

Families for Freedom

2 Washington Street, 766 North • New York NY 10004 • (212) 898-4121 fax (212) 363-8533

To: Warden Leroy Holiday, Concordia Parrish Correctional Facility;
Field Office Director Craig Robinson, Officers Randall Morton & Marvin McKlesky, Bureau of
Immigration and Customs Enforcement; Nancy Hooks; DHS Secretary Tom Ridge
CC: American Civil Liberties Union (national and local offices), CLINIC and Loyola School of Law,
Associated Catholic Charities, Office of Inspector General at DOJ
Date: March 23, 2004
Re: Immigration Inmate Patrick B--- (A#-----)

Families For Freedom is an immigrant rights organization that works with immigrant detainees and their family members. On March 18, 2004 we received a letter from inmate Patrick B--- indicating that he was assaulted by correctional officers at Concordia Parrish Correctional Facility II (CPCF). We have also had an opportunity to speak with Mr. B---.

Here is our understanding of the facts:

- On March 10, 2004, at approximately 3:30pm, Lieutenant Lyold opened the door of Mr. Patrick B---'s cell and slapped Mr. B--- in the face. Shortly there after, five additional officers (Officers Book, Dhanes, and three others) entered his cell and repeatedly punched and kicked Mr. B--- and dragged him out of the cell. They apparently handcuffed and pepper sprayed Mr. B--- and then put him back in the cell with handcuffs on.
- Mr. B--- has sustained severe injuries as a result of this beating. He has pain in his lower back and neck and an inability to see clearly. We also understand that he has up to this point been denied proper medical treatment, and as a result, the pain has moved to his legs. As of today, he continues to have trouble and pain while walking.
- Mr. B--- has written to us that he had been smoking in his cell immediately before this incident. He had assumed that smoking was permitted in his cell, as it had been previously. In fact, Mr. B--- reports that officers had often provided him with cigarettes and lights, and continue to do so.
- We have also been informed that Mr. B--- was in 24-hour lockdown for three months due to his unwillingness to violate his religious beliefs against cutting his hair and beard. Mr. B--- is a practicing Rastafarian.
- We consider it the responsibility of BICE and CPCF officials to contact legal counsel for Mr. B---, if he has one, and his family to discuss this matter.
- We understand that Officer Lyold may have already been suspended. We request confirmation that all officers involved in the March 10th event are removed from duties at Concordia Parrish Correctional Facility until an investigation into this matter is completed. We would also like assurances that no punitive actions (threats, arbitrary transfers, etc.) will be taken against Mr. B--- or other inmates by BICE or CPCF officials.

We are extremely concerned about the treatment of immigration inmates at CPCF. We have received reports of other incidents where the rights of immigration inmates may have been violated. Complaints range widely and include assault, lack of prepaid phone cards, lack of access to legal materials, confiscation of personal paperwork, coercion of inmates to violate religious beliefs relating to hair and diet, and segregation if they refuse to do so. In addition, we have been advised of retaliatory transfers from the Federal Detention Center in Oakdale to various Parrish jails, especially CPCF. While we understand and applaud that changes are starting to be made, we would like a clear timeline of your investigation into Mr. B---'s assault and the manner in which you will address the remaining issues.

We have not yet publicized this matter and are awaiting your response. Please contact Families For Freedom at (212) 898-4121 to discuss this matter further. Thank you in advance for your immediate attention to this matter.

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To: JP Young, Warden, Oakdale Federal Detention Center
Craig Robinson, Field Office Director, Bureau of Immigration and Customs Enforcement
Nancy Hooks, Field Officer-in-Charge, Bureau of Immigration and Customs Enforcement
Ronald Thompson, Regional Director, Bureau of Prisons (El Paso, Texas)

CC: American Civil Liberties Union (national and local offices)
CLINIC and Loyola School of Law
Catholic Charities, New Orleans
Office of Inspector General at Department of Justice

Date: July 15, 2004

Re: Death of Richard Rust and Subsequent Solitary Confinement of Detainees at Oakdale FDC

Families For Freedom, a New York-based human rights organization that works with immigrant detainees and their families, is writing to express concern about two matters: 1) the death of Richard Rust, a 33-year-old detainee at Oakdale Federal Detention Center (hereinafter Oakdale FDC); and 2) the subsequent and indefinite solitary confinement of dozens of detainees, which effectively blocks their legal and community ties and mutes any discussion around Richard's death. We urge you to investigate Richard's death, and cease the solitary confinement and other punitive measures against detainees.

Based on communication with detainees at Oakdale FDC as well as Richard's family in New York City, we understand the facts of the case to be:

- On May 29th, Richard Rust, a 33-year-old resident of New York, died after suffering what appears to be heart failure at Oakdale FDC. Richard was in the Leisure Area between 5 and 6pm, when he bent over in severe distress. He stumbled into the barbershop, where he collapsed and died at approximately 5:50pm. Emergency medical services arrived approximately 45 minutes after detainees first urged guards to get help.
- Richard's family was informed of his death through a letter dated June 1, 2004 and sent via regular mail to his stepmother Joyce Lewis. To the best of our knowledge there has been no other attempts to explain Richard's death to his family.
- Oakdale FDC staff present during Richard's collapse includes: Ms. Tucker, Lieutenant Sibley, and Officers Reggie Taylor, Dill and Courtney. None of the staff present, including Officer Taylor who is reportedly trained in cardiopulmonary resuscitation (CPR), administered any emergency assistance to Richard. Certain staff purportedly reacted indifferently as Richard lay dying.
- A number of Oakdale FDC inmates expressed great concern at the circumstances of Richard's death. Oakdale FDC staff responded to grievances by charging detainees with "Participating in a Group Demonstration." At least 30 detainees were placed in segregation, some close to Richard and others who had no apparent relationship to any of the inmates with grievances. Oakdale FDC limited their phone access to only once weekly or biweekly. As a result, some families have not heard from their loved-ones in detention for weeks at a time, and fear for their safety. Inmates feel intimidated into remaining silent about Richard's death, and have even stated that Oakdale staff is monitoring their conversations and tampering with their mail. Most remain in segregation a month and a half after Richard's death.
- The people placed in segregation were disproportionately from the Caribbean (especially Jamaica). Inmates have reported that adherents to the Rastafari faith were also singled out.

We ask that your office begin an immediate investigation into Richard's death and the failure of Oakdale FDC staff to provide timely medical assistance; and that Oakdale FDC cease punitive action against inmates. We have received reports of other incidents where the rights of immigration inmates may have been violated. Complaints range widely, and include recently reduced access to adequate legal materials, confiscation of personal paperwork, and the interference in peer inmate legal assistance (in a facility where a disproportionate number of inmates have no counsel).

We have yet to publicize this letter and await your response. Please contact Families For Freedom at (212) 898-4121. Thank you in advance for your immediate attention to this matter.