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Law Center

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CRCLCompliance@hq.dhs.gov

Via e-mail

Re: Immediate redress of abusive and retaliatory tactics at Folkston ICE Processing Center

Mr. Ervin, Mr. McMillar, Mr. Purdy, and M. Normand,

On behalf of Garsumo Dorley and men detained in similar circumstances at the Folkston ICE Processing Center (FIPC), we write to request immediate action to cease and investigate the improper use of force and other abusive and retaliatory tactics employed by GEO Group personnel in violation of the Performance-Based National Detention Standards (PBNDS) and applicable law. Specifically, we request that you (1) within five days of this request, provide Mr. Dorley’s legal representative with video footage of the incidents on April 16, 18, and 26, 2022, described below;¹ (2) within five days of this request, begin a formal investigation into abusive and retaliatory behavior by GEO personnel against Black immigrants at FIPC, including the offenses outlined below; (3) within ten days of this request, release all potential witnesses and victims of undue use of force at FIPC, to enable them to participate in the investigation without fear of retaliation; and (4) within 15 days of this request,

¹ The requested video footage should be sent to Mr. Dorley’s legal representative Ariel Prado at ariel@innovationlawlab.org. Mr. Prado’s signed G-28 is on record with ICE.

provide a response outlining FIPC’s plan of action, including the disciplinary and remedial measures that may be undertaken in response to any findings of staff misconduct.

It is our understanding that since April 16, 2022, the following incidents have been documented at FIPC:

- On April 16, 2022, approximately fifteen individuals detained at FIPC – including Mr. Dorley – were subjected to abusive tactics by GEO Group staff in retaliation for their exercise of free speech. When these individuals peacefully resisted the curtailment of their regular recreation time—time to which they were entitled under PBNDS 5.4(V)(B)²--they were locked outside. For approximately three hours, the men were denied access to shade, food, or water despite temperatures approaching 90 degrees Fahrenheit, in violation of PBNDS 5.4(V)(D)(5).³ During this period, two men were denied access to their inhalers, in violation of PBNDS 4.3(V).⁴ Mr. Roberts experienced an asthma attack while in the yard and repeatedly asked for his inhaler approximately 30 times while Lieutenant Crews watched from behind a closed door.
- Following this retaliation, on April 18, 2022, GEO Major Holmes instructed Mr. Dorley, who was locked in his cell at the time, to come outside and speak with Lieutenant Campbell. When Mr. Dorley asked why he was being told to speak with Mr. Campbell, Major Holmes refused to provide an answer. Mr. Dorley then requested the presence of the facility psychiatrist, who had previously instructed Mr. Dorley to request his presence whenever there might be a confrontation with guards. Rather than seek out the facility psychiatrist or engage in any of the mandatory conflict avoidance tactics enumerated in PBNDS 2.15,⁵ Major Holmes returned with a five-person extraction team – a technique authorized only “[w]hen a detainee must be forcibly moved and/or restrained during a calculated use of force.” *See* PBNDS 2.15(V)(I)(3). The team tackled Mr. Dorley while he was brushing his teeth and pinned him to the ground. One officer put their knee on Mr. Dorley’s face and another put their knee on his back before they shackled Mr. Dorley’s ankles and wrists.
- On April 18, 2022, Mr. Dorley and two other men, were placed in disciplinary segregation pending a disciplinary hearing, in violation of PBNDS 3.1(II)(3).⁶ In the April 19, 2022 incident report, GEO staff wrote that Mr. Dorley had spit toothpaste at them – failing to mention, in violation of PBNDS 2.15, that five guards had tackled Mr. Dorley while he was

² “If outdoor recreation is available at the facility, each detainee in general population shall have access for at least one hour, seven days a week, at a reasonable time of day, weather permitting.”; *see also* PBNDS 3.1(V)(5) (“Staff may not impose or allow imposition of the following sanctions: . . . deprivation of indoor or outdoor recreation, unless such activity would create a documented unsafe condition within the facility.”).

³ “All detainees participating in outdoor recreation shall have access to drinking water and toilet facilities.”

⁴ *See, e.g.*, PBNDS 4.3(V)(A) (requiring appropriate healthcare “as medically indicated” and “[t]imely responses to medical complaints”); 4.3(V)(U)(4) (“All prescribed medications and medically necessary treatments shall be provided to detainees on schedule and without interruption”).

⁵ *See, e.g.*, PBNDS 2.15(II)(2) (“Facilities shall endorse confrontation avoidance as the preferred method for resolving situations, always to be attempted prior to any calculated use of force.”); 2.15(II)(3) (“Physical force shall only be used to the minimum extent necessary to restore order, protect safety and provide security.”); 2.15(V)(I) (“If a detainee is a location where there is no immediate threat to the detainee or others . . . staff shall take the time to assess the possibility of resolving the situation without resorting to force.”).

⁶ “Disciplinary segregation shall only be ordered when alternative dispositions may inadequately regulate the detainee’s behavior.”

brushing his teeth.⁷ In violation of his Due Process Rights reflected in PBNDS 3.1, Mr. Dorley and the other men placed in disciplinary segregation were neither allowed to attend nor submit evidence in their disciplinary hearing.⁸

- While in solitary confinement, on April 26, 2022 Mr. Dorley and the two other men were threatened by another GEO Group staff member, Officer Jackson, who said that he would start a fight with one of the three men to get out of detail on solitary. The same day, Officer Jackson assaulted Mr. Dorley in his cell, again in blatant violation of PBNDS 2.15. When Mr. Dorley filed a grievance against Officer Jackson, he received threats from other GEO guards who told him that due to the grievance he filed, “it’s on” and “it’s GEO versus Dorley.” As a result, Mr. Dorley is afraid to eat the food that the guards bring him because he does not know what they are doing to it.
- Until late last week, Mr. Dorley remained in disciplinary confinement in violation of PBNDS 3.1(V). He suffers ongoing pain from the officers’ April 18 assault, including severe pain in his jaw. A doctor has informed him the pain in Mr. Dorley’s jaw, and his inability to open his jaw fully, are the result of damage sustained to a ligament in Mr. Dorley’s temporomandibular joint (TMJ). Medical staff informed Mr. Dorley that the injury was severe enough that it may require surgery in the future.

In addition to the violent and abusive tactics above, it is our understanding that Mr. Dorley and other men detained at FIPC have been subjected to additional mistreatment, including: racial discrimination, in violation of PBNDS 3.1(V)(A)(3); verbal abuse, including the use of profanities; provision of spoiled food, in violation of PBNDS 4.1; and obstruction of access to commissary purchases, in violation of PBNDS 2.12(II)(19). Further, on at least one occasion, a GEO Group Staff member brought a knife into the facility, in violation of PBNDS 2.15(II)(8).⁹

Finally, it is our understanding that the men who have attempted to raise examples of this mistreatment with legal counsel have been threatened with retaliation if they engage in such communications. After Mr. Dorley used the process endorsed by the facility to share confidential legal materials with his legal representative, including a witness statement from another man in detention, he was told by Major Holmes that he had violated the rules and was not allowed to share documents of that sort with his attorney. Such review and restriction of Mr. Dorley’s legal correspondence violates his due process rights and is again in violation of the PBNDS.¹⁰

The repeated pattern of violent abuse and retaliatory discipline captured above makes it clear that officers at FIPC have repeatedly violated the PBNDS, including through the improper use force

⁷ See PBNDS 2.15(V)(P)(1) (requiring “after-action review of use of force incidents (immediate or calculated) and applications of restraints” in order “to assess the reasonableness of the actions taken and determine whether the force used was proportional to the detainee’s actions”); 2.15(V)(P)(4)-(5) (requiring after-action reporting and investigation); *see also* PBNDS 3.1(II)(6) (“Each Incident Report shall be objectively and impartially investigated and reported, ordinarily by a person of supervisory rank.”).

⁸ *See also* PBNDS 3.1(V)(H) (requiring Institution Disciplinary Panel to “verify that the detainee has been advised of and afforded his/her due process rights”).

⁹ “In each facility, all weapons and related equipment shall be stored securely in designated areas to which only authorized persons have access.”

¹⁰ *See* PBNDS 5.1(V)(F)(2), (G)(2) (“Staff shall neither read nor copy outgoing special correspondence or legal mail.”).

and restraints, *see* PBNDS 2.15, and the failure to ensure “sufficient supervision of detainees . . . to protect [them] against . . . violence or harassment,” *see* PBNDS 2.4(V)(A). *See also* PBNDS 3.1(V)(A)(3) (“Disciplinary action may not be capricious or retaliatory nor based on race . . .”).

For the aforementioned reasons, the undersigned understand that men detained at FIPC have been repeatedly abused and retaliated against by GEO Group Staff, in violation of their rights and the PBNDS. We therefore request that you immediately provide Mr. Dorley’s legal representative with video footage of the April 16, 18, and 26, 2022, incidents detailed above. We further request that you launch a full, formal, and transparent investigation into the mistreatment described above alongside other abuses at FIPC that have been perpetrated by staff of the GEO Group, consistent with PBNDS 2.4(V)(H);¹¹ and that you release all potential witnesses and victims of the undue use of force at FIPC to enable them to freely participate in the investigation without fear of retaliation.

We appreciate your prompt attention to our request and await your response. We remain ready to provide additional information as needed.

Sincerely,

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¹¹ “The facility shall ensure a thorough investigation of any incident or allegation of staff-on-detainee physical assault, and staff determined to have perpetrated a physical assault on a detainee shall be appropriately disciplined . . . ”