



American Civil Liberties Union  
Foundation

Florida

Katherine H. Blankenship  
Deputy Legal Director  
American Civil Liberties Union Foundation of  
Florida

4343 W. Flagler Street, Suite 400, Miami, FL 33134  
[kblankenship@acluf.org](mailto:kblankenship@acluf.org)  
786-363-1871

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

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

Dear Glades County Commissioners:

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

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

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

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

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

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

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

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

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

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

Michael Wallace Declaration, December 15, 2021.

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

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

Michael Wallace Declaration, December 15, 2021.

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

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

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

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

Abraham Sano Declaration, December 2, 2021.

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

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

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

Luis Diaz Almanzar Declaration, December 10, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Conclusion

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

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

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

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



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

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

Sincerely,



Katherine H. Blankenship  
Deputy Legal Director

CC:

Garrett Ripa, Field Office Director  
Joel T. Mikelson, Assistant Field Office Director  
Miami Field Office  
Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
865 SW 78th Avenue, Suite 101  
Plantation, FL 33324

Sheriff David Hardin  
Commander Chad Schipansky  
Glades County Sheriff's Office  
P.O. Box 39  
Moore Haven, FL 33471