February 15, 2023

Via Email and Post Mail

Tae D. Johnson, ICE Deputy Director
Tae.D.Johnson@ice.dhs.gov

Kerry Doyle, ICE Principal Legal Advisor
Kerry.Doyle@ice.dhs.gov

Corey Price, Executive Associate Director, ICE Enforcement and Removal Operations
Corey.A.Price@ice.dhs.gov

Scott Lanum, Assistant Director, ICE Office of Diversity and Civil Rights
Scott.Lanum@ice.dhs.gov

Amy Cucinella, Policy Advisor, DHS Council on Combating Gender-Based Violence
Amy.Cucinella@dhs.hq.gov

Re: Letter in Support of Non-Citizen Survivors + Witnesses of Staff Abuse at FCI Dublin

We write as over 120 organizations throughout California and the United States in support of noncitizen survivors and witnesses of staff abuse at the Federal Correctional Institute at Dublin (FCI Dublin). For years, employees at the federal women’s prison in Dublin, California have sexually abused people in their custody, specifically targeting immigrant women. And for years, Immigration and Customs Enforcement (ICE) has knowingly detained and deported noncitizens who suffered heinous abuse at the hands of federal employees, and who risked retaliation to speak out against staff misconduct. Survivors of prison staff sexual abuse and retaliation should be allowed to return to their communities and heal from the trauma they’ve endured—not subjected to indefinite civil detention and permanent separation from their families. We write to demand that ICE release survivors and witnesses of staff sexual abuse at FCI Dublin from immigration detention, and safeguard them from deportation.
FCI Dublin has been the center of a sprawling criminal investigation,¹ multiple Congressional inquiries,² and national media attention.³ It is well-established that employees across the institution sexually abused dozens of people in their custody, and that prison staff engaged in egregious misconduct, including stalking, harassment, assault, and rape. It is also clear that staff specifically targeted noncitizen and non-English speaking women, who they knew were facing detention and deportation after release.⁴

Since June 2021, federal prosecutors have indicted five former FCI Dublin employees for sexually abusing people in their custody.⁵ Court records show that almost all of these officials abused immigrant women, and federal investigators have relied on the testimony of dozens of noncitizen victims and witnesses. Last week, former FCI Dublin guard Enrique Chavez was sentenced to two years in prison for sexually abusing multiple incarcerated women; ICE has already deported at least one of Chavez’s victims.⁶ In December 2022, a jury found former warden Ray Garcia guilty of sexually abusing three incarcerated women, including a woman who testified at trial that she was undocumented and facing deportation.⁷ In August 2022, former Chaplain James Highhouse was sentenced to seven years in prison for repeatedly raping an incarcerated woman who was a long time green card holder.⁸ Following her release from FCI Dublin, ICE detained and deported her, despite knowing that she had been sexually abused by the chaplain and had reported her abuse.

Unfortunately, staff sexual abuse at FCI Dublin goes far beyond the conduct described in these five criminal prosecutions.⁹ Advocates have spoken with dozens of people who report that they were abused by over 20 FCI Dublin employees. BOP’s own records show that 17 additional current and former FCI Dublin staff members were under investigation for sexual misconduct as of May 2022, and this number continues to grow—additional staff members were placed on leave in December 2022.¹⁰

¹ Los Angeles Times, Corrections officer is 5th person charged in growing sex abuse scandal at federal female prison (Mar. 24, 2022); USA Today, Famed federal women's prison under investigation as 5th worker charged with sexual abuse of inmates (Mar. 24, 2022).
² U.S. Senate Permanent Subcommittee on Investigations (PSI), Sexual Abuse of Female Inmates in Federal Prisons (Dec. 13, 2022); Grassley, Durbin, Padilla Meet With BOP Director To Further Investigate Sexual Misconduct (Feb. 1, 2023); Rep. Swalwell Joins Colleagues in Calling on Inspector General Horowitz and Director Carvajal to Investigate Abuses at FCI Dublin (Mar. 3, 2022).
⁴ NPR, Advocates seek compassionate release for women sexually abused while incarcerated (Oct. 28, 2022); Associated Press, Abuse-clouded prison gets attention, but will things change? (May 4, 2022); Berkeley Journal of Gender, Law & Justice, Institutionalized indifference: FCI Dublin and the policies quietly stifling sexual misconduct complaints in federal prisons (Dec. 21, 2022).
⁵ KTVU, Dozens of women detail rape and retaliation at Dublin prison (Sept. 23, 2022).
⁶ U.S. Department of Justice, Former Correctional Officer Sentenced To 20 Months In Prison For Abusive Sexual Contact With Inmate (Feb. 9, 2023); Mercury News, Federal judge says no way to proposed sentences for Dublin prison cook who sexually abused women, gives him more than prosecutors wanted (Feb. 9, 2023).
⁷ U.S. Department of Justice, Jury Convicts Former Federal Prison Warden for Sexual Abuse of Three Female Inmates (Dec. 8, 2022); Los Angeles Times, Former warden at female prison known as ‘rape club’ guilty of sexually abusing women behind bars (Dec. 8, 2022).
⁸ U.S. Department of Justice, Federal Prison Chaplain Sentenced for Sexual Assault and Lying to Federal Agents (Aug. 31, 2022); KTVU, Women say Dublin prison chaplain used Bible, God to manipulate them to have sex (Sept. 1, 2022).
⁹ San Francisco Chronicle, Advocates, employees say abuses at Dublin prison will continue without ‘real changes’ (Dec. 12, 2022).
¹⁰ KTVU, 3 FCI Dublin officers put on leave as warden’s sex abuse trial got underway (Dec. 5, 2022); KTVU, More than a dozen Dublin prison officers reassigned in wake of sex scandal (May 18, 2022).
Survivors’ stories make clear that these staff members consistently targeted immigrant women, and that ICE repeatedly detained and deported noncitizen survivors and witnesses. Advocates report that:

- **ICE has already deported at least 7 women who were sexually assaulted by FCI Dublin staff.** One of those women reports that a prison guard followed her to her birth country after she was deported, where he continued physically and sexually abusing her for over two years.
- At least **15 survivors and witnesses of staff sexual abuse at FCI Dublin are currently in deportation proceedings,** including multiple women who assisted federal investigators and testified against prison officials in court.
- At least **6 FCI Dublin survivors and witnesses are currently detained indefinitely by ICE** at the notorious Northwest Detention Center (NWDC) in Tacoma, Washington. Conditions at NWDC are deplorable; over 100 people recently staged a hunger strike over inhumane treatment, including substandard medical and mental healthcare.11 Human rights groups report that people at NWDC have been subjected to sexual abuse, which ICE has failed to investigate.12
- At least **8 FCI Dublin survivors and witnesses who are still in BOP custody are the subject of immigration detainers,** and face detention and deportation after their sentences are up. One incarcerated survivor who is just weeks away from her release date reports that ICE recently issued an immigration detainer in her case, despite knowing that she was repeatedly raped by a federal prison guard, who was convicted of sexually abusing her and other women in his custody.

This is unacceptable. ICE can and must release FCI Dublin survivors and witnesses from immigration detention and halt their deportations. The Department of Justice,13 legal advocates,14 and mental health experts15 have recognized that continued incarceration is extremely harmful to survivors of prison sex abuse. The Deputy Assistant General recently recommended that federal agencies consider release, prosecutorial discretion, and immigration benefits for people abused by federal prison staff.16 ICE’s own policies also dictate that the agency must exercise discretion in cases involving noncitizen victims and witnesses of crime, and individuals who qualify for victim-based immigration relief.17 ICE also has broad authority to decide who to detain and prosecute, regardless of their criminal records.18

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11 University of Washington Human Rights Center, *Conditions at the Northwest Detention Center* (last updated Feb. 3, 2023); KUOW, *Hunger strike suspended at Tacoma ICE facility, but objections remain* (Feb 6, 2023).
14 FAMM calls on DOJ to seek early release for women abused at federal prison in Dublin, California (May 10, 2022); Formerly Incarcerated People and Advocacy Organizations Urge Reform of US Bureau of Prisons (Sept. 6, 2022); Over 100 Advocacy Groups Demand Action from DOJ to End Rampant Sexual Abuse at FCI Dublin (Mar. 1, 2022).
18 ICE, *Prosecutorial Discretion and the ICE Office of the Principal Legal Advisor* ("PD is the longstanding authority of a law enforcement agency, and an indispensable feature of any functioning legal system, that can be used to preserve..."
ICE must take immediate action to ensure that no survivor or witness of sexual abuse by federal prison employees faces further incarceration and exile. We demand that ICE:

- immediately release survivors and witnesses of prison staff sexual abuse currently in immigration detention, and issue stays of removal to prevent their deportations
- exercise prosecutorial discretion in cases of survivors and witnesses of prison staff sexual abuse who are already in removal proceedings, and allow them to seek victim-based immigration relief
- moving forward, allow survivors and witnesses leaving FCI Dublin to return to their families and communities, and not subject them to detention or deportation.

Sincerely,

ACLU Foundation of Northern California
San Francisco, CA
Al Otro Lado
San Diego, CA
Asian Americans Advancing Justice - Asian Law Caucus
San Francisco, CA
California Coalition for Women Prisoners
Oakland, CA
California Collaborative for Immigrant Justice
Oakland, CA
Center for Gender & Refugee Studies
San Francisco, CA
Centro Legal de la Raza
Oakland, CA
Civil Rights Education and Enforcement Center (CREEC)
Denver, CO
Detention Watch Network
Washington, DC
Dolores Street Community Services
San Francisco, CA
Ella Baker Center for Human Rights
Oakland, CA
Families Against Mandatory Minimums (FAMM)
Washington, D.C.
Freedom for Immigrants
Oakland, CA
Human Rights First
Washington, D.C.
Innovation Law Lab
Oakland, CA
Immigrant Legal Resource Center
San Francisco, CA
La Resistencia
Tacoma, WA
National Network for Immigrant and Refugee Rights
Oakland, CA
Northwest Immigrant Rights Project
Seattle, WA
Rights Behind Bars
Washington, D.C.
Survived & Punished
Oakland, CA
Tahirih Justice Center
Falls Church, VA
The Sentencing Project
Washington, D.C.

A New PATH
San Diego, CA
Alianza Sacramento
Sacramento CA
Asian Prisoner Support Committee
Oakland, CA
ASISTA Immigration Assistance
Suffield, CT

AVAN Immigration Services
Bay Area United Against War
Benedictine Sisters of Baltimore
Berkeley Immigration Group
Brost Law Office
California Rural Legal Assistance (CLRA) Foundation
Caminar Latino - Latinos United for Peace and Equity
CASA of Contra Costa County
Catholic Charities of the Diocese of Owensboro
Community Legal Services in East Palo Alto (CLSEPA)
Community Works
Counsel on American-Islamic Relations, California
Coyote Rhode Island
Crisis Support Of Alameda County
CSA San Diego County
CURE California
Education and Leadership Foundation
El Concilio Family Services
El/La Para TransLatinas
End Domestic Abuse Wisconsin
End Solitary Santa Cruz County
Espacio Migrante
Esperanza United
Faithful Friends
Families for Freedom
Family Violence Law Center
First Friends of New Jersey & New York
Food Empowerment Project
Freedom Archives
Freedom Network USA
Grassroots Leadership
Hope Immigration
Illinois Alliance for Reentry & Justice
Illinois Coalition Against Domestic Violence
Immigrant Action Alliance
Immigrant Defenders Law Center
Immigrant Defense Advocates
Immigration Counsel
Immigration Outreach Service Center
Immigrant Legal Defense
ISLA: Immigration Services and Legal Advocacy
Justice & Diversity Center, Bar Association of San Francisco
Kern Welcoming and Extending Solidarity to Immigrants
Latin Advocacy Network (LATINAN)
La Raza Community Resource Center
Law Office of Heather Wolf
Law Office of Helen Lawrence  
Law Office of Peggy J. Bristol  
Legal Aid Justice Center  
Let's Get Free: The Women & Trans Prisoner Defense Committee  
Long Beach Immigrant Rights Coalition  
Mariposa Legal  
Michigan Solidarity Bail Fund  
Mujeres Unidas y Activas  
National Lawyers Guild - San Francisco Bay Area Chapter  
National Lawyers Guild - Massachusetts Chapter  
No Detention Centers in Michigan  
NorCal Resist  
O.L.A. Raza, Inc.  
Open Immigration Legal Services  
Operation Restoration  
Pangea Legal Services  
Parole Illinois  
Partnership for the Advancement of New Americans (PANA)  
Pilgrim United Church of Christ  
Point Loma Nazarene U., Center for Justice & Reconciliation  
Rapid Response Network of Kern County  
Reproductive Justice Inside  
Robert F. Kennedy Human Rights  
Root & Rebound  
Rural Organizing Project  
San Diego Immigrant Rights Consortium  
Santa Barbara County Immigrant Legal Defense Center  
Services, Immigrant Rights and Education Network (SIREN)  
Showing Up for Racial Justice (SURJ)  
Sikh Family Center  
Sonoma Immigrant Services  
South Bay People Power  
Southern California Immigration Project  
Robert Allen Hood, former warden, Bureau of Prisons  
The Bortel Firm  
The Collective Healing And Transformation Project  
The Real Cost of Prisons Project  
U.C. Berkeley Center for Race & Gender  
U.C. Davis School of Law Aoki Center for Critical Race & Nation Studies  
U.C. Davis Immigration Law Clinic  
Unapologetically HERS  
Unitarian Universalist Justice Ministry of California  
Unitarian Universalist Refugee & Immigrant Services & Education  
University of Denver Sturm College of Law Civil Rights Clinic  
University of Maryland Carey Law Gender Violence Clinic  
Robert F. Kennedy Human Rights  
Robert Allen Hood, former warden, Bureau of Prisons  
The Collective Healing And Transformation Project  
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Unitarian Universalist Refugee & Immigrant Services & Education  
University of Denver Sturm College of Law Civil Rights Clinic  
University of Maryland Carey Law Gender Violence Clinic
University of San Francisco Immigration & Deportation Defense Clinic  San Francisco, CA
ValorUS  Sacramento, CA
VIDA Legal Assistance  Miami, FL
VIDAS Legal Services  North Bay Area, CA
West End P.O.W.E.R.  Pittsburgh, PA
What's Next Washington  Seattle, WA
Wild Cat Consulting  Clayton, CA
Women & Justice Issues  Oakland, CA

cc:  Deputy Attorney General Lisa Monaco
    Associate Attorney General Vanita Gupta
    Assistant Attorney General, Civil Rights Division, Kristen Clarke
    Associate Deputy Attorney General, Civil Rights Division, Myesha Braden
    Inspector General Michael Horowitz
    Assistant Inspector General Sarah Lake
    Senator Dick Durbin
    Senator Diane Feinstein
    Senator Charles Grassley
    Senator Jon Ossoff
    Senator Alex Padilla
    Representative Mark DeSaulnier
    Representative Pramila Jayapal
    Representative Marilyn Strickland
    Representative Eric Swalwell