

July 28, 2021

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Re: Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana

Dear all:

We write to urge the responsible components of DHS and DOJ to investigate and render consequences under law and contract for the abusive, inhumane, criminal, and racially discriminatory practices and actions of Immigration and Customs Enforcement (“ICE”) staff, any and all contractors, subcontractors, and detention administrators at Allen Parish Public Safety Complex (“Allen Parish”) and Pine Prairie ICE Processing Center (“Pine Prairie”). We also ask that the addressed recipients forward this complaint to the appropriate officials with regard to contracts and acquisitions, whose information is not public.

Based on interviews with eyewitnesses and survivors, ICE Detention Center staff/contractors at Pine Prairie and Allen Parish, including Geo Group and Allen Parish officials, denied Black immigrants basic human necessities, including potable water and necessary medical treatment; physically abused detained persons, including physical abuse of a person in immigration detention while he experienced a mental health crisis;

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threatened lethal force against Black immigrants in ICE custody; threatened Black immigrants with punitive solitary confinement in retaliation for peacefully expressing their rights and for their support of the Black Lives Matter movement; and ignored written grievances related to racial tensions between detention officials and detained immigrants.

The fact that these complainants are only willing to courageously come forward now that they have been released from immigration detention and are no longer under ICE's power and control speaks volumes. They were unwilling to go public with these complaints while still in the custody of ICE, its Geo Group contractors at Pine Prairie, and its contractors at the Allen Parish Sheriff's Office, for fear of their lives and well-being. Some still fear retaliation by ICE.

The actions of ICE and ICE Detention Center staff/contractors described herein violate Louisiana and federal law (with potential repercussions including suspension of payment, and fines); the Code of Federal Regulations Title 48 - Federal Acquisition Regulations System, DHS Contractor Fitness Guidelines; ICE's own policies within the Performance Based National Standards 2011, Rev. Dec. 2016 ("PBNS"); the First, Fifth, and Fourteenth Amendments to the United States Constitution; and international human rights law, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, both of which the United States has ratified.

I. Immigration Detention is Inseparable from White Supremacy Culture, its Economic Dependence on Forced Labor, and the Prison Industrial Complex of Louisiana and the Deep South

*"The past is never dead. It's not even past."
- William Faulkner*

Land Acknowledgement

It is important to first acknowledge that the United States sits on Indigenous land—historically, the U.S. often obtained such land through deceptive and violent means. Today, Indigenous peoples continue to advocate for Indigenous sovereignty while caring for and defending the land. Acknowledging the history of the country now known as the United States—a history largely rooted in the of enslavement of African and Indigenous people, and the forced migration and mass murder of Indigenous peoples (which Black migration activists have referred to as the “original deportation”)—provides a broader context for how we understand the immigration system as it exists today while encouraging us to reflect on our relationship to the land. Allen Parish and Pine Prairie, Louisiana sit on the indigenous land of the Atakapa-Ishak.

Incarceration in the United States

The United States has the highest rate of incarceration compared to any other country in the world, with around 1.8 million people detained nationwide.¹ This includes a daily average of over 20,000 immigrants detained across 215 facilities.² During the 2019 fiscal year alone, 510,854 people were detained.³ As of July 22, 2021, ICE held 26,771 in detention – 79.4%, or 21,254 of whom had no criminal record, many more

¹ Jacob Kang-Brown, Chase Montagnet & Jasmine Heiss, *People in Jail and Prison in Spring 2021* 1 (2021), <https://www.vera.org/downloads/publications/people-in-jail-and-prison-in-spring-2021.pdf>.

² *We Are Home, Detention Watch Network, and Partners Welcome ICE Detention Announcement, Call for Additional Actions to Cut Detention*, Detention Watch Network (May 20, 2021), <https://www.detentionwatchnetwork.org/pressroom/releases/2021/we-are-home-detention-watch-network-partners-welcome-ice-detention>.

³ *Immigration Detention 101*, Detention Watch Network (last visited July 22, 2021), <https://www.detentionwatchnetwork.org/issues/detention-101>.

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with only minor offenses such as traffic violations.⁴ Most ICE detention facilities have contracts with local jails and private prison companies to incarcerate immigrants. The 5 states with the largest number of people in immigrant detention are Texas (4,695), Louisiana (2,347), Arizona (1,858), Georgia (1,214), and California (1,157).⁵

Continued Economies of Oppression and Incarceration

***“It was heartbreaking to hear from a facility worker that the longer we can remain in detention determines how long he will keep his check payment. Taking us for the merchandise for business!”
- Jhonny, Black migrant detained in Louisiana***

Indigenous peoples were enslaved by colonizers in Louisiana since the year 1708, and African peoples since 1719. A mere 161 years ago, just before the Civil War in 1860, there were 331,726 enslaved people in Louisiana. Slavery was a primary driver of the colonizer economy.⁶ Unfortunately, profiting off of the oppressed bodies of Black and brown people is still deeply engrained in Louisiana, and continues today in the form of ICE detention, as ICE pays private companies such as the Geo Group and LaSalle Corrections an average of \$65 per day to imprison migrants.⁷ Following slavery, Louisiana continued to oppress Black and brown people by soaring disparate rates of criminal incarceration, becoming the per capita incarceration capital of the United States, and thus, the world.⁸ After a years-long, successful battle to de-carcerate the state led by returned citizens, their families, and grassroots organizations, in 2019 ICE detention exploded by at least 7,000 beds to fill in vacated prison and jail facilities.⁹ The prison industrial complex was repurposed for migrants, and it treats them as brutally and wrongfully as prisoners are treated. Staff use dehumanizing language, referring to the migrants as “illegal dogs” or “inmates,” recycle jumpsuits from the former prison, refer to lunch hour as “feeding,” run everything (including disregard for visitation and legal access) according to “count,” throw people in solitary confinement for little or no reason at all, and enact countless other horrors and practices characteristic of prisons.¹⁰ The profit motive is grimly transparent: “A steadily declining number of state inmates over the past two years has helped Louisiana lose its unwanted status as the nation’s incarceration capital. But the drop in prisoners also threatens to pinch budgets for sheriffs — some of whom built jails on the promise of an endless supply of state

⁴ TRAC, *Immigration Detention Quick Facts* (July 2021), available at <https://trac.syr.edu/immigration/quickfacts/>

⁵ *Id.*

⁶ *Slavery in Louisiana*, The Whitney Plantation, available at <https://www.whitneyplantation.org/history/slavery-in-louisiana/>.

⁷ *Louisiana’s prisons are increasingly being used to detain immigrants*, Maria Clark, NOLA.com, May 8, 2019 available at https://www.nola.com/news/article_9110ce70-bb2f-54e1-b4e1-54140b7a0559.html.

⁸ “Louisiana incarcerates more people, per capita, than any other state in the country, according to a new report from the federal government.” *Despite reforms, Louisiana’s incarceration rate leads the nation*, WDSU.com, Oct. 26, 2020. This follows a 32% reduction in population over 8 years. *Id.* Prison Policy Initiative reports that Louisiana incarcerates 1,052 per 100,00 people in criminal jails and prisons, and as of 2018, was imprisoning 50,000 Louisiana Residents. Louisiana Profile, Prison Policy Initiative, last accessed July 26, 2021, available at <

<https://www.prisonpolicy.org/profiles/LA.html>>. According to the Vera Institute, there was a 152% increase in the number of people locked up in Louisiana from the 1980s to 2015. *Incarceration Trends in Louisiana*, The Vera Institute (2019) available at < <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-louisiana.pdf>>. According to 2010 Census data, Black people in Louisiana made up 32% of the state population, but 66% of the prison/jail population. *Racial and ethnic disparities in prisons and jails in Louisiana*, Prison Policy Initiative, available at < https://www.prisonpolicy.org/graphs/disparities2010/LA_racial_disparities_2010.html>.

⁹ *Louisiana’s prisons are increasingly being used to detain immigrants, supra; As number of immigrants behind bars soars under Trump, Louisiana becomes detention hub*, Bryn Stole, NOLA.com, Oct. 19, 2019, available at <https://www.nola.com/news/article_197ff094-f1f5-11e9-ad15-f7503d2a8b7a.html>

¹⁰ See generally, *Shadow Prisons: Immigrant Detention in the South*, Laura Rivera et. al, Nov. 2016, available at < https://www.splcenter.org/sites/default/files/leg_ipp_shadow_prisons_immigrant_detention_report.pdf>

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inmates.”¹¹

While incarceration of people has often been justified under the guise of “the public good or safety,” there are economic incentives that have long fed the system of incarceration in the US. The Detention Watch Network notes, “Local governments detain immigrants in exchange for huge sums of money to fill gaps in shrinking local budgets. Private prison companies run entire facilities. Other private companies provide a myriad of services inside the facilities. At every turn, there are clear incentives to detain more people while always reducing per-person costs—a combination that has helped create a sprawling and unaccountable system of mass detention.”¹²

The two largest private prison companies profiting from the detention of immigrants are The GEO Group Inc. (GEO) and Corecivic. Together with other companies, such as LaSalle Corrections in Louisiana, they oversee 73% of detention beds.¹³ To increase profits, some of these companies include a local quota in their contracts. This means that, at any given time, the facility contracted must fill a certain number of beds. Furthermore, the use of private companies to provide other services such as transportation, food, and medical services makes it difficult to hold these companies accountable.¹⁴

Local governments claim that these facilities are an important source of jobs in struggling rural towns.¹⁵ However, detained individuals often perform the work needed to run these facilities through cleaning, kitchen, and other maintenance jobs.¹⁶ Many immigrant detention stories have highlighted the exploitative nature of these work programs which pay little to no wages.

Detention in the Rural South Violently Isolates, Traffics, and Uses Migrants

“For the last 18 years, I have been trained to deport as many of you as possible.”

- Gary Thomas, DHS official, to Mr. Benson Njuguna and 8 other detained Black migrants, Sept. 2019

More than half of immigrants detained are held in remote, rural areas where access to legal representation, medical care, and other services is limited. This often makes it difficult for detained people, families, and advocates to maintain communication. Due to the lack of legal representation in these areas, and because denial rates are among the highest in the nation, detained migrants in rural areas are less likely to win their legitimate cases and legal defenses to removal, making them more vulnerable to deportation.¹⁷

The practice in Louisiana of sending thousands of migrants per year into prison facilities repurposed to

¹¹ *As fewer inmates fill Louisiana jails, wardens turn to immigration officials to fill bunks, budgets*, Bryn Stole, NOLA.com, May 9, 2019, <available at: https://www.nola.com/news/article_0b819a1f-d24b-5107-bbdd-7b29af9a3c3f.html>

¹² *Financial Incentives*, Detention Watch Network (last visited July 23, 2021), <https://www.detentionwatchnetwork.org/issues/financial-incentives>.

¹³ Kara Gotsch & Vinay Basti, The Sentencing Project, *Capitalizing on Mass Incarceration U.S. Growth in Private Prisons 5* (2018), <https://www.sentencingproject.org/publications/capitalizing-on-mass-incarceration-u-s-growth-in-private-prisons/>.

¹⁴ Detention Watch Network, *supra* note 9; NOLA.com, *supra* note 11.

¹⁵ *Id.*

¹⁶ Annie Hollister, *Litigating ICE’s “Voluntary Work Program”*, OnLabor (Apr. 10, 2020), <https://onlabor.org/litigating-ices-voluntary-work-program/>.

¹⁷ Yuki Noguchi, National Public Radio, *Unequal Outcomes: Most ICE Detainees Held In Rural Areas Where Deportation Risks Soar* (August 15, 2019) <https://www.npr.org/2019/08/15/748764322/unequal-outcomes-most-ice-detainees-held-in-rural-areas-where-deportation-risks>.

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immigration detention criminalizes and anonymizes those who are incarcerated – some, for years¹⁸ – further distancing the public from the injustices occurring inside these centers. This tactic has commonly been used in the incarceration of people to suppress any public outrage and avoid accountability. This fear of the unknown is also utilized to rationalize the detention of migrants by controlling their narrative and controlling what comes in and out of these prisons.¹⁹

Another mechanism for control includes the frequent transfer of people. This further limits contact with family and advocates and makes it difficult to trace the location of migrants. It creates divisions while furthering the dehumanization of migrants²⁰ - treating human beings as chattel, frequently trafficking them, and re-enacting these practices characteristic of slavery, wherein Black human beings were defined as property under the law.

Racism of the Immigration System

Incarceration across the United States disproportionately targets and harms people of color, particularly Black communities. The immigration system is no exception. Black immigrants are not only disproportionately represented, but also face massive disparities in the process. Black immigrants make up 20% of those facing deportation on criminal grounds while only making up 7% of the non-citizen pool in the U.S.²¹ Bonds paid by RAICES from June 2018 to June 2020 showed that the average bond amount was \$10,500. However, for Haitian migrants, it was 54% higher than other migrants (\$16,700).²²

A 2016 report from the Black Alliance for Just Immigration²³ details:

- Black immigrants are much more likely than immigrants from other regions of the world to be deported due to criminal convictions.
- 5.4% of the undocumented population in the US is Black, yet out of all the people facing deportation based on criminal convictions, 20.3% are Black.
- Although Black immigrants comprise just 5.4% of the undocumented population in the United States⁴⁷, and 7.2% of the total noncitizen population, they made up a striking 10.6% of all immigrants in removal proceedings between 2003 and 2015
- Black immigrants are more likely than immigrants overall to be deported on criminal versus immigration grounds of removability. In FY 2013, more than three quarters of Black immigrants were removed on criminal grounds, in contrast to less than half of immigrants overall.
- While 14% of immigrants detained while facing deportation proceedings before EOIR have criminal grounds of removability, a full half of all Black immigrants detained during removal proceedings have criminal grounds of removability.

During the COVID-19 pandemic, over 100 Black migrants were deported in October 2020, some Black migrants deported out of retaliation for bravely speaking out against ICE abuses and protesting to be freed.²⁴

¹⁸ Laila Hlass and Mary Yanik, Tulane University Law School Immigration Rights Clinic, *No End in Sight: Prolonged and Punitive Detention of Immigrants in Louisiana*, p. 8 (2021) (the average length of ICE detention for over 400 habeas filers is one year).

¹⁹ Alison Mountz et al., *Conceptualizing Detention: Mobility, Containment, Bordering, and Exclusion*, 37(4) *Progress in Human Geography*, 523 (2012).

²⁰ *Id.*

²¹ *Black Immigrant Lives Are Under Attack*, RAICES, <https://www.raicestexas.org/2020/07/22/black-immigrant-lives-are-under-attack/> (last visited July 23, 2021).

²² *Id.*

²³ *The State of Black Immigrants*, Black Alliance for Justice Immigration and New York University Law School, Immigrant Rights Clinic, January 22, 2016 available at <http://stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>.

²⁴ Democracy Now, *100+ Cameroonian Asylum Seekers Deported Despite Fear of Being Killed* (Oct. 14, 2020),

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Despite the danger that many migrants face if deported, anti-immigrant and anti-Black policies and processes continue to put many lives at risk.

II. Black and Other Immigrants of Color Experience Racial Discrimination and Inhumane, Unlawful Treatment at ICE Detention Centers

Four courageous complainants,²⁵ Mr. Ivo Ngong, Mr. Divine Tikum Kem, Mr. Benson Njuguna, and “Jhonny”²⁶, spoke with SIFI about their experiences as Black immigrants in ICE Detention in Allen Parish and Pine Prairie. All four were discriminated against by their respective detention officials based on their race, and have witnessed gross abuses of power.

Mr. Ngong, detained at Allen Parish for two years, faced repeated acts of racism, harassment, retaliation, medical mistreatment, and punitive solitary confinement at the hands of officials at Allen Parish. He summarizes his experience at the center and the experience of other Black immigrants:

“For two years at Allen Parish, I and other Black immigrants were subject to racist and discriminatory treatment. We filed grievances at the facility and with ICE. Our safety was threatened by non-Black detained persons and officials put us in further harm or ignored our requests for help. Other times, we were put in solitary confinement in retaliation for raising issues. Our legal mail was also tampered with, and important evidence removed.”

Mr. Ngong, Mr. Kem, Mr. Njuguna, and Jhonny’s experiences of discrimination are representative of the treatment of Black immigrants and immigrants of color in ICE Detention at Allen Parish and Pine Prairie. Unfortunately, the experiences of racially targeted deprivation of basic human necessities, physical abuse, threats of lethal and non-lethal violence, threatened and applied solitary confinement, and blatant disregard for their well-being and grievances are common in ICE detention.²⁷

Black Immigrants are Deprived of Basic Human Necessities

“I was left for five days with no drinking water.”

- Mr. Ivo Ngong

Deprivation and Rationing of Potable Drinking Water

Black immigrants at Allen Parish and Pine Prairie are frequently deprived of basic human necessities, specifically drinkable water. In February of 2021, Mr. Ngong was wrongfully transferred to ICE detention at the Alexandria airport for removal, and returned after a few days to Allen Parish, where he was subjected to “quarantine.” However, two newly transferred individuals were placed with his cohort after nine days in quarantine, exposing the cohort and forcing them to remain in quarantine for an additional week. While

https://www.democracynow.org/2020/10/14/headlines/100_cameroonians_asylum_seekers_deported_despite_fear_of_being_killed.

²⁵ Full declarations in Appendix.

²⁶ This witness/complainant chooses to use the alias of “Jhonny.” Jhonny’s real identity and medical records can be made available to investigators if he consents to the terms of disclosure, including non-retaliation by ICE.

²⁷ See generally Chris Rickerd & Cristina Velez, Nat’l Immigration Project, *Complaints Ignored, Abuses Excused: Why the Department of Homeland Security’s Internal Accountability Mechanisms Must Be Reformed* (Sirine Shebaya ed., 2021) available at https://nipnl.org/PDFs/2021_27Apr_ice-report.pdf; Eunice Hyunhye Cho, ACLU Nat’l Prison Project & Joanna Naples-Mitchell, Physicians for Human Rights, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention* (2021) available at https://www.aclu.org/sites/default/files/field_document/aclu_phr_behind_closed_doors_final_1.pdf.

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there, Mr. Ngong recalls, “I was left for five days with no drinking water. They brought only food with very sugary juice. For five days, I asked for water. The officer was very angry. I told him I am not an animal. I need water. Finally, when they saw I was looking for a phone number to make a report, they brought the water.” Mr. Ngong also reports that water shortages at night were common in the majority-Black dorm. When the detained Black persons asked for water after 8:00 pm, officials refused to provide it, stating that the trustees were sleeping, and drinking water was not provided until the morning.

Jhonny, another survivor held at Pine Prairie, likewise did not have consistent access to potable water. He describes the water at the facility as undrinkable:

“Detainees are asked to drink the water from the tap while staff members and facility workers carry outside purified bottles of water. Because white clothes given for cleaning to laundry were given back with dirtiest color, many detainees preferred to clean their clothes themselves and found out that they were turning brown due to the dirty water from the tap, the same water detainees are blindly asked to drink. Potable purified water can be only expensively purchased in commissary.”

On March 3, 2020, a group of Cameroonians went on a peaceful hunger strike to protest their treatment, and were thrown into solitary confinement as a result. Several reported that they were not given water and were forced to drink out of the toilet.²⁸

Deprivation of Edible Food

Along with undrinkable water, Jhonny described the food as inedible:

“Pine Prairie provided nasty insatiable [sic] food (including moldy and rotten food as well as expired milks) to force detainees to buy the very expensive commissary (twice the outside price for some of them). Facility workers, including those on kitchen duty, made statements such as ‘I can’t eat this nasty food’ while bringing their own food from the outside. But it is good enough to give ‘detainees.’”

Black Migrants are Deprived of Necessary Health Services and Medical Treatment, Abused and Threatened for Asserting Their Rights to Medical Care

“Mr. Ngong had palpitations and headaches in the setting of hypertension that went undiagnosed, unevaluated, and untreated by Allen Parish Public Safety Complex for a year and a half.”
- Dr. Kate Sugarman

Throughout 2020, ICE and Pine Prairie staff blatantly deprived Jhonny of essential treatment for serious liver disease despite the urgent need for care identified by an outside physician and provided in writing to ICE, resulting in permanent damage. They also failed to consider Jhonny for release under *Fraihat v. ICE*.²⁹ Jhonny was diagnosed with liver disease while at Pine Prairie. The doctor there assured Jhonny it was in an early stage and therefore did not require treatment. Months later, Jhonny was again told he did not require treatment, despite a written declaration to the contrary from an independent doctor working with SPLC who examined his medical records and examined Jhonny via Telehealth. In a written assessment contemporaneously provided to ICE and Pine Prairie, the outside doctor opined that Jhonny in fact required

²⁸ Perilous Chronicle, *Asylum Seekers from Cameroon Launch Hunger Strike in ICE Detention* (March 3, 2020), <https://perilouschronicle.com/2020/03/03/asylum-seekers-from-cameroon-launch-hunger-strike-in-ice-detention/>.

²⁹ *Fraihat v. U.S. Immigration & Customs Enf’t*, No. EDCV 19-1546-JGB-SHKX, 2020 WL 6541994 (C.D. Cal. Oct. 7, 2020).

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immediate and specialized treatment, and detailed precisely what was needed. Months later, around September of 2020, when Jhonny was transferred to another facility, the doctor there told him his liver disease was at a more advanced stage and had required medical treatment long ago. At that time, Jhonny was also diagnosed with left ventricular hypertrophy that required immediate high blood pressure medicine. Again, he was not provided medication or treatment by medical staff at Pine Prairie for this condition. A doctor at the second ICE facility verbally acknowledged to Jhonny that his high blood pressure stemmed from his liver disease, which the Pine Prairie doctor refused to treat. To this day, Jhonny suffers from uncontrollable high blood pressure and liver disease. He is dependent on a daily medication merely to keep his liver stabilized and from degenerating to a life-threatening state. ICE released him without a sufficient supply of this medication, which costs \$1,200 per month.

Throughout 2020, ICE and Allen Parish staff blatantly deprived Mr. Ivo Ngong of essential treatment for hypertension. Mr. Ngong says that “[t]he Allen Parish officials never accepted that I had high blood pressure. They always said that my blood pressure is normal.” Objective medical records and opinions show the exact opposite. Dr. Kate Sugarman, MD, examined Mr. Ngong’s medical records and concluded:

“Starting in August 2019, Mr. Ngong’s blood pressure readings should **have been addressed as hypertension and treated with lifestyle modifications** [. . .] Mr. Ngong had palpitations and headaches in the setting of hypertension **that went undiagnosed, unevaluated, and untreated by Allen Parish Public Safety Complex** for a year and a half. Mr. Ivo Ngong **should have been released from Allen Parish Public Safety Complex long ago** in order to receive urgent evaluation and management for uncontrolled hypertension and to prevent any further physiological damage. . . **ICE failed to diagnose Mr. Ngong’s hypertension, and therefore, to provide any of this treatment.**” (emphasis added).³⁰

Mr. Ngong also made a written complaint about the failure of Allen Parish to treat his hypertension. The only response he received was a verbal statement from an Allen Parish official who calls himself “Warden” Chavez, who sent a message to Mr. Ngong about his having “the nerve to write a complaint against me to ICE.” Mr. Ngong is now being treated for ongoing kidney issues.

Another SPLC client and Black Migrant detained in Louisiana in 2020, who is still too fearful of retaliation to make a named complaint or submit a declaration, reported torture and physical abuse during hospitalization and medical care. This client had a chronic lung disease, autoimmune disease, hypertension, claustrophobia, and panic attacks. She was at such a high risk for COVID-19 that ICE and detention center staff attempted to force her under threat of solitary confinement to sign a waiver of liability in case she died of COVID-19 rather than release her. She heard an officer telling another officer to “drag the bitch [to medical isolation]” if she refused to sign. She reported heavy shackling that impeded her ability to breathe (and ultimately her treatment) during a hospital visit and once being slapped by a medical provider at the ICE detention center, simply for insisting on receiving the medical care she needed.

These examples are representative of ICE’s rampant violations of people’s rights to medical care while in detention.

³⁰ See Appendix.

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**Black Immigrants Are Threatened with Lethal Force and Solitary Confinement
for Expressing Themselves**

“I don’t really think that we are safe here...is this where they kill people?”

– Mr. Divine Tikum Kem

“Warden” Chavez Threatened Lethal Force Against Black Asylum-Seekers for Peacefully Protesting Wrongful Prolonged Detention and Their Expressed Support of “Black Lives Matter”

ICE detained a group of 45 African asylum seekers, including Mr. Divine Tikum Kem and Mr. Benson Njuguna, for over a year between 2019 and 2020, refusing to release them pursuant to its parole discretion. Many had health conditions and made repeated *Fraihat* release requests accordingly, and most had close family members in the U.S. far away from Louisiana, waiting to receive them. The group, all housed in Pine Prairie, began to align with the “Black Lives Matter” movement and to peacefully protest by hunger striking, beginning in February and March of 2020. Mr. Kem and Mr. Njuguna became the main organizers and advocates for the group.³¹ In an effort to break up the coalition of 45 Africans who were all advocating in solidarity for their rights and their freedom via hunger strikes, media advocacy, and who were the subject of a parallel street protest in Pine Prairie by activists,³² and after filing a complaint with DHS’s OIG and CRCL on August 26, 2020, ICE initiated punitive transfers, sending only Mr. Kem and his protest co-organizer, Mr. Njuguna, to the isolated complex at Allen Parish.³³ The rest of the protesters were transferred to other ICE detention sites or remained in Pine Prairie.

Upon arrival at Allen Parish, one of the transferring officers told the Allen Parish officers that Mr. Kem and Mr. Njuguna were “the trouble-makers.” Two days after arriving at Allen Parish, a person known as “Warden” Chavez came to tell the two men that they had been moved from the other facility because they were troublemakers. Mr. Kem asked, “In what way? Just standing for our rights? How does that mean that we are troublemakers?” Mr. Chavez responded with, “don’t try it here, because I have my gun.” Mr. Chavez said this twice to Mr. Kem.

A few days later, Mr. Kem hung up his “Black Lives Matter” shirt to dry in his dorm. Mr. Chavez came by to ask about the shirt. Mr. Kem explained that he bought it from the Pine Prairie commissary and wrote “Black Lives Matter” on it. Mr. Chavez said he did not want Mr. Kem to wear it at Allen Parish as he “didn’t want to see such materials ever in that facility,” recalls Mr. Njuguna, a witness to the scene. Mr.

³¹ See Aug. 26, 2020 OIG/CRCL Complaint Re: *Call for an Immediate Halt to and Investigation of Detention, Violence, Repression and Racism Against Peacefully Protesting Cameroonian and Black Asylum Seekers, and other Asylum Seekers, at Pine Prairie ICE Processing Center; and the release of all Black Hunger Strikers from Solitary Confinement*, available at https://www.splcenter.org/sites/default/files/8.26.20_crcl_letter.pdf.

³² Perilous Chronicle, *Black August Hunger Strike at Pine Prairie ICE Processing Center* (Aug. 25, 2020), <https://perilouschronicle.com/2020/08/25/black-august-hunger-strike-at-pine-prairie-ice-processing-center/>; Frances Madeson, *African Asylum Seekers Jailed in Louisiana Stop Eating in Protest*, Louisiana Illuminator (Aug. 21, 2020), <https://lailuminator.com/2020/08/21/african-asylum-seekers-imprisoned-in-louisiana-stop-eating-in-protest/>; Joe Penney, *Inside an ICE facility in Louisiana, Detainees Say ICE is Depriving Them of Masks, Under-testing for COVID-19, and Moving Migrants Around the Country*, Insider (May 1, 2020), <https://www.businessinsider.com/detainees-say-ice-undertesting-for-covid19-not-giving-them-supplies-2020-5>.

³³ According to a June 2021 report of the ACLU and Physicians for Human Rights based on documents obtained from ICE, retaliatory transfers of peaceful protesters is a known tactic by ICE. Eunice Hyunhye Cho, ACLU Nat’l Prison Project & Joanna Naples-Mitchell, Physicians for Human Rights, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention* (2021), available at <https://phr.org/wp-content/uploads/2021/06/ACLU-PHR-Behind-Closed-Doors.pdf>.

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Chavez continued by saying “this is not where we do Black Lives activism. In here, all lives matter, not Black lives.” Mr. Kem described the event: “I told him that I like wearing it. Chavez returned sometime later and repeated the same words as the other day: that we are troublemakers, he has his gun, we should not go and incite them, that we had been inciting people for strikes and demonstration. Mr. Njuguna and I said that we did not hurt anyone or destroy anything. Chavez said, ‘where is that T shirt?’ And then he confiscated it.”

Mr. Njuguna emphasizes that Mr. Chavez is a man who “throws out words that might seem light, but actually means it. He came back to the same statement, ‘you know I have guns, and I can easily use them.’ **He throws certain words so lightly, but they are not light words, especially for someone in detention.**” Mr. Kem explained at the time to his attorney that these statements from Mr. Chavez were direct threats. “With that he keeps us...we are not safe here. **I don’t really think that we are safe here...is this where they kill people?** What do they do here to people that are, as he said, ‘stubborn’?” He recalled, “later on, other detainees told us this is normally how the people are being threatened and warned that **they will threaten you within the corridors where there are not cameras.**” (emphasis added).

Other detention officers warned Mr. Kem and Mr. Njuguna to beware of Mr. Chavez, as he did not like them.

Detention Center Staff and ICE Created and Oversaw a Dehumanizing Environment of Desperation, Unnecessary Violence, and Anti-Black Violence and Punishment

“I didn’t escape to come and die in jail. I am not violent. I have never been violent here. I do not want issues with anyone. All I want is protection and safety.” – Mr. Ivo Ngong

During his time at Allen Parish tensions arose over limited resources. Despite never becoming violent or instigating any altercation, Mr. Ngong was punished and sent to solitary confinement, only to be let out days later after a review of video footage. At one point Mr. Chavez also issued a questionable disciplinary document against Mr. Ngong erroneously stating that Mr. Ngong waived and refused his *Miranda* rights. Mr. Chavez never replied to a written inquiry by SPLC about the disciplinary document.

Black individuals detained with Mr. Ngong at Allen Parish repeatedly voiced concern and protest over their safety. On one occasion, Allen Parish staff transferred a Black detained person to a dorm where he was attacked. According to Mr. Ngong, the Black transferee was beaten by more than 12 dorm residents. He added, “[i]nstead of the attackers, the Black victim was locked up [in solitary] for more than 4 days.”

“I didn’t escape to come and die in jail,” Mr. Ngong explained. “I am not violent. I have never been violent here. I do not want issues with anyone. All I want is protection and safety.”

A Culture of Physical Abuse

Numerous incidents of physical violence against detained and defenseless immigrants at Allen Parish and Pine Prairie illustrate a pattern of racialized abuse, as well as unlawful abuses of officers’ power.

During Mr. Njuguna’s time at Allen Parish, he witnessed Mr. Chavez slap a handcuffed detained man across the face. The man, who was being held in solitary confinement, was brought to the common room to answer a call from his attorney. Still handcuffed, the man picked up the phone to talk to his attorney when Mr. Chavez came in and slapped him across the face, shouting, “who told you that you could use the phone?” Mr. Chavez demanded the man immediately be returned to solitary confinement, forcing him to leave before he could even talk to his attorney.

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On another occasion, Mr. Njuguna witnessed officers at Allen Parish, directed by Mr. Chavez, physically abuse a man who was experiencing a mental health crisis. Mr. Njuguna witnessed a detained man suffering from apparent extreme social anxiety, among other mental health issues, brought from solitary confinement to a crowded hall during a mass transfer of detained people. During this mass transfer to another facility, against medical advice, this man was forced to join the crowd. He became very agitated and when an officer attempted to stop the man by touching him, the man, in his stressed and hyper-vigilant state, pushed the officer away. Mr. Chavez then called for officers to pin down the man, ignoring a nurse's protests of the man's need for gentle, calm care and personal space. Mr. Chavez and the other officers instead held the man against the ground, chained his shoulders (his hands and waist were already chained), and put a knee on his testicles when the man started struggling against the restraints in terror. The other chained men protested the officers' actions, shouting that the officers were acting inhumanely. In response, Mr. Chavez threatened he would "deal with [them] individually" if the other detained men did not keep quiet. They did.

Jhonny reports that Pine Prairie officers physically abuse individuals who are detained into submission to force them to sign deportation papers. He writes that detained migrants "are taken to isolation rooms, beaten up, violently forced to sign their deportation papers." Other similar beatings have been reported across NOLA ICE facilities over the years.³⁴

He also writes that migrants are required to be heavily chained during facility transfers and even in court. Pine Prairie has an "undue and inhumane policy requiring one to be heavily handcuffed with chains on legs, and hands while moving from one detention facility to another by car and even by flight."

Abuse is Followed by Cover-Ups, Threats of Solitary Confinement, Disregard of Grievances

***"Next time you talk back at me, I'm going to take you to lockdown."
– "Warden" Chavez to Mr. Njuguna***

In the weeks following Mr. Chavez's lethal threats against Mr. Njuguna and Mr. Kem, Mr. Njuguna had a medical appointment. When Mr. Njuguna arrived at the medical unit, he found Warden Chavez sitting next to the nurse. Mr. Njuguna requested that Mr. Chavez leave so he could have his appointment in private,

³⁴ This is representative of a regional trend across the New Orleans ICE Field Office jurisdiction. Bobbi-Jeanne Misick, *Cameroonian Immigrants Say They Were Beaten, Pepper-sprayed, Forced To Sign Deportation Documents*, New Orleans Public Radio (Nov. 26, 2020, 2:29 PM), available at <<https://www.wvno.org/latest-news/2020-11-26/cameroonian-immigrants-say-they-were-beaten-pepper-sprayed-forced-to-sign-deportation-documents>>; Fernanda Echavarrri, *Dozens of ICE Detainees Were Pepper-Sprayed by Guards for Protesting at a Louisiana Jail*, Mother Jones (Aug. 2, 2019), available at <<https://www.motherjones.com/politics/2019/08/immigrant-detention-ice-bossier-louisiana-pepper-spray/>>; *Shadow Prisons: Immigrant Detention Centers in the South*, Southern Poverty Law Center (2016), available at <https://www.splcenter.org/sites/default/files/ijp_shadow_prisons_immigrant_detention_report.pdf>; Nov. 5, 2020 OIG/CRCL Complaint Re: *U.S. Immigration and Customs Enforcement (ICE)'s Pattern of Torture in Signing of Deportation Documents for Cameroonian*, available at <https://www.splcenter.org/sites/default/files/crcl_complaint_ice_s_pattern_of_torture_in_signing_of_deportation_documents_for_cameroonian_migrants.pdf>; See also Aug. 26, 2020 OIG/CRCL Complaint, *supra* note 26.

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asserting his right to healthcare confidentiality. Mr. Chavez said, “I’m the boss here. I get to know everything that happens in here.” Mr. Njuguna then requested he be taken back to the dorm because he was not going to speak about his health in front of Mr. Chavez, a non-medical practitioner and third party. Mr. Chavez laughed sarcastically in response, saying “You people who just came the other day seem to know your rights better than anyone. Things are different here. I oversee everything at this facility. And I’m very hands on.” When Mr. Njuguna asked the nurse whether his new glasses had arrived, Mr. Chavez replied instead, saying that for that to happen, it should have to go through him. Mr. Njuguna then asked to be taken back to the dorm again because he was not going to get any medical help here. Before Mr. Njuguna left, Mr. Chavez told him that “next time you talk back at me, I’m going to take you to lockdown.”

Mr. Chavez’s menacing presence at Mr. Njuguna’s medical visit not only actually and effectively prevented him from receiving care and treatment; it ensured that Mr. Njuguna could not confidentially disclose the threats that Mr. Chavez made on Mr. Njuguna’s life.

In August of 2020 while transferred to Richwood temporarily, Mr. Ngong met an ICE official known as “Gilbert,” and wrote him a desperate plea stating that he was poorly treated and targeted based on race at Allen Parish, that he did not feel safe, and requesting to stay at Richwood. Officials would not let him give the complaint to Gilbert and instructed him to give it to a compliance manager at Richwood. Mr. Ngong never received a copy of the complaint, nor a response. “If you complain, they feel that you are just an inferior human being – who are you to complain?” he concludes.

III. A Culture of Abuse and a Theater of Compliance Allows ICE and Detention Center Staff Legal Impunity for Their Egregious Acts

ICE contractors and detention center staff’s above-described actions and patterns and practices violate a multitude of state, federal, and international provisions, but this is never scrutinized or reported by auditors or investigators. The task is left instead to survivors, family members, advocates, and journalists. Despite the lack of acknowledgement by our government, ICE oversight bodies, and the official auditors, these actions and patterns and practices are morally reprehensible, and illegal.

Criminal and Civil Rights Violations

Much of the conduct described herein qualifies as assault,³⁵ battery,³⁶ and intimidation by officers³⁷ under the Louisiana penal code. This conduct also violates a federal civil rights prohibition on mistreatment of migrants or anyone due to their race at 18 U.S.C. § 242, which makes it unlawful for those acting under color of law to subject people to deprivation of rights, punishment, pains, or penalties. This provision notes that threatened use of a dangerous weapon “shall be fined under this title or imprisoned not more than ten years, or both[.]”

Potential Contracting and Acquisition Violations

Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d and 2000d-7(a) and 34 U.S.C. § 10228(c) all prohibit recipients of federal financial assistance granted from the Department of Justice (including law enforcement agencies such as entities contracting with ICE) from discriminating based on race. 34 U.S.C. § 102228(c)(2)(C)(i) provides that if sufficient violations are found, “the Office of Justice Programs shall notify the Attorney General that compliance has not been secured and caused to have suspended further

³⁵ LA Rev Stat § 14:36.

³⁶ LA Rev Stat § 14:33 (2017)

³⁷ LA Rev Stat § 14:40

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payment of any funds under this chapter to that program or activity.”

Federal Acquisition Regulations provide:

- **“Government business shall be conducted in a manner above reproach** and, except as authorized by statute or regulation, **with complete impartiality and with preferential treatment for none.** [. . .] While many Federal laws and regulations place restrictions on the actions of Government personnel, **their official conduct must, in addition, be such that they would have no reluctance to make a full public disclosure of their actions.**”³⁸
- “Government contractors must conduct themselves with the highest degree of integrity and honesty. Contractors should have a written code of business ethics and conduct. To promote compliance with such code of business ethics and conduct, contractors should have an employee business ethics and compliance training program and an internal control system that - Are suitable to the size of the company and extent of its involvement in Government contracting; Facilitate timely discovery and disclosure of improper conduct in connection with Government contracts; and Ensure corrective measures are promptly instituted and carried out.”³⁹
- “The Federal Acquisition System will -
(1) Satisfy the customer in terms of cost, quality, and timeliness of the delivered product or service by, for example -
(i) Maximizing the use of commercial products and services;
(ii) Using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform; and
(iii) Promoting competition;
(2) Minimize administrative operating costs;
(3) Conduct business with integrity, fairness, and openness; and
(4) Fulfill public policy objectives.”⁴⁰
- “The Contractor shall - (i) Exercise due diligence to prevent and detect criminal conduct; and (ii) Otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.”⁴¹
- “The Contractor shall establish ...
 - “An internal control system. The Contractor's internal control system shall - Establish standards and procedures to facilitate timely discovery of improper conduct in connection with Government contracts; and Ensure corrective measures are promptly instituted and carried out. At a minimum, the Contractor's internal control system shall provide for the following: Assignment of responsibility at a sufficiently high level and adequate resources to ensure effectiveness of the business ethics awareness and compliance program and internal control system. Reasonable efforts not to include an individual as a principal, whom due diligence would have exposed as having engaged in conduct that is in conflict with the Contractor's code of business ethics and conduct. Periodic reviews of company business practices, procedures, policies, and internal controls for compliance with the Contractor's code of business ethics and conduct and the special requirements of Government contracting, including –
(1) Monitoring and auditing to detect criminal conduct;
(2) Periodic evaluation of the effectiveness of the business ethics awareness and compliance program and internal control system, especially if criminal conduct has been detected; and
(3) Periodic assessment of the risk of criminal conduct, with appropriate steps to design,

³⁸ 48 CFR § 3.101

³⁹ 48 CFR § 3.1002

⁴⁰ 48 CFR § 1.102 - Statement of guiding principles for the Federal Acquisition System (emphasis added).

⁴¹ 48 CFR § 52.203-13(c) - Contractor Code of Business Ethics and Conduct.

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implement, or modify the business ethics awareness and compliance program and the internal control system as necessary to reduce the risk of criminal conduct identified through this process.”

- “Disciplinary action for improper conduct or for failing to take reasonable steps to prevent or detect improper conduct.”⁴²

Further DHS Instructions as to the DHS Personnel Security, Suitability, and Fitness Program with regard to Service and Contractor Employee Fitness Requirements provide:

- 5. Suitability Adjudicative Criteria A. Suitability is a consideration for every position covered by 5 CFR § 731.101. Suitability determinations are made in accordance with 5 CFR § 731.202. When making a determination, the following may be considered as a basis for finding a competitive service federal employee/applicant unsuitable:
 - (1) Misconduct or negligence in employment;
 - (2) Criminal or dishonest conduct;
 - (3) Material, intentional false statement, or deception or fraud in examination or appointment;
 - (4) Refusal to furnish testimony as required by 5 CFR § 5.4 (i.e., a refusal to provide testimony to the Merit Systems Protection Board, OPM, or the Office of Special Counsel); ...
 - (8) Any statutory or regulatory bar which prevents the lawful employment of the person involved in the position in question.
- 7. Suitability and Fitness Considerations A. In making a suitability or fitness determination, the adjudicator needs to consider any of the following additional considerations to the extent they deem these pertinent to the individual case:
 - (1) The nature of the position for which the person is applying or in which the person is employed;
 - (2) The nature and seriousness of the conduct;
 - (3) The circumstances surrounding the conduct;

⁴² 52.203-13 Contractor Code of Business Ethics and Conduct. Unfortunately, the U.S. Government Accountability Office has concluded that Detention Facility Contracts fall short as of January 2021, *Actions Needed to Improve Planning, Documentation, and Oversight of Detention Facility Contracts*, available at <<https://www.gao.gov/assets/720/711798.pdf>>. This wasn't the first time, as detailed in a January 2019 OIG Report, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, available at <<https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>>. A House Homeland Security Report of September 2020 after an investigation concluded that oversight failures occurred. “DHS Oversight of ICE Detention Facilities Fails to Effectively Identify and Correct Deficient Conditions. 1.Oversight programs are too broad, too infrequent, and preannounced; 2.ICE’s contractor is ill-equipped to conduct inspections in a manner that successfully identify deficiencies; 3.DHS has few mechanisms to enforce corrections and rarely uses those mechanisms; and 4.ICE contracts with detention facilities that are poorly equipped to meet the agency’s own detention standards.” Staff of Comm. on Homeland Security, 116th Cong., *Report on ICE Det. Facilities Failing to Meet Basic Standards of Care* (2020), available at <<https://homeland.house.gov/imo/media/doc/Homeland%20ICE%20facility%20staff%20report.pdf>>. A House Oversight Report as of September 2020 concludes that DHS has been “rewarding poor performance with billions of dollars in contracts for private detention,” and that “The Administration must take immediate action to update detention standards and oversight to ensure that migrants in U.S. custody are treated humanely and consistent with legal obligations. ICE should use existing contract provisions to hold contractors accountable, should not renew contracts plagued by a history of serious health and safety issues without demonstrations of significant and major improvements, and should decrease the use of contractor facilities along with decreasing unnecessary immigration detention.” Staff of Comm. on Oversight and Reform and Subcomm. on Civil Rights and Civil Liberties, 116th Cong., *Report on The Trump Administration’s Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Det. Contractors* (2020), available at <<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf>>.

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- (4) The recency of the conduct;
- (5) The age of the person involved at the time of the conduct;
- (6) Contributing societal conditions; and/or
- (7) The absence or presence of rehabilitation or efforts toward rehabilitation.⁴³

Constitutional Violations

Anyone detained or imprisoned by the government is 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.⁴⁴ Due process under the Fifth Amendment “requires that a pretrial detainee not be punished.”⁴⁵ Therefore, persons detained civilly, including in immigration detention, are entitled to “more considerate treatment and conditions” than prison conditions⁴⁶ – although we unequivocally maintain that prisoners do not deserve to suffer the conditions herein described. No human being does. The government violates the due process rights of a person in civil detention when conditions of confinement “amount to punishment.”⁴⁷ “[E]ven where a State may not want to subject a detainee to inhumane conditions of confinement or abusive jail practices, its intent to do so is nevertheless presumed when it incarcerates the detainee in the face of such known conditions and practices.”⁴⁸ “A pervasive pattern of serious deficiencies” that subjects a detainee to the risk of serious injury, illness or death “amounts to unconstitutional punishment.”⁴⁹

ICE Performance-Based National Detention Standards Violations

ICE officials, and all contracting entities working in tandem with ICE, are further obliged to adhere to the Performance-Based National Detention Standards (“PBNDS”). Under the PBNDS, all detention officials working under ICE may not discriminate or be capricious or retaliatory in any disciplinary action based on race.⁵⁰ Nor may they impose or condone corporal punishment, deprivation of food services, deprivation of correspondence privileges or legal access and materials.⁵¹ Detained persons are protected in theory under the PBNDS and ICE guidelines from personal abuse, unnecessary or excessive use of force, personal injury, and disease. Human beings detained by ICE are further guaranteed certain liberty interests such as reasonably safe conditions of confinement, the right to food, clothing, medical care, and shelter,⁵² freedom from unauthorized use of force,⁵³ and freedom from blanket use of solitary confinement to retaliate against

⁴³ DHS INSTRUCTION 121-01-007-01, REVISION 01, THE DEPARTMENT OF HOMELAND SECURITY PERSONNEL SECURITY, SUITABILITY AND FITNESS PROGRAM, available at <<https://www.dhs.gov/sites/default/files/publications/InstructionHandbook121-01-007PersonnelSuitabilityandSecurityProgram.pdf>. >

⁴⁴ *Youngberg v. Romeo*, 457 U.S. 307, 315-16 (1982).

⁴⁵ *Bell v. Wolfish*, 441 U.S. 520, 535 n.16, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979). “Under the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law.” *Hare v. City of Corinth*, 74 F.3d 633, 651 (5th Cir. 1996) (en banc). See also *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

⁴⁶ *Youngberg* at 322 (1982); *In re Kumar*, 402 F. Supp. 3d 377, 384 (W.D. Tex. 2019).

⁴⁷ *Garza v. City of Donna*, 922 F.3d 626, 632 (5th Cir. 2019), cert. denied sub nom. *Garza v. City of Donna, Texas*, 140 S. Ct. 651 (2019).

⁴⁸ *Hare*, 74 F.3d at 644.

⁴⁹ *Shepherd v. Dallas Cty.*, 591 F.3d 445, 454 (5th Cir. 2009).

⁵⁰ ICE, *Performance-Based National Detention Standards, 2011*, Section 3.1, Disciplinary System (Revised Dec. 2016).

⁵¹ ICE, *Performance-Based National Detention Standards, 2011*, Section 3.1, Disciplinary System (Revised Dec. 2016).

⁵² *Youngberg v. Romeo*, 457 U.S. 307, 315-316 (1982).

⁵³ ICE, *Performance Based National Detention Standards 2011* (Rev. Dec. 2016) (“PBNDS”) Sec. 2.15 generally, 2.15(V)(E); Sec. 2.12; Sec 4.2.

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peaceful protesting.⁵⁴ Likewise ICE’s own detention standards prohibit use of force “to punish a detainee” and “using force against a detainee offering no resistance.”⁵⁵

Persons detained in ICE custody have the right to medical care, as well as privacy regarding their health, healthcare appointments, and medical records.⁵⁶

IV. Conclusion

Although all of the conduct described in Section II violates the legal standards set forth in Section III, the pattern and practice of racially discriminatory conduct is clear: the targeting of and lethal threats against Black advocates and organizers of all-Black, purely peaceful protests; the deprivation, gatekeeping, and gaslighting of medical care of Black detained persons; the deprivation of water from Black detained persons and a majority-Black dorm; threats and executed threats of punitive solitary confinement against Black detained persons for speaking out; the callous disregard of their grievances and pleas; and the mental and physical abuse against migrants of varied races in ICE’s care.

V. Demand

- Immediately cancel all contracts related to Pine Prairie ICE Processing Center and the Allen Parish Safety Complex, and facilitate the safe release of all those detained, as NOLA ICE and its contractors have continuously showed an ongoing history of abusive conditions, and are unfit to house human beings in these facilities.

Alternatively,

- Transparently and fairly investigate all facts stated herein and all potential violations of contract and law. Solely interviewing NOLA ICE and its contractors/subcontractors/Detention Facility staff, taking them at their word, or reviewing limited video hand-picked by these same entities will not suffice.
- Refer this complaint to the appropriate Acquisition personnel and provide their names, contact information, and proof of referral.
- Refer this complaint to all appropriate DHS, DOJ, and law enforcement components for investigation and action and provide their names, contact information, and proof of referral.
- Conduct independent, appropriate, and thorough audits and oversight of all involved contractors, including interviews with all willing current and formerly detained persons, within 90 days and recommend discipline and contract cancellation to the appropriate Acquisition personnel. Relying on Nakamoto or similarly structured or self-completed audits will not suffice. SPLC can help gather and provide consent forms for this step, rather than investigators solely relying on interviews with persons (detained or not) suggested or supplied by NOLA ICE and its contractors/subcontractors/Detention Facility staff.
- Assign adequate oversight and investigative personnel and staffing resources to accomplish the above steps as needed.
- Ensure that investigators are not compromised by close relationships, proximity, or relational or economic incentive to protect the abusers or the abuses named herein – and transparently identify how this was ensured and who investigated these matters.

⁵⁴ PBNDs Sec. 2.12

⁵⁵ ICE, *Performance Based National Detention Standards* 2011 (Rev. Dec. 2016) (“PBNDs”) 2.15(V)(B)(2) and 2.15(V)(E).

⁵⁶ ICE, *Performance-Based National Detention Standards, 2011*, Section 4.3, Medical Care (Revised Dec. 2016).

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Sincerely,

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