

December 14, 2020

[REDACTED]
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Compliance Branch, Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, DC 20528-0190

Sent via USPS and email to: CRCLCompliance@hq.dhs.gov [REDACTED]

Re: Call for an Immediate Halt to and Investigation of Detention, Violence, Repression and Racism Against Somali and All Immigrant Detainees and Asylum Seekers at Butler County Jail in Hamilton, Ohio

Dear [REDACTED]

We, Zachary Sanders, Esq. (counsel for Mr. Bayong Brown Bayong); Nazly Mamedova, Esq. (counsel for Mr. Ahmed Adem); Ericka Curran, Esq. (counsel for Mr. Mory Keita); CAIR-Ohio, LULAC-Ohio, Catholic Charities Southwestern Ohio, LULAC-Cincinnati, Heartfelt Tidbits, and Ohio Immigrant Alliance submit this complaint detailing civil and human rights violations committed against detained individuals in the custody of the U.S. Immigration and Customs Enforcement (“ICE”), at the Butler County Jail in Hamilton, Ohio. We write to respectfully request the immediate investigation and halting of abuses at Butler County Jail. Based on our interviews of eyewitnesses and victims, we believe that ICE and its contractor, Butler County Jail, responded with unlawful force, improperly interfered with protected speech, and continue to do so in the face of multiple concerns voiced by detained individuals. Particularly concerning, we want to highlight the violence against Cameroonian, Somali, and other Black and Muslim detainees, as they face severe retaliation and physical abuse.

We request that **ICE immediately release all affected individuals from confinement; stay all deportation proceedings of all parties relevant to this Complaint; immediately stay proceedings for Mr. Mory Keita as a material and/or key witness so that he is NOT deported on December 14 and can be interviewed pursuant to this case; and that an immediate, thorough investigation of these troubling incidents is conducted, with the results released to the public as quickly as possible.**

Per Article V of the Inter-Governmental Services Agreement (“IGSA”) between ICE and the Butler County Sheriff’s Office, Butler County “shall ensure compliance with the BICE detention standards and Department of Justice core detention standards to be provided by BICE.”¹ The current National Detention Standards (“NDS”) can be found on the ICE website.² The National Detention Standards are designed to ensure that people in ICE custody, including those confined to county jails like Butler County Jail, receive safe detention. An objective of the National Detention Standards is to ensure that physical force shall only be used when both necessary and reasonable. As will be demonstrated by this Complaint, it is evident that the Butler County Jail is not, in fact, in accordance with the pertinent NDS, and thus is not in compliance with the binding IGSA.

Reports detail numerous incidents of excessive force at Butler County Jail. For many years, Butler County Jail has had the custom, policy, and practice of providing inadequate training regarding the excessive use of force on people confined at Butler County Jail. Recently, the use of excessive force has escalated into physical beatings, detailed below. Sadly, the beatings are ongoing as one detainee was beaten on October 28, 2020, following a visit from his

¹

<https://www.scribd.com/document/22589120/Butler-County-Sheriff-s-Office-Hamilton-Ohio-Intergovernmental-Service-Agreement-IGSA-with-ICE>

² <https://www.ice.gov/es/factsheets/facilities-pbnds#wcm-survey-target-id>

attorney.³ This pattern of unwarranted use of physical force and retaliation by corrections officers is abusive, unlawful, and tantamount to torture.

Specifically, we express serious concern regarding recent reports that corrections officers in Butler County Jail, along with the Warden and guards, have tortured Black individuals in their custody in retaliation for speaking against the pervasive abuses through pressure, threats and—in several cases—excessive use of force, including physical abuse, resulting in severe injury. **We are also gravely concerned that ICE is about to deport a material witness, Mr. Mory Keita, so that he cannot participate in an investigation into the Butler County Jail incidents. Further details of Mr. Keita’s importance in this case are detailed below. Mr. Keita’s counsel, Ericka Curran, is requesting a stay of his deportation so that Mr. Keita can be properly interviewed by law enforcement in this case.**

The actions reported by men detained in Butler County Jail to the named organizations are in violation of Ohio state and federal law, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, which the United States has ratified, and ICE’s own policies within the Performance Based National Standards 2019, which BCJ is contracted to uphold.

I. Butler County Jail Corrections Officers Pattern of Excessive Use of Force, Punitive Conditions and Violence Against Detainees is unlawful, unacceptable, and tantamount to torture.

In recent months, human rights monitoring nonprofits, community volunteers, and immigration attorneys have all received reports that officials at the Butler County Jail have exercised excessive force, even physically beating detainees, as well as racial and religious discrimination. Reports received from the affected detained men include coercive tactics such as

³ Exhibit A, §1983 complaint filed in U.S. District Court, with photos in evidence, also available at <http://ohioimmigrant.org/wp-content/uploads/2020/12/Butler-County-Jail-Complaint-With-Exhibits-12-8-20.pdf>.

threats of violence and direct physical abuse to obtain submission and suppress other detained individuals from speaking out against the blatant mistreatment. This Complaint does not detail an isolated event of physical violence and racially-stemmed violence against detainees at BCJ, but rather it suggests a pattern of behavior that is endemic to the facility.

The individuals listed below are willing to report their allegations publicly to oversight bodies, congressional representatives, and the media. Indeed, a lawsuit has been filed pursuant to these allegations in the U.S. District Court for the Southern District of Ohio.⁴ The two named victims and main witness, Mory Keita, are listed in full with their A numbers. The other witnesses have been granted pseudonyms for their protection. Additional details about each individual is available upon request for use in an investigation.

1. Bayong Brown Bayong (A# [REDACTED])
2. Ahmed Adem (A# [REDACTED])
3. Mory Keita (A# [REDACTED])
4. M.P.
5. L.P.
6. E.H.
7. D.P.
8. A.B.
9. C.G.
10. T.Z.
11. J.W.
12. R.M.

Human rights organizations and attorneys have received reports by letter, on the phone and in person from more than 12 (twelve) detained immigrants corroborating multiple incidents involving physical and verbal abuse of ICE detainees. It is significant that over fifty (50) men detained at Butler County Jail for ICE willingly signed their names and A#s to a letter detailing rampant abuse, despite their fear of retaliation. The letter, dated September 16, 2020, is

⁴ Exhibit A, §1983 complaint filed in U.S. District Court, with photos in evidence, also available at <http://ohioimmigrant.org/wp-content/uploads/2020/12/Butler-County-Jail-Complaint-With-Exhibits-12-8-20.pdf>.

addressed to “Anyone who will listen to us.”⁵ An unredacted copy, with names and A numbers or inmate numbers included, may be provided for use in an investigation.

On August 17, 2020, Bayong Brown Bayong, a Cameroonian detainee at Butler County Jail was moved into isolation as a result of a unfairly issued disciplinary write-up. En route to “the Hole,” the detainee was verbally and physically assaulted by corrections officers, who ultimately pushed him down fifteen (15) stairs, falling head first on the concrete. This resulted in serious injuries. Mr. Bayong was refused medical treatment and remained in isolation for five (5) days despite the severity of his injuries from the fall. There are several witnesses to this brutal event.

In the September 16 letter, witnesses wrote: “Mr. Bayong Brown had been begging with COs not to rush him [down the stairs] as he was a confirmed COVID-19 patient and had excessive swelling on his feet which limited his mobility. There are several witnesses to this brutal event.” One described their treatment in the jail as “worse than that of an animal.”

Another incident of verbal and physical abuse by corrections officers at the Butler County Jail occurred on October 20, 2020, when two Black detainees were punched, kicked, and beaten for asking corrections officers questions regarding the detainees’ room relocation. One individual was beaten so badly that blood from the beating soaked into his mask.⁶ During this violent incident, one corrections officer took the individual’s prayer rug and attempted to stuff the rug into the toilet.⁷ The corrections officer then starting threatening the other ICE detainees, yelling “I will beat the fuck out of you all.”⁸ Several witnesses corroborated this inhumane

⁵ See Exhibit B, “September 16 BCJ Detainee Letter_Redacted.”

⁶ Exhibit A, §1983 complaint filed in U.S. District Court, with photos in evidence, also available at <http://ohioimmigrant.org/wp-content/uploads/2020/12/Butler-County-Jail-Complaint-With-Exhibits-12-8-20.pdf>.

⁷ *Id.*

⁸ See Exhibit C, Affidavit of Mory Keita, ¶ 5.

incident, including key witness Mr. Mory Keita.⁹ As other detained individuals spoke up asking the corrections officers to stop beating the two Black detainees, one corrections officer replied, “Anybody else want some? I will fuck you all up. Whatever we say goes.”¹⁰ Despite the two Black detainees’ injuries, including open, bleeding wounds, the corrections officers took them into isolation. Once the detainees were placed into isolation, corrections officers continued to beat them. Neither received treatment for their injuries resulting from this incident. One detainee lost a tooth from the beating.

This incident was documented by twenty-five (25) men detained in Butler County Jail at the time of the incident, in a letter dated October 20, 2020.¹¹ An unredacted copy of the letter, with names and A numbers or inmate numbers included, may be provided for use in an investigation. They wrote that on October 20, 2020 on C-Pod:

Between 9.45 am and 10.15 am, to BLACK ICE detainees from Somalia (Mr. Aden) [sic] and Cameroon (Mr. Bayong Brown) were beaten up by Corrections Officers of the Butler County Sheriff’s department in their cell (Cell#20). One of the COs then came out of Cell 20, and started threatening all the other ICE detainees saying that if any other detainees has [sic] a problem say it and I will beat the fuck out of you all. It was obvious that there was an inherent bias and negative sentiment held by the Corrections Officers towards the Detainee Population. When Mr. Bayong Brown was brought in handcuffs and made to sit on the dayroom table, another CO grabbed his neck and turned it facing the door and smacked the back of his head and told him that I hope you die bitch. He also stated I can’t wait until you get to H-pod so I can beat your ass. Several ICE detainees heard this and some of us clearly saw the physical beating and cleaning up of evidence of the violence that occurred in their cell.

Among the many incidents described by the named and other complainants, acts of torture and coercion at Butler County Jail were described in great detail by each individual and corroborated by statements from other detained immigrants.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Exhibit D, “October 20 BCJ Detainee Letter_Redacted.”

Of particular importance is detained individual Mory Keita, a key witness of both the August 17 and October 20 acts of physical and psychological violence against detainees at Butler County Jail. These incidents were reported to FBI Agent Michael Reigle and Butler County Lieutenant Ed Tanner, who met with the victims and lawyers inside the Butler County Jail in November. Corrections Officers heard Mr. Keita begging them to stop beating Mr. Bayong and Mr Ahmed, and were well aware of the abuses being reported to law enforcement. They were also aware of Mr. Keita's meetings with lawyers Zachary Sanders and Ericka Curran after reporting these abuses.

Mr. Keita was detained on an ICE hold in the Butler County Jail until this month. On Tuesday, December 8, he was abruptly transferred to Louisiana and told he will be deported on December 14, 2020. However, Mr. Keita is needed to testify in the §1983 case, filed that very day in the U.S. District Court for the Southern District of Ohio, as he has not yet been interviewed by law enforcement.

Ericka Curran, Esq., Mr. Keita's attorney, filed a complaint with the Office of Inspector General on his behalf, including an affidavit from Mr. Keita and a letter from counsel on the §1983 complaint, Amy Norris, indicating his value in the investigation of this incident.¹² The OIG complaint number is HLCN1607627985712. Ms. Curran has also filed an administrative stay with the U.S. Immigration and Customs Enforcement, Detroit Field Office and an emergency stay with the Board of Immigration Appeals on Mr. Keita's behalf.

The intended enforcement of Mr. Keita's removal is abrupt, his transfer to the Louisiana detention center occurring on the same day that the §1983 complaint was filed at the Ohio

¹² Exhibit E, Letter from Amy Norris, Esq.

district court. By acting as a key witness for Mr. Bayong and Mr. Adem’s §1983 complaint, Mr. Keita spoke out against corrections officers’ abuse against men detained for ICE and provided key details for the suit filed by Attorneys John C. Camillus and Amy Norris. The lawsuit, to which Mr. Keita is a necessary witness/party, details the corrections officers’ repeated acts of violence, slurs, and anti-Muslim bias against the detainees at Butler County Jail.¹³

It follows that Mr. Keita’s presence is needed in the U.S. to testify in the future legal proceedings. Instead, ICE is trying to silence him by deporting him as soon as possible.¹⁴ Thus, time is of the essence as Mr. Keita’s imminent deportation is scheduled for December 14, directly interfering with the §1983 case.

II. Pervasive Racism at Butler County Jail

In addition to physical beatings, detainees endure pervasive racially-motivated verbal abuse at Butler County Jail. Corrections officers have called Black detainees numerous racial epithets, including “dirty Africans,” “monkeys,” and “goats.”¹⁵ One officer told a detainee, “This is not your country, you have no rights here.”¹⁶ Again, the use of these types of epithets by corrections officers against, most particularly, Black detainees is ongoing and seemingly endemic in the nature of the facility. Such verbal abuse violates ICE’s own NDS as well as basic principles of cruel and unusual punishment pursuant to the U.S. Constitution.

III. Right to Work

¹³Exhibit A, §1983 complaint filed in U.S. District Court, with photos in evidence, also available at <http://ohioimmigrant.org/wp-content/uploads/2020/12/Butler-County-Jail-Complaint-With-Exhibits-12-8-20.pdf>.

¹⁴ <http://ohioimmigrant.org/2020/12/10/breaking-ice-plans-to-deport-key-witness-in-butler-county-jail-assaults/>.

¹⁵Exhibit A, §1983 complaint filed in U.S. District Court, with photos in evidence, also available at <http://ohioimmigrant.org/wp-content/uploads/2020/12/Butler-County-Jail-Complaint-With-Exhibits-12-8-20.pdf>.

¹⁶ *Id.*

Alongside the physical abuse that detained individuals are subjected to at BCJ, they are also denied the opportunity to work while in detention. The United States Immigration and Customs Enforcement Handbook (“ICE Handbook”) states that detainees can work and get paid in detention centers nationwide. Following this directive, ICE detainees were allowed to work as “porters” at the Butler County Detention Center until early 2019. However, after litigation in another ICE detention facility between detainee workers and ICE regarding absence of pay for work, changes were implemented whereby detainees are no longer able to work in the Butler County Jail. Several detainees outlined their concerns and requested the right to work in a letter to ICE various components dated October 13, 2020.¹⁷

Detainees understand that Butler County Jail provides no monetary compensation and are accepting of this fact. State of Ohio inmate workers at this facility are paid in commissary items such as coffee sticks and former ICE porters used to receive the same benefits as other State inmates. ICE detainees are eager and willing to work in this facility for the same benefits that State inmates receive. Based upon the ICE Handbook and Butler County Jail’s history of permitting detained immigrants to work as porters, detainees should be permitted to exercise their right to work.

At the present time, State of Ohio inmates have to be brought in to work as porters in the Immigration Pod at Butler County Jail. However, there are few inmates who want to work in the Immigration Pod. Presently, there are open positions for porters in this Pod that are sitting unfilled. ICE detainees would serve as better porters in this respective Pod as they share similar linguistic and cultural backgrounds of the detained population. Furthermore, several ICE detainees are held at this facility for extended periods of time. Detention periods upwards of six

¹⁷ Exhibit F, Petition to Allow ICE Detainees to Work as Porters in Butler County Detention Center (Ohio), October 13, 2020.

(6) months are not uncommon and some individuals are held for over a year. Such detainees would especially benefit from said porter positions. Hence, in accordance with the ICE Handbook, Butler County Jail custom, and to overall better serve the facility, detained individuals should be reinstated as eligible to work as porters at Butler County Jail.

IV. Additional Violations of NDS Within Butler County Jail

Exhibit B, the letter signed by over fifty men detained for ICE at the Butler County Jail, outlines several other egregious deficiencies, mistreatment, and incidents of gross medical neglect inflicted upon the ICE detainee population by the Butler County Jail. These include: lack of access to immigration forms, pens, photocopying, medical records needed for immigration cases, and property; gross medical neglect; inhumane living conditions including confinement to a cell with no outside view on average of 20 hours per day and no real outdoor recreation; unacceptable meals of poor nutritional value; coercion and lies from ICE officers attempting to get detainees to agree to deportation.

The medical “treatment,” or lack thereof, for ICE detainees at Butler County Jail is truly appalling and a clear violation of the NDS. No COVID-19 testing is done, even when new inmates are brought in from the community or from other jails with confirmed cases, such as the Morrow County Correctional Facility. Exhibit A details gross medical neglect at the Butler Jail, including an 81 year-old ICE detainee with stage 4 cancer who was denied a vital medication for months. They wrote:

Mr. S suffered several black outs and falls and was ultimately transported to medical pod (F-pod) where his cancer remission injection was given to him 2 months late. Recently, Mr. S suffered a fall and broke his ribs. He was evaluated a day later and finally taken to a local hospital. Then he was brought back to [Butler County Jail] for a few days and transported to Texas. However, no one including his family and friends have heard from him since. ICE has not informed his next of kin of his health status and they remain worried.

The men also stated:

Of special note is L. Browning who seems to have a vendetta against detainees and treats them very poorly. This CO turns off the hot water, does not allow porters to serve or transport food/water through the foodport as is typically allowed by other COs, delays the already limited recreation time by stalling, locks down detainees at the time of MedPass, does not reopen the cell doors after the medic has left, and gives unnecessary tickets for inconsequential things that no other CO would give a ticket for. These tickets at times are forwarded to the Immigration Court and affect legal outcomes negatively (e.g. bond denial) for detainees.

V. Recommendations

We urge the Office of Civil Rights and Civil Liberties and the Office of the Inspector General to immediately take the following steps:

- 1) Open an emergency investigation into these allegations of physical assault and torture by corrections officers and staff at the Butler County Jail;
- 2) Grant an immediate stay of deportation for all individuals named in the legal complaint filed in the United States District Court for the Southern District of Ohio (Case No.: 1:20-cv-989), as well as all witnesses, most immediately Mr. Mory Keita who is in imminent danger of deportation and his testimony being lost forever;
- 3) If you find that these allegations of corrections officers' excessive use of force in violation of existing laws are founded, we urge you to immediately identify the reason that Butler County Jail failed to follow the law in these cases and why the Detroit Field Office failed to investigate the allegations and hold the officers perpetrating the violence accountable for their actions, once they were made aware of the abuse. Ensure adequate disciplinary action for all Corrections Officers, ICE Officers, and management officials who failed to protect the health, safety, and welfare of individuals detained by ICE as outlined in this complaint.
- 4) Finally, to facilitate the review of these allegations and their cases, we request copies of any use of force videos and reports or other reports generated in relation to the above-described incidents, as well as video footage of Mr. Adem's booking, the August 17 incident, and the October 20 incident, as well as an explanation of which areas where the assaults took place do not have cameras.

We appreciate your attention to this important matter and look forward to hearing what steps ICE, CRCL, and OIG will take to address these problems. We request a meeting with all

parties addressed to discuss our concerns and the steps planned to address them. Please respond within 24 hours to establish a plan for this meeting. Should you have any questions, please contact Lynn Tramonte at ltramonte@ohioimmigrant.org or [REDACTED] Thank you in advance for your attention to this urgent matter.

Sincerely,

Zachary Sanders, Esq.

Nazly Mamedova, Esq.

Ericka Curran, Esq.

CAIR-Ohio

LULAC-Ohio

Catholic Charities Southwestern Ohio

LULAC-Cincinnati

Heartfelt Tidbits

Ohio Immigrant Alliance

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**BAYONG BROWN BAYONG and
AHMED ADEM**

Plaintiffs,

v.

**COUNTY OF BUTLER, OHIO;
THE BUTLER COUNTY BOARD OF
COMMISSIONERS; BUTLER COUNTY
JAIL; CORRECTION OFFICERS
A. ROBERTS, L. BROWNING,
AND BLANKTON.**

Defendants.

COMPLAINT

Judge _____

Case No. 1:20-cv-989

**JURY DEMAND
ENDORSED HEREON**

Plaintiffs Bayong Brown Bayong (“Mr. Bayong”) and Ahmed Adem (“Mr. Adem”), by and through their attorneys, file this civil rights Complaint against Butler County, Ohio; The Butler County Board of Commissioners; Butler County Jail (“Butler Co. Jail”); A. Roberts; and L. Browning, and allege as follows:

PRELIMINARY STATEMENT

1. Mr. Bayong, a refugee from Cameroon, came to the United States to escape brutal conditions in his own country, with hope for safety. Instead, he continues to be physically beaten by correctional officers while detained by ICE for civil immigration detention at Butler County Jail. One of the beatings was so brutal that Mr. Bayong lost his front tooth. The guards continue to make threats such as “I hope you die bitch” and, after being pushed down the stairs, “When you get down the stairs, I am going to beat all the teeth from your mouth.”

2. Mr. Adem has lived in the United States since he was young. He was born in Somalia and is of Ethiopian descent. He considers the United States to be his home. He is an

observant Muslim. He has been repeatedly physically beaten by correctional officers while detained by ICE for civil immigration detention at Butler County Jail. During the same guard beating where Mr. Bayong lost his front tooth, Mr. Adem was beaten until his face was swollen, and a correctional officer grabbed his prayer rug and almost stuffed it into a toilet before another correctional officer intervened.

3. The beatings are ongoing. After an October 28, 2020 visit from Mr. Bayong's attorney, Mr. Bayong was beaten again. This is at least the third time that guards have beaten Mr. Bayong inside Butler County Jail. Correctional officers at Butler County Jail have beaten up Mr. Adem at least two times. Local nonprofits are extremely concerned that Mr. Bayong and Mr. Adem are in immediate danger.

4. Mr. Bayong is still in immediate danger and is suffering ongoing harm. Plaintiffs are likely to suffer irreparable harm or death if they do not receive a preliminary injunction. The threat of hardship to Plaintiffs is substantial and imminent, while the requested relief is the least invasive action that would uphold their constitutional rights.

5. This lawsuit arises out of the inadequate training and oversight of staff at Butler County Jail and the cruel and unusual punishment that was a direct result, which occurred to Mr. Bayong and Mr. Adem when there were confined by ICE to civil immigration detention at Butler County Jail.

PARTIES

6. Mr. Bayong is a refugee from Cameroon. Mr. Bayong is currently detained in immigration detention at Butler County Jail in Hamilton, Ohio.

7. Mr. Adem was originally born in Somalia. Mr. Adem was transferred to immigration detention at Calhoun County Jail in Battle Creek, Michigan on or about December

1, 2020. Previously, he was an immigrant detainee at Butler County Jail in Hamilton, Ohio from July 1, 2020 to around December 1, 2020.

8. Defendants Butler County and the Butler County Board of Commissioners are units of local government in the State of Ohio. They operate the Butler County Jail, and through their senior officials, promulgate and implement policies governing the provision of inmate supervision for people confined to Butler County Jail.

9. Defendant Butler County Jail is a county jail. It contracts with ICE to confine people in civil immigration detention.

10. A. Roberts is currently employed as a corrections officer at Butler County Jail in Hamilton, Ohio.

11. L. Browning is currently employed as a corrections officer at Butler County Jail in Hamilton, Ohio.

12. Officer Bankton is currently employed as a corrections officer at Butler County Jail in Hamilton, Ohio.

JURISDICTION AND VENUE

13. This action is brought, in part, under the Eighth and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. § 1983 to redress Defendants' deprivation of Mr. Bayong and Mr. Adem's constitutional rights.

14. Jurisdiction is conferred to this Court by 28 § 1331 and 28 U.S.C. § 1343(a)(3) and (4).

15. Venue lies properly with this District pursuant to 28 U.S.C. § 1391(b)(1)-(2) because a substantial part of the events giving rise to the claims in this Complaint occurred in this District.

FACTS

16. On the morning of October 20, 2020, Mr. Bayong requested medical attention as he was feeling ill.

17. Later in the morning, five or six corrections officers including L. Browning (“Browning”), A. Roberts (“Roberts”), and Officer Blankton (“Blankton”) entered Mr. Bayong’s cell, Cell 20, which he shared with another cellmate, Mr. Adem.

18. Officers told Mr. Bayong and his cellmate to pack up their belongings because they were to be taken to isolation.

19. Mr. Adem was concerned about being moved to a place where he could become infected with COVID-19, as he was not even feeling sick.

20. Mr. Adem asked the officers why the two cellmates needed to be moved to isolation. Instead of addressing Mr. Adem’s concerns, or responding to Mr. Bayong’s illness, the officers responded by becoming violent.

21. The officers responded by beating and yelling at Mr. Bayong.

22. Mr. Bayong was thrown on the ground and beaten. Mr. Adem was also thrown to the ground, and he was beaten by Officer Blankton and A. Roberts. Blood from the beating to Mr. Adem’s face soaked into the mask he was wearing during the attack. He saved the bloodied mask and gave it to Attorney Zachary Sanders (“Attorney Sanders”). The bloodied mask is currently in the possession of Attorney Sanders, and Attorney Sanders also took a picture of it. Exhibit A, Photo of Mr. Adem’s Bloodied Mask.

23. During the incident, Correction Officer Roberts called Mr. Adem a “fucking terrorist” and picked up his prayer rug and almost stuffed it into the toilet. Right before he began stuffing it into the toilet, another officer convinced him not to do this.

24. After the beating incident, one of the officers came out of Cell 20 and started threatening all the detainees stating, “If any other detainee has a problem, say it, and I will beat the fuck out of you.”

25. Mr. Bayong was then brought in handcuffs and made to sit on the dayroom table. Correction Officer Roberts continued to be verbally abusive, telling Mr. Bayong that he was going to kill him and to continue beating him.

26. Correction Officer Roberts took Mr. Bayong to an empty cell in isolation in H-pod and, in the presence of two other officers, punched Mr. Bayong with closed fists all over his face and head. Afterwards, Mr. Bayong realized he had lost a tooth from the beatings. On or about November 19, 2020, Attorney Ericka Curran was able to meet with Mr. Bayong and take a photo documenting Mr. Bayong’s missing tooth. Exhibit B, Photo of Mr. Bayong’s Missing Tooth.

27. This was not the first time that this happened in recent history at Butler County Jail, and instead it suggests a pattern of behavior.

28. On August 17, 2020, Browning and a few other corrections officers beat Mr. Bayong in his cell, pushed him down the stairs, then dragged him across the gym to isolation.

29. The impact from falling down the stairs caused Mr. Bayong to hit his head.

30. The officers used loud, abusive language targeting Mr. Bayong throughout the August 17 assault.

31. Mantas Petrauskas witnessed parts of both the October 20 and August 17 assaults, including seeing that Mr. Bayong was pushed down the stairs by a correction officer, causing Mr. Bayong to hit his head.

32. On October 28, 2020, Attorney Sanders met with Mr. Bayong. He saw the lost tooth from the October 20, 2020 incident and the black eye that Mr. Bayong had sustained. Mr. Bayong still had a bandage on his neck and his neck was still swollen from the October 20, 2020 incident. As Attorney Sanders was leaving, Mr. Bayong was again assaulted by Officer A. Roberts.

33. When Mr. Adem first arrived at Butler County Jail and was being processed, he had not eaten for a long time and asked correctional officers about getting food. This angered the officers and they forced Mr. Adem into a dressing room and beat him up. Then, the correction officers filed a false report saying Mr. Adem had assaulted them. He spent 30 days in solitary confinement for the officer's untrue allegations regarding the false report. Butler County Jail took an ID photo of Mr. Adem immediately after the beating, in which there is visible swelling around his left eye.

34. While at Butler County Jail, officers called Mr. Bayong and Mr. Adem numerous racial epithets, including "dirty Africans," "monkeys," and "goats." An officer told Mr. Adem, "This is not your country, you have no rights here."

35. Mr. Bayong and Mr. Adem were under Defendants' care, custody, and control during the incidents in question. Mr. Bayong and Mr. Adem were thus wholly dependent on the Defendants' care.

36. The Applicable Standard of Care, Policies, and Guidelines required Butler County Jail to provide Mr. Bayong and Mr. Adem with adequate protections against guards' excessive use of force.

37. Defendants failed to comply with ICE's *Performance-Based National Detention Standards*.

38. Butler County Jail was contractually bound to comply with ICE's *Performance-Based National Detention Standards* ("National Detention Standards") when they contracted with ICE to confine people in civil immigration detention. The National Detention Standards are designed to ensure that people in ICE custody, including those confined to county jails like Butler County Jail, receive safe detention. An objective of the National Detention Standards is to ensure that physical force shall only be used when both necessary and reasonable.

39. The National Detention Standards require that the use of force in detention facilities is never used as a punishment, that the staff shall attempt to gain a detainee's willing cooperation before using force, and that staff shall use only that amount of force necessary.

40. The National Detention Standards require that Detainees subject to use of force shall be seen by medical staff as soon as possible. If the use of force results in an injury or claim of injury medical evaluation shall be obtained and appropriate care provided.

41. The National Detention Standards require ongoing training, to occur annually at a minimum to include cultural diversity training.

42. The following acts are prohibited . . . "1. Striking a detainee when grabbing or pushing him . . . would achieve the desired result; 2. Using force against a detainee offering no resistance . . ."

43. The National Detention Standards require a use-of-force team technique when a detainee must be forcibly moved during a calculated use of force. This technique requires that "before using the calculated use of force, the on-site ranking detention official, a designated health professional, and others as appropriate shall assess the situation."

44. In addition, when injury occurs, the staff member must immediately prepare an incident report. The detainee will be referred immediately to a medical staff for an examination.

45. An employee is required to submit a written report no later than the end of his or her shift when force was used on any detainee for any reason.

46. Butler County Jail had a Custom, Policy, and Practice for their use of force on detainees.

47. Defendants' failure to provide adequate practices to ensure safe use of force for Mr. Bayong and Mr. Adem is appalling and conforms with a disturbing pattern and practice of civil rights violations. Defendants have repeatedly taken action and failed to take action that result in serious injury and threat of death for people in civil immigrant detention.

48. Defendants were well aware of the systemic failure regarding excessive force at Butler County Jail. Reports detail numerous incidents of excessive force at Butler County Jail. For many years, Butler County Jail has had the custom, policy, and practice of providing inadequate training regarding the excessive use of force on people confined at Butler County Jail.

49. Defendants Butler County, Butler County Board of Commissioners, Butler County Jail failed to properly train and supervise the staff at Butler County Jail, which resulted in Defendants failing to provide a reasonable standard of care to Mr. Bayong and Mr. Adem throughout their detention, and violating their civil rights.

COUNT ONE

FEDERAL CIVIL RIGHTS VIOLATIONS ALL DEFENDANTS

50. Plaintiffs repeat and reallege the foregoing paragraphs as if fully stated herein.

51. Defendants are persons for the purposes of 42 U.S.C. § 1983.

52. At all relevant times, all Defendants were acting under color of state law.

53. The Due Process Clauses of the Fifth and Fourteenth Amendment guarantees the right to reasonable use of force to people held in civil immigrant detention.

54. The constitutional rights of people in civil immigrant detention are at least as great as those of people who have been criminally convicted. At time, courts have recognized the rights of people in civil or pre-trial detention as greater than those of people who have been criminally convicted.

55. The Eighth Amendment protects prisoners from cruel and unusual punishment by prison officials.

56. The force shown by the corrections officers to Mr. Bayong and Mr. Adem at Butler County Jail was objectively unreasonable.

57. The force differed from the reasonable force as proscribed by The National Detention Standards.

58. The conduct was harmful and sufficiently serious to reach constitutional dimensions. The threats, “I hope you die bitch” and, after being pushed down the stairs, “When you get down the stairs, I am going to beat all the teeth from your mouth” demonstrate a culpable state of mind on behalf of the guards.

59. The threat of death and the racist beatings are conduct that is repugnant to the conscience of mankind.

60. The actions of Defendants described herein are incompatible with evolving standards or decency and involve the unnecessary and wanton infliction of pain.

61. The force purposefully or knowingly used against Mr. Bayong and Mr. Adem was objectively unreasonable, and violated Plaintiffs’ Fifth, Eighth, and Fourteenth Amendment rights.

COUNT TWO

FEDERAL CIVIL RIGHTS VIOLATIONS BY DEFENDANTS BUTLER COUNTY, THE BUTLER COUNTY BOARD OF COMMISSIONERS, AND BUTLER COUNTY JAIL

62. Plaintiffs repeat and reallege the foregoing paragraphs as if set forth herein.

63. The Eighth Amendment protects prisoners from cruel and unusual punishment by prison officials and the Due Process Clause of the Fifth and Fourteenth Amendments guarantees the right to protection from unreasonable use of force to people held in civil immigration detention. To protect against cruel and unusual punishment and ensure only reasonable use of force, a detention provider must ensure that its staff is adequately trained and supervised.

64. The constitutional rights, including the right to protection from cruel and unusual punishment, of people in civil immigrant detention are clearly established, and any reasonable supervisor at a facility confining people in civil immigrant detention would be aware that people confined to civil immigrant detention have the right to be free from cruel and unusual punishment.

65. Butler County, Butler County Board of Commissioners, and Butler County Jail adopted, enforced, and acquiesced to a policy, custom, or practice of failing to adequately train and supervise staff at Butler County Jail.

66. The need for proper supervision and training was obvious and the pattern of constitutional violations was so pervasive that the failure to supervise and train constituted deliberate indifference.

67. As a direct and proximate result of Butler County, Butler County Board of Commissioners, and Butler County Jail's policy, custom, or practice of failing to adequately supervise and train staff at Butler County Jail, Mr. Bayong and Mr. Adem suffered constitutional injury and were subjected to cruel and unusual punishment.

68. Because of these violations of Mr. Bayong and Mr. Adem's constitutional rights, they are entitled to compensatory and punitive damages from Butler County, Butler County Board of Commissioners, and Butler County Jail under 42 U.S.C. § 1983.

WHEREFORE, Plaintiff respectfully requests that the Court:

- a. Issue a judgment against Defendants in an amount to be determined at trial, including compensatory and punitive damages in an amount that is fair, just, and reasonable;
- b. Award Plaintiffs the cost of this action;
- c. Award Plaintiffs pre- and post-judgment interest; as permitted by law;
- d. Award Plaintiffs reasonable attorneys' fees;
- e. Declare:
 - i. Defendants have a custom, policy, or practice of failing to adequately supervise and train staff at Butler County Jail with deliberate indifference to those individuals' rights.
 - ii. Defendants caused Plaintiffs' injuries in violation of the Eighth Amendment right to protection from cruel and unusual punishment and the Fourteenth Amendment's Due Process Clause.
 - iii. Defendants' failure to adequately supervise and train staff in excessive force resulted in the physical pain and suffering, severe emotional distress, and permanent physical injury to Mr. Bayong and Mr. Adem; and
- f. Grant Plaintiffs injunctive relief to protect their safety; and
- g. Grant Plaintiffs such other relief as the Court deems appropriate and just.

Respectfully submitted,

/s/ John C. Camillus

John C. Camillus (0077435)
Law Offices of John C. Camillus, LLC
P.O. Box 141410
Columbus, Ohio 43214
(614) 992-1000
(614) 559-6731 (Facsimile)
jcamillus@camilluslaw.com

Amy E. Norris (pro hac vice forthcoming)
NORRIS LAW GROUP
616 E Street N.W.
Suite 1156
Washington, DC 20004
(202) 830-1225
amy@mwlc.org

Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues triable under law.

/s/ John Camillus

John Camillus (0077435)

Dated: December 8, 2020

EXHIBIT A



EXHIBIT B

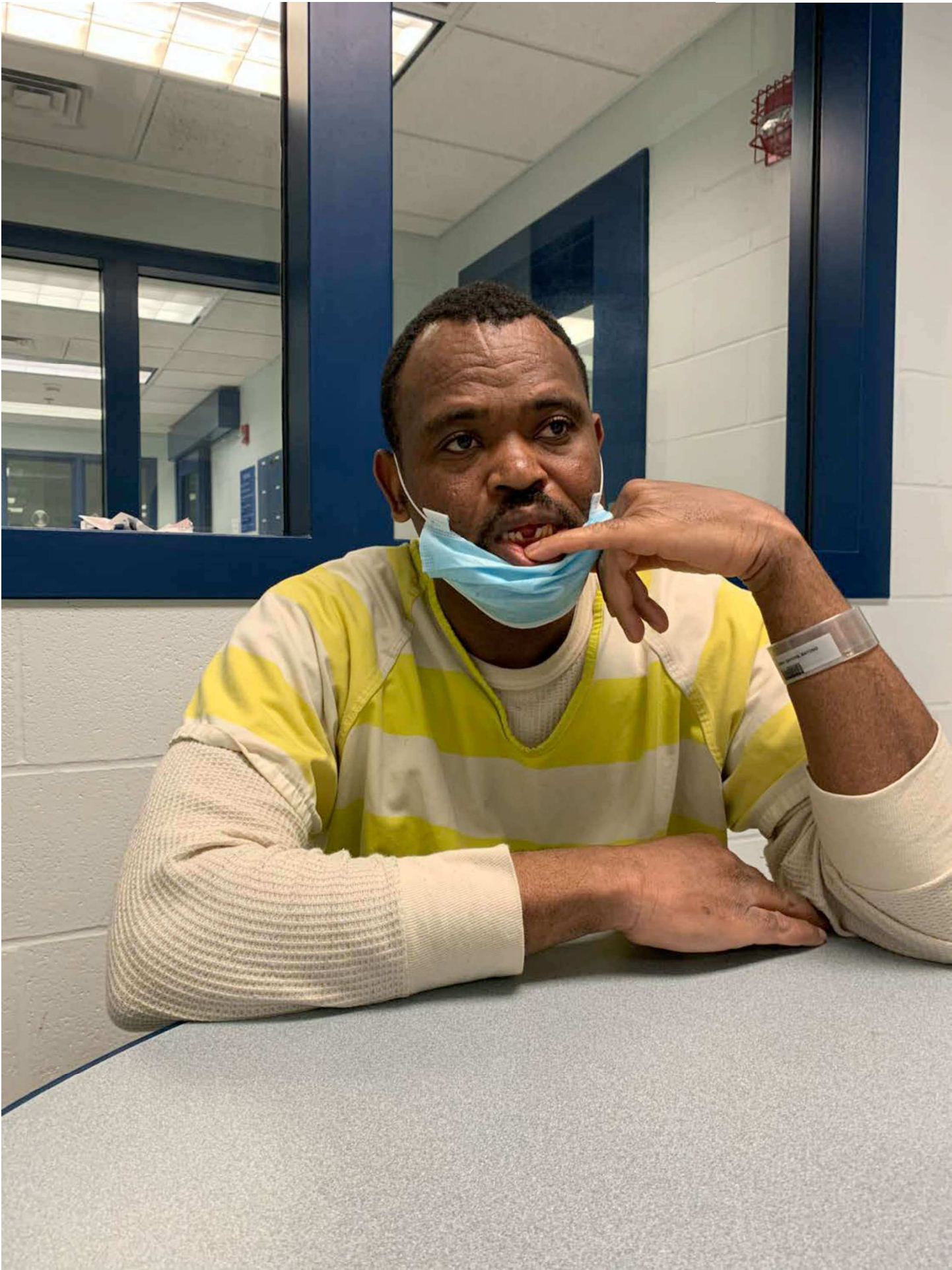


EXHIBIT B

From:

ICE Detainees at Butler County Jail
705 Hanover Street
Hamilton, OH-45011

Date: September 16, 2020

To:

Anyone who will listen to us

Dear Sir/Ma'm,

As Immigration issues continue to garner political and media attention, we the Immigration and Customs Enforcement (ICE) "detainees" at Butler County Jail (BCJ) present this letter to expose the mistreatment and hardships experienced in ICE detention at this location. BCJ is a large sized county jail that holds over 1000 inmates of which approximately 10% are ICE detainees. The remainder includes inmates for the State of Ohio and Feds. The primary location of ICE detainees within the jail is in C-Pod. ICE detainees are by far the highest revenue generators for BCJ. The bed rate for an ICE detainee is approximate six times that of a state inmate. The National ICE Detainee handbook outlines the expected standards and amenities that a detainee should receive. Compared to this standard, BCJ falls well short in almost all areas, including but not limited to access to court and case related resources, quality of food, extremely limited recreation times, lack of access to fresh air /outside recreation, no worker privileges while in detention etc. The following list provides details of such issues.

1. Lack of Access to Immigration Forms and Pens:

ICE court is held via video in a small room at Butler County Jail. This room is supposed to simulate a virtual courtroom but really it is just a storeroom that has been repurposed as a "courtroom". All the detainees line up in the corridor for hours at a time without access to water or restrooms as they await their turn for court. The Immigration Judge (IJ) and the prosecutor are usually situated in a majestic immigration courthouse in Cleveland, Ohio.

There is typically an ICE officer or a Corrections Officer (CO) who is in the makeshift tiny "video courtroom" with the detainee. During court proceedings, there are times when the judge requests the ICE officer/CO to provide the detainee with certain Immigration Forms. More often than not, these forms are NOT provided to the detainee or are incomplete with missing pages and no instructions.

There is a very frustrating KIOSK based communication system in place. ICE officers take days to reply to time sensitive queries and requests. In some cases, the ICE officer(s) have been abusive to inmates. For example, [REDACTED] was outright refused and belittled by ICE officer Blair after his court hearing where the judge instructed Blair to provide [REDACTED] with certain forms. [REDACTED] is a refugee from Sierra Leone who has resided in the US for over 15 years. More recently, the IJ instructed ICE to make a civil surgeon appointment for [REDACTED] as part of his asylum proceedings. But ICE officers did not set up an appointment for him stating that his attorney or family members will have to set up the appointment despite [REDACTED] telling them that he has no attorney representing him and no family member in a position to help with the appointment. Finally, after help from another detainee's family, an appointment was set up, the details of

which were sent to ICE via KIOSK so that they could arrange for transport from BCJ to the doctor's office. However, ICE again did not cooperate and did not organize transport resulting in [REDACTED] missing this critical appointment with completion of immigration paperwork.

2. Lack of Access to Photocopying Services and Writing Instruments:

The ability to get photocopies made of key immigration paperwork and forms is imperative to timely filings in immigration proceedings. There is currently no system in place to obtain photocopies of legal forms despite Immigration Court mandates to send originals and copies of forms to different addresses. There is a disjoint between ICE and the jail about photocopying services. Butler County Jail as a policy does NOT provide photocopy service whereas ICE is supposed to provide this service. But when "KITES" (KIOSK based requests) are sent to ICE, they reply asking detainees to ask the jail staff for such copies which sadly they do NOT provide.

In addition, Butler County Jail does NOT allow inmates to purchase or have access to pens. As a result, immigration forms which are required to be completed in ink are delayed as detainees have to request the CO on duty for his/her pen. Several COs are reluctant to give up their pens. This causes a lot of frustration and delays.

3. Lack of Access to Medical Records and Services:

Certain Immigration Forms and Filings require detainees to submit copies of medical records. However, when medical records are requested the medics at Butler County Jail, they do not provide copies of medical records even to the patients themselves. Such policies are unheard of and quite problematic.

The medical department DOES NOT provide adequate care for detainees. It is not uncommon for the nurses and medical supervisors to treat ICE detainees with disrespect and tell them that they should not expect much because they are just waiting to be deported! There is no testing done for COVID-19 despite the fact that new detainees are brought in from the street and detainees with confirmed cases of COVID-19 at Morrow County Jail (another ICE detention facility) are transferred here.

The treatment of detainees with pre-existing medical conditions is also pitiful. For instance, it took them several MONTHS to continue a necessary medication for [REDACTED], a 81 year old stage 4 cancer detainee. During the non-treatment period [REDACTED] suffered several black outs and falls and was ultimately transported to medical pod (F-pod) where his cancer remission injection was given to him 2 months late. Recently [REDACTED] suffered a fall and broke his ribs. He was evaluated a day later and finally taken to a local hospital. Then he was brought back to BCJ for a few days and transported to Texas. However, no one including his family and friends have heard from him since. ICE has not informed his next of kin of his health status and they remain worried. Similarly, [REDACTED], who was getting the maximum dose of Humira Injection for acute Rheumatoid Arthritis while in prison has been refused treatment since his transfer to BCJ with the medics and ICE both citing that the injection is "too expensive". He has had terrible flare ups and inflammation due to which he can barely hold his food trays or walk.

4. Access to Items in Property:

Upon arrest and booking in the jail, it becomes a major challenge to get items such as legal and case related documents, and other important information such as phone numbers of family members, attorneys etc. from one's property box. Often times, it becomes necessary for a detainee to be able to obtain phone numbers

from their personal cell phone which the jail confiscates and puts in their property. But again, neither the jail nor ICE have procedures for detainees to access their own property.

5. Living Conditions and Lack of Access to Adequate and Proper Recreation:

Detainees are locked in two person cells behind a metal door in small room with no outside view for an average of *over 20 hours each day*. Each cell has one heavily frosted window that is about 5 inches wide with zero outside visibility. This type of confinement goes against the guidelines of ICE detention.

There is NO true outdoor recreation at this facility. There is a "gym" area with one screen window at a height of over 20 feet. The fact that there is one window classifies this area as "outdoor recreation". At this height, the only visibility a little bit of the sky. Due to these *living conditions*, basic access to fresh air and sunshine are denied. Furthermore, detainees often have to wait for weeks before they get a replacement basketball or soccerball that they can play with in the gym. These issues are further problematic as immigration court proceedings are slow and bureaucratic leading to detention periods of several months. It is not atypical to find individuals that have been locked up at this facility fighting their immigration case for over a year.

6. Food and Nutrition:

Understanding the reality of detention, the food still has to be commented upon with serious criticism. The food is insufficient, distasteful, and sloppily served. For over 5 months, baloney sandwiches have been and are continued to be given to detainees every single night. The breakfast and lunch, while advertised as "hot meals" typically constitute either severely undercooked or overcooked mixtures of grits, potatoes, pasta, mechanically separated turkey (which has a bad odor and taste) etc. The food served is among the "lowest tier" meals offered by the food contractor ARAMARK. Each meal/tray costs less than 50 cents. Though Butler County Jail and the Sheriff continue to profit heavily from the high payout of ~\$300 per day per detainee received for housing ICE detainees, they are not even willing to offer a meal that meets acceptable standards.

7. Work Privileges:

Despite clear directives in the national ICE detention handbook that detainees should be allowed and are encouraged to work in detention facilities, ICE detainees are NOT allowed to work in Butler County Jail in any capacity. There are several opportunities to work at BCJ such as the kitchen, laundry, maintenance and upkeep help etc. Despite the fact that a majority of the detainees have little or low level (misdemeanor type) criminal records, they are not given the opportunity to work. Not only are jail jobs not given to ICE detainees, they also are NOT allowed to be porter workers in their own Housing Unit/POD. These "porter" jobs such as serving trays, cleaning the tables, bathrooms and floors, etc. are of a simple nature. They do not require detainees to leave the secure area in which they are housed. But detainees are not allowed to be porters and state inmates are brought in and housed in the Immigration Pod to perform porter duties. This is a really unfair and discriminatory practice which needs to be addressed. Several ICE detainees want to work but they are denied this right as highlighted in the National Detention Handbook.

8. Demeanor and Disposition of ICE staff and Certain Corrections Officers (CO):

ICE officers take turns to come to the Immigration Pod (C-Pod) once a week to talk to detainees and process deportation paperwork. Instead of providing any useful or helpful information, they treat detainees in a sub-human manner. More often than not, the officers are rude and use unfair scare tactics. They often lie and

coerce detainees to fill out travel document forms to facilitate their deportation without explaining their rights to them.

Certain Correction Officers from Butler County Jail assigned to the ICE pod are equally problematic. Of special note is L. Browning who seems to have a vendetta against detainees and treats them very poorly. This CO turns off the hot water, does not allow porters to serve or transport food/water through the foodport as is typically allowed by all other COs, delays the already limited recreation start times by stalling, locks down detainees at the time of MedPass, does not reopen the cell doors after the medic has left, and gives unnecessary tickets for inconsequential things that no other CO would give a ticket for. These tickets at times are forwarded to the Immigration Court and affects legal outcomes negatively (e.g. bond denial) for detainees. Recently, Browning called for backup to have Mr. Bayong Brown removed from the POD. While walking down the stairs during the removal, one of the COs pushed Bayong Brown and he fell headfirst on the concrete. Mr. Bayong Brown had been begging with COs to not rush him as he was a confirmed Covid-19 patient and had excessive swelling on his feet which limited his mobility. There are several witnesses to this brutal event.

Conclusion:

Overall, it is sadly concurred that the treatment, to quote the exact words of a detainee "*is worse than that of an animal.*" It is indeed sad that in such a progressive and advanced country like the United States, such practices exist in ICE detention facilities. Most of the detainees have little luck in an unjust and prejudiced immigration court system where they are left largely without access to counsel and in most cases presumed "removable" without actual due process. On top of that, the way detainees are treated in holding facilities is absolutely pitiful and pathetic. It is ironic that they are stripped of their basic human dignity and human - core values that the United States prides itself on. We sincerely pray and hope that this letter will help our voices be heard outside of this concrete structure within which we are kept as we await our immigration fates.

Sincerely,

ICE detainees at Butler County Jail, Hamilton, Ohio.

NAME

SIGNATURE

ALIEN NUMBER (OPTIONAL)

