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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Defendants.

Case No. 2:24-cv-1533

COMPLAINT

INTRODUCTION

1
2 1. This lawsuit challenges Defendant U.S. Immigration and Customs Enforcement
3 (ICE)'s failure to disclose records relating to an April 2, 2024, incident during which Mr. Rubin
4 Temahagari, a resettled refugee detained at the Northwest ICE Processing Center (NWIPC),
5 alleges he was sexually assaulted by an officer employed by the GEO Group—the private
6 contractor that operates the detention facility in Tacoma, Washington.

7 2. Plaintiff Northwest Immigrant Rights Project (NWIRP), a legal services and
8 advocacy organization that defends the rights of immigrant communities in Washington State,
9 seeks to ensure that ICE and the GEO Group are held accountable for this alleged violation of
10 Mr. Temahagari's rights and bodily integrity.

11 3. To that end, on July 8, 2024, NWIRP filed a Freedom of Information Act (FOIA)
12 request with ICE requesting all records relating to the April 2, 2024, incident, including all
13 security-camera footage of the relevant area(s) of the NWIPC from that day—records that are
14 required to be preserved and maintained under binding ICE policy.

15 4. Under FOIA, ICE had twenty business days to respond to NWIRP's request. In
16 this case, ICE invoked a ten-day extension for producing responsive records. Although more
17 than thirty business days have passed since the filing of NWIRP's FOIA request, ICE has not yet
18 provided a response.

19 5. NWIRP now files this suit to compel Defendants to produce responsive records.
20 In doing so, NWIRP seeks to ensure a full and accurate accounting of the April 2, 2024, incident,
21 and appropriate accountability for the alleged abuse.

JURISDICTION & VENUE

6. This Court has jurisdiction under 5 U.S.C. § 552(a)(4)(B) (FOIA) and 28 U.S.C. § 1331 (federal question).

7. This Court has jurisdiction to grant declaratory, injunctive, and further necessary or proper relief pursuant to 5 U.S.C. § 552(a)(4)(B), 28 U.S.C. §§ 2201–02, and Federal Rules of Civil Procedure 57 and 65.

8. Venue is proper in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

9. Plaintiff Northwest Immigrant Rights Project (NWIRP) is a nonprofit 501(c)(3) organization. NWIRP provides free legal services to, and advocates on behalf of, immigrant communities in Washington State, including individuals placed in detention at the NWIPC.

10. Defendant U.S. Immigration and Customs Enforcement (ICE) is part of the U.S. Department of Homeland Security, and is the entity responsible for managing all aspects of the detention of noncitizens in immigration proceedings. ICE is an agency within the meaning of 5 U.S.C. § 552(f).

11. Defendant U.S. Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act. It is responsible for overseeing ICE, and is an agency within the meaning of 5 U.S.C. § 552(f).

FACTUAL ALLEGATIONS

12. NWIPC is an ICE detention facility in Tacoma, Washington. Individuals detained at the facility are in civil detention and are there to complete their removal proceedings or to await removal.

1 13. NWIPC is operated by the GEO Group, a private company with whom ICE
2 contracts to hold immigration detainees.

3 14. Mr. Rubin Temahagari is a native and citizen of the Democratic Republic of
4 Congo. He came to the United States as a resettled refugee when he was a minor.

5 15. Mr. Temahagari has been in removal proceedings since 2021.

6 16. Mr. Temahagari has been detained at the NWIPC since at least April 2024.

7 17. Mr. Temahagari reported that on April 2, 2024, a GEO officer named Justine
8 Berame sexually assaulted Mr. Temahagari by inappropriately and repeatedly fondling Mr.
9 Temahagari's genitals under his pants and underwear during a pat-down search.

10 18. Mr. Temahagari reported this sexual assault to the GEO Group staff at the
11 NWIPC.

12 19. Mr. Temahagari also reported the assault to the Tacoma Police Department.

13 20. This incident presents grave concerns regarding the safety and well-being of Mr.
14 Temahagari and also of other NWIPC detainees at risk of similar abuse, as well as the respect for
15 the rights of detained persons.

16 21. Recognizing the importance of preventing, thoroughly investigating, and ensuring
17 accountability for sexual abuse in detention facilities, ICE's Performance-Based National
18 Detention Standards (PBNDS) prescribe a detailed set of policies and procedures relating to
19 reports of sexual abuse or assault that every detention facility must follow. *See generally* ICE,
20 Performance-Based National Detention Standards § 2.11 (Dec. 2016),
21 <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>.

22 22. For instance, PBNDS requires that “[a]ll allegations of sexual abuse or assault . . .
23 be immediately reported to ICE/ERO,” *id.* § 2.11.II.11, and that each detention facility have
24

1 “written documentation requirements to ensure that each allegation or suspicion [of sexual abuse
2 or assault] is properly reported and addressed,” *id.* § 2.11.V.A.2.d.

3 23. Under the PBNDS, every detention facility must “ensure that an administrative or
4 criminal investigation is completed for all allegations of sexual abuse.” *Id.* § 2.11.V.M.

5 24. Where no criminal investigation has been completed, or where a criminal
6 investigation finds that the allegation was substantiated, the facility must conduct an
7 administrative investigation. *Id.* § 2.11.V.M.3.

8 25. Where an administrative investigation is conducted, the facility must preserve
9 “direct and circumstantial evidence, including . . . any available electronic monitoring data”;
10 interview “alleged victims, suspected perpetrators, and witnesses”; review “prior complaints and
11 reports of sexual abuse involving the suspected perpetrator”; document each investigation “by
12 written report”; and retain such reports “for as long as the alleged abuser is detained or employed
13 by the agency or facility, plus five years.” *Id.*

14 26. Upon conclusion of an administrative investigation, “the facility [must] notify the
15 [ICE] Field Office Director of the results of the investigation and any responsive actions taken so
16 that the information can be reported to ICE headquarters and to the detainee.” *Id.*

17 27. Additionally, each facility must “conduct a sexual abuse incident review at the
18 conclusion of every investigation of sexual abuse.” *Id.* § 2.11.V.M.5.

19 28. The facility must “maintain all records associated with incidents of sexual abuse
20 or assault in appropriately secure files and locations.” *Id.* § 2.11.II.17; *see also id.* § 2.11.V.O
21 (detailing various types of records and evidence relating to claims of sexual abuse that each
22 facility is required to maintain).

1 29. After Mr. Temahagari reported his sexual assault in April 2024, an investigator
2 employed by the GEO Group conducted an internal administrative investigation.

3 30. Per the mandatory procedures set forth in the PBNDS, the GEO Group and/or ICE
4 were required to document this investigation “by written report,” which must “include a
5 description of the physical and testimonial evidence, the reasoning behind credibility
6 assessments, and investigative facts and findings.” *Id.* § 2.11.V.M.3.f.

7 31. Upon information and belief, the area within the NWIPC where the alleged sexual
8 assault occurred is constantly monitored by one or more security cameras.

9 32. Under the PBNDS, the GEO Group and/or ICE were required to preserve all
10 video footage of that area during the relevant time period on April 2, 2024. *Id.* (requiring
11 facilities to preserve “any available electronic monitoring data”); *see also id.* § 2.11.V.O.1.i
12 (requiring facilities to maintain “supporting . . . videotapes”).

13 33. In light of these events and the strong public interest implicated, NWIRP filed a
14 FOIA request through ICE’s online portal on July 8, 2024, asking the agency to produce the
15 following records:

16 (1) “All records in ICE’s or the GEO Group’s possession relating to Mr. Temahagari’s
17 April 2024 report of sexual assault at the Northwest ICE Processing Center (believed
18 to have occurred on April 2, 2024)—including, but not limited to, all incident reports
19 relating to the alleged assault; all communication within or between ICE and the GEO
Group (and their personnel) relating to the reported sexual assault; and all documents,
reports, and findings relating to any investigations conducted by ICE or the GEO
Group regarding the report of sexual assault”;

20 (2) “All video footage recorded on April 2, 2024, from each and every security camera
21 located within Mr. Temahagari’s unit at the NWIPC (believed to be “Unit G-3”), and
22 from each and every security camera located in the hallway adjoining that unit—
including, but not limited to, all video footage (from any camera) of any pat-downs of
Unit G-3 detainees that occurred on April 2, 2024, within the NWIPC”;

1 (3) “All detainee health records for Mr. Temahagari—including, but not limited to, all
2 records of physical and mental-health evaluations, test results and reports,
3 encounter/visit summaries, diagnoses, medications, and treatments.”

3 34. On July 16, 2024, NWIRP received an email from ICE acknowledging the receipt
4 of the FOIA request.

5 35. The email stated that, pursuant to 5 U.S.C. § 552(a)(6)(B), ICE would invoke a
6 ten-day extension of FOIA’s twenty-business-day requirement for producing a response. *See* 5
7 U.S.C. § 552(a)(6).

8 36. Taking the ten-day extension into account, the agency’s response to NWIRP’s
9 FOIA request was due by August 19, 2024.

10 37. ICE has not yet responded to NWIRP’s request.

11 38. As a result, vital supporting evidence concerning Mr. Temahagari’s sexual assault
12 and whether ICE’s and/or the GEO Group’s response to his report were appropriate remain
13 unknown.

14 39. NWIRP’s FOIA request is a key tool for ensuring appropriate accountability for
15 the alleged violation of Mr. Temahagari’s rights, dignity, and bodily integrity.

16 **CLAIM FOR RELIEF**

17 **Violation of Freedom of Information Act**
18 **(Failure to Provide Timely Response to FOIA Request)**

19 40. Plaintiff repeats and re-alleges the allegations contained in the preceding
20 paragraphs of this complaint as if fully set forth herein.

21 41. Defendants are obligated under 5 U.S.C. § 552(a)(3) to “promptly” make
22 available agency records requested by any person.

23 42. Under 5 U.S.C. § 552(a)(6)(A)(i), Defendants must decide within twenty days of
24 a request whether the agency will produce responsive documents.

1 43. An extension of this timeline is permitted only “[i]n unusual circumstances”
2 where the agency provides “written notice.” 5 U.S.C. § 552(a)(6)(B)(i). Such notices allow the
3 agency to extend the response deadline for ten additional working days. *Id.*; *see also, e.g., Hajro*
4 *v. U.S. Citizenship & Immigr. Servs.*, 811 F.3d 1086, 1092 (9th Cir. 2016) (“The statutory time
5 limits require an agency to determine within twenty days whether to comply with a FOIA request
6 or, in the alternative, notify the requester of any ‘unusual circumstances’ requiring an extension
7 in responding to the request.”).

8 44. Plaintiff has exhausted its administrative remedies by making its request and
9 waiting twenty days, and then ten more, for a response. 5 U.S.C. § 552(a)(6)(C); *Hajro*, 811 F.3d
10 at 1092.

11 45. Accordingly, Defendants have violated the Freedom of Information Act, and
12 Plaintiff is entitled to relief requiring the agency to provide a response to its request and
13 production of records that the agency plans to release immediately.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff prays that this Court grant the following relief:

- 16 a. Assume jurisdiction over this matter;
- 17 b. Order Defendants to immediately produce all corresponding documents and
18 records responsive to Plaintiff’s FOIA Request;
- 19 c. Award Plaintiff attorney’s fees and costs under the 5 U.S.C. § 552(a)(4)(E) and on
20 any other basis justified under law; and
- 21 d. Grant any other and further relief that this Court deems just and proper.

22 DATED this 25th day of September, 2024.

23 s/ Matt Adams
24 Matt Adams, WSBA No. 28287

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