, and the lights are always on. I never know what time it is.
14. I am only able to use the phone to call an attorney, but I have to make a request, but I have to pay 50 cents per minute.
15. I am currently in handcuffs that are attached to a band around my waist with handcuffs. The handcuffs are only removed when I shower or am in my cell.
16. I have been in jail before and in the hole, but Glades is much worse than anything I ever experienced in other jails.

Under penalty of perjury, I declare that I have read the foregoing declaration and that the facts stated here are true and correct to the best of my knowledge.

In witness whereof, I sign the instant declaration in Moore Haven, Florida, this 8<sup>th</sup> day of January, 2018.

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## SWORN DECLARATION OF

Under penalty of perjury, I,

I, swear and state as follows:

1. My name is \_\_\_\_\_ d. I was born in Somalia.
2. I have personal knowledge of the matters contained and set forth in this declaration.
3. I was on the traumatic failed flight to Somalia that returned to the U.S. and I have remained in ICE custody.
4. I am currently in segregation housing, a/k/a "the hole" at Glades County Detention Center.
5. I am afraid of the corrections officers at the Glades County Detention Center because of the abuse I have witnessed, threats I have received, and what I have personally have been victim of while here in Glades.
6. On December 26, 2017, before I was put in segregation, I saw two other Somali detainees in my pod ask Sergeant Mims about what had happened to another Somali detainee from our pod the day before. I learned later that one of those men asking the question was taken into segregation. The other Somali man returned and then Sergeant Mims walked into the pod. Sergeant Mims yelled, "All of you fucking Somalis who want to go to the hole, pack your shit right now!"
7. I interpreted this to mean that I had to go to the hole. I complied and packed up my bag because his voice was very hostile.
8. Ever since, I have been in segregation. I can shower only once every three days. I am confined to my room 24 hours a day. I receive my food through a slot in the door. I have no phone access. I cannot look outside because the slot is covered by a flap. I never know what time it is.
9. One day in segregation, I was eating my breakfast and the officer told me give him my tray of food. I explained to him that I would like more time to finish my food. The white officer told me in a nasty tone, "I have something for you, boy." Another detainee in the hole told the officer the remark calling me "boy" was racist. The officer again demanded my tray. When I refused, he said, "I have something for your ass," and closed the flap to the slot.

10. The officer came back and reopened the flap in the slot and then displayed a pepper spray can for me to see.

11. I was afraid when I saw the pepper spray, because I knew the pepper spray would affect everyone. I had previously been in segregation and they sprayed into ~~the~~ cell and I coughed and threw up many times. <sup>a nearby</sup>

12. I am currently in handcuffs that are attached to a band around my waist. It feels like a dog leash. The only time my handcuffs are removed is when I am inside the shower or when I am confined in segregated housing.

Under penalty of perjury, I declare that I have read the foregoing declaration and that all facts state here are true and correct to the best of my knowledge. In witness whereof, I sign the instant declaration in Moore Haven, Florida, this 8<sup>th</sup> day of January, 2018.

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## SWORN DECLARATION OF

I, \_\_\_\_\_ swear under penalty of perjury the following:

1. My name is \_\_\_\_\_ . I was born \_\_\_\_\_ , 1986 in Somalia.
2. I was on the ICE flight that tried to deport us to Somalia on December 7, 2017, and that had to return to the U.S.
3. On the flight, I was kicked to the ground by a guard, injuring my right hand and aggravating a previous injury in that same hand that had also previously happened in ICE custody.
4. On December 25, 2017, I was arguing with two other detainees about the phones. There were only 1 or 2 phones working for all of us in our pod, about 75-100 people. One man, a tall Iranian, insulted my wife and family. He had previously insulted my 9-year-old stepson, \_\_\_\_\_ who is paralyzed, by calling him "retarded."
5. I was arguing loudly with the Iranian wher \_\_\_\_\_ over to use and tried to calm down the situation. \_\_\_\_\_ a also came over to us.
6. Guards came in; one grabbed \_\_\_\_\_ and pulled him outside.
7. We continued arguing and Sergeant Mims came over and pepper sprayed me directly in my eyes from a very close distance. He sprayed me from a large canister.
8. He sprayed so much pepper spray that it soaked my shirt, hair, and face.
9. The guards grabbed me and slammed me to the floor and put their knees on my head while they handcuffed me with my hands behind my back. I was pepper sprayed again after I was cuffed, but I was already blinded so I couldn't see who it was.
10. They took me to intake, but I was blinded by the pepper spray and kept bumping into the walls. I asked if I could wash my eyes. They put me in a room with a shower, but I couldn't see and my hands were still cuffed behind my back. I had to feel for the shower button with my head, but I could not get enough water to wash out my eyes.
11. They then took me to medical where I told the nurse I was going blind, that they used too much spray and my eyes were really hurting. I told her I needed to go to the hospital. She responded, "This is Glades County. We don't take people to the hospital for pepper

spray.” Then, she told the guards that she did not need to take my blood pressure and to take me to the hole. Then, the guards took me to segregation.

12. I was not allowed to wash or shower for two days, so my eyes were burning the whole times. My skin was also burning where the pepper spray seeped through my clothes.

13. While in segregation, another detainee was pepper sprayed inside his cell. We could smell it and were all coughing.

14. I have had several anxiety attacks while in segregation.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_ 1-8-18  
Date

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA,  
Khalid Abdallah MOHMED, Ismail  
JIMCALE ABDULLAH, Abdiwali  
Ahmed SIYAD, Ismael Abdirashed  
MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves  
and all those similarly situated,  
Plaintiffs/Petitioners,

Case No. 1:17-cv-24574-GAYLES

vs.

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office,  
Immigration and Customs Enforcement;  
Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement;  
Kirstjen NIELSEN, Secretary of Homeland  
Security.  
Defendants/Respondents.

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**SWORN DECLARATION OF STEPHEN SYMES**

I, Stephen Symes, swear that the following is true and correct to the best of my knowledge:

1. My name is Stephen Symes. I am a medical doctor and an Associate Professor at the University of Miami Miller School of Medicine, where I am also Associate Dean for Diversity and Inclusion.
2. My scope of clinical practice includes the general medical care of adult patients, HIV patients, as well as medical education for physician trainees at the medical student and resident level. I also work at the UM as primary Care provider for THRIVE clinic, which provides integrated care for victims of human trafficking, referred from the Department of Homeland security and Dade County Attorney's office. Many of the trafficking victims have extensive trauma, PTSD and depression.
3. Aside from my clinical practice I am the Medical Director of the Human Rights Clinic of Miami, an academic clinic that interviews asylum seekers and documents any evidence of torture or violence that these individuals may have suffered. I have received Torture

Asylum training through Physicians for Human Rights network, and conducted workshops for other healthcare professionals on this topic. These qualifications establish my credentials as a physician evaluating and caring for those with history of significant trauma. The Human Rights clinic provides its services for assessments on a voluntary basis, and free of charge, and has seen over 250 clients to date.

4. On December 22, 2017 and December 29, 2017, I visited two detention centers where people who had been on the failed December 7 deportation flight to Somalia were held-- Krome Service Processing Center in Miami, and Glades Detention Center in Moore Haven, Florida.
5. At Glades, I was joined by Medicine –Pediatrics resident Dr. Adria Jimenez-Bacardo and medical student Luke Caleb Cadell.
6. We examined 18 people who had been on the December 7 flight.
7. Their stories were consistent regarding what happened on the flight and their injuries were consistent with their account of what occurred.
8. They reported being restrained at their wrists, waists, and ankles for almost two days. A significant part of that time was while the plane was stationary for over 20 hours.
9. Not only were the men and women restrained, but they were forced to remain in a seated position. Forced or stressed positioning coupled with other deprivations is a form of torture, used in the past as an enhanced interrogation technique. It can have serious medical consequences, including emotional distress, swelling of ankles and limbs, kidney failure, and in extreme cases even death.
10. While shackled, some of the individual suffered injuries to their wrists, shoulders and ankles, necks and lower backs, as immigration officers hit, pushed, and full-body restrained some.
11. Of acute medical concern are two men, both longtime residents of the United States, who had been injured while in ICE detention but were put on the December 7 flight before receiving adequate treatment. One of the men had a broken humeral bone in his right arm and the other a previously fractured hand that developed a bone infection.
12. These two men suffered blows by officers on the plane, causing their pre-existing injuries during ICE detention to significantly deteriorate. They now face possible loss of function in their arm and hand, including nerve damage. They have not received standard of care. They must be assessed by an orthopedic specialist urgently.
13. I was also concerned that the man with the fractured hand was pepper sprayed at Glades while in cuffs, and he reported others getting sprayed through the slots in doors of isolation rooms.

14. We examined another individual who was poked in the eye while being restrained on the December 7 flight, with redness and persistent blurred vision after three weeks. He likely has a corneal abrasion. He needs to be evaluated by an ophthalmologist.
15. Some of the individuals reported not receiving their medication during the flight, such as diabetic and psychotropic pills, or did not receive the proper dosage. Two of the men on the plane who suffer from mental illness decompensated on the flight after they did not receive their medication.
16. Almost all of the men we examined reported ongoing musculo - skeletal injury, yet were inconsistently getting anti-inflammatory medication and muscle relaxants while in detention.
17. I do not believe that the people on the December 7 flight have been adequately screened and treated for their injuries and other effects of the two-day plane incident.
18. I understand that the federal government has denied that any injuries occurred on the December 7 flight. If this is correct, I believe that the government is incorrect.

  
STEPHEN SYMES MD      1-4-2018  
DATE

## SWORN DECLARATION OF

I, \_\_\_\_\_, swear under penalty of perjury the following:

1. My name is \_\_\_\_\_ e. I was born on \_\_\_\_\_, 1981 in Somalia.
2. I was on the December 7, 2017 ICE flight that was supposed to go to Somalia but had to return to the U.S. The day we got to Glades I asked them to contact the previous facility I was at for my medical records and bloodwork results because I was supposed to switch medication. But nothing has happened and I am still on the same medication as before.
3. On December 26, 2017, \_\_\_\_\_ and I wanted to speak to the captain. We approached the door and asked to speak with the captain. Sergeant Mims opened the door. He called us into the hallway and stood us against the wall away from the others and the cameras. I repeated that we wanted to speak to the captain and that we wanted to know what happened to the Somali guy who was body slammed the day before. I explained that the guards touched him for no reason, because he hadn't been involved in the argument that happened. The sergeant said, "There is no captain," and told us that the Somali guy "had outside charges."
4. \_\_\_\_\_ I asked to file a formal grievance but the sergeant refused. He said, "You Somalis are demanding things." He swore at us and told us, "This is how we do things here in Glades County." He ordered \_\_\_\_\_ to go back to the pod. As \_\_\_\_\_ walked back to the pod, he looked back, and the sergeant yelled and taunted, "Which one of you?" He moved closer to me and I backed away. He then directed another guard, a female, to handcuff me.
5. They took me to medical, but the nurse did not examine me or ask me any questions. She only talked to the female guard, asked if I had been fighting, and then told them to take me away. They took me to the hole and left me there.
6. The next day there was a hearing. An officer came to prepare me but told me not to write a statement. Now I think it was because he didn't want there to be a record of my story. He made me to sign a paper but would not allow me to read it beforehand. I asked for time to read it, but he said, "I don't have all day."
7. At the hearing, I told the officers what happened. They talked and after a couple of minutes said they found me guilty of "inciting a demonstration" and were punishing me with 30 days in the hole with no phone, no canteen, no TV, and showers every 2 days. A

female officer said I could appeal but no one told me how to do that. They just took me back to my cell.

8. On Wednesday, January 3, 2018, after dinner, the guards took me to the showers. I was showering and washing my clothes, and as I was doing that, I was talking in Somali to the other Somalis in nearby cells. One of the guards came up to where I was showering and yelled, "Shut the fuck up so I can hear the TV." I was taken aback and said, "What?" He repeated it and I responded, "You can't talk to me like that." He said, "I'll talk to you however the fuck I want." I told him, "I am not a prisoner. I am not a criminal." He said, "This is Glades County," and started laughing.
9. He left and a second guard came up and yelled at me for speaking back to the first officer. I told him that the first officer was not respecting me. The second guard said "You Somalians... you people coming into this country," and called me a nigger. Then he locked the shower and kept me there for almost an hour. He said he wouldn't bring me back until I apologized. I said that I hoped this was being recorded. He responded, "Nobody can see what's done to you, motherfucker."
10. A nurse came to bring me my medicine while I was in the shower. I called out to her for my medicine and for additional Tylenol. I don't know what the officers told her, but when she saw what was happening, she decided not to give me my medicine. She said she would come back, but she never did and I never got my medication for my back.
11. The guard left me locked in the shower and a few minutes later, a second guard came up to where I was showering. He said, "I heard you yelling at my officer. You Somalians, you keep coming into this country..." Then, he called me a nigger, locked the door, and forced me to stay in the shower for an hour. He told me, "I can't bring you back to your cell until you apologize, not until you calm down" I told him, "I definitely ain't your nigga."
12. When I was locked in the shower, the nurse came by to administer medicine. I asked her for my daily medication for my back and an additional two tylenols. At first, she agreed, but then her demeanor changed, she left, and never gave me my medicine.
13. After about an hour of being locked in the shower, the second guard unlocked the door and took me back to my cell. When I got back to my cell, I put my hands through the slot in the door so that the guards could remove my handcuffs. The guard outside said, "You fucking Somalis" and twisted my right hand so that the metal handcuffs scraped and cut into my wrist. When I pulled my hand back inside it was bleeding and swollen. I asked to

see the nurse but the guard just shut the flap and I could hear the guards laughing. I was not given any medical attention for the cuts on my wrists.

14. The next day, the nurse saw the cuts on my wrist, but she ignored me and refused to listen to my explanation for them.

15. I am very afraid of these guards, and I am afraid of being abused here at Glades. I feel they have something against the Somalis, and if it wasn't for this lawsuit it would not be this way. The treatment is worsening since the lawsuit started. I think the guards generalize about all of us Somalis, and it is racism. I am not a nation, I am \_\_\_\_\_, an individual.

I swear under penalty of perjury that the foregoing is true and correct to the best of my abilities.

\_\_\_\_\_ 1-8-18 \_\_\_\_\_.

Date



## SWORN DECLARATION OF

I, \_\_\_\_\_, swear, under penalty of perjury, the following:

1. My name is \_\_\_\_\_. I was born on \_\_\_\_\_, 1987 in Somalia.
2. I was on the ICE deportation flight to Somalia that left the U.S. on December 7, 2017 and returned to the U.S.
3. My neck was hurt on the flight when I was slammed by a guard.
4. After we were brought to Glades Detention Center, I and 3 others asked the guards to speak to ICE. In response, they sent us to segregation for 5 days.
5. On December 25, 2017, \_\_\_\_\_ and an Iranian detainee were arguing loudly over the phone. \_\_\_\_\_ woke up and stepped in between them to calm them down.
6. Guards came in, and one grabbed \_\_\_\_\_. They took him out and began beating him up. I watched as several guards punched and kicked \_\_\_\_\_ while \_\_\_\_\_ was on the ground. They also pepper sprayed his eyes while they beat him up.
7. One of the guards came back in and pepper sprayed \_\_\_\_\_ inside the dorm. The spray spread throughout the dorm and everyone was coughing. The guards took \_\_\_\_\_, \_\_\_\_\_, and another Somali, \_\_\_\_\_, to segregation.
8. The next day \_\_\_\_\_ and \_\_\_\_\_ went to speak to the captain about what had happened the day before. When \_\_\_\_\_ returned to the dorm, he said \_\_\_\_\_ was being taken to segregation.
9. Then, Sergeant Mims came in saying we were all going to segregation. They took me, \_\_\_\_\_, to segregation for 30 days.
10. On the way to segregation and while handcuffed, Sergeant Mims tackled me from behind. I fell forward and hit my head on the floor and it made my neck hurt very badly. We went to medical, and I told the nurse my neck hurt. Sergeant Mims told her it was nothing and she did not examine me. She did not ask me any questions, check my blood pressure, or take my temperature. She only spoke to Sergeant Mims.
11. I have requested medical attention again since I was tackled but I have not seen a doctor.

12. Since the flight returned to Florida, I have asked to speak to someone about the nightmares and flashbacks I have from the war. I was getting therapy before I was in ICE custody, and it helped me deal with them.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_ 1-8-18  
Date

SWORN DECLARATION OF

, under penalty of perjury, swear and state as follows:

1. My name is \_\_\_\_\_, and I was born on \_\_\_\_\_, 1985 in Somalia.
2. I was on the December 7, 2017 ICE deportation flight to Somalia that returned to the U.S.
3. Before coming into ICE custody, I had back surgery. The surgery wasn't successful, and I still have a wound from the surgery. I was supposed to have follow up treatment and another surgery, but I was arrested by ICE. I told ICE about it, but they ignored me and only gave me medicine for the pain.
4. On the plane, after so many hours sitting and shackled, I had to stand up because my back pain was so bad. When I stood up, a guard came over and I tried to explain about my back. The guard body-slammed me and put his knee in my back right where my surgery wound is. He did it on purpose, after I told him about my back. I was also forced to pee in a bottle on the plane because they wouldn't let us use the bathrooms.
5. After the plane came back to the U.S., and I was detained at Glades Detention Center, I told them about my back surgery. They gave me some pain medicine. But the next ~~afternoon~~ evening, the nurse wouldn't give me pain medication and wouldn't check my chart or tell me why. She only gave me ~~medication for pain~~ Tums and a muscle relaxer.
6. An officer started arguing with me about taking my medicine. I tried to explain about my back surgery and the medicine I needed, but the officer wouldn't listen and ~~body-slammed~~ made moves to body-slam and tackle. me to the ground ~~and then the officer tackled me~~ and went down on the ground voluntarily. I tried to warn the officers about my back, but then the officer stomped on my back, right on my surgery wound. He also punched me in the face and beat me while other officers and a Lieutenant watched. They put me in the hole for 30 days with no phone and told me I was lucky to not be charged. I tried to file a grievance ~~about the incident~~ with ICE, but the ~~ICE didn't send it to~~ There should be a video of the incident. There are pictures of my ICE.
7. I am in a lot of pain, ~~and I am still not receiving my pain medication consistently~~ face bruised and bleeding.

I swear under penalty of perjury that I have read the foregoing and that it is true and correct to the best of my knowledge and believe. Sworn and signed this 8th day of January, 2018 in Moore Haven, Florida.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA,  
Khalid Abdallah MOHMED, Ismail  
JIMCALE ABDULLAH, Abdiwali  
Ahmed SIYAD, Ismael Abdirashed  
MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves  
and all those similarly situated,  
Plaintiffs/Petitioners,

Case No. 1:17-cv-24574-DPG

vs.

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office,  
Immigration and Customs Enforcement;  
Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement;  
Kirstjen NIELSEN, Secretary of Homeland  
Security.  
Defendants/Respondents.

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**SWORN DECLARATION OF JOHN BRUNING**

I swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My name is John Robert Bruning. I am a private immigration attorney at Kim Hunter Law, PLLC, in Saint Paul, Minnesota, where I primarily practice in the areas of removal defense and federal immigration litigation. I am a member of the Minnesota State Bar.
2. Two of my office's clients, \_\_\_\_\_, were on the failed deportation flight to Somalia on December 7, 2017, and are currently detained in Krome Detention Center. My office specializes in Somali removal cases and

has filed several successful motions to reopen on behalf of Somalis at the Immigration Court at Fort Snelling, Minnesota, and the Board of Immigration Appeals.

3. I came to Miami, Florida, on January 1, 2018, to assist with client interviews, consult with the legal team in this case, and meet with my two clients in Krome. I intend to return to Minnesota on January 5, 2018.
4. I visited Glades Detention Center on January 2, 2018. I interviewed approximately 8 of the Somali detainees from the flight who are detained there.
5. I interviewed about half in the morning in a small, private contact visitation room. There is only one such room at Glades. The other, larger multipurpose room was not available then, so Attorney Lauren Gilbert from St. Thomas University Law School and I jointly conducted interviews. If there had been a second room available, we could have doubled the number of interviews we conducted.
6. In the afternoon, I shared the larger multipurpose room with Attorney Katherine Evans, who interviewed other detainees at the same time. Since it is a single room, however, the conversations were not private. Ms. Gilbert used the smaller room we had been in in the morning to interview a client not connected to this litigation.
7. One individual I spoke to at Glades was . Mr. appeared agitated to me. I asked him how he was doing, and he responded that he felt afraid in Glades because of an incident during which he was yelled at and called names by a guard. Mr. showed me a grievance form he intended to submit regarding that incident.
8. I also spoke with , who is detained in a segregated unit. When the guards were ready to bring him in, Attorney Katherine Evans was also working in the all-purpose room. She first had to leave before the guards brought in Mr. because only one person from segregation could be talked to at a time. He was in five-point restraints: his hands were shackled together and to his waist, and his feet were chained.
9. Mr. appeared to me to be in pain. He explained that he had lower back pain, for which he had back surgery over the summer, but this surgery was not successful. He has a wound remaining from the surgery. The pain was exacerbated by a physical altercation with guards on the flight that landed in Senegal, and it was further exacerbated by a physical altercation with several guards in Glades, during which he was kneed in the back, in the same spot where he had surgery. He stated that he was still in pain and has not consistently received pain medication which a doctor at Glades prescribed for him. He

stated that another altercation occurred after he was denied that pain medication, and was subsequently stepped on, in the same spot. As a result of that incident, he was placed in segregation. He requested help with his medical situation from the legal team.

10. I spoke with approximately 10 Somali detainees from the flight at Krome Detention Center on January 3, 2018. I spoke to all but one in a private contact visitation room.
11. Seven of these individuals were in segregation, and the guards noted their location as "SMU" on the attorney visitation form. Unlike at Glades, the detainees in segregation at Krome were brought down in one group and we were able to meet with the detainees without them being shackled.
12. When I spoke to \_\_\_\_\_, who is in segregation at Krome, he sat on the edge of his chair the entire interview. He explained to me that it hurt for him to sit down because members of Al-Shabaab burned his testicles after kidnapping him, over four years ago. He described in great detail the extent of the injury to his testicles, which have never been medically treated. This description included persistent leakage of various fluids and difficulty urinating. It also hurt for him to fully sit down, and he stated that he must sleep on his back with his legs spread to minimize discomfort.
13. Mr. \_\_\_\_\_ asked for help obtaining medical treatment; he explained that he has been in ICE custody for two years and has been told that a specialist, likely a urologist, would need to see him in order for him to be treated, but he has never been able to see a specialist. He indicated that he has had difficulty reaching attorneys to follow up on his medical issues because he is in segregation.
14. Two of the detainees in segregation, \_\_\_\_\_, are clients of my law firm. The firm filed motions to reopen with the Board of Immigration Appeals on their behalf prior to the flight. Another client of the firm had a materially identical motion to reopen granted by the BIA on December 5, 2017. I requested to see them specifically because my office has had difficulty contacting them while they have been at Krome, and we have been unable to provide them with updates about their cases. In particular, we had been unable to tell them, and they were unaware, that we had filed additional documents in support of their motions to reopen.

DECLARANT SAYETH FURTHER NAUGHT.



John Bruning

Dated: January 4, 2018

## SWORN DECLARATION OF

I, \_\_\_\_\_, swear under penalty of perjury the following:

1. My name is \_\_\_\_\_ I was born on \_\_\_\_\_, 1989 in Somalia.
2. I was on the ICE deportation flight to Somalia that left the U.S. on December 7, 2017 and then returned to the U.S.
3. Several years ago, before I came into ICE custody, I had injured my back and spine in a hard fall while playing basketball. I couldn't afford the surgery I needed for my back. The pain was intense, and there were times I couldn't even walk. I had a waistband that I wore to support my back, but I have not had it in ICE custody. All they would give me in ICE custody is ibuprofen.
4. While on the ICE airplane, after many hours sitting and shackled, I stood up to stretch. A guard stomped on the shackles around my ankles and another pushed me so that I fell flat on my back. This really hurt my lower back. The guards lifted me back up and then threw me down in the aisle on my back again. I got up and they wrapped me in restraints so that I could not move.
5. When I got to Glades, I spoke to the nurse about my back, but I am still waiting to see the doctor and psychiatrist. All the nurse will give me is ibuprofen.
6. A day or two after the flight returned, I went with 3 others to ask to speak to an ICE officer. The sergeant refused and told me angrily that it was not his job to call ICE. He said I was invading his space and to back up, and I obeyed. Another detainee with me wondered why the guards get upset when we ask to speak to ICE. The sergeant then took all of us outside, sat us all against the wall, and yelled at us. When I tried to speak, he yelled, "Shut your mouth," so I stayed quiet. A female officer came, so I tried to explain to her, "We need to talk to ICE. We just want to be treated like human beings." Then they ordered the four of us to segregation.
7. There was only room for 3 people in segregation. I begged them not to cram all 4 of us into space for only 3, so the sergeant sent the fourth guy to medical. We were in segregation for 5 days. During that time, I was only allowed to use the shower once and I got no yard time.
8. On Friday, December 15, 2017, after I had already spent the 5 days in segregation, I had a hearing before a black lady, a Hispanic lady and a white lady. I told them we were not



guilty of what they accused us of, leading a demonstration. They forced me to sign a paper and then I was released me from segregation. They took me back to dorm B1, although my original pod was C1.

9. On December 19, 2017, they were getting us ready to deport us again. They had us dress in our street clothes, and put our property on buses out front. But the deportation was cancelled, and they had to put us all back into the dorms.
10. On the next day, December 20, 2017, I found out that some of my property was missing, including shoes and credit cards. I told the officers that my stuff was missing. They said they didn't have it and then sent me back to the holding cell. I told the sergeant I wanted to make a complaint. In response, he moved me to another pod again, this time to D1. Several of the other Somalis in D1 did not get blankets or sheets to sleep on that night.
11. The next morning, the sergeant came into D1 and poked me in the head and woke me up. He sent me outside and asked around the pod if anyone else "wanted to check in." I was handcuffed and walked to segregation, but then taken to booking for a few hours before being released to the pod again. They later switched me back to C1.
12. I still have not seen a doctor since I have been at Glades, so I sleep a lot to manage my pain.
13. I have been in the U.S. for about 20 years. I have dealt with police before but I have never been treated as badly as I have been treated here at Glades.

I swear under penalty of perjury that the foregoing is true and correct to the best of my abilities.

\_\_\_\_\_  
Date 1/8/18

## SWORN DECLARATION OF

I, \_\_\_\_\_, swear under penalty of perjury the following:

1. My name is \_\_\_\_\_ d. I was born on \_\_\_\_\_, 1983 in Somalia.
2. I was on the December 7, 2017 ICE deportation flight intended for Somalia that returned to the U.S.
3. Right before I was put on the flight, I was shackled by my hands and feet, and a black head restraint was put over my head and fastened around my neck. I could not move my head or neck.
4. Two guards grabbed my arms to walk me to the plane. The guard on my left grabbed my left hand and twisted it. I told the guard that he was hurting my hand, but he just told me to keep walking.
5. My hand hurt badly throughout the flight. After several hours, they removed the head restraint and I saw the large bump on my left hand for the first time. It was not there before the guard grabbed my hand.
6. After we returned to the U.S., I requested medical attention because my hand hurt so much. I still have not been examined by a doctor for my hand. I have not been taken for any X-rays.
7. I have also requested medical attention because I was previously diagnosed with a psychiatric disorder and prescribed psychiatric medication. I have not been given my psychiatric medication for the last four months that I have been in ICE custody. I still have not been given my psychiatric medication.
8. I was seen by a doctor and sent to the emergency room because there was blood in my urine, but none of those doctors examined my hand or discussed psychiatric medication with me. The ER doctor prescribed antibiotics. I started having blood in my urine after the flight because I was forced to hold my urine in for so long and not allowed to use the bathroom.
9. I have started having blood in my urine again since I finished my antibiotics. I have asked to be put back on antibiotics, but I was told that I have to see the doctor and that the doctor is not here.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date 1-8-18.

Armor Correctional Health, Inc

SICK CALL REQUEST

FROM: (PLEASE PRINT)

(Nombre) (Non)

(ID #)

(Fecha de Nacimiento)  
(Dat Nesans Prizonye a)

(Localidad)  
(Lojman)  
(Housing Unit/Cell#)

(Fecha)  
(Dat)  
(Date / Time)

PROBLEM: (BE SPECIFIC)

PROBLEMA:

PWOBLE'M:

I have really high pressure and most of  
the time i feel like passing out. I need to  
see a doctor as soon as possible

DATE/TIME RECEIVED: \_\_\_\_\_ NURSE SIGNATURE: \_\_\_\_\_

TRIAGE DECISION BY NURSING STAFF (Only check ONE box below)

☒ Urgent: \_\_\_\_\_

☐ Refer to Behavioral Health: \_\_\_\_\_

☐ Referral to HCP: \_\_\_\_\_

☐ Refer to Nurse Sick Call: \_\_\_\_\_

☐ Refer to Dental: \_\_\_\_\_

☐ Call Provider w/ Assessment: Temp \_\_\_\_\_ Pulse \_\_\_\_\_ Resp \_\_\_\_\_ BP \_\_\_\_\_ Wt \_\_\_\_\_

☐ Other

TRIAGE DATE/TIME: \_\_\_\_\_ NURSE SIGNATURE: \_\_\_\_\_



Armor Correctional Health, Inc

SICK CALL REQUEST

FROM: (PLEASE PRINT)

(Inmate Name)  
(No)

(ID #)

(District)  
(Folio)  
(Detention Unit/Cell#)

(Localidad)  
(Lojman)  
(Housing Unit/Cell#)

(Fecha)  
(Date)  
(Date / Time)

PROBLEM: (BE SPECIFIC)  
PROBLEMA:  
PWOBLE'M:

I was suppose to see the doctor this monday  
but I never got called. My neck and my back  
are hurting me and I have trouble sleeping  
because of it. The tylenol and the Typrophen  
is not helping me at all

DATE/TIME RECEIVED: NURSE SIGNATURE:

TRIAGE DECISION BY NURSING STAFF (Only check ONE box below)

- ☒ Urgent: ☐ Refer to Behavioral Health:
- ☐ Referral to HCP: ☐ Refer to Nurse Sick Call:
- ☐ Refer to Dental:
- ☐ Call Provider w/ Assessment: Temp \_\_\_\_\_ Pulse \_\_\_\_\_ Resp \_\_\_\_\_ BP \_\_\_\_\_ Wt \_\_\_\_\_
- ☐ Other

TRIAGE DATE/TIME: NURSE SIGNATURE:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No.: 17-cv-24574-GAYLES**

Farah IBRAHIM, Ibrahim MUSA, Khalid  
Abdallah MOHMED, Ismail JIMCALE  
ABDULLAH, Abdiwali Ahmed SIYAD, Ismael  
Abdirashed MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves and all those  
similarly situated,

Plaintiffs,

v.

Juan ACOSTA, Assistant Field Officer Director,  
Miami Field Office, Immigration and Customs  
Enforcement; David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office Director,  
Miami Field Office, Immigration and Customs  
Enforcement; Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement; Kirstjen  
NIELSEN, Secretary of Homeland Security,

Defendants.

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**ORDER STAYING REMOVAL  
PENDING THE COURT'S DETERMINATION ON JURISDICTION**

THIS CAUSE is before the Court on Plaintiffs' Emergency Motion for Temporary Restraining Order and/or Stay of Removal (the "Motion") [ECF No. 3]. In their Class Action Complaint [ECF No. 1], Plaintiffs assert that their immigration circumstances have changed based on the U.S. government's failed attempt to repatriate them to Somalia and the resulting international news attention, which now makes their return to Somalia unsafe. Based on the changed circumstances, Plaintiffs seek an opportunity to avail themselves of the administrative remedies afforded to them under U.S. immigration law. Plaintiffs also allege that they were physically abused by Immigration and Customs Enforcement ("ICE") agents during the failed

repatriation, which resulted in injuries to members of the putative class. The Court has considered the Complaint, the Motion and attached declarations, the Defendants' Response, and arguments of counsel at the Court's hearing on the Motion.

Defendants argue that this Court lacks subject matter jurisdiction. Given the complex jurisdictional questions and based on the special circumstances discussed by the parties in their pleadings and at the hearing on the Motion, including the imminent removal<sup>1</sup> of all Plaintiffs to Somalia, the Court finds that a short stay of removal is warranted pending the Court's jurisdictional determination.<sup>2</sup>

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiffs' Motion [ECF No. 3] is **GRANTED IN PART** only as to the 92 individuals with removal orders who were present on the December 7, 2017, attempted flight to Somalia.

2. Defendants and all of their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are immediately **ENJOINED** from deporting Plaintiffs until the Court determines if it has jurisdiction over this matter.

It is further **ORDERED AND ADJUDGED** that:

1. Defendants shall provide Plaintiffs with adequate medical treatment for any injuries they have sustained.

2. Defendants shall keep the Plaintiffs within the Southern District of Florida until further order of the Court and shall provide Plaintiffs with reasonable access to their attorneys.

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1 The Court held a telephonic hearing on December 19, 2017, where the government confirmed that Plaintiffs are scheduled to be removed from the United States on December 20, 2017.

2 See *Hamama v. Adducci*, Case No. 17-cv-11910, 2017 WL 2684477 (E.D. Mich. June 22, 2017).

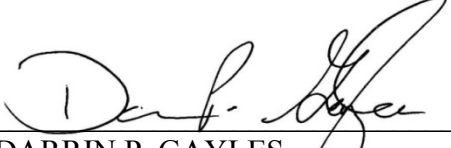
3. Plaintiffs shall not be required to post a bond.

4. This Order is effective immediately and shall remain in effect through 11:59 p.m. on January 2, 2018.

5. The parties shall submit jurisdictional briefs on or before December 22, 2017. The parties shall submit responses on or before December 29, 2017.

6. The parties shall appear before this Court on the 2nd day of January, 2018, at 10:00 a.m. (Eastern Time), in Courtroom 11-1 of the Wilkie D. Ferguson United States Courthouse in Miami, Florida, to address the jurisdictional issues raised in the briefs. The Court will consider extending this Order and rescheduling the hearing upon a showing of good cause.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 19th day of December, 2017.

  
\_\_\_\_\_  
DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Farah IBRAHIM, Ibrahim MUSA, Khalid  
Abdallah MOHMED, Ismail JIMCALE  
ABDULLAH, Abdiwali Ahmed SIYAD,  
Ismael Abdirashed MOHAMED, and  
Khadar Abdi IBRAHIM on behalf of  
themselves and all those similarly situated,  
Plaintiffs/Petitioners,

Petitioners/Plaintiffs,

v.

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office, Immigration  
Customs Enforcement; Thomas HOMAN,  
Acting Director, Immigration and Customs  
Enforcement; Kirstjen NIELSEN,  
Secretary of Homeland Security,

Respondents/Defendants.

Civil Action No. 1:17-cv-24574-  
DPG

SWORN DECLARATION OF SUI CHUNG

I, Sui Chung, under penalty of perjury, state (declare, certify, or verify), the following:

1. I am a resident of Miami, Florida. I am President of the South Florida Chapter of the American Immigration Lawyers Association (AILA). AILA has membership of more than 14,000 lawyers nationwide and more than 900 members in the South Florida Chapter.
2. I received a Juris Doctor from Georgetown University Law Center, a Bachelor of Arts from Oberlin College, and a Bachelor of Music from Oberlin Conservatory of Music. In 2001, immediately following my graduation from law school, the United States Department of Justice (USDOJ) Attorney General Honors Program hired me for the

position of Judicial Law Clerk for the Executive Office for Immigration Review, Board of Immigration Appeals. I later moved to Miami and went on to establish a successful immigration practice, Immigration Law & Litigation Group.

3. I have served on the AILA National Immigration and Customs Enforcement (ICE) Liaison Committee since 2014. On behalf of AILA National, I have traveled to Washington, D.C. to engage with the highest-level ICE officials on numerous occasions, including most recently in October 2017.
4. I have been a leader within the AILA South Florida Chapter Board since 2011. I was elected to serve on the Board of Directors from 2011-2013, and executive-level positions from 2013 to the present. I have further served as chair of liaison committees, led and organized community-wide stakeholders, and attended numerous local government liaison meetings with both USDOJ and the U.S. Department of Homeland Security.
5. Since 2013, I have served on the Board of Directors for Catholic Legal Services, Archdiocese of Miami, Inc., (CLS) and since 2016, have been the Board's Vice President. CLS is the leading nonprofit legal services agency in the State of Florida and holds government contracts for Know Your Rights presentations at both the Krome Processing Center in Miami, Florida, and the Broward Transitional Center in Pompano Beach, Florida.
6. Since 2015, I have served on the boards of Immigrants' List Political Action Committee and Immigrants' List Civic Action.
7. In 2016, the American Immigration Council invited me to begin a three-year term on its Board of Trustees. Based in Washington, D.C, the American Immigration Council is a 501(c)(3) nonprofit organization, that promotes laws, policies, and attitudes that honor U.S. history as a nation of immigrants through research and policy analysis, litigation and communications, and international exchange.
8. I am well-known and respected in the legal community as an expert in immigration and detention issues. I have been a lead organizer or contributor on numerous national and local immigration conferences. I have presented as a discussion leader and/or panelist on more than ninety Continuing Legal Education conference panels, throughout the United States.
9. AILA National recently extended an offer to me to co-author a book, *Winning On Paper*, on legal writing in immigration proceedings and related appellate practice, with an anticipated publication date of 2018.
10. I have co-authored *amicus curiae* briefs before the U.S. Supreme Court, Eleventh Circuit, Connecticut Supreme Court, and the Board of Immigration Appeals, on issues regarding the application of the categorical approach (*Ragoonth v. Holder* (cert. denied), post-conviction rights of immigrants (*Thiersaint v. Commissioner of Corrections* (CT)), on behalf of *amici* Catholic Legal Services, Archdiocese of Miami; and Connecticut

Association of Criminal Defense Lawyers, respectively. My own litigation includes the lead Florida Supreme Court case construing *Padilla v. Kentucky (Hernandez v. State)* and the Eleventh Circuit's application of the categorical approach to crimes involving harm to protected classes (*Gelin v. U.S. Att'y General*) and procedural rights of immigrants affected by changes in law (*Butka v. U.S. Att'y General*).

11. Significantly, subsequent to the resolution of the class actions in *Franco-Gonzalez v. Holder*, when the USDOJ was directed to provide counsel for mentally incompetent long-term detainees, it requested that I represent two of the named plaintiffs, despite the detainees being located in the Ninth Circuit. USDOJ arranged for me to represent the cases through televideo.
12. My service and excellence have been resulted in numerous awards and nominations, including the 2016 American Immigration Lawyers Association (National) Susan Quarles AILA Service Excellence Award (nominee); 2014 American Immigration Lawyers Association South Florida Chapter Award, for Krome Mental Incompetency Project (co-honoree), 2012 American Immigration Lawyers Association (National) Michael Maggio Pro Bono Service Award (honoree); 2012 The Florida Bar President's Pro Bono Service Award (nominee); 2012 The Florida Bar Young Lawyers Division Pro Bono Service Award (nominee).
13. Over the last decade, I have personally represented and/or provided guidance, support, and mentorship to immigration attorneys representing hundreds of noncitizens in removal proceedings, including many people in detention at Krome Service Processing Center in Miami, Florida ("Krome"), and Glades Detention Center in Moorehaven, Florida ("Glades").
14. It is very difficult to represent people who are detained at these two facilities. One major obstacle to representing people is that there is no way to have a private and confidential telephone call with a person detained at Krome or Glades.
15. The South Florida Chapter of AILA, as well as other groups, have asked ICE to make it possible for detainees to have private and confidential attorney phone calls. I specifically remember a liaison meeting with Miami Assistant Field Office Director Juan Acosta on October 27, 2016, at which this request was made, both orally and in writing.
16. ICE's National Detention Standards (NDS), which apply to Glades, require that detainees have access to confidential and private phone calls with attorneys, and that "the facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees." See NDS 2000, *Telephone Access*, at Section III/J. "Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order" and "a detainee's call to a court, a legal representative, or for the purposes of obtaining legal representation will not be aurally monitored absent a court order." See *id.*; NDS 2000, Section III/K.

17. At Krome, ICE's Performance-Based National Detention Standards 2011 ("PBNDS") apply. Specifically, the PBNDS 2011 states that "[f]or detainee telephone calls regarding legal matters, each facility shall ensure privacy by providing a reasonable number of telephones on which detainees can make such calls without being overheard by staff or other detainees." *See* PBNDS 2011, Section V/F/2. "Absent a court order, staff may not monitor phone calls made in reference to legal matters." *See id.*
18. The 2011 PBNDS further requires that "[i]f telephone calls are monitored, the facility shall...at each monitored telephone, place a notice that states...the procedure for obtaining an unmonitored call to a court, a legal representative or for the purposes of obtaining legal representation. ICE/ERO and the facility shall coordinate in posting the notice in Spanish and in the language of significant segments of the population with limited English proficiency, where practicable...A detainee's call to a court, a legal representative, DHS OIG, DHS Civil Rights and Civil Liberties (CRCL) or for the purposes of obtaining legal representation, *may not be electronically monitored without a court order.*" *See* PBNDS 2011 at Section V/B (emphasis added).
19. At present, the only way for a person detained at Glades or Krome to make a phone call is to make a call on a recorded line from a phone located in the main living areas of the facilities. Aside from the institutional monitoring, within the living area communication is also not confidential among detainees and is difficult because of the extensive and constant background noise. It is not possible to have more than a short conversation.
20. An additional barrier to representing people at Glades is that there is only one attorney-client meeting room and that room is sometimes not made available to attorneys. At times, a larger, multi-function room is available, but this room is also used for other functions, such as video court and religious meetings of the Christian faith.

I swear (declare, certify, or verify), under penalty of perjury, that the foregoing is true and accurate.



Sui Chung

12/28/2017  
Date

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA,  
Khalid Abdallah MOHMED, Ismail  
JIMCALE ABDULLAH, Abdiwali  
Ahmed SIYAD, Ismael Abdirashed  
MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves  
and all those similarly situated,  
Plaintiffs/Petitioners,  
vs.

Case No. 1:17-cv-24574-GAYLES

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office,  
Immigration and Customs Enforcement;  
Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement;  
Kirstjen NIELSEN, Secretary of Homeland  
Security.  
Defendants/Respondents.

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**SWORN DECLARATION OF REBECCA A. SHARPLESS**

I swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My name is Rebecca Ann Sharpless. I am a member of the faculty of the University of Miami School of Law, where I teach immigration law and direct the immigration clinic. I am a member of the Florida Bar.
2. Since the court issued a stay of removal in this case, I have been visiting the detention centers where the petitioners are being held, including Glades County Detention Center ("Glades") in Moore Haven, Florida.
3. I have been visiting men and women in immigration custody at Glades for many years and, together with my students, I have documented for many years serious concerns about Glades as a detention facility. See <http://www.law.miami.edu/academics/clinics/immigration-clinic-cases-projects-resources> ("Detainee Conditions").



4. One of the many issues at Glades is that attorneys cannot have private and confidential telephone calls with their clients. The only way for people to talk with their lawyers is on a recorded line that is in the middle of the jail living area.
5. While the lack of attorney phone access has been an ongoing problem for years, it is particularly acute now because a large number of pro bono attorneys are trying to help the Somali men and women prepare motions to reopen.
6. On December 27, 2017, I emailed Respondent Juan Acosta, and cc'd counsel for Respondents Dexter Lee, to ask that Glades establish a way for attorneys to have private and confidential calls with their clients, in light of the many Somali men and women needing pro bono assistance. I have not yet received a response.
7. A further obstacle to attorney access to Glades is that the jail lacks adequate space for attorneys to meet with their clients in a confidential and private setting. They have only one attorney room, and this room is used by both criminal defense and immigration attorneys. It is sometimes not available because the U.S. Marshalls, and others, also use it, and attorneys are not given priority when the room is already in use.
8. Because there is only one attorney/client meeting room, Glades officials will sometimes permit attorneys to use a multipurpose room. This room, however, is used for many other purposes, including televideo hearings in both criminal and immigration cases, religious services, and other group meetings. The room is not always available to attorneys. Moreover, the televideo equipment is turned on at all times and periodically blurs out noises.
9. Even when the multi-purpose room is available, it is not possible to interview more than one person in the room in a confidential manner. When groups of attorneys travel to Glades to meet with the Somali men and women, they must choose between seeing one person at a time to preserve confidentiality and having multiple people in the room at the same time to maximize use of the attorneys present.
10. A further obstacle is that Glades officials will not permit more than one person who is in segregation to be in the multi-purpose room at a time. Moreover, the officials will not permit people in segregation to meet with their lawyers unless they are in shackles, making it uncomfortable and difficult to have a focused and lengthy conversation. Krome does not have these policies.
11. The multi-purpose room can be used for presentations. I, and co-counsel Andrea Montavon-McKillip, were permitted to do presentations at Glades on Friday, December 22, 2017.
12. But when we returned on December 29, 2017, together with two other attorneys and three doctors, we were told that we could not meet with more than five people at a time, even though I had requested permission to conduct presentations. Moreover, once we were done

with a detainee, the officers would not get another detainee until the entire group of five was ready to leave. As a result, the four attorneys and three doctors present were not able to see as many of the detainees as we had planned.

13. On December 30, 2017, I emailed Respondent Juan Acosta, cc'ing Mr. Lee, about the December 29, 2017 problem and have not yet received a response.
14. Pro bono attorneys, including attorneys who have flown in from out of state, continue to meet with the men and women who were on the December 7 flight. They continue to lack access to the multipurpose room when it is being used for another purpose. And they are forced to talk with multiple individuals in the multipurpose room because there is insufficient attorney/client meeting space at Glades.



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REBECCA SHARPLESS

Dated: January 3, 2018

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA,  
Khalid Abdallah MOHMED, Ismail  
JIMCALE ABDULLAH, Abdiwali  
Ahmed SIYAD, Ismael Abdirashed  
MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves  
and all those similarly situated,

Plaintiffs/Petitioners,

vs.

Case No. 1:17-cv-24574-DPG

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office,  
Immigration and Customs Enforcement;  
Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement;  
Kirstjen NIELSEN, Secretary of Homeland  
Security.

Defendants/Respondents.

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**SWORN DECLARATION OF LAUREN JEANNE GILBERT**

I swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My name is Lauren Jeanne Gilbert. I am a member of the faculty of the St. Thomas University School of Law, where I teach immigration law, constitutional law, and family law. I am a member of the Florida Bar and admitted to practice in this district.
2. I have visited the Glades County Detention Center ("Glades") in Moore Haven, Florida on two separate occasions since the Somalis were detained there, and was part of the first team of lawyers to meet with them on December 15, 2017.
3. I began to visit men and women in immigration custody at Glades last year on a pro bono basis, together with my students, and as part of the Know Your Rights presentations done by the University of Miami School of Law. I have provided counsel and advice, pro bono, to detainees on various occasions, and currently am representing an Iraqi who is a putative member of the class in *Hamama v. Adducci*, No. 17-cv-11910 (E.D. Mich. July 24, 2017).



4. I have encountered multiple problems with attorney access, but these issues seem to have exacerbated since Glades County became one of the two major sites for detaining the 92 Somalis on the aborted charter flight.
5. On November 29, 2017, before the Somalis arrived at Glades, I went to meet with my Iraqi client for the first time. There is only one room for lawyer-client meetings and it was in use, and the all purpose room was also being used, so I had to meet with him in the visitation area. There are booths where visitors can talk to the detainees separated by glass to avoid any kind of physical contact, but they allowed me to meet with him on the visitor side. Later that day they moved me to the all-purpose room as the one room for lawyer-client meetings was still being used.
6. On December 15, 2017, I returned to Glades both to meet with my client and to assist with initial intakes and Know Your Rights (KYR) presentations for the Somalis. We had provided a list that morning with the names of the Somalis and their A-numbers and had included my client's name on the list. When they did not bring out the Somalis initially, I asked to meet with my client. A female guard took me into the attorney-client room, which was available, but while I was waiting for my client, Officer Gadsen came into the room and gave me the option of going back to the KYR or exiting the facility. I decided to exit the facility and then to sign back in to meet with my client, but I was denied access by Officer Gadsen. I was eventually able to meet with my client after contacting ICE's field office to complain, but was only allowed to meet with him and was not allowed to rejoin the KYR group when I was done. After learning that three out of eight of the Somalis in his pod were in solitary confinement, I gave my client my cellphone number, and told him to have the Somalis in his pod call me. Shortly thereafter, I received a call from the five Somalis, directed each of them to speak with the KYR team, and passed their names and A#s on to the team. I was not allowed to reenter the facility that day.
7. On January 2, I returned to the facility with two pro bono attorneys from out-of-town, Kate Evans and John Bruning. I had provided a list in advance of our names and all the individuals with whom we would be meeting. I had also emailed Respondent Juan Acosta ahead of time to ensure that we would be given access to the people on the list. There was only one room available, the attorney-client room, as the all-purpose room was in use. Thus, initially, we could only see one person at a time and met with four people in the morning. In the afternoon, the all purpose room was made available, but we were not allowed to use the visitation room.
8. That day, I needed to meet with my client briefly in the afternoon. I was in the attorney-client room while the others were in the all-purpose room, but initially was denied access to my client, and had to demand to speak with the guard in charge of his pod, L. Westin, before I was able to obtain access.
9. Later that evening, I emailed AFOD Acosta to thank him for ensuring that we had access to the people on our list, but also complained about the inadequate meeting space for attorneys and clients.

10. Finally, indigent clients have a very difficult time staying in touch with their attorneys, as attorneys must leave messages, these messages are often not passed unless it is an emergency, and it is costly for detainees without resources to call. My Iraqi client must work for four days at wages of \$1 per day in order to be able to talk to me for 15 minutes, at which point our call is cut off. Moreover, a message at the beginning of the call indicates that our communications are being recorded, which completely violates the right to private and confidential communications.

A handwritten signature in black ink, appearing to read 'Lauren Gilbert', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Dated: January 4, 2018

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

Farah IBRAHIM, Ibrahim MUSA,  
Khalid Abdallah MOHMED, Ismail  
JIMCALE ABDULLAH, Abdiwali  
Ahmed SIYAD, Ismael Abdirashed  
MOHAMED, and Khadar Abdi  
IBRAHIM on behalf of themselves  
and all those similarly situated,  
Plaintiffs/Petitioners,  
vs.

Case No. 1:17-cv-24574-DPG

Juan ACOSTA, Assistant Field  
Officer Director, Miami Field Office,  
Immigration and Customs Enforcement;  
David HARDIN, Sheriff of Glades  
County; Marc J. MOORE, Field Office  
Director, Miami Field Office,  
Immigration and Customs Enforcement;  
Thomas HOMAN, Acting Director,  
Immigration and Customs Enforcement;  
Kirstjen NIELSEN, Secretary of Homeland  
Security.  
Defendants/Respondents.

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**SWORN DECLARATION OF KATHERINE L. EVANS**

I swear under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My name is Katherine Evans. I am a member of the faculty of the University of Idaho College of Law, where I teach immigration law and direct the immigration clinic. I am a member of the Idaho and Minnesota state bars.
2. I traveled from Idaho to Miami, Florida on January 1, 2018 to provide pro bono legal assistance to the plaintiffs and all those similarly situated who are subject to this litigation. On January 2, 2018, I spent a full day at Glades County Detention Center in order to interview as many individuals as possible regarding their risk of persecution and torture if returned to Somalia and their continued injuries stemming from the December 7 flight. On January 3, 2018, I spent another ten hours at Krome Detention Center for the same purpose.
3. At Glades Detention Center, I met with a client who had been placed into segregation as a result of a dispute with another inmate over access to the sole, functioning telephone he could use to speak to counsel and his family on Christmas Day.

4. From my meetings with detainees in Glades County Detention Center, it is my understanding and belief that at least eight Somali individuals with removal orders who were present on the December 7, 2017 attempted flight to Somalia are currently in segregation at the Glades County Detention Center.
5. In order to meet with Somali individuals held in segregation at Glades County Detention Center, John Bruning, the other attorney from out of state providing pro bono legal services, and I had to wait for both meeting areas to be vacated so that we could meet separately with each detained person. We could not meet with a segregated individual and non-segregated individual in the larger multi-purpose room. As a result, our ability to meet with people on the December 7, 2017 flight was limited by the availability of separate meeting spaces, the slower process of moving segregated persons through the facility and the resulting extended wait for additional people seeking legal assistance to be called. Moreover, at Glades, people in segregation are not permitted to meet with attorneys unless they are in handcuffs attached to their waist.
6. For those detainees who are in segregation, phone access is not readily available because the phones are located outside of locked doors. A person in segregation can only reach an attorney with the permission of jail officials. The individuals in segregation with whom I met at Glades on January 3, 2018 could not call family.
7. One detainee has been unable to talk regularly with his family in order to coordinate the hiring of an attorney due to the prohibitive cost of \$.50 per minute to call them in San Diego, CA. The same cost applies to calls to attorneys outside the local area.
8. On January 3, 2018, I met first with individuals held in segregation (SMU) at Krome Detention Center. Based on my meetings with segregated detainees, it is my understanding and belief that eleven people are in segregation in Krome Detention Center after a dispute between a guard and a detainee over a basketball shot in the gym. Eleven people in the gym at time were placed in segregation for thirty days. The people I met with in segregation had limited access to telephones as a result.
9. At Krome Detention Center, only five individuals on the December 7, 2017 plane could be gathered to meet with us at a time and their transportation through the facility required additional resources and time. Consequently, I had to wait one hour and forty-five minutes before I was able to meet with the first person on my list of those seeking legal assistance on January 3, 2018. These individuals then had to be transported back to their locations before the next individuals, in or out of segregation, could be brought to see us.
10. In total, I am personally aware of at least 19 individuals who were on the December 7, 2017 attempted flight to Somalia who are presently in segregation and facing obstacles in accessing counsel as a result. This number represents at least 20% of those subject to this litigation.

Signed under the pains and penalties of perjury this 4<sup>th</sup> day of January, 2018.

A handwritten signature in cursive script, reading "Kath Evans", is written over a horizontal line. The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

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KATHERINE L. EVANS

[illegible]

[illegible]