

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

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Office for Civil Rights and Civil Liberties
Compliance Branch, Mail Stop # 0190
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Delivered by email to: CRCLCompliance@hq.dhs.gov

August 19, 2021

**RE: Request for investigation into physical and homophobic verbal abuse of LGBTQ
asylum-seeker in immigration detention - Winn Correctional Center, Louisiana**

Dear Officer Culliton-Gonzalez and CRCL Compliance Team:

The National Immigrant Justice Center (NIJC) files this complaint on behalf of Camilo¹, a gay asylum seeker who is experiencing physical and verbal abuse while in the custody of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS).² Attached to this cover letter is a declaration from Camilo, who has been detained at the Winn Correctional Center in Louisiana since May 2021³, and has faced repeated physical and verbal abuse by guards since being placed in protective custody. We request an immediate investigation and ask that CRCL take urgent measures to ensure that Camilo is released from detention to protect against retaliation and prevent future discrimination and abuse against LGBTQ+ and all people detained in ICE custody at the Winn Correctional Center.

We also request this complaint be considered as part of the DHS review of the ICE detention system and that CRCL recommend ICE stop detaining people in the Winn Correctional Center and end its

¹ A pseudonym has been used to protect the complainant from possible retaliation.

² Headquartered in Chicago, NIJC provides legal services to more than 10,000 individuals each year, including survivors of human trafficking, domestic violence and other crimes, children designated as unaccompanied upon arrival at the southern border, and asylum seekers. NIJC provides direct representation to people in detention in the Midwest region, and witnesses daily the conditions and ICE treatment of individuals in detention.

³ The Winn Correctional Center in Winnfield, Louisiana operates under LaSalle Corrections, a private Louisiana-based company which operates several jails and prisons converted into immigration detention centers under a Dedicated Intergovernmental Service Agreement (DIGSA). See ICE Contract with the Winn Correctional Center, <https://www.documentcloud.org/documents/21041095-winn-contract>. Contract was obtained through a public records request filed by the ACLU-LA, and shared with NIJC.

contract related to this facility immediately.⁴

The first section of this letter describes how Camilo's experiences under ICE custody fit into a broader pattern of systemic abuse and mistreatment against people held at Winn Correctional Center and substandard conditions. The second section summarizes the manner in which ICE has failed to protect Camilo from physical and verbal abuse since he was placed in segregation under protective custody, thus violating ICE's own Performance-Based National Detention Standards ("PBNDS").⁵ The final section includes a summary of Camilo's testimony, submitted in full to CRCL, and describes the persistent harassment, abuse, and mistreatment he has faced at Winn Correctional Center.

History of abuse and discrimination in Winn Correctional Center

ICE started detaining people in the Winn Correctional Center in May 2019 and already has established a pattern of abusive practices against people held there.⁶ In April 2020, NIJC, the American Civil Liberties Union (ACLU), and Human Rights Watch jointly issued a report documenting the facility's patterns of mistreatment and abuse, including medical and mental health neglect and the cruel and arbitrary use of solitary confinement.⁷ Conditions only worsened during the COVID-19 pandemic, resulting in the death of a Marshallese man in ICE custody at Winn in September 2020.⁸ A few months before that, two officers in that facility also died from COVID-19.⁹

The Southern Poverty Law Center (SPLC) submitted a letter to the Office of Inspector General (OIG) in August 2020 requesting an investigation into three incidents of physical violence and abuse of authority implicating ICE officials and LaSalle correction officers assigned to Winn.¹⁰ During one of the incidents, officials threw pepper and tear gas bombs into the dorms of multiple immigrants and closed their doors for at least ten minutes.¹¹ In February 2021, a group of Cameroonian individuals filed a civil rights complaint¹² about officials' routine use of violence to force them to sign documents relating to their deportation at the Winn facility. Moreover, one of the Cameroonian

⁴ Full Committee Hearing on Resources and Authorities Needed to Protect and Secure the Homeland, July 27, 2021, <https://www.hsgac.senate.gov/hearings/resources-and-authorities-needed-to-protect-and-secure-the-homeland>

⁵ U.S. Immigration and Customs Enforcement, Performance-Based National Detention Standards (hereinafter, PBNDS), <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>

⁶ Nomaan Merchant, "Louisiana becomes new hub in immigrant detention under trump administration," Associated Press (Oct. 9, 2019), <https://apnews.com/article/donald-trump-us-news-ap-top-news-ar-state-wire-immigration-c72d49a100224cb5854ec8baea095044>

⁷ *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration* at 36-38; 40-42

⁸ U.S. Immigration and Customs Enforcement, "Marshallese Man in ICE Custody Passes Away at Louisiana Hospital" (Sept. 26, 2020),

<https://www.ice.gov/news/releases/marshallese-man-ice-custody-passes-away-louisiana-hospital>

⁹ Noah Lanard, "A Fourth Guard at an ICE Detention Center Has Died of COVID-19," Mother Jones (June 10, 2020), <https://www.motherjones.com/politics/2020/06/a-fourth-guard-at-an-ice-detention-center-has-died-of-covid-19/>

¹⁰ SPLC submitted a letter to the OIG in August 2020, requesting an investigation into three incidents of violent abuse of authority at Winn Correctional Center. See Redacted Letter to OIG re: Violent Abuse of Authority at Winn Correctional Center, August 7, 2020, <https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A7bbe78f6-75e5-4d3c-a155-549b8a3fb1a8#pageNum=1>

¹¹ Id.

¹² Freedom for Immigrants, "ICE Use of Torture in Signing of Deportation Documents for Cameroonian Migrants at Winn Correctional Center, Louisiana" (Feb. 2, 2021), <https://www.freedomforimmigrants.org/crcl/2021/2/2/winn-correctional-center-louisiana>

complainants filed a lawsuit on August 12, 2021, for an alleged assault by ICE officers.¹³ One of the officers knelt on his neck and suffocated him to force him to sign his own deportation documents, leaving him with persistent back and wrist pain and post-traumatic stress disorder. That same month, U.S. Senators wrote a letter to DHS Secretary Mayorkas and ICE Acting Director Tae D. Johnson expressing serious concern over severe abuses at Winn Correctional Center.¹⁴ Most recently, in June 2021, SPLC wrote a CRCL complaint letter calling for the cancellation of Winn’s contract due to the ongoing and historical cultures of abuse and ongoing, life-threatening conditions, including patterns and practices of racism.¹⁵

An ICE Compliance Inspection conducted at Winn Correctional Center in February 2020 found that of the 19 standards under the PBNDS, the facility was in compliance with only 4.¹⁶ The inspection found 49 deficiencies in the remaining standards, including 6 in the ‘use of force and restraints’ standard and 3 in the ‘special management units’ standard.

Violations of ICE’s Performance-Based National Detention Standards (PBNDS)

ICE officials and all contracting entities working with ICE in the Winn Correctional Center are obligated to adhere to the 2011 Performance-Based National Detention Standards (PBNDS)¹⁷, revised in December 2016. Under the PBNDS, all detention officials working under ICE may not discriminate or be capricious or retaliatory in any disciplinary action based on sexual orientation.¹⁸ Yet officers at Winn have made homophobic comments to Camilo and directed lewd gestures at him, including simulating penis penetration with their hands.

The PBNDS also prohibit ICE officers or contracted officers from using unnecessary force, or using force to punish a person in detention.¹⁹ Camilo was merely walking when an officer pushed him, causing him to trip, hit his face on a pipe, and burst his lip. Even though the guard saw that Camilo was bleeding all over his mouth, rather than immediately take him to the medic, he asked, “are you okay?” turned around, and continued walking.

The PBNDS further states that people detained in a Special Management Unit shall be afforded basic living conditions that approximate those provided to the general population, consistent with the safety and security considerations that are inherent in more controlled housing, and in consideration of the purpose for which each person detained is segregated.²⁰ However, Camilo has been deprived of rights he would otherwise have with the general population, like taking a shower when he wishes and

¹³ Julian Borfer, “Cameroonian asylum-seeker sues US for alleged assault by Ice officers,” The Guardian (Aug 12, 2021), <https://www.theguardian.com/us-news/2021/aug/12/cameroonian-asylum-seeker-sues-us-for-alleged-assault-by-ice-officers>

¹⁴ Letter to DHS Secretary Mayorkas and Acting Director Johnson, from U.S. Senators, February 25, 2021, <https://www.warren.senate.gov/imo/media/doc/2021.02.25%20Letter%20to%20ICE%20and%20DHS%20re%20for%20deportations%20of%20asylum-seekers.pdf>.

¹⁵ See Redacted Letter to Winn Correctional Center, Southern Poverty Law Center, June 10, 2021, <https://www.scribd.com/document/518947759/Redacted-Letter-to-Winn-Correctional-Center-June-10-2021>

¹⁶ U.S Department of Homeland Security, Office of Detention Oversight Compliance Inspection, “Compliance Inspection of the Winn Correctional Center,” ODO-20, February 4-6, 2020, https://www.ice.gov/doclib/foia/odo-compliance-inspections/winnCorrCntrWinnfieldLA_Feb4-6_2020.pdf

¹⁷ Winn Correctional Center’s last inspection rating can be viewed on ICE’s Detention Management website, <https://www.ice.gov/detain/detention-management>

¹⁸ PBNDS § 3.1 (V)(A)(3) (Revised Dec. 2016).

¹⁹ PBNDS § 2.15 (V) (B)(2) and 2.15 (V).

²⁰ PBNDS § 2.12 (II) (11).

access to the microwave.

The PBNDS also prohibits the commingling of vulnerable populations placed on administrative segregation with people detained who are housed in disciplinary segregation.²¹ Camilo reports that even though officials gave him protective custody status, he was placed in segregation with individuals who had discipline problems or had broken the rules. This suggests that officials placed Camilo in disciplinary segregation, even though at the time, Camilo had no disciplinary or behavioral transgressions. The PBNDS states that each facility shall develop procedures to consider continued placement in protective custody and provisions for release when appropriate.²² Nonetheless, there have been no reviews for consideration of release to the general population and how to do so safely.

Lastly, under PBNDS, people detained who are placed in administrative segregation for protective custody shall have access to programs, services, visitation, counsel and other services available to the general population to the maximum extent possible.²³ Camilo not only reports that his recreational time is limited to him spending time outside locked in a cage but that he has limited access to using the microwave, making emergency phone calls, and showering when he wants. The most egregious example of this standard violation occurred when Camilo asked a guard to heat his soup in the microwave, but the guard refused, wrongly claiming that he had no permission. When Camilo insisted because he knew it was within his rights to use the microwave, the guard yelled at him, spit on his face, and walked away.

Individual complaint:

Since being taken into segregation, Camilo has been subject to physical and verbal mistreatment, under the purview of—and perpetrated by—the very people in charge of his protection. The following testimony is a summary version of a detailed affidavit attached with this letter and submitted to the Office of CRCL.

Testimony of Camilo

My name is Camilo. I was born in El Salvador and am 28 years old. I am a gay man. I have been in immigration custody since I arrived in the United States for the first time in April 2021. I was first detained at Adams County Detention Center in Mississippi, but I have been detained at Winn Correctional Center in Louisiana since May 2021.

On June 2021, my security classification level increased because officials said they thought I was a gang member. They were going to place me with a high-risk detainee population. After I explained to them that I knew there were many MS-13 members in that unit, and I am fleeing from them because my life is in danger, they gave me protective custody, and I was placed in segregation.

It has been very difficult for me to be under segregation. I have protective custody to keep others from harming me, but nothing is protective about being here. On the contrary, the guards are the ones who have physically assaulted me, verbally mistreated me, called me homophobic names, spat on my face, and stolen from me. My rights are constantly violated, and I feel entirely defenseless being here.

²¹ PBNDS § 2.12 (V)(A).

²² PBNDS § 2.12 (V)(1)(c).

²³ PBNDS § 2.12 (V)(1)(c)(9)

Frankly, it was surprising when they put me in the same place where they keep detainees that have broken the rules or have discipline problems because at the time, I hadn't broken a rule, and I have good behavior. When I asked to be alone under protective custody, I never imagined my rights to be violated the way they have been. Since being here, I have seen many people try to kill themselves. They've attempted cutting their veins or hanging themselves in their cells because they get treated so badly. They send those people to another place called "the suicide cells." They are kept there, alone. Truthfully, the treatment we receive is difficult to stand.

My emotional and physical health have deteriorated since I've been in segregation due to the physical and verbal abuse I've had to endure from the guards. Around mid-June, I had just finished a phone call with my attorney, and a guard walked me back to my cell. As I walked, he kept pushing me and yanking my shirt, causing me to trip. I fell, hit myself against an iron pipe, and burst my lip. The Sergeant asked me if I was okay, but I didn't answer. I look at myself, and I am bleeding all over my mouth, but they didn't even take me to see a medic. Even though the guard saw me bleeding, he just ignored me and kept walking. Later, another guard comes to my cell and tells me they will put me in the suicide cells because I am hurting myself. I couldn't believe they said I was hurting myself when one of the guards had just physically assaulted me. They didn't move me after all, but I was still shocked they would say I was hurting myself when it was them who were hurting me.

There have been two instances where a guard spits on my face. The first time occurred in early July when I asked a guard to warm up my soup in the microwave or get me hot water. The guard refused, saying he didn't have permission. When I told him that another official had given him permission to heat up my soup, he said, "he didn't tell me anything, so I'm not giving you anything," and then spat on my face. The second time an officer spit on my face occurred later that same month. Another guard came into my cell one morning and ripped down a towel that I usually put by the window to block the sunlight from hitting my face when I sleep. He then threw the towel in my face. When I asked him what he was doing, he called me a "motherfucker, pussy," spit in my face, and left. I felt so many emotions in that moment. Anger, sadness, indignation. How could they act like that toward others? They have no values, no respect for others.

Guards regularly call me slurs like "pussy," "motherfucker," "son of a bitch," "big loser," and "big vagina." When they say these things, they often make gestures with their hands as if they are penetrating me. Sometimes they mock the things I say by repeating them in a high-pitched voice, which feels really homophobic to me. I have no choice but to stay quiet and ignore them, but when I do, they call me "faggot." They are trying to incite me. They'll say things like, "come on pussy, one-shot, only once" and gesture to their face like they want me to hit them. I know that if I say or do something, it will be ten times worse for me, so I just keep to myself and cry when I can't take it anymore. I've asked to talk to a therapist numerous times but have never been given an appointment.

I feel very depressed in segregation. I understand why people want to commit suicide when they are here, and honestly, I've thought about it too. Thankfully I have people outside detention like my lawyers and my family who help me by talking to me, and that makes me feel slightly better. But I don't know how much more I can take.

Conclusion: CRCL should investigate all facts stated herein of physical and verbal abuse and mistreatment in Winn Correctional Center in immigration detention and recommend the release of Camilo.

CRCL, pursuant to its authority under 6 U.S.C. § 345, must immediately investigate this complaint of physical and verbal abuse while under protective custody in ICE detention and take prompt action to ensure accountability for those responsible for such abuse. Given Camilo's vulnerability as a gay man and the staff's retaliatory behavior, CRCL should recommend that ICE release Camilo from detention immediately. The pattern of violence and abuse at the Winn Correctional Center, along with the rampant ongoing violations, demonstrate that ICE cannot safely house people at Winn. Therefore, CRCL should also recommend to DHS the termination of its contract with Winn and release all people in custody.

The complainant and NIJC await the CRCL's response and look forward to working with them to provide guidance to ensure the rights of people in detention are upheld. If you have any questions about this complaint, please direct any response or inquiries to Nubia Fimbres at nfimbres@heartlandalliance.org.

Sincerely,

s/Drew Heckman,
Staff Attorney

s/Tania Linares Garcia,
Senior Attorney

s/Heidi Altman,
Director of Policy

s/Jesse Franzblau,
Senior Policy Analyst

s/Nubia Fimbres,
Policy Associate