

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI, FLORIDA**

IMMIGRATION CLINIC AT THE  
UNIVERSITY OF MIAMI SCHOOL  
OF LAW

CASE NO:

CIVIL DIVISION

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY; U.S. DEPARTMENT OF  
HOMELAND SECURITY OFFICE OF  
THE INSPECTOR GENERAL; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY OFFICE FOR CIVIL  
RIGHTS AND CIVIL LIBERTIES

Defendants.

\_\_\_\_\_ /

**RESPONDENTS' NOTICE OF FILING  
DOCUMENTS IN SUPPORT OF COMPLAINT FOR INJUNCTIVE RELIEF**

The Immigration Clinic at the University of Miami School of Law, by and through undersigned counsel, submits the following documents in support of its Complaint for Injunctive Relief.

**EXHIBITS**

- A. Somali Flight Investigation FOIA Request to DHS-OIG, Dated May 26, 2020
- B. Glades County Detention Center Investigation FOIA Request to DHS-OIG, Dated August 7, 2020
- C. Glades County Detention Center Investigation FOIA Request to DHS-CRCL, Dated August 10, 2020

- D.** West Texas Detention Center Investigation FOIA Request to DHS-OIG, Dated August 7, 2020
- E.** West Texas Detention Center Investigation FOIA Request to DHS-CRCL, Dated August 10, 2020
- F.** Somali Flight Administrative Complaint to DHS-OIG and DHS-CRCL
- G.** Glades County Detention Center Administrative Complaint to DHS-OIG and DHS-CRCL
- H.** West Texas Detention Center Administrative Complaint to DHS-OIG and DHS-CRCL
- I.** Somali Flight Investigation FOIA Acknowledgment Letter from DHS-OIG
- J.** Glades County Detention Center Investigation FOIA Acknowledgment Letter from DHS-OIG
- K.** Glades County Detention Center Investigation FOIA Acknowledgment Letter from DHS-CRCL
- L.** West Texas Detention Center Investigation FOIA Acknowledgment Letter from DHS-OIG
- M.** West Texas Detention Center Investigation FOIA Acknowledgment Letter from DHS-CRCL
- N.** Somali Flight Investigation FOIA Status Checks with DHS-OIG
- O.** Glades County Detention Center Investigation FOIA Status Checks with DHS-OIG, Glades' Final Response, Clinic's Appeal
- P.** Glades County Detention Center Investigation FOIA Status Checks with DHS-CRCL
- Q.** West Texas Detention Center Investigation FOIA Status Checks with DHS- OIG
- R.** West Texas Detention Center Investigation FOIA Status Checks with DHS-CRCL

Respectfully submitted,

/s/ Rebecca Sharpless  
REBECCA SHARPLESS  
FL Bar No. 0131024  
Immigration Clinic  
University of Miami School of Law  
1311 Miller Drive, Suite E-257  
Coral Gables, FL 33146

(305) 284-6092, telephone  
(305) 284-6093, fax  
[rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu)

Counsel for Petitioner

# EXHIBIT A



**From:** webpublishing@hq.dhs.gov <webpublishing@hq.dhs.gov> on behalf of WCM DHS <wcmmonitoring@dhs.gov>

**Sent:** Tuesday, May 26, 2020 3:17 PM

**To:** Sharpless, Rebecca A <rsharpless@law.miami.edu>

**Subject:** Form submission from: DHS FOIA / Privacy Act Request Submission Form

Submitted on Tuesday, May 26, 2020 - 15:17

Submitted by user: Anonymous

Submitted values are:

Select the DHS component you wish to submit your request to: : Office of Inspector General (OIG)

Title:

First Name: Rebecca

Middle Initial:

Last Name: Sharpless

Suffix:

Email Address: rsharpless@law.miami.edu

Country: United States

Address 1: 1311 Miller Drive Suite E 273

Address 2:

City: Coral Gables

State: Florida

Zip Code: 33146

Telephone Number: 305-284-6092

Fax Number:

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all documentation, information electronic or otherwise, relating to the December 7, 2017 deportation flight from Louisiana (most likely Alexandria airport) to Somalia. This flight was grounded in Dakar, Senegal for approximately 23 hours and then turned around and landed in Miami on December 9, 2017. This request includes a request for all information relating to any investigation into what occurred during the flight.

I am willing to pay fees for this request up to the amount of: \$: 200

Select from the list below: Affiliate with an educational or non commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling:

Please provide information to support your selection:

# EXHIBIT B

## Estrabao, Dalgys L

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**From:** Sharpless, Rebecca A  
**Sent:** Friday, August 7, 2020 2:21 PM  
**To:** Estrabao, Dalgys L  
**Subject:** Fwd: Form submission from: DHS FOIA / Privacy Act Request Submission Form

Sent from my iPhone

Begin forwarded message:

**From:** WCM DHS <wcmmonitoring@dhs.gov>  
**Date:** August 7, 2020 at 2:12:00 PM EDT  
**To:** "Sharpless, Rebecca A" <rsharpless@law.miami.edu>  
**Subject: Form submission from: DHS FOIA / Privacy Act Request Submission Form**  
**Reply-To:** Homeland Security <foia.oig@oig.dhs.gov>

Submitted on Friday, August 7, 2020 - 14:11  
Submitted by user: Anonymous  
Submitted values are:

Select the DHS component you wish to submit your request to : Office of  
Inspector General (OIG)

Title:

First Name: Rebecca

Middle Initial:

Last Name: Sharpless

Suffix:

Email Address: rsharpless@law.miami.edu

Country: United States

Address 1: 1311 Miller Drive, Suite E257

Address 2:

City: Coral Gables

State: Florida

Zip Code: 33146

Telephone Number: 3052843576

Fax Number: 305-284-6093

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all documentation, electronic or otherwise, relating to the findings/results from the OIG investigation into Glades Detention Center. The investigation was into a complaint against Glades Detention Center was filed on January 8, 2018 and was directed to Mr. John Kelly (U.S. Department of Homeland Security Office of Inspector General) and Ms. Cameron Quinn (Officer for Civil Rights and Civil Liberties U.S. Department of Homeland Security).

I am willing to pay fees for this request up to the amount of: \$: 200.00

Select from the list below: Affiliate with an educational or non commercial

scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling:

Please provide information to support your selection:

# EXHIBIT C

## Estrabao, Dalgys L

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**From:** Sharpless, Rebecca A  
**Sent:** Friday, August 7, 2020 2:21 PM  
**To:** Estrabao, Dalgys L  
**Subject:** Fwd: Form submission from: DHS FOIA / Privacy Act Request Submission Form

Sent from my iPhone

Begin forwarded message:

**From:** WCM DHS <wcmmonitoring@dhs.gov>  
**Date:** August 7, 2020 at 2:09:47 PM EDT  
**To:** "Sharpless, Rebecca A" <rsharpless@law.miami.edu>  
**Subject:** Form submission from: DHS FOIA / Privacy Act Request Submission Form  
**Reply-To:** Homeland Security <crcl@hq.dhs.gov>

Submitted on Friday, August 7, 2020 - 14:09  
Submitted by user: Anonymous  
Submitted values are:

Select the DHS component you wish to submit your request to : Civil Rights  
and Civil Liberties (CRCL)

Title:

First Name: Rebecca

Middle Initial:

Last Name: Sharpless

Suffix:

Email Address: rsharpless@law.miami.edu

Country: United States

Address 1: 1311 Miller Drive, Suite E257

Address 2:

City: Coral Gables

State: Florida

Zip Code: 33146

Telephone Number: 3052843576

Fax Number: 305-284-6093

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all documentation, electronic or otherwise, relating to the findings/results from the CRCL investigation into Glades Detention Center.

The investigation was into a complaint against Glades Detention Center was filed on January 8, 2018 and was directed to Mr. John Kelly (U.S. Department of Homeland Security Office of Inspector General) and Ms. Cameron Quinn (Officer for Civil Rights and Civil Liberties U.S. Department of Homeland Security).

I am willing to pay fees for this request up to the amount of: \$: 200.00

Select from the list below: Affiliate with an educational or non commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling:

Please provide information to support your selection:

# EXHIBIT D



## Estrabao, Dalgys L

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**From:** Sharpless, Rebecca A  
**Sent:** Friday, August 7, 2020 2:21 PM  
**To:** Estrabao, Dalgys L  
**Subject:** Fwd: Form submission from: DHS FOIA / Privacy Act Request Submission Form

Sent from my iPhone

Begin forwarded message:

**From:** WCM DHS <wcmmonitoring@dhs.gov>  
**Date:** August 7, 2020 at 2:12:55 PM EDT  
**To:** "Sharpless, Rebecca A" <rsharpless@law.miami.edu>  
**Subject: Form submission from: DHS FOIA / Privacy Act Request Submission Form**  
**Reply-To:** Homeland Security <foia.oig@oig.dhs.gov>

Submitted on Friday, August 7, 2020 - 14:12  
Submitted by user: Anonymous  
Submitted values are:

Select the DHS component you wish to submit your request to : Office of  
Inspector General (OIG)

Title:

First Name: Rebecca

Middle Initial:

Last Name: Sharpless

Suffix:

Email Address: rsharpless@law.miami.edu

Country: United States

Address 1: 1311 Miller Drive, Suite E257

Address 2:

City: Coral Gables

State: Florida

Zip Code: 33146

Telephone Number: 3052843576

Fax Number: 3052846093

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all documentation, electronic or otherwise, relating to the findings/results from the OIG investigation into West Texas Detention

Facility. The investigation was into a complaint against West Texas Detention Facility in March 2018 and the investigation was opened in April 2018

I am willing to pay fees for this request up to the amount of: \$: 200.00

Select from the list below: Affiliate with an educational or non commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling:

Please provide information to support your selection:

# EXHIBIT E

## Estrabao, Dalgys L

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**From:** Sharpless, Rebecca A  
**Sent:** Friday, August 7, 2020 2:21 PM  
**To:** Estrabao, Dalgys L  
**Subject:** Fwd: Form submission from: DHS FOIA / Privacy Act Request Submission Form

Sent from my iPhone

Begin forwarded message:

**From:** WCM DHS <wcmmonitoring@dhs.gov>  
**Date:** August 7, 2020 at 2:06:42 PM EDT  
**To:** "Sharpless, Rebecca A" <rsharpless@law.miami.edu>  
**Subject:** Form submission from: DHS FOIA / Privacy Act Request Submission Form  
**Reply-To:** Homeland Security <crcl@hq.dhs.gov>

Submitted on Friday, August 7, 2020 - 14:06  
Submitted by user: Anonymous  
Submitted values are:

Select the DHS component you wish to submit your request to : Civil Rights  
and Civil Liberties (CRCL)

Title:

First Name: Rebecca

Middle Initial:

Last Name: Sharpless

Suffix:

Email Address: rsharpless@law.miami.edu

Country: United States

Address 1: 1311 Miller Drive, Suite E257

Address 2:

City: Coral Gables

State: Florida

Zip Code: 33146

Telephone Number: 305-284-3576

Fax Number: 305-284-6093

Are you requesting records on yourself? No

If yes, you must check the perjury statement:

By initialing here you are providing your electronic signature.:

Please describe the records you are seeking as clearly and precisely as possible: Any and all documentation, electronic or otherwise, relating to the findings/results from the CRCL investigation into West Texas Detention Facility. The investigation was into a complaint against West Texas Detention Facility in March 2018

I am willing to pay fees for this request up to the amount of: \$: 200.00

Select from the list below: Affiliate with an educational or non commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.

I request a waiver of all fees for this request.:

Please provide an explanation for your request for a fee waiver:

Please select and describe in detail if you believe your request warrants expeditious handling:

Please provide information to support your selection:

# EXHIBIT F

UNIVERSITY OF MIAMI  
SCHOOL of LAW



Immigration Clinic

1311 Miller Drive, Suite E256  
Coral Gables, Florida 33146

Ph: 305-284-6092  
Fax: 305-284-6093

BY FEDERAL EXPRESS AND EMAIL

December 27, 2017

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

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

**RE: Complaint**  
**ICE Abuse of Detainees on December 7, 2017 Attempted Deportation Flight to Somalia**

Dear Mr. Kelly and Ms. Quinn:

The Immigration Clinic of the University of Miami School of Law, Americans for Immigrant Justice, James H. Binger Center for New Americans of the University of Minnesota, and Legal Aid Service of Broward County, Inc. file this complaint on behalf of [REDACTED]

[REDACTED] and 85 other men and women, whom ICE and federal government contract workers shackled and bound on an ICE-chartered airplane that was attempting to deport them to Somalia. *See* Sworn Declarations, attached. The abuse on the December 7, 2017 flight has received widespread media attention both in the United States and internationally.<sup>1</sup>

<sup>1</sup> *See, e.g., Deportation of Somalis Shackled and Allegedly Abused by Immigration Agents is Halted by Federal Judge*, Newsweek, (December 20, 2017) <http://www.newsweek.com/deportation-somalia-federal-judge-ice-agents-753570>; *Deportees on returned Somalia flight seek to block removal*, Star Tribune, (December 22, 2017) <http://www.startribune.com/deportees-on-botched-somalia-flight-seek-to-block-removal/465283273/>; *Law Suit: Somalis Beaten, Straightjacketed on Failed Deportation*, *The Atlantic Journal-Constitution*, (December 20, 2017) <http://www.myajc.com/news/state--regional-govt--politics/lawsuit-somalis-beaten-straightjacketed-failed-deportation-flight/9UCdOal43XzsdhKH9qssjK/>; *ICE Kept 92 Immigrants Shackled on a Plane For Two Days in 'Slave Ship' Conditions*, Advocates Say, Newsweek, (December 14, 2017), <http://www.newsweek.com/ice-deports-92-somalians-plane-human-rights-747557>; *Lawsuit Says Somalis on US Deportation Flight Were Shackled and Abused for 2 Days*,

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 inhumane shackling and other abuses that occurred on the December 7, 2017 flight, including your agencies' implementation of the federal policy recommendations regarding shackling and use of force during transportation/deportation of detainees that are provided at the end of this document.

As you are likely aware, on December 7, 2017, the 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 wrapped some who protested, or those who merely stood up to ask a question, in full-body restraints. ICE agents kicked, struck, choked, beat, and dragged detainees down the aisle of the plane, and subjected some to verbal abuse and threats. Officers from a Special Response Team (SRT) were responsible for at least some of this extreme abuse.

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Black Christian News, (December 20, 2017), <http://blackchristiannews.com/2017/12/lawsuit-says-somalis-on-us-deportation-flight-were-shackled-and-abused-for-2-days/>; *Lawsuit: 92 Somalis Shackled For Days On US Deportation Flight*, Chipiona.org, (December 20, 2017) <http://chipiona.org/2017/12/20/lawsuit-92-somalis-shackled-for-days-on-us-deportation/>; *Lawsuit: 92 Somalis Shackled For Days On US Deportation Flight*, CBS-Minnesota, (December 20, 2017); <http://minnesota.cbslocal.com/2017/12/20/somali-deportation-lawsuit/>; *Lawsuit: Somalis on Botched US Deportation Flight Shackled for Days*, TwinCities.com (December 20, 2017) <https://www.twincities.com/2017/12/20/lawsuit-somalis-on-botched-us-deportation-flight-shackled-for-days/>; *Lawsuit: Somalis on US Deportation Flight Shackled for Days*, VOA News, (December 20, 2017) <https://www.voanews.com/a/us-lawsuit-says-somalis-mistreated-on-deportation-flight/4171425.html>; *Somalis Faced 'Inhumane' Abuse on US Deportation Flight*, Africa Report on Business.com, (December 20, 2017) <https://africareportonbusiness.com/2017/12/20/somalis-faced-inhumane-abuse-on-us-deportation-flight/>; *Somalis Faced "Inhumane" Abuse on US Deportation Flight*, MWS News, (December 20, 2017) <http://mwcnews.net/news/americas/69590-somalis-faced-inhumane-abuse.html>; *Somalis Faced 'Inhumane' Abuse on US Deportation Flight*, AL JAZEERA NEWS, (December 20, 2017) <http://www.aljazeera.com/news/2017/12/somalis-faced-inhumane-abuse-deportation-flight-171220134930309.html>; *Somalis in South Florida Deported by ICE on "Slave Ship" File Class-Action Suit*, Miami New Times (December 19, 2017) <http://www.miaminewtimes.com/news/92-somalis-sue-ice-after-deportation-on-slave-ship-9924187>; *Somalis Mistreated During US Deportation Effort, Lawsuit Alleges*, CNN.com, (December 20, 2017) <http://www.cnn.com/2017/12/20/politics/somali-lawsuit-ice-deport-immigrant-abuse/index.html>; *Somalis on US Deportation Flight Shackled for Day*, South Florida Lawsuit Says, Sun Sentinel.com, (December 20, 2017) <http://www.sun-sentinel.com/local/miami-dade/fl-reg-somali-deportation-abuse-20171220-story.html>; *Somalis on US deportation flight shackled for days: Lawsuit*, ABC News, (December 20, 2017) <http://abcnews.go.com/International/wireStory/somalis-us-deportation-flight-shackled-days-lawsuit-51901586>; *Somalis on US deportation flight shackled for days: Lawsuit*, FoxNews.com, (December 20, 2017) <http://www.foxnews.com/us/2017/12/20/somalis-on-us-deportation-flight-shackled-for-days-lawsuit.html>; *Somalis on US Deportation Flight Shackled for Days: Lawsuit*, Miami Herald (December 20, 2017) <http://www.miamiherald.com/news/article190694769.html>; *Somalis on US Deportation Flight Shackled for Days: Lawsuit*, Sun Herald (December 20, 2017) <http://www.sunherald.com/news/nation-world/article190694769.html>; *Somalis on US deportation flight shackled for days: Lawsuit*, Houma, (December 20, 2017) <http://www.houmatoday.com/news/20171220/somalis-on-us-deportation-flight-shackled-for-days-lawsuit>; *Somalis on US Deportation Flight Shackled for Days: Lawsuit*, The Olympian, (December 20, 2017), <http://www.theolympian.com/news/nation-world/article190694769.html>; *Somalis Were Put in Straitjackets and Threatened with Death on Deportation Flight, Lawsuit Claims*, Vice News, (December 20, 2017), [https://news.vice.com/en\\_ca/article/9knyzd/somalis-were-put-in-straitjackets-and-threatened-with-death-on-deportation-flight-lawsuit-claims](https://news.vice.com/en_ca/article/9knyzd/somalis-were-put-in-straitjackets-and-threatened-with-death-on-deportation-flight-lawsuit-claims); *U.S. Put 92 Somalis on a Deportation Flight, Then Brought Them Back*, The New York Times, (December 20, 2017) <https://www.nytimes.com/2017/12/09/us/somalia-deportation-flight.html>.



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, one located in South Florida and the other in the middle of the state.

The men and women on the flight remain detained in Florida at Krome North Processing Center in Miami, Florida and Glades Detention Center in Moore Haven, Florida. In total, they were shackled at their wrists, waists, and legs for almost two days.

The men and women were scheduled to be deported on another contract flight to Somalia on December 20, 2017, but a United States District Court judge issued a stay of removal. *See* Case No. 17-cv-24574-GAYLES (filed December 18, 2017, S. D. Fla).

If investigators would like to interview [REDACTED]

[REDACTED] or any of the other deportees who were on the December 7 flight, please contact undersigned counsel Rebecca Sharpless, so that she, or another lawyer representing the deportee, is present for any interview or other contact.

At the end of this complaint, we make recommendations for how ICE's shackling policy should be amended to avoid what happened on the December 7 flight. We attach the sworn declaration of Professor Fatma E. Marouf, Professor of Law at Texas A&M University School of Law and author of "The Unconstitutional Use of Restraints in Removal Proceedings," *67 Baylor Law Review* 258 (2015). As she explains, medical studies "indicate that the extreme form of shackling used on [the] 92 deportees could cause significant psychological harm." In light of the serious psychological and physical harm caused by restraints, we urge the Department of Homeland Security to adopt our recommendations for setting clear rules limiting their use.

#### **A. The December 7, 2017 Flight**

Very early in the morning of December 7, 2017, somewhere between 1:00-3:00 a.m., ICE officers woke up the 92 men and women facing deportation to Somalia and shackled them, using restrictive "hard" metal restraints, not soft restraints. ICE bound their wrists in handcuffs and tethered their wrists to metal chains around their waists, restricting the movement of their upper bodies. ICE separately bound their legs.

ICE shackled the deportees for hours before they boarded the flight. When it was time for the flight to depart, ICE tightened the restraints of the men and women and marched them to the plane. ICE put some people in restraint masks.

Numerous ICE and contract guards, believed to be as many as 20 or 30 or more, were on the December 7 flight, including officers from the Special Response Team. The women and men remained shackled while they were on the plane and guards ordered them to remain seated. The plane flew to Dakar, Senegal and landed for refueling. ICE claimed that while the plane was on the ground there was a mechanical problem. ICE told the men and women that the plane needed to be fixed and that they would have to wait 15 hours for a part to be flown in from the United States. For the next 21-23 hours, the plane remained grounded at Dakar airport. During this entire time, without a break, the men and

women remained shackled at their wrists, waist, and legs.

The guards did not loosen the shackles, even when the deportees told them that the shackles were painful because they were too tight, and that their arms and legs were swollen and bruised. The guards did not permit the men and women to get off of the plane, to stand up, or to stretch and walk around. Instead, the guards ordered the men and women to stay in their seats and used force to push people down who stood up, even if they stood up to ask a question or to try and use the bathroom.

The guards also abused some people using extreme force. Guards punched and kicked people, choked them, stepped on their shackles, and threw them on the floor, drawing blood and causing injury. Guards stepped on people's shackles, causing severe pain and forcing them to bend into a prone position. Guards placed people in straitjackets and turned them upside down. ICE and the contract guards abused people to intimidate others on the plane. Many of the men and women who suffered the abuse have injuries that have not healed and that have not been given adequate medical treatment.

In addition to the physical abuse, guards yelled at the people on the plane, berating them for being deportees and threatening to kill them. ICE officers and contract guards denied people their medications, including people with diabetes, serious mental illness, and the HIV virus. ICE and the contract guards deprived people of access to the bathroom. Some people were even prevented from using the bathroom as a form of punishment. During the trip, the bathroom toilets became full of human waste and could not be used. Deportees were forced to try and urinate in water bottles and on themselves.

After 23 hours in Dakar, the flight was forced to return to the United States. The plane had not been able to proceed from Dakar to its next scheduled stop, Djibouti. The plane landed in Miami, Florida on or about Saturday, December 9, 2017. In total, the trip lasted about 48 hours. The 92 men and women were shackled the entire time, in addition to the hours they spent shackled prior to being transported to the plane.

## **B. ICE's False Official Statement Regarding the Flight**

After people on the flight spoke to the U.S. news media about their mistreatment, ICE issued the following official statement regarding the flight:

Upon landing for a refueling and pilot exchange at Dakar, Senegal, ICE was notified that the relief crew was unable to get sufficient crew rest due to issues with their hotel in Dakar. The aircraft, including the detainees and crew on board, remained parked at the airport to allow the relief crew time to rest. During this time, the aircraft maintained power and air conditioning, and was stocked with sufficient food and water. Detainees were fed at regular intervals to include the providing of extra snacks and drinks. Lavatories were functional and serviced the entire duration of the trip. The allegations of ICE mistreatment onboard the Somali flight are categorically false. No one was injured during the flight, and there were no incidents or altercations that would have caused any injuries on the flight.<sup>2</sup>

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<sup>2</sup> *ICE Kept 92 Immigrants Shackled on a Plane For Two Days in 'Slave Ship' Conditions*, Advocates Say, Newsweek, (December 14, 2017), <http://www.newsweek.com/ice-deports-92-somali-planes-human-rights-747557>.

In this statement, ICE falsely claimed that there were “no incidents or altercations” or injuries and that the bathrooms “were functional and serviced the entire duration of the trip.” In fact, there were numerous “incidents” and “altercations” and “injuries” on the trip. ICE and the contract guards injured people on their heads, arms, legs, and eyes. Many of those injured still have not received adequate medical treatment. Some people on the December 7 flight also did not have access to bathrooms during the trip because ICE officers and contract guards denied them access as punishment and because the toilet tanks became full of human waste and the bathrooms could not be used. ICE does not deny that the 92 people on the plane were chained at their wrists, waists, and legs and forced to stay in their seats on the plane for the duration of the almost 48-hour flight, including the 23 hours when the flight was on the ground at Dakar.

### **C. ICE’s Attempt to Deport the Witnesses Without An Investigation**

As evidenced by ICE’s official statement on the December 7 flight, ICE was aware of the serious allegations of abuse on the December 7 flight. Yet, ICE conducted no official and full investigation into the allegations. To the contrary, ICE sought to deport the witnesses—the group of 92 men and women—on another contract flight scheduled for Wednesday, December 20, 2017.

On Tuesday, December 19, 2017, ICE began to transport the people who had been on the plane who were detained at Glades Detention Center. ICE moved people into the processing area of the jail, where people were held in groups of approximately ten to a cell. ICE had the detainees change into their civilian clothes and loaded their property and medication onto buses that were waiting to transport them. Their commissary accounts were closed.

Officers at Glades were in the midst of processing the group for transport when U.S. District Court Judge Darrin Gayles issued a stay of removal halting the group’s removal. *See* Case No. 17-cv-24574-GAYLES (filed December 18, 2017, S. D. Fla). If Judge Gayles had not issued the order, the group of 92 would have been deported before any official and full investigation into what happened on the December 7 plane could occur.

### **D. Individual Complaints**

1. [REDACTED]

[REDACTED] was on the December 7, 2017 contract flight and, like everyone else, was shackled at his wrists, waist, and legs for almost two days. When he stood up and asked what was going on and why they were still waiting, an officer grabbed him and pushed him to the floor of the plane. Officers dragged him down the aisle and beat him. They kicked him in the head and back and stepped on his hand. An officer pushed his thumb hard into his neck below his ear and next to his jaw, making him unconscious. Officers then put him in a straitjacket. An officer told him that if he talked again, he would not be allowed out of the restraint until he got back to the United States. He is still in pain in his back, on his head, and in his hand. He has a lump on his forehead and cannot bend his finger all the way.

2. [REDACTED]

[REDACTED] was on the December 7, 2017 flight and, like the others, shackled for almost two days and forced to remain seated for that time. While he was seated in the plane in front of the others

and could not see what was happening behind him, he heard yelling and the sounds of officers getting physical with the deportees behind him. He found the experience abusive and frightening. From the shackling and immobilization, his shoulders began to hurt and his legs became numb.

3. [REDACTED]

[REDACTED] was also on the December 7, 2017 flight and was shackled. He did not sleep for two days. He witnessed the officers using violence against other people on the plane, including [REDACTED]

4. [REDACTED]

[REDACTED] was on the December 7, 2017 flight. The officers on the flight denied him medication for a severe headache. He witnessed officers use force to push people into their seats and to the ground. He saw officers stomp on men, make threats to kill people, and cover some men to restrain them. He witnessed many people get injured on the airplane.

5. [REDACTED]

[REDACTED] was on the December 7, 2017 flight. He, like the others, was shackled at his wrists, waist, and legs. The officers refused to loosen the shackles. An officer stepped on his leg shackles, palmed his face, and shoved him down twice. They refused to let him pray and use the bathroom. He was only allowed to use the bathroom once in 48 hours. He was sick and vomited in the bathroom. [REDACTED] suffers from mental illness and takes medication. He was not given his medication while on the plane. He witnessed the abuse of others on the plane. He saw officers push, punch, and face palm people and heard people screaming and asking officers to get off their shackles. He also saw people get straitjacketed.

6. [REDACTED]

[REDACTED] was on the December 7, 2017 flight. He witnessed the officers hit people and body slam them. He watched the officers punch, pick up, and throw a man to the floor of the plane and step on the man's shackles. He saw officers surround and beat another man in a straitjacket. He also saw others put in straitjackets. He heard officers use threats like "We'll beat the shit out of you." When he asked to go to the bathroom, an officer stepped on his shackles and poked him in the eye. He continues to have blurry vision in his eye. He was not allowed to use the bathroom on the plane. He was forced to hold in his urine for fear of being assaulted again by the officers. As a result, he began to experience pain in his bladder. His bladder still hurts.

7. [REDACTED]

[REDACTED] was on the December 7, 2017 flight. When he stood up to use the bathroom, an officer grabbed him by his waist and slammed him face down on a seat, such that his legs were in the air. His neck was injured and it still hurts. He witnessed an officer choke someone and another one punch someone. He saw a man bleeding from his lips. He saw a man restrained in a straitjacket.

## E. Violations of Legal Standards Governing Shackling and Use of Force

The men and women on the December 7 flight were not prisoners, but people in civil immigration detention whose treatment is governed by ICE's Detention Standards.<sup>3</sup> ICE violated these standards by placing all 92 of the men and women in hard five-point shackles and forcing them to remain seated for almost two days. ICE further violated the standards by physically abusing some of the deportees and depriving them of use of a bathroom. Two sections of the standards are of particular relevance: the Transportation standard and the Use of Force and Restraints standard.<sup>4</sup> The Transportation standard cross-references the Use of Force standard.

### 1. Failure to Use Least Restrictive Means By Shackling in Hard Restraints for Almost Two Days

By shackling the men and women in the December 7 flight for almost two days in "hard" five-point restraint and forcing them to remain in a seated position, ICE failed to use the least restrictive means of trying to effectuate deportation.

The Transportation Standard does *not* require that people in immigration detention be shackled during transport. To the contrary, the Standard assumes that generally people will not be shackled, that restraints are only used when necessary and after individual assessment, and that the least restrictive type of restraints must be used to achieve behavioral control.

The Use of Restraints standards emphasize that officers must use "common sense when applying restraints." It states the following, cross-referencing the "Use of Force" Standard:

**Use of Restraints.** Officers shall use authorized techniques and common sense when applying restraints. (See the "Use of Force" standard.) To ensure safe and humane treatment, the officers will check the fit of restraining devices immediately after application, at every relay point, and any time the detainee complains. Properly fitting restraints do not restrict breathing or blood circulation. . . . Under no circumstances will officers attach a restraining device to an immovable object, including, but not limited to, security bars, seats, steering wheel, or any other part of a vehicle.<sup>5</sup>

Similarly, the Use of Force and Restraints standard mandates that ICE officers and others in charge of people in immigration detention use the least amount of force required. Regarding the use of restraints, the standard says that "[r]estraints shall be applied for the least amount of time necessary to achieve the desired behavioral objectives."<sup>6</sup> And "[u]nder no circumstances shall staff use force or apply restraints to punish a detainee."<sup>7</sup>

<sup>3</sup> Immigration and Customs Enforcement, Performance-Based National Detention Standards (2011), *available at* <https://www.ice.gov/detention-standards/2011>.

<sup>4</sup> See Immigration and Customs Enforcement, Performance-Based National Detention Standards: 1.3 TRANSPORTATION, 45 (2011) [Safety 2011], <https://www.ice.gov/doclib/detention-standards/2011/1-3.pdf>; Immigration and Customs Enforcement, Performance-Based National Detention Standards: 2.15 USE OF FORCE AND RESTRAINTS, 205 (2011) [Security 2011], *available at* <https://www.ice.gov/doclib/detention-standards/2011/2-15.pdf>.

<sup>5</sup> Immigration and Customs Enforcement, Performance-Based National Detention Standards: 2.15 USE OF FORCE AND RESTRAINTS, 205 (2011) [Security 2011], *available at* <https://www.ice.gov/doclib/detention-standards/2011/2-15.pdf>

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

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



Many different types of restraints exist and are defined by whether they are “hard” or “soft” and by how many points of restraint are involved. The people on the December 7 flight were in “hard” restraints for almost two days. They were in metal chains with their wrists bound together and tied to their waists, and with their legs shackled. If restraints during transport are deemed appropriate in an individual case, the standards require that officials first consider whether “soft” restraints could be used. Because all 92 of the women and men on the December 7 flight were in hard restraints, it does not appear that ICE made an individualized determination that “soft” restraints would not be effective.

The Standards discusses “ambulatory and progressive restraints.”<sup>8</sup> “Ambulatory restraints” contrast with “progressive restraints, which are more secure or restrictive.” The options for restraints are described as: “hard restraints with/without waist chain or belt; four/five-point soft restraints with hard restraints to secure the detainee to a bed; four/five-point hard restraints, etc.” Importantly, “Once a detainee has been placed in ambulatory restraints, the shift supervisor is required to conduct a physical check of the detainee once every two hours to determine if the detainee has stopped the behavior which required the restraints and thus restraints are no longer necessary.” Moreover, “[o]nce a positive behavioral change has been achieved, a decision to remove the restraints or place the detainee in less restrictive restraints shall be made.”

ICE violated the Standards on the December 7 flight by putting everyone on the flight in the most severe type of ambulatory restraints, namely hard restraints binding not only their wrists and legs but their waists. ICE made an across-the-board decision that restraints were required on everyone and that the restraints would be severe. ICE further violated the standards by shackling everyone in hard restraints and in a seated position for almost two days, without loosening the shackles, permitting the people to walk around and stretch, and without regard to the detainees’ requests that the shackles were hurting their swollen wrists and ankles. As explained below, ICE further violated the Standard by failing to do the required physical checks.

## **2. Use of Excessive Force and Prohibited Techniques**

ICE used excessive force beyond shackling on some detainees, including the use of prohibited techniques. As discussed above, the use of force detention standard requires that officers use the least amount of force necessary to establish control. Because ICE has stated that there was no incident or altercation on the flight that would have justified the use of force, the force used by ICE could not have been unjustified.

The deportees report that the officers used physical force against some of them, including choking, kicking, striking, straitjacketing, pushing, and stepping on leg shackles. This force was unjustified and especially egregious in light of the fact that the deportees were already in hard restraints binding their legs and their wrists to their waists.

ICE further violated the standards by employing specifically prohibited techniques.<sup>9</sup> Officers cannot use “[c]hoke holds, carotid control holds and other neck restraints,” unless the use of deadly force would be authorized.<sup>10</sup> On the December 7 plane, ICE violated this standard by choking detainees and using carotid control holds.

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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

The standards further state the following: “[t]he following acts and techniques are generally prohibited, unless both necessary and reasonable in the circumstances: 1. Striking a detainee when grasping or pushing him/her would achieve the desired result; 2. Using force against a detainee offering no resistance; and 3. Restraining detainees to fixed objects not designed for restraint.”<sup>11</sup> ICE violated this standard by striking detainees and using force when there was no resistance.

The standard on Restraints and Use of Force specifically prohibits shackling a person to an immovable object.<sup>12</sup> ICE violated this standard by chaining some deportees to fixed objects in the plane.

### **3. Failure to Medically Monitor Effect of Shackles**

ICE violated the standards by failing to medically monitor the effect of the two days of shackling. Even if it were acceptable to shackle a person for almost two days in hard restraints (while forcing them to remain seated), ICE violated the standards by not alleviating and attending to the pain and injuries caused by the shackles. In recognition of the harmful effects of extended shackling, the standards require that “[o]nce a detainee has been placed in ambulatory restraints, the shift supervisor is required to conduct a physical check of the detainee once every two hours to determine if the detainee has stopped the behavior which required the restraints and thus restraints are no longer necessary.”<sup>13</sup> Moreover, “[o]nce a positive behavioral change has been achieved, a decision to remove the restraints or place the detainee in less restrictive restraints shall be made.”<sup>14</sup>

No physical check of the detainees occurred. Moreover, ICE refused to loosen the shackles of people, even after they complained that their wrists and ankles were swelling and the shackles were painful. Some detainees continue to have scarring from the injuries caused by the shackles. Moreover, some detainees had pre-existing conditions, like broken bones, that made the shackling even more painful.

Recognizing the need for accountability for the long-term use of restraints, the Standards require thorough documentation whenever restraints are used for an extended period of time. For any continued use of ambulatory restraints, “the shift supervisor shall document the reason for continuance of the ambulatory restraints.”<sup>15</sup> Moreover, “[t]he supervisor shall provide a written report to the facility administrator no later than the end of the tour of duty when any detainee remains in restraints at the end that shift.”<sup>16</sup> It does not appear that ICE followed this documentation procedure.

### **F. Violation of Standards Regarding Bathroom Access**

ICE further violated the standards by prohibiting some detainees from using the bathroom as a form of punishment and by failing to ensure working bathrooms for the entirety of the flight. Standard 4.5 requires that ICE ensure that, “each detainee is able to maintain acceptable personal hygiene

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<sup>11</sup> *Id.*

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

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

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

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

<sup>16</sup> *Id.*

practices.”<sup>17</sup> Regarding access to bathrooms, the standards require that “[d]etainees shall be provided [] an adequate number of toilets, 24 hours per day, which can be used without staff assistance when detainees are confined to their cells or sleeping areas.”<sup>18</sup> “[T]oilets are to be provided at a minimum ratio of one for every 12 male detainees or one for every 8 female detainees.”<sup>19</sup> The standards further require “an adequate number of washbasins with temperature controlled hot and cold running water 24 hours per day.”<sup>20</sup> Banning the use of bathrooms or withholding bathroom privileges as punishment is not authorized.

The officers on the December 7 flight violated the bathroom standard by failing to ensure reasonable access to bathrooms on the flight. Some men were not allowed to use the bathrooms, even when they were functional, as a form of punishment. ICE also banned everyone from using the bathrooms because they were full with human waste.

### **G. Violations Relating to the ICE Cover-Up**

ICE committed further violations by attempting to cover-up the events of the December 7 flight after the deportees’ allegations were reported in the press. As discussed above, in response to the allegations of abuse, ICE issued a statement denying that any incidents, altercations, or injuries had occurred and that the bathrooms were fully functional and available during the entire flight. Moreover, ICE attempted to deport all of the deportee witnesses on a flight on December 20, 2017 before conducting an investigation. These actions not only violate government ethical rules and rules on documentation, but they also may constitute criminal behavior appropriate for referral to the Criminal Division of the U.S. Attorney’s Office for prosecution.

### **H. Recommendations**

1. No deportee who was on the December 7 flight should be returned without first being, a) screened for injuries that occurred (or were exacerbated) during the flight and receiving treatment for their injuries; and, b) interviewed as a witness for the investigation into the December 7 flight. No deportee who was on the December 7 flight should have contact with any ICE officer or contract guard that was on the December 7 flight.

2. The United States must halt all deportation flights to Somalia until such time that it has established to the American public that this can be done in a safe and humane fashion. This assessment should be made with due consideration for the dangerous and rapidly deteriorating conditions in Somalia. For example, ICE cannot fly directly to Somalia because of the dangers in the country at this time, and the U.S military has undertaken military operations inside the country in the past several weeks that are intensifying. This reality complicates the logistics of deportation flights and makes it dangerous for people deported to Somalia during any attempted flights, above and beyond the dangers that deportees face on the ground if deportation is actually carried out.

3. ICE must revise the 2011 Operations Manual ICE Performance-Based National Detention

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<sup>17</sup> Immigration and Customs Enforcement, Performance-Based National Detention Standards: 4.5 PERSONAL HYGIENE (2011), *available at* <https://www.ice.gov/doclib/detention-standards/2011/2-15.pdf>.

<sup>18</sup> *Id.*

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

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



Standards to include a standard for “Transportation (Air)” in order to establish consistent and safe conditions of deportation flights and other transfers by plane. This standard for the transportation of detainees by plane must include the following mandate: ICE must not shackle people on deportation flights unless there is a documented, individualized security reason for doing so. Blanket shackling of all persons regardless of any threat or flight risk must be prohibited.

4. When shackles are used, they should be soft restraints, not hard.

5. ICE must strictly limit the amount of time that people are shackled for transportation. In no event should ICE shackle people for more than eight (8) hours. For a discussion of shackling standards in the criminal context, see generally Bryan N. Georgiady, "An Excessively Painful Encounter: The Reasonableness of Pain and De Minimis Injuries for Fourth Amendment Excessive Force Claims," 59 *Syracuse Law Review* 123, 149–50 (2008).

6. ICE must ensure that handcuffs and shackles are not overly tight. In the criminal context, courts have held that police officers cannot keep a prisoner in overly tight handcuffs for thirty-five to forty minutes. See *Meredith v. Erath*, 342 F.3d 1057, 1063–64 (9th Cir. 2003), *Alexander v. County of Los Angeles*, 64 F.3d 1315, 1319 (9th Cir. 1995); see also *Palmer v. Sanderson*, 9 F.3d 1433, 1436 (9th Cir.1993) (“Sanderson has presented no evidence that would justify handcuffing Palmer so tightly that he suffered pain and bruises, or to justify his refusal to loosen the handcuffs after Palmer complained of the pain.”).

7. ICE must not force people to stay in a seated position for more than two hours, to avoid deep vein thrombosis and other physical ailments.<sup>21</sup>

8. If there is reason to believe that a deportation flight will be delayed en route for more than four (4) hours, the plane must return to the United States or arrangements must be made for the deportees to be able to walk around, move their limbs, and lie down to rest. No deportation flights should be allowed to Somalia where there is significant uncertainty about the ability to keep a set flight schedule, including for reasons related to the deteriorating security conditions in that country.

9. If there is reason to believe that a deportation flight will not have functioning bathrooms for the entire flight, including any foreseeable delays, the plane must return to the United States or make arrangements for the deportees to use bathrooms off the plane.

10. When a deportation plane fails to accomplish deportation and/or there are allegations of abuse, there must be an investigation into what occurred on the flight that includes speaking with deportees.

11. Special Response Team (SRT) officers should not be on deportation flights. Officers who staff deportation flights must be trained in the standards governing use of force.

12. ICE officers and contract guards found to have used excessive force or to have covered up the abuses that occurred must be disciplined and, if a crime has been committed, referred to the U.S. Attorney’s Office for criminal prosecution.

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<sup>21</sup> See “Preventing Deep Vein Thrombosis From Travel,” WebMd, <https://www.webmd.com/dvt/tc/preventing-deep-vein-thrombosis-from-travel-topic-overview>.

Sincerely,



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Attachment

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# EXHIBIT G

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January 8, 2018

Via FedEx and email

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**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 to 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 blurts 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* Ex. 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* Ex. 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* Ex. 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 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.

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, 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, Decl.

## H.

'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. 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. 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, 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, 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. Senator Marco Rubio (FL)

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FL Rep. Cary Pigman (55)

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U.S. Senate Committee on Homeland Security & Governmental Affairs

Senator Claire McCaskill, Ranking Member  
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Senator John Boozman, Chair  
U.S. Senate Subcommittee on Homeland Security, Committee on Appropriations

Senator Jon Tester, Ranking Member  
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)  
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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**

Exhibit No.	Description
A	UM Law Immigration Clinic letter to Field Office Director Moore regarding Glades (May 30, 2017)
B	Southern Poverty Law Center and UM Law Immigration Clinic letter to Major Henson and Officer David Waite regarding Glades (Jan. 19, 2016)
C	UM Law Immigration Clinic letter to Field Office Director Moore, Asst. Field Office Director Bado, Officer Nieves and Major Henson regarding Glades (Nov. 1, 2013)
D	UM Law Immigration Clinic letter to Field Office Director Moore and Asst. Field Office Director Candemeres regarding Glades (Oct. 8, 2012)
E	UM Law Immigration Clinic letter to Field Office Director Moore, Asst. Field Office Directors Candemeres and Aiello, Officer Hornett and Warden Bedard (Oct. 7, 2011)
F	Sworn Declaration of (Jan. 8, 2018)
G	Sworn Declaration of (Jan. 8, 2018)
H	Sworn Declaration of (Jan. 8, 2018)
I	Sworn Declaration of Dr. Stephen Symes, M.D. (Jan. 4, 2018)
J	Sworn Declaration of (Jan. 8, 2018)
K	Sworn Declaration of (Jan. 8, 2018)
L	Sworn Declaration of (Jan. 8, 2018)
M	Sworn Declaration of Attorney John Bruning (Jan. 4, 2018)
N	Sworn Declaration of (Jan. 8, 2018)
O	Sworn Declaration of (Jan. 8, 2018)
P	Sick Call Requests of (Dec. 19, 2017)
Q	<i>Ibrahim v. Acosta</i> , 17-CV-24574, D.E. 14, Order (Dec. 19, 2017)
R	Sworn Declaration of Attorney Sui Chung (Dec. 28, 2017)
S	Sworn Declaration of Professor Rebecca Sharpless, J.D. (Jan. 3, 2018)
T	Sworn Declaration of Professor Lauren Gilbert, J.D. (Jan. 4, 2018)

U	Sworn Declaration of Professor Katherine Evans, J.D. (Jan. 4, 2018)
V	List of Clients

UNIVERSITY OF MIAMI  
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May 30, 2017

Marc Moore, Field Office Director  
Immigration Custom Enforcement  
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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.

<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 ~~vis~~its 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 ~~wait~~ing 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 ~~de~~tainees 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 a stylized name, possibly "Rebecca Sharpless".

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



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**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

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November 1, 2013

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Ramon Bado, Assistant Field Office Director  
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SDDO Antonio Nieves  
Immigration and Customs Enforcement  
Glades Detention Center  
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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.

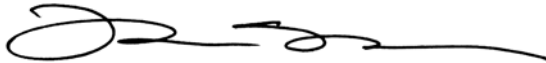
Issues with LexisNexis were brought to the attention of the facility in the past. The problems associated with LexisNexis systems in detention centers is a nationwide issue, but we recommend the facility cooperate with LexisNexis to improve upon the current system. We hope that LexisNexis is able to 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

UNIVERSITY OF MIAMI  
SCHOOL of LAW



Immigration Clinic

1311 Miller Drive, Suite E273  
Coral Gables, Florida 33146

Phone: 305-284-6092  
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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" followed by a circular stamp containing the initials "AF".

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 \_\_\_\_\_ 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. *a nearby*
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 \_\_\_\_\_ e 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 the 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 and Tylenol~~ 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 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 stamped 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 ~~at the detention center~~, but the ~~ICE~~ didn't send it to ~~with ICE~~. 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 not receiving my pain medication consistently~~ face bruised and bleeding.

body-slam and tackle.

made moves to

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

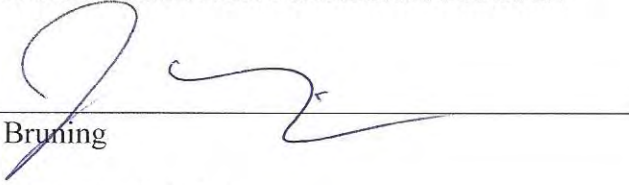
has filed several successful motions to reopen on behalf of Somalis at the Immigration Court at Fort Snelling, Minnesota, and the Board of Immigration Appeals.

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.

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



Armor Correctional Health, Inc

SICK CALL REQUEST

FROM: (PLEASE PRINT)

[Redacted Name] (Nombre) (Non) [Redacted ID #] (ID #)

[Redacted Birth Date] (Fecha de Nacimiento) (Dat Nesans Prizonye a) [Redacted Location] (Localidad) (Lojman) (Housing Unit/Cell#) [Redacted Date/Time] (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: [checked]
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) (ID #)

(Detention Center) (Localidad) (Fecha) (Lojman) (Dat) (Housing Unit/Cell#) (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 Typrophem 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.

\_\_\_\_\_ /

**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,

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 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 blurts 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,

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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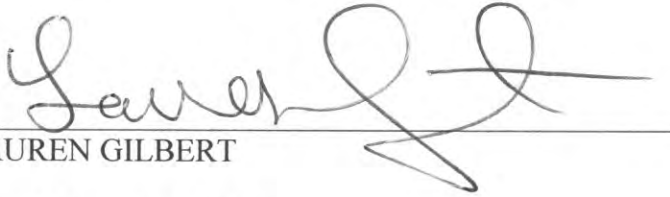
SWORN DECLARATION OF LAUREN JEANNE GILBERT

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", written over a horizontal line.

LAUREN GILBERT

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,

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 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.



KATHERINE L. EVANS





# EXHIBIT H



TEXAS  
LAW

Attn: Michele Kennedy, Assistant Inspector General  
for Investigations  
DHS Office of Inspector General/MAIL STOP 0305  
Attn: Office of Investigations  
245 Murray Lane SW  
Washington, DC 20528-0305  
VIA EMAIL: [michele.kennedy@oig.dhs.gov](mailto:michele.kennedy@oig.dhs.gov)  
Cc: Sarah Arrasmith, [sarah.arrasmith@oig.dhs.gov](mailto:sarah.arrasmith@oig.dhs.gov)

March 22, 2018

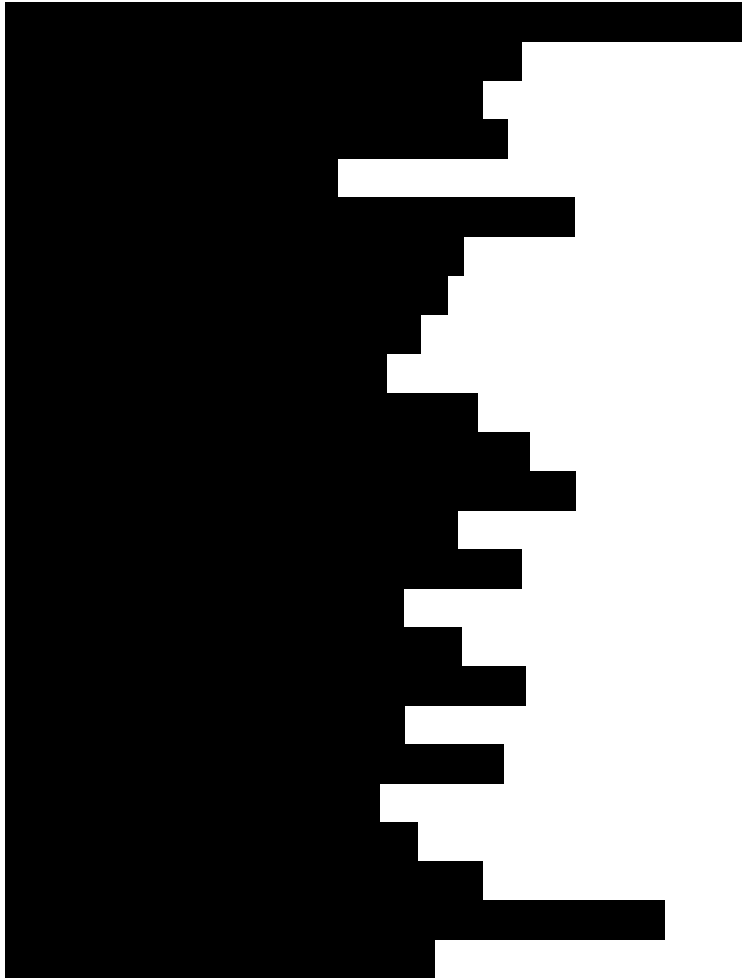
**Re: Request for Investigation into Potential Federal Crimes at the West Texas Detention Facility**

Dear Ms. Kennedy:

On behalf of approximately 80 African immigrants who were held in custody of Immigration and Customs Enforcement (ICE) at the West Texas Detention Facility in Sierra Blanca, Texas from approximately February 23, 2018 to March 2, 2018, we write to urge your office to investigate actions of one or more ICE officials and its contractor, LaSalle Corrections, which resulted in physical and psychological harm and suffering.

We believe the actions described in detail below implicate federal crimes including Conspiracy Against Rights (18 U.S.C. § 241), Deprivation of Rights Under Color of Law (18 U.S.C. § 242) and Hate Crimes Acts (18 U.S.C. § 249) and possible federal civil violations. The allegations contained herein are based on interviews with 30 Somali nationals conducted by attorneys and staff of the undersigned organizations on March 13 and 14, 2018. The individuals we met with were not promised any help or legal representation in return for disclosing this information. The men remain in ICE custody at the Coastal Bend Detention Center in Robstown, Texas. All of the men are under final removal orders, and ICE is seeking their immediate removal.

Given the severity of the abuses and the imminence of removal, we ask that the Office of Civil Rights and Civil Liberties intervene and demand that ICE ***stay the removal*** of the following individuals who have critical information as victims and witnesses to the criminal actions so that an authentic investigation can be conducted.



In addition, in order to prevent reprisals against these men, we ask that you ensure that they are **not returned to the West Texas Detention Facility**, now or at any time in the future, during their time in ICE or other federal government custody.

**Summary of Facts**

On or about February 23, 2018, approximately 80 men were transferred to the West Texas Detention Facility. The West Texas Detention Facility is a large detention facility currently

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<sup>1</sup> Mr. [REDACTED] is represented in his immigration matters by John Bruning, Esq. (Minnesota).  
<sup>2</sup> Mr. [REDACTED] is represented in his immigration matters by John Bruning, Esq. (Minnesota).  
<sup>3</sup> Mr. [REDACTED] is represented in his immigration matters by Brian Lerner, Esq. (California).

operated under federal government contract with LaSalle Corrections, a private prison company.<sup>4</sup>

Most of the men (approximately 68) were nationals of Somalia. The group also included several Kenyan and Sudanese nationals. At least one man is stateless. All of the men were in ICE custody for the sole purpose of effectuating removal after receiving final orders of removal from immigration court or final expedited removal orders from CBP/ICE.

While detained at the West Texas Detention Facility, the men reported suffering numerous abuses, including the following: physical assault; sexual abuse; excessive and arbitrary discipline (use of pepper spray and solitary confinement) without cause; verbal insults, including racial slurs; dangerous and unsanitary conditions of confinement; and denial of medical and mental health care. LaSalle Corrections officers committed the abuses. ICE officers may have been present for some of the abuses.

Of the 30 men interviewed, all reported being pepper sprayed at least once; 14 reported being physically assaulted by officers. The incidents included in this letter are select examples of practices that many of the 30 men we spoke with reported. It is not an exhaustive list of incidents or individuals.

***Physical assault:***

Officers pushed [REDACTED] against the wall, resulting in a bruise under his left eye. The officer also hit Mr. [REDACTED] in the shoulder. The officer then took Mr. [REDACTED] into a room and kicked him, resulting in severe neck pain.

Officers grabbed [REDACTED] by the wrist and slammed it into a cinder block wall. They also pushed his head into the wall. As a result, his wrist swelled. He was denied any medical care.

An officer threw [REDACTED], who has serious medical issues (see below), against the wall and threatened him.

An officer pushed [REDACTED] and his chest hit the bed. He has had pain in his chest since that incident. He was also yanked hard by his shackles while being transported by bus from the airport to the West Texas Detention Facility. He fell to the ground, injured his leg, and broke his tooth.

[REDACTED] was physically abused and punched. He reports being treated "like an animal."

An officer hit [REDACTED] with a baton.

[REDACTED] reported that his friend was hit in the head twice by an officer. He also witnessed his friend being thrown against the wall and says that his friend's face was cut as a result.

[REDACTED] saw officers force another detainee to lie face down on the floor with his hands handcuffed behind his back. Several officers held the man down, while another officer pounded the man with an elbow six times in the back of his neck.

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<sup>4</sup> See LaSalle Corrections web page, <http://www.lasallecorrections.com/locations/texas/west-texas-detention-center/?back=locations>.



████████████████████ was hit in the face by the warden four times on Friday, March 2, 2018. He was in the nurse's station when the warden punched him. He asked two medical officers who were present, "Are you going to let this happen?" They responded, "We didn't see anything." ██████████ was then placed in solitary confinement, where the warden kicked him in the ribs while he was forced to lie face down on the floor with his hands handcuffed behind his back. When ██████████ said, "I'll get a lawyer to sue you," the warden responded, "We've got enough money."

████████████████████ stated that officers beat him, pushed him to the ground and put their knees on his back, and slammed his head against the concrete even though he did not resist.

████████████████████ witnessed officers beating a fellow detainee without provocation.

When ██████████ arrived at the West Texas Detention Facility, he and the other detainees were shackled. Despite their restraints, officers pointed guns at them while still in the transport vehicle. After officers pepper sprayed an entire area where ██████████ was held with other detainees, another officer pointed a gun at ██████████ then witnessed some officers taking detainees out one at a time and beating them without cause. ██████████ also witnessed an officer who drove them to the West Texas Detention Facility grab another detainee by the neck, even though he was shackled, and tell him "shut the f\* up, you can't talk."

████████████████████ witnessed officers beat other detainees. He saw officers take detainees by the neck and smash them into the wall for no reason. He witnessed officers slam Ismail ██████████ and smack him on the floor, put a knee to his head, and take him away to solitary.

████████████████████ witnessed officers beating detainees whom the officers had just pepper sprayed.

***Indiscriminate use of pepper spray:***

████████████████████ was pepper sprayed in the face twice. He said that detention conditions have been so bad that he prefers going back to Somalia to remaining in detention here, despite fearing for his life in Somalia.<sup>5</sup>

████████████████████ was pepper sprayed twice. The spray got in his eyes and face so that he could not breathe.

████████████████████ was pepper sprayed and reported still feeling sick from it when we interviewed him.

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<sup>5</sup> Haitham Bol, a detainee from Sudan, similarly reported being pepper sprayed in a conversation with a reporter while at the West Texas Detention Facility. See Robert Garova, Facing Deportation Threat, This New Hampshire Family is Looking for Answers, New Hampshire Public Radio (Mar. 8, 2018), available at <http://nhpr.org/post/facing-deportation-threat-new-hampshire-family-looking-answers#stream/0>.

██████████ reported that officers pepper sprayed him approximately four times while in a group waiting for processing. He has been coughing blood and had a sore throat and burning eyes afterwards.

██████████ stated that the pepper spray made him very sick and he had an allergic reaction. He reported seeing other people coughing blood.

██████████ was pepper sprayed by officers for requesting to speak to ICE officers.

██████████ was pepper sprayed twice. As a result, he had difficulty breathing. He still has throat soreness. He saw another detainee cough up blood after being pepper sprayed. Another man had a seizure from the spray. ██████████ asked officers for medical attention for his fellow detainee; then officers responded that they did not care. ██████████ and another detainee had to carry the man to another part of the facility to seek medical attention.

██████████ witnessed officers pepper spray a large group of detainees while in a holding cell. He also witnessed officers point a gun at the detainees while they were being pepper sprayed despite being subdued and handcuffed. He witnessed one man fall to the ground who seemed to be experiencing an asthma attack as a direct cause of the pepper spray.

Officers pepper sprayed ██████████ while he was in a large holding cell with other detainees. During this incident, other officers pointed a gun at the detainees. As officers were removing ██████████ from the holding area, they pepper sprayed him again from up close.

***Use of segregation and solitary confinement:***

LaSalle corrections officers sent ██████████ to the "hole" or a solitary cell for three hours without motivation.

LaSalle corrections officers waved ██████████ and another man outside. They pushed him to the ground and handcuffed his hands behind his back without cause. The officers then detained ██████████ and the other man in a single cell for 7-8 hours without food or water. The officers covered ██████████ face with a hood and then returned him to the general detention hall without any explanation as to why he had been subject to segregation.

██████████ who has serious medical and mental health issues (see below), was placed in segregation for two days because he asked for underwear and socks. He could not breathe and thought he was going to die. He also reports being locked in a "cage" for 1-2 hours wearing just his boxer shorts because he was "talking too loud to the warden." He was very cold and shivering. Afterwards, one of the officers threw him against the wall and threatened him not to tell anyone or he would be "in the hole" all day. ICE officers were present and saw how he was treated. They did not intervene.

██████████ was placed in the "hole" for one day after being pepper sprayed.

██████████ was placed in solitary confinement for two days after an incident where a detainee was pepper sprayed by an officer.

[REDACTED] was placed in solitary confinement for days after he asked to go back to Somalia.

[REDACTED] was placed in solitary confinement for two days because he complained about pain in his injured ankle.

[REDACTED] was placed in solitary confinement after being hit in the face four times by the warden. While in solitary, he was kicked and threatened with pepper spray.

[REDACTED] was placed in solitary confinement right away after arriving at the West Texas Detention Facility. He said officers singled him out to make an example of him. He was beaten and left in solitary confinement for seven days. For the first two days, he had no mattress or pillow, and it was freezing cold. He kept asking for a mattress and pillow and was denied.

***Sexual assault:***

LaSalle corrections officers sexually assaulted [REDACTED] by fondling his penis and groin area over his clothes while he was pushed against the wall. This happened to him multiple times.

***Threats:***

When [REDACTED] asked an officer if he could pull the string out of his hoodie instead of cutting it out, the officer responded by holding the scissors to [REDACTED] throat and saying "shut the fuck up."

LaSalle corrections officers threatened to pepper spray a group of detainees, including Ismail [REDACTED] and had their guns pointed at the men's faces despite the men being fully shackled at the waist and legs.

[REDACTED] also reported corrections officers pointing their weapons and pepper spray at the men, taunting "say something . . . one word."

After [REDACTED] was placed in the "hole," officers threw him against the wall and threatened that if he told anyone what happened to him he would be in the "hole" all day.

After [REDACTED] was pepper sprayed with other detainees and began coughing, an officer warned him not to talk to ICE and placed him in the "hole."

An officer threatened [REDACTED] after he stood up for a friend. The officer held his pepper spray up to [REDACTED] face and said, "are you the motherfucker that was saying something?" The officer then said, "You better hope you're not coming back here or you'll see my face again."

After insulting [REDACTED] and calling him racial slurs, an officer held his handcuff key to [REDACTED] side and threatened to stab him with the key if he said anything.

[REDACTED] reported that guards pointed guns at his face after a flight to Africa was cancelled and people started asking what was going on. He was terrified.

While [REDACTED] was in solitary confinement, lying face down on the floor with his hands behind his back, the warden threatened, "if you move, we're going to pepper spray you." On a separate occasion, the warden threatened [REDACTED], "if you say one more word, I'm going to drop you," meaning he would throw him face down on the ground with his hands shackled behind his back.

When [REDACTED] first arrived to the West Texas Detention Facility, he witnessed one officer tell another man "shut the f\* up, you can't talk." After corrections officers pepper sprayed him, they told him this is what was going to happen every day.

Corrections officers pointed a gun at [REDACTED] and other detainees after pepper spraying them, although they were in a secure area.

[REDACTED] reports that after he and a group of detainees were pepper sprayed, correctional officers pointed a gun at them and threatened to shoot everyone.

***Verbal taunting and insults, including racial slurs:***

Officers called [REDACTED] a "stupid mother-fucker" and said "you are a terrorist."

The warden told [REDACTED] "Shut your black ass up. You don't deserve nothing. You belong at the back of that cage" when he asked for underwear and socks.

An officer called [REDACTED] a "motherfucker."

[REDACTED] was called a "bitch" and reported that the officers referred to the detainees as "motherfucking Africans" and "N\*."

[REDACTED] was told to "shut the fuck up."

[REDACTED] stated that officers called the detainees "animals" and cussed at them regularly, telling them to "shut the fuck up."

[REDACTED] heard the warden say, "now you belong to me, boy" to another Somali detainee.

[REDACTED] said that the officer called the detainees "animals."

[REDACTED] reported that after a group of detainees was pepper sprayed, the warden picked him out and threatened, "Boy, I'm going to show you. You're my bitch."

[REDACTED] said that officers called him names like "N\*," "monkey," and "stupid motherfucker" to try to provoke him.

[REDACTED] was called "N\*," "monkey" and "stupid motherfucker."

[REDACTED] stated that the officers called them names like "N\*," "monkey" and "stupid motherfucker."

***Denial of medical and mental health care:***

Fourteen men were exposed to active Tuberculosis (TB) while detained in Noble County, Minnesota. Proper screening to ensure against active TB and further contagion has not yet been completed. [REDACTED] tested positive to a skin test while in Minnesota. He was scheduled for a follow up X-ray screening. Prior to the X-ray screening, ICE transferred [REDACTED] to the West Texas Detention Facility. [REDACTED] and his wife advised the facility of his need for further TB screening. To date, he has not received a chest X-ray to confirm non-infection.

[REDACTED] was scheduled for surgery on Dec. 8, 2107 after a doctor in Maine told him that he was bleeding from his stomach and his intestines. He was detained by ICE on December 6, 2017, two days before his scheduled surgery, and has not received proper medical attention. He reported bleeding from his rectum when we interviewed him.

Both ICE and LaSalle Corrections officers denied medical treatment to [REDACTED]. Mr. Said was undergoing post-surgery physical therapy when taken into ICE custody on February 2, 2018. He informed officers of his medical needs and documentation regarding his on-going medical needs was provided to ICE. He similarly requested medical assistance while at the West Texas Detention Facility. As of March 14, 2018, he had not received any medical care or continued therapy.

[REDACTED] shattered his pelvis in a car accident in 2015 and was taking oxycodone before being detained by ICE. He suffers from severe pain and has trouble walking. He also has blood clots in his lungs, legs, and arms that require him to take blood thinners. Additionally, he suffered brain trauma during the car accident and was in a coma for several days. He was taking Prozac and Effexor for depression and hallucinations and saw a psychiatrist three times a week before being detained. While at the West Texas Detention Facility, he received only ibuprofen, which was not sufficient to control his pain. He did not receive any blood thinners or psychiatric medications. He never even saw a psychiatrist. He reports currently feeling very depressed, at times suicidal, and seeing hallucinations. He also has been denied crutches in detention, despite having severe pain walking because he has ten screws in his pelvis. Additionally, he was denied an inhaler in West Texas.

[REDACTED] was shot in his arm as a bystander in a street shooting in 2006 when he was 18 years old. He has a large scar from the gunshot wound, and his movement in his right elbow is limited. He was diagnosed with PTSD, depression, and anxiety after the shooting and was taking Lexapro and Seroquel before being detained by ICE. In addition, [REDACTED] fell from a third story balcony on April 22, 2017, and broke his ankle in three different places. He still uses crutches to walk. He had three surgeries on his ankle and suffered blood and bone infections. He was also diagnosed with arthritis due to the broken bones. In addition, he had to have surgery on his stomach due to the fall, which caused internal bleeding, leaving a large scar on his abdomen. He was in a coma from the fall for four days. Due to the pain of his injuries, he was taking tramadol and antibiotics. On January 31, 2018, he was detained by ICE. Since then, he has not received any of his medications. He has received only ibuprofen.

[REDACTED] was pepper sprayed in the face for no reason. Afterwards, he was taken to the nurse, who gave him only one Benadryl and told him to wipe his face. His face was burning, itchy, and swollen.

██████████ injured his leg and cracked a tooth after an officer yanked his shackles, causing him to fall to the ground. He asked to see a doctor and was denied. He received only two ibuprofen tablets.

██████████ suffers from back pain. He reports that officers sometimes refused to provide him forms for sick call and that he did not receive adequate medication for his back pain.

██████████ had a lung surgically removed and therefore has only one lung. When he was detained in Washington, he was treated for lung infection and received medication. He also had trouble breathing due to the pepper spray. When he asked for help with his medical condition, he was placed in solitary confinement instead of taken to a doctor.

██████████ suffers from PTSD and nightmares after members of a rival clan tortured him and his family. They burned him with fire when he was a boy and killed his uncle and grandfather. Before being detained, he was taking medication for PTSD, but he was denied psychiatric medication in the West Texas Detention Facility. Additionally, he received no medical care after being pepper sprayed several times, although he has been coughing blood and had a sore throat and burning eyes.

After being beaten by officers, ██████████ asked for pain medication. He received bandages for his cuts but was denied pain medication.

██████████ developed a cough and experienced pain in his stomach while at the West Texas Detention Facility. Although he requested to see a doctor, he was not permitted to see one.

***Unsafe and unsanitary conditions:***

All 30 men complained of only being issued only one set of clothing, including underwear, for the entire week of their detention at the West Texas Detention Facility. LaSalle Corrections officers also denied them toothbrushes and toothpaste. The men were forced to hand wash their undergarments to remain clean.

The men complained of unclean conditions, including drinking water with obvious contamination of dirt or other particles. They reported mold in the showers, unsanitary toilets, and no hot water.

██████████ reported being denied cleaning products when he asked for them.

██████████ stated that the facility was filthy with no air and that lots of people were crammed into a space that looked like a “chicken coop.” He said that he received cleaning products four or five days after requesting them. He also reported that he and some other men were “coughing up yellow stuff,” which he attributed to the lack of fresh air.

██████████ who has been coughing blood, stated that the lack of ventilation and unsanitary conditions has made many people, including himself, sick.

██████████ stated that they had to clean the toilets themselves and had no hot water. He stated that there was dust everywhere and the facility looked like a “chicken farm.”

[REDACTED] sought medical assistance at his current detention center in Robstown, and the medical staff told him he likely developed a cold because of the conditions at the West Texas Detention Facility.

#### ***Denial of Communication with Somali Embassy***

[REDACTED] said that whenever an officer dials the Somali embassy's number, the call cuts off after 60 seconds. He says that the Somali detainees are not able to speak with their embassy.

[REDACTED] stated that he tried to contact the Somali embassy but the number he was connected with did not seem to be the real embassy. He stated that the people who answer the phone do not know anything about his status or have him on their list and they only speak English.

#### ***Denial of Religious Accommodations***

[REDACTED] said that the pork-free meal available to Muslims was the same meal every day for lunch and dinner. To have some variety in their diet, some of the Somali Muslims resorted to eating ham and pork.

#### ***Coercion to Sign for Voluntary Deportation***

[REDACTED] stated that he had a pending petition for writ of habeas corpus, but ICE officers pressured him to sign papers without explaining what they were. After signing the papers, he found out that he had agreed to voluntary deportation. He said he would never have signed the papers if he had known what they were. He fears being killed in Somalia.

#### **Discussion**

The US Constitution guarantees freedom from cruel and unusual punishment, including restrictions on the use of solitary confinement and requirements to guarantee detainees' safety and to provide humane conditions with respect to clothing, shelter and food. Immigrants detained for civil immigration purposes also enjoy Fifth Amendment protection from deprivation of life or liberty without due process of law. Substantive due process ensures that immigrant detainees are free from excessive physical abuse by federal officers. Federal law further protects against crimes motivated by racial or religious animus.

Applicable ICE detention standards authorize the use of force "only after all reasonable efforts to resolve a situation have failed." Even then, officers must use "as little force as 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." National Detention Standards (NDS 2000), available at <https://www.ice.gov/detention-standards/2000>. The Standard on Disciplinary Policy prohibits capricious or retaliatory disciplinary action. *Id.*



The Standard on Environmental Health and Safety requires toxic and caustic substances to be carefully controlled and allowing only authorized staff to handle such substances. *Id.* Pepper spray would fall under this category. This standard also requires that environmental health conditions be maintained at a level that meets recognized standards of hygiene as set by the American Correctional Association, the Occupational Safety and Health Administration, the Environmental Protection Agency, the Food and Drug Administration, the National Fire Protection Association's Life Safety Code, and the National Center for Disease Control and Prevention. *Id.*

The Standard on Medical requires that detainees "have access to medical services that promote detainee health and general well-being." *Id.* Failing to provide medical attention to abuse-related injuries violates these standards. In addition, the denial of medical care for pre-existing injury and illness violates this standard.

The Standard on Administrative Segregation specifies that this must be a non-punitive form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to self, staff, other detainees, property, or the security or orderly operation of the facility. *Id.* With respect to Disciplinary Segregation, the relevant standard specifies that this type of segregation may only be used when alternative dispositions would inadequately regulate a detainees' behavior and requires a written order to be completed and signed by the chair of the Institutional Disciplinary Committee panel beforehand. *Id.*

Additionally, ICE's 2013 directive on the use of segregation, which applies to all immigration detention facilities, specifies that segregation should occur only when necessary, that it should be used for individuals with special vulnerabilities as a last resort when no other viable housing options exist, and that ICE must ensure the health, safety, and welfare of detainees in segregation.

Finally, ICE's 2014 directive on Sexual Abuse and Assault Prevention and Intervention establishes procedures for timely notification of sexual abuse and assault allegations, prompt and coordinated response and intervention, and effective monitoring of sexual abuse and assault incidents. See U.S. Immigration and Customs Enforcement, 11062.2: Sexual Abuse and Assault Prevention and Intervention, issued and effective May 22, 2014 (superseding 11062.1: Sexual Abuse and Assault Prevention and Intervention, issued and effective May 11, 2012).

The pattern and practice of abuses LaSalle corrections officers engaged against the group of African detainees over the course of a week not only violated the NDS, but amounts to hate crimes, conspiracy against rights, and a deprivation of rights under color of law. The officers used epithets ("terrorist" and "boy" and "n\*") in combination with beatings, broad and indiscriminate use of pepper spray, and routine and arbitrary use of segregation and other violations to demean and injure the men.

We are cognizant that this is not the first time that abuses have been reported at the West Texas Detention Facility.<sup>6</sup> In 2016, DHS inspectors found the facility deficient in key areas of medical care, use of force and use of segregation. See DHS/ICE Office of Professional

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<sup>6</sup> Monica Ortiz Uribe, "Federal Detention Facility in West Texas Called Out After Inmates Complain of Inhumane Treatment," Fronteras (March 16, 2016), available at <http://fronterasdesk.org/content/10253/federal-detention-facility-west-texas-called-out-after-inmates-complain-inhumane>.



Responsibility, *Office of Detention Oversight Compliance Inspection: West Texas Detention Facility* (Feb 2-4, 2016), available at <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2016-SierraBlanca-Feb.pdf>. The agency also found that 16 out of 30 detainees whose medical records were reviewed had not been tested for TB, despite requirements to do so. *Id.*

The attached sworn declarations provide sufficient evidence to initiate an investigation. The individuals named at the beginning of this letter are willing to cooperate in any investigation. Their continuing presence in the United States is warranted to ensure that your office can engage in a thorough investigation and properly identify the perpetrators.

Thank you for your prompt attention to this important matter. We will follow up with your office to schedule a meeting to further discuss these issues. If you have any questions, we can be reached at the contact information below.

Sincerely,



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U.S. Attorney's Office  
Federal Bureau of Investigation  
Hudspeth County District Attorney's Office  
Hudspeth County Sherriff's Office  
Texas Rangers

# EXHIBIT I



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

June 18, 2020

Rebecca Sharpless  
1311 Miller Drive Suite E 273  
Coral Gables, FL 33146  
[rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu)

Subject: Freedom of Information Act Request No. 2020-IGFO-00136  
Acknowledgement Letter

Dear Ms. Sharpless:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated May 26, 2020, seeking any and all documentation, information electronic or otherwise, relating to the December 7, 2017 deportation flight from Louisiana (most likely Alexandria airport) to Somalia. According to your request, this flight was grounded in Dakar, Senegal for approximately 23 hours and then turned around and landed in Miami on December 9, 2017. This request includes a request for all information relating to any investigation into what occurred during the flight. DHS-OIG received your request on May 26, 2020, and assigned it the above-referenced tracking number.

Your request has been placed in the queue for processing in the order in which it was received. We anticipate responding to your request within 20 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed, as we currently have a large backlog of requests; however, we are using our best efforts to process all requests with due diligence. We, therefore, appreciate your patience as we proceed with your request.

In accordance with DHS regulation 6 C.F.R. § 5.11(a), by making a FOIA request it is considered a firm agreement by you to pay all applicable fees up to the amount of \$25.00. You have agreed to pay up to \$200, you will be notified should fees exceed this amount.

To check the status of your FOIA request, contact us at 202-981-6100, foia.oig@oig.dhs.gov, or check status online at <http://www.dhs.gov/foia-status>. Refer to the above-referenced tracking number if you contact us regarding your request. If we require additional information, we will contact you.

Sincerely,

Carlita Blocker  
FOIA/PA Disclosure Specialist

# EXHIBIT J



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

August 17, 2020

Sent via email: [rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu)

Ms. Rebecca Sharpless  
1311 Miller Drive, Suite E257  
Coral Gables, Florida 33146

Subject: Freedom of Information Act Request No. 2020-IGFO-00187  
Acknowledgement Letter

Dear Ms. Sharpless:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated August 7, 2020, seeking any and all documentation, electronic or otherwise, relating to the findings/results from the OIG investigation into Glades Detention Center. You have indicated that the investigation was into a complaint against Glades Detention Center filed on January 8, 2018. DHS-OIG received your request on August 10, 2020, and assigned it the above-referenced tracking number.

Your request has been placed in the queue for processing in the order in which it was received. We anticipate responding to your request within 20 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed, as we currently have a large backlog of requests; however, we are using our best efforts to process all requests with due diligence. We, therefore, appreciate your patience as we proceed with your request.

In accordance with DHS regulation 6 C.F.R. § 5.11(a), this letter also confirms your agreement to incur all applicable fees involved in the processing of your request, up to the amount of \$25.00. You have indicated that you are willing to pay fees up to \$200.00, we will notify you should fees exceed that amount.

To check the status of your FOIA request, contact us at 202-981-6100, [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov), or check status online at <http://www.dhs.gov/foia-status>. Refer to the above-referenced tracking number if you contact us

regarding your request. If we require additional information, we will contact you.

Sincerely,

*Darcia Rufus*

Darcia Rufus  
OIG Office of Counsel



# EXHIBIT K



Homeland  
Security

August 18, 2020

**SENT VIA E-MAIL TO: rsharpless@law.miami.edu**

Rebecca Sharpless  
Univ of Miami School of Law  
1311 Miller Drive, Suite E273  
Coral Gables, FL 33146

Re: **2020-HQFO-01621**

Dear Ms. Sharpless:

This letter acknowledges receipt of your August 10, 2020, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for any and all documentation, electronic or otherwise, relating to the findings/results from the CRCL investigation into Glades Detention Center. The investigation into a complaint against Glades Detention Center was filed on January 8, 2018 and was directed to Mr. John Kelly (U.S. Department of Homeland Security Office of Inspector General) and Ms. Cameron Quinn (Officer for Civil Rights and Civil Liberties U.S. Department of Homeland Security). This office received your request on August 10, 2020.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

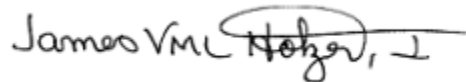
Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. You stated in your request that you are willing to pay assessable fees up to \$200. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2020-HQFO-01621**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743 or at [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov).

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." with a stylized flourish at the end.

James Holzer  
Deputy Chief FOIA Officer

# EXHIBIT L



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

August 21, 2020

**SENT VIA EMAIL TO:** [rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu)

Rebecca Sharpless  
1311 Miller Drive, Suite E257  
Coral Gables, Florida 33146

Subject: Freedom of Information Act Request No. 2020-IGFO-00189  
Acknowledgement Letter

Dear Ms. Sharpless:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated August 7, 2020, seeking any and all documentation, electronic or otherwise, relating to the findings/results from an OIG investigation into West Texas Detention Facility. DHS-OIG received your request on August 10, 2020, and assigned it the above-referenced tracking number.

Your request has been placed in the queue for processing in the order in which it was received. We anticipate responding to your request within 20 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed, as we currently have a large backlog of requests; however, we are using our best efforts to process all requests with due diligence. We, therefore, appreciate your patience as we proceed with your request.

In accordance with DHS regulation 6 C.F.R. § 5.11(a), this letter also confirms your agreement to incur all applicable fees involved in the processing of your request, up to the amount of \$200.00. You will be notified should fees exceed this amount.

To check the status of your FOIA request, contact us at 202-981-6100, [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov), or check status online at <http://www.dhs.gov/foia-status>.

Refer to the above-referenced tracking number if you contact us regarding your request. If we require additional information, we will contact you.

Sincerely,

*Gina Goldblatt*

Gina Goldblatt  
FOIA/PA Disclosure Specialist

# EXHIBIT M



Homeland  
Security

August 18, 2020

**SENT VIA E-MAIL TO: rsharpless@law.miami.edu**

Rebecca Sharpless  
Univ of Miami School of Law  
1311 Miller Drive, Suite E273  
Coral Gables, FL 33146

Re: **2020-HQFO-01622**

Dear Ms. Sharpless:

This letter acknowledges receipt of your August 10, 2020, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for Any and all documentation, electronic or otherwise, relating to the findings/results from the CRCL investigation into West Texas Detention Facility. The investigation was into a complaint against West Texas Detention Facility in March 2018. This office received your request on August 10, 2020.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to educational requesters. As an educational requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. You stated in your request that you are willing to pay assessable fees up to \$200. This office will contact you before accruing any additional fees.

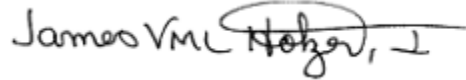
We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.



Your request has been assigned reference number **2020-HQFO-01622**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743 or at [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov).

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." with a stylized flourish at the end.

James Holzer  
Deputy Chief FOIA Officer

# EXHIBIT N

 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

To check the status of requests submitted to the U.S. Customs and Border Protection (CBP), click here. (<https://foiaonline.gov/foiaonline/action/public/home>).

To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 11/30/2020 11:39:47 AM EST

Status information is current as of 11/30/2020

**Enter Request Number \***

Check Status



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 12/15/2020 01:36:46 PM EST

Status information is current as of 12/15/2020

**Enter Request Number \***

Check Status

 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 01/12/2021 10:51:22 AM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status

☰ Menu





U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 01/27/2021 05:01:17 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 02/11/2021 11:55:26 AM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status



U.S. Department of Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

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To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 03/01/2021 12:33:24 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

To check the status of requests submitted to the U.S. Customs and Border Protection (CBP), click here. (<https://foiaonline.gov/foiaonline/action/public/home>).

To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00136**

Request Number: 2020-IGFO-00136

Received Date: 05/27/2020

Request Status: Assigned

Estimated Delivery Date: 07/14/2020

Closed Date:

Check performed on 03/16/2021 03:34:57 PM EDT

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status



# EXHIBIT O

 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

To check the status of requests submitted to the U.S. Customs and Border Protection (CBP), click here. (<https://foiaonline.gov/foiaonline/action/public/home>).

To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00187**

Request Number: 2020-IGFO-00187

Received Date: 08/10/2020

Request Status: Assigned

Estimated Delivery Date: 09/13/2020

Closed Date:

Check performed on 11/30/2020 11:41:23 AM EST

Status information is current as of 11/30/2020

**Enter Request Number \***

Check Status



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

To check the status of requests submitted to the U.S. Customs and Border Protection (CBP), click here. (<https://foiaonline.gov/foiaonline/action/public/home>).

To check the status of requests submitted to the U.S. Citizenship and Immigration Services (USCIS), click here. (<https://first.uscis.gov/#/check-status>).

\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00187**

Request Number: 2020-IGFO-00187

Received Date: 08/10/2020

Request Status: Assigned

Estimated Delivery Date: 09/13/2020

Closed Date:

Check performed on 12/15/2020 01:37:23 PM EST

Status information is current as of 12/15/2020

**Enter Request Number \***

Check Status



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

January 11, 2021

Sent via email: [rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu)

Ms. Rebecca Sharpless  
1311 Miller Drive, Suite E257  
Coral Gables, Florida 33146

SUBJECT: Freedom of Information Act Request No. 2020-IGFO-00187  
Final Response

Dear Ms. Sharpless:

This responds to your Freedom of Information Act/Privacy Act (FOIA/PA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated August 7, 2020, seeking any and all documentation, electronic or otherwise, relating to the findings/results from the OIG investigation into Glades Detention Center. You indicated that the investigation was into a complaint against Glades Detention Center filed on January 8, 2018. Your request was received in this office on August 10, 2020.

DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. In response to your request, a search of DHS-OIG's investigative database was conducted electronically; however, that search revealed no records responsive to your request.

**Appeal**

This is the final action this office will take concerning this matter. You have the right to appeal this response.<sup>1</sup> Your appeal must be in writing

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<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

and received within 90 days after the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked "Freedom of Information Act [/Privacy Act] Appeal." Your appeal letter must also clearly identify DHS-OIG's response. Additional information on submitting an appeal is set forth in the Department of Homeland Security regulations at 6 C.F.R. § 5.8.

### **Assistance and Dispute Resolution Services**

Should you need assistance with your request, you may contact DHS-OIG's FOIA Public Liaison. You may also seek dispute resolution services from our FOIA Public Liaison. You may contact DHS-OIG's FOIA Public Liaison in any of the following ways:

FOIA Public Liaison  
DHS-OIG Counsel  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305  
Phone: 202-981-6100  
Fax: 202-245-5217  
E-mail: [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov)

Additionally, the 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

If you have any questions about this response, please contact us at 202-981-6100.

Sincerely,

*Darcia Rufus*

Darcia Rufus  
OIG Office of Counsel



UNIVERSITY OF MIAMI  
SCHOOL of LAW



**Immigration Clinic**  
1311 Miller Drive, Suite E273  
Coral Gables, Florida 33146

Ph: 305-284-6092  
Fax: 305-284-6093

**SENT VIA FED EX 8162 3850 8050**

January 11, 2021

FOIA/PA Appeals Unit  
DHS/Inspector General  
STOP 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

**RE: Freedom of Information Act Appeal - Request No. 2020-IGFO-00187**

Dear Sir or Madam:

On August 7, 2020, we submitted a Freedom of Information Act request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), seeking any and all documentation, electronic or otherwise, relating to the findings/results from the OIG investigation into Glades Detention Center located in Moore Haven, Florida in 2018. The investigation was into a complaint against Glades Detention Center filed on January 8, 2018.

DHS-OIG responded and advised that they completed the review of all documents and they found no records responsive to our request. The response, in a footnote, suggested that materials may have been withheld due to a FOIA exemption.

I write to appeal the decision. It is unlikely that there were no findings or results from the investigation, given that multiple people were interviewed as part of the investigation. If there were findings or results that are being withheld pursuant to a FOIA exemption, please describe the withheld documents with specificity and the asserted exemption.

We appreciate your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (305) 284-6092 or [rsharpless@law.miami.edu](mailto:rsharpless@law.miami.edu).

Sincerely,

Rebecca Sharpless  
Attorney at Law

# EXHIBIT P

 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

DHS Requests Response Time for Processed and Pending Requests - Average No. of Days Simple is 21.24 Days and Complex is 111.59 Days. For component specific response times, please refer to the latest FOIA annual report.

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\*Status of requests are updated nightly.

The number you entered is **2020-HQFO-01621**

Request Number: 2020-HQFO-01621

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 01/27/2021 05:13:22 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status

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Homeland Security

# Check Status of Request

To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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The number you entered is **2020-HQFO-01621**

Request Number: 2020-HQFO-01621

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 02/11/2021 11:48:08 AM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status



U.S. Department of  
Homeland Security

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To check the status of requests submitted to the DHS Privacy Office, The Office of Intelligence and Analysis (I&A), the Federal Emergency Management Agency (FEMA), National Protection and Programs Directorate (NPPD), Office of Biometric Identity Management (OBIM), Science and Technology Directorate (S&T), Immigration and Custom Enforcement (ICE), Transportation Security Administration (TSA), and the U.S Coast Guard (USCG) you may use the online check status capability below. Simply enter your request number and click the “Check Status” button.

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\*Status of requests are updated nightly.

The number you entered is **2020-HQFO-01621**

Request Number: 2020-HQFO-01621

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/01/2021 12:29:50 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status





U.S. Department of  
Homeland Security

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\*Status of requests are updated nightly.

The number you entered is **2020-HQFO-01621**

Request Number: 2020-HQFO-01621

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/16/2021 03:31:16 PM EDT

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status

# EXHIBIT Q

 Official website of the Department of Homeland Security



U.S. Department of  
Homeland Security

# Check Status of Request

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\*Status of requests are updated nightly.

The number you entered is **2020-IGFO-00189**

Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 11/30/2020 11:42:10 AM EST

Status information is current as of 11/30/2020

**Enter Request Number \***

Check Status

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Homeland Security

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The number you entered is **2020-IGFO-00189**

Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 12/15/2020 01:37:49 PM EST

Status information is current as of 12/15/2020

**Enter Request Number \***

Check Status

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Homeland Security

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The number you entered is **2020-IGFO-00189**

Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 01/12/2021 10:52:43 AM EST

Status information is current as of 12/17/2020



**Enter Request Number \***

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The number you entered is **2020-IGFO-00189**

Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 01/27/2021 05:04:02 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

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Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 02/11/2021 11:56:58 AM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

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Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/01/2021 12:34:49 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

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Request Number: 2020-IGFO-00189

Received Date: 08/10/2020

Request Status: Perfected

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/16/2021 03:36:05 PM EDT

Status information is current as of 12/17/2020



**Enter Request Number \***

Check Status

# EXHIBIT R

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U.S. Department of  
Homeland Security

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\*Status of requests are updated nightly.

The number you entered is **2020-HQFO-01622**

Request Number: 2020-HQFO-01622

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 01/27/2021 05:15:38 PM EST

Status information is current as of 12/17/2020

**Enter Request Number \***

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Request Number: 2020-HQFO-01622

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 02/11/2021 11:52:20 AM EST

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Request Number: 2020-HQFO-01622

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/01/2021 12:31:36 PM EST

Status information is current as of 12/17/2020

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Request Number: 2020-HQFO-01622

Received Date: 08/10/2020

Request Status: Documents Added to Review Log

Estimated Delivery Date: 09/27/2020

Closed Date:

Check performed on 03/16/2021 03:33:11 PM EDT

Status information is current as of 12/17/2020

**Enter Request Number \***

Check Status