



Homeland  
Security

November 12, 2021

MEMORANDUM FOR: Tae D. Johnson  
Acting Director  
U.S. Immigration and Customs Enforcement

Kerry E. Doyle  
Principal Legal Advisor  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn (b)(6)  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b)(6)  
Attorney Advisor, Legal Counsel Division  
Office of the General Counsel

SUBJECT: Glades County Detention Center  
Complaint Nos. 002082-21-ICE, 002226-21-ICE,  
002217-21-ICE, 002269-21-ICE, 002371-21-ICE,  
002566-22-ICE, 002567-22-ICE, 002570-22-ICE,  
002584-22-ICE, 002598-22-ICE, 20-07-ICE-0520,  
20-08-ICE-0710, 21-05-ICE-0225, 21-06-ICE-0327,  
21-07-ICE-0405, and 21-08-ICE-0434

The Office for Civil Rights and Civil Liberties (CRCL) has received complaints alleging that U.S. Immigration and Customs Enforcement (ICE) has violated individuals' civil rights and civil liberties at the Glades County Detention Center (GCDC) in Moore Haven, Florida. The purpose of this memorandum is to notify you of the complaints and describe the allegations, inform you that CRCL will retain the above-referenced complaints for investigation and conduct an onsite investigation during the week of November 29, 2021 - December 3, 2021, and explain how CRCL will work with ICE during our investigation. Specifically, the allegations raise concerns regarding conditions of detention, medical and mental health care, suicide prevention and intervention, sexual abuse and assault prevention and intervention (SAAPI), retaliation, and environmental health and safety. During the onsite, CRCL will also look at GCDC's operations more generally to determine if the individual allegations or findings are indicative of systemic civil rights and civil liberties issues and will review other areas of the facility's operations that may also raise important civil rights and civil liberties issues.

## ALLEGATIONS

### ICE's Daily Detainee Assault Report

According to ICE's Daily Detainee Assault Report (DDAR), which captures, among other things, "any allegations of sexual assault, physical assault and use-of-force incidents/allegations occurring in ICE detention settings," Glades reported 26 use-of-force allegations and 10 SAAPI allegations from October 1, 2020 to October 31, 2021. This number stands out amongst the facilities and is similar to allegations CRCL received from other sources. Accordingly, in addition to the specific instances identified below, CRCL will be reviewing Glades' use-of-force and SAAPI policies generally during the onsite. Below re representative complaints of the major issues related to these subject areas.

### Use of Force

#### 1. *Complaint No. 002567-22-ICE*

On March 20, 2021, Glades reportedly used oleoresin capsicum (OC) on (b)(6) (b)(6), a 32-year Haitian national detainee, when he refused to exit his cell for a routine contraband search and did not comply with GCDC staff orders (SIR#: (b)(7)(E) (b)(6)). According to the DDAR, GCDC staff deployed a short burst of OC spray to gain compliance and apply restraints. The detainee then struck a GCDC officer, and GCDC staff then took the detainee to the ground to apply hand restraints. The detainee allegedly resisted actively and a GCDC officer deployed a second burst of OC spray to gain compliance. The detainee was then placed in hand restraints and all force ceased. Later that same day, the detainee reportedly attempted to destroy a fire sprinkler in his cell. GCDC staff gave a verbal order to stop and to exit his cell. The detainee allegedly refused to comply with the two orders, and in response a GCDC officer deployed a burst of OC spray to gain compliance. After both incidents, GCDC staff noted in the report that they decontaminated and transported the detainee to medical, where he was medically evaluated and cleared.

#### 2. *Complaint No. 002570-22-ICE*

On June 23, 2021, GCDC staff reported in SIR#: (b)(7)(E) (b)(6) (b)(6), a 30-year-old of Guatemalan national detainee, alleged that another detainee, (b)(6) (b)(6), a 38-year-old citizen of Mexico, slapped him on his buttocks and verbally threatened to rape both him and his daughter upon his release from custody. The DDAR states that GCDC staff escorted the detainees to medical for evaluation, and offered Mr. (b)(6) (b)(6) protective custody, which he allegedly declined.

#### 3. *Complaint No. 002566-22-ICE*

On August 27, 2021, the DDAR reported that Glades staff allegedly used OC spray on (b)(6) (b)(6), a 34-year-old Colombian national detainee housed at GCDC (SIR#: (b)(7)(E) (b)(6)). GCDC staff reported that they had engaged the detainee when she failed to follow verbal commands to stop hurting herself by hitting her head against a cell door. A GCDC detention officer allegedly administered a burst of OC spray to the detainee's facial area to gain control and applied hand restraints, then GCDC detention staff administered

decontamination protocols, assessed, and cleared her of any injuries. The DDAR stated that disciplinary procedures would be initiated against the detainee.

## Medical and Mental Health Care

Along with the provision of general medical and mental health care provided to detainees as described in the complaints below, CRCL received allegations from South Florida-based community organizations and other complainants regarding concerns related to Glades' handling of the COVID-19 protocols<sup>1</sup> and will also be reviewing ICE and facility policies and procedures for their handling of detainees, along with the provision of medical and mental health care.

### 4. *Complaint No. 20-07-ICE-0520*

From April 2, 2020 to July 11, 2020, CRCL received five sets of allegations from the Friends of Miami-Dade Detainees concerning the medical care (b)(6) received during his detention at GCDC.<sup>2</sup> According to the complaint, Mr. (b)(6) was on four medications for traumatic brain injury, seizure disorder, mental health disorder and high cholesterol, but was allegedly denied his medications multiple times. In one instance, Mr. (b)(6) was reportedly denied his medications for four consecutive days, causing him to go into withdrawal and vomit profusely. There were also claims that facility staff had no understanding or compassion for Mr. (b)(6)' short-term memory loss resulting from his traumatic brain injury, often punishing or criticizing him for forgetting instructions. A second set of allegations, received by CRCL on May 16, 2020, stated that Mr. (b)(6) had been in solitary confinement for seven days (at the time the complaint was filed) and that he was unmonitored for at least 10 hours per day while in solitary. Mr. (b)(6)' medication was also reportedly changed, which left him feeling unwell. He reported that he had requested to see a psychiatrist, but it had been more than one week since he had seen someone. There were other allegations that Mr. (b)(6) was denied medication on July 2, 2020, when he was not called during pill line. Mr. (b)(6) stated he had filed multiple grievances, but only received responses to some of the grievances, not all of them.<sup>3</sup>

### 5. *Complaint No. 21-05-ICE-0225*

On January 21, 2021, CRCL received allegations from Freedom for Immigrants about (b)(6), an ICE detainee at GCDC. The complaint stated that Mr. (b)(6) had been diagnosed with depression and was prescribed medication. However, the medication was allegedly insufficient because Mr. (b)(6) was having nightmares that he described as post-traumatic stress disorder (PTSD) symptoms. The correspondence stated that he would wake up sweating, out of breath, with his vision constricted. The complaint also claimed that it would take a long time before the GCDC staff would bring Mr. (b)(6) to medical, even when he was in extreme distress. The psychiatrist allegedly told him that he simply needed to exercise. Following these instructions, Mr. (b)(6) stated that while out in recreation one day, he could not catch his breath and his vision again constricted. When he

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<sup>1</sup> Complaint Nos. 20-08-ICE-0710 and 002082-21-ICE.

<sup>2</sup> Ashish Thomas was detained at GCDC from July 23, 2019 to July 20, 2020.

<sup>3</sup> CRCL sent medical referrals to ICE regarding Mr. (b)(6)'s health issues on April 2, 2020; May 16, 2020; July 6, 2020; July 10, 2020; and July 13, 2020.

went to medical, Mr. (b)(6) asked the doctor to give him an inhaler to help him breathe properly but doctor allegedly denied this request and informed Mr. (b)(6) that he was “just faking it” and did not have any problems. Mr. (b)(6) also reported being afraid for his life because of the medical neglect he was experiencing at GCDC.<sup>4</sup>

6. *Complaint No. 21-06-ICE-0327*

On February 22, 2021, CRCL received allegations from Friends of Miami-Dade Detainees about (b)(6), an ICE detainee at GCDC. The allegations claimed that, on February 16, 2021, Mr. (b)(6) was suddenly paralyzed on one side of his face and body. However, when Mr. (b)(6) went to medical, a nurse allegedly laughed at his condition and did not properly evaluate or treat him. The only treatment she allegedly offered was to put a piece of tape on his eye since he no longer could close the eye on the side of his face that was paralyzed.

### Conditions of Detention, Discrimination, and Retaliation

7. *Complaint Nos. 002445-21-ICE and 002584-22-ICE*

**Discrimination and Retaliation:** On September 22, 2021, CRCL received email correspondence from Freedom for Immigrants on behalf of 13 other organizations and individuals who represent seven Black African detainees housed at the GCDC claiming that Glades detention officers subjected the detainees to abusive conduct that includes racial violence, targeted retaliation, pepper spraying, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions, such as solitary confinement. The complaint alleged that the seven men were in imminent danger because of the violence, ongoing placement in solitary confinement, lack of access to adequate mental health care, lack of access to mental health care, and the facility’s off-camera physical assaults.

Specifically, the complaint asserted that ICE officers approached the seven detainees on September 15, 2021 and told them to “break it up” based upon the detainees’ race and ethnicity as Black Africans. The following day, on September 16, 2021, Captain (b)(6), (b)(7)(C) and at least 15 other officers reportedly entered the detainees’ cell after breakfast, and pepper-sprayed the cell while directing the canister towards the detainees’ faces.<sup>5</sup> The officers then allegedly dragged the men out of the cell, where Lt. (b)(6), (b)(7)(C) allegedly grabbed one detainee and slammed him against the wall to restrain him. The detainee’s blood pressure reportedly skyrocketed, reading at 166/104 at one point.<sup>6</sup> The next day, the detainee was allegedly provided notification that he was placed in solitary confinement for “interfering with running the institution.” He was reportedly told that he could be in solitary for 30 days and that his disciplinary hearing to dispute the charges would be held on September 21, 2021; however, no hearing allegedly occurred on that date.

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<sup>4</sup> CRCL sent a medical referral to ICE concerning Mr. (b)(6) health issues on January 22, 2021.

<sup>5</sup> The use-of-force incident is referenced by ICE as SIR (b)(7)(E).

<sup>6</sup> The complaint states that the nurse provided Mr. (b)(6) with medication, but it only heightened his blood pressure. He allegedly sat in medical for an hour without further medical attention and was later moved to solitary confinement.

**Conditions of Detention:** The complaint further claimed that detainees in solitary confinement do not have telephone access to call family or their attorneys and are only able to access the tablet or a telephone with permission from jail officials. There were reports that over 100 people at Glades were on a hunger strike, and that the facility recently updated their phone system but neither ICE nor Glades staff has informed the detainees or their representatives on how unrecorded, unmonitored calls can be conducted. Additionally, fees for adding funds to phone accounts have increased significantly over a few days, hampering communication between Glades' detainees, their families, and their representatives.

**Medical and Mental Health Care:** In addition, the complaint contained medical allegations, regarding (b)(6) and (b)(6).<sup>7</sup> The complaint alleged that Mr. (b)(6) was placed in solitary confinement after returning from the hospital for nearing kidney failure. The day before the complaint was filed, Mr. (b)(6) allegedly had not received any medical care while in solitary confinement, despite escalating his medical distress. The psychiatrist reportedly stopped Mr. (b)(6)'s medications in order to manage his symptoms for two weeks, but it led him to feel insomnia and other withdrawal symptoms. Regarding (b)(6), the complaint alleged that he suffers from anxiety and depression for which he was taking medication.

Further, the complaint reported that some of the men have documented mental illnesses, but the alleged abuse they are experiencing at Glades has allegedly resulted in greater mental and emotional distress and is leading them to self-harm. The complaint cites the requirement in NDS 2019 for jail officials to observe cells every 30 minutes and to provide face-to-face medical assessments daily; however, the complainant claimed that there does not appear to be any consistent medical and mental health check-ups at this time. On September 17, 2021, Mr. (b)(6) reported that one of his cell mates was rushed to the emergency room after swallowing and choking on a pencil in a suicide attempt. CRCL later confirmed this individual to be (b)(6). Later that day, Mr. (b)(6) claimed that his cellmate, (b)(6), swallowed pieces of metal in front of a detention officer, but the officer reportedly did not respond or call for immediate mental health support. Mr. (b)(6) alleged that it could take weeks for medical to respond to sick calls, and sometimes they are not responded to at all.<sup>8</sup>

8. *Complaint No. 002598-22-ICE*

**Retaliation:** On October 14, 2021, CRCL received email correspondence from American Friends Service concerning (b)(6), an ICE detainee at GCDC. Mr. (b)(6) stated he feared requesting help from Glades' officers due to past threats of and actual punishment. He alleged that, on or about August 19, 2021, he was threatened with segregation by a Glades' officer for requesting additional toilet paper because the restroom facility was out. Subsequently, on or about August 31, 2021, Mr. (b)(6) reportedly asked if he could sleep in a lower bunk because he had fallen out of the top bunk

<sup>7</sup> Mr. (b)(6) has medical conditions that include BMI, high blood pressure, personal experiences with mental illness, and was almost placed on dialysis for having one kidney.

<sup>8</sup> Similar allegations regarding medical neglect, off-camera physical assault, hunger strike, excessive use-of-force, lack of legal access, increased fees for phone calls, and racial discrimination are also identified in Complaint Nos. 002082-21-ICE, 02226-21-ICE, and 21-07-ICE-0405.

previously, but his request was allegedly denied by an officer without even listening to Mr. (b)(6)'s reason for the request. When Mr. (b)(6) decided to sleep on the lower bunk of his cell because there was no other detainee assigned there at the time, he claimed that he was woken up at 4 AM, placed in segregation for 12 days, and was unable to receive calls from his attorney. Mr. (b)(6) also asserted that he was taunted by an officer for his length of stay in segregation.

**Conditions of Detention:** The complaint went on to discuss legal access concerns, stating that the only way Mr. (b)(6) could communicate with his attorney is through the GettingOut app. However, the internet connection can be faulty, and Mr. (b)(6) and his attorney cannot hear each other.

There were additional allegations that Glades does not provide hygiene products to maintain sanitation. Each detainee allegedly only receives one roll of toilet paper to clean the dorms, use for restroom, and clean their hands, while only hand soap is provided to clean the dorms. The complaint also asserted that the food at Glades is “disgusting;” pasta is served four days a week; and the drinking water smells bad and has debris floating in it.<sup>9</sup>

**Medical Care:** Finally, the complaint alleged that it could take a long time to receive medical attention. Mr. (b)(6) reported that he had once requested medical attention after suffering from a rash due to an allergic reaction, but it took two weeks for him to get medical treatment. He further asserted that he has lost 10 lbs because of the conditions in detention and the poor treatment by the officers, and as such, he is also taking medication for his mental health.<sup>10</sup>

#### 9. *Complaint No. 002082-21-ICE*

On August 26, 2021, CRCL received email correspondence from Americans for Immigrant Justice on behalf of a coalition of immigrant organizations who represent seven women currently detained at, or recently released from, GCDC. The coalition members claimed that six months after they submitted a 35-page civil rights complaint naming a myriad of human rights violations taking place inside Glades,<sup>11</sup> ICE leadership and Glades County officials with oversight authority have summarily disregarded their concerns. Some of the pressing issues include toxic chemical spray exacerbating the spread of COVID-19; medical neglect towards those suffering serious ailments or ill with COVID-19; lack of release for those whose illness places them at great risk of severe illness or death due to COVID-19; insufficient sanitation supplies; limited personal protective equipment (PPE); and large-scale incoming transfers from all over the country without proper COVID-19 safety protocols. Additionally, it was alleged that the detainees who participated in the February 2021 complaint were retaliated against with off-camera physical assaults.

**Discrimination:** The complaint alleged that there has been significant discrimination against female detainees, ranging from racist verbal harassment and being called “dirty” to comments

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<sup>9</sup> Similar allegations regarding poor food quality, dirty water, and/or inadequate hygiene products are also reflected in Complaint Nos. 002082-21-ICE, 002217-21-ICE, and 002371-21-ICE.

<sup>10</sup> CRCL sent a medical referral to ICE concerning Mr. (b)(6) health issues on October 21, 2021.

<sup>11</sup> Complaint No. 21-06-ICE-0274

like “go back to your country.” One female detainee stated that a staff person working commissary called a Mexican woman “stupid” in addition to using another derogatory term.

**Conditions of Detention:** The complaint went on to say that the chemical used to clean the facility “turns the air grey” and lingers. The correspondence asserted that the ventilation in the pod is so poor that when OC spray is used in neighboring pods, the women’s pod would feel the effects of the OC spray for days, claiming that they would cough, rinse their eyes, and cover their faces with blankets. Recent in-transfers of detainees from other facilities have also resulted in overcrowding at Glades, making social distancing and following the COVID-19 Pandemic Response Requirement protocols very challenging such that people exposed to COVID-19 could be found intermingling with those who had tested negative or had not been tested.

The allegations also stated that the food and water are contaminated, and water is often inaccessible. The water is reportedly yellow, and the water cooler is contaminated with hair and little black stones. There is a water jug but no cups in the recreation area, and there is only one jug of water in the dorms, but it is often empty. As a result, the women are forced to drink from the sink. Some detainees have also allegedly found roaches on the tables and bugs in their food. Those who request a special medical diet are essentially receiving the same foods as the regular tray.<sup>12</sup> And detainees who work in laundry have had to face working in unsanitary conditions.

**Medical Care:** There were also claims of medical neglect, such as those from (b)(6) who suffers from extreme back pain due to an operation for colon damage in 2019 and has allegedly been denied the treatment by ICE. Another female detainee who transferred from York to Glades in July 2021 alleged that her prescribed psychiatric medication—trazadone (for depression and PTSD) – was abruptly canceled by Glades’ medical staff because they did not have the medication at the facility.<sup>13</sup>

**SAAPI:** The complaint also included accounts from female detainees alleging that male guards, more often than not, do not announce themselves when they enter the female pods. Since the showers are open inside the women’s quarters, some female detainees have reported that they have been watched while showering, leaving them feeling unsafe. There are also claims that male guards watch the women from the guard tower, looking down into the dorm space and bathrooms. There are additional claims that some female detainees had experienced sexual harassment from the Glades’ psychiatrist, alleging that he has made comments such as, “Wear something sexy next time I see you,” and “Your uniform is tight; wear a tighter one next time.”

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<sup>12</sup> Similar allegations related to dirty water, special diets, poor food quality are also reflected in Complaint Nos. 002217-21-ICE, 002269-21-ICE, and 002371-21-ICE.

<sup>13</sup> Glades reportedly offered to prescribe her Remeron, but she is allergic. The psychiatrist at Glades allegedly prescribed her Vistaril, which she had been taking prior to her arrival at Glades; however, the dosage she was given was half of what she was previously prescribed, which was not effective.

## CRCL

*CRCL mission.* CRCL supports the Department’s mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department’s activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel;
- Leading the Department’s equal employment opportunity programs and promoting workforce diversity and merit system principles.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In investigating complaints, if CRCL believes that the complaints raise similar issues, CRCL may look into whether there are systemic problems that justify a broader investigation. Pursuant to its authority under 6 U.S.C. § 345(a) (3), CRCL shall assist components to “periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities.”<sup>14</sup> Additionally, pursuant to DHS Delegation Number 19003, issued October 26, 2012, the Secretary has delegated to the Officer of CRCL the authority to “[a]ssess[] new and existing policies throughout the Department for the policies’ impact on civil rights and civil liberties” and “review . . . programs within any Component to ensure compliance with standards established by the Officer for CRCL to protect civil rights and civil liberties.” Issues such as appropriate treatment by ICE officials, access to medical care, arbitrary punishment, language access, and religious accommodation for ICE detainees may raise civil rights and liberties concerns. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500, DHS Instruction 046-01-001, and DHS Instruction 046-01-002.

*Access to information.* 42 U.S.C. § 2000ee-1(d) grants the Officer access to the “information, material, and resources necessary to fulfill the functions” of the office, including (but not limited to) the complaint investigation function. Management Directive 3500 further authorizes CRCL to:

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<sup>14</sup> Pursuant to 42 U.S.C. § 2000ee-1(a)(2), CRCL has the authority to “periodically investigate and review department, agency, or element actions, *policies, procedures, guidelines*, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions” (emphasis added).

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization;”
- “Interview persons and obtain [] other information deemed by CRCL to be relevant and require cooperation by all agency employees;” and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Further guidance is contained in DHS Instruction 046-01-002, and, pursuant to § 3.3 of ICE Directive 8010.1, “Administration and Management of Inquiries from the Office for Civil Rights and Civil Liberties,” this is a request for information or assistance. Under § 3.3 of Directive 8010.1, ICE will provide the requested information and materials to CRCL within the specified timeframe, and not edit or otherwise limit review of the information that is responsive to CRCL’s request. Pursuant to § 2 of Directive 8010.1, CRCL understands that this request will be handled by the appropriate ICE program office.

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the request for information are issued pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges as well as any other applicable privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s website—that is required to detail “any allegations of [civil rights/civil liberties] abuses...and any actions taken by the Department in response to such allegations.”

We look forward to working with your staff on this matter and will report back to you our findings and any recommendations.

#### SCOPE OF REVIEW

The purpose of our review is to determine if: the allegations in the complaints can be verified or disproven; if the facts we find suggest that the Constitution, a federal statute, or a Departmental policy has been violated; and what steps, if any, should be taken by ICE to address the complaints, both individually (if the problem is ongoing) and as a matter of policy.

#### QUESTIONS PRESENTED

(b)(5)



(b)(5)

### INITIATING THE INVESTIGATION

CRCL has already taken steps to begin its investigation, which is assigned to Policy Advisor (b)(6). We look forward to continuing to work together to determine all the facts surrounding this matter and if appropriate, the best way forward. If you have any questions, please do not hesitate to contact (b)(6) by phone at (b)(6) or by email at (b)(6).

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