



# **“I was treated like an animal”**

**Abuses Against African Detainees at the West Texas Detention Facility**

**March 22, 2018**



**TEXAS**  
**LAW**

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## I. Executive Summary

This report is prepared on behalf of approximately 80 African immigrants who were held in the custody of Immigration and Customs Enforcement (ICE) at the West Texas Detention Facility (WTDF) in Sierra Blanca, Texas, from approximately February 23, 2018, to March 2, 2018. The WTDF is a large detention facility currently operated under a federal government contract with LaSalle Corrections, a private prison company.<sup>1</sup> The report documents serious allegations of human rights abuses based on interviews conducted by the Refugee and Immigrant Center for Education and Legal Services (RAICES), the Texas A&M University School of Law Immigrant Rights Clinic, and the University of Texas School of Law Immigration Clinic with 30 African detainees on March 13 and 14, 2018.

On or about February 23, 2018, approximately 80 men were transferred to the WTDF. Most of the men (approximately 68) were nationals of Somalia. The group also included several Kenyan and Sudanese nationals. All of the men were in ICE custody for the sole purpose of effectuating deportation after receiving final orders of removal.

Many of the men we interviewed have lived in the U.S. for decades and have close U.S. citizen family members, including parents, spouses, and children. The men ranged in age from their 20s to their 50s. Some came to the U.S. as refugees when they were children. Others entered recently with visas or without status. In some cases, ICE detained the men years after a relatively minor criminal offense. Most of the men we spoke to feared persecution or torture in Somalia based on political opinion, religion, or being a member of a minority tribe/clan. Some had applied for asylum years ago and were denied but fear going back now more than ever due to the rise of ISIS-Somalia and Al Shabab. Others never applied for asylum because they did not know about it, were told they did not qualify, or received an *in absentia* deportation order for missing a court date.

For example, Taifa (pictured below on p. 9 at his wedding), came to the U.S. at the age of twelve, is married to a U.S. citizen, and has two children who were born here. In 2002, he was convicted of marijuana possession. Twelve years later, ICE arrested him at his home because of the old conviction. He was detained for approximately seven months in 2013, denied asylum, and then ordered deported. When ICE was unable to effectuate his removal to Somalia, he was released from detention but had to check in regularly with ICE. On February 14, 2018, when he went to ICE for a regular check-in, ICE arrested him in front of his children and detained him. He has since been moved to three different immigration detention facilities in two states. He is terrified of going back to Somalia because he

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<sup>1</sup> See LaSalle Corrections web page, <http://www.lasallecorrections.com/locations/texas/west-texas-detention-center/?back=locations>.



converted to Christianity twelve years ago, when he began a relationship with his wife. He has no family in Somalia and thinks he may have derived U.S. citizenship from his parents, who naturalized when he was 17 or 18 years old.

While detained at the WTDF, the men reported suffering numerous abuses, including: physical assault; sexual abuse; excessive and arbitrary discipline (use of pepper spray and solitary confinement) without cause; verbal insults, including racial slurs; dangerous and unsanitary conditions of confinement; and denial of medical and mental health care. LaSalle Corrections officers committed the abuses. ICE officers may have been present for some of the abuses.

Of the 30 men interviewed, all reported being pepper sprayed at least once; 14 reported being physically assaulted by officers. The incidents included in this report are select examples of practices, not an exhaustive list of incidents.

Like Taifa, many of the men we interviewed have been in immigration detention for months or years after receiving a final order of removal because ICE has not been able to deport them to Somalia. Difficulties obtaining travel documentation and safely landing planes in Somalia has led to the repeated cancellation of flights there.

In December 2017, ICE put 92 Somalis on a flight to deport them and then had to bring them back to the U.S. due to “logistical problems.”<sup>2</sup> The flight got as far as Senegal before having to turn around. Those Somalis are now being detained at the Krome Detention Center in Florida, while lawyers try to fight their deportation. A lawsuit filed by the Immigration Clinic at the University of Miami Law School, Americans for Immigrant Justice, the James H. Binger Center for New Americans at the University of Minnesota Law School, and Legal Aid Service of Broward County states that the men were shackled for over 40 hours on the flight, including 23 hours while the plane sat on a runway in Dakar, were mistreated by ICE officers, and did not have access to functional toilets, which overfilled with human waste.<sup>3</sup>

Based on the serious allegations in this report, we urge LaSalle Corrections, ICE, federal and local law enforcement agencies, and government oversight agencies, including the U.S. Attorney’s Office in the Department of Justice, Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties, and the DHS Office of the Inspector General,

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<sup>2</sup> See Jacey Fortin, “U.S. Put 92 Somalis on a Deportation Flight, Then Brought Them Back,” NY TIMES, Dec. 9, 2017, <https://www.nytimes.com/2017/12/09/us/somalia-deportation-flight.html>.

<sup>3</sup> Maryam Saleh, “Excessive Force: ICE Shackled 92 Somalis for 40 Hours on a Failed Deportation Flight. That was Just the Start of the Abuse,” The Intercept, March 4, 2018, <https://theintercept.com/2018/03/04/somali-deportation-flight-ice-detention-center/>.

to investigate the actions that resulted in physical and psychological harm and suffering and to take corrective measures.

The actions described in detail below implicate federal crimes including Conspiracy Against Rights (18 U.S.C. § 241), Deprivation of Rights Under Color of Law (18 U.S.C. § 242) and Hate Crimes Acts (18 U.S.C. § 249) and possible federal civil violations. They also violate ICE's own detention standards and fundamental human rights norms.

The men remain in ICE custody. At the time of this writing, they are at the Coastal Bend Detention Center in Robstown, Texas, but they could be moved again at any time. All of the men are at risk of imminent deportation or, alternatively, unreasonably prolonged detention after a final order of removal, due to the repeated cancellation of flights to Somalia.

## **II. Methodology**

This report is based on interviews conducted with 30 Somali individuals at the Coastal Bend Detention Center in Robstown, Texas, on March 13 and 14, 2018. The interviewees provided first-hand and eye-witness accounts of human rights violations that transpired at WTDF between February 23, 2018 and March 2, 2018.

Almost all of the interviews were conducted in English. In two cases, a detainee fluent in both English and Somali served as an interpreter for another detainee. All of the interviews took place in private areas designed for confidential attorney interviews.

The authors of the report undertook these interviews after family members of detainees and attorneys in other states who represent some of the detainees and brought concerns about the alleged abuses in immigration detention to our attention. After receiving a list of 68 African detainees, with their names and A-numbers, the authors scheduled a visit to the Coastal Bend Detention Center and interviewed as many individuals as possible during a two-day period. The interview questions assessed treatment in detention, as well as potential eligibility for immigration legal relief.

The individuals who conducted the interviews were: Alma Castro, Legal Assistant with RAICES's Corpus Christi office; Ruth Correa, JD Candidate '19, Texas A&M University School of Law; Bryn Esplin, Assistant Professor of Medicine, Texas A&M University College of Medicine; Rosa Flores, Legal Assistant with RAICES's Corpus Christi office; Isabelle Hutchinson, JD Candidate '19, Texas A&M University School of Law; Fatma Marouf, Professor of Law and Director of the Immigrant Rights Clinic, Texas A&M University School of Law; Elissa Steglich, Clinical Professor of the Immigration Clinic, University of Texas School of Law; Diana Tafur, Supervising Attorney in RAICES's Corpus Christi office; and Lindsey Wilkerson, Master of International Affairs Candidate '19, Bush School of

Government and Public Service, Texas A&M University.<sup>4</sup> University of Texas undergraduate student Ana Cruz and University of Texas Law School student Diego Cervantes (JD Candidate '18) contributed to the investigation and report.

All interviewees were informed of the nature and purpose of the research, and the intention to alert the media, file complaints with law enforcement agencies and governmental oversight agencies, and produce a report. Interviewees were individually told that they had no obligation to speak with us, to sign releases, or to provide a declaration. Interviewees were not guaranteed any future outcome(s) in pending cases or any protection against deportation. Nor were they promised legal representation or any other help in return for disclosing this information.

Pseudonyms have been used to protect the privacy of the men interviewed. Some of the men and their families consented to having their photographs used in a public report to give the abuses a human face. However, we have retained the pseudonyms for these individuals.

### **III. Alleged Human Rights Abuses**

#### **A. Physical and Sexual Assault**

The WTDF is operated under ICE's 2000 National Detention Standards (NDS), the oldest of the three sets detention standards currently used in immigration detention facilities.<sup>5</sup> Under the NDS, the use of force is authorized only after all reasonable efforts to resolve a situation have failed. Staff must attempt to gain a detainee's willing cooperation before using force, and under no circumstances should force be used to punish a detainee. Yet numerous detainees reported excessive use of force as punishment, without cause, and as the initial action taken in a situation.

One of the detainees, Dalmar, described an experience in the beginning of March where excessive use of force was used against him without cause. He told us:

The Warden of the WTDF hit me in the face four times, while I was at the nurse's station. I asked two of the medical officers who were present, "Are you going to let this happen?" They responded, "We didn't see anything." I was then placed in solitary confinement, where I was forced to lie face down on the floor with my hands handcuffed behind my back while I was kicked repeatedly in the ribs by the Warden. When I told him, "I'll get a lawyer to sue you," the Warden responded, "We've got enough money."

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<sup>4</sup> The interviewers are listed in alphabetical order.

<sup>5</sup> See DHS/ICE, 2000 Detention Operations Manual (July 12, 2017), available at <https://www.ice.gov/detention-standards/2000>.



**Dalmar (right), with his U.S. citizen partner and her son. He was punched in the face four times and kicked in the ribs by the warden.**

Aaden reported that officers beat him, pushed him to the ground, then put their knees on his back, and slammed his head against the concrete even though he did not resist. Hassan witnessed officers beating a fellow detainee without provocation.

Absame witnessed some officers taking detainees out one at a time and beating them without cause. Mahdi was hit by an officer with a baton.

Caweys saw officers beating detainees, despite their compliance with requests. Bashiir witnessed officers slam another detainee, Anwar, and smack him on the floor, put a knee to his head, and take him away to solitary.

Yuusuf saw officers force another detainee to lie face down on the floor with his hands handcuffed behind his back. Several officers held the man down, while another officer pounded the man with an elbow six times in the back of his neck.

Tahiil was physically abused and punched. He reports being treated “like an animal.”

Several incidents of excessive force were by corrections officers, the Warden, have resulted in serious pain and/or injury. Imaan reported being pushed, hit, and kicked, resulting in a bruise under his eye and severe neck pain. Liban was witness to his friend being thrown against a wall and injured.

An officer forcefully yanked Gessi while he was shackled, causing him to fall, injure his leg, and crack his tooth. When we interviewed him, he still had not received treatment or medication.

One of the detainees, Sharmaarke, alleged that LaSalle corrections officers sexually assaulted him by fondling his penis and groin area over his clothes while he was pushed against the wall. This happened to him multiple times.



## B. Indiscriminate Use of Pepper Spray

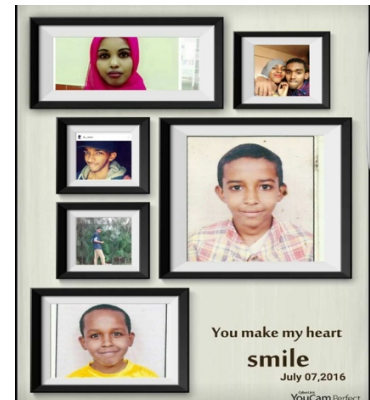
All of the detainees interviewed experienced the indiscriminate use of pepper spray. Most reported being pepper sprayed on multiple occasions. The active ingredient in pepper spray, oleoresin capsicum, causes intense burning, coughing, and temporary blindness. These effects can last from 15-20 minutes to an hour.

During one incident, officers pepper sprayed a large group of detainees in an enclosed area after they expressed frustration due to a change in their release date. The officers left them in the enclosed area for 20-30 minutes. Many detainees complained of trouble breathing and coughing when we interviewed them.

Liban was pepper sprayed twice. The spray got in his eyes and face so that he could not breathe.



**Liban (left) was pepper sprayed twice. The spray got in his eyes and face so that he could not breathe. His family (right) remain very worried about him.**



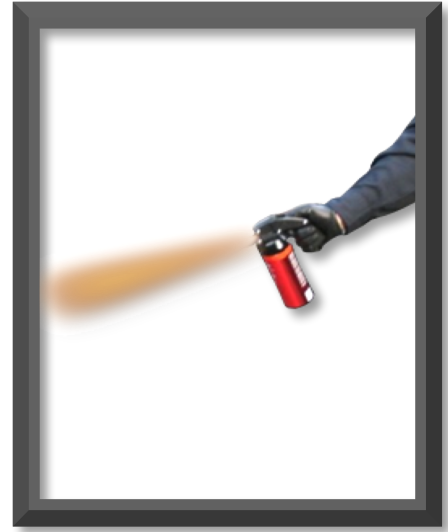
Madar was pepper sprayed and reported still feeling sick from it when we interviewed him.

Jeyte was pepper sprayed in the face twice. He said that detention conditions have been so bad that he prefers going back to Somalia to remaining in detention here, despite fearing for his life in Somalia.<sup>6</sup>

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<sup>6</sup> Haitham Bol, a detainee from Sudan, similarly reported being pepper sprayed in a conversation with a reporter while at the West Texas Detention Facility. See Robert Garova, Facing Deportation Threat, This New Hampshire Family is Looking for Answers, New Hampshire Public Radio (Mar. 8, 2018), available at <http://nhpr.org/post/facing-deportation-threat-new-hampshire-family-looking-answers#stream/0>.

**Jeyte was pepper sprayed in the face twice. He said that detention conditions have been so bad that he prefers going back to Somalia to remaining detained in the United States, despite fearing for his life in Somalia.**



Xirsi was in a group of detainees waiting to be processed at the WTDF when they were pepper sprayed over four times. He has been coughing up blood since the incident occurred. Zahi witnessed numerous other detainees coughing up blood. He had an allergic reaction to the pepper spray but did not complain to the corrections officers out of fear of retaliation. Absame was pepper sprayed by officers for requesting to speak to ICE officers.

Ishaar was pepper sprayed twice. As a result, he had difficulty breathing and a soar throat. He saw another detainee cough up blood after being pepper sprayed. Another man had a seizure from the spray. Ishaar asked officers for medical attention for his fellow detainee, but the officers responded that they did not care. Ishaar and another detainee had to carry the man to another part of the facility to seek medical attention.

Bashiir witnessed officers pepper spray a large group of detainees while in a holding cell. He also witnessed officers point a gun at the detainees while they were being pepper sprayed despite being subdued and handcuffed. He witnessed one man fall to the ground who seemed to be experiencing an asthma attack as a direct cause of the pepper spray.

Officers pepper sprayed Caweys while he was in a large holding cell with other detainees. During this incident, other officers pointed a gun at the detainees. As officers were removing Caweys from the holding area, they pepper sprayed him again from up close.

In a 2016 inspection of the WTDF, the Office of Detention Oversight found two deficiencies in implementing the standard on Use of Force.<sup>7</sup> The deficiencies pertained to unauthorized items that were found in the armory, including Chlorobenzylidene Malononitrile (CS) (a component of tear gas) grenades, bean bags and rubber pellets. The indiscriminate use of pepper spray alleged by the detainees whom we interviewed is consistent with these violations and suggests a need for stricter standards on the use of toxic chemicals and substances.

Human Rights Watch released a report in May 2015 detailing the effects of pepper spray on those with mental illness. Research showed that those with mental health issues were more likely to have force used against them, including pepper spray. The use of force on the mentally ill was shown to exacerbate their behavior, as pepper spray was determined to not only be less effective on people experiencing psychosis but in some cases it increased this level of psychosis.<sup>8</sup>

These effects of pepper spray on the mentally ill are particularly alarming considering that many detainees did not go through the proper medical evaluation when they informed detention facility personnel of their mental illness.

### **C. Use of Solitary Confinement**

According to the NDS, a detainee is placed in administrative segregation when the continued presence of the detainee in the general population would pose a threat to self, staff, other detainees, property, or the security or orderly operation of the facility. Disciplinary segregation requires an order from the Institutional Disciplinary Committee. The committee must hold a hearing and find that the detainee committed a prohibited act.

Aaden was placed in solitary confinement right after arriving at the WTDF. He said officers singled him out to make an example of him. He was beaten and left in solitary confinement for seven days. For the first two days, he had no mattress or pillow and it was freezing cold. He kept asking for a mattress and pillow and was denied.

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<sup>7</sup> DHS/ICE Office of Professional Responsibility, *Office of Detention Oversight Compliance Inspection: West Texas Detention Facility* (Feb 2-4, 2016), available at <https://www.ice.gov/doclib/foia/odo-compliance-inspections/2016-SierraBlanca-Feb.pdf>.

<sup>8</sup> Human Rights Watch, "Callous and Cruel: Use of Force against Inmates with Mental Disabilities in US Jails and Prisons," HRW (May 12, 2015), available at <https://www.hrw.org/report/2015/05/12/callous-and-cruel/use-force-against-inmates-mental-disabilities-us-jails-and>.

Taifa, who suffers from serious medical and mental health issues, was placed in solitary confinement for two days because he asked for socks and underwear. He also reports being locked in a “cage” for 1-2 hours wearing just his boxers because he was “talking to loud to the Warden.” He was very cold and shivering. Afterwards, one of the officers threw him against the wall and threatened him not to tell anyone or he would be “in the hole” all day. ICE officers were present and saw how he was treated.

**Taifa (left), with his U.S. citizen wife and children. He was placed in solitary confinement for two days because he asked for socks and underwear.**



Abdullahi was placed in the “hole” for one day after being pepper sprayed. Amir was also placed in the “hole” after being pepper sprayed. He was there for two days.

Tahiil was placed in segregation for days after he asked to go back to Somalia. Yuusuf was placed in solitary confinement for two days because he complained about his ankle. Anwar was sent to the “hole” for three hours without motivation.

After being hit in the face four times by the Warden on March 2, 2018, Dalmar was placed in solitary confinement. While in solitary, he was kicked and threatened with pepper spray.

Caamir and another man were waved outside by a corrections officer. They pushed him to the ground and handcuffed his hands behind his back. The officers then detained Caamir and the other man in a solitary cell for 7-8 hours without food or water. The officers covered Caamir’s face and then returned him to the general detention hall without any explanation for why he had been subject to segregation. Caamir has seen this happen to other detainees as well.

The 2016 inspection report on the WTDF by the Office of Detention Oversight found that multiple detainees who were placed in disciplinary segregation did not have a written record of a disciplinary segregation order. Of the 16 randomly selected detainees that had been assigned administrative segregation, the WTDF was unable to produce the request documentation for nine detainees. The Office of Detention Oversight was not provided any of the required segregation orders for the requested records.

Our findings in interviewing the detainees are consistent with that report. None of the detainees we talked to who were placed in solitary confinement were provided copies of their segregation orders, found guilty of committing a prohibited act at a hearing, or posed a threat.

#### **D. Threats**

Detainees reported that officers frequently threatened them at the WTDF. A common report was that officers pointed their weapons at detainees to incite fear. For example, Geesi reported that officers pulled out their guns while he was being held in shackles. Jeyte reported that guards pointed guns at his face after a flight to Africa was cancelled and people started asking what was going on. He was terrified.

After insulting Amir and calling him racial slurs, an officer held his handcuff key to Amir's side and threatened to stab him with the key if he said anything.



**Amir (right) with his U.S. citizen wife and children. An officer threatened to stab him with a key if he told anyone that the officer had called him racial slurs.**



Anwar stated that when the officers threatened to pepper spray a group of detainees, they pointed their guns at the men's faces, even though the men were shackled. Caamir also reported corrections officers pointing their weapons and pepper spray at the men, taunting, "say something . . . one word."

The "hole" was another way to incite fear and threaten the detainees. After Taifa was placed in the "hole," officers threw him against the wall and threatened that if he told anyone what happened to him he would be in the "hole" all day. When Abdullahi was pepper sprayed with other detainees and began coughing, an officer warned him not to talk to ICE and placed him in the "hole."

An officer threatened Keyse after he stood up for a friend. The officer held his pepper spray up to Keyse's face and said, "are you the motherfucker that was saying something?" The officer then said, "you better hope you're not coming back here or you'll see my face again."

Reports by detainees showed a pattern of verbal insults and threats. The warden at the WTDF was involved in three of the detainees' reports of verbal threats, as well as in incidents of physical assault. While Dalmar was in solitary confinement, lying face down on the floor with his hands behind his back, the warden threatened, "if you move, we're going to pepper spray you." On a separate occasion, the warden threatened Dalmar, "if you say one more word, I'm going to drop you," meaning he would throw him face down on the ground with his hands shackled behind his back.

## **E.     Insults, Including Racial Slurs**

Racial slurs by officers were also common, according to the men we interviewed. For instance, the warden told Tafia, "Shut your black ass up. You don't deserve nothing. You belong at the back of that cage" when he asked for underwear and socks. The Warden also picked Dalmar out a group of detainees that had been pepper sprayed and threatened, "Boy, I'm going to show you. You're my bitch." Yuusuf also reported hearing the Warden say "now you belong to me, boy" to another Somali detainee.

**The warden told Tafia, "Shut your black ass up. You don't deserve nothing. You belong at the back of that cage." He told Dalmar, "Boy, I'm going to show you. You're my bitch."**

There were also multiple accounts of racial slurs and insults being directed at the detainees. Multiple detainees reported officers using racial slurs. Mohamed, Zahi and Aaden all reported that officers called them names like “monkey,” “N\*,” and “stupid motherfucker.” Mohamed said that this was in attempt to provoke them. Amir also reported that officers referred to the detainees as “motherfucking Africans” and “N\*.” Nadifa also reported officers calling him a “N\*.”

Liban said that an officer called the detainees “animals” and that they were regularly told to “shut the fuck up.” Jeyte also reported officers telling him to “shut the fuck up.”

Amir reported that an officer called him a “bitch.” Keyse was called a “motherfucker” by a corrections officer. Iimaan was called a “stupid motherfucker” and told “you are a terrorist.”

## **F. Denial of Medical and Mental Health Care**

Under the NDS, immigration detention facilities must provide detainees with an initial medical screening, cost-effective primary medical care, and emergency care. In cases where specialized health care, mental health care and hospitalization are needed, the OIC should arrange this within the local community. Medication is to be distributed in accordance with the specific instructions established by the health care provider.

In the following cases, medical, mental health and emergency care was outright denied. The accounts of the following detainees show a total disregard for the NDS medical standard, which is consistent with the 10 deficiencies found in a 2016 inspection report by the Office of Detention Oversight. That report’s findings are also consistent with the detainees’ complaints of not receiving prescribed medications.

In 2016, the Office of Detention Oversight found that 16 out of 30 detainees at the WTDF whose medical records were reviewed had not been tested for TB, although the NDS require that all new arrivals to a facility receive a Tuberculosis (TB) screening by PPD (skin test) or chest X-ray. Detainees with symptoms suggestive of TB should be placed in an isolation room and promptly evaluated for TB.

Fourteen men were exposed to active TB while detained in Noble County, Minnesota. The required proper screening to ensure against active TB and further contagion has not yet been completed. Ishaar tested positive to a skin test while in Minnesota. He was scheduled for a follow up chest X-ray to determine if the TB is latent or active. But before that X-ray occurred, ICE transferred him to the WTDF. Ishaar and his wife

informed the facility of his need for further TB screening, but he never received a chest X-ray to determine whether he is contagious and requires treatment.



**Ishaar tested positive for TB with a skin test while detained in Minnesota. But ICE transferred him to the WTDF before he could have a chest X-ray to determine if the TB is latent or active. If he has active TB, detainees in two TX facilities may have been exposed. Some of the detainees we interviewed reported coughing blood, which is a symptom of TB, but they also have not been tested.**

According to the Center for Disease Control (CDC), in 2014, 41% of TB cases in all U.S. correctional facilities involved individuals in ICE custody.<sup>9</sup> This suggests that immigration detention facilities may not be fully complying with federal and local TB standards and that there may still be inadequate coordination between TB-control programs and ICE. In Texas, the Department of State Health Services (DSHS) has TB standards that apply to all correctional and detention facilities within the state.<sup>10</sup> Failure to properly test immigration detainees for TB creates a risk of spreading TB to other detainees, correctional facility staff, and ICE officers, especially where, as here, exposed individuals are transferred to multiple detention centers. In addition, deporting individuals with untreated TB creates a risk of spreading TB in the person's country of origin.

In December 2017, Dalmar was scheduled to have surgery to stop internal bleeding in his stomach and intestines. Two days before his scheduled surgery, he was detained by

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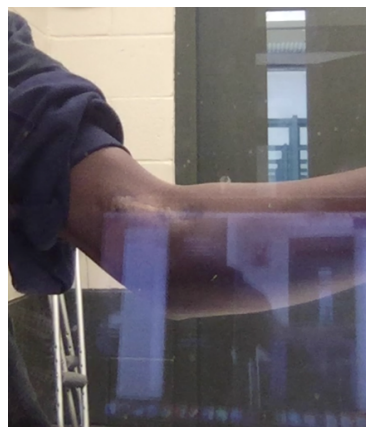
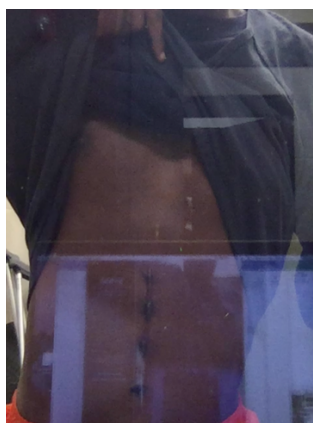
<sup>9</sup> See CDC Table on Tuberculosis Cases and Percentages by Residence in Correctional Facilities, 2014, available at [https://www.cdc.gov/tb/statistics/reports/2014/pdfs/2014-Surveillance-Report\\_Table42.pdf](https://www.cdc.gov/tb/statistics/reports/2014/pdfs/2014-Surveillance-Report_Table42.pdf).

<sup>10</sup> See DSHS Tuberculosis Standards for Texas Correctional and Detention Facilities (revised August 1, 2017), available at <https://www.dshs.texas.gov/idcu/disease/tb/policies/>.

ICE. Since arriving in ICE custody Dalmar has not be provided adequate medical care, despite reporting rectal bleeding to officers.

Taifa suffers from severe pain and depression, hallucinations, and has trouble walking. He has blood clots in his lungs, legs and arms. All of which is the result of a car accident in 2015 where he shattered his pelvis and had brain trauma. The nature of his injuries require him to take multiple medications and see a psychiatrist three times a week. Since Tafia has been detained he has not received any of his medications, nor access to a psychiatrist. He has requested crutches, medication, and to speak with a psychiatrist, all of which have been denied.

In 2006, Yuusuf was shot in the arm as a bystander in a street shooting. He has limited movement in his elbow and a large scar from the gunshot wound. In Spring 2017, he had three surgeries on his ankle after falling from a third story balcony and breaking his ankle in three different places. He suffered from a blood and bone infection due to the injury. Yuusuf was diagnosed with arthritis due to the broken bones. He requires the use of crutches to walk. The fall also caused internal bleeding requiring him to have stomach surgery. He was in a coma from the fall for four days. Due to the pain of his injuries, he was taking tramadol and antibiotics. Since being detained in January 2018, he has not received any of his medications – no Lexapro, Seroquel, or Tramadol. He has received only ibuprofen.



**Yuusuf has scars on his ankle (left), abdomen (center), and arm (right) from severe injuries he suffered before being detained. He says he did not receive any of his medications at the WTDF.**

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Assad was undergoing post-surgery physical therapy when taken into ICE custody on February 2018. He orally reported his medical needs, and documentation regarding his ongoing medical needs was provided to ICE. He similarly requested medical assistance while at the WTDF. As of March 14, 2018, he had not received any medical care or continued therapy.

Sharmaarke had a lung surgically removed and therefore has only one lung. When he was detained in Washington, he received medication for a lung infection. When he was moved to the WTDF, his medication was taken away. He has also had trouble breathing due to the pepper spray. When he asked for help with his medical condition, he was placed in solitary confinement instead of taken to a doctor.

An officer yanked Geesi's shackles causing him to fall to the ground. He injured his leg and cracked a tooth. He asked to see a doctor and was denied. He received only two ibuprofen tablets.

Aaden asked for pain medication after being beaten by officers. He received bandages for his cuts but was denied pain medication.

Omar suffers from back pain. He reports that officers sometimes refused to provide him forms for sick call and that he did not receive adequate medication for his back pain.

Abshir was pepper sprayed in the face for no reason. His face was burning, itchy and swollen. He was taken to the nurse, who gave him only one Benadryl and told him to wipe his face.

Mohamed suffers from PTSD and nightmares after members of a rival clan tortured him and his family. They burned him with fire when he was a boy and killed his uncle and grandfather. Prior to his detainment, he was taking medication for PTSD, but he was denied psychiatric medication in the WTDF. Additionally, he received no medical care after being pepper sprayed several times, although he has been coughing up blood and had a sore throat and burning eyes.

## **G. Unsafe and Unsanitary Conditions**

All 30 men complained of only being issued only one set of clothing, including underwear, for the entire week of their detention at the WTDF. LaSalle Corrections officers also denied them toothbrushes and toothpaste. The men were forced to hand wash their undergarments to remain clean. The men complained of unclean conditions, including drinking water with obvious contamination of dirt or other particles. They reported mold in the showers, unsanitary toilets, and no hot water.

Keyse reported being denied cleaning products when he asked for them.



Yuusuf stated that the facility was filthy with no air and that lots of people were crammed into a space that looked like a “chicken coop.” He said that he received cleaning products four or five days after requesting them. He also reported that he and some other men were “coughing up yellow stuff,” which he attributed to the lack of fresh air.

Xirsi, who has been coughing blood, stated that the lack of ventilation and unsanitary conditions has made many people, including himself, sick.

Dalmar stated that they had to clean the toilets themselves and had no hot water. He stated that there was dust everywhere and the facility looked like a “chicken farm.”

Bashiir sought medical assistance at his current detention center in Robstown, and the medical staff told him he likely developed a cold because of the conditions at the WTDF.



#### **H. Denial of Communications with Somali Embassy**

Mahdi said that whenever an officer dials the Somali embassy’s number, the call cuts off after 60 seconds. He says that the Somali detainees are not able to speak with their embassy.

Sharmaarke stated that he tried to contact the Somali embassy but the number he was connected with did not seem to be the real embassy. He stated that the people who answer the phone do not know anything about his status or have him on their list and they only speak English

## **I. Denial of Religious Accommodation**

Dalmar said that the pork-free meal available to Muslims was the same meal every day for lunch and dinner. To have some variety in their diet, some of the Somali Muslims resorted to eating ham and pork.

## **J. Coercion to Sign for Voluntary Deportation**

Zahi stated that he had a pending petition for writ of habeas corpus, but ICE officers pressured him to sign papers without explaining what they were. After signing the papers, he found out that he had agreed to voluntary deportation. He said he would never have signed the papers if he had known what they were. He fears being killed in Somalia.

## **IV. Discussion**

The pattern and practice of abuses LaSalle corrections officers engaged against the group of African detainees over the course of a week amounts to hate crimes, conspiracy against rights, and a deprivation of rights under color of law. The officers used epithets (“terrorist” and “boy” and “n\*”) in combination with beatings, broad and indiscriminate use of pepper spray, and routine and arbitrary use of segregation and other violations to demean and injure the men.

The US Constitution guarantees freedom from cruel and unusual punishment, including restrictions on the use of solitary confinement and requirements to guarantee detainees’ safety and to provide humane conditions with respect to clothing, shelter and food. Immigrants detained for civil immigration purposes also enjoy Fifth Amendment protection from deprivation of life or liberty without due process of law. Substantive due process ensures that immigrant detainees are free from excessive physical abuse by federal officers. Federal law further protects against crimes motivated by racial or religious animus.

ICE’s own detention standards also prohibit the types of abuses reported above. The relevant provisions of the National Detention Standards (2000), under which the WTDF operates, include the following:

- **Standard on Use of Force** authorizes the use of force “only after all reasonable efforts to resolve a situation have failed.” Even then, officers must use “as little force as necessary to gain control of the detainee; to protect and ensure the safety of detainees, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility.

- **Standard on Disciplinary Policy** prohibits capricious or retaliatory disciplinary action.
- **Standard on Administrative Segregation** specifies that this must be a non-punitive form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to self, staff, other detainees, property, or the security or orderly operation of the facility.
- **Standard on Disciplinary Segregation** specifies that this type of segregation may only be used when alternative dispositions would inadequately regulate a detainees' behavior and requires a written order to be completed and signed by the chair of the Institutional Disciplinary Committee panel beforehand.
- **Standard on Medical Care** requires detainees to "have access to medical services that promote detainee health and general well-being." National Detention Standards (2000) Failing to provide medical attention to abuse-related injuries violates these standards. In addition, the denial of medical care for pre-existing injury and illness violates this standard.
- **Standard on Environmental Health and Safety** requires toxic and caustic substances to be carefully controlled and allowing only authorized staff to handle such substances. Pepper spray would fall under this category. This standard also requires that environmental health conditions be maintained at a level that meets recognized standards of hygiene as set by the American Correctional Association, the Occupational Safety and Health Administration, the Environmental Protection Agency, the Food and Drug Administration, the National Fire Protection Association's Life Safety Code, and the National Center for Disease Control and Prevention.
- **Standard on Religious Practices** requires detainees of different to be provided with reasonable and equitable opportunities to practice their faiths.

Additionally, ICE's 2013 directive on the use of segregation, which applies to all immigration detention facilities, specifies that segregation should occur only when necessary, that it should be used for individuals with special vulnerabilities as a last resort

when no other viable housing options exist, and that ICE must ensure the health, safety, and welfare of detainees in segregation.

Furthermore, in 2014, ICE issued an updated directive on Sexual Abuse and Assault Prevention and Intervention, which establishes procedures for timely notification of sexual abuse and assault allegations, prompt and coordinated response and intervention, and effective monitoring of sexual abuse and assault incidents.<sup>11</sup> The multiple incidents of sexual abuse reported by one of the detainees we interviewed suggests that this directive is being violated at the WTDF.

The reported abuses also violate fundamental norms of international human rights law, including, but not limited, to the prohibition against cruel, inhuman or degrading treatment or punishment (ICCPR, Art. 7), the rights to liberty, security of person, and freedom from arbitrary detention (ICCPR, Art. 9), the right to freedom of religion (ICCPR, Art. 18), and the right to nondiscrimination (ICCPR, Art. 2).<sup>12</sup>

Finally, in its global strategy, “Beyond Detention: 2014-2019,” the United Nations High Commissioner for Refugees has called upon States to implement a wide variety of alternatives to detention.<sup>13</sup> Such alternatives are critical because, as this report demonstrates, detention deprives individuals of liberty, security, and freedom of movement, interferes with the right to seek asylum, and causes enormous mental and physical suffering.

## **V. Recommendations**

LaSalle Corrections, ICE, federal and local law enforcement agencies, and government oversight agencies should all take immediate action to address the alleged abuses and prevent the imminent deportation of the men involved.

### **A. Recommendations for LaSalle Corrections**

- Open an investigation into the reported abuses;

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<sup>11</sup> U.S. Immigration and Customs Enforcement, 11062.2: Sexual Abuse and Assault Prevention and Intervention, issued and effective May 22, 2014 (superseding 11062.1: Sexual Abuse and Assault Prevention and Intervention, issued and effective May 11, 2012).

<sup>12</sup> See International Covenant on Civil and Political Rights (ICCPR), *opened for signature* Dec. 19, 1966, 999 UNTS 171.

<sup>13</sup> UNHCR, Division of International Protection, Beyond Detention 2014-2019: A Global Strategy to support governments to end the detention of asylum-seekers and refugees (2014) [hereinafter Beyond Detention], at 19, <http://www.unhcr.org/53aa929f6.pdf>.

- Ensure that all physical, sexual, and verbal abuse of detainees stops immediately;
- Prohibit the use of pepper spray in civil immigration detention facilities;
- Ensure that detainees receive prompt access to medical and mental health care;
- End the inappropriate use of solitary confinement and segregation;
- Discipline officers who have abused their authority;
- Follow ICE's 2000 NDS that currently govern the WTDF;
- Follow ICE's 2013 Directive regulating the use of solitary confinement, which applies to all detention facilities;
- Improve training and oversight of correctional officers.

## **B. Recommendations for ICE**

- Open an investigation into the reported abuses at the WTDF;
- Allow an independent inquiry into the reported abuses at the WTDF;
- Grant stays of removal to abused individuals who wish to remain in the US so that they can participate in the investigation;
- Require the WTDF to operate under ICE's heightened 2011 Performance Based National Detention Standards (PBNDS), which includes more detailed guidance in areas such as access to medical care and the use of segregation;
- Adopt a detention standard that specifically addresses the use of pepper spray and similar chemicals;
- Terminate government contract with LaSalle Corrections if the company fails to take prompt and appropriate remedial action;
- Ensure that 90-day reviews of deportation orders are timely conducted and that individuals are released if deportation is not reasonably imminent;
- Prioritize the development and use of alternatives to detention, especially for nationals of countries to which deportation has proven difficult;
- Use detention only as a last resort and ensure that the risk classification system makes appropriate recommendations regarding custody;
- End the use of private prisons for immigration detention.

## **C. Recommendations for Law Enforcement Agencies**

- The Department of Justice should open criminal and civil investigations into the reported abuses at the WTDF;
- The Federal Bureau of Investigation should open an investigation into the reported abuses at the WTDF;
- Local law enforcement agencies with jurisdiction over Sierra Blanca, TX, should investigate the reported abuses;



#### **D. Recommendations for Government Oversight Agencies**

- Federal oversight agencies, including the DHS Office of Civil Rights and Civil Liberties should promptly begin investigating the abuses
- Federal oversight agencies should immediately notify ICE that the detainees involved are key witnesses in an important investigation with necessary information to identify perpetrators and must not be deported.