February 24, 2023

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Via e-mail

Re: Relief from Torturous Conditions and Rights Violations at Torrance County Detention Facility

Ms. Murray, Mr. Thurlow, Ms. Doyle, Mr. Hedgspeth, Ms. Mateen, Ms. De Anda-Ybarra, Mr. Shaw, Mr. Tavarez, and Mr. Phillips,

On behalf of individuals currently detained at the Torrance County Detention Facility (TCDF), we write to request immediate action to cease and investigate the dire conditions and other abusive and retaliatory tactics employed by CoreCivic personnel in violation of the 2011/2016 ICE Performance-Based National Detention Standards (PBNDS) and applicable law. Specifically, we request that within 5 days of this request:

1. ICE provide written instruction to CoreCivic to cease the use of Restrictive Housing Units and other punitive responses to self-reported symptoms of suicidality that, per the PBNDS, increase the risk of unreported symptoms and suicide;
2. DHS cease administering fear interviews at TCDF as TCDF is not equipped to provide a private and confidential setting for individuals conducting their fear interviews;
3. DHS reissue Notices to Appear (NTAs) to all individuals currently detained at TCDF who have been subjected to the egregious due process violations described below and in the attached report, which include the administration of fear interviews over faulty phone lines in a non-private, non-confidential setting; the failure to serve credible fear interview (CFI) notes and notices of hearing on a timely basis; and the failure to ensure that limited-English proficiency (LEP) individuals are provided adequate interpretation to understand the expedited removal process and to meaningfully participate in their fear interviews; and
4. ICE and USCIS begin a formal investigation into the violations detailed in this letter and the attached report, based on interviews with 115 men detained at TCDF from January-February 2023,[1] including the physical conditions of the cells at TCDF.

We further request that within 15 days of this request, DHS provide a response outlining a plan of action for TCDF, including the disciplinary and remedial measures that may be undertaken in response to any findings of staff misconduct.

As of February 24, 2023, it is our understanding that approximately 400 men are currently detained at TCDF. From conversations with more than 100 men detained at the facility since January 2023, we understand that these men are asylum-seeking individuals who recently arrived in the United States

[1] *See attached: Sleep Deprivation, Torture Rooms, a Rigged Deportation Process, and Attempted Suicide at the Torrance County Detention Facility in Estancia, New Mexico* (February 15, 2023), also available at https://innovationlawlab.org/media/2023.02.15-Torrance-Report.pdf.

and have been placed in expedited removal proceedings. All of these individuals may have legal remedies; however, many if not all have been subjected to torturous conditions and persistent due process violations.

Inhumane Conditions of Confinement

It is our understanding that CoreCivic personnel have subjected the men detained at TCDF to inhumane conditions including acute sleep deprivation that rises to the level of torture. *See* 8 C.F.R. § 208.18(a) (defining torture to include "[t]he administration or application . . . [of] procedures calculated to disrupt profoundly the senses or the personality" when such act is "directed against a person in the offender's custody or physical control"). CoreCivic personnel have further detained these men in conditions that violate minimum standards of health and hygiene, including cold temperatures, soaked mattresses, and confinement in cells with toilets overflowing with excrement. Such conditions are in blatant violation of the PBNDS, which require that "[e]nvironmental health conditions shall be maintained at a level that meets recognized standards of hygiene" and that facility administrators ensure staff "maintain a high standard of facility sanitation and general cleanliness." *See* PBNDS Ch. 1.2(V)(A)(1)-(3); *see also id.* Chs. 2.1(V)(C), 4.5(I), (V) (requiring "climatically suitable" clothing and bedding); *id.* Ch. 4.5(V)(E) (requiring adequate access to toilet facilities 24 hours per day). Individuals detained at TCDF have also been deprived of sufficient food of nutritional value, in violation of the requirement that "detainees are provided a nutritionally balanced diet" that "accommodate[s] diverse nutritional needs." *See id.* Ch. 4.1.

Deprivation of Necessary Medical and Mental Health Care

It is also our understanding that CoreCivic staff have deprived individuals detained at TCDF of appropriate medical care, in violation of standards requiring that "[a]ll prescribed medications and medically necessary treatments shall be provided to detainees on schedule and without interruption, absent exigent circumstances." *See* PBNDS Ch. 4.3(V)(U)(4); *see also id.* Ch. 4.3(II)(12) (mandating care and treatment for "[d]etainees with chronic conditions"). We further understand that when staff has administered medication, they have frequently done so without informed consent. *See id.* Ch. 4.3 (mandating strict compliance with informed consent standards, including information about side effects and the use of appropriate "professional interpretation services" for individuals with limited English proficiency). According to multiple reports, CoreCivic staff also failed to provide any necessary accommodations to a blind individual who was detained at TCDF, in violation of requirements to "act affirmatively to prevent disability discrimination" and provide necessary communication assistance, including "the provision of auxiliary aids, such as readers [and] materials in Braille." *See id.* Ch. 4.8; *see also id.* Chs. 1.2(II)(16), 2.1(II)(9), 2.4(II)(9), 2.13(II)(6), 2.15(II)(14), 4.3 (II)(3), 4.5(I)(6), 4.6(I)(4). 5.6(II)(10), 6.3(II)(11).

Individuals detained at TCDF have also been deprived of appropriate care for mental health conditions, in violation of the requirement that "[s]taff shall act to prevent significant self-harm and suicides with appropriate sensitivity, supervision, medical and mental health referrals and emergency medical procedures." *See id.* (I)(2). Rather than receiving appropriate support, including "preventive supervision, treatment and therapeutic follow-up," individuals who express mental health struggles or

suicidal ideation have instead been subjected to punitive isolation that exacerbates their mental state. *See id.* Chs. 4.3(V)(O)(5) (authorizing medical isolation only for an individual "at high risk for violent behavior" and not "as a punitive measure"); 4.6(V)(F)(1) (requiring that "[d]eprivations and restrictions placed on suicidal detainees must be kept at a minimum," as "punitive treatment or punishment . . . can result in the detainee not discussing his or her suicidal intentions and falsely showing an appearance of a swift recovery").

Violations of Due Process, Including Lack of Confidential Fear Interviews

In addition to suffering from torturous conditions of confinement, individuals detained at TCDF have been consistently deprived of their constitutional rights to due process, preventing them from understanding, let alone meaningfully participating in, their removal cases. Individuals detained at TCDF have been subjected to credible fear interviews without adequate interpretation, orientation or understanding of the credible fear process; without confidentiality; and without written notice of fear decisions – all in violation of their rights.

Section 235(b)(1)(B)(iv) of the Immigration and Nationality Act requires that individuals in expedited removal receive information regarding the credible fear process as well as an opportunity to "consult with a person or persons of [their] choosing prior to the interview or any review thereof." Men detained at TCDF have received no such orientation. CoreCivic staff have consistently failed to provide LEP individuals detained at TCDF with adequate interpretation. This treatment violates the standards promulgated *throughout* the PBNDS, which require the provision of "professional interpretation and translation services" to ensure that all individuals can understand facility processes and engage in their legal proceedings. *See, e.g.*, PBNDS Chs. 1.2(II)(16), 2.1(II)(9), 2.4(II)(9), 2.13(II)(6), 2.15(II)(14), 4.3 (II)(3), 4.5(I)(6), 4.6(I)(4), 5.6(II)(10), 6.3(II)(11). Additionally, individuals detained at TCDF have been deprived of confidential legal calls, in blatant violation of their right to counsel. *See, e.g.*, *id.* Chs. 5.6 (requiring that "[p]rivacy for detainee telephone calls regarding legal matters shall be ensured"); 6.3(II)(7) (mandating that "[d]etainees shall be able to have confidential contact with attorneys and their authorized representatives in person, on the telephone and through correspondence").

For men detained at TCDF, the lack of confidentiality also extends to the credible fear interview itself. Federal regulations clearly require that credible fear interviews are conducted in a confidential setting "separate and apart from the general public." *See* 8 C.F.R. § 208.30(d). At TCDF, however, interviews are conducted at phone banks with minimal separation between individuals, depriving individuals of the confidential setting necessary to enable them to share the sensitive and traumatic details that may be central to their claims for protection.

Individuals detained at TCDF have also been deprived of basic resources required to allow them to represent themselves in their credible fear interviews and subsequent review. This treatment is a clear violation of standards requiring "[s]ufficient writing implements" and "access to a properly equipped law library, legal materials and equipment." *See* PBNDS Ch. 6.3; *see also id.* Ch. 5.1(V)(N) (requiring ICE/ERO to facilitate "services in connection with a legal matter" for unrepresented detained individuals). CoreCivic staff have also deprived individuals of written notice of their credible fear

decisions, violating regulations requiring noncitizens to receive "written notice of [their] decision . . . including copies of the asylum officer's notes, the summary of the material facts, and other materials upon which the determination was based." *See* 8 C.F.R. § 208.30(g)(1); *see also* PBNDS Ch. 6.3(V)(J) (requiring that "[t]he facility shall permit a detainee to retain all personal legal material").

Retaliation for Exercise of Free Speech

It is our understanding that CoreCivic staff have retaliated against individuals who have attempted express their grievances over their treatment at TCDF. Staff may not "harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the DHS Office of the Inspector General," including through any action that "has an adverse effect on the resident's life in the facility." PBNDS Ch. 6.2(V)(G). CoreCivic staff, however, have threatened, intimidated, and retaliated against individuals who express grievances as to their treatment at the facility, including denying them access to legal calls. These actions violate detained individuals' access to the grievance process as outlined in PBNDS Ch. 6.3 and further violate the requirement that "[a] detainee shall not be denied access to law libraries and legal materials as a disciplinary measure, reprisal, retaliation or penalty." *See id.* Ch. 6.2(II). Some individuals have also been subjected to disciplinary proceedings that are devoid of due process, in violation of the required procedures and standards required by PBNDS 3.1.

As outlined above, we request that within five days of this request, (1) ICE provide written instruction to CoreCivic to cease the use of Restrictive Housing Units and other punitive responses to self-reported symptoms of suicidality; (2) DHS cease administering fear interviews at TCDF; (3) DHS reissue NTAs to all individuals currently detained at TCDF who have been subjected to egregious due process violations; and (4) ICE begin a formal investigation into the reported violations at TCDF. We further request that within 15 days of this request, DHS provide a response outlining a plan of action for TCDF, including the disciplinary and remedial measures that may be undertaken in response to any findings of staff misconduct.

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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REPORT:

Sleep Deprivation, Torture Rooms, a Rigged Deportation Process, and Attempted Suicide at the Torrance County Detention Facility in Estancia, New Mexico

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Sleep Deprivation, Torture Rooms, a Rigged Deportation Process, and Attempted Suicide at the Torrance County Detention Facility in Estancia, New Mexico

The following information was documented in conversations with individuals detained in the Torrance County Detention Facility (TCDF) in January and February of 2023.

After having been subjected to a process they describe as fraudulent, abusive, and torturous, 115 men detained at the Torrance County Detention Facility (TCDF) call for DHS Secretary Mayorkas to close the detention center. Meanwhile, the men affected call on Congress:

1. To investigate the administration of Expedited Removal at TCDF,
2. To investigate the ongoing medical neglect and the retaliatory use of solitary confinement for individuals who report suicidal ideation and thoughts of self-harm, and
3. To investigate retaliation by CoreCivic guards against individuals who exercise their First Amendment rights and speak out about Expedited Removal and conditions at TCDF, including the disappearance of people who speak out and the blocking of phone calls to family, friends and legal advocates on the outside.

Having been subjected to a fraudulent process, the men at TCDF also call on DHS to revoke their removal orders and offer them the opportunity to continue their court cases with respect for due process, outside of detention, with the support of their families.

Hundreds of individual and group discussions since the start of 2023 paint a disturbing picture of the conduct of US Government officials and CoreCivic employees who manage the facility day to day. The recent developments at Torrance come after 2022 saw widely-documented abuses and retaliation by staff, self-harm and suicide by desperate detained migrants, and successive calls for an end to the ICE contract at the facility.

DHS Secretary Mayorkas and members of US Congress must urgently intervene to halt the irreparable harm taking place at TCDF.

Expedited Removal at Torrance County Detention Facility

Many of the men at Torrance report having been told by DHS at the border that they are to be taken to a shelter. When they arrive at Torrance, they are greeted by armed guards and fences covered in razor wire. Upon arriving, the men are put in quarantine without any explanation of how long it might be and no contact with anyone outside quarantine.

A few days after asylum seekers arrive at TCDF, a CoreCivic guard takes them in groups of around nine people to a narrow room with approximately nine phones against the wall, each phone

In memory of Kesley Vial, who died at age 23 in ICE custody at Torrance County Detention Facility in Estancia on August 24, 2022

Learn more: bit.ly/torrancedetention

separated by a small partition. The guard instructs the men to sit in front of the phones. Most of the men have no idea that they are waiting for their Credible Fear Interviews to begin, or that these interviews will determine whether they are allowed to continue to seek asylum in the United States. One man recounted how the only explanation the guard offered was to say "ring ring" and pantomime the act of picking up a phone.

CoreCivic and ICE do not provide asylum seekers subjected to Expedited Removal at TCDF with any explanation of where they are, how long they might be detained, or the legal process they will be subjected to. Those who receive any legal orientation at all receive it from others in detention who have already gone through the process, or from non-profit organizations who offer infrequent orientations that CoreCivic staff often prevent asylum seekers from attending as punishment for things like attempting to lodge complaints with human rights organizations. If the men have had a chance to speak with a non-profit legal organization about Credible Fear Interviews, they have been assured by nonprofit legal organizations that their interviews will be private and confidential, so they can feel safe sharing the details of their reasons for seeking asylum. The phone bank is nothing like what the law guarantees or what they were told to expect.

The men can hear one another as they begin to pick up the phones and describe death threats and beatings, rape and sexual violence, deaths of family members, and other traumatic experiences. There are things that some of the men have never shared that they now have to consider whether to share with a stranger on the phone in front of dozens of other strangers without knowing whether or how sharing those experiences might help their case or if others might be from their country and might report back to the people they are fleeing, and who might pose a danger to family members still in their home country. Sometimes, a man will lower his voice to a whisper as he describes being raped or explains that he received threats because he is gay, but all of the men can hear each other, and the phone connection is so poor that even speaking at a normal volume, the asylum officers will often demand that the men repeat themselves and speak clearly. Throughout the entire process, the calls sometimes drop, and the asylum seekers have to wait for the phones to ring again. Multiple men reported instances in which calls have dropped seemingly mid-interview and the asylum officer never called back. Many do not share key details of their stories because they are afraid or ashamed that what they share might get back to the very people they have fled. Some people do not share details about their personal history for fear of being bullied by guards or other people in detention at Torrance. Others do not share key details because the Asylum officers cut them off mid-sentence, say they want a shorter answer, and move on to another question. Several men have reported that their interviews lasted no longer than 20 minutes. In the background, the asylum seekers can hear dogs barking and sometimes the asylum officer seems to step away from the phone without warning.

After the interview, the men are sent back to their cell blocks. Many do not understand what the phone call was for. Three to seven days later, they are brought to a waiting room. From the waiting room the men can hear others conducting interviews in the phone room. They can also hear people as they pass before the immigration judge in the room on the other side of the wall.

They realize that if they pass before the judge, there will be men in the waiting room listening. Many use that time to pray for protection and guidance.

One by one, the men are brought to a small room with a phone on a table. When they pick up the phone, they are almost without exception told that they have received a negative credible fear decision and asked if they would like to appeal the decision with an immigration judge (IJ). The majority do not receive anything in writing. It is only in rare cases where people are given their interview decision documents — invariably in English with no translation. In several cases where people were given their documents, CoreCivic guards have later taken them away before the asylum seekers have a chance to review the documents or request any type of support.

A guard comes and takes the men back to their cells, and the men wait without knowing what is going to happen next or when, nor how to prepare. If they receive any information, they receive it in English with no translation or access to an interpreter. Many are forced to sign for their deportations on the day before their IJ reviews. The Deportation Officers (DOs) tell them that the hearing won't make a difference and it's more efficient for ICE to get the signatures now than to wait. Some men report that DOs have told them that if they do not sign, the DO will never release them.

On the day of the men's hearings with the immigration judge, a guard comes to their cell blocks and brings them back to the waiting room. While waiting, the men can hear others passing before the immigration judge.

The men try to explain everything that has happened throughout the process, hoping that this might be a chance to share the details they weren't able to share during the interview. But for most, the immigration judge refuses to allow them to speak. The hearings last about two minutes. Almost no one receives notice of their hearing. If they do, it is in English. Some receive the notice days after the hearing took place. One man with kidney pain and a severe toothache was unable to attend his IJ Review on the day the guard came for him because he was in the medical unit. Rather than reschedule, the IJ affirmed his negative decision without him present. Three days later, he received a written notice of his hearing. In a section titled Failure to Appear, the notice reads: "If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances."

The hearing ends, the judge nearly always approves the negative decision, and the guards tell the asylum seekers that there is nothing else they can do and that they will be deported soon. There's a pro bono phone line available once a week, to a small number of individuals, and a legal presentation once a month at most, but the guards have said on several occasions that they won't bring the asylum seekers with orders of removal because there's no hope for their cases anyway.

Guards often refuse to provide people in detention with pen and paper — not to mention access to translation services. Nearly all are unaware of the facility's obligation to provide access to a law library, where they should be given access to a copy machine.

Throughout the entire process, DOs

tell the men they will be deported no matter what — that they should stop fighting their cases and make it easier for everyone by signing for their deportations.

Torturous Conditions including Sleep Deprivation in TCDF

Throughout this process, the men are subjected to conditions worse than those that formed the basis for the DHS Office of the Inspector General's recommendation to end operations at Torrance in March 2022.

The men describe the conditions as torturous and name sleep deprivation as one of the most psychologically and physically harmful experiences at Torrance. They report that the facility leaves bright lights on in the cells all the time that prevent them from sleeping. If it weren't for the tablets and the lockdown schedule, many of the men report, they wouldn't know if it were day or night. When the men use paper or a shirt to cover the lamps so they can sleep, the guards come and tear down the makeshift shades. During the night, every 15 minutes a guard walks by the rooms with their radios at full volume, bang on the doors loudly and shine strong flashlights into the rooms, waking anyone up who may have been able to fall asleep. The men never sleep for more than 15 minutes at a time. They say that "everyone in TCDF is being punished and suffering so much pain."

It is winter in Torrance County. It is severely cold and in each cell, the air ducts blast cold air all night. Some of the men try to use toilet paper or blankets to cover the vents, but the guards remove anything the men use to block the cold air. The walls next to the beds in most of the pods leak water constantly, soaking the mattresses that many of the men sleep on. All of the men we have spoken with have moved their mattresses to the floors in an effort to keep them dry, but the water from the walls leaks to the floor as well. The men have learned to put towels between their mattresses and the walls and wring the towels out into their toilets every six hours. Even so, their mattresses and their sheets soak through, and they shiver through the night. In some of the pods, flooded toilets overflow with feces for more than three days spilling out onto the floor in cells where some of the men are forced to sleep.

Two men shared that their reasons for fleeing to the US to seek asylum include having been kidnapped, tortured, and locked in rooms in conditions similar to their cells at Torrance County. Sometimes during the night, they forget where they are, feeling that they never escaped the torture they were subjected to by their kidnappers.

Medical Abuse

When the men at Torrance County Detention Facility report their experiences to CoreCivic medical staff, CoreCivic prescribes them medication. Most of the men are heavily medicated, having been prescribed six or seven pills a day, theoretically to help them sleep at night, or to numb the aches and pains from pre-existing injuries, compounded by sleep deprivation and stress. None of the men know what the medicine they've been given is for, as the medical staff do not explain to the men what the prescriptions are or what the side effects might be. Many of the men describe feeling like they do not control their bodies and feeling numb to the world around them. Some of the men have begun to refuse medication be-

cause they are afraid of the way it has affected them and have received no documentation telling them what the medication is. One man described having a nurse arrive with a syringe full of a black liquid. The nurse signaled that she wanted to inject him with the syringe. He tried to ask her what it was for, but she could not understand his questions in Spanish and he could not understand her English. He backed away from her and put his hands up as peacefully as he could, trying to communicate that he did not want the injection. Having seen others handcuffed and taken away by medical staff against their will, he was terrified that the nurse might call guards to pin him down and force him to take the injection. He was relieved when the nurse left without doing so.

At the same time, access to antidepressants is inconsistent, and some men report that on the days they have not received their antidepressants they've also been denied the chance to speak with mental health staff — they've been told the psychologist is not available.

Many of the men report chronic and life-threatening health conditions that have gone dangerously unmanaged since arriving at TCDF. Unmanaged chronic conditions include:

- One man was born with only one kidney and that before he was detained, he was very careful with his diet. Since arriving at Torrance less than a month ago, he has already passed a kidney stone. He describes extreme pain and urinating blood. In addition to the food, he attributes the kidney stone to the water he is forced to drink from the tap, which he believes to be high in calcium. He kept the kidney stone as proof.
- One man has gout. Before being detained, he would avoid eating red meat, cold cuts, beans, and spicy food, all of which are the primary elements of the meals served at Torrance. The food at Torrance exacerbates his condition, causing him pain in all of his joints. The pain in his elbows bothers him all night, and in the mornings he has trouble walking.
- Another detained at Torrance is blind. Men describe the complete and utter disorientation this man has experienced since arriving at Torrance. While the other men do their best to cover the lights and the air ducts and move their mattresses to the driest areas of their cells, he has a much harder time adapting to the torturous conditions. Others describe their attempts to support him but note that there is only so much they can do.
- Other reports of unmanaged and untreated conditions include hernias, toothaches, and one man with a hormonal problem that, because it is not being treated at Torrance, leads him to sweat and shake violently throughout the day.

Even for things as simple as cutting their nails, the men have to submit medical requests in writing. As of February 3, 2023, one man described having waited five days after submitting a request for a nail cutter with no response. He and others described ingrown toenails that caused them pain as they walked.

CoreCivic guards told legal advocates that they could not meet with the men in one pod because they were being quarantined after having tested positive for COVID. When advocates finally spoke with the men in that pod, the men told the legal advocates that they had never been tested for COVID and no one had told them that they might

be positive for COVID. Instead, they said, they believed they had been separated from other men for having refused a single meal in protest of the conditions at Torrance and the Kangaroo Court process used by DHS to ignore their asylum claims and justify their deportations.

Confusion, outrage, desperation, and suicidality

After realizing that they will never receive a meaningful opportunity to explain why they fear death, rape, or torture in the countries they were forced to flee, and having spent weeks in the torturous conditions described above, many of the men detained at TCDF report feeling confused, outraged, desperate, or depressed.

In some cases, individuals have expressed suicidal ideation or thoughts of self-harm to CoreCivic's mental health staff. Others have tried to take their own lives. In tears, one man reports that in a moment of desperation, having determined that the only way to end the torture was to end his life, he had called his young child to say that he loved him and to say goodbye. The only thing that stopped him from taking his life was the intervention of several other men in his pod. However, when men report suicidal thoughts to CoreCivic, CoreCivic's response is to torture and isolate them until the men say that the thoughts have passed.

CoreCivic staff lock men who admit to suicidal thoughts in rooms that the men have come to call "Los Cuartos de Tortura," or "los Cuartos Frios," in English, "The Torture Rooms," or "The Cold Rooms." The men have described feeling like they are being left to freeze in the cold rooms, nearly naked after having been forced to remove their clothing and given nothing more than a hospital smock to wear. They are locked in a small room for 24 hours a day, with the lights on and the vents blasting cold air, alone with their thoughts. The food served in the cold rooms is even worse than the normal food provided by CoreCivic, and to the men it feels like the only way to escape isolation is to lie and say that their thoughts have gone away. They have no television, no phone calls, no company, no time outside. They don't have access to blankets or anything to keep them warm and describe constantly shivering. Some men spend more than a week in those rooms. They report that there is not even the space to pace back and forth. They receive raw carrots or celery, bread, and water for three meals each day and are given ten minutes to eat their food. If a man doesn't eat the food provided, the staff note that they have not eaten the food and tell the men that they will remain in solitary indefinitely if they do not eat the food. On the fourth day, the men report that if they are lucky they are allowed to shower. There are no windows and no way to understand how much time has passed beyond the schedule on which the men are given carrots, bread and water, and sleeping pills to tranquilize them through what they assume to be the nights. The men sleep on the floor by the door because it's the least cold part of the freezing cold room.

As of February 3, 2023, the men have seen more than 50 people brought to the torture rooms. At least 11 are there on February 3, 2023. When men are released from the torture rooms, they are brought to new pods, kept separate from anyone they may have befriended in their previous pod. When a man is disappeared to the torture rooms, his friends are likely to never see him again. The men have learned about the torture rooms through direct experience and

the reports of the men who come into their pods, whom they describe as broken men, dirty, smelling terribly, malnourished, despondent, and unable to make eye contact.

Many report that when they have suicidal thoughts, they are terrified to share those feelings with CoreCivic, knowing they will be taken to the torture rooms until they say the thoughts have passed. One is severely claustrophobic after having been held captive in a dark room for weeks in his home country. “If you are feeling depressed or have thoughts about hurting yourself, CoreCivic doesn’t do anything to help you, they only make it worse,” he notes.

Nearly all of the men have a story about having witnessed someone attempt suicide. For instance, on the 28 of January, in one pod, several men report having seen one of their friends, F--- walk slowly and quietly up to the second floor and tearfully climb over the railing. A CoreCivic guard saw him and ran to grab him. F--- tried to pull himself away from the guard but a group of guards eventually grabbed him, handcuffed him, and took him away from the pod. The men in that pod did not see him again.

Close to a week later, men in another pod reported meeting F--- for the first time. They described him as broken, disheveled, dirty, bad smelling, skinny, and with old clothes with blood on his shirt. He described his experience in the “Cuarto Frio,” or the “Cuarto de Tortura,” and explained to the men that he had felt like CoreCivic was punishing him until he lied about his mental state so they might release him. The men at Torrance have learned from CoreCivic that reporting any thoughts of self harm to a mental health provider leads to being subjected to torturous conditions in solitary confinement. They have learned to take care not to reveal any thoughts of self harm or suicide they might have.

Retaliation for individuals exercising First Amendment rights

In addition to hopelessness, despair, and thoughts of killing themselves, many of the men describe feelings of outrage and disbelief. In some instances, they have worked together to try to gain clear answers from ICE about their cases and to denounce the conditions and the sham process they have been subjected to.

On the morning of January 27, 2023, for example, men across multiple pods declined to take breakfast in an act of protest. In one pod, nearly all 40 people detained refused their meals. Retaliation by CoreCivic staff was swift. That same day, CoreCivic refused to allow men from that pod to attend a pro bono legal visit with staff from New Mexico Immigrant Law Center that they had been anticipating. CoreCivic staff selected some individuals in the unit to isolate into another unit. Those isolated learned that they were being held responsible for inciting the hunger strike, and that they would be subjected to a CoreCivic disciplinary proceeding. They report that during the proceeding, no evidence was brought against them. They sought video evidence to demonstrate that CoreCivic staff’s claims that they were inciting unrest were demonstrably false, but such evidence was not provided to them. CoreCivic staff threatened them with facility transfer and rapid deportation and indicated that they would be penalized with loss of access to commissary, recreation time, and phone calls. In the days that followed, CoreCivic staff told legal advocates that they could not meet with some of these men because they had been categorized as dangerous. CoreCivic staff characterized

the collective refusal of a single meal as an “attempt to start a riot.”

Conclusion

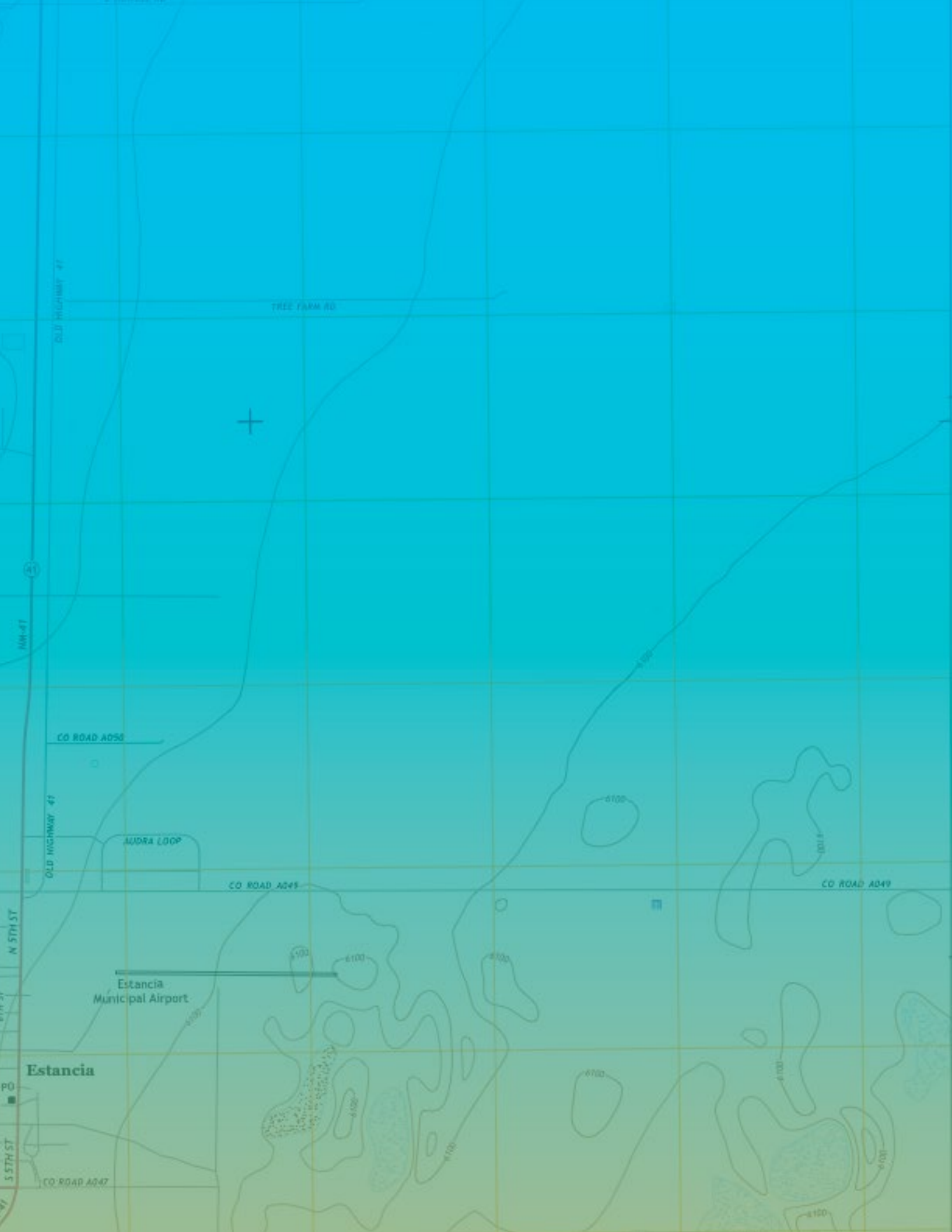
As advocates, we are horrified that the Torrance County Detention Facility has been allowed to continue in operation. We are afraid to wake up one day to the news that another man has died at Torrance.
Many of the men have heard rumors of a Brazilian man who died in their pod. Others throughout the detention center have heard the same. They are terrified that at any moment they might find one of their friends dead. They are doing everything they can to prevent this from happening, telling anyone who will listen the truth about the torture they are being subjected to, often facing punishment by CoreCivic for speaking out. Many even fear that, for having contributed to this report, they may face retaliation. On February 3, 2023 at around 11am, in the hallway by one of the medical doors, one man was pulled aside by a Puerto Rican man who identified himself as the boss of the entire facility. He told the asylum seeker that many advocates have tried to shut this place down but all have failed, and that the asylum seeker would soon learn just how much power he had.

In the words of the men seeking asylum at Torrance: “We feel that we are in God’s hands, and we pray that DHS Secretary Mayorkas and the United States Congress, who have the power to investigate the horrors we are living, will investigate this place, stop our deportations, and ensure that no one is ever forced to pass through this place again. We pray that they follow their conscience. Please do not let anyone else die because of this place.”

Note:

This report was prepared by Innovation Law Lab in collaboration with people detained at Torrance County Detention Facility and the New Mexico Immigrant Law Center, Santa Fe Dreamers Project and Las Americas Immigrant Advocacy Center.

If you have any questions about this report, please contact Ariel Prado, Co-Director of Anticarceral Legal Organizing at Innovation Law Lab, at ariel@innovationlawlab.org.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