



May 30, 2017

Marc Moore, Field Office Director
Immigration Custom Enforcement
865 SW 78th Avenue, Suite 101
Plantation, FL 33324

Re: Issues of Concern at Glades County Detention Center

Dear FOD Marc Moore,

On behalf of the University of Miami School of Law Immigration Clinic and St. Thomas University School of Law students under the supervision of Lauren Gilbert, we would like to thank you for the opportunity to visit the Glades County Detention Center three times this past academic year. Our students were able to communicate vital legal information to the detainees through know-your-rights presentations, and meeting and communicating with the detainees was a great learning experience for the students.

We write to bring your attention to issues that were raised by detainees during our recent trips. We hope that we can work together toward effective resolutions. As you are likely aware, the UM Law Immigration Clinic has been visiting Glades on a regular basis since 2011 and we have written letters raising concerns on multiple occasions in the past.

In the Clinic's most recent visit, it became aware of a significant increase in the number of detainees at Glades. Due to this rapid increase in population, the issues we raise are more glaring and urgent. The Clinic has identified several areas of concern through its visits to Glades: abusive and inappropriate officer interactions with detainees; medical attention; attorney access to detainees and lack of attorney-client confidentiality and privacy; failure to forward legal mail; inadequate library access; deficient food; women's hygiene; bathroom conditions; and recreational activities. The UM Law Clinic has for many years raised concerns in these areas and has not seen improvement.

We encourage Glades to uphold the highest level of attention and care to all detainees and, at a minimum, to abide by the 2011 Performance-Based National Detention Standards ("2011 Detention Standards").

ABUSIVE AND INAPPROPRIATE OFFICER INTERACTIONS WITH DETAINEES

The 2011 Detention Standards states that a detention staffer's "use of force" against a detainee must be "necessary and reasonable force after all reasonable efforts to otherwise resolve a situation have failed, for protection of all persons; to minimize injury to self, detainees, staff and others; to prevent escape or serious property damage; or to maintain the security and orderly operation of the facility."¹ Additionally, the 2011 Detention Standards requires that staffers only use "the degree of

¹ *The 2011 Detention Standards* at 208.

force necessary to gain control of detainees and, under specified conditions, may use physical restraints to gain control of a dangerous detainee.”²

The Clinic received reports from multiple detainees that officers are often verbally abusive to detainees and sometimes engage in abuse or excessive force. The Clinic received one report of an officer allegedly having sexual relations with a female detainee.

Almost all of the detainees we spoke to reported that officers use highly inappropriate and degrading language when interacting with the detainees. We received numerous reports of profanity directed at the detainees: “shut the fuck up” and “I’ll drag your ass.” They reported specific insults such as: “immigrant, you should just leave,” “we’ll show you what we do to Mexicans in here.” They also reported being called “pigs and “monkeys.” Detainees report feeling like they are treated “like animals” and that officers threaten to use physical force against them. The detainees mentioned Officers Mims and Sierra by name as having engaged in abusive behavior. We also received a report that Officer Mims ripped up a detainee’s complaint in front of the detainee.

Some detainees reported physical and sexual violence. They reported tasers and other forms of physical violence being used against immigration detainees. One case involving a male detainee was particularly alarming. The detainee reported that he was completing his kitchen job while lunch was being served. When he completed his job, he was escorted back to his pod along with other detainees. He explained that he had not eaten because he was doing his job during mealtime. The officer told him that mealtime had ended and that he would not be able to eat. The detainee then asked to be allowed to eat because he was completing his assigned job during the time for food. The officer refused and warned the detainee that if he kept talking he would “only make this more difficult for himself.” After the detainee mumbled under his breath while walking with the other detainees, the officer responded by pushing the detainee against the wall. The officer then placed all of his weight against the detainee while pushing him against a wall. The detainee was trapped between the wall and the front of the officer. Although the detainee did not resist, the officer pushed his head against the wall and handcuffed him. Before the incident, the detainee suffered from pain stemming from surgical pins placed in his leg. The officer’s excessive use of force exacerbated this pain, leaving the detainee in need of medical treatment at Glades. He reports that his requests for medical care were denied.

We received another distressing report of an officer having sexual relations with a female detainee. The detainee (who was not the victim) told us that the officer—who she described as a deportation officer—was dismissed from his job for a week but then was permitted to resume his old job. The detainee was concerned that this officer would continue to act inappropriately with other detainees.

MEDICAL ATTENTION

The 2011 Detention Standards mandates that “detainees shall be able to request health services on a daily basis and *shall receive timely follow-up.*”³ Accordingly, we encourage the facility to ensure that all detainee medical requests are dealt with in a timely fashion. The 2011 Detention Standards also states that detainees must “receive continuity of care from time of admission to time of

² *Id.*

³ *Id.* at 277–78 (emphasis added).

transfer.”⁴ Non-compliance with continuity of care denies detainees their right to access the health care services required by the Standards. The Standards provide specific examples of continuity of care, including timely transfer to an appropriate facility, a written treatment plan for chronic medical supervision approved by a licensed physician, and timely ordering, dispensing, and administration of prescriptions and medications.

Many detainees criticized the medical treatment at Glades. The detainees reported that while they usually see a nurse, they are unable to see a doctor for days, weeks, and in some cases, even months at time. Even when a doctor is available, there are often insufficient medical supplies for their treatment. For example, a detainee with a broken arm reportedly was unable to obtain the necessary medical assistance because the doctor did not have the resources to cast or X-ray it. Instead, the doctor continued to prescribe the detainee with painkillers, providing only temporary pain relief and causing reliance on the narcotics. The patient has not been referred to an out-patient center to receive proper care.

One detainee whose teeth have fallen out reported that she is unable to get dentures, even after she offered to pay for them herself. A female detainee who suffered blood “clots” resulting from heavy menstrual periods and very painful “cramps” stated that she was given only Tylenol to manage the pain. Another detainee had a visible eye infection but reported that he had not received treatment. Another detainee indicated that he suffered from high blood pressure, but that his repeated requests for blood pressure medication had gone unanswered. Another detainee said that the infirmary at Glades is quick to give the women medicine but rarely examines them. When male detainees seek medical attention, officers often dismiss their request and respond by telling them that they are fine or that they need to “toughen up.” Detainees of both genders complained of the extended weeks or months they have waited to receive medical care.

The Clinic urges the Department to ensure that Glades adheres to the medical standards described in the 2011 Detention Standard. If the facility does not have the necessary medical equipment or staff to treat the detainees, the Clinic urges the facility to adhere to the 2011 Detention Standard, Section 4.3(II)(6), which states that a “detainee who is determined to require health care beyond facility resources shall be transferred in a timely manner to an appropriate facility...[and a] written list of referral sources, including emergency and routine care, shall be maintained and updated annually.”⁵

ATTORNEY ACCESS AND LACK OF ATTORNEY–CLIENT CONFIDENTIALITY AND PRIVACY

Detainees are entitled to access legal representatives and to have confidential and private communication with a legal representative.⁶ The 2011 Detention Standards requires that “in visits referred to as ‘legal visitation,’ each detainee may meet *privately* with current or prospective *legal representatives*.”⁷ Law students qualify as “legal representatives.” The 2011 Detention Standards defines legal representatives as an “attorney or other person representing another in a matter of law, *including: law students* or law graduates not yet admitted to the bar under certain conditions.”⁸ As such, law students must be granted the same access to detainees as attorneys.

⁴ *Id.* at 278.

⁵ *Id.*

⁶ See INA § 240(b)(4)(A)&(B).

⁷ *The 2011 Detention Standards* at 367 (emphasis added).

⁸ *Id.* (emphasis added).

In regard to visitation, the 2011 Detention Standards requires each facility to “permit legal visitation seven days a week, including holidays, for a minimum of *eight hours* per day on regular business days (Monday through Friday), and a minimum of *four hours* per day on weekends and holidays.”⁹ Each facility is required to provide notification of the rules and hours for legal visitation.

The Clinic’s students have faced hurdles gaining access to detainees. Law students have been told they must request permission to see detainees prior to making the visit and that they must provide an estimate of the time that they expect to speak with detainees. Law students are usually not permitted to speak to the detainees for more than a certain period of time, regardless of the day of the visit. Officers have announced to legal representatives from the Clinic that their allotted time has expired and have ushered them out of the detention center.

The Clinic’s students have also faced resistance from officers when attempting to ensure confidentiality for their in-person attorney–client meetings. The 2011 Detention Standards requires “[v]isits between legal representatives or legal assistants and an individual detainee are confidential and shall not be subject to auditory supervision.”¹⁰ Despite this requirement, Glades officers have demanded that the doors remain opened while legal representatives from the Clinic were discussing confidential information with detainees in rooms meant to be private.

Although the Clinic’s students obtain prior clearance to visit detainees before each visit, officers appear unaware and unprepared for their arrival. As a result, the students have sometimes waited significant periods of time for officers to locate the Clinic’s legal visitation request for a particular detainee. This “waiting period” robs both the law students and the detainees of the already short time allotted for their attorney–client meetings. When officers finally retrieve the detainees from their pods, the officers give them inadequate time to gather essential documents prior to being escorted into the private rooms. As a result, detainees often do not have key immigration documents or personal notes necessary for the law students to conduct their meetings.

Additionally, Clinic students have observed television sets with an attached web camera in the private rooms designed for attorney–client visits. One Clinic student specifically asked if the web camera could be turned off while discussing a confidential matter with her client and was told that the television could not be turned off. The officer stated that the Clinic student should not be concerned that the camera was pointed toward the detainee because the camera was not recording. Nevertheless, the detainee became uncomfortable and questioned the privacy of the room. This created an uncomfortable environment for both the detainee and the legal representative to engage in a critical private conversation. Glades practices undermined both the Detention Standards and the purposes of the client/attorney meeting. We request that the web camera be removed from the attorney-client meeting room.

We have also been made aware that detainees do not have any privacy when speaking with their attorneys telephonically. Detainees are required to have their telephone conversations in the POD area among deportation officers and other detainees. However, this practice contradicts the 2011 Detention Standards, which states “[d]etainees shall be able to have confidential contact with attorneys and their authorized representatives in person, on the telephone and through correspondence.”¹¹ As a result, most detainees do not feel comfortable explaining facts about their

⁹ *The 2011 Detention Standards* at 367–68 (emphasis added).

¹⁰ *The 2011 Detention Standards* at 379.

¹¹ *2011 Detention Standards* at 401.

cases in such a public forum, especially when these include traumatic events. We also understand that all calls on the POD telephones are recorded, even ones involving attorneys. This directly violates the detention standard.

The Clinic requests that, upon request, detainees be permitted to go into private rooms, such as the client/attorney rooms, in order to privately speak with their legal representatives by telephone. The attorney-client meeting room already has a telephone in it. We request that it be used for the purpose of private and confidential attorney-client calls. We are aware that this request was also made by the South Florida Chapter of the American Immigration Lawyers Association.

FAILURE TO FORWARD LEGAL MAIL

We also recently became aware that when detainees are transferred from Glades to another detention center, that their mail is not being forwarded on to them. One detainee we met with in April was transferred later that month to the Wakulla Detention Center in northern Florida. His BIA appeal was denied in early May. He learned about this by checking the EOIR hotline, but never received the actual decision, even though his appeal to the Eleventh Circuit is due in early June. Since he does not know the legal basis on which his appeal was denied, this makes it more difficult for him to appeal his case to the 11th Circuit and to seek a stay of removal. Ms. Gilbert verified that his mail was not being forwarded to him at Wakulla, when a packet of information she had sent to him at Glades in April was returned to her with the notation: Return to Sender; No Mail Receptacle; Unable to Forward. Where *pro se* detainees are being transferred from one detention center to another while their cases are still pending and their mail is not properly being forwarded to them, it makes it virtually impossible for them to effectively represent themselves.

LIBRARY ACCESS

The 2011 Detention Standards states that “each facility shall provide a properly equipped law library,” and that proper resources be “provided to detainees to prepare documents for legal proceedings.”¹² The law library is a crucial resource for all detainees, and is particularly critical for detainees who do not have legal counsel. In the case of an unrepresented detainee, the law library is the detainee’s only tool to acquire necessary legal paperwork, understand immigration law, and formulate a case before interacting with immigration judges. Both represented and unrepresented detainees have the right to a properly equipped law library, and must be able to access its materials to help prepare for their legal proceedings.

The Clinic has heard several complaints about inadequate access to library resources such as legal databases and printing. The detainees complained that the Lexis Nexis CDs are outdated and no one trains the detainees on how to operate the program. Most of the men we spoke to asserted that the librarian does not assist them in the library and they must rely on other detainees for guidance. This has created a currency of “favors exchanged” (i.e. certain commodities in exchange for library assistance). The lack of access to legal materials, especially to those who must represent themselves *pro se*, has been an issue of concern of ours since at least 2012, and was also noted in the 2011 assessment by the Office of Detention Oversight. The Standards at 6.3(V)(E)(2)(a) compel detention facilities to “ensure that the most updated statutes, regulations, and other required legal materials are

¹² *Id.* at 402–03.

in the library at all times.”¹³

We also received reports that law library access is given only to some detainees at very odd hours, including at 7:00 am in the morning.

DEFICIENT FOOD

The 2011 Detention Standard specifies that “a registered dietician shall conduct a complete nutritional analysis that meets U.S. Recommended Daily Allowances (RDA), at least yearly, of every master-cycle menu planned by the FSA.”¹⁴ The USDA Dietary Guidelines for Americans 2010, found on the RDA website, prescribe 31 ounces of protein and 3 cups of dairy per week for sedentary adults.

Nonetheless, a common complaint of detainees is that the food is of extremely poor quality and that the portions are inadequate. The detainees report not being provided fresh vegetables or meat, but only canned foods, including canned meat products. Despite medical requests, detainees who require specific diets due to certain medical conditions, such as diabetes, are forced to eat the same food as other detainees. The inadequate nutritional value of the food provided has led to some detainees developing medical conditions during their detention. For instance, one detainee explained that she developed thyroid problems because of the sodium content of the food. The Clinic requests that the facility ensure that the Standards are met and improved upon to the greatest extent possible.

WOMEN’S HYGIENE PRODUCTS

The 2011 Detention Standards states that all detention facilities must ensure that “each detainee is able to maintain acceptable personal hygiene practices through the provision of adequate bathing facilities and the issuance and exchange of clean clothing, bedding, linens, towels and personal hygiene items.”¹⁵ Additionally, each facility has an obligation to maintain “an inventory of clothing, bedding, linens, towels and *personal hygiene* items that is *sufficient to meet the needs of detainees*.”¹⁶

Female detainees have expressed that the feminine hygiene products are of a very low quality, requiring women to use multiple sanitary pads at one time. Additionally, Glades does not provide an adequate amount of each product and when detainees need more, they are very unlikely to receive it. Detainees report having to use toilet paper because they do not have sufficient hygiene products. Female detainees also reported that their requests for additional toilet paper were frequently denied.

CLEANLINESS OF BATHROOMS

A common complaint among detainees is that the bathrooms are not clean and that there are insufficient working toilets. A common adjective that the detainees use to describe the bathrooms is “disgusting.” Some detainees reported that there is no soap or sanitizer in the bathroom.

RECREATIONAL ACTIVITIES

¹³ *Id.* at 403.

¹⁴ *Id.* at 248–49.

¹⁵ *Id.* at 309.

¹⁶ *Id.* (emphasis added).

Detainees report that there are no meaningful recreational activities. They state that there is only one soccer ball for the detainees to play with and that there are no benches outside. The detainees are forced to stand in the hot sun with nothing to do if they wish to receive their recreation time. Although female detainees confirmed that they are allowed to go out five times a week for recreation, they also explained that their recreation time is just one hour and is often concurrent with certain required “detention jobs.” For example, one woman stated that recreation time is typically when she must do laundry services so she is unable to attend recreation time.

Again, thank you for providing us with the opportunity to visit the Glades County detention center. We greatly appreciate your time and consideration regarding these matters. As the population of Glades has increased, and may increase further with the Administration’s enforcement goals, we are even more concerned about conditions at Glades. We can be reached at (305) 284-6092.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly "Rebecca Sharpless".

Rebecca Sharpless, University of Miami School of Law
Romy Lerner, University of Miami School of Law
Lauren Gilbert, St. Thomas University School of Law