

# DETAINED, THEN VIOLATED

1,224 Complaints Reveal a Staggering Pattern of Sexual Abuse in Immigration Detention. Half of Those Accused Worked for ICE.



Illustration: Nicole Rifkin for The Intercept



Alice Speri

April 11 2018, 4:11 p.m.

A woman held at an immigration detention center in Washington state said she was raped by a medical worker and a private facility contractor as she sought help in the center's medical unit. Another woman said officers cuffed and maced her following an argument with a fellow detainee at an immigration detention center in Florida. Then, as she lay on the ground, an officer sat on her "like a person would sit on a horse," his "erect penis on her butt." Officers then filmed her as she showered to wash off the mace, according to documents obtained by The Intercept.

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**ELSEWHERE IN OUR INDIA**, Immigration and Customs Enforcement agent threatened him with deportation after he refused to engage in oral sex – and that the officer told him he would be deported to Haiti, even though the man is from the Bahamas. In Texas, a Border Patrol agent driving detainees between detention centers pulled over and let a woman get out after she performed oral sex on him, according to another complaint.

Many other women and men held in immigration detention across the country reported routine searches that turned into groping and fondling. Many said they were propositioned, subjected to suggestive stares and sexual innuendo, and threatened with retaliation if they spoke up. Many said officers shrugged when they reported abuse by

fellow detainees.

These allegations are just a sample of hundreds of complaints of sexual and physical abuse in immigration detention obtained by The Intercept in response to a public records request with the Department of Homeland Security's Office of Inspector General, which is tasked with independently reviewing the department's various agencies, including ICE and Border Patrol.

The reports obtained by The Intercept include 1,224 complaints filed between 2010 and September 2017, primarily about incidents that took place in ICE custody. But in earlier responses, officials with the DHS Office of Inspector General indicated that the office received some 33,000 complaints between 2010 and 2016 alleging a wide range of abuses in immigration detention. The OIG provided records documenting investigations for just 2 percent of the complaints it shared with The Intercept.

But the sheer number of complaints – despite serious obstacles in the path of those filing them, as well as the patterns they reveal about mistreatment in facilities nationwide – suggest that sexual assault and harassment in immigration detention are not only widespread but systemic, and enabled by an agency that regularly fails to hold itself accountable. While the reports obtained by The Intercept are only a fraction of those filed, they shed light on a system that operates largely in secrecy, and they help hint at the magnitude of the abuse, and the incompetence and complicity of the agency tasked with the safety of the 40,000 women, men, and children it detains each day in more than 200 jails, prisons, and detention centers across the country.

Many more victims, presumably, never filed a complaint in the first place.

# Most Sexual Abuse Complaints in Immigration Detention Go Unanswered

The Intercept filed a Freedom of Information Act request for records of sexual abuse in immigration detention. ICE, which claims it investigates all reports of abuse, never responded. The DHS Office of Inspector General finally responded nearly two years later.

1,224

## Complaints

January 2010 – September 2017

43

## Investigations

January 2010 – June 2017

Source: Intercept analysis, Department of Homeland Security Office of Inspector General

Graphic: Moiz Syed

Number of OIG sexual abuse complaints and investigations between 2010-2017. Graphic: Moiz Syed

COMPLAINT FILED 05/31/2017	LOCATION Pike County Correctional Facility, Lords Valley, Pa.
8:33 AM CST  HIGH PRIORITY  [REDACTED] is reporting Pike County Correctional Facility Correction Officer [REDACTED] (spelling uncertain). [REDACTED] claims on May 26, 2017 the detainees were taken to block and strip-searched [REDACTED] says the way [REDACTED] conducted his strip search was highly inappropriate. [REDACTED] states [REDACTED] had him go into a closet and closed the door and locked it. [REDACTED] claims the door is supposed to remain open, and he is uncertain why [REDACTED] wanted the door locked, as this creates a safety concern for both [REDACTED] and [REDACTED]. [REDACTED] says the strip search was conducted differently than normal and was conducted very slowly. [REDACTED] states [REDACTED] told him to undress slowly and then instructed [REDACTED] to hold his penis in one hand and slowly lift his testicles with the other hand. [REDACTED] claims [REDACTED] also had him bend over twice. [REDACTED] says he was instructed to hold his butt cheeks apart for a few seconds, then instructed to do it again. [REDACTED] states [REDACTED] ??smiled at [REDACTED] stupidly??? during the entire search. [REDACTED] claims he did what he was told and did not retaliate during the process because he wanted to avoid any trouble for himself. [REDACTED] says he was also concerned about having to go into the room with [REDACTED] alone, as there is also supposed to be at least two guards present during the strip search. [REDACTED] states he knows how the strip search was conducted was wrong, and this has caused stress on him. [REDACTED] claims he has never had this happen to him before. [REDACTED] says he wrote a report on the situation within the facility. [REDACTED] states he is uncertain of the spelling of [REDACTED] name, but knows it was a long name. [REDACTED] claims he has attempted to call several of the numbers listed in the facility, however the calls will not go through. [REDACTED] says some of the numbers state it is not a working number, despite the number being provided by the facility. [REDACTED] states he feels he needs to speak to someone other than the officers in the facility, as the officers frequently ban together and will take care of one another and not assist the detainees in need.	

“A lot of them are very afraid,” said Rosanna Santos, who was sexually harassed at the York County Jail in Pennsylvania and is one of only a handful of detainees who have shared their stories publicly. “They just want to get bond and forget about what happened in there.”

Santos herself had been hesitant to report her own experience. In March 2013, a male guard who was escorting Santos and another woman to a court hearing told them, “I’m your only protection right now” and threatened them with “ass fucking” if they didn’t do what he said, before placing each woman alone in a waiting room with no cameras, Santos told The Intercept.

Santos told her attorney about the incident, and the attorney filed a formal complaint – prompting an investigation. Officials “from Washington” came to the center to interview Santos. “But at the end of the day, they never did nothing,” she said. The guard kept his job and shift, so she kept seeing him. Soon, she started hearing complaints about him from other detainees – “but they never wanted to report it.”

“They were scared,” Santos added. “I decided to speak for girls who are left behind.”

Getting an accurate estimate of just how many women and men have been abused in immigration detention is virtually impossible. DHS regulations in place since 2014 require ICE to release to the public “all aggregated sexual abuse and assault data” “at least annually” – but the agency has never done so. Internally, ICE didn’t begin to properly record sexual abuse and assault data until that year, more than a decade after the agency was established. An agency spokesperson told The Intercept that, “ICE has completed all required internal reporting, but has not published public Annual Reports.” The spokesperson said that drafts of public reports were under “internal review.”

In response to inquiries for this article, ICE told The Intercept that it had received 1,448 allegations of sexual abuse between fiscal years 2012 and March 2018, with 103 recorded so far this fiscal year (which began in October 2017).

ICE claimed that it investigates all complaints. Between 2012 and 2017, ICE found that only 160, or 12 percent, of complaints were “substantiated,” while 793, or 59 percent, were “unsubstantiated,” and 345, or 26 percent, were “unfounded.” Three percent of investigations remained open, ICE said. The ICE spokesperson wrote in a statement that “it would be inappropriate to speculate about the reasons that claims are found to be unsubstantiated or unfounded.” The internal ICE statistics, which were shared with The Intercept shortly before publication, are available [here](#).

at comments, display his or her  
as in your court, it is sexual

that make you feel uncomfortable. If it does  
not feel right or safe, have the situation or  
seek assistance. If you fear for your safety,  
report your concerns to staff.

\*\*For more information on this content, please  
read the ICE Detention Handbook or ask a trained  
facility staff person.\*\*

o comentarios sexuales explícitos, lo muestra su  
área genital o participa en voyeurismo, es un abuso  
sexual.

No se te tiene que hacer, agredir, o  
situación o hacer asistencia. Si sientes  
que no es seguro, reporta con  
preocupación a un empleado.

\*\*Para más información sobre este tema, por  
favor lee el manual para los detenidos de ICE,  
o pregunta a un empleado de confianza del  
centro.\*\*

**Keep Detention Safe**  
**ICE Has Zero Tolerance**  
**for Sexual Abuse & Assault**

**Mantenga la Seguridad**  
**Durante la Detención**  
**ICE Tiene Cero Tolerancia Para el Abuso y**  
**la Agresión Sexual**

San Bernardino Sexual Assault Services  
Victorville office/ San Bernardino office  
760-952-0041 909-885-8884

Break the Silence  
Report Confidentially  
Get Help and Victim Services

Rompa el Silencio  
Reporte Confidencialmente  
Obtenga Ayuda y Servicios a las Víctimas

Report an incident involving a detainee or a  
staff person by:  
Notifying a staff person ♦ Telling an ICE official  
Calling a toll free number  
**1-888-351-4024 or #9116**  
ICE's Detention Reporting and Information Line  
**1-800-323-8603 or #518**  
DHS Office of the Inspector General  
(including anonymous reporting)

Report Sexual Assault Now  
بلغ عن الاعتداء الجنسي الآن  
即刻举报性侵犯事件  
Rapportez les agressions  
sexuelles  
Denonse agresion seksyeli  
touswit  
Denuncie crimes sexuales agora  
Báo cáo cưỡng hiếp tình  
dục ngay lập tức  
Denuncie la agresión sexual  
ahora

Reporte un Incidente Involucrando a un Detenido  
o un Miembro del Personal de la Siguiete  
Manera:  
Notificando a un miembro del personal ♦ Informándole a un agente del ICE  
Llamando al número gratuito  
**1-888-351-4024 o #9116**  
Linea Informativa y Reportaje de Detención de ICE  
**1-800-323-8603 o #518**  
Oficina del Inspector General de DHS (Departamento de Seguridad Nacional)  
(Incluyendo reportes anónimos)

Reporte la Agresión Sexual  
Inmediatamente  
بلغ عن الاعتداء الجنسي الآن  
即刻举报性侵犯事件  
Rapportez les agressions  
sexuelles  
Denonse agresion seksyeli  
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Báo cáo cưỡng hiếp tình  
dục ngay lập tức  
Report Sexual Assault Now

At this facility, contact:

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Victorville office/ San Bernardino office  
760-952-0041 909-885-8884

SEXUAL ASSAULT AWARENESS

SEVICIOS DE ASISTENCIA A VÍCTIMAS DE ABUSO SEXUAL

Flyers at the Adelanto ICE Processing Center in Adelanto, Calif., call on detainees to report sexual abuse, in July 2016. Photo: Alice Sperti

“Sexual abuse is an underreported crime everywhere, but it is especially so in detention, and exceptionally so in immigration detention,” said Jesse Lerner-Kinglake of Just Detention International, a group that works to end sexual violence in all detention facilities. “On top of feelings of shame and the victim-blaming that all survivors face, detainees who are sexually abused by staff are faced with the horrifying prospect of having to report the assault to their rapist’s colleagues and friends.”

“Even those who are raped by another detainee face a high risk of retaliation if they make a report,” he added. “Immigration detainees must also deal with language barriers and the fear of retaliatory deportation.”

**Women and men held in immigration detention centers across the country have been trying to say “me too” for years.**

“Saying #MeToo in immigration detention often leads to more pain and trauma,” said Christina Fialho, executive director of Freedom for Immigrants, an immigrants rights group formerly known as CIVIC. “A person in immigration detention can’t just pick up and leave – they’re often forced to interact with the individuals who perpetrated the sexual abuse. And if they dare to speak up, they’re often retaliated against and then re-victimized by an ineffective or nonexistent investigative process.”

Yet despite legitimate fears, women and men held in immigration detention centers across the country have been trying to say “me too” for years. Their stories, told in formal complaints filed to an uncompassionate and confusing bureaucracy, almost never yield justice or see the light of day.

## DETAINEES DESCRIBE ALLEGED ASSAULT AND HARASSMENT RANGING FROM BRUTAL GANG RAPE TO SEXUALLY EXPLICIT VERBAL ABUSE

**T**

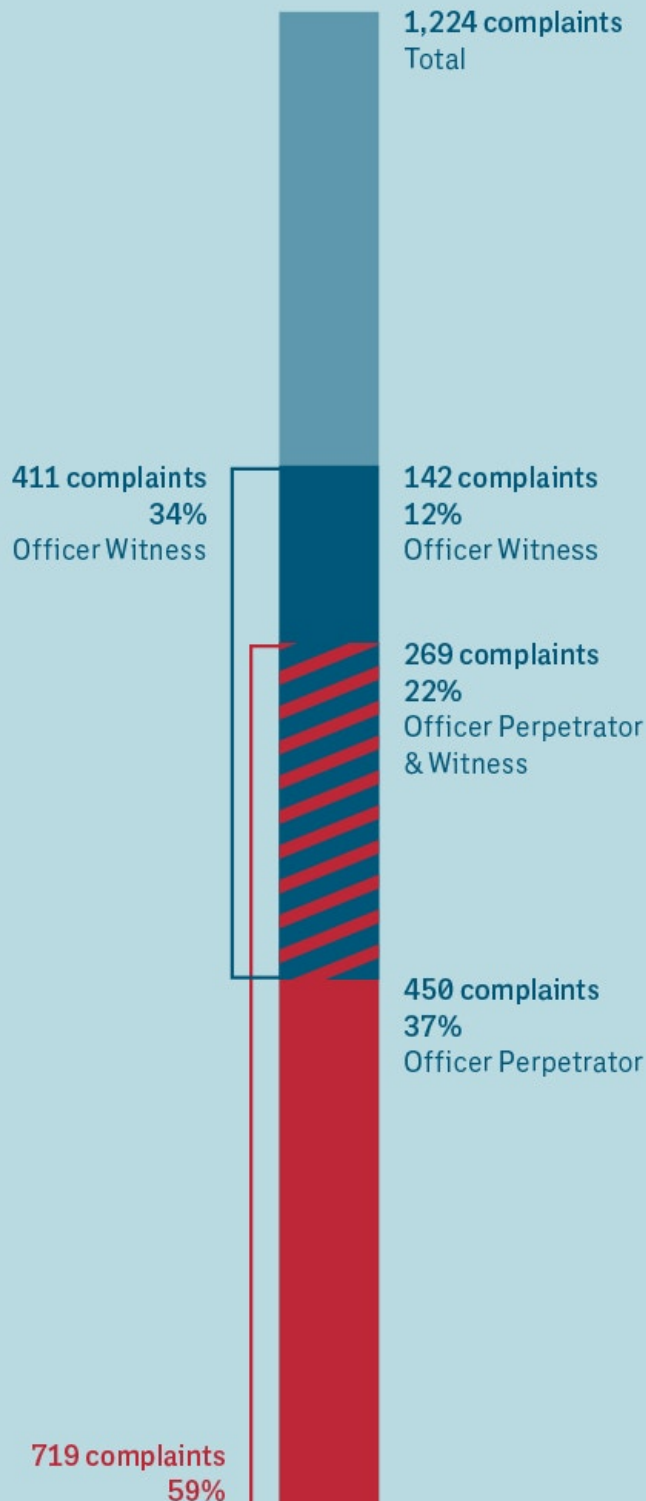
**U N C O V E R E D** By The Intercept Early two years ago The Intercept and CIVIC filed a public records request with ICE asking for all complaints and investigations of sexual and physical abuse in immigration detention. Despite repeated follow-ups, ICE never complied with the request. A similar public records request filed with the Department of Homeland Security’s Office for Civil Rights and Civil Liberties also went unanswered. Only the results of a third FOIA request, filed with the DHS Office of Inspector General, which is tasked with independently reviewing the department’s various agencies, including ICE, led to the reports obtained by The Intercept.

In the reports, detainees describe alleged assault and harassment ranging from brutal gang rape to sexually explicit verbal abuse. They also detail widespread institutional indifference, when not outright complicity, in response to that abuse. Some of the reports read as first-person narratives or verbatim emails or letters detainees wrote; others are accounts of incidents summarized by ICE staff or contractors. DHS officials redacted most names of victims and alleged perpetrators, but accidentally exposed at least a dozen names.

**Most Sexual Abuse Complaints in Immigration Detention Accuse Officers or**

# Contractors

Of 1,224 complaints obtained by The Intercept, 59 percent identified an officer or private detention contractor as the perpetrator of the alleged abuse. In 34 percent of the reports, an officer either directly witnessed the alleged abuse or was made aware of it. Twenty-two percent of complaints identified an officer as the alleged perpetrator and at least one additional officer as witness.



Source: Intercept analysis, Department of Homeland Security Office of Inspector General

Most sexual abuse complaints accuse officers or contractors. Graphic: Moiz Syed

Of the 1,224 complaints it received in that time period, the OIG investigated 30, according to the data released to The Intercept. The office also investigated an additional 13 cases over the same time period that do not match the complaints provided to The Intercept, bringing the total number of investigations to 43.

In two recent reports, the OIG raised “concerns” about [ICE’s treatment of detainees](#) and its [failure to meet federal guidelines](#) when contracting for detention services. “Overall, we identified problems that undermine the protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment,” the oversight office wrote in the first report, which also detailed ICE’s “inconsistent and insufficiently documented grievance resolution process.”

Immigration detention facilities are required to investigate and record all allegations of sexual assault and harassment, escalate potentially criminal cases to law enforcement, and notify the OIG about all sexual assault and harassment complaints they receive. (The OIG can also receive complaints directly from detainees or their advocates.) ICE officials maintain that they take all sexual abuse allegations seriously and that they investigate and record every allegation – a claim rebutted by detainees and their advocates.

As the number of public records requests filed with DHS, and particularly ICE, has increased in recent years, so has [the response time](#), leading to long waits. ICE also apparently [closes requests](#) arbitrarily every September to clear out the backlog. The ICE spokesperson told The Intercept that the agency’s FOIA practices are “in line” with federal law. “However, given the sheer volume of requests received coupled with their complexity, delays are inevitable.”

The FOIA process can be obscure, even to those whose job it is to make these records available to the public. Inexplicably, The Intercept’s request to the OIG was answered twice, by different officials, with each instance yielding wildly different results. The FOIA office was unable to explain why.

In July 2016, the OIG [responded](#) to The Intercept and CIVIC’s request by running a search for 23 keywords and producing an “interim” release of aggregate data pointing to 33,126 complaints of abuse in immigration detention received between January 2010 and July 2016. Those reports, which did not include narrative descriptions of the alleged incidents and are therefore hard to interpret, included allegations made against several federal law enforcement agencies. Forty-four percent were against ICE, and 31 percent against Customs and Border Protection. Of those complaints, which were made in connection to 17,550 unique incidents of alleged abuse, the office investigated 247, according to the data it shared then.



## ■ The Intercept's FOIA request was answered twice, by different officials, with each instance yielding wildly different results.

Then last January, the OIG's FOIA office shared a "final" set of documents with The Intercept – this one obtained through a much narrower search for four keywords. After repeated follow-ups, the office also released data for 43 investigations that officials said they had forgotten to include when they released the 1,224 complaints.

Officials applied their own categories to the complaints – for instance tagging each narrative according to a confusing rubric by which an allegation could be considered "non-criminal misconduct," "criminal misconduct," "coerced sexual conduct," or "detainee reported sexual abuse/sexual assault," among other options – though not more than one of those categories at once.

The accounts, which were sent to the OIG by fax, telephone, email, and mail, are inconsistent in the amount of detail they offer and the ways in which they are recorded by officials. Some include the alleged victim's gender while others redact it. Some specify the detention center where the alleged abuse happened, but many don't. Some describe rape or other abuse in excruciatingly graphic detail, while others list generic allegations of "assault," "harassment," or "physical or sexual abuse" without further specification.

The Intercept reviewed each narrative it obtained and found that officials were inconsistent in their categorization of the complaints, and that scores of reports were duplicated, sometimes with slight differences between them. The officials recording the complaints also regularly left out crucial information and failed to note whether an officer was the alleged perpetrator, or witnessed or was made aware of an alleged assault.

Several of the reports obtained by The Intercept are incomplete – with some suggesting that phone calls made to the inspector general from detention centers were abruptly interrupted.

# Breakdown of Sexual Abuse Complaints in Immigration Detention

Of 1,224 complaints obtained by The Intercept, 56 percent described instances of sexual assault, and 25 percent described sexual harassment without physical contact.

Twenty-two percent described non-sexual physical violence, and 6 percent detailed some form of verbal abuse. In 37 complaints, the alleged victim was a minor.

**Sexual Assault** • 681



**Sexual Harassment** • 307



**Physical Assault** • 272



**Verbal Assault** • 72



**Child Abuse** • 37



Source: Intercept analysis, Department of Homeland Security Office of Inspector General



**ICE CLAIMS** “Zero tolerance for all forms of sexual abuse or assault against individuals in the agency’s custody.” Detailed and robust [sets of policies](#) require all facilities to have a sexual abuse and assault prevention and intervention program in place, including procedures for reporting and investigating all incidents.

“ICE works extensively to ensure that all detainees are aware of how to make an allegation of sexual abuse or assault, that allegations are treated seriously, detainees are protected and provided all required services, and that thorough investigations are completed,” the agency spokesperson wrote in a statement. “The agency has implemented policies and procedures to establish an environment where staff and detainees are encouraged and feel comfortable reporting allegations and do not face any retaliation for bringing to light concerning behavior.”

Individuals taken into ICE custody are given an orientation, in person or video, as well as ICE’s [“detainee handbook,”](#) available in five languages, which includes a section on sexual abuse and information on the multiple channels available to file a grievance in person or in writing, as well as anonymously or through a third party. Flyers around detention units call on detainees to “break the silence” and report sexual abuse, and list names for various ICE and DHS offices and hotlines, while mailboxes allow them to post grievances. Often, detainees try all the options available to them, which explains, in part, the duplicate records.

“While you are detained, no one has the right to pressure you to engage in sexual acts or unwanted sexual behavior,” the handbook tells detainees. “If any staff member or service provider tells you they can help you stay in the United States in exchange for sexual contact or gratification or hurt your chances of staying the [sic] United States if you do not allow sexual contact or gratification, they are lying.”

The handbook includes information about detainees’ rights to medical assistance and mental health support – which, according to dozens of reports obtained by The Intercept, are regularly denied. It also reminds detainees that they cannot be retaliated against for reporting sexual abuse, and that filing grievances has no impact on their immigration cases. (ICE stipulates that false allegations can result in disciplinary measures but not immigration consequences.)

“Sexual abuse and assault is never the victim’s fault,” the handbook continues. “However, you are better protected if you carry yourself in a confident manner.”

Although the data provided to The Intercept offers only a sample of all reported abuses and is poorly and inconsistently recorded, the narratives included paint a damning portrait and suggest institutional complicity to sexual abuse on a mass scale.

For instance, The Intercept found that 719, or 59 percent, of the narratives (after removing duplicates) identified an officer or private detention center contractor as the perpetrator of the alleged abuse. In 411 (34 percent) reports, an officer either directly witnessed the alleged abuse or was made aware that the abuse had taken place. Two hundred and sixty-nine (22 percent) complaints identified an officer as the alleged perpetrator and at least one additional officer as witness.

In its response to The Intercept, ICE provided data about alleged perpetrators only for the years 2016-2018 (year to date) – indicating that the agency found ICE staff or contractors to be the perpetrator in 162, or 25 percent, of the 639 complaints it recorded for those years.

Some 56 percent of the reports reviewed by The Intercept described instances of sexual assault, while 307, or 25 percent, described sexual harassment without physical contact. (When no details were available, The Intercept interpreted the narratives conservatively.) Seventy-two (6 percent) reports also detailed some form of verbal abuse, and 272 complaints (22 percent) described non-sexual physical violence. In 37 complaints, the victim is a minor, and in about 20, the victim is a member of the LGBTQ community.

Of the 43 investigations for which they provided documentation, OIG officials found that three were “substantiated.” Twenty-five allegations were found to be “unsubstantiated,” meaning that officials lacked sufficient evidence to determine that the abuse had occurred, and 10 were deemed “unfounded,” meaning the evidence implied that the abuse had not happened. In the five remaining cases, the OIG data indicates “information only” under the investigation outcome field. (The OIG did not respond to repeated requests for comment and detailed questions about its categories and review process.)

However incomplete, the complaints reviewed by The Intercept give a sense of what the reports we don’t have might include.

“Sadly, these findings are not surprising and largely reflect the federal data on sexual abuse in prisons and jails,” said Lerner-Kinglake after reviewing The Intercept’s analysis, adding that anonymous surveys of inmates in U.S. prisons and jails have also revealed that at least half of all abuse is committed by staff. “More alarming still is the fact that staff perpetrators often face no legal action and many even keep their jobs. And these are only the cases that get reported.”

“Sexual abuse in immigration detention is a crisis, but it’s a completely preventable one,” he added. “Any sexual assault in confinement represents a failure on the part of officials running the facility.”

**THE COMPLAINT ALLEGED THAT GUARDS AT THE PRIVATELY RUN CENTER HAD BEEN REMOVING WOMEN FROM THEIR CELLS AT NIGHT “FOR THE PURPOSE OF ENGAGING IN SEXUAL ACTS IN VARIOUS PARTS OF THE FACILITY”**

**F**

**FOR YEARS**, have warned that immigration detainees are uniquely vulnerable to sexual assault in detention – but official acknowledgement of that reality came late and reluctantly.

In 2003, Congress passed the Prison Rape Elimination Act to address rampant sexual assault in corrections facilities across the country – with the intention of including immigration detention facilities. It took the Department of Justice until 2011 to draft the PREA standards that were called for under the law. Yet immigration facilities were left out of those standards, because by that point immigration detention had been placed under the jurisdiction of the relatively new Department of Homeland Security, whose officials argued that DOJ rules didn't apply to them. Instead, ICE facilities operated under a set of [“performance-based national detention standards”](#) until, in 2014, DHS finally adopted its own [PREA policy](#). [According to ICE](#), as of 2016, only 64 percent of the agency's detainees were protected by PREA standards because those requirements can only be mandated when the agency enters into new facility contracts or renews or modifies old ones.

Meanwhile, in 2009, the National Prison Rape Elimination Commission, a now-defunct bipartisan panel set up by Congress to monitor policies around sexual assault in detention, warned that “a large and growing number of detained immigrants” were at a heightened risk of sexual abuse. “Because immigration detainees are confined by the agency with the power to deport them, officers have an astounding degree of leverage,” [the report noted](#). “Especially when detainees are not well informed of their rights and lack access to legal counsel.”

That warning was soon followed by dozens, and then hundreds, of abuse reports.



The privately operated T. Don Hutto detention center in Taylor, Texas, has long been entangled in

In 2010, following reports that a guard had assaulted several women held at the privately operated T. Don Hutto detention center in Texas, [Human Rights Watch documented](#) allegations of sexual assault, abuse, or harassment involving more than 50 victims across the country, and warned that the incidents pointed to an emerging “pattern across the rapidly expanding national immigration detention system.”

A year later, while in the process of filing a federal lawsuit on behalf of women assaulted at Hutto, the American Civil Liberties Union [obtained public records](#) detailing nearly 200 allegations of sexual assault in immigration detention since 2007, “from nearly every state in the nation that houses an immigration detention facility.”

Hutto, which recently made news again after a detainee who reported being sexually assaulted by a guard [attempted suicide there](#), has long been entangled in allegations of sexual abuse by guards. In 2007, a guard at the center assaulted a detained woman, “while her son was sleeping in his crib inside the cell.” In 2008, the DHS found that the center failed to comply with ICE standards. Then, in 2011, a male guard sexually assaulted eight women he was transporting from the center – despite an agreement between ICE and private operator Corrections Corporation of America (now CoreCivic) that detainees would only be transported by guards of the same gender.

## ■ A detainee in Virginia said that after filing a sexual abuse report, he was accused of perjury.

“While the information gleaned from the documents likely does not represent the full scope of the problem given that sexual abuse is notoriously underreported,” the ACLU wrote, “the documents nonetheless make clear that the sexual abuse of immigration detainees is not an isolated problem limited to a few rogue facilities or to a handful of bad-apple government contractors who staff some of the nation’s immigration jails.”

In 2014, the Mexican American Legal Defense and Educational Fund [filed a complaint](#) reporting widespread allegations of sexual harassment at the Karnes County Residential Center, also in Texas, where more than 500 women were detained with their children. The complaint alleged that guards at the privately run center had been removing women from their cells at night “for the purpose of engaging in sexual acts in various parts of the facility,” and it accused guards of calling detainees their “novias,” Spanish for “girlfriends,” and requesting sexual favors in exchange for money or promises of assistance with their immigration cases. In 2015, the DHS said it found “[no evidence](#)” that women were being sexually assaulted at Karnes.

ICE is specifically required to audit facilities for compliance with PREA policies. It started doing so only last year – and has audited 77 percent of its facilities so far. The ICE spokesperson said the agency is completing the audits on an “aggressive schedule” and plans to cover all facilities by next July. “Although some facilities were required to take corrective action to remedy deficiencies found during the audit,” the spokesperson wrote, “all audits to date have found ICE facilities in compliance with the DHS PREA Standards.”

Detention facilities are also periodically inspected for compliance with other detention

standards, but despite mounting allegations of abuse, the agency routinely gives its facilities passing marks. Earlier this month, the ACLU and nine other organizations [wrote a letter to DHS](#) officials denouncing ICE's failure to comply with the detention standards set by Congress. In the letter, they criticized the agency's "unregulated self-assessment" and added that "a close look at the inspections themselves reveals alarming evidence that they are sham assessments."

Madhuri Grewal, a policy counsel with the ACLU, told The Intercept that not all detention facilities are in compliance with required standards, but even when they officially are, "rampant violations" of those standards are commonplace. Reports by independent agencies, NGOs, and the OIG provide limited oversight, she said, "but that's no way to ensure that this massive system is actually complying with detention standards."

"Our bottom line is that ICE just receives too much money to detain immigrants," Grewal added. "If they had less detention facilities and less detention, it may be a little bit easier for ICE to actually conduct rigorous oversight and accountability."

Lerner-Kinglake said that what makes the persistence of sexual abuse in immigration detention especially disappointing is that the PREA standards the DHS supposedly follows offer clear solutions to the problem, including safe reporting channels for survivors, access to outside rape crisis services, an independent, trauma-informed investigative process, and a robust auditing system.

"Ultimately, the agency's effectiveness at keeping detainees safe and holding perpetrators to account boils down to leadership," he told The Intercept. "If ICE's top officials are willing to make the commitment to ending sexual abuse, the rates of abuse will drop."

## AS SOON AS YOU MAKE A GRIEVANCE, IF YOU DEFEND YOURSELF, YOU BECOME A PERSONAL ENEMY OF THE SYSTEM

**D** **ETAINEES WHO CHOOSE** to denounce abuses often face an intimidating bureaucracy and pressure to keep quiet. Several complaints reviewed by The Intercept described retaliation against detainees who filed grievances.

In one case, for instance, a detainee in Florida said that an ICE officer "threatened to file additional immigration charges against him in order to deter him from filing a physical abuse complaint." In another case, a detainee in Virginia said that after filing a sexual abuse report, he was accused of perjury and making a false allegation, and that information that should have remained confidential under PREA standards was used against him in immigration proceedings. Multiple detainees reported being locked in their cells, denied food, or treated with hostility after they filed grievances.

Some of the narratives obtained by The Intercept also give a sense of how exasperating

the grievance-filing process can be – particularly when one considers that information is only usually available in English and Spanish, and that many detainees don't speak either language. (ICE policies call for translation services to be provided as needed, but advocates say that hardly ever happens.)

In one case, a detainee at a Pennsylvania facility attempted to report an abusive strip search. “[Detainee] claims he has attempted to call several of the numbers listed in the facility, however the calls will not go through,” his file reads. “Says some of the numbers state it is not a working number, despite the number being provided by the facility. States he feels he needs to speak to someone other than the officers in the facility, as the officers frequently ban [sic] together and will take care of one another and not assist the detainees in need.”

Another detainee, who had reported repeated sexual harassment by a fellow detainee at a California facility, called the agency to follow up on his report, only to find that there was no record of his original complaint. “[Detainee] says nothing has been resolved since the assault,” his file reads. “Claims he called into a ‘hotline’ to ask about the report he made on the assault, and they told him there was no history of a sexual assault report. States he believes the situation is not being properly handled. laims [sic] when he asks for help with the situation it only ???backfires??? [sic] on him.”

Another report, which appears to have been filed internally by the Office for Civil Rights and Civil Liberties, or CRCL, notes a breakdown in the redress process and ICE's failure to comply with guidelines. The report describes communication received by CRCL from a detainee in Arizona who filed a sexual assault report with the facility on the day he was assaulted, but received no response or communication until a week later, “when he was informed there was no evidence of officer misconduct,” his file reads. Then the CRCL officer filing the internal complaint adds a note “reminding” the facility that it is required to report sexual assault allegations.

“The facility did not report the allegation to the field office and therefore the field office did not report it up the chain to HQs,” the report reads. “Reminding the facility of their requirement to immediately report all sexual abuse and assault allegations.”

In response to questions about retaliation, the ICE spokesperson maintained that “ICE employs multiple protection measures, such as housing changes, removal of alleged staff or detainee abusers from victim contact, and emotional support services for detainees or staff who fear retaliation for reporting sexual abuse or for cooperating with investigations.” The spokesperson added that the agency also mandates a 90-day period after a sexual abuse allegation is filed, during which staff “are required to monitor for facts that may suggest possible retaliation by detainees or staff.”





Detainees can leave anonymous complaints in locked mailboxes at the Adelanto ICE Processing Center in Adelanto, Calif., July 2016. Photo: Alice Speri

In another report, a detainee in Louisiana said she had asked staff for a grievance form, “which was given to her, but the staff refused to provide a pen or pencil to write it.”

The reports obtained by The Intercept also suggest that individuals who spoke up were ridiculed, accused of lying, or blamed for instigating their abusers.

COMPLAINT FILED 11/04/2016	LOCATION T. Don Hutto Residential Center, Taylor, Texas
<p>The victim [REDACTED] (the "victim"), was detained at T. Don Hutto Residential Center in Taylor, Texas for three (3) months, beginning on May 30, 2014. During a medical visit due to a respiratory condition and asthma attacks, a staff member who identified himself as a male doctor (or nurse) intentionally molested her by touching her bare breasts and attempting to take off her pants and touch her private parts inappropriately. The incident occurred during [REDACTED] detention on or around July 1, 2014 and August 31, 2014. The victim is not sure of the exact date. When the victim screamed in response to the inappropriate touching, two other individuals came running into the medical unit. The individuals accused the victim of making up the incident. The victim told them to look at the camera because they would be able to see what the male doctor/nurse had done to her. The victim's removal officer took the incident report. The victim was then interviewed by two Immigration and Customs Enforcement (ICE) officers who took a statement from her. The ICE officers accused [REDACTED] of enticing and leading on the male medical professional. The victim answered that she was very ill from asthma attacks and denied the accusation, stating that something like that would be the last thing she would do. The victim was told that if she pursued her claim while incarcerated, she would possibly remain in detention for one more year. However, she was told that if she signed some documents, she would be released and the government would process a U visa for her. The victim signed documents, but was not given any copies of what she signed. [REDACTED] was released from detention a few days later. Attorney for the victim requested a copy of the file held by ICE through a FOIA request. The records released fail to document the incident or the report made by the victim's deportation officer, and contain language indicating that portions of the documentation have been withheld. Attorney for the victim also requested medical records held by ICE. The medical records also fail to document the incident between the male nurse/doctor and the victim. Although the victim was interviewed by two ICE officers, no further action has been taken against the male doctor/nurse.</p> <p>Public website submitter indicated that the incident location was: Medical Unit of the T. Don Hutto Residential Center located at 1001 Welch Street, Taylor, TX, 76574.          Public website submitter indicated that the duty status of subject was: On Duty          Public website complainant indicated that the subject LNU had miscellaneous identifiers of: [REDACTED]          [REDACTED] Medical Professional / Doctor or Male Nurse</p>	

In a complaint filed by a former detainee's lawyer, for instance, a woman alleged being sexually assaulted while seeking medical care for an asthma attack. According to the complaint, a male medical staff member at Hutto "intentionally molested her by touching her bare breasts and attempting to take off her pants and touch her private parts inappropriately." When the victim screamed, two individuals came running into the unit, where they accused her of making up the incident – to which she responded that they should check the surveillance camera footage. ICE officers eventually took a statement from the woman, whom they accused of "enticing and leading on the male medical professional."

According to the complaint, the officers told the woman that if she pursued her claim, she would extend her stay in detention by one more year, but if she signed some documents, she would be released and the government would process a U visa for her, a visa meant for victims of crime. The victim signed documents, but was not given any copies. Her attorney subsequently requested copies of her file through public records and medical records requests, but found that the incident had not been documented. According to the attorney, "although the victim was interviewed by two ICE officers, no further action has been taken against the male doctor/nurse."

COMPLAINT FILED 01/29/2016	LOCATION Krome Service Processing Center, Miami, Fla.
3:53 PM CST	
<p>The complainant [REDACTED] is currently being detained at the Krome Service Processing Center in Miami, FL. [REDACTED] claims that on January 26, 2016, he was in his bunk when Lieutenant [REDACTED] came into his room and touched him inappropriately. The complainant claims that he reported the incident to ICE and has gotten medical attention, but he is afraid to be at the facility with the officer. Allegedly, ICE is making it seem like the complainant is lying or like this incident is his fault. The complainant did not want to reveal too much detail about the incident over the phone</p>	

In another case, a detainee held at the Krome Service Processing Center in Miami said that after reporting an officer who had touched him inappropriately, "ICE is making it seem like the complainant is lying or like this incident is his fault," according to a complaint.

COMPLAINT FILED 09/16/2014	LOCATION Miami Immigrant Detention Center, Miami, Fla.
<p>The complainant, [REDACTED], was taking a shower on September 16th, 2014 when another detainee, [REDACTED] grabbed him by the waste and began to sexually assault him. [REDACTED] came in with another detainee who [REDACTED] could not identify, offender 2. [REDACTED] began to command [REDACTED] to give the offender 2 oral sex while [REDACTED] was penetrating [REDACTED].</p> <p>[REDACTED] claimed that he tried to report this activity to the facility but no one would listen to him. Later on the same day, [REDACTED] took [REDACTED] into a separate room and sexually assaulted the complainant again. [REDACTED] forced [REDACTED] to wear women's underwear and began rubbing the complainant's body with lotion. [REDACTED] then told [REDACTED] to give him oral sex and after proceeded to penetrate him. [REDACTED] has not received any medical attention, but would like to.</p> <p>LSU Call Center submitter indicated that the incident location was: "Miami Immigrant Detention Center"</p>	

Other reports indicate that detainees' complaints were met with indifference, inaction, and sometimes derision. A detainee in Florida who was raped multiple times by fellow detainees said he "tried to report this activity to the facility but no one would listen to him."

COMPLAINT FILED 09/28/2016	LOCATION Krome Service Processing Center, Miami, Fla.
<p>hq_12321.dhs-oig.gov_Scan_to_Desktop_08-23-2016_10-04-02.pdf High Priority</p> <p>██████████ is currently being detained at Krome Service Processing Center in Miami, Florida and he is reporting officers ██████████ employees at the facility, for improper conduct and sexual abuse. ██████████ states that he ran into ██████████ one day in the cafeteria during breakfast, and ██████████ told him to move his ???sweet ass??? down the table. ██████████ states that there was a search done on all detainees after breakfast. ██████████ states that when ██████████ searched him ██████████ rubbed hands down ██████████ ? back while whispering in his ear. ██████████ states that ██████████ proceeded to rub his hand on ██████████ ???ass??? and then ██████████ grabbed ██████████ penis with his right hand. ██████████ states that ██████████ n witnessed this and laughed at the incident. ██████████ states that on 07/11/2016, he saw ██████████ states that at this time ██████████ said ???baby boy what???'s up???' and proceeded to do exactly what ██████████ had previously done to him. ██████████ states that officers are ???literally sexually assaulting detainees and these officers want to say it???'s their job.??' ██████████ states that he reported the incidents to Lieutenant ██████████ and he was told that officers are doing their job. ██████████ states that several detainees have reported situations similar to this, but ICE does not conduct an investigation and only moves the detainee. ██████████ states that on one occasion ██████████ said ???hey fuck boy, you my little bitch??? to him after ██████████ gave ██████████ an evil look. ██████████ states that he reported this to the psychologist council but nothing was done. ██████████ states that on 08/08/2016, he had to go to property to pick up some legal paperwork and ██████████ was one of the two officers who escorted him there. ██████████ states that ██████████ the second officer, walked off to the front to see if anyone could get ██████████ his property and ██████████ assaulted him while ██████████ was away. ██████████ states that ██████████ grabbed his ???ass??? and whispered to ██████████ that if he told anyone that ██████████ would kill him. ██████████ states that he is very afraid because nothing what done after he reported to the psychologist council. ██████████ states that he cannot sleep at night out of fear. ██████████ tates that when he does fall asleep he has nightmares about ██████████ raping him or trying to kill him. ██████████ states that he is in fear for his life</p>	

A man who accused guards of referring to detainees as “fuck boy” and “my little bitch” said that when he complained to a facility manager, he was told that “the officers are doing their job,” according to his complaint. The same detainee said a guard whispered a threat to kill him if he reported him for grabbing his “ass.”

In another case, a man in a Washington center reported being “raped, assaulted, and harassed multiple times” by a fellow detainee. According to the detainee, “GEO officers assigned to his pod witnessed those acts, including the sexual assault, yet did nothing to stop them.” When the detainee defended himself from further assault with a ballpoint pen, he was placed in segregation, where GEO officers “mocked him and called him names,” according to the complaint.

A woman who reported being raped with a broomstick by five fellow detainees said that “she reported the matter to the facility staff but the officers have only laughed at her.”

“A lot of people don’t complain,” said Gretta Soto Moreno, a transgender woman who was held in detention centers in Arizona and California, and filed dozens of formal complaints about the constant abuse she was subjected to. “As soon as you make a grievance, if you defend yourself, you become a personal enemy of the system. Even if the system stinks and is corrupt.”

“Grievances only go to the next officer,” she added, “and they take care of each other.”

In January, Laura Monterrosa, a 23-year-old from El Salvador who had publicly accused a guard at the Hutto detention center of sexually assaulting her, tried to kill herself after being “mentally and emotionally tortured by ICE and private prison officials, who through retaliatory actions pushed her to try to take her own life,” according to advocates with the group Grassroots Leadership, who last year took her allegations

public. In March, Monterrosa was released from detention after 45 Congress members [signed a letter](#) in her support – but her case was hardly an isolated one.

ICE declined to comment on Monterrosa’s case beyond saying that the agency launched an internal investigation of her allegations and notified local law enforcement.

Sofia Casini, a detention visitation coordinator with Grassroots Leadership, said she knew of several other women who endured abuse at Hutto, but chose not to report it publicly. One woman who did file a complaint was abruptly moved to a different center. When Casini found her, she said investigators had accused her of lying. Another woman, who had been too scared to file a report, said that officials found her after rumors of her abuse had spread around the center, and that “they treated it like an investigation of her.” When ICE moved up the woman’s deportation date, she didn’t want to fight it.

“By then, she really, really wanted to get out of Hutto so badly, that she was happy upping her deportation date,” Casini said. “She just wanted out of there.”

**THERE ARE PEOPLE WHO ARE DYING IN DETENTION, WHO ARE BEING SEXUALLY ABUSED IN DETENTION, AND THERE IS VERY LITTLE RECOURSE FOR THOSE FOLKS WHOSE RIGHTS ARE BEING VIOLATED.**



**A S T A U G U S T** Immigrant advocates raised alarm about a request by ICE to the National Archives and Record Administration, or NARA – the agency tasked with maintaining government records and making them accessible to the public – to begin destroying a variety of records of its detention operations, including those related to sexual assault, solitary confinement, and death in custody.

The ICE spokesperson called its proposed schedule for records destruction “routine, government record maintenance.” Because the agency was only created in 2002, following the 9/11 attacks and a restructuring of the DHS, it had not yet gone through the process by which government agencies periodically dispose of the records they no longer need. But advocates were troubled by the agency’s eagerness to destroy records of alleged abuses that the agency had done so little to properly investigate.

“ICE has no incentive to be transparent about sexual assault happening within its facilities because it would confirm what we already know: that the agency tolerates the abuse of people in detention,” said Fialho of Freedom for Immigrants, which directly documented [27 cases of sexual assault in detention](#), including the rape of a woman by a detention facility official.

The ACLU has [petitioned NARA](#) to reject ICE’s request to erase records of abuse in custody, and the archives agency is now working with ICE to revise the request, a spokesperson told The Intercept. “During the records scheduling process, NARA considers whether the records for which the agency is requesting disposition authority warrant

permanent retention in the National Archives,” the spokesperson added in a statement, noting that most records do not. “NARA also reviews the retention periods proposed for temporary records to make sure they are retained long enough to protect the legal rights and interests of the Government and individuals.”

## **ICE has filed a request to begin destroying a variety of detention records, including those related to sexual assault, solitary confinement, and death in custody.**

“There are people who are dying in detention, who are being sexually abused in detention, and there is very little recourse for those folks whose rights are being violated,” said Victoria Lopez, one of the ACLU attorneys who filed the petition. “There needs to be greater justification for destruction of these records, on any kind of timeline, because of the seriousness of the records themselves.”

In December, 71 members of Congress [signed a letter](#) calling on the departments of Justice and Homeland Security to appoint a special commission to investigate allegations of sexual abuse in immigration detention, and urging the DHS to publicly release data on sexual assault and other abuse that the agency is seeking to destroy.

“We need to, at the very least, get an account of how many of these kinds of acts have occurred and under what circumstances,” California Rep. Judy Chu, one of the lead signatories, told The Intercept, calling the small fraction of complaints that were investigated by the OIG “utterly outrageous.”

If ICE has its way, thousands of complaints like those obtained by The Intercept will eventually be destroyed, wiping out a record that is a damning indictment of the failures of our immigration detention system.

Some, dismissed by the agency charged with investigating itself, may contain evidence of human rights abuses carried out by and under the eyes of government officials. Many others – like the complaint filed by a woman whose husband was beaten in the head with a radio by a guard at a Houston detention facility – demand accountability of an immigration detention system that has provided virtually none.

“What is ICE or Homeland going to do about this? Is this a place where humans are abused?” the woman wrote. “I need an answer. I have been calling to find out the status of the removal but know [sic] one knows anything on anything.”

“Answer my email. I need answers.”

Illustrations: Nicole Rifkin for The Intercept.



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**C O N T A C T   T H E   A U T H O R**



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