

IMMIGRANT ACTION ALLIANCE



**FREEDOM
FOR IMMIGRANTS**

TOGETHER WE WILL END IMMIGRATION DETENTION

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Cc: Sheriff David Hardin
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March 3, 2021

Re: Excessive Force & Retaliatory Use of Solitary Confinement

Dear Officer Culliton-Gonzalez, Field Office Director Meade, and Assistant Field Office Directors Castano and Davidson:

Immigrant Action Alliance and Freedom for Immigrants submit this complaint regarding the excessive use of force and retaliatory use of solitary confinement at Glades County Detention Center towards two individuals who externally reported about the abuse they are facing while detained: Kevin Louis Brown, A# 201581680, and Kemar Williams, A# 200255520, both originally from Jamaica. Both of these men were placed in solitary confinement on February 10, 2021 and are still in solitary today, 21 days later.

We believe that this was an act of retaliation given that both had provided testimony in January as part of a civil rights complaint Immigrant Action Alliance, Freedom for Immigrants and seven other agencies submitted to you on February 22.

Both Mr. Brown and Mr. Williams were harmed in the act of being taken to solitary confinement. Both experienced severe use of force. Mr. Williams reported to Immigrant Action Alliance on February 12 that he had been “badly beaten, maced and locked in confinement.” (Our organization obtained this information via text, before Glades revoked Mr. Williams’ tablet privileges.) On February 12, another person detained at Glades also texted Immigrant Action Alliance to report that “Kemar Williams was strategically and intentionally brought to medical, where there are no cameras, to put him in confinement” because he was “speaking out” about conditions at Glades. On February 15, Mr. Brown reported by phone that he had also been taken to solitary on February 10 and his head had been dragged on the ground.

Separately, Mr. Brown reported to the Miami Herald that after he said he would report Glades’ abuses to the Office of Civil Rights and Civil Liberties—which it is his right to do—a jail sergeant beat him, pepper sprayed him, and then put him in confinement. Mr. Brown reports the following details of the incident:

The officer grabbed my hand and foot and took me out of the dorm. The officer’s hand kept hitting my face on the ground and then they dragged me, picked me up and slammed me on the floor. My head kept hitting the floor. They then placed me in handcuffs and took me to confinement. ([Miami Herald, Feb. 22, 2021](#))

Both men were pepper sprayed, despite the danger this would place them in given their documented histories of respiratory conditions. (Mr. Brown has bronchitis, and Mr. Williams has asthma.)

Both men have shared with Immigrant Action Alliance separately that the stated reason they were placed in solitary confinement centered on a dispute over access to hygiene products during which each was alleged to have one extra roll of toilet paper. Mr. Brown was also alleged to have one extra laundry bag. During a search of their belongings, a guard placed her foot on food Mr. Brown had just purchased from commissary. He told her, “you can’t do that.” He was then told to step outside of the dorm, but because stepping outside would mean stepping away from the cameras, he verbally refused, fearing what would happen to him out of view of the cameras.

Mr. Brown and Mr. Williams were then taken into solitary confinement by force, and without being given a hearing date. By ICE’s detention standards, investigations must be completed within 72 hours of receiving the incident report (PBNDS 2011 3.1 E.3, “Investigations”) and the hearing must be completed within 24 hours after the investigation is complete (PBNDS 2011 3.1 F.2). However, their hearing did not take place until the 15th day of their confinement.

During this hearing, Mr. Brown was charged with “conduct that disrupts.” ICE categorizes “conduct that disrupts” as one of the “greatest offences,” but specifies that for this designation to be applied, “conduct must be of the greatest severity.” (PBNDS 2011 3.1.A) (For comparison, some other offences in the “greatest offense” category are killing, assault, setting a fire, and hostage-taking; it is clear that obtaining extra toilet paper and verbally objecting to an officer damaging purchased food bears no comparison whatsoever to other offences in this category.) Mr. Brown was informed he will be in confinement for a total of 30 days. United Nations (UN) experts have previously called for the ban of the use of solitary confinement. According to the UN, isolated confinement that lasts over 15 days is excessive and should be prohibited. Solitary confinement leads to mental suffering, and

per the UN “it can amount to torture or cruel, inhuman or degrading treatment or punishment when used as a punishment, during pre-trial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles.”

Kemar Williams stated that because of the length of time in solitary, and the violence, abuse and threats he has experienced at Glades, he has decided to waive his due process rights to pursue his immigration case and to take voluntary departure instead. “It’s not a hard case to fight,” he told Immigrant Action Alliance by phone on March 2 about his immigration case, “but I am not safe here. This is a racist place. I am in fear for my life.” He then mentioned that he has five kids and fears what would happen to them if he died or suffered permanent injury at Glades and could not provide for them. “It is best for me to go,” he said. Mr. Williams reported on March 2 that an ICE officer met with him after he was placed in solitary and saw the bruises on his face firsthand, but the officer merely told him that the excessive force was justified.

While in solitary, Mr. Williams has been blocked from calling and texting his attorney, further hampering his due process rights. On March 2, he informed Immigrant Action Alliance that the lieutenant told him he would have to submit a request in writing if he wished to make a phone call to his attorney.

We are extremely concerned about both men’s wellbeing. We are especially concerned about the length of their confinement, the retaliatory nature of their isolation, and their documented history of depression for which Wendy King, Executive Director of Immigrant Action Alliance, submitted *Fraihat* release requests, noting their respiratory illnesses and other risk factors as well. Mr. Brown’s *Fraihat* release request was submitted on December 28, and Mr. Williams’ was submitted January 14. Their release requests have been ignored, despite repeated follow-up correspondence from Immigrant Action Alliance and both men’s families, and despite the fact that the terms of the *Fraihat* motion to enforce state that “only in rare cases should the [custody] determination take longer than a week.”

We demand that Mr. Brown and Mr. Williams be released from solitary confinement immediately, that the Office of Civil Rights and Civil Liberties conduct an investigation into the excessive use of force they experienced, and that both men be evaluated immediately for release on *Fraihat*. Given the urgency of this situation, please respond within 2 business days about the plan of action.

Sincerely,

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