

August 29, 2019

The Honorable Joseph V. Cuffari
Inspector General
Office of Inspector General/Mail Stop 0305
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Sent via USPS and email to: dhs-oig.officepublicaffairs@oig.dhs.gov

Re: Request for Investigation of Abusive Treatment of Detainees at Bossier and Pine Prairie Detention Centers

Dear Acting Inspector General Cuffari:

We write to request that the Office of Inspector General immediately investigate two incidents that occurred at Bossier Medium Security Facility (“Bossier”) in Plain Dealing, Louisiana, and at Pine Prairie ICE Processing Center (“Pine Prairie”), in Pine Prairie, Louisiana. Based on our interviews of eyewitnesses and victims, and consistent with the national news reports, we believe that Immigration and Customs Enforcement (“ICE”) and its contractors at these two immigration detention centers responded to detained immigrants peacefully protesting their indefinite and inhumane detention conditions with unlawful force, and improperly interfered with protected speech. We request that you conduct a thorough investigation of these troubling incidents and publicly release the results as quickly as possible.

On August 2, 2019, ICE and its contractors beat and pepper-sprayed more than thirty (30) peaceful hunger strikers at Bossier.¹ Victims reported that ICE and its contractors pushed the hunger strikers up against a wall and kicked one in the chest. Witnesses reported having seen the hunger strikers bleeding as they were hauled away. At least one person required hospitalization. ICE and its contractors forced more than twenty (20) of the hunger strikers into solitary confinement following the attack, cut off phone communication between them and the outside world, and according to reports from attorneys representing some of the hunger strikers, denied them access to legal visitation.²

On August 3, 2019, ICE and its private prison contractors at Pine Prairie shot tear gas canisters and rubber bullets at approximately 115 hunger strikers sitting in protest in the recreation yard. Some hunger strikers were also beaten.³ We have attached photos of injuries caused by these attacks published by news outlets. Witnesses report seeing private prison guards covered in the blood of the protestors. At least one protestor required CPR resuscitation after the gas attack. Despite the extensive evidence of injuries caused by the attack, ICE acknowledges only that it used pepper spray to disperse a crowd. After the attack, our clients informed us that ICE locked some of the hunger strikers into solitary confinement and punitively denied them communication with their family, friends, and attorneys. They transferred another group of peaceful protestors to Adams County Correctional Center, a detention facility with a recent history of unlawful repression of peaceful protests.⁴ At Pine Prairie, ICE and its contractors subsequently locked detained

¹ *Dozens of ICE Detainees Were Pepper-Sprayed by Guards for Protesting at a Louisiana Jail*, Mother Jones, August 2, 2019, <https://www.motherjones.com/politics/2019/08/immigrant-detention-ice-bossier-louisiana-pepper-spray/>

² *Deputies at La. jail pepper spray, strike ICE detainees*, Washington Blade, August 3, 2019, <https://www.washingtonblade.com/2019/08/03/deputies-at-la-jail-pepper-spray-strike-ice-detainees/>

³ *More Than 100 Immigrants Were Pepper-Sprayed At An ICE Facility*, BuzzFeed News, August 6, 2019, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrants-pepper-sprayed-louisiana-pine-prairie>

⁴ *Warren Demands Answers From ICE About Its New Detention Centers in the South*, Mother Jones, July 12, 2019,

individuals into solitary confinement, after people spoke about the incident to loved ones on their Pine Prairie-issued tablets.

Neither incident required the application of the use of force. Even if some intervention were to be deemed necessary, the relationship between the need and the amount of force used clearly exceeded lawful authority.

These abuses are part of ICE's disturbing practice of punishing detained protestors for exercising their right to protest with severe retaliation and excessive force.⁵ These practices violate the First and Fifth Amendment rights of these immigrants, who were lawfully and peacefully protesting an ICE detention system in which at least 25 people have died since 2016.⁶ ICE's conduct also violates its own policies and standards regarding use of force.⁷

All immigration detainees, including those who are being held pursuant to civil immigration law, and who have no prior criminal history, are entitled to rely on the protections of the due process clauses in the Fifth and Fourteenth Amendments, and they have rights under the First Amendment.

The Constitution provides protections to immigrant detainees regardless of whether they are being held on criminal or civil grounds with regard to conditions that constitute "punishment."⁸ Civil detainees are also guaranteed certain liberty interests such as reasonably safe conditions of confinement, freedom from unreasonable bodily restraint, and the right to food, clothing, medical care, and shelter.⁹ Likewise ICE's own detention standards prohibit use of force "to punish a detainee" and "using force against a detainee offering no resistance."¹⁰ The standards authorize use of weapons only when detained individuals are "armed and/or barricaded... cannot be approached without danger to self or others; and... a delay in controlling the situation would seriously endanger the detainee or others, or would result in a major disturbance or serious property damage."¹¹ ICE's Use of Force Policy states that chemical agents may be used only to "temporarily incapacitate an assailant. They may be used in situations where empty-hand techniques are not sufficient to control disorderly or violent subjects."¹² It is clear from the reports that we have received that ICE and its contractors used unlawful force against these peaceful hunger strikers.

<https://www.motherjones.com/politics/2019/07/warren-demands-answers-from-ice-following-mother-jones-report-on-detention-centers/>

⁵*BREAKING: As Hunger Strikes Erupt Nationwide In ICE Detention, Immigrants Subjected To Retaliation and Excessive Force*, Freedom for Immigrants, August 6, 2019,

<https://www.freedomforimmigrants.org/news/2019/8/6/multiple-hunger-strikes-erupt-in-ice-jails-and-prisons-nationwide>

⁶*The Trump Administration Has Let 24 People Die in ICE Custody*, Vice News, June 10, 2019.

https://news.vice.com/en_us/article/3k3jd3/the-trump-administration-has-let-24-people-die-in-ice-custody; *Mexican man dies in ICE custody in Georgia*, NBC News, July 25, 2019 <https://www.nbcnews.com/news/latino/mexican-man-dies-ice-custody-georgia-n1034651>

⁷ See notes 10-12, *supra*

⁸ *Bell v. Wolfish*, 441 U.S. 520, 535 (1979); See e.g. *Lynch v. Cannatella*, 810 F.2d 1363, 1375 (5th Cir. 1987)

("[W]hatever due process rights

excludable [noncitizens] may be denied by virtue of their status, they are entitled under the

Due Process Clauses of the Fifth and Fourteenth Amendments to be free of gross physical abuse at the hands of state or federal officials.")

⁹ *Youngberg v. Romeo*, 457 U.S. 307, 315-316 (1982).

¹⁰ PBNDs 2.15(V)(B)(2) and 2.15(V)(E)

¹¹ PBNDs 2.15(V)(B)(5)

¹² Interim ICE Use of Force Policy, ICE, July 7, 2004, <https://www.dhs.gov/sites/default/files/publications/ice-use-of-force-policy.pdf>

Further, the First Amendment prohibits ICE from abridging freedom of speech.¹³ By prohibiting outside communication by protestors and those who reported those the attacks and forcing them into solitary confinement, ICE appears to be violating their First Amendment rights. Likewise, ICE detention standards require that even those in solitary confinement “be permitted to place calls to attorneys, other legal representatives, courts, government offices... and embassies or consulates phones.”¹⁴ No ICE disciplinary standard authorizes solitary confinement for those who report abuses in detention.¹⁵

Please investigate why ICE and its contractors used unlawful force, weapons, and chemical agents at these facilities though none of the protestors was disorderly, dangerous, or violent, and to what extent ICE and its contractors violated ICE’s own standards and the First Amendment in these incidents. It is critical that the public obtains a full accounting of the specific circumstances surrounding these attacks; that you determine how and why ICE continues to beat and gas peaceful protesters; and that you assess whether ICE or any other administration officials bear any responsibility for the circumstances leading to these abuses.

All of the victims of the violence perpetrated by ICE and its contractors at Bossier and Pine Prairie are detained immigrants. ICE and its contractors used unlawful physical violence against them. Congress enacted the Inspector General Act of 1978 to “ensure integrity and efficiency in government” and according to your website, your mission is “[t]o provide independent oversight and promote excellence, integrity, and accountability within DHS.” In the name of integrity and accountability, we urge you to investigate the above-detailed incidents of violence against detained immigrants at Bossier and Pine Prairie.

Thank you for your attention to this matter.

Sincerely,

ACLU of Louisiana
Al Otro Lado
Americans for Immigrant Justice
Asian Americans Advancing Justice-Atlanta
Detention Watch Network
Freedom for Immigrants
Innovation Law Lab
ISLA
Just Detention International
Kentucky Coalition for Immigrant and Refugee
New Orleans Workers Center for Racial Justice
Project Ishmael- First Grace Community Alliance
Project South
RAICES
Southern Poverty Law Center
Taos Immigrant Allies

¹³ See *Stefanoff v. Hays Cnty.*, 154 F.3d 523, 527 (5th Cir. 1998) (Finding that “a hunger strike may be protected by the First Amendment if it was intended to convey a particularized message.”); *Hart v. Hairston*, 343 F.3d 762, 764 (5th Cir. 2003)) (Finding that the First Amendment prohibits retaliation for speaking out about conditions of confinement)

¹⁴ 2011 ICE Performance Based Detention Standards (“PBNDs”), Chapter 2.12, Section V, Subsection BB, <https://www.ice.gov/doclib/detention-standards/2011/2-12.pdf>

¹⁵ PBNDs Appendix 3.1.A

Tennessee Immigrant and Refugee Rights
Unitarian Universalist Service Committee