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VIA ELECTRONIC AND PRIORITY MAIL

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**RE: Ongoing Racist and Retaliatory Abuse at Orange County Correctional Facility
Supplement to Complaint Filed February 17, 2022**

Officer for Civil Rights and Civil Liberties Culliton-González, Inspector General Cuffari, and Ombudsman Gersten:

Catholic Charities Community Services – Archdiocese of New York, Envision Freedom Fund, For the Many, Freedom for Immigrants, New York Lawyers for the Public Interest, and NYU Law Immigrant Rights Clinic submitted a complaint on February 17, 2022, seeking redress for ongoing civil rights violations against people detained at Orange County Correctional Facility (“OCCF”).¹ Disturbing abuses persist at OCCF, and, as we have yet to receive a substantive response from the Department of Homeland Security (“DHS”), we write to supplement the February complaint. This supplement is supported by the testimony of nine individuals formerly and currently detained at OCCF, including six declarants who

¹ Catholic Charities et al. Civil Rights and Civil Liberties Compl. (Feb. 17, 2022) [hereinafter Feb. Compl.].

submitted statements as part of the February complaint.² **We request a response in writing within one week detailing a remedial plan of action.**

Immigration and Customs Enforcement (“ICE”) and OCCF continue to violate the rights of people detained at OCCF. These rights include freedom from racial and religious discrimination, freedom from First Amendment retaliation, adequate medical care, and nonpunitive and safe conditions.³ Moreover, ICE and OCCF continue to violate the agency’s own National Detention Standards (“NDS”), which similarly prohibit discrimination, excessive use of force, improper use of solitary confinement, and medical neglect, and also mandate sanitary and safe conditions.⁴

DHS and OCCF have failed to take meaningful action to prevent abuse and neglect at the facility. Orange County Undersheriff Kenneth Jones—who has publicly acknowledged former ties to the Oath Keepers⁵—continues to defend OCCF, stating that “none of the[] [detained peoples’ allegations] are true”⁶ Following the complaint’s filing, Jones claimed that the link between Officer Richard Bloise and the email handle “nazikommando” “ha[d] been made some time in the past and was being investigated,” raising questions about how long OCCF has been aware of allegations of extremism within its ranks.⁷ Although OCCF moved two of the officers named in the complaint out of the ICE unit, Jones characterized the move as “standard procedure,” dismissing concerns about officers at OCCF as “unfounded and malicious”⁸ This reshuffling of personnel appears to have had no impression on the entrenched culture of racist and retaliatory abuse at OCCF: in this supplement, detained people identified an additional *eight* officers—including sergeants and a lieutenant—as routinely violating detained peoples’ rights.⁹

In response to the inaction of DHS and OCCF, detained people, advocates, and government officials have continued to challenge the abuses endemic to the facility.¹⁰ In mid-February, people detained at OCCF staged a multi-day hunger strike in protest of poor conditions and ongoing abuse by officers—a collective act of nonviolent dissent protected by the First Amendment that Jones denigrated as not “some sort of Gandhi thing.”¹¹ On February 28, 2022, New York City Council’s Committee on Immigration held a hearing on conditions in ICE detention in New York State, including at OCCF, highlighting harrowing

² The real names and any identifying information of detained people have been anonymized to protect them from potential retaliation.

³ See *Zadvydas v. Davis*, 533 U.S. 678, 694 (2001); *Charles v. Orange Cty.*, 925 F.3d 73, 85 (2d Cir. 2019); see also *Cruz v. Beto*, 405 U.S. 319, 321 (1972); *City of Revere v. Massachusetts Gen. Hosp.*, 463 U.S. 239, 244 (1983); Feb. Compl. 2 n.2.

⁴ See U.S. Immigration and Customs Enforcement, 2019 National Detention Standards for Non-Dedicated Facilities §§ 1.1, 2.8, 2.9, 3.1, 4.3 (2019), <https://www.ice.gov/detain/detention-oversight/2019> [hereinafter NDS 2019] (setting forth standards for environmental health and safety, use of force and restraints, special management units, disciplinary system, medical care, and religious practice).

⁵ Becca Tucker, *Orange County Oath Keepers Had Roots in Sheriff’s Office*, CHRONICLE (Feb. 15, 2021), <https://www.chroniclnewspaper.com/news/local-news/orange-county-oath-keepers-had-roots-in-sheriff-s-office-FK1518654>; see also Feb. Compl. 3.

⁶ Graham Rayman, *Hunger Strike Among ICE Detainees in Upstate Jail over Conditions; Jail Officials Dispute Allegations*, N.Y. DAILY NEWS (Feb. 17, 2022), <https://www.nydailynews.com/new-york/nyc-crime/ny-hunger-strike-immigration-detainees-orange-county-20220217-whmeeubocfanzhatnjh5e7ubci-story.html>.

⁷ *Id.*; see also Feb. Compl. 4.

⁸ Arun Venugopal, *Officers Moved Amid Abuse Claims at Orange County ICE Facility*, GOTHAMIST (Feb. 24, 2022), <https://gothamist.com/news/officers-moved-amid-abuse-claims-orange-county-ice-facility>.

⁹ See note 15, *infra*.

¹⁰ See Rayman, *supra* note 6; Venugopal, *supra* note 8; Daniel Parra, *City Council Hearing Probes Conditions for ICE Detainees in New York*, CITY LIMITS (Feb. 28, 2022), <https://citylimits.org/2022/02/28/city-council-hearing-probes-conditions-for-ice-detainees-in-new-york/>; Chris McKenna, *A Moneymaker for Years, Orange County Jail ICE Detention Faces Glare After Complaints*, TIMES HERALD-REC. (March 22, 2022), <https://www.recordonline.com/story/news/local/2022/03/22/immigrants-held-orange-county-ny-jail-ice-blast-their-conditions/9430863002/>.

¹¹ Rayman, *supra* note 6.

testimony of abuse, retaliation, medical neglect, and other ongoing violations.¹² These developments follow multiple complaints, lawsuits, and media reports regarding OCCF, as well as the Office for Civil Rights and Civil Liberties' ("CRCL") own prior investigation into numerous allegations of civil rights and civil liberties violations at the facility.¹³

The flagrant violations of detained individuals' rights and liberties described in the February complaint and supplemented herein require immediate action from DHS. Comparable violations have led DHS to terminate contracts with other immigration detention facilities. Most recently, on March 25, 2022, ICE announced that it would discontinue use of Etowah County Detention Center in Gadsden, Alabama, due to "the quantity, severity, diversity and persistence of deficiencies," and limit its use of Glades County Detention Center in Florida over "persistent and ongoing concerns related to the provision of medical care at the facility."¹⁴

We therefore restate the recommendations made in the February complaint, and additionally amend our requested relief by urging the removal of eight additional officers identified as engaging in abusive treatment. CRCL should, pursuant to its authority under 6 U.S.C. § 345, immediately recommend:

1. Release of all individuals detained at OCCF to their communities;
2. Termination of ICE's Intergovernmental Services Agreement ("IGSA") with OCCF;
3. Pending release and termination of the IGSA:
 - a. Investigation of the conditions detailed herein, including racist and retaliatory physical violence, use of solitary confinement, abuse of power, and medical neglect; and
 - b. Removal of the following officers from any position in which they exercise power over *any* detained person, regardless of the unit to which they are assigned: Officer Richard A. Bloise (Badge No. 366); Officer Ricardo Carde (Badge No. 523); Sergeant Daniel Figueroa; Sergeant Keith Conroy (Badge No. 117); Officer Michael P. Lattimer; Officer R. Laudato (Badge No. 551); Sergeant Murphy; Sergeant Cimorelli; Sergeant Essig (Badge No. 043); Officer Eckerson (Badge No. 322); Officer Kevin LNU; Officer Griffin; Unnamed Emergency Response Team Guard (Badge No. 147); Lieutenant Kisk; and Sergeant Colby (Badge No. 100).¹⁵

¹² A public stream of the New York City Council hearing is available at <https://councilnyc.viebit.com/player.php?hash=LfgeL1zOfU3b>; see also Parra, *supra* note 10.

¹³ See, e.g., Charles, 925 F.3d at 85; Matthew Nanci, *Protest Denounces Orange County Jail Agreement with ICE*, REC. ONLINE (July 8, 2019, 10:50 P.M.), <https://www.recordonline.com/story/news/crime/2019/07/09/protest-denounces-orange-county-jail/4735489007/>; Annamarya Scaccia, *When Suicide Happens at Immigration Detention Centers, Who Is to Blame?*, VICE (May 26, 2017, 10:58 A.M.), <https://www.vice.com/en/article/nejxwk/when-suicide-happens-at-immigration-detention-centers-who-is-to-blame>; Mazin Sidahmed, *Assembly Members Slam Orange County Jail Over Immigrant Detention Conditions*, DOCUMENTED (Nov. 29, 2018), <https://documentedny.com/2018/11/29/assembly-members-slam-orange-county-jail-over-immigrant-detention-conditions>; Memorandum from Office for Civil Rights and Civil Liberties to Matthew Albence, Exec. Assoc. Dir., Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement 1 (Apr. 27, 2018), <https://www.dhs.gov/sites/default/files/publications/orange-county-expert-memo-04-27-18.pdf>; see also Feb. Compl. 2 n.4.

¹⁴ Press Release, Enforcement and Removal Operations, ICE, ICE to Close Etowah Detention Center (Mar. 25, 2022), <https://www.ice.gov/news/releases/ice-close-etowah-detention-center>.

¹⁵ Officer Bloise, Officer Carde, Sergeant Figueroa, Sergeant Conroy, Officer Lattimer, Officer Laudato, and Sergeant Murphy were named in the February complaint. For this supplement, declarants additionally identified Sergeant Cimorelli, Sergeant Essig, Officer Eckerson, Officer Kevin LNU, Officer Griffin, Unnamed Emergency Response Team Guard (Badge No. 147), Lieutenant Kisk, and Sergeant Colby as violating detained individuals' civil rights and liberties. See Ex. C, "Cristian" Decl. ¶¶ 7–17 (Sergeant Essig, Officer Eckerson, Unmanned Emergency Response Team Guard, Lieutenant Kisk, Sergeant Colby); Ex. D, "Ernesto" Decl. ¶¶ 4–6 (Sergeant Cimorelli); Ex. E, "Felix" Decl. ¶ 10 (Sergeant Essig); Ex. F, "Gabriel" Decl. ¶ 5 (Officer Rodriguez, Sergeant Colby); Ex. I, "Narciso" Decl. ¶ 5 (Officer Kevin LNU); Ex. J, "Oliver" Decl. ¶ 10 (Officer Griffin). As was the case with the February complaint, detained people have identified other officials in addition to these officials, whose names and/or badge numbers they do not know.

I. Retaliatory Discipline and Violence Punishing Protected First Amendment Expression

“We want to be heard, but the jail wanted to intimidate us into silence. Many people fear what will happen if we initiate another hunger strike.”

–“Gabriel”¹⁶

Immigrants detained at OCCF report that OCCF continues to retaliate against and lock people in solitary confinement for advocating for their rights and for ICE’s own standards to be met,¹⁷ as well as for arbitrary reasons.¹⁸ Such practices are in clear violation of ICE’s NDS.¹⁹ Moreover, people detained at OCCF continue to fear that officers will violently retaliate against them, using excessive force in violation of the NDS.²⁰

Retaliation to silence protected First Amendment expression was described as particularly intense and persistent around February’s multi-day hunger strike, in which participants urged removal of racist officers and more tolerable conditions. In response, participants were punished with lock-ins, fines, and confiscations.²¹ The jail’s efforts to threaten detained immigrants’ free expression and protest are reportedly overt. For example, when reporter Chris McKenna of the *Times Herald-Record* visited OCCF in March, he was accompanied throughout his visit by Undersheriff Jones.²² Although a few detained people nonetheless chose to speak with McKenna, others did not. “Ernesto” reported that, while McKenna was visiting, “the jail even blocked our access to the applications we use for messaging and calling.”²³

- ***Further corroboration and testimony concerning the violent, retaliatory January 1, 2022 attack:*** With this supplement, we are attaching testimony from and the CRCL complaint of “Lazaro,” the individual who was attacked by guards on January 1, 2022, after a group of detained people attempted to speak to a sergeant about an abusive officer.²⁴ “Lazaro” described how he “was assaulted by several OCCF officers” who “came in with violence.”²⁵ “I was thrown to the ground. I felt several officers on top of me, holding me down with a lot of force. I could feel someone’s knee pushing down on the back of my neck... I felt pepper spray in my eyes... If the officers at the jail keep acting like this, I worry that someone could get killed...”²⁶
- ***First Amendment retaliation in response to the February 2022 hunger strike:*** Per the NDS, facility “staff will not harass, discipline, punish, disclose sensitive information about, or otherwise retaliate against a [detained person] lodging a complaint.”²⁷ Yet OCCF used lock-ins widely in

¹⁶ Ex. F, “Gabriel” Decl. ¶ 4.

¹⁷ Ex. D, “Ernesto” Decl. ¶ 13; Ex. E, “Felix” Decl. ¶¶ 2–4; Ex. H, “Moises” Decl. ¶ 4; Ex. A, Rosa Santana Decl. ¶ 9.

¹⁸ Ex. B, “Benjamin” Decl. ¶ 6; Ex. A, Rosa Santana Decl. ¶ 9.

¹⁹ See NDS 2019, *supra* note 4, at §§ 3.1, 4.2 (setting forth standards for Disciplinary System, including that “[d]isciplinary action may not be capricious or retaliatory,” and that facilities may not deprive detained people of food, water, clothing, bedding, correspondence privileges, or mail for punitive purposes).

²⁰ Ex. C, “Cristian” Decl. ¶ 16; Ex. G, “Lazaro” Decl. ¶¶ 5, 8; see also NDS 2019, *supra* note 4, at § 2.8 (setting forth standards for Use of Force and Restraints, authorizing force “only after all reasonable efforts to resolve a situation have failed” and prohibiting “using force against a detainee offering no resistance”).

²¹ See, e.g., Ex. D, “Ernesto” Decl. ¶¶ 12–14; Ex. E, “Felix” Decl. ¶¶ 2–4.

²² See McKenna, *supra* note 10.

²³ Ex. D, “Ernesto” Decl. ¶ 22.

²⁴ See Ex. G, “Lazaro” Decl.; Ex. K, “Lazaro” Civil Rights and Civil Liberties Compl. (Jan. 21, 2022) [hereinafter “Lazaro” Compl.].

²⁵ Ex. G, “Lazaro” Decl. ¶¶ 3–4; Ex. K, “Lazaro” Compl. 2–3 (describing how “Lazaro,” who was “violently tackled” and whose “face [was] pushed very hard to the ground” while he was restrained, pepper sprayed, and his limbs were violently pulled and chained, “was ‘so shocked by the incident’ and could only yell ‘help me’ in Spanish.”).

²⁶ Ex. G, “Lazaro” Decl. ¶¶ 4–5; Ex. K, “Lazaro” Compl. 3–4 (noting “Lazaro’s” “only explanation for the violent assault that he suffered by OCCF officers,” is “that ‘the officers attacked me... simply because I was standing apart from the rest of the group, and they wanted to scare and intimidate everyone else so that they would not raise any more complaints or protests,’ concluding that “if one complains about mistreatment at OCCF, ‘you are violently attacked and then thrown into a punishment cell for weeks’”).

²⁷ NDS 2019, *supra* note 4, at § 6.2 (specifying standards for grievance system and retaliation).

response to the February hunger strike: as “Moises” described, “[w]hen the jail figured out that there was a hunger strike, they forced *everyone* into their cells.”²⁸ Those who participated in the hunger strike were locked in their cells for seven days as punishment, having been told that if they did not “sign papers admitting guilt to breaking a bunch of jail rules” simply for exercising their First Amendment rights, they would receive this weeklong penalty.²⁹ The eleven people suspected of organizing the hunger strike were subjected to an additional five-day punishment.³⁰ Though participants refused to sign papers from the jail, “the jail found us guilty anyway,” and during the weeklong lock-in, participants “were only permitted out of [their] cells four hours per day.”³¹ Strike participants were also each issued tickets bearing \$25 fines.³² “Felix” said, “I don’t know how paying the tickets works; I don’t have any money, so how would I pay that?”³³

- ***Confiscating commissary and personal belongings, withholding other items and “privileges”:*** Detained people described the hostile, vindictive way that guards treated people protesting the jail’s conditions beyond punitive lock-ins and fines.³⁴ “From the first day, [the guards] took away our commissary, leaving us without any food,” since strikers refused the jail’s meals.³⁵ “[The guards] cuffed us to search our bodies,” effectuating invasive searches under the pretense of looking for food on strikers’ bodies.³⁶ The guards reportedly confiscated strikers’ sheets, towels, shirts, and shoes, leaving them with only a single set of sheets and two jail-issued jumpsuits.³⁷ “They turned off the hot water, disconnected and removed the microwave, and disconnected the vending machine. They took away everything,” seemingly as punishment.³⁸ The jail reportedly returned some items but also “threw away some of our belongings,”³⁹ as well as most of the confiscated food from commissary.⁴⁰
- ***Withholding food following the hunger strike as ongoing First Amendment retaliation:*** Although the NDS prohibits depriving detained people of food disciplinarily,⁴¹ people report that OCCF cut portion sizes following the hunger strike.⁴² Detained people describe being served “not enough [food] for an adult to survive”⁴³—and being “hungry throughout the day.”⁴⁴ “Cristian” said

²⁸ Ex. H, “Moises” Decl. ¶ 4 (emphasis added).

²⁹ Ex. D, “Ernesto” Decl. ¶ 13; *see also* Ex. E, “Felix” Decl. ¶ 4.

³⁰ Ex. H, “Moises” Decl. ¶ 4. “Moises” described how everyone in the unit, regardless of their participation, was locked in on the first day of the strike from 2 p.m. until 8:30 a.m. the next morning. Due to the jail’s immediate retaliatory response, “Moises” “felt very stressed by the whole situation... I was also afraid of the consequences of what would happen... I also realized that day that whether we participate [in the hunger strike] or not, we will get punished regardless.” *Id.*; *see also* Ex. A, Rosa Santana Decl. ¶ 9 (“People participating in the hunger strike were constantly afraid of the retaliatory punishment they could be subjected to, having been told by the guards that they were keeping a list of people on hunger strike.”).

³¹ Ex. E, “Felix” Decl. ¶ 4.

³² *Id.*

³³ *Id.*

³⁴ Ex. F, “Gabriel” Decl. ¶ 4 (“I was fortunate compared to others who faced the guards’ wrath. We heard that in the other unit, the guards went room by room and stashed away everyone’s commissary, locked them in, and disciplined them. The guards then came around to our unit and threatened that the same would happen to us if we continued with the hunger strike.”); *see also* Ex. B, “Benjamin” Decl. ¶ 2; Ex. D, “Ernesto” Decl. ¶ 12.

³⁵ Ex. D, “Ernesto” Decl. ¶¶ 4, 12 (naming Sergeant Cimorelli as among the officers who reportedly took people’s commissary items). Cimorelli reportedly said to someone during the hunger strike that, “I’m going on vacation; I hope when I’m back next week that they deport all of you and you’re all gone,” laying bare his animus towards the strikers. *Id.* ¶ 5; *see also* Ex. E, “Felix” Decl. ¶ 2.

³⁶ Ex. D, “Ernesto” Decl. ¶ 12.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* ¶ 14 (“This happened to me and many other people.”).

⁴⁰ Ex. E, “Felix” Decl. ¶ 3 (“This happened to me, and to many other people. We have families who send us food from outside; that food is paid for, why would you throw it away?”).

⁴¹ *See* NDS 2019, *supra* note 4, at § 3.1.

⁴² Ex. C, “Cristian” Decl. ¶ 5; Ex. E, “Felix” Decl. ¶ 5; Ex. D, “Ernesto” Decl. ¶ 16.

⁴³ Ex. G, “Lazaro” Decl. ¶ 16.

⁴⁴ Ex. C, “Cristian” Decl. ¶ 5 (“At least twice a week, the meal is a single baloney sandwich.”); *see also* Ex. E, “Felix” Decl. ¶¶ 5–6 (“We get bologna, pasta that is cold and congealed, and a hamburger bun cut in half. Not only that, I have also heard that the

that, since the hunger strike, officers in his unit are giving people only a few minutes to eat at mealtime—“barely enough time to retrieve your tray, maybe reheat your food, if you’re lucky, start eating back in your cell, next to your toilet, where you’re forced to eat. And then when you’re still chewing your food, the officers are coming around telling you it’s over, that they’re there to recollect your tray.”⁴⁵

- ***Withheld communication in response to protected First Amendment-protected expression:*** People reported that OCCF seems to target, limit, and surveil communications in response to efforts to organize against the jail’s treatment.⁴⁶ “Felix” described how, after the hunger strike ended, “the jail blocked the messaging system on the tablets we use for four days... After that, the application was modified: the icon and way of sending messages is a bit different now... maybe to be able to more closely monitor our communications with people outside.”⁴⁷ Inconsistent tablet access and the “inaccessibly high price for phone calls” make it “even harder for detained people to stay in touch with their loved ones.”⁴⁸
- ***Arbitrary, punitive use of solitary confinement:*** People detained at OCCF continue to report being forced to spend most of their waking hours locked in their cells alone, time effectively in solitary confinement that is often increased on officers’ whims.⁴⁹ Some officers “constantly threaten[] us with lock-ins.”⁵⁰ A Emergency Response Team Officer No. 147 reportedly “yells at and locks people in for getting ice or asking for juice at meal time, which we’re allowed to have,” and locked a detained person in for, in the officer’s words, “being a fag.”⁵¹ “Cristian” also described an incident wherein Officer No. 147 appeared to have spilled water outside of an individual’s cell, claimed that person spit at him, and then forged that person’s signature on a disciplinary slip to justify locking him in all day.⁵² OCCF also abusively misused solitary confinement against “Oliver,” who was subjected to prolonged isolation after he reported a hateful statement about his religion.⁵³ Most recently, six men were reportedly punished via an extended five day locked-in, and an entire unit was locked up for the rest after the day after a man was targeted by Sergeant Colby for wearing a makeshift sweatband while working out.⁵⁴

kitchen has bologna that expired in 2019 in the freezer, and that we are being served this expired meat. The people in this unit are grown men; we have hearty appetites.”). An individual was even told that “the kitchen staff were also instructed to make the serving portions very small after the hunger strike,” presumably as a form of retaliation. Ex. D, “Ernesto” Decl. ¶ 16.

⁴⁵ Ex. C, “Cristian” Decl. ¶ 4.

⁴⁶ Ex. E, “Felix” Decl. ¶ 10.

⁴⁷ *Id.*

⁴⁸ Ex. A, Rosa Santana Decl. ¶ 8. Out of desperation, some detained people steal one another’s minutes for phone calls, and when people report this to sergeants, sergeants “reportedly do not do anything about these security breaches in the commissary system.” *Id.*

⁴⁹ Ex. B, “Benjamin” Decl. ¶ 6 (“Officers will sometimes punish us with lock-ins for no reason. And the officers still have rules that don’t make sense. For example, some officers will let us have a cup of tea or coffee in the day room, where there are tables to sit. Others will not.”); *see also* Ex. D, “Ernesto” Decl. ¶ 3 (describing how another detained person “was shocked at how badly we are treated—that we are locked in so frequently”); Ex. G, “Lazaro” Decl. ¶ 12 (describing how punitive lock-ins are particularly punishing since people at OCCF “spend more time in our cells than we do outside... “[i]t hurts us psychologically to be isolated all the time like this.”).

⁵⁰ Ex. D, “Ernesto” Decl. ¶ 7; *see also* Ex. C, “Cristian” Decl. ¶ 10 (“Officer Eckerson will... yell at us things like, ‘if you keep the noise up, I’m going to lock all of you mother fuckers in,’ when we aren’t being loud at all”); Ex. A, Rosa Santana Decl. ¶ 9 (“People detained at OCCF continue to live in fear of punitive solitary confinement. They describe how they continue to be threatened to be locked up for ten days for eating in the ‘wrong’ places, putting a cup of water on the tables in their cells, or sharing any item with others.”).

⁵¹ Ex. C, “Cristian” Decl. ¶ 11.

⁵² *Id.* ¶¶ 12–13. (“Officer #147 locked the man up all day, and I heard didn’t even let him out when his attorney called him. That really bothered me—being able to speak to our attorneys is one of the only rights we have, or at least, that I thought we have.”).

⁵³ Ex. J, “Oliver” Decl. ¶¶ 2–9; *see also* Ex. A, Rosa Santana Decl. ¶ 9 (“Recently, a [hotline] caller who was being bullied... and was not being protected by the guards was transferred... into the criminal jail section of OCCF. After he questioned why he was transferred into the criminal jail, he was put in protective custody—which at OCCF means solitary confinement. This experience has been deeply damaging to his mental health, so much so that he is considering signing his deportation order.”).

⁵⁴ Ex. C, “Cristian” Decl. ¶¶ 14–17. “Cristian” described that after yelling at the man for wearing a sweatband, “Sergeant Colby then announced that *everyone* would have to lock in for the rest of the day, so that he could do an ‘investigation,’ because he said

- ***Fear of the next retaliatory attack:*** Many detained people witnessed and heard about the January 1, 2022, attack of a detained person and the February 5, 2022, assault of another detained person by the guards, feeding a prevailing sense of unsafety.⁵⁵ Understanding that at any moment, a group of guards could mean grave danger, “Cristian” reported telling other detained people to go back to their cells as soon as he heard a sergeant calling for backup—since he “knew that the guards could quickly get violent... I didn’t want anyone to get hurt or attacked.”⁵⁶
- ***Lasting physical injuries resulting from retaliatory violence:*** L.G.C., the detained individual who was reportedly violently tackled and assaulted by a group of guards after being provoked by Officer Bloise,⁵⁷ reports experiencing continued physical pain over a month after enduring this attack.⁵⁸ L.G.C. described ongoing pain in his shoulder, waist, and chest, caused by this assault.⁵⁹

II. Medical Neglect and Abuse

“The medical unit is terrible. Since I have been here, I haven’t been outside; I haven’t seen the sun, I haven’t breathed fresh air. Before, in the other unit, when I was doing my job, I could kill time. Now, time kills me.”
 –“Oliver”⁶⁰

The pattern and practice of medical indifference at OCCF—which violate constitutional protections⁶¹ and the NDS⁶²—have made detained people fear that ICE and OCCF do not care about their lives.⁶³ Multiple accounts confirm that requests for medical attention regularly go unanswered,⁶⁴ and medical treatment is often delayed and inadequate.⁶⁵ “Benjamin” laments, “[I]t feels like we have to beg to

we were ‘resisting,’ which wasn’t true. I heard the Sergeant calling for back up, and knew that the guards could quickly get violent... I didn’t want anyone to get hurt or attacked. We weren’t released from our cells until the next day. The six men who had been working out were given disciplinary hearings, they were locked in for five days, which is messed up. The guards provoke us for any reason.” *Id.* ¶¶ 15–17; *see also* Ex. F, “Gabriel” Decl. ¶ 6.

⁵⁵ Feb. Compl. 6–7.

⁵⁶ Ex. C, “Cristian” Decl. ¶ 16.

⁵⁷ Feb. Compl. Ex. I, “Dario” Decl. ¶¶ 13–19, Ex. K, “Felix” Decl. ¶¶ 6–8.

⁵⁸ *See* Ex. L, Excerpted Medical Records for L.G.C. (describing injuries related to the February 5, 2022 assault and the ongoing pain that L.G.C. experienced from this incident, from Feb. 5, 2022–Mar. 29, 2022).

⁵⁹ *Id.*

⁶⁰ Ex. J, “Oliver” Decl. ¶ 24.

⁶¹ *See generally Estelle v. Gamble*, 429 U.S. 97 (1976).

⁶² *See* NDS 2019, *supra* note 4, at 112 (Standard 4.3, Medical Care) (stating that detained people should receive “medically necessary and appropriate medical, dental and mental health care and pharmaceutical services,” as well as “timely responses to medical complaints”).

⁶³ Ex. G, “Lazaro” Decl. ¶¶ 9–11 (“This makes us feel like the jail staff and ICE do not care about our health—like we don’t matter.”); Ex. E, “Felix” Decl. ¶ 13 (“The medical care here continues to be bad. It feels like the medical staff don’t care about our lives, and that they call us back just to say that they responded to our sick calls”); Ex. I, “Narciso” Decl. ¶ 11 (“When I eventually saw medical staff around November 2021, a month after being at OCCF, I did not feel like they really cared about my well-being.”).

⁶⁴ Ex. G, “Lazaro” Decl. ¶ 9 (“The medical care here is just paper. If you want to see a doctor, you have to fill out several papers before they will see you. I have done this many times, but it’s hard to get an appointment.”); Ex. I, “Narciso” Decl. ¶ 9 (“I even asked the nurse directly for medical attention, but she was indifferent to my needs. She said she couldn’t do anything for me, that I had to submit a request. When I explained that I had been submitting requests, she said that I had to wait.”); Ex. A, Rosa Santana Decl. ¶ 6 (“At OCCF, it can take up to a month for a sick call request to be answered.”); *see also* .Decl. ¶ 5; Ex. D, “Ernesto” Decl. ¶ 21.

⁶⁵ Ex. J, “Oliver” Decl. ¶ 12 (“I have experienced many horrors with the medical care at OCCF.”); Ex. E, “Felix” Decl. ¶¶ 12–17 (“People here would rather just deal with pain they have than seek medical care, because all the medical staff do is give us Tylenol. They don’t properly treat people’s medical problems.”); Ex. D, “Ernesto” Decl. ¶ 18 (“It took over a month for me to even have the opportunity to request a [REDACTED], just to be denied that simple but essential thing.”); Ex. I, “Narciso” Decl. ¶ 13 (“I was using the eye dropper and my eyes were improving, but all of a sudden, they took the eye drops away from me in January 2022 without any explanation. When I pleaded with them that my eyes are still red and irritated and that I still needed the eye drops, they just ignored me. They said that my treatment had concluded.”); Ex. C, “Cristian” Decl. ¶ 20 (“The quality of medical care hasn’t changed or improved at all here. The medical staff continue to say they’re backed up, they have a long list, they don’t have enough faculty.”).

get medical care.”⁶⁶ These latest reports indicate that ICE and OCCF remain in clear violation of the agency’s own detention standards requiring comprehensive, routine and preventative health care, specialty health care, timely responses to medical complaints, among other forms of access to appropriate medical, dental, and mental health care.⁶⁷

- **Mismanagement of chronic conditions:** OCCF’s disregard for medical care continues to be described as particularly egregious in cases of severe pain and other chronic conditions, such as diabetes, hypertension, and obesity. “Lazaro” reports that detained people with diabetes and other chronic illnesses “go without medicine for periods of time.”⁶⁸ Medical staff reportedly fail to adequately examine people with chronic pain.⁶⁹ “Felix” recounts one person who was experiencing persistent pain in the back of his head who was told by medical staff to “drink water.”⁷⁰ “Cristian” and “Oliver” recount being denied access to assistive devices to help with their mobility and pain management.⁷¹ Such indifference to chronic conditions can carry serious risks.⁷²
- **Inadequate mental health care:** Detained people report lack of access to mental health services and support.⁷³ “Felix” recounts that one person in detention lost a parent recently. Although this individual, shattered by their loss, wanted to participate in grief counseling or group therapy, OCCF “do[es]n’t have anything like that...”⁷⁴ As with medical care, delays in treatment and medication seemingly characterize mental health care at OCCF.⁷⁵
- **Inattention to nutritional requirements and foodborne illnesses:** Several individuals recount that detained people regularly experience stomach pain and other symptoms of foodborne illness, to the point that “[m]any people were losing weight and becoming skinny.”⁷⁶ “Cristian” reports that “medical used to give [people] Tums to deal with stomach pain, but they don’t anymore.”⁷⁷ Tums is an antacid that may help alleviate symptoms, but does not constitute treatment of underlying illness.⁷⁸ When detained people have sought medical attention for stomach pain, their requests have been ignored.⁷⁹ As “Benjamin” notes, in spite of clear evidence of foodborne diseases at OCCF,

⁶⁶ Ex. B, “Benjamin” Decl. ¶ 5.

⁶⁷ See NDS 2019, *supra* note 4, at 112.

⁶⁸ Ex. G, “Lazaro” Decl. ¶¶ 9; *see also* Ex. E, “Felix” Decl. ¶ 15.

⁶⁹ Ex. E, “Felix” Decl. ¶¶ 14, 15 (“For example, in my case,...I asked to see a doctor for [REDACTED] pain. The doctor did not examine me, but just said, “Oh, it’s the [REDACTED].” How can they say that? How do they know what pain I’m experiencing without giving me an examination?”).

⁷⁰ *Id.* ¶ 15.

⁷¹ Ex. C, “Cristian” Decl. ¶ 18 (“I asked for a [REDACTED] since I experience [REDACTED] pain, but they said that they can’t provide that for me...I was at another facility before this, and they provided me with a [REDACTED], no problem.”); Ex. J, “Oliver” Decl. ¶ 21 (“I also asked the doctor for a [REDACTED], because I was having trouble moving around. In the medical unit, there are no tables in the cells, so it’s very hard to pass the time reading or writing, because you have nowhere to do it. And you only get one hour per day for exercise and walking around. That’s why I asked for the [REDACTED], so I could be brought outside once per day. My request was denied, and they gave me a [REDACTED] instead.”).

⁷² See New York Lawyers for the Public Interest, Still Detained and Denied: The Health Crisis in Immigration Detention Continues, <https://nylpi.org/wp-content/uploads/2020/04/NYLPI-report-Detained-Denied.pdf> (last accessed Apr. 7, 2022).

⁷³ Ex. E, “Felix” Decl. ¶ 16.

⁷⁴ *Id.* ¶ 16.

⁷⁵ *Id.*

⁷⁶ Ex. I, “Narciso” Decl. ¶ 14; *see also* Ex. C, “Cristian” Decl. ¶ 21 (“A lot of people here have stomach problems from the food.”); *see also* Ex. B, “Benjamin” Decl. ¶ 4 (“The food gives us stomach pain. This has happened to me; I have gotten sick from eating the food.”).

⁷⁷ Ex. C, “Cristian” Decl. ¶ 21.

⁷⁸ See generally *Tums -- Uses, Side Effects, and More*, WEBMD, <https://www.webmd.com/drugs/2/drug-9574/tums-oral/details#:~:text=This%20medication%20is%20used%20to,of%20acid%20in%20the%20stomach.&text=Check%20the%20in%20ingredients%20on%20the,have%20used%20the%20product%20before> (last accessed Apr. 6, 2022).

⁷⁹ Ex. C, “Cristian” Decl. ¶ 21 (“Now we have to put in a sick call for our stomach pain, but it takes over a month to be seen.”); Ex. B, “Benjamin” Decl. ¶ 5 (“We have asked for medical attention because of the stomach issues caused by the food, but the doctors don’t listen.”).

even if the doctors see us, [OCCF] do[es]n't do anything to change the unhealthy food we are given.”⁸⁰

- **Failure to provide medical attention following toxic exposure:** In mid-February 2022, a cell flooded after a sprinkler burst, which OCCF did not turn off for over four hours.⁸¹ The entire unit was flooded with black water that smelled like grease, which soaked and destroyed detained people’s clothing, beds, and personal belongings.⁸² Detained people were forced to clean up the water, which had risen up to their knees, while they expressed fear that the “black and putrid” water was “full of toxic chemicals.”⁸³ Following this incident, several callers to the Envision Freedom Fund hotline reported that “their bodies were itching, and their skin was irritated and inflamed. “They described that their skin appeared to be having allergic reactions to the water and to their wet clothing. These people requested medical attention, but did not receive any.”⁸⁴
- **Inattentive medical care following work-related injuries:** “Oliver” recounted several instances in which he sustained workplace injuries, but OCCF failed to provide appropriate follow-up care.⁸⁵ On one occasion, he was given first aid immediately after the accident, but reported, “that is where my medical care for this incident ended. The next day, no one called me; no one looked at my [REDACTED].”⁸⁶ A few months later, “Oliver” suffered a terrible accident.⁸⁷ While performing job-related duties, he fell into a hole in the floor, which had been left exposed by OCCF and its contractors for at least a month.⁸⁸ He was severely injured.⁸⁹ The following day, “Oliver” was escorted by wheelchair to the medical unit.⁹⁰ He recounted that, “[a]lthough the jail staff told me the purpose of being in the medical unit was so my condition could be monitored, I have not been able to access treatment here.”⁹¹
- **Egregious Mismanagement during the COVID-19 pandemic:** The lapses in medical care described herein are especially alarming in light of the COVID-19 pandemic. Additional accounts of detained and formerly detained individuals reemphasize that being held at OCCF during the pandemic has been “stressful”⁹² and “traumatizing.”⁹³ “Ernesto” noted that in the time that he’s been at the facility, he has only received two masks.⁹⁴ When ICE visited a few weeks ago, “Ernesto” recalled being instructed to sign a form confirming that he received masks.⁹⁵ “It seems like ICE and the jail are trying to make it look like they’ve solved problems they haven’t really solved,” he said.⁹⁶ When “Oliver” contracted COVID-19, he was placed in highly restrictive medical quarantine, in which he was only let out once per day to shower and the food regularly arrived late and cold.⁹⁷ Despite the fact that he had COVID-19 and needed treatment for his symptoms, “it was very hard to get medical care. The doctor never came.”⁹⁸

⁸⁰ Ex. B, “Benjamin” Decl. ¶ 5.

⁸¹ Ex. A, Rosa Santana Decl. ¶¶ 3–6.

⁸² *Id.* ¶¶ 3–6.

⁸³ *Id.* ¶ 5.

⁸⁴ *Id.* ¶ 6.

⁸⁵ Ex. J, “Oliver” Decl. ¶¶ 13–23.

⁸⁶ *Id.* ¶ 13.

⁸⁷ *Id.* ¶¶ 16–23.

⁸⁸ *Id.* ¶¶ 16–17.

⁸⁹ *Id.* ¶ 17.

⁹⁰ *Id.* ¶ 19.

⁹¹ *Id.*

⁹² Ex. I, “Narciso” Decl. ¶ 13 (“It was stressful being at OCCF during the pandemic. I was worried for my health.”).

⁹³ Ex. G, “Lazaro” Decl. ¶ 11 (“People with COVID have been forced to stay in their cells in the unit for fourteen days. That is traumatizing.”)

⁹⁴ Ex. D, “Ernesto” Decl. ¶ 19.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Ex. J, “Oliver” Decl. ¶ 14 (“We were only let out once per day to get a shower, always at different times of day. For the [REDACTED] days I was in quarantine, I was only permitted to clean my cell once. The food was always late—thirty or forty minutes, even an hour, for both lunch and dinner.”).

⁹⁸ *Id.* ¶ 15

III. Racism, Religious Discrimination, and Homophobia

“The guards continue to mistreat us. The only thing that has changed is that some of the officers were swapped out for new ones. . . . The new guards are racist, too.”
—“Cristian”⁹⁹

People detained at OCCF report continued racism and religious discrimination carried out by jail officers. These abuses persist even though detained people are entitled to “[t]he right to protection from personal abuse . . . and harassment,” as well as “[t]he right to freedom from discrimination based on race, religion, [and] sexual orientation”¹⁰⁰

According to people detained at OCCF, the facility has maintained an entrenched culture of racism. Although OCCF reportedly removed two officers from the immigration unit,¹⁰¹ Undersheriff Jones characterized the reshuffling as “standard procedure,” rather than a response to widespread reports of racism within the ranks of OCCF officers. This dismissiveness indicates, at best, a failure to properly screen and investigate OCCF officers for extremist ties, and, at worst, a culture that embraces such views. Moreover, staffing changes notwithstanding, detained people described ongoing:

- **Racist, xenophobic hostilities:** Detained people reported persistent racist, xenophobic insults and behavior from officers.¹⁰² Additionally, Spanish-speaking individuals described continued harassment and punishments—including lock-ins—simply for speaking Spanish.¹⁰³ As “Cristian” explained, “The new guards . . . mockingly speak Spanish to make fun of Spanish-speakers.”¹⁰⁴ He described how one officer’s “tone change[s]”—“he raises his voice and curses a lot”—when he speaks to Spanish-speakers, particularly darker-skinned Spanish-speakers.¹⁰⁵
- **Homophobic verbal abuse:** Although the NDS purportedly protect detained people from abuse and harassment, as well as discrimination on the basis of sexual orientation,¹⁰⁶ “Cristian” reported witnessing an officer lock someone in for, in the officer’s words, “being a fag.”¹⁰⁷ The officer reportedly uses this slur regularly against detained people, and, in general, “uses really aggressive language with [detained people], often cursing at [them] and telling [them] to ‘fuck off.’”¹⁰⁸
- **Targeted religious harassment:** “Oliver” described being “pick[ed] on” by an officer because of his faith, and noted that he had seen people of a different faith subjected to similar treatment.¹⁰⁹ In one case, he witnessed an officer ticket a man “for wearing flip-flops to the shower to wash his feet before prayer.”¹¹⁰

⁹⁹ Ex. C, “Cristian” Decl. ¶¶ 7, 9.

¹⁰⁰ NDS 2019, *supra* note 4, at 95; *see also id.* at 100 (specifying that “ICE/ERO requires all facilities to provide [detained people] requesting a religious diet reasonable and equitable opportunity to observe their religious dietary practice”).

¹⁰¹ *See* Venugopal, *supra* note 8.

¹⁰² Ex. H, “Moises” Decl. ¶ 8 (“There is [a] guard that is still using racist language towards us.”); *see also* Ex. A, Rosa Santana Decl. ¶ 7 (“[T]he guards continue to treat detained immigrants with racist hostilities”); Ex. G, “Lazaro” Decl. ¶ 8 (“The problem at this jail is racism toward immigrants. The officers want to intimidate and manipulate us”). A new officer reportedly feigns disgust when detained people attempt to speak with him, backing away. Ex. B, “Benjamin” Decl. ¶ 8 (“It feels like he is racist and does not want to be near immigrants.”).

¹⁰³ Ex. I, “Narciso” Decl. ¶ 6 (describing incidents in which he and others attempted to speak to Officer Carde and another officer in Spanish, who would “get really upset” and even “write [people] up or lock them in”); *see also* Ex. C, “Cristian” Decl. ¶ 9.

¹⁰⁴ Ex. C, “Cristian” Decl. ¶ 9.

¹⁰⁵ *Id.* ¶ 11.

¹⁰⁶ NDS 2019, *supra* note 4, at 95.

¹⁰⁷ Ex. C, “Cristian” Decl. ¶ 11.

¹⁰⁸ *Id.*

¹⁰⁹ Ex. J, “Oliver” Decl. ¶ 10.

¹¹⁰ *Id.* ¶ 11 (noting that “[t]he prison rules say you can only be in flip-flops when going to the shower,” and the man tried to “explain[] that he was going to the shower to wash up before prayer, but Officer Griffin ignored him”).

- **Denial of appropriate food and space for religious services:** Despite ICE’s own standards requiring that facilities provide detained people “reasonable and equitable opportunity to observe their religious dietary practice,”¹¹¹ people detained at OCCF reported continued challenges accessing food consistent with their religious practice,¹¹² as well as denial of space for religious services—even after “[a]n ICE representative . . . promised” in November 2021 “to help” identify such a space.¹¹³

IV. Abuse of Power and Culture of Impunity

“[Sergeant Cimorelli] has been coming to our unit for a long time . . . but his behavior has gotten worse. It seems like, because the jail didn’t move him off the ICE unit, he feels more powerful, like he can’t get in trouble.”

–“Ernesto”¹¹⁴

People detained at OCCF report that the environment remains terrorizing and humiliating. Abuses of power continue to be characterized as endemic throughout the chain of command—seemingly without consequence for individual officers or for the facility as a whole. Detained people highlighted persistent:

- **Verbal abuse:** The NDS provide that detained people should be free of “personal abuse . . . and harassment.”¹¹⁵ Yet officers reportedly use insulting and offensive language and gestures, apparently in an effort to provoke detained people.¹¹⁶ “Felix” recounted how, when detained people have attempted to speak with a sergeant about the poor quality of the food, he has responded by “say[ing] things like, ‘Shut your fucking mouth’ and ‘shut the fuck up.’”¹¹⁷ In describing such behavior, “Felix” remarked that he thought it “notable that the officers who have treated [detained people] the worst are the ones of higher rank.”¹¹⁸
- **Arbitrary rules and punishments:** Detained people reported no changes in OCCF’s dehumanizing rules. To the contrary, they described recurrent denial of recreation time,¹¹⁹ access to tablets,¹²⁰ personal care items sent by their families,¹²¹ and use of the laundry machines¹²² and microwave¹²³—all without reason, and often accompanied by threats of lock-in.¹²⁴ “Moises” noted that these rules

¹¹¹ NDS 2019, supra note 4, at 100.

¹¹² Ex. J, “Oliver” Decl. ¶ 14.

¹¹³ Ex. H, “Moises” Decl. ¶ 11.

¹¹⁴ Ex. D, “Ernesto” Decl. ¶ 4.

¹¹⁵ NDS 2019, supra note 4, at 95.

¹¹⁶ Ex. C, “Cristian” Decl. ¶ 17 (“The guards provoke us for any reason.”); Ex. D, “Ernesto” Decl. ¶ 6 (“When Sergeant Cimorelli walks outside of our cells while we are waiting for food at our cell doors during mealtimes, he will look at us and hold up his middle finger on the side of his face and laugh.”); Ex. E, “Felix” Decl. ¶ 12 (“[I]t feels like [Sergeant Essig] is trying to get us to react when he talks to us.”); Ex. H, “Moises” Decl. ¶ 8 (“This one guard locks us in, speaks to us however he wants, and uses insulting language.”).

¹¹⁷ Ex. E, “Felix” Decl. ¶ 12; see also Ex. C, “Cristian” Decl. ¶ 10; Ex. I, “Narciso” Decl. ¶ 5 (describing overhearing Officer Carde saying, “I hate this fucking guy” about a detained person, and recalling that he “could sense only hatred from [Carde]”).

¹¹⁸ Ex. E, “Felix” Decl. ¶ 11.

¹¹⁹ Ex. D, “Ernesto” Decl. ¶ 7 (reporting that, whenever a particular officer is on shift, he cuts recreation time by thirty minutes of a total period of one hour and fifteen minutes); see also Ex. H, “Moises” Decl. ¶ 8.

¹²⁰ Ex. C, “Cristian” Decl. ¶ 7 (“[The new guards] won’t let us use the tablets when we’re allowed to unless they decide that they want to let us.”); see also Ex. D, “Ernesto” Decl. ¶ 7; Ex. H, “Moises” Decl. ¶ 5.

¹²¹ Ex. F, “Gabriel” Decl. ¶ 11 (“[M]y family sent me six pairs of socks and three boxer briefs. The jail gave me only [the] pairs of socks, and I never received . . . the boxer briefs. They told me I can’t have too much stuff in my cell . . .”).

¹²² Ex. D, “Ernesto” Decl. ¶ 7.

¹²³ Ex. H, “Moises” Decl. ¶ 8; see also Ex. D, “Ernesto” Decl. ¶ 7.

¹²⁴ Ex. A, Rosa Santana Decl. ¶ 9; see also Ex. B, “Benjamin” Decl. ¶ 6; Ex. D, “Ernesto” Decl. ¶ 7.

appear to vary from officer to officer.¹²⁵ As described in Section I, *supra*, such arbitrary rules often lead to punitive solitary confinement.¹²⁶

- **Efforts to frustrate reporting and transparency:** Offices appeared to discourage reporting, such as by wearing outfits that do not include name badges.¹²⁷ In the same vein, “Lazaro” explained that “officers want to intimidate and manipulate [detained people]: they will say things like, ‘Your conduct matters. If you act up, it will affect your immigration case.’ . . . It makes people afraid to speak out.”¹²⁸ “Ernesto” also described an apparent effort to obfuscate OCCF’s poor conditions, noting that, in the days preceding a journalist’s visit, OCCF had detained individuals thoroughly clean vacant cells and then had a photographer photograph those cells.¹²⁹ “Ernesto” said he “wish[ed] the photographer . . . could have taken pictures of the cells [detained people] actually live in, which are in much worse condition.”¹³⁰
- **Culture of impunity:** Some officers reportedly have expressed that they are immune to consequence: a sergeant has told detained people, for example, “You can’t do anything to me; I’m the boss of a jail.”¹³¹ As described in Section I, *supra*, an officer reportedly falsely accused a detained person of spitting at him, and proceeded to “forge[] [the detained person’s] signature on a disciplinary hearing slip and lock[] him in as punishment.”¹³² Detained people lamented this culture of impunity; “Oliver” commented, for example, “This jail is full of horrors, and nobody faces any consequences.”¹³³

V. Other Violations of Health and Safety Standards due to Deplorable Conditions

“During the hunger strike, a woman from ICE...promised us that the jail would change the food within three weeks and that we would be treated better. Now, it’s almost more than a month later and nothing has changed—the food is the same or even worse... [The food] looks like vomit. It makes me feel sick.”
—“Ernesto”¹³⁴

People detained at OCCF continue to report suffering in unsanitary, unsafe conditions.¹³⁵ These issues persist despite ICE’s empty promise to remedy conditions¹³⁶ and the agency’s manifold violations of

¹²⁵ Ex. H, “Moises” Decl. ¶ 8; *see also* Ex. B, “Benjamin” Decl. ¶ 6 (“[T]he officers still have rules that don’t make sense. For example, some officers will let us have a cup of tea or coffee in the day room, where there are tables to sit. Others will not.”).

¹²⁶ *See* Section I, *supra*; *see also* Ex. C, “Cristian” Decl. ¶¶ 14–17; Ex. F, “Gabriel” Decl. ¶ 6.

¹²⁷ Ex. D, “Ernesto” Decl. ¶ 2 (noting that “officers in the unit now wear shirts that say ‘ERT’ on them, and they don’t seem to have badges that show their names”).

¹²⁸ Ex. G, “Lazaro” Decl. ¶ 8; *see also* Ex. D, “Ernesto” Decl. ¶ 20 (stating that, when a journalist came to OCCF, “Sergeant Cimorelli was looking at [detained people] in a very intimidating way, like he was trying to communicate that he didn’t want us to say anything”).

¹²⁹ Ex. D, “Ernesto” Decl. ¶ 21.

¹³⁰ *Id.*; *see also* Ex. M, Photographs of OCCF from *Times Herald-Record*.

¹³¹ Ex. D, “Ernesto” Decl. ¶ 5; *see also id.* ¶ 7 (stating that, when detained people indicated they planned to report an officer, he replied, “I don’t care, report me,” and it “seem[ed] that he [felt] he [would] not face any consequences”).

¹³² *See* Section I, *supra*; *see also* Ex. C, “Cristian” Decl. ¶ 12.

¹³³ Ex. J, “Oliver” Decl. ¶ 26; *see also* Ex. G, “Lazaro” Decl. ¶ 18 (“[I]t seems like no one is really responsible for the terrible things that are happening here. No one is responsible that I was beaten by the guards. No one is responsible that the guards threaten and intimidate us. How can that be?”) Ex. I, “Narciso” Decl. ¶ 8 (“[W]henever we tried to raise a complaint or file a grievance, OCCF would ignore the requests. OCCF does not believe us.”).

¹³⁴ Ex. D, “Ernesto” Decl. ¶ 15.

¹³⁵ Ex. B, “Benjamin” Decl. ¶ 9; Ex. F, “Gabriel” Decl. ¶ 8; Ex. G, “Lazaro” Decl. ¶ 15; Ex. A, Rosa Santana Decl. ¶ 7.

¹³⁶ Ex. E, “Felix” Decl. ¶¶ 8–9 (“A woman from ICE came to talk to us... She made promises she didn’t keep. She came here and she told us that, if we ate, things would change... It has been a month and nothing has changed... The conditions are the same.”); *see also* Ex. B, “Benjamin” Decl. ¶ 2; Ex. C, “Cristian” Decl. ¶ 6; Ex. D, “Ernesto” Decl. ¶¶ 15, 18; Ex. F, “Gabriel” Decl. ¶ 3.

its own NDS in failing to make urgent improvements.¹³⁷ As a consequence of such degrading conditions, detained people describe feeling “depressed, humiliated, and psychologically damaged.”¹³⁸

- **Scarce and terrible food:** Detained people report that no improvements have been made to the food; they are still served the “same terrible meals”¹³⁹ again and again, “like food for a dog.”¹⁴⁰ Further, “[s]ince the hunger strike ended, the food has gotten even worse.”¹⁴¹ “Because the food is so awful, most people rely on commissary food” to survive.¹⁴² However, the high prices for commissary items are prohibitive for many detained people, and “the prices have been going up... Coffee is now \$5.75.”¹⁴³ “Felix” estimated that “the average [person detained at OCCF] has to spend \$70 per week on commissary food... we have to buy food or else we go hungry.”¹⁴⁴ Moreover, “[s]ome people...don’t have family who can send them money to buy food from commissary. That’s a very desperate situation because you can’t live on the food we get here.”¹⁴⁵
- **Freezing temperatures:** People detained at OCCF continue to report that the temperatures are kept so cold that they “can’t sleep at night”¹⁴⁶ and wake up with “body aches due to the cold.”¹⁴⁷ As “Lazaro” described, “[t]wenty-four hours a day, the air conditioner is on. It is even more noticeable because we have to spend so much time locked in the cells.”¹⁴⁸
- **Lack of access to cleaning supplies and personal care:** Detained people report not having access to cleaning supplies or personal care at OCCF, forced to live in dirty, degrading conditions.¹⁴⁹ “Cristian” reported that, “[t]he jail continues to cut off any access to cleaning supplies,” particularly disturbing in light of the “ongoing COVID pandemic, allergy season, and the flu.”¹⁵⁰ People report that, though they “have requested several times that OCCF send a barber,” they “haven’t had a barber visit the unit for months.”¹⁵¹ Detained people also report “that there might be chlorine or some other type of chemical in the [shower] water because our eyes are always irritated after we shower.”¹⁵² A detained person reported to the Envision Freedom Fund’s hotline that there is “no hot water in the showers now, and they are forced to take freezing showers in moldy cells.”¹⁵³

¹³⁷ See NDS 2019, *supra* note 4, at §§ 1.1, 4.1, 4.4, 5.1, 5.2 (setting forth standards for Environmental Health and Safety, Food Service, Personal Hygiene, Correspondence and Other Mail, and Recreation). Among other violations of these NDS requirements, ICE and OCCF have failed to “ensure appropriate temperature [and] air and water quality;” to “provide [detained people] with nutritious, attractively presented meals;” and to “provide[] clean clothing, linen, blankets, and towels...” *Id.* Disturbingly, ICE has also violatively “reduced or changed or used [food] as a disciplinary tool...” *Id.*

¹³⁸ Ex. F, “Gabriel” Decl. ¶ 13.

¹³⁹ Ex. C, “Cristian” Decl. ¶ 5.

¹⁴⁰ Ex. B, “Benjamin” Decl. ¶ 3. See also Ex. E, “Felix” Decl. ¶ 6 (“I’ve noticed that there is a menu posted on a bulletin board in the day room that shows what food we are supposed to be served. I don’t think that menu has anything to do with the food we are actually served. The menu includes fruit. I have not had any fruit since I got here. I think that is just the menu shows people outside, to say that we are eating well.”).

¹⁴¹ Ex. E, “Felix” Decl. ¶ 5; see also Ex. B, “Benjamin” Decl. ¶ 3.

¹⁴² Ex. D, “Ernesto” Decl. ¶ 17; Ex. A, Rosa Santana Decl. ¶ 10 (“The commissary prices are unaffordably high, and continue to rise. It is very hard for detained people to purchase food from commissary, and they describe suffering from hunger throughout the day.”).

¹⁴³ Ex. D, “Ernesto” Decl. ¶ 17.

¹⁴⁴ Ex. E, “Felix” Decl. ¶ 6.

¹⁴⁵ Ex. G, “Lazaro” Decl. ¶ 16.

¹⁴⁶ Ex. B, “Benjamin” Decl. ¶ 9.

¹⁴⁷ Ex. A, Rosa Santana Decl. ¶ 7.

¹⁴⁸ Ex. G, “Lazaro” Decl. ¶ 15.

¹⁴⁹ Ex. C, “Cristian” Decl. ¶ 22; Ex. D, “Ernesto” Decl. ¶ 9; Ex. H, “Moises” Decl. ¶ 10.

¹⁵⁰ Ex. C, “Cristian” Decl. ¶ 22.

¹⁵¹ Ex. D, “Ernesto” Decl. ¶ 9 (Tired of waiting, “[w]e asked if one of us could do haircuts, and a lieutenant told us, ‘No, you all are criminals. I am not going to let one of you give haircuts.’”); see also Ex. H, “Moises” Decl. ¶ 10 (describing how it’s been a month and a half since anyone has cut their hair).

¹⁵² Ex. F, “Gabriel” Decl. ¶ 8. “Gabriel” also described “metal particles floating in the [hot] water,” since the jail does not clean the water heater. “When we use the hot water for coffee, there is a metallic taste to it.” *Id.* ¶ 10.

¹⁵³ Ex. A, Rosa Santana Decl. ¶ 7.

- **Exposure to unsafe conditions:** Following the flood described in Section II, *supra*, detained people were forced to wear their soaked, filthy clothing until the next day, when the jail finally gave them dry clothing—at which point several people already reported dermal inflammation.¹⁵⁴
- **Mail delays and withheld communication:** People described two-week to month-long delays for mail both from their families and attorneys.¹⁵⁵ “Gabriel” said that “when we receive care packages from our families, the jail sometimes refuses to give us everything...”¹⁵⁶ The tablets detained people rely on for communication and entertainment “lose charge quickly,” and “[i]f we ask the officers to charge the tablets...some officers will refuse, and say that...we won’t get it back until the next morning. It’s hard to go out without the tablets; there is no other way to pass the time.”¹⁵⁷

VI. Recommendations

In light of the ongoing violations of detained individuals’ rights and liberties, we request a **response in writing within one week detailing a remedial plan of action**. We further urge CRCL, pursuant to its authority under 6 U.S.C. § 345, to immediately recommend:

1. Release of all individuals detained at OCCF to their communities;
2. Termination of ICE’s Intergovernmental Services Agreement (“IGSA”) with OCCF;
3. Pending release and termination of the IGSA:
 - a. Investigation of the conditions detailed herein, including racist and retaliatory physical violence, use of solitary confinement, abuse of power, and medical neglect; and
 - b. Removal of the following officers from any position in which they exercise power over *any* detained person, regardless of the unit to which they are assigned: Officer Richard A. Bloise (Badge No. 366); Officer Ricardo Carde (Badge No. 523); Sergeant Daniel Figueroa; Sergeant Keith Conroy (Badge No. 117); Officer Michael P. Lattimer; Officer R. Laudato (Badge No. 551); Sergeant Murphy; Sergeant Cimorelli; Sergeant Essig (Badge No. 043); Officer Eckerson (Badge No. 322); Officer Kevin LNU; Officer Griffin; Unnamed Emergency Response Team Guard (Badge No. 147); Lieutenant Kisk; and Sergeant Colby (Badge No. 100).

We urge your prompt attention to the issues raised in this complaint. For any questions or concerns regarding this complaint, please contact Tania Mattos, Director of Advocacy and Policy, Envision Freedom Fund at (347) 263-7563 or tmattos@envisionfreedom.org, or Cynthia Marlene Galaz, Senior Policy Associate, Freedom for Immigrants at (929) 489-8495 or cgalaz@freedomforimmigrants.org.

Sincerely,

Catholic Charities Community Services
Archdiocese of New York

Envision Freedom Fund

For The Many

Freedom for Immigrants

¹⁵⁴ *Id.* ¶ 6; *see also* Section II, *supra*.

¹⁵⁵ Ex. C, “Cristian” Decl. ¶ 23.

¹⁵⁶ Ex. F, “Gabriel” Decl. ¶ 11. Further, the jail reportedly does not allow people to share personal items with one another— “[m]any of the people here do not have families to send them care packages, so I often feel the need to share whatever I receive from my family. But the jail won’t allow it.” *Id.*

¹⁵⁷ Ex. G, “Lazaro” Decl. ¶ 14.

Immigrant Rights Clinic
New York University School of Law

New York Lawyers for the Public Interest

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