



October 5, 2023

**Via Mail and E-Mail**

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, DC 20536  
[ICE-FOIA@dhs.gov](mailto:ICE-FOIA@dhs.gov)

**RE: FREEDOM OF INFORMATION ACT REQUEST – SOLITARY AND ABUSE**

To Whom It May Concern:

Robert F. Kennedy Human Rights (“RFK HR”), American Civil Liberties Union of Louisiana (“ACLU-LA”), and New York Civil Liberties Union (“NYCLU”) (collectively, “Requesters” or “we”), pursuant to the provisions of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended, and applicable agency regulations, request copies of the records identified in the numbered paragraphs below from the United States Immigration and Customs Enforcement (“ICE” or “the Agency”).<sup>1</sup>

We are also requesting expedited processing for this request, pursuant to 5 U.S.C. § 552(a)(6)(E) and agency regulations, and a fee waiver, pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). In accordance with 5 U.S.C. § 552(a)(6)(A)(i), we expect a response to this request within 20 working days, unless otherwise permitted by statute.

**Purpose of the Request for Information**

The New Orleans Immigration and Customs Enforcement Field Office (the “NOLA ICE Field Office”) area of responsibility (“NOLA ICE AOR”) includes Louisiana, Mississippi, Alabama, Arkansas, and Tennessee. As of September 18, 2023, active detention facilities within the

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<sup>1</sup> We ask that you please direct this request to all appropriate offices and components within ICE including, but not limited to: Adams County Correctional Center (“Adams County”); Winn Correctional Center (“Winn”); Central Louisiana Immigrant Processing Center (“Jena LaSalle”); Jackson Parish Correctional Center (“Jackson Parish”); South Louisiana Immigrant Processing Center (“Basile”); Richwood Correctional Center (“Richwood”); Pine Prairie Immigrant Processing Center (“Pine Prairie”); River Correctional Center (“River”); Allen Parish Public Safety Complex (“Allen Parish”); Alexandria Staging Facility; New Orleans Field Office Enforcement and Removal Operations; Office of Detention Policy and Planning; Detention Standards Compliance Unit, Detention Management Division; Segregation Review Coordinator; Detention Service Managers (“DSM”); Custody Management Division (“CMD”); ICE Health Service Corps (“IHSC”); Facility Administrators that report to the New Orleans Field Office; and the Detention Monitoring Council (“DMC”).

NOLA ICE AOR detain an average of 5,401 people.<sup>2</sup> The documented human rights and civil rights abuses in ICE detention facilities under the control of the NOLA ICE Field Office have generated public interest and concern in recent years. Although reports of human rights abuses and violations are common in ICE detention,<sup>3</sup> the culture of abuse and rampant legal impunity within the NOLA ICE AOR have set it apart.<sup>4</sup> Through years of advocacy on behalf of clients and other detained people, Requesters and others have documented systemic physical and verbal abuse, the use of solitary confinement without due process, the deprivation of life-saving medical care, and retaliation in response to reported grievances in all 10 active facilities under the NOLA ICE Field Office, including reports of torture, physical abuse, threats of violence, anti-Black racism, threatened and deployed solitary confinement, deprivation of basic human necessities including life-saving medical care, and retaliation in response to reported grievances. The facilities' egregious conditions of confinement and unsafe release practices have led to serious injury and even death.

Due to the lack of transparency in ICE's operations, even advocates and attorneys who work closely with detained individuals describe ICE's practices in the NOLA ICE AOR as a "black box."<sup>5</sup> This FOIA request is necessary to bring transparency to the Agency's activities in the NOLA ICE AOR that are otherwise nearly entirely hidden from public view.

Requesters regularly witness and hear from individuals detained in NOLA ICE Field Office facilities about ICE's violations of its statutory obligations, its contractual obligations, its constitutional obligations, its obligations under international human rights and refugee law, and

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<sup>2</sup> See Transactional Records Access Clearinghouse, Detention Facilities Average Daily Population, <https://trac.syr.edu/immigration/detentionstats/facilities.html>.

<sup>3</sup> See, e.g., Chris Rickerd & Cristina Velez, National Immigration Project, *Complaints Ignored, Abuses Excused: Why the Department of Homeland Security's Internal Accountability Mechanisms Must Be Reformed* (Sirine Shebaya ed., Apr. 21, 2021), [https://nipnl.org/sites/default/files/2023-03/2021\\_27Apr\\_ice-report.pdf](https://nipnl.org/sites/default/files/2023-03/2021_27Apr_ice-report.pdf); Eunice Hyunhye Cho, ACLU National Prison Project & Joanna Naples-Mitchell, Physicians for Human Rights, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention* (2021), [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_phr\\_behind\\_closed\\_doors\\_final\\_1.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_phr_behind_closed_doors_final_1.pdf).

<sup>4</sup> See, e.g., Letter to The Honorable Alejandro Mayorkas, Secretary, United States Department of Homeland Security, *Unchecked Human Rights and Civil Rights Abuses Systemic within the New Orleans ICE Field Office Area of Responsibility* (Dec. 20, 2021), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/61c0b47c15319f67d4045ca3/1640019069450/12%3A20%3A21+DHS+NOLA+ICE+Investigation+Follow-Up+Letter+%282%29.pdf>.

<sup>5</sup> In August 2021, following over 200 allegations since 2021 by advocates and attorneys, the Department of Homeland Security ("DHS") Office of Civil Rights and Civil Liberties ("CRCL") launched an unprecedented investigation into the entire NOLA ICE AOR. To date, CRCL has not released the findings of this investigation. See Letter from DHS CRCL to Tae D. Johnson and Kerry E. Doyle, *ICE's Oversight of the New Orleans Field Office, Complaint Nos. 001278-21-ICE, 000993-21-ICE, 002483-21-ICE, 002240-21-ICE, 000101-21-ICE, 000102-21-ICE, 000890-21-ICE, 001523-21-ICE, 002407-21-ICE, 000377-21-ICE, and 000667-21-ICE* (Dec. 7, 2021), [https://www.dhs.gov/sites/default/files/2022-08/2021.12.07%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Oversight%20of%20New%20Orleans%20AOR%20-%20Redacted\\_508.pdf](https://www.dhs.gov/sites/default/files/2022-08/2021.12.07%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Oversight%20of%20New%20Orleans%20AOR%20-%20Redacted_508.pdf).

its obligations under its own standards to “improve safety, security and conditions of confinement for detainees” (“Performance-Based National Detention Standards” or “PBNDS”).<sup>6</sup> These violations include *physical abuse and the unlawful use of solitary confinement without due process*.

The NOLA ICE Field Office has allowed physical abuse to remain unchecked in its facilities. Requesters have received reports from persons held at NOLA ICE detention centers regarding physical beatings, the use of excessive force, the use of pepper-spray, verbal harassment, and retaliation against self-advocacy and peaceful demonstrations.<sup>7</sup> For example, Requesters have received reports that officers at the Adams County broke a man’s finger and nearly blinded another to coerce the men to sign deportation documents. Requesters received a report from a man at Richwood that an officer yelled “mother fucker” at a Guatemalan immigrant and then grabbed him by his neck. The same man described a separate incident where an officer hit an immigrant so hard that he thought he heard the sound of the man’s ribs breaking.<sup>8</sup> Requesters have received other reports of physical beatings and food withholding at Richwood.<sup>9</sup> Requesters have also received reports that ICE officials at Winn indiscriminately deployed tear gas inside at least one dormitory that was under quarantine for COVID-19, causing individuals to vomit blood

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<sup>6</sup> *ICE Detention Standards*, Immigration and Customs Enforcement (Feb. 24, 2023), <https://www.ice.gov/factsheets/facilities-pbnds>.

<sup>7</sup> The abuse in NOLA ICE AOR facilities is frequently imbued by racial animus and/or homophobia and transphobia. We have received a disparate number of reports of severe abuse cases for Black immigrants and those who identify as LGBTQ+. See, e.g., National Immigration Justice Center, Office for Civil Rights and Civil Liberties, *Complaint Re: Request for investigation into physical and homophobic verbal abuse of LGBTQ asylum-seeker in immigration detention - Winn Correctional Center, Louisiana* (Aug. 19, 2021), [https://immigrantjustice.org/sites/default/files/content-type/press-release/documents/2021-08/Cover-Letter\\_CRCL-Complaint\\_Winn-Correctional-Center\\_08-19-2021.pdf](https://immigrantjustice.org/sites/default/files/content-type/press-release/documents/2021-08/Cover-Letter_CRCL-Complaint_Winn-Correctional-Center_08-19-2021.pdf).

<sup>8</sup> News outlets have corroborated reports that officers at Richwood have broken immigrants’ ribs. See, e.g., USA Today Network, *Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US*, (Dec. 19, 2019), <https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002/> (publishing testimony of a man detained at Richwood who was hospitalized for broken ribs after peacefully hunger striking).

<sup>9</sup> Eunice Hyunhye Cho, Tara Tidwell Cullen and Clara Long, *Justice Free Zones: U.S. Immigration Detention Under the Trump Administration*, ACLU Research Report (Apr. 2020) at 38, [https://www.aclu.org/sites/default/files/field\\_document/justice-free\\_zones\\_immigrant\\_detention\\_report\\_aclu\\_hrwnijc\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/justice-free_zones_immigrant_detention_report_aclu_hrwnijc_0.pdf).

and suffer asthma attacks.<sup>10</sup> Nearly identical incidents occurred at Pine Prairie<sup>11</sup> and at least three times at Jenna LaSalle.<sup>12</sup>

Individuals held at NOLA ICE detention centers have also reported unlawful placement in solitary confinement without a hearing; that officers regularly fail to provide accommodations in solitary confinement for individuals with mental and physical health conditions; and that those placed in disciplinary<sup>13</sup> and administrative<sup>14</sup> segregation face severely punitive conditions, including: little to no recreational time, limited access to hygiene and potable water, limited access to grievance forms, limited access to the law library, and limited legal call access. Requesters have received reports that disciplinary segregation is often misused to “manage” the detention center population. For example, ICE officers at the Winn punished immigrants with solitary confinement for attempting to speak to reporters during facility tours. At Richwood, a man was beaten and put in solitary confinement for approximately 90 days after asking an officer to “give him his commissary.” Also at Richwood, a Cuban asylum seeker named Roylan Hernandez Diaz died after an apparent suicide attempt in solitary confinement after participating in a hunger strike. Requesters have repeatedly reported solitary violations at NOLA ICE detention centers to DHS CRCL (most recently in June 2021) but have yet to receive a response.<sup>15</sup>

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<sup>10</sup> Hayley Miller, *ICE Detention Center Officials Indiscriminately Tear Gassed Asylum Seekers, Complaints Say*, HuffPost (Aug. 16, 2020), [https://www.huffpost.com/entry/ice-tear-gas-detainees-winn-correctional-center\\_n\\_5f35305ec5b6fc009a625a85](https://www.huffpost.com/entry/ice-tear-gas-detainees-winn-correctional-center_n_5f35305ec5b6fc009a625a85).

<sup>11</sup> Noah Lanard, *It's Still Too Painful to Put Clothes On: An ICE Detainee Reports He Was Pepper-Sprayed and Sent to Isolation*, Mother Jones (Mar. 25, 2020), <https://www.motherjones.com/politics/2020/03/ice-geo-detention-pine-prairie-pepper-spray-louisiana/>.

<sup>12</sup> Noah Lanard, *ICE Detainees Were Pepper-Sprayed During a Briefing on Coronavirus*, Mother Jones (Mar. 26, 2020), <https://www.motherjones.com/politics/2020/03/ice-detainees-were-pepper-sprayed-during-a-briefing-on-coronavirus/>.

<sup>13</sup> ICE 2013 Directive 3.2 (“Disciplinary segregation is a punitive form of separation from the general population for disciplinary reasons. Disciplinary segregation is authorized only pursuant to the order of a facility disciplinary panel, following a hearing in which the detainee is determined to have committed serious misconduct in violation of a facility rule, and only consistent with the Disciplinary Severity Scale from the applicable ICE detention standards, and only when alternative dispositions would inadequately regulate detainee behavior.”).

<sup>14</sup> ICE 2013 Directive 3.1 (“Administrative segregation is a non-punitive form of separation from the general population for administrative reasons. Administrative segregation is authorized only as necessary to ensure the safety of the detainee, facility staff, and other detainees; the protection of property; or the security or good order of the facility, and therefore should be for the briefest term and under the least restrictive conditions practicable, consistent with the rationale for placement. Generally, detainees in administrative segregation shall receive the same privileges as detainees housed in the general population, consistent with safety and security concerns.”).

<sup>15</sup> RFK Human Rights, ISLA, et al., *Civil Rights Complaint Re: Call for Immediate Investigation into Immigration and Customs Enforcement Officers' Use of Punitive Solitary Confinement as a Response to the COVID-19 Pandemic and Other Public Health Crises* (June 21, 2021), <https://rfkhumanrights.org/assets/documents/RFK-Human-Rights-Pine-Prairie-DHS-Complaint.pdf>.

Requesters include national and local immigrant rights advocates and organizations that provide legal representation to individuals detained at facilities in the NOLA ICE Field Office. Requesters work closely with people detained at these facilities and advocate alongside them. Knowledge of the conditions in which they are held is relevant for Requesters' representation of people detained at NOLA ICE Facilities and for Requesters' advocacy efforts to ensure the rights of people detained at these facilities are respected. Requesters have a vested interest in the conditions in which their clients and community members are held.

Requesters urgently seek information on the federal government's policies, directives, and actions relating to the medical treatment and accommodations for immigrants detained in NOLA ICE Facilities. The disclosure of the information sought below will contribute to "public understanding of the operations or activities of the government," 5 U.S.C. § 552(a)(4)(A)(iii) and provide the public with information necessary to engage in the democratic process and public debate regarding the use of ICE detention in the NOLA ICE AOR. Disclosure would thus "in the public interest." 28 C.F.R. § 16.10(k). *See also* 6 C.F.R. § 5.11(k)(1).

### Definitions

The Records request below incorporates the following definitions:

"Anonymized ID" refers to any non-identifying variable the Agency may use to connect individual-level data across data sets, such as the first five digits of the Alien numbers, the last four digits of social security numbers, or any other similar information.

"Communications" refers to the transmittal of information in any format, including, but not limited to, the communication formats listed under "Record."

"Contract" or "Government Contract" refers to any agreement or modification thereof between any contracting agency and any person or entity for the purchase, sale, or use of personal property or nonpersonal services.

"Contractor" refers to any person or entity holding, or who has ever held or sought to hold, a Government Contract as defined in 41 CFR § 60-1.3. Any reference herein to a specific contractor or a contractor in general also refers to any division, subsidiary, or affiliate thereof and to their employees.

"Custody" refers to the state of being under the control of ICE or a third party at the direction of ICE based on purported violation of the Immigration and Nationality Act.

"Detain" or "Detention" refers to the act of ICE, whether by Agency personnel or a third party at the direction of ICE or Agency personnel, taking an individual into the Custody of the United States Government based on purported violations of the Immigration and Nationality Act, including but not limited to placement in a local or state jail or prison, including through Intergovernmental Service Agreement facilities, 287(g) agreements, private facilities, and federal facilities.

“Facility” or “ICE Facility” refers to any physical location where individuals are held pursuant to ICE Custody.

“Grievance” refers to any formal or informal complaint made by or on behalf of a detained person, or regarding the behavior of ICE Personnel or conditions at a NOLA ICE Facility, whether submitted to a NOLA ICE Facility Personnel or other government or nongovernment actors. For each grievance, we also request Records regarding any Agency investigation of, and response to, the grievance.

“Personnel” refers to an individual employed by an organization or authorized to act on behalf of an organization, including employees, Contractors, Contractors’ employees, agents, or representatives.

“Records” refers to all information in electronic, written, and/or printed form that is in ICE’s constructive possession, directly or indirectly, regardless of where or how the information originated or where or how ICE received it, encompassing but not limited to any information in the Custody of any Contractors for purposes of information management for ICE, and including but not limited to: messaging communications between phones or other electronic devices, including but not limited to communications sent via short message service (“SMS”), multimedia message service (“MMS”), or any other messaging service, via Blackberry Messenger, iMessage, WhatsApp, Facebook, Signal, G-Chat, Instagram direct message, Twitter direct message, Slack, and/or any other messaging and communications platform; emails, letters, faxes, and/or any other form of correspondence; minutes and/or notes of meetings and/or phone calls; voicemail messages; images, video, and/or audio data; social media posts; calendar entries; files and their contents, including any notes; logs, spreadsheets, worksheets, and/or coversheets; database entries, analyses of data; metadata; investigations, reports, studies, and/or reviews; internal memoranda; Contract, agreements, and/or memoranda of understanding, including but not limited to intergovernmental services agreements; presentations, formal or informal; training criteria, standards, evaluations, and/or materials; orders, directives, and/or instructions; legal opinions and/or memoranda; Policies, procedures, protocols, and/or manuals; guidance and/or guidelines; bulletins, advisories, and/or alerts; as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing notations, drafts, and revisions.

“Training Materials” refers to all Records used to instruct, guide, or otherwise prepare Personnel for any aspect of their employment or Contract including, but not limited to, electronic Records.

In requesting “Policies,” the Requesters seek national policies and guidance, as well as policies and guidance specific to a Facility or the New Orleans Field Office, in any format, including memoranda. However, Requesters do not refer to or seek copies of the Performance-Based National Detention Standards, unless annotated or incorporated in another record.

In requesting “Communications,” the Requesters seek any record of written correspondence or verbal correspondence, whether formal or informal, in any format, including intra-Agency, inter-Agency correspondence, and Agency correspondence with third parties. The date range for all searches should be understood to commence with each provided start date and to end on the date the search for documents responsive to that request is commenced by the Agency. *See Ferguson*

*v. U.S. Dep't of Educ.*, 2011 WL 4089880, at \*11 (S.D.N.Y. Sept. 13, 2011) (commencement date of agency's search was reasonable cut-off date).

### Request for Information

#### **Abuse and Misconduct**

1. All Records created on or after January 1, 2021, including data in any database disaggregated by national origin and race of the detained individual or, if not available, in aggregate, showing:
  - a. Personnel reports and other documentation of use of force on, or injury to, detained individuals, including reports submitted to the Field Office Director and after action review reports, as outlined in PBNDS §§ 2.15(V)(C) and (V)(O);
  - b. Personnel reports and other documentation of the use of force against people with "special needs," as defined in PBNDS § 2.15(V)(F)(3);
  - c. Requests to use restraints, including four or five-point restraints, the disposition of each request, and documentation of any determination to use restraints beyond two hours, per PBNDS § 2.15(V)(M);
  - d. Use or allegations of use, of prohibited force techniques or devices, as defined in PBNDS §§ 2.15(V)(E) and (V)(G)(5), including any resulting investigations;
  - e. Strip searches and body cavity searches performed on detained people and reason given for strip search; and
  - f. Examinations of a restrained person by medical Personnel.
2. All Records created on or after January 1, 2021 concerning Training Materials provided related to use of force.
3. All Records created on or after January 1, 2021 concerning withholding food, changing the quality of food, or intentionally providing poor quality food to a detained person, for any non-medical reason.
4. All Communications created on or after January 1, 2021 regarding alleged racism, racial bias, disparate treatment based on race, or disparate impact on people of different races, stemming from Agency personnel actions and Policies, including but not limited to Grievances regarding one or more of these issues.
5. All Records created on or after January 1, 2021 showing:
  - a. The forwarding of audiovisual recordings of "questionable or inappropriate" use of force to the Detention Management Division, pursuant to PBNDS § 2.15(V)(O)(3);
  - b. Investigation of any use of force by the Office of Professional Responsibility, the Department of Homeland Security, Office of the Inspector General, or the Federal Bureau of Investigation;
  - c. Any firings, unpaid leave, or other reprimands or discipline of ICE Personnel as a result of their actions toward detained people or other ICE Personnel; and

- d. Implementation and enforcement of protections against retaliation, including any affirmative monitoring of adverse action taken against people who have filed Grievances.
6. The Significant Incident Summary Worksheet (Form G-324A) and Detention Facility Inspection Form completed as part of the annual detention standards compliance review for fiscal years 2021 and 2022, and if no such form is available, all Records regarding compliance checks for fiscal years 2021 and 2022 for facilities in the jurisdiction of the ICE NOLA Field Office.
7. Individualized, disaggregated data regarding each individual detained at the NOLA ICE AOR Facilities on or after January 1, 2021, who was the subject of a use of force report, filed a Grievance, or had a Grievance filed on their behalf, regarding use of force, discrimination, harassment, abuse, or threats by or involving Agency personnel, or was subjected to a strip search or body cavity search, including: (i) Anonymized ID; (ii) race and national origin; (iii) gender, (iv) use of restraints, including type of restraint, date of use, reason for use, and duration of use; (v) any Grievances filed by the detained person or others on their behalf regarding use of force, discrimination, harassment, abuse, or threats by or involving Agency personnel, and any investigations and resolution of such Grievances; and (vi) any incidents of strip search or body cavity search subjected to, reason for search, titles and genders of individuals present for search, and times search(es) began and ended.

#### **Use of Solitary Confinement and Disciplinary Process**

8. Individualized, disaggregated data regarding each individual booked or detained at the NOLA ICE AOR Facilities on or after January 1, 2021 who was held in solitary confinement at any point, including (i) Anonymized ID; (ii) race and national origin; (iii) date(s) held in solitary confinement; (iv) basis for placement in solitary confinement; (v) time allowed out of cell; (vi) date(s) of any hearing(s) pertaining to solitary confinement, whether the detained person was present at the hearing(s), and whether the detained person was represented in the hearing(s); (vii) if no hearing was provided, the reason a hearing was not held; and (viii) any Grievances filed related to a person's placement, conditions, access issues, or incidents in solitary confinement, and the resolution of any such Grievances.
9. Records created since January 1, 2021 related to or reflecting:
  - a. Any instance of solitary confinement imposed for violations of PBNDS disciplinary codes 198, 199, 298, 299, 308, 311, 320, 323, 402, 404, or 413;
  - b. Actions taken by CMD, IHSC, and/or other components of ICE to "enhance" the capabilities and resources of the Facility to meet the needs of vulnerable people in solitary confinement, pursuant to ICE Directive 11065.1 § 7.2(3);
  - c. Any inspections or monitoring of the use of solitary confinement, conducted by DSMs, CMDs, the Office of Detention Oversight, The Office for Civil Rights and Civil Liberties, or other agencies; and



- d. Any portions of quarterly reports or related Communications from the DMC subcommittee regarding the NOLA ICE Facilities, including data about detained people held in segregation who met the criteria listed in ICE Directive 11065.1 §§ 5.1 and 5.2.2, the reasons for their segregation, the results of reviews of particular cases, and areas of concern regarding particular cases, pursuant to ICE Directive 11065.1 § 7.5(7).

10. Records created since January 1, 2021 related to or reflecting:

- a. Any instance where an individual was held in solitary confinement for 14 or more days during a 21-day period;
- b. Reports or Communications regarding the determination to keep a person in solitary confinement for more than 14 days continuously, or more than 14 days total during a 21-day period;
- c. Any instances of a person with a known mental illness, serious physical disability, serious physical illness, or otherwise having “special vulnerabilities” as defined in ICE Directive 11065.1, being held in solitary confinement for any period of time;
- d. Reports or Communications regarding the determination to hold a person in solitary confinement who has a qualified disability (mental or physical), mental illness, serious physical illness or disability, or otherwise has “special vulnerabilities” as defined in ICE Directive 11065.1;
- e. The placement of a person into administrative segregation on the basis of a mental or physical illness or disability, hunger strike, or suicide risk;
- f. The deprivation of any usually authorized items or activities in solitary confinement;
- g. All determinations by the DMC to end the use of solitary confinement for an individual; and
- h. The Agency’s use of solitary confinement to hold people exposed to or infected with COVID-19.

11. Records sufficient to show Policies or protocols in force on or after January 1, 2021 regarding Facility-specific rules, protocols, and processes for administering the disciplinary system and use of solitary confinement, including all Records related to the oversight, audit, deviance from, and enforcement of these rules, protocols, and processes.

12. Records sufficient to show Policies or protocols in force on or after January 1, 2021 regarding and the process used to determine whether a detained person has a “special vulnerability” as defined in ICE Directive 11065.1, or otherwise is a person whose placement in solitary confinement would trigger protections and protocols under ICE Directive 11065.1 § 5.2.

13. All Records created since January 1, 2021 related to or reflecting the use of solitary confinement, including the use of solitary confinement for (i) quarantine; (ii) administrative purposes due to overcrowding at the Facility; (iii) protective custody; (iv) administrative segregation without pending charges or a disciplinary hearing, as outlined in PBNDS § 2.12(V)(A)(1)(b); (v) placement in administrative segregation

following end of disciplinary segregation sentence, as outlined in PBNDS § 2.12(V)(A)(1)(e); (vi) suicide watch; or (vii) medical isolation.

14. All Records created since January 1, 2021 related to compliance with ICE Directive 11065.1 §§ 5.1-5.2, including Records relating to (i) reporting to the Field Office Director or other administrators regarding placement in solitary confinement; (ii) supervisor interviews of detained people; (iii) dates of reports to administrators or other officials regarding placement in solitary confinement; (iv) reports related to interviews and the review of placement in solitary confinement; (v) decisions regarding ongoing placement in solitary confinement; and (vi) the duration of placement in solitary confinement.

### Format of Production

The Requesters request that responsive documents and materials be produced *in their entirety*, including all attachments, enclosures, hyperlinks and internal links, and exhibits. If it is determined that a document contains material or information that falls within a statutory exemption to mandatory disclosure under FOIA, the Requesters ask that such material or information be reviewed for possible discretionary disclosure, consistent with the presumption of openness codified in the Freedom of Information Act Improvement Act of 2016, Pub. L. 114-185, 130 Stat. 538.

Please search for responsive Records regardless of format, medium, or physical characteristics, and including electronic Records. Please provide the requested documents as follows:

- Data Records in native format when possible (e.g., Excel spreadsheets in Excel);
- Other Records in PDF format when possible;
- Electronically searchable when possible;
- Email attachments provided in sequential order following the email, to preserve the “parent-child” relationship, such that Requesters are able to identify which documents were the attachments to which emails;
- Email parents include BCC and any other hidden fields; and
- Other metadata preserved for all Records.

Please furnish all applicable Records in electronic format as specified above to via email: Sarah Decker at [decker@rfkhumanrights.org](mailto:decker@rfkhumanrights.org) and Sarah Gillman at [gillman@rfkhumanrights.org](mailto:gillman@rfkhumanrights.org).

### Expedited Processing

We request expedited treatment for this FOIA request. This request qualifies for expedited treatment pursuant to 5 U.S.C. § 552(a)(6)(E) and applicable regulations. As demonstrated above, there is a “compelling need” for expedited processing sought by the Requesters. 5 U.S.C. § 552(a)(6)(E)(i)(I). The lack of expedited disclosure of records could “reasonably be expected to pose an imminent threat to the life or physical safety of an individual.” 5 U.S.C. § 552(a)(6)(E)(v)(I); 6 C.F.R. § 5.5(d)(1)(i). Moreover, there exists a clear “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II); *see also* 6 C.F.R. § 5.5(e)(1)(ii) (expedited processing is warranted where

there is “[a]n urgency to inform the public about an actual or alleged federal government activity”). The Requesters are therefore entitled to expedited processing of this request.

### Fee Waiver Request

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Requesters apply for a fee waiver. FIOA and applicable agency regulations require fees to be waived when it is determined, based upon the submission of the requester, that the information is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also* 5 C.F.R. § 5.11(k)(1) (permitting fee waiver when “disclosure of the requested information is in the public interest” and “is not primarily in the commercial interest of the requester”); 28 C.F.R. § 16.10(k) (“Requesters may seek a waiver of fees by . . . demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”).

Requesters are non-profit organizations that advocate alongside individuals detained at facilities in the New Orleans ICE Field Office. Access to this information is crucial for the Requesters and the communities they serve to evaluate immigration enforcement actions in their communities, including the conditions of confinement and protocols for Detention, confinement and release, and their potential detrimental effects in their communities.

### RFK HR

RFK HR is a non-partisan, not-for-profit organization that advocates for human rights issues and pursues strategic litigation to hold governments accountable for human rights abuses, including by pursuing immigrants’ rights and anti-detention advocacy and litigation. RFK HR is committed to transparency, government accountability, and education. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of RFK HR’s work. RFK HR regularly publishes in-depth analysis of current events affecting human rights and disseminates information to expose injustice. RFK HR disseminates content through its website—<https://rfkhumanrights.org/>—and by publishing reports, issuing press releases, and making public statements that reach thousands.

### ACLU-LA

ACLU-LA is a not-for-profit organization that works to advance and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States and the State of Louisiana in matters that affect civil liberties and human rights, including the rights of prisoners and immigrants. ACLU-LA is committed to principles of transparency and accountability in government and seeks to ensure that the American public is informed about the conduct of its government in matters that affect civil liberties and human rights. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of the ACLU-LU’s work.

ACLU-LA regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other civil liberties-related current events. ACLU-LA also publishes “know your rights” materials designed to educate the public about immigrants’ rights. ACLU-LU disseminates content through its website—<https://www.laaclu.org/>—and quarterly newsletters received by thousands of subscribers.

### NYCLU

NYCLU is the New York State affiliate of the ACLU. NYCLU is a not-for-profit organization that is committed to ensuring that the U.S. government complies with the Constitution and laws of this country in matters that affect civil liberties and human rights. NYCLU is committed to principles of transparency and accountability, and seeks to ensure that the public is informed about the conduct of the U.S. government in matters that affect civil liberties and human rights. Obtaining information about governmental activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of NYCLU’s work. To inform the public about government conduct affecting legal rights, NYCLU publishes newsletters, press releases, and know-your-rights handbooks. NYCLU publications are publicly available for no cost or for a nominal fee. NYCLU also disseminates information through its website—[www.nyclu.org](http://www.nyclu.org)—and through an electronic newsletter, which is received by thousands of subscribers.

The Requesters will make any information that they receive from these requests available to the public, including the press, at no cost. As detailed above, the conditions of immigrants detained in the NOLA ICE AOR is of significant public interest. The Requesters have undertaken this work in the public interest and not for any private commercial interest. Access to this information is necessary for the public to meaningfully evaluate the consequences of federal immigration Policies and the operations of immigration detention facilities in their communities to which the public has no other way of gaining visibility. The Government must waive or, at minimum, reduce any fees because the Requesters have no commercial interest in the requested information. They request this information to educate the public regarding the Government’s operations and activities. *See* 5 U.S.C. § 552(a)(4)(A)(iii).

If a fee waiver is not granted, Requesters in the alternative ask for a limitation of processing fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) (“[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by . . . a representative of the news media.”). *See also* 6 C.F.R. § 5.11(d)(1) (“No search fees will be charged for requests by . . . representatives of the news media, unless the records are sought for a commercial use.”).

### Conclusion

Thank you for your consideration of this request. There is an urgent need to inform the public of the policies and practices related to physical abuse and solitary confinement in immigration detention centers in the NOLA ICE AOR, where egregious treatment of immigrants in ICE custody has resulted and will continue to result in constitutional rights violations, public health

risks, and even death. This information will assist advocates defending the rights of detained people in the NOLA ICE facilities.

If this request is denied in whole or part, the Requesters ask that ICE justify all deletions or redactions by reference to specific exemptions of FOIA. The Requesters expect ICE to release all segregable portions of otherwise exempt material, and reserve the right to appeal a decision to withhold any records or to deny Requesters' application for waiver of fees.

We look forward to your reply to the request for expedited processing within 10 business days, as required under 5 U.S.C. § 552(a)(6)(E)(ii)(I). Notwithstanding your decision on the matter of expedited processing, we look forward to your reply to the records request within 20 business days, as required under 5 U.S.C. § 552(a)(6)(A)(I). In the event the Government is unable to meet that deadline, the Requesters are willing to discuss an appropriate schedule for rolling productions.

If you have any questions regarding the processing of this request, please contact Sarah Decker at 908-967-3245 or [decker@rfkhumanrights.org](mailto:decker@rfkhumanrights.org), or Sarah Gillman at 646-289-5593 or [gillman@rfkhumanrights.org](mailto:gillman@rfkhumanrights.org).

#### Certification

The Requesters certify that the above information is true and correct to the best of the Requesters' knowledge. *See* 6 C.F.R. § 5.5(e)(3).

Sincerely,



Sarah Decker, Esq.

Sarah Gillman, Esq.

Robert F. Kennedy Human Rights

Nora Ahmed, Esq.

ACLU of Louisiana

Amy Belsher, Esq.

New York Civil Liberties Union