



To Whom It May Concern:

Innovation Law Lab (Law Lab), New Mexico Immigrant Law Center (NMILC), Santa Fe Dreamers Project (SFDP), Las Americas Immigrant Advocacy Center (Las Americas), and Justice for Our Neighbors El Paso (JFON El Paso) submit this urgent complaint regarding the attempted suicide on November 30, 2022, by Rafael Oliveira do Nascimento (A# 241-754-169), a noncitizen from Brazil held in ICE custody at the Torrance County Detention Facility (TCDF) in Estancia, New Mexico. Delineated below is the list of facts as related to Law Lab staff by Mr. Oliveira do Nascimento on December 2, 2022, two days after he attempted suicide. Additionally, we have included facts related to Law Lab's attempts to meet with Mr. Oliveira do Nascimento in person in the wake of his suicide attempt to provide him with support, and the resulting denial by CoreCivic staff — attributed to the direction of ICE — to allow Law Lab staff to meet with him. The undersigned strongly urge that a site visit be immediately conducted as part of an immediate and robust investigation, and that the OIG's recommendation for Torrance to cease its ICE detention operations be followed immediately.

Mr. Oliveira do Nascimento's account of the events leading up to his attempted suicide, as well as the response by CoreCivic staff after the fact, highlight mistreatment by CoreCivic staff, medical neglect, psychological neglect, retaliation for speaking up about abuse, poor conditions in the facility, violations of the PBNDS, contractual violations of the IGSA for TCDF, due process violations, Rehab Act violations, human rights abuses, and torture.

We urge the Office for Civil Rights and Civil Liberties (CRCL), the Office of the Inspector General (OIG), and the Office of the Immigration Detention Ombudsman (OIDO), to immediately: 1) investigate the incident in which Mr. Rafael Oliveira do Nascimento attempted suicide by hanging himself while in ICE custody in TCDF, 2) investigate the medical neglect at the facility, 3) investigate the retaliation against Mr. Oliveira do Nascimento for having attempted suicide, 4) recommend making available independent off-site mental health services to all persons detained in TCDF, 5) recommend the immediate suspension of all removals of noncitizens detained at TCDF, 6) recommend the immediate suspension of all transfers from TCDF, 7) recommend the immediate release of all noncitizens from TCDF to their families and support networks, instead of being transferred, and (8) recommend the immediate termination of the IGSA contract at Torrance County Detention Facility.

The following is a summary of the incident based on the information available at this time according to direct testimony from Mr. Oliveira do Nascimento.

1. Rafael Oliveira do Nascimento is a citizen of Brazil.
2. Mr. Oliveria do Nascimento has been detained in ICE custody in TCDF for approximately six months.
3. On the afternoon of November 30, 2022, Mr. Oliveira do Nascimento attempted to commit suicide by hanging himself with his bed sheet.
4. Mr. Oliveira do Nascimento was found by a CoreCivic guard in TCDF in the act of strangling himself with his bed sheet.
5. Prior to this attempted suicide, Mr. Oliveira do Nascimento had been feeling mental distress and shared that with others detained in TCDF, as well as CoreCivic staff at TCDF.
6. Earlier in the day prior to his attempted suicide, Mr. Oliveira do Nascimento was yelled at by a CoreCivic guard for refusing to return to his cell early from yard time.
7. Mr. Oliveira do Nascimento responded to being yelled at by the CoreCivic guard by throwing the cleaning supplies he had been using in the yard.
8. Mr. Oliveira do Nascimento was subsequently taken to the medical unit at TCDF. While in the medical unit, he asked to speak with a psychologist because he wasn't feeling well. Mr. Oliveira do Nascimento was told that there were no psychologists available that day and he was sent back to his cell.
9. Mr. Oliveira do Nascimento then attempted suicide because he could no longer bear being locked up for so long in such terrible conditions, being isolated from his loved ones and support network, and receiving such terrible treatment from the people in charge of his custody.
10. After Mr. Oliveira do Nascimento attempted suicide he was taken to the medical unit at TCDF, where they determined that he would be put in medical observation in solitary confinement. He was not asked if he wanted to go to the hospital or speak with a mental health professional. No other medical personnel other than those working at TCDF were involved in the response to his suicide attempt.
11. Mr. Oliveira do Nascimento feels extremely isolated inside TCDF and wants help, but he fears talking to anyone who works at TCDF because he believes they will put him in worse conditions if he tells them what he is really feeling.
12. Mr. Oliveira do Nascimento believes he was sent to solitary confinement, or "the cold room" as he often refers to it, as punishment for attempting suicide.
13. Mr. Oliveira do Nascimento is afraid to speak freely with people over the phone because he is afraid that the guards who sit outside the door to the legal visit room will listen to what he says, and he doesn't want to say anything that will cause him to be detained in TCDF any longer.
14. Mr. Oliveira do Nascimento would have preferred to speak with his legal team from Law Lab in person where he believes the conversation will be more confidential, but CoreCivic guards and medical staff and ICE ((a)AFOD Azucena Sanchez, per CoreCivic Captain Rodriguez) only let him speak with Law Lab over the phone.
15. Mr. Oliveira do Nascimento describes the solitary confinement room as being extremely cold, and he was very uncomfortable while held in there and could barely sleep.

16. Mr. Oliveira do Nascimento explains that the piece of clothing they make him wear (referred to as a “suicide smock” in the 2011 PBNDS 4.6.V.F.2) only hangs over his body and doesn’t provide warmth, and he felt basically naked and vulnerable. He was so cold in the room where they took him to have the legal call that he wanted to cut the call short with his legal representative despite wanting to talk more about his situation.
17. Mr. Oliveira do Nascimento is afraid to go back to Brazil and wants to pursue his asylum case in the United States, but he is so traumatized by being detained in TCDF that he would rather be deported than do anything that might prolong his detention.

The following is a summary of staff from Law Lab’s attempt to meet with Mr. Oliveira do Nascimento:

1. Shortly after 2:00pm MT on December 1, 2022, Patrick Podesta and Ana Ortiz Varela attempted to meet with Mr. Oliveira do Nascimento. CoreCivic staff at TCDF informed Ms. Ortiz and Mr. Podesta that although Mr. Oliveira do Nascimento had expressed a desire to meet with them, they would not be permitted to meet with him, per orders from CoreCivic medical staff, as he was under 24-hour supervision.
2. On December 2, 2022, Law Lab staff members Ana Ortiz and PJ Podesta attempted for the second day in a row to meet in person with Mr. Oliveira do Nascimento at TCDF. CoreCivic staff at TCDF informed Ms. Ortiz and Mr. Podesta that they would not be allowed to meet with Mr. Oliveira do Nascimento. When Ms. Ortiz and Mr. Podesta asked for clarification as to why they could not meet with Mr. Oliveira do Nascimento and cited why that was not in accordance with ICE or CoreCivic written policy, CoreCivic Captain Rodriguez informed them that acting Assistant Field Office Director Azucena Sanchez stated that medical staff had only cleared Mr. Oliveira do Nascimento for telephonic legal visits, and would not be allowed to have an in-person legal visit until further notice.
3. Although Law Lab staff were not able to meet with Mr. Oliveira do Nascimento in person, Ian Philabaum was able to conduct a legal visit with him telephonically on December 2, 2022. Mr. Oliveira do Nascimento confirmed with Mr. Philabaum that he granted permission to Law Lab to disclose his name and share the details of his attempted suicide.

The relevant protocols and policies make clear that people in medical isolation are entitled to legal visits, including those on suicide watch. Law Lab staff presented the following written policy to TCDF staff on December 2, 2022 when they were denied access to meet with Mr. Oliveira do Nascimento:

1. ICE policy [2011 PBNDS 4.6.V.F](#) states the following:

“Suicidal detainees who are temporarily placed in a Special Management Unit shall have access to all programs and services, including recreation, visitation, telephones, counsel, and other services available to the general population, to the maximum extent possible. The facility shall ensure that the decision to place a suicidal detainee in an administrative segregation cell in Special Management Unit is not punitive in nature, and, as required by "A. Placement in Administrative Segregation" in Standard 2.12 "Special Management

Units", detainees in administrative segregation shall not be commingled with detainees in disciplinary segregation."

2. CoreCivic's Suicide Prevention Plan (included as attachment in email) states the following:

"Restricted Housing Supervisor is responsible for scheduling phone time as well as conducting Attorney/Client phone calls." (page 5)

Unfortunately, this occurrence was entirely predictable and stated as such on numerous occasions to ICE and DHS officials, as was the heartbreaking death of Kesley Vial in August earlier this year. As previously shared with your offices, numerous individuals currently and formerly detained in TCDF have reported that medical isolation occurs in the administrative segregation cell and is torturous solitary confinement under conditions of extremely cold temperature and insufficient clothing and food. Additionally, mental health professionals from Humanitarian Outreach for Migrant Emotional Health (HOME) have reported (included as attachment in email) on mental health services and conditions at TCDF and found:

- grievous shortfalls in the TCDF suicide prevention protocols and practices as compared to evidence-based best practices;
- fear among asylum-seekers detained in the TCDF of disclosing suicidal thoughts to TCDF healthcare staff due to the risk of being placed in solitary confinement; and
- serious and disturbing inadequacies in the TCDF mental healthcare records.

ICE and CoreCivic have failed to care for Mr. Oliveira do Nascimento and are responsible for the harm being done to him. The [Office of the Inspector General](#) and [advocates](#) have warned repeatedly that the conditions at TCDF would result in more individuals engaging in self harm, but ICE and CoreCivic continue to detain people despite all evidence that these conditions have not changed, and even worsened. Reflecting on Mr. Oliveira do Nascimento's attempted suicide — at least the second that he has witnessed at TCDF — Mr. Victor Cordero reported to Mr. Podesta of Law Lab on December 1st, 2022, that he and others are being tortured psychologically. Additionally, American Civil Liberties Union of New Mexico, Law Lab, NMILC, Las Americas, JFON El Paso, and SFDP sent a [letter to the ICE Health Service Corps](#) on Friday requesting an urgent investigation into a worsening medical and mental healthcare crisis at the Torrance County Detention Facility.

Mr. Oliveira deserves to be released to his sponsor immediately so that he may receive the treatment and care that he urgently needs. Likewise, the remaining other ten (10) individuals in ICE custody at TCDF should also be released to their sponsors, before isolation and torturous treatment result in further acts of self harm. All individuals detained in TCDF are eligible for immigration relief, and they are all also eligible for release from detention. ICE officials are fully aware of their authority to release the remaining eleven (11) individuals in TCDF but refuse to do so.

Given the above facts, and all relevant complaints previously submitted to your offices, Law Lab requests that CRCL, OIG, and OIDO each:

1. demand that Mr. Oliveira do Nascimento be immediately released from TCDF to his sponsor so that he may receive the mental health and medical attention that he requires,
2. call for an investigation of the events and circumstances leading up to and immediately after the attempted suicide of Mr. Oliveira do Nascimento on November 30, 2022 in TCDF,
3. urge ICE to immediately release all individuals in its custody at TCDF to their sponsors in the US, and
4. demand that DHS terminate the IGSA between ICE and Torrance County.

Thank you for your attention to this urgent matter, and do not hesitate to reach out to us for further detail as it relates to this situation.

Respectfully Submitted,

Ian Philabaum
Program Director
Innovation Law Lab

Sophia Genovese
Senior Attorney
New Mexico Immigrant Law Center

Emma O'Sullivan
Executive Director
Santa Fe Dreamers Project

Jannette Mondragón
Staff Attorney
JFON El Paso

Zoe Bowman
Supervising Attorney, Detained Deportation Defense Team
Las Americas Immigrant Advocacy Center