



September 22, 2021

Via Priority mail; cc by email

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**RE: Complaint and Request for Investigation
Life-threatening Violence Against 7 African Men at the
Glades County Detention Center**

Dear Inspector Cuffari and Officer Culliton–Gonzalez:

The following organizations and individuals— Immigrant Action Alliance, Freedom for Immigrants, Nationalities Service Center, Americans for Immigrant Justice, Southern Poverty Law Center, Legal Aid Service of Broward County, American Civil Liberties Union of Florida, United We Dream, American Friends Service Committee Immigrant Rights Program, Borderline Existence Initiative, Juntos, Detention Watch Network, and Leena Khandwala, Esq.— submit this complaint on behalf of [REDACTED], [REDACTED], and five other Black, African immigrants presently confined and wrongfully mistreated in ICE custody at the Glades County Detention Center (“Glades”) in Moore Haven, Florida. During their detention at Glades, county correctional officers have subjected them to abusive conduct that includes pepper spray, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions including solitary confinement. A recent group of these individuals expressed their acute distress to Americans for Immigrant Justice’s legal line, Freedom for Immigrants’ National Immigration

Hotline, and through messages to Americans for Immigrants Justice and Immigrant Action Alliance requesting immediate help. [REDACTED] stated directly:

“Is there anyway I get help I’m in the hole we’ve all been sprayed with (6) of my cellies we haven’t taken a shower place in the hole for no reason.. I’m not going to be able to talk often but we need help or transfer out of here please help us.” [REDACTED], Sept. 16, 2021

[REDACTED] stated: *“We are being targeted.”*

At this time, the group of men remain in solitary confinement. At least one individual was believed to be hospitalized for a suicide attempt relating to the racial violence he suffered at the hands of the guards but has since returned to Glades. Another was not taken to either medical or the hospital after self-harm. We believe that the seven Black men involved are in imminent danger in light of the violence they have suffered, their ongoing placement in solitary confinement, the lack of access to adequate mental health care, and the facility’s own history of off-camera physical assaults, as documented by multiple civil-rights complaints previously filed to your offices’ attention on behalf of other Black migrants.

Therefore, the issues raised in this complaint require your immediate attention and redress through a comprehensive and transparent investigation. Furthermore, to ensure their safety and well-being during the course of the investigation, your offices must direct ICE to ensure immediate protection. ICE has the discretion to release each of the men who were pepper sprayed and punitively placed in solitary confinement to their families and communities under *Fraihat* medical release, which some qualify for, or their own enforcement priorities. If release is not provided, they must immediately be transferred safely and in compliance with COVID-19 guidelines from the Glades County Detention Center to the Krome Service Processing Center.

I. Background

Since July 2021, ICE has transferred around 200 people into Glades from detention centers across the country, including the York County Prison (“York”), which has been denounced by local advocates for its abusive treatment¹ and recently terminated its contract with ICE. Instead of responding to the calls to release those who remained detained at York, ICE abruptly transferred many of these individuals away from their families, communities, and attorneys to other facilities in the South, including Glades. Upon information and belief, most of the men subject to this complaint were transferred from York to Glades in late July or early August of this year, and the racial violence and targeted retaliation they suffered at York has since followed them to Glades.

¹See Matt Enright, “Poor water quality, lack of medical care alleged by ICE detainees at York County Prison,” York Dispatch (June 28, 2021), <https://www.yorkdispatch.com/story/news/2021/06/28/poor-water-quality-lack-medical-care-alleged-ice-detainees-york-county-prison/7778894002/>; Anthony Orozco, Gabriela Martinez, “Immigration advocacy groups say hunger strike at York County Prison led to retaliation,” WITF (Aug. 1, 2021), <https://www.witf.org/2021/08/01/immigration-advocacy-groups-say-hunger-strike-at-york-county-prison-led-to-retaliation/>.

The group of Black men discussed in this complaint are particularly vulnerable to the threats posed by detention in ICE custody. The individuals who were pepper sprayed and subject to violence by the guards at Glades are Black, and Black individuals in the United States are substantially more likely than whites to experience force at the hands of law enforcement.² Moreover, research studies have shown that immigrants from Africa or the Caribbean are six times more likely to face solitary confinement inside detention centers than others.³ The use of violent force against Black immigrants is also part of a documented pattern of anti-Black racism by ICE officials and their contractors. A 2019 report on South Florida detention facilities cites disproportionate use of force and racial slurs directed at Black immigrants.⁴ The violence that Black immigrants face in ICE custody is a national issue, and locally, it extends beyond Glades to Florida immigration detention centers at large. Over the past year, concerned parties have lodged multiple civil rights complaints calling for investigation of excessive use of force under the Miami Field Office, naming ICE officers' and private prison guards' illegal use of threats, coercion, and direct force against Black detainees. The violence which these seven men are subject to falls within a clear pattern of racialized brutalization against those in ICE custody, a practice which ICE leadership in Miami⁵ and elsewhere has effectively condoned.⁶ This is a racial justice issue. According to CRCL's mandate, allegations of discrimination based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity, or disability which occur in ICE custody must be investigated. There's strong indication that a pattern and practice of racially based abuse of migrants at Glades, and under the Miami Field Office at large, is taking place.

In addition, [REDACTED] and [REDACTED] are members of the nationwide class certified in *Fraihat v. U.S. Immigration and Customs Enforcement*. [REDACTED] suffers from anxiety and depression for which he receives medication, yet he reports he has not received a custody review from ICE under *Fraihat*, in violation of the court's order. [REDACTED]'s medical conditions—specifically his BMI, high blood pressure, lived experience with mental illness, and kidney issues, including the fact that he only has one kidney and is on the verge of being placed on dialysis—render him more vulnerable

² See, e.g., Phillip Atiba Goff, et al., *The Science of Justice: Race, Arrests, and Police Use of Force*, Center for Policing Equity at Yale Univ. (July 2016),

https://policingequity.org/images/pdfs-doc/CPE_SoJ_Race-Arrests-UoF_2016-07-08-1130.pdf.

³ See, e.g., Conrad Franco et al, "Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017," <https://osf.io/preprints/socarxiv/zdy7f/>.

⁴ Southern Poverty Law Center and Americans for Immigrant Justice, *Prison By Any Other Name: A Report on South Florida Detention Centers* (December 9, 2019), https://www.splcenter.org/sites/default/files/cjr_fl_detention_report-final_1.pdf.

⁵ On March 5, 2021, a meeting took place between ICE Field Office Director Mr. Ripa and advocates from Americans for Immigrant Justice, Freedom for Immigrants, and Immigrant Action Alliance, at which Mr. Ripa informed advocates that a cursory review of video evidence of a civil rights complaint naming off-camera physical assault of a black migrant had found no wrongdoing. This is a completely inappropriate response to a request for immediate investigation into the pattern and practice of off-camera assault taking place inside Glades County Detention Center for those who speak up publicly.

⁶ Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, *The State of Black Immigrants* (September 2016), <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.

to severe illness or death from the SARS-CoV-2 virus. In fact, [REDACTED] was placed in solitary confinement the day after he had been in the hospital, nearing kidney failure. As of yesterday, he reported receiving no medical care in solitary confinement, despite the escalating medical distress he is experiencing. Finally, prior to the incident described in this complaint, [REDACTED] reports that the psychiatrist at Glades inexplicably stopped the psychiatric medications he takes to manage the symptoms of his mental illness for about two weeks, leading him to experience insomnia and other withdrawal symptoms. This abuse of power by the facility's sole psychiatrist in which he alters patients' psychiatric medications abruptly and against their wishes, was documented in another CRCL complaint filed late last month where women in Glades reported withholding of medication combined with sexual harassment, leading to acute withdrawal.⁷

II. Abusive Use of Pepper Spray, Anti-Black Violence on September 16, 2021

On Wednesday, September 15, 2021, an ICE Officer who was visiting Glades approached a group of African men that included [REDACTED] and [REDACTED]. All but one of the men had been transferred from York to Glades earlier in the summer. The ICE Officer told them to "break it up," potentially implying that they were not allowed to congregate. Given there are plenty of other people at the facility who congregate, this group of seven Black men appeared to have been targeted by ICE on account of their race and ethnicity as Black African immigrants. [REDACTED] states, "We want to be treated fair, like anyone else. When it comes to us, the Africans, they have a problem with us." ICE then told several of the men that they were being moved into different housing units to be separated, to which they responded they did not want to be moved. The Lieutenant then came and overturned the order of ICE, saying they could stay together.

On Thursday, September 16, 2021, at around six a.m., Captain John Gadson and a group of at least 15 officers entered pod C1 and approached one of the six-man cells that was occupied by a group of African immigrants, including [REDACTED] and [REDACTED]. They had just returned there after breakfast and were resting. Without explanation, Captain Gadson and the officers then pepper sprayed all the men in the cell, with the Captain directing the pepper spray canister right at [REDACTED]'s face and then the side of his head. The officers accompanying Captain Gadson then dragged the men out of the unit and into the hallway. Lieutenant Arnold grabbed [REDACTED] and violently slammed him against the wall, in a display of excessive force, and then restrained him.

[REDACTED] was then escorted to an area of the jail with a shower and strip-searched. At this point, [REDACTED]'s blood pressure began to skyrocket, and he was having trouble breathing, likely due to being pepper sprayed directly in the face and at close proximity. The officers escorted him to the medical department, where his blood pressure was taken and read at 166/104, which is particularly high. In response, a nurse provided [REDACTED] with a medication, but it only further elevated his blood pressure after he took it. He then sat in the medical department for about an hour without any further attention, and at seven a.m., when the shift change occurred and new nurses arrived, he was told to go to solitary confinement. No shower, change of clothes, or medical care was provided before he was locked in a solitary confinement cell. According to his cellmate, [REDACTED] was crying out for help all day and did not receive a response. Furthermore, not being permitted to shower after being pepper sprayed exacerbated the pain, with the spray

⁷ See

https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/6127a66552e8b52e7b718445/1629988453454/CRCL_Conditions+for+Women+at+Glades_8.26.2021-final.pdf.

remaining on his clothes and skin. The other men pepper sprayed were denied showers as well; [REDACTED] did not even receive any medical attention before being placed in confinement. Because this is a practice Glades used in the recent past against a group of African migrants who were subjected to months on end of repeated pepper spraying and shower denial, leaving their skin burning,⁸ we believe this to be a calculated, abusive tactic Glades has used to increase the level of pain inflicted on these seven men.

According to the 2019 National Detention Standards (“NDS”), “under no circumstances shall force be used to punish a detainee.” (NDS 2.8 Use of Force and Restraints II.A.1) The NDS are also clear that staff, including the Captain, are required to consult medical staff before using pepper spray. (NDS 2.8 Use of Force and Restraints II.H) It’s evident this consultation with medical staff did not take place, or the use of pepper spray on a group of men who were simply sitting on their beds, in a general population dorm, amidst a highly transmissible, respiratory virus, COVID-19, would not have been permitted. Furthermore, the NDS require that after any use of force, medical personnel shall examine the individual involved and any “medical services provided shall be documented,” which clearly did not occur following the Captain’s spraying of these seven men. (NDS 2.8 Use of Force and Restraints II.G.3)

Excessive use of pepper spray and spraying pepper spray into a small cell, like the one where the seven men were at the time of the incident, violate the NDS. It’s also highly dangerous and could lead to death. In Florida, there are documented cases of the use of pepper spray against 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,” SunSentinel (Mar. 17, 2015).⁹

III. Punitive Use of Solitary Confinement; Mental Health Care Neglect; Unreasonable Telephone Access for People in Segregation

On September 17, more than a day after the incident occurred, [REDACTED] received paperwork stating he was placed in solitary confinement for “interfering with running the institution.” He was not provided information on if or when any disciplinary hearing would take place or how long he would be confined in segregation. While he was later told the disciplinary hearing, in which he

⁸ *See* CRCL Complaint filed with the Officer of Inspector General and Office of Civil Rights and Civil Liberties by Legal Aid Service of Broward County, University of Miami School of Law Immigration Clinic, and Americans for Immigrant Justice on January 8, 2018 on behalf a group of Somali men who were on an aborted deportation flight and subsequently detained at Glades, where they were beaten, pepper sprayed, arbitrarily placed in solitary confinement for extended periods of time, denied access to their legal counsel, and subject to racist, verbal harassment by facility staff.

⁹ 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/news.wjct.org/post/corrections-revamps-policies-gassing-inmates-use-force; www.sun-sentinel.com/news/florida/fl-nsf-inmate-gassing-20150317-story.html

could receive 30 days in solitary despite not having violated any facility policy, would take place on September 21, by the afternoon of that day no hearing had taken place.

█ also received paperwork on September 17, 2021, however, the documents included the name of another detained man, stating “conduct that disrupts or interferes with the security and orderly running” and “detainee T--- interfered with staff and performance of duties.” As of the evening of September 21, a hearing on these disciplinary charges had yet to be conducted, with an officer telling █ that Glades officials needed more time to “investigate.” It appears that Glades officials are haphazardly mounting unfounded disciplinary charges against both █ and █ in an attempt to justify their continued placement in solitary confinement.

In addition, █ and █ reported that the solitary confinement housing unit is currently at capacity, with some cells doubled up with two people. █ added that there are individuals in county custody currently in confinement who have gone days without a disciplinary hearing. The overuse of solitary confinement at Glades resulted in one of the men who was pepper sprayed being placed in a cell in the booking area of the jail due to a lack of space; these cells in booking do not have a bed or even the most basic provisions. Despite not yet being placed on disciplinary confinement, their placement in solitary confinement is entirely punitive.

Furthermore, at Glades, detained people in solitary confinement do not have regular telephone access to call family, their loved ones, and other legal and civil rights groups; this is especially troublesome given their safety and well-being are currently at risk. Individuals in solitary confinement are only able to access the tablet or a telephone to contact an attorney or loved one with permission from the jail officials, the same officials who violently harmed them just days ago. Moreover, we have received reports that in the midst of this abuse and a hunger strike of over 100 people in ICE custody at Glades, the facility has updated their phone system, and neither ICE nor Glades has informed detained people, legal service organizations, or civil rights groups how unrecorded, unmonitored calls to the various hotlines can now be conducted. ICE is legally obligated to allow unmonitored access to detained individuals’ attorneys and to an abuse reporting hotline. Not only that, fees for adding funds to phone accounts abruptly and steeply increased in the past few days, further hampering communications between people at Glades and their loved ones, advocates, and attorneys. Such isolation is always concerning, and it is particularly problematic for Glades to have blocked phone access after the egregious abuse of these seven African men occurred.

█ reported going days without having access to the phone to call his attorney. When he was finally given the phone, he had to kneel down on the floor in his cell and slide his hand through a small door (the flap of the cell door) in order to reach the phone outside the cell. He also reports that the lights are kept on 24 hours a day and that the sink inside his cell does not work. He has no access to hot water inside his cell in confinement. He and the others in solitary are only permitted to come out of their cells for a shower three times per week (Monday/Wednesday/Friday), so while █ was pepper sprayed early Thursday morning, he was unable to shower until a day later on Friday.

Several of the men have documented mental illness, and the abuse they are experiencing is resulting in great mental and emotional distress that is leading to self-harm. Despite the NDS requiring jail officials to observe the cells at least every 30 minutes and provide face-to-face

medical assessments with health care personnel at least once a day, [REDACTED] reports there are no consistent medical or mental health checks taking place at this time.

The NDS state that an individual with a “serious mental illness”¹⁰ should not be automatically placed in solitary confinement, and the facility staff in coordination with ICE/ERO shall make every effort to find an alternative housing option where appropriate treatment can be provided. (NDS 2.9 Special Management Units II.M.1) These men were hastily placed in confinement after they were pepper sprayed, with no meaningful inquiry into the state of their mental health, in violation of the standards.

In the early afternoon of September 17, [REDACTED] reported that one of the men was rushed to the emergency room after swallowing and choking on a pencil in a suicide attempt. In the evening of the 17th, [REDACTED] reported that his cellmate swallowed pieces of metal in front of an officer, and the officer did not respond or call for immediate mental health support. Despite the men’s clear desperation and deteriorating mental health, neither officers nor medical staff have been making regular rounds to check on them. The lack of concern for their mental wellbeing had dire and immediate consequences, as later in the evening of September 17, [REDACTED]’s cellmate attempted suicide and was taken from the cell, and his whereabouts were unknown for several days.

On September 19, [REDACTED] reported that he still had not received medical attention and there had been blood in his urine since the day before, indicating rapidly worsening problems with his kidney. He says he has asked every nurse that comes by but is only told to “put in a sick call.” At Glades, it can take weeks to receive a response to sick calls, and sometimes they are not answered at all. [REDACTED] also says he has not yet seen the psychiatrist while in solitary despite numerous requests and a documented history of mental illness.

IV. Request for Prompt Redress

To remedy the above-detailed misconduct by officials at the Glades County Detention Center, we request that your offices expeditiously do the following:

- (1) Initiate a formal investigation into the conduct alleged. To facilitate a full and fair investigation, we request that your offices (i) inform us of any interview with any of the seven individuals that is anticipated or arranged in connection with this investigation and (ii) permit their counsel to attend any such interview telephonically;
- (2) Identify and hold responsible the Glades County officials who have perpetuated the abusive actions described in the correspondence; and
- (3) Immediately intervene to protect the seven individuals’ safety by ensuring that ICE immediately (i) release them from custody to the community or (ii) if release is not

¹⁰ The NDS’ definition of a “serious mental illness” include significant symptoms of one of the following: i) psychosis or psychotic disorder; ii) bipolar disorder; iii) schizophrenia or schizoaffective disorder; and iv) major depressive disorder with psychotic features. Severe depressive symptoms, suicidal ideations, marked anxiety, and impulsivity are also symptoms and behaviors categorized in the NDS as constituting a “serious mental illness.” (NDS 4.3 Medical Care II.S.4.a)

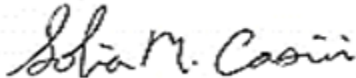
provided, transfer them safely and in compliance with COVID-19 guidelines from the Glades County Detention Center to the Krome Service Processing Center.

Further, we understand that over 30 civil rights complaints regarding substandard and dangerous conditions have been sent to your offices' attention since the onset of the pandemic. Those complaints include reports of off-camera physical assault and retaliation against those who publicly report on the facility's conditions. Immediate intervention is imperative to prevent further harm.

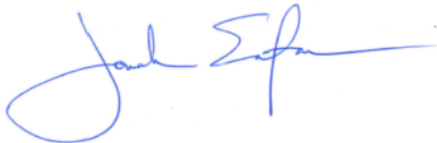
We look forward to your prompt reply and to your offices' implementation of a full, fair, and transparent investigation into the serious allegations contained in this correspondence. Should you need any additional information at this stage, please contact us at the information below.

Sincerely,


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