



**FREEDOM
FOR IMMIGRANTS**



AL OTRO LADO



**ADVOCATES FOR
IMMIGRANT RIGHTS**

February 1, 2021

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Officer for Civil Rights & Civil Liberties
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The Honorable Joseph V. Cuffari
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Attn: Office of Investigations - Hotline
U.S. Department of Homeland Security
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Re: U.S. Immigration and Customs Enforcement Torture in Signing of Deportation Documents for Cameroonian Migrants at Winn Correctional Center, Louisiana

Dear CRCL Officer Culliton-Gonzalez and DHS Inspector General Cuffari:

Freedom for Immigrants, Louisiana Advocates for Immigrants in Detention, Al Otro Lado Advocates for Immigrant Rights, and Lara Nochomovitz, Esq. submit these testimonies detailing civil and human rights violations committed against Cameroonian individuals in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Winn Correctional Center. We are alarmed at the continued lack of oversight and complete disregard for the law, given the numerous civil rights complaints Freedom for Immigrants and others have filed in the past 6 months reporting similar violence and coercion in the forced signing of deportation documents within the New Orleans ICE office area of responsibility, including at Winn Correctional Center. Even absent the injunction preventing the recent Executive Orders signed by President Biden, we are extremely concerned that these could be viewed as “voluntary departures” despite knowing the use of force was used to elicit these signatures.

On January 20, 2021, the Acting Director of the Department of Homeland Security, David Pekoske, issued a memo which called for a 100-day moratorium on deportations. The moratorium called out an exception for an individual who has voluntarily agreed to waive any rights to remain in the United States, provided that he or she has been made fully aware of the consequences of waiver and has been given a meaningful opportunity to access counsel prior to signing the waiver. Currently, a temporary injunction is preventing the enforcement of this moratorium. However, if the injunction is removed, we are concerned that these forced signatures will be construed as “voluntary” agreements waiving rights to remain in the United States. Even absent the injunction, we remain concerned that these forced signatures will be used against individuals seeking stays of deportation.

The use of violence to force individuals in ICE custody to involuntarily sign documents relating to their deportation is a continued pattern and practice that ICE’s leadership has ignored. This is evident in the multiple official complaints submitted to CRCL and OIG to call for an investigation into ICE officers’ and prison guards’ illegal use of threats, coercion, and physical violence. In the past six months, concerned advocates filed complaints at Winn Correctional Center ¹ (Aug 7, 2020), Pine Prairie Detention Center ² (Aug 26, 2020), Adams County Correctional Facility ³ (Oct 7, 2020), and Jackson Parish Correctional Facility (Nov 5, 2020). ⁴ All five of these complaints, including this one, corroborate the growing numbers of cases involving ICE officers’ and prison guards’ illegal use of violence purposefully used to obtain voluntary signatures on deportation documents.

This civil rights complaint includes testimony from three Cameroonian individuals at Winn Correctional Center, in Winnfield, Louisiana, who face imminent deportation after experiencing threats and physical violence. All three men of the complainants are seeking asylum in the U.S. and face life-threatening consequences if deported to Cameroon.

ICE and LaSalle Corrections’ actions, as reported by the Cameroonian men detained at Winn Correctional Center, appear to be in violation of Louisiana state and federal law, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, which the United States has ratified, and ICE’s own policies within the Performance Based National Standards 2011.

We ask that you also immediately investigate the unlawful acts by ICE and its agents that the following testimonies detail:

I. Testimonies of ICE Officers’ Use of Force Against Detained Immigrants:

¹<https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:7bbe78f6-75e5-4d3c-a155-549b8a3fb1a8>

² https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf

³<https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/5f7f17f39e044f47175204fb/1602164723244/Re+CRCL+Complaint+ICE%27s+Use+of+Torture+to+Coerce+Immigrants+to+Sign+Immigration+Documents+at+Adams+County+Correctional+Facility.pdf>

⁴ <https://www.freedomforimmigrants.org/torture-deportations-black-immigrants>

Visitation groups local to Winn Correctional Center and attorneys received reports by phone and by in-person regarding the violence and abuse the three Cameroonians experienced. The three asylum seekers later called the Freedom for Immigrants National Hotline reporting the same abuse corroborating the incidents involving the men named being physically assaulted, choked, and beaten in attempts to force their signatures. The three asylum seekers had ongoing appeals, stays of removal or motions to reopen their legal immigration cases; all three men are represented by legal counsel.

These three individuals are willing to report their allegations publicly to oversight bodies and congressional representatives. Should you open an investigation, please refer to the attached declarations for the identifying information.

H.T. (Interview gathered in January 2021), *Summary of declaration, full declaration attached to the CRCL titled: "Signed Declaration of H.T. (A# XXX-XXX-XX)*

On January 14, 2021 around 1 p.m, I was in my tier (ASH, Tier D-1) and I was told that ICE wanted to see me on the B-side of the kitchen. When I got to the B-side of the kitchen there were four officers waiting there. The officers were wearing green shirts indicating that they worked for LaSalle Corrections and for ICE. The officer who was there was a black woman named "Green," "Smiley," another black woman who was an officer. Officer Davis came to the B-side of the kitchen with more than six other ICE officers, officer Jeffrey Creekmore was among the other officers.

Five of the ICE officers, including Davis, came and stood behind me. A bulky man in a red shirt stood in front of me with a piece of paper with my picture on it. The officers with the green shirts were standing to my right side a few meters away from us where I could see them. The man in red told me that he needed my fingerprint for my traveling documents. I told him that I cannot put my fingerprint on the traveling document because he is talking about deportation. He said that he was going to force me if I refuse. The officer repeated that he was going to use force because he needed my fingerprint to identify me. I responded to the officer that I am having a problem in my country and I cannot go back.

As I told him that I would not give him my fingerprint, Davis and a Spanish speaking officer who was standing behind me grabbed my arms. I tried to stand up because of the force that they were using on me, and they tripped me. Because I was on the floor, it was hard to tell which the people were on me, pinning me down, but I know that Davis, Creekmore, Smiley, and a Spanish speaking guy were all involved. I fell on the floor; I kept my hands under my body. I held my hands tight at waist level so they could not have them. Five of the ICE officers and one of the officers in green, Smiley, joined them. They pressed me down and said that I needed to give them my finger for the fingerprint. When I was lying on the floor, they told me that I had to give my finger to the man in red. As one was pressing on my neck with their hands, the other came in front of me, pulling my head from above, straightening my neck so they could easily suppress me. One climbed onto my back. I had a lot of trouble breathing. This happened for more than two minutes. I was gasping for air. I told them "Please I can't breathe." I asked them to release me. They said that they didn't care; what they need is my fingerprint. They said that, unless I

gave them my fingerprint, they would not release me.

The officers were telling me that I should not resist, that I had to give them my finger, and that they did not care about what happens to me. I was weakened by feeling suffocated. They took my hands from underneath me and handcuffed them onto my back. They took the ink, put my right index finger on it and put it onto the paper. Once they finally got the fingerprint, they lifted me up from the floor and the ICE officers said that they should take me to medical. When I got to medical, I was still handcuffed. They told me to sit on the chair. Five officers were there and were standing and watching me. Davis, Creekmore, the Spanish-speaking man, a tall skinny officer, and the man in the red were there with me. They called the nurse to check me and to check my blood pressure, which was very high. Besides that, they did not really tell her anything, but she began evaluating me. She asked me, in front of the officers, to tell her where I felt pain as she was examining me. I did not speak any words to the nurse because I did not trust anyone. The nurse wrote my blood pressure on a piece of paper and told me to sign it, but I refused to sign.

When I returned to my tier, every part of my body was in pain; I had swollen hands, my wrists, and forehead. My neck had finger marks where I had been pressed down. My wrists were in a lot of pain. I didn't even really need to tell my fellow detainees what had happened, because they had known that ICE had called me before I had left. As of January 17, 2021, I still felt pains everywhere. My wrists and my neck continued to hurt. As of January 28, I still have wounds on my neck from this incident. I know that this is happening to other people. I also know that A.F. suffered similar harm and was forced to provide his fingerprint.

F.A. (Interview gathered in January 2021), *Summary of declaration, full declaration attached to the CRCL titled: "Signed Declaration of F.A. (A# XXX-XXX-XXX)"*

On January 14, 2021, around 1:20PM I was in my dorm (ASH, Tier D-1) Bed 43 and I received a call out from the key officer that I wanted to be seen by ICE. They called me after they had called H.T one of the other detainees in my tier. As I was on my way out of the tier, I saw H.T and I noticed that he had bruises on his hands, and his neck and he was almost in tears. He explained that they were going to force me to sign my deportation. When I got there, there were eight officers. There were two men who were facility officers and about 6 ICE officers. The two facility officers were wearing green shirts that had ICE written on it. Officer Smiley, facility Officer "Green," Officer Creekmore and Officer Ryan Davis were there. There was another Spanish-American guy whom I recognized, but I did not know his name. Officer Green was standing inside the room and during the entire time, she did not do or say anything.

When I got into the B-side, Facility the man in red and asked me to sit down where there was a table. I sat down and another officer placed a paper in front of me which I realized was a paper concerning my deportation. From my understanding, they needed my signature and fingerprints for my removal. He said that he wanted me to sign your deportation. If you do not comply, we are going to use force on you. I explained that I cannot sign this document because I am still

fighting for my case and asked them to give me a chance. The man in the red asked me three times. Are you going to sign? Every time, I said, “No I will not sign.”

After I refused the third time, the officers who were behind me approached me and I immediately put my hands in my armpits. They started pressing on me, some on my neck, others my hands to try and handcuff me. I know that Creekmore, Davis, and the 4 others were pressing on me. I was still seated at the time. I tried to stand and keep my arms in my armpits so they would not have access to my fingerprints and someone in the group tripped me. I fell onto the ground and as I fell, I kept my hands tightly close to my body. Two people pressed my neck with their knees, and one had a hand on my head. My head was turned to the side and I saw that one of the people pressing my neck was the Spanish guy and Davis. I started having trouble breathing. I said, “I cannot breathe, this is not fair.” Others were on my back trying to pull my arms away from my body. Someone squeezed my ankles; my knees were pinned tight onto the ground, like they were trying to bend my leg backwards. It felt like they were trying to break my ankle. The whole time, I was screaming and shouting that this is not right. I said “This is not fair. This is because I am black. This is a racist act. If I go back to my country, they will kill me, and you know it.”

When they tried to pull my hands away, my whole body would move because I had them so close to my body, so someone climbed on my back to make sure that I stayed in one place. I begged them “please don’t do this, what you are doing is not right. Please don’t do this, I beg you.” The man in red told me “we don’t care” and a huge man who is aging with tattoos on his hands. They succeeded in removing my hands away from my body and someone handcuffed me. The huge white man in red came close to me with the paper. There was ink, after they pressed my right index finger into the ink, I realized what they were doing. They took my hand and tried to press it on the paper. I tried to bend my finger away from the paper. When I did that, they tried to break my finger. I had to give up and they put my fingerprint on the paper.

When they got my fingerprint, they picked me up from the ground and all of the officers, including the boss man, took me to medical. They were there throughout the entire check-up with the nurse. I was in a lot of pain. They had broken me. All my joints were in pain and I was in pain in my wrists, my neck, my ankles, my finger, and my knees. Emotionally, I was very disturbed. I was hyperventilating. The nurse took my blood pressure and told me it was too high. She asked me where I felt pain. I told her and began to cry, telling her about my wrists and other pains, I could feel the inner burn in my throat. She never asked about what happened. Then I told her about the aches in my ankles and that I was suffering from body pain. She wrote it down in my medical record and put the other copy in my medical file. They took me out of medical and finally unhandcuffed me and told me to go to my tier.

A.L.N. (interview taken in January 2021), Summary of declaration, full declaration attached to the CRCL titled: “Signed Declaration of A.L.N. (A# XXX-XXX-XXX)”

In early December, around 1 PM, ICE called me in to tell me to sign in the B-side of the kitchen. There were four officers in green shirts with LaSalle ICE written on it. When I came, the green

ICE told me to sign my deportation. I said that I cannot sign any paper. They insisted that I needed to sign and when I refused again. They called my ICE officer, Creekmore. He brought me the paper showing that the Fifth Circuit had already dismissed my appeal and Creekmore told me that I should just comply or that they were going to force me. I told him that my case was in the Ninth Circuit, not the Fifth. It seemed that he didn't believe me, and he said, okay, I'm going to check. He said that he would call me later and that I should just comply or that he would force me.

The second time I was called was back to the B-side almost the end of 2020 in late December before Christmas. There were four officers in the green shirts and brown pants there that day and I entered the room. Smiley, another two white men officers, and a black woman officer named Green were there. There was a stack of papers from on the table when I arrived. They told me to sit down and I refused. I saw the paper briefly and saw that it was in French and I saw a Cameroon logo. I do not even speak French. I told them that I am not going to do anything and left the room. I requested ICE for a parole or a bond in December- they replied after one month. They said they haven't seen my old documents. ICE officers do bad things and say bad things. We tell them that we are seeking protection and they tell us that they don't care.

I have heard of other people who have been handcuffed, beaten, and forced to put their fingerprint. I am also hearing that there might be deportations on February 3 from one of my friends. I heard from others that Officer Smiley is one of the officers forcing others to sign the deportation. He is the one who ICE puts on the front line to force people. Some Central Americans who were in my dorm, were forced to sign deportations in late December 2020. One of the men was a man called Martinez who was from Guatemala, he was called in the morning there were a lot of ICE there and they put him on the ground with handcuffs, someone else came with black ink to take his thumb print. After they took him to medical. He was then deported.

My two friends from F.A and H.T., had similar experiences of mistreatment. In mid- January 2021, H.T. and Achaleke were taken on the same day. H.T. was the first person to go and told us that ICE was calling for him. He came back and told us that they had forced him, put him down. He had said that Smiley put his knee on his back. He said that Davis and Creekmore were there. He said that green ICE was also there. He had fingerprints on his neck and his forehead was swollen. He had bruises on his body. When H.T came back, they called Achaleke. When he came back, he said that ICE put his hand on his pants. They pulled him down, handcuffed him, and took his fingerprint. They went to the medical unit after they were finished. H.T went to the medical unit because he felt pain. He did not say anything because he did not trust any of them. Achaleke told me that he had complained of his pain.

On January 26, 2021 they called me around 1:00PM to the B-side of the kitchen, after my lawyer came to visit me. Officer Smiley was alone, and he said you already know this paper, I said yes. I refused to sign again, and he gave me a copy.

II. ICE officers' pattern and practice of physical and verbal coercion are unlawful, unacceptable and tantamount to torture

ICE officers' pattern and practice of physical and verbal coercion, as well as their abusive treatment of these three detained individuals, are unlawful, unacceptable and may be tantamount to torture. Amongst other crimes, ICE officers' and LaSalle Corrections guards' use of excessive force may qualify as assault and battery under Louisiana penal code sections regarding assault, battery, and battery with serious bodily injury. This conduct also may violate the federal prohibition on assault, 18 U.S. Code § 113, as well as 18 U.S.C. § 242, which makes it unlawful for federal officers to willfully deprive an individual of rights under color of law. In addition, Winn Correctional Center ICE officers' use of coercive tactics to force individuals to sign immigration documents violates the Administrative Procedure Act, 5 U.S.C. § 551, the Immigration and Nationality Act, 8 U.S.C. § 1101, et. seq., and the Due Process Clause of the U.S. Constitution.⁵ Anyone detained or imprisoned by the government are guaranteed certain liberty interests such as reasonably safe conditions of confinement, freedom from unreasonable bodily restraint, and the right to food, clothing, medical care, and shelter.⁶ The Due Process Clause of the Fifth Amendment guarantees that anyone detained by the government should be free of gross physical abuse.⁷

These acts are also in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment⁸, which the U.S. has ratified and is binding. This United Nations Convention was designed to safeguard the human rights of citizens by protecting them from torture. Torture is defined within the convention as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, **or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.** (See article 1). The Convention also states, "No State Party shall expel, return ... or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." (See article 3). Lastly, the Convention states that any statement "made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." (See article 15). Both the use of force to coerce detained asylum seekers to sign deportation documents and the act of deporting them back to danger could constitute violations of the U.S. government's international treaty obligations.

The officers' use of force also violates the Performance-Based National Detention Standards 2011 ("PBNDS 2011") which states, "[u]sing force against a detainee offering no resistance" is "generally prohibited." Force may not be used as punishment, and use of force may only involve "the degree necessary and reasonable to gain control of a detainee or provide for self-defense or defense of a third person." Furthermore, "[p]hysical force shall only be used to the minimum

⁵ See Complaint at 55-57, Lopez-Venegas v. Johnson, No. 13-03972(C.D. Cal. Oct. 2, 2013), ECF No. 1

⁶ Youngberg v. Romeo, 457 U.S. 307, 315-16 (1982)

⁷ Lynch v. Cannatella, 810 F.2d. 1363, 1374 (5th Cir. 1987)

⁸ <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

extent necessary to restore order, protect safety and provide security.”⁹ ICE clearly used excessive force given the detained Cameroonians were unarmed. ICE officers attacked these two men unprovoked, handcuffing them, dragging them to the ground, and suffocated them by kneeling on their chests. The two men experienced direct threats, fear of returning to their country, their inability to speak with legal counsel, and the lack of clear explanation from ICE regarding the legal ramifications of the documents they were forced to sign. ICE and its agents do not have to resort to physical violence or violent threats to obtain signatures, because ICE has the option of writing in the deportation documents that an individual has refused to sign the documents, and this would not affect ICE’s ability to deport that individual.

III. Recommendations

We urge CRCL and the Office of the Inspector General to immediately take the following steps:

- 1) Demand an immediate stay of deportation for the individuals named in this complaint, until CRCL or the Office of the Inspector General can investigate the actions of ICE and its agents in the unlawful procurement of signatures on deportation documents.
- 2) Should you find that these allegations of ICE officers’ excessive use of force are founded, we urge you to identify the reason that the New Orleans Field Office failed to investigate prior allegations once they were made aware of the abuse, and to hold the responsible parties accountable for the above-detailed violations of law.
- 3) Finally, we request that ICE provide us with any use of force videos and other reports or documents generated in relation to the above-described incidents, as well as the deportation documents that the three victims were forced to sign or forcibly fingerprint.

ICE’s and LaSalle Corrections’ violent conduct and use of duress tactics against detained individuals is unconstitutional and unacceptable. ICE should never force anyone in its custody to sign a deportation order through the use of violence. We urge the office for Civil Rights and Civil Liberties (CRCL), pursuant to its authority under 6 U.S.C § 345, and the DHS Office of the Inspector General to immediately call an investigation, to take immediate steps to ensure that these practices are halted within the Winn Correctional Center, and the New Orleans Field Office Area of Responsibility.

Thank you in advance for your attention to this urgent matter.

Sincerely,

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⁹ § 2.15(“Use of Force and Restraints”) at 208, 210, 213, available at http://www.ice.gov/doclib/detention-standards/2011/use_of_force_and_restraints.pdf

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