UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ARCHBISHOP MITCHELL T. ROZANSKI, FR. CHRISTOPHER SCHROEDER, ARCHDIOCESE OF ST. LOUIS	)	
	)	CASE NO.:
Plaintiffs,	)	
v.	)	
SHERIFF GARY STOLZER, MAJOR JASON SCHOTT, and LT. ANDREW JOHNSON, in their official capacities, MARKWAYNE MULLIN, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY, DAVID J. VENTURELLA, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, and JENNIFER M. FENTON, ASSOCIATE DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY, in their official capacities.	)	
Defendants.	)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Under the First Amendment—and federal and state statutes that protect the rights enshrined in it—the government may not (a) ban the exercise of religion or (b) treat religious practice differently than it treats analogous secular activity. Yet the Ste. Genevieve County Detention Center manages to commit both sins by imposing a visitation policy that prevents Catholic priests from meaningfully ministering to Catholic federal detainees housed there (while readily allowing exceptions to the policy for non-religious reasons).

2. Devoted to the command of Matthew 25:36, and committed to bringing the peace of Christ to the imprisoned, Catholic priests seek to offer—and Catholic detainees want to receive—the sacraments of communion and confession, as well as other pastoral care. The jail's visitation policy prohibits this basic religious exercise in two ways. First, it allows only "no contact" visits, which are not private and prevent face-to-face interactions. This prevents priests from administering the sacraments of confession and communion. Second, the policy permits clergy visits for only a single, four-hour period once a week. This severely restricts priests' ability provide pastoral care, as priests cannot meet with all detainees who wish to see a Catholic priest (and have only limited time with those they do visit). Priests are also prohibited from saying Mass. A policy prohibiting participation in religious exercise offends core constitutional values.

3. Worse still, the policy applies to clergy but not to lawyers or consular officials, for whom exceptions to the policy are readily made. That constitutes more favorable treatment for secular activity than religious exercise, disparate treatment the constitution does not permit. That this policy targets some of our nation's most vulnerable—civil ICE detainees awaiting deportation to foreign countries—exacerbates a constitutional concern and a canonical one, because it withholds from the weakest among us the thing most precious to all of us.

4. As explained below, the visitation policy violates the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), the Free Exercise Clause of the First Amendment, the Missouri Religious Freedom Restoration Act ("Missouri RFRA") (as to the Missouri defendants) and the federal Religious Freedom Restoration Act ("RFRA") (as to the federal defendants). To right these wrongs, Plaintiffs seek a declaratory judgment that Defendants have violated these statutory and constitutional protections, an injunction against the Missouri Defendants requiring them to cease enforcing the visitation policy, and an injunction against the federal Defendants requiring them to stop turning a blind eye by refusing to enforce meaningful religious-liberty protections for federal detainees.

BACKGROUND

5. The Ste. Genevieve detention center houses approximately 150 civil immigration detainees, who are federal detainees of U.S. Immigration and Customs Enforcement ("ICE"), in addition to other state and local offenders. Since mid-2025, about 3,000 different ICE detainees have been housed at the detention center.

6. The jail imposes a visitation policy that treats Catholic clergy—who want to visit detainees to offer them spiritual counseling—differently and worse than it treats other visitors to the jail. The policy is posted in two places on the jail's website and attached as Exhibit 1.[1] The posted FAQs state: "Clergy must visit during regular visitation hours/days. Clergy visit will be as any other visit: 30 minutes in duration, no contact visits, first come/first served. . . . Absolutely no items . . . or religious materials, etc. will be passed during visitation." Ex. 1. The posted visitation policy excerpt reiterates: "NO CONTACT VISITS ARE ALLOWED." *Id.*

[1] *See* tinyurl.com/SteGenPolicy. The court may take judicial notice of these pages and the other materials discussed throughout that are drawn from publicly available websites. *Enter. Rent-A-Car Co. v. U-Haul Int'l, Inc.*, 327 F. Supp. 2d 1032, 1042 n.4 (E.D. Mo. 2004). Most such sources are attached as exhibits for convenience.

7. Though the posted policy states the 4-hour visitation window is Sundays, in practice for priests (as the priests' declarations explain), the jail allows clergy to visit only for a 4-hour window on Mondays.[2]

8. The NO CONTACT policy means that clergy and detainees are not physically present in the same room, and are separated by a glass partition.

9. This visitation policy effectuates a *total ban* on clergy offering (and detainees receiving) the Catholic sacraments, including communion and confession, and severely limits the basic spiritual counseling that clergy may provide (and which detainees desperately seek).

10. Federal ICE detainees at the jail have repeatedly asked to see a priest and to receive the sacraments. The Sheriff of Ste. Genevieve County, his Chief Deputy, and his Jail Administrator have refused to permit it, citing their visitation policy.

PARTIES, JURISDICTION, AND VENUE

11. Plaintiffs, the Archdiocese of St. Louis, the Archbishop of the Archdiocese, and a priest with the Archdiocese who ministers to these

[2] Separately, ICE purports to show *a different* visitation policy for the same facility, attached as Exhibit 2, tinyurl.com/ICESteGen ("Hours of Visitation" tab). According to ICE, "Clergy may visit detainees at any time" and the "non-contact" rule applies only to "family and other social visits." *Id.* As explained throughout, that is *not* the rule in practice.

detainees, bring these religious liberty claims on their own behalf to vindicate their rights.

12. Plaintiff Archdiocese of St. Louis is the ecclesiastical territory of the Roman Catholic Church that encompasses Ste. Genevieve County and includes among its ministries service to Catholics detained at the Ste. Genevieve County Detention Center.

13. Plaintiff Archbishop Mitchell Rozanski is the Archbishop of the Archdiocese of St. Louis, Missouri. Under canon law (the code of ecclesiastical laws governing the Catholic Church), the Archbishop has a responsibility and a duty to ensure the spiritual welfare of Roman Catholics within the geographical limits of the Archdiocese, including Ste. Genevieve County. Ex. 3, Ramacciotti Decl. ¶¶ 38–39.

14. Plaintiff Fr. Christopher Schroeder is a Roman Catholic priest of the Archdiocese of St. Louis and serves as pastor of Christ the King parish in University City, Missouri. As part of his ministry, he visits Spanish-speaking ICE detainees held at the Ste. Genevieve County Detention Center. Ex. 4, Schroeder Decl. ¶¶ 1, 3.

15. Plaintiffs bring claims on their own behalf and also on behalf of the Catholic detainees housed at Ste. Genevieve County Detention Center whose rights the policy also tramples. Third party standing allows this, because these detainees seek access to Catholic priests for spiritual counseling

and wish to participate in the sacraments of communion or confession. These detainees have a special and close relationship to the clergy plaintiffs and cannot participate in this litigation because they possess a well-founded fear of retaliation. Ex. 5, Drost Decl ¶ 7.

16. The Archdiocese also brings some of these claims on behalf of its unnamed priests through associational standing. It may do so because the priests themselves have standing to assert these claims (their religious exercise is burdened by defendants' actions), the religious-liberty rights at issue here are germane to the Archdiocese's religious mission, and there is no need for the priests' individual participation.

17. Defendants are Sheriff Gary Stolzer, the Sheriff of Ste. Genevieve County, Missouri, who operates the Ste. Genevieve County Detention Center; Chief Deputy Major Jason Schott, who oversees the day-to-day operation of the jail, and has been one of the most vocal officials in articulating and defending the visitation policy; and Jail Administrator Lt. Andrew Johnson, who administers the jail on a day-to-day basis and enforces the visitation policy (together, the "Missouri Defendants"). Sheriff Stolzer is the final county policymaker with authority over matters regarding the jail, and the other two Missouri Defendants enforce the Sheriff's policies. All three are sued in their official capacities.

18. Defendants also include senior officials of ICE and the Department of Homeland Security (the "ICE Defendants"), who have acquiesced in and enabled these violations by weakening religious-liberty protections at contractor facilities and refusing to enforce even the diminished standards that remain.

19. The ICE Defendants include Defendant Markwayne Mullin, the Secretary of the Department of Homeland Security, which oversees ICE; Defendant David J. Venturella, the Acting Director of ICE; and Defendant Jennifer M. Fenton, the Associate Director of ICE's Office of Professional Responsibility (OPR), which oversees the Office of Detention Oversight (ODO) and is responsible for ensuring that ICE contractor detention facilities, including the Ste. Genevieve County Detention Center, follow federal law, including by inspecting for compliance with ICE's national detention standards. Each ICE defendant is sued in his or her official capacity.

20. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because Plaintiffs allege violations of RLUIPA, 42 U.S.C. § 2000cc *et seq.*; RFRA, 42 U.S.C. § 2000bb *et seq.*; and the First Amendment of the United States Constitution. This Court also has jurisdiction under 28 U.S.C. §§ 2201 and 2202 to grant declaratory and further relief. This Court has supplemental jurisdiction over Plaintiffs' Missouri RFRA claim under 28 U.S.C. § 1367

because that claim arises from the same case or controversy as Plaintiffs' federal claims.

21. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) and (e)(1)(B) because the harms alleged occurred at the Ste. Genevieve County Detention Center, which lies within the Southeastern Division of the Eastern District of Missouri.

22. This Court has general personal jurisdiction over the Missouri Defendants because each is a resident of the State of Missouri. Alternatively, the Court has specific personal jurisdiction over the Missouri Defendants because their employment by the county is a substantial contact with the state that this dispute arises from or relates to. Similarly, the Court has specific personal jurisdiction over each ICE Defendant because ICE's housing of detainees in Missouri is a substantial contact with the state that this dispute arises from or relates to.

FACTS COMMON TO ALL COUNTS

I. Priests Have Requested Accommodations To Provide Religious Counsel To Detainees.

23. The detention center houses multiple groups of detained individuals, including detainees awaiting trial on state criminal charges, civil detainees committed as sexually violent predators under Missouri law, and civil immigration detainees held by ICE pursuant to a contract between the

detention center and ICE. A true and correct copy of the agreement, which is available online, is attached hereto as Exhibit 6. Under the contract, ICE pays the jail $103 per day, per detainee, to house federal ICE detainees. *Id.* at 1. ICE requires the jail to house detainees "in accordance with all state, local, and federal laws, standards, regulations, policies, and court orders," and the jail must "provide prisoners with reasonable opportunities to participate in religious practices." *Id.* at 3-4. Thus, the jail receives "Federal financial assistance" as defined in RLUIPA. 42 U.S.C. § 2000cc(a)(2).

24. The jail refused requests by priests and the Archdiocese for religious accommodations. Ex. 7, Lydon Decl. ¶¶ 3–4.

25. In late 2025, Father Michael Lydon, as a representative of the Archbishop, spoke by phone with Lt. Johnson and asked for permission for clergy to visit detainees face-to-face to administer the communion and confession. *Id.* ¶ 4.

26. Lt. Johnson responded that this would not be possible because the facility's visitation policy requires no contact. *Id.* Lt. Johnson told Father Lydon that the visitation policy was implemented by ICE and that he had no authority to change it. *Id.*

27. On May 18, 2026, the Archbishop followed up with a letter to Lt. Johnson requesting (1) that priests be allowed to visit detainees face-to-face to administer the Eucharist and Confession, (2) that priests be allowed to

celebrate Mass for detainees, and (3) that clergy visiting hours be expanded beyond the current Monday, 12 p.m. to 4 p.m. window. *Id.* ¶ 5 & Ex. A.

28. The Archbishop received no response. *Id.* ¶ 6.

29. In late August 2026, Father Lydon attempted to renew the request by leaving a voicemail for Lt. Johnson. *Id.* ¶ 7. Lt. Johnson's supervisor, Chief Deputy Major Jason Schott, called Father Lydon back and stated that the requests were still denied and that the Sheriff's department would not discuss the topic further. *Id.*

30. When Father Schroeder asked to visit detainees in person to offer the sacraments, he was told by a Detention Center official that this was not possible; instead, at every visit, he has had to speak with detainees through a glass panel over a phone. Schroeder ¶¶ 4, 14.

31. The first and only time any jail official has proposed any accommodation for religious exercise was in response to a reporter. Major Schott proposed that clergy pass communion in a plastic bag to a prison guard who could then deliver it to the detainee. Ex. 8, Charlie Brennan, *'No Contact' Means No Communion for Jailed Immigrants*, St. Louis Bus. J. (Aug. 26, 2026).[3]

[3] tinyurl.com/BrennanICE.

32. As explained below, this is no accommodation at all. Catholic communion cannot be given through a third party because it must be passed directly from priest to participant. Ramacciotti Decl. ¶¶ 32–35.

33. In sum, each time Plaintiffs or a detainee have requested an accommodation in order to allow for spiritual counseling, Mass, or provision for the sacraments, that request has been denied.

II. Catholic Priests Have an Obligation to Provide the Sacraments to the Detainees in the Diocese and the Detainees Have an Obligation to Receive Them.

34. As part of their religious calling and ministry, Catholic priest are obligated to say Mass and administer the sacraments of the Eucharist (commonly called communion) and Reconciliation (commonly called confession). The Second Vatican Council called communion "the source and summit of the Christian life." Ex. 9, Kiblinger Decl. ¶ 2; Ex. 10, Nord Decl. ¶ 2.

35. The visitation policy prevents Catholic priests like Father Schroeder from carrying out these obligations, which are central tenets of the Catholic faith. That is because the Catholic faith does not allow the provision of the sacraments under the conditions the policy imposes.

36. Catholic priests, the Archbishop, and Catholic lay persons are all bound by canon law. These laws find their roots in the Bible and Catholic tradition, and can only be revised by the Pope and the College of Cardinals acting together. Ramacciotti Decl. ¶¶ 4–5.

37. The Catholic faith obligates priests to hear confession. They must "make provision so that the confessions of the faithful entrusted to them are heard when they reasonably seek to be heard and that they have the opportunity to approach individual confession." *Id.* ¶ 20.

38. The sacrament of confession involves a penitent meeting with a priest in private and confessing to the priest all grave sins committed. *Id.* ¶¶ 19–22. What the penitent says to the priest is bound by the "sacramental seal" of confession and "is inviolable." *Id.* ¶¶ 23–25. In other words, a Catholic priest can never share with anyone what he hears in confession.

39. Because of the private and intimate nature of confession, it must be done in person, without the aid of a telephone or other electronic device, and without the possibility that someone besides the priest is listening to the confession. To hear a confession otherwise would be considered betraying the penitent. *Id.* It is punishable by excommunication. *Id.* ¶ 9.

40. As part of his role as a priest, Father Schroeder feels spiritually obliged to hear the confessions of the detainees. Schroeder Decl. ¶ 9. The Archbishop, as the pastor responsible for all Catholics within his jurisdiction, also has a moral obligation to ensure, through his priests, that the sacrament of confession is available to the detainees. Ramacciotti Decl. ¶¶ 20, 38.

41. Catholic laypersons also have an obligation to participate in confession. They must confess their sins at least once a year, and are obligated

to confess mortal sins (sins committed knowingly relating to a grave matter) as soon as possible. *Id.* ¶ 21. Mortal sin separates a person from God, and the Catholic Church teaches that confession is the primary means of restoring a person to grace.

42. Catholic priests also owe an obligation to Catholics within their diocese as it relates to communion. Communion is "the most August sacrament" of the Catholic Church, and Christ himself is offered in it to the Catholic faithful. *Id.* ¶ 27. Generally, communion is to be celebrated during Mass, but Catholic priests are still obligated to provide communion outside of Mass to any baptized person who requests it and who is properly disposed to do so under Church teaching. *Id.* ¶ 31.

43. Because the celebration of communion is a central piece of the Catholic faith, and because the transubstantiation that occurs in this sacrament involves the real presence of Christ, the Catholic faith imposes strict rules on how communion may be administered. Communion may only be administered by a minister specifically appointed for the purpose. *Id.* ¶¶ 32–35. Catholics receiving communion may only receive the host directly from a priest or an appointed minister. *Id.*

44. The host likewise cannot be left on a table or in a drawer to be picked up later, that would be considered a "profanation of the Eucharist," and

violate Catholic teaching. *Id.* ¶¶ 9, 32–35; Kiblinger Decl. ¶ 14; Schroeder Decl. ¶ 12.

45. As with confession, all Catholics are obligated to partake in communion at least once per year. Ramacciotti Decl. ¶ 30. Communion, too, is a central tenet of Catholicism.

46. As part of his role as a priest, Father Schroeder is spiritually obliged to administer the Eucharist to detainees at the St. Genevieve County Detention Center. Schroeder Decl. ¶ 9; Ramacciotti Decl. ¶ 31. The Archbishop also has a moral obligation to ensure that the Eucharist is available to Catholics within his jurisdiction. Ramacciotti Decl. ¶¶ 38–39.

III. The No-Contact Policy Bars the Sacraments of Communion and Confession.

47. The no contact, time-limited visitation makes it impossible for a priest to administer either communion or confession to a detainee because doing so in these circumstances would violate canon law.

48. Once, when a detainee asked Father Kiblinger to hear his confession over the jail's telephone line, Father Kiblinger had to decline because he could not hear a confession that was not private or one that was conducted over a phone. Kiblinger Decl. ¶ 13. On information and belief, the phone lines can be monitored and may be recorded. *See id.*

49. The glass partition that separates detainees from visitors prevents any items to be passed from the priest to the detainee and blocks all physical contact, so the visitation policy operates as a complete bar on a priest administering the sacrament of communion (and prohibits a detainee receiving it). Kiblinger Decl. ¶ 14; Schroeder Decl. ¶¶ 10–11; Ex. 11, Olsen Dec. ¶¶ 10–11.

50. Likewise, the visitation policy prevents confession in two ways. *First*, it requires the use of a telephone for the priest and detainee to speak, which independently prevents the priest from hearing the detainee's confession and the detainee from offering a confession. *Second*, the telephone discussion is monitored and may be recorded, so the call is not private as the sacrament requires. This also independently prevents the priest from hearing the detainee's confession and the detainee from confessing. Kiblinger Decl. ¶ 13; Schroeder Decl. ¶¶ 10–11; Olsen Decl. ¶¶ 10–11.

51. Because of the visitation policy and the lack of privacy, some detainees elect not to meet with the priests at all because they know that the conversation will not be private. Ex. 12, Walentik Decl. ¶ 4.

IV. The Visitation Policy Contains Exceptions.

52. The visitation policy contains at least two exceptions. First, attorneys—including public defenders and counsel for civil detainees—are permitted to meet with their clients in person for contact visits at any time

during business hours by arrangement with jail administration. Ex. 13, Chase Decl. ¶ 3. These meetings occur face-to-face, without a screen or divider, in one of three or four conference rooms able to accommodate such visits. *Id.* ¶¶ 4–6. These attorneys are also able to pass papers and other objects to their clients during these visits. *Id.* ¶¶ 3–6; *see also* Ex. 14, Kinsky Decl. ¶ 5–6. Second, the jail also allows consular visits at any time by consular officials from the detainees' home country. Ex. 2.

V. The Visitation-Hours Policy Sharply Limits Clergy Access Compared to Other Visitors.

53. In addition to the narrow, 4-hour time window for clergy visits, other barriers prevent meaningful access to clergy. Once inside the facility, staff frequently take fifteen to twenty minutes (or more) to change over between detainees, which cuts significantly into the limited time available to minister. Kiblinger Decl. ¶ 6; Nord Decl. ¶ 8; Olsen Decl. ¶ 13. As a result, clergy often must cut their visits with detainees short, and they are rarely able to see all of the detainees who have asked to speak with a priest. Kiblinger Decl. ¶¶ 6–7; Schroeder Decl. ¶¶ 5, 16; Nord Decl. ¶ 8; Olsen Decl. ¶ 13.

54. For example, on Father Kiblinger's first visit to the Detention Center, he was turned away entirely and not allowed to see any detainees, even though he arrived during the clergy visitation window. No detainee who had asked to see a priest that week was able to do so. Kiblinger Decl. ¶ 8.

55. Father Schroeder's experience has been similar. On one visit, after repeatedly asking the guard station for over 45 minutes to bring the first detainee to see him, he was able to speak with only one of the detainees on his list before the 4 p.m. visitation window closed, despite arriving at around 1:45 p.m. Schroeder Dec. ¶ 16. On another visit, Father Schroeder was able to see only three detainees before time ran out. Schroeder Decl. ¶ 17.

56. Fr. Nord and Fr. Olsen have had similar experiences with delay causing them not to be able to meet with all the detainees who asked to see them. Nord Decl. ¶ 8; Olsen Decl. ¶ 13.

57. If the visitation window were expanded to include more hours or more days, clergy would be able to see all of the detainees who ask for a meeting and would not need to cut visits short. Kiblinger Decl. ¶ 9; Schroeder Decl. ¶ 18; Olsen Decl. ¶ 13.

58. By contrast, attorneys may schedule contact visits with their clients at any time during business hours simply by making arrangements with jail administration. Chase Decl. ¶ 3; *see also* Ex. 1; Ex. 2.

59. Attorneys can meet with their clients in one of the three to four conference rooms available for that purpose. These rooms could also accommodate meetings between detainees and clergy. *See* Chase Decl. ¶ 6.

VI. Catholics Held at the Detention Center Have Repeatedly Sought Access to Clergy and the Sacraments.

60. Abide In Love Ste. Genevieve ("AIL") is a nonprofit organization that supports detained immigrants and their families through volunteer efforts. Each AIL volunteer maintains a pen-pal relationship with 15 to 20 detainees, and every Friday, volunteers ask their pen pals whether they need anything; detainees frequently respond by requesting to see a Catholic priest or to receive the sacraments. Drost Decl. ¶¶ 3–5. AIL passes these requests along to the Archdiocese, which ensures that Catholic clergy visiting the facility have a list of detainees who have requested a visit by a Catholic priest. *Id.*

61. AIL began its work at the facility in July 2025. Since that time, detainees have consistently expressed a desire to receive confession and communion. *Id.* ¶¶ 2, 5.

62. Father Kiblinger has found that many of the detainees he visits are parishioners who used to regularly attend Mass and receive the sacraments before their detention. But after being detained, they have not been able to do so either for weeks or months. Kiblinger Decl. ¶ 5. On at least one occasion, a detainee directly asked Father Kiblinger, over the jail's recorded telephone line, to hear his confession. Kiblinger Decl. ¶ 13.

63. As discussed, the visitation policy makes this impossible because it would violate canon law for Father Kiblinger to hear a confession under these circumstances.

64. Many of the detainees are particularly in need of ministry given the circumstances they face. After being detained and facing deportation, many experience a profound spiritual crisis or spiritual hunger, and many ask for Bibles or rosaries or for help learning to pray the Rosary. Kiblinger Decl. ¶ 5. Many detainees have asked the priests who do visit to hear their confessions, either immediately or in the near future. Kiblinger Decl. ¶ 10.

65. Despite this widespread desire for greater access to religious practice, out of fear of retaliation, detainees have been unwilling to submit declarations or join this litigation as plaintiffs. Drost Decl. ¶ 7; Walentik Decl. ¶ 3.

VII. The Archbishop and His Priests Have Sought to Provide Counsel, Mass, and the Sacraments to the Detainees.

66. Since mid-2025, and consistent with their Biblical obligation to minister to the imprisoned and to immigrants, *see* Matthew 25:36, priests of the Archdiocese have sought to minister to ICE detainees held at the jail, including by offering communion and confession. Lydon Decl. ¶¶ 2–3. This ministry is frustrated by the detention center's visitation policy. Lydon Decl. ¶ 3.

67. Father Schroeder visits the facility as part of his ministry to Spanish-speaking detainees, whom he has found to be in extreme need of spiritual counsel and of the grace the sacraments provide. Schroeder Decl. ¶¶ 3–4. Fr. Schroeder believes he has a spiritual obligation to provide the sacraments to these detainees. *Id.* ¶ 9.

68. Several other Spanish-speaking priests of the archdiocese likewise feel a moral obligation to minister to these detainees, including by providing them the sacraments. Kiblinger Decl. ¶¶ 3–4, 10; Nord Decl. ¶¶ 5, 6, 9; Olsen Decl. ¶ 6.

69. Both communion and confession are particularly important for these detainees. Communion affirms Christ's presence for those facing isolation, and confession becomes of the utmost importance for any detainee who has been separated from God by mortal sin because detainees may face danger during and immediately after deportation, and confession is the way to protect the detainee's soul. Schroeder Decl. ¶ 5; Ramacciotti Decl. ¶¶ 27–28. Attendance at Mass is also integral to the practice of the Catholic faith. Catholics *must* attend Mass every Sunday and holy day of obligation. Ramacciotti Decl. ¶ 30.

70. In the past, the detention center has allowed visiting clergy to not just meet in person with detainees, but also to celebrate "in-person religious services" during those visits. Kinsky Decl. ¶ 4. Now, neither practice is

allowed. On information and belief, this past practice never resulted in any documented security threat or issue with the passage of contraband. *See id.*

71. Priests are commonly allowed to meet with detainees in person and provide the sacraments at other jails and prisons. Father Lydon has frequently been permitted to visit detainees in person at the Lincoln County Jail, including to administer the sacraments, without any suggestion that in-person clergy visits pose a security or contraband risk. Lydon Decl. ¶ 8. Similarly, Fr. Eric Olsen has visited in person with detainees (both civil and criminal) and brought them the sacraments at the Lincoln County and Warren County jails. Olsen Decl. ¶ 4–5. At the Lincoln County jail, he and other priests were allowed to celebrate mass for detainees on a monthly basis. *Id.* ¶ 4. None of this ever created any security or contraband issue. *Id.* ¶¶ 4–5.

VIII. The Jail Defends Its Policy As Necessary For "Security" and to "Prevent Contraband.

72. The jail offers scant defense for its visitation policy and, what it does offer is either patently insulting or tone-deaf: Catholic priests are a "safety and security" risk—including because the priest might smuggle "contraband" to the detainee.

73. Major Schott explained: the "detention center is a no-contact visitation facility" with the no contact rules designed to "maintain[] the safety and security of the facility, staff, visitors, and detainees." Ex. 8. Additionally,

according to Major Schott, "this policy is . . . designed to prevent illegal contraband or other prohibited items from being passed from outside individuals to detainees housed within out facility." *Id.* Major Schott does not explain how the host, which as consecrated is the body of Christ—the very thing priests want to "pass to detainees"—could be contraband.

IX. ICE Publishes Detention Standards And Is Aware That Contractor Facilities Violate Them.

74. Even though the Missouri Defendants discussed above were the direct perpetrators of these religious-liberty deprivations, they were only able to do so because of the acquiescence and approval of ICE, which first lowered its detention standards surrounding religious practice for contractor facilities (as a matter of "convenience" to them) and then refused to enforce what standards remained, all in the face of widespread religious-liberty violations at ICE contractor facilities nationwide.

75. The first standards governing the civil detention of immigration detainees were promulgated by the Department of Immigration and Naturalization Services (INS) in 2000. INS Detention Standard 5.5, governing "Religious Practices," required contractor facilities that housed immigration detainees to allow private meetings with clergy in the same manner as an attorney upon request: if requested by a detainee, the chaplain or designee was to facilitate arrangements for pastoral visits by a clergyperson or

representative of the detainee's faith, with accommodation made for privacy through use of the attorney/client area. Ex. 15, INS Detention Standard 5.5(III)(J).[4]

76. After the Department of Homeland Security, including ICE, took over INS's immigration-enforcement functions, it adapted INS's detention standards, but split them in two, with one set governing ICE-run facilities (the Performance-Based National Detention Standards (the "PBNDS"), most recently revised in 2016).[5] The PBNDS largely replicated INS's Standard 5.5 in Standard 5.5, "Religious Practice." *See* Ex. 16, 2016 PBNDS Standard 5.5. It provided for private pastoral visits, using the same accommodations as private attorney-client meetings: pastoral visits were ordinarily to take place in a private visiting room during regular visiting hours, with accommodation made in the legal visitation area when available. *Id.*, Standard 5.5(V)(F).

77. But for contractor facilities, like this one, ICE imposed different standards. Instead of the robust protections of the PBNDS, ICE only holds these facilities to the "National Detention Standards" (NDS), most recently revised earlier this year, which, according to ICE's website, are "streamline[d]" in order to "reduce the burden on our detention operators." *2026 National*

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4 tinyurl.com/INS-Standard-5-5.

5 tinyurl.com/PBDNS-2016.

Detention Standards, ICE.[6] The NDS "Religious Practice" standard, now Standard 5.3, is indeed streamlined, from nine pages of guidance in the PBNDS to four pages in the NDS. *See* Ex. 17, 2026 NDS Standard 5.3.[7] Notably, instead of calling for private pastoral visits and pointing to the attorney-client setting as the proper measure of this accommodation, the NDS simply states that detainees of a different religious faith than the Chaplain may request access to pastoral care and counseling from external clergy and religious service providers, with no reference to the availability of private pastoral visits or accommodation in the attorney visitation area. *Id.*, Standard 5.3(II)(J).

X. The Reduced NDS Standards That Apply To This Facility Still Commit ICE to Protecting Religious Practice.

78. The NDS still affirmatively commit ICE to "ensur[ing]" that "detainees of various religious beliefs have reasonable and equitable opportunities to participate in the practices of their faith, limited only by documented threats to safety, security, and the orderly operation of the facility." *Id.*, Standard 5.3(I).

79. The NDS further provide that the facility administrator may discontinue a religious activity or practice, or limit participation, only when

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6 tinyurl.com/ICE-NDS-posting.

7 tinyurl.com/NDS-2026.

necessary for security or order and only after consulting with the chaplain or RSC, with facility records documenting any limitation or discontinuance and the reason for it; that detainees must be provided the opportunity to participate in group religious activities, limited only by documented threats to the facility's safety, security, or orderly operation; that the facility shall establish a policy to facilitate the observance of significant religious holidays and holy days while maintaining safety, security, and orderly operations; and that the Chaplain or RSC shall ensure detainees have access to religious items, including worship and prayer materials, specialty food items, and religious headwear and other garb, necessary to practice their religion or spiritual beliefs, consistent with facility safety, security, and orderly operation. *Id.*, Standard 5.3(II)(B), (H), (I), (K).

XI. ICE Became Aware of Widespread Denial of Religious Liberty at Detention Facilities and Refused to Protect Religious Liberty By Implementing ICE's Standards.

80. In November 2025, Bishop Robert Barron, a member of the Department of Justice's Religious Liberty Commission, contacted senior officials at the Department of Homeland Security and raised the Catholic Church's concerns regarding detainees' access to the sacraments. Those officials assured Bishop Barron that the matter was "under careful review."

Ex. 18, Kate Scanlon, *Barron: Administration 'Assured' Him Detainees' Access to Sacraments 'Under Careful Review'*, OSV News (Nov. 4, 2025).[8]

81. More than ten months later, that review has not resulted in any action to address the ongoing denial of sacraments to ICE detainees. Instead, two other groups of clergy have had to sue ICE and obtain preliminary injunctions earlier this year to enter ICE detention facilities and provide the sacraments to detainees they minister to.

82. This is not the first time ICE has been challenged for violating the religious liberty rights of its detainees. There is a well-documented pattern of publicly available challenges to ICE's policies—at its own facilities as well as contractor facilities—restricting religious practice for detainees under ICE's care. The examples are myriad, and the Court may take judicial notice of the fact each of these challenges is publicly available (and thus known to ICE). For ease of reference, a catalogue of these problems is attached to this Complaint as Exhibit 23 (cataloging 24 recent media and litigation accounts of religious liberty violations at various ICE detention facilities).

83. Despite ICE's awareness of religious liberty violations at its contractor facilities, Associate Director Fenton and the inspectors working under her in ICE's Office of Detention Oversight have not implemented any

[8] tinyurl.com/Barron-Careful-Review.

policy or procedure to inspect ICE detention facilities for compliance with the religious-liberty provisions of ICE's national detention standards. This is so notwithstanding that two other groups of clergy have obtained preliminary injunctions against ICE earlier this year based on similar denials of sacramental access at other ICE detention facilities. *See* Ex. 19, *Coal. for Spiritual & Pub. Leadership v. Noem*, 2026 WL 396349, at *1 (N.D. Ill. Feb. 12, 2026); Ex. 20, *Minn. Area Synod of the Evangelical Lutheran Church in Am. v. U.S. Dep't of Homeland Sec.*, No. 0:26-CV-01576 (D. Minn. Mar. 20, 2026), ECF No. 57.

84. ICE's Office of Professional Responsibility has likewise done nothing, even though it purportedly "inspects, audits and reviews ICE . . . programs to assess compliance with federal laws, applicable policies and procedures, and the agency's detention standards." *See Office of Professional Responsibility*, ICE.[9] The OPR has implemented no policy or procedure to inspect contractor facilities for compliance with the religious-liberty provisions of ICE's standards. According to the Missouri defendants, ICE audits this facility weekly. *See* Ex. 21, Michael Boyd Jr., *Sheriff Speaks up After Accusations Made on Inmate Treatment*, Ste. Genevieve Herald (June 6, 2026)

[9] www.ice.gov/opr.

(quoting Major Schott stating, "We are inspected by . . . DHS ICE on a weekly basis.").[10]

85. Even though the St. Genevieve County Detention Center has a no-contact policy in place that leads to violations of the religious freedom of both clergy and the detainees, ICE's Office of Detention Oversight inspected the St. Genevieve County Detention Center on July 9, 2026, and awarded the facility a "Superior" rating, identifying only two total "Deficiencies." And these related to medical and dental screening. Compl. Ex. 21, ICE ODO Inspection Report (Ste. Genevieve Co. Jail, June 10-July 9, 2026), at 4, 6.[11] Neither the narrative description of the inspection process nor the topic-by-topic evaluation in that report contains any reference to detainees' religious rights or any indication that inspectors were instructed to verify compliance with ICE's own religious-practices standard. *See generally id.* The official ODO inspection form provides no mechanism to issue a "Deficiency" based on a constitutional rights violation, much less to report specifically on detainees' access to religious accommodations. *Id.*

10 https://tinyurl.com/Sheriff-speaks

11 https://tinyurl.com/SteGenInspection.

CLAIMS FOR RELIEF

COUNT I
Violation of the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq.

Brought by Archbishop Rozanski and Father Schroeder, on Behalf of the Detainees, Against the Missouri Defendants.

86. The Archbishop and Fr. Schroeder incorporate and reallege the allegations of the preceding paragraphs as if set forth fully herein.

87. The Ste. Genevieve County Detention Center is an "institution" within the meaning of RLUIPA, and the detainees are "institutionalized persons" confined there. 42 U.S.C. § 1997(1)(B)(ii); 42 U.S.C. § 2000cc-1(a).

88. The Detention Center receives federal financial assistance within the meaning of 42 U.S.C. § 2000cc-1(b)(1).

89. The visitation policy is an action of the Missouri Defendants, acting under color of state law, that substantially burdens the detainees' sincerely held religious exercise, including their ability to receive the sacraments of communion and confession, to attend Mass, and to meet with clergy.

90. The visitation policy is not the least restrictive means of furthering any compelling governmental interest.

91. The Archbishop and Father Schroeder have standing to assert the detainees' rights under RLUIPA because the Plaintiffs have suffered an injury

in fact through the frustration of their religious ministry, they have a close relationship to the detainees as their priests and pastors and the only means through which the detainees may receive communion and confession, and the detainees face a well-founded fear of government retaliation that hinders their ability to assert their own rights.

92. The Archbishop and Father Schroeder have also suffered an independent injury in fact from the visitation policy because they have been prevented from fulfilling their religious obligations.

93. As a direct and proximate result of the Missouri Defendants' violation of RLUIPA, the detainees have suffered and continue to suffer irreparable harm.

WHEREFORE, Plaintiff Archbishop Rozanski and Father Schroeder, on behalf of the detainees, respectfully request that this Court (1) enter a declaratory judgment that the Missouri Defendants have violated RLUIPA; (2) enjoin the County Defendants, including their officers and agents, from enforcing the visitation policy; (3) award Plaintiffs their reasonable costs and attorney's fees; and (4) enter such other and further relief as the Court deems just and proper.

COUNT II
Violation of the Free Exercise Clause of the First Amendment and the Fourteenth Amendment, 42 U.S.C. § 1983.

Brought by the Archdiocese, Archbishop Rozanski, and Father Schroeder, Individually; the Archbishop and Father Schroeder on Behalf of the Detainees; and the Archdiocese on Behalf of Its Unnamed Member Priests; against the Missouri Defendants.

94. Plaintiffs incorporate and reallege the allegations of the preceding paragraphs as if set forth fully herein.

95. The visitation policy is the official policy or practice of the Missouri Defendants, adopted and enforced under color of state law.

96. The visitation policy burdens the sincere religious exercise of the detainees and of the clergy, who have an independent right under the Free Exercise Clause to perform sacramental and pastoral functions for the detainees.

97. The visitation policy is neither neutral nor generally applicable because it permits attorneys, and as it relates to the time-limitation aspect of the policy, consular officials, to visit detainees in person and outside the restricted weekly window, while categorically barring or restricting comparable visits by clergy. In short, the policy treats comparable secular activity more favorably than religious activity.

98. The policy does not survive strict scrutiny because it amounts to a total ban on participating in core tenets of the Catholic faith, including attend

Mass and receiving the sacraments of confession and communion. The time-limitation component of the policy also separately burdens the religious-liberty rights of the clergy and the detainees because the four-hour-a-week window for clergy visits severely restricts—and in some cases totally bans—access to spiritual counseling. The Missouri Defendants cannot demonstrate that either aspect of the visitation policy is narrowly tailored to serve a compelling governmental interest.

99. The Archbishop and Father Schroeder have standing to assert the detainees' rights on their behalf for the reasons set forth in Count I. the Archdiocese has standing to assert the rights of its unnamed priests, because the priests have standing (in the same manner as Father Schroeder), the rights vindicated here are germane to the Archdiocese's mission of ministry to the faithful within its territory, and the individual priests' participation is not required in this suit for uniform injunctive relief.

100. The Archdiocese, the Archbishop, and Father Schroeder have also suffered an independent injury in fact from the visitation policy because they have been prevented from fulfilling their religious obligations.

101. As a direct and proximate result of the Missouri Defendants' violation of the Free Exercise Clause, Plaintiffs have suffered and continue to suffer irreparable harm.

WHEREFORE, Plaintiffs Archbishop Rozanski and Father Schroeder, individually and on behalf of the detainees, and the Archdiocese, individually and on behalf of its unnamed priests, respectfully request that this Court (1) enter a declaratory judgment that the Missouri Defendants have violated the Free Exercise Clause of the First Amendment; (2) enjoin the Missouri Defendants, including their officers and agents, from enforcing the visitation policy; (3) award Plaintiffs their reasonable costs and attorney's fees; and (4) enter such other and further relief as the Court deems just and proper.

COUNT III
Violation of the Missouri Religious Freedom Restoration Act, RSMo. § 1.302

Brought by the Archdiocese, Archbishop Rozanski, and Father Schroeder, Individually; the Archbishop and Father Schroeder on Behalf of the Detainees; and the Archdiocese on Behalf of Its Unnamed Member Priests; Against the ICE Defendants.

102. Plaintiffs incorporate and reallege the allegations of the preceding paragraphs as if set forth fully herein.

103. The County Defendants are "governmental authorities" within the meaning of Missouri's Religious Freedom Restoration Act, RSMo. § 1.302.

104. The visitation policy restricts the free exercise of religion of the detainees and the Archbishop and Father Schroeder within the meaning of RSMo. § 1.302.1.

105. The visitation policy is not generally applicable and does not satisfy the heightened scrutiny Missouri law requires, as RSMo. § 1.302.1(1)–(2) describes. *See Marianist Province of U.S. v. City of Kirkwood*, 944 F.3d 996, 1003–04 (8th Cir. 2019) (Missouri's RFRA is "more protective of religious exercise than the Federal RFRA statute").

106. The Archbishop and Father Schroeder have standing to assert the detainees' rights on their behalf for the reasons set forth in Count I. The Archdiocese has standing to assert the rights of its unnamed priests for the reasons set forth in Count II.

107. The Archdiocese, the Archbishop, and Father Schroeder have also suffered an independent injury in fact from the visitation policy because they have been prevented from fulfilling their religious obligations.

108. As a direct and proximate result of the County Defendants' violation of Missouri RFRA, Plaintiffs have suffered and continue to suffer irreparable harm.

WHEREFORE, Plaintiffs Archbishop Rozanski and Father Schroeder, individually and on behalf of the detainees, and the Archdiocese, individually and on behalf of its unnamed priests, respectfully request that this Court (1) enter a declaratory judgment that the County Defendants have violated Missouri's Religious Freedom Restoration Act; (2) enjoin the Missouri Defendants, including their officers and agents, from enforcing the visitation

policy; (3) award Plaintiffs their reasonable costs and attorney's fees; and (4) enter such other and further relief as the Court deems just and proper.

COUNT IV
Violation of the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq.*

Brought by the Archdiocese, Archbishop Rozanski, and Father Schroeder, Individually; the Archbishop and Father Schroeder on Behalf of the Detainees; and the Archdiocese on Behalf of Its Unnamed Member Priests; Against the ICE Defendants.

109. Plaintiffs incorporate and reallege the allegations of the preceding paragraphs as if set forth fully herein.

110. The ICE Defendants are part of the federal "government" within the meaning of RFRA, 42 U.S.C. § 2000bb-2(1), and act under color of federal law.

111. The ICE Defendants have substantially burdened the religious exercise of the detainees, the Archbishop, and Father Schroeder through their weakening of religious-liberty protections for contractor facilities and their deliberate indifference to widespread, foreseeable violations of those protections, including at the Ste. Genevieve County Detention Center.

112. The ICE Defendants' failure to supervise contractor facilities for compliance with religious-liberty protections was highly likely, given the circumstances, to give rise to the substantial burden on Plaintiffs' religious exercise alleged herein.

113. ICE refused to require contractor facilities to live up to the standards that ICE imposes.

114. ICE cannot satisfy strict scrutiny because the ICE Defendants cannot demonstrate that their actions and omissions are the least restrictive means of furthering a compelling governmental interest.

115. The Archbishop and Father Schroeder have standing to assert the detainees' rights on their behalf for the reasons set forth in Count I. The Archdiocese has standing to assert the rights of its unnamed priests for the reasons set forth in Count II.

116. The Archdiocese, the Archbishop and Father Schroeder have also suffered an independent injury in fact from ICE's failure to protect religious liberty at the Ste. Genevieve County Detention Center because the failure has prevented them from fulfilling their spiritual obligations.

117. As a direct and proximate result of the ICE Defendants' violation of RFRA, Plaintiffs have suffered and continue to suffer irreparable harm.

WHEREFORE, Plaintiffs Archbishop Rozanski and Father Schroeder, individually and on behalf of the detainees, and the Archdiocese, individually and on behalf of its unnamed priests, respectfully request that this Court (1) enter a declaratory judgment that the ICE Defendants have violated RFRA; (2) enjoin the ICE Defendants, including their officers and agents, to (a) apply their standards requiring private pastoral-visits (as outlined in the

Performance-Based National Detention Standards) to the Ste. Genevieve County Detention Center; (b) implement inspection policies and procedures reasonably designed to detect religious-liberty violations at contractor detention facilities, including the denial of private clergy visits and the denial of access to the sacraments; and (c) issue deficiencies to contractor detention facilities found not to comply with applicable religious-liberty detention standards, subjecting non-compliant facilities to loss of funding; (3) award Plaintiffs their reasonable costs and attorney's fees; and (4) enter such other and further relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants as follows:

A. Enter a declaratory judgment that Defendants have violated RLUIPA, RFRA, the Missouri Religious Freedom Restoration Act, and the Free Exercise Clause of the First Amendment;

B. Enjoin Defendants as follows:

Missouri Defendants. Enjoin the Missouri Defendants, and their agents and successors, from:

(a) enforcing the no-contact policy to prevent priests from meeting face-to-face and in private with detainees who request a clergy visit, and instead allow priests access to detainees on the same terms as attorneys;

(b) enforcing the 4-hour time-restriction to limit clergy visits, and instead allow clergy visits during business hours, on the same terms as lawyers and consular officials; and

(c) enforcing the visitation policy to prevent the celebration of Mass on reasonable terms.

The ICE Defendants. Enjoin the ICE Defendants, and their agents and successors, from:

(a) paying any federal funds to the Ste. Genevieve detention center for housing ICE detainees until the detention center has implemented the religious accommodations requested above;

(b) housing new ICE detainees at the Ste. Genevieve detention center until the detention center has implemented the religious accommodations requested above;

(c) relocating any Catholic ICE detainee who is currently within or who enters the territorial boundaries of the Archdiocese of St. Louis to any other detention facility that does not provide substantially the same religious accommodations requested above; and

(d) paying any federal funds for housing ICE detainees to any detention facility to which an ICE detainee described in (c) might be transferred unless that facility allows substantially the same religious accommodations requested above;

(e) omitting religious-liberty criteria—including criteria regarding the availability of private, in-person pastoral visits—from the inspection protocol applicable to the Ste. Genevieve detention center and to any other detention facility to which the detainees described in (c) may be transferred.

C. Award Plaintiffs their reasonable costs and attorney's fees; and

D. Enter such other and further relief as the Court deems just and proper.

Dated: October 5, 2026

Respectfully submitted,

/s/ Christopher J. Schmidt

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**Application for admission forthcoming*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing, together with the Summons and Complaint, will be served on Defendants, on or about October 5, 2026, as follows: (i) upon Sheriff Gary Stolzer, Major Jason Schott, and Lieutenant Andrew Johnson by personal service at the Ste. Genevieve County Detention Center, 5 Basler Drive, Ste. Genevieve, MO 63670; (ii) upon Secretary Markwayne Mullin by service on the U.S. Department of Homeland Security, Office of the General Counsel, in accordance with Fed. R. Civ. P. 4(i)(2); and (iii) upon Acting Director David J. Venturella and Associate Director Jennifer M. Fenton by service on U.S. Immigration and Customs Enforcement, Office of the Principal Legal Advisor, in accordance with Fed. R. Civ. P. 4(i)(2); in each case together with service on the United States in accordance with Fed. R. Civ. P. 4(i)(1), by certified mail addressed to the United States Attorney for the Eastern District of Missouri and the Attorney General of the United States.

/s/ Barbara Smith Tyson

EXHIBITS

1 Ste. Genevieve County Detention Center webpage with FAQs and Visitation Policy Excerpt, tinyurl.com/SteGenPolicy.

2 ICE webpage on Ste. Genevieve County Detention Center, tinyurl.com/ICESteGen.

3 Declaration of Msgr. James Ramacciotti

> *Exhibit A:* Provisions from the Code of Canon Law and the Catechism of the Catholic Church.

4 Declaration of Rev. Chris Schroeder

5 Declaration of Sara Drost

6 Intergovernmental Agreement, Ste. Genevieve County Detention Center

7 Declaration of Very Rev. Michael J. Lydon, V.E.

> *Exhibit A*: May 18, 2026 Letter from Archbishop Rozanski to Lt. Johnson

8 Charlie Brennan, 'No Contact' Means No Communion for Jailed Immigrants, St. Louis Bus. J. (Aug. 26, 2026), tinyurl.com/BrennanICE.

9 Declaration of Rev. David Kiblinger, S.J.

10 Declaration of Rev. Aaron Nord

11 Declaration of Rev. Eric Olsen

12 Declaration of Kris Walentik

13 Declaration of Kevin Chase

14 Declaration of Carl Kinsky

15 INS Detention Standard 5.5 (2000), tinyurl.com/INS-Standard-5-5.

16 2016 Performance Based National Detention Standards, Standard 5.5, tinyurl.com/PBDNS-2016.

17 2026 National Detention Standards, Standard 5.3, tinyurl.com/NDS-2026.

18 Kate Scanlon, *Barron: Administration 'Assured' Him Detainees' Access to Sacraments 'Under Careful Review'*, OSV News (Nov. 4, 2025), tinyurl.com/Barron-Careful-Review.

19 Order granting preliminary injunction in *Coalition for Spiritual & Public Leadership v. Noem*.

20 Order granting preliminary injunction in *Minneapolis Ares Synod of the Evangelical Lutheran Church in America v. DHS*.

21 Michael Boyd Jr., *Sheriff Speaks up After Accusations Made on Inmate Treatment*, Ste. Genevieve Herald (June 6, 2026), https://tinyurl.com/Sheriff-speaks.

22 July 9, 2026 ICE Inspection, Ste. Genevieve County Detention Center, https://tinyurl.com/SteGenInspection.

23 Declaration of Barbara Smith Tyson

Exhibits A–X: Publicly available materials relating to religious liberty violations at ICE detention facilities.

EXHIBIT 1

Detention Center

More >



LT. ANDREW JOHNSON

JAIL ADMINISTRATOR





STAFF SGT. KRISTIN GOGGIN **SGT. CHRIS SCHMITT**

*****PLEASE BE ADVISED THAT OUR VISITATION POLICY HAS CHANGED.*** VISITATION IS ON SUNDAY FROM 12:00 TO 4:00. THESE VISITS ARE FOR 30 MINUTES, BASED ON FIRST COME, FIRST SERVE.**

The Ste. Genevieve County Sheriff's Office Detention Center is a modern facility capable of housing approximately 300 detainees daily. The Detention Center serves all law enforcement for our community including local, state and federal agencies. There are currently 35 full time deputies/correctional officers that staff the Detention Center. In addition to the normal daily responsibilities of housing detainees, these employees are responsible for transporting detainees to and from court, handling in-state and out-of-state extraditions and maintaining facility security. Detainees held in this facility range from civil detainees to dangerous felons.

If you have any questions about our Detention Facility, please feel free to email Jail Administrator Lt. Andrew Johnson at ajohnson@sgcso.com.

If you are in need of a Letter of Incarceration and you are no longer incarcerated in our facility, you must mail your request in writing along with a self-addressed stamped envelope to the attention of custodian of records. All requests must come from the individual that was incarcerated, not from a third party. If a subject is still currently incarcerated in our facility, that

individual must submit a General Request requesting a Letter of Incarceration and it will be provided. The detainee is responsible for mailing out the Letter of Incarceration to the appropriate party or agency. We will not mail items out for detainees, nor will we fax or email.

Prison Rape Elimination Act (PREA):

The Ste. Genevieve County Detention Center has a zero-tolerance policy in regards to sexual abuse / sexual harassment. If you wish to report sexual abuse or sexual harassment as a third party you may email the Jail Administrator by clicking the email link above, you may email info@sgcso.com. The Ste. Genevieve County Detention Center was audited for PREA compliance on July 28-29, 2016 by a certified PREA Auditor and the final report is on file at our facility. (PREA 115.403(f))

Sexual Abuse Investigation Policy:

When a sexual abuse investigation is alleged between offenders, the Detective Bureau will take the lead on the investigation. If the alleged abuse is between staff and offender, the Missouri State Highway Patrol, Division of Drug and Crime Control, will be requested to take the lead on the investigations.

Ste. Genevieve County Sheriff's Office and Detention Centers takes the safety and security of the residents seriously, this includes the safety and security from sexual abuse, sexual harassment and retaliation within our detention center population. To ensure transparency, we will provide an annual PREA report beginning with 2023.

The report is broken down into four main categories: Inmate on Inmate Sexual Harassment (I/I S.H), Inmate on Inmate Sexual Abuse (I/I S.A), Staff on Inmate Sexual Harassment (S/I S.H.) and Staff on Inmate Sexual Abuse (S/I S.A.). Each of those categories have 4 subcategories: Substantiated (S), Unsubstantiated (Unsub), Unfounded (Unfnd) and Referred to Prosecutor (Pros.)

*I/I SA - Inmate on Inmate Sexual Abuse
*I/I SH - Inmate on Inmate Sexual Harassment
*S/I SA - Staff on Inmate Sexual Abuse
*S/I SH - Staff on Inmate Sexual Harassment

2023 Breakdown

TYPE OF REPORT	# RECEIVED	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	REFERRED TO PA
I/I SA	3	0	1	3	0
I/I SH	0	0	0	0	0
S/I SA	0	0	0	0	0
S/I SH	0	0	0	0	0

2024 Breakdown

TYPE OF REPORT	# RECEIVED	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	REFERRED TO PA

I/I SA	6	0	1	5	0
I/I SH	3	1	1	0	0
S/I SA	1	0	0	1	0
S/I SH	1	0	0	1	0

2025 Breakdown

TYPE OF REPORT	# RECEIVED	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	REFERRED TO PA
I/I SA	4	1	3	0	0
I/I SH	2	0	1	1	0
S/I SA	1	0	0	1	0
S/I SH	0	0	0	0	0

ADDITIONAL INFORMATION:

- Approved Bondsman List
- Detention Center FAQ
- Mail_policy.pdf
- Detainee In-Facility Visitation Policy Excerpt
- Internet Inmate Deposits
- PREA Resource Center
- 2023 PREA AUDIT
- Search Inmate Information
- City Tele Coin Communications (video visitation/email) Policy Excerpt
- Visitor Questionnaire

Please note: if you are an approved bondsperson that does not have a phone number listed next to your name, provide your number via the email address above and your number will be added.

Community Center

County Health Department

Ste. Genevieve County Library

Tourism Info

DETENTION CENTER FAQs

How do I get to your facility?

Take I-55 to exit 150. Take Hwy 32 east approximately 5 miles to Casey's Gas Station. Turn right onto Basler Drive (just past Casey's Gas Station). The Sheriff's Office is ¼ mile down Basler Drive on the right.

When are the hours for In-Facility visitation?

• General Population Detainees: Sundays 12:00pm to 4:00pm.

Visitation blocks are scheduled for a period of 30 minutes. If either the detainee(s) or the visitor(s) delay the start of the visit, the remainder of the 30 minute block will conclude the visit; the lost time will not be made up. Visits are conducted on a first come, first served basis. The last visitation session is seated at 3:30pm. Please arrive 15 minutes early for required paperwork and security check. No purses, cell phones, food/drink, bags of any kind or electronic devices are allowed inside of visitation.

The only item you may bring into visitation is your set of car keys.

• Civil Detainees: Saturdays 12:00pm to 4:00pm. Please arrive 15 minutes early for required paperwork and security check. No purses, cell phones, food/drink, bags of any kind or electronic devices are allowed inside of visitation. The only item you may bring into visitation is your set of car keys.

• All Detainees: If a detainee receives a visit and another visitor arrives for that same detainee on the same visitation day, the second / subsequent visitor(s) will be turned away unless one of the visits is a Clergy visit by an Authorized Clergy member. If a detainee is on Disciplinary, Compliance or Medical Lockdown, they will not be allowed visitation.

What are the rules for In-Facility Visitation?

• Persons on Parole or Probation (whether supervised or unsupervised) will not be allowed to visit any detainee. This is our facility policy; the person's PO has no bearing

on this policy.

• Persons that have active warrants will not be allowed to visit any detainee. If the warrant is not within extradition limits you will be turned away; if the warrant is within extradition limits, you will be taken into custody.

• Persons 16 years of age and older must produce a federal or state issued photo I.D. and fill out a questionnaire. (See Visitor Questionnaire under Additional Information for printable form).

• A responsible parent or guardian must accompany persons under 18 years of age. Children must be with the parent or guardian at all times. It is the responsibility of the accompanying adult to ensure the minor behaves in a way that is not disruptive to others in the visitation area or lobby.

• No one is allowed in the visiting area with personal property (i.e. cell phone, purse, food recording devices, cameras, diaper bag, packages, etc.). These items must be secured in your vehicle. The only item you may bring into the visitation area is your set of car keys and your identification. Anyone found with these items will forfeit the remainder of their visit.

• Proper conduct by visitors and detainee is expected. Improper conduct by either party will terminate the visit. Conduct is deemed proper or improper by facility staff.

• Visitors must be appropriately dressed. Shoes and shirts are required. No form-fitting, suggestive, or revealing clothing will be permitted. Persons inappropriately dressed will be refused a visit. Attire is deemed appropriate or inappropriate by facility staff.

• To release property on a visitation day, a property release form must already have been filled out by the detainee.

• We will not pass any type of paperwork or mail items. Any type of paperwork or mail items will need to be mailed into the facility following our mail guidelines. See Detainee Mail Policy under Additional Information.

What is an Authorized Clergy Visit?

• Clergy, for the purpose of Clergy Visitation, is defined as: priests, pastors, elder, Rabbi, Imam, etc. of a “brick & mortar” establishment with a verifiable physical address. No

internet churches or social media churches are acceptable. Clergy member must be able to produce certifiable documentation upon request.

• As we do not currently have any religious leaders that are able to perform religious services that meet our criteria, we offer the following in lieu of religious services. All detainees will be allowed a second visit on any given normal visitation day IF one of the visits is a clergy member that is on the Approved Clergy List maintained by this facility. Clergy must visit during regular visitation hours/days. Clergy visit will be as any other visit: 30 minutes in duration, no contact visits, first come/first served.

• Only one clergy visit is allowed per visitation day however the visit may include multiple members of clergy as long as all clergy members are on the Approved Clergy List, no other persons may visit during the same time as clergy (no family/friends in booth at same time as clergy).

• Absolutely no items, booklets, paperwork, reading or religious materials, etc. will be passed during visitation; such items will need to be mailed in to the attention of the detainee, following normal mail protocols. Detainees may bring their materials into visitation with them from the block for study with the clergy member however nothing will be passed.

• For a member of clergy to be added to the Approved Clergy List, the clergy member must contact Jail Administration & provide documentation proving their clergy status. Once the clergy member has been cleared through Administration they will be added to the Approved Clergy List and qualify for a Clergy Visit.

What may I bring a detainee?

For security reasons only money and prescription medications are allowed to be brought in to the facility. Funds may be applied to the detainee's account utilizing the kiosk in the visitation lobby. This kiosk accepts both cash & credit/debit cards with a Visa, MasterCard or Discover logo. Any prescription medications will be given to our medical staff for assessment/clearance.

How do I add funds to a detainee's account? Detainee deposits are handled by City Tele Coin. You may add funds to a detainee's account by utilizing the kiosk in the lobby, by

visiting www.citytelecoin.com or by downloading the City Tele Coin application from Google Android or Apple platforms. Funds must be applied before 8:00pm Monday to be credited to a detainee's account and be available for the detainee to use on commissary that week.

May I have a contact visit?

For security reasons contact visits are not allowed.

May I give a message to a detainee?

We do not relay messages to a detainee unless it is a verifiable medical emergency such as a death in the family. Please be prepared to provide staff with the information needed to verify said emergency.

How do I obtain a Letter of Incarceration?

If you are in need of a Letter of Incarceration and you are no longer incarcerated in our facility, you must mail your request in writing along with a self-addressed stamped envelope to the attention of Sheila Powell, Administrative Assistant. All requests must come from the individual that was incarcerated, not from a third party. If a subject is still currently incarcerated in our facility, that individual must submit a Letter of Incarceration Request, requesting a Letter of Incarceration and it will be provided. We do NOT provide Letter of Incarcerations to USMS detainees per USMS policy. We will not mail items out for detainees, nor will we fax. It is the responsibility of the incarcerated detainee to mail the Letter of Incarceration(s) out to the appropriate party or parties.

How may I have a document signed by a detainee and notarized?

We do not pass any type of documents. You will need to mail the item in to the detainee. The detainee must then submit an Inmate Request stating he/she needs to have an item notarized. We will notarize the document upon their request. The detainee is then responsible for mailing the item back out to the appropriate person.

How do I bond someone out of your facility?

• CASH ONLY - You may come to the Detention Center and post the bond with cash. You will need the exact amount as we have no way of making change.

• CASH OR SURETY – You may come to the Detention Center and post the bond with cash or acquire an approved bondsperson to post a surety bond. Ste. Genevieve

County is part of the 24th Judicial Circuit and all bondspersons must be approved by Information for a list of bondspersons.

• CIRCUIT CLERK'S OFFICE ONLY - You will need to post the bond in the Ste. Genevieve County Courthouse, Circuit Clerk's office between the hours of 8:00am and 4:30pm Monday through Friday; the clerk's office phone number is 573-883-2705. Ste. Genevieve County is part of the 24th Judicial Circuit and all bondspersons must be approved by The Missouri Department of Insurance.

3.22 IN-FACILITY VISITATION

A. General population visitation day is Sunday from 12:00pm to 4:00pm. **Visitors must sign in no later than 3:15pm.** Visitation blocks are for 30 minutes; if you do not respond expeditiously to the visitation area when directed by staff, this may reduce your total visitation time. Visitation is on a first come first served basis & detainees are allowed only one visit per visitation day. If a detainee receives a visit & another visitor arrives for that same detainee, the second/subsequent visitor(s) will be turned away. **NO CONTACT VISITS ARE ALLOWED.**

B. Civil Detainee visitation is Saturday from 12:00pm to 4:00pm.

C. All visitors must produce an approved photo I.D. card & complete the Visitor Questionnaire prior to being allowed to visit. Approved I.D. cards are: state issued driver's licenses, or most state or Federal issued photo I.D. cards. No one on active parole or probation (supervised or not) will be allowed to visit any detainee. This is the policy of this facility and the person's PO has no effect on this policy.

D. Persons under the age of 18 must be accompanied by a responsible adult; the accompanying adult is responsible for ensuring the minor behaves in a way that is not disruptive to others in the visitation area.

E. No purses, diaper bags, cameras, recording devices, cell phones, etc. are allowed in the visitation area or lobby; these items need to be left in the visitor's vehicle. **The only items a visitor will be allowed to bring into visitation are their I.D. & their vehicle keys.** Neither SGCDC nor SGCDC staff will be held responsible for items left on the visitation counter or in the visitation lobby. Visitors are not to ask staff to watch their personal belongings.

F. Visitors must be appropriately dressed. Shirts & shoes are required. No form-fitting, suggestive, or revealing clothing will be permitted. **Persons acting or dressed inappropriately will be refused a visit at the discretion of the Detention staff & may lose the privilege to visit in the future.**

G. Visitors may deposit funds into your commissary account via the kiosk in the rear visitation lobby.

H. Visits from attorneys & court officers are handled routinely during regular business hours (8:00am – 4:00pm), but arrangements may be made in advance for visits during non-business hours.

I. Should a detainee be released from the SGCDC, they will not be permitted to visit or send mail to anyone in the detention facility for sixty (60) days.

EXHIBIT 2

An official website of the United States government

Official websites use .gov
A **.gov** website belongs to an official government organization in the United States.

Secure .gov websites use HTTPS
A **lock** (🔒) or **https://** means you've safely connected to the .gov website. Share sensitive information only on official, secure websites.

Ste. Genevieve County Detention Center
Chicago Field Office

Contacting a Detainee

If you need information about a detainee that is housed at this facility, you may call **(573) 883-5820** between the hours of **9 a.m. – 5 p.m.** When you call, please have the alien's biographical information ready, including first, last and hyphenated names, any aliases he or she may use, date of birth and country of birth.

Detainees cannot receive incoming calls. If you need to get in touch with a detainee to leave an urgent message, you must call **(573) 883-5820** and leave the detainee's full name, alien registration number and your name and telephone number where you can be reached. The detainee will be given your message.

To place money on a detainee account for phone minute usage, please call City Tele Coin at (318) 746-1114 or visit https://www.citytelecoin.com/.

Legal & Case Information

Immigration Court

For information about a matter before the immigration court, you may call 1-800-898-7180 to speak with them directly. Applications for relief from removal and other applications requested by the immigration judge must be filed directly with the immigration court.

Board of Immigration Appeals (BIA)

For information about a matter before the Board of Immigration Appeals (BIA), you may call (703) 305-0289 where you can obtain automated information or speak with a live representative during office hours.

Click the link for a list of pro bono representatives nationwide who might be able to assist you.

To Post a Delivery Bond

Delivery bonds are posted when a person has been taken into ICE custody and placed into removal proceedings while in the United States. If you wish to post a bond for an alien detained by ICE, please visit www.ICE.gov/bonds and select “Click Here to Post a Bond.” When making a bond payment, you may be asked to certify whether you are a U.S. citizen, lawful permanent resident, or currently in immigration proceedings.

Submitting a G-28

G-28s filed on behalf of detainees at this facility can now be accepted through the online platform ERO eFile. Facility staff will not have access to ERO eFile at this time; legal representatives should download copies of their submitted G-28 for any in-person or remote legal visit.

Sending Non-Confidential Messages to Detained Aliens

To place money on a detainee account for phone minute usage, please call City Tele Coin at (318) 746-1114 or visit https://www.citytelecoin.com/.

Other Legal Access Related Communications

Requests for case information pertaining to aliens detained at Ste. Genevieve County Detention Center can be sent to Chicago.Outreach@ice.dhs.gov. Please note that this mailbox does not accept applications for Stay of Removal or Case Appeals.

Contacting the Deportation Officer

To ascertain the identity of your client's Deportation Officer, send a request to CHI-ERO-Detained@ice.dhs.gov to obtain that information. Please note that a G-28 must be on file for any information to be disclosed.

Hours of Visitation

Friends and Family Visits

ICE detainees are allowed one, 30 minutes visitation per week. The visitation day and hours (Central Time) are listed below.

> Sunday 12 p.m. – 4 p.m.

Virtual Friends and Family Communications

To place money on a detainee account for phone minute usage, please call City Tele Coin at (318) 746-1114 or visit https://www.citytelecoin.com/.

Attorney Visits

The visitation days and hours (Central Time) for legal representatives are listed below.

> Monday – Friday: 8 a.m. – 4 p.m.

Appointments requested outside of the hours above may be granted on a case-by-case basis if there are extenuating circumstances. A list of pro bono (free) legal organizations will be posted in all detainee housing units and other appropriate areas. This list shall be updated quarterly. If a detainee wishes to see a representative or paralegal from that organization, it is the detainee's responsibility to contact them for an appointment.

Legal Calls or Video Teleconferencing

Legal representatives may request video teleconference (VTC) meetings or confidential legal phone calls with their clients or prospective clients by email at: kgoggin@sgcso.com. The Ste. Genevieve County Detention Center court officers will email back with a confirmed date and time. Please see the flyer for details.

The email should include:

- Legal representative's full name
- Legal representative's contact information, including phone number(s), and email address
- Detainee's name
- Detainee's alien number
- A few proposed times/dates for the requested VTC session
- A scan of the legal representative's government issued identification
- A scan of the legal representative's identification or documentation reflecting their status as an active legal representative, such as a state bar card, attorney license, paralegal license, or similar legal status.
- A scan of the attorney's DHS Form G-28 (unless this is a pre-representational)
- If a legal assistant is the only legal representative to join the call, the email should also attach a letter of authorization on the firm's/organization's letterhead and a scan of the assistant's identification.

All appointments for VTC meetings or phone calls should be made 24 hours prior to the desired appointment time. Appointments are scheduled 6 a.m. – 9 p.m. and are in 30 to 60-minute increments. Legal representatives are not limited on the number of VTC appointments they can request, but no legal representative is permitted more than one 60-minute appointment with a detainee in a single day.

The same guidelines for in-person attorney/client visits will apply to VTC meetings and legal calls. Only legal representatives, legal assistants, and interpreters will be allowed; no family or friends of the clients are permitted. The attorney and/or his/her agents may

contact outside interpretation services during the call or session. The sessions will be confidential; a visitation officer will be stationed outside of the confidential room to ensure security by standing out of earshot but within eyeshot. The officer will knock 5 minutes before the cut off time.

Please be advised that legal representatives and their staff are not permitted to video or audio record during any virtual or in-person visit or any call with detainees at the facility. Any violation of these rules may result in suspension or a permanent revocation of VAV user privileges.

Electronic Exchange of Legal Documentation (if applicable)

When timely communication through the mail is not possible, the facility administrator may, in his discretion, allow for a reasonable amount of communication by means of facsimile device between the detainee and their designated legal representative.

Faxes sent by Detainees to Legal Representatives

Detainees can send all electronic communication requests to their assigned case manager via the facility tablet. The case manager will then schedule the detainee to report to the court room with the following information: the name of the legal representative, the name of the Law Firm (if applicable), the Law Firm's (or legal representative's) address, and office telephone and fax numbers. The detainee will complete a fax cover sheet provided at the time of transmission. The court room officer will fax the documents in the presence of the detainee and return the original documents to the detainee. The court room officer will inspect the outgoing documents for contraband in the presence of the detainee; the documents will not be read. After transmission, facility staff will return the documents and provide the fax confirmation to the detainee.

Consular Visits

Consular officials may meet with their detained nationals at any time. It is requested that prior arrangements be made with the ICE Supervisory Deportation Officer to the extent possible, and that consular officials bring appropriate credentials when they come to the facility. The ICE Officer for this facility can be reached by contacting the Kansas City, MO detained unit via email at CHI-ERO-Detained@ice.dhs.gov.

Clergy Visits

Clergy may visit detainees at any time but must make prior arrangements with the Sheriff's Office.

Visiting Restrictions

- All family or other social visits are non-contact.
- No firearms or weapons of any kind are permitted in the facility.
- If visitors are or appear to be intoxicated, visitation will not be allowed.
- All visitors are subject to search while in the facility.
- Visitors are not allowed to pass or attempt to pass any items to detainees.
- Visitors are not allowed to carry any items into the visitation area.

Search Procedures (prior to or during all visitations)

All individuals requesting admittance to the facility or the visitation area are subject to a pat-down search of their person, an inspection of their belongings, and a metal scan search. Individuals refusing to cooperate with a reasonable search will not be admitted. No firearms or weapons of any kind are permitted. No electronic devices (cell phones, pagers, radios, etc.) are permitted in the secure areas of this facility.

Sending Items to Detainees

Commissary Funds

To place money on an inmate's account for commissary use, please visit https://www.citytelecoin.com/. Detainees may also receive funds via United States Postal Service money orders. Please use the address listed below and reference the detainee's name plus last four digits of the Administrative File Number (A Number) on the money order. If detainees receive funds in the mail, they will be taken to the processing area for

the money to be placed into their account. The processing officer will provide a receipt for all funds received. Detainees are cautioned not to have cash sent to them in the mail.

If detainees receive funds in the mail, they will be taken to the processing area for the money to be placed into their account. The processing officer will provide a receipt for all funds received. Detainees are cautioned not to have cash sent to them in the mail.

Telephone Call Funds

To place money on a detainee account for phone minute usage, please call City Tele Coin at (318) 746-1114 or visit https://www.citytelecoin.com/.

Postal Mail

Letters sent to detainees must be addressed as indicated below, and must include the sender's name and address. To enhance the safety of the facility, all incoming mail is subject to screening for contraband. The mail is not read upon opening, only inspected by the delivering officer. Detainees may send mail from the facility. Detainees may seal their outgoing letters and place them in the provided receptacle. All incoming mail will be delivered to the detainee.

When detainees depart the facility or are transferred to another facility, only their legal mail will be forwarded to them. General correspondence will be endorsed "Return to Sender" and returned to the post office.

The address to send postal mail to the facility is:

> Ste. Genevieve County Detention Center
> C/O Detainee Name, last four digits of the Administrative File Number (A Number)
> 5 Basler DR
> Ste. Genevieve, MO 63670

A detainee may receive items that are determined to be of necessity for the sole purpose of travel or release from agency custody with approval of the ICE Deportation Officer.

Note that detainees being removed from the United States are allowed one small piece of luggage. If a detainee does not already have baggage, one 40 lb bag can be sent/delivered to him/her after receiving approval from Supervisory Detention and Deportation Officer.

Please be advised that for security reasons, no electronic devices (cell phones, electric razors, laptop computers, radios, etc.) will be accepted.

Before sending packages to detainees, contact the Kansas City, MO detained unit via email at CHI-ERO-Detained@ice.dhs.gov.

Detainees may send mail from the facility. Outgoing mail will be routed to the proper postal office within 24 hours of receipt by facility staff. A mail pick-up and delivery schedule are posted in all housing units.

Detainees are allowed to purchase stamps for use. Generally, there is no limit to the amount of correspondence detainees may send at their own expense. Indigent detainees (those who have no means of financial support and no funds in their facility account) will be provided postage allowance at government expense.

When detainees depart the facility or are transferred to another facility, only their legal mail will be forwarded to them. General correspondence will be endorsed "Return to Sender" and returned to the post office.

Press & Media

The facility has a responsibility to protect the privacy and other rights of detainees and members of the staff. Therefore, interviews will be regulated to ensure the orderly and safe operation of the facility. Ordinarily, live television or radio interviews will not be permitted in the facility. For media inquiries about ICE activities, operations, or policies, contact the ICE Office of Public Affairs at ICEMedia@ice.dhs.gov.

Personal Interviews

A news media representative who desires to conduct an interview with a detainee must apply in writing to the Chicago Field Office, Office of Enforcement and Removal Operations, indicating familiarity with and agreement to comply with the rules and regulations of the facility as provided to that person by staff.

Detainee Consent

A detainee has the right not to be interviewed, photographed, or recorded by the media. Before interviewing, photographing, or recording the voice of a detainee, a visiting representative of the media must obtain written permission from that individual.

Feedback or Complaints

We strive to provide quality service to people in our custody, their family, friends, and to their official representatives. If you believe that we have not lived up to this commitment, we would like to know. If we have met or exceeded your expectations, please let us know that as well. To comment on the services provided at this office, please write to:

> Field Office Director, Enforcement and Removal Operations
> U.S. Immigration and Customs Enforcement
> 101 W Ida B Wells Drive, Suite 4000
> Chicago, Illinois 60605
> Chicago.Outreach@ice.dhs.gov

If you feel that an ICE employee or contract services employee mistreated you and wish to make a complaint of misconduct, you may:

Contact the Field Office Director at:

> Field Office Director, Enforcement and Removal Operations
> U.S. Immigration and Customs Enforcement
> 101 W Ida B Wells Drive, Suite 4000
> Chicago, Illinois 60605
> (872) 351-3990
> Chicago.Outreach@ice.dhs.gov

Write the Office of Professional Responsibility:

> Director, Office of Professional Responsibility
> U.S. Immigration and Customs Enforcement
> 500 12th Street, SW
> Suite 1049

> Mailstop 5099
> Washington, DC 20536-5005

Contact the ICE OPR Integrity Coordination Center (ICC):

> 1-833-4ICE-OPR
> ICEOPRIntake@ice.dhs.gov

You may also contact the Department of Homeland Security, Office of Inspector General:

> DHS Office of Inspector General
> Attn: Office of Investigations - Hotline
> 245 Murray Drive, Building 410 Stop: 2600
> Washington, DC 20528
> Call: 1-800-323-8603
> Fax: (202) 245-5217
> DHSOIGHOTLINE@DHS.GOV

Updated: 08/06/2026

ADDRESS

5 Basler Drive
Ste. Genevieve, MO
63670
United States

See Map

CONTACT INFORMATION

Facility Main Phone: (573) 883-5820

Field Office Main Phone: (872) 351-3990

ACCESS INFORMATION

- Parking: Free public parking is available at the facility.
- Accessibility for Individuals with Special Needs: The facility does not discriminate based on disability and provides detainees with disability-related accommodations, as needed, to access its programs and activities.

About Us

Enforcement and Removal Operations

Homeland Security Investigations

Newsroom

U.S. Immigration and Customs Enforcement

ICE Contact Center

Report suspicious activity: 1-866-DHS-2-ICE

ICE.gov
An official website of the U.S. Department of Homeland Security

About ICE
Accessibility
FOIA Requests
Privacy Policy
DHS.gov
Archive
No FEAR Act Data
Site Links
Performance Reports
Inspector General
The White House
DHS Components
USA.gov

NTAS
NATIONAL TERRORISM ADVISORY SYSTEM

NO CURRENT ADVISORIES

EXHIBIT 3

DECLARATION OF REV. MSGR. JAMES J. RAMACCIOTTI

I, Msgr. James J. Ramacciotti, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

Background

1. I am a Roman Catholic priest of the Archdiocese of St. Louis. I serve as the pastor of St. Clement of Rome parish in Des Peres.

2. I am also a canon lawyer. I received my degree in canon law from the Pontifical Gregorian University in Rome in 1993 and have been a licensed canon lawyer ever since. I have taught canon law at Kenrick-Glennon Seminary since 1995 and served as an adjunct professor at St. Louis University School of Law for six years.

3. I have also served on a number of tribunals in the Archdiocese. I am currently an appellate judge on the Tribunal of Second Instance for the Province of St. Louis, which hears appeals from cases decided in the Archdioceses of St. Louis and Omaha, and the Dioceses of Kansas City-St. Joseph, Jefferson City, and Springfield-Cape Girardeau.

Canon Law

4. Canon law consists of a set of "canons," which are the laws that govern the Roman Catholic Church. These canons are promulgated in the *Code of Canon Law*. Only the Pope and the College of Bishops may revise the *Code of Canon Law*.

5. Canon law finds its primary sources in Scripture and the 2000-year tradition and doctrine of the Church. The Church's doctrinal teachings are gathered in the *Catechism of the Catholic Church (CCC).*

6. True and accurate copies of the relevant sections of the *Catechism of the Catholic Church* and *The Code of Canon Law* cited in my declaration are attached hereto as Exhibit A.

7. All Catholics—including clergy and laity—are obliged to follow canon law. Failure to abide by canon law by the commission of a "delict" (ecclesiastical crime) may result in penal actions under canon law with potential penalties including loss of the ability to receive the sacraments or to administer the sacraments. In certain grave cases, excommunication may be imposed.

8. Excommunication represents formal separation from the communion of the church. It prevents the excommunicant from participating in the life of the church in any manner—including by participating in or receiving the sacraments in any way or holding any church office—until the excommunicant is reconciled with the church through a formal process of penance. A grave delict may only be addressed by one of two departments within the Roman Curia, depending on the nature of the delict: the Dicastry for the Doctrine of the Faith or the Dicastry for the Discipline of the

Sacraments. Only the governing dicastry may remit the penalties imposed in response to a grave delict according to the norm of law.

9. Violation of the seal of confession is a "grave delict" that carries serious punishment, including *ipso facto* excommunication. Any disrespectful or blasphemous action with respect to the Eucharist may similarly incur grave penalties, up to excommunication in certain circumstances.

The Sacraments

10. A sacrament is an "efficacious sign[] of grace, instituted by Christ and entrusted to the Church, by which divine life is dispensed to us." *CCC* ¶ 1131. In other words, through the sacraments, a Catholic receives the very life of God—Father, Son, and Holy Spirit—made truly present through the "visible rites" of the sacrament.

11. "The purpose of the sacraments is to sanctify men, to build up the Body of Christ and, finally, to give worship to God." *Id.* ¶ 1123. Receiving the sacraments "makes the faithful partakers in the divine nature by uniting them in a living union with the only Son, the Savior." *Id.* ¶ 1129.

12. There are seven sacraments: Baptism, Confirmation, the Eucharist (Communion), Reconciliation (Confession), Marriage, Holy Orders, and the Anointing of the Sick.

13. Only a Catholic may receive the sacraments, and only a "Catholic minister" of that sacrament may provide the sacrament. Can. 844 §1. A

Catholic may not receive a sacrament from a non-Catholic or from another Catholic who is not a proper "minister" of that sacrament. *Id.*

14. All sacraments must be administered in person. This is required by the very nature of the sacrament, in which the divine life is "ma[d]e present" to the recipient. *CCC* ¶ 1131. Put differently, each sacrament must be done in person because it is a personal encounter with the Person of Christ. The priest who ministers each sacrament is acting *in personam Christi*, "in the Person of Christ."

15. Sacraments *must* be ministered as taught by the Church, and "no sacramental rite may be modified or manipulated at the will of the minister or the community." *Id.* ¶ 1125.

16. Priests have a duty to provide the sacraments: "Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them." Can. 843, § 1.

17. "The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments." Can. 213.

18. "[F]or believers the sacraments . . . are *necessary for salvation.*" *CCC* ¶ 1129.

Confession

19. Confession is the sacrament through which God forgives sins. *Id.* ¶ 1441. Confession provides the faithful "God's forgiveness and reconciliation with the Church." *Id.* ¶ 1440.

20. Under canon law, every priest "to whom the care of souls has been entrusted in virtue of some function" is "obliged to make provision so that the confessions of the faithful entrusted to them are heard when they reasonably seek to be heard and that they have the opportunity to approach individual confession." Can. 986, § 1. In other words, priests have an obligation to make the sacrament of Confession available to those in their care who wish to confess, and the faithful have the right to go to Confession.

21. Moreover, every "member of the Christian faithful is obliged to confess . . . all grave sins." Can. 988, §§ 1–2. "[E]ach member of the faithful is obliged to confess . . . at least once a year." Can. 989.

22. Like all sacraments, Confession must be administered in person because it is a personal encounter with Christ. The priest, in hearing the confession states, "*I* absolve you form your sins," because he acts in the Person of Christ. *See CCC* ¶ 1449. This personal absolution may not be delivered remotely or through any form of telephonic device.

23. The "sacramental seal"—which "is inviolable"—also requires that confession be administered in-person, and not through any form of telephone

or other electronic device. Can. 983, § 1. To use such a device in administering Confession would be considered "betray[ing] . . . a penitent," which is "absolutely forbidden." *Id.*

24. It also violates the sacramental seal—and is "absolutely forbidden"—for a priest to hear a confession in a manner that he knows can be overheard by a third party. *Id.*

25. "Absolutely forbidden" is a weak translation here. The Latin word used in Canon 983 is *nefas*. Translated literally, *nefas* means "unspeakable." In ancient Rome, this referred to a crime that personally offended the gods. This concept survived into modern English through the word "nefarious." In ecclesiastical Latin, *nefas* refers to a crime against *divine* law, not just *church* law. Only four actions are deemed *nefas* in all of canon law. Violating the seal of Confession is one of them.

26. Confession is also essential to the practice of the Catholic faith because "[a] person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession." Can. 916. The Church teaches that any Catholic who dies not in the "state of grace"—that is, with unconfessed grave sin—is at peril of going to hell. *CCC* § 1033.

The Eucharist

27. The Eucharist is "the most August sacrament" of the Church. Can. 897. "Christ the Lord himself is contained, offered, and received" in the Eucharist, and it is the means "by which the Church continually lives and grows." *Id.*

28. The Eucharist was instituted at the Last Supper, when Jesus "took bread, said the blessing, broke it, and gave it to [his apostles], and said, 'Take it; this *is my body*.'" Mark 14:22. And earlier, foreshadowing the institution of this sacrament, Jesus preached: "I am the living bread which came down from heaven. If anyone eats of this bread, he will live forever; and the bread I shall give is My flesh, which I shall give for the life of the world. . . . Whoever eats My flesh and drinks My blood has eternal life, and I will raise him up on the last day." John 6:51, 54.

29. The Eucharist, in short, is "the summit and source of all worship and Christian life." Can. 897.

30. As such, the "Christian faithful" are obliged to take "an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently." Can. 898. At a minimum, "each of the faithful is obliged to receive holy communion at least once a year," generally "during the Easter season." Can. 920, § 1–2. Furthermore, Catholics are "obliged to

participate in the Mass" on Sundays and holy days of obligation—for example, Christmas. Can. 1247.

31. Priests have an obligation to provide communion to "[a]ny baptized person not prohibited by law." Can. 912.

32. Only priests may consecrate the Eucharist. Can. 900. Once consecrated, the Eucharistic host may be administered to the faithful who receive it only by (a) a bishop, priest, or deacon (known as the "ordinary minister[s] of holy communion") or (b) a Catholic lay person who has been "designated" to distribute the Eucharist through a "prescribed liturgical rite" (known as an "extraordinary minister of holy communion"). Can. 910, §§ 1–2; Can. 230, § 3.

33. Any other person may not carry the Eucharist or administer it, at any time or for any reason. *Cf.* Can. 935 ("No one"—not even a priest—"is permitted to keep the Eucharist on one's person or to carry it around, unless pastoral necessity urges it and the prescripts of the diocesan bishop are observed.").

34. In fact, because "Communion is a gift of the Lord," it *must* be "given to the faithful through the minister appointed for this purpose." Pope St. John Paul II, *Ineastimabile Donum: Instruction Concerning Worship of the Eucharistic Mystery*, § 10 (1980). "It is not permitted that the faithful should

themselves pick up the consecrated bread and the sacred chalice, still less that they should hand them from one to another." *Id.*

35. Because the Eucharist is the body of Christ, after consecration, it must be placed in a "pyx or small vessel," "reserved" in a "tabernacle," and guarded to avoid any "danger of profanation." Cans. 934, 938. It may not be placed on a table, in a drawer, or on any such other surface. That would constitute profanation of the Eucharist.

The Clergy

36. All Catholic clerics—including priest and bishops—"all work for the same purpose, namely, building up the Body of Christ." Can. 275, § 1. The clergy "are dispensers of the mysteries of God in the service of His people." Can 276, § 1.

37. To serve in this role, the clergy must "fulfill faithfully and tirelessly the duties of the pastoral ministry" to the lay faithful. Can. 276 § 2(1).

38. A diocesan bishop is the "pastor" for all Catholics within his diocese. Can. 375 § 1. A pastor must serve in multiple roles towards his flock: "teacher[] of doctrine, priest[] of sacred worship, and minister[] of governance." *Id.* In other words, a pastor teaches the faithful, administers the sacred liturgies for them, and governs the affairs of the Church within his jurisdiction.

39. "In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of

whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily." Can. 383 § 1. Put simply, the bishop is responsible for caring for the souls of all Catholics who are physically present in the diocese.

40. Catholic priests share in the pastoral mission of their bishop and "pastor" the faithful entrusted to them "under the authority of the diocesan bishop." Can. 515 § 1. In the words of the Second Vatican Council, all priests and bishops share "communion in the same priesthood and ministry," and "[i]n individual dioceses, priests form one priesthood under their own bishop." Pope St. Paul VI, *Presbyterorum Ordinis* §§ 7-8 (1965). "No priest, therefore, can on his own accomplish his mission in a satisfactory way. He can do so only by joining forces with other priests under the direction of the Church authorities," including his bishop. *Id.* § 7.

41. Because of this, priests "are bound by a special obligation to show reverence and *obedience*" to their diocesan bishop. Can. 273 (emphasis added). "They must . . . stand by their bishops in sincere charity and obedience. This priestly obedience, imbued with a spirit of cooperation is based on the very sharing in the episcopal ministry." *Presbyterorum Ordinis* § 7.

42. For each priest, ministry to the faithful is not merely an obligation, but is in fact the priest's path to holiness and salvation.

43. In the words of the Second Vatican Council, a priest "acts in place of Christ himself" when he ministers to the faithful, and, in doing so, "he is enriched by a special grace, so that, as he serves the flock committed to him and the entire People of God, he may the better grow in the grace of him"—Christ—"whose tasks he performs." Pope Paul VI, *Presbyterorum Ordinis* § 12 (1965).

44. The priestly ministry includes (1) serving as "ministers of God's word" by teaching the faithful the Gospel, (2) "act[ing] especially in the person of Christ as ministers of holy things," such as the sacraments, and (3) "direct[ing] and nourish[ing] the People of God." *Id.* § 13.

45. "Priests who perform their duties sincerely and indefatigably in the Spirit of Christ arrive at holiness by this very fact." *Id.* Put plainly, priests get to heaven by ministering to the Christian faithful.

46. Finally, ministering to those who are imprisoned is not optional for priests (or indeed any Catholic). Jesus said that when we care for the imprisoned, we care for *Him*: "I was naked and you clothed me, I was sick and you visited me, in prison and you came to me." Matthew 25:36. Turning a blind eye is not an option: "Then they will answer and say, 'Lord, when did we see you hungry or thirsty or a stranger or naked or ill or in prison, and not minister to your needs?' He will answer them, 'Amen, I say to you, *what you did not do*

for one of these least ones, you did not do for me.' And these will go off to eternal punishment, but the righteous to eternal life." Matthew 25:44-46.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 1st day of October 2026.

James J. Ramacciotti

Rev. Msgr. James J. Ramacciotti



DECLARATION EXHIBIT A

Cited from the *Code of Canon Law*

Available at https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html.

Can. 213 – The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

Can. 230 – §1. Lay persons who possess the age and qualifications established by decree of the conference of bishops can be admitted on a stable basis through the prescribed liturgical rite to the ministries of lector and acolyte.

Nevertheless, the conferral of these ministries does not grant them the right to obtain support or remuneration from the Church.

Can. 273 – Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and their own ordinary.

Can. 275 – §1. Since clerics all work for the same purpose, namely, the building up of the Body of Christ, they are to be united among themselves by a bond of brotherhood and prayer and are to strive for cooperation among themselves according to the prescripts of particular law.

§2. Clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercise in the Church and in the world.

Can. 276 – §1. In leading their lives, clerics are bound in a special way to pursue holiness since, having been consecrated to God by a new title in the reception of orders, they are dispensers of the mysteries of God in the service of His people.

§2. In order to be able to pursue this perfection:

1/ they are first of all to fulfill faithfully and tirelessly the duties of the pastoral ministry;

2/ they are to nourish their spiritual life from the two-fold table of sacred scripture and the Eucharist; therefore, priests are earnestly invited to offer the eucharistic sacrifice daily and deacons to participate in its offering daily;

3/ priests and deacons aspiring to the presbyterate are obliged to carry out the liturgy of the hours daily according to the proper and approved liturgical books; permanent deacons, however, are to carry out the same to the extent defined by the conference of bishops;

4/ they are equally bound to make time for spiritual retreats according to the prescripts of particular law;

5/ they are urged to engage in mental prayer regularly, to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other common and particular means of sanctification.

Can. 375 – §1. Bishops, who by divine institution succeed to the place of the Apostles through the Holy Spirit who has been given to them, are constituted pastors in the Church, so that they are teachers of doctrine, priests of sacred worship, and ministers of governance.

Can. 383 – §1. In exercising the function of a pastor, a diocesan bishop is to show himself concerned for all the Christian faithful entrusted to his care, of whatever age, condition, or nationality they are, whether living in the territory or staying there temporarily; he is also to extend an apostolic spirit to those who are not able to make sufficient use of ordinary pastoral care because of the condition of their life and to those who no longer practice their religion.

Can. 515 – §1. A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop.

Can. 843 – §1. Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them.

§2. Pastors of souls and other members of the Christian faithful, according to their respective ecclesiastical function, have the duty to take care that those who seek the sacraments are prepared to receive them by proper evangelization and catechetical instruction, attentive to the norms issued by competent authority.

Can. 844 – § 1. Catholic ministers administer the sacraments licitly to Catholic members of the Christian faithful alone, who likewise receive them licitly from Catholic ministers alone, without prejudice to the prescripts of §§2, 3, and 4 of this canon, and can. 861, §2.

Can. 897 – The most August sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the Church continually lives and grows. The eucharistic sacrifice, the memorial of the death and resurrection of the Lord, in which the sacrifice of the cross is perpetuated through the ages is the summit and source of all worship and Christian life, which signifies and effects the unity of the People of God and brings about the building up of the body of Christ. Indeed, the other sacraments and all the ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and ordered to it.

Can. 898 – The Christian faithful are to hold the Most Holy Eucharist in highest honor, taking an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently, and worshiping it with the highest adoration. In explaining the doctrine about this sacrament, pastors of souls are to teach the faithful diligently about this obligation.

Can. 900 §1. The minister who is able to confect the sacrament of the Eucharist in the person of Christ is a validly ordained priest alone.

§2. A priest not impeded by canon law celebrates the Eucharist licitly; the provisions of the following canons are to be observed.

Can. 910 – §1. The ordinary minister of holy communion is a bishop, presbyter, or deacon.

§2. The extraordinary minister of holy communion is an acolyte or another member of the Christian faithful designated according to the norm of can. 230, §3.

Can. 912 – Any baptized person not prohibited by law can and must be admitted to holy communion.

Can. 916 – A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the resolution of confessing as soon as possible.

Can. 920 – §1. After being initiated into the Most Holy Eucharist, each of the faithful is obliged to receive holy communion at least once a year.

§2. This precept must be fulfilled during the Easter season unless it is fulfilled for a just cause at another time during the year.

Can. 934 – §1. The Most Holy Eucharist:

1/ must be reserved in the cathedral church or its equivalent, in every parish church, and in a church or oratory connected to the house of a religious institute or society of apostolic life;

2/ can be reserved in the chapel of the bishop and, with the permission of the local ordinary, in other churches, oratories, and chapels.

§2. In sacred places where the Most Holy Eucharist is reserved, there must always be someone responsible for it and, insofar as possible, a priest is to celebrate Mass there at least twice a month.

Can. 935 – No one is permitted to keep the Eucharist on one's person or to carry it around, unless pastoral necessity urges it and the prescripts of the diocesan bishop are observed.

Can. 938 – §1. The Most Holy Eucharist is to be reserved habitually in only one tabernacle of a church or oratory.

§2. The tabernacle in which the Most Holy Eucharist is reserved is to be situated in some part of the church or oratory which is distinguished, conspicuous, beautifully decorated, and suitable for prayer.

§3. The tabernacle in which the Most Holy Eucharist is reserved habitually is to be immovable, made of solid and opaque material, and locked in such a way that the danger of profanation is avoided as much as possible.

§4. For a grave cause, it is permitted to reserve the Most Holy Eucharist in some other fit-ting and more secure place, especially at night.

§5. The person responsible for the church or oratory is to take care that the key of the tabernacle in which the Most Holy Eucharist is reserved is safeguarded most diligently.

Can. 983 – §1. The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

Can. 986 – §1. All to whom the care of souls has been entrusted in virtue of some function are obliged to make provision so that the confessions of the faithful entrusted to them are heard when they reasonably seek to be heard and that they have the opportunity to approach individual confession on days and at times established for their convenience.

Can. 988 – §1. A member of the Christian faithful is obliged to confess in kind and number all grave sins committed after baptism and not yet remitted directly through the keys of the Church nor acknowledged in individual confession, of which the person has knowledge after diligent examination of conscience.

§2. It is recommended to the Christian faithful that they also confess venial sins.

Can. 989 – After having reached the age of discretion, each member of the faithful is ob-liged to confess faithfully his or her grave sins at least once a year.

Can. 1247 – On Sundays and other holy days of obligation, the faithful are obliged to participate in the Mass.

Moreover, they are to abstain from those works and affairs which hinder the worship to be rendered to God, the joy proper to the Lord's day, or the suitable relaxation of mind and body.

Cited from the *Catechism of the Catholic Church*

Available at https://www.vatican.va/content/catechism/en.html.

¶ 1033 – We cannot be united with God unless we freely choose to love him. But we cannot love God if we sin gravely against him, against our neighbor or

against ourselves: “He who does not love remains in death. Anyone who hates his brother is a murderer, and you know that no murderer has eternal life abiding in him.” Our Lord warns us that we shall be separated from him if we fail to meet the serious needs of the poor and the little ones who are his brethren. To die in mortal sin without repenting and accepting God’s merciful love means remaining separated from him for ever by our own free choice. This state of definitive self-exclusion from communion with God and the blessed is called “hell.”

¶ 1123 – “The purpose of the sacraments is to sanctify men, to build up the Body of Christ and, finally, to give worship to God. Because they are signs they also instruct. They not only presuppose faith, but by words and objects they also nourish, strengthen, and express it. That is why they are called ‘sacraments of faith.’“

¶ 1125 – For this reason no sacramental rite may be modified or manipulated at the will of the minister or the community. Even the supreme authority in the Church may not change the liturgy arbitrarily, but only in the obedience of faith and with religious respect for the mystery of the liturgy.

¶ 1129 – The Church affirms that for believers the sacraments of the New Covenant are necessary for salvation. “Sacramental grace” is the grace of the Holy Spirit, given by Christ and proper to each sacrament. the Spirit heals and transforms those who receive him by conforming them to the Son of God. the fruit of the sacramental life is that the Spirit of adoption makes the faithful partakers in the divine nature by uniting them in a living union with the only Son, the Savior.

¶ 1131 – The sacraments are efficacious signs of grace, instituted by Christ and entrusted to the Church, by which divine life is dispensed to us. The visible rites by which the sacraments are celebrated signify and make present the graces proper to each sacrament. They bear fruit in those who receive them with the required dispositions.

¶ 1440 – Sin is before all else an offense against God, a rupture of communion with him. At the same time it damages communion with the Church. For this reason conversion entails both God’s forgiveness and reconciliation with the

Church, which are expressed and accomplished liturgically by the sacrament of Penance and Reconciliation.

¶ 1441 – Only God forgives sins. Since he is the Son of God, Jesus says of himself, "The Son of man has authority on earth to forgive sins" and exercises this divine power: "Your sins are forgiven." Further, by virtue of his divine authority he gives this power to men to exercise in his name.

¶ 1449 – The formula of absolution used in the Latin Church expresses the essential elements of this sacrament: the Father of mercies is the source of all forgiveness. He effects the reconciliation of sinners through the Passover of his Son and the gift of his Spirit, through the prayer and ministry of the Church:

> God, the Father of mercies,
> through the death and the resurrection of his Son
> has reconciled the world to himself
> and sent the Holy Spirit among us
> for the forgiveness of sins;
> through the ministry of the Church
> may God give you pardon and peace,
> and I absolve you from your sins in the name of the Father, and of the Son and of the Holy Spirit.

EXHIBIT 4

DECLARATION OF REV. CHRISTOPHER SCHROEDER

I, Rev. Christopher Schroeder, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Roman Catholic priest of the Archdiocese of St. Louis. I serve as the pastor of Christ the King parish in University City.

2. As a priest, my calling is to bring the presence of Christ to those in need, especially those in need of sacramental ministry.

3. Part of this ministry includes visiting and ministering to Spanish-speaking detainees of the U.S. Immigrations and Customs Enforcement who are housed in the Ste. Genevieve County Detention Center.

4. When I visit detainees in the Detention Center, I am forbidden by the Center from having contact visits, in which I could meet with a detainee privately. Instead, I am only able to meet with detainees while physically separated by a plexiglass barrier, and our communications must all be conducted over a phone line that, to the best of my knowledge, is or can be monitored by prison officials.

5. Additionally, the Detention Center only allows priests like me to visit during a limited time window, on Mondays from 1-4pm. Because of the time it takes for guards to accompany a prisoner to a meeting room, the actual hours I am able to minister to detainees are even shorter than even this

window. There have been times that I was at the Detention Center for two or three hours but have only been able to see one or two detainees.

6. Many of these Spanish-speaking detainees are either practicing Catholics or have been raised in the Catholic faith.

7. On at least one occasion, a detainee has expressed to me that they would like to receive the sacraments of the Eucharist and Confession if that were possible.

8. I have found that these detainees, who are often separated from any family or friends, are in extreme need of spiritual counsel and of the grace and peace that the sacraments provide.

9. In particular, I believe that these detainees would benefit from—and that I have a spiritual obligation to provide—the sacraments of the Eucharist and Confession, as well as the celebration of the Mass. The Eucharist is a powerful affirmation of Christ's presence in places of isolation, such as detainees face. And Confession is important both for detainees' current spiritual wellbeing and because they may face danger during and immediately after deportation to other countries, making access to Confession prior to deportation extremely important for the safety of their immortal souls.

10. Under Catholic doctrine, both of the sacraments of Confession and the Eucharist require that the priest administering the sacrament be present in-person, in the same room as the recipient. The sacrament of Confession

additionally requires privacy, such that priest and penitent cannot be overheard by others.

11. Because I am not able to engage in contact visits with detainees, I am not able to administer the Eucharist or hear Confession. I have also not been able to say Mass.

12. I understand that there has been a proposal that the Eucharist be given to a third party Detention Center official (who is not trained or installed as a Eucharistic Minister) to be delivered to a detainee or placed in a zip-lock bag or on a surface to be picked up by the detainee. Either practice would be sacrilegious.

13. Confession must be heard in person and in private. It may not be done over any phone line, much less one monitored by jail staff.

14. During one visit, I asked a Detention Center official if I could visit with detainees in person to offer the sacraments. I was told no.

15. Additionally, my faith calls me to meet with and provide spiritual counsel to as many detainees as seek my counsel. Before I visit the Detention Center, I have a list of detainees who have requested to meet with a Catholic priest. The majority of times I have visited the Detention Center, I have not been provided access to see the full list of detainees who have requested to meet with a Catholic priest, due to the extended wait times between each detainee.

16. On one occasion, for example, I was only able to speak to one inmate from my list. After entering the visitation area, I had to repeatedly buzz the guard station, requesting that the first detainee be brought. Eventually, after 45 minutes, a detainee was brought. After speaking to that detainee, I requested that the next person on my list be brought, but no one was brought before the visitation window closed at 4 pm. All told, I spoke to one detainee despite being at the Detention Center from about 1:45 pm to 4pm.

17. On another occasion, I visited with a fellow priest and, between us, we were only able to see three detainees during the visitation window before time ran out. There were more than three detainees who requested spiritual counselling that week.

18. If the visitation window for clergy window were expanded, I could speak to more of the detainees who have asked for access to a priest.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 22nd day of September 2026.

Rev. Christopher Schroeder

EXHIBIT 5

DECLARATION OF SARA DROST

I, Sara Drost, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a co-founder and former president of Abide In Love Ste. Genevieve (AIL). AIL is a nonpartisan, nonpolitical 501(c)(3) non-profit.

2. AIL was founded in July 2025 to provide ministry to immigrants in our community. This includes a large population of immigrants who have been detained by U.S. Immigrations and Customs Enforcement and are housed at the Ste. Genevieve County Detention Center. Since we began our ministry, we estimate that approximately 3,000 individual detainees have been housed at the Detention Center for at least some amount of time.

3. Among other things, AIL volunteers serve as "pen pals" for detained immigrants to help assess and address their mental and spiritual needs.

4. Throughout each week, the pen pals ask detainees whether they need anything. Every Friday, the pen pals then fill out a clergy request form for any detainee who has asked to see a Catholic priest or receive the sacraments, or who is otherwise in need of ministry by a priest. That form is sent to the Archdiocese, which lets the visiting priest for the next week know which detainees have asked to speak to a priest.

5. There are multiple detainees who ask to speak to a priest almost every week. There have also been several detainees throughout our time

ministering that have explicitly requested access to the sacraments of the Eucharist and Confession.

6. For example, in mid-September, we had a detainee who expressed a deep desire to go to Confession before he was deported, since he did not know what was going to happen after he was deported. Because the priest who visited the next Monday could not hear his Confession, he was never able to confess his sins or receive absolution.

7. Additionally, I and other AIL volunteers have approached detainees to ask whether they would be willing to participate in this litigation as anonymous plaintiffs, or alternatively whether they would be willing to attest to the deprivation of their religious rights on the record. Every detainee to whom we have spoken has declined to provide a declaration or participate in this litigation in any capacity based on a fear that doing so would make them targets and that they would face retaliation for their participation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 1 day of October 2026.

Sara Drost

Sara Drost

EXHIBIT 6

U.S. Department of Justice
United States Marshals Service
Prisoner Operations Division

Office of Detention Services
Intergovernmental Agreement

1. Agreement Number	2. Effective Date	3. Facility Code(s)	4. UEI Number
44-02-0078	May 1, 2025	7LE	EX4MLKFK2K57

5. Issuing Federal Agency	6. Local Government
United States Marshals Service Prisoner Operations Division Office of Detention Services CG-3, 3rd Floor Washington, DC 20530-0001	Sainte Genevieve County Detention Center 5 Basler Drive Sainte Genevieve, Missouri 63670 Tax ID#: 43-6003165
7. Appropriation Data 15-1020/XD	8. Local Contact Person: E-mail: Telephone:
	Sheila Powell, Administrator Support spowell@sgcso.com (573) 883-5820

9. Services	10. Estimated Number of Federal Beds	11. Per Diem Rate	12. Period of Performance
This agreement is for the housing, safekeeping, subsistence, and care of Federal prisoners, in accordance with content set forth herein.	Male: 365 Female: 35 Juvenile: 0 **Total: 400**	$103.00	Perpetual

13. Guard/Transportation Hourly Rate

Guard/Transportation Hourly Rate: $52.00

Mileage shall be reimbursed by the Federal Government at the current General Services Administration (GSA) Federal Travel Regulation Mileage Rate.

14. Optional Guard/Transportation Services

- ☒ Medical
- ☒ U.S. Courthouse
- ☒ JPATS
- ☒ Encompassed VTC
- ☐ Video Teleconferencing (VTC) Hearings
- ☒ Other Hospital Details& Jail to Jail

15. Department of Labor Wage Determination

- ☐ Wages Incorporated # _____
- ☐ Collective Bargaining Agreement #_____

16. Local Government Certification

To the best of my knowledge and belief, information submitted in support of this agreement is true and correct. This document has been duly authorized by the governing authorities of their applying Department or Agency State or County Government and therefore agree to comply with all provisions set forth herein this document.

17. Signature of Person Authorized to Sign (Local)

Gary J Stolzer
Signature

Gary Stolzer
Print Name

Sheriff — 3/31/2025
Title — Date

18. Federal Prisoner Type Authorized	19. Other Authorized Agency User
☒ Adult Male	☒ BOP
☒ Adult Female	☒ ICE
☐ Juvenile Male	☐ Other _____
☐ Juvenile Female	

20. Signature of Person Authorized to Sign (Federal)

TIFFANI EASON Digitally signed by TIFFANI EASON Date: 2025.04.30 11:32:30 -04'00'
Signature

Tiffani Eason
Print Name

A Chief, Intergovernmental Agreements
Title — Date

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Local Government (initial): GD
Federal Government (initial): TE

1. Authority

Pursuant to the authority, 106th Congress Public Law 553, Section 119 of the "Department of Justice Appropriations Act, 2001", this Intergovernmental Agreement (hereinafter referred to as "agreement") is entered into between the United States Marshals Service (USMS) (hereinafter referred to as the "Federal Government") and ***Saint Genevieve County Detention Center*** (hereinafter referred to as "Local Government"), who hereby agree as described in this document.

2. Purpose

The Federal Government and the Local Government establish this agreement allowing the USMS or other authorized agency user as noted in block #19, page one (1) of this agreement to house individuals detained on federal charges or federal court orders (hereinafter referred to as "Federal prisoners") with the Local Government at the ***Sainte Genevieve County Detention Center, 5 Basler Drive, Sainte Genevieve, Missouri 63670*** (hereinafter referred to as "the Facility") designated in block #6 on page one (1) of this agreement.

3. Administration (October 2021)

The Local Government shall provide for the secure custody, safekeeping, housing, subsistence, and care of Federal prisoners in accordance with all state, local, and federal laws, standards, regulations, policies, and court orders applicable to the operation of the Facility. Federal prisoners shall be housed in a manner consistent with the Federal Performance Based Detention Standards (FPBDS) subset utilized by the USMS Detention Facility Review Program. These standards are set forth in Form USM-218 (provided as an attachment to this agreement). Facilities shall follow the current standards summarized in Form USM-218 and any other standards required by an authorized agency whose prisoners are housed by the Local Government pursuant to this agreement. Full text of the FPBDS can be found at: http://wwwASD.usmarshals.gov/prisoner/detention-standards.htm as an additional reference source for best practices.

Sainte Genevieve County Detention Center shall comply with Congressional mandates, federal laws, Executive Orders and all existing ***Sainte Genevieve County Detention Center*** policies. ***Sainte Genevieve County Detention Center*** shall provide a means for verification of any state inspections, accreditation, and, if applicable, any alternative correctional facility accreditations such as an accreditation from the American Correctional Association accreditation.

The USMS ensures the secure custody, care, and safekeeping of USMS prisoners. Accordingly, all housing or work assignments, and recreation or other activities for USMS prisoners are permitted only within secure areas of the building or within the secure external recreational/exercise areas. All work assignments for unsentenced Federal prisoners must be voluntary.

The Local Government shall conduct initial and periodic background and reference checks of applicants, employees, contractors, and volunteers. All allegations of staff misconduct shall be investigated and reported to law enforcement as appropriate. Staff misconduct involving or affecting USMS prisoners shall be reported to the local district United States Marshal (USM), Chief,

Local Government (initial): GB
Federal Government (initial): TE

or their designee and to the USMS Prisoner Operations Division (POD) at PODCoCInquiries@usdoj.gov.
At all times, the Federal Government shall have access to the Facility and to the Federal prisoners, and to all records pertaining to this agreement, including financial records, for a retention period of three (3) years from the date of request by the Federal Government.

The Local Government shall maintain written policies and procedures that describe all facets of facility operations, maintenance, and administration. The Local Government shall maintain written contingency and emergency plans for situations including but not limited to riots, hunger strikes, disturbances, escapes, hostage situations, and mass prisoner relocation.

The Local Government shall maintain records of annual fire safety inspections. The Local Government shall maintain dangerous materials in accordance with government regulations.

The Local Government shall maintain an objective review, classification, and housing process. Federal prisoners shall be clearly identified as USMS prisoners in the classification system.

The Local Government shall ensure Federal prisoners under the age of 18 receive an age-appropriate diet, exercise, and education.

The Local Government shall ensure Federal prisoners under the age of 18 or charged as a juvenile shall be separated by sight and sound and out of regular contact with adult prisoners, except in emergency situations or approval from the court.

The Local Government shall keep the Facility clean and in good repair. Food service equipment shall meet established health and safety codes. The Local Government shall provide a minimum of three (3) meals per day that are varied and nutritionally adequate.
The Local Government shall provide safe and clean space and items for proper prisoner hygiene.

The Local Government will provide clean and serviceable bedding and clothing. Clothing and shoes shall be properly sized and temperature and weather appropriate. The Local government shall provide appropriate attire upon release.

The Local Government shall properly inventory, store, and return prisoner property upon release.
The Local Government shall provide adequate accommodations for prisoners with disabilities once accepted by the Local Government.
The Local Government shall prohibit discrimination on the basis of disability, race, sex, sexual orientation, religion, and national origin in the provision of services, programs, and activities.

The Local Government shall provide prisoners with reasonable opportunities to participate in religious practices, exercise, and access to mail, telephones, personal legal materials and legal reference materials or confidential counsel.

The Local Government shall maintain a grievance program with at least one level of appeal. The grievance procedures shall be made available to prisoners.

(End of Provision)

Local Government (initial): GS
Federal Government (initial): TE

4. Place of Performance (May 2021)

The principal place of performance for this agreement shall be:

Sainte Genevieve County Detention Center, 5 Basler Drive, Sainte Genevieve, Missouri 63670

(End of Provision)

5. Agreements Specialist (November 2021)

The Contracting Officer (KO) may designate in writing one or more government employees, by name and position title, to act for the KO under this agreement. Each designee shall be identified as an Agreements Specialist. Such designation(s) shall specify the scope and limitations of the authority so delegated; provided, that the designee(s) shall not change the terms or conditions of the agreement, unless the Agreements Specialist is a warranted KO, and this authority is delegated in the designation.

The Agreements Specialist is:

Name: **Ramona Mosby**
Title: **Grants Specialist**
Contact Information: **202-868-2789**

(End of Provision)

6. Termination (May 2021)

The agreement can be terminated by either party for any reason. The requesting party, requester, seeking to terminate this agreement may do so by providing a written notice to the receiving party, requestee, at least thirty (30) calendar days in advance of the proposed termination date. An exception is made when an emergency situation requires the immediate relocation of Federal prisoners.

In order for the Local Government to initiate a termination of this agreement, the Local Government must:

a. As noted in this section, paragraph one above, the Local Government shall provide the Federal Government via the KO or designee a written notification by email at least thirty (30) calendar days in advance of the potential termination date unless an emergency situation requires the immediate relocation of Federal prisoners.
b. The Local Government shall provide adequate time, if applicable, for the Federal Government to transport and relocate Federal prisoners. Based on the number of Federal prisoners at the facility, a thirty (30) day notice may not be adequate to vacate the premises; thus, the Local Government shall agree to provide the Federal Government a reasonable time frame to exit the facility.

Local Government (initial): GS
Federal Government (initial): IE

c. The Local Government shall work with the Federal Government to locate alternative housing solutions for the Federal prisoners.
d. The Local Government may not request rate or per-diem increases once the Local Government has provided a termination notice to the Federal Government and the Federal Government has acknowledged the receipt of before mentioned notice.

Where the Local Government has received a cooperative agreement through the POD's Cooperative Agreement Program, the cooperative agreement termination and other applicable provisions shall:

a. be incorporated into this agreement;
b. survive after the expiration of the cooperative agreement; and
c. supersede the termination provisions of this agreement.

(End of Provision)

7. Assignment and Outsourcing of Jail Operations (May 2021)

The overall management and operation of the Facility housing Federal prisoners shall not be contracted out without the prior written notification of the Federal Government.

(End of Provision)

8. Medical Services (May 2021)

The Local Government shall maintain written procedures that describe actions taken in the event of a prisoner's death, assault, or medical emergency to include notification to the USMS.

The Local Government shall provide a medical and mental health screening upon admission to the Facility. The Local Government shall inform prisoners how to access health services.

The Local Government shall notify the local USMS district office of any infectious disease outbreak.

The Local Government shall provide Federal prisoners with the same level and range of care **inside** the Facility as that provided to state and local prisoners. The Local Government is financially responsible for all medical care provided **inside** the Facility to Federal prisoners. This includes the cost of all medical, dental, and mental health care as well as the cost of medical supplies, over-the-counter medications and any prescription medications routinely stocked by the Facility. The Facility is encouraged to purchase non-OTC medications for USMS prisoners through the USMS' National Managed Care Contract (NMCC) Discount Pharmacy Program. When possible, generic medications should be prescribed. The cost of all of the above-referenced medical care is covered by the Federal per-diem rate. The Federal Government will pay for the cost of specialized medical services not routinely provided within the Facility, such as dialysis.

The Federal Government is financially responsible for all medical care provided **outside** the Facility to Federal prisoners. The Federal Government must be billed directly by outside medical care providers pursuant to arrangements made by the Local Government for outside medical care. The

Local Government (initial): _____
Federal Government (initial): TE

Local Government shall utilize outside medical care providers that are covered by the USMS' NMCC Preferred Provider Network to the maximum extent practicable. The Local Government can obtain information about NMCC covered providers from the local USMS District Office. The Federal Government will be billed directly by the medical care provider **not** the Local Government. To ensure that Medicare rates are properly applied, medical claims for Federal prisoners must be on Centers for Medicare and Medicaid Services (CMS) Forms so that they can be re-priced to Medicare rates in accordance with the provisions of Title 18 U.S.C. Section 4006. The USMS will not reimburse the detention facility for medical payments made on behalf of USMS prisoners in the absence of a specific arrangement approved in writing by the USMS.

All **outside** medical care provided to Federal prisoners must be pre-approved by the Federal Government except in a medical emergency. In the event of an emergency, the Local Government shall proceed immediately with necessary medical treatment. The Local Government shall notify the Federal Government immediately regarding the nature of the Federal prisoner's illness or injury as well as the types of treatment provided.
The Facility shall have in place an adequate infectious disease control program which includes testing of all Federal prisoners for Tuberculosis (TB) in accordance with *National Commission on Correctional Health Care (NCCHC) Standards for Health Services in Jails.* TB testing shall occur with 14 days of intake (unless current TB tests results are available), be promptly documented in the Federal prisoner's medical record and the results forwarded to the local USMS District within thirty (30) days of intake. Special requests for expedited TB testing and clearance (to include time sensitive moves) shall be accomplished through advance coordination by the Federal Government and Local Government.

The Local Government shall immediately notify the Federal Government to include the local district office of any cases of suspected or active TB or any other highly communicable diseases such as but not limited to Coronavirus Disease (COVID), severe acute respiratory syndrome (SARS), Avian Flu, Methicillin-Resistant Staphylococcus Aureus (MRSA), Chicken Pox, etc., which might affect scheduled transports or productions.

When a federal prisoner is being transferred or released from the Facility, they will be provided with a minimum of seven (7) days of prescription medications and any medications already dispensed to the prisoner. Medical records and Form USM-553, *Prisoner in Transit Medical Summary* must travel with the Federal prisoner. If the records are maintained at a medical contractor's facility, it is the Local Government's responsibility to obtain them before a federal prisoner is transferred.

Federal prisoners may be charged a medical co-payment by the Local Government in accordance with the provisions of Title 18 U.S.C. Section 4013(d). The Federal Government is not responsible for medical co-payments and shall not be billed if the federal prisoner is indigent and cannot make the co-payment. Indigent Federal prisoners shall not be denied medical evaluation and treatment for failure to provide a co-payment.

(End of Provision)

Local Government (initial): GS
Federal Government (initial): TE

9. Affordable Care Act (ACA) (May 2021)

Upon release of a Federal prisoner, the Local Government shall provide information regarding the Affordable Care Act (ACA). The ACA website is located at: http://www.hhs.gov/healthcare/about-the-aca/index.html.

(End of Provision)

10. Receiving and Discharging of Federal Prisoners (May 2021)

The Local Government agrees to accept Federal prisoners only upon presentation by a Law Enforcement Officer (LEO), USMS Task Force Officer (TFO) or a USMS designee with proper credentials.
The Local Government shall not relocate a Federal prisoner from one facility under its control to another facility not described in this agreement without permission of the Federal Government. Additional facilities within the same agreement shall be identified in a modification.

The Local Government agrees to release Federal prisoners only to LEOs of the authorized Federal Government agency initially committing the Federal prisoner (e.g., Drug Enforcement Administration (DEA), Immigration and Customs Enforcement (ICE)) or to a Deputy United States Marshal (DUSM) or USMS designee with proper credentials. Those Federal prisoners who are remanded to custody by the USMS may only be released to the USMS or an individual specified by the USMS in the Judicial District.

USMS Federal prisoners sought for a state or local court proceeding must be acquired through a Writ of Habeas Corpus or the Interstate Agreement on Detainers and then only with the concurrence of the jurisdictional United States Marshal (USM).

(End of Provision)

11. Prisoner Work Program (November 2021)

Federal prisoner labor shall be used in accordance with the Federal prisoner work plan developed by the Local Government and approved by the USMS. The Federal prisoner work plan must be voluntary, and may include work or program assignments for industrial, maintenance, custodial, service, or other jobs. Federal prisoners may not be required to work. Federal prisoners may volunteer to work within the secure confines of the facility if they sign a waiver of their right not to work. A Federal prisoner with suicidal tendencies, attempted escapes or escape history, violent history, gang affiliations or with detainers for pending charges with other local, state, or federal agencies will not be considered for the volunteer program. Federal prisoners are not permitted to act as trustees and may not work in positions that permit unsupervised contact with segregated prisoners or Federal prisoners of the opposite sex.

The Federal prisoners are restricted from operating equipment that may expose the Federal prisoners to grave bodily harm or any work assignment requiring security risk items and controlled

Local Government (initial): GS
Federal Government (initial): TE

tools which could be used to facilitate an escape or used as a weapon that could endanger staff, citizens, or other inmates. Federal prisoners will not have access to prisoner or employee records.

The Local Government will ensure that prisoners who volunteer to work are prohibited from keeping medications on their person while at the worksite, unless deemed necessary by medical personnel.

Federal prisoners must obtain required medical clearances before working in the food service areas. The Federal prisoner work program shall not conflict with any other requirements of the agreement and must comply with all applicable laws and regulations. Federal prisoners shall not be used to perform the responsibilities or duties of an employee of the Local Government. Appropriate safety/protective clothing and equipment shall be provided to Federal prisoner workers as appropriate. Federal prisoners shall not be assigned work that is considered hazardous or dangerous. This includes, but is not limited to, areas or assignments requiring great heights, extreme temperatures, use of toxic substances and unusual physical demands. Federal prisoner workers can be paid the identical rates of pay as other facility prisoners.

Federal prisoners shall be required to participate in normal housekeeping duties which help ensure the cleanliness of their housing area. Increases and reductions in privileges may be used as incentives to ensure that Federal prisoners keep their living areas clean.

(End of Provision)

12. Guard/Transportation Services to/from Medical Facility (May 2021)

When Medical Facility in block #14 on page one (1) of this agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and guard services for Federal prisoners housed at the Facility to and from a medical facility for outpatient care, and transportation and stationary guard services for Federal prisoners admitted to a medical facility.

These services shall be performed by at least two (2) armed and qualified LEOs or Correctional Officers (CO) according to the criteria specified by the County Entity running the facility. In all cases, these are part of a fulltime Law Enforcement Organization or Correctional Organization and that they have met the minimum training requirements.

The Local Government agrees to provide additional personnel if requested by the USMS to enhance specific requirements for security, prisoner monitoring, and contraband control. Federal prisoners are not permitted to use the telephone, internet or WIFI enabled devices, or to receive outside food, drinks, or deliveries (including flowers) without consent from the USMS. The Local Government shall restrain Federal prisoners by attaching at least one extremity to the hospital bed, stretcher, or chair at all times when medically possible. Pregnant or postpartum prisoners should not be restrained. Postpartum is the twelve-week period following childbirth, miscarriage, or abortion. See First Step Act provision for more information.

The reimbursable hourly rate, if agreed upon, will be shown in block #13 on page one (1) of this agreement.

Mileage shall be reimbursed in accordance with the current GSA mileage rate.

Local Government (initial): GS
Federal Government (initial): TE

(End of Provision)

13. Guard/Transportation Services to/from U.S. Courthouse (May 2021)

When U.S. Courthouse in block #14 on page one (1) of this agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and guard services for Federal prisoners housed at its facility to and from the U.S. Courthouse. These services shall be performed by at least two (2) armed and qualified LEOs or COs. In all cases, these are part of a fulltime Law Enforcement Organization or Correctional Organization and that they have met the minimum training requirements.

The Local Government agrees to provide additional personnel if requested by the USMS to enhance specific requirements for security, prisoner monitoring, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation guard will turn Federal prisoners over to the USMS only upon presentation of proper law enforcement credentials.

The Local Government will not transport Federal prisoners to any U.S. Courthouse without a specific request from the USMS who will provide the prisoner's name, the U.S. Courthouse, and the date the prisoner is to be transported.

Each prisoner will be fully restrained in handcuffs, waist chain, and leg restraints during transportation unless otherwise authorized by the USMS. Deviations from full restraints must be documented and reported monthly to the local district USM, Chief, or their designee and to the USMS POD at PODCoCInquiries@usdoj.gov.

The reimbursable hourly rate, if agreed upon, will be shown in block #13 on page one (1) of this agreement.

Mileage shall be reimbursed in accordance with the current GSA mileage rate.

(End of Provision)

14. Guard/Transportation Services to Justice Prisoner & Alien Transportation System (JPATS) or Other (May 2021)

When JPATS, Other or both in block #14 on page one (1) of this agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for Federal prisoners housed at its facility to and from the JPATS or other locations designated by the Federal Government.

These services shall be performed by at least two (2) armed and qualified LEOs or COs. In all cases, these are part of a fulltime Law Enforcement Organization or Correctional Organization and that they have met the minimum training requirements.

The Local Government agrees to provide additional personnel if requested by the USMS to enhance specific requirements for security, prisoner monitoring, and contraband control.

Local Government (initial): GS
Federal Government (initial): TE

The Local Government shall not transport Federal prisoners to the airlift or any other location without a specific request from the USMS who will provide the prisoner's name, location (district), and the date the prisoner is to be transported.

The Local Government shall turn Federal prisoners over to the USMS or an officer specified by the USMS only upon presentation of proper credentials.

Each prisoner will be fully restrained in handcuffs, waist chain, and leg restraints during transportation unless otherwise authorized by the USMS. Deviations from full restraints must be documented and reported monthly to the local district USM, Chief, or their designee and to the USMS POD at PODCoCInquiries@usdoj.gov.

The reimbursable hourly rate, if agreed upon, will be shown in block #13 on page one (1) of this agreement.

Mileage shall be reimbursed in accordance with the current GSA mileage rate.

(End of Provision)

15. Video Teleconference Hearings within the Facility (October 2021)

If available, the facility shall furnish, as applicable to this agreement, all things necessary for, or incident to, providing Video Teleconference (VTC) hearings within the facility. When VTC equipment is not available at the facility, the Federal Government, in coordination with the Courts, may assist with providing VTC equipment and ancillary items to the facility.

(End of Provision)

16. Optional Guard Services to Video Teleconference Hearings within Facility (May 2021)

When Video Teleconferencing (VTC) Hearings in block #14 on page one (1) of this agreement is checked, the Local Government agrees, subject to the availability of its personnel, to provide escort guard services for Federal prisoners housed at its facility to monitor, on a case-by-case basis, court hearings conducted via VTC within its facility per instruction of the Federal Judiciary.

The reimbursable hourly rate, if agreed upon, will be shown in block #13 on page one (1) of this agreement.

(End of Provision)

17. Special Notifications (May 2021)

The Local Government shall notify the Federal Government of any activity by a Federal prisoner, which would likely result in litigation or alleged criminal activity.

The Local Government shall immediately notify the Federal Government of an escape of a Federal prisoner. The Local Government shall use all reasonable means to apprehend the escaped Federal

Local Government (initial): GS
Federal Government (initial): TE

prisoner and all reasonable costs in connection therewith shall be borne by the Local Government. The Federal Government shall have primary responsibility and authority to direct the pursuit and capture of such escaped Federal prisoners. Additionally, the Local Government shall notify the Federal Government as soon as possible when a Federal prisoner is involved in an attempted escape or conspiracy to escape from the Facility.

In the event of a medical emergency, death, or assault on or by a Federal prisoner, the Local Government shall immediately notify the Federal Government.

(End of Provision)

18. Body Worn Camera Information Requests (November 2021)

If the Local Government adopts a Body Worn Camera (BWC) use policy that mandates use of BWC for transport or other activities covered under the IGA, the agency shall, upon request by USMS, provide USMS with the audio/video footage and any metadata captured by the BWC pertaining to USMS prisoner incidents. The audio/video footage and any metadata may be requested by the USMS Body Worn Camera Program and the USMS Office of General Counsel. The agency agrees that no BWC footage depicting a USMS prisoner will be released without advance written notification to the USMS.

(End of Provision)

19. Restrictive Housing and Suicide Prevention (May 2021)

For the purposes of this agreement, "restrictive housing" means any type of detention that involves all of the following elements:

a. Removal from the general population, whether voluntary or involuntary;
b. Placement in a locked room or cell, whether alone or with another prisoner; and
c. Inability to leave the room or cell for the vast majority of the day, typically 22 hours or more.

For the purposes of this agreement, "vulnerable population" refers to prisoners who are more likely to be victimized in confinement settings, including but not limited to: juveniles; young adults (age 18-24 at time of admission through conviction);prisoners with serious mental illness; lesbian, gay, bisexual, prisoners who identify as sex nonconforming; pregnant and postpartum prisoners; infirmed prisoners and prisoners with medical needs.

The Local Government shall have written policies, procedures, and practices requiring that all prisoners in restrictive housing are personally observed by a CO at least twice per hour, but no more than thirty (30) minutes apart, on an irregular schedule. Prisoners who are violent or mentally ill or who demonstrate unusual or bizarre behavior shall receive more frequent observation; suicidal prisoners shall be under constant observation.

Local Government (initial): GS
Federal Government (initial): TE

The Local Government shall immediately notify the appropriate Chief Deputy U.S. Marshal (CDUSM), or designee, and POD at rhinquiries@usdoj.gov when a member of a vulnerable population is placed in restrictive housing or their restrictive housing status changes.

The Local Government shall also provide reports to the USMS on a monthly basis listing all USMS prisoners who were detained in restrictive housing, and the reasons for their assignment to restrictive housing. When no USMS prisoners have been placed in restrictive housing during the reporting month, the Local Government shall notify USMS that there are no USMS prisoners to report. The report or a notification of no USMS prisoners in restrictive housing shall be submitted to the CDUSM or his or her designee and POD at rhinquiries@usdoj.gov, no later than the tenth day of each month in a standard format established by the USMS.

The Local Government shall have a comprehensive suicide-prevention program in place incorporating all aspects of identification, assessment, evaluation, treatment, preventive intervention, and annual training of all medical, mental health, and correctional staff.

Additional prisoner suicide prevention resources can be found at: https://www.usmarshals.gov/prisoner/suicide_prevention.htm and https://nicic.gov/.

(End of Provision)

20. Prison Rape Elimination Act (PREA) (November 2021)

The Facility must post Prison Rape Elimination Act (PREA) brochure/bulletins in each housing unit of the Facility. The Facility must abide by all relevant PREA regulations at: (https://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea).

All sexual harassment and sexual assaults of or by a USMS prisoner must be reported to the district CDUSM or designee and the POD at: PREAinquiries@usdoj.gov.

In accordance with PREA, the Facility must arrange for a PREA audit every three (3) years. The Facility must maintain PREA compliance or be actively working towards compliance.
Additional resources can be found at: https://www.prearesourcecenter.org/.

Templates for PREA posters and brochures can be found at:
https://www.prearesourcecenter.org/library/search?keys=poster&cat=All

(End of Provision)

21. PREA Prisoner Incident Reporting (November 2021)

PREA posters shall contain information on how to report a sexual assault by using one of the following methods:

- Speaking with a staff member;

Local Government (initial): GS
Federal Government (initial): TE

- Writing a letter reporting the alleged sexual misconduct to the person in charge or the USMS. To ensure confidentiality, use special (Legal) mail procedures;
- Filing an Emergency Prisoner Grievance - If you decide your complaint is too sensitive to file with the Officer in Charge, you can file your Grievance directly with the CDUSM. You can get the forms from your housing unit officer, or a Facility supervisor;
- Writing to the Office of Inspector General (OIG), which investigates allegations of staff misconduct. The address is: Office of Inspector General, U.S. Department of Justice, 950 Pennsylvania Ave. Room 4706, Washington, DC. 20530; or
- Calling, **at no expense to the victim,** the OIG. The phone number is 1-800-869-4499.

All allegations of sexual abuse reported to Facility staff must be reported and will be investigated. Information concerning the identity of a prisoner victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have the need to know in order to make decisions concerning the prisoner-victim's welfare and for law enforcement investigative purposes.

(End of Provision)

22. Federal Acquisition Regulation (FAR) Agreement Provisions (May 2021)

This agreement incorporates the following agreement provisions by reference, with the same force and effect as if it was given in full text. Upon request, the full text will be made available. The full text of this provision may be accessed electronically at: http://www.acquisition.gov.

Agreement Provisions:

FAR 52.222-4 Contract Work Hours and Safety Standards – Overtime (May 2018)

FAR 52.222-41 Service Contract Labor Standards. (November 2024)

If the Collective Bargaining Agreement in block #15 on page one (1) of this Agreement is checked, the Local Government agrees In accordance with Section 2 (a) and 4 (c) of the Services Contract Act, as amended, employees employed by the contractor (s) in performing services covered by the Collective Bargaining Agreement (s) are to be paid wage rates and fringe benefits set forth in the current collective bargaining agreement and modified extension agreements.

FAR 52.222-42 Statement of Equivalent Rates for Federal Hires (May 2014)

FAR 52.222-43 Fair Labor Standards Act and the Service Contract Labor Standards – Price Adjustment (Multiyear and Option Contracts) (August 2018)

The current Local Government per-diem rates shall be the prevailing wages unless notified by the Federal Government.

If the Department of Labor Wage Determination in block #15 on page one (1) of this Agreement is checked, the Local Government agrees, in accordance with FAR 52.222.43 (a), (f), that it must notify the Federal Government of any increase or decrease in applicable wages and fringe benefits claimed under this clause within thirty (30) days after receiving a new wage determination.

Local Government (initial): _____
Federal Government (initial): TE

(End of Provision)

23. Guaranteed Minimum Bed Space (September 2021)

This IGA ***does not*** contain a guaranteed minimum for bed space.

(End of Provision)

24. Economic Rate Adjustments (October 2021)

The Federal Government will use various price analysis techniques and procedures to ensure the rates established by this agreement is considered a fair and reasonable price. Examples of such techniques include, but are not limited to, the following:

a. Comparison of the requested rate with the Independent Government Estimate for detention services, otherwise known as the Core Rate;
b. Comparison with rates at other state or local facilities of similar size and economic conditions;
c. Comparison of previously proposed prices and previous Federal Government and commercial contract prices with current proposed prices for the same or similar items; and
d. Evaluation of the provided jail operating expense information.

The firm-fixed price per-diem rate for services is stipulated in block #11 on page one (1) of this agreement and shall not be subject to adjustment on the basis of ***Sainte Genevieve County Detention Center*** actual cost experience in providing the service. The per-diem rate shall be fixed for a period from the effective date of this agreement forward for **thirty-six (36) consecutive months**. The per-diem rate covers the support of one Federal prisoner per "Federal prisoner day", which shall include the day of arrival, but not the day of departure.

The per-diem rate and the guard/transportation hourly rate will remain unchanged during the renewal period(s) unless the Local Government requests an economic rate adjustment. To request a per-diem economic rate adjustment, the Local Government will need to access USMS' Capture system via the Law Enforcement Enterprise Portal (LEEP) at https://portal.cjis.gov/wps/myportal/LEEPNG. The Local Government may contact the Agreements Specialist for more information.

An economic rate adjustment to either rate can be requested by the Local Government after **thirty-six (36) months of continuous performance**. Request for economic rate adjustments prior to the ending of the **thirty-six (36) month period** preceding the most recent rate adjustment shall only be considered if there are extreme circumstances that warrants a review of an out of cycle economic rate adjustment. Granting an out of cycle economic rate adjustment is not guaranteed.

To request an out of cycle per-diem economic rate adjustment, the Local Government will need to follow the same instructions as requesting an economic rate adjustment during the renewal period. For the request to be considered, the Local Government must demonstrate that its costs have substantially increased during the current **thirty-six (36) month period.** The Local Government

Local Government (initial): _____
Federal Government (initial): TE

shall provide the Agreements Specialist documentation to include cost and pricing data to justify the facility's out of cycle economic rate adjustment request. The request and its supporting documentation are the sole responsibility of the Local Government to provide a complete request package to the Agreements Specialist. Incomplete or missing data may delay the request being processed or causing the request to be denied altogether.

Two (2) or more out of cycle economic rate adjustment requests within the same **thirty-six (36) month period** with an aggregate proposed increase of 25% or more are not permissible under this agreement.

(End of Provision)

25. Billing and Financial Provisions (May 2021)

The Local Government shall prepare and submit for certification and payment, original and separate invoices each month to each Federal Government component responsible for Federal prisoners housed at the Facility.

Address(es) for the component(s) is/are:

United States Marshals Service
Eastern District of Missouri
111 South 10th Street
Saint Louis, Missouri 63102
Contact Information: (314)-539-2212

Federal Bureau of Prisons
RRM Kansas City
400 State Avenue, Room 131
Kansas City, Kansas 66101
Contact Information: (620)-307-7531

United States Marshals Service
Southern District of Illinois
750 Missouri Avenue
East Saint Louis, Illinois 62201
Contact Information: (618)-482-9336

U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
1222 Spruce Street, Room 100
Saint Louis, Missouri 63103
Contact Information: (314)-244-9787

To constitute a proper monthly invoice, the name and address of the Facility, the name of each Federal prisoner, their specific dates of confinement, the total days to be paid, the appropriate per diem rate as approved in the agreement, and the total amount billed (total days multiplied by the per-diem rate per day) shall be listed, along with the name, title, complete address, and telephone number of the Local Government official responsible for invoice preparation. Additional services provided, such as transportation and guard services, shall be listed separately and itemized.

Nothing contained herein shall be construed to obligate the Federal Government to any expenditure or obligation of funds in excess of, or in advance of, appropriations in accordance with the 31 U.S.C Section 1341 - Limitations on expending and obligating amounts.

(End of Provision)

26. Payment Procedures (May 2021)

Local Government (initial): GS
Federal Government (initial): TE

The Federal Government will make payments to the Local Government at the address listed in block #6 on page one (1) of this agreement. The payments will be made promptly after the district office has received and certified the invoice is correct.

(End of Provision)

27. Hold Harmless (May 2021)

It is understood and agreed that the Local Government shall fully defend, indemnify, and hold harmless the United States of America, its officers, employees, agents, and servants, individually and officially, for any and all liability caused by any act of any member of the Local Government or anyone else arising out of the use, operation, or handling of any property (to include any vehicle, equipment, and supplies) furnished to the Local Government in which legal ownership is retained by the United States of America, and to pay all claims, damages, judgments, legal costs, adjuster fees, and attorney fees related thereto. The Local Government will be solely responsible for all maintenance, storage, and other expenses related to the care and responsibility for all property furnished to the Local Government.

(End of Provision)

28. Disputes (May 2021)

Disputes, questions, or concerns pertaining to this Agreement will be resolved between appropriate officials of each party. Both the parties agree that they will use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.

(End of Provision)

29. Review of Services (November 2021)

Review standards for prisoners may differ among authorized agency users. The Local Government agrees to allow periodic unannounced reviews by Federal Government, to include approved Federal contractors, in accordance with the standards required by any or all of the Federal authorized agency users whose prisoners may be housed pursuant to this Agreement. A summary of inspection findings will be shared with the facility administrator in order to promote improvements to facility operations, conditions of confinement, and levels of services. If the Federal Government identifies significant finding(s) during the review, the Local Government will provide the Federal Government with a corrective action plan to address the issue(s).

(End of Provision)

30. IGA Amendments (May 2021)

For all amendments except for full or partial terminations, either party may initiate a request for amendment to this agreement in writing. All amendments negotiated will be effective only upon written approval of both parties.

Local Government (initial): _____
Federal Government (initial): TE

(End of Provision)

31. Litigation (May 2021)

The Federal Government shall be notified, in writing, of all litigation pertaining to this agreement and provided copies of any pleadings filed or said litigation within five (5) business days of the filing.

The Local Government shall cooperate with the Federal Government legal staff and the United States Attorney regarding any requests pertaining to Federal Government or Local Government litigation.

(End of Provision)

32. The First Step Act (May 2021)

This agreement refers the Local Government facility operations and administrations to the following sections of the First Step Act:

a. Section 613 of Public Law 115-391 the FIRST STEP Act of 2018 and 18 USC 5043 with respect to any USMS juveniles in custody.

b. Section 301 of Public Law 115-391 the FIRST STEP Act of 2018 and that pursuant to USMS policy that these requirements have been adopted for all pregnant and postpartum USMS prisoners, regardless of case status. The postpartum period is twelve weeks after childbirth, miscarriage, or abortion.

(End of Provision)

(End of Agreement)

Local Government (initial): _____
Federal Government (initial): TE

EXHIBIT 7

DECLARATION OF VERY REV. MICHAEL J. LYDON, V.E.

I, Very Rev. Michael J. Lydon, V.E., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Roman Catholic priest of the Archdiocese of St. Louis. I serve as the episcopal vicar for the Southern Vicariate of the Archdiocese. This means that I am the Archbishop's representative in church affairs within the territory covered by the Southern Vicariate, including Ste. Genevieve County.

2. Since mid-2025, priests from the Archdiocese have attempted to minister to Spanish-speaking detainees of the U.S. Immigrations and Customs Enforcement (ICE) who are housed in the Ste. Genevieve County Detention Center.

3. As part of that ministry, the priests of the Archdiocese have desired to bring detainees the sacraments of Eucharist and Reconciliation and to conduct Mass. This has not been possible due to a no-contact policy at the Detention Center.

4. Early in this time period, I spoke on the phone with Lt. Andrew Johnson at the Detention Center. I asked him for permission for clergy to visit with detainees face-to-face to administer the Eucharist and Reconciliation. He stated that would not be possible. I was told that this no-contact policy was imposed by ICE, and that the Detention Center had no power to change it.

5. On May 18, 2026, the Archbishop sent a letter to Lt. Johnson, requesting (1) that priests be allowed to visit detainees face-to-face to administer the Eucharist and Reconciliation, (2) that priests be allowed to celebrate Mass for detainees, and (3) that the clergy visiting hours be expanded beyond the current Monday, 12-4 pm window. A true and correct copy of this letter is attached hereto as **Exhibit A.** The Letter attached at Exhibit A is an official business record of the Archdiocese of St. Louis and maintained in the ordinary course of its business.

6. The Archbishop received no reply.

7. In late August 2026, I attempted to contact Lt. Johnson, again, to renew my requests. I left a voicemail indicating the nature of my request. I was called back by Lt. Johnson's supervisor, Chief Deputy Major Jason Schott. Major Schott stated that he could not comment any further on our requests.

8. During my time as a priest, I have performed prison ministry at other facilities, including the Lincoln County Jail, and have frequently been allowed to visit with detainees in-person, including to administer the sacraments, with no issue. There has never been any suggestion at any other facility that I'm aware of that allowing priests to visit with detainees face-to-face poses any sort of security or contraband issue.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 18th day of SEPTEMBER 2026.

Very Rev. Michael J. Lydon, V.E.

Very Rev. Michael J. Lydon, V.E.

DECLARATION EXHIBIT A

ARCHDIOCESE OF ST. LOUIS

Office of the Archbishop
Cardinal Rigali Center
20 Archbishop May Drive
St. Louis, Missouri 63119
p) 314.792.7841
f) 314.792.7842
www.archstl.org

May 18, 2026

Lt. Andrew Johnson
St Genevieve County Jail Administrator
5 Basler Drive
Ste. Genevieve, MO 63670

Dear Lieutenant Johnson,

My name is Archbishop Mitchell Rozanski, and I am responsible for the pastoral care of the Catholic Archdiocese of Saint Louis. I am writing on behalf of ICE detainees currently housed at the Ste. Genevieve County Detention Center.
First, I would like to thank you for the care you give to those who are being held. There are ten Catholic priests who have been taking turns visiting detainees on Mondays, and they have reported that the staff members are respectful and helpful. We are grateful for your attention to this important ministry.
I'm writing specifically to make three requests regarding the pastoral care of the ICE detainees, the majority of whom are Roman Catholic:

1. In order for the detainees to receive the Sacrament of Reconciliation (Confession) or to receive Holy Communion, they must be face-to-face with the visiting priest. During Confession, Church law prohibits confessing sins over the phone. Is there any way that this could be arranged?

2. Is it possible for a visiting priest to celebrate Mass for the detainees? Many of them have expressed this desire, and it is a fundamental and constitutional human right to engage in communal worship, even while incarcerated.

3. Per your current policy, clergy visits are only allowed on Mondays from noon until 4:00 p.m. Is it possible to expand the number of days or the number of hours on Monday? As you know, these meetings can only be one-on-one, and it takes time to transition between each detainee. Many weeks our priests are unable to see everyone who has requested a pastoral visit.

As Archbishop, I would like to thank you for your consideration of these requests. I welcome the opportunity to discuss these important issues with you. Should you need it, my office number is (314) 792-7047. Please know that I am praying for you, your deputies and corrections officers, and the detainees in your care.

Sincerely yours in Christ,

+ Mitchell T. Rozanski

Most Reverend Mitchell T. Rozanski
Archbishop of St. Louis

42 U.S. Code § 2000cc-1 - Protection of religious exercise of institutionalized persons

U.S. Code

(a) General rule

No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 1997 of this title, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) Scope of application

This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

(Pub. L. 106–274, § 3, Sept. 22, 2000, 114 Stat. 804.)

U.S. Code Toolbox

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42 U.S. Code § 1997 - Definitions

U.S. Code Notes

As used in this subchapter—

(1) The term "institution" means any facility or institution—

(A) which is owned, operated, or managed by, or provides services on behalf of any State or political subdivision of a State; and

(B) which is—

(i) for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped;

(ii) a jail, prison, or other correctional facility;

(iii) a pretrial detention facility;

(iv) for juveniles—

(I) held awaiting trial;

(II) residing in such facility or institution for purposes of receiving care or treatment; or

(III) residing for any State purpose in such facility or institution (other than a residential facility providing only elementary or secondary education that is not an institution in which reside juveniles who are adjudicated delinquent, in need of supervision, neglected, placed in State custody, mentally ill or disabled, mentally retarded, or chronically ill or handicapped); or

(v) providing skilled nursing, intermediate or long-term care, or custodial or residential care.

(2) Privately owned and operated facilities shall not be deemed "institutions" under this subchapter if—

(A) the licensing of such facility by the State constitutes the sole nexus between such facility and such State;

(B) the receipt by such facility, on behalf of persons residing in such facility, of payments under title XVI, XVIII [42 U.S.C. 1381 et seq., 1395 et seq.], or under a State plan approved under title XIX [42 U.S.C. 1396 et seq.], of the Social Security Act, constitutes the sole nexus between such facility and such State; or

(C) the licensing of such facility by the State, and the receipt by such facility, on behalf of persons residing in such facility, of payments under title XVI, XVIII [42 U.S.C. 1381 et seq., 1395 et seq.], or under a State plan approved under title XIX [42 U.S.C. 1396 et seq.], of the Social Security Act, constitutes the sole nexus between such facility and such State;

(3) The term "person" means an individual, a trust or estate, a partnership, an association, or a corporation;

(4) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of

the United States;

(5) The term "legislative days" means any calendar day on which either House of Congress is in session.

(Pub. L. 96–247, § 2, May 23, 1980, 94 Stat. 349.)

U.S. Code Toolbox

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How current is this?

EXHIBIT 8

FOR THE EXCLUSIVE USE OF

From the St. Louis Business Journal:
https://www.bizjournals.com/stlouis/news/2026/08/26/charlie-brennan-no-communion-jailed-immigrants.html?utm_source=st&utm_medium=en&utm_campaign=EX&utm_content=SL&ana=e_SL_EX&j=47208847&senddate=2026-08-26

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Government & Regulations

Charlie Brennan: 'No contact' means no Communion for jailed immigrants



The Ste. Genevieve County Detention Center.
KSDK

Aug 26, 2026

Story Highlights

- Ste. Genevieve County Detention Center enforces no-contact visitation for all detainees, including immigrants.
- St. Louis Archbishop Mitchell Rozanski says the policy prevents Catholic priests from

administering sacraments.

- Major Jason Schott defends the restrictions as necessary for facility safety and security.

In 1987, while a talk show host in Boston, I traveled to the Metropolitan Correctional Center in Manhattan to interview Joe Doherty, a member of the Irish Republican Army who had escaped to the United States after being convicted of ambushing and killing a British soldier. The FBI had arrested him as he tended bar in New York.

Doherty, considered a terrorist by some, sat next to me at a conference room table as I recorded our interview. We were positioned as close as two people having coffee at Kaldi's.

So, it was surprising when I recently learned of a "no-contact" policy at the Ste. Genevieve County Detention Center, where, as of last week, hundreds of immigrants arrested by the U.S. Immigration and Customs Enforcement (ICE) have been detained, according to Abide in Love St. Louis, a not-for-profit organization assisting families impacted by ICE displacement.

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What does "no-contact" mean?

A Roman Catholic priest, speaking on the condition of anonymity because he lacks authorization to comment, told me his dozen or so visits to the center are just like the movies: He encounters the immigrant detainee on the other side of a glass window. They talk on a phone.

He is unable to offer Holy Communion.

“Deprived of Holy Communion is to be deprived of the central practices of Roman Catholicism,” the priest states.

The detainees, many of whom are Roman Catholic, are also not able to participate in the Catholic sacraments of penance or anointing of the sick.

My email inquiry to the ICE regional field office in Chicago received the following reply: “Received.”

But Major Jason Schott, chief deputy with the Ste. Genevieve County Sheriff’s Office, emailed, “We are not prohibiting or denying religious services to individuals housed in our detention center. Rather, all religious services and practices must be conducted in accordance with the facility’s established safety and security standards, policies, and procedures.

“Our detention center is a no-contact visitation facility, and this requirement applies equally to all religious denominations and faith groups. We make every reasonable effort to accommodate the religious practices of those in our custody while maintaining the safety and security of the facility, staff, visitors, and detainees.

“Regarding the administration of Communion, the Archdiocese may provide an unopened, individually wrapped Communion wafer. After the appropriate religious blessing or consecration has been performed, the wafer may then be provided to detention center staff, who will deliver it to the detainee. This procedure allows the detainee to receive Communion while remaining consistent with our no-contact and security requirements," Schott wrote.



Archbishop Mitchell Rozanski

ARCHDIOCESE OF ST. LOUIS

"(The policy) is totally unacceptable," says St. Louis Archbishop Mitchell Rozanski, who says only priests, deacons and Catholics trained as extraordinary ministers may distribute communion.

Rozanski says he has celebrated Mass and distributed communion inside the Potosi Correctional Center as well as penal facilities in Western Massachusetts and Jessup, Maryland. He says a dozen priests are willing to visit with inmates and celebrate Mass in Ste. Genevieve.

The archbishop is also concerned his priests can't hear confessions, another Catholic sacrament, because church rules prohibit administering the church's Sacrament of Reconciliation over the phone or electronic devices.

Schott says, "This policy is... designed to prevent illegal contraband or other prohibited items from being passed from outside individuals to detainees housed within our facility."

Rozanski insists his priests are "only interested in the spiritual life and renewal

of the inmates," not conveying contraband. He remembers passing through metal detectors and emptying his pockets before visiting inmates.

Rozanski says he has expressed his views in a letter to corrections officials and is waiting for a reply.

This conflict reminds me of historian David Fiedler's book "The Enemy Among Us: POWs in Missouri During World War II." While Americans were fighting the Axis powers in Europe, hundreds of German and Italian prisoners of war were sent to Chesterfield. They ate dinner in local homes and restaurants while guarded by military police.

Italian POWs attended Mass at Ascension Catholic Church and St. Ambrose Catholic Church on the Hill. The Catholic Germans also attended Mass here.

In effect, the prisoners who fought against us got much better treatment here than the immigrants who cut our lawns and cleaned our homes.

Operating a jail is no day at the beach. But do the rules at the Ste. Genevieve Detention Center need to be this restrictive?

What happened between 1944 and 2026?

Charlie Brennan can be reached at brennancharles78@gmail.com.

EXHIBIT 9

DECLARATION OF REV. DAVID KIBLINGER, S.J.

I, Rev. David Kiblinger, S.J., pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an ordained Roman Catholic priest. I am also a professed religious in the Society of Jesus (commonly known as the "Jesuits"). I am currently stationed in the St. Louis, Missouri area.

2. One of the core obligations of my priestly vocation is to say the Mass and minister the sacraments of Eucharist and Confession to Catholic lay persons. In the words of the Second Vatican Council, the Eucharistic celebration is "the source and summit of the Christian life."

3. Apart from administering the sacraments, I also have an obligation, as part of my vocation, to speak with Catholic and non-Catholic lay persons to provide spiritual counsel, advice, and comfort. I share responsibility for the souls of those in my area with my fellow priests and the Archbishop.

4. One area where I have found a particular need for my priestly ministry is among detainees of U.S. Immigration and Customs Enforcement housed at the Ste. Genevieve County Detention Center. These detainees primarily speak Spanish as their native language, and I am one of the relatively few priests in the Archdiocese with Spanish fluency. As such, I feel a special obligation to minister to these detainees as much as I can.

5. I have found the detainees to be particularly in need of my ministry due to the circumstances they face. After being detained and facing deportation, many of them face a profound spiritual crisis or feel an acute spiritual hunger. I have talked to detainees in the midst of deep conversion or reconversion experiences. Others are parishioners of Catholic churches who have regularly attended Mass and received the sacraments, but who now have been denied those sacraments for weeks or months. Many detainees ask me for bibles or rosaries or ask for help learning how to pray the rosary.

6. I visit the Detention Center about once per month, usually on the first Monday of each month. When I visit, I am given a list, provided by the Archdiocese of St. Louis, of detainees who have asked to speak to a priest. Especially given the ever-changing circumstances facing these detainees, I feel called to minister to all of the detainees who have asked to see me. Due to the Detention Center's policy on clergy visiting hours, however, that rarely happens.

7. Clergy are allowed to visit with detainees only once per week, during the window of 12 pm to 4 pm on Monday afternoon. The detention center has not offered any other windows for visitation by clergy. Once I provide the list to an officer in the facility and get situated in a visitation area, Detention Center staff frequently take fifteen to twenty minutes to change over between detainees, cutting significantly into the time I have to minister to detainees.

Due to the limited window and the lengthy transition process, I have to cut my visits with each detainee far shorter than the amount of time I feel called to spend with the detainees, just so I have a chance of meeting with as many detainees as I am able. Even so, I am rarely able to meet with all of the detainees on my list.

8. For example, the first time I visited the Detention Center in November 2025, I was turned away and not allowed to see any detainees even though I visited during the window designated for clergy visits. I was not offered any other time to meet with detainees that week. As a result, *all* of the detainees who requested to see a Catholic priest that week were denied the ability to do so.

9. If the visitation window were expanded to include more hours or more days in the week, I would be able to visit with all of the detainees who ask to see me. I also would not have to cut my visits with each detainee short. Outside of me, expanded hours would provide the flexibility to enable more clergy to minister to detainees.

10. I have also had multiple inmates ask me whether they could receive Confession—either in that moment or soon in the future. As part of the core obligation of my priestly mission, I feel called to administer the sacrament of Confession upon request. If I were able to, I would offer Confession to the detainees I visit.

11. As a priest, I share in the Church's obligation to provide the Eucharist to the faithful, including the detainees. I believe that being able to receive the Eucharist would provide detainees with profound spiritual benefits. I also believe that attending the Eucharistic celebration of the Mass would provide immense spiritual benefit to detainees. If I were able to, I would offer Mass at the Detention Center and/or distribute Communion to the detainees I visit.

12. Due to the no-contact policy in place at the Detention Center, I am unable to provide detainees with either Confession or the Eucharist. At the Detention Center, I am not allowed to visit detainees in person. I am always required to sit behind a pane of glass and communicate with the detainees by phone on a line I believe to be monitored. I am not allowed to pass any item of any sort to the detainees.

13. As a priest and pursuant to canon law, I am not allowed to hear Confession over a phone. Instead, I must offer the Sacrament of Reconciliation in person and confidentially. Thus, for example, when one inmate directly asked me to hear his Confession, I had to tell him I could not do so over the phone line. The sacrament of Confession must also occur in private, and the phone lines on which I am allowed to speak to detainees are, I believe, monitored.

14. As Catholics, we believe in the real presence of Christ in the Eucharist. As a priest and pursuant to canon law, I am forbidden from any method of distributing the Eucharist except placing the consecrated host directly in the hands or mouth of the person receiving communion. It would be considered sacrilegious to hand the Eucharist to a third party (other than a trained Extraordinary Minister of Holy Communion), to place the Eucharist in a ziplock bag, or to place it on a surface for another person to pick up. Thus, as a result of the no-contact policy prohibiting priests from in-person visits, I have no means of distributing the sacrament of the Eucharist to detainees.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 21st day of September 2026.

Rev. David Kiblinger SJ

Rev. David Kiblinger, S.J.

EXHIBIT 10

DECLARATION OF REV. AARON NORD

I, Rev. Aaron Nord, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an ordained Roman Catholic priest incardinated in the Archdiocese of St. Louis. I am currently assigned to St. Stephen Protomartyr Parish in south St. Louis City.

2. One of the core obligations of my priestly vocation is to minister the sacraments of Eucharist and confession to Catholic lay persons. In the words of the Second Vatican Council, the Eucharistic celebration is the "source and summit of the Christian life."

3. Apart from administering the sacraments, I also have an obligation, as part of my vocation, to speak with Catholic and non-Catholic lay persons to provide spiritual counsel, advice, and comfort.

4. Since around 2013, I have had sufficient Spanish fluency to say Mass and hear confessions in Spanish. Because I am one of relatively few priests in the Archdiocese who speaks fluent Spanish, I feel called to assist in Spanish-speaking ministries as I am able and needed.

5. Through the Archdiocese, I became aware of a large population of Spanish-speaking detainees held at the Ste. Genevieve County Detention Center in mid-to-late 2025. Due to my Spanish fluency, I was asked by the Archdiocese to minister to these detainees.

6. I also feel a personal calling to minister to these detainees. Jesus told us that whatever we do for the least of His brethren, we do for Him, and the Church has long taught that Christians have an obligation to visit the imprisoned. My parish also serves Spanish-speaking immigrants in south St. Louis City and co-sponsors an immigrant and refugee ministry, giving me a greater familiarity with the plight of immigrants and their families.

7. Accordingly, I have visited the detention center about once every three months throughout 2026. When I visit, I am given a list, provided by the Archdiocese, of detainees who have asked to speak to a Catholic priest.

8. Once I arrive at each visit, I have found there to be significant wait times, both before seeing any detainee and between visits with detainees. As a result, I am rarely, if ever, able to make it through the full list of detainees who have requested a visit from a Catholic priest before the visitation window expires.

9. I was told when I started this ministry that the Detention Center does not allow in-person contact visits, precluding my ability to say the Mass, hear confessions, or distribute Communion. If I were allowed to do so, I would—and feel called to—say Mass for the detainees, hear their confessions, and give them the Eucharist.

10. I would be willing to comply with any conditions the Detention Center might impose to ensure security and prevention of contraband during

in-person contact visits, including completing safety training, undergoing security screening or searches, or signing any liability waiver needed.

11. I believe it is especially important to offer the Eucharist to detainees. I can sense how much many of them are suffering. The Eucharist is the real presence of Jesus Christ. Thus, in pastoral situations where mere human words don't or can't suffice to heal or ease a Catholic's suffering, the sacrament has power to do so by bringing Christ, fully present in His body, blood, soul, and divinity, into that person's heart.

12. At least one detainee expressed that it was difficult to be unable to receive the sacraments while confined at the Detention Center. I am confident other detainees would want to receive confession and communion if we were permitted contact visits. I also believe that many of the detainees I visit would attend Mass if it were available to them.

13. If I were able to administer the sacraments, I would affirmatively offer Mass, confession, and Communion to detainees.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 18th day of September 2026.

Rev. Aaron Nord

EXHIBIT 11

DECLARATION OF REV. ERIC OLSEN

I, Rev. Eric Olsen, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Roman Catholic priest of the Archdiocese of St. Louis.

2. I have a long background in ministering to Spanish-speaking Catholics. Prior to 2018, I spent several years serving at the Archdiocese's mission in LaPaz, Bolivia. I have also been assigned to multiple parishes focused on ministry to Spanish-speaking Catholics.

3. I have performed jail and prison ministry with Spanish-speaking detainees and inmates for several years.

4. In approximately 2019 and 2020, I regularly visited the Lincoln County Jail, where many ICE detainees were housed at the time. Other priests and I, on a rotating basis, were allowed to say Mass in the jail once per month. We would say one Mass for male detainees and one for female detainees. When we did so, we were in the same room as the detainees without any separation. We were able to distribute the Eucharist to detainees and hear their Confessions. Neither I nor any of the other priests was ever accused of smuggling contraband into or out of the jail. And there was never any threat to the safety and security of us, the detainees, or jail staff.

5. I have also visited Spanish-speaking inmates who have been arrested on criminal charges at the Warren County Jail on multiple occasions.

I am allowed to meet with them in person and offer Confession and Communion. In fact, the Warren County Jail also allows these criminal detainees to meet alone and in-person with nuns. There has never been any allegation of contraband trafficking or any safety or security issue.

6. As part of my ministry as a Spanish-speaking priest, I feel called to provide pastoral counseling and the sacraments to Spanish-speaking detainees at the Detention Center. I have visited the Detention Center to minister to detainees on several occasions.

7. Archdiocesan officials have informed me that the Detention Center does not allow contact visits. As a result of that policy, I cannot offer Communion or Confession during my visits. For this reason, I do not bring the Eucharist with me when I travel to the Detention Center. If I were allowed to have in-person contact visits with detainees, however, I would bring the Eucharist with me and offer both Communion and Confession.

8. I am aware of multiple detainees who, if offered, I believe would receive the sacraments, including Communion and Confession.

9. Additionally, a faithful Catholic I was familiar with was detained shortly before he was scheduled to receive the sacrament of Confirmation at the Easter Vigil in 2026. His wife communicated to me that he still wanted to receive the sacrament. So I obtained permission from the Archbishop to perform the Confirmation at the Detention Center. I then travelled to Ste.

Genevieve for that purpose. At the Detention Center, I asked a member of the jail staff if I could visit with the detainee in person to administer the sacrament to him. I was told no. Thus, I was unable to perform the sacrament of Confirmation as he desired.

10. If I had been allowed to confirm that detainee on that occasion, I would also have offered him the sacraments of Confession and the Eucharist. I believe he would have wanted to receive these sacraments.

11. To provide another example, I have regularly visited another faithful Catholic with whom I'm familiar at the Detention Center. Before his detention, he regularly attended Mass. I was unable to offer him the sacraments of Communion or Confession during our visits, due to the no-contact policy. I would have offered the sacraments of Confession and Communion if the policy prohibiting contact visits were not in place, and I believe that he would have accepted.

12. If I were allowed, I would also offer Mass at the Detention Center, as I did previously for ICE Detainees at the Lincoln County Jail.

13. There are other significant obstacles that inhibit me from performing my ministry at the Detention Center. Notably, the detention center has limited hours for clergy visits, and I am routinely unable to visit all of the detainees I would like to see (and who have asked to see a priest) in a given week. I believe that, over the course of my visits to the Detention Center—all

of which fall during the designated clergy-visitation window—I have spent at least as much time waiting as I have spent talking to detainees.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 23rd day of September 2026.

Rev. Eric Olsen

EXHIBIT 12

DECLARATION OF KRISTINE WALENTIK

I, Kristine Walentik, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Missouri. I am the Director of Legal Services for St. Francis Community Services, Catholic Legal Assistance Ministry, a ministry under Catholic Charities of St. Louis.

2. In that role, I serve as an immigration attorney for clients in Missouri. Since mid-2025 I have had several clients who were detained by the United States Immigration and Customs Enforcement (ICE) at the Ste. Genevieve County Detention Center.

3. I have spoken to a client and former ICE detainee who was recently released from the Detention Center about her experiences there. I understand that this client wishes to remain anonymous due to fear about participation in this litigation impacting her ongoing immigration proceedings.

4. Even though the client is a Catholic, she stated that she never met with the priests who visited the Detention Center because she knew that the visitation would take place in a monitored visitation area over a recorded phone line. She felt that she would be watched and listened to in the visitation area, and she did not feel comfortable having a conversation with a priest under those circumstances.

5. My understanding is that the client would have wanted to speak with a priest if she could have done so privately.

6. I asked the client specifically whether she wanted to receive the sacraments of Confession and the Eucharist while detained. She responded that she was uncomfortable engaging in any interaction with a priest under the circumstances described.

7. My understanding is that this client would have been more comfortable approaching a priest who offered the sacraments if she was able to meet with him in person.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 24th day of September 2026.

Kristine Walentik

Kristine Walentik

EXHIBIT 13

DECLARATION OF KEVIN CHASE

I, Kevin Chase, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a licensed attorney in the State of Missouri. I currently practice as a public defender with the Missouri State Public Defender's Office. I practice around the state, including in Ste. Genevieve County, Missouri.

2. In my practice, I represent civil detainees who have been alleged to be sexually violent predators under RSMo. § 632.480. Many of my clients are detained in the Ste. Genevieve County Detention Center.

3. I am allowed to visit my clients at the Detention Center at any time of the week during business hours by simply making a request to the jail administration. Other than due to medical isolation, I have never been denied access to a client.

4. When I visit my clients at the Detention Center, I am allowed to do so in person. In other words, I am allowed contact visits.

5. During these visits, I sit in a visitation room with my client, unsupervised, with no screen or divider between us. I am typically able to pass objects such as papers to my client.

6. I am aware of three or four visitation rooms in the Detention Center that can accommodate contact visits.

K. C. 9-18-26

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 18th day of September 2026.

Kevin Chase

EXHIBIT 14

DECLARATION OF CARL KINSKY

I, Carl Kinsky, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Missouri. I have practiced law in Ste. Genevieve County since 1990.

2. I was the District Public Defender in Ste. Genevieve County for 2006 and 2011 to 2018 CK several years. From 1995 to ~~2018~~, I served five terms as the elected County Prosecuting Attorney. In 2018, I declined to run again and entered private practice as a criminal defense attorney.

3. In my experience both as the County Prosecuting Attorney and as a criminal defense attorney, I have become familiar with the Ste. Genevieve County Detention Center, run by the Ste. Genevieve County Sheriff.

4. Several years ago, in-person religious services were held at the Detention Center. Clergy from various faiths were allowed to enter and perform religious services in the same room as confined persons. I have never heard of any contraband or safety issues arising from this arrangement.

5. Additionally, in my past experience, the detention center has on occasion allowed defense attorneys and confined persons to sit together for contact visits, with no separation.

6. From my familiarity with the Detention Center and the legal community in the County, I am aware that at least some attorneys on occasion are allowed to have in-person visits with their clients at the Detention Center.

7. In my experience, the Detention Center also has conference rooms that could accommodate an in-person, private meeting with a confined person.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 21st day of September 2026.

Carl Kinsky

EXHIBIT 15

INS DETENTION STANDARD

RELIGIOUS PRACTICES

I. POLICY

Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is "mainstream," whether the religion is "Western" or "Eastern," or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing INS detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by INS through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate “Definitions” Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. General

Detainees shall have the opportunity to engage in practices of their religious faith that are deemed essential by the faith’s judicatory, consistent with the safety, security, and the orderly operation of the facility.

No one may disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation. Attendance at all religious activities are voluntary and, unless otherwise specified by the OIC, open to all.

B. Religious Opportunities and Limitations

When necessary for the security or good order of the facility, the OIC may limit attendance at or discontinue a religious activity. Opportunities for religious activities are open to the entire detainee population, without regard to race, color, nationality, or creed. The OIC may limit participation in a particular religious activity or practice to the members of that religious group. Ordinarily, when the nature of the activity or practice (fasts, ceremonial meals. headwear requirements, work proscriptions, etc.) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference will be included.

C. Religious Preferences

INS does not require a detainee to profess a religious belief. A detainee may designate any or no religious preference during in processing. By notifying the chaplain or other designated individual, in writing, a detainee may request to change this designation at any time, and the change will be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, as described in Section B below, staff may wish to refer to the information contained both on the initial classification and the detainee's religious designation. Detainees showing "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

In processing staff shall enter the detainee's religious designation into DACS at the detainee's initial in processing. When the chaplain approves a request for change of religious preference, the chaplain is responsible for making the necessary change in the detainee's DACS.

D. Chaplains

The Chaplain or designated individual is responsible for managing religious activities in the facility.

He/she is available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees, who belong to a religious faith different from the Chaplain's will, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The Chaplain may, for the purpose of informed decision making, ask the detainee(s) to explain special or unfamiliar requests.

The term "individual services" includes counseling services provided to individual detainees and/or members of their families in personal crisis and family emergency situations.

E. Schedules and Facilities

All facilities shall designate space for religious activities.

In SPCs/CDFs, this designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably. Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups. The general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

The Chaplain shall schedule and direct the facility's religious activities.

Current program schedules shall be posted on all unit and detainee bulletin boards.

In scheduling approved religious activities, chaplains must consider both the availability of staff supervision and the need to allot time and space equitably among the different groups.

F. Community Involvement (Volunteers, Contractors)

All facilities shall have resources available for the community groups that provide the religious services not provided by the Chaplain.

The particular needs of women and special-needs detainees may require the contracting of spiritual counselors or advisers for religious needs other than those of a specific faith tradition.

In SPCs, the Chaplain may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot personally deliver.

The Chaplain may secure the services of volunteers to assist detainees in observing their religious beliefs.

The OIC or the OIC's designee (ordinarily the chaplain) may require a recognized representative of the faith group to verify a volunteer's or contractor's religious credentials prior to approving his or her entry into the facility.

The term "representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and good order of the facility warrants otherwise.

Detainees of any faith tradition will ordinarily have access to official representatives of their faith group while housed in special housing or hospital units. Detainees in special housing shall make the request for a visit with their faith representative through the chaplain, and requests will be accommodated consistent with the terms of the representative's contract and the security and good order of the facility.

If the representative of the faith group is a volunteer, he/she shall always be escorted in special housing units.

G. Introduction of New and Unfamiliar Religious Components

Detainees may request the introduction of new or unfamiliar religious components to the Religious Services program. In those instances when information is required regarding a specific practice, the chaplain may ask the detainee to provide additional data in order to further inform the decision to include or exclude the practice from the Religious Services program.

Detainee requests shall be made by completing the Questionnaire regarding New Religious Components (Attachment A) and submitting it to the chaplain. Upon completing the review the chaplain shall make recommendations to the OIC regarding the appropriateness of the request. The chaplain's and OIC's recommendation to be routed through channels to the District Director (DD). The DD's decision will be forwarded to the Regional Director for concurrence. The final decision shall be forward to the OIC. The decision will be forwarded to the OIC. The chaplain will communicate the decision to the detainee.

Decisions regarding the expansion of the Religious Services program are subject to the facility's parameters for maintaining a safe and secure facility and availability of staff for supervision.

H. Religious Group Assemblies

Detainees will have the opportunity to engage in-group religious activities, consistent with the safe, secure and orderly operation of the facility.

I. Religious Holy Days

A policy consistent with maintaining safety, security and the orderly operation of the facility shall be in place to facilitate the observance of important "holy days."

The Chaplain will work with requesting detainees to accommodate a proper observance of the holy day.

In SPCs, the OIC shall endeavor to facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. The OIC may request the chaplain to consult with community representatives of the detainee's faith group and/or other appropriate sources to verify the religious significance of the requested observance.

J. Pastoral Visits

If requested by a detainee, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.

a. The chaplain may request an NCIC check and documentation of such clergyperson's or faith group representative's credentials.

b. Pastoral visits will ordinarily take place in the visiting room during regular visiting hours.

Accommodation should be made for privacy through use of the attorney/client area, if either party requests this.

K. Religious Property

Detainees shall have access to personal religious property, consistent with facility security.

Detainee religious property includes but is not limited to rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches, and religious medallions. Such items, which become part of a detainee's personal property, are subject to normal considerations of safety and security. If necessary, their religious significance shall be verified by the chaplain prior to the OIC's approval.

A detainee ordinarily shall be allowed to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, unless the OIC determines that the wearing or use of such items would threaten facility security, safety, or good order. Upon request of the detainee, the OIC may allow the wearing or use of certain religious items throughout the facility, consistent with considerations of security, safety, or good order.

The OIC may request the chaplain to obtain direction from representatives of the detainee's faith group or other appropriate sources concerning the religious significance of the items.

Items of religious wearing apparel include, but are not limited to:

Prayer shawls and robes:
Kurda or ribbon shirts;
Medals and pendants;
Beads; and
Various types of headwear.

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for orthodox Muslim and Jewish women, is permitted in all areas of the facility, subject to the normal considerations of security and good order, including inspection by staff. Staff will ordinarily use DACS religious preference data to verify the legitimacy of the detainee's claim to wear religious headwear.

A detainee who wishes to have religious books, magazines, or periodicals must comply with the facility's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to the INS is contingent on approval from the Chaplain.

L. Community Religious Volunteers

Local community religious groups and individuals may provide detainees with religious services and counseling.

The Chaplain may require a recognized representative of the faith to verify the credentials of a volunteer prior to approving his/her entry into the facility. Security arrangements will be made to allow clergy or other spiritual advisors facility access for sanctioned religious activities; these arrangements will include a staff escort. Members of faiths not represented by clergy may conduct their own services, provided they do not interfere with facility operations.

In SPCs/CDFs, religious groups and individuals may be compensated for assisting volunteer clergy or spiritual advisors with religious services and programs, and/or for providing religious publications and religiously symbolic items without charge to the detainees

M. Dietary Requirements

The food service department will implement procedures for accommodating, within reason, detainees' religious dietary requirements.

When a detainee's religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.

Before approving a special diet, the Chaplain will consult with the medical department to ensure the diet is nutritious and does not pose a threat to the detainee's health. (see the "Food Service" standard).

O. Detainees in Special Management Units

Detainees in the Special Management Unit (administrative, disciplinary, or protective custody) shall be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.

In SPCs/CDFs, detainees in special housing shall have regular access to the Chaplain or other religious service provider. The Chaplain shall provide pastoral care in special housing and hospital units weekly.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities: 3-ALDF-5F-06, 5F-09

Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

Attachment A

Questionnaire Regarding New Or Unfamiliar Religious Components

Detainees requesting the introduction of a new component to the Religious Services program (schedule, meeting time and space, religious items and attire) shall provide to the chaplain a comprehensive response to each of the following questions for consideration at the facility and the district level. Because of the necessary review at these levels, the process may require up to 120 days for completion. The committee recommendation will be forwarded to the OIC and copied to the regional director. Committee recommendations will be communicated to the detainee by the senior chaplain.

1. What is the official name of the faith group?

2. Who is the head of the faith group in the United States?

3. What is the address and telephone number of the faith group headquarters in the United States?

4. What are the basic teachings of the faith group? Please provide titles or attach particular reference material that would be useful for researching this group.

5. Does the faith group have ministers or teachers?

6. Are ministers available to visit incarcerated members of the faith group?

7. Are there religious holidays to be observed by members? If so, when are the holidays and what religious practices are necessary for the observance?

8. Are there any necessary religious items and what is the religious significance of each?

9. Are there time and space requirements for the group?

10. Are you aware of related faith groups or other groups with similar practices?

11. Is the religion open to all detainees?

U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT

Policy: Facilities will provide INS detainees of all faiths with reasonable and equitable opportunities to participate in the practices of their faith, limited only by the constraints of safety, security, the orderly operations of the facility and budgetary considerations.

RELIGIOUS PRACTICES			
Components	**Yes**	**No**	**Remarks**
1. Are detainees allowed to engage in religious services?			
2. Is space available for detainees to conduct religious services?			
3. Does the facility allow detainees to observe the major "holy days" of their religious faith? a. Any exceptions?			
4. Does the facility accommodate holy-day observances by: a. Providing special meals, consistent with dietary restrictions? b. Honoring fasting requirements? c. Facilitating religious services? d. Allowing activity restrictions?			
5. Is each detainee allowed religious items in his/her immediate possession?			
6. Does the OIC check every potential volunteer's credentials before letting him/her participate in detainee programs? a. If yes, does the OIC check with a recognized representative of the faith? b. Does the OIC have any other way of checking an individual's credentials?			
7. Can members of faiths not represented by clergy conduct their own services?			
8. Does the OIC allow detainees in the Special Management Unit to participate in religious practices?			

U.S. Immigration and Naturalization Service
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT

RELIGIOUS PRACTICES

Verification Sources:

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Observing Religious Services			
B. Observing Intake Procedures			
C. Observing Designated Space for Religious Practices			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

Remarks*:* *(Record significant facts, observations, other sources used, etc.)*

_____
Auditor's Signature

_____
Date

EXHIBIT 16

5.5 Religious Practices

I. Purpose and Scope

This detention standard ensures that detainees of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their respective faiths, constrained only by concerns about safety, security and the orderly operation of the facility.

This detention standard applies to the following types of facilities housing ICE/ERO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by ERO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs, CDFs, and Dedicated IGSA facilities. Non-dedicated IGSA facilities must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

For all types of facilities, procedures that appear in italics with a marked (**) on the page indicate optimum levels of compliance for this standard.

Various terms used in this standard may be defined in standard "7.5 Definitions."

II. Expected Outcomes

The expected outcomes of this detention standard are as follows (specific requirements are defined in "V. Expected Practices"):

1. Detainees shall have regular opportunities to participate in practices of their religious faiths, limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the facility;
2. All religions represented in a detainee population shall have equal status without discrimination based on any detainee's race, ethnicity, religion, national origin, gender, sexual orientation or disability;
3. Each facility's religious program shall be planned, administered and coordinated in an organized and orderly manner;
4. Adequate space, equipment and staff (including security and clerical) shall be provided for in order to conduct and administer religious programs;
5. The chaplain or religious services coordinator will make documented efforts to recruit external clergy or religious service providers to provide services to adherents of faith traditions not directly represented by chaplaincy or religious services provider staff. Detainees are encouraged to provide information about local religious providers;
6. Each facility's religious program shall be augmented and enhanced by community clergy, contractors, volunteers and groups who provide individual and group assembly religious services and counseling;
7. Detainees in Special Management Units (SMUs) and hospital units shall have access to religious activities and practices to the extent compatible with security and medical requirements;
8. Special diets shall be provided for detainees whose religious beliefs require adherence to religious dietary laws; and
9. Detainees shall be provided information about religious programs at the facility, including how to contact the chaplain or religious services coordinator, how to request visits or services by other religious services providers, how to request religious diets and how to access religious property and headwear as part of the facility's admission and orientation program in a language

or manner the detainee can understand.

10. The facility shall provide communication assistance to detainees with disabilities and detainees who are limited in their English proficiency (LEP). The facility will provide detainees with disabilities with effective communication, which may include the provision of auxiliary aids, such as readers, materials in Braille, audio recordings, telephone handset amplifiers, telephones compatible with hearing aids, telecommunications devices for deaf persons (TTYs), interpreters, and note-takers, as needed. The facility will also provide detainees who are LEP with language assistance, including bilingual staff or professional interpretation and translation services, to provide them with meaningful access to its programs and activities.

    All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

    Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

III. Standards Affected

This detention standard replaces "Religious Practices" dated 12/2/2008.

IV. References

American Correctional Association, *Performance-based Standards for Adult Local Detention Facilities*, 4th Edition: 4-ALDF-5C-17, 5C-18, 5C-19, 5C-20, 5C-21, 5C-22, 5C-23, 5C-24, 2A-66, 4A-10, 6B-02, 6B-05, 7B-03, 7F-04.

ICE/ERO *Performance-based National Detention Standards 2011:*

- "4.1 Food Service"; and
- "5.7 Visitation."

The Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb et seq.

Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc et seq.

V. Expected Practices

A. Religious Opportunities and Limitations

1. Detainees shall have opportunities to engage in practices of their religious faith consistent with safety, security and the orderly operation of the facility. Religious practices to be accommodated are not limited to practices that are compulsory, central or essential to a particular faith tradition, but cover all sincerely held religious beliefs. Attendance at all religious activities is voluntary.

    Efforts shall be made to allow for religious practice in a manner that does not adversely affect detainees not participating in the practice. Detainees cannot be required to participate in or attend a religious activity in order to receive a service of the facility or participate in other, non-religious activities. Chaplains, religious services coordinators and volunteers shall not provide unsolicited religious services or counseling to detainees.

2. Religious activities shall be open to the entire detainee population, without discrimination based on a detainee's race, ethnicity, religion, national origin, gender, sexual orientation or disability.

    Language services shall be provided to detainees who have limited English proficiency to provide them with meaningful access to religious activities. As needed, accommodations will be provided to detainees with disabilities to provide them with equal access to religious services.

3. When necessary for the security or the orderly

operation of the facility, the facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or to members of a particular religious group after consulting with the chaplain or religious services coordinator. Facility records shall reflect the limitation or discontinuance of a religious practice, as well as the reason for such limitation or discontinuance.

4. Ordinarily, when the nature of the activity or practice (e.g., fasts, ceremonial meals, headwear requirements, work proscriptions) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference shall be included.
5. When a detainee submits a request concerning the reason for denial of access to religious activities, facilities or meals, a copy of the request and response to the request shall be placed in the detention file.

B. Religious Preferences

Each detainee shall designate any religious preference, or none, during in processing. Staff, contractors and volunteers may not disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation.

A detainee may request to change his/her religious preference designation at any time by notifying the chaplain, religious services coordinator or other designated individual in writing, and the change shall be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain or religious services coordinator shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, staff may refer to the initial religious preference information and any subsequent changes in the detainee's religious designation. Detainees whose files show "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

C. Chaplains or Other Religious Services Coordinators

The facility administrator shall designate a staff member, contractor or volunteer to manage and coordinate religious activities for detainees. Ordinarily, that person shall be the facility chaplain, who shall, in cooperation with the facility administrator and staff, plan, direct and supervise all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented in the detainee population. The facility administrator shall provide non-detainee clerical staff support for confidential materials.

The chaplain or other religious services coordinator, regardless of his/her specific religious affiliation, shall have basic knowledge of different religions and shall ensure equal status and protection for all religions.

The chaplain or other religious services coordinator shall have physical access to all areas of the facility to serve detainees.

A chaplain shall have a minimum qualification of clinical pastoral education or specialized training, and endorsement by the appropriate religious-certifying body. In lieu of these, the facility administrator may accept adequate documentation of recognized religious or ministerial position in the faith community.

The chaplain shall be available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees who belong to a religious faith different from that of the chaplain or religious services provider staff may, if they prefer, have access to pastoral care and counseling from external clergy and

religious service providers. The chaplain may, for the purpose of informed decision-making, ask a detainee to explain special or unfamiliar requests.

If the facility has a religious services coordinator rather than a chaplain, the coordinator shall have the necessary training to connect detainees with a broad range of religious services and be prepared to arrange religious services for multiple faith traditions and connect incoming detainees with resources and services specific to the detainee's particular faith.

The term "individual services" includes counseling services provided to individual detainees or members of their families in personal crisis and family emergency situations.

D. Schedules and Facilities

All facilities shall designate adequate space for religious activities.

This designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably and the general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups.

The chaplain or religious services coordinator shall schedule and direct the facility's religious activities, and current program schedules shall be posted on all unit and detainee bulletin boards in languages understood by a majority of detainees.

When scheduling approved religious activities, chaplains or religious services coordinator must consider both the availability of staff supervision and the need to allot time and space equitably among different groups. The chaplain or religious services coordinator shall not ordinarily schedule religious services to conflict with meal times.

If outdoor recreation is available at the facility, detainees shall have opportunities for outside worship, prayer and meditation, which shall be provided in a manner that does not conflict with meal times.

E. Contractors and Volunteers

All facilities shall have procedures so that clergy, contractors, volunteers and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. When recruiting citizen volunteers, the chaplain or religious services coordinator and other staff shall be cognizant of the need for representation from all cultural and socioeconomic parts of the community. Each facility shall provide security, including staff escorts, to allow such individuals and groups facility access for sanctioned religious activities.

The chaplain or religious services coordinator may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot personally deliver, and may secure the assistance and services of volunteers.

"Representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and orderly operation of the facility warrant otherwise.

Standard "5.7 Visitation" details requirements that must be met for a volunteer to be approved to visit with and/or provide religious activities for detainees, including advance notice, identification, a background check, an orientation to the facility and a written agreement to comply with applicable rules and procedures. Visits from religious personnel shall not count against a detainee's visitor quota. Provided they meet established security requirements for entrance into the facility, religious services providers' interpreters shall be allowed to

accompany the religious services provider within the facility.

The facility administrator or designee (ordinarily the chaplain) may require a recognized representative of a faith group to verify the religious credentials of contractors or volunteers prior to approving their entry into the facility.

Detainees who are members of faiths not represented by clergy may conduct their own services, provided these do not interfere with facility operations.

F. Pastoral Visits

If requested by a detainee, the chaplain or religious services coordinator or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.

The chaplain or religious services coordinator may request documentation of the person's religious credentials, as well as a criminal background check.

Pastoral visits shall ordinarily take place in a private visiting room during regular visiting hours. Accommodation may be made in the legal visitation area when available.

G. Detainees in Special Management (SMU) and Hospital Units

Detainees in an SMU (e.g., administrative, disciplinary or protective custody) or hospital unit shall be permitted to participate in religious practices, consistent with the safety, security and orderly operation of the facility.

Detainees in an SMU or hospital unit shall have regular access to the chaplain or other religious services provider staff. The chaplain or other religious services provider staff shall provide pastoral care in SMUs and hospital units weekly at minimum.

Detainees of any faith tradition may ordinarily have access to official representatives of their faith groups while housed in SMUs or hospital units, by requesting such visits through the chaplain or other religious service coordinator. Requests shall be accommodated consistent with the terms of the representative's contract and the security and orderly operation of the facility.

If the representative of the faith group is a volunteer, he/she shall at all times be escorted in an SMU.

H. Introduction of New or Unfamiliar Religious Components

If a detainee requests the introduction of a new or unfamiliar religious practice, the chaplain or religious services coordinator may ask the detainee to provide additional information to use in deciding whether to include the practice.

Detainees may make a request for the introduction of a new component to the Religious Services program (e.g., schedule, meeting time and space, religious items and attire) to the chaplain or religious services coordinator. The chaplain or religious services coordinator may ask the detainee to provide additional information to use in deciding whether to include the practice. Ordinarily, the process shall require up to 30 business days for completion.

The chaplain or religious services coordinator shall research the request and make recommendations to the facility administrator, who shall add his/her own recommendations and forward them to the respective Field Office Director for approval. Such decisions are subject to the facility's requirement to maintain a safe, secure and orderly facility, and the availability of staff for supervision. The Field Office Director shall forward the final decision to the facility administrator, and the chaplain or religious services coordinator shall communicate the decision to the detainee.

I. Religious Holy Days

Each facility shall have in place written policy and procedures to facilitate detainee observance of important holy days, consistent with the safety, security and orderly operation of the facility, and the

chaplain or religious services coordinator shall work with detainees to accommodate proper observances.

The facility administrator shall facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship or work proscription. When the facility administrator, chaplain or religious services provider is unfamiliar with the requested observance, the facility administrator may direct the chaplain or religious services coordinator to consult with community representatives of the detainee's faith group and other appropriate sources.

J. Religious Property and Personal Care

Each facility administrator shall allow detainees to have access to personal religious property, consistent with the safety, security and orderly operation of the facility. If necessary, the religious significance of such items shall be verified by the chaplain prior to facility administrator approval. The facility administrator may also direct the chaplain or religious services coordinator to obtain information and advice from representatives of the detainee's faith group or other appropriate sources, about the religious significance of the items.

Detainee religious property includes, but is not limited to, holy books, rosaries and prayer beads, oils, prayer rugs, prayer rocks, phylacteries, medicine pouches and religious medallions. Such items are part of a detainee's personal property and are subject to normal considerations of safety, security and orderly operation of the facility.

As is consistent with the safety, security and orderly operation of the facility, the facility administrator shall ordinarily allow a detainee to wear or use personal religious items during religious services, ceremonies and meetings in the chapel, and may, upon request of a detainee, allow a detainee to wear or use certain religious items throughout the facility.

Items of religious wearing apparel include, but are not limited to:

1. prayer shawls and robes;
2. kurda or ribbon shirts;
3. medals and pendants;
4. beads; and
5. various types of headwear.

"Appendix 5.5.A: Religious Headwear, Garments and Other Religious Property" provides examples of acceptable religious headwear, garments and other religious property. There may be circumstances in which it is not advisable to permit the use of these items in a facility. Nothing in these guidelines is intended to prevent facilities from making individualized decisions based on the need to maintain good order and the safety of detainees and staff. Any denial and the reason for it shall be documented and placed in the alien's detention file.

Religious headwear, notably kufis, yarmulkes, turbans, crowns and headbands, as well as scarves and head wraps for Orthodox Christian, Muslim and Jewish women are permitted in all areas of the facility, subject to the normal considerations of the safety, security and orderly operation of the facility, including inspection by staff. Religious headwear and other religious property shall be handled with respect at all times, including during the in-take process.

Consistent with safety, security and the orderly operation of the facility, the facility shall not cut or shave religiously significant hair.

A detainee who wishes to have religious books, magazines or periodicals must comply with the facility's general rules for ordering, purchasing, retaining and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to ICE/ERO is contingent upon approval from the chaplain or religious services coordinator.

K. Dietary Requirements

When a detainee's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements (e.g., by modifying the detainee's menus to exclude certain foods or food combinations or providing the detainee's meals at unusual hours).

A detainee who wants to participate in the religious diet ("common fare") program may initiate the "Authorization for Common Fare Participation" form that is attached to standard "4.1 Food Service." That standard also details the circumstances under which a detainee may be removed from a special religious diet because he/she has failed to observe those dietary restrictions.

"Common fare" refers to a no-flesh protein option provided whenever an entrée containing flesh is offered as part of a meal. Likewise, a "common fare" meal offers vegetables, starches and other foods that are not seasoned with flesh. The diet is designed as the foundation from which modifications can be made to accommodate the religious diets of various faiths. Modifications to the standard common fare menu may be made to meet the requirements of various faith groups (e.g. for the inclusion of kosher and/or halal flesh-food options).

When there is any question about whether a requested diet is nutritious or may pose a threat to health, the chaplain or religious services coordinator shall consult with the medical department.

L. Religious Fasts

The chaplain or religious services coordinator shall develop the religious fast schedule for the calendar year and shall provide it to the facility administrator or designee. There are generally two different types of fasts: a public fast and a private or personal fast.

When detainees observe a public fast that is mandated by law or custom for all the faith adherents (e.g., Ramadan, Lent, Yom Kippur), the facility shall provide a meal nutritionally equivalent to the meal(s) missed. Public fasts usually begin and end at specific times.

When a detainee fasts for personal religious reasons, no special accommodations need to be made for the meal(s) missed. Requests for meals after a personal fast shall be determined by the facility administrator on a case-by case basis.

M. Work Assignments

Detainees who have voluntary work assignments shall not be compelled to work on their religious holy days.

N. Religious Use of Wine

Religious use of wine by clergy members is generally permitted when mandated by the particular faith and pursuant to strict controls and supervision, to include the following provisions:

1. Only a small amount of wine for clergy members and that which is necessary to perform religious ceremonies or services shall be permitted in the facility.
2. All wine brought into the facility shall be secured in an appropriate area by staff prior to the religious ceremony or service for which the wine is needed.
3. Following the religious ceremony or service, unused portions of wine shall be immediately discarded, stored in a secure area, or removed from the facility.

O. Death or Serious Illness of Family Members

The facility administrator will establish procedures to involve the chaplain or religious services coordinator in notifying detainees of serious illness or death of their family members.

Appendix 5.5.A: Religious Headwear, Garments and Other Religious Property

The following are examples of generally acceptable religious headwear, garments and other religious property/articles of faith. There may be circumstances in which it is not advisable to permit the use of these items in a facility. Nothing in these guidelines is intended to prevent facilities from making individualized decisions based on the need to maintain good order and the safety of detainees and staff. Any denial of accommodation and the reason for it shall be documented and placed in the alien's detention file.

A. Religious Headwear

Examples of religious headwear include:

- yarmulke (Jewish)
- kufi (Muslim)
- hijab (Muslim; worn by women)
- crown (Rastafarian)
- turban (Sikh)

Facilities may restrict the color, size or other features of religious headwear, as necessary to maintain the safety, security and the orderly operation of the facility. Where facilities restrict the color, size, or other features of religious headwear, and the detainee's personal religious headwear does not conform to the standard, the facility must ensure that detainees are provided conforming religious headwear for free or at a de minimums cost. The chaplain or religious services coordinator, in consultation with community representatives of the detainee's faith group and other appropriate sources, when necessary, shall ensure that the facility restrictions on color, size, or other features of religious headwear are appropriate and meet the needs of the respective faith traditions.

B. Religious Garments

Examples of religious attire and garments include but are not limited to:

- Scarves and headwraps (hijabs) (Jewish, Muslim, Rastafarian, Orthodox Christian; worn by women). These may be black, white or off-white.
- Jumper dresses may be worn by women who wear loose-fitting clothing for the sake of modesty as consistent with their religious beliefs.
- Kachhehra (soldier's shorts) (Sikh men)
- Prayer shawls and robes
- Kurda or ribbon shirts during ceremonial use

C. Religious Property and Articles of Faith

Examples of religious property and articles of faith include but are not limited to:

- Holy books: Examples include but are not limited to: the Bible (Christian); the Koran (Muslim); and the Torah (Jewish). Holy books are permitted in accordance with the facility's general rules relating to retention of personal property and incoming publications, such as types of binding permitted.
- Kara (steel bracelet) (Sikh) may be permitted during meal times and under other limited circumstances depending on the size, weight and appearance of the Kara and in light of security considerations. For example, a plain, light-weight and non-decorative Kara is generally appropriate for low and medium security detainees.
- Rosaries and prayer beads.
- Oils.
- Prayer rugs.
- Prayer rocks.

- Phylacteries.
- Religious medallions and pendants.

EXHIBIT 17

STANDARD 5.3

RELIGIOUS PRACTICES

NOTE: *Standards 1.1 "Language Assistance" and 4.7: "Disability Identification, Assessment, and Accommodation" are applicable to this standard. The facility is required to provide language assistance and disability accommodations to ensure effective communication, equal access to physical spaces, and the opportunity to participate in facility programs, services, and activities.*

I. POLICY

This detention standard ensures detainees of various religious beliefs have reasonable and equitable opportunities to participate in the practices of their faith, limited only by documented threats to safety, security, and the orderly operation of the facility.

II. STANDARDS AND PROCEDURES

A. General

The facility must designate a Chaplain or Religious Services Coordinator (RSC) to manage and oversee religious programs and services for detainees, ensuring access to religious practices and accommodations in accordance with their faith while adhering to facility policies and security requirements. The Chaplain or RSC shall have physical access to all areas of the facility to serve detainees.

Religious activities must be accessible to the entire detainee population without discrimination based on race, ethnicity, religion, national origin, color, sex, sexual orientation, age, or disability. Attendance at religious activities is voluntary.

No one may disparage a detainee's religious beliefs or coerce or harass them to change their religious affiliation.

The facility shall not cut or shave religiously significant hair unless required for safety, security, or orderly operation of the facility.

B. Religious Opportunities and Limitations

The facility administrator may discontinue a religious activity or practice or limit participation to a reasonable number of detainees or members of a specific religious group when necessary for security or order, after consulting with the chaplain or RSC.

Facility records shall document any limitation or discontinuance of a religious practice, including the reason for the decision. Denials of access to religious practices or items – such as religious meals, garb, scriptures/texts, or worship items (e.g., rosaries, wine, Tefillin, headwear) shall be documented in the detainee's detention file and made available

to ICE/ERO upon request.

C. Religious Preferences

ICE/ERO does not require detainees to profess a religion or spiritual belief. During in-processing, the facility shall record the detainee's religious preference or note if none is declared.

Detainees may change their religion or spiritual belief designation at any time by notifying the chaplain or RSC in writing. The change must be implemented within seven days of receiving the request.

D. Chaplain/Religious Services Coordinator

The Chaplain or RSC is responsible for scheduling and managing religious activities in the facility and informing detainees on how to request a religious practice accommodation.

The Chaplain or RSC shall possess relevant education or experience, including pastoral education, knowledge of various religions and cultural groups, and/or experience in a recognized religious or ministerial role within a faith community.

E. Schedules and Facilities

Current religious program schedules and group worship times shall be posted in living units or otherwise made available to detainees.

Facilities shall designate adequate space for religious activities to equitably meet the needs of the detainee population. Religious service areas shall be maintained in a neutral manner suitable for various faith groups.

F. Community Involvement (Volunteers, Detention Facility Contractors)

Facilities shall have procedures and resources to accommodate religious leaders, clergy, community groups, and volunteers providing religious services or procuring religious items not provided by the Chaplain or RSC. Faith group representatives may include religious leaders, clergy, and spiritual advisors.

G. Introduction of New and Unfamiliar Religious Components

Detainees may request the inclusion of new or unfamiliar religious components in the facility's religious services program. If additional information is needed regarding a specific practice, the Chaplain or RSC can request details and materials from the detainee or local/national offices of the relevant religion or faith group to determine whether the practice should be included in the religious services program.

H. Religious Group Assemblies

Detainees must be provided the opportunity to participate in group religious activities, limited only by documented threats to the facility's safety, security or orderly operation.

I. Religious Holy Days

The facility shall establish a policy to facilitate the observance of significant religious holidays and holy days while maintaining safety, security, and orderly operations. Observances may include special fasts, dietary requirements, worship or work restrictions. The Chaplain or RSC will work with requesting detainees to provide proper accommodations for religious observances.

J. Pastoral Visits

Detainees of a different religious faith than the Chaplain may request access to pastoral care and counseling from external clergy and religious service providers. The facility may require documentation of the provider's religious credentials and a criminal background check.

K. Religious Property

The Chaplain or RSC shall ensure detainees have access to religious items, including worship/prayer materials, specialty food items, and religious headwear and other garb, necessary to practice their religion or spiritual beliefs, consistent with facility safety, security, and orderly operation. Any denial of access must be assessed on a case-by-case basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

Detainees shall be generally allowed to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, unless a documented threat to safety, security, or facility operations exists. Upon request, detainees may also be permitted to wear or use certain religious items throughout the facility. Any denial of participation in or observance of religious practices must be assessed on a case-by-case basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

Religious literature shall be permitted in accordance with procedures governing incoming publications.

Religious items may be obtained by receiving in-kind donations from religious or other charitable organizations, facilitating family or friends sending items, or the Chaplain or RSC purchasing items directly. Detainees shall not be charged for necessary religious items.

L. Dietary Requirements

ICE/ERO requires facilities to provide detainees requesting a religious diet a reasonable and equitable opportunity to observe their religious dietary practices, consistent with the

secure and orderly operation of the facility. Refer to Standard 4.1 "Food Service" for more information.

M. <u>Detainees in Special Management Units</u>

Detainees in Special Management Units and medical housing shall be permitted to participate in religious practices on a consistent and scheduled basis, limited only by documented threats to safety, security, and orderly operation of the facility. Any limitations on SMU detainees' participation in or observance of religious practices must be assessed on a case-by-case basis, with the reason documented in the detainee's detention file or a retrievable electronic format.

EXHIBIT 18

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BARRON: ADMINISTRATION 'ASSURED' HIM DETAINEES' ACCESS TO SACRAMENTS 'UNDER CAREFUL REVIEW'

written by Kate Scanlon | 7:00 PM November 4, 2025



Clergymen talk with law enforcement officers preventing religious leaders from entering the ICE facility in Broadview, Ill., to offer Communion to immigrants detained inside during an outdoor Mass in Broadview on the outskirts of Chicago Nov. 1, 2025. (OSV News

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photo/Leah Millis, Reuters)

WASHINGTON (OSV News) — Amid concern about the ability of those detained by immigration enforcement authorities to receive Catholic sacraments, a key U.S. bishop said Trump administration officials have "assured" him the matter is "under careful review."

His comments came shortly before Pope Leo XIV urged respect for "the spiritual rights" of migrants detained in the U.S. in comments to journalists Nov. 4 at Castel Gandolfo.

Religious Liberty Commission

Bishop Robert E. Barron of Winona-Rochester, Minnesota, who was appointed by President Donald Trump to the Department of Justice's Religious Liberty Commission, said in a Nov. 3 social media post that he and Father Alexei Woltornist, a Melkite Catholic priest and a member of the Department of Homeland Security's Homeland Security Advisory Council, "have been in touch with senior officials in both the State Department and the Department of Homeland Security and have brought forward the concerns of the Church regarding detainees' access to Sacraments."

Bishop Barron's post included an OSV News article about a delegation of clergy, religious sisters and laity, and a Chicago auxiliary bishop who were barred for the second time in three weeks from bringing the Eucharist to those being held at an immigration detention center just west of Chicago on the feast of All Saints Nov. 1.

Tense confrontations

The facility in the Chicago suburb of Broadview, Illinois, has seen tense confrontations between protesters and federal law enforcement in the last several weeks as the Trump administration ramped up enforcement efforts in and around the Windy City. In a separate incident, reports of immigration authorities near St. Jerome Catholic Church in Chicago's Rogers Park neighborhood on Oct. 12 prompted warnings of caution from its pastor, although a spokesperson for ICE denied the church was targeted, local media reported.

Catholic bishops are among those who have acknowledged points of tension between the Trump administration's immigration policy and religious liberty.

In a statement provided to OSV News in response to an inquiry about Bishop Barron's post, Tricia McLaughlin, assistant secretary for public affairs for the Department of Homeland Security, said the Broadview facility is "a field office, it is not a detention facility."

'Held briefly for processing'

"Illegal aliens are only briefly held there for processing before being transferred to a detention facility. Religious organizations are more than welcome to provide services to detainees in ICE detention facilities," McLaughlin said. "Even before the attacks on the Broadview facility, it was not within standard operating procedure for religious services to be provided in a field office, as detainees are continuously brought in, processed, and transferred out."

McLaughlin argued the facility faces "serious public safety and officer safety threats," and that "ICE staff has repeatedly informed religious organizations that due to Broadview's status as a field office and the ongoing threat to civilians, detainees, and officers" they are "not able to accommodate these requests at this time."

In his post, Bishop Barron added, "I feel that maintaining open lines of communication and engaging in dialogue with the Administration constitute the most constructive way forward."

Balancing immigration policies

Catholic social teaching on immigration balances three interrelated principles — the right of persons to migrate in order to sustain their lives and those of their families, the right of a country to regulate its borders and control immigration, and a nation's duty to regulate its borders with justice and mercy.

In his Nov. 4 comments, Pope Leo added, "The authorities allow pastoral workers to assist with the needs of these people. Many times they have been separated from their families and no one knows what happens"

Kate Scanlon is a national reporter for OSV News covering Washington. Follow her on X @kgscanlon.

ARCHDIOCESE OF CHICAGO | BISHOP ROBERT E. BARRON | EUCHARIST | ICE ENFORCEMENT | IMMIGRANTS | IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) | TRUMP ADMINISTRATION

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EXHIBIT 19

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COALITION FOR SPIRITUAL AND PUBLIC LEADERSHIP; FR. LARRY DOWLING; SR. JEREMEY MIDURA; FR. DENNIS BERRY; FR. DAN HARTNETT; and MICHAEL N. OKIŃCZYC-CRUZ	)	
Plaintiffs,	)	Case No. 25 C 14168
v.	)	Judge Robert W. Gettleman
KRISTI NOEM; TODD LYONS; MARCOS CHARLES; RUSSELL HOLT; RODNEY S. SCOTT; GREGORY BOVINO; PAMELA BONDI; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF JUSTICE; DONALD J. TRUMP	)	
Defendants.	)	

MEMORANDUM OPINION & ORDER

Plaintiffs moved for a preliminary injunction (Doc. 8) against defendants, requesting access to minister to migrants and detainees in the Immigration and Customs Enforcement ("ICE") facility in Broadview, Illinois ("Broadview"). Plaintiffs allege that defendants' denial of their access to Broadview violates plaintiffs' rights under the Free Exercise Clause of the First Amendment to the United States Constitution, the Religious Freedom Restoration Act of 1993 ("RFRA"), 42 U.S.C. § 2000bb, et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq. For the reasons below, the court grants plaintiffs' motion for a preliminary injunction (Doc. 8) in part.

A. Standing

Because defendants raise the issue, the court briefly addresses standing. Plaintiffs' theory of

standing in relation to its RFRA claim is straightforward. Plaintiffs are asserting their own religious rights and the religious rights of detainees and migrants at Broadview. Defendants do not dispute that plaintiffs have standing to assert their own rights. Instead, defendants argue that "plaintiffs lack standing to assert the rights of the detainees." Because the preliminary injunction here is based on plaintiffs' RFRA claims asserted on their own behalf, the court need not reach the third-party standing issues.

B. Preliminary injunction

To obtain a preliminary injunction, the plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). Of these four factors, "[t]he two most important considerations are likelihood of success on the merits and irreparable harm." Bevis v. City of Naperville, Illinois, 85 F.4th 1175, 1188 (7th Cir. 2023). In establishing a likelihood of success on the merits, the plaintiff "need not demonstrate likelihood of success by a preponderance of the evidence," but must "nevertheless make a 'strong' showing that reveals how it proposes to prove its case." Id. In addition, a plaintiff seeking a preliminary injunction must show more than "a mere possibility of irreparable harm." Id.

1. Likelihood of success on the merits

The court finds that plaintiffs have shown a likelihood of success on the merits of their RFRA claim. Under RFRA, the "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). The statute provides a single exception that applies if the government demonstrates that the

application of the burden to the person: "(1) is in is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b); see also Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 430 (2006) (explaining that RFRA adopted a "strict scrutiny test").

The court finds that the government has substantially burdened plaintiffs' exercise of religion. Plaintiffs allege that the government has "denied [p]laintiffs the right to pray on the facility grounds after erecting a fence around the Broadview facility in September 2025." In addition, plaintiffs allege that the government has denied them "permission to enter the facility and minister to detainees, despite multiple attempts" and "ordered that no prayer is allowed on federal property on or in the Broadview facility." Defendants do not deny these allegations.

Plaintiffs argue that prayer and ministry to the migrants and detainees at Broadview is an important religious practice. Defendants concede that "ministering to vulnerable Catholic immigrants is part of [plaintiffs'] religious exercise," but argue that doing so at Broadview "is itself not essential to the practice."[1] RFRA requires a court to analyze if a government practice substantially burdens a person's exercise of religion, not whether the religious practice burdened is "essential." West v. Radtke, 48 F.4th 836, 845 (7th Cir. 2022) (holding that the assessment of whether a burden is substantial does not focus on "the centrality of the religious practice in question"). The Seventh Circuit has "identified three ways plaintiffs can prove that a law or regulation substantially burdens their religious practice." Soc'y of Divine Word v. United States

[1] Defendants also argue that the visitation restriction limitations are merely "temporary" and necessitated by the "launch of Operation Midway Blitz." But well after the launch of Operation Midway Blitz in September 2025, plaintiffs have consistently been denied access to Broadview. Most recently, on February 2, 2026, defendants denied plaintiffs' request for access on the grounds that "Broadview office is not a detention facility," and that "detainees spend very little time at the Broadview office." This latest rationale appears to be permanent. In any event, plaintiffs have been denied access to Broadview for over five months, which undermines defendants' position that the visitation restriction is temporary.

Citizenship & Immigr. Servs., 129 F.4th 437, 450 (7th Cir. 2025). Plaintiff can show that the law or regulation, "(1) compelled them to perform acts undeniably at odds with fundamental tenets of their religious beliefs, (2) put substantial pressure on them to modify their behavior and to violate their beliefs, or (3) bears direct, primary, and fundamental responsibility for rendering a religious exercise effectively impracticable." Id. (cleaned up). Here, defendants' denial of plaintiffs' access to Broadview satisfies at least the third category. Defendants' bar on plaintiffs' visitation to Broadview is fundamentally responsible for rendering plaintiffs' religious practice of providing ministry to detainees and migrants effectively impracticable.

Because plaintiffs have shown that defendants have substantially burdened their exercise of religion, the burden shifts to defendants to show that the burden is in furtherance of a compelling governmental interest, and that it is the least restrictive means of furthering that compelling governmental interest. Defendants offer no arguments on these RFRA exceptions. Thus, at this preliminary stage, plaintiffs have made a "'strong' showing that reveals how [they] propose[ ] to prove [their] case" under RFRA. Bevis, 85 F.4th at 1188.

2. Irreparable Harm

Plaintiffs argue that there is "irreparable injury to the Plaintiffs, whose lives are devoted to providing religious ministry and spiritual consolation to those who are most in need of it. Plaintiffs have lost their own religious freedom, by blanket denial of any opportunity to provide spiritual consolation." Defendants do not make an argument on irreparable harm, maintaining that, "[b]ecause plaintiffs cannot establish that they are likely to succeed on the merits, the court need not address 'irreparable harm' and 'public interest.'" The Supreme Court has held that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably

constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Consequently, plaintiffs have shown that they are likely to suffer irreparable harm in the absence of preliminary relief.

3. Balance of Equities and Public Interest

The court agrees with plaintiffs that the balance of equities tips in plaintiffs' favor. The government makes no argument about the balance of equities. As plaintiffs note, Broadview allowed plaintiffs' religious visitation to Broadview for years before reversing course relatively recently. With reasonable notice and communication, addressing legitimate security and safety concerns, allowing plaintiffs to provide pastoral care to migrants and detainees does not pose any undue hardship on the government.

The court also agrees with plaintiffs that the injunction is in public interest. Allowing plaintiffs to provide pastoral care to migrants and detainees will improve the condition of those detained at Broadview. Again, the government makes no argument about public interest. Consequently, the court finds that the balance of equities tips in plaintiffs' favor, and that an injunction is in the public interest.

***

Having determined that plaintiffs have satisfied the requirements to obtain a preliminary injunction, and taking into consideration the parties' arguments and representations in today's hearing, the court grants plaintiffs' motion in part and orders the following:

1. Defendants are directed to allow plaintiffs to access the Broadview facility on Ash Wednesday, February 18, 2026, to offer ashes and Communion for those who desire it.

2. The parties are directed to meet and confer to establish an appropriate protocol for the purposes of safety and security with regard to the Ash Wednesday services.

3. Based on the parties' representations during today's proceedings, the court directs them to meet and confer with regard to plaintiffs' religious ministry at the Broadview facility after Ash Wednesday, including: (1) personal interactions between plaintiffs and detainees; and (2) the ability of plaintiffs to engage in prayer outside of the Broadview facility and in view of the detainees.

4. This matter is set for a status hearing on February 25, 2026, at 2:30 p.m.

ENTER:

Robert W. Gettleman
United States District Judge

DATE: February 12, 2026

EXHIBIT 20

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minneapolis Area Synod of the Evangelical Lutheran Church in America; Minnesota Conference of the United Church of Christ; and Father Christopher Collins, SJ,

Plaintiffs,

v.

U.S. Department of Homeland Security; Kristi Noem, *in her official capacity as Secretary of Homeland Security*; U.S. Immigration and Customs Enforcement; Todd Lyons, *in his official capacity as Acting Director of Immigration and Customs Enforcement*; Marcos Charles, *in his official capacity as the Acting Executive Director for Immigration and Customs Enforcement and Removal Operations*; David Easterwood, *in his official capacity as Acting Field Office Director for Immigration and Customs Enforcement's Enforcement and Removal Operations St. Paul Field Office*; U.S. Federal Protective Service; and Faron K. Paramore, *in his official capacity as Director of the Federal Protective Service*,

Defendants.

Civ. No. 26-1576 (JWB/DTS)

ORDER ON MOTION FOR PRELIMINARY INJUNCTION

Erin E. Westbrook, Esq., Kaitlin Yira, Esq., and Katherine S. Barrett Wiik, Esq., Saul Ewing LLP; and Chelsea A. Walcker, Esq., and Irina Vaynerman, Esq., Groundwork Legal, counsel for Plaintiffs.

David W. Fuller, Esq., United States Attorney's Office, counsel for Defendants.

Based on the filings, submissions, and proceedings in this case, and for the reasons stated on the record at the March 20, 2026 hearing (Doc. No. 56), **IT IS HEREBY**

ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. No. 4) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants must remove and may not impose an access protocol for the Whipple facility that bars clergy visits in all circumstances, without regard to whether visits could safely occur, for the duration of this litigation.

2. Defendants must develop and implement a written protocol that establishes a workable process for clergy access to the Whipple facility. The protocol must provide clergy a reasonable opportunity to provide in-person pastoral care by including: (a) a clear method for requesting access; (b) a designated point of contact responsible for responding to such requests; and (c) reasonable procedures to facilitate coordination so that, where practicable, clergy and detainees can meet while detainees are present at the facility.

The protocol must also provide for responses to access requests within a reasonable time, taking into account the operational constraints of the facility. All access remains subject to reasonable, neutral, and generally applicable measures necessary to maintain safety, security, and orderly operations, including reasonable limits on timing, duration, supervision, and the number of visitors.

This Court does not require Defendants to permit physical contact or group ministry on the present record. Nor does this Order prescribe any particular method for scheduling, communication, or coordination. However, Defendants must implement reasonable procedures sufficient to make clergy access practicable in operation. An unfettered case-by-case approach, without articulated standards, guiding criteria, or any

publicly available process, is insufficient. Such an approach risks producing decisions that are inconsistent, unpredictable, and effectively unreviewable, and therefore does not provide a meaningful opportunity for religious exercise as required by RFRA.

3. The parties shall continue to meet and confer in good faith on implementing an access protocol that is consistent with the terms of this ruling. By no later than **March 26, 2026**, the parties must conduct at least one additional conference, subject to the same attendance requirements as previously ordered. (*See* Doc. No. 18.)

4. No later than **April 2, 2026**, the parties must file a joint status report that includes either a proposed access protocol or competing proposals, with each side identifying the specific points of disagreement and the reasons for them.

Date: March 20, 2026

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge

EXHIBIT 21

REGIONAL NEWS | JUNE 6, 2026

Sheriff speaks up after accusations made on inmate treatment

After two US reps alleged overcrowding and poor care for ICE detainees at the Ste. Genevieve Co. jail, Sheriff Stolzer defends the facility, denies their claims and cites frequent inspections.

Michael Boyd Jr.
Sports Editor, The Sainte Genevieve Herald



Ste. Genevieve County Sheriff Gary Stolzer addresses the Ste. Genevieve Board of Aldermen last Thursday night. Mark Evans / Herald photo

Ste. Genevieve County Sheriff Gary Stolzer and Chief Deputy Maj. Jason Schott both addressed the Ste. Genevieve Board of Aldermen and Mayor Brian Keim at its public meeting, Thursday, May 28, after two area U.S. Representatives criticized the department's detention center, which houses criminal inmates as well as Immigration and Customs Enforcement (ICE) detainees sent to them by the US Department of Homeland Security.

On May 26, with St. Louis news stations KSDK-NBC 5 and KTVI-FOX 2 both present, Reps. Wesley Bell (D-Mo. 1st) and Nikki Budzinski (D.-Ill. 13th) visited the center.

The Representatives held a news conference afterwards citing concerns of overcrowding, medical neglect, and a shortage of water and food at the jail, which can hold up to 450 inmates.

Both the county and city leaders have signed 287-G contacts with the Department of Homeland Security to house ICE detainees at the local detention center.

But Stolzer said his office did not sign anything mattering to ICE, although it is holding approximately 150 ICE detainees among its population, one of four departments doing so across the Show-Me State, but the only one in the immediate region and is closest to St. Louis.

The two Democratic members of the US House Oversight Committee made several accusations of inhumane conditions, including lack of drinking water and medical care.

Bell stated that this jail was built only for criminals and not detaining immigrants.

Both reps said Stolzer is holding two in particular ICE detainees — one stricken by cancer and another who is pregnant — that are not getting the proper medical care.

“These facilities are not made for this population,” Bell said at the May 26 press conference. “They were made to incarcerate folks who have been charged with crimes. They are drawing from counties all over northeast Missouri, St. Louis, as well as southern Illinois, and anyone picked up by ICE is likely to be here (Ste. Genevieve) from those areas.”

Stolzer denied that his department has a contract with ICE, but he did state that there are other contracts with several other agencies of law enforcement, both state and federal, including with the US Marshals since the 1990s.

That's been the case ever since.

"We're a self-sufficient sheriff's office ... We've never signed a contract with ICE," Stolzer told the aldermen. "We have the same contract that was signed back in 1993, but amended many times. So there's no immigration contract out there,

regardless of what is said. We do house ICE, we do house the US Marshals' Bureau of Prisons, and we also house the Department of Corrections of the State of Missouri."

Maj. Schott also addressed the claims made by Budzinski and Bell.

Budzinski stated at the Tuesday conference about the ICE detainees, "We need to continue to work to advocate to make sure that they're getting the full access that they deserve while they're being detained, and their immigration case is being adjudicated. If you don't have enough beds, you're reaching an overcrowding situation."

May 26, Schott's release said the sheriff's department, "had a very good meeting and tour with Rep. Bell, Rep. Budzinski and their staff."

"They asked several thoughtful questions and we hope we answered them thoroughly," the release continued. "We believe we operate an excellent detention center and provide excellent care and service — not only to ICE detainees but to every individual housed in our facility."

Then at Thursday's meeting at City Hall, Schott verbally and emphatically defended the detention center, going into much more detail.

"We are inspected by the US Marshals Service twice a year, the Federal Bureau of Prisons annually and DHS ICE on a weekly basis," Schott said. 'These inspections have incurred consistently for approximately 25 years. In fact I believe our facility is inspected more frequently than the Missouri Department of Corrections. Our detention center was specifically engineered and designed to house both individuals charged with crimes. And civil detainees housing assignments are based on class provided by federal holding agencies. These classification processes is why we are able to safely and appropriately house criminal detainees alongside individuals being held on federal detainers."

Schott went on to address the allegations of inadequate access to drinking water.

"Every cell and housing pod in our facility contains a sink with hot and cold running water, as well as toilets," he said. "Multiple showers are available in each pod. Every incarcerated individual is issued their own drinking cup and has continuous access to water from the sinks in their cells."

FOR AND AGAINST

Many on both sides of the sheriff's department holding ICE detainees have loudly voiced their opinions on the issue.

Retired SGPD Chief Eric Bennett, who later served as a city alderman, provided a lengthy written letter to local Facebook page *"What's REALLY Going on in Ste. Genevieve"* in support of the detention center and how Stolzer and his personnel run it.

"I don’t believe for a minute that any impartial person could tour that facility and come away with any evidence, perception or implication that the conditions aren’t WAY above those of all other facilities in this state!," Bennett's letter said. "I stand with Sheriff Stolzer and all of his outstanding personnel, and I don’t believe I am the only one."

Tommi Borgeldt, a lifelong Ste. Genevieve resident, disagrees, speaking directly to the aldermen and Mayor Brian Keim on Thursday.

Borgeldt discussed the center's alleged conditions of pregnant women not receiving medical care, others not getting enough water, the overcrowding, as well as detainees sleeping on the floor on six-inch plastic slabs or trays, aka "boats."

"I've heard repeatedly that our facility in Ste. Genevieve is one of the better facilities to be sent to," she said. "I was deeply saddened to learn that even in what are considered the better facilities, the detainees nationwide are being treated so poorly. Just this week, there were additional concerns raised on the conditions in our detention center specifically."

St. Louis Public Radio also wrote its own report on Tuesday.

KSDK-5 and FOX-2 both televise to a wide circle surrounding St. Louis that covers the bi-state region.

Meanwhile, Missouri State Representative Bryant Wolfin (R-District 145) also backed Stolzer and his department in a letter posted on Facebook.

After saying the sheriff's office is entrusted with "difficult responsibilities," Wolfin gave a full-throated backing of Stolzer.

"I believe Sheriff Stolzer and his staff have handled these responsibilities with integrity and professionalism," he said. "Under his leadership the Ste. Genevieve County Sheriff's Office has earned a strong reputation as standard of professionalism, respect, and responsible operations that many other law enforcement agencies around the state can look to."

— HERALD

EXHIBIT 22

Office of Professional Responsibility

Ste. Genevieve County Jail

Inspection 2026-006-123

July 9, 2026

U.S. Immigration and Customs Enforcement

INSPECTION
of the
STE. GENEVIEVE COUNTY JAIL
Ste. Genevieve, Missouri

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CONCLUSION 5

FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted an inspection of the Ste. Genevieve County Jail (SGCJ) in Ste. Genevieve, Missouri, from June 10 to July 9, 2026, which included a 1-day on site visit on July 9, 2026.[1] The facility opened in 1987 and is owned by Ste. Genevieve County and operated by the Ste. Genevieve County Sheriff's office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at SGCJ in 2025 under the oversight of ERO's Field Office Director in Chicago (ERO Chicago). The facility is a United States Marshal Service (USMS) contracted detention facility where ICE is an authorized user and operates under the USMS Federal Performance Based Detention Standards (FPBDS) (May 2025).

ERO Chicago deportation officers are not assigned full-time to the facility but conducts visits as needed on Wednesdays, from 8 a.m. to 4 p.m. A sheriff handles daily facility operations and manages [redacted] support personnel. Trinity Servies provides food services, Cardinal Correctional Care provides medical care, and City Tele Coin provides commissary services at the facility. The facility does not hold any accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Bed Capacity[2]	[redacted]
Average ICE Population[3]	[redacted]
Adult Male Population (as of July 9, 2026)	[redacted]
Adult Female Population (as of July 9, 2026)	[redacted]

This is ODO's first inspection of SGCJ.

[1] This facility holds male and female detainees with low, medium, medium-low, medium-high, and high security classification levels for periods greater than 72 hours.
[2] Data Source: ERO Custody Management Division Authorized Facility List as of July 9, 2026.
[3] *Ibid.*

INSPECTION PROCESS

ODO conducts the following annual and biennial oversight inspections of ICE detention facilities to assess and rate each facility's compliance with their contractually obligated detention standards as noted in the Facility Overview section above.

- Dedicated facility: ODO conducts annual on-site inspections of dedicated inter-governmental service agreement (IGSA) facilities, contract detention facilities (CDF), family residential centers, and service processing centers.

- Non-dedicated IGSA facility:
  - For facilities with an average daily population (ADP) of 50 or more, ODO conducts biennial on-site inspections.
  - For facilities with an ADP of 50 or less,
    - If the facility has not previously had a rated ODO inspection, then ODO conducts an initial on-site inspection, and
    - If the facility has had an ODO inspection, then the facility completes a biennial ODO-assisted self-inspection process (OASIP).

- U.S. Marshal Service (USMS): USMS CDF and intergovernmental agreement facilities complete biennial OASIPs.

In FY 2025, ODO implemented OASIPs, which replaced the annual Special Review inspections ODO conducted at most low ADP and/or short-term use facilities. This new inspection framework is more reflective of the actual operation demand of facilities with a low ADP and/or short-term use. OASIP inspections focus on facility compliance with detention standard requirements that directly affect detainee life, health, safety, and/or well-being. Facilities have 30 calendar days to complete the OASIP inspection and ODO staff will go on-site for 1 day towards the end of the 30-day inspection window to observe facility conditions, interview ICE detainees, and spot-check the facility's reported findings.[4]

ODO defines a "deficiency" as any violation of detention standards, policies, or operational procedures, as applicable. ODO highlights instances when the facility resolves deficiencies prior to the completion of the ODO inspection as corrective actions. Where applicable, these corrective actions are annotated with a "C" in the *Inspection Findings* section of the report.

Upon completion of each inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. ODO shares a summary of these findings with ERO management officials. Thereafter, ODO provides ICE leadership with a final report to: (i) assist ERO in developing and initiating uniform corrective action plans (UCAPs); and (ii) provide senior executives with an independent assessment of facility operations. ODO's findings inform ICE executive management in their decision-making to better allocate resources across the agency's entire detention inventory.

[4] When ODO conducts on-site inspections for non-OASIP facilities, the facility is notified 4 weeks before the inspection and ODO is on-site for 2-3 business days conducting the inspection.

FINDINGS BY FEDERAL PERFORMANCE BASED DETENTION STANDARDS (MAY 2025) MAJOR CATEGORIES

USMS FPBDS (May 2025) Standards Inspected[5]	Deficiencies
Part 1 - Administration and Management	
Quality Control	0
Facility Admission and Orientation Program	0
Detainee Transfers and Releases	0
Staffing	0
Staff Training	0
Emergency Plans	0
Sub-Total	**0**
Part 2 - Health Care	
Health Care Administration	0
Intake Health Screening	0
Medical, Mental Health, and Dental Appraisals	2
Access to Health Care	0
Provision of Health Care	0
Incident Health Care	0
Sub-Total	**2**
Part 3 - Security and Control	
Use of Force/Non-Routine Application of Restraints	0
Sub-Total	**0**
Part 4 - Food Service	
Food Service Administration	0
Food Storage and Preparation	0
Detainee Meals and Special Diets	0
Sub-Total	**0**
Part 6 - Safety and Sanitation	
Fire Safety and Chemical Control	0
Sanitation and Environmental Control	0
Clothing and Bedding	0
Sub-Total	**0**
Part 7 - Services and Programs	
Classification and Housing	0
Grievance Program	0
Sub-Total	**0**
Total Deficiencies	**2**

[5] For greater detail on ODO's findings, see the *Inspection Findings* section of this report.

DETAINEE RELATIONS

ODO interviewed seven detainees, who each voluntarily agreed to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. All detainees reported satisfaction with facility services.

INSPECTION FINDINGS

HEALTH CARE

MEDICAL, MENTAL HEALTH, AND DENTAL APPRAISALS (MMHDA)

ODO reviewed 15 medical files and interviewed the nurse supervisor, and found in 15 out of files facility medical staff did not conduct comprehensive health assessments on each detainee **(Deficiency MMHDA-1[6])**.

ODO reviewed 15 medical files and interviewed the nurse supervisor, and found in 15 out of 15 files facility medical staff did not conduct comprehensive mental health assessments on detainees **(Deficiency MMHDA-2[7])**.

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 21 standards under USMS FPBDS (May 2025) and found the facility in compliance with 20 of those standards. ODO found two deficiencies in the remaining standard. This was ODO's first inspection of SGCJ so prior inspection data does not exist for ODO to perform a trend analysis. ODO recommends ERO Chicago continue to work with the facility to resolve the deficiencies that remain outstanding in accordance with contractual obligations.

[6] "A comprehensive health appraisal for each detainee is completed by a qualified health care professional within 14 days after arrival at the facility. If there is documented evidence of a health appraisal within the previous 90 days, a new health appraisal is not required except as determined by the designated health authority." *See* USMS FPBDS (May 2025), Standard, Medical, Mental Health, and Dental Appraisals, Section B.3.1.

[7] "Detainees referred receive a comprehensive mental health appraisal by a qualified mental health person within 14 days after arrival at the facility. If there is documented evidence of a health appraisal within the previous 90 days, a new health appraisal is not required except as determined by the designated health authority." *See* USMS FPBDS (May 2025), Standard, Medical, Mental Health, and Dental Appraisals, Section B.3.4.

Inspection Results Compared	No Previous ODO Inspection	FY 2026 USMS FPBDS (May 2025)
Standards Reviewed	N/A	21
Deficient Standards	N/A	1
Overall Number of Deficiencies	N/A	2
Priority Component Deficiencies	N/A	N/A
Repeat Deficiencies	N/A	N/A
Areas Of Concern	N/A	0
Corrective Actions	N/A	0
Facility Rating	N/A	Superior

U.S. Immigration and Customs Enforcement

Office of Professional Responsibility

EXHIBIT 23

DECLARATION OF BARBARA SMITH TYSON

I, Barbara Smith Tyson, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am an attorney with the law firm Bryan Cave Leighton Paisner LLP and counsel of record for Plaintiffs in this action. I submit this declaration to authenticate certain documents demonstrating that the U.S. Immigration and Customs Enforcement ("ICE") and the Department of Homeland Security were on notice, well before the filing of this action, of a widespread and well-documented pattern of religious-liberty violations at ICE-run and ICE-contracted detention facilities nationwide, including the denial of clergy access and sacramental care to detainees of various faiths.

2. True and correct copies of the documents described below, which I caused to be downloaded from the publicly available sources cited therein, are attached hereto as exhibits.

3. This declaration, summarizing and attaching these exhibits, is provided for the Court's ease of reference. A declaration as to the veracity of the underlying allegations is not required or relevant, because court may take judicial notice of the fact that the exhibits outlined below—press coverage, prior lawsuits, and other public documents—were *publicly available*. *See Staehr v. Hartford Fin. Servs. Grp., Inc.*, 547 F.3d 406, 425 (2d Cir. 2008).

These sources fall into three categories, each independently subject to judicial notice on as the bases set forth below.

4. **Court filings and orders from other federal cases** (Exhibits A–H), of which this Court may take judicial notice to establish the existence of that litigation and the matters asserted in it, without regard to their truth. *See McIvor v. Credit Control Servs., Inc.*, 773 F.3d 909, 914 (8th Cir. 2014).

5. **Letters sent directly to DHS, ICE, and CBP officials** (Exhibits L, S), of which the Court may take judicial notice as evidence that those agencies received the information described therein, without regard to the truth of the underlying allegations. *See Florida Immigrant Coalition v. Uthmeier*, 780 F. Supp. 3d 1235, 1272 n.26 (S.D. Fla. 2025) (taking judicial notice of letters sent by a government official to establish that the matters contained in them had been asserted, without taking notice of their truth); *Hecox v. Little*, 479 F. Supp. 3d 930, 962–63 (D. Idaho 2020) (taking judicial notice of a federal agency's enforcement letter filed in related proceedings); *City of Roseville Emps.' Ret. Sys. v. Sterling Fin. Corp.*, 963 F. Supp. 2d 1092, 1107–08 (E.D. Wash. 2013) (court takes judicial notice of the fact that representations were made, but not of the truthfulness of such representations).

6. **News reporting and advocacy publications** (Exhibits I–K, M–R, T–X), of which the Court may take judicial notice to establish that this

information was in the public realm and thus that ICE had constructive notice of it. *Levitt v. Merck Sharp & Dohme Corp.*, No. 06-CV-00818-W-DW, 2017 WL 4582536, at *1–2 (W.D. Mo. June 21, 2017) (newspaper articles properly noticed to establish the public availability of certain information, and thus a party's constructive notice of it); *Klossner v. IADU Table Mound MHP, LLC*, 565 F. Supp. 3d 1118, 1123 (N.D. Iowa 2021) (courts may take judicial notice of newspaper articles as evidence of what was in the public realm, though not of the facts reported in them); *see also Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n.18 (9th Cir. 1999) (publication of information in news articles is a proper subject of judicial notice because it is "capable of accurate and ready determination" under Fed. R. Evid. 201); *Benak ex rel. All. Premier Growth Fund v. All. Capital Mgmt. L.P.*, 435 F.3d 396, 401 n.15 (3d Cir. 2006) (judicial notice of press coverage is proper regardless of "whether appellants read the articles or were aware of them"); *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 961 (9th Cir. 2010) (courts may take judicial notice of publications to "indicate what was in the public realm at the time" for purposes of establishing notice).

7. Attached as **Exhibit A** is a true and correct copy of a Preliminary Injunction Order in *Coalition for Spiritual & Public Leadership v. Mullin*, No. 25-cv-14168 (N.D. Ill. Feb. 12, 2026), ECF No. 26, directing ICE to allow the

plaintiff clergy members access to the Broadview facility on Ash Wednesday to offer ashes and Communion.

8. Attached as **Exhibit B** is a true and correct copy of a Preliminary Injunction Order in *Coalition for Spiritual & Public Leadership v. Mullin*, No. 25-cv-14168 (N.D. Ill. Mar. 31, 2026), ECF No. 36, finding that ICE's blanket denial of clergy visitation requests to the Broadview facility violated the Religious Freedom Restoration Act and directing ICE to allow the plaintiff clergy members access to Broadview throughout Holy Week.

9. Attached as **Exhibit C** is a true and correct copy of the docket entry and order in *Coalition for Spiritual & Public Leadership v. Mullin*, No. 25-cv-14168, 2026 WL 1071522 (N.D. Ill. Apr. 7, 2026), enjoining the blanket denial of the plaintiff clergy members' access to ICE detainees at the Broadview facility in Illinois.

10. Attached as **Exhibit D** is a true and correct copy of ECF No. 57 in *Minneapolis Area Synod of the Evangelical Lutheran Church in America v. U.S. Department of Homeland Security*, No. 0:26-cv-01576 (D. Minn. Mar. 20, 2026), granting in part the plaintiff clergy's motion for a preliminary injunction, directing ICE and DHS to remove the blanket ban on clergy visits and implement a workable clergy-access protocol at the Bishop Henry Whipple Federal Building in Minneapolis.

11. Attached as **Exhibit E** is a true and correct copy of the complaint filed in *Abdulkadir v. Hardin*, No. 2:19-cv-00120 (M.D. Fla. Feb. 27, 2019), ECF No. 1, in which five Somali Muslim detainees at the Glades County Detention Center alleged that officials interfered with and canceled prayer services, denied them religiously-compliant halal meals, and withheld Qur'ans, prayer rugs, and head coverings necessary to their religious practice.

12. Attached as **Exhibit F** is a true and correct copy of the complaint filed in *Teneng v. Trump*, No. 5:18-cv-01609 (C.D. Cal. Aug. 1, 2018), ECF No. 1, a putative class action in which immigration detainees at FCI Victorville alleged that officials failed to provide religious services or clergy consultation, prohibited group prayer and congregate worship, denied halal and kosher meals, and confiscated religious head coverings and articles of faith without providing replacements.

13. Attached as **Exhibit G** is a true and correct copy of Plaintiffs' Notice of Motion and Motion for Preliminary Injunction filed in *Teneng v. Trump*, No. 5:18-cv-01609 (C.D. Cal. Sept. 5, 2018), ECF No. 42, seeking emergency relief from the denial of religious services, clergy access, and religious diets to immigration detainees at FCI Victorville alleged in the complaint attached as Exhibit 6.

14. Attached as **Exhibit H** is a true and correct copy of the Motion for Emergency Interim Relief filed in *ICE Detainee #1, et al. v. Salazar,* Nos. 3:18-

cv-01279 to 3:18-cv-01365 (D. Or. July 26, 2018), ECF No. 6, in which 74 ICE detainees held at FCI Sheridan in Oregon sought an order requiring officials to return confiscated religious items such as turbans, permit pastoral visits and religious services, and provide religious texts, prayer space, and religiously appropriate diets.

15. Attached as **Exhibit I** is a true and correct copy of Maryam Saleh, *ICE Detention Center Is Creating Obstacles to Ramadan Observance for Muslim Detainees*, *Lawyers Say*, The Intercept (June 7, 2018), downloaded from https://theintercept.com/2018/06/07/ice-immigration-detention-ramadan-religious-accomodation/, reporting that detainees at the Glades County Detention Center in Florida were denied timely access to Qur'ans and faced monthlong delays and discipline for failing to observe Ramadan fasting procedures.

16. Attached as **Exhibit J** is a true and correct copy of Alex Pickett, *Muslim Detainees Say ICE Interferes With Their Religious Practices*, Courthouse News Service (Feb. 27, 2019), downloaded from https://www.courthousenews.com/muslim-detainees-say-ice-interferes-with-their-religious-practices/, reporting on the *Abdulkadir v. Hardin* lawsuit alleging denial of halal meals, Qur'ans, and prayer rugs to Muslim detainees at the Glades County Detention Center.

17. Attached as **Exhibit K** is a true and correct copy of Aleksandr Sverdlik, *Border Patrol and ICE Routinely Violate Immigrants' Religious Rights*, ACLU (Mar. 20, 2019), downloaded from https://www.aclu.org/news/immigrants-rights/border-patrol-and-ice-routinely-violate-immigrants, documenting a pattern of ICE and Border Patrol facilities nationwide denying detainees religious items, dietary accommodations, and access to clergy.

18. Attached as **Exhibit L** is a true and correct copy of a letter from the ACLU's Program on Freedom of Religion and Belief *to* the DHS Officer for Civil Rights *and* Civil Liberties, the DHS Inspector General, the ICE Deputy Director, and the CBP Commissioner (Mar. 15, 2019), documenting a pattern of religious-liberty violations against detained immigrants, including denial of religious worship services, clergy and faith counseling, religious head coverings and articles, holy texts, and religiously compliant meals, and requesting an investigation.

19. Attached as **Exhibit M** is a true and correct copy of Kate Scanlon, *Barron: Administration 'Assured' Him Detainees' Access to Sacraments 'Under Careful Review'*, OSV News (Nov. 4, 2025), downloaded from https://www.osvnews.com/barron-administration-assured-him-detainees-access-to-sacraments-under-careful-review/, reporting that Bishop Robert E. Barron notified DHS and State Department officials of the Catholic Church's

concerns after a delegation of clergy and a Chicago auxiliary bishop were twice barred from bringing the Eucharist to detainees at the Broadview, Illinois facility.

20. Attached as **Exhibit N** is a true and correct copy of Giovanna Dell'Orto, *Faith Leaders Push for Access to ICE Detention Centers During Lent and Ramadan*, Associated Press (Mar. 7, 2026), downloaded from https://apnews.com/article/trump-immigration-ice-detention-faith-worship-lawsuits-cdcf0451b955d531f3f48cc446414106, reporting on clergy efforts, including litigation, to secure access to detainees at the Broadview, Illinois facility during the Lent and Ramadan holy seasons.

21. Attached as **Exhibit O** is a true and correct copy of an article, *Catholic Ministers Regain Daily Access to Illinois Immigration Detention Center After Settlement*, Finexus (May 16, 2026), reporting that the Coalition for Spiritual and Public Leadership settled its litigation against DHS over the denial of clergy access to the Broadview, Illinois facility, restoring Catholic clergy's daily access to detainees and noting similar clergy-access lawsuits pending in Minneapolis and Los Angeles.

22. Attached as **Exhibit P** is a true and correct copy of Steve Karnowski, *Federal Judge Grants Injunction Allowing Clergy Visits at Minneapolis ICE Holding Facility*, Associated Press (Mar. 20, 2026), downloaded from https://apnews.com/article/minnesota-immigration-

enforcement-religion-aee3380f484d6e2554c0ed851c2dd042, reporting on the preliminary injunction in *Minneapolis Area Synod* permitting clergy pastoral visits to detainees at the Bishop Henry Whipple Federal Building.

23. Attached as **Exhibit Q** is a true and correct copy of a press release, CAIR-NJ Calls On Delaney Hall ICE Detention Facility to Make Ramadan Accommodations, Council on American-Islamic Relations, New Jersey Chapter (Feb. 11, 2026), calling on the Delaney Hall ICE detention facility in New Jersey to provide prayer mats, chaplaincy services, and appropriate pre-dawn and post-sunset meals for its Muslim detainees ahead of Ramadan.

24. Attached as **Exhibit R** is a true and correct copy of a press release, CAIR-WA Supports Legal Action of Gov. Ferguson Against GEO Group After Private Prison Corporation Refuses State Health Inspection, Council on American-Islamic Relations, Washington Chapter (Apr. 30, 2026), reporting that CAIR-WA has documented the Northwest ICE Processing Center's failure to accommodate the religious needs of Muslim detainees in Tacoma, Washington, including halal meals contaminated with insects, iftar meals served hours after sunset during Ramadan, denial of timely access to Friday Jummah prayer, and punitive transfers of detainees who requested religious meals.

25. Attached as **Exhibit S** is a true and correct copy of a letter from Rep. Nellie Pou to DHS Secretary Markwayne Mullin (July 14, 2026),

documenting civil-rights violations against Muslim detainees, including denial of the Qur'an, hijabs, prayer mats, designated prayer spaces, and halal meals, citing specific reports at the Delaney Hall facility in New Jersey and the Northwest ICE Processing Center in Washington, and demanding that ICE take corrective action.

26. Attached as **Exhibit T** is a true and correct copy of Nargis Rahman & Ulaa Kuziez, *Leftover Ramen, Too Few Qurans: A 'Humiliating' Ramadan Inside ICE Detention Centers*, Religion News Service (Mar. 12, 2026), downloaded from https://religionnews.com/2026/03/12/leftover-ramen-too-few-qurans-a-humiliating-ramadan-inside-ice-detention-centers/, reporting that Muslim detainees at the Folkston, Georgia ICE Processing Center broke their Ramadan fast on inadequate rations due to the facility's failure to accommodate religious dietary needs.

27. Attached as **Exhibit U** is a true and correct copy of Fiona Murphy, *The 'Complicated' Path to Spiritual Care in ICE Detention*, Religion News Service (Sept. 11, 2025), reporting that pastoral care across ICE detention facilities nationwide, including the Stewart Detention Center in Georgia, depends on an inconsistent patchwork of volunteers, private contractors, and rare church agreements, leaving detainees' access to faith uneven and uncertain.

28. Attached as **Exhibit V** is a true and correct copy of Isabel Del Mastro & René Kladzyk, *Inside ICE's Broken System for Inspecting Detention Facilities*, POGO Investigates (Aug. 18, 2026), downloaded from https://www.pogo.org/investigates/inside-ices-broken-system-for-inspecting-detention-facilities, documenting that ICE's Office of Detention Oversight routinely issues favorable inspection ratings to detention facilities despite documented conditions violations, reflecting weak ICE inspection oversight of religious-liberty compliance.

29. Attached as **Exhibit W** is a true and correct copy of Marianne Dhenin, *ICE Jails Have Repeatedly Denied Muslims the Right to Fully Observe Ramadan*, Truthout (Mar. 18, 2026), downloaded from https://truthout.org/articles/ice-jails-have-repeatedly-denied-muslims-the-right-to-fully-observe-ramadan/, documenting ICE detention facilities nationwide, including the Northwest ICE Processing Center in Washington, Delaney Hall in New Jersey, and the Folkston ICE Processing Center in Georgia, denying Muslim detainees adequate fasting meals, prayer accommodations, and religious materials during Ramadan.

30. Attached as **Exhibit X** is a true and correct copy of Stephany Matat, *Catholic Leaders: Florida Infringes on Detainees' Religious Freedom at Alligator Alcatraz*, Tallahassee Democrat (July 28, 2025), reporting that the Archbishop of Miami and other Catholic leaders were denied pastoral access to

detainees at Florida's "Alligator Alcatraz" migrant detention facility despite repeated requests to initiate prison ministry there.

31. Each of the foregoing exhibits, collectively, demonstrates that ICE and DHS officials have had longstanding and repeated notice—through litigation in other jurisdictions, direct correspondence from advocacy organizations and Members of Congress, and extensive press coverage and advocacy publications—of a nationwide pattern of allegations that detainees are denied access to clergy and religious practice at ICE and ICE-contracted facilities, yet ICE took no corrective action.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate.

Executed on this 5th day of October 2026.

/s/ Barbara Smith Tyson
Barbara Smith Tyson

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COALITION FOR SPIRITUAL AND PUBLIC LEADERSHIP; FR. LARRY DOWLING; SR. JEREMEY MIDURA; FR. DENNIS BERRY; FR. DAN HARTNETT; and MICHAEL N. OKIŃCZYC-CRUZ	)	
Plaintiffs,	)	Case No. 25 C 14168
v.	)	Judge Robert W. Gettleman
KRISTI NOEM; TODD LYONS; MARCOS CHARLES; RUSSELL HOLT; RODNEY S. SCOTT; GREGORY BOVINO; PAMELA BONDI; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF JUSTICE; DONALD J. TRUMP	)	
Defendants.	)	

MEMORANDUM OPINION & ORDER

Plaintiffs moved for a preliminary injunction (Doc. 8) against defendants, requesting access to minister to migrants and detainees in the Immigration and Customs Enforcement ("ICE") facility in Broadview, Illinois ("Broadview"). Plaintiffs allege that defendants' denial of their access to Broadview violates plaintiffs' rights under the Free Exercise Clause of the First Amendment to the United States Constitution, the Religious Freedom Restoration Act of 1993 ("RFRA"), 42 U.S.C. § 2000bb, et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq. For the reasons below, the court grants plaintiffs' motion for a preliminary injunction (Doc. 8) in part.

A. Standing

Because defendants raise the issue, the court briefly addresses standing. Plaintiffs' theory of

standing in relation to its RFRA claim is straightforward. Plaintiffs are asserting their own religious rights and the religious rights of detainees and migrants at Broadview. Defendants do not dispute that plaintiffs have standing to assert their own rights. Instead, defendants argue that "plaintiffs lack standing to assert the rights of the detainees." Because the preliminary injunction here is based on plaintiffs' RFRA claims asserted on their own behalf, the court need not reach the third-party standing issues.

B. Preliminary injunction

To obtain a preliminary injunction, the plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). Of these four factors, "[t]he two most important considerations are likelihood of success on the merits and irreparable harm." Bevis v. City of Naperville, Illinois, 85 F.4th 1175, 1188 (7th Cir. 2023). In establishing a likelihood of success on the merits, the plaintiff "need not demonstrate likelihood of success by a preponderance of the evidence," but must "nevertheless make a 'strong' showing that reveals how it proposes to prove its case." Id. In addition, a plaintiff seeking a preliminary injunction must show more than "a mere possibility of irreparable harm." Id.

1. Likelihood of success on the merits

The court finds that plaintiffs have shown a likelihood of success on the merits of their RFRA claim. Under RFRA, the "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). The statute provides a single exception that applies if the government demonstrates that the

application of the burden to the person: "(1) is in is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b); see also Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 430 (2006) (explaining that RFRA adopted a "strict scrutiny test").

The court finds that the government has substantially burdened plaintiffs' exercise of religion. Plaintiffs allege that the government has "denied [p]laintiffs the right to pray on the facility grounds after erecting a fence around the Broadview facility in September 2025." In addition, plaintiffs allege that the government has denied them "permission to enter the facility and minister to detainees, despite multiple attempts" and "ordered that no prayer is allowed on federal property on or in the Broadview facility." Defendants do not deny these allegations.

Plaintiffs argue that prayer and ministry to the migrants and detainees at Broadview is an important religious practice. Defendants concede that "ministering to vulnerable Catholic immigrants is part of [plaintiffs'] religious exercise," but argue that doing so at Broadview "is itself not essential to the practice."[1] RFRA requires a court to analyze if a government practice substantially burdens a person's exercise of religion, not whether the religious practice burdened is "essential." West v. Radtke, 48 F.4th 836, 845 (7th Cir. 2022) (holding that the assessment of whether a burden is substantial does not focus on "the centrality of the religious practice in question"). The Seventh Circuit has "identified three ways plaintiffs can prove that a law or regulation substantially burdens their religious practice." Soc'y of Divine Word v. United States

[1] Defendants also argue that the visitation restriction limitations are merely "temporary" and necessitated by the "launch of Operation Midway Blitz." But well after the launch of Operation Midway Blitz in September 2025, plaintiffs have consistently been denied access to Broadview. Most recently, on February 2, 2026, defendants denied plaintiffs' request for access on the grounds that "Broadview office is not a detention facility," and that "detainees spend very little time at the Broadview office." This latest rationale appears to be permanent. In any event, plaintiffs have been denied access to Broadview for over five months, which undermines defendants' position that the visitation restriction is temporary.

Citizenship & Immigr. Servs., 129 F.4th 437, 450 (7th Cir. 2025). Plaintiff can show that the law or regulation, "(1) compelled them to perform acts undeniably at odds with fundamental tenets of their religious beliefs, (2) put substantial pressure on them to modify their behavior and to violate their beliefs, or (3) bears direct, primary, and fundamental responsibility for rendering a religious exercise effectively impracticable." Id. (cleaned up). Here, defendants' denial of plaintiffs' access to Broadview satisfies at least the third category. Defendants' bar on plaintiffs' visitation to Broadview is fundamentally responsible for rendering plaintiffs' religious practice of providing ministry to detainees and migrants effectively impracticable.

Because plaintiffs have shown that defendants have substantially burdened their exercise of religion, the burden shifts to defendants to show that the burden is in furtherance of a compelling governmental interest, and that it is the least restrictive means of furthering that compelling governmental interest. Defendants offer no arguments on these RFRA exceptions. Thus, at this preliminary stage, plaintiffs have made a "'strong' showing that reveals how [they] propose[ ] to prove [their] case" under RFRA. Bevis, 85 F.4th at 1188.

2. Irreparable Harm

Plaintiffs argue that there is "irreparable injury to the Plaintiffs, whose lives are devoted to providing religious ministry and spiritual consolation to those who are most in need of it. Plaintiffs have lost their own religious freedom, by blanket denial of any opportunity to provide spiritual consolation." Defendants do not make an argument on irreparable harm, maintaining that, "[b]ecause plaintiffs cannot establish that they are likely to succeed on the merits, the court need not address 'irreparable harm' and 'public interest.'" The Supreme Court has held that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably

constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Consequently, plaintiffs have shown that they are likely to suffer irreparable harm in the absence of preliminary relief.

3. Balance of Equities and Public Interest

The court agrees with plaintiffs that the balance of equities tips in plaintiffs' favor. The government makes no argument about the balance of equities. As plaintiffs note, Broadview allowed plaintiffs' religious visitation to Broadview for years before reversing course relatively recently. With reasonable notice and communication, addressing legitimate security and safety concerns, allowing plaintiffs to provide pastoral care to migrants and detainees does not pose any undue hardship on the government.

The court also agrees with plaintiffs that the injunction is in public interest. Allowing plaintiffs to provide pastoral care to migrants and detainees will improve the condition of those detained at Broadview. Again, the government makes no argument about public interest. Consequently, the court finds that the balance of equities tips in plaintiffs' favor, and that an injunction is in the public interest.

***

Having determined that plaintiffs have satisfied the requirements to obtain a preliminary injunction, and taking into consideration the parties' arguments and representations in today's hearing, the court grants plaintiffs' motion in part and orders the following:

1. Defendants are directed to allow plaintiffs to access the Broadview facility on Ash Wednesday, February 18, 2026, to offer ashes and Communion for those who desire it.

2. The parties are directed to meet and confer to establish an appropriate protocol for the purposes of safety and security with regard to the Ash Wednesday services.

3. Based on the parties' representations during today's proceedings, the court directs them to meet and confer with regard to plaintiffs' religious ministry at the Broadview facility after Ash Wednesday, including: (1) personal interactions between plaintiffs and detainees; and (2) the ability of plaintiffs to engage in prayer outside of the Broadview facility and in view of the detainees.

4. This matter is set for a status hearing on February 25, 2026, at 2:30 p.m.

ENTER:

Robert W. Gettleman
United States District Judge

DATE: February 12, 2026

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COALITION FOR SPIRITUAL AND PUBLIC LEADERSHIP; FR. LARRY DOWLING; SR. JEREMEY MIDURA; FR. DENNIS BERRY; FR. DAN HARTNETT; and MICHAEL N. OKIŃCZYC-CRUZ	)	
Plaintiffs,	)	Case No. 25 C 14168
v.	)	Judge Robert W. Gettleman
MARKWAYNE MULLIN; TODD LYONS; MARCOS CHARLES; RUSSELL HOLT; RODNEY S. SCOTT; PAMELA BONDI; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF JUSTICE; DONALD J. TRUMP	)	
Defendants.	)	

PRELIMINARY INJUNCTION ORDER

Plaintiffs moved for a supplemental preliminary injunction (Doc. 33) against defendants, requesting access to minister to migrants and detainees in the Immigration and Customs Enforcement ("ICE") facility in Broadview, Illinois ("Broadview") for the holidays surrounding Easter collectively known as "Holy Week." Plaintiffs allege that defendants' blanket denial of their access to Broadview violates plaintiffs' rights under the Free Exercise Clause of the First Amendment to the United States Constitution, the Religious Freedom Restoration Act of 1993 ("RFRA"), 42 U.S.C. § 2000bb, et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq. Defendants did not file a response to the motion. The court heard argument from counsel on March 31, 2026. For the reasons below and stated on the record, the court grants in part plaintiffs' motion for a

supplemental preliminary injunction (Doc. 33).[1]

To obtain a preliminary injunction, the plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). Of these four factors, "[t]he two most important considerations are likelihood of success on the merits and irreparable harm." Bevis v. City of Naperville, Illinois, 85 F.4th 1175, 1188 (7th Cir. 2023). In establishing a likelihood of success on the merits, the plaintiff "need not demonstrate likelihood of success by a preponderance of the evidence," but must "nevertheless make a 'strong' showing that reveals how it proposes to prove its case." Id. In addition, a plaintiff seeking a preliminary injunction must show more than "a mere possibility of irreparable harm." Id. Although defendant did not file a response to plaintiffs' motion, the court addresses each of the factors to ensure that plaintiffs meet the requirements to obtain a preliminary injunction. See Winter, 555 U.S. at 24 (explaining that a "preliminary injunction is an extraordinary remedy never awarded as of right").

1. Likelihood of success on the merits

The court finds that plaintiffs have shown a likelihood of success on the merits of their RFRA claim. Under RFRA, the "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). The statute provides a single exception that applies if the government demonstrates that the

[1] Plaintiff's motion requests that the court order defendants to allow plaintiffs access to Broadview "twice daily during through the pendency of this action." The court does not reach this issue in this order.

application of the burden to the person: "(1) is in is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b); see also Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 430 (2006) (explaining that RFRA adopted a "strict scrutiny test").

The court finds that the government has substantially burdened plaintiffs' exercise of religion. Plaintiffs allege that the government has "denied [p]laintiffs the right to pray on the facility grounds after erecting a fence around the Broadview facility in September 2025." In addition, plaintiffs allege that the government has denied them "permission to enter the facility and minister to detainees, despite multiple attempts" and "ordered that no prayer is allowed on federal property on or in the Broadview facility." Defendants do not deny these allegations.

Plaintiffs argue that prayer and ministry to the migrants and detainees at Broadview is an important religious practice. RFRA requires a court to analyze if a government practice substantially burdens a person's exercise of religion, not whether the religious practice burdened is "essential." West v. Radtke, 48 F.4th 836, 845 (7th Cir. 2022) (holding that the assessment of whether a burden is substantial does not focus on "the centrality of the religious practice in question").

The Seventh Circuit has "identified three ways plaintiffs can prove that a law or regulation substantially burdens their religious practice." Soc'y of Divine Word v. United States Citizenship & Immigr. Servs., 129 F.4th 437, 450 (7th Cir. 2025). Plaintiffs can show that the law or regulation, "(1) compelled them to perform acts undeniably at odds with fundamental tenets of their religious beliefs, (2) put substantial pressure on them to modify their behavior and to violate their beliefs, or (3) bears direct, primary, and fundamental responsibility for rendering

a religious exercise effectively impracticable." Id. (cleaned up).

Here, defendants' denial of plaintiffs' access to Broadview clearly satisfies at least the third category. Defendants' bar on plaintiffs' visitation to Broadview is fundamentally responsible for rendering plaintiffs' religious exercise of providing ministry to detainees and migrants effectively impracticable. The court rejects defendants' argument that plaintiffs' religious exercise is not substantially burdened because plaintiffs are permitted to provide ministry to detainees and migrants at permanent detention centers elsewhere, in states other than Illinois. The court takes "at face-value the claimant's stated belief" that ministering to detainees specifically at Broadview, who hail from local parishes and share a religious community with plaintiffs, is core to their religious practice. Soc'y of Divine Word, 129 F.4th at 450. See generally "Pope Leo XIV calls on Trump administration to allow detainees in Broadview to receive communion," Chicago Tribune, Nov. 5, 2025.

Because plaintiffs have shown that defendants have substantially burdened their exercise of religion, the burden shifts to defendants to show that the burden is in furtherance of a compelling governmental interest, and that it is the least restrictive means of furthering that compelling governmental interest. Defendants have not attempted to make such a showing. Thus, at this preliminary stage, plaintiffs have made a "'strong' showing that reveals how [they] propose[ ] to prove [their] case" under RFRA. Bevis, 85 F.4th at 1188.

2. Irreparable Harm

Plaintiffs argue that there is "irreparable injury to the Plaintiffs, whose lives are devoted to providing religious ministry and spiritual consolation to those who are most in need of it. Plaintiffs have lost their own religious freedom, by blanket denial of any opportunity to provide

spiritual consolation." The Supreme Court has held that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Consequently, plaintiffs have shown that they are likely to suffer irreparable harm in the absence of preliminary relief.

3. Balance of Equities and Public Interest

The court agrees with plaintiffs that the balance of equities tips in plaintiffs' favor. As plaintiffs note, Broadview allowed plaintiffs' religious visitation to Broadview for years before reversing course relatively recently. The court also notes that its previous preliminary injunction order (Doc. 26) directing defendants to permit the plaintiffs to provide religious services at Broadview on Ash Wednesday was successfully implemented without incident. With reasonable notice and communication, addressing legitimate security and safety concerns, allowing plaintiffs to provide pastoral care to migrants and detainees does not pose any undue hardship on the government.

The court also agrees with plaintiffs that the injunction is in public interest. Allowing plaintiffs to provide pastoral care to migrants and detainees will improve the condition of those detained at Broadview. Consequently, the court finds that the balance of equities tips strongly in plaintiffs' favor, and that an injunction is in the public interest.

***

Having determined that plaintiffs have satisfied the requirements to obtain a preliminary injunction, and taking into consideration the parties' arguments and representations in today's hearing, the court grants plaintiffs' motion in part and orders the following:

1. Defendants are directed to allow plaintiffs to access the Broadview facility on each day of Holy Week, from Thursday April 2, 2026, through Sunday April 5, 2026, to offer services for those who desire them.

2. The parties are directed to meet and confer to establish an appropriate protocol for the purposes of safety and security with regard to the Holy Week services.

3. Based on the parties' representations during today's proceedings, the court directs them to meet and confer with regard to plaintiffs' religious ministry at the Broadview facility after Holy Week, including: (1) personal interactions between plaintiffs and detainees; and (2) the ability of plaintiffs to engage in prayer outside of the Broadview facility and in view of the detainees.

4. The visits on Holy Week will take place in a space sufficient for services.

5. The visits will occur at a time agreed to by the parties.

6. No more than four visitors may attend on behalf of plaintiffs, absent agreement of the parties.

7. Plaintiffs will provide defendants with 24-hour notice of the identity of the four individuals who will visit the Broadview facility on Holy Week.

8. Plaintiffs' visitors shall be afforded the opportunity to briefly address the detainees as a group in order to explain their role and invite detainees to participate in Holy Week services.

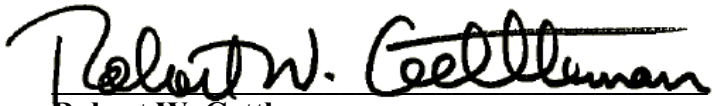
9. No detainee will be required to participate in Holy Week services.

10. Plaintiffs' visitors will be required to undergo standard background check, ID verification, and usual security protocol for visiting the facility.

11. Plaintiffs' visits should preserve Immigration and Customs Enforcement's ("ICE") ability to implement security measures so as to avoid interference with facility operations and with operational parameters reasonably determined by ICE.

12. This matter is set for an in-person status hearing on April 7, 2026, at 11:00 a.m.

ENTER:



Robert W. Gettleman
United States District Judge

DATE: March 31, 2026

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COALITION FOR SPIRITUAL AND PUBLIC LEADERSHIP; FR. LARRY DOWLING; SR. JEREMEY MIDURA; FR. DENNIS BERRY; FR. DAN HARTNETT; and MICHAEL N. OKIŃCZYC-CRUZ	)	
Plaintiffs,	)	Case No. 25 C 14168
v.	)	Judge Robert W. Gettleman
MARKWAYNE MULLIN; TODD LYONS; MARCOS CHARLES; RUSSELL HOLT; RODNEY S. SCOTT; PAMELA BONDI; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. DEPARTMENT OF JUSTICE; DONALD J. TRUMP	)	
Defendants.	)	

PRELIMINARY INJUNCTION ORDER

Plaintiffs moved for a supplemental preliminary injunction (Doc. 33) against defendants, requesting access to minister to migrants and detainees in the Immigration and Customs Enforcement ("ICE") facility in Broadview, Illinois ("Broadview") for the holidays surrounding Easter collectively known as "Holy Week." The court granted that motion in part on March 31, 2026 (Doc. 36). In the order granting the motion, the court noted that, "Plaintiffs' motion requests that the court order defendants to allow plaintiffs access to Broadview…'daily during through the pendency of this action.' The court does not reach this issue in this order." Today, the court heard argument from the parties on that issue. For the reasons stated on the record and the reasons below, the court now reaches the issue and finds that defendants' blanket denial of clergy visitation requests to Broadview violates the Religious Freedom Restoration Act of 1993 ("RFRA") and grants in part plaintiffs' motion for a preliminary injunction.

Plaintiffs allege that defendants' blanket denial of their requests to access Broadview violates their rights under the Free Exercise Clause of the First Amendment to the United States Constitution, RFRA", 42 U.S.C. § 2000bb, et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §§ 2000cc, et seq. Plaintiffs request a preliminary injunction ordering defendants to provide them access to Broadview twice daily during the pendency of this action.

To obtain a preliminary injunction, the plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008). Of these four factors, "[t]he two most important considerations are likelihood of success on the merits and irreparable harm." Bevis v. City of Naperville, Illinois, 85 F.4th 1175, 1188 (7th Cir. 2023). In establishing a likelihood of success on the merits, the plaintiff "need not demonstrate likelihood of success by a preponderance of the evidence," but must "nevertheless make a 'strong' showing that reveals how it proposes to prove its case." Id. In addition, a plaintiff seeking a preliminary injunction must show more than "a mere possibility of irreparable harm." Id. Although defendants did not file a response to plaintiffs' motion, the court addresses each of the factors to ensure that plaintiffs meet the requirements to obtain a preliminary injunction. See Winter, 555 U.S. at 24 (explaining that a "preliminary injunction is an extraordinary remedy never awarded as of right").

1. Likelihood of success on the merits

The court finds that plaintiffs have shown a likelihood of success on the merits of their

RFRA claim. Under RFRA, the "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability." 42 U.S.C. § 2000bb-1(a). The statute provides a single exception that applies if the government shows that the governmental conduct that burdens the person's religious exercise: "(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b); see also Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 430 (2006) (explaining that RFRA adopted a "strict scrutiny test").

The court finds that defendants have substantially burdened plaintiffs' exercise of religion. Plaintiffs allege that defendants have denied them "permission to enter the facility and minister to detainees, despite multiple attempts" and has "ordered that no prayer is allowed on federal property on or in the Broadview facility." While not denying the allegations, defendants clarified that the specific ban is against clergy visitation initiated by clergy. Defendants maintain that Broadview permits clergy visitation at the request of detainees.

The Seventh Circuit has "identified three ways plaintiffs can prove that a law or regulation substantially burdens their religious practice." Soc'y of Divine Word v. United States Citizenship & Immigr. Servs., 129 F.4th 437, 450 (7th Cir. 2025). Plaintiffs can show that the law or regulation, "(1) compelled them to perform acts undeniably at odds with fundamental tenets of their religious beliefs, (2) put substantial pressure on them to modify their behavior and to violate their beliefs, or (3) bears direct, primary, and fundamental responsibility for rendering a religious exercise effectively impracticable." Id. (cleaned up).

Here, defendants' total denial of plaintiffs' requests by clergy to visit Broadview clearly

satisfies at least the third category. This policy renders plaintiffs' religious exercise of providing ministry to detainees and migrants effectively impracticable. The court rejects defendants' argument that plaintiffs' religious exercise is not substantially burdened because plaintiffs are permitted to provide ministry to detainees and migrants at permanent detention centers elsewhere, in states other than Illinois. See West v. Radtke, 48 F.4th 836, 845 (7th Cir. 2022) (holding that the assessment of whether a burden is substantial does not focus on "the centrality of the religious practice in question"). The court takes "at face-value the claimant's stated belief" that ministering to detainees specifically at Broadview, who hail from local parishes and share a religious community with plaintiffs, is core to their religious practice. Soc'y of Divine Word, 129 F.4th at 450. See generally "Pope Leo XIV calls on Trump administration to allow detainees in Broadview to receive communion," Chicago Tribune, Nov. 5, 2025.

Because plaintiffs have shown that defendants have substantially burdened their exercise of religion, the burden shifts to defendants to show that the burden is in furtherance of a compelling governmental interest, and that it is the least restrictive means of furthering that compelling governmental interest. Defendants have not attempted to make such a showing. Thus, at this preliminary stage, plaintiffs have made a "'strong' showing that reveals how [they] propose[ ] to prove [their] case" under RFRA. Bevis, 85 F.4th at 1188.

2. Irreparable Harm

Plaintiffs argue that there is "irreparable injury to the Plaintiffs, whose lives are devoted to providing religious ministry and spiritual consolation to those who are most in need of it. Plaintiffs have lost their own religious freedom, by blanket denial of any opportunity to provide spiritual consolation." The Supreme Court has held that "[t]he loss of First Amendment

freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 427 U.S. 347, 373 (1976). Consequently, plaintiffs have shown that they are likely to suffer irreparable harm in the absence of preliminary relief.

3. Balance of Equities and Public Interest

The court agrees with plaintiffs that the balance of equities tips in plaintiffs' favor. As plaintiffs note, Broadview allowed plaintiffs' religious visitation to Broadview for years before reversing course relatively recently. The court also notes that both of its previous preliminary injunction orders (Docs. 26, 36) directing defendants to permit the plaintiffs to provide religious services at Broadview on Ash Wednesday and during Holy Week were successfully implemented without incident. With reasonable notice and communication, addressing legitimate security and safety concerns, allowing plaintiffs to provide pastoral care to migrants and detainees does not pose any undue hardship on the defendants.

The court also agrees with plaintiffs that the injunction is in public interest. Allowing plaintiffs to provide pastoral care to migrants and detainees will improve the condition of those detained at Broadview. Consequently, the court finds that the balance of equities tips strongly in plaintiffs' favor, and that an injunction is in the public interest.

***

Having determined that plaintiffs have satisfied the requirements to obtain a preliminary injunction, and taking into consideration the parties' arguments and representations in today's hearing, the court grants plaintiffs' motion in part and orders the following:

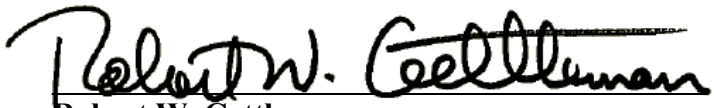
1. Defendants are enjoined from enforcing a total ban on clergy-initiated visits to Broadview.

2. Defendants are directed to allow plaintiffs to access the Broadview facility on each day of the pendency of this litigation to offer services for those who desire them.

3. The parties are directed to meet and confer to establish an appropriate protocol for the purposes of safety and security with regard to the daily visits.

4. This matter is set for an in-person status hearing on April 16, 2026, at 1:30 p.m.

ENTER:



Robert W. Gettleman
United States District Judge

DATE: April 7, 2026

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minneapolis Area Synod of the Evangelical Lutheran Church in America; Minnesota Conference of the United Church of Christ; and Father Christopher Collins, SJ,

Plaintiffs,

v.

U.S. Department of Homeland Security; Kristi Noem, *in her official capacity as Secretary of Homeland Security*; U.S. Immigration and Customs Enforcement; Todd Lyons, *in his official capacity as Acting Director of Immigration and Customs Enforcement*; Marcos Charles, *in his official capacity as the Acting Executive Director for Immigration and Customs Enforcement and Removal Operations*; David Easterwood, *in his official capacity as Acting Field Office Director for Immigration and Customs Enforcement's Enforcement and Removal Operations St. Paul Field Office*; U.S. Federal Protective Service; and Faron K. Paramore, *in his official capacity as Director of the Federal Protective Service*,

Defendants.

Civ. No. 26-1576 (JWB/DTS)

ORDER ON MOTION FOR PRELIMINARY INJUNCTION

Erin E. Westbrook, Esq., Kaitlin Yira, Esq., and Katherine S. Barrett Wiik, Esq., Saul Ewing LLP; and Chelsea A. Walcker, Esq., and Irina Vaynerman, Esq., Groundwork Legal, counsel for Plaintiffs.

David W. Fuller, Esq., United States Attorney's Office, counsel for Defendants.

Based on the filings, submissions, and proceedings in this case, and for the reasons stated on the record at the March 20, 2026 hearing (Doc. No. 56), **IT IS HEREBY**

ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. No. 4) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants must remove and may not impose an access protocol for the Whipple facility that bars clergy visits in all circumstances, without regard to whether visits could safely occur, for the duration of this litigation.

2. Defendants must develop and implement a written protocol that establishes a workable process for clergy access to the Whipple facility. The protocol must provide clergy a reasonable opportunity to provide in-person pastoral care by including: (a) a clear method for requesting access; (b) a designated point of contact responsible for responding to such requests; and (c) reasonable procedures to facilitate coordination so that, where practicable, clergy and detainees can meet while detainees are present at the facility.

The protocol must also provide for responses to access requests within a reasonable time, taking into account the operational constraints of the facility. All access remains subject to reasonable, neutral, and generally applicable measures necessary to maintain safety, security, and orderly operations, including reasonable limits on timing, duration, supervision, and the number of visitors.

This Court does not require Defendants to permit physical contact or group ministry on the present record. Nor does this Order prescribe any particular method for scheduling, communication, or coordination. However, Defendants must implement reasonable procedures sufficient to make clergy access practicable in operation. An unfettered case-by-case approach, without articulated standards, guiding criteria, or any

publicly available process, is insufficient. Such an approach risks producing decisions that are inconsistent, unpredictable, and effectively unreviewable, and therefore does not provide a meaningful opportunity for religious exercise as required by RFRA.

3. The parties shall continue to meet and confer in good faith on implementing an access protocol that is consistent with the terms of this ruling. By no later than **March 26, 2026**, the parties must conduct at least one additional conference, subject to the same attendance requirements as previously ordered. (*See* Doc. No. 18.)

4. No later than **April 2, 2026**, the parties must file a joint status report that includes either a proposed access protocol or competing proposals, with each side identifying the specific points of disagreement and the reasons for them.

Date: March 20, 2026

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge

EXHIBIT E

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YASIN ABDULKADIR, NOOR ABIYOW, ABDIKADIR GURE, ISMAEL ABDIRASHED MOHAMED, AWEYS MUHUDIN,

Plaintiffs,

v.

DAVID HARDIN, Sheriff, Glades County; KEITH HENSON, Chief Deputy, Glades County; JOHN BOOHER SR., Chaplain, Glades County; MICHELLE SUMMERS, Food Service Administrator, Glades County; GLADES CORRECTIONAL DEVELOPMENT CORPORATION; GLADES COUNTY, FLORIDA, RONALD D. VITIELLO, Acting Director, U.S. Immigration and Customs Enforcement; JIM MARTIN, Field Office Director, Miami Field Office, U.S. Immigration and Customs Enforcement; JUAN ACOSTA, Assistant Field Office Director, Miami Field Office, U.S. Immigration and Customs Enforcement; JORGE L. DOMINGUEZ, Deportation Officer, U.S. Immigration and Customs Enforcement; JOSEPH J. BROWN, Deportation Officer, U.S. Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

Defendants.

CASE NO. _____

Dated: February 27, 2019

Jury Trial Requested

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES

INTRODUCTION

1. This is a religious free exercise case on behalf of five immigration detainees who have been denied the ability to freely practice their faith while in detention. Plaintiffs are Somali nationals who arrived in the United States years ago as refugees, fleeing violence and persecution in their native country. Each of the Plaintiffs is Muslim, and as such, they believe they must pray, fast, and observe other fundamental tenets of their Islamic faith.

2. Each of the Plaintiffs was taken into custody by U.S. Immigration and Customs Enforcement ("ICE") and was placed on a failed deportation flight to Somalia in December 2017. During that flight, they were subjected to inhumane and degrading conditions—they were shackled for days without access to basic facilities such as restrooms, they sustained physical injuries, and they endured extreme emotional distress. *Ibrahim v. Acosta*, No. 1:17-CV-24574-DPG (S.D. Fla. filed Dec. 18, 2017); Jacey Fortin, *U.S. Put 92 Somalis on Deportation Flight, Then Brought Them Back*, N.Y. Times, Dec. 9, 2017, https://www.nytimes.com/2017/12/09/us/somalia-deportation-flight.html. The flight returned to the United States after two days, landing in Miami, Florida.

3. But Plaintiffs' mistreatment did not end with the failed flight. The next day, they were sent to Glades County Detention Center ("GCDC"), where they have been subjected to multiple forms of abuse, including consistent gratuitous denials of their right to practice their religion.

4. The Glades Defendants have, among other things, intentionally interfered with, delayed, and canceled prayer services; deprived Plaintiffs of religiously-compliant meals and instead provided them with food that is inedible, nutritionally deficient, or both; and failed to provide Plaintiffs with essential and commonplace religious articles that are necessary for their religious practice, including Qur'ans, prayer rugs, and head coverings. These actions by the Glades Defendants have never been based on any legitimate reason. Instead, they have been animated solely by a desire to harass and demean Plaintiffs and other Muslim detainees, simply because of their religious faith.

5. In fact, when Plaintiffs and other Muslim detainees have requested relief and basic religious accommodation, they have nearly uniformly been rebuffed, and instead been informed: "This is Glades County!"

6. This cruel behavior has not been limited to the Glades Defendants; the Federal Defendants have long been aware of the mistreatment Plaintiffs have endured. In the face of this knowledge, they have chosen to allow it to continue.

7. Throughout 2018, Plaintiffs requested religious accommodation orally and through more than twenty written requests and grievances to various officials at GCDC and ICE.

8. Despite these repeated requests, the long list of deprivations has continued. Plaintiffs waited more than a month and a half before finally obtaining Qur'ans, but usually not in their requested language. Officers have continued to interrupt and delay prayers or have stopped group prayer entirely. The facility admitted it does not provide halal (i.e. religiously permissible) meals and asserts that it does not need to do so, despite the fact

that another ICE facility in the area recognizes this common Muslim request and offers certified halal meals. During the Muslim holy month of Ramadan, a time of fasting and prayer, the meals offered to Plaintiffs continued to have non-halal products mixed in. Ramadan meals were frequently cold, inedible, or nutritionally suspect. GCDC also does not provide access to essential religious articles such as prayer rugs, beads, or head coverings, nor can these be purchased at the commissary.

9. The existence of these unlawful obstacles to religious practice is publicly documented and well known to Defendants because of repeated detainee grievances, letters from advocacy groups, and media reports highlighting free exercise deprivations. Yet, in the face of this all, the Glades Defendants have failed to make any meaningful changes, and the Federal Defendants have not required them to change their practices.

10. Under clearly established law, Defendants have denied Plaintiffs' fundamental constitutional rights guaranteed by the Free Exercise Clause of the First Amendment to the U.S. Constitution, as well as their statutory rights under the Religious Freedom Restoration Act ("RFRA"), the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), and the Florida Religious Freedom Restoration Act ("FRFRA").

11. Plaintiffs therefore request that this Court order Defendants to immediately provide conditions that will not unnecessarily hinder Plaintiffs' religious practice, including access to Qur'ans and religious articles, the ability to pray in groups, and a nutritionally adequate halal diet. Plaintiffs also seek compensatory and punitive damages, to remedy their injuries and prevent future abuses.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346. Federal Defendants have waived sovereign immunity to this suit pursuant to 5 U.S.C. § 702. The Court has authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202, and injunctive relief under the All Writs Act, 28 U.S.C. § 1651. This Court has supplemental jurisdiction over state law claims under 28 U.S.C. § 1367.

13. Venue is proper in this District under 28 U.S.C. § 1391(b) and (e).

PARTIES

I. Plaintiffs

14. Plaintiff Yasin Abdulkadir is a 47-year-old Somali man who came to the United States as a refugee, fleeing civil war in his native country. He has been detained at GCDC since approximately December 9, 2017, after the failed deportation flight. Mr. Abdulkadir is Muslim. Consistent with his religious beliefs, he wishes to practice his faith while in immigration detention. GCDC does not have a Muslim chaplain or volunteer, so Mr. Abdulkadir serves as an informal religious leader for Muslim men at GCDC.

15. Plaintiff Noor Abiyow is a 31-year-old Somali Muslim man who came to the United States as a child refugee, fleeing civil war in his native country. He has been detained at GCDC since approximately December 9, 2017, after the failed deportation flight. Mr. Abiyow is Muslim. Consistent with his religious beliefs, he wishes to practice his faith while in immigration detention.

16. Plaintiff Abdikadir Gure is a 38-year-old Somali Muslim man who came to the United States as a refugee, fleeing civil war in his native country. He has been detained at GCDC since approximately December 9, 2017, after the failed deportation flight. Mr. Gure is Muslim. Consistent with his religious beliefs, he wishes to practice his faith while in immigration detention.

17. Plaintiff Ismael Abdirashed Mohamed is a 26-year-old Somali Muslim man who came to the United States as a child refugee, fleeing civil war in his native country. He was detained at GCDC for about nine months beginning on or around December 9, 2017, after the failed deportation flight. Mr. Mohamed is Muslim. Consistent with his religious beliefs, he wished to practice his faith while in immigration detention. He was released from GCDC in September 2018 after prevailing in his immigration case.

18. Plaintiff Aweys Muhudin is a 29-year-old Somali Muslim man who came to the United States as a child refugee, fleeing civil war in his native country. He has been detained at GCDC since approximately December 9, 2017, after the failed deportation flight. Mr. Muhudin is Muslim. Consistent with his religious beliefs, he wishes to practice his faith while in immigration detention.

II. Defendants

19. Defendant David Hardin is the Glades County Sheriff. He is an independently elected county official paid from the county treasury and is the chief correctional officer in Glades County. He is responsible for managing county jails, including GCDC, which is

under his direct authority.[1] He is the immediate custodian of Plaintiffs detained at GCDC. He is named in his official capacity.

20. Defendant Glades County Chief Deputy Keith Henson works at GCDC and is an employee at the detention facility with supervisory authority. The Chief Deputy is the "single administrator" of GCDC and all staff is responsible to him. Glades County Sheriff's Office Procedural General Order 700.01, at 1 (obtained through public records request) (on file with Plaintiffs' Counsel). He must "supervise, coordinate, and review all activities of the Detention Division." *Id.* Defendant Henson reviewed and denied or delayed numerous religious exercise complaints by Plaintiffs. He is named in his official and individual capacities.

21. Defendant Glades County Chaplain John Booher Sr. works at GCDC and is responsible for conducting or supervising religious services and activities at the facility. Glades County Sheriff's Office Procedural General Order 730.04 (obtained through public records request) (on file with Plaintiffs' Counsel). The Chaplain is required to meet with the Chief Deputy and Food Services if he becomes aware that it is necessary to provide special meals to a detainee. *Id.* at 2-3. Defendant Booher reviewed and summarily denied numerous religious exercise requests by Plaintiffs and other similarly situated Muslims for Qur'ans, religious articles, and halal meals. He is named in his official and individual capacities.

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[1] "The Glades County Detention Center is under the direct authority of Glades County Sheriff. The corrections operation is under the supervision of the Chief Deputy of Corrections and the correctional staff." *General Information*, Glades County Sheriff's Office, http://www.gladessheriff.org/?page=95824&pageid=5 (last visited Feb. 21, 2019).

22. Defendant Michelle Summers is the Food Service Administrator ("FSA") at GCDC. The FSA is responsible for "planning, controlling, directing, and evaluating food service; training and developing the cook foremen; managing budget resources; establishing standards of sanitation, safety, and security; developing nutritionally adequate menus and evaluating detainee acceptance; developing specifications for the procurement of food, equipment, and supplies; and establishing a training program which ensures operational efficiency and a quality food service program." Glades County Sheriff's Office Procedural General Order 740.01, at 1 (obtained through public records request) (on file with Plaintiffs' Counsel). The FSA and the Chaplain develop ceremonial and religious meal schedules. *Id.* at 16-17. She is named in her individual and official capacities.

23. Defendant Glades Correctional Development Corporation was incorporated as a nonprofit in 2002 for the express purpose of building GCDC. Its 501(c)(3) status was revoked by the Internal Revenue Service on February 15, 2017.[2] Glades Correctional Development Corporation was chartered by community leaders and elected officials, and the board is made up of local business owners, county officials, and a former Glades County Sheriff.[3] Glades Correctional Development Corporation owns GCDC.[4]

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[2] *IRS Tax Exempt Organization Search, Glades Correctional Development Corporation EIN: 03-0479709*, IRS (July 6, 2018), https://apps.irs.gov/app/eos. By issuing tax exempt bonds in 2007, Glades Correctional Development Corporation allowed its investors to dodge income taxes on $23.5 million dollars over the course of a decade. The corporation converted its bonds to be taxable in 2017. Jacob Kang-Brown & Jack Norton, *More Than a Jail*, Vera Inst. of Justice, July 5, 2018, https://www.vera.org/in-our-backyards-stories/glades-county-more-than-a-jail.

[3] *See* Invoice from Robert DeMann, Chief Deputy, to DHS, ICE, Financial Operations-Burlington (Feb. 7, 2018) (obtained through public records request) (on file with Plaintiffs' Counsel).

[4] Kang-Brown & Norton, *supra* note 2.

24. Defendant Glades County, Florida is listed as a contracting party in the Intergovernmental Service Agreement with DHS/ICE for detention services to be provided at GCDC. It is a non-charter county that adopted the county administrator form of government.[5]

25. Defendant Ronald D. Vitiello is the Acting Director of ICE. The Acting Director of ICE has responsibility for and authority over the detention and removal of noncitizens throughout the United States, including over detention and removal operations at contract facilities. He is responsible for civil and criminal enforcement of federal laws governing border control, customs, trade, and immigration. He is named in his official capacity.

26. Defendant Jim Martin is the Director of ICE's Miami Field Office. The Miami Field Office Director has responsibility for and authority over the detention and removal of noncitizens in Florida. He is responsible for ensuring that ICE officials follow the agency's policies and procedures in the district and for ensuring that ICE contractors conform with detention and contract standards. He is named in his official capacity.

27. Defendant Juan Acosta is the Assistant Field Office Director of ICE's Miami Field Office. Mr. Acosta has responsibility for and authority over the detention center where Plaintiffs are detained. He is responsible for ensuring that ICE officials follow the agency's policies and procedures in the district and for ensuring that ICE contractors

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[5] Aubrey Jewett, *County Government Structure in Florida*, Florida County Government Guide 7, 13 (2016), http://www.broward.org/Charter/Documents/Florida%20County%20Government%20Guide%20-%20County%20Government%20Structure%20in%20Florida.pdf.

conform with detention and contract standards. He is named in his individual and official capacities.

28. Deportation Officer Jorge L. Dominguez is an ICE employee posted at GCDC. He is responsible for assisting in the detention and removal of noncitizens. He is named in his individual and official capacities.

29. Deportation Officer Joseph J. Brown is an ICE employee posted at GCDC. He is responsible for assisting in the detention and removal of noncitizens. He is named in his individual and official capacities.

30. Defendant ICE is a component agency of the U.S. Department of Homeland Security ("DHS"), which is a cabinet-level department of the United States federal government. ICE's responsibilities include enforcing federal immigration law within the interior of the United States, including by detaining and removing noncitizens from the United States.

FACTUAL ALLEGATIONS

I. Plaintiffs Wish To Practice Their Faith While in Custody, but Defendants Place Unreasonable Burdens on Multiple Aspects of Their Religious Practice.

31. Despite repeated oral and written requests to practice their faith while detained at GCDC, Plaintiffs have encountered denials, delays, and arbitrary limitations on their ability to exercise their religion. ICE deportation officers, contract officers, and field officers knew about or observed these obstacles but failed to require the facility to change its practices.

a. Failure To Take Minimum Steps To Protect Religious Practice Beginning at "In-Processing"

32. Glades Defendants have disregarded their obligations under federal law and contractual standards[6] to provide religious accommodations by failing to ask about the religious requirements of each detainee during in-processing.

33. When Plaintiffs were initially booked into Glades, Glades employees did not ask them about their religious preference. As a result, Plaintiffs suffered grave deprivations of religious practice rights for the first weeks of detention, many of which are ongoing.

34. About ten days after this booking, Glades employees reprocessed many of the Somali detainees. They again did not ask about their religious preference. At that point, some of the detainees tried to affirmatively raise their religious preference and insist that it be included in their file.

b. Failure To Provide Plaintiffs with Essential Religious Items and Services

35. The Glades Defendants have taken a number of steps to deprive Plaintiffs and other Muslim detainees of items and services essential for their ability to practice their faith.

36. The Holy Qur'an is the primary religious text of the Islamic faith, and its frequent recitation and study is of central importance to Muslims' religious practice.

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[6] U.S. Immigr. and Customs Enf't, U.S. Dep't of Homeland Sec., *Religious Practices*, 2000 National Detention Standards 2 (Sept. 20, 2000), https://www.ice.gov/doclib/dro/detentionstandards/pdf/relpract.pdf ("In processing staff shall enter the detainee's religious designation into [the Deportable Alien Control System] at the detainee's initial in processing."). Facilities like GCDC must "meet or exceed" this standard. *Id.* at 1.

Adherents recite and study the Qur'an in Arabic and also seek to understand the meanings of its verses by reading interpretations of the text in a familiar language.

37. Sunshine Law records disclosed by the Glades County Sheriff's Office show that Defendant Booher, who transferred to Glades County to serve as chaplain in approximately 2008, regularly denied Qur'an requests from Muslim detainees in the year prior to Plaintiffs' arrival. By the time Defendant Booher belatedly began to grant some detainee Qur'an requests, Plaintiffs had been at GCDC for about seven weeks.

38. Even when it does provide copies of the Qur'an, GCDC generally provides them in English only. The facility does not provide copies in Arabic and also has not provided them in Plaintiffs' native languages. When Plaintiff Gure asked Defendant Booher why he would not provide the Qur'an in both Arabic and English, Defendant Booher stated, "It's like being pregnant; you either are or are not. You can't have it both ways." The detainee handbook, similarly, only allows for the possession of a single religious text.

39. Plaintiffs' religious beliefs require them to pray five times a day in a ritually clean space, with a prayer rug or mat, and to cover their heads while praying (with a kufi). They also believe they should recite additional informal prayers throughout the day, and count their recitations using prayer beads.

40. At GCDC, most of these materials are not available from the facility, the chaplain's office, or for purchase through the commissary. Because of a recent donation from a former detainee, Plaintiffs now have access to prayer rugs, but GCDC only allows the rugs to be used during Jumma prayer on Friday. Only individuals who arrived at GCDC

already in possession of kufis, rugs, or prayer beads have them now. As a result, Plaintiffs do not have the basic items they need to perform everyday religious obligations.

41. In addition, men who came to the facility with kufis are prevented from wearing them. When Mr. Abdulkadir tries to pray with his head covered, GCDC officers yell at him and tell him that no head coverings are allowed. On one occasion, he was praying in his room with a towel draped over his head and an officer approached from behind and yanked it off.

42. In the dorms, Muslim men without prayer rugs have to use bedsheets to pray on, because the GCDC staff will not allow them to use rugs outside of Jumma prayer in the multipurpose room. Some officers have given some Plaintiffs an extra sheet or blanket to use for prayer. However, the blankets have periodically been taken away and not immediately replaced, and Plaintiffs have been told that extras are unauthorized. Consequently, Plaintiffs frequently have to pray on the dirty concrete floor or use the same sheets for prayer and for bedding.

43. GCDC has even denied Plaintiffs' requests for a free Islamic prayer schedule, which would be easy to print from the numerous websites providing such schedules. Plaintiffs had difficulty obtaining schedules with any consistency from December 2017 until the start of Ramadan in May 2018.

44. Defendant Booher has also given preferential treatment to Christian detainees while ignoring the needs of Muslim detainees. He specifically sought out volunteers and assistance in setting up a Christian ministry at GCDC but did not do the same for Muslims.

45. For example, he asked two volunteers from Berean Ministries to provide Christian religious services to inmates and immigration detainees, including by providing Bibles and food. *Berean in the Sunshine State: A partnership made in Heaven and ordained by God* (Berean Prison Ministries), Jan. 2017, at 2-3, https://bereanprisonministries.org/wp-content/uploads/2015/03/January-2017-Berean-newsletter.pdf. Similar volunteer services that would provide either religious programming or access to religious texts such as Qur'ans and religious articles are available in Florida or from nationwide organizations. *See, e.g.*, *Muslim Prisoners Support Project*, ICNA Council for Social Justice, http://icnacsj.org/mpsp (last visited Feb. 21, 2019) (providing facilities with donated Qur'ans and religious articles and assisting with location of religious volunteers on request); *Education*, Tayba Foundation, https://www.taybafoundation.org (last visited Feb. 21, 2019) (providing free distance learning program). Yet, Chaplain Booher made no attempt to provide Plaintiffs with such services.

46. When asked why Muslim practices are not allowed or are ignored, GCDC staff, including Chaplain Booher, have replied with statements like: "Boy, you're in Glades County."

47. Defendants have thus denied Plaintiffs access to essential religious articles and have needlessly and without any legitimate justification obstructed Plaintiffs' ability to exercise their faith.

c. Pattern of Needlessly Limiting Plaintiffs' Ability To Pray

48. A central tenet of Islam is the obligation for adult Muslims to pray—perform *salah*—five times each day. These prayers, which take place during specific parts of the day (dawn, early afternoon, late afternoon, post-sunset, and evening) are a basic aspect of the Islamic faith. Performing *salah* is one of the Five Pillars of Islam; for the vast majority of Muslims it is considered a foundation of their religious life and identity. Many Muslims also believe that it is vital to perform *salah* in a group setting if there are other Muslims in the vicinity during prayer times.

49. The weekly congregational prayer for the Muslim community is on Friday afternoon, and is called Jumma. Jumma prayer, like daily prayer, should be performed on a rug, facing Mecca, after completing ritual ablutions. Jumma prayer differs from other daily prayers in that it is preceded by a religious speech by a member of the community. The group prayer after the speech is short. Muslims usually use a compass to find the direction of Mecca, and require a bathroom to perform their ablutions before prayer.

50. The first two Fridays that Plaintiffs were detained at GCDC, GCDC staff prevented them from performing Jumma and they failed to provide any religious accommodation, even though other Muslim detainees requested Friday services prior to Plaintiffs' arrival.

51. Although GCDC staff subsequently provided accommodations to allow Plaintiffs and other Muslim detainees to perform Jumma, they have taken a number of steps to needlessly impede their ability to pray. For example, on at least one occasion, GCDC staff cancelled Jumma without providing an alternative space for the prayer to be held.

Following a complaint by Mr. Abdulkadir, the facility designated an alternative area for Friday prayer. The designated area, however, is wholly inappropriate for prayer, given that it is caged, has deep sand on the ground, and is not ritually clean. Furthermore, there is no bathroom outside or any area nearby where the men can perform the necessary ablutions.

52. Muslims must pray Jumma and other prayers facing Mecca, but the facility has not provided a compass and has even failed to provide the men with consistent information about the correct direction. Plaintiffs still have trouble discerning which direction is East. This disorientation is especially problematic when prayers are held in the multipurpose room, which is a windowless room accessed through a series of interior hallways, and when the adherents in attendance and officers monitoring could vary from week to week.

53. Staff also frequently interrupt prayer or shout at detainees to hurry up. At the same time, guards bring the men to Friday prayer late, and once the men are in the multipurpose room they have no way to mark time, as there is no clock on the wall. Thus, even when Plaintiffs are able to pray on Fridays, it is often under conditions that significantly undermine their religious exercise.

54. Glades Defendants have also unnecessarily limited the ability of Plaintiffs and other Muslim detainees to perform daily group prayer. When they were initially transferred to GCDC, Plaintiffs were permitted to congregate to complete daily prayers, an event that takes about ten minutes, in their dormitory rooms. The dormitory rooms are large enough to fit up to eight or nine devotees. However, more recently, GCDC staff have needlessly prevented Plaintiffs and other Muslim detainees from praying together in their dormitory rooms. GCDC staff have failed to provide any suitable alternative: while they have offered

to let Plaintiffs pray in the "day room", that space is frequently unavailable or inappropriate because of other activities such as games or television, or because the floor is wet or dirty.

d. Failure To Provide Meals Compliant with Plaintiffs' Religious Beliefs

55. Plaintiffs believe that eating a halal[7] diet, including halal meat, is a religious obligation.

56. Glades Defendants and ICE Deportation Officers Dominguez and Brown deny that Muslims actually believe in eating halal food. In a request response from April 2017, ICE Deportation Officer Brown wrote to a Muslim detainee, "Halal meals are not required by your religion." When a Plaintiff complained directly to ICE Deportation Officer Dominguez about the conditions at GCDC and in particular the lack of halal meals, Defendant replied, "if you want halal, go to Krome." Krome is an ICE-run detention facility in Miami. Of course, Plaintiffs cannot control or influence the facility at which they are detained. The *Ibrahim* class member Plaintiffs did ask to be transferred from GCDC to Krome for various reasons, including medical neglect, but ICE refused their requests. *Ibrahim v. Acosta*, No. 1:17-CV-24574-DPG (S.D. Fla. filed Dec. 18, 2017).

57. Similarly, Plaintiffs asked the GCDC kitchen and correctional staff for a halal diet. Plaintiffs submitted requests to Defendant Booher, the Chaplain, and Defendant Mills, the Food Service Administrator. Staff always responded that at GCDC they do not have halal meals but can only provide vegetarian meals.

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[7] In Arabic, the word halal means "permitted" or "lawful." Halal foods are foods that are allowed under Islamic dietary guidelines for the purity and cleanliness of sources from which food is derived and for the processes by which food is made. *Halal Overview*, USA Halal Chamber of Commerce, Inc., http://www.ushalalcertification.com/halal-overview.html (last visited Feb. 21, 2019).

58. In response to one request, Chaplain Booher responded, "[The] facility provides a diet that satisfies religious requirements. All you have to do is ask for a common fare meal." However, the vegetarian or "common fare" meal at GCDC does not satisfy the Plaintiffs' religious beliefs. Nor could there be a legitimate interest in denying Plaintiffs a nutritionally complete halal diet, when GCDC is designed specifically to house diverse immigration detainees and when ICE's Krome Detention Facility already provides certified halal meals at cost.

59. Plaintiffs, all of whom wish to obtain halal meals, are still being denied access to the religious diet they sincerely believe they are required to eat.

60. Every year, Muslims across the world observe the holy month of Ramadan, in part by abstaining from food and water between sunrise and sunset. Before dawn, they eat one meal (suhoor), and after sunset, they break their fast with another meal (iftar). As one of the five pillars of Islam, this practice of fasting is integral to the Islamic faith.[8] The food provided during Ramadan—like the food at other times—was not halal, and also posed additional challenges for the men.

61. ICE regulations require double-portioning Ramadan meals, which are served before and after sunset. Email from ERO Taskings on behalf of Tae D. Johnson, Assistant Director for Custody Management, with the concurrence of Nathalie R. Asher, Assistant Director for Field Operations to Field Office Directors, Deputy Field Office Directors, and

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[8] For more information on Ramadan, fasting, and Islam generally, *see* Arab American Nat'l Museum, *Islam and Muslim Americans*, AANM Educational Series (2010), http://www.arabamerican museum.org/umages/pdfs/resource_booklets/AANM-IslamBooklet-v6.pdf.

Assistant Field Office Directors (Apr. 10, 2018, 3:36 PM EDT) (obtained through public records request) (on file with Plaintiffs' Counsel). However, on several occasions the meals were not in fact double-portioned, leaving Plaintiffs hungry.

62. During Ramadan at GCDC, food for breaking the fast in the evening was often inedible and posed safety concerns. Usually meals came on trays stacked in a cart, and only the plates on the bottom of the stack were warm. The other plates went cold after sitting out over the course of the day.[9] Sometimes, it appeared that the food served was not from earlier that day, since it didn't match the earlier menu. On one occasion, towards the end of Ramadan, the men could not bring themselves to eat the food provided despite having fasted all day because there appeared to be a meat product they could not identify on their plates and it smelled rotten.

63. Previous inspections of GCDC have revealed that detainees are served the same pasta meal on average six times per week, yet ICE still rated the facility's meals as being "nutritious and appetizing." G-324A ICE Detention Standards Review Worksheet, Annual Review for GCDC 26 (May 18, 2017) (obtained through public records request) (on file with Plaintiffs' Counsel). During Ramadan, it appears that during an average week,

[9] This practice raises serious safety concerns, in addition to inhibiting Plaintiffs' ability to practice their religion. According to the U.S. Department of Agriculture, meat can only sit out for two hours above 40 degrees Fahrenheit before safety becomes an issue. *"Danger Zone" (40 °F - 140 °F)*, Food Safety and Inspection Serv., U.S. Dep't of Agric., https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/danger-zone-40-f-140-f/CT_Index. According to the Centers for Disease Control and Prevention, thirty-seven percent of outbreaks with a known contributing factor began simply because food was left out at room temperature for longer than is safe—the most common cause identified. Mariel A. Marlow et al., *Foodborne Disease Outbreaks in Correctional Institutions—United States 1998-2014*, 107 Am. J. Pub. Health 1150 (2017).

detainees were served twelve pasta meals while fasting. The pasta meals appeared to Plaintiffs to consist of meat product of unknown origin intermingled with tomato sauce.

64. As a result of both safety and religious concerns, the men participating in the fast were forced to try to cobble together meals with commissary food when they could. At other times, they simply had to eat less when there were no other options. Ultimately, many of them had to eat food that violates their religious beliefs, because they felt they had no other choice. Defendants thus deprived Plaintiffs of a nutritionally adequate diet that accommodates their religious beliefs during the month of Ramadan.

II. GCDC Repeatedly Fails To Comply with Detention Standards Pertaining to Religious Exercise, and ICE Fails To Monitor or Enforce Contract Standards Despite GCDC's Pattern of Violations.

65. Federal Defendants, in addition to participating in the previously-described violations, have failed to monitor or enforce religious exercise contractual standards. Despite actual knowledge of religious liberty deprivations, they have failed to stop ongoing rights violations or to prevent future violations from occurring at GCDC.

a. GCDC Is Governed by Contractually-Incorporated Detention Standards that Fall Below the Statutory Floor for Free Exercise Protection.

66. GCDC is governed by the least rigorous ICE contract standards, the 2000 National Detention Standards ("NDS").[10] Additionally, RFRA, RLUIPA, and constitutional free exercise protections apply to immigration detainees.

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[10] *See* Intergovernmental Service Agreement Between ICE and Glades County 4 (May 30, 2007) (stating that inspectors will check for compliance against the 2000 standards), https://www.documentcloud.org/documents/1658083-glades-county-fl-igsa-contract.html.

b. GCDC Is a Persistent Violator of the Detention Standards.

67. Over the past several years, numerous complaints and instances of free exercise deprivations and other violations have been made known to the Sheriff of Glades County and to ICE, but ICE has continued to give the facility positive ratings and has continued to send immigration detainees to GCDC.

68. Federal Defendants Dominguez and Brown are personally responsible for reporting and enforcement of contract facility standards. Defendants Dominguez and Brown were also personally involved in ignoring detainee halal diet requests. Plaintiffs requested halal diets orally and in writing, but were ignored or dismissed.

69. A 2016 letter documented complaints from Muslim detainees about GCDC's failure to provide a religiously acceptable diet.[11] A 2012 letter documented complaints about lack of private attorney calls, lack of affordable access to phones, lack of medical care, and inappropriate use of segregation, among other issues.[12] There have been numerous other letters[13] setting forth similar abuses, as well as civil litigation challenging

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[11] Letter from Jessica Zagier Wallace of the Southern Poverty Law Center and Romy Lerner of the Immigration Clinic of the University of Miami School of Law to Major Keith Henson of the Glades County Sheriff's Department and Supervisory Detention and Deportation Officer David Waite of the ICE Miami Field Office (Jan. 19, 2016), https://media.law.miami.edu/clinics/pdf/immigration-letter-jan19.pdf.

[12] Letter from Alexandra Friz, et al. of the Immigration Clinic of the University of Miami School of Law to Field Office Director Marc Moore and Assistant Field Office Director Paul Candemeres of the ICE Miami Field Office (Oct. 8, 2012), https://media.law.miami.edu/clinics/pdf/2012/letter-to-ice-100812.pdf.

[13] *See* OIG Complaint and Request for Investigation filed by the Legal Aid Service of Broward County, Inc., the Immigration Clinic of the University of Miami School of Law, and Americans for Immigrant Justice, Exs. A-E, at 18-45 (Jan. 18 2018) (attaching: Letter from Rebecca Sharpless and Romy Lerner of the Immigration Clinic of the University of Miami School of Law and Lauren Gilbert of the St. Thomas University School of Law to Marc Moore, Field Office Director, ICE (May 30, 2017) (documenting complaints of abuse, lack of medical attention, and lack of attorney access, among others); Letter from Cyndi Poon, et al. of the Immigration Clinic of the University of Miami School of Law to Marc Moore,

detention conditions at the facility.[14] Despite these widespread reports of abuse and malfeasance at GCDC, ICE has regularly rated the facility as "acceptable" in its last seven annual reviews.[15]

70. Upon information and belief, Defendant Martin, ICE Miami Field Office Director, and Defendant Acosta, Assistant Field Office Director, were personally involved in the decision to detain Plaintiffs at GCDC after they landed in Miami. *See* U.S. Immigr. and Customs Enf't, U.S. Dep't of Homeland Sec., Performance-Based National Detention Standards 2011 § 7.4 Detainee Transfers, at 457 (revised 2016), https://www.ice.gov/doclib/detention-standards/2011/7-4.pdf (decisions about detainee transfers are made by the Field Office Director or designee). Defendants Martin and Acosta

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Field Office Director of the ICE Miami Field Office, Ramon Bado, Assistant Field Office Director of the ICE Miami Field Office, ICE Officer Antonio Nieves, and Major Keith Henson (Nov. 1, 2013) (documenting complaints of insufficient access to legal representatives, overcrowding, abusive treatment, inappropriate use of segregation and exorbitant telephone fees, among others); Letter from Saul Cardenas, et al. of the Immigration Clinic of the University of Miami School of Law and Romy Lerner of Americans for Immigrant Justice to Marc Moore, Field Office Director of the ICE Miami Field Office, Paul Candemeres, Assistant Field Office Director of the ICE Miami Field Office, Anthony Aiello, Assistant Field Office Director of the ICE Miami Field Office, Michael Hornett, Supervising Detention and Deportation Officer at Glades Detention Center, and Laura Bedard, Warden of Glades Detention Center (Oct. 7, 2011) (documenting complaints of lack of access to private attorney calls, overcrowding, and water quality, among others)), https://media.law.miami.edu/clinics/pdf/2018/OIG-complaint-against-glades.pdf.

[14] *Belleri v. United States*, No. 10-81527-CIV, 2012 WL 12892399, at *2 (S.D. Fla. Jan. 17, 2012), *vacated*, 712 F.3d 543 (11th Cir. 2013) (noting plaintiff's allegations that he had inadequate food and was pepper-sprayed and restrained for complaining, and was placed in solitary confinement after hunger striking to protest the lack of sufficient food. Also noting medication shortages and lack of access to psychiatrist).

[15] *ICE Detention Facilities as of November 2017*, NIJC (2018), http://immigrantjustice.org/ice-detention-facilities-november-2017 (data may be downloaded and viewed in Excel) (Noting that the last inspection rating was on 5/18/2017. The facility was rated "superior" just once, in 2010).

also knew or should have known that Plaintiffs are Muslim and that GCDC did not provide halal meals and failed to provide religious accommodation.

71. In June 2018, during the final week of Ramadan, undersigned counsel for plaintiffs wrote a public letter detailing GCDC's failure to provide Plaintiffs the most basic accommodations for their religious practices. Many of the non-Ramadan specific problems noted by counsel then still persist at this time.[16]

72. After counsel sent the letter, Defendant Acosta wrote to Defendant Henson asking about the truth of the allegations in the letter. Defendant Henson replied, "To my knowledge there have been no requests or grievances from any members of the population addressing any of the outlandishly inaccurate accusations in this letter." Email from Keith Henson, GCDC, to Juan Acosta, ICE (June 7, 2018, 10:58 AM EDT) (obtained through public records request) (on file with Plaintiffs' Counsel).

73. Yet at the time that email was sent, there had been no fewer than fifteen requests or grievances from Plaintiffs alone on the subject of prayer, religious texts and accessories, and halal meals, and several similar complaints from Muslim detainees that predated Plaintiffs' arrival to GCDC.

74. Defendant Henson also wrote to Defendant Acosta that there is no halal food at Glades. Defendant Henson wrote, "The facility food, specifically meat products, are not

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[16] More than a month after Counsel sent a letter to Defendants Hardin and Acosta, an ICE official, David Gonzales, contacted counsel asking for the names and alien numbers of the detainees who were the source of the complaints. Mr. Gonzales stated in a telephone call that the detainees would be interviewed. Counsel declined to pass on the names and alien numbers of detainees without a guarantee of confidentiality and the opportunity for counsel to be informed in advance of and be present at any interviews that might occur. ICE appears to have taken no further action since that time.

prepared and/or obtained in accordance with the halal food laws outlined in the Qur'an . . ." Email from Keith Henson, GCDC, to Juan Acosta, Jorge Dominguez, Joseph Brown, and Steven Oliver, ICE (June 8, 2018, 4:53 PM EDT) (obtained through public records request) (on file with Plaintiffs' Counsel). Defendant Henson then went on to explain why he believes the common fare diet is a substitute. Yet numerous Muslim detainees have complained about the lack of halal food, have requested and been refused Kosher diets by the chaplain and food services, and have found the common fare option to be unacceptable.

75. DHS's Office of the Inspector General has confirmed that ICE officials do not adequately enforce federal law and contract detention standards nationwide. *See generally*, Office of the Inspector Gen., U.S. Dep't of Homeland Sec., *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, OIG-18-67 (June 26, 2018) (". . . ICE's inspections, follow-up processes, and onsite monitoring . . . do not ensure adequate oversight or systemic improvements in detention conditions, with some deficiencies remaining unaddressed for years.")

76. Thus, despite knowledge of free exercise violations and problems at GCDC, Federal Defendants failed to correct the repeated violations, and knew or should have known they would occur or were ongoing but failed to act.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
(Violation of RFRA)
(Against Defendants Vitiello, Martin, Acosta, Dominguez, Brown, and ICE)

77. All the foregoing allegations are repeated and incorporated as though fully set forth herein.

78. RFRA was enacted "to provide a claim or defense to persons whose religious exercise is substantially burdened by government" and guarantees that interests like Plaintiffs' in religious freedom will be protected using the strictest standard of review. 42 U.S.C. § 2000bb(b).

79. Under RFRA, Plaintiffs are protected from substantial burdens on their religious practice, if those burdens are not narrowly tailored to achieve a compelling government interest. Defendants implemented federal immigration law in a way that seriously hindered Plaintiffs from practicing their faith for the period of their detention.

80. In particular, Federal Defendants decided to confine Muslim Plaintiffs at GCDC, a facility known to deny detainees access to halal meals and to violate numerous ICE detention standards. By choosing to hold Plaintiffs at a facility known for its abuses, where Defendants knew or should have known that Muslims very likely would be denied minimal religious accommodations, and by choosing each day to continue holding them at this facility, Defendants substantially burden Plaintiffs' free exercise of religion, in violation of RFRA.

81. In dismissing Plaintiffs' concerns, failing to take remedial measures or to address the problem with GCDC staff, and failing to assist Plaintiffs or advise them about their rights, Defendants Dominguez and Brown have substantially burdened Plaintiffs' free exercise of religion, in violation of RFRA.

82. Grievances that are addressed to ICE officials must be logged and forwarded by the GCDC grievance officer to the ICE facility supervisor for action. Glades County Sheriff's Office Procedural General Order 790.03, at 4 (obtained through public records

request) (on file with Plaintiffs' Counsel). Thus, ICE supervisors and staff assigned to GCDC knew or should have known of the numerous free exercise issues at the facility.

83. Federal Defendants also failed to ensure GCDC compliance with contractual standards on religious free exercise. Plaintiffs filed numerous grievances and complaints to GCDC officials that are logged and open for ICE inspection to ensure compliance with free exercise standards. ICE officials failed to enforce even the minimal free exercise contract standards that did exist, despite actual knowledge of violations of those standards.

84. Defendant ICE officials also failed to ensure that GCDC complied with applicable federal laws relating to free exercise, beyond the 2000 Detention Standards.

85. Defendants therefore failed to enforce federal law and the GCDC detention contract and failed to protect detainees they should reasonably have known to be suffering from free exercise deprivations.

86. Alone or in combination, Defendants have burdened Plaintiffs' free exercise rights, by failing to enforce the detention standards, take remedial action, or ensure that GCDC is complying with its obligations under federal law.

SECOND CLAIM FOR RELIEF
(Violation of RLUIPA)
(Against Defendants Glades Correctional Development Corporation, Glades County, Hardin, Henson, Booher, and Summers)

87. All the foregoing allegations are repeated and incorporated as though fully set forth herein.

88. Under RLUIPA, no "government" shall impose a substantial burden on the religious exercise of a person "residing or confined to an institution, as defined in section 1997." 42 U.S.C. § 2000cc-1(a). The rule applies even to burdens that "result[] from a rule

of general applicability." *Id.* To overcome the rule against burdening religious practice, the government must show that imposition of the burden on that person "(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." *Id.*

89. Plaintiffs sincerely believe they must read the Qur'an in Arabic and study it in a familiar translation; pray five times a day in groups when that is possible; congregate for Jumma prayer on Friday afternoon; eat halal food during Ramadan and at all other times of the year; and use religious articles in their daily worship.

90. Defendants have a pattern of delaying the delivery of Qur'ans, denying access to the Qur'an in languages other than English, obstructing group and Friday prayer, providing cold or rotten food to detainees who are fasting, denying halal food, and not providing religious articles that are important for worship. Each of these practices burdens Plaintiffs' religious exercise, in violation of RLUIPA.

91. Defendants' disregard for the religious practice of detainees is apparent in the fact that they do not ask whether individuals have a religious preference when they first arrive at GCDC, despite the requirement in Defendants' own detention standards mandating proactive accommodation. Defendants have no compelling, let alone narrowly tailored, interest in these restrictions on Plaintiffs' free exercise rights.

92. Defendants' obstructions of religious free exercise—alone or in combination—violate the RLUIPA.

93. As a result, Defendants have restricted Plaintiffs' religious practices without reason, and Plaintiffs have been adversely affected and aggrieved by Defendants.

THIRD CLAIM FOR RELIEF
(Violation of FRFRA)
(Against Defendants Glades Correctional Development Corporation, Glades County, Hardin, Henson, Booher, and Summers)

94. All the foregoing allegations are repeated and incorporated as though fully set forth herein.

95. FRFRA, Fla. Stat. §§ 761.01-.05, states that the government shall not substantially burden religious exercise, unless it can demonstrate that the burden is in furtherance of a compelling government interest and is the least restrictive means of achieving that interest. Fla. Stat. § 761.03.

96. The scope of protection under FRFRA is broader than that afforded by the decisions of the United States Supreme Court. *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1032 (Fla. 2004) ("under the FRFRA the definition of protected 'exercise of religion' subject to the compelling state interest test includes any act or refusal to act *whether or not compelled by or central to a system of religious belief*.").

97. Plaintiffs sincerely believe they must read the Qur'an in Arabic and study it in a familiar translation; pray five times a day in groups when that is possible; congregate for Friday speech and prayer on Friday afternoon; eat halal food during Ramadan and at all other times of the year; and use religious articles in their daily worship.

98. Defendants have a pattern of delaying the delivery of Qur'ans, denying access to the Qur'an in languages other than English, obstructing group and Friday prayer, providing cold or rotten food to detainees who were fasting, denying halal food, and not providing religious articles that are important for worship. Each of these practices burdens Plaintiffs' religious exercise, in violation of FRFRA.

99. Defendants' disregard for the religious practice of detainees is apparent in the fact that they do not ask whether individuals have a religious preference when they first arrive at GCDC, despite the requirement in Defendants' own detention standards mandating accommodation. As a result, Defendants have no compelling, let alone narrowly tailored, interest in these restrictions on Plaintiffs' free exercise rights.

100. Defendants' obstructions of religious free exercise alone or in combination violate the FRFRA.

101. As a result, Defendants have restricted Plaintiffs' religious practices without reason, and Plaintiffs have been adversely affected and aggrieved by Defendants.

FOURTH CLAIM FOR RELIEF
(Violation of the First and Fourteenth Amendments)
(Against Defendants Glades Correctional Development Corporation, Glades County, Hardin, Henson, Booher, and Summers)

102. All the foregoing allegations are repeated and incorporated as though fully set forth herein.

103. Under the First Amendment religion clauses, Congress shall make "no law respecting an establishment of religion" or "prohibiting free exercise thereof." U.S. Const. Amend. I. Prisoners retain First Amendment protections, *Cruz v. Beto*, 405 U.S. 319, 321 (1972). Prison regulations that impinge on those rights must be set aside unless they are "reasonably related to legitimate penological interests," i.e. related to punishment or crime and prison management. *Turner v. Safley*, 482 U.S. 78, 89 (1987).[17]

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[17] Punishment is never a legitimate penological interest in civil detention, *Bell v. Wolfish*, 441 U.S. 520, 538 (1979), which includes immigration detention, *Al-Shahin v. DHS*, 2007 U.S. Dist. LEXIS 75018, at *34 (D.N.J. Oct. 3, 2007).

104. Plaintiffs sincerely believe they must read the Qur'an in Arabic and study it in a familiar translation; pray five times a day in groups when that is possible; congregate for Friday speech and prayer on Friday afternoon; eat halal food during Ramadan and at all other times of the year; and use religious articles in their daily worship.

105. Defendants have a pattern of delaying the delivery of Qur'ans, denying access to the Qur'an in languages other than English, obstructing group and Friday prayer, providing cold or rotten food to detainees who were fasting, denying halal food, and not providing religious articles that are important for worship. Each of these practices burdens Plaintiffs' religious exercise, in violation of the First Amendment.

106. Defendants' disregard for the religious practice of detainees is apparent in the fact that they do not ask whether individuals have a religious preference when they first arrive at GCDC, despite the requirement in ICE detention standards mandating accommodation. As a result, Defendants' restrictions are arbitrary, and not reasonably related to a legitimate government interest.

107. Defendants' obstructions of religious free exercise alone or in combination violate the First Amendment.

DEMAND FOR JURY TRIAL

108. Plaintiffs hereby demand a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court grant them the following relief:

a) Declare that the acts, omissions, polices, and practices of Defendants, and their agents, employees, and officials, described herein, are in violation of the rights

of Plaintiffs under RFRA, RLUIPA, FRFRA, and the First Amendment to the U.S. Constitution;

b) Enjoin Defendants from the illegal and unconstitutional conditions, acts, omissions, policies, and practices set out above;

c) Order Defendants and their agents, employees, and officials to accommodate the religious practices of Plaintiffs. Defendants' plan shall include at a minimum:

   i. Providing halal, nutritionally adequate meals to detainees who request a halal diet, without delay or the need for repeated and renewed requests;

   ii. Providing access to religious items and Qur'ans in Arabic and a second language of choice to detainees who request them, and permitting detainees to use these items throughout the facility; and

   iii. Permitting daily group prayer throughout the day;

d) Order Federal Defendants to amend all detention standards to require full compliance with federal law, including RFRA and RLUIPA;

e) Award Plaintiffs damages for the deprivation of rights they suffered;

f) Award Plaintiffs costs of this suit and reasonable attorneys' fees and litigation expenses pursuant to RFRA, FRFRA, the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable provisions;

g) Retain jurisdiction of this case until Defendants have fully complied with orders of this Court and there is reasonable assurance that Defendants will continue to comply in the future absent continuing jurisdiction; and

h) Award such other and further relief as the Court deems just as proper.

Dated: February 27, 2019

Respectfully submitted,

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE

STEPHENSON AWAH TENENG, MARCEL NGWA, ANKUSH KUMAR, GURJINDER SINGH, ATINDER PAUL SINGH, NOE MAURICIO GRANADOS AQUINO, and all others similarly situated, Plaintiffs, v. DONALD J. TRUMP, President of the United States, KIRSTJEN NIELSEN, Secretary Department of Homeland Security; RONALD D. VITIELLO, Acting Director, Immigration and Customs Enforcement; DAVID MARIN, Field Office Director, Los Angeles Field Office of Immigration and Customs Enforcement; JEFFERSON BEAUREGARD SESSIONS, III, U.S. Attorney General; HUGH J. HURWITZ, Acting Director, Federal Bureau of Prisons, DAVID SHINN, Warden, FCI Victorville Medium Security Prison I/II, in their official capacities only, Defendants.	Case Number: **COMPLAINT** **CLASS ACTION**

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INTRODUCTION

1. Shackled at the ankles and wrists, men in orange and brown prison jumpsuits shuffle from prison buildings to buses, surrounded by chained link fences and barbed wire in the hot California desert. Inside the prison, they are confused, despondent, and hungry. They are locked in prison cells for much of the day and all night. No health care provider has assessed them, asked if they are suicidal, or attempted to help them cope with the underlying trauma that drove many of them to seek asylum in this country. In the chow hall, they are offered inadequate and, at times, inedible food, such as spoiled milk and sandwiches that consist of just two slices of bread. Uniformed corrections officers rush the men out of the chow hall only minutes after food is served.

2. Outdoor exercise is limited to only a few hours of fresh air and sunlight each week. Correctional officers bark orders in English, occasionally in Spanish, even though many of the men speak only French, Punjabi, Mam, or other languages. As if these conditions were not appalling enough, Defendants have stripped from the imprisoned men one of the few things that might bring them some sense of comfort or peace of mind—the ability to freely practice their faith. Defendants fail to provide religious services or consultation with clergy, and they prohibit detainees from engaging in group prayer and congregate worship. They deny detainees halal or kosher meals that comport with their religious needs, forcing many to go hungry. Upon the detainees' detention by the Defendants, Defendants confiscate all religious head covers, jewelry, and other articles of faith, and the detainees are unable to obtain replacements for the items.

3. These conditions, all well documented at the Federal Correctional Institution Medium II ("Victorville"), are constitutionally impermissible when applied to individuals convicted of crimes and sentenced under our nation's criminal laws. But this lawsuit is not about such individuals. Rather, it is

about immigrants and refugees who have come to the United States seeking relief, but have been detained by the Department of Homeland Security Immigration and Customs Enforcement. Many of these men—refugees from El Salvador, Honduras, India, Cameroon, and other troubled regions—risked their lives and those of their families by traveling across continents to avail themselves of our nation's asylum and immigration laws. All of them seek a legal remedy under our nation's immigration laws.

4. Since June 8, 2018, Defendants have imprisoned more than 1,000 civil immigration detainees, in violation of their constitutional rights, at Victorville. On that date, with very little notice to the Bureau of Prisons ("BOP") and its staff, the Immigration and Customs Enforcement agency ("ICE") of the Department of Homeland Security ("DHS") transferred these men to Victorville, subjecting them to harsh prison conditions that can only reasonably be described as punitive and inhumane.

5. Immigration detention is a form civil confinement. The law prohibits the government from subjecting this population to punitive incarceration. Moreover, ICE itself has recognized that there are "important distinctions between the characteristics of the Immigration Detention population in ICE custody and the administrative purpose of their detention—which is to hold, process, and prepare individuals for removal [or, as here, to ensure their appearance at future immigration and/or asylum proceedings]—as compared to *the punitive purpose of the Criminal Incarceration system*."[1] As that same report noted, "[t]he demeanor of the Immigration Detention population is distinct from the Criminal Incarceration population. The majority of the population [detained by ICE] is motivated by the desire for repatriation

[1] Dora Schriro, Immigration Detention Overview and Recommendations at 2 (Oct. 6, 2009), https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf (emphasis added).

or relief, and [they] exercise exceptional restraint." *Id.* at 21. Nonetheless, the ICE detainees at Victorville are being held at a medium-security federal prison and subjected to policies and practices designed for persons who have been convicted of crimes. As a result of the unconstitutional treatment of these civil detainees, many have expressed a desire to be returned, immediately, to their countries of origin—foregoing their claims for immigration relief altogether—because they would rather face the dangers back home than be imprisoned in these abysmal conditions.

6. Under clearly established law, these men are deprived of their rights to due process of law, which the Fifth Amendment to the U.S. Constitution guarantees to all persons who are present on our soil, regardless of citizenship. Plaintiffs and the other detainees are also denied their constitutional rights guaranteed by the Free Exercise Clause of the First Amendment to the U.S. Constitution, as well as their statutory rights under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, *et seq*. This lawsuit, brought by six class representatives on behalf of all civil immigration detainees who currently are or in the future will be imprisoned at Victorville, respectfully asks this Court to immediately end these terrible injustices.

7. Specifically, Plaintiffs ask the Court to enter an order directing the Defendants, under a strict deadline, to move all ICE immigration detainees from Victorville as quickly as possible. In addition, during the brief period that such plans are being implemented, the Court should order the Defendants immediately to provide Plaintiffs, and the classes they seek to represent, adequate health care, nutrition, out-of-cell time, programming, reading materials, religious diets, religious clothing and jewelry, religious texts, opportunities for prayer and group worship, and other accommodations necessary to practice their religious beliefs.

8. Defendants' actions have inflicted, and continue to inflict, needless harm and suffering on Plaintiffs. In addition to other constitutional violations, Defendants systematically and knowingly: (1) fail to provide minimally adequate health care; (2) fail to provide adequate nutrition; (3) inhibit detainees' free exercise of religion by (i) refusing to provide religious services or other adequate opportunities for group prayer, congregate worship, or consultation with clergy, (ii) ignoring religious dietary needs, (iii) severely impeding the possession and wearing of religious headwear, jewelry, and other religious items, (iv) denying access to religious texts, and (v) otherwise restricting detainees' ability to practice their religious beliefs; and (4) confine detainees under conditions that are unnecessarily restrictive and punitive in nature.

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, and 5 U.S.C. § 702.

10. Venue lies in the Central District of California under 28 U.S.C. § 1391 because at least one federal Defendant resides in this District, Plaintiffs are detained in this District, and a substantial part of the events giving rise to the claims in this action took place in this District.

PARTIES

11. Plaintiff Stephenson Awah Teneng is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

12. Mr. Teneng is an asylum seeker who has been detained at Victorville since June 8, 2018. He has suffered from weeks of unaddressed dental pain, has been unable to access medication or have an appointment with a dentist, and has been unnecessarily and punitively subject to harsh conditions, including being denied food and locked in his prison cell for hours at a time in retaliation for requesting medical care.

13. Plaintiff Marcel Ngwa is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

14. Mr. Ngwa is an asylum seeker who has been detained at Victorville since June 8, 2018. He suffers from back pain that has not been treated. Due to his imprisonment at Victorville, he has suffered from depression that has not been treated. He has been told that only BOP prisoners at Victorville, not ICE detainees, can take classes and buy the majority of products in the commissary. Mr. Ngwa is a Presbyterian whose sincere religious beliefs counsel him to attend church and seek out consultation with clergy, when needed. During his imprisonment at Victorville, he has been denied access to church services and has not been able to see any clergy.

15. Plaintiff Ankush Kumar is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

16. Mr. Kumar is an asylum seeker has been detained at Victorville since July 16, 2018. Mr. Kumar has a history of kidney stones and has not received adequate medical care while imprisoned in Victorville. After experiencing excruciating pain, his request for emergency medical attention went unmet for hours, until finally he was shackled and taken to a hospital. He has been met with repeated delays in refilling the medication he was prescribed at the hospital.

17. Plaintiff Gurjinder Singh is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

18. Mr. Gurjinder Singh is an asylum seeker who has been detained at Victorville since July 16, 2018. As a practicing Sikh, Mr. Singh's sincere religious beliefs dictate that his diet must be vegetarian and that he wear and keep with him Sikh religious articles of faith, including a turban and kara (a religious bracelet). During his imprisonment at Victorville, Mr. Singh has been

denied an adequate vegetarian diet that comports with his Sikh beliefs. His turban and kara were confiscated by Defendants and not returned or replaced.

19. Plaintiff Atinder Paul Singh is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

20. Mr. Atinder Paul Singh is an asylum seeker who has been detained at Victorville since June 12, 2018. For the first two weeks he was incarcerated at Victorville, he wore the same prison uniform without access to clean clothes or laundry. As an adherent of the Sikh faith, Mr. Singh's sincere religious beliefs require him to wear a turban and kara, as well as to follow a vegetarian diet. During his imprisonment, Mr. Singh's articles of faith were confiscated by Defendants and not returned or replaced, and he has been denied an adequate vegetarian diet. As a result, he has lost about 15 pounds since he was taken into ICE custody.

21. Plaintiff Noe Mauricio Granados Aquino is a civil detainee currently incarcerated at Victorville under the authority of DHS and ICE.

22. Mr. Granados Aquino is an asylum seeker who has been detained at Victorville since approximately July 20, 2018. He suffers from depression, which has been exacerbated by the isolation he experiences at Victorville. Mr. Granados Aquino is a Christian whose sincere religious beliefs counsel him to attend church and read the Bible. During his imprisonment at Victorville, he has been denied access to congregate prayer. Mr. Granados Aquino had a Bible in his backpack when he crossed the border, but Defendants confiscated it, and he has not been able to access a Bible at Victorville.

23. Defendant Donald J. Trump is the President of the United States. He is ultimately responsible for the immigration policies as set out and executed by DHS and BOP. He is responsible for the so-called "zero tolerance" immigration policy that has prompted the unconstitutional

imprisonment of civil immigration detainees. He is named in his official capacity.

24. Kirstjen Nielsen is the Secretary of DHS, an agency of the United States. Secretary Nielsen is ultimately responsible for the actions of ICE. She is the legal custodian of immigration detainees incarcerated at the Victorville prison. She is named in her official capacity.

25. Defendant Ronald D. Vitiello is the Acting Director of ICE, a component of DHS. ICE is responsible for apprehension, detention, and removal of noncitizens from the United States. He is the legal custodian of immigration detainees incarcerated at the Victorville prison. Director Vitiello is named in his official capacity.

26. Defendant David Marin is the Field Office Director for the Los Angeles Field Office of ICE. Director Marin is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. He is the legal custodian of immigration detainees incarcerated at the Victorville prison. He is named in his official capacity.

27. Defendant Jefferson Beauregard Sessions III is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ). The Attorney General is ultimately responsible for the actions of the BOP and for the nation's enforcement of its immigration and asylum laws. Mr. Sessions has implemented the so-called "zero tolerance" immigration policy of the current presidential administration that has prompted the unconstitutional imprisonment of civil immigration detainees. He is named in his official capacity.

28. Defendant Hugh J. Hurwitz is the Acting Director of BOP. He is responsible for the actions, policies and practices of BOP and for the operation of Victorville. He is named in his official capacity.

29. Defendant David Shinn is the Warden of Victorville prison in Victorville, California. He is the custodian of civil immigration detainees incarcerated at the Victorville prison. He is named in his official capacity.

I. FACTUAL ALLEGATIONS

A. Victorville is a Medium Security Federal Prison Meant to Imprison Persons Who Have Been Convicted of Crimes, Not Civil Immigration Detainees.

30. Victorville is a medium security prison operated by BOP.

31. Victorville was built on the site of a former U.S. Air Force waste site for radioactive materials, and was declared a Superfund site by the Environmental Protection Agency. According to published reports, the water supply for the prison at Victorville contains toxic materials.[2]

32. Victorville has been recognized as being among the most dangerous places for convicted persons in the BOP's system of medium security prisons.

33. Hiring freezes imposed by the federal government have led to severe understaffing at BOP prisons throughout the country, including Victorville. Victorville was so critically understaffed that BOP closed down nine housing units in early 2018 because it could not safely operate with such limited staff.

34. As has been widely reported, the present presidential administration announced a "zero tolerance" policy toward immigrants that has employed a series of cruel and inhumane tactics—separating families, denying parole,[3] widespread detention of immigrants, including the elderly and long-

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[2] Michael Waters, *How Prisons Are Poisoning Their Inmates*, The Outline (July 23, 2018, 10:40 AM), https://theoutline.com/post/5410/toxic-prisons-fayette-tacoma-contaminated?zd=1&zi=eeblichf.

[3] Spencer S. Hsu, *U.S. Judge Blocks Trump Crackdown on Asylum Seekers, Bars Blanket Detentions of Those With Persecution Claims*, Wash. Post (July 2, 2018) https://www.washingtonpost.com/local/public-safety/us-judge-blocks-trump-crackdown-on-asylum-seekers-bars-blanket-detentions-of-those-with-

time U.S. residents, blocking asylum seekers from ports of entry,[4] and prosecuting immigrants crossing the border—all with the stated objective to "deter" those fleeing oppressive and life-threatening conditions.

35. As a result of these practices, the administration has manufactured a "crisis" of insufficient bed space to detain immigrants. ICE announced, in early June, that it would begin transferring 1,600 detainees to five federal prisons in early June 2018, one of which is Victorville.

36. On June 8, 2018, ICE suddenly began transferring hundreds of immigration detainees to Victorville. On June 11, 2018, BOP and ICE entered into a formal Inter-Agency Agreement that has a term of one year, concluding on June 8, 2019.

37. When the ICE detainees arrived at Victorville, BOP reopened the housing units it had previously closed, but failed to hire sufficient additional staff to address chronic understaffing at the prison and to accommodate the influx of new detainees. On information and belief, teachers and other civilian staff at the prison have been reassigned to serve as corrections officers due to the dire shortages.[5]

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persecution-claims/2018/07/02/cdc707ba-7e36-11e8-b660-4d0f9f0351f1_story.html?noredirect=on&utm_term=.8893f444427e; Lydia Wheeler, *Judge Rules DHS Must Give Asylum Seekers Individualized Parole Hearings*, The Hill (July 2, 2018) http://thehill.com/regulation/395254-judge-rules-dhs-must-give-asylum-seekers-individualized-parole-hearings.

[4] Robert Moore, *At The U.S. Border, Asylum Seekers Fleeing Violence Are Told To Come Back Later*, Wash. Post, June 8, 2018 ("They have told those who cross the border illegally and make asylum requests that they will face criminal prosecution, but that if they go through the official border crossings, their applications will be processed. Yet in several cities along the border, asylum seekers who follow those instructions are turned away and told to return later. At some crossings, applicants camp out for days."); Aaron Montes, *Try Later: It's Getting Tougher for Migrants to Claim Asylum at U.S. Ports of Entry*, NBC News (June 23, 2018, 5:00 AM)https://www.nbcnews.com/storyline/immigration-border-crisis/try-later-it-s-getting-tougher-migrants-claim-asylum-u-n885861 (reporting that "Customs and border protection agents now wait at the port of entry, checking identification and *preventing asylum seekers from stepping into the U.S.*").

[5] Lauren Gill, *As Immigrant Detainees Are Moved to Prisons, What Happens to the Prisoners?*, Rolling Stone, July 3, 2018.

38. Prior to June 2018, Victorville housed only criminally convicted persons. On information and belief, the prison has housed well over 1,000 civil immigration detainees since June. Some have been detained at Victorville for nearly two months.

39. According to the BOP corrections officers' union, the officers and staff employed at Victorville are trained under BOP standards and have not received training under ICE standards.[6]

40. Upon their arrival at Victorville, ICE detainees are given Victorville's BOP Inmate Handbook. On information and belief, the Handbook is available only in English and Spanish.

41. BOP Policy states that ICE detainees in BOP facilities are to be treated as criminal pre-trial detainees.

42. Victorville has always operated, and continues to operate, as a prison that incarcerates people who have been convicted of crimes.

B. Plaintiffs and Putative Class Members are Denied Minimally Adequate Health Care

43. By policy and practice, Defendants fail to provide minimally adequate health care to Plaintiffs and other detainees. Detainees receive minimal or no medical, dental, or mental health screenings upon their arrival at Victorville. *See* Ex. 10, E. Berrios Banegas Dec. at ¶ 12 (no dental screening despite painful toothache); Ex. 15, J. Rodriguez Rivera Dec. at ¶ 5 (no medical, dental, or mental health screening upon arrival). The lack of screening is especially dangerous in light of the confirmed outbreaks of chicken pox and

[6] Samantha Michaels, *Understaffed Federal Prison Is Taking in 1,000 Noncriminal Immigrants, and Even the Guards Are Protesting*, Mother Jones (June 15, 2018) ("Mother Jones Article"), https://www.motherjones.com/crime-justice/2018/06/understaffed-federal-prison-is-taking-in-1000-noncriminal-immigrants-and-even-the-guards-are-protesting/.

scabies among the detained population.[7] Medical staff provide little information to detainees about the nature of the screenings they are conducting. *See* Ex. 6, N. Granados Aquino Dec. at ¶ 15 ("They didn't tell us what was in the injection"); Ex. 2, M. Ngwa Dec. at ¶ 13 (screening was merely an injection of unknown contents).

44. Those detainees who have received any sort of health screening generally have been forced to communicate with medical personnel who speak only English, without the benefit of a translator, even when the detainee does not speak English. *See* Ex. 17, P. Jaimez Bueno Dec. at ¶ 8 (received medical treatment he did not understand; all services rendered in English). Prison medical staff inappropriately rely on detainees who speak English to serve as translators for other detainees, even for sensitive medical encounters, in violation of state and federal health privacy laws. Plaintiff Antush Kumar saw a nurse regarding his kidney stones with the assistance of a fellow Punjabi detainee who is fluent in English and has been compelled to translate for all Punjabi speakers in medical encounters. Ex. 3, A. Kumar Dec. at ¶ 6. Plaintiff Ngwa is fluent in English, and acts as a translator for French speaking detainees. Ex. 2, M. Ngwa Dec. at ¶ 16.; *see also* Ex. 7, A. Thea Dec. at ¶ 4 (relies on cellmate to translate to French); Ex. 9, M. Escoto Cortez Dec. ¶ 16 (another detainee translated when he saw nurse regarding stomach pain).

45. Mental health screening is also inadequate. Victorville medical staff rely on a short, written survey as the only means of mental health screening. Plaintiff Aquino has "never been asked about [his] mental health in person" since arriving at Victorville." Ex. 6, N. Granados Aquino Dec. at ¶ 15.

[7] Roxana Kopetman, *Immigration detainees in Victorville prison get more scabies, chicken pox; protesters to gather Saturday*, The Orange County Register (June 29, 2018), https://www.ocregister.com/2018/06/29/immigration-inmates-in-victorville-get-more-scabies-chicken-pox-protesters-to-gather-saturday/.

When he first arrived at the prison, Mr. Granados Aquino filled out a form, on which he indicated that he was depressed. *Id.* at ¶ 16. No one ever followed up to conduct an assessment or offer him mental health services. *Id.* *See also* Ex. 19, W. Velasquez Ramirez Dec. at ¶ 6 (describing questionnaire used in lieu of mental health screening). The detainees are required to fill this screening form out on their own, and on information and belief, it is available only in English and Spanish. The lack of an adequate mental health screening process subjects detainees to a substantial risk of needless suffering and harm.

46. There is inadequate health care staff to meet the needs of the civil detainees imprisoned at Victorville, resulting in all detainees being at a significant risk of serious harm. *See* n.5, *supra* (reporting on medical staff shortage).

47. The sick call process at Victorville is inadequate, resulting in a significant risk of serious harm. There is no clear process for civil detainees imprisoned at Victorville to request medical attention other than an emergency button in their cells. Plaintiff Ngwa has not seen any form to request an appointment with medical staff. *See* Ex. 2, M. Ngwa Dec. at ¶ 11–12; Ex. 9, M. Escoto Cortez Dec. at ¶ 15 (there are no forms to fill out to see medical staff); Ex. 10, E. Berrios Benegas Dec. ¶ 11 (same); Ex. 11, R. Padilla Flores Dec. ¶ 6 (same).

48. Moreover, detainees who try to seek medical help are often punished by being locked in their cells. Plaintiff Teneng reports that he was locked in his cell for several hours while other detainees were allowed out in response to his asking medical staff to care for his tooth pain. Ex. 1, S. Teneng Dec. at ¶¶ 13-18. As a result, other detainees have been dissuaded from requesting medical care for their own needs, having witnessed the isolation and punishment of those who have spoken up. *See* Ex. 13, R. Kumar Dec. at ¶ 3

(describing his fear of seeking medical care because of possible punishment and isolation).

49. Defendants deny civil detainees access to emergency health care. Detainees who have pushed the emergency button in their cells have been denied care. For example, Plaintiff Kumar pushed the button in his cell to report excruciating pain from a kidney stone. In response, an officer told him to wait until the next day, and in the meantime, to soak a towel in hot water and put it over his abdomen. *See* Ex. 3, A. Kumar Dec. at ¶ 5. Another detainee, Oscar Colindres Velasquez, witnessed a corrections officer deny medical attention to a young man who pushed the emergency button when the young man's nose was bleeding. Mr. Colindres Velasquez witnessed the corrections officer yell at the man to "deal with it and cut out your bullshit." *See* Ex. 8, O. Colindres Velasquez Dec. at ¶ 13. A corrections officers told detainee Jexon Rodriguez Rivera that he "should not touch the call button in [his] cell unless [he is] dying." Ex. 15, J. Rodriguez Rivera Dec. at ¶ 24. Roger Padilla Flores suffers from gastritis, and after he pushed the emergency button in his cell, the officer told him to wait until "mañana" for treatment, and subsequently an officer told him "don't be a dumbass" and instructed him never to push the button again. Ex. 11, R. Padilla Flores Dec. at ¶¶ 7-8.

50. Detainees do not have access to necessary medications. Detainees who have attempted to relate their medical problems to the BOP staff that disburse prescriptions or to corrections officers at Victorville have been denied those necessary medications. For example, after experiencing excruciating pain consistent with his history of kidney stones, Plaintiff Ankush Kumar waited 18 hours to receive emergency medical attention, when he was finally taken to the hospital while shackled. *See* Ex. 3, A. Kumar Dec. at ¶¶ 5-7. He was not given any medication prior to his emergency, despite his history of

taking medication in his home country, and has experienced delays getting his pain medication refilled since returning to Victorville from the hospital.

51. Another detainee, Jexon Rodriguez Rivera, suffers from chronic asthma, which he informed staff upon arrival at Victorville. *See* Ex. 15, J. Rodriguez Rivera Dec. at ¶¶ 3, 5. Mr. Rodriguez Rivera did not receive an inhaler or other asthma medicine upon arrival or after informing staff of his condition. *Id.* One week after arriving at Victorville, Mr. Rodriguez Rivera suffered an asthma attack. *Id. at* ¶ 6. He told corrections officers but they did nothing. *Id.* The following day or soon thereafter, he was given an inhaler. *Id. at* ¶ 7. The inhaler had only 15 doses left, which ran out about one week later. *Id.* Mr. Rodriguez Rivera requested a new inhaler but did not receive one. *Id. at* ¶ 8. Fear of another asthma attack without an inhaler confined Mr. Rodriguez Rivera to his cell the majority of the time while he was detained at Victorville. *Id. at* ¶ 9.

52. As another example, Dervi Garcia Perez was badly injured after being thrown from a truck during his journey to the U.S. border. *See* Ex. 20, D. Garcia Perez Dec. at ¶ 2. While in Border Patrol custody, he was taken to a hospital, where he was given pain medication. *Id.* He has not received any pain medication since his arrival at Victorville. *Id. at* ¶ 4. Mr. Garcia Perez has been unable to refill medication for his gastritis since arriving in Victorville. *Id. at* ¶ 8. He has no information on the process for requesting more medication or a doctor's appointment. *Id. at* ¶ 9. Similarly, Mr. Thea suffers from such severe gastritis that it keeps him awake at night and causes him to feel at times that he cannot breathe. Ex. 7, A. Thea Dec. at ¶¶ 7-8. Despite multiple requests for medical attention, Mr. Thea has received no treatment for or medical assessment of his stomach condition. *Id. at* ¶¶ 7-12.

53. Marlon Escoto Cortez, after suffering days of stomach pain, finally saw a nurse, who only took his blood pressure, felt his stomach, and

joked that perhaps he was pregnant. The nurse did not refer him to a physician. Neither the nurse nor any other medical staff took any labs, ran any tests, or made any diagnosis of Mr. Escoto Cortez's source of pain. *See* Ex. 9, M. Escoto Cortez Dec. ¶¶ 15-16.

54. Many other detainees have experienced similar instances of having their known medical conditions and needs ignored. For example, Plaintiff Teneng reports that he complained for nearly a week about a toothache without receiving any medical treatment. Instead, he was locked in his cell and threatened with pepper spray if he continued to complain. Ex. 1, S. Teneng Dec. at ¶ 17. *See also* Ex. 2, M. Ngwa Dec. at ¶ 13 (Plaintiff reporting that medical staff screening for chicken pox "did not want to talk to me about my pain"); Ex. 19, W. Velasquez Ramirez at ¶¶ 7–9 (complained of fever, cough, and sore throat which persisted for five days, but was told that there "weren't any medical consultations unless it was really serious, so [he] could not have any help").

55. Detainees have minimal or no access to mental health services. For example, Plaintiff Aquino has received no mental health assessment or services despite expressly indicating upon his arrival to the prison that he was experiencing depression. Ex. 6, N. Granados Aquino Dec. at ¶¶ 15-16. At one point, Mr. Granados Aquino told an officer in his housing unit that he felt sad and depressed; the officer responded, "I can't help you right now. Maybe tomorrow." *Id. at* ¶11. No one followed up on Mr. Granados Aquino's request for help.

56. Many detainees have suffered severe trauma in their home countries or on their journey to the United States, and require mental health treatment as a result. Mr. Rodriguez Rivera reported hearing "men crying in their beds" at night and observing men in his housing unit "with scars from cutting themselves due to depression and desperation." Ex. 15, J. Rodriguez

Rivera Dec. at ¶¶ 17, 18. Mr. Colindres Velasquez also witnessed a different young man who had cut himself across his arms and wrists with the blade from his razor. Ex. 8, O. Colindres Velasquez Dec. at ¶ 14. Prison staff at Victorville did not remove the young man to receive mental health care or medical attention for three days. *Id.*

57. The punitive and degrading conditions of confinement exacerbate detainees' mental health needs. Plaintiff Ngwa feels depressed and sad, but no health care staff at the prison has asked him whether he is depressed or suicidal. Ex. 2, M. Ngwa Dec. at ¶¶ 10, 15. Plaintiff Aquino cries "every time [he is] locked back up" in his cell because he feels "so alone." Ex. 6, N. Granados Aquino Dec. at ¶ 11. With nothing to do, Mr. Granados Aquino finds himself ruminating on "my mom, who didn't know where I was, and my loved ones, who I traveled with and who had been separated from me at the border, and about the horrible things that happened to us that caused us to come to the U.S." *Id. at* 14.

58. Similarly, Mr. Rodriguez Rivera said he needed to talk to a mental health professional due to his mounting depression and difficulty coping with the extreme isolation and idleness at the prison, but did not know whom he should contact or how to get help. Ex. 15, J. Rodriguez Rivera Dec. at ¶¶ 16, 25. Mr. Diallo reported that while he is locked in his cell with nothing to do but worry about his family, "my thoughts race and I have difficulty sleeping. My eyes have gotten red because I don't really sleep." Ex. 18, O. Diallo Dec. at ¶ 3. Mr. Diallo has not received "any counseling or support for [his] anxiety." *Id. at* ¶ 7; *see also* Ex. 17, P. Jaimez Bueno Dec. at ¶ 16 ("I spent much of my time being anxious and worrying about the safety of my family numbers. As a result, I have not slept at all in the past three nights.")

59. In lieu of a meaningful assessment, detainees are given a written form to fill out regarding their mental health. *See* Ex. 19, W. Velasquez

Ramirez Dec. at ¶ 6; Ex. 6, N. Granados Aquino Dec. at ¶ 15. The form is only available in English and Spanish. Upon information and belief, this is BOP Standard P5310.017,[8] which is used for screenings of all criminal pre-trial inmates in BOP custody.

60. Defendants' conduct vis-à-vis the Plaintiffs and the other detainees does not comply with either ICE or the BOP's written policies.

C. Plaintiffs Are Denied Adequate Nutrition

61. Defendants routinely and systematically deny Plaintiffs and other detainees adequate nutrition and adequate time to eat even the substandard food they are provided.

62. Upon their arrival at Victorville, Plaintiffs and other detainees were on lockdown for two or three days and received all of their meals in their cells. These meals were insufficient and regularly consisted of a sandwich and nothing else. The sandwiches the Plaintiffs were provided were sometimes frozen in the middle. Upon their initial arrival, detainees who are vegetarians for religious reasons were given meals with meat in them, with no alternatives. Ex. 5, G. Singh Dec. ¶ 7.

63. When not on lockdown, the civil detainees imprisoned at Victorville receive their meals in the chow hall. These meals are small, inadequate, and of poor nutritional value, and frequently do not contain meat or any other sufficient source of protein. *See* Ex. 15, J. Rodriguez Rivera Dec. at ¶ 21 ("Some days we receive sandwiches with nothing in them—just two pieces of bread."); *see also* Ex. 10, E. Berrios Banegas Dec. at ¶ 8 (complaining of inadequate food and being hungry an hour and a half after dinner); Ex. 8, O. Colindres Velasquez Dec. at ¶ 15 (complaining of inadequate food). Detainees who are vegetarians for religious reasons, like Plaintiff G.

[8] BOP Standard P5310.017, Psychology Services Manual, p. 14, https://www.bop.gov/policy/progstat/5310_017.pdf.

Singh, are often offered nothing but two pieces of bread for lunch, and green beans and rice for dinner. *See* Ex. 5, G. Singh Dec. ¶ 8.

64. Plaintiffs and other detainees imprisoned at Victorville have lost weight due to inadequate food. Plaintiff Atinder Paul Singh reports that since he arrived in mid-June, he has lost approximately 15 pounds due to the inadequate amount of food, especially for detainees who adhere to a vegetarian diet for religious reasons. Ex. 4, A.P. Singh Dec. ¶ 11. *See also* Ex. 8, O. Colindres Velasquez Dec. at ¶ 15 (10 to 15 pounds lost; "you can see the bones sticking out of my wrists that you couldn't see before"); Ex. 11, R. Padilla Flores Dec. at ¶ 5 (10 pounds of weight loss); Ex. 10, E. Berrios Banegas Dec. at ¶ 8 (5 to 10 pounds lost); Ex. 15, J. Rodriguez Rivera Dec. at ¶ 22.

65. Defendants sometimes serve Plaintiffs food that is inedible. *See* Ex. 9, M. Escoto Cortez Dec. at ¶ 10 ("I have seen what looks like worms or maggots in the meat;" complaining of stomach problems and blood in his stool since arriving at Victorville); Ex. 8, O. Colindres Velasquez Dec. at ¶ 17 (milk is "often sour and you can't drink it or you will get sick"); Ex. 15, J. Rodriguez Rivera Dec. at ¶ 21 ("Many mornings, we receive spoiled milk at breakfast."); Ex. 10, E. Berrios Banegas Dec. at ¶ 8 ("Sometimes the meat tastes expired.").

66. Defendants allow Plaintiffs and other detainees only minutes to eat each meal, and throw away any uneaten food. Plaintiff Aquino reports that minutes after sitting down in the chow hall, guards yell at the detainees that they have "only two minutes left" to eat. Ex. 6, N. Granados Aquino Dec. at ¶ 20. Mr. Thea reports that detainees are permitted to remain in the chow hall for no more than five minutes at meal times. Ex. 7, A. Thea Dec. at ¶ 5. *See also* Ex. 17, P. Jaimez Bueno Dec. at ¶ 12 (detainees are given three or four minutes to eat, after which uneaten food is confiscated and thrown away); Ex. 8, O. Colindres Velasquez Dec. at ¶ 15 (detainees are given approximately

five minutes before corrections officers start rushing them out); Ex. 10, E. Berrios Banegas Dec. at ¶ 8 ("We are only given 3 to 5 minutes to eat.").

67. Detainees are not permitted to take any uneaten food out of the chow hall. *See* Ex. 6, N. Granados Aquino Dec. at ¶ 21 ("I saw an official force another detainee to throw away a piece of bread he had put in his pocket when we were leaving the chow hall . . ."); Ex. 8, O. Colindres Velasquez Dec. at ¶ 15 (detainees are not permitted to take even an apple from the chow hall).

68. Until very recently, Plaintiffs and other detainees were denied access to commissary to supplement their meals, so they had no access to food between dinner and the next day's breakfast. The detainees are not permitted to purchase all of the food products available in the commissary. For example, Plaintiff Ngwa was told that only prisoners could purchase certain food items. Many detainees are indigent and so cannot buy food from the commissary.

69. Defendants' conduct vis-à-vis the Plaintiffs and the other detainees does not comply with either ICE or the BOP's written policies.

D. Plaintiffs and Members of the Putative Subclass Are Denied the Right to Freely Exercise their Religious Beliefs

70. Plaintiffs Atinder Paul Singh and Gurjander Singh are adherents of the Sikh faith. Plaintiff Marcel Ngwa is a Presbyterian. Plaintiff Noe Mauricio Granados Aquino is a Christian. These Plaintiffs and other religious detainees, who include Muslims, Catholics, and Hindus, are unable to freely practice their religious beliefs due to restrictions imposed by Defendants, as well as by Defendants' failure to accommodate their religious beliefs.

71. Defendants have refused to provide, or make available, any religious services to Plaintiffs or the other detainees of faith at Victorville, and they have refused to provide other adequate opportunities for detainees to engage in congregate worship or group prayer. By policy, detainees are restricted to their cells to practice religious activities. For example, Plaintiff

Aquino, a Christian, reports that a correctional officer denied detainees' requests to meet as a group to pray, sing, and preach. Ex. 6, N. Granados Aquino Dec. at ¶ 23. Similarly, Mr. Ngwa reports that there are no church services for detainees. Ex. 2, M. Ngwa Dec. at ¶ 9. Vakil Singh, a Hindu, reports the same regarding Hindu religious services. Ex. 14, V. Singh Dec. at ¶ 12. Sarvejeet Singh, a Sikh, likewise complains that no Sikh religious services are provided. Ex. 12, S. Singh Dec. ¶ 7. Mr. Thea, a practicing Catholic, has no opportunity to attend Catholic services or consult with a priest. Ex. 7, A. Thea Dec. at ¶ 13. Detainee Marlon Escoto Cortez attempted to hold a Bible study group with about 15 other detainees in a common area of his building. They were told by an officer to stop praying, and they did not have the right to assemble or pray. Ex. 9, M. Escoto Cortez Dec. ¶ 9. Mr. O. Diallo, a practicing Muslim, is forced to complete his prayers on the floor of his cell and has no access to an Imam or group services. Ex. 18, O. Diallo Dec. at ¶ 2.

72. Defendants confiscated from Plaintiffs and the other detainees imprisoned at Victorville all religious headwear, jewelry, and other religious items. The detainees have been unable to replace those items. Plaintiffs Gurjinder Singh and Atinder Paul Singh have both had their turbans and kara bracelets confiscated. Atinder Paul Singh has made repeated requests for a head covering and was told it was not allowed. *See* Ex. 4, A.P. Singh Dec. at ¶ 9; Ex. 5, G. Singh Dec. at ¶ 6 (in response to multiple requests, was told "[turban and kara] are in [his] personal property"); *see also* Ex. 12, S. Singh Dec. at ¶ 4-9 (Sikh religious headwear and bracelet taken away).

73. Plaintiffs and other detainees are also denied access to religious texts. Plaintiff Aquino reported that "I had a Bible in my backpack when I crossed the border. I have asked to have it back but was told I couldn't. I have seen other detainees ask for Bibles, and they were told there weren't any in Spanish." Ex. 6, N. Granados Aquino at ¶¶ 24-25. *See also* Ex. 18, O. Diallo

Dec. at ¶ 3; Ex. 15, J. Rodriguez Rivera Dec. at ¶ 15 (in response to multiple requests for a Bible, detainee told "there are no Bibles here.").

74. Some Sikh detainees, including Plaintiff A.P. Singh, were told that they could purchase religious head coverings for $10 at the commissary. *See* Ex. 4, A.P. Singh Dec. at ¶ 10. Not all of the detainees have money on their books to be able to purchase their covering. None of the detainees has received a head covering. *Id.*

75. Plaintiffs and other detainees are not offered diets that comport with their religious beliefs. Vegetarian meals offered to members of the Sikh faith are woefully inadequate nutritionally. Plaintiffs G. Singh and A.P. Singh and other practicing Sikhs have been forced to go hungry to avoid food that violates their religious beliefs. *See* Ex. 5, G. Singh Dec. ¶ 7; Ex. 4, A.P. Singh Dec. ¶ 11.

76. Plaintiffs and the other detainees hold sincere religious beliefs that counsel them to engage in a variety of religious practices including the attendance of worship services, participation in congregate worship and group prayer, and consultation with clergy and religious leaders; the consumption of a religiously mandated diet; the wearing of religious headgear and jewelry; the use of other religious items; and the reading and study of religious texts.

77. Defendants' refusal to provide detainees with religious services and clergy access, and their refusal to meet detainees' religious dietary needs, as well as their restrictions on religious items and texts, severely impede or outright prevent Plaintiffs and the other detainees from practicing these sincerely held religious beliefs and force them to violate their religious beliefs in many instances. Plaintiffs' and the other detainees' inability to freely practice these religious beliefs has been—and continues to be—a cause of immeasurable distress for them.

78. Defendants' conduct vis-à-vis the Plaintiffs' and the other detainees' religious practices does not comply with either ICE or the BOP's written policies, which expressly permit the very sort of religious practices that detainees seek to engage in here.

E. The Conditions at Victorville are Unnecessarily Restrictive and Punitive

79. Plaintiffs and other detainees are subjected to conditions at Victorville that are unnecessarily restrictive to fulfill the government's purported objectives of ensuring that immigrants appear at future immigration proceedings.

80. Upon transferring Plaintiffs and other detainees to Victorville, Defendants maintained a 24-hour lockdown for three or more days, during which time Plaintiffs were not allowed to leave their cells for any reason, including exercise, free time, telephone calls, religious services, personal or attorney visits, meals, or showers. *See* Ex. 4, A.P. Singh Dec. ¶ 8 (Plaintiff was not allowed to make a phone call for the first week he was at Victorville); Ex. 5, G. Singh ¶ 7 (Plaintiff was kept in his cell the first few days after he arrived); Ex. 17, P. Jaimez Bueno Dec. at ¶ 7 ("I spent the first three or four days in FCI-II Victorville locked in my cell."); Ex. 11, R. Padilla Flores Dec. at ¶ 3 ("The first three days I was here, we were constantly locked in our cells 24-hours a day."); Ex. 8, O. Colindres Velasquez Dec. at ¶ 16 (describing lock down "for about four days without clean clothes or showers").

81. Victorville was so unprepared for the influx of detainees in June that Defendants issued to the men only one set of clothing upon their arrival at Victorville. Defendants did not issue another set of clean clothing, including clean undergarments, to detainees for approximately the first two to three weeks the detainees were at the prison. Plaintiff Atinder Paul Singh, who arrived at Victorville in June soon after detainees were sent to the prison,

reports that he went for 15 days with one prison uniform before he was provided a new one, and he had to wash the uniform in the sink in his cell. Ex. 4, A.P. Singh Dec. ¶ 3. Mr. Rodriguez Rivera reported that for over a month, he washed his prison jumpsuit with hand soap in the toilet in his cell because of the lack of clean clothing or laundry services. The only clean jumpsuit offered to Mr. Rodriguez Rivera was size 8X—so large that he could not move while wearing it. *See* Ex. 15, J. Rodriguez Rivera Dec. at ¶ 23. *See also* Ex. 10, E. Berrios Banegas Dec. at ¶ 9 (had only one set of clothing for three weeks); Ex. 9, M. Escoto Cortez Dec. at ¶ 11 (same); Ex. 17, P. Jaimez Bueno Dec. at ¶ 11 (same).

82. Plaintiffs' time outside of their prison cells is extremely limited. The prison provides, at most, a few hours per week of outdoor exercise time; this time is not regularly scheduled and is sometimes canceled. *See* Ex. 10, E. Berrios Banegas Dec. at ¶ 4; Ex. 17, P. Jaimez Bueno Dec. at ¶ 10 (describing outdoor exercise as one or two hours per week); Ex. 15, J. Rodriguez Rivera Dec. at ¶ 20 (describing outdoor exercise as once per week for 40 minutes).

83. The amount of time that Plaintiffs are permitted to spend in indoor common areas is also severely limited. Defendants require Plaintiffs and other immigration detainees to be locked in their cells whenever the prison's general population of prisoners are being moved throughout the facility, resulting in several hours of lockdown each day that Plaintiffs would not experience if they were not being imprisoned in the same facility as prisoners. *See* Ex. 10, E. Berrios Banegas Dec. at ¶ 5 (describing extremely limited out of cell time); Ex. 9, M. Escoto Cortez Dec. at ¶ 6 (same); Ex. 11, R. Padilla Flores Dec. at ¶ 3 (lockdown 24 hours per day on weekends for the first month at Victorville).

84. From June 8 through July 13, 2018, there were no clocks anywhere in the cell blocks in which the Plaintiffs and other civil detainees are

imprisoned. As a result, they had no way to tell the time of day or to mark the passage of time, which added to their sensory deprivation and disorientation.

85. Detainees have no access to educational or other programming, work opportunities, or even reading materials in languages they understand. For example, Plaintiff Atinder Paul Singh reports that there are no books in his building in a language he can understand. Ex. 4, A.P. Singh Dec. at ¶ 7. Mr. Rodriguez Rivera was detained alone in a small cell, with no radio or television. There was one TV in the common space of his housing unit, which he could see through the door of his cell, but the television was muted throughout the day. Mr. Rodriguez Rivera was unable even to access a book in Spanish for over a month, despite his repeated requests. Ex. 15, J. Rodriguez Rivera Dec. at ¶ 14.

86. Plaintiff Marcel Ngwa read in the Inmate Handbook he was given upon arrival at Victorville the list of classes available at the prison. When he asked whether he could take any of the classes listed there to improve his reading and writing, ICE officials responded, "sorry, [you] couldn't." Ex. 2, M. Ngwa Dec. at ¶ 8. On information and belief, these programs are available only to inmates at Victorville and not to ICE detainees.

87. The Plaintiffs and other civil detainees are forced to wear prison uniforms, and when they are transported to or from Victorville, they are shackled like convicted prisoners. Their hands are cuffed to belly chains, and they wear ankle shackles that connect their feet via a short chain that severely limits their ability to walk normally. Plaintiff Aquino reports that "[w]hen I was moved to Victorville, I was shackled. I had handcuffs on my wrists and they were tied to a belly chain. I also had a chain between my ankles and cuffs around my ankles. The ankle cuffs cut my skin. . . . We were shackled for the whole bus ride, which was 4 or 5 hours long. I have never been chained like that in my life." Ex. 6, N. Granados Aquino Dec. at ¶ 5.

88. Upon his arrival at Victorville, Plaintiff Aquino was informed by an officer that "the more food you ask for, the less we're going to give you. The more you ask us to let you out, the less we're going to." *Id. at* 6. Mr. Granados Aquino was still shackled at the time. *Id.* Correctional officers at Victorville informed Plaintiff Teneng that "the rules at a federal prison are stricter than a jail." Ex. 1, S. Teneng Dec. at ¶ 7.

89. When he was suffering excruciating pain from a kidney stone, Plaintiff Antush Kumar was transported to the hospital in full shackles. While at the local hospital receiving treatment, he was chained to the hospital bed despite the lack of any indicia that he was a threat to any others in the hospital. Ex. 3, A. Kumar Dec. ¶¶ 7-8.

90. As a result of the many hours of imprisonment in cells, with no reading material, no religious or other programming, and virtually no information about the processing of their immigration and/or asylum proceedings, Plaintiffs and other ICE detainees are suffering from anxiety, fear, apprehension, enforced idleness, fatigue, and, in many instances, depression, including suicidal ideation.

91. Faced with harsh, punitive conditions, some detainees have been coerced into abandoning their immigration claims and returning to their home countries rather than remain incarcerated at Victorville. Emerson Berrios Banegas, who had planned to seek asylum, reported, "I signed papers agreeing to be deported. I do not want to go back but I signed the papers because I do not like being treated like a criminal prisoner." *See* Ex. 10, E. Berrios Banegas Dec. at ¶ 3. Detainees who came to this country to exercise their right to seek asylum have expressed shock at the conditions of their confinement. Plaintiff Teneng said, "I didn't expect to be sent to prison. I came here as an asylum seeker, seeking liberty." Ex. 1, S. Teneng Dec. at ¶ 17. Similarly, Mr. Diallo

said, "I don't understand why I am being held in a prison since I am just an immigrant asking for asylum." Ex. 18, O. Diallo Dec. at ¶ 10

92. Plaintiffs are detained ostensibly to ensure their appearance at immigration proceedings, but detainees report that they have not spoken to ICE officials regarding their cases. Plaintiff Aquino reports that he has been unable to access information about his immigration case. Ex. 6, N. Granados Aquino Dec. at ¶ 19. Detainees have been told that their immigration cases will not proceed until they are moved to an immigration detention center, such as the nearby Adelanto facility. ICE agents told Mr. Granados Aquino "to think of Victorville like a hotel." *Id.*

93. These individuals are not being detained because they stand accused of a crime, much less convicted of one. Yet the conditions under which these civil detainees are being imprisoned are no better than, and in some instances worse than, the conditions to which the population of convicted prisoners at Victorville is subjected.

94. On information and belief, ICE routinely detains immigrants in conditions that are far less restrictive and punitive than those at Victorville. The conditions to which Defendants are subjecting Plaintiffs and other detainees violate their own standards applicable at other facilities where ICE detainees are held.

95. Significantly less restrictive and more humane means exist of ensuring civil detainees' appearance at immigration proceedings. For example, Defendants offer to some individuals the opportunity to parole into the United States on their own recognizance. Additionally, Defendants maintain a bond system whereby individuals may be released upon posting a cash bond as low as $1,500. Some released individuals are required to wear a GPS-enabled ankle monitoring device while others are not.

96. The conditions of confinement at Victorville, and the very deprivation of the Plaintiffs' liberty, are excessive in relation to, and not reasonably related to, the legitimate objective of ensuring Plaintiffs' and other detainees' appearances at future immigration proceedings.

97. The BOP's Program Statement on Religious Beliefs and Practices, Victorville USP's Inmate Handbook, and ICE's Religious Practices and Policy all represent less restrictive means that could be used by Defendants.

II. INJUNCTIVE RELIEF

98. Plaintiffs re-allege and incorporate by reference paragraphs 1-97 of this Complaint as if fully set out herein.

99. Plaintiffs and the putative class are entitled to preliminary and permanent injunctive relief.

100. Defendants have acted, and threaten to act, to deprive Plaintiffs, and the others they seek to represent, of their constitutional and statutory rights.

101. Plaintiffs and those similarly situated have suffered irreparable physical and psychological injury and the loss of fundamental due-process and religious-exercise rights. They have been and will continue to be subjected to serious risk of irreparable harm as the result of imprisonment at Victorville.

102. Defendants have been and are aware of the conditions and deprivations complained of herein. In the alternative, Defendants have acted with deliberate indifference regarding the conduct and conditions described herein.

103. Plaintiffs and putative class members have no plain, adequate, or speedy remedy at law.

III. CLASS ACTION ALLEGATIONS

104. Plaintiffs re-allege and incorporate by reference paragraphs 1-103 of this Complaint as if fully set out herein.

105. Plaintiffs Stephenson Awah Teneng, Marcel Ngwa, Ankush Kumar, Gurjinder Singh, Atinder Paul Singh, and Noe Mauricio Granados Aquino bring this action on behalf of themselves and all other persons who are similarly situated, pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(1), and 23(b)(2), and in compliance with Local Rule 23-3.

106. With respect to the First Claim herein, Plaintiffs seek to represent a class (the "Civil Detainee Class") consisting of: "All persons who are now, or in the future will be, in the legal custody of the U.S. Immigrations and Customs Enforcement ('ICE') and housed at Federal Correctional Institution ('FCI') Victorville."

107. There are multiple questions of law and fact common to the putative Civil Detainee Class, including:

a. The sufficiency of access to medical and mental health care for civil detainees at Victorville;

b. The sufficiency of access to adequate nutrition for civil detainees at Victorville;

c. Whether the conditions at Victorville are unnecessarily restrictive and/or punitive;

d. Whether civil detainees at Victorville are confined in conditions similar to, or more restrictive than, persons convicted of criminal offenses; and

e. Whether deprivation of the aforementioned results in constitutional or statutory violations.

108. The putative Civil Detainee Class is so numerous that joinder of all members would be impracticable. There are currently approximately 1,000 civil detainees imprisoned at Victorville. The putative Civil Detainee Class is fluid, with detainees arriving at and leaving Victorville every day, making joinder of all members not just impracticable but impossible.

109. Prosecution of separate actions by individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for defendants, or adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair their ability to protect their interests.

110. The claims of the Plaintiffs are typical of the claims of the putative Civil Detainee Class. Each of the Plaintiffs, like all putative class members in the Civil Detainee Class, is a civil detainee at Victorville, subject to the same conditions of confinement challenged here. The claims of the Plaintiffs arise from the same policies, practices, and courses of conduct, and their claims are based on the same theory of law as the Civil Detainee Class's claims are.

111. All of the Plaintiffs will fairly and adequately represent the interests of all members of the putative Civil Detainee Class because they seek relief on behalf of the class they represent as a whole and have no interest antagonistic to other members of the class. The plaintiffs are represented by counsel from the Prison Law Office; the Civil Rights Education and Enforcement Center; and the American Civil Liberties Union ("ACLU") National Prison Project and ACLU Program on Freedom of Religion and Belief. Counsel are experienced in class action, complex litigation, detention and prisoners' rights litigation, religious liberty law, and constitutional law generally.

Religious Freedom Subclass

112. With respect to the Second and Third Claims herein, Plaintiffs Marcel Ngwa, Atinder Paul Singh, Gurjinder Singh, and Noe Mauricio Granados Aquino further seek to represent a subclass (the "Religious Freedom

Subclass") consisting of: "All religious persons who are now, or in the future will be, in the legal custody of ICE and housed at FCI Victorville, and whose ability to practice their religious beliefs is or would be impeded or substantially burdened by Defendants' policies and practices."

113. There are multiple questions of law and fact common to the putative Religious Freedom Subclass, including:

a. The sufficiency of access to religious services or other adequate opportunities for group prayer, congregate worship, or consultation with clergy for civil detainees at Victorville;

b. The sufficiency of access to meals that comport with detainees' religious beliefs for civil detainees at Victorville;

c. The sufficiency of access to the possession and wearing of religious headwear, jewelry, and other religious items for civil detainees at Victorville;

d. The sufficiency of access to religious texts for civil detainees at Victorville;

e. Whether deprivation of the aforementioned impermissibly infringes on detainees' religious exercise; and

f. Whether deprivation of the aforementioned results in constitutional or statutory violations.

114. The putative Religious Freedom Subclass is so numerous that joinder of all members would be impracticable. The precise number of the subclass is difficult to ascertain, as Defendants do not track or report detainees' religious beliefs, but upon information and belief, Plaintiffs estimate that it is at least 150. Moreover, the putative Religious Freedom Subclass is fluid, with detainees arriving at and leaving Victorville every day, making joinder of all members not just impracticable but impossible.

115. Prosecution of separate actions by individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for defendants, or adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair their ability to protect their interests.

116. The claims of Plaintiffs Marcel Ngwa, Atinder Paul Singh, Gurjinder Singh, and Noe Mauricio Granados Aquino are typical of the claims of the putative Religious Freedom Subclass, since their claims arise from the same policies, practices, and courses of conduct, and their claims are based on the same theory of law as the Religious Freedom Subclass's claims are.

117. Plaintiffs Marcel Ngwa, Atinder Paul Singh, Gurjinder Singh, and Noe Mauricio Granados Aquino will fairly and adequately represent the interests of all members of the putative Religious Freedom Subclass because they seek relief on behalf of the class they represent as a whole and have no interest antagonistic to other members of the class. The plaintiffs are represented by counsel from the Prison Law Office; the Civil Rights Education and Enforcement Center; and the American Civil Liberties Union ("ACLU") National Prison Project and ACLU Program on Freedom of Religion and Belief. Counsel are experienced in class action, complex litigation, detention and prisoners' rights litigation, religious liberty law, and constitutional law generally.

IV. CLAIMS FOR RELIEF

FIRST CLAIM
(Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution)

118. Plaintiffs re-allege and incorporate by reference paragraphs 1-116 of this Complaint as if fully set out herein.

119. Due process prohibits the use of detention as a means of punishing civil detainees. *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001) (acknowledging that immigration detention is civil); *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004); *King v. County of Los Angeles*, 885 F.3d 548 (9th Cir. 2018).

120. As the United States Court of Appeals for the Ninth Circuit has held, "*[A civil] detainee is entitled to 'more considerate treatment' than his criminally detained counterparts*. . . . Therefore, when a [civil] detainee is confined in conditions *identical to, similar to, or more restrictive than* those in which criminal counterparts are held, we presume that the detainee is being subjected to 'punishment.'" *Jones*, 393 F.3d at 933 (citations omitted) (emphasis added).

121. As an initial matter, BOP policy makes clear that that ICE detainees at Victorville are equivalent to criminal "pre-trial inmates."[9] The *Jones* presumption is therefore triggered in this case.

122. In addition, conditions of confinement that are expressly intended to punish, that are not reasonably related to a legitimate governmental objective, or that are excessive in relation to that objective, constitute punishment in violation of the due process clause.

123. The conditions of confinement at Victorville for immigration civil detainees violate the Due Process Clause.

124. For example, Defendants have deprived and continue to deprive Plaintiffs and putative class members imprisoned at Victorville of adequate and necessary health care by, without limitation:

a. Failing to provide sufficient medical and mental health screenings to civil detainees upon their arrival at

[9] *See* BOP Program Statement 7331.04, *available at* https://www.bop.gov/policy/progstat/7331_004.pdf.

Victorville. As a result of Defendants' actions, Plaintiffs and other civil detainees have not received adequate medical or mental health care for conditions existing at the time they arrived at Victorville, or that have arisen since their imprisonment there.

b. Failing to staff Victorville with adequate numbers of qualified medical or mental health care providers and custody staff to service the civil detainee population.

c. Failing to provide a method by which Plaintiffs and other detainees can seek non-emergency medical or mental health care when in their cells, or by which they can seek any sort of medical or mental health care when outside of their cells.

d. Failing to respond to Plaintiffs' or other detainees' requests for emergency help, including by using the emergency button located in their cells.

e. Failing to respond to Plaintiffs' non-emergency requests for medical care, and failing to follow-up on known medical and mental health concerns.

125. As a result of Defendants' practices and policies, Plaintiffs are exposed to a significant risk of serious harm to which Defendants are deliberately indifferent, in violation of Plaintiffs' rights under the Due Process clause of the Fifth Amendment.

126. In addition, Defendants are systemically failing to provide adequate nutrition to Plaintiffs by serving meals that are inedible or of insufficient size or nutritional value, and by denying Plaintiffs adequate time to eat the food they are provided. As a result of Defendants' policies and practices, Plaintiffs do not receive adequate nutrition at Victorville, creating a substantial risk of serious harm to which Defendants are deliberately

indifferent, in violation of Plaintiffs' rights secured by the Due Process clause of the Fifth Amendment.

127. Defendants severely limit Plaintiffs' access to outdoor exercise to only a handful of hours each week and such limited and inadequate opportunities to exercise outside are not regularly scheduled.

128. Defendants severely limit Plaintiffs' out-of-cell time by maintaining a policy under which Plaintiffs are on lockdown several times throughout the day in order to accommodate the movement of Victorville's prisoner population.

129. Defendants have impeded Plaintiffs' and other detainees' ability to practice their faith by refusing to provide religious services and meals that meet detainees' religious needs, severely impeding detainees' ability to wear and possess religious items, and denying detainees access to religious texts, among other restrictions.

130. The conditions described herein, which are illustrative and not exhaustive, violate the Due Process clause because they, individually and collectively: (a) are identical to, similar to, or more restrictive than those in which persons convicted of criminal offenses at Victorville are confined; (b) are expressly intended to punish; (c) are not reasonably related to legitimate governmental objectives; and/or (d) are excessive in relation to those objectives.

SECOND CLAIM

(Violation of the Free Exercise Clause of the First Amendment)

131. Plaintiffs re-allege and incorporate by reference paragraphs 1-130 of this Complaint as if fully set out herein.

132. By Defendants' conduct alleged above, they have violated, and continue to violate, Plaintiffs' and the other detainees' rights under the Free Exercise Clause of the First Amendment to the U.S. Constitution.

133. Defendants' restriction of Plaintiffs' and other detainees' ability to exercise their religion, as described in detail above, is not narrowly tailored to further a compelling governmental interest. Nor is there a rational basis or legitimate penological interest upon which Defendants may justify their conduct, especially in light of the Defendants' own written policies pertaining to religious exercise and the distinctions between civil immigration detainees and convicted persons.

THIRD CLAIM

(Violation of the Religious Freedom Restoration Act, 42 U.S.C § 2000bb, et seq.)

134. Plaintiffs re-allege and incorporate by reference paragraphs 1-133 of this Complaint as if fully set out herein.

135. Defendants' policies and practices restricting and impeding Plaintiffs' and the other detainees' religious exercise, as described above, substantially burden Plaintiffs' and the other detainees' exercise of their sincerely held religious beliefs. Because of Defendants' conduct, Plaintiffs and the other detainees have been, and continue to be, severely impeded or prevented outright from attending religious services, engaging in congregate worship and group prayer, consulting with clergy and religious leaders, following religious requirements for their diet, wearing religious headgear and religiously significant jewelry, possessing other religious items, and accessing religious texts for reading and religious study. Unless this Court intervenes, Plaintiffs and the other detainees will be forced to abandon, or significantly limit, their religious practices and violate their sincerely held religious beliefs throughout their entire imprisonment at Victorville.

136. Under RFRA, Defendants may not impose these substantial burdens on Plaintiffs and the other detainees unless they can demonstrate that

doing so is the least restrictive means of furthering a compelling governmental interest.

137. Defendants have no compelling interest in treating Plaintiffs and the other detainees in this manner.

138. Even if Defendants could identify a compelling interest to support their policies and practices pertaining to detainees' religious exercise, they have not used the least restrictive means to further that interest. The BOP's Program Statement on Religious Beliefs and Practices, Victorville USP's Inmate Handbook, and ICE's Religious Practices and Policy all represent less restrictive means that could be used by Defendants. To eliminate the substantial burdens on Plaintiffs' and the other detainees' religious exercise, Defendants could also simply release Plaintiffs and the other detainees from imprisonment at Victorville, in the same manner that civil detainees have previously been treated.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully ask this Court to exercise its federal question jurisdiction over this actual controversy and:

(a) certify the Civil Detainee Class and Religious Freedom Sub-Class as proposed above, appoint the Named Plaintiffs to serve as representatives of those two Classes and appoint undersigned counsel to represent the two Classes;

(b) enter an order preliminarily and permanently enjoining Defendants from imprisoning Plaintiffs, or any member of the Civil Detainee Class, at Victorville, and set a date certain by which all such detainees must be removed therefrom;

(c) enter an order preliminarily and permanently enjoining Defendants from depriving Plaintiffs:

i. of minimally adequate health care;

ii. of adequate food, clean non-prison uniform clothing, freedom of movement, and other programming or activities that do not cause physical, emotional, and psychological harm and other affronts to basic human dignity;

iii. of their constitutional and statutory rights to exercise their freedom of religion;

iv. of their rights to due process of law as a result of their being imprisoned at Victorville, in conditions that are excessive and constitute punishment;

(d) award Plaintiffs their attorneys' fees and costs; and

(e) enter such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: August 1, 2018

/s/ Margot K. Mendelson

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

STEPHENSON AWAH TENENG, MARCEL NGWA, ANKUSH KUMAR, GURJINDER SINGH, ATINDER PAUL SINGH, NOE MAURICIO GRANADOS AQUINO, and all others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, KIRSTJEN NIELSEN, Secretary Department of Homeland Security; RONALD D. VITIELLO, Acting Director, Immigration and Customs Enforcement; DAVID MARIN, Field Office Director, Los Angeles Field Office of Immigration and Customs Enforcement; JEFFERSON BEAUREGARD SESSIONS, III, U.S. Attorney General; HUGH J. HURWITZ, Acting Director, Federal Bureau of Prisons, DAVID SHINN, Warden, FCI Victorville Medium Security Prison I/II, in their official capacities only,

Defendants

Case No. 5:18-CV-01609

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES

ORAL ARGUMENT REQUESTED

DATE: October 15, 2018
TIME: 9:00 AM
JUDGE: Hon. Jesus G. Bernal
CRTRM: 1

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NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD HEREIN:

NOTICE IS HEREBY GIVEN that on October 15, 2018 at 9:00 AM or as soon thereafter as the matter may be heard by the above Court, located at Riverside, California, Plaintiffs Stephenson Awah Teneng, Marcel Ngwa, Ankush Kumar, Gurjinder Singh, Atinder Paul Singh, and Noe Mauricio Granados Aquino, on behalf of themselves and all others similarly situated, move this Court to grant a class-wide preliminary injunction[1] enjoining Defendants from:

(a) providing constitutionally inadequate health care to ICE detainees at Victorville;

(b) subjecting ICE detainees at Victorville to conditions and practices that amount to punishment; and

(c) transferring any additional ICE detainees to Victorville.

On behalf of themselves and all others similarly situated, Plaintiffs Ngwa, Gujinder Singh, Atinder Paul Singh, and Noe Mauricio Granados Aquino additionally move this Court to grant a subclass-wide preliminary injunction, enjoining Defendants from:

(a) restricting detainees' religious exercise or failing to accommodate detainees' religious exercise in a manner that violates or is otherwise inconsistent with ICE's Detention Standards; and

(b) transferring any additional ICE detainees who are religious to Victorville.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the supporting declarations, all pleadings

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[1] Pursuant to Local Rule 7-3, Plaintiffs' counsel conferenced with counsel for the Defendants regarding this motion on September 5, 2018. See Decl. of Donald Specter filed with Plaintiffs' Motion to Exceed Page Limits, at ¶¶ 2-3.

and papers filed in this action, and such additional papers and arguments as may be presented at or in connection with the hearing.

DATED: September 5, 2018 Respectfully submitted,

By: /s/ Margot Mendelson

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs and members of the class they seek to represent[2] are immigrants incarcerated at the Federal Correctional Institution Victorville Medium II ("FCI Victorville"), a violent and understaffed medium-security federal prison in San Bernardino County.

Since June 2018, as part of its "Zero Tolerance Policy," the federal government elected to imprison thousands of asylum seekers and other immigrants in five federal prisons in the Western United States; hundreds continue to be confined at the Victorville prison. The consequences of Defendants' decision to incarcerate immigrants in this federal penitentiary are both predictable and devastating. ICE detainees at the prison live in degrading and punitive conditions. They wear brown and orange jumpsuits and are caged in locked cells for extended periods. They endure strip searching and shackling. They are denied ready access to fresh air and sunlight and to adequate food and nutrition. Even though many of these individuals entered the country to seek asylum, they live day in and day out in harsh prison conditions, with no idea when they will be released or where they will go next.

Many of these individuals are fleeing trauma and violence in their home countries, yet Defendants fail to provide adequate psychological screening or mental health treatment. Defendants also fail to provide detainees with adequate access to medical care, even for urgent medical conditions. Nor do they provide language interpretation when medical encounters do occur. Custody officers routinely retaliate against detainees for seeking medical care and threaten to withhold privileges if detainees request medical attention. As a consequence of these failures,

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[2] Plaintiffs filed a Motion for Class Certification on September 4, 2018. Doc. 34.

an atmosphere of desperation and fear pervades the prison.

As if these conditions were not appalling enough, Defendants have deprived detainees of the ability to freely practice their religion—one of the few things that might bring detainees some sense of comfort or peace of mind. Detainees are denied the right to participate in congregate worship services and group prayer is restricted. They are unable to obtain religious counseling or consult with clergy. Detainees' ability to read and study holy texts, as well as their ability to wear religious headgear and jewelry, are limited by Defendants' confiscation of their personal religious items and refusal to return or replace them in a timely manner, or at all.

Plaintiffs intend to move for expedited discovery in order to fully examine and document the conditions of confinement for ICE detainees at FCI Victorville. Even without benefit of discovery, however, it is evident that these conditions of confinement fall below constitutional minima. Defendants' denial of adequate health care and employment of unnecessarily punitive and harmful custodial practices violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Defendants also violate the Free Exercise Clause of the First Amendment and the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb *et seq*. by restricting and failing to accommodate detainees' religious exercise. Although the named plaintiffs in this action have been transferred out of FCI Victorville since the filing of the complaint, the conditions of confinement imposed by Defendants continue to cause irreparable harm to the class, as well as the subclass, they seek to represent. The balance of hardships tips sharply in the Plaintiffs' favor, and the public has no interest in subjecting immigrants to punitive and degrading conditions of confinement or in denying them the ability to practice their religion.

Pursuant to Federal Rule of Civil Procedure 65, the Court should enjoin Defendants from the unlawful and unnecessary policies and practices that threaten FCI Victorville detainees' physical, mental, and spiritual well-being. In particular, the Court should enjoin Defendants from providing constitutionally inadequate

health care to ICE detainees at FCI Victorville, subjecting ICE detainees at FCI Victorville to conditions and practices that amount to punishment, restricting detainees' religious exercise or failing to accommodate detainees' religious exercise in a manner that violates or is otherwise inconsistent with ICE's Detention Standards, and transferring any additional ICE detainees to FCI Victorville.

II. BACKGROUND

A. The Conditions of Confinement for ICE Detainees at FCI Victorville Are Similar to, or Worse than, Those of Criminal Prisoners

Defendants know that prisons are inappropriate facilities for immigration detainees. In 2009, ICE concluded that:

> the demeanor of the Immigration Detention population is distinct from the Criminal Incarceration population. The majority of the population is motivated by the desire for repatriation or relief, and exercise exceptional restraint. . . [R]elatively few file grievances, fights are infrequent, and assaults on staff are even rarer."[3]

ICE identified "important distinctions" between "the administrative purpose of [immigration detainees'] detention—which is to hold, process, and prepare individuals for removal—as compared to the punitive purpose of the Criminal Incarceration system."[4] Notwithstanding these critical distinctions, ICE has elected to incarcerate immigration detainees in a federal prison—a facility designed to punish the persons incarcerated there.

Both in policy and practice, the federal government flouts the distinction between civil and criminal detention for the ICE detainees at FCI Victorville. The ICE-BOP Inter-Agency Agreement that governs the incarceration of ICE detainees at FCI Victorville expressly provides that the detainees will be subject to BOP's

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[3] Dora Schriro, U.S. Department of Homeland Security, *Immigration Detention Overview and Recommendations* at 2, 21 (Oct. 6, 2009), *available at* https://www.ice.gov/doclib/about/offices/odpp/pdf/icedetention-rpt.pdf.

[4] *Id.*

policies for *pretrial criminal* inmates. *See* Doc. 35-1 (Inter-Agency Agreement) at ¶ 4.D.3.a.[5] With respect to medical care, mental health care and discipline, BOP policy regards ICE detainees as indistinguishable from criminal prisoners at Victorville. *See 7331.04 Program Statement*, Federal Bureau of Prisons, 1, 14, 16 (Jan. 31, 2003), https://www.bop.gov/policy/progstat/7331_004.pdf.

Indeed, ICE detainees at FCI Victorville experience the same custodial restrictions as criminal prisoners.[6] ICE detainees, like criminal prisoners, are subject to unclothed visual inspections. *See, e.g.*, Decl. of Yoni Santiago Gutierrez, attached hereto as Exhibit 1 at ¶ 3 ("When we arrived . . . [w]e had to take off all of our clothes and be searched. I also have been strip searched two other times after legal visits."); Decl. of Noel Siles, attached hereto as Exhibit 2 at ¶ 4 ("When I first got here, I was strip searched. I had never exposed myself like that and I felt it was a huge violation. I was told to hold my hands behind my head and turn around and show my buttocks to an officer and cough.").[7] ICE detainees, like criminal

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[5] *See Program Statement 7331.04*, Federal Bureau of Prisons, 1, 1 (Jan. 31, 2003), https://www.bop.gov/policy/progstat/7331_004.pdf; *Policy & Forms*, Federal Bureau of Prisons, https://www.bop.gov/resources/policy_and_forms.jsp.

[6] Detainees have been told by prison officers that, although immigration detainees are not prisoners, they are in prison and have to follow federal prison rules *see* Decl. of Gabriel Manzanilla Pedron, attached hereto as Exhibit 3 at ¶ 17, and that these rules are stricter than rules in jails. *See* Doc. 1-1 at ¶ 17.

[7] *See also* Doc. 1-6 at ¶ 7 ("I had to take off all of my clothes in front of an official before I was given a brown jumpsuit."); Decl. of Desmond Tenghe attached hereto as Exhibit 4 at ¶ 3 ("We were strip searched when we arrived. It was embarrassing. I have also been strip searched after a legal visit."); Supp. Decl. of Stephenson Awah Teneng attached hereto as Exhibit 5 at ¶ 16 (unclothed visual search upon arrival at FCI Victorville); Decl. of Alex Armando Villalobos Veliz attached hereto as Exhibit 6 (same) at ¶ 5. BOP conducts these searches notwithstanding a provision in the Pretrial Inmate policy prohibiting visual searches unless there is reasonable suspicion that an inmate is concealing a weapon or contraband. *Program Statement 7331.04*, Federal Bureau of Prisons, 1, 6 (Jan. 31, 2003),
(footnote continued)

prisoners, are shackled—sometimes for hours on end—when they are transported to or from FCI Victorville.[8] ICE detainees, like criminal prisoners, are also subjected to extended lockdowns that restrict them to locked cells for days.[9] ICE detainees, like criminal prisoners, are required to stand for inmate count and follow the rules of the prison.[10] ICE detainees, like criminal prisoners, have severely restricted access to fresh air and opportunities for socialization.[11]

In many regards, conditions for ICE detainees at FCI Victorville fall well below the standards that Defendant BOP sets for criminal prisoners. For example, BOP policies require that criminal prisoners receive adequate nutrition and at least 20 minutes to eat their meals.[12] ICE detainees, by contrast, receive meals that are

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https://www.bop.gov/policy/progstat/7331_004.pdf.

[8] *See, e.g.*, Doc. 1-6 at ¶ 5 (Plaintiff shackled for four to five hours); Exhibit 6 at ¶ 4 (shackled for five to six hours), Exhibit 4 at ¶ 2 (shackled for three hours), Doc. 1-3 at ¶¶ 7-8 (shackled and chained during trip to hospital for urgent medical care).

[9] *See, e.g.*, Doc. 1-5 at ¶ 7 (plaintiff kept in cell for first few days after he arrived in July); Doc. 1-8 at ¶ 16 (locked down "for about four days without clean clothes or showers"); Doc. 1-11 at ¶ 3 (constantly locked in cell the first three days after he arrived); Doc. 1-17 at ¶ 7 (spent the first three or four days locked in his cell). *See also* Exhibit 3 at ¶ 14; Exhibit 6 at ¶ 7.

[10] *See, e.g.*, Exhibit 3 at ¶ 18 (officer informed detainee "that we are in a prison and we have to follow prison rules"); *id.* ("I saw a guard threaten to hit somebody because he did not get up fast enough at 9:30" for count).

[11] *See, e.g.*, Doc. 1-6 at ¶ 14 (plaintiff's unit locked down for seven hours due to a fight in another building); Doc. 1-9 at ¶ 6 (describing extremely limited out of cell time); Doc. 1-10 at ¶ 15 (same); Doc. 1-11 at ¶ 3 (24-hour lockdowns on weekends); Doc. 1-19 at ¶ 12 (same). *See also* Exhibit 5 at ¶ 17; Exhibit 6 at ¶ 9.

[12] *Program Statement P4700.06*, Federal Bureau of Prisons, 1, 61 (Sept. 13, 2011), https://www.bop.gov/policy/progstat/4700_006.pdf (requiring nutritionally adequate meals and dining spaces that afford "each inmate the opportunity to have at least 20 minutes of dining time for each meal").

small, inadequate, of poor nutritional value, and inedible.[13] Officers allow less than five minutes for the detainees to eat their meals before demanding that they leave the chow hall and throw away any uneaten food.[14]

BOP policies also require that all institutions offer various continuing education, library, parenting, and other programs.[15] No such programs are provided for ICE detainees, who cannot even access books in languages they understand.[16]

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[13] *See* Doc. 1-8 at ¶¶ 15, 17 (weight loss due to lack of food; often served sour milk); Doc. 1-9 at ¶ 10 (inadequate amount of food with small portions, has seen worms or maggots in the meat); Doc. 1-10 at ¶ 8 (inadequate amount of food, meat in the sandwiches is sometimes expired); Doc. 1-14 at ¶ 11 (inadequate amount of food); Doc. 1-15 at ¶ 21 (inadequate amount of food; sometimes served spoiled milk and sandwiches that are just two pieces of bread); Doc. 1-20 at ¶ 5 (inadequate amount of food; often feels hungry).

[14] *See* Doc. 1-6 at ¶¶ 20, 21 (less than 10 minutes to eat; official forced a detainee to throw away bread he had put in his pocket when leaving the chow hall); Doc. 1-7 at ¶ 6 (only 5 minutes to eat); Doc. 1-8 at ¶ 15 (only about 5 minutes to eat; not allowed to take food from the chow hall, even an apple); Doc. 1-10 at ¶ 8 (only 3-5 minutes to eat); Doc. 1-17 at ¶¶ 12 (3-4 minutes to eat each meal; leftover food is confiscated and thrown away); Doc. 1-20 at ¶ 5 (only 5 minutes to eat). As a result of these practices, immigration detainees imprisoned at FCI Victorville have lost weight. *See* Doc. 1-4 at ¶ 11 (7 kilograms lost); Doc. 1-8 at ¶ 15 (10-15 pounds lost, bones visible in wrists that were not visible before); Doc. 1-10 at ¶ 8 (5-10 pounds lost); *see also* Doc. 1-11 at ¶ 5 (10 pounds lost due to inadequate food and pain); Doc. 1-15 at ¶ 22 (lost weight since arrival at prison).

[15] *Program Statement 5300.21*, Federal Bureau of Prisons, 1, 1 (Feb. 18, 2002), https://www.bop.gov/policy/progstat/5300_021.pdf; *see also Program Statement P5370.11*, Federal Bureau of Prisons, 1, 1 (June 25, 2008), https://www.bop.gov/policy/progstat/5370_011.pdf ("The Bureau of Prisons encourages inmates to make constructive use of leisure time, and offers movies, games, sports, social activities, arts and hobbycrafts, wellness, and other group and individual activities").

[16] Doc. 1-2 at ¶ 8 (told by ICE that he could not participate in classes listed on a paper about the prison); Doc. 1-4 at ¶ 7 (only English books available); Doc. 1-9 at ¶ 9 (no programs, education, or training available); Doc. 1-10 at ¶ 7 (no activities, programs, jobs; books are only in English); Doc. 1-14 at ¶14 (books only in English, (footnote continued)

Similarly, BOP policy requires that criminal prisoners "have access to regularly scheduled congregate services [and] chaplains" and outlines various other religious programs, services, and accommodations available to criminal prisoners.[17] However, Defendants have not provided any religious worship services for detainees of faith, and detainees have no access to religious counseling or chaplains. Their ability to engage in informal congregate prayer and religious study is also limited. *See infra* II.D.

Finally, BOP policies governing patient care provide that criminal prisoners receive physical and mental health assessments upon intake. The policies require that medical staff assess patients when they express pain. They require that patients have access to a variety of physical and mental health care services and treatments while incarcerated.[18] In practice, as detailed herein, Defendants routinely deny or delay the provision of these health care services to ICE detainees at FCI Victorville.

Indeed, Defendants confine ICE detainees in conditions far more restrictive than those to which Defendant BOP subjects convicted criminal prisoners in even its minimum-security facilities. For example, according to BOP, minimum-security facilities (also known as federal prison camps) "have dormitory housing, a relatively

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no classes or programs); Doc. 1-15 at ¶¶ 14, 19 (no books in Spanish until today; no classes, programs, or groups available); Doc. 1-17 at ¶ 15 (no known educational, recreational, or other programs); Exhibit 5 at ¶ 14 (no access to school or other activities).

[17] *Program Statement, P5360.09*, Federal Bureau of Prisons, 1, 1 (Dec. 31, 2004), https://www.bop.gov/policy/progstat/5360_009_CN-1.pdf.

[18] Program Statement 6031.04, Federal Bureau of Prisons, 1, 20 (June 3, 2014), https://www.bop.gov/policy/progstat/6031_004.pdf ("patients who complain of pain, will be assessed and treated if necessary"); *id*. at 5 (listing categories of medical treatment available); *id*. at 23 ("Health Services clinical staff will conduct an initial assessment of each newly committed inmate upon his/her arrival at an institution. …").

low staff-to-inmate ratio, and limited or no perimeter fencing. These institutions are work- and program-oriented."[19] Many of the housing units in federal prison camps provide open access to microwave ovens, clothing irons, hairdryers, curling irons, and other appliances.[20] Some individuals in BOP camps are permitted to possess a radio or MP3 player,[21] sleep in residential dorm-like buildings, and access gyms and movie theaters.[22]

By contrast, Defendants confine ICE detainees at FCI Victorville in small, locked cells. Defendants restrict their freedom of movement, and even forbid them from bringing food from the chow hall back to their cells. *See* Exhibit 6 at ¶¶9-10 (prisoners get to go out on the weekends, but detainees are locked in their cells on Saturdays and Sundays). Defendants confiscate their personal property and prohibit them from possessing entertainment devices like televisions and radios to help pass the time. *See* Doc. 1-15 at ¶ 13 (housed alone in small cell), and at ¶14 (no television or radio in cell); Exhibit 5 at ¶ 13 (prisoners are permitted to have MP3 players, but ICE detainees are not). Defendants deny ICE detainees access to educational and recreational programs and work opportunities.

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[19] *About Our Facilities*, Federal Bureau of Prisons, *available at* https://www.bop.gov/about/facilities/federal_prisons.jsp.

[20] *FPC Alderson Inmate Handbook*, Federal Bureau of Prisons, 1, 8 (June 2012), https://www.bop.gov/locations/institutions/ald/ALD_aohandbook.pdf; *FPC Duluth Inmate Admissions and Orientation Handbook*, Federal Bureau of Prisons 1, 12 (Feb. 2010), https://www.bop.gov/locations/institutions/dth/DTH_aohandbook.pdf.

[21] *FPC Bryan Inmate Admission and Orientation*, Federal Bureau of Prisons, 1, 7 (Jan. 22, 2016), https://www.bop.gov/locations/institutions/bry/BRY_aohandbook.pdf.

[22] Esme Murphy, *Behind Bars: Denny Hecker's Life in Prison*, CBS Minnesota (May 15, 2011), *available a*t https://minnesota.cbslocal.com/2011/05/15/a-look-inside-denny-heckers-life-in-prison/ (describing the Federal Prison Camp in Duluth Minnesota).

B. Defendants' Practices and Conditions of Confinement at FCI Victorville Violate ICE's Detention Standards

The government has developed standards for ICE detention that expressly prohibit many of the practices and conditions of confinement present at FCI Victorville.[23] ICE's 2008 and 2011 Performance-Based National Detention Standards require, for example: (1) physical and mental health intake assessments; (2) access to appropriate health care services; (3) provision of adequate nutrition, and at least 20 minutes to eat meals; and (4) access to religious services, clergy, and various religious items.[24] The fact that Defendant ICE developed and enforces these standards for ICE detainees demonstrates that the deprivations at FCI Victorville are not necessary to achieve a governmental objective.[25]

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[23] ICE's Performance-Based National Detention Standards ("PBNDS") govern conditions in eleven immigration detention centers in the Ninth Circuit. *See* U.S. Customs and Immigration Enforcement, Facility Inspections: Dedicated and Non-Dedicated Facility List, https://www.ice.gov/facility-inspections (showing seven dedicated facilities under PBNDS 2011 and four dedicated facilities under PBNDS 2008).

[24] PBNDS 2008 § 4.22(V)(I)(1); PBNDS 2011 § 4.3(II)(14) (intake assessments); §§ 4.22(II)(15), 4.22(V)(B), (K), (N) & (O); PBNDS 2011 §§ 4.3(II)(2) & (4), 4.3(V)(A), (S) & (T) (health care services); PBNDS 2008 §§ 4.20(II)(1), (3) & (4), 4.20(V)(D)(1); PBNDS 2011 §§ 4.1(II)(1) & (3), 4.1(V)(D)(1) (adequate nutrition and time to consume meals); §§ 5.30(II)(6), 5.30(V)(G); PBNDS 2011 §§ 5.5(V)(D), (F) & (J). The 2008 and 2011 Standards can be found at https://www.ice.gov/factsheets/facilities-pbnds.

[25] Plaintiffs do not concede that the ICE standards meet constitutional minima; many are unduly restrictive. Nonetheless, even these excessively restrictive standards provide for less punitive correctional practices and conditions of confinement than those that exist at FCI Victorville.

C. Defendants Deny Minimally Adequate Health Care to ICE Detainees at FCI Victorville

In addition to subjecting ICE detainees to harmful and punitive conditions of confinement at FCI Victorville, Defendants fail to provide for detainees' basic medical and mental health needs. The prison lacks adequate health care staff to provide a minimally adequate system of health care for individuals detained there. On August 27, 2018, John Kostelnik, a case manager at FCI Victorville and president of AFGE 3969, which represents BOP employees at FCI Victorville, confirmed that there are just two doctors on staff to serve over 4,000 criminal prisoners and ICE detainees at Victorville, and one of them is largely occupied with administrative tasks. *See* Decl. of Margot Mendelson (hereinafter "Mendelson Decl."), Exhibit 1 at p. 1, ln. 25, p. 2, ln. 1.[26] According to media reports, no additional staff were hired to help attend to the 1,000 detainees that arrived around June 8,[27] and "[m]edical staff have become 'emotional' as they struggle to provide proper care" for Victorville's thousands of charges.[28] Mr. Kostelnik's account is

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[26] *Accord* Lauren Weber, *1,000 Detainees Just Got Sent To A Prison That Staffers Consider Unsafe*, Huffington Post (June 23, 2018), *available at* https://www.huffingtonpost.com/entry/immigration-detainees-victorville-prison_us_5b2d8b44e4b0040e2742f1c9 (Kostelnik explaining that "[e]ven before 'getting detainees, we didn't have the staffing to provide proper medical care'"); Lauren Gill, *As Immigrant Detainees Are Moved to Prisons, What Happens to the Prisoners?*, Rolling Stone (July 3, 2018), *available at* https://www.rollingstone.com/culture/culture-features/immigrant-detainees-victorville-california-prisoners-695215/. (documents show that "there are just two physicians, nine physician assistants or nurse practitioners, and one medical clerical worker to care for the roughly 4,200 people" at Victorville).

[27] Lauren Weber, *As Health Conditions Worsen at Prison Holding 1,000 Detainees, Staff Fears A Riot*, Huffington Post (July 2, 2018), *available at* https://www.huffingtonpost.com/entry/victorville-prison-detainees-medical-crisisus5b3abde8e4b07b827cb9ed38.

[28] Gill, *supra* note 26.

consistent with the U.S. Department of Justice Office of the Inspector General's 2016 investigative findings, which documented systemic understaffing of medical professionals throughout the BOP, resulting in limitations on prisoners' access to medical care.[29] These drastic deficiencies in medical staffing have led to a dangerous and life-threatening situation for Victorville ICE detainees, whose basic health care needs have been ignored.

1. Defendants Fail to Provide Adequate Intake Health Screening

Defendants fail to conduct adequate intake health screenings of detainees when they are admitted to FCI Victorville. There is no consistent screening of detainees for medical, mental health, or dental problems upon intake. *See* Doc. 1-10 at ¶ 12 (no dental screening despite painful toothache); Doc. 1-15 at ¶ 5 (no medical, dental, or mental health screening upon arrival). The minimal and inconsistent screening that does occur often involves no meaningful communication with the patient, leading to "treatment" without detainees' informed consent. *See* Doc. 1-6 at ¶ 15 ("They didn't tell us what was in the injection"); Doc. 1-2 at ¶ 13 ("screening" consisted of an injection of unknown contents).

Indeed, communication is, in many cases, rendered impossible by Defendants' failure to provide language interpretation to detainees. For example, a nurse who examined Plaintiff Ankush Kumar regarding his kidney stones relied on another Punjabi-speaking detainee who is fluent in English and was compelled to interpret for other Punjabi speakers during medical encounters. Doc. 1-3 at ¶ 6.

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[29] *Review of the Federal Bureau of Prisons' Medical Staffing Challenges*, Office of the Inspector General, Department of Justice, (March 2016), https://oig.justice.gov/reports/2016/e1602.pdf. Plaintiffs intend to file a motion for expedited discovery, which will request discovery regarding staffing and vacancy levels for custody and health care staff at FCI Victorville. Plaintiffs will supplement this filing once that discovery is obtained.

Plaintiff Ngwa is fluent in English and French, and acted as a translator for French-speaking detainees. Doc. 1-2 at ¶ 16; *see also* Doc. 1-7 at ¶ 4 (relies on cellmate to translate to French); Doc. 1-9 at ¶ 16 (another detainee translated when he saw a nurse regarding stomach pain). Some non-English speaking detainees are treated without any interpretation at all. *See* Doc. 1-17 at ¶ 8 (received medical treatment he did not understand; all services rendered in English).

These nonexistent or inadequate screenings have predictably had adverse health effects on the detainee community at large, including outbreaks of communicable diseases and prolonged quarantines.[30] According to Mr. Kostelnik's August 27, 2018 report, in fact, there have been at least 60 cases of scabies and 30 cases of chickenpox at the prison since the ICE detainees arrived in June 2018. *See* Mendelson Decl., Exhibit 1 at p. 2, ln. 5-10.

At Victorville, Defendants rely on a short, written survey (available only in English and Spanish) as the only form of mental health screening. *See* Doc. 1-19 at ¶ 6 (describing questionnaire used in lieu of mental health screening).[31] Plaintiff

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[30] *See* Roxana Kopetman, *Immigration detainees in Victorville prison get more scabies, chicken pox; protesters to gather Saturday*, The Orange County Register (June 29, 2018), available at https://www.ocregister.com/2018/06/29/immigration-inmates-in-victorville-get-more-scabies-chicken-pox-protesters-to-gather-saturday/. *See* Doc. 1-2 at ¶ 5 ("My unit was quarantined for chicken pox and we didn't shower for two days. It started to smell bad in our room."); Exhibit 3 at ¶ 10 (21-day quarantines due to chicken pox; some people quarantined for a second time); Exhibit 5 at ¶¶ 2, 5 (quarantined due to chicken pox twice for a total of 42 days; some people had to go into a third quarantine); *id.* at ¶¶ 3-4 (during quarantines, were locked in cells 85% of the time, only allowed out of cells for two hours twice a day, and did not receive enough food); *id.* at ¶ 6 ("Quarantine is hard because we do not go out into the yard, do not get fed enough, and sometimes guards come into the cells to search them, and toss things about and throw them away.").

[31] On August 10, 2018, U.S. District Judge Dolly M. Gee issued an order in the *Franco-Gonzalez v. Nielsen* litigation finding that the initial mental health screenings conducted for ICE detainees at some federal prisons, including FCI (footnote continued)

Granados Aquino was "never . . . asked about [his] mental health in person" after arriving at Victorville. Doc. 1-6 at ¶ 15. When he first arrived at the prison, he filled out a form, on which he indicated that he was depressed; however, Defendants never followed up to conduct an assessment or offer him mental health services. *Id.* at ¶ 16. This is consistent with the experiences of other Plaintiffs and detainees. *See* Doc. 1-2 at ¶ 15 ("No one has asked me if I feel sad, depressed, or suicide [*sic*]. I would tell them [yes] if they did. I still feel depressed because I am in pain and can't ask for help."); Doc. 1-18 at ¶¶ 4-5, 7 (no screening or ability to request counseling for anxiety because staff does not speak French); Doc. 1-19 at ¶ 6 (no face-to-face mental health screening).

2. Defendants Do Not Provide Emergency and Routine Health Care

Plaintiffs and other FCI Victorville detainees have experienced medical emergencies that go unaddressed and result in gratuitous suffering and a risk of permanent injury or death. While there is an emergency call button in each cell, calls from detainees experiencing medical emergencies are often ignored. When he experienced extreme pain from a kidney stone, for example, Plaintiff Ankush Kumar pushed the emergency call button but was not provided medical attention until the next day, when he was given medication and ultimately transported to the hospital. Doc. 1-3 at ¶ 5-7. In some cases, detainees have been instructed not to use the emergency call button to notify staff of their health care needs. Prison staff

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Victorville, are "inadequate" and fail to meet the requirements of the injunction and implementation plan in that case. Order, *Franco-Gonzalez v. Nielson*, Case No. 2:10-cv-02211-DMG-DTB, Doc. 1008 at 7, 11 (C.D. Cal. Aug. 10, 2018). On August 17, 2018, the U.S. Department of Justice filed a status report representing that ICE and BOP would "work together to . . . perform . . . 14-day mental health re-screenings" to the 441 ICE detainees at FCI Victorville II by August 31, 2018. *See* Defs.' Status Report, *Franco-Gonzalez v. Nielsen*, Case No. 2:10-cv-02211-DMG-DTB, Doc. 1009 at 2 (C.D. Cal. Aug. 17, 2018).

instructed one detainee that he "should not touch the call button in [his] cell unless [he is] dying," Doc. 1-15 at ¶ 24, and told another detainee never to push the button again. Doc. 1-11 at ¶¶ 7-8.

Defendants also lack a reliable system for detainees to access routine health care. Detainees struggle to communicate their medical care needs to health care staff. For example, forms to request access to medical services are not routinely available, and in those cases where forms are provided, they are available only in English and Spanish. *See* Doc. 1-2 at ¶ 11-12; Doc. 1-4 at ¶ 4; Doc. 1-9 at ¶ 15; Doc. 1-10 at ¶ 11; Doc. 1-11 at ¶ 6. Even those suffering severe and ongoing pain are unable to convey their needs to medical staff. *See* Doc. 1-10 at ¶¶ 10-13 (detainee unable to request medical care for his toothache); Doc. 1-20 at ¶ 7 (describing detainee who requested medical care for toothache for eight days "but no one came to see him").

When detainees do manage to access medical staff, diagnosis and treatment is often delayed or denied outright. In one case, a detainee who was suffering from a fever, cough, and sore throat was told by staff that there "weren't any medical consultations unless it was really serious, so [he] could not have any help." Doc. 1-19 at ¶¶ 7–9. *See also* Doc. 1-2 at ¶ 13 (medical staff screening detainee for chicken pox "did not want to talk to me about my pain"); Doc. 1-1 at ¶¶ 7-13; and at ¶¶ 19-21 (no dental treatment or medication for Plaintiff Teneng's severe toothache despite complaining to custody and medical staff multiple times over multiple days); Doc. 1-11 at ¶¶ 7-8 (told to wait until "mañana" for treatment for gastritis); Doc. 1-9 at ¶ 3, and at ¶¶ 13-16 (detainee unable to request medical services or to communicate with officers about bloody stool, peeling skin, and rashes for weeks); Doc. 1-18 at ¶ 6 (detainee requested X-ray due to pain in his shoulders, ribs, and leg, but was not provided an exam.); Doc. 1-8 at ¶ 13 (detainee with nosebleed denied access to medical staff, and instead told to "deal with it and cut out your bullshit").

3. Defendants Do Not Provide Minimally Adequate Mental Health Care

Defendants fail to provide adequate meaningful mental health treatment. Doc. 1-6 at ¶ 11 (in response to urgent request for mental health treatment, officer told detainee "I can't help you right now. Maybe tomorrow."); Doc. 1-15 at ¶¶ 16, 25 (detainee experiencing depression, loneliness, and desperation; unable to access mental health services); Doc. 1-18 at ¶ 7 (detainee deeply anxious and unable to access mental health services). Even when ICE detainees inform Defendants of their serious, current mental health needs, Defendants fail to conduct comprehensive assessments or provide necessary care. Doc. 1-6 at ¶¶ 15-16 (detainee filled out form reporting that he was depressed, but no one at the prison followed up or offered assessment or treatment). One detainee learned, while in custody at FCI Victorville, that his father had been killed in Honduras. Exhibit 1 at ¶ 5. Upon learning the news, he "yelled and began to cry and lost control." *Id.* In response, "some guards started laughing at me" and "put me in a little hallway all alone." *Id.* at ¶¶ 6-7. After an hour and a half, a psychologist arrived, but she didn't speak Spanish and relied on another detainee to translate. *Id.* at ¶ 8. A few days later, another mental health professional came to see him in the hallway of the housing unit, "in front of all of my acquaintances." *Id.* at ¶ 13. She also didn't speak Spanish, and relied on another detainee to translate. *Id.* She told Mr. Gutierrez Gonzalez that "if I keep asking for the psychologist, they were going to put me in isolation." *Id.*

Defendants' failure to provide mental health care at the prison is particularly problematic because the harsh and punitive conditions of confinement can cause severe psychological distress. Detainees at Victorville report experiencing mounting depression and hopelessness, which is exacerbated by long periods of enforced idleness and the denial of adequate opportunities for recreation, activity, and

socialization.[32] They also report that they hear men weeping in their beds at night and that they have seen men with fresh scars on their wrists from cutting themselves.[33] Media reports indicate that at least two detainees have attempted suicide or been placed on suicide watch.[34] By failing to provide adequate mental health care, Defendants have placed Plaintiffs and the class they seek to represent at serious risk of needless psychological harm, injury, and death by suicide.

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[32] *See* Doc. 1-2 at ¶ 10 (depression and difficulty sleeping due to enforced idleness); Doc. 1-6 at ¶ 11 (cried in cell and became depressed due to isolation); Doc. 1-9 at ¶ 12 (anxiety due to being locked in cell 20-21 hours a day with nothing to do); Doc. 1-10 at ¶ 10 ("As a result of spending so much time in my cell with nothing to do, I am frustrated, worry, and get headaches"); Doc. 1-13 at ¶ 3 ("When we first arrived at Victorville we were in our cells all of the time and it was very hard."); Doc. 1-15, at ¶ 16 ("I am having a very difficult time with the isolation and idleness. I feel very depressed and lonely. At night, I cry."); Doc. 1-18 at ¶ 3 (anxiety and difficulty sleeping due to being locked in cell with nothing to do); Exhibit 2 at ¶ 5 (depression has worsened due to the conditions at Victorville; has suicidal thoughts).

[33] Doc. 1-8 at ¶ 14 (detainee reporting that "I saw an Ecuadorean man who took the blade out of his razor and cut across his arms and cut a cross into the side of his wrist."); Doc. 1-15 at ¶¶ 17-18 (has heard men crying in their beds at night; has seen men with scars from cutting themselves due to depression and desperation); Exhibit 5 at ¶ 20 (heard a fellow detainee, a minor, crying in his cell during quarantine); Exhibit 3 at ¶ 9 ("I've heard [other detainees] crying. One time I heard someone saying he was going to kill himself.").

[34] *See* Lauren Weber, *Detainee Attempts Suicide After Trump Administration Jams Migrants Into Troubled Prison*, Huffington Post (Aug. 1, 2018), *available at* https://www.huffingtonpost.com/entry/victorville-prison-suicide-attempt-migrants_us_5b6267cce4b0de86f49dcbda, ("In the last week, one detainee has tried to kill himself, saying he was terrified he would be deported back to Cuba. Another was put on suicide watch after staffers noticed he couldn't stop crying, according to multiple staff members who requested anonymity to protect their jobs after employees were told not to speak to the press."). *Cf.* Weber, *supra* n.27 (Congressman who toured Victorville expressing concern that "the sense of hopelessness and depression could cause some of them to take their own lives").

4. Defendants Do Not Provide Adequate Medication

Defendants also have failed to ensure that detainees receive necessary medications. In one case, an asthmatic patient was denied an inhaler or other asthma medicine upon arrival at Victorville, despite informing staff of his condition. *See* Doc. 1-15 at ¶¶ 3, 5. He suffered an asthma attack a week later and when he was finally given an inhaler, it only had 15 doses left. *Id.* at ¶¶ 6-7. Once that inhaler ran out, the detainee requested another but staff did not provide one. *Id.* at ¶¶ 7-8. Fear of another asthma attack without an inhaler confined the detainee to his cell for most of the time he was detained at Victorville. *Id.* at ¶ 9.

Another detainee, whose medication was thrown away by ICE officials when he was apprehended, notified prison staff of his medical need when he arrived at Victorville but was denied because he could not remember the name of the medicine. Doc. 1-8 at ¶¶ 7, 10. Medical staff did not attempt to determine his diagnosis or provide an alternative medication. *Id.* at ¶ 11.

A third detainee who was seriously injured and hospitalized during his initial apprehension was not given any pain medication following his initial treatment. *See* Doc. 1-20 at ¶ 2. Nor was he provided instructions for refilling his gastritis medication. *Id.* at ¶¶ 8-9. The same is true of another detainee suffering from gastritis, despite making multiple requests. Doc. 1-7 at ¶¶ 7-12. Another detainee has been unable to obtain medicine for a serious skin rash, causing his skin to peel. Doc. 1-9 at ¶ 13. One detainee managed to obtain ibuprofen to treat his pain a few days after meeting with medical staff, but was instructed only to take it with food, which is not provided in the evenings. Doc. 1-16 at ¶ 11.[35]

[35] *See also* Exhibit 6 at ¶¶11-12 (prescription for kidney medication confiscated at border; medical staff at FCI Victorville have not replaced it despite detainee's requests).

5. Custody Staff Use Threats and Retaliation to Improperly Interfere with Health Care

Custody staff at FCI Victorville routinely interfere with detainees' access to health care with conduct that is perceived as retaliatory and has had a chilling effect on detainees' willingness to report alarming symptoms or request health care. For example, Plaintiff Teneng was "locked in his cell for several hours while other detainees were allowed out in response to his asking medical staff to care for his tooth pain." Doc. 1-1 at ¶¶ 13-18. *See* Doc. 1-13 at ¶ 3 (detainee was afraid to ask for medical care because of how custody staff respond to others who request care). Detainees have been intimidated into silence either through explicit threats or through verbal abuse. Doc. 1-1 at ¶ 17 (Plaintiff threatened with pepper spray if he continued to complain about his toothache); Doc. 1-11 at ¶¶ 7-8 (custody staff response to request for medical care was "don't be a dumbass"); Doc. 1-8 at ¶ 13 (custody staff response to request for medical treatment was "deal with it and cut out your bullshit"); Doc. 1-15 at ¶ 24 (detainee warned he "should not touch the call button in [his] cell unless [he is] dying"); Exhibit 3 at ¶¶ 11-12 (detainee afraid to ask officers for help when he is sad or sick because he has witnessed them say nasty things to other detainees).[36]

D. Defendants Have Severely Limited Detainees' Religious Exercise.

FCI Victorville detainees' ability to exercise their religion is severely limited. For example, detainees are not permitted to attend religious worship services that may be held for other prisoners at the facility, and Defendants have not provided separate services for detainees of faith. *See, e.g.*, Doc. 1-2 at ¶ 9 (Plaintiff reporting

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[36] BOP conditions at issue here do not comply with the ICE standards providing that "[b]ecause ICE exercises significant authority when it detains people, ICE must do so in the most humane manner possible with a focus on providing sound conditions and care." *See* PBNDS 2011 at i, https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf.

no Presbyterian worship services); Doc. 1-7 at ¶ 13 (Catholic); Doc. 1-12 at ¶ 7 (Sikh); Doc. 1-14 at ¶ 12 (Hindu); Doc. 1-18 at ¶ 2 (Islamic); Decl. of Dominic Tebit attached hereto as Exhibit 7 at ¶ 8 (Presbyterian); Exhibit 3 at ¶ 21 (no church services for Seventh Day Adventist detainees and not allowed to attend any religious services held for non-immigrant prisoners); Decl. of Fabio Serrano Solorzano attached hereto as Exhibit 8 at ¶ 16 (Catholic); *see also*, Doc. 1-9 at ¶ 9 (no religious services or other programs available for detainees); Doc. 1-16 at ¶ 8 (same).

Detainees' ability to gather informally outside of their cells to conduct group prayer or religious study is also limited. *See, e.g.*, Doc. 1-6 at ¶ 23 (prison officers told Plaintiff and other detainees that they could not gather in the day room to pray, sing songs, and preach); Doc. 1-9 at ¶ 9 (officers dispersed group of detainees who sought to pray together in the common area, telling them that they "did not have the right to assemble or to pray together"); Doc. 1-18 at ¶ 2 (Muslim detainee can only pray in his cell); Exhibit 3 at ¶ 22 (stating that detainees have "tried to meet as a group informally for Bible study" but an "officer broke us up and told us it was not allowed"); Exhibit 8 at ¶ 16 (detainees tried to gather to pray and sing hymns, but were told by officer that they could not gather as a group).

Further, detainees of faith have no ability to consult with clergy or obtain religious counseling. *See, e.g.*, Doc. 1-2 at ¶ 9 (Presbyterian Plaintiff not able to see clergy); Doc. 1-7 at ¶ 13 (detainee unable to see a priest since being detained at Victorville); Exhibit 7 at ¶ 16 (in past, Catholic detainee sought out advice from priest, but has no access to pastor or priest for religious counseling at Victorville).

Defendants also have restricted detainees' access to various religious items, including holy books and other religious texts, religious headwear, and religious jewelry. For example, Defendants seized Plaintiff Granados Aquino's Bible at the border and denied his request for its return. Doc. 1-6 at ¶ 25. Another detainee—a Seventh Day Adventist for whom reading the Bible in Spanish is an "important

part" of his religious practice—also had his Spanish-language Bible confiscated by Defendants, who have refused to return it. Exhibit 3 at ¶ 23. He only happens to have access to a Spanish Bible now because another detainee (who had the sole copy of the Spanish Bible for the entire unit) gave it to him when transferring to a new facility. *Id.* The detainee reports that, currently, only three Bibles are available on the unit for 15 people who need them. *Id.*; *see* Doc. 1-15 at ¶15 (detainee made "multiple requests for a Bible but officers in [his] housing unit said there are no bibles here"). Similarly, Muslim detainees have no access to the Quran or other Islamic texts. Doc. 1-18 at ¶ 2.

One detainee similarly reported that his rosary was confiscated at the border, and he has no idea where it is. Doc. 1-20 at ¶ 10. An ICE officer told him it was in Florence; another officer said his property had been lost.[37] *Id.* Sikh detainees' turbans and karas (religious bracelets) have been confiscated as well. Defendants have not returned them. *See, e.g.*, Doc. 1-4 at ¶ 9 (Plaintiff Atinder Paul Singh "asked repeatedly if I could get my turban back, or wear a head covering" but "was told it is not allowed); Doc. 1-5 at ¶ 6 ("Since I came to Victorville, I have asked for a turban and my kara but was told they are in my personal property."); Doc. 1-12 at ¶¶ 5, 8 (Sikh turban confiscated, never returned).

The prison has purported to make turbans available to purchase via the commissary. *See* Doc. 1-4 at ¶ 10. However, in practice, many detainees continue to suffer serious delays in obtaining a turban, if they receive one all.[38] The commissary

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[37] *Cf.* Peter C. Baker, *A Janitor Preserves the Seized Belongings of Migrants*, New Yorker (Mar. 12, 2017), *available at* https://www.newyorker.com/culture/photo-booth/a-janitors-collection-of-things-confiscated-from-migrants-in-the-desert (detailing various items seized by CBP, including rosaries and pocket Bibles).

[38] According to Plaintiff Atinder Paul Singh, an ICE agent told detainees that they could obtain a "small cover like a patka," a type of turban, if they paid $10. Doc 1-4 at ¶ 10. But the patka was never received, even though Singh's prison account had (footnote continued)

is only open on Mondays, and even then, commissary hours are often canceled without notice. Decl. of Munmeeth Kaur Soni attached hereto as Exhibit 9 at ¶ 10. As a result, newly arriving detainees who need turbans are forced to go a week or more without commissary access. *Id.* Moreover, many detainees cannot afford to purchase turbans. *See id.* at ¶ 11; Doc 1-4 at ¶ 10.

III. ARGUMENT

Plaintiffs are entitled to a preliminary injunction prohibiting the unconstitutional and punitive policies and practices in effect at Victorville because: (1) Plaintiffs are likely to succeed on the merits; (2) Plaintiffs are likely to suffer irreparable harm absent preliminary relief; (3) the balance of equities tips in Plaintiffs' favor, and (4) an injunction is in the public interest. *Winter v. Nat'l Res. Def. Council*, 555 U.S. 7, 20 (2008). Plaintiffs also are entitled to preliminary relief under the "sliding scale" approach, the Ninth Circuit's "alternate formulation" of the *Winter* standard. *Farris v. Seabrook*, 677 F.3d 858, 864 (9th Cir. 2012). Under this approach, as long as the *Winter* factors regarding irreparable harm and public interest are met, courts will issue an injunction where movants raise: (1) "serious questions going to the merits," and (2) the balance of equities "tips sharply towards the [movants]." *Id.* (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)).[39]

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enough money, thanks to his family in the United States. *Id*.

[39] Plaintiffs seek a prohibitory injunction to "prevent future constitutional violations" of the class's and subclass's constitutional rights. *Hernandez v. Sessions*, 872 F.3d 976, 998 (9th Cir. 2017) (an injunction that "prevents future constitutional violations [is a] a classic form of prohibitory injunction"). Insofar as the relief sought could be characterized as requiring a mandatory injunction, however, Plaintiffs also meet this heightened standard. In the instant case, the merits of the case are not "doubtful," and the failure to issue an injunction will lead to "extreme or very serious damage" that will not be "capable of compensation in damages." *Id.* at 999 (citing *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d (footnote continued)

A. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS OF THEIR FIFTH AMENDMENT CLAIM REGARDING EXCESSIVELY PUNITIVE CONDITIONS OF CONFINEMENT

Immigration detainees are civil detainees, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), and "the government's discretion to incarcerate [them] is always constrained by the requirements of due process." *Hernandez v. Sessions*, 872 F.3d 976, 981, 1000-01 (9th Cir. 2017). The due process clause of the Fifth Amendment prohibits Defendants from confining ICE detainees in conditions that constitute punishment. *Jones v. Blanas*, 393 F.3d 918, 932, 934 (9th Cir. 2004) ("With respect to an individual confined awaiting adjudication under civil process, a presumption of punitive conditions arises where the individual is detained under conditions identical to, similar to, or more restrictive than those under which pretrial criminal detainees are held"); *see also Bell v. Wolfish*, 441 U.S. 520, 536 (1979) (for pretrial criminal detainees, the conditions and restrictions of detention cannot "amount to punishment").[40] Here, by design and in practice, the conditions of confinement for ICE detainees at FCI Victorville plainly amount to punishment.

Because the conditions of confinement of immigration detainees at Victorville are presumptively unconstitutional, and because it is unlikely that Defendants will be able to rebut this presumption, Plaintiffs are likely to succeed on the merits of their claim.

873, 879 (9th Cir. 2009)). As the Ninth Circuit recently held in a lawsuit challenging immigration detention practices, "unlawful detention certainly constitutes 'extreme or very serious' damage, and that damage is not compensable in damages." *Hernandez, supra*, 872 F.3d at 999. Moreover, as in *Hernandez*, the merits of Plaintiffs' case "follow[] directly" from established precedent. *Id.*

[40] The Fifth Amendment due process clause applies here, but decisions construing the Fourteenth Amendment are instructive because the due process clauses of the Fifth and Fourteenth Amendments "are coextensive." *United States v. Navarro-Vargas*, 408 F.3d 1184, 1189 (9th Cir. 2005). Accordingly, for purposes of this motion, Plaintiffs treat as interchangeable cases interpreting them.

1. Incarcerating ICE Detainees at FCI Victorville Is Inherently Punitive

Incarcerating ICE detainees at a medium-security federal prison is inherently punitive. Courts have recognized that the conditions of confinement in prisons are "designed to punish" criminals. *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982). At FCI Victorville in particular, the physical plant layout and correctional practices are designed to confine medium-security criminal prisoners in a manner "appropriate" to the heightened security threat they pose.[41] Consequently, BOP confines individuals at FCI Victorville within "strengthened perimeters (often double fences with electronic detention systems)," locks them in "cell-type housing," and subjects them to heightened "internal controls."[42] By incarcerating ICE detainees at FCI Victorville, Defendants subject them to a regime of punishment and control wholly inappropriate for civil detainees.

Exposing civil immigration detainees to punitive conditions of confinement is consistent with Defendants' broader policy of punishing immigrants who enter the country in an effort to deter future migrants. Indeed, Defendants have conceded that they began sending immigrants to Victorville, in part, due to a spike in the demand for detention space resulting from their so-called "Zero Tolerance Policy" toward unauthorized border crossings.[43] In a recent filing before this court, the Department

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[41] Federal Bureau of Prisons, *About Our Facilities*, *available at* https://www.bop.gov/about/facilities/federal_prisons.jsp (BOP prisons "are operated at five different security levels in order to confine offenders in an appropriate manner.").

[42] *Id.*

[43] *See, e.g.*, Kate Morrissey, *ICE is sending 1,000 immigrant detainees to Victorville prison*, San Diego Tribune (Jun. 7, 2018) *available at* http://www.sandiegouniontribune.com/news/immigration/sd-me-victorville-immigrants-20180607-story.html (ICE spokesperson said "the agency needed the extra bed space because of . . . the Department of Justice's recently implemented (footnote continued)

of Homeland Security argued that detaining immigrants is justifiable because it "deters others from unlawfully coming to the United States." *See* Defs.' Memorandum Of Points And Authorities In Support Of Ex Parte Application for Relief from the *Flores* Settlement Agreement, *Flores v. Sessions*, Case No. 2:85-cv-04544-DMG-AGR, Doc. 425-1 at 13, ln. 26 (C.D. Cal. Jun. 21, 2018) (internal quotations and citation omitted). In essence, Defendants have elected to lock Plaintiffs in a medium-security federal prison in order to send a message to foreign nationals that they will face a similar fate if they seek asylum or cross the border without authorization.

Courts have long held that general deterrence is an impermissible justification for any form of civil detention. *See, e.g.*, *Kansas v. Crane*, 534 U.S. 407, 412 (2002) (quoting *Hendricks*, 521 U.S. at 373) (explaining that civil detention cannot be a "'mechanism for retribution or general deterrence' – functions properly those of criminal law"); *accord Kansas v. Hendricks*, 521 U.S. 346, 373 (1997) (Kennedy, J., concurring) ("retribution and general deterrence are reserved for the criminal system alone"). A general-deterrence scheme is particularly objectionable in the immigration context because "neither those being detained nor those being deterred are certain wrongdoers, but rather individuals who may have legitimate claims to asylum in this country." *R.I.L-R v. Johnson*, 80 F. Supp. 3d 164, 189 (D.D.C. 2015).

2. The Conditions of Confinement at FCI Victorville Are Unconstitutional Because They Are Excessive in Relation to the Government Objective and Because ICE Detainees Are Subjected to Similar, or Worse, Conditions Than Convicted Prisoners

As civil detainees, Plaintiffs and the class they seek to represent are entitled to greater protections than post-conviction criminal detainees. *Jones*, 393 F.3d 918, 931-32 (9th Cir. 2004) ("an individual detained awaiting civil commitment

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zero-tolerance policy on illegal crossings").

proceedings is entitled to protections at least as great as those afforded to a civilly committed individual and at least as great as those afforded to an individual accused but not convicted of a crime"); *see also Castro v. Cty. of Los Angeles*, 833 F.3d 1060, 1069-70 (9th Cir. 2016) (recognizing distinction between the Eighth Amendment protections afforded persons convicted of criminal offenses, and the due process protections afforded to pretrial detainees). Civil detainees are constitutionally entitled to "more considerate treatment and conditions of confinement" than criminal prisoners. *Sharp v. Weston*, 233 F.3d 1166, 1172 (9th Cir. 2000).

Conditions for civil detainees amount to punishment: "(1) where the challenged restrictions are expressly intended to punish, or (2) where the challenged restrictions serve an alternative, non-punitive purpose but are nonetheless 'excessive in relation to the alternative purpose' . . . ." *Jones*, *supra*, 393 F.3d at 932 (internal citations omitted). The court makes an objective assessment whether there is a reasonable relationship between the government's conduct and a legitimate purpose. *Unknown Parties v. Johnson*, 2016 WL 8188563, at *5 (D. Ariz. Nov. 18, 2016), *aff'd sub nom. Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017).

Moreover, if civil detainees are confined under conditions that are "identical to, similar to, or more restrictive than" those of criminal prisoners, a presumption arises that the conditions are punitive and thus unconstitutional. *King v. Cty. of Los Angeles*, 885 F.3d 548, 557 (9th Cir. 2018). A defendant can rebut the presumption of unconstitutionality by showing "legitimate, non-punitive interests justifying the conditions of [the detainee's] confinement," and that the restrictions imposed are not "excessive in relation to these interests." *Id.* at 558 (quoting *Jones*, 393 F.3d at 933). However, "[e]ven if legitimate, non-punitive interests are identified, conditions of confinement may still be 'excessive' if they are 'employed to achieve objectives that could be accomplished in so many alternative and less harsh methods.'" *Id.* (internal citations and quotation marks omitted).

The highly restrictive conditions of confinement at FCI Victorville are plainly excessive in relation to the government's interest. Here, the governmental objective is to detain immigration detainees pending their removal proceedings. [44] Defendants themselves have developed standards that prohibit many of the conditions present at FCI Victorville, including with respect to physical and mental health screenings, access to health care, nutrition, and exercise of religion. *See supra* II.A- D. Defendants have no legitimate governmental interest in conditions that violate their own minimum standards for conditions of confinement.

Moreover, Defendants confine ICE detainees at FCI Victorville in conditions similar to—and, in many respects worse than—criminal prisoners. As set forth above, *supra* II.A, ICE detainees are subject to the same BOP policies as criminal prisoners, including policies covering health care and discipline. Detainees also are subject to many of the same correctional practices as criminal prisoners, such as extended lockdowns, unclothed visual searches, and shackling during transport. Detainees are, in fact, treated worse than criminal prisoners with respect to such crucial conditions of confinement as access to health care, nutrition, recreation and other programs, as well as the ability to exercise their religious beliefs. *See Jones*, 393 F.3d at 934 (noting that "a presumption of punitiveness arises" because the plaintiff experienced, among other things, "significant limitations on, or total denials, of recreational activities, exercise, phone calls, visitation privileges, out-of-cell time, [and] access to religious services").

Indeed, Defendants employ far more restrictive conditions and correctional practices toward ICE detainees at FCI Victorville than criminal prisoners at BOP minimum-security facilities. *See supra* II.A. Because the confinement conditions of

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[44] "Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings." *Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018).

ICE detainees at FCI Victorville are similar to, or worse than, the confinement conditions of criminal prisoners at FCI Victorville and at BOP's minimum-security facilities, they are presumptively punitive and unconstitutional.

Defendants are unlikely to rebut this presumption. To the extent Defendants claim that they shackle and strip search ICE detainees, restrict their access to fresh air and opportunities for socialization, deny them sufficient time to consume their food, provide them with inadequate mental health care and medical care, and severely limit their religious exercise in order to ensure their presence at their removal proceedings, the objective plainly "could be accomplished in so many alternative and less harsh methods." *King*, 885 F.3d at 558 (citations omitted). Defendants must pursue those alternative methods, even if doing so would create additional financial obligations for the government: "Lack of resources is not a defense to a claim for prospective relief because prison officials may be compelled to expand the pool of existing resources in order to remedy continuing . . . [constitutional] violations." *Peralta v. Dillard*, 744 F.3d 1076, 1083 (9th Cir. 2014) (en banc).

B. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS OF THEIR FIFTH AMENDMENT CLAIM REGARDING DENIAL OF ADEQUATE HEALTH CARE

"There is no question that [ICE] detainees are entitled to 'adequate medical care.'" *Doe v. Kelly*, 878 F.3d 710, 722 (9th Cir. 2017) (citations omitted). The constitutional standard governing civil detainees' entitlement to adequate health care "differs significantly from the standard for convicted prisoners, who may be subject to punishment that does not violate the Eighth Amendment's ban on cruel and unusual punishment." *Pierce v. County of Orange*, 526 F.3d 1190 (9th Cir. 2008), opinion amended and superseded on denial of reh'g, 519 F.3d 985 (9th Cir. 2008). While a convicted prisoner must show subjective deliberate indifference to establish a violation of the Eighth Amendment, the analysis differs for pretrial detainees seeking to establish that a denial of medical care violates the Fourteenth

Amendment.

> [T]he elements of a pretrial detainee's medical care claim against an individual defendant under the due process clause of the Fourteenth Amendment are: (i) the defendant made an intentional decision with respect to the conditions under which the plaintiff was confined; (ii) those conditions put the plaintiff at substantial risk of suffering serious harm; (iii) the defendant did not take reasonable available measures to abate that risk, even though a reasonable official in the circumstances would have appreciated the high degree of risk involved—making the consequences of the defendant's conduct obvious; and (iv) by not taking such measures, the defendant caused the plaintiff's injuries.

Gordon v. Cty. Of Orange, 888 F.3d 1118, 1124-25 (9th Cir. 2018).

Here, Plaintiffs are entitled to greater protection than both convicted prisoners and criminal pretrial detainees. *See Jones v. Blanas*, 393 F.3d 918, 934 (9th Cir. 2004) ; *see also King v. County of Los Angeles*, 885 F.3d 548, 557 (9th Cir. 2018) (same). Accordingly, deprivations of medical care that violate the rights of convicted prisoners or criminal pretrial detainees *a fortiori* violate the rights of civil immigration detainees like Plaintiffs. *See Unknown Parties v. Johnson*, 2016 WL 8188563, at *4 (D. Ariz. Nov. 18, 2016), *aff'd sub nom. Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017) ("Conditions of confinement that violate the Eighth Amendment necessarily violate the Fifth Amendment, but the reverse is not necessarily true. In other words, Plaintiffs are protected by both the Fifth and Eighth Amendments.").[45]

1. Minimal Requirements of a Prison Health Care System

In the prison context, the Ninth Circuit has set forth the elements of a minimally adequate health care system:

> The Eighth Amendment requires that prison officials provide a system of ready access to adequate medical care. Prison officials show deliberate indifference to serious medical needs if prisoners are unable to make their medical problems known to the medical staff. Access to the medical staff has no meaning if the medical staff is not competent to deal with the prisoners' problems. The medical staff must be

[45] Because of the relative dearth of cases involving the health care rights of civil detainees, this brief relies primarily on cases involving criminal pretrial detainees and convicted prisoners.

> competent to examine prisoners and diagnose illnesses. It must be able to treat medical problems or to refer prisoners to others who can. Such referrals may be to other physicians within the prison, or to physicians or facilities outside the prison if there is reasonably speedy access to these other physicians or facilities. In keeping with these requirements, the prison must provide an adequate system for responding to emergencies. If outside facilities are too remote or too inaccessible to handle emergencies promptly and adequately, then the prison must provide adequate facilities and staff to handle emergencies within the prison. These requirements apply to physical, dental and mental health.

Hoptowit v. Ray, 682 F.2d 1237, 1253 (9th Cir. 1982) (citation omitted), overruled on other grounds by *Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293 (1995).; *see also Brown v. Plata*, 563 U.S. 493, 510-11 (2011) ("Just as a prisoner may starve if not fed, he or she may suffer or die if not provided adequate medical care. A prison that deprives prisoners of basic sustenance, including adequate care, is incompatible with the concept of human dignity and has no place in civilized society.").

"That the Eighth Amendment protects against future harm to inmates is not a novel proposition." *Helling v. McKinney*, 509 U.S. 25, 33 (1993). In an injunctive case, the plaintiff need not show actual physical injury; rather, the Constitution is violated by an unreasonable *risk* of harm. *Id.* at 33, 34 (noting that it "would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them"); *see also Brown*, 563 U.S. at 531-32 ("Even prisoners with no present physical or mental illness may become afflicted, and all prisoners in California are at risk so long as the State continues to provide inadequate care. . . . [P]risoners who are not sick or mentally ill . . . [are] in no sense [] remote bystanders in California's medical care system. They are that system's next potential victims."); *Parsons v. Ryan*, 754 F.3d 657, 677 (9th Cir. 2014) ("we have repeatedly recognized that prison officials are constitutionally prohibited from being deliberately indifferent to policies and practices that expose inmates to a substantial risk of serious harm").

2. Defendants' Failure to Provide Adequate Intake Health Screening Violates the Constitution

Defendants' failure to conduct adequate physical health screenings of detainees when they are admitted to FCI Victorville subjects detainees to an unnecessary risk of serious harm. It is well established that correctional institutions must conduct adequate health screenings in order to identify individuals' health needs and risk factors. *Plata v. Schwarzenegger*, Case No. C01-1351-TEH, 2005 WL 2932253, at *12 (N.D. Cal. 2005) ("An adequate intake exam should take fifteen to twenty minutes for a young healthy prisoner and thirty to forty minutes for prisoners with more complicated health problems."). By failing to do so, Defendants violate the Constitution. *See Gibson v. Cty. of Washoe, Nev.*, 290 F.3d 1175, 1188-90 (9th Cir. 2002), overruled on other grounds by *Castro v. Cty. of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016), cert. denied *sub nom. Los Angeles Cty., Cal. v. Castro*, 137 S. Ct. 831 (2017); *Madrid v. Gomez*, 889 F. Supp. 1146, 1205 (N.D. Cal. 1995) (citing "grossly inadequate" intake health screenings).

Defendants also violate the Constitution by failing to provide adequate mental health screenings and evaluations upon intake. *Coleman v. Wilson*, 912 F. Supp. 1282, 1298 n.10 (E.D. Cal. 1995) (obligations include "a systematic program for screening and evaluating inmates to identify those in need of mental health care" and "a basic program to identify, treat, and supervise inmates at risk for suicide"). Defendants' reliance on short, written surveys as the only form of mental health screening for ICE detainees at FCI Victorville is insufficient to meet their constitutional obligations. *See* Doc. 1-19 at ¶ 6 (describing questionnaire used in lieu of mental health screening). This approach is particularly reckless in light of the fact that many ICE detainees are known to be fleeing traumatic and violent circumstances in their home countries. *See, e.g.*, Exhibit 4 at ¶ 4 (detainee was locked up and tortured with electrical shocks in his home country); *see also* Doc. 1-6 at ¶¶ 11, 14 ("I got really depressed. [. . .] I began thinking about . . . the horrible

things that had happened to us that caused us to come to the U.S."); Doc. 1-17 at ¶ 16 ("I spend much of my time being anxious and worrying about the safety of my family members). As a result, I have not slept at all in the past three nights.").

Defendants' failure to provide adequate medical and mental health screening reflects the shortage of health care professionals to meet the basic needs of detainees at FCI Victorville. Courts have held that prison facilities must have adequate staffing levels to deliver medical and mental health services to prisoners. *Plata* v. *Schwarzenegger*, 2005 WL 2932253, at *5-12 (N.D. Cal. 2005); *Madrid* v. *Gomez*, 889 F.Supp. 1146, 1257 (N.D. Cal. 1995); *see also French* v. *Owens*, 777 F.2d 1250, 1254-55 (7th Cir. 1985). Prison systems also must ensure that medical care is performed by qualified personnel. *Plata*, 2005 WL 2932253, at *5; *see also Casey* v. *Lewis*, 834 F.Supp. 1477, 1545 (D. Ariz. 1993).

Defendants' failure to provide adequate health screening to ICE detainees at FCI Victorville also violates BOP and ICE health care policies. *See* Program Statement 6031.04, Federal Bureau of Prisons, 1, 23 (June 3, 2014), https://www.bop.gov/policy/progstat/6031_004.pdf ("An initial screening physical examination to determine medical needs will be done within 14 days of admission on the appropriate physical examination form"); Program Statement P6340.04, Federal Bureau of Prisons (Jan. 15, 2005), https://www.bop.gov/policy/progstat/6340_004.pdf.; *see also* ICE Performance-Based National Detention Standards 2011 (PBNDS 2011) §§ 4.3 II(14) ("Each detainee shall receive a comprehensive medical, dental and mental health intake screening as soon as possible, but no later than 12 hours after arrival at each detention facility"); II(15) ("Each detainee shall receive a comprehensive health assessment, including a physical examination and mental health screening, by a qualified, licensed health care professional no later than 14 days after entering into ICE custody or arrival at facility"); *see also id.* at §§ 4.3 V(A)(1) and (J) (requiring initial screening to include screening for communicable diseases).

3. Defendants' Failure to Provide Access to Emergency and Routine Health Care Violates the Constitution

Defendants' failure to provide a functional system to respond to the routine and emergent health care needs of ICE detainees in their custody likewise violates their due process rights. *See Hoptowit*, 682 F.2d at 1253; *Madrid*, 889 F. Supp. at 1257; *cf. Estate of Prasad ex rel. Prasad v. County of Sutter*, 958 F. Supp. 2d 1101, 1114 (E.D. Cal. 2013) (failure to maintain around-the-clock medical personnel in jail constitutes deliberate indifference). As set forth above, ICE detainees at FCI Victorville report that Defendants do not respond to their requests for urgent medical attention, and even instruct them not to press the emergency call buttons in their cells unless they are "dying." Doc. 1-11 at ¶¶ 7-8.

Nor do defendants provide a reliable system for detainees to access routine health care. Detention facilities must "provide a system of ready access to adequate medical care," *Hoptowit*, 682 F.2d at 1253. Such a system must obviously include a means for detainees "to make their medical problems known to the medical staff." *Id.* At FCI Victorville, however, Plaintiffs report being unable to access medical attention, even when they are in significant pain and distress.

These failures are compounded by Defendants' denial of consistent language interpretation services during medical encounters for detainees who do not speak English. *See Anderson v. County of Kern*, 45 F.3d 1310, 1316-17 (9th Cir.), opinion amended on denial of reh'g, 75 F.3d 448 (9th Cir. 1995) (affirming injunction requiring provision of non-detainee translators for medical encounters). Defendants' inappropriate reliance on other detainees to serve as translators, including for sensitive medical encounters, violates the Constitution as well as state and federal health privacy laws and ICE's own detention standards. *See Anderson*, 45 F.3d at 1317 ("The testimony was undisputed that inmate translation was inappropriate and potentially inaccurate"); *see also* PBNDS 2011 § 4.3 III (25) ("Medical and mental health interviews, screenings, appraisals, examinations, procedures and

administration of medication shall be conducted in settings that respect detainees' privacy"); *id.* § V (E) ("Where appropriate staff interpretation is not available, facilities will make use of professional interpretation services. Detainees shall not be used for interpretation services during any medical or mental health service.").

4. Defendants' Failure to Provide Adequate Mental Health Care Violates the Constitution

In a detention setting, "the requirements for mental health care are the same as those for physical health care needs." *Doty v. Cty. of Lassen*, 37 F.3d 540, 546 (9th Cir. 1994). The Constitution requires Defendants to provide "a treatment program that involves more than segregation and close supervision of mentally ill inmates" and "employ[] … a sufficient number of trained mental health professionals." *Coleman*, 912 F. Supp. at 1298 n.10; *see also Balla v. Idaho State Bd. of Corr.*, 595 F. Supp. 1558, 1577 (D. Idaho 1984) (adequate "treatment requires the participation of trained mental health professionals, who must be employed in sufficient numbers to identify and treat in an individualized manner those treatable inmates suffering from serious mental disorders") (citation omitted). Defendants' failure to provide meaningful assessment or treatment of Plaintiffs' mental health needs violates their constitutional rights.

The failure to provide adequate mental health care also violates ICE and BOP standards. *See* PBNDS 2011 § 4.3 N(3) (requiring referral when detainee is exhibiting symptoms of serious mental health issues); *Program Statement 5310.16*, Federal Bureau of Prisons, 1, 2 (May 1, 2014), https://www.bop.gov/policy/progstat/5310_16.pdf (BOP should "ensure that inmates with mental illness are identified and receive treatment").

5. Defendants' Failure to Provide Adequate Medication Violates the Constitution

Defendants' failure to provide necessary medications to ICE detainees at FCI Victorville also violates the Constitution. *See Arnett v. Webster*, 658 F.3d 742, 752

(7th Cir. 2011) (failure to provide prescribed medication); *Steele v. Shah*, 87 F.3d 1266, 1269-70 (11th Cir. 1996) (abrupt and unsupported discontinuation of medications could support finding of Constitutional violation). In addition, medication regimes must be supervised by qualified health care staff. *See Gates v. Cook*, 376 F.3d 323, 342-43 (5th Cir. 2004) (monitoring and assessment of psychotropic medication levels required); *Wellman v. Faulkner*, 715 F.2d 269, 272-73 (7th Cir. 1983) (psychiatrist must supervise psychotropic medication); *Coleman*, 912 F. Supp. at 1309-10 (finding constitutional violation when "defendants' supervision of the use of medication is completely inadequate; prescriptions are not timely refilled, there is no adequate system to prevent hoarding of medication, there is no adequate system to ensure continuity of medication, inmates on psychotropic medication are not adequately monitored, and it appears that some very useful medications are not available because there is not enough staff to do necessary post-medication monitoring"). By failing to provide access to necessary medications to the ICE detainees in their custody, Defendants violate the Constitution.

6. Custody Staff Violate the Constitution by Using Threats and Retaliation to Improperly Interfere with Health Care

Custody staff violate the Constitution when they "intentionally deny[] or delay[] access to medical care or intentionally interfer[e] with the treatment once prescribed." *Estelle v. Gamble*, 429 U.S. 97, 104-05 (1976); *see also Plata v. Schwarzenegger*, *supra*, 2005 WL 2932253, at *15 ("custody staff present a determined and persistent impediment" and have "a common lack of respect" for medical staff); *Madrid*, 889 F. Supp. at 1257-58 (prison officials may not prevent treatment that is medically necessary in the judgment of the treating doctor); *Casey*, 834 F. Supp. at 1545 (same); *see also Marcotte v. Monroe Corr. Complex*, 394 F. Supp. 2d 1289, 1296 (W.D. Wash. 2005) (denial of health care and threat of retaliation if further requests were made raised a factual dispute as to intent to deny summary judgment on deliberate indifference claim). By retaliating against

Plaintiffs for requesting medical care and demanding that they do not request medical assistance, custody officers at FCI Victorville have obstructed Plaintiffs' access to such care, in violation of the Constitution.

C. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS OF THEIR RFRA CLAIM

In institutionalized settings like FCI Victorville, "the government exerts a degree of control unparalleled in civilian society and severely disabling to private religious exercise." *See Cutter v. Wilkinson*, 544 U.S. 709, 720-21 (2005). Accordingly, Congress has provided "expansive protection" for incarcerated individuals to practice their religious beliefs through the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb et seq., and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §§ 2000cc et seq. *See Holt v. Hobbs*, 135 S. Ct. 853, 859-60 (2015).[46]

Under RFRA, the government may substantially burden a person's sincere exercise of religious beliefs *only if* the government can demonstrate that the challenged conduct is the least restrictive means of furthering a compelling governmental interest. 42 U.S.C. § 2000bb-1(b). RFRA 's reach is wide: It subjects to strict scrutiny "all Federal law, and the implementation of that law, whether statutory or otherwise," and it protects "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." 42 U.S.C. § 2000cc-5(7).

At FCI Victorville, civil immigrant detainees of faith are unable to attend religious services or engage in other congregate worship and are limited in their

[46] With respect to prisoners' religious exercise, RFRA and RLUIPA apply identical legal standards. *See Holt*, 135 S. Ct. at 860; *Garner v. Kennedy*, 713 F.3d 237, 242 (5th Cir. 2013); *Fowler v. Crawford*, 534 F.3d 931, 937 (8th Cir. 2008); *DeHart v. Horn*, 390 F.3d 262, 274-75 (3d Cir. 2004). Accordingly, in this motion, Plaintiffs treat as interchangeable cases applying either of the statutes.

ability to participate in group prayer and religious study. They have no access to religious counseling and consultation with clergy or a spiritual adviser. And they are restricted in obtaining and possessing religious headwear, jewelry, texts, and other religiously significant items. FCI Victorville officials have even admonished detainees for worshipping alone *inside their own cells*. As one detainee, a Seventh Day Adventist, explained: "We are also not allowed to sing prayers or hymn songs. This is an important part of my religion. But we are not allowed. Last night, I heard the guards stop another detainee from singing the songs of his faith. He [the officer] hit his door as he shouted for him to be quiet." Exhibit 3 at ¶ 24. Subjecting Plaintiffs and other detainees to FCI Victorville's restrictions, which prevent them from exercising their religious beliefs, violates RFRA.[47]

1. FCI Victorville's Limitations on Religious Expression and Practices Substantially Burden Plaintiffs' and Other Detainees' Religious Exercise

"[G]overnment action places a substantial burden on an individual's right to free exercise of religion when it tends to coerce the individual to forego her

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[47] Defendants' conduct also violates the Free Exercise Clause of the First Amendment. *See* Doc. 1 at ¶¶ 131-33. Because RFRA provides "greater protection for religious exercise than is available under the First Amendment," *Holt*, 135 S. Ct. at 859-60, Plaintiffs need only establish a likelihood of success on their RFRA claim. *See Harbor Missionary Church Corp. v. City of San Buenaventura*, 642 F. App'x 726, 728 (9th Cir. 2016) (applying same reasoning to claim brought under RLUIPA). However, Plaintiffs also are likely to succeed under the First Amendment because: (1) There is no "valid, rational connection" between subjecting detainees to FCI Victorville's religious restrictions and "a legitimate government interest"; (2) few, if any, "alternative means" are available to detainees to exercise their religious beliefs; (3) accommodating detainees' religious exercise would not "have a significant impact on guards and other inmates"; and (4) there are several "ready alternatives." *See Pierce v. County of Orange*, 526 F.3d 1190, 1209 (9th Cir. 2008) (upholding injunction that prohibited jail from denying access to religious "group services, chapel visits, or meetings with religious advisers" based only on prisoner's security classification) (internal quotation marks omitted).

sincerely held religious beliefs or to engage in conduct that violates those beliefs." *Jones v. Williams*, 791 F.3d 1023, 1033 (9th Cir. 2015) (forcing Muslim prisoner to cook pork substantially burdened his religious exercise). This coercion can take various forms. "[A]n outright ban on a particular religious exercise is a substantial burden on that religious exercise." *Greene v. Solano Cty. Jail*, 513 F.3d 982, 988 (9th Cir. 2008). So too are government actions that indirectly put "substantial pressure on an adherent to modify his behavior and to violate his beliefs." *See Warsoldier v. Woodford*, 418 F.3d 989, 995 (9th Cir. 2005) (internal citations and quotation marks omitted) (punishing prisoner who refused to cut his hair for religious reasons substantially burdened his religious exercise). "[A] substantial burden may also be found where 'alternatives require substantial delay, uncertainty, and expense." *Nance v. Miser*, 700 F. App'x 629, 632 (9th Cir. 2017) (internal quotation marks omitted).

Defendants deny FCI Victorville detainees adequate opportunities for religious worship services, congregate prayer, and religious counseling and consultation with clergy, as well as adequate access to religious garb, texts, and other items. These limitations on detainees' ability to exercise their sincerely held religious beliefs are the very sort of restrictions recognized by courts as substantially burdening people of faith.

(i) *Defendants' ban on group worship and prayer*

Group worship is a core religious practice. *See Cutter*, 544 U.S. at 720 ("[T]he 'exercise of religion' often involves . . . physical acts [such as] assembling with others for a worship service[.]"). Accordingly, the Ninth Circuit has held that barring prisoners from participation in group worship, prayer, and religious study substantially burdens the exercise of their religion. *Greene*, 513 F.3d at 988. Relatedly, "[t]he failure to provide otherwise available facilities" to facilitate the right to congregate prayer and worship "may . . . [be a] substantial a burden on that right." *Small v. Lehman*, 98 F.3d 762, 767 (3d Cir. 1996) (internal quotation marks

omitted).[48]

Notwithstanding this clear precedent and their own policies providing for group worship and prayer, *see supra* II.A., Defendants have denied detainees the ability to exercise their faith in a congregate manner. They prohibit detainees from attending whatever religious worship services may be provided to the non-detainee population; they refuse to provide separate worship services for detainees; and they have restricted efforts to gather informally for group prayer and worship. *See supra* II.D. These restrictions substantially burden detainees' religious exercise because they "meaningfully bar their ability to express adherence to their faith." *See Small*, 98 F.3d at 767-68.

(ii) *The denial of access to clergy and religious counseling*

Detainees have no access to clergy or religious counseling. *See supra* II.D. Instead, it appears that Defendants have left the detainees to fend for themselves spiritually—at a time when many of them desperately need religious guidance and comfort. Inadequate access to religious counseling or spiritual advisers also substantially burdens detainees' religious exercise. *See, e.g.*, *Merrick v. Inmate Legal Servs.*, 650 F. App'x 333, 335–36 (9th Cir. 2016) (plaintiff adequately pleaded that "not allowing him to confess to clergy of his faith by way of unmonitored, unrecorded phone calls substantially burdened his religious exercise"); *Pierce*, 526 F.3d at 1210 (upholding injunction where evidence did not support defendant's contention that it provides "opportunities for inmates to participate in religious services and counseling").

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[48] The plaintiff-prisoner in *Small* filed a RFRA claim against a state department of corrections. In *City of Boerne v. Flores*, 521 U.S. 507, 536 (1997), the Supreme Court held that RFRA was unconstitutional insofar as it applied to state and local governments. The statute remains good law as applied to the federal government. *See, e.g.*, *Holt*, 135 S. Ct. at 859-60.

(iii) *Defendants' restrictions on personal religious items*

Defendants routinely confiscate detainees' personal religious items, including religious texts, headwear, and jewelry. *See supra* II.D. They refuse to return these items to detainees or provide adequate replacements. *Id.* Depriving detainees of access to religious texts results in a substantial burden on their religious exercise. *See, e.g.*, *Harris v. Escamilla*, No. 17-15230, 2018 WL 2355123, at *1 (9th Cir. May 24, 2018) (officer's desecration of prisoner's Quran, so that prisoner was unable to read his required ten daily verses, was a substantial burden on prisoner's religious exercise); *Washington v. Klem*, 497 F.3d 272, 282 (3d Cir. 2007) (limitation on number of books prisoner could retain substantially burdened his religious exercise because it "severely inhibit[ed]" his ability to read four new books per day, as required by his religious beliefs); *cf. Sutton v. Rasheed*, 323 F.3d 236, 257 (3d Cir. 2003) (noting that a Christian "could [not] practice his faith," if "deprived of a Bible").

Defendants' interference with detainees' ability to wear religious headgear and jewelry also imposes a substantial burden on detainees' religious exercise.[49] Defendants have purported to make turbans available for purchase via the prison

[49] *See, e.g.*, *Ortiz v. Downey*, 561 F.3d 664, 669-70 (7th Cir. 2009) (prisoner adequately stated claim showing substantial burden under RLUIPA where he alleged denial of access to rosary and prayer booklet); *Singh v. McHugh*, 185 F. Supp. 3d 201, 205, 217 (D.D.C. 2016) (holding that Army's denial of religious accommodation constituted a substantial burden where Sikh plaintiff sincerely believed that not wearing his turban would dishonor and offend God); *Singh v. Goord*, 520 F.Supp.2d 487, 503 (S.D.N.Y. 2007) (prohibiting Sikh prisoner from wearing his turban during outside transports and limiting wear of kara to 30 minutes per day substantially burdened his exercise of religious beliefs that required him to wear both at all times); *cf. Anli v. Stephens*, 69 F. Supp. 3d 633, 644 (E.D. Tex. 2014), *aff'd*, 822 F.3d 776 (5th Cir. 2016) (prison rule barring religious headwear outside of cells and religious services substantially burdened prisoner's sincere belief that he must wear a kufi at all times).

commissary. *Supra* II.D. However, detainees still face substantial delays and hurdles in obtaining them, and suffer shame and spiritual harm in the meantime. *See, e.g.*, Exhibit 9. Many detainees, moreover, cannot afford to purchase turbans from the commissary, no matter the cost. *Supra* II.D.

2. Subjecting Detainees to FCI Victorville's Current Religious-Exercise Restrictions Is Not the Least Restrictive Means of Furthering a Compelling Governmental Interest.

Because FCI Victorville's restrictions on detainees' religious practices substantially burden their exercise of sincerely held religious beliefs, "the burden shifts to [D]efendants to prove that subjecting [P]laintiffs to . . . [these] polic[ies] is the least restrictive means of achieving a compelling interest." *See Gartrell v. Ashcroft*, 191 F. Supp. 2d 23, 38 (D.D.C. 2002). Defendants' burden under RFRA is heavy. *McAllen Grace Brethren Church v. Salazar*, 764 F.3d 465, 475 (5th Cir. 2014). Courts may not give "unquestioning deference" to government officials. *Holt*, 135 S. Ct. at 864. In particular, "the least-restrictive-means standard is exceptionally demanding, and it requires the government to sho[w] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting part[y]." *Id.* (internal citation and quotation marks omitted). Where a less restrictive means "is available for the Government to achieve its goals, the Government *must* use it." *Id*. (internal quotation marks omitted) (emphasis added). Here, even if Defendants could identify a compelling interest that is furthered by their limitations on detainees' religious exercise, which they cannot, they have several alternatives available to them that are much less restrictive.

(i) ICE, BOP, and Victorville All Have Written Religious-Exercise Policies That Are Less Restrictive Than The Limitations Currently Placed on Detainees

Defendants' own policies make clear that FCI Victorville's current limitations on detainees' religious exercise are not the least restrictive means available to Defendants. FCI Victorville, the BOP, and ICE all have policies that explicitly allow

prisoners to engage in the religious practices Defendants have obstructed here. Those policies are strong evidence that Defendants' religious-practice restrictions violate RFRA.

The BOP's Religious Beliefs and Practices Program Statement provides that:

- "Authorized congregate services will be made available for all inmates weekly with the exception of those detained in any Special Housing Units (SHUS)." Section 7(a).
- "Institutions shall have space designated for the conduct of religious activities" that "will be sufficient to accommodate the needs of all religious groups in the inmate population fairly and equitably." Section 11(c).
- "Inmate religious property includes but is not limited to rosaries and prayer beads, oil, prayer rugs, phylacteries, medicine pouches, and religious medallions." Section 14(a).
- Jewish prisoners may wear yarmulkes "throughout the institution"; Muslims may wear Kufis; Native Americans may wear headbands, Rastafarians may wear crowns; and Sikhs may wear turbans. Section 14(b)(1).
- Religious books, magazines, and periodicals are permitted in accordance with the general rules pertaining to personal property. (Section 14(c)).
- "If requested by an inmate, the chaplain shall facilitate arrangement for pastoral visits by a clergy person or representative of the inmate's faith." Section 17.[50]

Moreover, Victorville's Inmate Handbook promises prisoners that "the

[50] *Program Statement P5360.09,* Federal Bureau of Prisons, 1, 3-4, 9, 11-15, 16 (Dec. 31, 2004), https://www.bop.gov/policy/progstat/5360_009.pdf.

Religious Services Department would like to help you any way we can," advising, "Please do not put your life on hold for the period of time that you are with us!" FCC Victorville Inmate Handbook (2015) 25, https://www.bop.gov/locations/institutions/she/SHE_fdc_aohandbook.pdf (emphasis in original). The handbook announces that "[c]haplains' [sic] are available to all residents at FCI Victorville," and touts the availability of religious headwear, religious medallions and specialty items, religious literature, and pastoral care and counseling. *Id*. at 25-28. According to the handbook, the prison also "provides a variety of worship services, study groups, and prayer/meditation meetings each week," as well as "special activities such as seminars, liturgical meals, fasting periods, holidays, and other events" throughout the year. *Id*. at 26. Purportedly, "[a]ll residents are welcome to attend any religious programs without regard to their religion of record." *Id*. The welcoming picture painted by the prison's Inmate Handbook stands in stark contrast to the reality of detainees' day-to-day lives.

Victorville's Inmate Handbook, as well as the BOP Religious Beliefs and Program Statement, illustrate that the current limitations on the Religious Freedom Subclass's religious exercise are not anywhere near the least restrictive means by which Defendants could further any governmental interest they might possibly assert. *See, e.g*., *Ware v. Louisiana Dep't of Corr*., 866 F.3d 263, 269 (5th Cir. 2017) ("[I]n the face of evidence of contrary policies, we may not defer to prison officials' mere say-so that they could not accommodate [the plaintiff's] request because these other policies indicate that a less restrictive means may be available.") (internal quotation marks omitted), *cert. denied*, 138 S. Ct. 1181 (2018); *Davila v. Gladden*, 777 F.3d 1198, 1207 (11th Cir. 2015) (noting that a "prison's own policy contemplat[ing] exemptions from . . . requirement [that prisoners order religious item from prison catalog] undercuts the Defendants' argument that a categorical prohibition on non-catalog religious objects is the least restrictive means of achieving their objectives"). Indeed, the BOP and FCI Victorville policies,

themselves, *are* less restrictive means that Defendants could employ here. *See, e.g.*, *Gartrell*, 191 F. Supp. 2d at 40 (pointing out that "BOP's own Designation Manual" already required "taking inmates' religious beliefs into consideration" in making prison assignments, and ordering BOP to cease placing class members at Virginia prisons where they could not grow religiously mandated beards).

Even less restrictive than the BOP's religion policies are ICE's Detention Standards. *See* PBNDS 2011 § 5.5 at 375, https://www.ice.gov/doclib/detention-standards/2011/5-5.pdf ("Detainees shall have regular opportunities to participate in practices of their religious faiths, *limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the facility*.") (emphasis added). The ICE standards are—in several important ways—more solicitous of religious practice than the BOP and FCI Victorville policies, and the ICE standards reflect a special concern for cultural and religious competency that is simply missing from the BOP and FCI Victorville policies.

For instance, in recognition of the many different countries and cultures from which ICE detainees hail, the ICE detention standards affirmatively require officials to ensure that non-English speakers are able to benefit from religious programs.[51] Yet those standards have not been implemented at FCI Victorville. [52]

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[51] *See, e.g.*, PBNDS 2011, at 376 ("Language services *shall* be provided to detainees who have limited English proficiency to provide them *with meaningful access to religious activities*.") (emphasis added). *See also id*. at 375-78.

[52] BOP policy is markedly less accommodating to the language needs of the detainee Subclass. Although "the warden may authorize the delivery of [religious] programs in other languages" if it is "appropriate to accommodate the overall needs of the population," such accommodation is not required by BOP policy. Instead, the policy generally provides that "[s]ermons, original oratory teachings and admonitions *must* be delivered in English." *Program Statement P5360.09*, Federal Bureau of Prisons, 1, 3-4 (Dec. 31, 2004), https://www.bop.gov/policy/progstat/5360_009.pdf (emphasis added). Moreover, most detainees are not provided any information in (footnote continued)

With respect to religious headwear, although the BOP and ICE authorize the same type of head coverings to be worn throughout their facilities, ICE policy expressly mandates that "[r]eligious headwear and other religious property shall be handled with respect at all times, including during the in-take process." PBNDS 2011 § 5.5 at 375. BOP policy does not hold officials to this standard. Moreover, unlike BOP policy, ICE detention standards generally allow detainees to retain their personal religious headwear if it meets the facility's standards; where "the detainee's personal religious headwear does not conform to the standard, the facility *must ensure* that detainees are provided conforming religious headwear for free or at a de minimums [sic] cost." *Id*. (emphasis added).

ICE detention standards also include the expectation that "the Chaplain or religious services coordinator will make documented efforts to recruit external clergy or religious service providers to provide services to adherents of faith traditions not directly represented by chaplaincy or religious services provider staff"—an affirmative obligation not imposed under BOP policy. *Id*.

These standards represent yet another, less restrictive alternative available to Defendants. *See Holt*, 135 S. Ct. at 866 ('"While not necessarily controlling, the policies followed at other well-run institutions would be relevant to a determination of the need for a particular type of restriction.'") (quoting *Procunier v. Martinez*, 416 U.S. 396, 414, n.14 (1974)); *Warsoldier*, 418 F.3d at 1000 ("[T]he failure of a defendant to explain why another institution with the same compelling interests was able to accommodate the same religious practices may constitute a failure to establish that the defendant was using the least restrictive means."). At a minimum,

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their native languages, including information about religious programming and religious accommodations. *See, e.g.*, Doc. 1-18 at ¶5 (detainee reporting that "[e]verything here is in English or sometimes Spanish"); Doc. 1-7 at ¶ 4 (French-speaking detainee has to rely on cellmate to help fill out forms and talk with staff).

the Court should order Defendants to apply ICE's own detention standards to ICE detainees at FCI Victorville.

(ii) *Ending placement of detainees at FCI Victorville is an even less restrictive means available to Defendants*

Nothing requires Defendants to detain immigrants at FCI Victorville. Defendants have asserted publicly that detaining immigrants is necessary to ensure that they attend their immigration proceedings. But even assuming that were true, and that the policy actually furthers a compelling interest,[53] assigning detainees to ICE facilities bound by ICE Detention Standards—rather than assigning them to FCI Victorville—would achieve that interest all the same "without imposing a substantial burden" on detainees' exercise of religion. *See Holt*, 135 S. Ct. at 864. Ending placement at Victorville, and directing detainees to other facilities, is even less restrictive of religious exercise than ordering Victorville to apply ICE Detention Standards, as Victorville officials already have demonstrated that they have no compunction about denying detainees the ability to engage in basic religious practices, even when doing so violates BOP (and their own) policies.

By ending placement at Victorville, Defendants can ensure that no detainee is ever again subjected to Victorville's untenable restrictions on religious exercise. *See Gartrell*, 191 F. Supp. 2d at 39-40 (holding that BOP's placement of federal prisoners at Virginia state prisons, where they could not grow religiously mandated beards, was not the least restrictive means of furthering a compelling governmental

[53] Plaintiffs do not concede that detaining asylum applicants generally or subjecting them to Victorville's religious-exercise restrictions, more specifically, furthers a compelling governmental interest. To satisfy their burden under RFRA's "rigorous" compelling-interest prong, Defendants must affirmatively demonstrate that the challenged conduct "actually furthers" their asserted justifications and that those justifications are permissible. *See Holt*, 135 S. Ct. at 864. As discussed above, for example, detaining immigrants to deter them from asserting their legitimate claims for asylum is not a permissible governmental interest. *Supra* III.A.1.

interest).

D. DETAINEES WILL CONTINUE TO SUFFER IRREPARABLE HARM, THE BALANCE OF HARDSHIPS TIPS SHARPLY IN THEIR FAVOR, AND AN INJUNCTION IS IN THE PUBLIC INTEREST

The remaining equitable factors in the preliminary injunction analysis weigh heavily in Plaintiffs' favor. First, detainees suffer irreparable harm each day as a result of the degrading and dangerous conditions of confinement at Victorville. As the Ninth Circuit recently held, "subpar medical and psychiatric care in ICE detention facilities" constitute "irreparable harms imposed on anyone subject to immigration detention." *Hernandez*, 872 F.3d at 994-95 (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)) (holding constitutional violations sufficient to show irreparable injury, but describing harms "in more concrete terms"). Moreover, "the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres* , 695 F.3d at 1002 (citation omitted),[54] because these violations "cannot be adequately remedied through damages," *Am. Trucking Ass'ns, Inc. v. City of L.A.*, 559 F.3d 1046, 1059 (9th Cir. 2009) (internal quotation and citation omitted).

Second, enjoining unconstitutional conditions of confinement at Victorville, and violations of detainees' religious-exercise rights is squarely in the public interest. Indeed, "'it is always in the public interest to prevent the violation of a

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[54] Defendants' violation of detainees' RFRA rights also constitutes irreparable harm. *See, e.g.*, *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996) ("[A]lthough the plaintiff's free exercise claim is statutory rather than constitutional, the denial of the plaintiff's right to the free exercise of his religious beliefs is a harm that cannot be adequately compensated monetarily. Courts have persuasively found that irreparable harm accompanies a substantial burden on an individual's rights to the free exercise of religion under RFRA.") (internal citations omitted).

party's constitutional rights.'" *Melendres*, 695 F.3d at 1002 (quoting *Sammartano v. First Jud. Dist. Ct.*, 303 F.3d 959, 974 (9th Cir. 2002)).

Finally, the balance of hardship tips heavily in Plaintiffs' favor. Under this prong of the preliminary injunction analysis, courts "must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief." *Winter*, 555 U.S. at 24 (internal quotation marks omitted). The Ninth Circuit has held that the interest in protecting individuals from physical harm outweighs monetary costs to government entities. *See Harris v. Bd. of Supervisors, L.A. Cnty.*, 366 F.3d 754, 766 (9th Cir. 2004) ("[F]aced with[ ] a conflict between financial concerns and preventable human suffering, [the court has] little difficulty concluding that the balance of hardships tips decidedly in plaintiffs' favor.") (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)). Likewise, the Ninth Circuit has recognized that, where "plaintiffs have 'raise[d] serious First Amendment questions'" it '"compels a finding that ... the balance of hardships tips sharply in [their] favor.'" *Davies v. Los Angeles Cty. Bd. of Supervisors*, 177 F. Supp. 3d 1194, 1227 (C.D. Cal. 2016) (quoting *Sammartano v. First Judicial Dist. Court, in & for Cty. of Carson City*, 303 F.3d 959, 973 (9th Cir. 2002)).

Here, ICE detainees at FCI Victorville suffer serious risks from Defendants' inadequate health care practices and the excessively punitive conditions to which Defendants subject them. They also suffer the deprivation of one of our most cherished rights—the right to freely practice one's faith. By contrast, the "government suffers no harm from an injunction that merely ends unconstitutional practices and/or ensures that constitutional standards are implemented." *Doe v. Kelly*, 878 F.3d 710, 718 (9th Cir. 2017) (citation omitted) (upholding preliminary injunction requiring immigration authorities to provide constitutionally adequate

conditions of confinement in Arizona temporary detention facilities). [55]

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court issue the Proposed Order for Preliminary Injunctive, filed herewith.

DATED: September 5, 2018

Respectfully submitted,

By: /s/ Margot Mendelson

PRISON LAW OFFICE
Margot Mendelson
Attorneys for Plaintffs

ACLU FOUNDATION

CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER

MEYERS, NAVE, RIBACK, SILVER & WILSON

[55] Plaintiffs seek a waiver of the security requirement for preliminary injunctions. Fed. R. Civ. P. 65(c). District courts have "discretion as to the amount of security required, *if any*." *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) (internal quotations omitted) (emphasis in original). Security "is not required where plaintiffs are indigent or where considerations of public policy make waiver of a bond appropriate." *Miller v. Carlson*, 768 F. Supp. 1331, 1340 (N.D. Cal. 1991). Plaintiffs are immigrants, challenging their conditions of confinement, detained without income far from their families and community resources, making them the prototypical class for whom requiring security is inappropriate. *See, e.g., Innovation Law Lab v. Nielsen*, 310 F. Supp. 3d 1150, 1165 (D. Or. 2018) (concluding that "any security in this case would be unjust"); *Hernandez v. Cty. of Monterey*, 110 F. Supp. 3d 929, 958-59 (N.D. Cal. 2015) (rejecting jail's request for security in challenge to conditions of confinement because, *inter alia*, suit is on behalf of "poor persons" who derive no income while incarcerated, plaintiffs are likely to prevail on their constitutional challenges, and the suit is in the public interest).

EXHIBIT H

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ICE DETAINEE #1 through 74, **Petitioner,** **v.** **JOSIAS SALAZAR,** **Warden, FCI Sheridan,** **ELIZABETH GODFREY,** **Acting Field Office Director,** **Seattle Field Office, ICE,** **Respondents.**	**Case Nos. 3:18-cv-01279-MO through 3:18-cv-01365-MO** **MOTION FOR EMERGENCY INTERIM RELIEF IN THE FORM OF AN ORDER REQUIRING RELIGIOUS ACCOMMODATIONS FOR ICE DETAINEES** ***Expedited Consideration Requested***

The petitioners, through their attorneys, respectfully move this Court for an order directing the government to accommodate religious beliefs and practices of ICE detainees forthwith pursuant to the First Amendment, the Religious Freedom Restoration Act (RFRA), sections

2000cc-2(b) and 2000cc-3 of the Religious Land Use and Institutionalized Persons Act (RLUIPA), and Bureau of Prisons Program Statement 5360.09, *Religious Beliefs and Practices* (December 31, 2004). Specifically, the Court should direct that the custodians, as remedial measures for the prolonged violations of rights to religious accommodations for civil detainees: (1) provide religious headwear to detainees including turbans; (2) provide personal religious items of the types seized at the time detainees entered custody; (3) allow pastoral visits and religious services from clergypersons and representatives of the detainees' faiths; (4) provide access to religious writings in appropriate languages for the detainees' faiths, (5) provide appropriate locations for prayer and religious practices; and (6) provide reasonable and appropriate opportunities to observe their religious dietary practices in a culturally appropriate manner.

The punitive detention of immigrants in FDC Sheridan has betrayed ideals and protections that are basic to American freedom and that motivated many of the detainees to seek asylum in this country. For the first weeks after their arrival on May 31, 2018, the detainees were held virtually incommunicado at FDC Sheridan, out of touch with anyone in the outside world, under onerous conditions of confinement, without compliance with laws requiring religious accommodations. Upon being taken into custody, Sikhs had their turbans and other items essential to their religious practice confiscated. Upon arrival in FDC Sheridan, many detainees were unable to communicate with anyone in authority in their native languages. The custodians failed to advise detainees of what rights they had, how to seek religious accommodations, and what accommodations could be made. Although some punitive conditions have been ameliorated, the inability to fully practice their religions has been very distressful to the detainees. Currently, the detainees are being held without required religious accommodations, including that they are not

being permitted to wear required head coverings, not being given adequate time and space to pray, and not permitted to wear the sacred religious items in accordance with their faith. *See* Supplemental Declaration of William Teesdale.

The First Amendment guarantees that the federal government shall make no law prohibiting the free exercise of religion. U.S. Const. amend. I. "Putting substantial pressure on an adherent to modify his behavior and to violate his beliefs" infringes on the free exercise of religion. *Thomas v. Review Bd. Of the Ind. Employment Sec. Div.*, 450 U.S. 707, 718 (1981). In response to limitations on free exercise of religion in *Employment Division v. Smith*, 494 U.S. 872 (1990), Congress enacted RFRA in 1993 to require the government to establish a compelling interest to justify facially neutral laws that burden exercise of religious practices. 42 U.S.C. § 2000bb(a)(4) and (5). RFRA's central provisions created the norm of not burdening free exercise of religion, with any narrow exception to be established by the government. The new general rule: "Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general application[.]." 42 U.S.C. § 2000bb-1(a).

The only exception that permitted a substantial burden required that the government demonstrate the burden (1) "is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1(b); *see also Wisconsin v. Yoder*, 406 U.S. 205, 215 (1972) ("[t]he essence of all that has been said and written on the subject is that only those interests of the highest order . . . can overbalance legitimate claims to the free exercise of religion."); *Sherbert v. Verner*, 374 U.S. 398, 406 (1963) ("Only the gravest abuses, endangering paramount interests," may justify the restriction of "the

indispensable democratic freedoms secured by the First Amendment.") (quoting *Thomas v. Collins*, 323 U.S. 516, 530 (1945)).

The term "government" in RFRA includes United States agencies, departments, and person acting under color of law. 42 U.S.C. § 2000bb-2(1). The "religious exercise protected by RFRA "includes any exercise of religion, whether or not compelled by, or central to a system of religious belief." 42 U.S.C. §§ 2000bb-2(4) and 2000cc-5(7). The protections afforded to religious exercise in RFRA must be construed broadly. *Burwell v. Hobby Lobby Stores, Inc.*, 134 S.Ct. 2751, 2760 (2014) ("Congress enacted RFRA . . . in order to provide *very broad protection* for religious liberty") (emphasis added). RFRA expressly contemplates judicial relief as sought in the present case: "A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government." 42 U.S.C. § 2000bb-1(c).

The protections for religious exercise were extended to the States in the RLUIPA in 2000. Although generally applicable to state facilities, the RLUIPA also bound the federal government in provisions related to the burden of persuasion, which falls on the government, and rules of construction. 42 U.S.C. 2000cc-5(4)(B) (The term "government" "for the purposes of sections 2000cc-2(b) and 20000cc-3 of this title, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law."). The rules of construction include that the statute "shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution." 42 U.S.C. § 2000cc-3(g).

Both ICE and the BOP have fallen far short of the statutory requirements for religious accommodation and their own standards. The Performance-Based National Detention Standards, which ICE revised in 2016, call for pastoral care, services, and accommodation for religious headwear and other items, as stated in the FPD's letter to the custodians of July 9, 2018. CR 3 at 26-27. For religious headwear, the FPD placed the government on explicit notice that Sikh detainees had not received accommodation for the headwear they "consider a mandatory part of their religious practice and expression." *Id*. Within the context of institutional safety, the PBNDS state, "the facility must ensure that detainees are provided conforming religious headwear for free or at de minimum cost." *Id*. Similarly, the BOP program statement on religious headwear expressly authorizes Sikhs "to wear the following religious headwear throughout the institution," which is listed as "turban" and "white." BOP Program Statement 5360.09 at 12-13.

Despite the specific reference and request regarding headwear accommodation, the custodians have failed to provide turbans. The written request for accommodation includes pastoral care, services, and religious items. Firsthand reports from FDC Sheridan as of July 23 and 25, 2018, indicate that religious deprivations continue, as reflected in the Supplemental Declaration of William Teesdale. The only effective manner of assuring compliance with the law in the punitive custody that the detainees are experiencing is for the Court to take direct and immediate action to ameliorate the ongoing violations of religious freedom. "[T]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Mayweathers v. Newland*, 258 F.3d 930, 938 (9th Cir. 2001) ("inmates suffer irreparable harm when they are unable to attend religious services"); *Chalk v. United States Dist. Court Cent. Dist. Of Cal.*, 840 F.2d 701, 709 (9th Cir 1988) ("emotional stress,

depression and reduced sense of well-being" constitute irreparable injury). The custodians have already failed to adequately accommodate exercise of religious beliefs and practices for far too long.

In formulating an equitable response to violations that are ongoing, the Court should fully implement the concerns for speed, flexibility, and fairness that underlie the writ. *See McQuiggin v. Perkins*, 133 S.Ct. 1924, 1934 (2013) ("equitable principles have traditionally governed the substantive law of habeas corpus"); *Boumediene v. Bush*, 553 U.S. 723, 780 (2008) (Habeas "is, at its core, an equitable remedy") (quoting *Schlup v. Delo*, 513 U.S. 298, 319 (1995)); *Harris v. Nelson*, 394 U.S. 286, 291 (1969) (habeas corpus should "be administered with the initiative and flexibility essential to insure that miscarriages of justices within its reach are surfaced and corrected"). The Court's exercise of its equitable powers should consider the history of violations and the inadequate response of authorities who control every aspect of the detainees' lives.

First, the ICE detainees have been at FDC Sheridan eight weeks without the required religious accommodations. As explained in the declaration by Dr. Simran Jeet Singh, a leading expert on the Sikh faith, while Sikhs practice in many different ways, the basic tenants of the Sikh religion emphasize the wearing of turbans and other sacred religious objects, and the ability to pray at certain times of day in a respectful space. *See* Declaration of Dr. Simran Jeet Singh; *see also Thomas*, 450 U.S. at 714 ("Intrafaith differences . . . are not uncommon among followers of a particular creed, and judicial process is singularly ill equipped to resolve such difference in relation to the Religion Clauses."). Some detainees have been traumatized by being exposed without headwear when, dating back centuries, "forcibly removing a Sikh's turban, or cutting a Sikh's hair has symbolized denying that person the right to belong to the Sikh faith, and has been

considered a humiliating and hurtful physical injury." Singh Declaration at 3. For weeks, no religiously appropriate food was provided to those with dietary religious restrictions. The custodians' failure to make full accommodations for religious practices requires this Court to take direct and compelling action.

Second, to the extent the custodians claim they lack the resources to accommodate religion, no such excuse is permissible under RFRA and RLUIPA. The government cannot create a chaotic situation, then force the detainees to subsidize governmental actions by sacrificing their religious freedoms. The Court should also reject any such claim because, in essence, the governmental agencies may be cutting corners by placing detainees in a federal prison under a contract at the bed rate (or cost per night of custody) of $88.78, the BOP cost per-inmate, per-day, as opposed to the ICE costs of detention, which must consider the language, health, and special costs attributable to immigration detainees, of $133.99. Department of Homeland Security, Immigration and Customs Enforcement, *Budget Overview, Fiscal Year 2019 Congressional Justification*, at 6.

Third, the Court should not accept promises of future action or claims that requests have been met. The initial weeks of detention at FDC Sheridan involved virtually no religious accommodations. Further, the context of these petitions includes the custodians' failure to seriously deal with the pervasive language difficulties in communicating from the beginning of the Oregon detention. As with medical issues, the custodians appear to have made insufficient progress in assuring that individual detainees are instructed in the appropriate language on how to communicate their needs and to seek accommodations with appropriate privacy. Most basically, the FPD has communicated expressly with the custodians regarding the various ways in which the conditions are unconstitutionally punitive, including the range of failing to accommodate religious

beliefs and practices. The Court should require adherence to well-established statutory and constitutionally-based rights.

For the foregoing reasons and those stated in the petitions for habeas corpus and supporting documents, the Court should enter an order requiring the custodians to make the requested religious accommodations forthwith.

Respectfully submitted this 26th day of July, 2018.

/s/ Lisa Hay
Lisa Hay

/s/ Stephen R. Sady
Stephen R. Sady
Attorneys for Petitioner

EXHIBIT I



ICE DETENTION CENTER IS CREATING OBSTACLES TO RAMADAN OBSERVANCE FOR MUSLIM DETAINEES, LAWYERS SAY – THE INTERCEPT

By Maryam Saleh

June 7, 2018

When an inmate at the Glades County Detention Center requests a Bible, the turnaround is about as rapid as one would expect, often with the chaplain's personal involvement.

Ask for a copy of the Quran, and be prepared to wait.

Thanks to an ill-fated airplane flight that made international news when it failed to deport 92 Somalis, the detention center has no shortage of Muslim occupants. The difficulty of getting a Quran is just one of many indignities being meted out by the prison brass and guards during the

month of Ramadan, a time of heightened spiritual reflection during which Muslims abstain from food and water between sunrise and sunset.

Even that, though, has become its own battle for devotees at the Glades facility, a Florida jail that doubles as an immigration detention facility. Most Muslims get to decide of their own volition whether or not they want to participate in the fast, an exercise in self control. But for those at Glades, there is an external barrier that can get in the way: an officer's arbitrary decision whether or not to place them on the facility's "Ramadan list," according to a letter sent by lawyers from Muslim Advocates and Americans for Immigrant Justice to officials at U.S. Immigration and Customs Enforcement and the Glades County Sheriff's Office on Thursday.

In the seven-page letter, which is being reported for the first time by The Intercept, the lawyers charge that Glades staff has prevented Muslim detainees at the facility from the free exercise of their faith.

Employees from the sheriff's office working at Glades have "unreasonably hindered individuals from observing the holy month of Ramadan by denying individuals access to the Ramadan list and by also providing inedible and insufficient quantities of food to those who fast," reads the letter. Other practices at Glades, "including lack of access to halal meals and frequent cancellations of weekly congregational prayer services," have also gotten in the way of the Muslim men's religious observance. (Halal is the Arabic word for permissible, and when it comes to food, the concept refers to dietary standards that Muslims follow.)

"Accusations of misconduct involving agency employees and its contractors are taken seriously and will be investigated thoroughly," ICE spokesperson Nestor Yglesias said in a statement. "Should these allegations be substantiated, appropriate action will be taken. ICE employees and contractors are held to the highest standard of professional and ethical conduct."

Most of the complainants are part of a group of detainees that was brought to Glades in December, after a failed deportation flight to Somalia on which they said they were physically abused by ICE officers. (Four legal groups, including Americans for Immigrant Justice, sued ICE for "inhumane conditions" on the flight. ICE has denied the accusations, and litigation is ongoing.) The interference with religious practice is just the latest in a litany of abuses that the detainees say they've experienced at Glades. As The Intercept previously reported, they've complained of violent assaults by guards, denial of medical care, lack of access to their lawyers, and racism. Those accusations are the subject of an investigation by the Department of Homeland Security's Office of Inspector General. Some of the issues have yet to be resolved, said Lisa Lehner, an attorney at Americans for Immigrant Justice who filed the administrative complaint. "There are still some real, serious medical issues that have not been taken care of, for people who really need medical care," she said. "The lack of it at this point is really exacerbating some of their conditions."

The grievances emanating from Glades are not an anomaly. Immigrants' rights advocates have, for years, called for increased scrutiny of ICE detention centers, which operate with no independent oversight and have historically been riddled by allegations of abuse. An investigation by The Intercept earlier this year revealed a staggering pattern of sexual abuse in immigration detention, where the accused perpetrators were often ICE employees. The number of people detained by ICE has reached record highs under President Donald Trump. The average daily population during fiscal year 2017 was 38,106; that number climbed to 39,322 during the first two months of the current fiscal year.

Lehner said the complaints speak to small county jails' failure to adequately meet the needs of large groups of immigrant detainees. "Lack of respect for the religious observance is part of the global issue of the inability of county jails, like Glades, to properly detain large populations of immigrant detainees. We see this problem manifested in the lack of adequate medical care; the inadequate access to counsel in the facility; and now, the failure to respect the religious observance of these men," she said. "When you think about it, these are just basic human needs and constitutional rights."

The most recent complaints from Glades are about much more than Ramadan or religious practice, said Yusuf Saei, a fellow at Muslim Advocates. Abusive conditions are just one more reason for detainees to give up on the uphill battle to fight their deportations. (A team of pro bono lawyers is helping the detainees who were returned on the December flight to file motions to reopen their immigration cases. A number of those requests have been granted so far, Lehner said.)

"The day-to-day horror of one's conditions of confinement kind of de-incentivizes people to fight their cases," Saei said. "I think it's kind of part of the ICE strategy to make things as difficult as possible, so that people want to voluntarily leave and not keep appealing their cases."

Glades has a Ramadan list, on which detainees must be placed if they wish to participate in the fast. According to the letter, which does not name any of the detainees, at least two men were denied placement on the list. One of them submitted a formal, written request to be placed on the list several days before the start of Ramadan. Major Keith Henson, an employee of the sheriff's office who works at the jail, wrote "denied," in response to the request, without offering any justification. Individuals detained at the facility said Henson claimed inclusion on the Ramadan list was limited to individuals who professed their religion as Islam during "in processing," yet some detainees said they were not asked about their religion during processing.

Placement on the list matters because immigrant detainees' daily habits are closely watched, Saei said. "Somebody who just tried to fast without receiving permission by being put on the list might be singled out for discipline or negative treatment by corrections officers," he said. "Not

eating during the day and not being on the Ramadan list could sort of single you out for that kind of discipline, and even potentially administrative segregation or isolation."

"If you're not on the list, essentially you can't fast, unless you're going to starve."

Detainees on the list also should be able to get an extra bagged meal in place of the lunch they skip, which they need so that their post-fast meal is nutritionally satisfying, said Sirine Shebaya, a lawyer at Muslim Advocates. The fast lasts about 15 hours in Moore Haven, Florida, where the Glades County Detention Center is located — so every bite counts. "It's likely that all of the meals might be served at times that you're fasting, so if you're not on the list, essentially you can't fast, unless you're going to starve," Shebaya said.

Ramadan is, in many ways, a community affair: People tend to gather with friends and family for iftar, the meal eaten to break the fast, and spend their nights praying together at a mosque. Immigrant detainees, separated from their families, are not only denied that community experience, but at Glades, they're also facing discriminatory treatment even if they're included on the Ramadan list, the advocates charge. Several of the detainees have reported that their food is not halal and the portions are not sufficient after a long day of fasting. Those observing the fast are required to eat leftover meals, which means that, depending on when lunch is served, the meals have possibly been out in the open for more than eight hours by the time of iftar. Some detainees reported being served food that was hard to swallow, cold, or rotten. "It is likely that the trays have been exposed to variable temperatures and humidity in Glades County, Florida and potentially to other dirt and germs," reads the letter.

The issue of Ramadan accommodations is most urgent because it is time-sensitive, Shebaya said. She emphasized, however, that there are a number of other violations of detainees' right to freely exercise their religion that Glades needs to address.

"Detained persons are so reliant on the rules and regulations put in place by the people who have custody of them," Shebaya said. "Religious practice is such a fundamental value that is really being undermined in this facility."

One example detailed in the letter is the difficulty in performing congregational prayers. Muslims hold weekly congregational prayers on Friday, and attendance is generally required. While some of the detainees have been able to hold Friday prayer services, guards frequently cancel the prayers without notification, or they yell at the worshippers to hurry up and finish.

Muslims recite passages from the Quran in Arabic while praying, and for those who don't speak Arabic, an English translation is key to understanding the text. One detainee requested a copy of the Quran in both English and Arabic. He waited more than a month for the English translation,

and he was never provided with the Arabic original. The chaplain later told him he could have one or the other. Another detainee who requested a Quran was never given one.

“Requesting a Quran is not something that should take a month, and you should also not be questioned about the language in which you want that Quran,” Shebaya said.

Some detainees have also reported being singled out for abuse because they wear a kufi, a knit cap that some Muslim men wear as religious headgear. One man said that officers would snatch his kufi and toss it around, while another said he was threatened with being moved to segregation if he did not take his kufi off. A third man reported that another detainee was actually sent to segregation for wearing a kufi and was told that kufis are not allowed at the detention center.

The incidents at Glades are the most clearly documented, Shebaya said, but complaints of religious discrimination are happening throughout the system. One reason these excesses are happening might be that immigration detention centers like Glades are adjusting to a surge in Muslim, Arab, and South Asian populations, she noted, but it could also be animus toward Muslims, or a combination of both.

The detainees have relayed that their Christian counterparts at Glades appear to be receiving preferential treatment, the lawyers wrote in the letter. “At this facility, Glades County, it seems like the chaplain is pretty accommodating for Christian detainees,” Saei told The Intercept. “We’ve heard that he’s more personally involved in providing the Bible as soon as it’s requested.”

The detainees’ right to religious observance is enshrined in detention standards promulgated by ICE, as well as federal and state law.Glades operates under the 2000 National Detention Standards, which contain guidance on everything from use of force by guards, to detainee grievance procedures, to religious accommodations. Under the Religious Land Use and Institutionalized Persons Act, or RLUIPA, Glades staff is prohibited from substantially burdening religious exercise, unless they can prove there is a compelling government interest for doing so. (The Florida Religious Freedom Restoration Act offers similar protections.)

The NDS require that Muslims participating in the Ramadan fast be given their approved meals after sundown.

Legal advocates charge that Glades has violated these protections in a number of ways. For example, the NDS say that a detainee can profess faith or change faith “at any time,” yet Henson was reportedly referring to the religion professed by individuals during processing. When it comes to meals, the NDS require that Muslims participating in the Ramadan fast be given their approved meals after sundown. The general food policy is that detainees should be served two hot meals daily, and that when it comes to halal or kosher meals, hot entrees should be provided

three times a week. In the letter, the lawyers say that fasting Muslims should receive their afternoon and evening meals after sundown. If Glades is not able to accommodate the detainees' dietary needs, it should "provide a compelling reason that doing so is not possible."

The NDS specifically name kufis as a type of religious headwear that "is permitted in all areas of the facility, subject to the normal considerations of security and good order, including inspections by staff." This runs contrary to the assertion in the letter that detainees were told they could not wear a kufi.

The 2000 NDS are the least protective standards that apply to immigrant detainees, which makes it all the more jarring that Glades is not meeting even those requirements, Saei said. (In 2011, ICE released a more stringent set of standards that generally is enforced at "dedicated" facilities, which house only ICE detainees.)

The lack of oversight of the county jails is the crux of the problem, Lehner said. "Without any oversight by ICE, there is really no incentive for a facility like Glades to do things like provide for halal meals or medical care beyond just a basic infirmary that gives out Advil," she said.

In the letter, the lawyers laid out a number of demands for ICE and the Glades facility, including immediate access to the Ramadan list for Muslims who've been denied it and the provision of hot, nutritionally satisfying meals for all those who are fasting. The groups also ask for assurances when it comes to the provision of halal meals, scheduling and cancelation of Friday prayers, access to the Quran and prayer rugs, and an end to the discriminatory targeting of men who wear kufis.

Read it via The Intercept here.



Americans for Immigrant Justice Needs Your Support

We need your support to continue championing the rights of unaccompanied immigrant children, advocating for survivors of trafficking and domestic violence, serving as a watchdog on immigration detention practices and policies, and fighting to keep families together.

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EXHIBIT J

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Muslim Detainees Say ICE Interferes With Their Religious Practices

Five Muslims accused immigration officials at a Florida detention facility of denying them access to the Quran and restricting prayer in a federal lawsuit filed Wednesday.

ALEX PICKETT / February 27, 2019

FT. MYERS, Fla. (CN) – Five Muslims accused immigration officials at a Florida detention facility of denying them access to the Quran and restricting prayer in a federal lawsuit filed Wednesday.

"Glades County Detention Center is brazenly violating fundamental religious rights for no discernible reason other than to harass and demean Muslims," Yusuf Saei of Muslim Advocates**** said in a statement. "Needlessly restrictive detention conditions such as these also pressure immigrants to give up on their cases and accept deportation rather than wait for an outcome in their underlying immigration case."

In Wednesday's suit, five Somali men who fled their home country years ago in the midst of a civil war claim detention center staff repeatedly refused to provide religious materials, such as Qurans, prayer rugs and head coverings, for several weeks after their arrival. They also say officers delayed or cancelled prayer services and served food they could not eat without violating their religious edicts.

According to the lawsuit, other detention centers in the U.S. make proper accommodations for Muslim inmates.

The detention center's chaplain did eventually provide Qurans to the men, but only in English, the 35-page complaint says. A former detainee gifted some prayer rugs to them, which the detention center only allows them to use on Fridays, according to the lawsuit. Many Muslims believe they must pray five times a day using the rugs.

The men also accused the chaplain of giving preferential treatment to Christian detainees, who received additional ministry from outside groups.

When asked why Muslims were not afforded the same courtesy, the chaplain and staff replied, "Boy, you're in Glades County," the lawsuit states.

Lisa Lehner, director of litigation at Americans for Immigrant Justice, criticized ICE's supervision of small detention centers like GCDC.

"This lawsuit shines a spotlight on the inherent, but largely unreported flaw in our immigration detention system: ICE's delegation of its responsibilities to remote county jails and its failure to ensure that detainees' fundamental rights are not being abridged," she said in a statement.

The men, who range in age from 26 to 47, were part of a group of more than 90 Somalis detained for immigration charges and other crimes and set to be deported in December 2017. However, the government's chartered plane turned back to the U.S. after a relief flight crew could not finish the journey.

The detainees were then transferred to immigration facilities in South Florida, including GCDC.

The deportation flight was the subject of another federal lawsuit filed last year, which claims the detainees were shackled for days without access to restrooms and that agents beat them en route.

Civil rights organizations Americans for Immigrant Justice and Washington D.C.-based Muslim Advocates filed the current lawsuit in Ft. Myers federal court on behalf of Yasin Abdulkadir, Noor Abiyow, Abdikadir Gure, Ismael Abdirashed Mohamed and Aweys Muhudin.

The current suit names as defendants U.S. Immigration and Customs Enforcement, Glades County Sheriff David Hardin, the detention center's chaplain and other immigration officials.

ICE and the Glades County Sheriff's Office did not immediately respond to a request for comment.

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EXHIBIT K

ACLU

NEWS & COMMENTARY

Border Patrol and ICE Routinely Violate Immigrants' Religious Rights



Aleksandr Sverdlik
March 20, 2019

One pork sandwich every eight hours for six straight days. That's the only food that Border Patrol provided to Adnan Asif Parveen, a Muslim immigrant who was detained in South Texas in January because his work permit had expired and was pending renewal. Mr. Parveen reportedly informed officials that his religion forbids him from eating pork, but they didn't care. All he could eat were the slices of bread from the sandwich.

Mr. Parveen's experience was not an isolated incident. While President Trump and his administration have repeatedly proclaimed their commitment to religious liberty, in practice, this has only translated to religious freedom for some. Detained immigrants are apparently not among them. Detained immigrants from various faiths — Muslims, Sikhs, Hindus, and Christians — have reported incidents in which Border Patrol and Immigration and Customs Enforcement brazenly violate their religious-freedom rights.

Take, for instance, Border Patrol's treatment of Christians. Despite the agency's "Religious Sensitivity" policy, which directs officers and agents to "remain cognizant of an individual's religious beliefs while accomplishing an enforcement action in a dignified and respectful manner," officials have seized rosaries from Catholic immigrants. One janitor found so many rosaries discarded by Border Patrol officials that he was able to create and photograph an entire collection of them. Immigrants have had their Bibles confiscated at the border, including Catholic and Seventh Day Adventist men represented in a lawsuit filed last year by the ACLU.

The situation is no better for immigrants detained across the country by ICE, which frequently denies them access to clergy, worship services, religious texts, religious diets, and an appropriate place to pray. For example, according to a report released this month by Disability Rights California, immigrants detained at the Adelanto ICE Processing Center — the largest ICE jail in California — have been denied adequate "access to religious texts related to their faith or in their language."

And a lawsuit filed a few weeks ago by Muslim immigrants detained at the Glades County Detention Center in Florida details how they have been denied adequate prayer services, copies of the Quran, religious headwear, and religiously compliant diets. When asked by one detained immigrant why Muslims were treated so disfavorably, the chaplain replied, "Boy, you're in Glades County."

Immigrants detained by ICE last year at federal prisons faced similar conditions. In Sheridan, Oregon, Sikh asylum seekers were forced to pray next to dirty toilets. When the men were denied turbans, they tried to wear towels or t-shirts on their heads during prayer, only to have guards rip them off.

In Victorville, California, Presbyterian, Catholic, Seventh Day Adventist, Sikh, Muslim, and Hindu immigrants detained at a federal prison were not allowed to attend worship services or participate in any group prayer or religious study. One immigrant was even admonished for singing hymns to himself in his cell. Immigrants there were also denied religious headwear and access to religious texts, such as the Bible and the Quran.

This sort of treatment is not just morally reprehensible, it's against the law. Federal statutes provide heightened protections for religious exercise. This extends to immigrants and incarcerated individuals, who are especially vulnerable to neglect, mistreatment, and other abuses. That's why we've sent a letter to the Department of Homeland Security, calling on its Office of Inspector General and Office for Civil Rights and Civil Liberties to launch a thorough investigation and take action.

Unlike some of the countries from which these individuals are fleeing, the United States was founded on the belief that everyone is entitled to religious freedom. ICE and Border Patrol must stop making a mockery of our most cherished principles by denying immigrants the fundamental right to practice their faith.

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Press Release Sep 2026



Immigrants' Rights

Parties File Joint Request to Dismiss Supreme Court Immigration Detention Case

WASHINGTON — Today, both parties in Genalo v. G.M. filed a joint stipulation asking the U.S. Supreme Court to dismiss the case as moot following a pardon granted by New York Governor Hochul that eliminated the basis for Mr. G.M.'s deportation and detention. At the request of both sides, the Supreme Court dismissed the case, thereby cancelling upcoming arguments. The Second Circuit ruling requiring due process protections for prolonged detention will remain in place. Mr. G.M. is a lawful permanent resident who was held in ICE detention for 21 months without a bond hearing. His now-moot case challenged his prolonged immigration detention without meaningful due process. The American Civil Liberties Union, New York Civil Liberties Union, MacArthur Justice Center, and Hecker Fink LLP are co-counsel in this case. "This is a great outcome for our client who no longer faces the threat of deportation and future immigration detention," said Cecillia Wang, national legal director of the ACLU. "The Second Circuit reached the correct decision in recognizing that prolonged immigration detention cannot continue without due process, and that decision will remain in place. We will continue to defend our Constitution's limits on immigration detention and will keep up the fight against Trump administration's extreme, unprecedented, and lawless positions." "We are heartened that our client will not be separated from his family," said Amy Belsher, supervising attorney at the New York Civil Liberties Union. "The Second Circuit made abundantly clear that immigrants are entitled to due process, and we're gratified that their ruling will protect all those in the Second Circuit from prolonged detention." "Mr. G.M. spent 21 months locked away by ICE, separated from his family and community, without any consideration of whether he actually posed a danger or a flight risk. The Second Circuit saw that for what it was: a violation of due process," said Amit Jain, Counsel for the Supreme Court and Appellate Program at the MacArthur Justice Center. "This is a victory for Mr. G.M., and we will continue to fight alongside anyone, regardless of immigration status, who experiences such grave violations of due process." The administration's position in Genalo v. G.M. drew cross-ideological opposition with 11 amicus briefs filed in total, including from former Republican senior government officials, members of Congress, and a former federal judge. In an amicus brief supporting G.M., they wrote that in their prior government roles they had "never asserted, nor ever heard the Government argue to this Court," that a noncitizen detained under this law has no fundamental liberty interest. Although Genalo v. G.M will no longer proceed before the Supreme Court, the Trump administration's efforts to expand mandatory detention and deny bond hearings to people who are immigrants, including longtime residents with deep ties to their families and communities, continues. Similar cases could make their way to the Supreme Court and will be met with forceful defense of due process. The joint stipulation is available here.

Court Case: Genalo v. G.M.

Affiliate: New York

Press Release Sep 2026



Immigrants' Rights

Federal Appeals Court Rules Against Trump Mandatory Detention Policy

RICHMOND, Va.— Another federal appeals court has rejected the Trump administration's new policy subjecting millions of immigrants to mandatory detention without access to bond hearings. The Fourth Circuit is now the ninth federal appeals courts to find the policy unlawful, along with hundreds of district courts. The ruling arose from habeas corpus petitions filed on behalf of Oscar Lopez Garcia and Juan Jose Rivera by their respective immigration counsel, Benach Pitney Reilly LLP and Ceartas Solutions. The American Civil Liberties Union, the ACLU of Virginia, and Murray Osorio PLLC joined the legal team representing petitioners in the government's consolidated appeal. The case is Lopez Garcia v. Guadian. Last year, the Trump administration adopted a new radical reinterpretation of longstanding immigration laws and declared that anyone who entered the country without inspection must be detained without access to bond. For decades prior, people in removal proceedings who were detained by the government have generally had the right to seek release by an immigration judge. Among those who have been affected by the administration's radical reinterpretation are people eligible for legal status, even those with long-pending immigration applications who have been waiting years due to administrative backlogs. The following is reaction to today's ruling: "The courts have resoundingly rejected the administration's cruel policy and its blatant disrespect for the rule of law," said My Khanh Ngo, senior staff attorney with the ACLU's Immigrants' Rights Project. "We are thrilled for our clients and their families." "The government cannot rewrite immigration law to serve this administration's anti-immigrant agenda by detaining people en masse, and today's ruling again makes that crystal clear," said Sophia Gregg, senior immigrants' rights attorney with the ACLU of Virginia. "The Fourth Circuit's decision is an important victory for both Virginians and for our civil rights and civil liberties nationwide." "The Court has it right: 'Mass detention of marginalized individuals without due process harkens back to some of the darkest moments in our country's history... Those shameful and abhorrent past detentions were limited in scope in comparison to' what the Government asked for in this case. We are thrilled that the Court declined to expand mandatory detention to millions of people," said Sarah Pitney, partner at Benach Pitney Reilly LLP and counsel for Mr. Lopez Garcia. "I have seen over and over again the devastating impact that the detention of a mother or father has on their children, many of whom are U.S. citizens," said Sarnata Reynolds, founding attorney at Ceartas Solutions. "Today's decision restores a basic safeguard: the government cannot imprison members of our communities throughout their immigration cases without giving them a meaningful chance to seek release." The ruling is here.

Press Release Sep 2026



Immigrants' Rights

Legal Groups That Secured Supreme Court Birthright Victory File New Motions Responding to Latest Executive Order

CONCORD, N.H. — Legal groups that secured a June Supreme Court victory in Trump v. Barbara on behalf of babies who would have been denied citizenship under a failed Trump executive order filed new motions in the case today. The latest filings aim to protect people subjected to the president's new executive order, which was signed in early August and again targets birthright citizenship. The American Civil Liberties Union, ACLU of New Hampshire, ACLU of Maine, ACLU of Massachusetts, Legal Defense Fund, Asian Law Caucus, and Democracy Defenders Fund successfully argued the Barbara case. On Aug. 11, they asked a New Hampshire federal court, where the Barbara lawsuit was first filed, to make it unquestionably clear that the citizenship of babies covered by that class-action lawsuit is protected despite the new executive order. In their new filings, they are asking the court to certify a new class given the latest executive order. In its June ruling, the Supreme Court confirmed that the Constitution's Citizenship Clause puts "the question of citizenship 'once and forever [to] rest.'" The following are comments on today's filings: "The Trump administration continues to threaten birthright citizenship, even after its definitive loss at the Supreme Court," said Cody Wofsy, deputy director of the ACLU's Immigrants' Rights Project and lead counsel. "We will never stop fighting to protect this fundamental constitutional principle." "The Constitution and the Supreme Court were exceedingly clear: Citizenship is a constitutional right given to all children born in America and any attempt to restrict that right is illegal," said Amia Trigg, deputy director of litigation at the Legal Defense Fund. "Regardless of race, color, or ancestry, birthright citizenship protects children that are born here. And the president's latest attempt to rescind that protection is just another example of an egregious overreach by the executive branch." "Trump's executive order on birthright citizenship is yet another attack on the rule of law," said Aarti Kohli, executive director of the Asian Law Caucus. "The Trump administration is ignoring the needs of everyday Americans to target immigrant communities. We're fighting in court to ensure all our rights are protected and stop this administration's unlawful attempt to ignore the Constitution and Supreme Court." "Our latest motions demand accountability for Trump's dangerous policies," said Tianna Mays, legal director at Democracy Defenders Fund. "This administration cannot unlawfully strip the rights of babies and ignore the Constitution in order to achieve its political goals. We won't let that stand, and we'll continue our fight in court." SangYeob Kim, director of the ACLU-NH Immigrants' Rights Project, said, "Birthright citizenship is the law of the land — as it has been for more than 150

years and as the U.S. Supreme Court affirmed once again just a few months ago. Cruel attacks on this core constitutional right must not be allowed to stand." "The president may keep signing unlawful executive orders, but the Supreme Court could not have been more clear when it ruled that neither the president nor Congress can end birthright citizenship," said ACLU of Maine Executive Director Molly Curren Rowles. "We'll continue defending the Constitution and the core principles reflected in the 14th Amendment: that with very few clear exceptions, every baby born on U.S. soil is a U.S. citizen." "Despite a clear ruling from the U.S. Supreme Court just weeks ago, the Trump administration is still trying to deprive babies born in the United States of their constitutional rights," said Carol Rose, executive director at the ACLU of Massachusetts. "We cannot tolerate this brazen act of lawlessness. No matter how many times President Trump tries to deny it, birthright citizenship is here to stay." Read the motions here.

Court Case: Barbara v. Donald J. Trump

Press Release Sep 2026



Criminal Law Reform | **Immigrants' Rights**

ACLU Urges Court to Allow Lawsuit Challenging Violent Idaho Immigration Raid to Proceed

BOISE – The American Civil Liberties Union, the ACLU of Idaho, Stoel Rives, and Cooley LLP filed an opposition brief today on behalf of their clients, urging a federal court to allow a lawsuit challenging the violent mass detention of hundreds of Latino people for an immigration dragnet at a family horse-racing event in Wilder, Idaho to proceed. The lawsuit, Rodriguez et al. v. Porter et al., was filed earlier this year on behalf of three Latino families and a proposed class of people who were at La Catedral Arena on October 19, 2025, when more than 200 federal, state, and local law enforcement officers descended on an otherwise peaceful family event. Law enforcement arrived in armored trucks and a helicopter with flashbang grenades and guns drawn and detained approximately 400 spectators – including U.S. citizens and children – for four hours of detention in inhumane conditions before subjecting everyone to suspicionless immigration interrogations. In their motions to dismiss, defendants continue to characterize the operation as a routine execution of warrants for five people accused of non-violent unlicensed gambling. The ACLU's brief filed today makes clear that hundreds of heavily-armed officers detaining hundreds of people with no connection to the gambling allegations – and prolonging their detention to investigate everyone's immigration status – was anything but routine. "Our clients are still living with the physical and emotional scars from that day, and yet the defendants continue to try to rewrite what happened," said Allison Frankel, senior staff attorney at the ACLU's

Criminal Law Reform Project. "Warrants for five people accused of unlicensed gambling do not give police a blank check to round up hundreds of people, hold families at gunpoint, or target people based on their perceived ethnicity. We know what happened at La Catedral, and we're going to keep fighting to hold those responsible accountable and make clear that law enforcement is not above the law." Juana Rodriguez, one of the lead plaintiffs, is a U.S. citizen who was at the racetrack with her 3-year-old son. After being violently rounded up with hundreds of other families, Rodriguez was placed in zip ties and detained for several hours without food or water. Law enforcement instructed her toddler to hold onto her pocket, which they had turned inside out, while Rodriguez remained zip tied and unable to comfort her son as he cried out for water. "The cruelty that occurred in Wilder is a tragic example of a government operating with reckless violence and unrestricted power," said Paul Carlos Southwick, legal director for the ACLU of Idaho. "The human cost of this operation is unacceptable. Law enforcement must answer for the large-scale civil rights abuses that took place so we can ensure this never happens again." The lawsuit alleges that federal, state and local law enforcement used the criminal warrants as a cover to conduct a sweeping immigration dragnet targeting an event where they knew the attendees would be predominantly Latino. The complaint centrally claims that these federal, state and local actors conspired to deprive those detained of their Fourth Amendment rights against unreasonable detentions, and their right to equal protection regardless of ethnicity. The complaint is brought under laws created after the Civil War to prevent racialized government violence. The conspiracy claims provide a path to hold federal actors accountable for civil rights violations. The brief is available here: https://www.aclu.org/cases/rodriguez-et-al-v-porter-et-al?document=Plaintiffs-Opposition-to-Defendants-Motions-to-Dismiss

Court Case: Rodriguez, et al. v. Porter, et al.

Affiliate: Idaho

ACLU

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EXHIBIT L

PROGRAM ON FREEDOM
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March 15, 2019

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Re: Investigating religious-freedom violations by Border Patrol and ICE

Dear Ms. Quinn and Mssrs. Kelly, Vitiello, and McAleenan:

We are deeply concerned that Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) are routinely violating immigrants' religious-liberty rights. For example, Border Patrol denies detained immigrants food that complies with their religious beliefs. According to one recent report, Border Patrol repeatedly fed a Muslim immigrant pork sandwiches. Border Patrol also seizes immigrants' religious

effects at the border. The confiscated items are rarely returned and frequently end up in the trash.

The situation does not improve for individuals in ICE custody. In the past year, hundreds of thousands of immigrants have been detained by ICE at its own jails and in private prisons, federal prisons, and local jails that contract with ICE. At those facilities, they have been denied access to religious worship services, clergy and faith counseling, religious head coverings and other religious articles, holy texts, and meals that comport with their religious dietary needs. These practices violate the Free Exercise Clause of the First Amendment to the U.S. Constitution, the Religious Freedom Restoration Act (RFRA), 42 U.S.C. §§ 2000bb *et seq.*, and (in the case of immigrants detained at non-federal facilities) the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. §§ 2000cc *et seq*.

President Trump and other officials in his administration have repeatedly emphasized their commitment to protecting religious liberty. The President's own executive order, "Promoting Free Speech and Religious Liberty," proclaims that religious people should be "free to practice their faith without fear of discrimination or retaliation by the Federal Government" and directs the executive branch to "vigorously enforce Federal law's robust protections for religious freedom."[1] Similarly, former Attorney General Jeff Sessions issued a memo to the entire executive branch declaring that the "free exercise of religion is not a mere policy preference to be traded against other policy preferences" but rather a "fundamental right."[2] These directives ring hollow, however, in light of the appalling abuses suffered by detained immigrants who seek to practice their faith. These abuses stain our nation's longstanding reputation as a beacon of religious liberty. We ask that you immediately conduct an investigation and take the steps necessary to protect immigrants' religious-liberty rights.

Religious-freedom infringements suffered by detained immigrants in Border Patrol's custody

When immigrants enter the United States and are apprehended by Border Patrol, the agency confiscates nearly all of their property.[3] This includes religious property, such as religious texts, head coverings, and jewelry.[4] In most cases, these sacred items are never returned, instead ending

[1] Exec. Order No. 13798, 82 Fed. Reg. 21675 (May 4, 2017).

[2] Memorandum from U.S. Attorney Gen. to All Exec. Dep'ts and Agencies, Federal Law Protections for Religious Liberty, at 1 (Oct. 6, 2017).

[3] Ari Selk, *'I Wanted to Stop Her Crying': the Image of a Migrant Child that Broke A Photographer's Heart*, The Washington Post (June 18, 2018), https://www.washingtonpost.com/news/post-nation/wp/2018/06/18/i-wanted-to-stop-her-crying-the-image-of-a-migrant-child-that-broke-a-photographers-heart/?noredirect=on&utm_term=.4e221281ac31 ("'Border Patrol confiscates all personal items from everyone. They take hairbands, they take shoelaces, they take belts, they take money, they take wedding rings, they take all personal items. They took the shoelaces from the children.'").

[4] *See, e.g.*, Amanda Terkel, *Kids Taken from Their Parents at the Border Get Their Toys Confiscated Too*, HuffPost (June 20, 2018), https://www.huffingtonpost.com/entry/kids-toys-border_us_5b2a629ce4b05d6c16c99fd7; Peter C. Baker, *A Janitor Preserves the Seized Belongings of Migrants*, The New Yorker (Mar. 12, 2017), https://www.newyorker.com/culture/photo-booth/a-janitors-collection-of-things-confiscated-from-migrants-in-the-desert; *Teneng et*

up in the trash.[5] Throwing religious items into the garbage violates CBP's personal-property policy, which states that non-contraband items "will be safeguarded, itemized, ...and documented."[6] It also completely disregards CBP's "Religious Sensitivity" policy, which directs officers and agents to "remain cognizant of an individual's religious beliefs while accomplishing an enforcement action in a dignified and respectful manner."[7] In fact, CBP's national standards authorize detained immigrants to "keep some personal items in their possession, as long as a particular item does not pose a threat to the security or good order of the facility."[8] Thus, there is no reason for CBP to seize most religious items in the first place.

Immigrants of various faiths have been affected by these practices. For example, Catholic and Seventh Day Adventist immigrants have had their Bibles taken away at the border.[9] Most detained immigrants' religious texts are never returned or replaced.[10] Border officials likewise have seized rosaries from Catholic immigrants.[11] One janitor found so many rosaries discarded by CBP officials that he was able to create and photograph an entire collection of them.[12] Similarly, many Sikh immigrants have had their turbans and sacred religious bracelets (called "karas") confiscated at the border. Despite repeated requests, these, too, are not returned.[13] We have received at least one report from a Sikh immigrant that border officials tossed his kara into the trash bin while he was in the room.

Immigrants detained by Border Patrol also have been denied access to diets that comply with their religious tenets. According to a recent report, for example, the only food that Border Patrol provided for a detained Muslim immigrant was a pork sandwich every eight hours.[14] For six days, he was forced to eat only the slices of bread from the sandwich.[15] Although he explained

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al. v. Trump, No 5:18-cv-01609 (C.D. Cal. Aug. 1, 2018), ECF No. 1-4, Decl. of Atinder Paul Singh ¶¶ 5,9; ECF No. 1-6, Decl. of Noe Mauricio Granados Aquino ¶ 24; ECF No. 1-20, Decl. of Dervi Garcia Perez ¶ 10.

[5] Terkel, *supra* note 4; Baker, *supra* note 4.

[6] *National Standards on Transport, Escort, Detention, and Search*, U.S. Customs and Border Protection 26 (Oct. 2015), https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf.

[7] *Id.* at 4.

[8] *Id.* at 27.

[9] *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-6, Granados Aquino. Decl. ¶ 24; ECF No. 45-3, Decl. of Gabriel Antonio Manzanilla Pedron ¶¶ 20, 23.

[10] *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-6, Granados Aquino. Decl. ¶ 24; ECF No. 45-3, Decl. of Gabriel Antonio Manzanilla Pedron ¶¶ 20, 23.

[11] *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-20, Garcia Perez Decl. ¶ 10; *see also, e.g.*, Baker, *supra* note 4.

[12] Baker, *supra* note 4.

[13] *See Teneng*, *supra* note 4, ECF No. 1-4, Paul Singh Decl. ¶¶ 5, 9; ECF No. 1-5, Decl. of Gurjinder Singh ¶¶ 5-6; ECF No. 1-12, Decl. of Sarvejeet Singh ¶ 8.

[14] Roque Planas, *Border Patrol Fed Pork To Muslim Detainee For 6 Days*, HuffPost (Feb. 27, 2019), https://www.huffpost.com/entry/border-patrol-fed-pork-to-muslim-detainee-for-six-days_n_5c76f474e4b0d3a48b5627a2.

[15] *Id.*

to officials that Islam prohibits adherents from eating pork, no alternative meals were provided,[16] even though CBP policy states that officers and agents "should remain cognizant of a detainee's religious or other dietary restrictions."[17] Indeed, CBP policy grossly understates the legal obligations of its officers and agents. Under federal law, detained immigrants "have the right to be provided with food sufficient to sustain them in good health that satisfies the dietary laws of their religion." *McElyea v. Babbitt*, 833 F.2d 196, 198 (9th Cir. 1987). It has long been "clearly established" that Muslim prisoners "have the right to avoid contact with pork or with any food that has been contaminated by pork." *Hayes v. Long*, 72 F.3d 70, 74 (8th Cir. 1995).[18] CBP's failure to provide religiously appropriate food for Muslim immigrants or detained immigrants of any faith is, therefore, legally and morally indefensible.

Religious-freedom infringements suffered by detained immigrants in ICE custody

The situation is no better for immigrants detained in ICE jails, federal prisons, and other ICE-contracted facilities, where they have been denied the ability to engage in even basic religious practices. For example, a lawsuit filed in late February details the harrowing treatment to which detained Muslim immigrants have been subjected at the Glades County Detention Center (GCDC) in Florida. They have been denied access to adequate religious diets and prayer services, the Qur'an, prayer rugs, and kufis.[19]

Moreover, according to a report released this month by Disability Rights California (DRC), an investigation at the Adelanto ICE Processing Center—the largest ICE jail in California—revealed various religious-freedom violations.[20] During the investigation last year, DRC investigators "heard many reports about meals that lacked sufficient nutrition, did not comply with religious and medical dietary needs, and were often spoiled."[21] In addition, rather than providing desperately needed mental health treatment, staff improperly recommended "religious coping," even for detained immigrants "who explain[ed] that they [did] not have religious beliefs."[22] And, in any event, immigrants who were religious and advised by clinical staff to turn to their religion

[16] *Id.*
[17] Planas, *supra* note 14.
[18] The U.S Court of Appeals for the Eighth Circuit reached this holding even though the Muslim prisoner in *Hayes* asserted a claim under the Free Exercise Clause of the First Amendment, under which the applicable legal test generally confers less protection for religious exercise than do RFRA and RLUIPA.
[19] *See generally Abdulkadir v. Hardin*, No. 2:19-cv-00120-SPC-MRM (M.D. Fla. Feb. 27, 2019), Complaint, ECF No. 1.
[20] *See generally There Is No Safety Here: The Dangers for People with Mental Illness and Other Disabilities in Immigration Detention at GEO Group's Adelanto ICE Processing Center*, Disability Rights California (Mar. 2019), https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf. The 2018 investigation was conducted pursuant to DRC's "legal authority to inspect and monitor conditions in facilities that provide care and treatment to people with mental illness and other disabilities." *Id.* at 9.
[21] *Id.* at 17.
[22] *Id.*at 21.

for mental health support were denied adequate "access to religious texts related to their faith or in their language."[23] In fact, while investigating complaints that very little reading material was available to immigrants detained at Adelanto, DRC staff observed that the scarce reading materials included a "noticeably large number of Bibles and other Christian literature, *but few or no books related to other religions*."[24]

These conditions mirror those faced by immigrants who were detained by ICE in federal prisons last year. In June 2018, for example, ICE transferred hundreds of immigrants to the Federal Correctional Institution in Victorville, California.[25] While detained there, immigrants were not allowed to attend worship services or participate in group prayer or religious study.[26] They also had no access to religious leaders or spiritual counseling.[27] And their ability to obtain and wear religious head coverings and garb was severely restricted.[28] Many went hungry for weeks because they were not provided with meals that met their religious needs.[29] One individual was even admonished and threatened with punishment for singing hymns to himself *while inside his own cell*.[30]

The circumstances were just as dire for immigrants detained by ICE at the federal prison in Sheridan, Oregon. They had no access to clergy, worship services, religious texts, religious diets, or an appropriate place to pray: Many were forced to pray in their cells next to dirty toilets.[31] Detained Sikh immigrants were denied turbans, and when they tried to wear towels or t-shirts on their heads during prayer, as a substitute for their turbans, the guards ripped them off.[32]

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[23] *Id.*

[24] *Id.* at 23 (emphasis added).

[25] *See generally* Paloma Esquivel, *US Officials Move to House 1,000 Immigration Detainees at Federal Prison in Victorville,* LA Times (June 7, 2018), http://www.latimes.com/local/lanow/la-me-ln-victorville-ice-detention-20180607-story.html; Conrad Wilson, *Hundreds of Immigrant Detainees Held in Federal Prisons*, NPR (Aug. 23, 2018), https://www.npr.org/2018/08/23/641165251/legal-battles-began-when-migrants-were-sent-to-federal-prisons.

[26] There were no Presbyterian, Catholic, Seventh Day Adventist, Sikh, Hindu, Islamic, or other religious services provided for immigrants detained at Victorville. *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-2, Decl. of Marcel Ngwa ¶ 9; ECF No. 1-6, Granados Aquino Decl. ¶ 23; ECF No. 1-7, Decl. of Thea Akes ¶ 13; ECF No. 1-9, Decl. of Marlon Esoto Cortez ¶ 9; ECF No. 1-12, Sarvejeet Singh Decl. ¶ 7; ECF No. 1-18, Decl. of Ousmane Diallo ¶ 2; ECF No. 45-3, Manzanilla Pedron Decl. ¶¶ 21-24; ECF No. 45-7, Decl. of Fabio Jose Serrano Solozano ¶¶ 15-16.

[27] *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-2, Ngwa Decl. ¶ 9; ECF No. 1-7, Akes Decl. ¶ 13; ECF No. 45-7, Serrano Solozano Decl. ¶ 16.

[28] *See, e.g.*, *Teneng*, *supra* note 4, Paul Singh Decl. ¶¶ 5, 10; ECF No. 1-5, Gurjinder Singh Decl. ¶¶ 4-6; ECF No. 1-12, Sarvejeet Singh Decl. ¶¶ 4-6.

[29] *See, e.g.*, *Teneng*, *supra* note 4, ECF No. 1-4, Paul Singh Decl. ¶ 11; ECF No. 1-5, Gurjinder Singh Decl. ¶¶ 7-8.

[30] *Teneng*, *supra* note 4, ECF No. 45-3, Manzanilla Pedron Decl. ¶ 24.

[31] *See, e.g.*, *ICE Detainees Nos. 1-74 v. Salazar et al*., No. 3:18-cv-01279-MO (D. Or. July 18, 2018), ECF No. 2, Decl. of ICE Detainee No. 2 ¶ 4; *see generally id.*, ECF No. 11, Memo. in Support of Petition 15.

[32] *ICE Detainees*, *supra* note 31, ECF No. 11, Memo. in Support of Petition 31.

The practices at the GCDC, Victorville, and Sheridan facilities do not comport with ICE policy, which requires that detained immigrants "have regular opportunities to participate in practices of their religious faiths, limited only by a documented threat to the safety of persons involved in such activity itself or disruption of order in the facility."[33] To that end, each "facility administrator shall allow detainees to have access to personal religious property."[34] Religious headwear and property should be "handled with respect at all times, including during the in-take process."[35] In addition, under ICE policy, detained immigrants are allowed to retain their personal religious headwear where it does not pose security concerns, and every facility is directed to "ensure that detainees are provided conforming religious headwear for free or at a de minimums [sic] cost" where their personal headwear has been confiscated for security reasons.[36] Special diets are also to be provided for those whose religious beliefs require adherence to religious dietary laws.[37] In other words, ICE's recent treatment of immigrants in their custody has fallen far short of what even its own policies demand.

Although ICE moved all of the immigrants detained at Victorville to other facilities after the ACLU and others filed suit, and ICE has stopped detaining immigrants at federal prisons, for now, there remains strong cause for concern. ICE has not committed to permanently ending the practice—even though the Bureau of Prisons has made clear that it neither has the capacity to protect immigrants' religious-liberty rights nor cares to do so. Moreover, ICE continues to detain immigrants in local and regional jails that have a history of religious-freedom violations, such as the Northern Oregon Regional Corrections Facility (NORCOR). In 2017, the ACLU of Oregon detailed just some of the appalling conditions for those held at NORCOR, including the jail's unlawful confiscation of religious items, such as Bibles, prayer rugs, and rosaries, and inadequate access to clergy and spiritual counseling.[38] NORCOR also does not provide religious diets to detained immigrants.[39] Yet, ICE continues to use the jail, and it has been reported that the jail keeps its local law enforcement arrests low to make room for more immigrants detained by ICE.[40] As demonstrated by their documented abuses of detained immigrants, facilities like NORCOR and

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[33] *See Performance-Based National Detention Standards 2011*, U.S. Immigration and Customs Enforcement 375 (rev. Dec. 2016), https://www.ice.gov/doclib/detention-standards/2011/5-5.pdf.
[34] *Id*. at 380.
[35] *Id.*
[36] *Id.* at 383.
[37] *Id.* at 375.
[38] Letter to Bryan Brandenburg and Rod Runyon, Re: Unconstitutional conditions of confinement for immigration detainees at NORCOR, 7-8, https://aclu-or.org/sites/default/files/field_documents/acluor_norcor_demand_letter_9.12.2017.pdf.
[39] Katie Shepherd, *An Oregon Jail Housing Immigration Detainees Failed to Meet 81 Federal Rules. Here Are Six*, Willamette Week (July 11, 2018), https://www.wweek.com/news/courts/2018/07/11/an-oregon-jail-housing-immigration-detainees-failed-to-meet-81-federal-rules-here-are-six/ (records obtained by reporter revealed that NORCOR "did not provide meal options for detainees with religious restrictions").
[40] *See* Conrad Wilson, *Oregon Jail Has Released Inmates To Save Space For ICE Detainees*, Oregon Public Broadcasting (Nov. 15, 2018), *https://www.opb.org/news/article/oregon-jail-norcor-release-inmates-ice-detainees/*.

GCDC offer no relief for immigrants of faith who simply want to observe their sincerely held religious beliefs.

Finally, tens of thousands of other immigrants remain in jails operated by ICE as well as county jails and facilities operated by private prison companies.[41] Given the recent, well-documented failures in ICE contracting, inspections, and oversight,[42] there is a pressing need for your offices to intervene and investigate religious-freedom violations system-wide.

Federal law violations

The practices detailed above demonstrate that Border Patrol and ICE widely and plainly violate RFRA and RLUIPA, which provide heightened legal protections for religious exercise.[43] Under the statutes, the government must demonstrate that any substantial burden placed on immigrants' exercise of their sincerely held religious beliefs is the least restrictive means of furthering a compelling governmental interest.[44] Here, it is obvious that Border Patrol and ICE routinely impose substantial burdens on detained immigrants' ability to engage in some of the most basic and fundamental religious practices. And, because both CBP and ICE policies expressly allow and accommodate the very type of religious activities that are now restricted in facilities housing detained immigrants, the current practices are *not* the least restrictive means of furthering any compelling governmental interest.

These abuses are particularly troubling because many immigrants who seek refuge in the United States have faced persecution in their home countries based on their religious beliefs. They were undoubtedly drawn here by the American promise of religious freedom for people of all faiths. Unfortunately, that promise has been tarnished. Both CBP and ICE have demonstrated their contempt for the right of immigrants to practice their faith and cannot be counted on to honor their legal obligations. A full and thorough investigation of these abuses—across every Border Patrol

[41] Spencer Ackerman, *ICE Is Detaining 50,000 People, an All-Time High*, The Daily Beast (Mar. 8, 2019), https://www.thedailybeast.com/ice-is-detaining-50000-people-a-new-all-time-high.

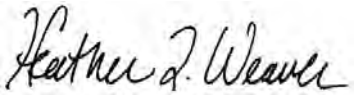
[42] *See, e.g.*, *ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards*, Dep't of Homeland Security, Office of the Inspector General (Jan. 19, 2019), https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf; *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, Dep't of Homeland Security, Office of the Inspector General (June 26, 2018), https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf.

[43] Some of these practices also violate the less stringent standard applied under the Free Exercise Clause of the First Amendment because they bear no rational relationship to a legitimate penological objective. *See Hayes*, 72 F.3d at 74; *supra*, note 18.

[44] 42 U.S.C. § 2000bb-1(b). Indeed, ICE's decision to place detained immigrants in federal prisons, as well as local and regional jails that have a history of religious-freedom abuses, is itself a violation of RFRA. And to the extent that immigrants detained by ICE at local and regional jails, such as NORCOR and GCDC, are subjected to practices like those detailed above, those practices violate RFRA's sister statute, RLUIPA.

and ICE or ICE-contracted detention facility—is a necessary first step toward holding accountable those responsible for this mistreatment and ensuring that it is not repeated in the future.

Sincerely,



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EXHIBIT M

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BARRON: ADMINISTRATION 'ASSURED' HIM DETAINEES' ACCESS TO SACRAMENTS 'UNDER CAREFUL REVIEW'

written by Kate Scanlon | 7:00 PM November 4, 2025



Clergymen talk with law enforcement officers preventing religious leaders from entering the ICE facility in Broadview, Ill., to offer Communion to immigrants detained inside during an outdoor Mass in Broadview on the outskirts of Chicago Nov. 1, 2025. (OSV News

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photo/Leah Millis, Reuters)

WASHINGTON (OSV News) — Amid concern about the ability of those detained by immigration enforcement authorities to receive Catholic sacraments, a key U.S. bishop said Trump administration officials have "assured" him the matter is "under careful review."

His comments came shortly before Pope Leo XIV urged respect for "the spiritual rights" of migrants detained in the U.S. in comments to journalists Nov. 4 at Castel Gandolfo.

Religious Liberty Commission

Bishop Robert E. Barron of Winona-Rochester, Minnesota, who was appointed by President Donald Trump to the Department of Justice's Religious Liberty Commission, said in a Nov. 3 social media post that he and Father Alexei Woltornist, a Melkite Catholic priest and a member of the Department of Homeland Security's Homeland Security Advisory Council, "have been in touch with senior officials in both the State Department and the Department of Homeland Security and have brought forward the concerns of the Church regarding detainees' access to Sacraments."

Bishop Barron's post included an OSV News article about a delegation of clergy, religious sisters and laity, and a Chicago auxiliary bishop who were barred for the second time in three weeks from bringing the Eucharist to those being held at an immigration detention center just west of Chicago on the feast of All Saints Nov. 1.

Tense confrontations

The facility in the Chicago suburb of Broadview, Illinois, has seen tense confrontations between protesters and federal law enforcement in the last several weeks as the Trump administration ramped up enforcement efforts in and around the Windy City. In a separate incident, reports of immigration authorities near St. Jerome Catholic Church in Chicago's Rogers Park neighborhood on Oct. 12 prompted warnings of caution from its pastor, although a spokesperson for ICE denied the church was targeted, local media reported.

Catholic bishops are among those who have acknowledged points of tension between the Trump administration's immigration policy and religious liberty.

In a statement provided to OSV News in response to an inquiry about Bishop Barron's post, Tricia McLaughlin, assistant secretary for public affairs for the Department of Homeland Security, said the Broadview facility is "a field office, it is not a detention facility."

'Held briefly for processing'

"Illegal aliens are only briefly held there for processing before being transferred to a detention facility. Religious organizations are more than welcome to provide services to detainees in ICE detention facilities," McLaughlin said. "Even before the attacks on the Broadview facility, it was not within standard operating procedure for religious services to be provided in a field office, as detainees are continuously brought in, processed, and transferred out."

McLaughlin argued the facility faces "serious public safety and officer safety threats," and that "ICE staff has repeatedly informed religious organizations that due to Broadview's status as a field office and the ongoing threat to civilians, detainees, and officers" they are "not able to accommodate these requests at this time."

In his post, Bishop Barron added, "I feel that maintaining open lines of communication and engaging in dialogue with the Administration constitute the most constructive way forward."

Balancing immigration policies

Catholic social teaching on immigration balances three interrelated principles — the right of persons to migrate in order to sustain their lives and those of their families, the right of a country to regulate its borders and control immigration, and a nation's duty to regulate its borders with justice and mercy.

In his Nov. 4 comments, Pope Leo added, "The authorities allow pastoral workers to assist with the needs of these people. Many times they have been separated from their families and no one knows what happens"

Kate Scanlon is a national reporter for OSV News covering Washington. Follow her on X @kgscanlon.

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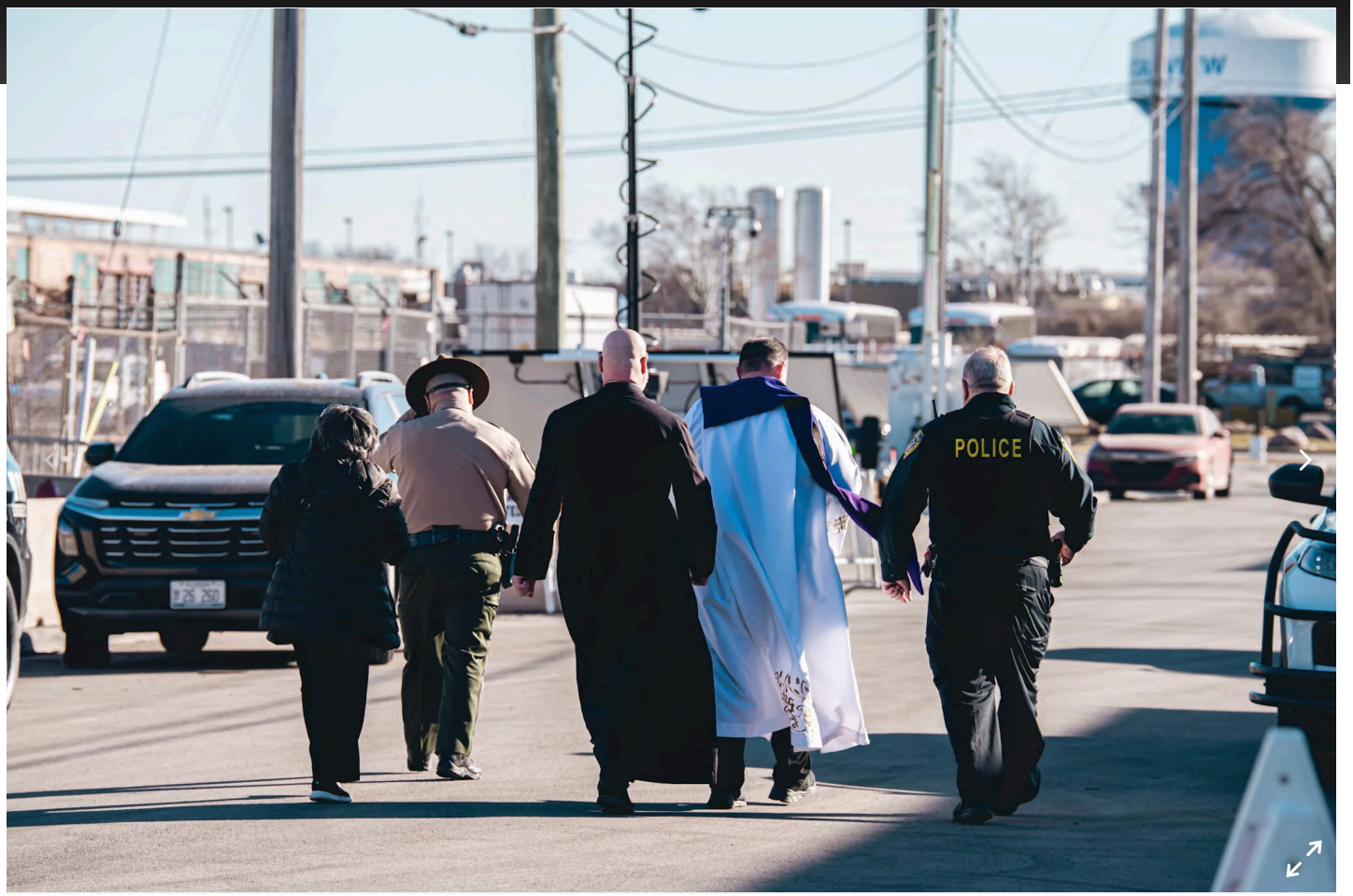
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EXHIBIT N

RELIGION

Faith leaders push for access to ICE detention centers during Lent and Ramadan



1 of 2 | In this photo provided by the Coalition for Spiritual and Public Leadership, Father Leandro Fossá, CS, Fr. Paul Keller, CMF, and Sr. Alicia Gutierrez, SH, are escorted by police officers into the Broadview detention center in Broadview, Ill., on Ash Wednesday, Feb. 18, 2026. (Derek Carter/Coalition for Spiritual and Public Leadership via AP) License Read More

BY GIOVANNA DELL'ORTO

Updated 4:57 AM PDT, March 7, 2026

Leer en español

The long-held practice of faith leaders ministering to detained migrants has become far more contentious — and consequential — as detention numbers soar across the United States during the federal government's immigration crackdown.

Clergy are pushing for more access at detention centers, especially during the ongoing holy seasons of Lent and Ramadan. After celebrating an Ash Wednesday service with four migrants who had just arrived at a detention center near Chicago, clergy there are working with immigration authorities to set up regular visits.

At the start of Ramadan, a Muslim chaplain was allowed to visit two women held for many months in immigration detention in the Dallas-Fort Worth area. She is hoping to return throughout the fasting month.

“In systems that are made to break them, it is very important that they not only get that care, but they also get adequate care with someone that can help them make meaning of their situation by bringing God,” chaplain Nosayba Mahmoud said.

After months of liaising with U.S. Immigration and Customs Enforcement’s Prairieland Detention Facility in Texas, she was allowed to bring the women dates to break the Ramadan fast as well as softcover Qurans.

But it took a lawsuit — one of two recently filed after clergy said they were denied access in Illinois and Minnesota — for a Catholic contingent to get into the ICE facility in the Chicago suburb of Broadview on Ash Wednesday.

“It’s an important victory,” said the Rev. David Inczauskis, a Jesuit priest and member of the Coalition for Spiritual and Public Leadership, which filed the Chicago lawsuit. “But also we recognize that it’s just one step along the way to migrant justice.”

ICE detention centers expand and draw scrutiny

Since President Donald Trump began his second term, the number of people detained by ICE has increased to as many as 75,000 from 40,000, spread across more than 225 sites as capacity expands. The largest site is Camp East Montana in El Paso, Texas, where an average of about 3,000 people have lived per day.

The Trump administration has repeatedly portrayed its mass deportation efforts as targeting immigrants who are a danger to society, but data from the Deportation Data Project shows that the percentage of people arrested by ICE with criminal histories has steadily decreased.

It’s not clear how Thursday’s ouster of Homeland Security Secretary Kristi Noem will affect detention centers, but the centers have come under mounting criticism, including from members of Congress, about living conditions and inconsistent access to legal representation.

ICE facilities that hold detainees for more than 72 hours are required to have a chaplain or “religious services coordinator,” as well as dedicated spaces for services, ICE told The Associated Press.

ICE policy requires advance notice and background checks for clergy and faith volunteers who want to provide pastoral visits, counseling and religious services, the agency added.

ICE detainees come from all over the world, but historically most were born in Christian-majority countries.

Clergy sue over access to detention centers

The two lawsuits center on access at federal buildings on the outskirts of Chicago and Minneapolis, where clergy said detainees were held for multiple days during the respective enforcement surges last fall and earlier this winter.

Both lawsuits claim the government violated religious freedom by not allowing the clergy to minister to migrants.

The Illinois case said faith leaders were barred from the Broadview center on some occasions starting last fall — a change since a nun and member of the coalition that filed this lawsuit in mid-November had been visiting for approved weekly prayers for a decade.

After a judge ordered ICE to allow the Ash Wednesday visit, faith leaders are “cautiously optimistic” that they might arrange a regular schedule to visit, offer prayers and bring items like rosaries and Bibles, Inczauskis said.

Such access also could benefit the federal agents — three of them asked to receive ashes alongside the migrants, he added.

In Minneapolis, the Rev. Chris Collins, also a Jesuit priest, was denied entry into a federal building where raucous protests occurred daily during the surge. With Minnesota branches of the Evangelical Lutheran Church in America and the United Church of Christ, Collins sued the government in February for being “categorically denied” the opportunity to provide pastoral care.

Faith leaders say access is inconsistent

Clergy and volunteers from different faiths have long ministered to immigration detainees.

For about 15 years, the U.S. branch of Jesuit Refugee Service has had a contract with the Department of Homeland Security to provide in-house chaplains at half a dozen centers, from near the Canadian border in New York to Cuba’s Guantanamo Bay, said the nonprofit’s spokesperson, Bridget Cusick.

Many of the clergy and volunteers involved say they are worried about inconsistent access. Yet they plan to keep up their ministry because they see it as vital to preserving the right to worship and reminding migrants of their humanity.

“I’m the only outside contact that they have,” said Simran Singh, who started visiting Indian detainees at the Mesa Verde ICE facility in Bakersfield, California, a decade ago. “Most of their relatives are not in America … so I am the only one who knows they exist, that they’re more than just a number.”

The Sikh volunteer added that on his weekly visits, detainees love the food from the gurdwara he brings — for some, it’s the only appropriate vegetarian food they have received while in custody.

Others are grateful he delivers the turbans that observant men wear, which are often taken away upon detention.

“That’s part of your identity. So not only are you stripped of your name, but you’re also stripped of who you are,” Singh said.

Similarly, Mahmoud, the Muslim chaplain in Texas, said she would like to provide prayer cloths, especially during Ramadan, but so far hasn’t been allowed to.

Catholic bishops demand more access

In a letter to Congress last week, the U.S. Conference of Catholic Bishops urged “consistent access to religious and pastoral services for all immigration detainees,” and asked for “clear guidelines and uniform processes.”

The bishops had already expressed concern about the lack of pastoral care in a fall statement strongly backed by Pope Leo XIV.

For four decades, the Catholic archbishop of Miami, Thomas Wenski, has been visiting migrants at the Krome Detention Center on the edge of the Everglades, where a weekly Mass is held.

He’s also celebrated Mass at Florida’s Alligator Alcatraz, an even more remote and controversial center. In his homily there last Christmas, he told the dozens of mostly Latino and Latin American men that his presence

was proof that they hadn't been forgotten.

"There are people outside that are praying for you," Wenski recalled preaching. "God has not abandoned you."

At the largest detention center, in El Paso, a Sunday Mass is regularly celebrated and priests also visit for confessions. But the access is "very limited" due to what the center's management says is a shortage of staff and space, Bishop Mark Seitz said.

In Southern California, the Rev. Brian Nunes, auxiliary bishop of Los Angeles, celebrated two Masses recently at the large detention centers in Adelanto and California City, where many struggle with separation from family and their communities.

He, too, hopes to expand care.

"There's also, on a very important level, this sense that ... even when it's difficult to serve them, that they were served," Nunes said.

AP journalist Morgan Lee contributed from Santa Fe, New Mexico.

Associated Press religion coverage receives support through the AP's collaboration with The Conversation US, with funding from Lilly Endowment Inc. The AP is solely responsible for this content.

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Dell'Orto is a multimedia reporter with The AP's Global Religion team. She has reported across the United States, Europe, Latin America and the Middle East, covering events and issues ranging from the conclave to the Israel-Hamas war to the Olympics, from immigration to the intersection of Indigenous spirituality and the environment.

EXHIBIT O

MAJOR WORLD EVENTS NONE IMPACT

Catholic Ministers Regain Daily Access to Illinois Immigration Detention Center After Settlement

May 16, 2026

In a development that restores a decade-long tradition of religious outreach, Catholic priests and nuns will again be permitted to enter the Immigration and Customs Enforcement processing center in Broadview, Illinois, on a daily basis. The arrangement was formalized this week when a nonprofit representing Catholic clergy reached a settlement with the Department of Homeland Security, ending a lawsuit that accused the agency of unlawfully barring spiritual care for detainees.

The dispute began in early 2025 when the Coalition for Spiritual and Public Leadership, a Chicago-based Catholic advocacy organization, filed suit alleging that ICE officials had abruptly halted the regular Friday-morning visits that clergy had conducted for more than ten years. The coalition argued that the denial violated the First Amendment’s guarantee of free exercise of religion and contravened federal statutes that protect the religious rights of individuals in custody. The lawsuit also claimed that the restriction placed an undue burden on detainees’ ability to practice their faith while confined.

“Providing spiritual and emotional support in the initial hours of detention can be the difference between despair and hope,” said Michael Nicolas Okinczyc-Cruz, the coalition’s executive director, during a phone interview. He emphasized that the early moments after a person is taken into custody are often the most frightening, and that pastoral accompaniment can help mitigate the trauma.

ICE officials had justified the suspension of access in September of the previous year by citing “safety and security concerns” and the “transitory nature” of the Broadview facility, which they said made regular clergy visits impractical. Those arguments were central to the coalition’s complaint, which maintained that the government’s actions were not narrowly tailored to address any genuine security threat and therefore infringed on constitutional protections.

The settlement, filed in the United States District Court for the Northern District of Illinois, outlines that clergy members may now enter the detention center each day during two windows: from eight to eleven a.m. and from one to four p.m. The agreement does not specify an end date, and Okinczyc-Cruz expressed optimism that the terms could become a permanent fixture of the facility’s operations.

When the news broke, Father Paul Keller, a priest who had been among the volunteers denied entry, described the outcome as “emergency-room care for the soul.” He recounted a recent visit in which a priest spent more than two hours speaking with an immigrant woman, offering her a listening ear and prayers. “When someone has just been torn from their life and family, the immediate emotional and spiritual wounds need attention right away,” Keller said.

Broadview is not the only ICE site where faith leaders have reported being turned away. Similar lawsuits have been filed in Minneapolis and Los Angeles, where clergy allege that they have been excluded from providing sacraments and counseling to detainees. The issue attracted national attention after the United States Conference of Catholic Bishops issued an uncommon statement last year condemning the administration’s aggressive deportation policies and highlighting the lack of pastoral care in detention facilities.

Even the Vatican weighed in. Pope Leo XIV, the first American-born pontiff, told reporters that authorities should allow religious workers to tend to the spiritual needs of migrants in custody, noting that many are separated from their families for extended periods and often have no one to advocate for them.

The legal battle over Broadview saw a series of court orders that temporarily restored access during key moments in the Catholic liturgical calendar. In February, a federal judge granted clergy entry on Ash Wednesday, the opening day of Lent, and later ordered that priests be allowed to minister from April 2 to April 5, encompassing Holy Week and Easter. Those limited windows underscored the tension between the government's security rationale and the religious community's claim to constitutional rights.

With the new agreement in place, the coalition hopes that the daily schedule will become a stable part of the detention center's routine, ensuring that anyone who requests spiritual assistance can receive it without delay. "Our goal is not just to win a legal victory, but to embed compassionate care into the fabric of how these facilities operate," Okinczyc-Cruz said.

The settlement also signals a broader shift in the administration's approach to religious accommodation in immigration enforcement. While the Department of Homeland Security has not issued an official comment on the agreement, the decision may set a precedent for how other detention sites handle requests from faith-based groups.

For the detainees at Broadview, the restoration of daily clergy visits represents more than a procedural change; it offers a tangible source of comfort amid an often-isolating environment. As the nation continues to grapple with immigration policy and the treatment of those in custody, the case underscores the enduring clash between security measures and the constitutional guarantee of religious freedom.

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The coalition plans to monitor the implementation of the agreement closely and will seek further legal recourse if the terms are not honored. Meanwhile, volunteers are preparing to resume their regular schedule, hopeful that the renewed access will help ease the emotional strain faced by countless individuals awaiting the outcome of their immigration proceedings.

Immigration | Religious Freedom | Legal Settlement | ICE | Catholic Church

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Federal Judge Orders Return of Colombian Deportee Sent to Congo

International — May 15, 2026

EXHIBIT P

U.S. NEWS

Federal judge grants injunction allowing clergy visits at Minneapolis ICE holding facility



1 of 3 | Bishop Jennifer Nagel, of the Minneapolis Synod of the Evangelical Lutheran Church in America, speaks to reporters outside the federal courthouse in St. Paul, Minn., on Friday, March 20, 2026, after a federal judge ruled that clergy will be allowed to minister to immigrants in a holding facility at the headquarters of the Trump administration's enfo Read More



BY STEVE KARNOWSKI

Updated 11:17 AM PDT, March 20, 2026

Leer en español

ST. PAUL, Minn. (AP) — Clergy will be allowed to minister to immigrants in a holding facility at the headquarters of the Trump administration's enforcement surge in Minnesota, a federal judge ruled Friday.

U.S. District Judge Jerry Blackwell granted an injunction requested by Minnesota branches of the Evangelical Lutheran Church in America, the United Church of Christ, and a Catholic priest who had sued the Department of Homeland Security.

Under his ruling, clergy will be allowed in-person pastoral visits to all detainees at the Bishop Henry Whipple Federal Building in Minneapolis, the site of frequent protests over roughly the 3,000 federal officers who had surged into the state at the height of the crackdown.

Blackwell said the plaintiffs had met their burden of proving that they're likely to succeed when the case reaches a final conclusion, and that restrictions on the religious freedom of clergy to minister to detainees constitutes "irreparable harm."

He ordered both sides to meet within four business days to try to agree on details for how to provide access that takes into account the government's legitimate security concerns, and then submit a plan within seven business days, or competing proposals if they can't agree.

Bishop Jennifer Nagel, of the Minneapolis Synod of the Evangelical Lutheran Church in America, was turned away from Whipple when she tried to go to visit with detainees on Ash Wednesday. She told reporters after the hearing that serving people in crisis is fundamental in many religions.

"The trauma that families are going through, and individuals are going through, at these times is exorbitant. And so to be able to meet people in those needs, that's very much at the core, the heart and soul of what we do as ministers of all different traditions," Nagel said.

The lawsuit alleges the Whipple building, named for Minnesota's first Episcopal bishop, a 19th-century advocate for human rights, "now stands in stark contrast to its namesake's legacy." It says the building has "become the epicenter of systematic deprivation of fundamental constitutional and legal rights by the federal government."

Government attorneys noted that Operation Metro Surge officially ended on Feb. 12. They also said the number of new detentions has since subsided, so temporary restrictions on visitors have been eased, and clergy visits have been allowed for over two weeks.

But Blackwell agreed with attorneys for the plaintiffs who argued that the issue isn't moot, because the government still doesn't have a formal plan requiring access that sets out who decides the conditions under which clergy are admitted.

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Catholic and Episcopal bishops in Minnesota, other Christian and Jewish clergy, and the Minnesota Council of Churches also formally supported the request. The courtroom was filled with Lutheran, United Church of Christ, Unitarian Universalist, Jewish and other clergy.

Clergy across the country have been pushing for more access to immigration detention facilities, especially during the holy seasons of Lent and Ramadan. It's a longstanding practice for faith leaders to minister to detainees. but it has become far more contentious amid the current immigration crackdown.

It took a similar lawsuit for two Catholic priests and a nun to gain entry into an ICE facility in the Chicago suburb of Broadview on Ash Wednesday last month. And Muslim and Christian clergy in Texas have struggled to get into large Immigration and Customs Enforcement detention facilities there.

Tauria Rich, a senior local ICE official who oversees Whipple, said in a filing this week that visitors to Whipple are rare, and that any clergy requests are handled on a case-by-case basis. She said one clergy member had attempted to visit in early March, but left because no detainees were present. The visit would have been allowed if any detainees had been there, she said.

ICE calls the building a short-term holding facility, and not the kind of long-term detention center where clergy visits are normally allowed.

It's not just clergy who've struggled to get in. Three members of Congress from Minnesota were turned away when they tried to inspect the facility. Once they did get in, they reported poor conditions.

Access has also been an issue for attorneys. Homeland Security was ordered by a different federal judge last month to give new detainees at Whipple immediate access to counsel before they're taken elsewhere. That judge held a hearing this week to consider whether to convert her temporary order into a more permanent injunction. Her ruling is pending.



STEVE KARNOWSKI
Karnowski covers politics and government from Minnesota for The Associated Press. He also covers the ongoing fallout from the murder of George Floyd, courts and the environment, among other topics.

EXHIBIT Q



PRESS RELEASES February 11, 2026 CAIR New Jersey

CAIR-NJ Calls On Delaney Hall ICE Detention Facility to Make Ramadan Accommodations

(Newark, NJ — 2/11/2026) — The New Jersey Chapter of the Council on American-Islamic Relations (CAIR-NJ), a chapter of the nation's largest Muslim civil rights and advocacy organization, calls on Delaney Hall in Newark, New Jersey to prepare

accommodations for its Muslim detainees ahead of the holy month of Ramadan.

CAIR-NJ also welcomed the recent release of a detainee earlier this month. This detainee was actively working through the steps of completing their permanent residency process and was detained by U.S. Immigrations and Customs Enforcement (ICE) and sent to Delaney Hall in early December. Their green card was processed while at Delaney Hall and was released in early February.

The detainee described troubling conditions at Delaney Hall. The detainee also reports that despite their repeated requests, Muslim detainees within Delaney Hall did not have basic accommodations such as access to religious materials like prayer mats, Qur'ans, or prayer beads.

In a statement, the anonymous detainee said:

"Being unable to pray and our lack of access to an Imam at Delaney was difficult on the Muslim detainees. I encourage officials to speak up and call on the facility to prepare better for the holy month of Ramadan."

NOTE: The former detainee fears reprisal via an appeal of their green card and wishes to remain anonymous.

In a statement, CAIR-NJ Executive Director Selaedin Maksut said:

"As we approach the holy month of Ramadan — a sacred period of fasting, prayer, and spiritual reflection for Muslims — Delaney Hall and other ICE detention facilities across our nation have a legal and moral obligation to ensure that detained Muslims can practice their faith with dignity. This includes granting them access to prayer space, Qur'ans, religious literature, prayer

mats, chaplaincy services, and appropriate meals before dawn and after sunset."

"We are calling on Delaney Hall to immediately correct these failures and on New Jersey's congressional delegation to use its oversight authority to ensure that religious freedom does not stop at the doors of a detention facility."

With the holy month of Ramadan starting on Feb 17th officials at the facility need to act quick to accommodate the need. CAIR-NJ is committed to advocating for the religious rights and accommodations of Muslims detained within Delaney Hall and stands ready to serve as a partner in that effort.

CAIR-NJ and local partners launch fundraising campaign to purchase religious items for Delaney Hall Muslim detainees.

SEE: "Faith While Detained: Support Delaney Hall Muslims"

"Detention often strips people of comfort, routine, and connection. For Muslim detainees, the ability to pray properly, read Qur'an, and observe their faith provides solace, structure, and hope. These items offer more than religious observance; they are a source of peace, identity, and strength in the face of uncertainty," Maksut added. "Through this fundraiser, we aim to ensure that Muslims detained at Delaney Hall are not forced to practice their faith without the tools they need."

CAIR's mission is to protect civil rights, enhance understanding of Islam, promote justice, and empower American Muslims.

END

CONTACT: CAIR-NJ Executive Director Selaedin Maksut, smaksut@cair.com, 862-264-9414

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EXHIBIT R

CAIR Press Releases

CAIR-WA Supports Legal Action of Gov. Ferguson Against GEO Group After Private Prison Corporation Refuses State Health Inspection

April 30, 2026 2:21 pm

The Washington state chapter of the Council on American-Islamic Relations (CAIR-WA), a chapter of the nation's largest Muslim civil rights and advocacy organization, is proud to stand alongside Washington State lawmakers and the governor's office as they pursue legal action against GEO Group's refusal of state health inspection.

The Northwest ICE Processing Center in Tacoma – the only for-profit federal immigration detention facility in Washington State which has long been the subject of deeply troubling reports from detainees and their families. Inadequate food, poor sanitation, lack of medical care, freezing temperatures, and punitive use of solitary confinement are among the conditions that have been documented inside the GEO Group-operated facility for years.

It is in response to these conditions that the governor's office is now pursuing legal action against GEO Group after the corporation refused to allow the Washington State Department of Health to enter and conduct inspections as required by state law.

For full details on the governor's action, see the governor's official press release (https://governor.wa.gov/news/2026/governor-ferguson-attorney-general-brown-seek-court-order-permit-health-inspections-northwest-ice)**.**

Imraan Siddiqi, Executive Director at CAIR-WA, said: *"We're pleased that Governor Fergusion and Attorney General Brown have taken these steps. We've seen countless community members targeted by ICE'S unfair policies and who have suffered at this GEO Group location. We hope this brings relief to all those impacted."*

HB 1470 was championed by Representative Lillian Ortiz-Self in 2023. That law gave the Department of Health the authority to conduct unannounced inspections of private detention facilities and enforce baseline standards for health, safety, and sanitation.

GEO Group responded by immediately suing the state, securing a temporary court injunction that blocked the law for nearly two years. Washington appealed. The Ninth Circuit Court of Appeals overturned the lower court's ruling. GEO's request for a full rehearing was denied early 2026, and GEO was required to comply -which they refused.

The Governor's office is now pursuing legal action against GEO Group for blocking DOH inspectors from entering the facility. CAIR-WA applauds this decisive action.

CAIR-WA has spent years receiving and documenting complaints from detainees and their families about conditions inside the NWIPC and has specifically documented the failure of NWIPC to accommodate religious needs of Muslim detainees, which is a legally mandated right.

Detainees have reported things like halal meals containing insects, iftar meals hours after sunset during Ramadan, denial of Jummah Friday prayer access at proper times, and punitive transfers for detainees who requested religious meals.

The right to practice one's faith is not a privilege. It is a fundamental right – one that does not disappear upon detention. CAIR-WA has brought these specific concerns to elected offices across Washington State, and we are proud that those conversations contributed to the momentum that led us to this decisive action.

We would also like to note the crucial work and partnership of with peer organizations like La Resistencia, WAISN, NWIRP, One America and others in advancing these issues for our respective communities and immigrants statewide.

CAIR-WA will continue to monitor this legal process closely and advocate for full transparency in the inspection's findings.

CAIR's mission is to protect civil rights, enhance understanding of Islam, promote justice, and empower American Muslims.

La misión de CAIR es proteger las libertades civiles, mejorar la comprensión del Islam, promover la justicia, y empoderar a los musulmanes en los Estados Unidos.

END

CONTACT: Imraan Siddiqi, Executive Director at CAIR-WA, imraansiddiqi@cair.com (mailto:imraansiddiqi@cair.com)

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CAIR-NY Calls on Yonkers Mayor, Elected Officials to Condemn Intimidating Anti-Palestinian Letter Targeting Residents (https://www.cair.com/press_releases/cair-ny-calls-on-yonkers-mayor-elected-officials-to-condemn-intimidating-anti-palestinian-letter-targeting-residents/)

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CAIR-Chicago to Host SOLD-OUT Gala on Sun. Sept. 20, Featuring Mayor Brandon Johnson, Four Members of Congress, Linda Sarsour, Keynote Speaker Ana Kasparian, & 1,000+ Guests (https://www.cair.com/press_releases/cair-chicago-to-host-sold-out-gala-on-sun-sept-20-featuring-mayor-brandon-johnson-four-members-of-congress-linda-sarsour-keynote-speaker-ana-kasparian-1000-guests/)

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EXHIBIT S

Congress of the United States

Washington, DC 20515

July 14, 2026

The Honorable Markwayne Mullin
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mullin:

We write to express our concerns over the serious civil rights violations that Muslim detainees have suffered while detained at a Department of Homeland Security ("DHS") Immigration and Customs Enforcement ("ICE") detention facilities, particularly as it pertains to religious accommodations, such as access to the Quran, hijabs, prayer mats, and the failure to have designated prayer spaces and halal meals. Under ICE's own detention standards, ICE must provide detainees with "reasonable and equitable opportunities to participate in the practices of their respective faiths."[1] The alarming actions by ICE in denying individuals their civil rights continues a disturbing practice by your agency in violating DHS's own policies, in addition to the law, that must be immediately rectified.

The Free Exercise Clause of the Constitution prohibits the government from denying an individual's right to exercise their religion.[2] This right protects not only the ability to have a particular religious belief, but also the acts involved in practicing one's religion.[3] Federal law also prohibits the government agencies from "substantially burden[ing] a person's exercise of religion."[4] Under this provision, if the government "(1) compel[s] the[individual] to perform acts undeniably at odds with fundamental tenets of their religious beliefs, (2) put[s] substantial pressure on them to modify their behavior and to violate their beliefs, or (3) bears direct, primary, and fundamental responsibility for rendering a religious exercise effectively impracticable," then the government will have violated this right.[5] Because immigrant detainees are treated the same as civil detainees, they are afforded "more constitutional protection, more considerate treatment, and conditions of confinement than criminals whose conditions of confinement are designed to punish."[6] Consequently, the treatment they should be given while under the care and control of the government must reflect that.

For Muslims, the manner in which individuals practice and exercise their faith may take different forms —including wearing hijabs, keeping halal, using prayer mats, reading or reciting the text in the Quran, just to name a few. This year, Muslim detainees who sought to observe Ramadan—a revered month that is practiced by engaging in reflection, fasting, communal prayer, studying the Quran, and community—and the holidays of Eid ul Fitr and Eid ul Adha were hampered or unable to do so because their ability to practice was impaired by ICE. Take for example, Leqaa Kordia, a Muslim woman from Paterson, New Jersey who spent over a year in detention at the Prairieland Detention Facility in Alvarado, Texas. During this time, she has described how ICE

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1 U.S. Immigr. & Customs Enf't., Performance-Based National Detention Standards 2011, § 5.5(v) (rev. 2016), www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf.

2 U.S. Const. Amend. 1.

3 *See Holt v. Hobbs*, 574 U.S. 352 (2014).

4 42 U.S.C. § 2000bb-1(a).

5 *Soc'y of Divine Word v. U.S. Citizenship & Immigr. Servs.*, 129 F.4th 437, 450 (7th Cir. 2025).

6 *Mehmood v. Guerra*, 783 F. App'x 938, 941 (11th Cir. 2019).

systematically delayed or outright denied her ability to practice her Muslim faith, including by not providing her with a prayer mat, the Quran, or halal food.[7] But Leqaa's experience is not isolated—it is just one example in a pattern of behavior by DHS in violating detainees' constitutional rights. At Delaney Hall in New Jersey, reports detail how detainees have been denied access to the Quran.[8] At the Northwest ICE Processing Center in Washington, detainees have also reported being blocked from congregating to pray at dedicated times as prescribed by the Quran, or have been denied the ability to pray outright.[9] These reports, and others indicating disparate treatment in accommodating other religious requests by Muslim detainees, raise grave concerns over ICE infringing on their right to exercise their religion while in detention.

The failure to protect detainees' civil rights for religious accommodations will only become more acute as the administration continues to scale up its mass deportation campaign. Per the agency's own data, ICE currently has over 60,000 individuals in immigration detention[10]—a nearly 70% increase compared to the previous administration.[11] This is to say nothing of the recently enacted reconciliation package that provides your Department with an additional $70 Billion for its operations. At the same time, this administration has taken numerous actions to inhibit proper oversight of these facilities. Over the past year and a half, the department has deemed non-essential the Office of Detention Oversight, the component of ICE that inspects detention centers to ensure they meet federal standards of safe and humane treatment of detainees.[12] It has instituted mass firings at the Office of Civil Rights and Civil Liberties[13] and shut down the Office of Immigration Detention Ombudsman, which was established to provide oversight into immigration detention facilities. [14]

Individuals practicing their faith must be given reasonable accommodations—full stop. Accordingly, we are demanding ICE take immediate action to ensure that all Muslim detainees have unimpeded access to their requested religious accommodations, including to the Quran and other religious materials upon intake, guarantee that Muslim women have access to a hijab upon request, establish designated prayer spaces with access to prayer mats, and implement halal meal options as a standard offering. Additionally, we are requesting ICE provide answers to the following questions **no later than August 18, 2026**:

---

7 Press Release, Amnesty Int'l., One Year Later, Leqaa Kordia's Unlawful Detention Continues with Little Regard to Her Human Rights (Mar. 12, 2026), www.amnestyusa.org/press-releases/one-year-later-Leqaa-kordias-unlawful-detention-continues-with-little-regard-to-her-human-rights/.

8 Press Release, Council on American-Islamic Relations, CAIR-NJ Calls On Delaney Hall ICE Detention Facility to Make Ramadan Accommodations (Feb. 11, 2026), www.cair.com/press_releases/cair-nj-calls-on-delaney-hall-ice-detention-facility-to-make-ramadan-accommodations/.

9 *ICE Jails Have Repeatedly Denied Muslims the Right to Fully Observe Ramadan*, Truthout (Mar. 18, 2026) /truthout.org/articles/ice-jails-have-repeatedly-denied-muslims-the-right-to-fully-observe-ramadan/.

10 Immigr. & Custom Enforc., *Detention Statistics FY 2026*, Detention Management (last visited Apr. 20, 2026), www.ice.gov/detain/detention-management.

11 *Deaths of Migrants in ICE Custody Hit Record High Under Trump*, NPR (Apr. 17, 2026), https://www.npr.org/2026/04/17/nx-s1-5789092/deaths-of-migrants-in-ice-custody-hit-record-high-under-trump.

12 *ICE Closes Detention Oversight Group in Shutdown Despite Surge in Detainees*, Wash. Post (Oct. 7, 2025), www.washingtonpost.com/business/2025/10/07/ice-detention-centers-oversight-shutdown/.

13 *Trump's Shuttering of DHS Oversight Arm Freezes 600 Cases, Imperils Human Rights,* ProPublica (Apr. 8, 2025) https://www.propublica.org/article/homeland-security-crcl-civil-rights-immigration-border-patrol-trump-kristi-noem

14 *Independent Agency Overseeing Misconduct in Immigration Detention Facilities Shut Down,* ABC News (May 6, 2026), https://abcnews.com/Politics/independent-agency-overseeing-misconduct-immigration-detention-facilities-shut/story?id=132726415

1) Since January 20, 2025, how many Muslim-identifying individuals have been, or are currently in, ICE detention?

2) Does ICE or its contractors have on-staff Muslim chaplains at each facility that provide services in their detention facilities?
   a) If no, please provide the name and location of each detention facility that does not have or provide a Muslim chaplain and provide an explanation for failing to provide Muslim chaplains.

3) Does ICE keep track of religious accommodation requests?
   a) If no, please provide an explanation for failing to maintain a record of such requests.
   b) If yes, please provide for each immigration detention facility since January 20, 2025, the total number of Muslim religious accommodation requests, including:
      (1) Requests that have been granted, and whether they were granted as requested or were modified and the scope of such modification;
      (2) Requests that have been denied and the justification for denying such request; and
      (3) Requests have gone unanswered and the length of time since each request was submitted;

4) Has ICE denied any imams or other Muslim faith leaders from entering detention facilities whose purpose is/was to provide religious counsel and guidance to detainees?

5) Do detention facilities provide accommodations for Muslim detainees to observe Ramadan, Eid ul Fitr and Eid ul Adha?
   a) If no, please provide an explanation for failing to provide religious accommodations.
   b) If yes, please provide details regarding accommodations that were made.

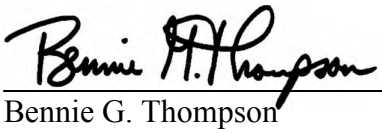
6) Please detail your internal policies for accommodating a religious fast, such that individuals may still be able to access food and consume their daily allotment of nutrition in compliance with their religious fasting hours?

Thank you for your attention to this important matter and we look forward to your prompt response.

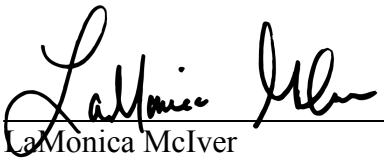
Sincerely,



Nellie Pou
Member of Congress



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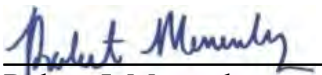
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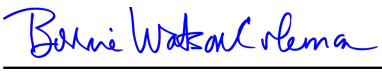
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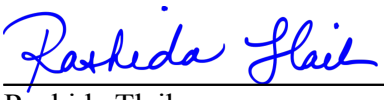
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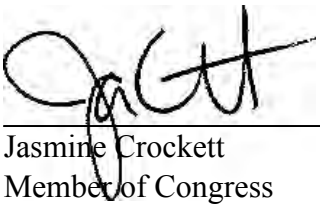
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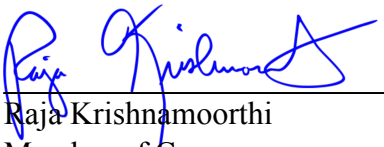
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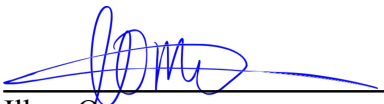
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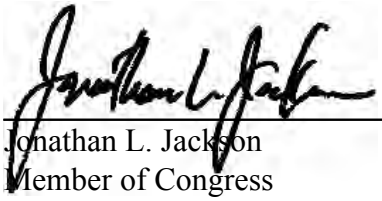
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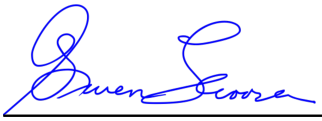
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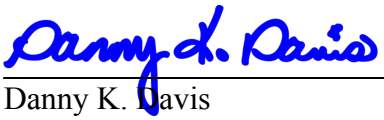
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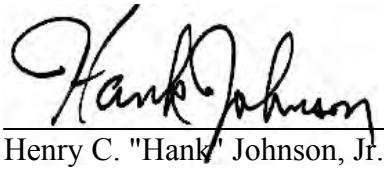
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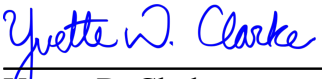
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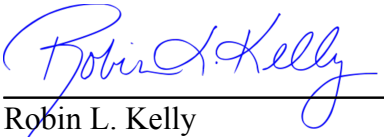
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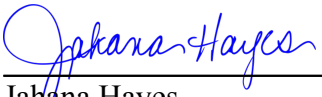
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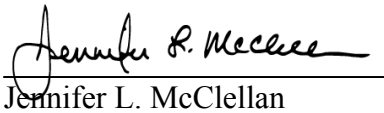
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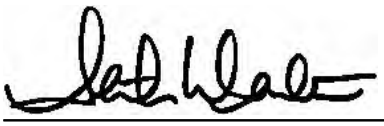
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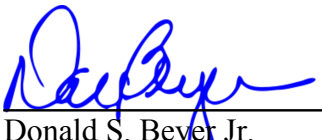
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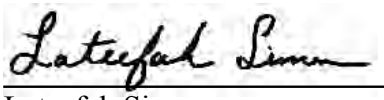
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A Muslim individual uses prayer beads. (Photo by Alena Darmel/Pexels/Creative Commons)

NEWS

Leftover ramen, too few Qurans: A 'humiliating' Ramadan inside ICE detention centers

(RNS) — ICE is required to accommodate religious practice. Muslim detainees say that this Ramadan, it comes down to whoever is on shift. 'You are basically at the mercy of staff.'

By Nargis Rahman and Ulaa Kuziez
March 12, 2026 at 11:59 a.m. ET

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(RNS) — It was early in Ramadan, and a group of Muslim detainees in a Folkston, Georgia, immigrant detention center set up a makeshift dinner table. Using clean trash bags as a tablecloth and prayer mats as seats, they broke their fast on small portions of ramen noodles and brown rice, microwaved with water and sardine sauce, topped with fish and spice packets.

"We gathered our leftovers to see what we can put together," said Yaakub Ira Vijandre, a Muslim Filipino American who has been in U.S. Immigration and Customs Enforcement custody for five months. Sometimes the guards don't pass out enough pre-dawn breakfasts, and the detainees share that too. Only by befriending Muslim cooks at the center who share extra food after their shifts does Vijandre feel fed after his 14-hour fast.

The iftar meal that breaks the Ramadan fast is traditionally an occasion for abundance and communal gathering. But Muslim detainees, such as Vijandre, are struggling to observe the holy month with inadequate access to nutritious halal food, no Qurans in their language and limited visits from chaplains.

In one Michigan facility, detainees reported using bedsheets as prayer mats. "In ICE facilities, a lot of how you observe Ramadan just depends entirely on the goodwill of individual officers," said Maria Kari, a lawyer who represents Vijandre and other Muslim detainees. "You are basically at the mercy of staff."



Yaakub Ira Vijandre has been detained by U.S. Immigration and Customs Enforcement since Oct. 7, 2025. (Photo via Instagram/@freeyaakub)

ICE is legally required to accommodate religious practice, as long as it doesn't threaten the "safety, security and orderly operation" of the facility. That includes accommodations for a special diet as well as access to religious garments and books. But in detention centers in Georgia, Michigan and Texas, many Muslim detainees report it isn't happening.

In a written statement, an ICE spokesperson said, "Every ICE facility that holds individuals for more than 72 hours is required to have a chaplain or religious services coordinator responsible for coordinating worship, prayer, and spiritual support." The agency did not respond to the specific allegations of religious accommodations violations.

"Being a practicing Muslim in ICE detention is one of the most humiliating experiences," said Kari.

There are no official statistics on the number of Muslims held in detention facilities, but the Austin chapter of the Council on American-Islamic Relations, the Muslim civil rights and advocacy organization, estimates that 5% of detainees in Texas facilities are Muslim. (Texas has about 18,600 detainees, the highest number of any U.S. state.)

RELATED:
Longtime Muslim community leader placed in ICE detention in Dallas after green card is denied

At the North Lake Processing Center in Baldwin, Michigan, about 200 of the estimated 1,400 detainees are Muslim. Bouha Abderrahmane, who immigrated to the U.S. from Mauritania a year ago, was detained there in mid-February when he came home from prayer in a Detroit mosque. Abderrahmane said only detainees who signed up for accommodations before Ramadan have been able to receive them, according to an interview conducted by Jad Salamey, an attorney at the Michigan chapter of the Council on American-Islamic Relations who represents him. With 11 Muslims in Abderrahmane's unit, they will take turns eating the halal food so "everyone gets to eat once in a while," he reported to his lawyer. (RNS sent questions to Abderrahmane via his lawyer.)

All of North Lake's detainees are awakened around 5 a.m., but they sometimes get breakfast after 6 a.m. — past the pre-dawn meal time for Ramadan at the beginning of the holy month. "I missed my first suhoor because of this," he told his attorney, using the Arabic word for the meal. (Suhoor now ends around 6:45 a.m. in Michigan.)

For the iftar meal after sunset, detainees receive two meals: a plate of warm food and a frozen meal to eat later. Salamey, Abderrahmane's attorney, speculated that the frozen meal is compensation for the lunch Muslim detainees miss because they are fasting. Abderrahmane said that even with the frozen meal, the food is not

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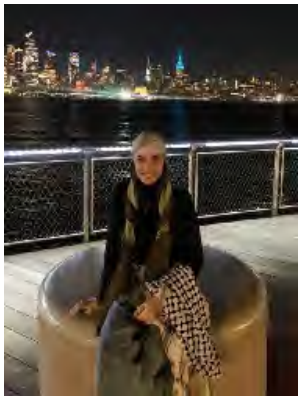
enough to sustain them. “If we ask for more food than the two plates provided, we are not given anything,” he reported, adding he lost “6 or 7 pounds” in his first two weeks of detention.

Detainees may purchase more frozen food, snacks or ramen; however, many detainees do not have money in their commissary accounts, according to the Prison Policy Initiative, a nonprofit advocating for criminal justice reform.

In December, U.S. Rep. Rashida Tlaib, a Democrat from Michigan serving on the House Committee on Oversight and Government Reform, visited the North Lake Processing Center and blasted the “dehumanizing conditions.” The Department of Homeland Security spokesperson responded by saying, “When radical members of Congress like Rashida Tlaib visit ICE facilities, they never talk about the monsters that are detained.”

At the Prairieland Detention Facility in Alvarado, Texas, Nosayba Mahmoud, a community chaplain, said Muslim detainees there receive their morning meals minutes before the day’s first prayer — forcing them to scramble to eat — and iftar arrives 45 minutes to an hour after sunset. They also aren’t receiving halal food, despite signing up for it, she said. “They make them sign that they are getting halal meals, but they are, in fact, getting a kosher dried food bag that they put water in and warm it up for them,” she said, which they believe was nutritionally inadequate and “made several of them actually sick.” She said the regular food often contains pork or is cooked with lard, preventing Muslims from eating it without compromising their religious practices.

ICE’s religious accommodations handbook says that detention centers can purchase prepackaged kosher and halal foods from a list of vendors, and Muslim detainees may request kosher foods if halal is not an option. Otherwise, a “common fare” meal — a “no-flesh” option that doesn’t violate kosher or halal diets — should be provided. “Hot entrées should be available to accommodate detainee’s religious dietary needs and should be purchased, prepared and served in a manner that does not violate the religious requirements of any faith group,” the handbook states.



Leqaa Kordia. (Photo courtesy Kordia legal team)

Among the 64 Muslim detainees at Prairieland is Leqaa Kordia, a Palestinian woman spending her second Ramadan there, recently back after being hospitalized for a seizure. An immigration judge has twice determined Kordia should be released. Kordia, whose lawyers argue she is being punished for her advocacy for Palestinians in Gaza, said she is fasting despite poor health. “Ramadan is a time to heal my soul, to heal my health, everything,” she said in a statement.

Mahmoud provides spiritual care specifically to those in vulnerable situations caused by systemic harm, including those held in ICE detention. She is used to facing hurdles, such as late confirmations or cancellations of appointments, shortened visits and monitoring by ICE chaplains during visits. Christian faith groups also have claimed violations of their religious rights, suing DHS for allegedly denying them access to immigrant detainees at a local federal building. In a written response, an ICE spokesperson said “clergy and faith volunteers are welcomed and encouraged” to reach out to facilities if they want to provide pastoral visits, counseling and religious services and must meet “standard clearance requirements, including advance notice, valid ID, and a background check.”

Detainees from out of state rarely get visitors, according to Shaimaa Zayan, an operations manager for the Council on American-Islamic Relations’ Austin, Texas, chapter. Even Texan detainees’ families are often four to five hours away, making it difficult for local people to commute.

Many Muslim families also are too afraid to visit. “There’s a safety concern of even visiting detention centers, especially if you look immigrant,” she said.

Inside North Lake, the isolation extends to worship. Tarawih, the nightly Ramadan prayer, is customarily performed in large congregations. North Lake detainees pray in small groups of 10 or 11 before curfew in a larger gathering space within their dorm. When they do pray together, Abderrahmane told his attorney, other detainees look at them as if “disgusted by us for praying together.” He reports he has watched 300 to 400 Christians gather freely on Sundays. “I am not sure why the Muslims have to be separated,” he said.

If they do not finish praying together before curfew, they return to pray alone in their individual units, where they pray next to the toilet — a constant complaint, Salamey said, that the facility has yet to resolve.

On Fridays, with no clergy visiting, detainees lead prayers themselves, translating sermons into multiple languages as they go. Salamey said Abderrahmane reports Muslim detainees are required to pray in two groups of about 80 to 100 people at a time.

At the Folkston, Georgia, facility, noise is an obstacle. Vijandre said 16 men take turns leading evening prayers in their pod, lined up on prayer mats near their beds. They each recite verses from the Quran with their distinctive voices. In the background of the melodic recitation are loud conversations, songs and curse words from fellow detainees.



FILE – The Folkston ICE Processing Center, a private prison operated by The GEO Group, Inc., under contract with the U.S. Immigration and Customs Enforcement is seen Monday, July 28, 2025, in Folkston, Ga. (AP Photo/Mike Stewart, file)

"You can never control anyone, especially in here, where you're restricted and there's not much you can do," he said. "And some take refuge in singing and playing music and dancing and just being loud."

Vijandre has asked the facility's chaplain for a quieter place and permission to pray with the dozens of other Muslim detainees in their housing unit. The chaplain tried to help, but Vijandre said he learned the warden denied the request.

At Prairieland Detention Center in Texas, there are other difficulties but just as grinding. Prayer rugs sit in the chaplain's office, detainees believe, yet none have been distributed, according to Mahmoud. A detainee filed a grievance. Qurans are scarce and rarely available in detainees' languages.

Men are permitted to pray Friday jumah together. Women pray separately in dorms shared with about 50 detainees. Zayan said some detainees do not have clean clothes for prayer, a precondition for offering prayers.

Vijandre said he asked the Christian chaplain for a small watering can to be used for purification after using the bathroom. The chaplain was sympathetic, but the request was denied, he said. "He would always tell me, 'I try my best, then they (higher ups) just keep shutting me down,'" Vijandre said.

Zayan said they encourage chaplains to reach out to them for religious accommodations in Texas. "So, if they don't reach out to us with specific numbers and requests, we will not know how many Muslims are there and what the needs are, or whether they have accommodations or not," she said.

Salamey said that spending Ramadan in a detention center is taking a toll on his client: "He seems saddened and kind of alone."

For many detainees, the prospect of perhaps spending months in a detention center is debilitating. "Maybe Ramadan brought some easiness, but it's still a very hard situation," Zayan said. "I think people will need, even if they get out today, years of counseling to recover from such a horrible experience."

Despite the hurdles, many detainees are continuing to fast, hoping the month's spiritual activities can offer them hope in captivity. "They are fasting because they have such an amount of resilience and holding on to parts of their faith that they can have control of, or holding on to," Mahmoud said.

Vijandre, an avid writer and reader, has been writing daily notes about his captivity during the month, passing the reflections to friends so they can post them on Instagram. For him, Ramadan in detention is a lesson in patience and trust in God while facing injustice.

"In here if you don't have a purpose, and you don't have a higher being to turn to, an avenue or a medium to remain calm, you're going to break apart," he said. "It's designed for you to break down."

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NEWS

The 'complicated' path to spiritual care in ICE detention

(RNS) — Immigrant detention centers across the country rely on a patchwork of volunteers, private contractors and rare church agreements to provide pastoral care, leaving detainees' access to faith uneven and uncertain.



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By Fiona Murphy
September 11, 2025 at 4:48 p.m. ET

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(RNS) — When immigrants detained at Georgia's Stewart Detention Center, well known for overcrowding and harsh conditions, ask for prayer, volunteers from El Refugio don't hesitate.

The small secular nonprofit was founded in 2010 in Lumpkin, Georgia, to serve those imprisoned in Stewart, the second-largest immigrant detention center in the United States. El Refugio sends volunteers weekly to spend an hour with detainees.

"It usually starts with someone saying, 'Can you pray for me? Can I pray for you?'" said Amilcar Valencia, the organization's executive director, who has been visiting detention facilities more than 14 years. "I think faith is what many people who are detained say sustains them. It's what gives them a sense to continue to fight for their case and to support other people who may be struggling inside of the detention center."

Though El Refugio operates with only four staff, its small team of volunteers each week drives hours in some cases to offer detainees accompaniment, help with legal navigation, emotional support and, at times, prayer. Volunteers sit across glass dividers, using phones to speak with detainees, much like regular visitors. "The guards know about us and what we do," Valencia said. "Typically, we try to establish a relationship with the warden."

More than 61,000 people are being held in American immigration detention — up from around 36,000 in August 2024, amid the Trump administration's crackdown. As the numbers rise, access to pastoral care inside remains inconsistent, faith leaders and volunteers serving immigrant communities told RNS. Chaplaincy is often left to volunteers, sometimes assigned to prison staff, occasionally contracted to outside nonprofits and, in rare cases, negotiated directly by local Catholic dioceses. The result is a patchwork system that leaves many detainees, more than 70% of whom have no criminal conviction, without reliable spiritual support.

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A group organized by El Refugio demonstrates outside the Stewart Detention Center in 2022 in Lumpkin, Ga. (Photo courtesy of El Refugio)

Valencia said he reaches out to each new warden at the 2,000-bed Stewart Detention Center to explain his group's work. But a high staff turnover rate at the facility, which is owned and operated by CoreCivic, one of the largest private prison companies in the U.S., makes it difficult to build a lasting relationship with the administration, Valencia said.

"It's complicated," he said. "Sometimes we just don't get any response, and it's been like that for the last few months, I will say. They just don't talk to us, the warden nor the new administration at the facility."

A chaplain is on staff at Stewart and is supported by volunteers, including those from El Refugio, said Ryan Gustin, a spokesperson for CoreCivic.

"Chaplains rely on a robust network of volunteers and religious resource groups to ensure a variety of faiths are accommodated for those in our care," Gustin said. "This allows individuals, especially those navigating the immigration system, to continue growing in their faith."

However, Valencia said he's concerned religious materials are not provided to detained people who request them in the facility, among other issues.

"We hear from people all the time, too, that religious dietary restrictions are hardly ever met," Valencia said.

El Refugio volunteers respond directly to detainees' requests for religious items. They have supplied Bibles, hymnals, Christian coloring books, a Torah translated into Russian and hijabs for women in detention, where the average stay is more than 50 days.

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The U.S. Constitution protects the free exercise of religion, and Immigration and Customs Enforcement's Performance-Based National Detention Standards state that each facility requires a chaplain or religious services coordinator to oversee worship, religious texts, holiday meals and special diets. But ICE does not directly provide chaplains; that responsibility falls to detention facility administration.

This seems to lend itself to a lack of oversight. Last week, the British news website The Independent reported that a chaplain hired at Moshannon Valley Processing Center, an ICE prison in Philipsburg, Pennsylvania, was allowed to return after months away as a federal lawsuit alleging he sexually harassed a detained woman remains pending. The lawsuit claims the Baptist chaplain, Pastor Mark Melhorn, made unwanted sexual comments and gestures while carrying out religious duties.

"Regardless of whether this is a chaplain or not, this is an abuse of power," said Adrianna Torres-García, deputy director of Free Migration Project, a Philadelphia group, and a member of a coalition pushing to shut down Moshannon. "We had heard from people detained right now about their experience with the chaplain. For us, it isn't shocking. These places are pretty much made to torture people psychologically, to break them down. And even when they try to access their religion or their faith, they're denied that opportunity."

While most detention centers depend on volunteers or staff assigned as chaplains, in five U.S. facilities, ICE directly contracts with outside organizations to provide religious services. One of those groups is Jesuit Refugee Service/USA, the American branch of the global Catholic ministry founded by the Jesuits.



Detainees at U.S. Immigration and Customs Enforcement's Eloy Detention Facility in Eloy, Ariz. (Photo by Charles Reed/U.S. Immigration and Customs Enforcement)

"There are literally dozens and dozens of these detention facilities," said Hilary Chester, JRS/USA's programs director. "If you are not in the five (detention centers where) ICE is quite literally contracting an organization to fill that role, then it's up to the individual facility to staff it or to organize on a volunteer basis to somehow meet that standard. That is, I think, where you can sort of see that variability in access."

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JRS/USA holds a roughly $7 million, five-year federal contract with ICE, placing 11 chaplains at the five detention centers. Its staff lead Mass and interfaith services, provide one-on-one counseling and coordinate with nearby faith communities to meet detainees' religious needs.

"The goal is for people who are in these really difficult settings, with all the restrictions and all the uncertainty, to at least have some access to how they want to express and practice their faith," Chester said.

Unlike volunteers, federally contracted chaplains must clear extensive background checks with fingerprinting and sign nondisclosure agreements before entering facilities. Restrictions can limit what they are able to share publicly about their work. ICE awards such contracts through a competitive process that opens every five years.

Valencia said El Refugio chose not to pursue that route. "We intentionally did that when we started because then we knew that becoming an official program will bring a lot more barriers and background checks, and it's easier for them to deny us access that way," he said.

ICE did not respond to RNS' requests for comment.



Motorcycles ridden by Knights on Bikes and Archbishop Thomas G. Wenski of Miami are parked in front of the entrance to "Alligator Alcatraz," an immigration detention facility in the Florida Everglades, on July 20, 2025. (Photo courtesy of Archbishop Thomas G. Wenski)

The Archdiocese of Miami, led by Archbishop Thomas Wenski, who is one of the nation's most vocal Catholic leaders on the current immigrant detention system, spent months pressing ICE and Florida officials for access to the remote detention facility in southern Florida known as "Alligator Alcatraz," officially called the South Florida Detention Facility. Successful in its efforts, the archdiocese is now the only Catholic diocese in the country to secure ongoing permission for priests to celebrate Mass weekly inside an ICE [illegible] facility.

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“Pastoral care is probably needed there more than any other place because you have to give people reason to hope that despite their circumstances, they are loved by God, and that God has a purpose in life for them,” said Wenski, who has been visiting federal prisons, jails and detention centers in Florida to provide chaplain care for more than 50 years.

Catholic dioceses generally have no special access to detention centers. Most Catholic clergy must apply as a volunteer to visit, and in many cases, the process can take months.

“It’s not an easy ministry to get off the ground because there’s just so many regulations,” said Deacon Michael Carbo, the director of prison ministry for the Archdiocese of Savannah, Georgia. Carbo has applied to send priests as chaplains to an immigrant detention facility in Folkston, Georgia, but has so far been unsuccessful.

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Archbishop Thomas G. Wenski of Miami, right, and Knights on Bikes pray the rosary for detainees at the entrance to Alligator Alcatraz, a controversial immigration detention facility in the Florida Everglades, July 20, 2025. (Photo courtesy of Archbishop Thomas G. Wenski)

Maria Margiotta, a spokesperson for the Archdiocese of Newark, New Jersey, said the diocese is “just beginning” communicating with Delaney Hall, the 1,100-bed immigration detention center that reopened in Newark in May.

Valencia said she knows of Catholic missionaries who applied for volunteer chaplaincy at Stewart, in Georgia, but have experienced “a lot of bureaucracy in the process. I know some (priests) who submitted their applications many, many months ago.”

RELATED: Archbishop’s win at ‘Alligator Alcatraz’ exposes GOP religious freedom hypocrisy

Just weeks before the Archdiocese of Miami’s breakthrough Aug. 3, Wenski drew attention to the issue by praying the rosary outside Alligator Alcatraz alongside members of the Knights motorcycle group.

“The prayers were answered,” Wenski said.

A rotation of four to five parish priests now travels weekly to hold Mass at the Everglades facility while also offering services at the Krome North Service Processing Center in Miami, about 50 miles away.

The Washington Post recently reported Alligator Alcatraz was ordered to close over environmental concerns, but a federal appeals court paused that ruling, allowing the facility to stay open during litigation. Wenski insists the center should be shut down for its remoteness and risks.

More from Atlas of American Belonging

"It's far removed from detainees' families or lawyers, far removed from any health care, it's a particularly dangerous place in the case of a hurricane," Wenski said.

About 40 miles into the Everglades, Florida emergency management staff running the camp have been cooperative in making the priests' arrangement possible. For the last month, the more than 2,000 detainees have been able to have their confessions heard by a priest. Sometimes, a second Mass is offered for staff if they request it.

Wenski said services take place in multipurpose spaces such as cafeterias or meeting rooms inside the largest facility complex rather than permanent chapels, and his diocese will continue to offer them as long as the facility is open.

"If you've seen those old photos from World War II, chaplains celebrated Mass on the hood of a Jeep for soldiers," Wenski said. "So, Mass can be celebrated almost anywhere — it's not about the place, but the people who benefit."

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By Aleja Hertzler-McCain



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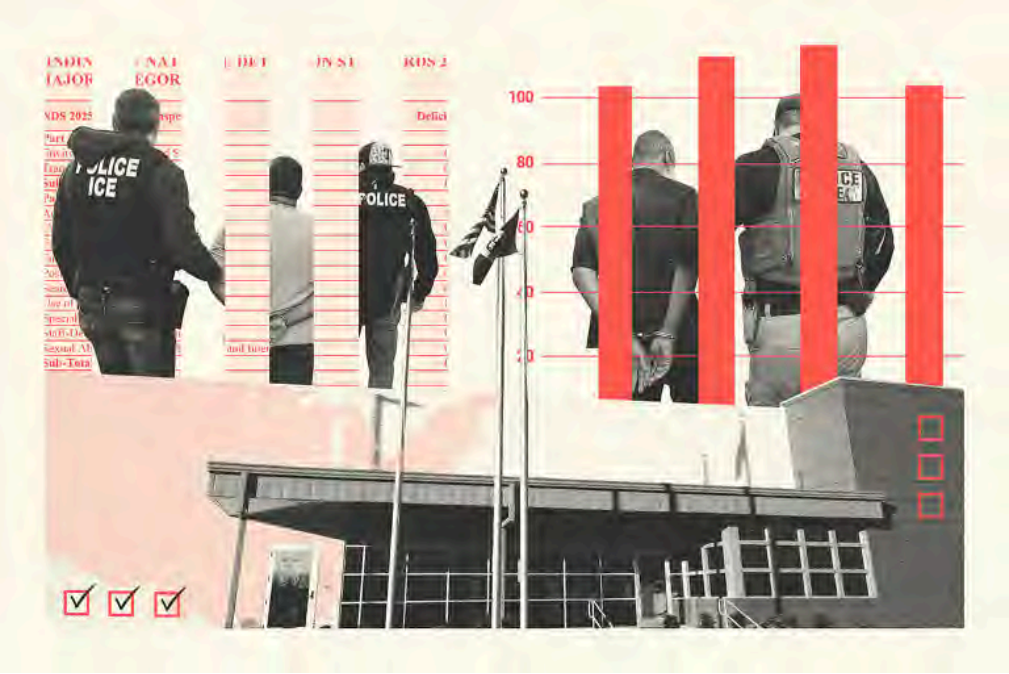
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August 18, 2026

Investigation

Inside ICE's Broken System for Inspecting Detention Facilities

New data reveals a twisted ICE detention oversight system where facilities get glowing grades, even amid deadly conditions.

August 18, 2026 | By Isabel Del Mastro and René Kladzyk



(Illustration: Luna Velez / POGO)

When the inspectors came to Prairieland Detention Facility, pancakes appeared on the breakfast menu, Leqaa Kordia recalled. The walls sported a fresh coat of paint. A new water cooler appeared in the intake room. In the days before the inspection in December 2025, Kordia — who had been held at the Texas ICE facility for nine months at that point — said she observed a dramatic transformation.

A sub-agency of ICE, the Office of Detention Oversight (ODO) is required to inspect detention facilities like Prairieland, making sure conditions are safe and align with detention standards. If a facility gets a failing inspection grade twice in a row, its contract with ICE is supposed to be defunded and terminated.

Kordia, a Palestinian woman who was detained by ICE in March 2025 for overstaying her student visa and incarcerated at Prairieland for a year, described the conditions there as humiliating and horrible. She recalled medical complaints going ignored, tap water with "things swimming in it," and dorm rooms that smelled like "you're sitting, sleeping, eating in a big bathroom."

Kordia decided to tell the ODO inspectors about her concerns, she said.

Over the course of multiple conversations, she alerted them about the poor water quality, violations of her religious rights through a lack of Halal food or access to a Quran, and about her concerns over medical care at the facility, she recalled in an interview with POGO Investigates. She had her own health scare, when she'd endured a terrible fever that she said worsened because she was ignored and denied medical care. She ultimately ended up in the hospital after suffering a seizure and was chained to the hospital bed, she said, "like an animal."
POGO Investigates spoke with multiple attorneys whose clients had similar allegations of medical neglect, poor food quality, and lack of religious accommodations while detained at Prairieland. Conditions at the facility were also the subject of a March congressional oversight visit by Representative Marc Veasey (D-TX).

Scott Sutterfield, a former senior ICE official and spokesperson for LaSalle Corrections, the private prison company that runs Prairieland, emailed POGO Investigates a blanket denial of all allegations about the facility in this investigation. "We take any concerns about the welfare of individuals in our care very seriously," he said, emphasizing that the facility is regularly inspected "by both internal and external bodies." Sutterfield has not responded to a request for clarification and information about complaints filed by Kordia while detained at Prairieland, including whether they were investigated.

Kordia said the inspectors assured her that Prairieland's issues would be fixed, and people would be held accountable. "But none of this happened," she said.

A month later, ODO published its inspection report of the facility. Prairieland received a "Superior" rating: the highest possible grade for a detention facility. In the report, ODO indicated its inspectors had interviewed 38 people held at Prairieland, all of whom "reported satisfaction" with the facility. The report indicated that the facility hadn't violated a single standard: perfect marks.

This dynamic isn't unique to Prairieland.

It's part of a nationwide system set up in a way that ensures most ICE detention facilities stay open, no matter how bad the conditions. That's according to former ICE officials, immigration data experts, advocates, lawyers, and people recently held in detention.

POGO Investigates and the Investigative Reporting Workshop at American University compiled and analyzed data from ODO's inspection reports website to identify recent trends in how ICE rates its facilities. Judging from detention inspection data from the beginning of fiscal year 2022 through July 23, 2026, ICE facility conditions appear to have undergone a dramatic improvement.

ICE is identifying fewer problems in facilities across the board. Called "deficiencies," these violations to detention standards are used to determine what grade a facility gets and whether it stays open. The number of these violations dropped by nearly 70% between fiscal years 2022 and 2025.

Meanwhile, the proportion of ICE detention facilities receiving a "Superior" rating nearly tripled since fiscal year 2024 as of July 23, after declining by 61% between fiscal years 2022 and 2024. The recent spike in "Superior" grades coincides with increasingly weakened detention standards and a drop in the overall number of inspections being conducted.

> **"ICE detention seems to be more dangerous and working worse than ever before."**
>
> —
> *Scott Shuchart, former Senior Advisor for DHS Office of Civil Rights and Civil Liberties*

ICE also doesn't give itself a failing grade on detention inspections. During the period analyzed, ICE never failed a "dedicated" ICE facility — one that solely incarcerates people in ICE custody. Of the few facilities that did receive a failing grade, all were "non-dedicated" facilities, typically county and municipal jails holding a mixture of imprisoned U.S. citizens and people detained by ICE.

Inadequate oversight has clear ties to unsafe and even deadly conditions in detention, according to Scott Shuchart, a former senior advisor for the Department of Homeland Security (DHS) Office of Civil Rights and Civil Liberties.

"The amount of oversight has been scaled back irresponsibly," he said. The outcome, according to Shuchart, is that "ICE detention seems to be more dangerous and working worse than ever before."

Since the start of the second Trump administration, DHS has shuttered several key oversight offices. Meanwhile, the number of people detained by ICE increased by 75% during the first year of President Donald Trump's second term in office and reached a record high early this year with 73,400 people in ICE detention on a single day. As of July 11, over 65,000 people were being incarcerated by ICE, 70.6% of whom had no criminal conviction, according to TRAC reports.

ICE does not publish a dataset dedicated to ODO inspections that would enable the public to garner insights about trends in inspection ratings or standards violations. For this investigation, data points were pulled from individual inspection report PDFs on ODO's website to create a dataset of inspection report ratings and violations of detention standards from fiscal years 2022 through July 23, 2026.

ICE has not responded to multiple requests for interview and comment related to this investigation, its methodology, and data findings.

Former ICE acting Chief of Staff Deborah Fleischaker said she wasn't surprised by the glowing marks facilities are receiving in recent inspection reports, though they don't necessarily seem accurate.

"I would not be surprised if ODO understood its job to be to bless most of what they see and only say anything in the most significant circumstances," she said. "I think there is an understanding that they need to get out of the way."

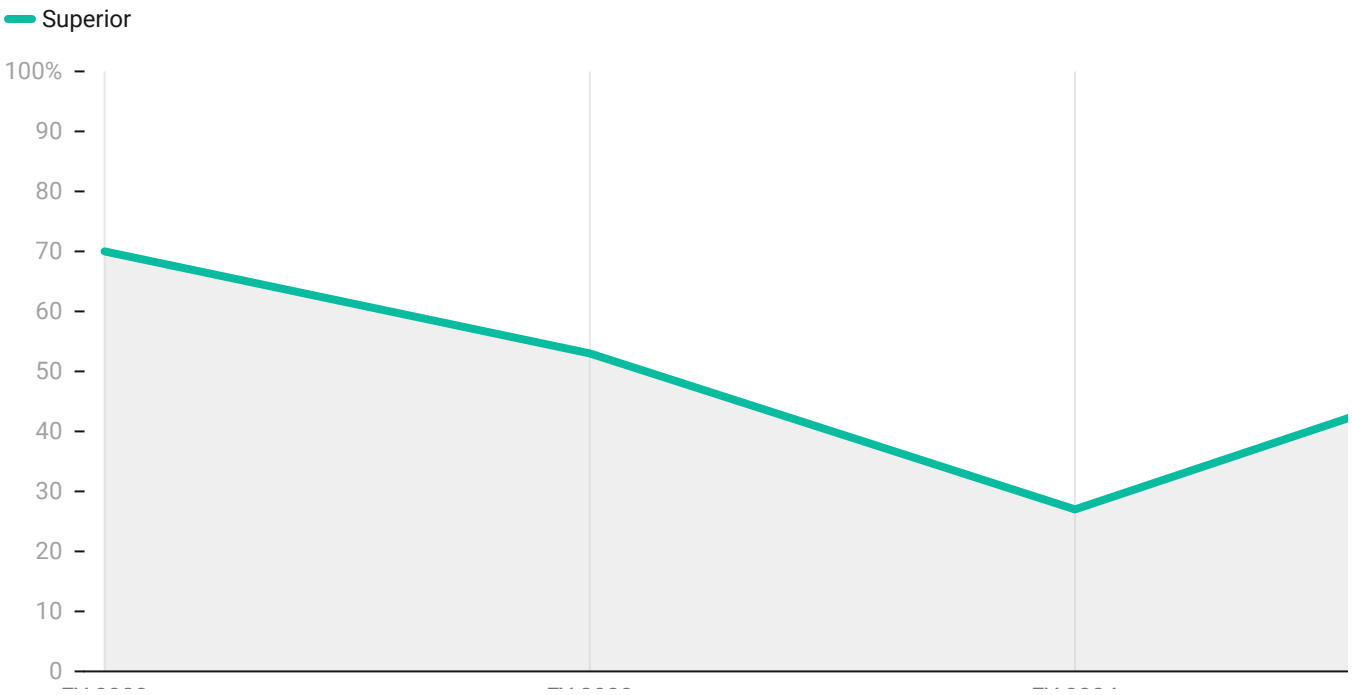
Superior Ratings, Record Deaths in Custody

Kordia was "very disappointed" to learn that, after her conversations with the inspectors, ODO ended up giving Prairieland perfect marks in their 2026 inspection report, she said. "Superior" — the highest rating possible — was a significant jump from Prairieland's previous rating, "Acceptable/Adequate."

Prairieland's recently improved score is emblematic of a broader trend in ODO facility ratings. Although 70% of facilities received "Superior" ratings in fiscal year 2022, when ODO began using this rating system, the number of "Superior" ratings declined from fiscal years 2023 to 2024. Then, the share of facilities getting ODO's highest grade doubled between fiscal years 2024 and 2025. As of July 23, roughly 74% of detention facility inspections in fiscal year 2026 have resulted in a "Superior" rating.

ICE Detention Facilities Increasingly Receive 'Superior' Ratings In Recent Years

Percent of all ICE facility inspections nationwide that received a 'Superior' rating from ICE's Office of Detention Oversight, by year



Read more about our methods for analyzing ODO inspection report data here.

As "Superior" ratings have increased across detention facilities nationally, so have deaths in ICE custody. In 2025, ICE reported that 33 people died in its custody, the highest number of any year in over two decades. As of August 11, ICE reported the deaths of 23 people in 2026. The agency announced in June that it will stop reporting deaths of those who die shortly after being released from ICE's custody.

According to ICE data expert Adam Sawyer, this trend doesn't make sense. He said you'd expect an inverse relationship between improved inspection ratings and increased deaths in custody. "You would not expect the number of deaths to go up along with the assessed conditions of those facilities," Sawyer explained.

Border czar Tom Homan defended ICE in response to questions about the rising number of deaths in detention during an interview with CBS News in May. "Our deaths in custody are lower than everybody's," Homan said, adding that many of the people detained in ICE facilities have poor medical histories. "What the media don't talk about [is] how many lives do we save in custody," Homan said.

ICE detention expert and immigration lawyer Andrew Free refuted Homan's claims in a video response on his Substack, arguing that the DHS official's talking points about deaths in ICE custody are a "gross over-generalization" relying on false comparisons and arguments that are factually unsupported.

Four people have died since last August at Adelanto ICE Processing Center in California, according to ICE's website. That's the most deaths at any facility in the country during that period, a POGO analysis found.

Ismael Ayala-Uribe, a Mexican immigrant and former DACA recipient who came to the U.S. as a child, was one of those people. He was detained at the car wash he worked at in Huntington Beach. He died at age 39 in ICE custody on September 22, 2025, from complications of an abscess on his buttock.

That's according to the San Bernardino County Sheriff's Coroners Report, obtained by POGO through public records requests. The coroner's report indicated that Ayala-Uribe had complained of fever, shivers, and rectal bleeding for three weeks while detained at Adelanto. "Family stated the ICE facility did not provide him with medical attention and were only administering Tylenol," the coroner's report noted.

Christopher Ferreira, a spokesperson for GEO Group, the private prison company that runs Adelanto, declined to comment on this investigation in an email to POGO, directing reporters' questions to ICE. ICE did not respond to requests for comment.

> **"If this is what [the inspectors] claim is 'Superior,' and if they're inspecting facilities nationwide, I cannot imagine what those other facilities are like."**
>
> —
> *Paula Sandoval, Disability Rights California Senior Investigator*

ICE's detainee death report for Ayala-Uribe makes no mention of medical care following his initial screening on the day he arrived at Adelanto, until a "medical emergency" in his dorm four days before his death.

ODO officials inspected Adelanto just days before Ayala-Uribe's death and gave the facility zero violations for medical care and a rating of "Good." The report noted, "most detainees reported satisfaction with facility services." Adelanto's fiscal year 2025 rating of "Good" was a downgrade. From fiscal years 2022 to 2024, the facility had consistently received "Superior" ratings by ODO. As of August 11, ODO had not yet published a 2026 inspection report for Adelanto.

Another official inspection of the facility that same year arrived at starkly different conclusions. The California Department of Justice inspected Adelanto in July 2025, finding inadequate medical and detention staffing levels, failures to do consistent medical, dental, and mental health screenings, and failures to provide "necessary and timely medical treatment, even for emergency care." (California is one of the first states to conduct inspections of ICE detention facilities; most don't.)

The California attorney general is not the only one to contradict ODO's findings about Adelanto. Advocacy groups, attorneys, people held at Adelanto, and lawmakers have consistently decried substandard and dangerous conditions at the facility, all while ODO painted a rosy picture in reports.

Disability Rights California, a California-based advocacy group with legal authority to conduct inspections of ICE facilities, also identified issues with medical neglect and substandard conditions in a 2025 inspection of Adelanto. Paula Sandoval, a supervising investigator at Disability Rights California, told POGO Investigates that Adelanto's history of "Superior" and "Good" ratings by ODO did not sound accurate.

"If this is what they claim is ... 'Superior,' and if they're inspecting facilities nationwide, I cannot imagine what those other facilities are like," Sandoval said in an interview.

Alison Steffel, an attorney who said she has visited Adelanto at least five times this year, argues the characterization of medical care at Adelanto in ODO's report is "blatantly untrue." Steffel is an attorney in a lawsuit against Adelanto over conditions at the facility. A federal judge recently ruled in the case that people detained at the facility must be provided sufficient medical care and clean drinking water.

"They have this mechanism to do inspections and to make sure that people aren't literally dying, but they're not doing that," Steffel said when asked why accurate inspections would be meaningful. She said she believes Adelanto should have failed two inspections by now, which would mean it would lose federal funding.

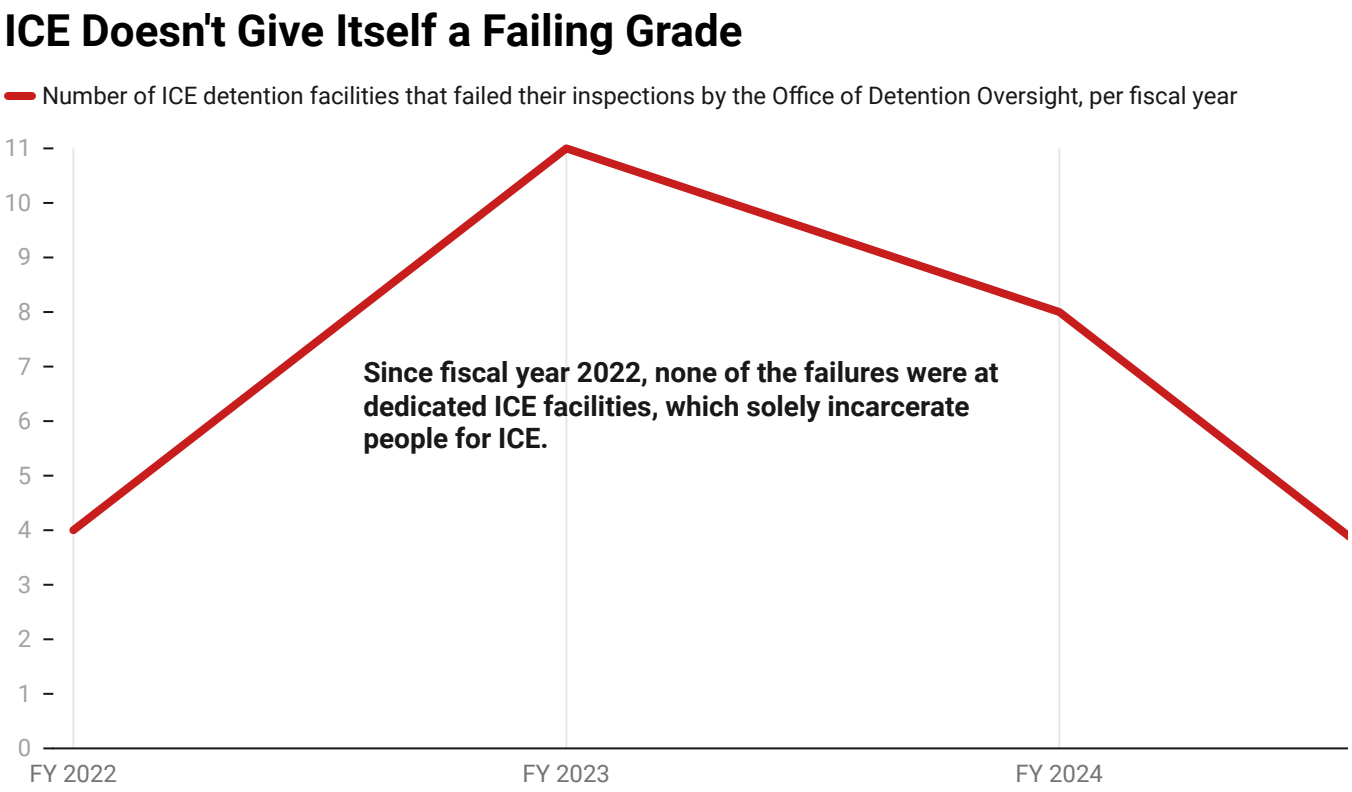
But in recent years, not a single dedicated ICE detention facility like Adelanto has failed an inspection.

ICE Doesn't Give Itself a Failing Grade

The federal government designated inspection failures as a key threshold to hold ICE detention facilities accountable in cases of unsafe conditions: If a detention facility fails inspections twice in a row, it can lose eligibility for federal funding and be shut down, according to an appropriations measure passed by Congress.

"It is important that chronic failures to meet detention standards are not ignored," the House report accompanying the bill stated.

Despite this provision — or perhaps because of it — detention facilities rarely received failing grades from inspectors between fiscal years 2022 and 2026. Detention facilities saw the highest number of failing grades in 2023, when 10% of the 113 inspected facilities failed their inspection reports. Only one of the 102 inspections conducted in fiscal year 2025 resulted in a failure. As of July 23, every detention facility passed their inspection for fiscal year 2026.



ODO's inspection report data also shows that, since fiscal year 2022, facilities used solely for ICE detention have never failed an inspection.

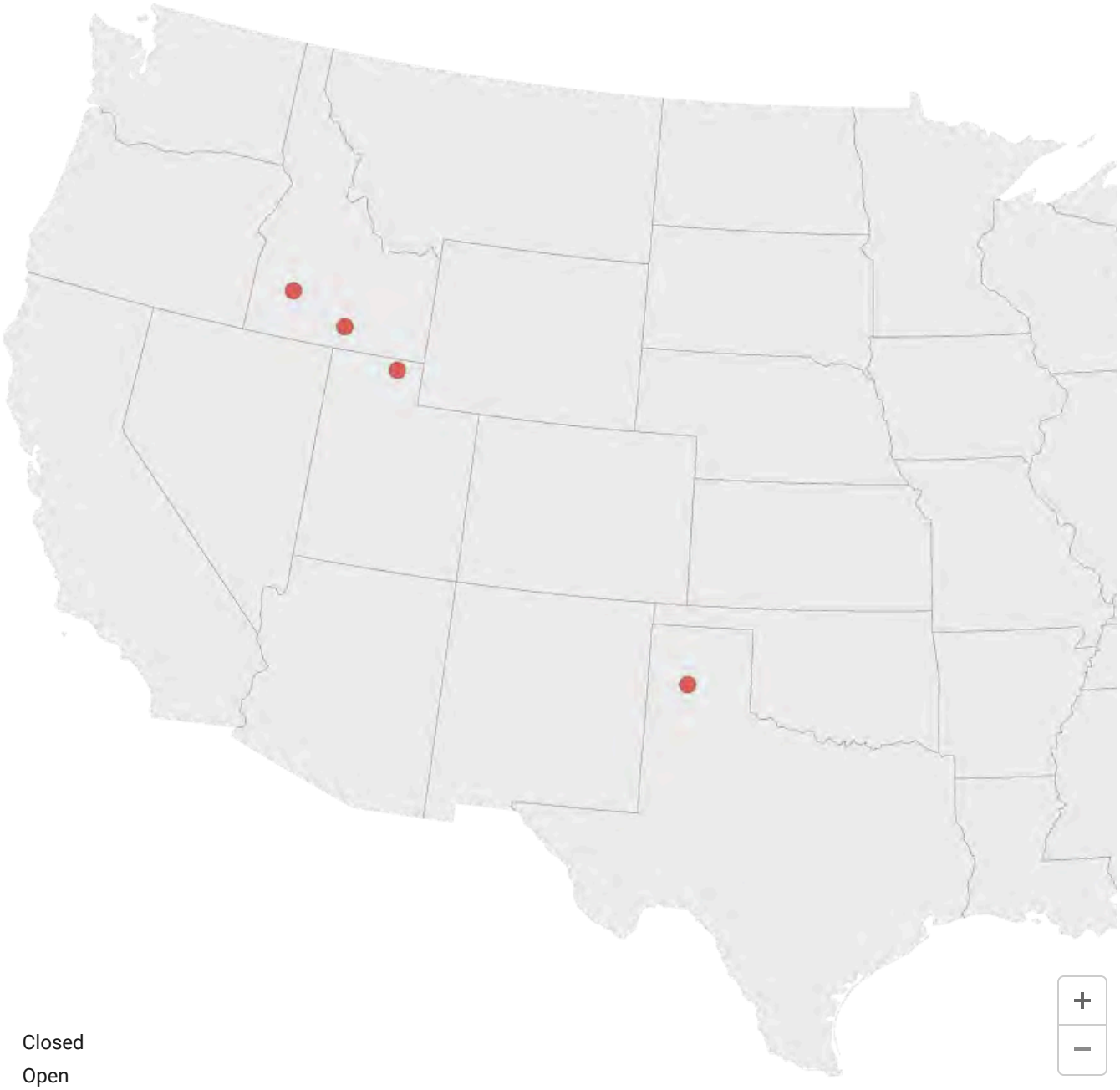
Non-dedicated facilities, which incarcerate a mix of people held by the county or municipality for criminal charges and people detained by ICE, now face less scrutiny by ODO than in past years. Formerly, Congress mandated that any facility incarcerating 10 or more people for ICE for over 72 hours had to conduct inspections twice a year. But ICE changed that in 2025 after Congress didn't require inspections in the new funding bill, according to reporting by CBS News. ODO now must inspect dedicated facilities only once per year and non-dedicated facilities every other year.

Between fiscal years 2022 and 2026, only six facilities failed two inspections in a row: Baldwin County Correctional Center in Alabama; Randall County Jail in Texas; Cache County Jail in Utah; Cobb County Jail in Georgia; and Elmore County Jail and Minicassia Detention Center in Idaho. Even though the DHS provision indicates they should have lost federal funding and their contract with ICE, five of those six facilities are currently used for ICE detention.

Nearly All Repeat Failure Detention Facilities Are Currently Open

By DHS provision, facilities that fail inspections two years in a row should lose federal funding.

Of the six facilities with repeat failures between FY 2022 - FY 2026, five are currently open and are still used for ICE detention.



Shuchart said he's not surprised. "The failure mechanism that Congress has put in has literally never worked," he said, "They've always allowed ICE to get away with granting waivers or excusing [violations]."

ICE can grant waivers for facilities, "in essence exempting the facility from compliance" with detention standards, according to a 2018 report by the DHS inspector general's office.

"Mushy" Standards

ICE designs the standards that detention facilities are held to, and those standards are then used to determine what rating a facility gets and whether it passes or fails an inspection. According to former senior ICE official Claire Trickler-McNulty, these standards are part of the problem when it comes to facilities actually being held accountable for poor conditions.

ICE subjects different facilities to different sets of detention standards, which have become increasingly watered down over the years, according to former senior ICE officials. In fiscal year 2026, POGO Investigates found that ICE detention facilities could be inspected using six different sets of detention standards, based on the year the facility signed a contract with ICE. These include the newest 2026 standards, which ICE described as streamlined.

A Patchwork of Inspection Standards at ICE Detention Centers

In FY 2026, ICE detention facilities could be subject to six different sets of standards depending on the facility. (As of July 23, no facilities had yet been subject to the new 2026 standards.)

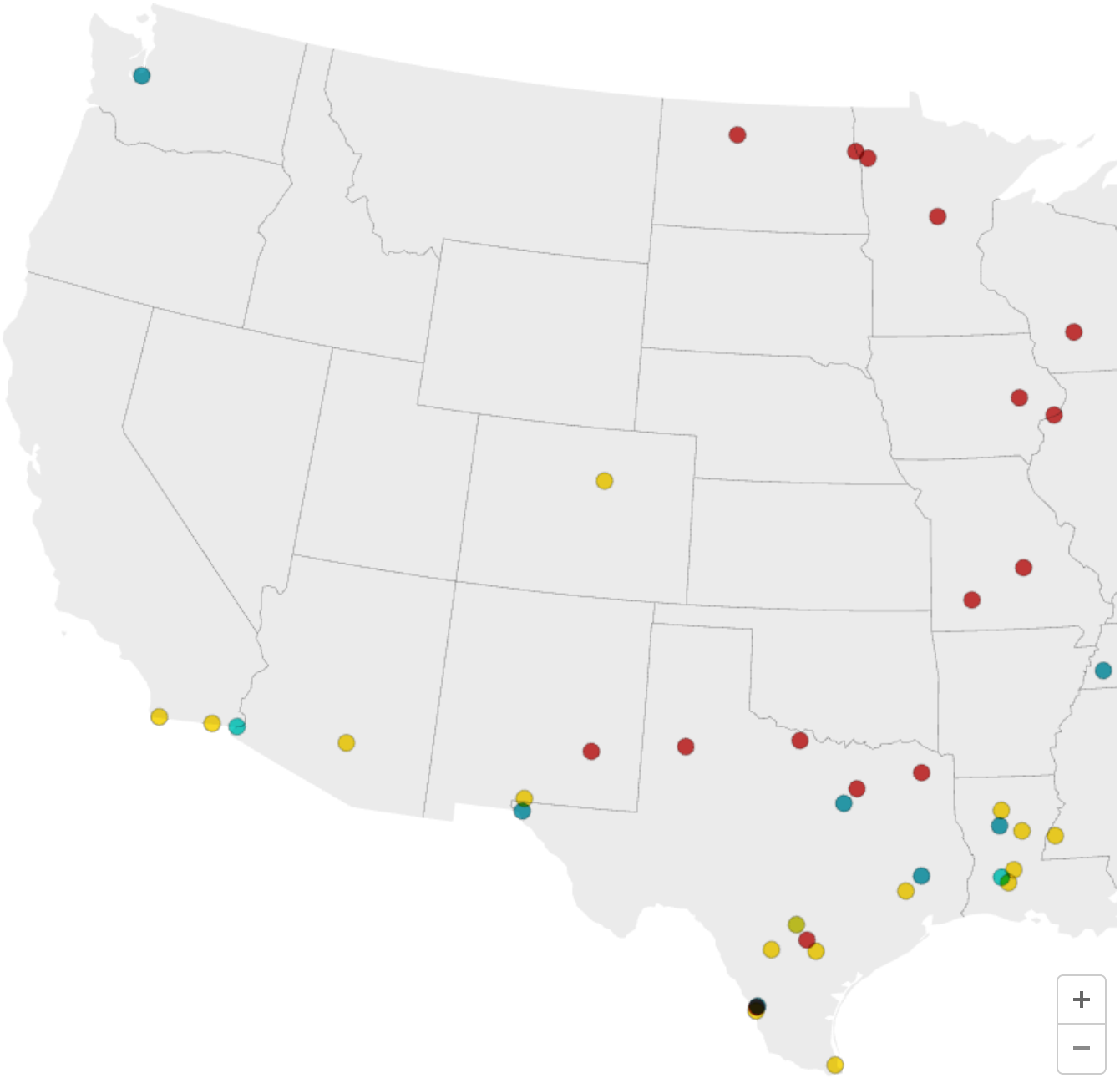
(29) U.S. Marshals' Federal Performance Based Detention Standards, 2025

(20) Performance Based National Detention Standards, 2016

(11) National Detention Standards, 2025

(4) National Detention Standards, 2019

(1) Family Residential Standards, 2020



The differences in these standards can be significant for the people held by ICE: The new 2026 standards, for example, removed protections that would require detained people to be paid for participating in the facility's "Voluntary Work Program." The *Washington Post* reported this change was made after ICE contractor GEO Group privately asked for it.

There are numerous cases of ICE detention standards shifting away from specificity in recent years, removing clear requirements for maintaining safe conditions, including how often certain aspects of the facility should be inspected and by whom. For example, the 2011 standards required a state laboratory to test the water in ICE detention facilities every year. The 2026 standards removed the annual requirement and omitted the mandate that a state laboratory (i.e., an independent body) do the testing.

Although ICE did not respond to interview and comment requests for this investigation, the agency's website indicates that the revised 2026 standards are intended to "reduce the burden on detention operators." The introduction of the 2026 standards indicates that "Detention conditions shall be non-punitive and ensure the due process, health, safety, and security of all individuals in custody."

ODO's use of varying detention standards is no accident, according to Trickler-McNulty, who said the standards are "a mess."

"When you make the standards language mushy, it's very hard to translate that into actual inspection findings and inspection findings that could be leveraged against the facilities," Trickler-McNulty said.

Fleischaker tied the expansion of detention under the Trump administration directly to watered down ICE standards for inspections. "They want to be able to have more detention facilities. They want to be able to do it cheaper. They want to be able to do it faster and simpler," she said. "That means it is difficult to live up to the more robust detention standards."

A Steep Drop in Violations

Alma Bowman has been detained by ICE multiple times, despite filing court petitions arguing she is actually a U.S. citizen. She was most recently detained at Stewart Detention Center in Georgia for eight months in 2025, and, prior to that, at Irwin County Detention Center in Georgia for over three years. There, she was one of the whistleblowers whose testimony led to a Senate committee investigation which found that the facility subjected women to "excessive, invasive, and often unnecessary gynecological procedures."

During an interview, we informed Bowman that Stewart Detention Center had received no violations for medical care in fiscal year 2025, the time she was there.

"That's really funny," Bowman said, laughing. She recalled how people detained there who were sick were "lucky if you get seen within a week." Bowman has sleep apnea and uses a CPAP machine to sleep. She described extensive difficulties in obtaining permission to plug in her machine at night. She is also a diabetic, but when she was first detained at Stewart, she didn't have her diabetes medication on her. She said it took about a month before she was able to see a doctor, and that she also faced delays in getting medication.

According to the standards that ODO used to evaluate Stewart in fiscal year 2025, people who take medications are supposed to be seen by a health care professional no more than 24 hours after arriving at the facility.

Ryan Gustin, spokesperson for Stewart contractor CoreCivic, said the contention that ODO inspection findings don't reflect on-the-ground conditions "does not hold" at Stewart. He cited ODO's inspection report as evidence that Stewart's medical care is not deficient. Gustin disputed all of Bowman's claims, arguing that people detained at the facility have daily access to medical care, that people with diabetes get "blood sugar testing, insulin and diabetic medications," and that accommodations are made for CPAP machines. In Bowman's case, he said she "was regularly monitored by facility medical staff, with all known medical issues being addressed." He also said the facility's medical care receives "layered, continuous oversight," including government monitoring and audits.

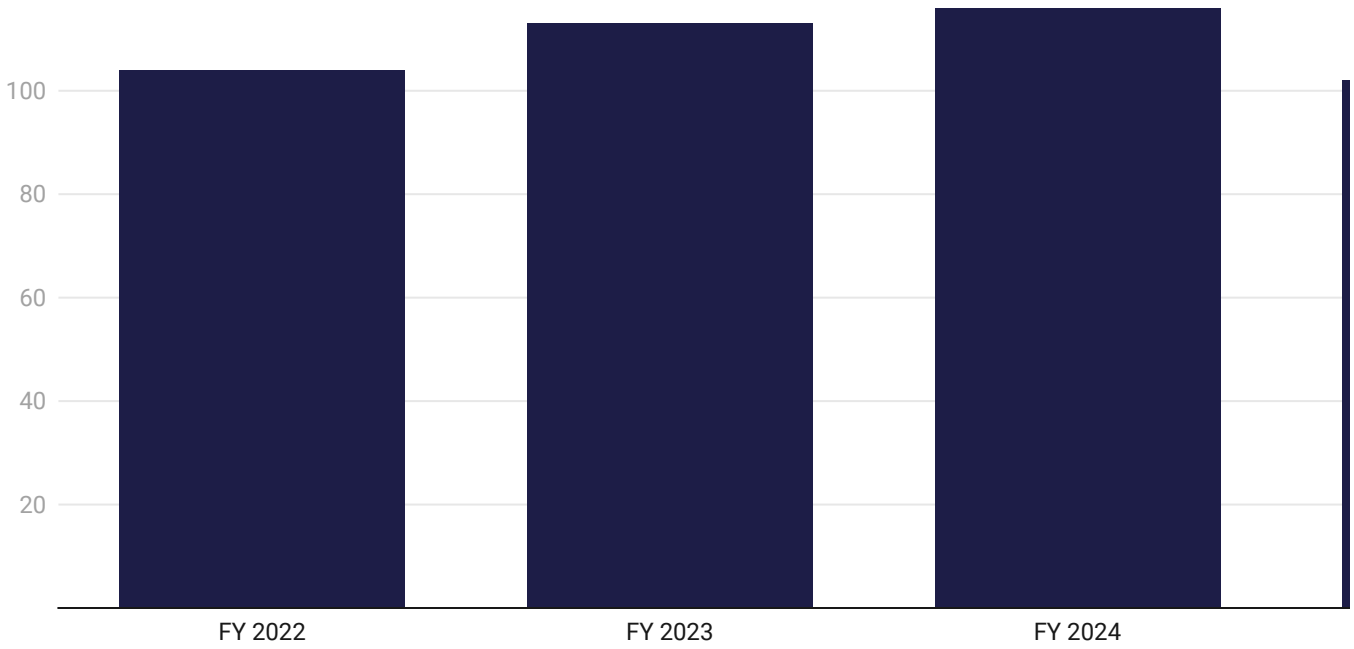
Recent media reports about the facility also allege substandard medical care, and a Senate investigation led by Senator Jon Ossoff (D-GA) details medical neglect at facilities that include Stewart. In July, 29-year-old Prisciliano Trejo Ricano died after he was allegedly denied medical care while detained at Stewart.

Gustin said he is "deeply saddened" by the passing of any person in CoreCivic's care, but that Trejo Ricano was "appropriately screened" and no medical problems were disclosed or identified. Trejo had posted on Facebook about the lack of medical care at Stewart prior to his death, according to reporting by *Mother Jones*. He was diagnosed with acute leukemia and released from ICE's custody while in a coma. His death does not appear in ICE's official tally of deaths because he was no longer officially in ICE custody at the time of his death.

Nationwide, the average number of detention inspection violations dropped by nearly 70% between fiscal years 2022 and 2025. Between fiscal years 2024 and 2025, the average number of violations dropped by more than half — the largest year-over-year drop from 2022 to 2026. During this same time period, there has also been a significant drop in the number of initial and follow-up inspections of ICE detention facilities.

In FY 2025, fewer facilities were inspected by ICE's Office of Detention Oversight

Total number of inspections conducted each fiscal year



In July, CBS News published an investigation on violation trends in ODO inspection reports compared to facility size. While the number of reported violations generally trended downward since 2019, they found that the number of violations at larger facilities has trended upward since fiscal year 2025. They also found that when facilities switched to using the May 2025 U.S. Marshals Service's standards, the average number of violations dropped sharply.

Even when a detention facility does receive many violations, ICE may not have the infrastructure needed to take action. ICE's process to remediate problems found in detention facilities has "never worked," according to Shuchart.

"There is no office in [Enforcement and Removal Operations] that is equipped with enough people or enough power to take the result of an ODO inspection ... and really fix all the problems," he said.

It's also unclear what kind of relationship a facility's violations have with the ultimate rating they receive, in part because the rubrics for how ratings are determined are not made public. For example, Camp East Montana in El Paso, Texas received an "Acceptable/Adequate" rating despite having 49 standards violations listed in the 2026 inspection report, among the highest number of violations in a single report of any facility. During the period analyzed, only three other detention facilities — Euless City Jail in Texas, River Correctional Center in Louisiana, and Allen Parish Public Safety Complex in Louisiana — received as many violations and still passed the inspection.

Of the 15 facilities with the most violations between fiscal years 2022 and 2026, eight were rated either "Acceptable/Adequate" or "Good."

Meghan Squires, an Assistant Director at the Government Accountability Office (GAO) who worked on a 2025 report about ICE's facility inspection program, said the relationship between a facility's total number of standards violations and what rating that facility gets "doesn't quite make sense."

"You can get a lot of [violations] but still pass," she said, explaining that even though the GAO identified over 5,000 violations in fiscal years 2022 through 2024, most facilities passed. "That, I think, is hard to square up." Squires said the GAO did not have access to the worksheet that ODO used at the time to conduct inspections.

"ODO officials told us that the strategic goal of the inspection program has been to ensure the health, life, safety, and welfare of detained individuals," the GAO report reads, explaining that ODO has not adopted any performance goals or measures to ensure that actually happens.

> **"We're talking about people's lives, we're talking about people's dignity. We're talking about people's freedom being taken away from them."**
>
> —
> *Leqaa Kordia, former detainee at Prairieland Detention Center*

The GAO also issued a separate report in June about oversight failures at Camp East Montana, finding that the facility did not meet ICE's National Detention Standards and didn't conduct required inspections. In a written response to the report, DHS Director of Financial Management Jeffrey Bobich emphasized that the average time a person is detained at Camp East Montana is low, and said, "DHS remains committed to protecting America by enforcing immigration laws." As of July 9, the average detention period at Camp East Montana is 12 days.

Among the GAO's recommendations to DHS, there was one the agency refused to adopt. It would have entailed reinstating a sub-agency that conducted inspections at detention facilities. That sub-agency was one of several DHS oversight bodies that were shuttered in 2026.

As ICE arrests record numbers of people and detains them in detention facilities, the agency has struggled to leverage detention standards in a way that would hold detention facilities accountable, according to Trickler-McNulty.

"There's a million ways detention can be bad, or miserable, or hard," said the former senior ICE official, "and without really understanding all of the things that are happening at a facility and doing a robust accounting, certainly, conditions can get very bad."

For people who have been detained by ICE, like Leqaa Kordia, these failures to create and uphold adequate standards have very real implications.

"We're talking about people's lives," Kordia said. "We're talking about people's dignity. We're talking about people's freedom being taken away from them."

Data analysis contributed by Aarushi Sahejpal

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Detention Centers , Immigration and Customs Enforcement (ICE) , Accountability , Department of Homeland Security (DHS) , Oversight , Transparency , Abuse of Power

POGO Investigates

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EXHIBIT W

NEWS | IMMIGRATION

ICE Jails Have Repeatedly Denied Muslims the Right to Fully Observe Ramadan

The infringement of Muslims' religious rights has intensified in ICE jails under Trump 2.0, civil rights advocates say.

By Marianne Dhenin, TRUTHOUT / THE APPEAL
March 18, 2026



Access to Qurans is crucial for observing Ramadan, but ICE jails have repeatedly denied Muslim immigrants access to them, in addition to imposing inflexible mealtimes incompatible with fasting from dawn to sunset. Here, Qurans appear on a table in New York City during a Ramadan gathering in 2024.

DAVID DEE DELGADO / GETTY IMAGES

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The second Ramadan under Trump 2.0 has come with new denials of rights for Muslims detained in the administration's fast-growing network of immigration jails (https://truthout.org/articles/ice-wants-to-buy-warehouses-for-mass-detention-communities-are-fighting-back/).

Ramadan, which began in mid-February and will end this week, is one of the holiest months in the Islamic calendar. Muslims observe it as a month of fasting each day from sunrise to sunset, engaging in communal prayer, studying the Quran, and performing acts of charity and community service. Many of these practices are made difficult in immigration jails, where inflexible mealtimes, prohibitions on gathering, and a denial of access to items such as Qurans, prayer mats, or religious dress are the norm year-round. This is the case even though immigration detention is a form of civil detention, and it is not supposed to be punitive.

"The very least that people who are detained are entitled to is the right to practice their religion with dignity, yet they are often unable to exercise this basic right," Faiza Duale, deputy legal director at the Council on American–Islamic Relations (CAIR) Washington, told *Truthout*. "This is especially troubling during Ramadan, a holy month of additional devotion and a time when there are greater spiritual rewards for that devotion."

The number of people detained by Immigration and Customs Enforcement (ICE) has shot up to 75,000 (https://apnews.com/article/immigration-detention-centers-pushback-24e702da67281a672b0f77287aaa87ba) compared to just 40,000 about a year ago, before Donald Trump returned to office. These individuals are warehoused across more than 225 facilities, which have come under mounting criticism, including from members of Congress. Critics condemn the inhumane living conditions (https://truthout.org/articles/kristi-noem-is-leaving-a-trail-of-death-behind-her-in-ice-jails/), lack of oversight (https://democracyforward.org/news/press-releases/court-orders-dhs-to-restore-congressional-oversight-of-ice-detention-facilities/), and denial of basic rights like access to legal representation (https://apnews.com/article/whipple-minnesota-detainees-attorneys-lawsuit-d2af86f555357badfb02b14953c02a08).

Religious practice is another fundamental right often denied or at least made difficult for those held in immigration jails. Although ICE's own standards (https://www.ice.gov/doclib/detention-standards/2011/5-5.pdf) require that detainees be "provided reasonable and equitable opportunities to participate in the practices of their respective faiths," civil rights advocates who spoke to *Truthout* said that, oftentimes, religious accommodations are not offered or met when requested.

"The way that religious needs are accommodated in these systems is very poorly developed or nonexistent," Maria Kari, attorney and executive director at Project TAHA (https://projecttaha.org/), told *Truthout*.

Kari is part of the legal team representing Yaakub Ira Vijandre, a Filipino American journalist and pro-Palestine activist who has been jailed by ICE since October 2025. Vijandre is a Deferred Action for Childhood Arrivals (DACA) recipient, but in September, U.S. Citizenship and Immigration Services announced it intended

"They're not getting enough calories to sustain their fasting and their health."

(https://www.advancingjustice-atlanta.org/news/vijandre) to terminate that status due to statements he made on social media. He was later arrested at gunpoint and transferred to Bluebonnet Detention Facility in Texas, and then to the Folkston ICE Processing Center in Georgia.

Still imprisoned after more than five months, Vijandre is now one of the thousands of Muslims practicing their faith from within an immigration jail this Ramadan. While data on detainees' religions is not published, advocacy groups offer some insights from their work in the facilities. For example, CAIR-Texas estimates that at least 5 percent (https://www.cair.com/press_releases/cair-texas-calls-on-texas-ice-facilities-to-ensure-ramadan-accommodations-for-muslim-detainees-and-offers-partnership/), of the almost 19,000 people detained in the state are Muslims.

"There are a significant amount of Muslims from all over the world — from countries like Palestine, and Jordan, and Turkey, and Egypt — who are detained in these facilities," Dyaa Terpstra, operations director at CAIR-New Jersey, which has been advocating for improved accommodations for Muslims at Delaney Hall in Newark, told *Truthout*.

Agents at the Georgia facility where Vijandre is being held confiscated religious texts that he had intended to spend the remainder of Ramadan studying.

Through friends and family, Vijandre has taken to sharing his Ramadan routines and the difficulties of practicing them in immigration jail on Instagram (https://www.instagram.com/freeyaakub/). His series of Ramadan missives includes reports of suhur, the pre-dawn meal, being offered too late, meaning Muslim detainees could be forced to fast from one evening to the next. Kari told *Truthout* that sometimes some of the Muslim detainees are denied suhur altogether, and others share their meals — meaning, Kari said, "They're not getting enough calories to sustain their fasting and their health."

Last Ramadan, Kari was part of the legal team representing Ward Sakeik, a stateless Palestinian American woman, who was detained in February on the way home from her honeymoon in the U.S. Virgin Islands, despite being in the process of obtaining a green card. She was held for almost five months in two different Texas immigration jails before being released last July. Sakeik experienced similar problems with meals not being offered at the right times.

"She'd be given a meal four hours before the fast was supposed to open, and the food's going to go bad. It's just going to taste awful. There's not going to be any opportunity to warm it up or get fresh food at the time her fast broke," Kari told *Truthout*. "There were instances where the time to break her fast came and went, and she got no food for

hours."

Advocacy groups in Washington also told *Truthout* that this Ramadan, they have received reports that Muslim detainees at the Northwest ICE Processing Center in Tacoma, Washington, have been given non-halal meals or offered their evening iftar meals hours after sunset, meaning they are forced to fast longer than needed.

Lack of religious accommodations for Muslim detainees does not end with mealtimes. Recently, agents at the Georgia facility where Vijandre is being held confiscated religious texts that he had intended to spend the remainder of Ramadan studying.

Detainees have reported not being able to congregate to pray at the right times or at all.

Kari told *Truthout* that agents even tried to confiscate his Quran. "The only reason they didn't take it away is because another detainee chimed in and said, 'That's like his Bible,' [and] they did end up taking away his other books that were religious texts — and that was nothing but punitive."

Some detainees at Delaney Hall did not have access to Qurans at all until a recent CAIR-New Jersey campaign (https://cair.networkforgood.com/projects/295703-faith-while-detained-support-delaney-hall-muslims) delivered dozens of them in various languages alongside other items, including kufis, religious education materials, prayer mats, and hijabs.

"These items are not just items," Terpstra told *Truthout*. "Practicing our faith is really core to our identity, it is essential for our existence, our being as Muslims, to be able to connect with our Creator by reading His words, the Quran, by being able to pray properly, by being able to fast properly."

Elsewhere, detainees have reported not being able to congregate to pray at the right times or at all. This is the case at the Northwest ICE Processing Center in Washington, where Duale told *Truthout*, "Detainees are not able to pray the Friday prayers that are required for Muslim men, which results in them being unable to practice their religion to the extent that they want to."

That's also the case at Folkston ICE Processing Center, where agents "randomly break up congregational prayers for no reason at all, give detainees a hard time, move them around in units," Kari told *Truthout*. A recent COVID-19 outbreak at the facility has resulted in quarantine measures, further limiting congregational prayer.

A lack of religious accommodations in immigration jails, particularly during Ramadan, which requires schedule changes, is not new. "Regardless of who's in the White House, we have had Muslim religious rights being infringed on," Kari told *Truthout*. "Muslim prisoners are always having to turn to the courts for basic things."

"Faith becomes what they hang onto during their time in prison. It's kind of the strongest protection for their mental and physical health when they're in these isolated, awful, and inhuman conditions."

However, advocates also told *Truthout* that the Trump administration's fast-paced scaling-up of immigration detention operations and its penchant for shuttling detainees from one facility to the next, seemingly without reason, has created confusion and brought in new agents who lack training and knowledge of their obligations and detainees' rights.

"Those that we have spoken to speak about the difficulty of practicing their faith at Delaney Hall with the disorganization, the dysfunction of the operation," Terpstra told *Truthout*. "This isn't something extra that we're asking for; they have a moral and legal obligation to uphold our civil and religious rights to be able to practice our faith properly and meaningfully."

The targeting of Muslim communities has also spurred an increase in the number of detainees needing Ramadan accommodations this year. "Faith becomes what they hang onto during their time in prison. It's kind of the strongest protection for their mental and physical health when they're in these isolated, awful, and inhuman conditions," Kari told *Truthout*. The indignities of being denied the full practice of their religion, she said, "build up and are crushing to the spirit of somebody who's already in this place that's designed to crush the spirit."

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We now have three full months of data since Google changed its search to feature AI results. The numbers are worse than we anticipated. Overall readership that comes to Truthout through Google is down 54 percent against last year. The number of new readers who discover Truthout via Google searches is down 49 percent, and returning users from Google are down 51 percent.

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EXHIBIT X

Tallahassee Democrat.

STATE

Catholic leaders: Florida infringes on detainees' religious freedom at Alligator Alcatraz

Miami and Venice leaders said they are requesting pastoral ministry at Alligator Alcatraz.



Stephany Matat
USA TODAY NETWORK - Florida

July 25, 2025 | Updated July 28, 2025, 3:31 p.m. ET

Key Points

- Catholic leadership is raising concerns about restricted access for detainees at Florida's Alligator Alcatraz migrant detention center.
- Florida Gov. Ron DeSantis, while Catholic, has not addressed these concerns.
- Critics argue that detainees are being denied their right to religious ministry, which is commonly provided in other detention facilities.

Roman Catholic archbishops say Florida is infringing on religious expression for those detained at Alligator Alcatraz, the state's migrant processing center in the Everglades.

Miami Archbishop Thomas Wenski said since Alligator Alcatraz opened, communication has been dark on kickstarting ministry for detainees. The last he heard, it was confusion on whether the state or the feds needed to give approval.

"As you can imagine, (detainees are) probably going through a range of emotions, that some words of comfort from a religious figure might be important to them," Wenski said.

The governor's press office has not responded to a request for comment on ministry at Alligator Alcatraz. Florida's emergency management division, which has previously responded to questions from reporters about the facility, did not respond for a request for comment on ministry efforts.

Prison ministry is a common service provided by religious organizations all across the country, and it's not unusual in migrant detention centers. Wenski said he and other pastors go to Florida correctional facilities or Krome Detention Center regularly to speak with inmates, adding that ministry is central to the right for those detained to freely express their religion.

The message of hope can help people, even those not religious, Wenski said in an interview with the USA TODAY NETWORK - Florida. But that message isn't being sent or received at Alligator Alcatraz, the immigration detention site in the Big Cypress National Preserve, he added.

"The right to worship is pretty universally acknowledged, and it would be unusual for the United States to deny that," Wenski said.

More: What is 'Alligator Alcatraz'? Migrant detention center approved in Florida

The creation of Alligator Alcatraz was an effort to adhere to President Donald Trump's aggressive crackdown on illegal immigration. His administration said its priority is to remove the "worst of the worst," despite undocumented people being swept up who otherwise don't have criminal backgrounds. The Trump and DeSantis administrations have, however, said being in the country without authorization alone is a crime.

Wenski prayed with Knights on Bikes, members of the Knights of Columbus who ride motorcycles, on July 20 outside the facility, to draw attention to the problem of getting inside Alligator Alcatraz for ministry.

The Trump administration also has vowed to increase the number of detention centers amid capacity concerns from critics. When it comes to Alligator Alcatraz, its

critics have questioned its impact on the environment and whether the center is insulting to the "dignity of persons."

"It is alarming to see enforcement strategies which treat all unauthorized immigrants as dangerous criminals," Venice Bishop Frank Dewane said.

In a July 3 statement, just after Trump visited the facility, Dewane urged that Trump's immigration enforcement agenda be "undertaken in a way that is targeted, humane and proportional."

A spokesperson for the Diocese of Venice said that they joined the Miami diocese in reaching out to begin ministry at the facility, and Dewane said in a statement that he was concerned whether the facility would allow ministers and chaplains to "serve those in custody, to their benefit and that of the staff."

DeSantis touts Florida as top in 'religious liberty'

Florida Gov. Ron DeSantis is Catholic, but often does not speak in detail about his religious beliefs or where he and his family currently worship.

He has touted that Florida was named the top state in religious liberty by the First Liberty Institute, a nonprofit Christian conservative legal organization. The institute's media manager declined comment on this story, saying that the institute's attorney has not reviewed the detention center's policies and procedures.

"Religious liberty is critical to the foundation and function of America, and I am proud that Florida excels in protecting this right," DeSantis said in a statement July 14, responding to the First Liberty Institute's recognition.

DeSantis attends Catholic service: Gov. DeSantis applauded at Catholic service for defeating Florida abortion amendment

Immigrants' rights to religious expression

The question of whether immigrants have First Amendment rights, including religious expression, is often complicated because its implications differ based on immigration status, such as whether they're unauthorized or permanent residents, according to the Freedom Forum.

The Constitution does not specifically say whether it applies to only citizens, but instead it references the "people." First Amendment protections can depend on whether someone is a lawful resident, here on a visa or is in the country without authorization.

The Freedom Forum wrote that the Supreme Court has not definitively ruled on whether those in the country illegally have First Amendment rights, and scholars have been split on this debate.

(This story was updated because an earlier version included an inaccuracy.)

This reporting content is supported by a partnership with Freedom Forum and Journalism Funding Partners. *USA Today Network-Florida First Amendment reporter Stephany Matat is based in Tallahassee, Fla. She can be reached at SMatat@gannett.com. On X: @stephanymatat.*