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RE: Sexual Abuse, Medical Abuse Amounting to Torture, Use of Force, Life-threatening Medical Neglect, Verbal Abuse, Retaliation, and Violations of First Amendment Rights against Daniel Alfredo Cortes De La Valle (A# [REDACTED]) Central Louisiana ICE Processing Center in Jena, Louisiana

Dear Inspector General Cuffari, CRCL Officer Mina, Ombudsman Gersten, Field Office Director Harper, Warden Rice, and PREA Joint Intake Coordinator:

Freedom for Immigrants and Robert F. Kennedy Human Rights, along with ACLU-LA, Detention Watch Network, Home is Here NOLA, Immigrant Services and Legal Advocacy, Louisiana AID, Mujeres Luchadoras, Our Nuestra Voz, Southern Poverty Law Center, Tulane Immigrant Rights Clinic, and Voces Unidas submit this complaint on behalf of **Daniel Alfredo Cortes De La Valle** (A# [REDACTED]) regarding violations of the Performance-Based National Detention Standards 2011 (PBNDS 2011), which the Central Louisiana ICE Processing Center (“CLIPC”) is contractually obligated to uphold, Louisiana state tort and federal law, the United States Constitution, and international human rights law. Mr. Cortes De La Valle has been detained since December 13, 2022 at CLIPC, an ICE facility operated by the Geo Group in Jena, Louisiana. He is 32-years-old and has lived in the United States for over 25 years. He is

married to a United States citizen and has two United States citizen children, a 10-year-old daughter and a 17-month-old son. Prior to his detention by ICE, Mr. Cortes De La Valle was a theatrical lighting director with an events production company in South Florida and the sole financial provider for his family.

Mr. Cortes De La Valle has reported to Freedom for Immigrants' National Immigration Hotline and Robert F. Kennedy Human Rights that he has experienced sexual abuse, medical abuse amounting to torture, severe medical neglect, use of force, and verbal abuse related to his seizure condition. When he reported this medical neglect and abuse by filing grievances with the facility and oversight bodies, Mr. Cortes De La Valle experienced retaliation, threats, and further harassment from ICE and facility staff, including medical providers.

As is set forth more fully below, Mr. Cortes De La Valle has been subjected to sexual and extreme medical abuse and his detention has caused him to attempt to take his own life. **On February 6, 2023, while seeking medical treatment for his deteriorating seizure condition, Mr. Cortes De La Valle was sexually assaulted by medical personnel. On February 7, 2023, Mr. Cortes De La Valle attempted to commit suicide. This suicide attempt was immediately precipitated by the sexual assault Mr. Cortes De La Valle endured on February 6, 2023.** We are gravely concerned for his immediate welfare while detained in ICE custody.

On March 1, 2023, medical personnel and Geo Group officials subjected Mr. Cortes De La Valle to medical acts which may constitute medical abuse amounting to torture – drilling a hole into his knee bone and injecting medication directly into his bone without consent, pain medication, or anesthesia. This procedure caused him excruciating pain, lasting physical injury, and severe psychological distress, including suicidal ideation. Mr. Cortes De La Valle was repeatedly threatened by GEO officials and ICE officials that if he continues to submit complaints or otherwise fails to comply with their orders this procedure will be repeated. This constitutes a direct threat that amounts to psychological torture. Mr. Cortes De La Valle reports ongoing PTSD and severe anxiety as a result of both the sexual assault and the use of torture:

“Whenever I close my eyes, I relive the incidents, both the sexual touching and the drilling into my bone. It has become a trauma for me. Every time an official approaches me now, I feel this drop in my stomach and my mind empties. I panic. I think back to what they did to me. I am afraid to go back to the hospital. I don’t want to go back to that torture chamber.”

During his time detained at the CLIPC, Mr. Cortes De La Valle has undertaken every possible recourse to request help. He has filed multiple internal grievances with the Office of Immigration Detention Ombudsman (OIDO), ICE, and Geo Group. Mr. Cortes De La Valle has also undertaken multiple hunger strikes to protest his rights violations – including a hunger strike in which he was joined by 300 other individuals protesting ongoing, systemic issues with their conditions of confinement and rights violations in their arbitrary denial of liberty.¹

On February 24, 2023, Robert F. Kennedy Human Rights notified Field Office Director Harper of the life-threatening medical neglect, including the denial of Mr. Cortes De La Valle’s seizure medication. Although Director Harper initially intervened and restored Mr. Cortes De La Valle’s access to his medication, appropriate oversight remains lacking. Since Director Harper’s intervention, he continues to experience medical neglect – including denial of access to a neurologist – verbal abuse, medical abuse,

¹ Bobbi-Jeanne Misick, “Spurred by slow deportation wait times, Louisiana ICE detainees attempted a hunger strike,” WWNO (March 16, 2023).
<https://www.wwno.org/immigration/2023-03-16/spurred-by-slow-deportation-wait-times-louisiana-ice-detainees-att-empted-a-hunger-strike>

threats, and retaliation. Mr. Cortes De La Valle's has continued to suffer from *near daily* seizures and has been hospitalized over five additional times. It is clear that additional oversight is needed to ensure that Mr. Cortes De La Valle's rights do not continue to be violated and to prevent the further progression of his life-threatening medical condition. As detailed in this complaint, past CRCL investigations found improper medical responses to have contributed to the death of individuals in ICE custody at Central Louisiana Processing Center. We ask the new Field Office Director Harper to immediately use her oversight authority to prevent another death from taking place.

In order to ensure that Mr. Cortes De La Valle receives critical care, we urge you to immediately release him from custody to allow him to seek external, specialist medical care for his ongoing seizure condition.² If ICE leadership is unwilling to exercise their discretion to release Mr. Cortes De La Valle, despite the fact that he has acute medical needs as well as a U.S. citizen wife and two U.S. citizen children and is not a threat to public safety, we request immediate protection from retaliation and medical specialty care be provided. We also request an immediate investigation by oversight bodies into the egregious rights violations and medical abuse that took place, as further outlined below.

We also request that the government and any and all contractors and/or contractors preserve any and all video recordings related to the dates and incidents detailed in this complaint. Because a formal request for preservation of any and all video recordings is being made, we have included the Office of Principle Legal Advisor on this complaint and have served a copy of this complaint by email.

I. Detailed Timeline of Relevant Events

- **December 13, 2022:** Mr. Cortes De La Valle is transferred from criminal custody to ICE custody and is detained at the Central Louisiana ICE Processing Center ("CLIPC") in Jena, Louisiana. Prior to his detention, beginning in 2019, Mr. Cortes De La Valle suffered from a seizure condition in which he had been admitted to the ER on multiple occasions, with seizures occurring every few months. A prior EEG had detected seizure activity, and he took medication under the care of a neurologist who was in the process of determining a full diagnosis and medical treatment plan. Upon being transferred into ICE custody, Mr. Cortes De La Valle lost access to his seizure medications, Keppra and Depakote for over 48 hours.
- **December 25, 2022:** Mr. Cortes De La Valle began having seizures in ICE custody.
- **December- January 2023:** Mr. Cortes De La Valle filed multiple grievances with ICE, Geo Group, and OIDO related to denial of access to seizure medication and other conditions violations.
- **January 19, 2023:** Mr. Cortes De La Valle called the Freedom for Immigrants Detention hotline and reported medical neglect, including denial of access to a neurologist.
- **February 1, 2023:** Mr. Cortes De La Valle called the Freedom for Immigrants Detention hotline and requested a medical advocacy civil rights complaint be submitted on his behalf. He reported not being provided his seizure medication, with the nurses' stated reason lack of ID. However, he noted the staff know that his ID was lost when he was admitted to the hospital for seizures.
- **February 3, 2023:** ICE Officer Allen spoke with Mr. Cortes De La Valle about the grievances he had submitted. The ICE officer threatened Mr. Cortes De La Valle and repeatedly told him "*You*

² Under Section 504 of the Rehabilitation Act, ICE must release Mr. Cortes De La Valle's from its custody because his seizure condition, which qualifies as a medical disability, is preventing him from meaningful participation in his legal proceedings. 6 C.F.R. 15.3 (d). A disability is a "physical or mental impairment that substantially limits one or more major life activities." 42 U.S.C. §§ 12102(1). Mr. Cortes De La Valle's medical and mental health conditions fall within the definition of a disability, as they affect his thinking, concentration, and other brain functions. *See* 42 U.S.C. §§ 12102(1) and (2)(A)-(B) (listing examples of major life activities). By subjecting Mr. Cortes De La Valle to continued, prolonged detention without making reasonable accommodations so as to avoid discrimination, ICE violates Section 504, 6 CFR § 15.30 (a) and (b)(1).

could get deported.” Mr. Cortes De La Valle was then placed in solitary confinement under punitive conditions without access to phone calls.

- **February 3, 2023:** Mr. Cortes De La Valle had approximately five seizures while in solitary confinement and was taken by ambulance to Rapides Regional Medical Center in Alexandria, Louisiana for emergency treatment.
 - On his way to the hospital, Mr. Cortes De La Valle heard three Geo Group officers mocking his seizures. One officer said “*Hey, guess which ones are fake.*” A nurse at the facility joked, “*Oh, I guess he is just a regular now.*”
 - Two Geo Group officers handcuffed and chained Mr. Cortes De La Valle to the hospital bed by his wrists and ankles for a full 24 hours a day. The officers used short, metal handcuffs instead of the longer medical restraints available at the hospital. For five consecutive days, he remained chained to the bed and was not permitted to walk, move, stretch, use the bathroom, or shower during this time.
 - The medical personnel and Geo Group staff kept Mr. Cortes De La Valle restrained in handcuffs during his repeated seizures, causing injury and severe pain to his back, legs, and arms. The restraints prevented Mr. Cortes De La Valle from moving and resulted in wounds and bruises to his wrists and ankles, as well as an injury to his thumb, which became inflamed and painful.
 - Mr. Cortes De La Valle was forced to urinate and defecate on himself while strapped to the hospital bed and was denied access to a shower for at least five days. He also experienced significant difficulty eating and drinking due to his restraints.
 - He was hospitalized for five consecutive days, from February 3-8, 2023.
- **February 6, 2023:** Mr. Cortes De La Valle reported being sexually assaulted on this date. While restrained he asked the Geo Group officials and hospital medical staff if he could use the bathroom. A Geo Group officer replied, “*No, captain’s orders.*” After Mr. Cortes De La Valle was forced to urinate and defecate on himself, a hospital technician approached him and said: “*We have to clean you grandma-style.*” Mr. Cortes De La Valle asked the hospital technician if he could clean himself. The technician refused and pulled down Mr. Cortes De La Valle’s pants without his consent. The technician then groped Mr. Cortes De La Valle’s testicles and used his fingers and hands to touch Mr. Cortes De La Valle’s genitals. The technician also inserted his finger into Mr. Cortes De La Valle’s anus.
 - This was an extremely traumatic experience for Mr. Cortes De La Valle who expressed enduring a vivid PTSD episode as a result of the technician’s conduct.
 - As a result of this sexual assault, Mr. Cortes De La Valle began to experience intense anxiety, depression, and suicidal ideations.
- **February 7, 2023:** In a post-seizure state, Mr. Cortes De La Valle attempted suicide by wrapping a nearby IV cord around his neck and repeatedly slammed his head into the side rails of the hospital bed.
- **February 8, 2023:** Mr. Cortes De La Valle was discharged from the hospital and returned to CLIPC. During processing, two Geo Group Sergeants, including Sergeant Parrot, ordered him to strip naked. The officers had a video camera and instructed Mr. Cortes De La Valle to state his name and who he is “*for the camera.*” Mr. Cortes De La Valle refused and the officers eventually allowed him to leave the processing room and enter the dormitory.
- **February 8, 2023:** Mr. Cortes De La Valle was examined by a neurologist at the Rapides Regional Medical Center in Alexandria, Louisiana.
 - The neurologist at that facility confirmed through an EEG test that seizure activity has been detected in Mr. Cortes De La Valle’s brain.
 - The neurologist increased Mr. Cortes De La Valle’s dosage of Keppra and Depakote, prescribed Ativan, a third medication to manage seizures, and referred Mr. Cortes De La Valle for further diagnostic testing and treatment with a neurologist.

- **February 9, 2023:** Mr. Cortes De La Valle reported the February 6, 2023 sexual abuse to Commander Krug, a medical contractor with the facility, and Melissa McClain, a Licensed Social Worker. Neither Commander Krug or Ms. McClain took any steps to address this sexual abuse.
- **February 9, 2023:** Mr. Cortes De La Valle began a hunger strike to protest his medical neglect and mistreatment. He continued his strike until February 14, 2023.
- **February 18, 2023:** Mr. Cortes De La Valle resumed his hunger strike. He participated in this hunger strike until February 24, 2023.
- **February 21, 2023:** An attorney call between Mr. Cortes De La Valle and his legal representative from Robert F. Kennedy Human Rights was erroneously cut short after 20 minutes.
- **February 23, 2023:** Mr. Cortes De La Valle was taken to an appointment with an external neurologist, who was unable to reach a definitive diagnosis regarding his daily seizures and noted that additional diagnostic testing was required.
- **February 24, 2023:** At approximately 8:00 am, Mr. Cortes De La Valle received his seizure medication mixed with a crushed blue anxiety pill, which he believed to be for his anxiety. Mr. Cortes De La Valle previously stopped taking this anxiety medication because it caused severe negative side-effects, including increased suicidal ideation. He asked the facility nurse what was in the medication, to which she replied "*none of your business.*" Mr. Cortes De La Valle communicated that he did not want to take any anxiety medication but wanted to take his seizure medication. The nurse refused and entered an order that Mr. Cortes De La Valle had "refused medication," denying him access to his seizure medication. Mr. Cortes De La Valle then spoke with an ICE officer, upon information and belief, Officer Miller, who dismissed his concerns and refused to provide Mr. Cortes De La Valle with his seizure medication.
- **February 25, 2023:** Mr. Cortes De La Valle was approached by a Geo Group Sargeant who said, "*You got any complaints? I hear you like to complain a lot. Keep your mouth shut and stop complaining.*"
- **February 27, 2023:** According to calls received on Freedom of Immigrants's National Immigration Hotline and reports made to other human rights organizations, hundreds of others detained initiated a facility wide hunger strike on this day to protest conditions of confinement and arbitrary denial of release. By the hunger strike's end on February 25, the majority of individuals in approximately 10 of the detention center's 14 units were participating.
- **March 1, 2023:** Mr. Cortes De La Valle was taken to the LaSalle General Hospital in Jena, Louisiana to receive emergency care after having another series of severe seizures in ICE custody. Medical personnel at LaSalle General Hospital injected a needle into the right side of his tibia (shin bone just below the knee) and inserted an IV port into the bone marrow of his leg using a drill. Two Geo officers held Mr. Cortes De La Valle down while LaSalle General Hospital medical personnel drilled into his bone. They used this port to administer Ativan, a medication used to treat seizures.
 - The pain was excruciating and Mr. Cortes De La Valle reports screaming and begging the staff to stop before losing consciousness due to the pain. This procedure was performed without consent. The medical staff did not provide Mr. Cortes De La Valle with any pain management, pain medication, or anesthesia.
 - Mr. Cortes De La Valle reports that it was "*the most intense pain I have ever experienced in my life.*"
 - When Mr. Cortes De La Valle regained consciousness, medical personnel said to him "*I bet you won't have a seizure again.*"
- **March 2, 2023:** Mr. Cortes De La Valle reported experiencing continued, severe pain radiating down his leg. He was unable to walk and his leg and knee became visibly swollen and bruised.
 - A doctor at LaSalle General Hospital ordered an x-ray, but Mr. Cortes De La Valle was never taken to receive the scan.
 - Mr. Cortes De La Valle experienced severe migraines and had a fever immediately following this incident.

- **March 2, 2023:** After returning to CLIPC, three nurses and a paramedic entered the medical ward in the facility. In response to Mr. Cortes De La Valle's complaints about his mistreatment, they replied, "*Calm down. If not, we are going to send you back to the hospital and they'll stick a needle into your bone again.*"
- **March 3-10, 2023:** During this time period, CLIPC repeatedly neglected to respond to call requests made by Mr. Cortes De La Valle's legal representative via email, preventing legal communication for an entire week. Calls to Freedom for Immigrants' hotline continued.
- **March 7, 2023:** Mr. Cortes De La Valle received an auto reply that closed the approximately 20 complaints he submitted to ICE via the tablet grievance system.
- **March 10, 2023:** Mr. Cortes De La Valle did not receive his seizure medication for the entire day.
- **March 11, 2023:** Mr. Cortes De La Valle submitted an additional complaint on the phone with OIDO. During his phone call, several ICE officers were aware that he was reporting abuse and attempted to listen in to his phone conversation and frequently entered the room. When Mr. Cortes De La Valle returned to his cell, he noticed that the ICE officers had gone through his personal belongings, including his legal documents.
- **March 11, 2023:** Mr. Cortes De La Valle began a hunger strike which he participated in until March 14, 2023.
- **March 12, 2023:** Mr. Cortes De La Valle requested medical treatment at the facility due to symptoms indicating the onset of seizure activity. A nurse came to examine him at approximately 4:00 pm. The nurse told Mr. Cortes De La Valle that he was "fine" and mockingly asked him "*Are you having your spells again?*" The nurse refused to provide him with medical treatment. By 5:00 pm, the medical personnel had to call the paramedics because Mr. Cortes De La Valle was seizing. The nurses and the paramedics then repeatedly threatened Mr. Cortes De La Valle that if he "didn't cooperate" they would "drill a hole through his knee bone again."
- **March 14, 2023:** Mr. Cortes De La Valle did not receive his morning dose of seizure medication until 12:45 pm that day. Later that afternoon, Mr. Cortes De La Valle had a seizure and was taken to the hospital. He ended his hunger strike on this day for fear of future retaliation after a facility nurse made comments to him that morning about his seizure condition, in connection to his hunger strike.
- **March 17, 2023:** Mr. Cortes De La Valle began a hunger strike which he participated in until March 22, 2023, when his medical records were finally provided.
- **March 20, 2023:** A nurse at the facility, Nurse Welch, instructed Daniel that he needed to take both the anxiety medication and the seizure medication or else he would be "refusing treatment" and would not have access to his seizure medication.
- **March 20-24, 2023:** Mr. Cortes De La Valle reports attempting to call a reporter from the Shreveport Times approximately 10 times, with his calls not connecting each time. This same reporter stated separately to the undersigning orgs that he has tried to conduct the interview with Mr. Cortes De La Valle on multiple occasions, but each time he receives a call from the detention center and tries to answer it, it does not work.
- **March 22, 2023:** Mr. Cortes De La Valle began seizing, a paramedic and two Geo officers began to verbally harass Mr. Cortes De La Valle by mocking and imitating his physical reactions to the seizures. They told Mr. Cortes De La Valle, "*We are doing the 'Dan Shuffle-Truffle,' the dance you do when you are having your seizures.*" Mr. Cortes De La Valle was seizing for 40 minutes before the facility staff finally called an ambulance. He overheard a paramedic say to a Geo Group officer, "*He's just faking it, you need to deport him.*"
- **March 27, 2023:** Independent medical evaluation was provided by Dr. William Weber, Harvard, an emergency and urgent care physician at Harvard Medical School and Director of Medical Justice Alliance. Medical Analysis provided below.
- **March 28, 2023:** Mr. Cortes De La Valle reports continued call blockage with reporters.
- **March 29, 2023:** As of complaint submission no follow up neurological care or testing has been received, despite repeated hospitalizations, the confirmed presence of seizure activity, and

recommendations made over a month prior for additional diagnostic testing. No investigation has been initiated regarding the report of sexual abuse. Threats of intentionally withholding his seizure medication are ongoing, despite ICE leadership's earlier intervention into this same issue. Mr. Cortes De La Valle remains in an hostile environment, with staff regularly making fun of and dismissing his medical condition, while issuing what he perceives to be threats of torture for issuing complaints and requesting medical care.

Analysis of Medical Condition:

Declaration regarding the Medical Care of Mr. Cortes De La Valle

Reviewer: Dr. William Weber

Qualifications

1. I am a board-certified emergency physician on faculty at Harvard Medical School and the Beth Israel Deaconess Medical Center. I completed my medical education and masters of public health at Northwestern University and my residency in emergency medicine and fellowship in global emergency medicine at the University of Chicago. I treat patients with a variety of medical concerns in both emergency and urgent care settings in my routine work. I have treated hundreds of patients with epilepsy (seizure disorder) during my time, including those having active seizures.
2. I have prepared my review of the medical care on behalf of the Freedom for Immigrants staff with the client's permission. I do not have authority over the client's direct medical treatment or diagnosis. I have received no remuneration for my time reviewing this case or preparing this declaration; I have done so as a volunteer. I spoke directly to Mr. Cortes De La Valle on March 27, 2023, but was unable to review medical records since the detention facility only recently provided him access to them. I reserve the right to amend my statement if provided with medical records. Based on Mr. Cortes De La Valle's direct testimony, I declare the following:

Seizure Disorder

3. Seizures are caused by an electrical short circuit in the brain. Most seizures cause patients to lose consciousness and have shaking of their body. During this time, the patient is not aware of their surroundings and can have involuntary thrashing, tongue biting, or urinary incontinence. After a seizure, patients typically have a period of confusion (a "postictal" phase) that generally lasts between 5-30 minutes. This is akin to the brain "rebooting" after an error. During the postictal phase, the patient may act abnormally and the patient will often have no recollection of what happened. Patients with seizures are typically diagnosed with an electroencephalogram (EEG) that shows abnormal electrical activity in the brain. Patients with seizures are treated with medications that can lower their risk of seizures. However, environmental stressors such as lack of sleep and stress can raise the risk that someone has a seizure.
4. Mr. Cortes De La Valle has been evaluated and treated for a seizure disorder. He reports developing this disorder in 2019 and would have seizure episodes around 5-7 times per year. These were sometimes associated with episodes of drinking or substance use, which can lower the threshold to have a seizure for those with underlying seizure disorder. During 2019-2021, he required evaluation in the ER multiple times for his seizures. He had an EEG during this time that showed seizure activity in his brain and was treated with levetiracetam, or Keppra, a medication to help reduce the risk of seizure. He has been taking that medication since 2019.

5. Since being detained in the ICE facility, Mr. Cortes De La Valle reports having numerous seizures. He reports that the frequency of his seizures intensified from every couple of months at home to having seizures more days than not. When he experiences a seizure, he falls down and has sustained injuries such as bruises, scratches, and head trauma. Each fall increases the risk of a very dangerous injury like bleeding inside the brain. Numerous and prolonged seizures can also permanently damage the brain and he reports that his thinking has felt more sluggish than usual, with him requiring more time to process what he is going to say. Furthermore, patients who have seizures should not be restrained with hard objects such as handcuffs. As they have involuntary seizure movements, the jerking against a hard restraint can cause injury and can also hinder them being placed in a recovery position on their side. Mr. Cortes De La Valle reports numerous bruises on his wrist from when he was restrained with handcuffs during seizures.
6. Mr. Cortes De La Valle's seizures have led to a significant burden on the healthcare system. Seizures are a medical emergency and he reports that medical staff and paramedics are forced to respond to his seizures multiple times per week, which hampers them caring for other patients. In addition, he has required numerous ambulances and ER visits for his seizures, which detain correctional staff for prolonged periods of time at the hospital and lead to significant expense for ICE.
7. Mr. Cortes De La Valle reports that a more recent EEG conducted after arriving at the ICE facility confirmed "seizure-like activity" in his brain. He was seen by a neurologist who increased the dose of his levetiracetam and started him on a second medication called phenytoin to help control his seizures. Despite this, he continues to have very frequent seizures. Mr. Cortes De La Valle reports issues with significant stress and poor sleep at the ICE facility. Chronic stress and disturbed sleep can increase the risk of seizures and are unlikely to improve at the facility.³
8. Medical staff have not provided compassionate care for Mr. Cortes De La Valle's seizure disorder. He reports that they have grown tired of the burden that his seizures place on the medical system, often dismissing his seizures as "fake." After an intraosseous line (for delivering emergency medications) was drilled into his bone at the hospital and caused significant pain, staff have reportedly threatened that they will do it again if he continues to have seizures. The behavior he reports by medical staff is very concerning and unprofessional and mischaracterizes his seizures as voluntary.

Summary

9. Mr. Cortes De La Valle has a seizure disorder that has been uncontrolled at the ICE facility despite increasing the dose of his seizure medication and starting a new medication. His frequent seizures have caused bodily injury to himself while also placing a heavy burden on medical staff at the facility. His reports of dismissive or threatening staff responses to his seizures are very concerning and indicate an inability to provide the high level of care that he requires. I strongly recommend release of Mr. Cortes De La Valle into the community where his seizures were better controlled and he can access the care he requires.



William Weber, MD, MPH

3/27/2023

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8071059/>

II. Violations of Rights Under the Prison Rape Elimination Act (PREA), International Human Rights Law, the U.S. Constitution, Federal and State Law, and ICE Policy

A. Egregious Sexual Abuse and Sexual Harassment

As described above, on February 6 and 8, 2023, Mr. Cortes De La Valle was sexually abused by medical personnel and ICE contractors in clear violation of the Prison Rape Elimination Act (PREA) which explicitly states that all acts of sexual contact between detained individuals and prison personnel are considered rape, due to the power imbalance stripping the ability for the person in detention to provide true informed consent. PREA, as referenced by NDS 2019, enables reports of sexual assault by third parties, such as Freedom for Immigrants and Robert F. Kennedy Human Rights. We therefore report the abuse of Mr. Cortes De La Valle at the hands of staff while in ICE custody at CLIPC. We request an immediate investigation and appropriate substantive action in line with ICE's stated zero-tolerance policy for sexual abuse.

The abusive actions detailed in this complaint are also in direct violation of ICE's own PBNDS 2011 and the referenced PREA Standards (DHS Final Rule, § 115.6), Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (March 7, 2014) and Standard 2.11, as well as ICE Policy No. 11062.2: Sexual Assault and Abuse Prevention and Intervention (SAAPI Directive).⁴

According to the SAAPI Directive:

Sexual abuse and assault of a detainee by a staff member, contractor, or volunteer includes any of the following acts, if engaged in by one or more staff members, volunteers, or contract personnel who, with or without the consent of the detainee, engages in or attempts to engage in: d) Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.

The incidents detailed above, including the touching of genitalia and probing of the anus during the physical assault, clearly violate these standards. The PBNDS 2011 standards specify that, per DHS PREA Standards, ICE detention facilities must adhere to a zero-tolerance policy for all forms of sexual abuse and assault.

B. Medical Abuse Amounting to Torture and Use of Force

As detailed above, on March 1, 2023, Geo Group officials and medical personnel subjected Mr. Cortes De La Valle to a potentially unwarranted and excruciatingly painful procedure by which they administered seizure medication by drilling a hole directly into Mr. Cortes De La Valle's tibia bone without pain management or anesthesia. These actions are highly questionable in terms of intent. The possibility that these actions were undertaken with the expressed intention of placing Mr. Cortes De La Valle in pain as a form of torture in retaliation for filing grievances and to deter him from public exposure must be investigated, as must threats to administer this procedure in the future if he continues complaints.

If this medical procedure was undertaken with mal intent, then this medical abuse and use of force is likely in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, which the United States has ratified.⁵ Under international law, the right to humane treatment has been

⁴ <https://www.ice.gov/doclib/detention-reform/pdf/saapi2.pdf>

⁵ UN General Assembly, *Universal Declaration of Human Rights*, Article 5 (1948) ("No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."); UN General Assembly, *Convention Against*

recognized as non-derogable and includes the principle that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁶ Torture is defined as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as punishing that individual for an act they or a third person has committed or is suspected of having committed, or intimidating or coercing them or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In this case, ICE-contracted Geo group officials, medical staff, and other personnel at CLIPC subjected Mr. Cortes De La Valle to extreme physical abuse in order to punish him for his multiple grievances and discourage him from his continued self-advocacy.

This physical abuse would be a violation of Mr. Cortes De La Valle’s constitutional rights under the Fifth and Fourteenth Amendments to be free from “gross physical abuse at the hands of federal officials.”⁷ This conduct may qualify as assault and battery under Louisiana penal code sections regarding assault, battery, and battery with serious bodily injury. It may also violate the federal prohibition on assault, 18 U.S. Code § 113, as well as 18 U.S.C. § 242, which makes it unlawful for federal officers to willfully deprive an individual of rights under color of law.

The use of this torturous medical procedure against Mr. Cortes De La Valle would also be a violation of ICE’s own use of force policies. PBNDS 2011 states, “[u]sing force against a detainee offering no resistance” is “generally prohibited.” Force may not be used as punishment, and use of force may only involve “the degree necessary and reasonable to gain control of a detainee or provide for self-defense or defense of a third person.” Furthermore, “[p]hysical force shall only be used to the minimum extent necessary to restore order, protect safety and provide security.”

C. Life-Threatening Medical Neglect

ICE, GEO group, and CLIPC personnel have subjected Mr. Cortes De La Valle to life-threatening medical neglect by: 1) denying or delaying his access to his life-sustaining seizure medication and attempting to forcibly administer anxiety medication, despite his insistence they increase feelings of suicidal ideation, for which a suicide attempt was already undertaken; and 2) denying or delaying Mr. Cortes De La Valle’s repeated requests for follow up appointments with a neurologist, including the recommended additional diagnostic testing, to address his chronic, uncontrolled, high-risk seizure condition.

Mr. Cortes De La Valle has suffered from his undiagnosed seizure medication since 2019. In 2019, he was prescribed Keppra to manage his seizures. Prior to his detention by ICE, Mr. Cortes De La Valle’s seizure condition was managed by medication and he was in the process of seeing a neurologist to receive a diagnosis and determine an appropriate medical treatment plan. Before he was taken into custody by ICE, Mr. Cortes De La Valle would have a seizure only once approximately every three to six months. Since his detention by ICE, he has had near daily seizures resulting in near constant hospitalizations.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Article 16 (1984)(“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the acquiescence of a public official or other person acting in an official capacity.”).

⁶ The UDHR, ICCPR, and CAT all prohibit torture, inhuman or degrading treatment or punishment. UDHR, art. 5; ICCPR, art. 7; Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, G.A. Res. 39/46, art. 1, para. 1, U.N. GAOR, 39th Sess., Supp. No. 51, U.N. Doc. A/39/51 (June 26, 1987).

⁷ *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.”)

1. Denial or Delay of Mr. Cortes De La Valle's Access to his Life-sustaining Seizure Medication and Attempts to Forcibly Administer Anxiety Medication

ICE has failed to provide basic medical care by neglectfully denying or delaying preventive and acute health care despite notice of Mr. Cortes De La Valle's chronic medical conditions and aggressively deteriorating medical condition. As of 2019, Mr. Cortes De La Valle takes medication for several chronic and high-risk medical conditions including a seizure disorder, hypertension, depression and anxiety. He is prescribed 500 mg of Keppra and Depakote, anticonvulsant seizure medications. Mr. Cortes De La Valle is supposed to receive both seizure medications twice a day, in the morning and in the evening. Upon being taken into ICE custody on December 13, 2022, CLIPC failed to provide Mr. Cortes De La Valle with his seizure medication, despite multiple requests and grievances, until February 15, 2023 – *over 48 hours later*.

A nurse practitioner at CLIPC prescribed Mr. Cortes De La Valle with an unknown anxiety medication that comes in the form of a blue pill. Mr. Cortes De La Valle reports that the prescribed anxiety medication has had an adverse effect on his health, causing increased suicidal ideations and contributing to the progression of his seizures. He reports that the anxiety medication also causes him to become sedated and to have memory problems and difficulties communicating and preparing for his legal case. Thus, Mr. Cortes De La Valle has requested that the facility stop administering the anxiety medication. However, medical personnel have reportedly attempted to force Mr. Cortes De La Valle to take the anxiety medication. As detailed above, on February 23, 2023 a facility nurse attempted to administer Mr. Cortes De La Valle's seizure medication mixed with the crushed anxiety medication. When Mr. Cortes De La Valle asked for the seizure medication alone, the facility nurse denied him the medication and documented that he had "refused treatment." Again, on March 20, 2023, a facility nurse attempted to give Mr. Cortes De La Valle his seizure medication mixed with the crushed anxiety medication.

Mr. Cortes De La Valle has also experienced periodic delays in receiving his seizure medication. For example, as described above, on March 10, 2023, he did not receive his seizure medication for the entire day. Again, on March 14, 2023, he did not receive his morning dose of seizure medication until 12:45 pm that day, which he believes may have been an act of retaliation or deterrence given the same nurse's comments to him that morning about his ongoing hunger strike. Later that afternoon, Mr. Cortes De La Valle had a seizure and was taken to the hospital.

The delays and denial of Mr. Cortes De La Valle's access to his seizure medication violate PBNDS 2011, which states that all detained individuals "shall have access to a continuum of health care services, including screening, prevention, . . . diagnosis and treatment."⁸ Furthermore, "detainees with chronic conditions shall receive care and treatment, as needed, that includes monitoring of medications, diagnostic testing and chronic care clinics."⁹ The health care staff at CLIPC have repeatedly violated PBNDS 2011 requirements regarding the delivery of medication, which states that "all prescribed medications and medically necessary treatments shall be provided to detainees on scheduled and without interruption absent exigent circumstances."¹⁰ Further, Geo Group officials and medical personnel have repeatedly attempted to force Mr. Cortes De La Valle to take anxiety medication without his consent. PBNDS 2011 standards clearly state "[i]nformed consent standards shall be observed and adequately documented."¹¹

⁸ ICE, *Performance-Based National Detention Standards*, 2011, Section 4.3, Medical Care (Revised Dec. 2016).

⁹ PBNDS 2011 Section 4.3 (II)(12).

¹⁰ PBNDS 2011 Section 4.3 (V)(U)(4).

¹¹ PBNDS 2011 Section 4.3 (II)(24).

Additionally, “[a]ll examinations, treatment, and procedures are [also] governed by informed consent practices.”¹²

2. Denial or Delay of Mr. Cortes De La Valle’s Repeated Requests for Appointments with a Neurologist to Address his Chronic and High-risk Seizure Condition

As described above, the week of February 6, 2023, during a five day hospitalization following multiple seizures, Mr. Cortes De La Valle was examined by a neurologist at the Rapides Regional Medical Center in Alexandria, Louisiana. **The neurologist at that facility confirmed through an EEG test that there is seizure activity in Mr. Cortes De La Valle’s brain.** The neurologist increased Mr. Cortes De La Valle’s dosage of Keppra and Depakote, prescribed Ativan, a third medication to manage seizures. The neurologist was unable to diagnose Mr. Cortes De La Valle at that time and referred him for further diagnostic testing and treatment with a neurologist. Mr. Cortes De La Valle was then discharged from the hospital and returned to CLIPC. On February 23, Mr. Cortes De La Valle was taken to an appointment with an external neurologist, who also was unable to reach a definitive diagnosis and noted that additional diagnostic testing was required. Since that appointment, *for the past four weeks*, Mr. Cortes De La Valle has submitted multiple requests for an appointment with a neurologist. Despite these repeated requests, referral from hospital physicians, and the rapid deterioration of his seizure condition, to date ICE and Geo Group have not provided Mr. Cortes De La Valle with access to a neurologist for additional diagnostic testing and appropriate medical care.

By denying Mr. Cortes De La Valle’s requests for access to a neurologist, ICE and its contractors are violating PBNDS 2011 standards that require that detained individuals with chronic conditions shall receive care *as needed*.¹³ Additionally, ICE violated its constitutional and affirmative duty to provide conditions of reasonably adequate medical care by denying Mr. Cortes De La Valle access to specialized medical doctors under the Fifth¹⁴ and Eighth Amendments.¹⁵

D. Verbal Abuse, Retaliation, including Punitive Solitary Confinement, and Lack of Remedial Responses to Complaints

ICE and its contractors at CLIPC have also subjected Mr. Cortes De La Valle to shocking verbal abuse amounting to psychological torture, retaliation, and a complete blanket denial of all submitted complaints and grievances. As a result of his multiple hospitalizations, Geo Group officials and other personnel at the

¹² PBNDS 2011 Section 4.3 (V)(AA)(2).

¹³ PBNDS 2011 Section 4.3(II)(12) (“Detainees with chronic conditions shall receive care and treatment, as needed, that includes monitoring of medications, diagnostic testing and chronic care clinics”).

¹⁴ *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989) (extending the Fourteenth Amendment’s Due Process Clause for States to provide involuntarily committed detainees with services necessary to ensure their reasonable safety and provide basic human needs such as food, shelter, and medical care; the Fifth Amendment is the Fourteenth Amendments counterpart to hold the federal government to the same standards of Due Process); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896) (citing *Yick Wo v. Hopkins*, 118 U. S. 369 (1886)) (noncitizen individuals in federal immigration detention are guaranteed constitutional protection under the Due Process clause of the Fifth Amendment, which prohibits any person acting under the color of federal law from subjecting an individual in custody to punitive conditions of confinement); See generally *Estelle v. Gamble*, 429 U.S. 97 (1976).

¹⁵ *Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976) (holding that deliberate indifference to serious medical needs of detainees by denying or delaying access to medical care or treatment constitutes unnecessary and wanton infliction of pain); *Hare v. City of Corinth, Miss.*, 74 F.3d 633, 639 (5th Cir. 1996) (if an individual’s liberty is restrained by the government, then the government has an affirmative duty to protect the individual’s reasonable safety and provide for their basic human needs like food, shelter, and medical care).

ICE facility have become widely aware of Mr. Cortes De La Valle's medical condition. Instead of taking every possible step to ensure his seizures are controlled and his medical needs addressed, they have subjected him to constant verbal abuse and harassment. Geo Group staff have also reportedly discussed Mr. Cortes De La Valle's private medical information with other detained individuals. Another detained individual in the dormitory told Mr. Cortes De La Valle that three Geo Group officers were joking about Mr. Cortes De La Valle's seizures, telling other detained people that the seizures are "fake" and imitating and mocking Mr. Cortes De La Valle.

This verbal abuse ranges from mocking comments, to insults, to outright direct threats amounting to psychological torture. For example, as described above, on March 12, 2023, when Mr. Cortes De La Valle requested medical treatment at the facility, a nurse mockingly asked him "*Are you having your spells again?*" The nurse refused to provide him with medical treatment. An hour later, the medical personnel had to call the paramedics because Mr. Cortes De La Valle was seizing. The nurses and the paramedics then repeatedly threatened Mr. Cortes De La Valle that if he "didn't cooperate" they would "drill a hole through his knee bone again." Again, on March 22, 2023, when Mr. Cortes De La Valle began seizing, a paramedic and two Geo officers began to verbally harass Mr. Cortes De La Valle by mocking and imitating his physical reactions to the seizures. They told Mr. Cortes De La Valle, "*We are doing the 'Dan Shuffle-Truffle,' the dance you do when you are having your seizures.*" Mr. Cortes De La Valle was seizing for 40 minutes before the facility staff finally called an ambulance. This verbal abuse and harassment has resulted in an extremely dangerous obstruction of Mr. Cortes De La Valle's access to emergency medical care. At least one prior death in ICE custody at the Central Louisiana Processing Center, formerly known as LaSalle, has been attributed by investigators to similar timing delays in facility medical staff requesting emergency care, showing this is a longstanding unaddressed issue.¹⁶

In addition to verbal abuse and direct threats of torture, Mr. Cortes De La Valle has also experienced retaliation as a result of his frequent complaints to oversight bodies and grievances to ICE and the Geo Group. For example, on February 3, an ICE officer spoke with Mr. Cortes De La Valle about the grievances he had submitted. The ICE officer threatened Mr. Cortes De La Valle and repeatedly told him "*You could get deported.*" Mr. Cortes De La Valle was then placed in solitary confinement under punitive conditions without access to phone calls. On February 25, Mr. Cortes De La Valle was approached by a Geo Group Sergeant who said: "*You got any complaints? I hear you like to complain a lot. Keep your mouth shut and stop complaining.*" In addition, Geo Group officials and facility personnel have also repeatedly threatened Mr. Cortes De La Valle with the torture if he "continues to complain" or "fails to comply," threatening him that they will have to "drill a hole in his knee again." For example, on March 14, Mr. Cortes De La Valle ended his hunger strike for fear of retaliation after a facility nurse made comments to him about his seizure condition.

Mr. Cortes De La Valle has observed ICE and Geo Group officers watch him and attempt to listen in to his phone conversations, including reports to the Freedom for Immigrants National Hotline and legal calls with his attorney at Robert F. Kennedy Human Rights. In addition, the facility has repeatedly obstructed Mr. Cortes De La Valle access to legal calls by neglecting to respond to call requests made by one of his legal representatives via email, including one full week period in which Mr. Cortes De La Valle was blocked from speaking to his legal representative. On February 21, an attorney call between Mr. Cortes De La Valle and his legal representative was erroneously cut short after 20 minutes.

In order to protest the medical neglect and abuse he has experienced, Mr. Cortes De La Valle has participated in multiple hunger strikes, including from approximately February 9-14, from February 18-24, from March 11-14, and most recently, from March 17-22. He is participating in these hunger

¹⁶ [Expert Recommendations Memo for Onsite Investigation at LaSalle Detention Facility in Jena, Louisiana | Homeland Security \(dhs.gov\)](#)

strikes in order to advocate for medical treatment and to raise awareness of the abusive conditions in CLIPC. According to Mr. Cortes De La Valle:

“I want them to treat me like a human being. These people are torturing me. The way they are treating me is disgusting. It’s horrible that we have to starve ourselves to get something we need for our health. I have to starve myself just to advocate for my medical treatment.”

Mr. Cortes De La Valle has also been repeatedly held in solitary confinement in inhumane, punitive conditions in response to his multiple hunger strikes. For example, on February 3, he was placed in solitary confinement, with no access to the phone, after an ICE officer threatened him with deportation. On February 24, he was held in a segregation cell without running water for over 24 hours. On March 3, Mr. Cortes De La Valle reported that his segregation cell was extremely dirty and hadn’t been cleaned.

ICE and its contractors have also routinely failed to provide any remedial or substantive response to Mr. Cortes De La Valle’s dozens of complaints and grievances. On March 7, 2023, Mr. Cortes De La Valle received an auto reply to approximately 20 complaints he submitted to ICE via the tablet grievance system. The complaints covered a broad range of violations regarding medical neglect, physical abuse, verbal abuse, access to the law library, and access to attorney legal calls. Each response to Mr. Cortes De La Valle’s grievances was identical and all responses were received in bulk, indicating that ICE and Geo Group staff did not provide any individualized review or consideration of these grievances.

The deeply disturbing actions of ICE and its contractors described above constitute clear rights violations and retaliation against Mr. Cortes De La Valle, in violation of the First Amendment. Mr. Cortes De La Valle engaged in a variety of protected activities: from filing grievances to seek internal redress for his concerns; to engaging in a mass hunger strike to raise awareness of wide-spread mistreatment and abuse against individuals detained at CLIPC; to speaking with attorneys and advocates to provide testimony and evidence; to speaking with the media to raise public awareness of abusive and life-threatening conditions. The First Amendment unambiguously protects the expressive activity and speech described above. Courts have widely held that hunger strikes are “protected by the First Amendment if they were intended to convey a particularized message.”¹⁷ Individuals in carceral settings also have the right to petition the government for redress of grievances.¹⁸ First Amendment protections extend to non-citizens, including those in detention.¹⁹

Officials may not retaliate against people in detention for exercising their right to free speech: “Official reprisal for protected speech offends the Constitution [because] it threatens to inhibit exercise of the protected right, and the law is settled that as a general matter the First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out.”²⁰ The actions detailed above – the use of torture, assault by ICE contractors, threats of physical violence, placement in solitary confinement, denial or interference with medical and mental health care – all constitute unlawful retaliation when taken to punish or deter protected speech.²¹

¹⁷ 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).

¹⁸ See, e.g., *Cruz v. Beto*, 405 U.S. 319, 321 (1972) (“persons in prison, like other individuals, have the right to petition the Government for redress of grievances”).

¹⁹ See *Bridges v. Wixon*, 326 U.S. 135, 148 (1945).

²⁰ *Hartman v. Moore*, 547 U.S. 250, 256 (2006) (quoting *Crawford-El v. Britton*, 523 U.S. 574, 588 n.10 (1998)).

²¹ See, e.g., *Burgess v. Moore*, 39 F. 3d 216, 218 (8th Cir. 1994) (threats); *Cruz v. Beto*, 603 F.2d 1178, 1185-86 (5th Cir. 1979) (solitary confinement); *Austin v. Terhune*, 367 F.3d 1167, 1170-71 (9th Cir. 2004) (false disciplinary charges); *Davis v. Goord*, 320 F.3d 346, 353 (2d Cir. 2003) (denial of medical care).

Importantly, no ICE disciplinary standard authorizes the implementation of solitary confinement for those who report violations and abuses in detention.²² PBNDS 2011 standards explicitly prohibit retaliatory behavior against detained individuals, stating that “[s]taff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance.”²³ Complaints and grievances can be formal or informal, meaning that they need not be in writing but can be communicated orally.²⁴ Any action that adversely affects a detainee’s life in the facility is considered retaliatory if it is in response to any formal or informal grievance. Likewise, the First and Eighth Amendments also prohibit the government from retaliating against a client for self-advocacy and disregarding a serious medical need that causes an excessive risk to a detained individual’s health and safety.²⁵

It is clear that ICE and its contractors engaged in torture and violence against Mr. Cortes De La Valle *because* of his protected First Amendment activity. The timing of their actions, explicit statements expressing displeasure with Mr. Cortes De La Valle’s frequent filing of grievances, expressions of intimidation, and direct threats of physical violence and torture, clearly indicate that ICE and its contractors acted expressly to punish Mr. Cortes De La Valle for engaging in protected activity and to deter future public exposure of harm. ICE and its contractors’ actions plainly do not advance any legitimate governmental objective.

III. Pattern and Practice of Systemic Abuses at the Central Louisiana ICE Processing Center and Under New Orleans ICE Field Office At Large

The instances of abuse, neglect, and retaliation reported by Mr. Cortes De La Valle are in line with a long and disturbing pattern of systemic human and civil rights violations at the Central Louisiana ICE Processing Center (“CLIPC,” formerly known as “LaSalle”) and under the ICE New Orleans Field Office at large. In each of the areas described in this complaint – medical treatment, sexual assault, use of solitary confinement, suicide prevention, and grievance and retaliation procedures – CLIPC is time and again found to be operating in disregard of the regulations meant to ensure the safety and wellbeing of individuals in its custody, with sufficient oversight from ICE leadership continuously lacking.

CLIPC has incarcerated immigrants for ICE since 2008. Previously, the facility served as a juvenile correctional center known as the Jena Juvenile Justice Center, and from the beginning it was plagued by reports of abuse and corruption. For example, its construction was funded by a securities company whose leaders were later prosecuted for a variety of offenses related to prison procurement and prison construction scams. The U.S. Department of Justice also filed a lawsuit against the Jena Juvenile Justice Center in 2000 alleging endemic violence and abuse upon accusing GEO Group (then known as Wackenhut Corporation) of beating, tear gassing, and pepper-spraying the youth in its care, and the Jena Juvenile Justice Center closed shortly thereafter. Unsurprisingly, when the same private prison corporation re-opened the facility eight years later as an immigration detention center, similar problems arose and have persisted to this day.

In 2016, CLIPC attracted scrutiny after three immigrants detained there died within the first six months of the year. A subsequent CRCL investigation focused largely on suicide prevention, medical care, and conditions of confinement found that improper medical response contributed to these deaths. In 2017,

²² PBNDS Appendix 3.1.A.

²³ PBNDS 2011 Section 6.2 (V)(G).

²⁴ *Id.*

²⁵ *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); *Estelle*, 429 U.S. at 104-05 (concluding that the Eighth Amendment prohibits unnecessary and wanton infliction of pain by denying or delaying detainee’s serious medical needs).

Freedom for Immigrants published a report analyzing calls made to the ICE ERO Detention Reporting and Information Line (DRIL) between 2012 and 2016 which found the highest number of DRIL calls related to sexual and/or physical abuse incidents in the country came from the then named Jena/LaSalle Detention Facility.²⁶ In 2019, OIG inspectors at CLIPC found significant compliance issues with the food, yet problems remain unaddressed and ongoing, as evidenced four years later by the recent 300+ person hunger strike that cited inedible food as a central issue. And in 2020, Mother Jones reported that guards on at least four occasions deployed pepper spray and other forms of gas at CLIPC onto groups of detained individuals during protests related to COVID-19 safety.²⁷

The longstanding abuse and retaliation named at CLIPC is endemic of a larger issue: ICE leadership within the NOLA Field Office has effectively denied individuals of their rights while essentially condoning the mistreatment of individuals in their custody. For years, immigrants detained in the region have been working alongside the undersigned organizations to publicly expose harm and fight for their rights across Louisiana and Mississippi through mass hunger strikes, the filing of formal grievances, and countless testimonies of their harm and resistance shared with the public and press. By 2019 and 2020, mass incidents of violence against individuals detained under the NOLA ICE Field Office in response to peaceful protest and hunger strikes, such as at Winn and Pine Prairie Detention Centers, had escalated to include physical assault and the use of pepper spray and rubber bullets, leading to the filing of multi-individual civil rights complaints and a congressional hearing of the private prison industries.²⁸

In the one year period of 2020 to 2021 alone, organizations worked alongside people detained to document and file over 20 civil rights complaints detailing egregious human rights abuses in ICE facilities in Louisiana and Mississippi, including torture, finally calling on the civil rights division to investigate not only individual complaints but ICE leadership under the NOLA ICE Field Office for enabling harm with impunity. Complaints included: pervasive [anti-Black racism and violence](#); multiple instances of torture to coerce immigrants into signing their own deportation papers at [Adams County Correctional Facility](#), [Jackson Parish Correctional Center](#), and [Winn Correctional Center](#); prolonged use of [punitive solitary confinement](#); [violations of COVID-19 public health guidance](#); [life threatening medical neglect](#), and widespread [deprivation of basic human necessities](#), among [other violations](#).

In early 2021, seven U.S. senators sent a letter to Secretary Mayorkas and Acting Director Johnson calling for an investigation of the New Orleans ICE Field Office itself, stating, “While abuse and neglect in ICE facilities has been endemic for years, these incidents have happened with disturbing regularity and severity under the authority of the New Orleans Field Office in particular.”²⁹ These actions undertaken by both political representatives and community prompted CRCL’s unprecedented decision to open an investigation into the entire NOLA ICE area of responsibility (Louisiana, Mississippi, Alabama, Arkansas, and Tennessee) in response to the alarming volume of complaints and allegations of local ICE leadership’s complicity.

In December 2021, the continuation of harm against people detained, including the blocking of legally unmonitored hotlines at the sites of multi-individual complaint filings and internal protest, led many of the undersigned organizations to send a letter to Secretary Mayorkas raising concerns around the efficacy of investigation and requesting immediate intervention, stating, “We raise serious concern that this

²⁶ [Sexual Assault — Freedom for Immigrants](#)

²⁷ [The Women Asked ICE for Soap. They Got Pepper-Sprayed Instead. – Mother Jones](#)

²⁸ [Prison CEOs Say They Had No Clue Guards Pepper-Sprayed Hundreds of Immigration Detainees – Mother Jones](#)

²⁹

<https://www.warren.senate.gov/imo/media/doc/2021.02.25%20Letter%20to%20ICE%20and%20DHS%20re%20forced%20deportations%20of%20asylum-seekers.pdf>

investigation alone, followed by internal recommendations for proper implementation of ICE policy, will not serve to sufficiently address the human rights violations taking place. While reports of human rights abuses and violations are common in ICE detention, the culture of abuse and rampant legal impunity at the NOLA ICE Field Office has set it apart and demands your offices' immediate attention."

In 2022, CRCL issued formal recommendations that no new individual be placed inside of certain detention centers, such as Winn Correctional Facility, which was followed by the Biden Administrations April 2022 announcement to decrease population at Winn due to concerns. As of 2023, however, the detention centers in Louisiana and Mississippi, including Winn Correctional Center and South Louisiana Processing Center, are the site of significant transfer of immigrants detained from all across the United States, with many detention facilities at full capacity.

On January 13, 2023, Freedom for Immigrants received the following correspondence from DHS Office of Civil Rights and Civil Liberties' community engagement office:

*"Since 2017, CRCL has received over 200 allegations regarding the care and treatment of noncitizens housed in ICE detention facilities within the New Orleans Area of Responsibility (NOL AOR). As a result, CRCL has conducted nine onsite investigations of NOL AOR facilities, in addition to six spot check reviews in July 2021. On December 7, 2021, CRCL formally initiated a broad investigation of ICE's oversight and interaction with the facilities in the NOL AOR. This review utilized four additional onsite investigations, as well as the work already completed by CRCL in the AOR, to address these larger concerns. During these investigations, CRCL reviewed additional allegations related to the facilities as well as the overall oversight from the ICE Field Office. The allegations related to inadequate medical care, improper use of force and other abusive treatment of peaceful hunger strikers, improper imposition of "solitary confinement," racially discriminatory abuse of Black detainees, and unsanitary conditions. Based on these four FY22 onsite investigations, **CRCL issued 165 recommendations to ICE, primarily focused in the areas of medical care, mental health care, conditions of detention, and environmental health and safety.***

CRCL stated their intention to issue additional formal recommendations concerning the overall NOLA AOR investigation, which will be forthcoming.

Approximately one month later, beginning February 27th, 2023, over 300 individuals went on hunger strike inside CLIPC to protest their conditions of confinement and prolonged detention. Freedom for Immigrants received a significant volume of calls to its legally unmonitored National Immigration Hotline by individuals participating in the hunger strike. Concurrently, media reports cited interviews confirming the hunger strike, which were provided anonymously due to fear of retaliation.³⁰ To date, ICE denies the existence of a mass hunger strike in the detention facility.

We raise significant concern that this formal complaint on behalf of Mr. Cortes De La Valle represents the latest in an unbroken continuum of abusive and life-threatening conditions under the ICE New Orleans area of responsibility. A new ICE Field Office Director assumed office in 2022, yet no significant changes have been made since then, and those who perpetuated harm have not been held accountable. Clearly, this demonstrates those holding responsibility remain unable or unwilling to properly care for individuals in their custody. Intervention is greatly needed with those holding higher authority.

VI. Recommendations and Conclusion:

³⁰ [Spurred by slow deportation wait times, Louisiana ICE detainees attempted a hunger strike | WWNO](#)

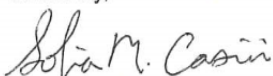
The decades of allegations of neglect, abuse, violence, and retaliation against the Central Louisiana ICE Processing Center, the GEO corporation, and the New Orleans ICE Field Office indicate that the violations raised in this complaint are neither novel nor correctable by the responsible parties. Given that medical abuse, sexual assault, and punitive use of solitary confinement are longstanding issues at CLIPC - and under the New Orleans Field Office – we allege that leadership within CLIPC and within the New Orleans ICE Field Office have had ample time to implement measures to address harm. We raise serious concerns about the continued operation of CLIPC given their ongoing failure to appropriately care for individuals in their custody. Longstanding issues at CLIPC, dating back nearly twenty years, can only be remedied by the detention facility's closure and demands to hold accountable those in authority.

We are extremely concerned about Mr. Cortes De La Valle's welfare and safety. Given urgent concerns, we request a response in writing within one week that addresses the following:

- That Mr. Cortes De La Valle be considered for immediate release on prosecutorial discretion to ensure his safety and well-being through provision of community-based medical services;
- If ICE is unwilling to utilize their discretion, then the provision of appropriate medical care must be ensured, including an immediate appointment with a neurologist, follow up diagnostic testing, and the provision of prescribed seizure medication daily. It is critical that the prescription be not interrupted and/or withheld. Without this medication, Mr. Cortes De La Valle will have life-threatening seizures that will place him at imminent risk of severe injury and death;
- Ensure accountability of those legally responsible for their wrongdoing by investigating the abuse of Mr. Cortes De La Valle, with investigation to include individual interviews with him, a review of medical records, the provision of video surveillance footage, and any and all other evidence substantiating this complaint;
- DHS PREA should immediately open an investigation into allegations of sexual assault;
- That oversight bodies, including DHS Office of Civil Rights and Civil Liberties and the Office of the Inspector General, should immediately open an investigation of Medical Practices, Use of Force, Verbal Abuse, Retaliation and Violations of First Amendment Rights at the Central Louisiana Immigration Processing Center;
- That any investigation undertaken by CRCL also be administered as part of the larger investigation of the ICE New Orleans Field Office;
- Ensure protection from retaliatory threats of deportation while investigation is underway for Mr. Cortes De La Valle as a victim of and witness to crime in ICE custody;
- Consideration of ICE permanently terminating the IGSA with the Central Louisiana ICE Processing Center, given the extensive evidence that Central Louisiana ICE Processing Center is unable to safely and responsibly house immigrants in ICE detention in compliance with the National Detention Standards and the United States Constitution.

Mr. Cortes De La Valle and the signed organizations look forward to your response in writing regarding the status of this matter by April 5, 2023.

Sincerely,



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