



FREEDOM
FOR IMMIGRANTS

n a t i o n a l
IMMIGRATION
p r o j e c t
of the National Lawyers Guild

Katherine Culliton-González, Officer
crlcompliance@hq.dhs.gov
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Compliance Branch, Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, DC 20528-0190

August 31, 2021

Re: Physical & Verbal Abuse, Contaminated Food, Denials of Right to Practice Religion, Medical Neglect, Denial of Disability Accommodations, Unsanitary Conditions, Phone Access Restrictions, Solitary Confinement, and COVID-19 Negligence at Caroline Detention Facility

Dear Officer Culliton-González:

Free Them All VA, Freedom for Immigrants, and the National Immigration Project of the National Lawyers Guild submit this civil rights complaint on behalf of 19 individuals currently or previously in Immigration & Customs Enforcement (“ICE”) detention at Caroline Detention Facility in Bowling Green, Virginia. These 19 individuals include:

- Kon Kuac (A#: 028-210-430, country of birth [COB]: Sudan);
- Marlon Lopez (A#: 201-587-746, COB: Honduras);
- Mikhail Shapovalov (A#: 057-277-284, COB: Russia);
- Momolu Sirleaf (A#: 040-379-925, COB: Liberia);
- Moussa Haba (A#: 207-561-682, COB: Guinea);
- Paul White (A#: 047-925-898, COB: [REDACTED]);
- Theophilus Tari Agedah (A#: 094-217-845, COB: Nigeria);
- *Twelve other individuals who have submitted their testimonies to us but wish to remain anonymous through usage of pseudonyms due to fear of retaliation, which, has been well-documented at Caroline Detention Facility, including in this complaint:
 - Adán*
 - Carlos*
 - Ernesto*
 - Francis*
 - Fernando*

- Ibrahim*
- Javier*
- Jacinto*
- Juan*
- Martin*
- Rogelio*
- Sergio*

Since April 2021, we have received reports from these 19 individuals being held at Caroline Detention Facility who have called the Freedom for Immigrants (FFI) National Immigration Detention Hotline and individual advocates to report that they have suffered from physical and verbal abuse, contaminated food, denials of right to practice religion, medical neglect, denial of disability accommodations, unsanitary conditions, phone access restrictions, solitary confinement, and/or COVID-19 negligence. These reports demonstrate a pattern and practice of ongoing and blatant violations of the 2011 ICE Performance-Based National Detention Standards,¹ with which Caroline Detention Facility is required to comply per their contract with ICE.²

The following are only some of the reports of rights violations that we have received, organized by type of abuse.

Physical and Verbal Abuse and Racism by Guards

Severe mistreatment of detained individuals by Caroline Detention Facility staff has been extensively documented prior to this complaint. In July 2020, news media reported a guard at Caroline Detention Facility had knelt dangerously on the upper back of a detained individual who was already bleeding from his head.³ In February 2021, it was reported that an individual detained at Caroline Detention Facility had filed a grievance only to be taken outside in the snow at midnight by guards and interrogated about why he thought he needed to complain in an intimidating manner.⁴ The subsequent reports serve to demonstrate that this is a long-standing, systemic problem at Caroline Detention Facility, although specific staff are identified as particularly violent and racist.

¹ U.S. Immigration & Customs Enforcement. Performance-Based National Detention Standards 2011. <https://www.ice.gov/detain/detention-management/2011>

² U.S. Immigration & Customs Enforcement Office of Detention Oversight. “Compliance Inspection: Caroline Detention Facility.” July 27-30, 2020. <https://www.ice.gov/doclib/foia/odo-compliance-inspections/CarolineDFBowlingGreenVAJuly2020.pdf>

³ Ackerman, Spencer. “‘George Floyd All Over Again’: ICE Guard Drove Knee Into Detainee.” *The Daily Beast*. July 30, 2020. <https://www.thedailybeast.com/george-floyd-all-over-again-ice-guard-drove-knee-into-detainee>

⁴ “Action Alert 2/17.” February 16, 2021. *Free Wilmer*. <https://freewilmer.org/act-1>

- On May 11, 2021, Francis reported to the Freedom for Immigrants National Immigration Detention Hotline that Lieutenant Cheedham had threatened to spray mace at a room of detained individuals during breakfast, shaking the mace can vigorously, even after Francis asked him not to due to his asthma. Multiple individuals that suffered through this traumatizing and volatile situation reported mental health consequences, including nightmares and suicide attempts. This incident, as well as subsequent retaliatory use of force by staff, is described in detail in a [separate complaint filed by Freedom for Immigrants on July 15, 2021](#).
- On May 11, 2021, Fernando reported the same incident and emphasized Lieutenant Cheedham's racism:

"Cheedham constantly threatens and abuses all of us. He's most harsh with Hispanics; he's very racist. He rules with an iron fist, always obsessed with punishment, and controls so much of our lives. If he says our papers won't make it to immigration, they don't make it. We all live in fear here. Yesterday we went to eat breakfast, and he and six other police threatened to spray us with something if we didn't do what they said. It's all on video. What we suffered yesterday was torture." - Fernando

- On May 11, 2021, Adán reported the incident as well, highlighting the racism and verbal abuse:

"We're fighting the mistreatment we receive, together. It happens to all of us... [Lieutenant Cheedham] sent me to solitary, inventing things, calling me "bitch" and the "n"-word. These people go home and bring their problems here, it's just not right." - Adán

- On June 18, 2021, Carlos reported that staff denied a request for hygienic supplies with the retort, "You're a criminal." Carlos also reported that on a separate occasion, while he was sleeping, a guard kicked his bed instead of asking him to get up for a population count:

"From the captains to the guards, no one is following the rules. They are all racist. A system that throws us into cold rooms and abuses us like this shouldn't exist. Such arrogance and discrimination, a uniform doesn't make you more or less than anyone else. We're all humans... our human rights are constantly violated." - Carlos

- On August 6, 2021, Momolu reported that he is "repeatedly demeaned and harassed by CDF staff."

These testimonies fit within a pattern and practice of documented racism by ICE personnel.⁵ There have been multiple civil rights complaints calling for investigation of ICE officers' and private prison guards' illegal use of threats, verbal harassment, coercion, and direct force against Black and brown people detained in detention centers. This mistreatment also falls within the pattern of racialized abuse by ICE officers, a practice which ICE leadership has effectively condoned.

Inedible, Contaminated Food & Inadequate Nutrition

Although the ICE PBNDS 2011 states that “nutritious and appetizing meals” should be “prepared and presented in a sanitary and hygienic food service operation,”⁶ there is overwhelming and broad documentation that the food at Caroline Detention Facility is of egregiously poor quality and poses a serious risk to the health and well-being of all those detained there.

- On April 19, 2021, Theophilus reported that he almost died from food poisoning at the facility. He recently found a mop string in his food. He reported that they are not served any fresh fruit; and sometimes are given applesauce that has already changed to an abnormal color:

“We are fed garbage.” - Theophilus

- On April 21, 2021, Javier reported that there was blood in the eggs at breakfast. Facility staff refused to look into this or investigate the expiration date of the eggs, and instead offered the detained individuals each a cookie.
- On April 21, 2021, Marlon reported finding pieces of plastic, metal, and mop head in the food. When he was unable to eat food due to the level of disgust it arose in him, kitchen staff threatened that his refusal to eat would have a negative impact on his immigration case and also that they would make him a “special plate” from now on. Due to fears of what might be involved in the creation of a “special plate”, Marlon has stopped eating meals and tried to subsist on the limited commissary options that he can afford.
- On April 21, 2021, Martin reported that the food is not well-cooked, and often is served raw. The eggs that they are given sometimes have egg shells.
- On April 21, 2021, Rogelio reported finding pieces of mop head in his food and being served raw eggs. He also reported that the quantity of food is insufficient:

⁵ Black Alliance for Just Immigration (BAJI). *The State of Black Immigrants*. 2020.

<http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>

⁶ U.S. Immigration & Customs Enforcement. Performance-Based National Detention Standards 2011. “Food Service.” <https://www.ice.gov/doclib/detention-standards/2011/4-1.pdf>

“The nutrition is inhumane... they do this to force us to buy food at the commissary.” - Rogelio

- On April 27, 2021, Juan reported finding dead flies, pieces of chicken bone, and rotten ingredients in the food:

“The people who work in the kitchen treat us like animals.” - Juan

- On May 4, 2021, Carlos reported that he and other individuals are experiencing weight loss due to the inedible and inadequate food. He shared examples of raw or undercooked food, spoiled food, and small portions:

“It's not enough; even a baby would be hungry.” - Carlos

- On May 11, 2021, Adán reported that gloves are not worn during food preparation and that inedible objects are often found in the food:

“We're humans, not dogs. We deserve better than this.” - Adán

- On June 2, 2021, Ibrahim reported that a detained individual recently found rodent feces in his food. The detained individual complained to staff and in retaliation an ICE officer threatened to try to delay his immigration proceedings.
- On August 6, 2021, Momolu reported that they are fed less than the mandatory 2000 daily caloric intake.

Denial of Right to Practice Religion

- On May 19, 2021, Ibrahim reported that his vegan diet, which he follows due to his religious beliefs, is not being respected. He was first referred to the chaplain, who then referred him to the medical staff. Ibrahim then had to wait several weeks for the medical staff to communicate with the kitchen staff. Even after the medical staff supposedly communicated with the kitchen staff, Ibrahim frequently finds dairy, chicken, and tuna products in his food. Kitchen staff will lie to him about the contents of his meals. Ibrahim has experienced severe negative physical reactions due to the violations of his diet. Kitchen staff have responded to Ibrahim that the food that detained immigrants receive is merely “to keep them alive while they are in there,” so they are not to complain about lack of dietary accommodations due to religious beliefs. They respond to Ibrahim’s concerns by saying, “Then don’t eat.” There have been mealtimes during which Ibrahim has not been able to access any food. Ibrahim has reported that during Ramadan, people

of Muslim faith are often unable to eat because they are not allowed to take food back to their room while fasting to consume after sundown. Ibrahim has since filed six grievances to the staff, to no avail:

“The chaplain is not properly advocating for people of all creeds. The officers pretend they are unaware of religious diets.” - Ibrahim

- On June 18, 2021, Carlos reported that multiple officers had actively prevented him and other detained individuals from practicing their religion. He and several other individuals had been attempting for over seven months to pray together for comfort and as part of their religious practice.
- On July 1, 2021, Mikhail reported that he requested a kosher menu that adheres to his Jewish faith. He was served food that had expired a year previously. He complained and was subsequently given a “kosher tray” that had already been opened (they are supposed to be sealed) and clearly held the same (non-kosher) food as the regular trays. After he complained about this, he was then put on a soy diet, which is different from a kosher diet. Since then, he has been given very little food and has lost 15 pounds. Whenever he complains, he has been told that they serve “whatever is on the menu”; Mikhail requested to see the menu, and was told that he does not have the right to access the menu. He has primarily been subsisting on bread, peanut butter and jelly, and applesauce. Mikhail complained about the lack of religious dietary accommodations to a Lieutenant who responded inappropriately and flippantly, "If I give you a drink, will you stop complaining?"

Medical Neglect & Denial of Disability Accommodations

- On April 21, 2021, Martin shared that he suffered from an injured foot, which may have been broken. Despite this, he was assigned a top bunk and thus had to climb a ladder to get to his bed even though the doctor told him not to climb the ladder.
- On April 22, 2021, Theophilus reported that due to an orthopedic condition, he walks with a four-pronged cane. Despite this disability, Theophilus is not permitted to sit while using the facility telephone and is forced to stand. Theophilus also reported that he has not been getting the correct dosage of the medications he takes for high cholesterol and pain (Naproxen).
- On April 26, 2021, Marlon reported that he had fractured his knee two months prior. He was not provided any medical assistance or medication other than ibuprofen. Several days later, he was taken to the hospital to get an x-ray; however, they took an x-ray of his ankle, not his knee. Because of this error, they claimed that nothing was wrong. A week after that, he underwent an x-ray of his knee, which showed that he had a stress fracture.

He was provided crutches, but not a wheelchair. One day, while walking to the cafeteria on a rainy day, there was oil by the doorway and he slipped, which put pressure on his fractured knee and hurt it further. ICE then finally provided him with a wheelchair. It is Marlon's understanding that any doctor outside of the detention facility would recommend him for physical therapy based on his injuries.

- On April 27, 2021, Juan reported that for the past five months, he has been barely able to breathe, and finds it difficult to sleep and talk, because his throat hurts so badly. He has been prescribed medication for a thyroid issue, but it does not help. When he saw the facility doctor, she told him, "they are going to take you out of here dead."
- On June 22, 2021, Moussa reported that he suffers from ischemia, coronary artery disease, anxiety, depression, schizophrenia, post-traumatic stress disorder, and bruxism (teeth grinding). Medical professionals have told him that he needs a night guard for his bruxism, but the Caroline Detention Facility refuses to provide him with one. His dental health has been deteriorating and he now suffers from a root canal (which is caused by bruxism). Furthermore, the psychiatric medication that Moussa is prescribed causes dizziness and stomach pain, which is exacerbated by the inadequate food.

Restrictions to Phone & Mail Access

- On April 21, 2021, Martin reported that ICE very often prevents detained individuals from making legal calls to their attorneys.
- On April 23, 2021, Theophilus reported that detained individuals were unable to make phone calls on weekends, and were restricted to 15 minute calls during weekdays.
- On June 2, 2021, Ibrahim reported that he believes that the facility is charging more than the listed prices for phone calls.
- On July 12, 2021, Moussa reported that the phone has been broken for a week and staff won't fix it despite the fact that the individuals in detention have repeatedly asked them to. He was able to call the FFI hotline on a tablet but the poor quality and feedback made it extremely difficult to communicate.
- On July 20, 2021, Ibrahim reported that officers purposefully deliver mail or relay other communications close to or even after clear deadlines (filings, etc.), and then laugh or joke about the detained individuals missing deadlines.
- On July 26, 2021, Moussa reported that, in retaliation for his filing of grievances, staff is purposefully denying him phone time to find an attorney to file a petition for stay of removal. When he is given limited phone time to make legal calls, of only about 5 to 10 minutes, staff will supervise the calls despite the fact that they are legal and thus should be confidential. He also has been prevented by staff from mailing copies of his grievances to legal firms.

These restrictions to phone and mail access raise serious concerns about how many other abuses go unreported.

Solitary Confinement in Retaliation for Organizing

- On May 11, 2021, Adán reported being put into solitary confinement based on false allegations.
- On June 8, 2021, Kon reported that after in retaliation for going on hunger strike, facility staff falsely accused him of inciting a riot and put him into solitary confinement for two weeks:

"In America, you get incarcerated no matter what you do." - Kon

Unsanitary Conditions and Restrictions to Hygiene

- On April 19, 2021, Sergio reported highly unsanitary bathrooms and unwashed spoons.
- On May 11, 2021, Adán reported the inability to launder their clothing at regular, sanitary intervals:

"There is no hygiene at all. We're always wearing the same boxers, they're disgusting." - Adán

- On May 11, 2021, Fernando also reported the poor condition of the clothing provided:

"The clothes are all ripped up, yellow, and old. We just want to be treated like humans. I've been here so long, these conditions are too much to bear, it's better for me at this point to just be deported." - Fernando

- On July 19, 2021, Moussa reported that there were little worms in the water of the sink that he and the other individuals in his dorm must use for hygienic purposes (brushing teeth, washing hands and faces).
- On August 6, 2021, Martin also reported that there were little worms in the water and that as a consequence he became ill with a swollen throat and tonsils. He also shared that even people with medical conditions are not provided with iced water.

All of these unsanitary conditions exacerbate the spread of COVID-19 within Caroline Detention Facility, causing serious and potentially irreversible harm to the health of those in their custody. By refusing to provide basic preventative measurements such as cleaning and disinfecting

regularly and adequate hygiene practices, Caroline Detention Facility places staff and people detained at a serious risk of contracting and spreading the COVID-19 virus during this unprecedented public health crisis.

COVID-19 Negligence

- On May 26, 2021, Ernesto reported that officials were continuing to place new people in his quarantine unit, which resulted in his quarantine continuously getting extended, long after two weeks.
- On June 24, 2021, Moussa reported that despite the fact that there were active COVID-19 cases in the facility, staff members were not wearing gloves or properly isolating those who tested positive. One individual with active COVID-19 was transferred into the facility, causing the staff to place unvaccinated individuals into quarantine. Moussa reported that staff refused to tell them how many active cases there were in the facility.
- On August 6, 2021, Momolu reported that they are being “exposed to loss of life or limb from COVID-19 (and its variants) during a global pandemic.”

Given the clear pattern and practice of abuse and torturous conditions at Caroline Detention Facility as documented above, we demand that the Department of Homeland Security Office for Civil Rights and Civil Liberties undertake an investigation immediately.

Please provide a response in writing regarding these matters by September 21, 2021 to Amanda Díaz, FFI National Hotline Manager, at adiaz@freedomforimmigrants.org.

Sincerely,



Free Them All VA



Freedom for Immigrants



**National Immigration
Project of the National
Lawyers Guild**