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A HEARTLAND ALLIANCE PROGRAM

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Via electronic mail

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**RE: [REDACTED] (A# [REDACTED]) and [REDACTED] (A# [REDACTED])
Violations of civil rights at the Glades County Detention Center**

Dear Inspector Cuffari, Officer Culliton–Gonzalez, and Acting Ombudsman David Gersten:

The following organizations - Immigrant Action Alliance, Americans for Immigrant Justice, National Immigrant Justice Center, Freedom for Immigrants, American Civil Liberties Union of Florida, United We Dream, Palm Beach County Environmental Coalition, Campaign to Fight Toxic Prisons, Florida Prisoner Solidarity, and Doctors for Camp Closure - submit this complaint on behalf of [REDACTED] (A# [REDACTED]) and [REDACTED] (A# [REDACTED]), who are currently detained at the Glades County Detention Center (“Glades”). Both are Black immigrants, one from Liberia and one from Somalia, and have reported violations of their civil and human rights, including inadequate medical care, physical assault, extended periods of solitary confinement, discriminatory abuse, and anti-Blackness during their detention at Glades.

We urge the DHS Office for Civil Rights and Civil Liberties (CRCL), pursuant to its authority under 6 U.S.C. § 345, to immediately 1) investigate the allegations described within this complaint and 2) recommend the release of these two individuals from Glades.

Further, we request that the Office of Professional Responsibility investigate the conduct of the correctional officers listed below who are employees of the Glades County Sheriff’s Office and sub-contractors of Immigration and Customs Enforcement.

I. Background

Anti-blackness is defined as “behaviors, attitudes and practices of people and institutions that work to dehumanize black people in order to uphold white supremacy,”¹ treatment and behavior that “strips Blackness of value.”² Black individuals in the United States are substantially more likely than whites to experience force at the hands of law enforcement.³ 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.⁴

¹ “Terms and Definitions,” Amherst College, available at: <https://www.amherst.edu/campuslife/our-community/multicultural-resource-center/terms-and-definitions>

² “Racial Equity & Anti-Black Racism,” University of California San Francisco, Multicultural Resource Center, available at: <https://mrc.ucsf.edu/racial-equity-anti-black-racism>

³ 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.

⁴ 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/>. The DHS OIG also recently found that ICE does not accurately capture or report the full extent of detention facilities’ use of segregation, and lacks the controls to determine whether detention facilities are accurately reporting the use of segregation. See DHS Office of the Inspector General, “ICE Needs to Improve Its Oversight of Segregation Use in Detention Facilities,” OIG-22-01, October 13, 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-10/OIG-22-01-Oct21.pdf>.

The numerous cases involving use of violent force against Black immigrants has become part of a documented pattern of anti-Black racism by ICE officials and their contractors. A 2019 report, for example, on South Florida detention facilities cites disproportionate use of force and racial slurs directed at Black immigrants.⁵ The violence which the complainants describe in this complaint falls within a clear pattern of racialized brutalization against those in ICE custody, a practice which ICE leadership in Miami⁶ and elsewhere has effectively permitted to persist.⁷

At Glades, this pattern is unmistakable. Since the start of this year alone, concerned parties have lodged multiple civil rights complaints after Black immigrants at Glades were assaulted—usually in areas where no cameras exist— and then placed in solitary confinement. To date, none of these cases has been resolved and in some cases, efforts to resolve them have resulted in retaliation for those detained.

- On March 3, 2021, Immigrant Action Alliance and Freedom for Immigrants filed a CRCL complaint after [REDACTED] and [REDACTED], both Jamaican nationals, were beaten, pepper sprayed, and taken into solitary confinement in retaliation for their participation in a previous multi-individual CRCL complaint. An individual who was detained at Glades at the time reported that Mr. [REDACTED] was taken to an area without cameras when he was assaulted:

“ [REDACTED] was strategically and intentionally brought to medical, where there are no cameras, to put him in confinement” because he was “speaking out” about conditions at Glades. (Text received by Immigrant Action Alliance, Feb. 12, 2021)

Disturbingly, ICE Field Office Director Garrett Ripa responded to this report of brutality by telling advocates that he had reviewed the camera footage and considered the use of force appropriate; however, no video evidence from the medical unit had been viewed. Moreover, in and of itself, the use of force at Glades, when used as a response to an individual reporting on conditions at the facility, violates ICE policy; 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)

⁵ 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_fla_detention_report-final_1.pdf.

⁶ 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.

⁷ 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>.

Both Mr. [REDACTED] and Mr. [REDACTED] have been deported to Jamaica and, to our knowledge, they were never interviewed regarding the assault they experienced, and none of the officers involved have been held accountable.

- On April 26, Immigrant Action Alliance filed a CRCL complaint after an officer at Glades injured [REDACTED], a Jamaican national, while taking him to solitary confinement (CRCL Reference No. 001229-21). An officer slammed him against the wall and then slammed his head onto the floor, injuring his head and shoulders. The doctor at Glades, who expressed concern over Mr. [REDACTED]'s injuries, was denied the right to examine him. Mr. [REDACTED] remains in ICE custody at Glades, and, to our knowledge, this case remains unresolved.
- On September 22, Immigrant Action Alliance and thirteen other organizations filed a CRCL complaint on behalf of A.S., E.E., and five other Black, African immigrants after county correctional officers subjected them to abusive conduct that included pepper spray, excessive use of force, medical neglect, and arbitrary and retributive imposition of administrative sanctions including solitary confinement. As a result of this violence, the men were under extreme duress, and two attempted suicides. A.S. and one other man remain in ICE custody at Glades and are currently receiving threats; E.E. and three other Liberian men were flown to Alexandria Staging Facility to be deported within days after we submitted the complaint. The whereabouts of the seventh man are unknown. DHS is currently investigating ICE's rapid transfer and attempt to remove those who participated in the complaint. Furthermore, E.E., A.S., and one other man who was anonymous in the complaint have since been interviewed by two officials from CRCL's office, indicating that an investigation of their complaint may be underway.
- On October 1, Immigrant Action Alliance and ten other organizations filed a CRCL complaint on behalf of N.T., a Black immigrant. During his detention at Glades, county correctional officials subjected N.T. to pepper spray, excessive use of force, medical neglect, abusive withholding of hygiene products, and punitive placement in a restraint chair. While taking N.T. into solitary, a Lieutenant pepper sprayed N.T. directly in the eyes, in a hallway that leads to the medical department and the law library, a hallway without any cameras. We have not yet received any response from CRCL regarding the treatment of N.T.

The pattern of abuse makes clear that 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.

II. Testimony

A. [REDACTED]

[REDACTED] is a 27-year-old Liberian man who was transferred from York County Prison in Pennsylvania to Glades County Detention Center on or about July 31, 2021. [REDACTED] reports that

he does not feel safe at the detention center, particularly due to his identity as a gay, Black man. At Glades, he has been subjected to extra searches; he has also witnessed officers watching him, pointing at him, and laughing. At Glades, ██████ was part of the “voluntary work program” as a trustee, and he was responsible for cleaning the bathrooms in his housing unit.

On September 28, 2021, Sergeant Annastal (Badge 403) called him from the bathroom where he was working and told him to “standby.” The Sergeant then called another officer to take ██████ outside of the unit. A few minutes later, the Sergeant came back to where ██████ was and immediately began to search him but did not find anything. Officer Calderon, a low-ranking officer, observed the Sergeant while he was conducting the pat down but did not say anything. ██████ reports that he was touched inappropriately during this search, leaving him feeling uncomfortable and violated. Sgt. Annastal placed his hands inside ██████’s pants at the waistband and grazed ██████’s genitals with his hands.

██████ was confused about why he was being searched, but he remained with Officer Calderon in the hallway as instructed. Sgt. Annastal went to conduct a search of ██████’s cell. The officers passed a message over the radio while Sgt. Annastal was searching the cell, and the officer standing with ██████ placed him in handcuffs. ██████ was still confused as to why he had been called out, searched, and then placed in restraints; he had a hearing in his Immigration Court case that day and feared he would miss it. He was later taken to his court hearing, which was held via videoconference, in restraints. He believes this prejudiced the way the Immigration Judge viewed him and his case.

After Sgt. Annastal finished searching the cell, ██████ was then escorted by Sgt. Annastal and Lieutenant Palladino to a bathroom in the booking area of the jail and told to strip naked by Sgt. Annastal. At this point, the Lieutenant exited the bathroom. Sgt. Annastal took off ██████’s handcuffs and watched ██████ as he undressed himself. Sgt. Annastal strip searched ██████; he was told to squat and cough. ██████ asked again what was going on but was not given an explanation. He felt violated by the strip search, noting he was not even strip searched when he arrived at Glades after his transfer from York. ██████ believes that Sgt. Annastal was angry that he did not find any contraband in his belongings, and therefore, ordered that ██████ be restrained and strip searched in retaliation. ██████ did not observe Sgt. Annastal consult with the Lieutenant for approval to conduct the strip search. Without further explanation, ██████ was restrained once more and told he would then be taken to solitary confinement.⁸

ICE standards restrict the use of strip searches on people in detention unless there is reasonable suspicion to do so.⁹ The 2019 National Detention Standards (“NDS”), which apply to Glades, state

⁸ According to ICE standards, placement in disciplinary segregation alone does not constitute a valid basis for using restraints. *See* ICE, Performance-Based National Detention Standards, 2011, Section 2.12.V.E, Special Management Units (Revised Dec. 2016). “Placement in an SMU does not constitute a valid basis for the use of restraints while in the SMU or during movement around the facility.”

⁹ The DHS Office of the Inspector General (OIG) has reported on abuses of ICE standards in other detention facilities involving strip searches without reasonable suspicion or justification. *See* Office of the Inspector General, Concerns about ICE Detainee Treatment and Care at Four Detention Facilities, OIG-19-47, June 3, 2019, available at <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>.

that “staff shall not routinely require a detainee to remove clothing or require a detainee to expose private parts of his or her body to search for contraband.” (NDS 2.7 Searches of Detainees II.C.2.a) In addition, the NDS only permit a strip search when an “articulable and reasonable suspicion exists that contraband is concealed on the detainee’s person.” The facility is required to document the search as well as the articulable facts supporting the justification for it. (NDS 2.7 Searches of Detainees II.C.2.c) Furthermore, a “reasonable suspicion” must be based on specific and articulable facts that would lead an officer to believe that an individual is in possession of contraband. (NDS 2.7 Searches of Detainees II.C.2.d) Furthermore, ICE’s 2011 Performance-Based National Detention Centers state “a strip search shall be conducted only when properly authorized by a supervisor.” (ICE, Performance-Based National Detention Standards, 2011, Section 2.10.II.7, Searches of Detainees) After the search of ██████’s belongings and his person did not result in the officers finding any contraband, it’s not clear whether the Glades correctional officer had the necessary “articulable and reasonable suspicion” and supervisory approval to be able to conduct this strip search.

The Sergeant subsequently claimed the officers had found “rolling papers with coffee smeared on it.” ██████ asked what rule he violated, noting all he had in his belongings were some paper towels from the bathroom. ██████ was subsequently given a disciplinary report in confinement, and the stated disciplinary charge was “conduct that disrupts” (Code 299) with the following allegations: “detainee in possession of rolling papers.” ██████ explains that he did not have any contraband in his possession, and he was being falsely accused. An officer subsequently questioned ██████ and asked what he was doing in the bathroom near the vent. He responded that he was cleaning and simply doing his job as assigned.

On ██████’s eighth day in confinement, a disciplinary hearing finally took place. The officer who conducted the hearing said that no drugs or contraband were found in his belongings and stated he had done nothing wrong. A female officer at the hearing said to the other officers who were present, “Can we release him now?” A male officer responded by saying he did not want to do “hard work” that day, including any additional paperwork, so he did not agree to releasing ██████ from confinement. Ultimately, the disciplinary panel ordered ██████ to ten days of disciplinary confinement, with eight days of time served. “You’re innocent, but we have to give you ten days,” he was told. On Thursday, October 7, 2021, ██████ was finally released from confinement and placed in housing unit B1.

The officers in Glades have taken items from ██████’s belongings that are not contraband. Further, Lieutenant Palladino, the same officer who approved his placement in solitary confinement, made anti-immigrant, racist comments to him in the past. For example, in one instance Officer Palladino asked “You are staying out of trouble?” ██████ responded, “What trouble?” Officer Palladino responded, “You ain’t used to doing anything wrong? Like cross the border?”

Finally, ██████ has depression but did not receive mental health care in confinement. He has been unable to sleep, only able to sleep for about one to two hours at a time before he would wake up. While in confinement, he submitted a request for medical attention on the tablet provided but was told he had to put in a paper sick call, yet neither the officers nor the nurses would provide him with the paper form. ██████ said during the nurses’ rounds in confinement he was asked if

he was okay, and when he replied that he was not, the nurse did not give him any attention. “They are playing with my health. I don’t think that’s right.” He went on to say, “I feel personally targeted because of my race and because I’m Liberian. I feel like I’m not being heard here.”

██████████ reports that he contacted his Deportation Officer via the tablet to report a PREA violation related to the first pat down by Sgt. Annastal he was subjected to and request a transfer out of Glades for his safety but has not received a response. He also tried to contact his Deportation Officer via phone call but was unable to get through. Upon information and belief, ██████████ was put back in solitary confinement by the Glades correctional officers on or about October 20, 2021.

“I am used to being targeted for being Black and gay my whole life. I don’t think the way they treated me was right. I just want to be treated fairly. The stigma against Black people is very much alive.”

B. ██████████

██████████ is a Somali man who arrived in the United States in 1996. He has been in ICE custody for almost two years and suffers from PTSD, depression, and anxiety. On or about August 12, 2021, he arrived at Glades County Detention Center after he was transferred out of the Eloy Detention Center in Eloy, Arizona. He was told that ICE wanted to use the detention space in Arizona for people who recently arrived at the border, so he and other individuals with “long term” cases, which he understands to mean people whose immigration cases are on appeal, needed to be transferred to Glades. He arrived at Glades with about 75 other individuals. Since then, ██████████ has experienced grave medical neglect and serious physical abuse in ICE detention in Glades.

On Sunday, September 26, 2021, at around eight in the evening, ██████████ was supposed to receive his psychiatric medications through the line for medication, but the nurse did not dispense them. ██████████ tried to speak to the nurse working the pill line to request his medications because he feared that without the medications he would face withdrawal symptoms, including more severe symptoms of his depression and anxiety. However, his conversation with the nurse did not result in him receiving his medications that day; she claimed she did not have his medications. ██████████ felt frustrated by the nurse ignoring his medical needs.

██████████ then went to speak to Officer Louis (Badge 598), who was nearby, about his medications and said he wanted to make a grievance about the issue. An argument started over the medications, and the officer escorted ██████████ out of the housing unit.

In the hallway, the officer grabbed ██████████ and slammed him to the ground. He hit his back and head on the floor. ██████████ was then placed in restraints. Four other officers came, and they dragged ██████████ down the hallway to an area that is out of view of the surveillance cameras. Lieutenant Arnold (Badge 431) was present and encouraging the other officers to be violent towards ██████████. Lieutenant Arnold said, “This is how we do it in Glades County! We don’t play around.” Officer Louis punched ██████████ in the face about four to five times. The Lieutenant was watching and did not tell the officer to stop.

This violence against ██████ happened at what has been described as a “blind spot” in the jail. ██████ explained that in the hallway before the library, laundry, and kitchen there is no video surveillance. There is an empty hallway with no cameras. ██████ has heard an officer say that is “their spot” to assault people, and one officer even said to him in a mocking tone after the assault occurred, “Oh they got you at that spot?”

The officers then took ██████ to the booking area where he spent about two days. He was placed in a cell and given a temporary bed he called a “boat bed” because the cells themselves have no beds. The lights were kept on 24 hours a day, causing him to not be able to sleep. ██████ says, “If they want to put you in a shower, you’ll sleep in a shower.” In booking, he asked for medical attention, but no one ever came. The same nurse who denied him psychiatric medications came by booking; she did not offer him medical attention.

██████ was later moved into solitary confinement. He explains that the solitary confinement unit at Glades is currently full; some cells have two or three people in them. He says his back is in pain and he feels his shoulder is injured. He has bruises on his back. He has cuts on his hands, and they were swollen from the handcuffs. He asked the jail staff to take pictures of the injury, but the officers claimed their camera was broken. He says his “face hurts” when asked if he has headaches from having his head slammed on the floor. Although an x-ray was finally conducted days after the injuries occurred, ██████ had not been provided with copies of the results or any further treatment.

The disciplinary charge mounted against ██████ is “disturbing the pill call line” and “disturbing the facility.” He mentioned this is his second time in confinement over a dispute with a nurse about his medications; last time he was forced to spend 14 days in solitary confinement. When the disciplinary hearing finally occurred, ██████ was sentenced to 30 days in disciplinary confinement, the maximum sentence allowed per the 2019 NDS. He was not given an opportunity to recount what occurred from his perspective at the hearing.

On or about October 6, 2021, ██████, who was only permitted to shower three times a week while in confinement, was in the shower when the officer who physically assaulted him days earlier threatened to assault him again. The officer indicated that he had heard ██████ recounting the violence he suffered to someone on the phone and told him, “That’s why I hit you in the face...I’m gonna do it again when you get out of the shower.” ██████ feared that he was at risk of being harmed again; he put his hands up in the air. Separately, ██████ has received threats from officers who have told him that they will mistreat him like they did the other Somalis who were detained at Glades before and do what they want with him.¹⁰ ██████ says, “I don’t want to be the victim again. I’m really scared in this place; there are a lot of blind spots.” On or about October

¹⁰ 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.

20, 2021, ██████ was released from solitary confinement and placed in unit D1 after about 25 days in confinement.¹¹

█████ explains that the medical staff are letting the prescription for his psychiatric medications run out and are not refilling the prescription in a timely manner, which is directly affecting his mental health by causing him to suffer significant withdrawal symptoms. When he does not have the medications, he has trouble sleeping, focusing, he has “weird moods,” is withdrawn, and does not want to engage with others. He is also experiencing nightmares which include flashbacks of violence he witnessed in Somalia, frequent sweats, and nausea and vomiting as a result of receiving his psychiatric medications inconsistently. Further, the psychiatrist only visits the facility once every two or four weeks, and with the number of people needing psychiatric care at Glades, the psychiatrist is not always able to see every person during his visit, causing lapses in people’s mental health care. ██████ says, “I’m in here for asking for my psych meds. If you know your rights, they put you in the hole.” He goes on to say, “I can’t wait for two or three weeks for my medication... You’re not stable when you’re not on the medications that your body got used to.”

III. Request for Prompt Redress

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

- (1) Immediately intervene to ensure the safety of the complainants, to protect them from further abuse and reprisals, by recommending their urgent removal from Glades and release from ICE custody;
- (2) Initiate a formal investigation into the conduct alleged, including the lapses in medical and psychiatric care described by the complainants. To facilitate a full and fair investigation, we request that your offices inform us of any interview that is anticipated or arranged in connection with this investigation, and;
- (3) Identify and hold responsible the Glades County officials who have perpetuated the abusive actions described in the correspondence.

Further, we understand that over 30 civil rights complaints regarding substandard and dangerous conditions at Glades alone have been sent to your offices’ attention since the onset of the pandemic, and many others have been filed regarding deplorable conditions at detention centers throughout the South.¹² Those complaints include reports of off-camera physical assault and retaliation against

¹¹ Numerous studies have found that any time spent in segregation can be detrimental to a person’s health and that individuals in solitary confinement may experience negative psychological and physical effects even after being released. *See i.e.*, Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, 22 WASH. U. J. L. & POL’Y 325 (2006); Kaba F, Lewis A, et al. *Solitary confinement and risk of self-harm among jail inmates*. *Am. J. Public Health*. 2014 Mar;104(3):442–7; and *Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*, U.N. Doc. A/66/268 (Aug. 5, 2011) (by Juan E. Mendez).

¹² *See, i.e.*, Southern Poverty Law Center, CRCL complaint, “Call for U.S. Immigration and Customs Enforcement (ICE) to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory

those who publicly report on the conditions at Glades. 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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Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana,“ July 28, 2021,
https://www.splcenter.org/sites/default/files/28_july_2021_complaint_and_call_to_close_pine_prairie_and_allen_parish.pdf.