



# 54 287(g) Agreements the Biden Administration Should Immediately Terminate

*A Supplement to the ACLU Research Report License to Abuse: How ICE's 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations*

April 27, 2021

The ACLU conducted extensive research to examine the character and conduct of local 287(g) partners, primarily county sheriffs, under both the Biden administration and previous administrations. The report is the first in-depth and comprehensive review of this kind (see the [full 2022 report License to Abuse: How ICE's 287\(g\) Program Empowers Racist Sheriffs and Civil Rights Violations](#)). Our examination revealed a multitude of abuses and problematic conduct among the law enforcement agencies participating in the 287(g) program. Based on these findings, we recommend that the Department of Homeland Security (DHS) end the 287(g) program entirely, beginning with the 287(g) participating state and local agencies (referred to below as “departments”) with the most egregious violations, as detailed in this supplement. Short of ending the program entirely, we urge DHS to engage in a review of each department’s record to determine whether termination is appropriate, as the DHS Office of Inspector General urged in 2010.<sup>1</sup>

This list of the most egregious 287(g) partners is based on the law enforcement agency’s:

- **Record of a pattern of racial profiling and civil rights violations**, including disproportionate targeting of racial minorities, excessive use of force, and unlawful stops, searches, or arrests, all of which bear on whether it is an appropriate partner and whether participation in the 287(g) program is contributing to civil rights violations;
- **Record of poor jail or prison conditions** and mistreatment of individuals in its custody, which may include myriad civil rights violations;
- **Anti-immigrant, xenophobic statements**, which create a climate of fear and mistrust among immigrant communities that the Biden administration should not abet; and

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<sup>1</sup> See Department of Homeland Security Office of Inspector General, *The Performance of 287(g) Agreements* (March 2010), [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_10-63\\_Mar10.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_10-63_Mar10.pdf).

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- **Advocacy of inhumane immigration and border policies**, which includes participating in efforts to preserve the Trump administration’s anti-immigrant, anti-human rights policies;

We note additional areas that may influence the Biden administration’s decision to terminate the program, including:

- Expressions of racism
- Departmental or sheriff misconduct, mismanagement, or malfeasance;
- Record of evading accountability to the public by withholding information about the 287(g) program or the department’s activities on immigration and other law enforcement activities, or by failing to hold, publicize or meaningfully participate in steering committee and other public meetings;
- Local community concerns and objections; and
- Affiliation with movements that question the supremacy of federal law over state or local law enforcement authorities, which suggest that individual sheriffs may become a law unto themselves and flout or resist federal decisions and policies.

This supplement details the records of the 54 departments we recommend for immediate termination due to their particularly egregious records of abuses. For each department profiled, we include a brief summary of recent abuses, organized under headings that correspond to the issue areas noted above. If a department was found to have a record of violations in a particular issue area, documentation is provided below the corresponding heading. These summaries are not comprehensive; rather, they highlight selected actions of the agency or its leadership that make clear its unfitness for a partnership. For each agency, we also list the leader who is responsible for the agreement and the type of 287(g) agreement with Immigration and Customs Enforcement (ICE): the Jail Enforcement Model, which delegates authority to interview and screen people in local custody, among other authorities; or the Warrant Service Officer Model, developed during the Trump administration to enable local deputies to serve ICE administrative warrants in local custody.<sup>2</sup>

Listed alphabetically by state, the 54 agencies with the most egregious records are:

|  |    |
|--|----|
| 1. Etowah County, AL .....   | 4  |
| 2. Alaska Department of Corrections, AK.....                               | 6  |
| 3. Arizona Department of Corrections, Rehabilitation and Reentry, AZ ..... | 7  |
| 4. La Paz County, AZ.....  | 10 |
| 5. Mesa Police Department, AZ.....   | 12 |
| 6. Pinal County, AZ .....  | 13 |
| 7. Florida Department of Corrections .....                                 | 16 |

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<sup>2</sup> For more information, see the full ACLU report. For a brief summary of the difference between the models, see American Immigration Council, *The 287(g) Program: An Overview* (July 2021), <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

|     |   |     |
|-----|---|-----|
| 8.  | Bay County, FL.....                                   | 18  |
| 9.  | Brevard County, FL .....                              | 19  |
| 10. | Charlotte County, FL .....                            | 23  |
| 11. | Collier County, FL .....                              | 24  |
| 12. | Columbia County, FL .....                             | 27  |
| 13. | Hendry County, FL .....                               | 29  |
| 14. | Hernando County, FL .....                             | 31  |
| 15. | Indian River County, FL .....                         | 32  |
| 16. | Jacksonville Sheriff's Office (Duval County), FL..... | 34  |
| 17. | Lake County, FL .....                                 | 37  |
| 19. | Marion County, FL .....                               | 41  |
| 20. | Martin County, FL .....                               | 42  |
| 21. | Monroe County, FL.....                                | 45  |
| 22. | Pasco County, FL.....                                 | 47  |
| 23. | Pinellas County, FL.....                              | 49  |
| 24. | Polk County, FL.....                                  | 51  |
| 25. | Santa Rosa County, FL .....                           | 55  |
| 26. | Georgia Department of Corrections.....                | 57  |
| 27. | Hall County, GA .....                                 | 58  |
| 28. | Jackson County, KS.....                               | 60  |
| 29. | East Baton Rouge Parish, LA .....                     | 62  |
| 32. | Cecil County, MD.....                                 | 68  |
| 33. | Frederick County, MD.....                             | 70  |
| 34. | Alamance County, NC.....                              | 75  |
| 35. | Henderson County, NC.....                             | 79  |
| 36. | Randolph County, NC.....                              | 81  |
| 37. | Dakota County, NE.....                                | 82  |
| 38. | Rensselaer County, NY.....                            | 85  |
| 39. | Canadian County, OK.....                              | 87  |
| 41. | Tulsa County, OK.....                                 | 91  |
| 42. | Knox County, TN.....                                  | 93  |
| 43. | Aransas County, TX.....                               | 96  |
| 44. | Galveston County, TX .....                            | 97  |
| 45. | Goliad County, TX.....                                | 100 |

|     |                          |     |
|-----|--------------------------|-----|
| 46. | Jackson County, TX.....  | 103 |
| 50. | Tarrant County, TX.....  | 112 |
| 51. | Waller County, TX.....   | 114 |
| 54. | Waukesha County, WI..... | 119 |

## 1. Etowah County, AL

### Jail Enforcement Model

Sheriff Jonathon W. Horton

In 2008, then-Sheriff Todd Entrekin joined the 287(g) program. In 2018, Jonathan Horton was elected sheriff; in 2019, Horton renewed the department’s 287(g) agreement for a year.<sup>3</sup> In June 2020, Horton renewed it indefinitely.<sup>4</sup>

### *Sheriff Misconduct*

In 2018, Jonathan Horton replaced Entrekin as sheriff.<sup>5</sup> Entrekin, who signed the 287(g) agreement as well as a separate agreement with ICE to detain immigrants, personally pocketed more than \$1.5 million in federal funds intended to feed immigrants in detention in the department’s facility. He reportedly used the money to buy himself a beach house, according to local media.<sup>6</sup>

### *Racial Profiling and Other Civil Rights Violations*

The department has a history of racial profiling. In 2011, under the auspices of the state’s “Show Me Your Papers” law, the department arrested and detained a Yemeni man who was, in fact, in the U.S. lawfully.<sup>7</sup> In 2013, the ACLU filed a lawsuit against the department alleging constitutional violations arising from warrantless searches of the homes of county residents who had previously been convicted of a crime.<sup>8</sup>

### *Jail Conditions*

In March 2022, ICE announced it would discontinue use of the Etowah County Detention Center, citing “a long history of serious deficiencies identified during facility inspections.”<sup>9</sup>

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<sup>3</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Etowah County Sheriff’s Office (With Addendum to Extend), June 18, 2016, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_EtowahCoAL2016-06-18.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_EtowahCoAL2016-06-18.pdf).

<sup>4</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Etowah County Sheriff’s Office, June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_%20etowahCoAL\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_%20etowahCoAL_06-09-2020.pdf).

<sup>5</sup> Susan Britt, “Etowah County Sheriff Candidate Has Questionable Past,” *Alabama Political Reporter*, May 30, 2018, <https://www.alreporter.com/2018/05/30/etowah-county-sheriff-candidate-has-questionable-past/>.

<sup>6</sup> Connor Sheets, “Here’s how federal inmates made an Alabama sheriff \$1.5 million,” *AL.com*, December 30, 2018, <https://www.al.com/news/2018/12/heres-how-federal-inmates-made-an-alabama-sheriff-15-million.html>.

<sup>7</sup> “First Alleged Violator of Ala. Immigration Law Is Legal,” *WSFA 12 News*, October 4, 2011, <https://www.wsfa.com/story/15614076/first-alleged-violator-of-ala-immigration-law-proves-citizenship/>.

<sup>8</sup> Ezekiel Edwards and Brandon Buskey, “Police Abuse of Power, Plain and Simple, in Etowah County, Alabama,” *American Civil Liberties Union*, September 12, 2013, <https://www.aclu.org/blog/national-security/privacy-and-surveillance/police-abuse-power-plain-and-simple-etowah-county>.

<sup>9</sup> U.S. Immigration and Customs Enforcement, “ICE to close Etowah Detention Center,” March 25, 2022, <https://www.ice.gov/news/releases/ice-close-etowah-detention-center>.

In spring 2021, the ACLU sent a letter urging DHS to end its contract with the jail to house ICE detainees, citing “a lengthy history of documented failure to provide adequate medical care, as well as numerous reports of assaults, bribery, solitary confinement, inadequate nutrition, and environmental hazards.”<sup>10</sup>

In 2020, a coalition of civil rights groups filed an emergency petition for the release of medically vulnerable migrants detained in the Etowah County Detention Center who were in mortal danger due to COVID outbreaks.<sup>11</sup> The complaint documented overcrowding at the jail, “where up to four people are held in cramped six-by-six-foot cells.”<sup>12</sup> Detainees have reported mistreatment and poor conditions during the COVID-19 pandemic, including failure to regularly distribute masks and retaliation against detainees who requested COVID-19 tests. Guards reportedly placed several people who asked for tests in solitary confinement cells without air conditioning on summer days that averaged 91 degrees and intimidated others to revoke their requests. One-quarter of its ICE detainees were sick with COVID-19 in late July 2021.<sup>13</sup>

In 2018, the DHS Office for Civil Rights and Civil Liberties (CRCL) issued 45 recommendations to address concerns found during its investigation of the facility; CRCL notes in its 2018 annual report that ICE did not respond regarding the issues raised.<sup>14</sup> In 2015, CRCL highlighted three previous such investigations into the facility due to “a large number of complaints” of alleged civil rights violations; the letter highlights ICE’s failure to respond to the recommendations suggested in these investigations.<sup>15</sup>

A 2015 DHS report described the forced urinary catheterization of a hunger striker.<sup>16</sup> A 2018 media investigation revealed a pattern of medical neglect within the facility, including denying food to detainees and failure to provide medical care even in cases of extreme need.<sup>17</sup>

In December 2019, ICE and the Etowah County Sheriff’s Office suspended visitation by the Etowah Visitation Project, a long-standing group of volunteers, in apparent retaliation for a peaceful rally the group joined outside the facility.<sup>18</sup>

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<sup>10</sup> Ronald Newman to Secretary Alejandro Mayorkas, “Re: Announce the Planned Closure of ICE Detention Facilities in May 2021,” April 28, 2021, [https://www.aclu.org/sites/default/files/field\\_document/210427mayorkas\\_detentionletteraclu.pdf](https://www.aclu.org/sites/default/files/field_document/210427mayorkas_detentionletteraclu.pdf).

<sup>11</sup> National Immigration Project of the National Lawyers Guild, “Medically Vulnerable Immigrants Seek Emergency Release from ICE Detention in Alabama,” press release, April 29, 2020, [https://nipnlg.org/pr/2020\\_29Apr\\_williams-v-horton.html](https://nipnlg.org/pr/2020_29Apr_williams-v-horton.html).

<sup>12</sup> Ibid.

<sup>13</sup> Clarissa Donnelly-DeRoven, “Immigrants Detained by ICE Say They Were Punished for Requesting COVID-19 Tests,” *The Intercept*, December 3, 2020, <https://theintercept.com/2020/12/03/etowah-ice-detention-covid-outbreak/>.

<sup>14</sup> Department of Homeland Security, *U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Fiscal Year 2018 Annual Report to Congress* (November 18, 2019), [https://www.dhs.gov/sites/default/files/publications/crcl-fy-2018-annual-report\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/crcl-fy-2018-annual-report_0.pdf).

<sup>15</sup> Megan H. Mack and David J. Palmer to Sarah Saldaña, “Recommendations Regarding Ongoing Issues and Open Complaints at the Etowah County Jail,” May 28, 2015, <http://shutdowntetowah.org/wp-content/uploads/2015/07/Adelante-Production-May-7-2019.pdf>.

<sup>16</sup> Eunice Hyunhye Cho and Joanna Naples-Mitchell, *Behind Closed Doors: Abuse and Retaliation Against Hunger Strikers in U.S. Immigration Detention* (American Civil Liberties Union, June 2021), [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_phr\\_behind\\_closed\\_doors\\_final\\_1.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_phr_behind_closed_doors_final_1.pdf).

<sup>17</sup> Paul Moses, “‘The Worst Place Ever’ Is ICE’s Etowah County Detention Center in Alabama,” *The Daily Beast*, June 9, 2018, <https://www.thedailybeast.com/the-worst-place-ever-is-ices-etowah-county-detention-center-in-alabama>.

<sup>18</sup> Freedom for Immigrants, “ICE Retaliates Against Immigrant Rights Advocates by Suspending Visitation Program at Etowah Detention Center, Advocates Demand the Program Be Reinstated Ahead of the Holidays,” press release, December 2, 2019, <https://www.freedomforimmigrants.org/news/2019/12/2/ice-retaliates-against-immigrant-rights-advocates-by-suspending-visitation-program-at-etowah-detention-center-advocates-demand-the-program-be-reinstated-ahead-of-the-holidays>.

## *Evading Accountability*

The sheriff has repeatedly refused to respond to inquiries or provide information about conditions in the county's immigration detention facility.<sup>19</sup>

## **2. Alaska Department of Corrections, AK**

### Warrant Service Officer Model

Commissioner Nancy Dahlstrom

The department joined the Warrant Service Officer program in July 2020, with an agreement that has no expiration date, signed by Deputy Commissioner of Institutions Jacob Wyckoff.<sup>20</sup>

### *Jail Conditions*

Approximately 5,500 people in department custody have contracted COVID-19, including nearly every individual held at the state's largest prison.<sup>21</sup> As of March 2022, at least six detained people have died of COVID-19.<sup>22</sup>

Since 2019, state prisons have been operating at 97% of their maximum capacity, with the result that incarcerated people are forced to sleep in solitary confinement cells and in cots or bunks in recreational areas.<sup>23</sup> In November 2019, an ACLU of Alaska review based on public records found that several department facilities exceeded emergency capacity standards, compromising safety, sanitation, and rehabilitation.<sup>24</sup> Staff shortages have resulted in unnecessary lockdowns, depriving detained people of recreation and access to phones for extended periods.<sup>25</sup>

In 2021, *The Guardian* reported that an Alaska assistant attorney general who acted as chief corrections counsel posted racist, sexist, homophobic, and transphobic tweets.<sup>26</sup> He suggested that Black Lives Matter protesters and unhoused people with mental illness should be imprisoned, and that doctors who provide

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<sup>19</sup> Virginia MacDonald, "Alabama Site for Detained Immigrants Has History of Abuse Charges, Efforts to Close It," *BirminghamWatch*, August 28, 2019, <https://birminghamwatch.org/alabama-site-detained-immigrants-history-abuse-charges-efforts-close/>.

<sup>20</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Alaska Department of Corrections, "Warrant Service Officer Program," July 24, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_DeptOfCorrectionsAK\\_07-24-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_DeptOfCorrectionsAK_07-24-2020.pdf).

<sup>21</sup> Tess Williams, "Nearly Every Inmate in Alaska's Largest Prison Has Now Had COVID-19, Officials Say," *Anchorage Daily News*, December 29, 2020, <https://www.adn.com/alaska-news/2020/12/29/nearly-every-inmate-in-alaskas-largest-prison-has-now-had-covid-19-officials-say/>; Alaska DOC, UCLA Law COVID Behind Bars Data Project, <https://uclacovidbehindbars.org/states/alaska/>

<sup>22</sup> "COVID-19 Updates," Alaska Department of Corrections, <https://doc.alaska.gov/covid-19>.

<sup>23</sup> Email from Megan Edge, ACLU of Alaska to Naureen Shah, ACLU National, Aug. 13, 2021; "ACLU Analyzes Alarming Prison Overcrowding Records from Alaska Department of Corrections," ACLU of Alaska, November 15, 2019, <https://www.acluak.org/en/news/aclu-analyzes-alarming-prison-overcrowding-records-alaska-department-corrections>.

<sup>24</sup> "ACLU Analyzes Alarming Prison Overcrowding Records from Alaska Department of Corrections," ACLU of Alaska, November 15, 2019, <https://www.acluak.org/en/news/aclu-analyzes-alarming-prison-overcrowding-records-alaska-department-corrections>.

<sup>25</sup> Email from Megan Edge, ACLU of Alaska to Naureen Shah, ACLU National, Aug. 13, 2021

<sup>26</sup> Jason Wilson, "Revealed: Assistant Attorney General in Alaska Posted Racist and Antisemitic Tweets," *The Guardian*, July 21, 2021, <https://www.theguardian.com/us-news/2021/jul/21/alaska-assistant-attorney-general-twitter-far-right>.

gender-affirming care should be executed.<sup>27</sup> The *Anchorage Daily News* reported: “At the time of the Guardian story, he worked on legal cases involving the Alaska Department of Corrections. In 2018, the Council on American-Islamic Relations sued the state, arguing that prison meals served to Muslim inmates at Anchorage Correctional Complex were nutritionally inadequate. [Matthias] Cicotte, representing the state, disputed that the prisoners were deprived. The state settled the case.”<sup>28</sup> The ACLU of Alaska called for a comprehensive audit of all of his cases.<sup>29</sup> He left the department in 2021.<sup>30</sup>

A 2015 external investigation ordered by Alaska’s governor detailed an 18-month period during which 25 people died in the department’s facilities. The report found that widespread dysfunction, various mismanagement, flawed policies and internal investigations, lack of training, and failure to provide adequate medical care may have contributed to the deaths.<sup>31</sup> The report details systemic misuse of force, such as in the case of a man whom deputies continued to restrain even after he said he couldn’t breathe before he died.<sup>32</sup> The report found that there was not “a clear and immediate safety threat such as an assault or attempted escape to warrant the level of force used.”<sup>33</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE’s most recent public reporting of steering committee meetings is from 2019, before the department entered the program).

## **3. Arizona Department of Corrections, Rehabilitation and Reentry, AZ**

Jail Enforcement Model

Director David Shinn

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<sup>27</sup> Daniella Rivera, “Alaska Assistant Attorney General Removed from Caseload Pending Investigation into Racist Tweets,” KTUU, July 23, 2021, <https://www.alaskanewssource.com/2021/07/24/alaska-assistant-attorney-general-removed-caseload-pending-investigation-into-racist-tweets/>.

<sup>28</sup> James Brooks, “Assistant Alaska attorney general investigated for racist social media posts leaves job,” *Anchorage Daily News*, July 28, 2021, <https://www.ktoo.org/2021/07/28/assistant-alaska-attorney-general-investigated-for-racist-social-media-posts-leaves-job/>.

<sup>29</sup> Jason Wilson, “ACLU Calls for Inquiry into Alaska Official Who Wrote Racist and Antisemitic Tweets,” *The Guardian*, July 23, 2021, <https://www.theguardian.com/us-news/2021/jul/23/aclu-alaska-matthias-cicotte-assistant-attorney-general-tweets>.

<sup>30</sup> “Alaska assistant attorney general out of job after social media post inquiry,” Associated Press, July 28, 2021, <https://www.alaskapublic.org/2021/07/28/alaska-assistant-attorney-general-out-of-job-after-social-media-post-inquiry/>.

<sup>31</sup> Dean Williams and Joe Hanlon, *Alaska Department of Corrections: An Administrative Review* (November 13, 2015), [https://media.ktoo.org/2016/05/20151113\\_doc-review.pdf](https://media.ktoo.org/2016/05/20151113_doc-review.pdf); Michelle Theriault Boots & Nathaniel Herz, “Report: Widespread dysfunction in Alaska prisons may have led to inmate deaths,” *Anchorage Daily News*, November 16, 2015, <https://www.adn.com/alaska-news/article/governor-fires-doc-head-after-report-finds-deadly-failures-dysfunction-alaska/2015/11/16/>.

<sup>32</sup> Dean Williams and Joe Hanlon, *Alaska Department of Corrections: An Administrative Review* (November 13, 2015), [https://media.ktoo.org/2016/05/20151113\\_doc-review.pdf](https://media.ktoo.org/2016/05/20151113_doc-review.pdf).

<sup>33</sup> *Ibid.*

In 2005, the Arizona Department of Corrections first entered into a 287(g) agreement.<sup>34</sup> In 2020, Director David Shinn renewed the agreement indefinitely.<sup>35</sup>

### *Prison Conditions and Civil Rights Violations*

A 2020 whistleblower complaint from a department employee reported that Shinn put incarcerated people and department staff at risk by barring staff from wearing masks or other personal protective equipment (PPE) in state prisons in case it might “scare the inmates.”<sup>36</sup> In 2020, criminal justice reform advocacy groups wrote to Arizona Governor Doug Ducey to urge Shinn’s immediate removal as department director.<sup>37</sup> Among many issues with his tenure, they cited his failures to address recent COVID-19 outbreaks, a riot, and allegations about the quality of the healthcare, food, and water in the prisons.<sup>38</sup>

In 2020, the families of detainees reported that the water at a department-run prison in Douglas, Arizona, smelled and tasted like diesel fuel, burned the skin, and was potentially contaminated by an old nearby gas station.<sup>39</sup>

In 2018, while the warden of the federal Bureau of Prisons facility in Victorville, California, Shinn was sued by the ACLU and other advocates for violating the constitutional rights of immigrants detained at the prison.<sup>40</sup> The lawsuit detailed the inhumane and dangerous conditions that more than 1,000 civil immigration detainees experienced, including denial of medical treatment and retaliation for requesting medical care.<sup>41</sup> Profound medical and mental health needs were ignored, and when detainees tried to seek medical help, they were often dismissed, mocked, and verbally abused by staff who threatened them with isolation and other punishment. The prison provided them inadequate and inedible food and no change of clothing or linens, limited any access to phones, and kept them locked in prison cells for most of the time. Detainees reported that prison staff and ICE agents told them that the only detainees being moved out of the prison were those who had been separated from their families and those with medical emergencies.<sup>42</sup> Detainees began cutting themselves in order to qualify for a medical transfer out of the prison. A sizable number of the people in the Victorville prison (about 40%) were Sikh asylum seekers fleeing India due to

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<sup>34</sup> “Arizona Department of Corrections - 287(g) FOIA Documents,” Scribd, August 2, 2005,

<https://www.scribd.com/document/23222210/Arizona-Department-of-Corrections-287-g-FOIA-Documents>.

<sup>35</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Arizona Department of Corrections, “287(g) Jail Enforcement Model,” June 16, 2020,

[https://www.ice.gov/doclib/287gMOA/287gJEM\\_ArizDOC\\_AZ\\_06-16-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_ArizDOC_AZ_06-16-2020.pdf).

<sup>36</sup> Dave Biscobing, “Arizona Whistleblower Complaint Details DOC Director Barring Use of Protective Masks,” KNXV, March 31, 2020, <https://www.abc15.com/news/local-news/investigations/arizona-whistleblower-complaint-details-doc-director-barring-use-of-protective-masks>.

<sup>37</sup> Families Against Mandatory Minimums, “FAMM, The S.T.A.R.T. Project Call for Immediate Removal of Arizona Department of Corrections Director David Shinn,” press release, December 16, 2020, <https://famm.org/famm-the-s-t-a-r-t-project-call-for-immediate-removal-of-arizona-department-of-corrections-director-david-shinn/>.

<sup>38</sup> Jimmy Jenkins, “Reform Group Calls for Termination of Arizona Department of Corrections Director Shinn,” KJZZ, December 16, 2020, <https://kjzz.org/content/1643673/reform-group-calls-termination-arizona-department-corrections-director-shinn>.

<sup>39</sup> Jimmy Jenkins, “Families of Incarcerated People Fear Water at Douglas, Arizona, Prison Is Contaminated Again,” KJZZ, January 30, 2020, <https://kjzz.org/content/1419971/families-incarcerated-people-fear-water-douglas-arizona-prison-contaminated-again>.

<sup>40</sup> “Teneng v. Trump,” American Civil Liberties Union, updated August 1, 2018, <https://www.aclu.org/cases/teneng-v-trump>.

<sup>41</sup> Teneng v. Trump, 5:18-cv-01609 (C.D. Cal., August 1, 2018), <https://www.aclu.org/legal-document/teneng-v-trump-complaint>.

<sup>42</sup> Leighton Akio Woodhouse, “Immigrant Detainees Describe Abusive Conditions in ‘Guantánamo Bay for Asylum-Seekers,’” *The Intercept*, August 2, 2018, <https://theintercept.com/2018/08/02/immigrant-prison-abuse-california>.



religious persecution,<sup>43</sup> yet the prison staff confiscated their turbans and other articles of faith and refused to provide vegetarian religious diets to the immigrants.<sup>44</sup> The Victorville prison prohibited detainees from engaging in group prayer or other opportunities for worship. Six weeks after the ACLU filed the case detailing the abusive conditions in the prison that Shinn directed, ICE agreed to rescind the agreement with BOP and moved all immigrants out of Victorville and other federal prisons.

While the warden at Victorville, Shinn also oversaw the implementation of a restriction on books and mail that severely limited detained people's ability to interact with the outside world. The restriction barred detained people from receiving books or any handmade greeting cards from the outside; instead, they had to request to buy books through a vendor that charged a 30% markup, along with shipping fees, rendering books prohibitively expensive.<sup>45</sup>

Shinn is also the chief defendant in a lawsuit alleging unconstitutional prison conditions and inadequate medical care due to the Arizona Department of Corrections' contracts with private prison corporations.<sup>46</sup>

Even prior to Shinn's appointment as director, numerous complaints documented abuses by the department. In 2019, the department received national criticism for banning the book *Chokehold*, about the policing of Black men in America<sup>47</sup>; an investigation ordered by the governor revealed that the department systematically failed to maintain locking doors in its prisons, jeopardizing the safety of employees and detained people alike and resulting in numerous serious assaults<sup>48</sup>; and numerous former detainees reported that the food served by the department was labeled "unfit for human consumption," while a media investigation found the department's food provider had previously served meals containing maggots on multiple occasions, resulting in serious health risks for detained people.<sup>49</sup>

### *Evading Accountability*

In July 2021, a federal judge ruled that the department must face trial for "repeatedly violating" a 2015 settlement agreement in an ACLU lawsuit over widespread and systemic unconstitutional conditions in the state prisons, including failures in healthcare that have led to deaths, and prolonged solitary confinement and abuse in the department's isolation units.<sup>50</sup> The federal judge wrote in her order setting the case for trial

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<sup>43</sup> Sarah Parvini, "A Growing Number of California Detainees Are Indians Crossing Through Mexico to Seek Asylum," *Los Angeles Times*, August 14, 2018, <https://www.latimes.com/local/lanow/la-me-indian-immigrants-20180813-story.html>.

<sup>44</sup> Claire Brown, "ICE Detainees Are Supposed to Get Three Square Meals a Day—But They Don't," *Civil Eats*, August 24, 2018, <https://civileats.com/2018/08/24/ice-detainees-are-supposed-to-get-three-square-meals-a-day-but-they-dont/>.

<sup>45</sup> Elizabeth Whitman, "New ADC Director David Shinn Oversaw Ban on Books in California Federal Prison," *Phoenix New Times*, October 8, 2019, <https://www.phoenixnewtimes.com/news/arizona-corrections-prison-director-new-david-shinn-federal-ryan-11367975>.

<sup>46</sup> "Case Profile: Nielson v. Shinn," Civil Rights Litigation Clearinghouse, <https://www.clearinghouse.net/detail.php?id=17617>.

<sup>47</sup> Emerson Sykes to Charles Ryan, "Re: Arizona Department of Corrections' Unconstitutional Ban on *Chokehold: Policing Black Men*," May 16, 2019, <https://www.aclu.org/letter/letter-adoc-unconstitutional-ban-chokehold-policing-black-men>.

<sup>48</sup> Rebecca White Berch and Ruth V. McGregor, *Report to the Governor: The Effectiveness of Locks at Lewis Prison* (August 12, 2019), [https://azgovernor.gov/sites/default/files/corrections\\_report.pdf](https://azgovernor.gov/sites/default/files/corrections_report.pdf).

<sup>49</sup> Elizabeth Whitman, "Arizona Prison Food Was Labeled 'Not for Human Consumption,' Ex-Inmates Say," *Phoenix New Times*, September 25, 2019, <https://www.phoenixnewtimes.com/news/ex-inmates-arizona-prison-food-was-not-for-human-consumption-11362468>.

<sup>50</sup> Dave Biscobing, "Judge Orders Arizona Department of Corrections, Rehabilitation and Reentry to Face Trial," KSNV, July 21, 2021, <https://www.abc15.com/news/local-news/investigations/judge-orders-arizona-department-of-corrections-to-face-trial>.

that the department “has always deflected their failures and employed scorched-earth tactics to oppose every attempt to resolve outstanding noncompliance,” demonstrating “a lack of good faith and fair dealing.”<sup>51</sup> The department was twice found in contempt of court and issued \$2.5 million in fines for failing to meet the care conditions of the agreement.<sup>52</sup> The case went to trial in November 2021. At trial, witnesses described conditions including the regular use of pepper spray on suicidal people, officers encouraging a prisoner to cut himself, people in isolation units spending days or weeks on end in their cells, and a routine failure to respond timely to requests for medical or mental health care. The leadership of the department’s for-profit health care provider testified that the state refused to fund additional health care staff as needed.<sup>53</sup> Shinn claimed detainees received better access to care than average citizens.<sup>54</sup>

In 2020, the department implemented new policies that, according to one analyst, “limit the ability of inmates and staff to talk with reporters,” including by limiting detainees to outside communication only via mail.<sup>55</sup> The changes came after a series of articles revealed a “troubled history of incompetence and corruption” within the department, such as a 2019 exposé alleging that hundreds of cell doors in Lewis prison did not lock properly.<sup>56</sup> Shinn has also reportedly refused to provide information requested by state lawmakers.<sup>57</sup>

#### *Departmental Mismanagement*

In 2021, a corrections officer filed a lawsuit against the department for subjecting her to a hostile environment in which her supervisor sexually assaulted her and three others who worked at the prison. The suit, as described by the *Associated Press*, alleged that department leadership “turned a blind eye to pervasive sexual harassment.”<sup>58</sup>

## **4. La Paz County, AZ**

Warrant Service Officer Model & Jail Enforcement Model

Sheriff William Ponce

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<sup>51</sup> Jensen v. Pratt, CV-12-00601-PHX-ROS (D. Ariz., July 16, 2021), Document 3921, <https://prisonlaw.com/wp-content/uploads/2021/07/3921-Order-Vacating-Stipulation-and-Setting-for-Trial.pdf>.

<sup>52</sup> Colleen Sikora, “Arizona’s Prisons Director Claims Inmates Have Faster Access to Healthcare than Private Citizens,” KPNX, November 16, 2021, <https://www.12news.com/article/news/local/arizonas-prisons-director-claims-inmates-have-faster-access-to-healthcare-than-private-citizens/75-060ceaae-d297-4c9c-bb71-b8aea513ceae>.

<sup>53</sup> Jimmy Jenkins, “Centurion VP Makes 'Damning Admission' on Last Day of Arizona Prison Health Care Trial,” *Arizona Republic*, December 14, 2021, <https://www.azcentral.com/story/news/local/arizona/2021/12/14/damning-admission-last-day-arizona-prison-health-care-trial/8898911002/>.

<sup>54</sup> Jimmy Jenkins, “Arizona Corrections Director Claims Prisoners Have Better Access to Health Care than He Does,” *Arizona Republic*, November 16, 2021, <https://www.azcentral.com/story/news/local/phoenix-breaking/2021/11/16/arizona-corrections-director-david-shinn-says-prisoners-have-better-health-care-access-than-him/8639607002/>.

<sup>55</sup> Jimmy Jenkins, “New Arizona Department of Corrections Media Policy Restricts Communications with Inmates and Staff,” KJZZ, July 16, 2020, <https://kjzz.org/content/1601670/new-arizona-department-corrections-media-policy-restricts-communications-inmates-and..>

<sup>56</sup> Dave Biscobing, “Prison Policy Threatens Discipline for Speaking to Media,” KNXV, July 17, 2020, <https://www.abc15.com/news/local-news/investigations/prison-policy-threatens-discipline-for-speaking-to-media>.

<sup>57</sup> Families Against Mandatory Minimums, “FAMM, The S.T.A.R.T. Project Call for Immediate Removal of Arizona Department of Corrections Director David Shinn,” press release, December 16, 2020, <https://fammm.org/famm-the-s-t-a-r-t-project-call-for-immediate-removal-of-arizona-department-of-corrections-director-david-shinn/>.

<sup>58</sup> Jacques Billeaud, “Arizona Prison Guard Alleges Sex Assaults by Supervisor,” *Associated Press*, March 3, 2021, <https://apnews.com/article/lawsuits-arizona-35257940ed60545901ed5a17360cc31e>.

In 2020, Sheriff William Risen signed agreements entering La Paz County into both the Warrant Service Officer and Jail Enforcement models of the 287(g) program.<sup>59</sup> In 2021, William Ponce replaced Risen as sheriff.<sup>60</sup>

### *Jail Conditions*

In addition to the 287(g) program, the sheriff has an intergovernmental services agreement with ICE for detention. The organization Puente Human Rights Movement reported that during a COVID-19 outbreak in December 2020, “an internal memo sent to all inmates” said “all positive testing individuals will be merged into a singular quarantine unit” that prevents them from engaging in “exercise, education, religious services, and video visitation.”<sup>61</sup> In May 2019, a 21-year-old asylum-seeker died at La Paz County Jail while awaiting transfer to an ICE facility.<sup>62</sup>

### *Racial Profiling*

In 2020, Deputy Eli Max was fired after he was recorded stopping and harassing a Black man for having a pine tree air freshener on his rear-view mirror.<sup>63</sup> Video recordings of the incident went viral and sparked national outrage.<sup>64</sup>

### *Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

Ponce is a member of Protect America Now, an organization that spreads fear about “massive illegal immigration” and the Biden administration’s immigration and border enforcement policies.<sup>65</sup>

In April 2021, Ponce signed the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>66</sup>

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<sup>59</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and La Paz County Sheriff’s Office, “287(g) Jail Enforcement Model,” March 12, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_LaPazCoAZ2020-03-12.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_LaPazCoAZ2020-03-12.pdf); Memorandum of Agreement Between Immigration and Customs Enforcement and La Paz County Sheriff’s Office, February 27, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_LaPazCoAz2020-02-27.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_LaPazCoAz2020-02-27.pdf).

<sup>60</sup> “Meet the Sheriff,” La Paz County Sheriff’s Office, <https://www.lapazsheriff.org/meet-the-sheriff/>.

<sup>61</sup> Puente Human Rights Movement, “ADOCRR Hides Rampant and Escalating COVID-19 Spread in Arizona Prisons and Jails,” press release, December 9, 2020, [http://mikeb47.sg-host.com/wp-content/uploads/12\\_9-Press-Release-COVID-in-Prisons-Jails-draft.pdf](http://mikeb47.sg-host.com/wp-content/uploads/12_9-Press-Release-COVID-in-Prisons-Jails-draft.pdf).

<sup>62</sup> Immigration and Customs Enforcement, “ICE Detainee Passes Away at the La Paz County Jail,” May 6, 2019, <https://www.ice.gov/news/releases/ice-detainee-passes-away-la-paz-county-jail>.

<sup>63</sup> Dave Biscobing, “Man Speaks to ABC15 After Being Pulled Over for ‘the Little Tree in [His Car] Window,’” KNXV, October 9, 2019, <https://www.abc15.com/news/local-news/investigations/man-speaks-to-abc15-after-being-pulled-over-for-the-little-tree-in-his-car-window>.

<sup>64</sup> Alex Woodward, “Daunte Wright Shooting: How Air Fresheners Became ‘Pretext’ for Police to Stop Black Drivers,” *The Independent*, April 12, 2021, <https://www.independent.co.uk/news/world/americas/air-freshener-police-stop-daunte-b1830334.html>; Meg O’Connor, “La Paz Cop Who Pulled Over Black Man for Air Freshener Is Fired La Paz Cop Who Pulled Over Black Man for Air Freshener Is Fired,” *Phoenix New Times*, March 5, 2020, <https://www.phoenixnewtimes.com/news/black-man-pulled-over-driving-with-air-freshener-la-paz-arizona-11453861>.

<sup>65</sup> “Membership,” Protect America Now, <https://protectamericanow.com/membership/>.

<sup>66</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

### *Sheriff Misconduct*

Sheriff Ponce was the subject of an investigation by the Arizona Peace Officer Standards and Training board for allegedly having sex with a woman while on duty while he was Chief of the Colorado River Indian Tribes Police Department, an allegation that he denied.<sup>67</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from 2019, before the department entered the program).

## **5. Mesa Police Department, AZ**

### Jail Enforcement Model

#### Chief Ken Cost

In 2009, the department first entered into a 287(g) agreement. Ken Cost was appointed as chief in 2020 after his predecessor resigned following a spate of excessive force complaints about the department.<sup>68</sup> The agreement was renewed indefinitely in 2020 by Cost.<sup>69</sup>

### *Civil Rights Violations*

The Mesa Police Department has a history of violence. In 2016, a department officer shot Daniel Shaver as he lay on the ground and sobbed.<sup>70</sup> The officer shot Shaver with an AR-15 rifle that had a dust cover upon which the officer had written "You're fucked."<sup>71</sup> Video captured the entire incident and sparked international outrage, prompting a Department of Justice excessive use of force investigation after the officer was acquitted of murder.<sup>72</sup> The department reinstated him in 2018.<sup>73</sup> In 2019, another Mesa Police officer called people "idiots" on social media for bringing up the Daniel Shaver shooting, a comment that was initially "liked" by the official Mesa Police Department page.<sup>74</sup>

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<sup>67</sup> John Wright, "Sheriff tells state news outlet he did not have sex on duty," Parker Live, February 9, 2021, <https://parkerliveonline.com/2021/02/09/sheriff-tells-state-news-outlet-he-did-not-have-sex-on-duty>.

<sup>68</sup> Jennifer Martinez, "City of Mesa Announces New Police Chief, Ken Cost," FOX 10 Phoenix, March 2, 2020, <https://www.fox10phoenix.com/news/city-of-mesa-announces-new-police-chief-ken-cost>.

<sup>69</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Mesa Police Department, "287(g) Jail Enforcement Model," June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_MesaPoliceDeptAZ\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_MesaPoliceDeptAZ_06-08-2020.pdf).

<sup>70</sup> "Mesa Police Shooting: Daniel Shaver Seen Crawling, Begging in Disturbing Video," CBS News, December 8, 2017, <https://www.cbsnews.com/news/mesa-police-shooting-daniel-shaver-seen-crawling-begging-in-disturbing-video/>.

<sup>71</sup> Jeffery Robinson, "'You're Fucked': The Acquittal of Officer Brailsford and the Crisis of Police Impunity," American Civil Liberties Union, December 12, 2017, <https://www.aclu.org/blog/criminal-law-reform/reforming-police/youre-fucked-acquittal-officer-brailsford-and-crisis>.

<sup>72</sup> Uriel J. Garcia, "Experts: Ex-Mesa Officer's Actions in Fatal Shooting Likely Face Prolonged DOJ Review," *Arizona Republic*, March 9, 2018, <https://www.azcentral.com/story/news/local/mesa/2018/03/09/experts-former-mesa-officers-actions-fatal-shaver-shooting-likely-face-prolonged-justice-review/410871002/>.

<sup>73</sup> Meg O'Connor, "Mesa Cop Calls People 'Idiots' for Bringing Up Shaver Shooting on Facebook," *Phoenix New Times*, October 17, 2019, <https://www.phoenixnewtimes.com/news/daniel-shaver-mesa-brailsford-shot-dead-police-facebook-flanigan-11374239>.

<sup>74</sup> Ibid.

In 2018, another viral video revealed several department officers beating an unarmed Black man, Robert Johnson.<sup>75</sup> In another 2018 video, officers are shown arresting a 15-year-old Latinx boy, Gabriel Ramirez, while an officer threatened to “fuck you up” and “place[d] a foot near the back of his neck when the boy was on the ground and handcuffed,” as described by an *NBC News* report.<sup>76</sup> Following these two incidents, the FBI initiated an investigation into the department.<sup>77</sup>

In 2019, a CBS News reporter spoke with Mesa Police Department officers who complained that racial bias training killed morale, villainized white male officers, was not taken seriously by the department, and was “the absolute worst training I’ve ever had.”<sup>78</sup> In response to a question about the series of use-of-force cases involving the department, an officer said, “There is nothing that those officers did that was outside of the training that they had received.”<sup>79</sup>

## **6. Pinal County, AZ**

### Jail Enforcement Model

#### Sheriff Mark Lamb

In 2009, Sheriff Paul Babeu entered into a 287(g) agreement under the now-discontinued hybrid Jail Enforcement Model and Task Force Model.<sup>80</sup> Mark Lamb began his tenure as sheriff in 2017<sup>81</sup>; in March 2020, Lamb renewed the department’s 287(g) agreement with no expiration date, despite opposition from the ACLU of Arizona and other community groups and community members.<sup>82</sup>

#### *Racial Profiling and Other Civil Rights Violations*

In 2014, two former officers asked the Department of Justice to investigate the department for its history of police violence toward Black and Latinx communities. The department has “a well-documented pattern of police corruption, abuse of power, racism, and retaliation against peace officers who speak out against this corruption,” advocates wrote in a letter to DOJ, citing the killing of an unarmed Latinx man after he had

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<sup>75</sup> Jamie Yuccas, “Man Beaten into Submission by Arizona Police Officers in Viral Video Speaks Out,” CBS News, June 7, 2018, <https://www.cbsnews.com/news/robert-johnson-beaten-mesa-arizona-police-department-speaks-out-today-2018-06-07/>.

<sup>76</sup> Phil Helsel, “FBI reviewing arrest in Arizona, where officers beat man,” NBC News, August 30, 2018, <https://www.nbcnews.com/news/us-news/fbi-reviewing-arrest-arizona-where-officers-beat-man-n904986>.

<sup>77</sup> Ibid.

<sup>78</sup> Jeff Pegues and Elianna Mintz, “Arizona Police Slam Racial Bias Training: ‘Absolute Worst Training I’ve Ever Had,’” CBS News, August 7, 2019, <https://www.cbsnews.com/news/racial-bias-training-mesa-arizona-police-officers-say-it-kills-morale/>.

<sup>79</sup> Jeff Pegues and Elianna Mintz, “Arizona Police Slam Racial Bias Training: ‘Absolute Worst Training I’ve Ever Had,’” CBS News, August 7, 2019, <https://www.cbsnews.com/news/racial-bias-training-mesa-arizona-police-officers-say-it-kills-morale/>.

<sup>80</sup> American Immigration Council, *The 287(g) Program: An Overview* (July 2021), <https://www.americanimmigrationcouncil.org/research/287g-program-immigration>.

<sup>81</sup> “About Sheriff Mark Lamb,” Pinal County, <https://www.pinalcountyz.gov/sheriff/aboutpcso/pages/sheriff.aspx>.

<sup>82</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Mesa Police Department, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_MesaPoliceDeptAZ\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_MesaPoliceDeptAZ_06-08-2020.pdf); Yvette Borja to Mark Lamb, “Re: Pinal County’s 287g Agreement with ICE Harms the People You Serve and Protect,” June 23, 2020, [https://www.acluaz.org/sites/default/files/2020.06.23\\_letter\\_to\\_pinal\\_county\\_sheriff\\_re\\_287g.pdf](https://www.acluaz.org/sites/default/files/2020.06.23_letter_to_pinal_county_sheriff_re_287g.pdf).

already surrendered to police.<sup>83</sup> In 2020, a deputy was tried in a civil case arising from the shooting. As local media reported, “Before Manuel Longoria was fatally shot in the back by a Pinal County Sheriff’s deputy, the 40-year-old man held a rosary in his hands. He had surrendered and raised his empty hands in the air when Deputy Heath Rankin fired two bullets from his AR-15 rifle.”<sup>84</sup> The trial ended in a partially hung jury.<sup>85</sup>

A month prior to this shooting, a deputy fired 11 rounds at two fleeing young men, killing one and injuring the other and in 2011 a deputy broke his hand “blatantly punching” a Latinx suspect; neither case resulted in disciplinary action by the department.<sup>86</sup>

### *Sheriff and Departmental Misconduct, Evading Accountability*

Lamb was investigated by the Arizona Attorney General for ethics violations after he allegedly intervened in a case involving a Republican lobbyist.<sup>87</sup> The investigation was later dropped.<sup>88</sup> He runs a for-profit “Cops”-style video program while still refusing body cameras for his own officers.<sup>89</sup> He has said the program draws inspiration from “Live PD,” an A&E reality TV show his department participated in until the show was canceled in 2020 after producers destroyed footage of a Black man being killed by officers.<sup>90</sup> The American Sheriff Foundation, which he founded and runs, has been subject to investigation by the *Arizona Republic* for tens of thousands of dollars in unaccounted spending.<sup>91</sup>

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<sup>83</sup> “Civil Rights Advocates Call on Department of Justice to Avoid Another Ferguson and Investigate Pinal County, AZ,” Bernabei & Kabat, PLLC, <https://www.bernabeipllc.com/civil-rights-advocates-call-on-department-of-justice-to-avoid-another-ferguson-and-investigate-pinal-county-az/>.

<sup>84</sup> Uriel J. Garcia, “Unarmed, Hands in the Air, Eloy Man Fatally Shot in the Back by Pinal County Deputy. The Family Is Suing,” *Arizona Republic*, October 8, 2020, <https://www.azcentral.com/story/news/local/pinal/2020/10/08/manuel-longoria-family-pinal-county-sheriffs-office-fatal-police-shooting/5916912002>.

<sup>85</sup> Suzanne Adams-Ockrassa, “Longoria civil trial ends in partially hung jury,” *Eloy Enterprise*, October 21, 2020, [https://www.pinalcentral.com/elyo\\_enterprise/news/longoria-civil-trial-ends-in-partially-hung-jury/article\\_c061a20a-506a-5e8d-a264-fd95b6cd5b58.html](https://www.pinalcentral.com/elyo_enterprise/news/longoria-civil-trial-ends-in-partially-hung-jury/article_c061a20a-506a-5e8d-a264-fd95b6cd5b58.html).

<sup>86</sup> “Civil Rights Advocates Call on Department of Justice to Avoid Another Ferguson and Investigate Pinal County, AZ,” Bernabei & Kabat, PLLC, <https://www.bernabeipllc.com/civil-rights-advocates-call-on-department-of-justice-to-avoid-another-ferguson-and-investigate-pinal-county-az/>.

<sup>87</sup> Dennis Welch, “Attorney General Opens Investigation into Pinal County Sheriff Mark Lamb,” *Arizona’s Family*, November 24, 2020, [https://www.azfamily.com/news/attorney-general-opens-investigation-into-pinal-county-sheriff-mark-lamb/article\\_97659afe-2ebc-11eb-a83e-cb6e1997a1b4.html](https://www.azfamily.com/news/attorney-general-opens-investigation-into-pinal-county-sheriff-mark-lamb/article_97659afe-2ebc-11eb-a83e-cb6e1997a1b4.html).

<sup>88</sup> Jessica Pishko, “He Calls Himself the ‘American Sheriff.’ Whose Law Is He Following?,” *Politico*, October 15, 2021, <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>.

<sup>89</sup> Joe Dana, “Arizona’s Ride-along Show Sheriff Lacks Cameras on His Own Deputies,” *KPNX*, July 13, 2021, <https://www.12news.com/article/news/politics/arizonas-ride-along-show-sheriff-lacks-cameras-on-his-own-deputies/75-5937f978-7834-446b-85a7-098b86be2e79>.

<sup>90</sup> Jessica Pishko, “He Calls Himself the ‘American Sheriff.’ Whose Law Is He Following?,” *Politico*, October 15, 2021, <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>.

<sup>91</sup> Andrew Oxford, “Charity Founded by Pinal County Sheriff Mark Lamb Has \$18,000 in Unaccounted Spending,” *Arizona Republic*, August 31, 2020, <https://www.azcentral.com/story/news/politics/arizona/2020/08/31/pinal-county-sheriff-mark-lamb-charity-tax-filings/5626026002/>.

### *Jail Conditions*

The department-run Pinal County Jail was ranked among the “nation’s top 10 for inmate deaths” according to a 2016 *Huffington Post* analysis of jail deaths.<sup>92</sup> In 2014, several people detained in the jail on immigration charges went on a hunger strike to protest abusive conditions.<sup>93</sup> In 2012, the ACLU documented a series of abuses within the jail, including lack of proper sanitation, denial of outdoor exercise, denial of visitation, and unlawful punishment of immigration detainees.<sup>94</sup>

### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

Lamb is on the advisory committee of Protect America Now, an organization that spreads fear about “massive illegal immigration” and the Biden administration’s immigration and border enforcement policies.<sup>95</sup> He frequently appears on media using anti-immigrant rhetoric,<sup>96</sup> as well as expressing opposition to immigrant rights reforms.<sup>97</sup> For example, in December 2021, he appeared on Fox News to spread fear about immigration and allege the federal government is “not doing its job” on border enforcement, creating the so-called “Biden border crisis.”<sup>98</sup> He spoke at a July 2021 event organized by the anti-immigrant group Federation for American Immigration Reform (FAIR) called “Rally to End Biden’s Border Crisis.”<sup>99</sup>

In 2021, Lamb joined the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>100</sup> In 2022, Lamb participated in a video advertisement spreading fears of “open borders” for candidate for U.S. Senate Jim Lamon, in which Lamon appears as an “Old West” sheriff who shoots President Biden, Senator Mark Kelly, and Speaker Nancy Pelosi.<sup>101</sup>

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<sup>92</sup> Katie Campbell, “Pinal County Jail Ranked Among Nation’s Top 10 for Inmate Deaths,” *Casa Grande Dispatch*, updated June 20, 2018, [https://www.pinalcentral.com/casa\\_grande\\_dispatch/area\\_news/pinal-county-jail-ranked-among-nations-top-10-for-inmate-deaths/article\\_2d039889-3a6a-57bf-a73b-9c6725557bd6.html](https://www.pinalcentral.com/casa_grande_dispatch/area_news/pinal-county-jail-ranked-among-nations-top-10-for-inmate-deaths/article_2d039889-3a6a-57bf-a73b-9c6725557bd6.html); Ryan J. Reilly and Dana Liebelson, “We Wanted To Find Troubled Jails, So We Counted The Bodies,” *Huffington Post*, Dec. 15, 2016, [https://www.huffpost.com/entry/jail-deaths-statistics\\_n\\_58518e13e4b0ee009eb4f1a9](https://www.huffpost.com/entry/jail-deaths-statistics_n_58518e13e4b0ee009eb4f1a9).

<sup>93</sup> “Federal Detainees in Pinal Co. Jail Complain About Conditions,” KOLD, updated March 2, 2018, <https://www.kold.com/story/25793262/federal-detainees-in-pinal-co-jail-complain-about-conditions/>.

<sup>94</sup> Victoria Lopez, James Duff Lyall, and David M. Shapiro, “Letter Regarding Unconstitutional Conditions at Pinal County Jail,” American Civil Liberties Union, June 12, 2012, <https://www.aclu.org/letter-regarding-unconstitutional-conditions-pinal-county-jail>.

<sup>95</sup> “Leadership,” Protect America Now, <https://protectamericanow.com/leadership/>.

<sup>96</sup> “Sheriff Mark Lamb on Border Crisis,” Protect America Now, July 27, 2021, <https://protectamericanow.com/media/sheriff-mark-lamb-on-border-crisis/>.

<sup>97</sup> Jessica Pishko, “He Calls Himself the ‘American Sheriff.’ Whose Law Is He Following?,” *Politico*, October 15, 2021, <https://www.politico.com/news/magazine/2021/10/15/mark-lamb-arizona-constitutional-sheriff-elections-republicans-514781>.

<sup>98</sup> Fox Business, “AZ Sheriff to Biden on Border Crisis: ‘Do Your Job,’” YouTube, December 22, 2021, [https://www.youtube.com/watch?v=DJRG\\_u56Lmo](https://www.youtube.com/watch?v=DJRG_u56Lmo).

<sup>99</sup> Federation for American Immigration Reform, “Sheriff Mark Lamb Speaking at FAIR’s Rally to End Biden’s Border Crisis,” YouTube, July 14, 2021, <https://www.youtube.com/watch?v=bdPgg2dZnhs>.

<sup>100</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

<sup>101</sup> Paul Ingram, “GOP Senate candidate shoots pistol at Biden, Pelosi & Mark Kelly in campaign ad,” Tucson Sentinel, Feb. 10, 2022, [https://www.tucsonsentinel.com/local/report/021022\\_lamon\\_ad/gop-senate-candidate-shoots-pistol-biden-pelosi-mark-kelly-campaign-ad/](https://www.tucsonsentinel.com/local/report/021022_lamon_ad/gop-senate-candidate-shoots-pistol-biden-pelosi-mark-kelly-campaign-ad/).

## 7. Florida Department of Corrections

### Jail Enforcement Model

#### Secretary Ricky Dixon

In 2020, at the direction of Florida Governor Ron DeSantis, Secretary Mark Inch entered the department into a 287(g) agreement.<sup>102</sup> In November 2021, Ricky Dixon replaced Inch as secretary.<sup>103</sup>

#### *Prison Conditions, Civil Rights Violations*

In 2020, the Department of Justice issued a report condemning the Florida Department of Corrections for a long-standing pattern of failure to protect prisoners from sexual abuse committed by staff at the Lowell Correctional Institution, a state prison.<sup>104</sup> As the *Miami Herald* reported: “For at least a decade, women at the prison have complained that officers tramp through their dorms and showers and grope, rape and threaten to beat and even kill them if they don’t comply with the officers’ sexual demands. If they report the abuse, they are subjected to retaliation, thrown into solitary confinement or lose visiting privileges with their children and families.”<sup>105</sup>

A November 2021 Associated Press (AP) investigation documented links between prison guards in the state and the Ku Klux Klan and other white supremacist organizations. The investigation details numerous cases of white supremacist meetings, statements, and even physical attacks against detainees of color carried out by prison guards that went uninvestigated or unpunished by the department. For example, in two consecutive incidents in June 2021, three guards who boasted of being white supremacists beat, pepper sprayed, and used a stun gun on two detainees of color, one of whom screamed “I can’t breathe!”<sup>106</sup> The incidents were documented and reported to the Florida Department of Corrections Office of Inspector General, which did not investigate and as of November 2021 the dpe failed to respond to an August 2021 AP public records request for surveillance videos that captured the incidents.<sup>107</sup>

A class action federal civil rights lawsuit filed in 2019 by the Southern Poverty Law Center and other advocacy organizations challenges the department’s use of solitary confinement. Admire Harvard, the lead plaintiff, is a Black transgender woman who was 18 years old and suffering from bipolar disorder when the department first placed her in solitary confinement in a men’s prison for several months; she has spent more than 10 years in solitary confinement since then and suffers from mental and physical health problems as a

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<sup>102</sup> Florida Department of Corrections, “FDC and ICE Begin Implementation of Immigration Enforcement Partnership,” press release, September 18, 2020, <http://www.dc.state.fl.us/comm/press/main/09-18-Immigration.html>.

<sup>103</sup> “Office of the Secretary,” Florida Department of Corrections, November 1, 2021, <http://www.dc.state.fl.us/secretary.html>.

<sup>104</sup> Department of Justice, “Justice Department Alleges Conditions at Lowell Correctional Institution Violate the Constitution,” press release, December 22, 2020, <https://www.justice.gov/opa/pr/justice-department-alleges-conditions-lowell-correctional-institution-violate-constitution>.

<sup>105</sup> Julie K. Brown, “Florida’s Lowell Prison Is Cesspool of Sexual Abuse by Staff, Feds Say in Blistering Report,” *Miami Herald*, December 22, 2020, <https://www.miamiherald.com/news/special-reports/florida-prisons/article248030200.html>.

<sup>106</sup> Jason Dearen, “White Supremacist Prison Guards Work with Impunity in Fla.,” Associated Press, November 19, 2021, <https://apnews.com/article/prisons-florida-race-and-ethnicity-racial-injustice-60b96681445509d89e6c0497405497d6>.

<sup>107</sup> Ibid.



result.<sup>108</sup> In 2021, a federal judge ordered the department to stop retaliating against detainees participating in the lawsuit.<sup>109</sup>

In 2021, the Justice Department brought charges against three former department employees for violating the civil rights of a detainee after they severely beat and kicked him as he was lying handcuffed on the ground; the three guards pleaded guilty.<sup>110</sup>

The department oversees state facilities with extensive records of deaths in custody and prisoner abuse, such as the 2014 death of Latandra Ellington, a 36-year-old Black woman who died in the Lowell prison shortly after expressing fear for her life due to mistreatment by guards.<sup>111</sup> In another notable case, Darren Rainey, a Black man with mental health conditions, died in a department facility after guards subjected him to an hours-long scalding shower as “punishment.”<sup>112</sup> Two years after his death, an autopsy report had still not been issued; the abuse only came to light following a *Miami Herald* investigation.<sup>113</sup> In 2010, two men died after being gassed in separate incidents at two state prisons.<sup>114</sup>

### *Evading Accountability*

Following the Department of Justice report’s release, the then-secretary of the Florida Department of Corrections said he had taken no action to remedy abuses because he disagreed with its findings.<sup>115</sup> In 2019, only 96 inspectors were responsible for investigating 10,991 cases of potential violations of standards within prisons overseen by the department.<sup>116</sup>

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<sup>108</sup> “Harvard v. Inch,” Southern Poverty Law Center, <https://www.splcenter.org/seeking-justice/case-docket/harvard-v-inch>.

<sup>109</sup> Southern Poverty Law Center, “Judge Orders Retaliation to Stop Against Incarcerated People Participating in Florida Solitary Confinement Lawsuit,” press release, February 9, 2021, <https://www.splcenter.org/presscenter/judge-orders-retaliation-stop-against-incarcerated-people-participating-florida-solitary>.

<sup>110</sup> Department of Justice, “Three Former Hamilton Correctional Institution Annex Officers Plead Guilty to Violating Inmate’s Civil Rights,” press release, July 26, 2021, <https://www.justice.gov/usao-mdfl/pr/three-former-hamilton-correctional-institution-annex-officers-plead-guilty-violating>.

<sup>111</sup> Sascha Cordner, “Attorneys Parks, Crump Call on Feds to Investigate Recent Florida Prison Death,” WFSU, October 8, 2014, <https://news.wfsu.org/state-news/2014-10-07/attorneys-parks-crump-call-on-feds-to-investigate-recent-florida-prison-death>.

<sup>112</sup> Sascha Cordner, “Mentally Ill Inmate’s Gruesome Death Spurs DOC to Implement Major Prison Reforms,” WFSU, August 20, 2014, <https://news.wfsu.org/state-news/2014-08-20/mentally-ill-inmates-gruesome-death-spurs-doc-to-implement-major-prison-reforms>.

<sup>113</sup> David Reutter, “Florida’s Department of Corrections: A Culture of Corruption, Abuse and Deaths,” *Prison Legal News*, February 2, 2016, <https://www.prisonlegalnews.org/news/2016/feb/2/floridas-department-corrections-culture-corruption-abuse-and-deaths>.

<sup>114</sup> “When a Sickly Inmate Was Gassed to Death, Florida Found no Fault. A Judge May Disagree,” *Miami Herald*, August 27, 2019, <https://www.tampabay.com/news/publicsafety/crime/When-a-sickly-inmate-was-gassed-to-death-Florida-found-no-fault-A-judge-may-disagree-163149868/>; David Reutter, “Florida’s Department of Corrections: A Culture of Corruption, Abuse and Deaths,” *Prison Legal News*, February 2, 2016, <https://www.prisonlegalnews.org/news/2016/feb/2/floridas-department-corrections-culture-corruption-abuse-and-deaths/>.

<sup>115</sup> Ana Ceballos, “Florida Prison Chief Disagrees with Feds on Abuse Report,” *Tampa Bay Times*, January 14, 2021, <https://www.tampabay.com/news/florida-politics/2021/01/14/florida-prison-chief-disagrees-with-feds-on-abuse-report/>.

<sup>116</sup> Lloyd Dunkelberger, “Overwhelmed and Understaffed: FL’s 96 Prison Inspectors Faced 10,991 Investigations Last Year,” *Florida Phoenix*, October 31, 2019, <https://floridaphoenix.com/2019/10/31/overwhelmed-and-understaffed-fls-96-prison-inspectors-faced-10991-investigations-last-year/>.

In 2014, a former mental health counselor at a state prison alleged that he was fired for refusing to stay silent about the repeated abuse of prisoners.<sup>117</sup> In 2016, the department settled a whistleblower lawsuit brought by several department investigators who said they were retaliated against for exposing the death of an individual who had been gassed by prison guards.<sup>118</sup> The investigators said that the department's inspector general tried to discredit them after they started asking questions.<sup>119</sup>

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from 2019, before the department entered the program).

## **8. Bay County, FL**

Warrant Service Officer Model

Sheriff Tommy Ford

In 2008, then-Sheriff Frank McKeithen first signed a 287(g) agreement with ICE, initiating the now-discontinued Task Force Model.<sup>120</sup> In 2016, Tommy Ford was elected sheriff<sup>121</sup>; in 2019, Ford renewed the agreement indefinitely under the new Warrant Service Officer Model.<sup>122</sup>

*Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In October 2021, the sheriff blamed President Biden's border policies for drug arrests in his community.<sup>123</sup> He also blamed the uptick in drug overdoses on border insecurity and offered to send deputies to the U.S.-Mexico border in Texas at the invitation of Florida Governor Ron DeSantis.<sup>124</sup>

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<sup>117</sup> Sascha Cordner, "Ex-DOC Employee Gives Take on Florida Prison Reforms, Inmate Abuse Allegations," WFSU, October 10, 2014, <https://news.wfsu.org/state-news/2014-10-10/ex-doc-employee-gives-take-on-florida-prison-reforms-inmate-abuse-allegations>.

<sup>118</sup> "Florida's Prison Agency to Settle Whistleblower Lawsuit," Associated Press, November 30, 2016, <https://www.jacksonville.com/story/news/2016/11/30/florida-s-prison-agency-settle-whistleblower-lawsuit/15733900007>; Mary Ellen Klas, "Florida Prison Agency Ends Years of Denials and Agrees to Pay Whistleblowers \$800,000," *Miami Herald*, November 29, 2016, <https://miamiherald.typepad.com/nakedpolitics/2016/11/florida-prison-agency-ends-years-of-denials-and-agrees-to-pay-whistleblowers-800000.html>.

<sup>119</sup> "Florida's Prison Agency to Settle Whistleblower Lawsuit," Associated Press, November 30, 2016, <https://www.jacksonville.com/story/news/2016/11/30/florida-s-prison-agency-settle-whistleblower-lawsuit/15733900007>.

<sup>120</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsd1.org/?abstract&did=29593>.

<sup>121</sup> "Sheriff Tommy Ford," Florida Sheriffs Association, <https://www.flsheriffs.org/sheriffs/bio/bay-county>.

<sup>122</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Bay County Sheriffs Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_BayCoFI2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_BayCoFI2019-10-15.pdf).

<sup>123</sup> Jenny Brown, "Bay County Sheriff's Office Correlates Drug Busts with U.S. Border Crisis," WJHG, October 4, 2021, <https://www.wjhg.com/2021/10/05/bay-county-sheriffs-office-correlates-drug-busts-with-us-border-crisis/>.

<sup>124</sup> Jake Holter, "Border Crisis Being Felt in Bay County, Officials Say," WMBB, October 4, 2021, <https://www.mypanhandle.com/news/local-news/bay-county/border-crisis-being-felt-in-bay-county-officials-say/>.

### *Jail Conditions*

A 2021 report found that the county jail is dangerously overcrowded, operating over capacity during the pandemic by at least 100 people.<sup>125</sup> The jail was previously run by a for-profit private prison corporation, resulting in conditions that McKeithen described as “a horrible, nasty, unbelievable mess” in 2008.<sup>126</sup>

### *Racist Statements and Departmental Mismanagement*

Former Bay County Sheriff Guy Tunnell resigned in 2006 as head of Florida’s Department of Law Enforcement reportedly due to his response to protests over the killing of a Black teenager by Bay County deputies at a boot camp he designed that was operated by the Bay County sheriff’s department.<sup>127</sup> Fourteen-year-old Martin Lee Anderson died after eight sheriffs’ employees beat him and drugged him with ammonia; the beating was captured on camera and sparked nationwide protests.<sup>128</sup> While Tunnell was criticized for “allegedly trying to prevent the videotape from being made public, making racist remarks related to the case and inappropriately communicating with [then] Bay County Sheriff Frank McKeithen about the death,”<sup>129</sup> he was quickly rehired into law enforcement<sup>130</sup> and served on the county commission—the body responsible for overseeing the sheriff’s department and its 287(g) agreement—until he retired in 2018.<sup>131</sup>

## **9. Brevard County, FL**

### Warrant Service Officer Model

#### Sheriff Wayne Ivey

Sheriff J.R. “Jack” Parker entered Brevard County into a 287(g) agreement in 2008.<sup>132</sup> In 2012, Wayne Ivey was elected as sheriff.<sup>133</sup> In 2019, Ivey renewed the department’s 287(g) agreement indefinitely.<sup>134</sup>

### *Civil Rights Violations: Racialized Police Violence, Jail Conditions*

Department staff have a record of violence against people of color. In April 2021, civil rights attorneys sued the department and urged the Department of Justice to investigate Ivey for the shooting death of two Black

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<sup>125</sup> Katie Bente, “Bay County Jail Has More Inmates Than It Can Handle,” WJHG, June 15, 2021, <https://www.wjhg.com/2021/06/16/bay-county-jail-has-more-inmates-than-it-can-handle/>.

<sup>126</sup> Felicia Kitzmiller, “Bay County Jail Shows Privatization Isn’t Always Best,” *Panama City News-Herald*, February 4, 2012, [http://www.privateci.org/private\\_pics/Bay%20Co%20experience.htm](http://www.privateci.org/private_pics/Bay%20Co%20experience.htm).

<sup>127</sup> Alex Leary, “FDLE Chief Steps Down,” *Tampa Bay Times*, April 21, 2006, <https://www.tampabay.com/archive/2006/04/21/fdle-chief-steps-down/>.

<sup>128</sup> Abby Goodnough, “8 Acquitted in Death of Boy, 14, in Florida,” *New York Times*, Oct. 13, 2007, <https://www.nytimes.com/2007/10/13/us/13bootcamp.html>.

<sup>129</sup> “NAACP leads march over boy’s boot camp death,” Associated Press, Oct. 23, 2007, <https://www.nbcnews.com/id/wbna21443775>.

<sup>130</sup> “Ex-Official to Work on Cold Cases in Florida,” Associated Press, May 25, 2006, <https://www.nytimes.com/2006/05/25/us/25brfs-brief-003.html>.

<sup>131</sup> “Bay County Commissioner Guy Tunnell Set to Retire,” WJHG, November 6, 2018, <https://www.wjhg.com/content/news/Bay-County-Commissioner-Guy-Tunnell-set-to-retire-499869341.html>.

<sup>132</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Brevard County Sheriff’s Office, August 12, 2008, <https://www.scribd.com/document/22585998/Brevard-County-Sheriff-s-Office-Florida-former-287-g-agreement-with-ICE>.

<sup>133</sup> “Sheriff Wayne Ivey,” Florida Sheriffs Association, <https://www.flsheriffs.org/sheriffs/bio/brevard-county>.

<sup>134</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Brevard County Sheriff’s Office, May 6, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_BrevardCoFl2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_BrevardCoFl2019-05-06.pdf).

teenagers, Sincere Pierce and Angelo “A.J.” Crooms, who were killed by deputies shooting into their car as it moved no more than 12 miles per hour.<sup>135</sup> A deputy involved in the shooting reportedly had “an arrest record for burglary as well as an alleged history of domestic violence against his estranged wife, in the presence of children.”<sup>136</sup> He did not face criminal charges for the shooting, but civil rights attorneys alleged that Ivey is responsible for “fostering a culture of recklessness” within the department.<sup>137</sup> In a vigilante game show–style video program featuring “giant roulette wheel with up to 10 mugshots” he runs called “Wheel of Fugitive,” Ivey reportedly included “people who are not on the run from the law because they are already in jail, out on bond, have served their time or have no active warrants for their arrest.”<sup>138</sup> According to one group, a Black person was 11.5x as likely and a Latinx person was 2.1x as likely to be killed by police as a white person in Brevard County from 2013–20.<sup>139</sup>

In 2018, a 38-year-old Black military veteran named Gregory Edwards died in department custody. Local police had arrested him at a Walmart with his family while he was suffering from a PTSD episode. At the county jail, deputies severely beat, tased, and pepper-sprayed him before placing him in a mesh spit hood, strapping him to a chair and leaving him alone with pepper spray and hood still on his face. Deputies withheld medical treatment and “may have violated at least 14 of [the department’s] own policies and procedures” according to a local investigation.<sup>140</sup> An examiner ruled Edwards’ death an accident stemming from “excited delirium,” a disputed diagnosis often associated with deaths in police custody, and prosecutors cleared the deputies of wrongdoing.<sup>141</sup>

In 2020, 10 people detained at the jail filed a federal lawsuit against the sheriff for inhumane jail conditions. “The dorms and cells are infested with roaches, ants, and flying black bugs,” the petition read.<sup>142</sup> In September 2020, local media reported that fewer than 200 COVID tests had been conducted on people

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<sup>135</sup> Tyler Vazquez and Alessandro Marazzi Sassoon, “Lawsuit Blames ‘Culture of Recklessness’ in Florida Sheriff’s Office for Fatal Shooting of Black Teens,” *USA Today*, April 24, 2021, <https://www.usatoday.com/story/news/nation/2021/04/24/florida-ben-crumph-black-teens-shooting-news-conference/7365747002>.

<sup>136</sup> J.D. Gallop and Eric Rogers, “Deputy Involved in Deadly Shooting of Teens Has History of Violence; Prosecutors Did Not File Charges,” *Florida Today*, November 20, 2020, <https://www.floridatoday.com/story/news/2020/11/20/records-show-brevard-deputy-investigated-april-domestic-case/6348797002/>; Robert Burns, “Deputy in Cocoa Shooting Has Felony Gun Charges, Burglary, and Domestic Violence with Children,” November 18, 2020, *The Space Coast Rocket*, <https://thespacecoastrocket.com/deputy-in-cocoa-shooting-has-felony-gun-charges-burglary-and-domestic-violence-with-children/>.

<sup>137</sup> *Ibid.*

<sup>138</sup> Alessandro Marazzi Sassoon and Bobby Block, “Florida Sheriff’s Fugitive Show Features Non-fugitives,” *Tampa Bay Times*, March 13, 2021, <https://www.tampabay.com/news/florida/2021/03/13/florida-sheriffs-fugitive-show-features-non-fugitives/>.

<sup>139</sup> “Brevard County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/fl/sheriff/brevard-county>.

<sup>140</sup> Alessandro Marazzi Sassoon, J.D. Gallop, and Bobby Block, “The Chronicle of a U.S. Army Vet’s Violent End at the Brevard Jail,” *Florida Today*, November 8, 2019, <https://www.floridatoday.com/in-depth/news/2019/11/08/army-veteran-ptsd-dies-brevard-jail/1584907001/>; Maurice Chammah, “The Sheriff’s Race Pitting Trump Against Black Lives Matter,” NBC News/The Marshall Project, September 19, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-race-pitting-trump-against-black-lives-matter-n1240482>.

<sup>141</sup> Maurice Chammah, “The sheriff’s race pitting Trump against Black Lives Matter,” NBC News/Marshall Project, September 19, 2020, <https://www.nbcnews.com/news/us-news/sheriff-s-race-pitting-trump-against-black-lives-matter-n1240482>.

<sup>142</sup> *Moye v. Ivey*, 6:20-cv-00755-GKS-DCI (M.D. Fla., April 30, 2020), <https://www.documentcloud.org/documents/7213336-Moye-Lawsuit-Against-Wayne-Ivey.html>.

detained in the facility since the start of the pandemic, in a facility with an average population between 1,300 and 1,500 people. More than 75 detainees and department employees had contracted the disease.<sup>143</sup>

In 2013, shortly after being elected, Ivey flew to Maricopa County, Arizona, to consult with former sheriff Joe Arpaio. Following the meeting, he banned all mail except postcards from the county jail and initiated a “chain gang” that put detainees—tethered at the ankles by chains—to work on roads.<sup>144</sup>

### *Racial Profiling*

Out of nearly 60,000 arrests by the department, almost three-fourths were for low-level nonviolent offenses from 2013–19, an alleged pattern that suggests potential racial profiling.<sup>145</sup> In 2019, a Black veteran communications contractor sued the sheriff for false arrest after a deputy initially detained him for a faulty tag light and later arrested him on drug charges that the state attorney later dismissed.<sup>146</sup>

### *Racist Statements Among Department Staff*

In 2021, a local media investigation found that the department had hired a sheriff’s deputy despite his history of racial profiling and abuse in his previous job at a department in Virginia, which had led to an FBI investigation.<sup>147</sup> Ivey fired the deputy following a *Washington Post* inquiry.<sup>148</sup>

In 2020, following the murder of George Floyd, another deputy and president of the local law enforcement union posted on the official social media page of the organization encouraging “Minneapolis officers,” “the Buffalo 57,” and “Atlanta 6”—referring to departments recently in the news for their brutal police violence—to apply for a job in the region.<sup>149</sup> The sheriff initially only issued a statement saying the department did not agree with the deputy’s views; a public outcry later led the sheriff to suspend the deputy with pay while the department investigated.<sup>150</sup>

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<sup>143</sup> Alessandro Marazzi Sassoon and Dave Berman, “60 inmates, 17 staff members had COVID-19 at Brevard County Jail During Pandemic, Report Says,” *Florida Today*, September 3, 2020, <https://www.floridatoday.com/story/news/local/2020/09/03/60-brevard-jail-inmates-17-staff-members-had-reported-covid-19-cases/5701790002/>.

<sup>144</sup> Stacey Barchenger, “First-year Sheriff Hits the Ground on the Run,” *Florida Today*, January 26, 2014, <https://www.floridatoday.com/story/news/local/2014/01/26/first-year-sheriff-hits-the-ground-on-the-run-/4904377/>; Andrew Ford, “Florida Sheriff Reintroduces Chain Gang,” *USA Today*, May 2, 2013, <https://www.usatoday.com/story/news/nation/2013/05/02/brevard-county-sheriff-chain-gang/2130335/>.

<sup>145</sup> “Brevard County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/fl/sheriff/brevard-county>.

<sup>146</sup> Mike Holfeld, “Air Force Contractor Suing Brevard County Sheriff for Racial Profiling,” WKMG, November 22, 2019, <https://www.clickorlando.com/news/2019/11/19/air-force-contractor-suing-brevard-county-sheriff-for-racial-profiling/>.

<sup>147</sup> Matt Lupoli, “Fired Brevard Deputy Under Investigation in Virginia for Racial Profiling, Lying on Reports,” WESH, April 20, 2021, <https://www.wesh.com/article/fired-brevard-deputy-investigation-racial-profiling-lying/36179872#>; Tom Jackman, “Ex-Fairfax Police Officer Under FBI Investigation, Made Racially Motivated Traffic Stops, Prosecutor Says,” *Washington Post*, June 29, 2020, <https://www.washingtonpost.com/crime-law/2020/06/29/ex-fairfax-police-officer-under-fbi-investigation-made-racially-motivated-traffic-stops-prosecutor-says/>.

<sup>148</sup> Tom Jackman, “Fairfax Seeks to Dismiss 400 Convictions in Cases Brought by One Officer,” *Washington Post*, April 16, 2021, <https://www.washingtonpost.com/dc-md-va/2021/04/16/convictions-dismiss-jonathan-freitag-fairfax/>.

<sup>149</sup> Matthew Moyer, “Brevard Police Officer Suspended After Controversial Weekend Posts on Social Media,” *Orlando Weekly*, June 9, 2020, <https://www.orlandoweekly.com/Blogs/archives/2020/06/09/brevard-police-officer-suspended-after-weekend-posts-on-social-media>.

<sup>150</sup> Matthew Moyer, “Brevard Police Officer Suspended After Controversial Weekend Posts on Social Media,” *Orlando Weekly*, June 9, 2020, <https://www.orlandoweekly.com/news/brevard-police-officer-suspended-after-weekend-posts-on-social-media-27432317>.

*Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

In 2019, Ivey spoke at the White House with then-ICE Acting Director Matt Albence as part of an event organized by the Federation for American Immigration Reform (FAIR), an anti-immigrant organization.<sup>151</sup> “For some elected leaders in our country to ignore the rule of law and create a sanctuary that protects those who enter our country illegally is not only outrageous, but in my opinion, is criminal and an immediate violation of the very oath they took to support, protect, and defend our constitution,” said Ivey in his statement at the White House.<sup>152</sup>

In 2021, Ivey signed the “American Sheriff’s Letter” to President Biden criticizing the president’s immigration policies, praising former President Trump’s tactics, and asserting the sheriff’s own sovereignty to enforce law.<sup>153</sup> He offered to send deputies to the U.S.-Mexico border in Texas at the invitation of Florida Governor Ron DeSantis. “There are people who say, ‘Oh it’s not really a crisis.’ It is a crisis; it’s become chaos out there, so for us, we’re standing ready to respond,” Ivey told local media.<sup>154</sup> “Illegal immigration doesn’t stop at the border. It filters into every community,” Ivey said, while painting immigrants as criminals responsible for bringing illegal drugs to the United States.<sup>155</sup>

He is on the advisory committee of Protect America Now, an organization that spreads fear about “massive illegal immigration” and the Biden administration’s immigration and border enforcement policies. He has also appeared on national media outlets such as Fox News to spread misinformation and fears about immigrants, saying, “It’s outrageous that it’s taking place, because the Biden administration opened the floodgates and allowed everyone to come in, no control measures, nothing else, and now we’re picking up the pieces.” He went on, “We can either fight this battle out there at the border or we can fight it in our own backyard. We’re going to fight it no matter what. When you look at the increase of illegals that have crossed our border... We’re gonna fight this battle.”<sup>156</sup>

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<sup>151</sup> “Federation for American Immigration Reform,” Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/group/federation-american-immigration-reform>.

<sup>152</sup> Sheriff Wayne Ivey remarks at Press Briefing by Acting Director of Immigration and Customs Enforcement Matthew Albence, September 26, 2019, <https://www.presidency.ucsb.edu/documents/press-briefing-acting-director-immigration-and-customs-enforcement-matthew-albence>.

<sup>153</sup> America’s Sheriffs to President Joseph R. Biden, “Help America’s Sheriffs Keep Our Neighborhoods and Communities Safe by Halting Illegal Immigration,” April 7, 2021, <https://www.fairus.org/sites/default/files/2021-04/PresidentLetter.pdf>.

<sup>154</sup> Mike Magnoli, “Southern Border Crisis Concerning for FL,” WPEC, July 23, 2021, <https://cbs12.com/news/cbs12-news-i-team/i-team-southern-border-crisis-concerning-for-fl>.

<sup>155</sup> Dan Billow, “Gov. DeSantis: Biden Administration Failing to Deport ‘Criminal Aliens,’” WESH, April 1, 2021, <https://www.wesh.com/article/gov-desantis-deportation-ice/36006552>.

<sup>156</sup> Fox News, “Biden Opened the Floodgates to a Border Crisis: Florida Sheriff,” YouTube, June 18, 2021, <https://www.youtube.com/watch?v=5D8ZIsJdAZw>; “Biden’s Border Crisis Filtering ‘Into Every Community’ and Policies Must Be Stopped: Florida Sheriff,” Fox News, March 18, 2021, <https://www.foxnews.com/politics/bidens-border-policies-stopped-crisis-florida-sheriff>.

## *Evading Accountability*

Following the violent jail death of a Black Army veteran, in 2020 the sheriff fought to prevent records from being released to the public.<sup>157</sup> In 2019, the sheriff's budget was criticized by fellow Republicans for its lack of transparency.<sup>158</sup>

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>159</sup> The ACLU could not locate a public notice by the department about a steering committee meeting since that time.

## **10. Charlotte County, FL**

### Warrant Service Officer Model

#### Sheriff Bill Prummell

Bill Prummell was elected sheriff in 2012.<sup>160</sup> In 2019, Prummell signed a Warrant Service Officer Model agreement without an expiration date.<sup>161</sup>

### *Jail Conditions, Civil Rights Violations*

The county jail has a history of jail deaths following improper medical and mental health oversight. Since 2016, at least 27 people have died in the facility.<sup>162</sup> In the last three months of 2020, at least three people incarcerated at the jail died after hanging themselves in their cells.<sup>163</sup> The death rate by suicide far exceeds that of other county other jails in the region.<sup>164</sup> In 2021, an internal investigation revealed that a deputy lied and violated department policy in responding to a suicide; he was removed as a corrections deputy.<sup>165</sup> In 2019, a woman died shortly after her incarceration at the jail for possession of marijuana. During her incarceration at the facility, she was denied her heart medication for 17 days, despite repeated attempts by

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<sup>157</sup> Bobby Block and Alessandro Marazzi Sassoon, "Sheriff Ivey Talks Transparency on Edwards Case but Actions Tell Another Story," *Florida Today*, June 14, 2020, <https://www.floridatoday.com/story/news/2020/06/13/brevard-county-sheriff-ivey-transparency-edwards-case-questioned/3174277001/>.

<sup>158</sup> Dave Berman, "As county readies Brevard budget, lack of insight on sheriff's spending concerns some top Republicans," *Florida Today*, September 20, 2019, <https://www.floridatoday.com/story/news/local/2019/09/20/brevard-county-budget-sets-approval-amid-concerns-sheriff-wayne-iveys-budget/2347886001/>.

<sup>159</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>160</sup> "Our Sheriff, Bill Prummell," Charlotte County Sheriff's Office, <https://ccso.org/AboutUs/oursheriff.cfm>.

<sup>161</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Charlotte County Sheriff's Office, May 16, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_CharlotteCoFl2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_CharlotteCoFl2019-05-06.pdf).

<sup>162</sup> "Inmate Mortality at Charlotte Correctional Institution," Florida Department of Corrections, <http://www.dc.state.fl.us/pub/mortality/510.html>.

<sup>163</sup> "Three Inmates Have Died at Charlotte County Jail Since October," NBC2 News, December 28, 2020, <https://nbc-2.com/news/2020/12/28/three-inmates-have-died-at-charlotte-county-jail-since-october/>.

<sup>164</sup> Anna Bryson, "Inmate Suicides at Charlotte County Jail Exceeded Other Regional Jails," *The Arcadian*, January 16, 2021, [https://www.yoursun.com/arcadia/inmate-suicides-at-charlotte-county-jail-exceeded-other-regional-jails/article\\_1681ee80-5737-11eb-8b26-d7dbcd7f53b.html](https://www.yoursun.com/arcadia/inmate-suicides-at-charlotte-county-jail-exceeded-other-regional-jails/article_1681ee80-5737-11eb-8b26-d7dbcd7f53b.html).

<sup>165</sup> "Charlotte Corrections Deputy Accused of 'Violating Policy' and 'Lying' Over Inmate Death," WINK, May 10, 2021, <https://www.winknews.com/2021/05/10/charlotte-corrections-deputy-accused-of-violating-policy-and-lying-over-inmate-death/>.

her mother to provide documentation showing that she needed medical treatment.<sup>166</sup> In 2017, a man filed a lawsuit against the department and its healthcare provider after his son died while detained by the department in 2015, the fifth death of a person detained in the jail in five years. The lawsuit was later dismissed.<sup>167</sup>

In 2021, a deputy was fired after he allegedly sexually harassed a woman while on a service call.<sup>168</sup> That same year, another deputy was let go after he reportedly “violated policy by endangering a person or property and lying.”<sup>169</sup> In 2016, a deputy was reprimanded after he targeted a local citizen for his police accountability work.<sup>170</sup>

### *Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>171</sup> The ACLU could not locate a public notice by the department about a steering committee meeting since that time.

## **11. Collier County, FL**

### Jail Enforcement Model

#### Sheriff Kevin Rambosk

In 2007, Sheriff Don Hunter signed the department’s first 287(g) agreement. In 2008, Kevin Rambosk replaced Hunter as sheriff. Despite significant community concern, Rambosk has repeatedly renewed the agreement, most recently in 2020 without a set expiration date.<sup>172</sup>

### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In 2021, the department used its official social media page to announce the sheriff’s support for a politically motivated border-enforcement declaration made by Florida’s governor. “Sheriff Kevin Rambosk applauds Governor Ron DeSantis and Attorney General Ashley Moody’s announcement today that Florida will provide mutual aid to Arizona and Texas to help secure the southern border of the United States,” the post

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<sup>166</sup> Elaine Allen-Emrich, “Did Stephanie Have to Die?,” *The Sun*, July 14, 2019, <https://ufdcimages.uflib.ufl.edu/AA/00/06/85/31/00026/07-14-2019.pdf>.

<sup>167</sup> Lauren Sweeney, “In-Custody Deaths Spawn Questions, Lawsuit,” WINK News, November 17, 2017, <https://www.winknews.com/2017/11/17/in-custody-deaths-spawn-questions-lawsuit/>.

<sup>168</sup> “Charlotte County Deputy Fired for Misconduct,” WWSB, August 11, 2021, <https://www.mysuncoast.com/2021/08/11/charlotte-county-deputy-fired-misconduct/>.

<sup>169</sup> Sarah Glenn, “Charlotte County Deputy Dismissed Following Internal Investigation,” WBBH, May 11, 2021, <https://nbc-2.com/news/2021/05/10/charlotte-county-deputy-dismissed-following-internal-investigation/>.

<sup>170</sup> Carlos Galarza-Veve, “Charlotte Deputy Reprimanded for Targeting ‘Cop Watch’ Creator,” *Charlotte Sun*, September 10, 2016, <https://www.naplesnews.com/story/news/local/florida/2016/09/10/charlotte-deputy-reprimanded-targeting-cop-watch-creator/90183438/>.

<sup>171</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>172</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Collier County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_CollierCoFL2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_CollierCoFL2020-06-09.pdf).



read. The sheriff said, “I stand with Governor DeSantis and Attorney General Moody’s leadership decision to provide assistance on this emergency crisis at our border.”<sup>173</sup>

The post went on to advertise that the sheriff sits on the National Sheriffs’ Association’s Immigration and Border Security committee, a body known for its anti-immigrant sentiment.<sup>174</sup> The post tied the sheriff’s position on the association’s board and his support for the Florida governor’s political stunt with the department’s 287(g) agreement with ICE, making clear the political nature of the department’s intentions. “Since 2007, over 6000 non-US citizens who have committed crimes in Collier County have been removed from the United States as a result of our 287g partnership,” the post concluded.<sup>175</sup>

In a 2009 public report, Rambosk proclaimed the department a “model” for other 287(g) agreements. “By not allowing these criminal aliens back on our streets to continue their criminal careers, we have made Collier County a safer place to live,” he said.<sup>176</sup>

### *Civil Rights Violations: Racialized Police Violence; Evading Accountability*

In 2020, a Latinx man was shot and killed by a deputy only 13 seconds after he and two other deputies had encountered a man in a farmworkers’ community. A coalition representing farmworkers criticized the department for lacking transparency in how it handled the investigation and for allowing the deputy who shot the man to return to duty several days later.<sup>177</sup> In 2021, the deputy was cleared of wrongdoing by a review panel; the farmworkers’ coalition criticized the decision as “shocking and unacceptable,” asserting that “officers failed to use any reasonable efforts to de-escalate the situation” and the killing “was entirely avoidable.”<sup>178</sup>

### *Racial Profiling*

Local activists report that the sheriff’s department questions people about their immigration status during traffic stops, which themselves are “based not on actual violations but the color of drivers’ skin.”<sup>179</sup> The Collier County chapter of the ACLU reports that it was contacted regarding two families whose stops for

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<sup>173</sup> “Sheriff Kevin Rambosk Applauds Governor Ron DeSantis and Attorney General Ashley Moody’s Announcement Today That Florida Will Provide Mutual Aid to Arizona and Texas,” Spot on Florida, June 18, 2021, <https://spotonflorida.com/southwest-florida/2849269/sheriff-kevin-rambosk-applauds-governor.html>.

<sup>174</sup> Tamar Sarai Davis and Tina Vásquez, “White Sheriffs Find Political Home with Far-right Organizations,” *Prism*, October 29, 2020, <https://prismreports.org/2020/10/29/white-sheriffs-find-political-home-with-farright-organizations/>.

<sup>175</sup> “Sheriff Kevin Rambosk Applauds Governor Ron DeSantis and Attorney General Ashley Moody’s Announcement Today That Florida Will Provide Mutual Aid to Arizona and Texas,” Spot on Florida, June 18, 2021, <https://spotonflorida.com/southwest-florida/2849269/sheriff-kevin-rambosk-applauds-governor.html>.

<sup>176</sup> Collier County Sheriff’s Office, “Sheriff Rambosk: Collier’s 287(g) Program ‘a Model’ for Other Cities,” press release, October 1, 2009, <https://www.colliersheriff.org/Home/Components/News/News/10969/1929?npage=110&arch=1>.

<sup>177</sup> Jake Allen, “Coalition of Immokalee Workers Continues Call for Transparency After Man Shot, Killed by Collier Deputy,” *Naples Daily News*, November 24, 2020, <https://www.naplesnews.com/story/news/local/2020/11/24/immokalee-group-calls-transparency-after-man-killed-collier-deputy/6405853002/>.

<sup>178</sup> Gail Levy and Matthew Seaver, “Citizens Review Panel Say Deputies Were Justified in Nicolas Morales Shooting,” *WINK*, December 1, 2021, <https://www.winknews.com/2021/12/01/citizens-review-panel-say-deputies-were-justified-in-nicolas-morales-shooting>.

<sup>179</sup> Louis Berney, “Collier Immigration Enforcement Is Biased, Say Community Meeting Speakers,” *Naples Daily News*, December 5, 2017, <https://www.naplesnews.com/story/news/local/2017/12/05/community-meeting-local-immigration-enforcement-discriminatory/922579001/>.

minor traffic violations by deputies ended up with both drivers arrested and held in the Collier County jail for potential deportation by ICE.<sup>180</sup>

Although the sheriff claims the program is intended to remove “violent criminals” from the community, county statistics indicate that most people were deported for low-level offenses.<sup>181</sup>

### *Jail Conditions*

In 2019, a person detained in the department’s jail died after an altercation in the facility.<sup>182</sup> In another jail death from the same year, a detainee who had been arrested for driving with a suspended or revoked license died; in 2020, his family filed a wrongful death lawsuit against the jail’s medical services provider, alleging the man did not receive proper treatment for his diabetes while in the facility.<sup>183</sup> In 2020, at least 45 detainees tested positive for COVID-19 within the department’s jail.<sup>184</sup> At the time of the outbreak, a community in the county had the highest COVID-19 infection rates in the state of Florida; Florida’s governor blamed high COVID-19 numbers on “overwhelmingly Hispanic farmworkers” and jails and prisons.<sup>185</sup>

### *Community Opposition*

The 287(g) program has contributed to mistrust of local law enforcement.<sup>186</sup> “My family always told me to never call the cops,” a domestic violence survivor reported. “My family told me that the only thing worse than the beatings was the police, the deportation.”<sup>187</sup> Community members have argued that the program is leading to the harassment of immigrants and doing nothing to improve public safety.<sup>188</sup> At a 2019 public

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<sup>180</sup>David Goldstein, “Commentary: Collier Sheriff Should End 287(g) Involvement,” *Naples Daily News*, July 18, 2018, <https://www.naplesnews.com/story/opinion/2018/07/18/ice-immigration-enforcement-collier-sheriffs-office-287-g-program/786590002/>.

<sup>181</sup>Evan Williams, “ICE Men Cometh: Extracting Undocumented People from Their Communities Gets Complicated,” *Naples Florida Weekly*, November 15, 2012, <https://naples.floridaweekly.com/articles/ice-men-cometh/>; Fox 4 Now, “Collier County Sheriff’s Deputies Accused of Racial Profiling,” YouTube, December 5, 2017, <https://www.youtube.com/watch?v=FvDMp5zRIBE>.

<sup>182</sup>Devan Patel, “Collier Inmate Who Died Monday Was Taken Off Life Support After Being Injured Last Week,” *Naples Daily News*, November 13, 2019, <https://www.naplesnews.com/story/news/crime/2019/11/13/naples-jail-center-inmate-taken-off-life-support-monday-after-injuries/2574187001/>.

<sup>183</sup>Jake Allen, “Lawsuit: Naples Jail Center Inmate Did Not Receive Proper Treatment for Diabetes Before Death,” *Naples Daily News*, November 12, 2020, <https://www.naplesnews.com/story/news/crime/2020/11/12/lawsuit-alleges-collier-inmate-timothy-kusma-died-after-lack-proper-diabetes-treatment/6247046002/>.

<sup>184</sup>“Forty-Five Inmates Test Positive for Covid-19 at Naples Jail Center,” WFTX, August 18, 2020, <https://www.fox4now.com/news/coronavirus/forty-five-inmates-test-positive-for-covid-19-at-naples-jail-center>.

<sup>185</sup>Trymaine Lee, “Into Protecting Florida Farmworkers,” June 30, 2020, in *Into America*, produced by MSNBC, podcast, <https://www.msnbc.com/podcast/transcript-protecting-florida-farmworkers-n1232543>.

<sup>186</sup>“Protesters Oppose Immigration Act 287(g) in Collier County,” WINK, December 11, 2017, <https://www.winknews.com/2017/12/11/protesters-oppose-immigration-act-287g-collier-county/>; “Citizens Ask Sheriff and ICE to Drop Illegal Immigrant Detainment Program,” WFTX, December 11, 2017, <https://www.fox4now.com/news/local-news/citizens-ask-sheriff-and-ice-to-drop-illegal-immigrant-detaiement-program>.

<sup>187</sup>“Citizens Ask Sheriff and ICE to Drop Illegal Immigrant Detainment Program,” WFTX, December 11, 2017, <https://www.fox4now.com/news/local-news/citizens-ask-sheriff-and-ice-to-drop-illegal-immigrant-detaiement-program>.

<sup>188</sup>Ibid.

meeting, 287(g) field program manager Sean Teeling was photographed rolling his eyes as members of the public spoke.<sup>189</sup>

## **12. Columbia County, FL**

Warrant Service Officer Model

Sheriff Mark Hunter

In 2008, Mark Hunter was elected sheriff.<sup>190</sup> From 2018-2019, Hunter served as president of the Florida Sheriffs Association,<sup>191</sup> an organization that has partnered closely with ICE, especially in the implementation of the new Warrant Service Officer (WSO) 287(g) model.<sup>192</sup> In 2019, Hunter entered into a WSO 287(g) agreement indefinitely.<sup>193</sup>

*Civil Rights Violations: Racialized Police Violence*

In May 2021, Martinezz Bowman was pulled over by sheriff's deputies for an issue with his car's tail lights. Video of the incident reveals Bowman, a 23-year-old Black man and son of a corrections officer, repeatedly asking, "Are you going to shoot me?" He complied with deputy instructions until deputies suddenly released a police dog, which bit Bowman's leg to the bone. Bowman was not cited for an infraction and is now suing the department for excessive use of force, as his leg injury required serious and ongoing medical treatment.<sup>194</sup> His case led to many other residents coming forward to tell of their own experiences with department abuse.<sup>195</sup>

Among these were another 2019 incident in which a Black man reported that a K9 sheriff's deputy had released his dog on the man, resulting in serious injury.<sup>196</sup> In 2020, a local pastor reported repeated harassment by the department, including an arrest with excessive force used by deputies, resulting in a dislocated shoulder, seizures, and other health effects.<sup>197</sup>

In 2020, a white sheriff's deputy beat Terry Glenn, a Black man who had stopped to check on his brother, who was in the middle of a traffic stop by the deputies. The local Public Defender's Office wrote the sheriff, highlighting not only that the white deputy had punched Glenn while he was in handcuffs, but that

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<sup>189</sup> Alexi C. Cardona, "Advocates Decry, Law Enforcement Defends 287(g) Agreement with ICE in Collier County," *Naples Daily News*, July 19, 2019, <https://www.naplesnews.com/story/news/local/2019/07/19/advocates-decry-law-enforcement-defends-agreement-with-ice-in-collier-county/1769543001/>.

<sup>190</sup> "Meet the Sheriff," Columbia County Sheriff's Office, <https://columbiasheriff.org/meet-the-sheriff/>.

<sup>191</sup> "Sheriff Mark A. Hunter," Florida Sheriffs Association, <https://www.flsheriffs.org/sheriffs/bio/columbia-county>.

<sup>192</sup> Immigration and Customs Enforcement, "ERO, OPLA Leadership Meet with Florida Sheriff's Association to Strengthen Partnerships," press release, July 31, 2019, <https://www.ice.gov/news/releases/ero-opla-leadership-meet-florida-sheriffs-association-strengthen-partnerships>.

<sup>193</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Columbia County Sheriff's Office, May 6, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_ColumbiaCoFI2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_ColumbiaCoFI2019-05-06.pdf).

<sup>194</sup> "Sheriff's Office: Martinezz Bowman v. Columbia County," Phillips & Hunt, <https://floridajustice.com/martinezz-bowman-v-columbia-county-sheriffs-office-florida-unlawful-use-of-police-force/>.

<sup>195</sup> "Attorneys in Columbia County Police Brutality Case Say More People Complained of Excessive Force," First Coast News, February 2, 2021, <https://www.firstcoastnews.com/video/news/local/as-seen-on-tv/attorneys-in-columbia-county-police-brutality-case-say-more-people-complained-of-excessive-force/77-df04c80c-d78c-4096-a448-389b205af003>.

<sup>196</sup> *Ibid.*

<sup>197</sup> *Ibid.*

other deputies did nothing to stop it or raise objections afterward.<sup>198</sup> An internal investigation found that the deputy violated department policy; he was suspended without pay but not terminated.

### *Evading Accountability*

In a 2021 meeting, the sheriff successfully urged County Commissioners to vote against a civilian review board of department practices, insisting he could do it himself. He has previously opposed body cameras and other oversight measures. At the meeting, the sheriff remarked: “Since all this started up, I’ve been accused of being a narcissist. I’ve been accused of being a predator. I’ve been accused of being arrogant. And yet, these are the people that say they want to come and work with me to try to help us make the sheriff’s office better. Kind of makes you think twice about that.”<sup>199</sup> Multiple community members described their negative experiences with the department, highlighting the “huge disconnect and distrust” between the department and communities of color and arguing that there is a lack of accountability and transparency.<sup>200</sup>

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE’s most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

### *Departmental Misconduct*

In 2021, a state investigation revealed that a deputy stole thousands of dollars during a call for service.<sup>201</sup>

### *Jail Conditions*

In January 2022, a man died in the department’s jail apparently due to a medical incident; an investigation by the state was ongoing.<sup>202</sup> In 2018, a man died by apparent suicide while detained in the jail, prompting a state investigation.<sup>203</sup> In 2015, another man died by suicide while detained in the jail.<sup>204</sup> In 2018, the family of the man filed a wrongful death lawsuit against the sheriff; the sheriff denied wrongdoing.<sup>205</sup> In 2020, a

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<sup>198</sup> Dylan Lyons, “North-Central Florida man beaten by Columbia County Sheriff Deputy,” WCJB, July 30, 2020, <https://www.wcjb.com/2020/07/30/north-central-florida-man-beaten-by-columbia-county-sheriff-deputy/>

<sup>199</sup> Stew Lilker, “Columbia County: Civilian Review of the Sheriff’s Office Nixed—Sheriff Say’s He Does It Himself,” *Columbia County Observer*, June 6, 2021, [https://www.columbiacountyobserver.com/master\\_files/County\\_News\\_2021/20210606\\_columbia-county-civilian-review-of-sheriff%E2%80%99s-office-nixed.html](https://www.columbiacountyobserver.com/master_files/County_News_2021/20210606_columbia-county-civilian-review-of-sheriff%E2%80%99s-office-nixed.html).

<sup>200</sup> Stew Lilker, “Columbia County: Civilian Review of the Sheriff’s Office Nixed—Sheriff Say’s He Does It Himself,” *Columbia County Observer*, June 6, 2021, [https://www.columbiacountyobserver.com/master\\_files/County\\_News\\_2021/20210606\\_columbia-county-civilian-review-of-sheriff%E2%80%99s-office-nixed.html](https://www.columbiacountyobserver.com/master_files/County_News_2021/20210606_columbia-county-civilian-review-of-sheriff%E2%80%99s-office-nixed.html).

<sup>201</sup> Francine Frazier, “Columbia County Deputy Arrested, Accused of Stealing Money During a Call,” WJXT, July 31, 2021, <https://www.news4jax.com/news/local/2021/07/31/columbia-county-deputy-arrested-accused-of-stealing-money-during-a-call/>.

<sup>202</sup> “The Identity of the Inmate that Died in the Columbia County Jail is Now Known,” WCJB, January 18, 2022, <https://www.wcjb.com/2022/01/16/inmate-dies-columbia-county-jail>.

<sup>203</sup> “Detectives and FDLE Investigate Apparent Jail Suicide,” Columbia County Sheriff’s Office, October 26, 2018, <https://columbiasheriff.org/2018/10/26/detectives-and-fdle-investigate-apparent-jail-suicide/>.

<sup>204</sup> “FDLE Investigates Apparent Suicide of Columbia County Inmate,” WJXT, June 19, 2015, <https://www.news4jax.com/news/2015/06/19/fdle-investigates-apparent-suicide-of-columbia-county-inmate-19/>

<sup>205</sup> *Silcox v. Hunter*, Case No. 3:16-cv-1509-J-32MCR (M.D. Fla. July 31, 2018)

COVID-19 outbreak at the jail infected at least two dozen detainees, who were unable to socially distance or protect themselves.<sup>206</sup>

### **13. Hendry County, FL**

Warrant Service Model

Sheriff Steve Whidden

Steve Whidden was first elected sheriff in 2008.<sup>207</sup> In 2019, Sheriff Steve Whidden entered the department into a 287(g) agreement without a set expiration date.<sup>208</sup>

#### *Racist, Anti-Immigrant Statements & Departmental Mismanagement*

In 2020, a *News-Press* investigation found that “in a dozen years, Whidden has brought in at least 51 deputies with histories of personal and professional misconduct, including racism, lying, fraud, misuse of position and paying for sex.”<sup>209</sup> For example, in 2016, a video showed a sheriff’s deputy using a racial slur and threatening to fabricate a report. He had previously been found guilty of removing evidence from a homicide investigation. Rather than disciplining the deputy, the sheriff promoted him.<sup>210</sup> Deputies with histories of misconduct make up nearly half of the department’s entire force, according to a 2021 *Prison Legal News* review.<sup>211</sup>

In 2015, the sheriff urged citizens to use concealed carry laws to arm themselves against the threat of “radical Islamic terrorism” and said people were “bowing down to the enemy...on our own soil.”<sup>212</sup>

In 2019, the sheriff made comments on social media personally attacking several of his constituents in racially coded language and spreading fear about Islam, prompting many to accuse him of racism.<sup>213</sup>

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<sup>206</sup> “Jail Dealing with Covid Outbreak,” *Lake City Reporter*, July 23, 2021,

<https://www.lakecityreporter.com/local/jail-dealing-covid-outbreak>.

<sup>207</sup> “Hendry Sheriff Steve Whidden Sworn in for Fourth Term,” *Lake Okeechobee News*, January 6, 2021,

<https://www.southcentralfloridalife.com/stories/hendry-sheriff-steve-whidden-sworn-in-for-fourth-term,14711>.

<sup>208</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Hendry County Sheriff’s Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_HendryCoFl2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_HendryCoFl2019-10-15.pdf).

<sup>209</sup> Devan Patel, “Dozens of Deputies Lied, Cheated and Stole. This Florida Sheriff Hired Them Anyway,” *Fort Myers News-Press*, updated January 7, 2021, <https://www.news-press.com/in-depth/news/crime/2020/10/25/florida-sheriff-hendry-county-whidden-hired-deputies-who-lied-stole/5985207002/>.

<sup>210</sup> Devan Patel, “Once Fired for Taking Evidence from Homicide Investigation, Video Shows Deputy Using Slur. He’s Now a Hendry County Watch Commander,” *Fort Myers News-Press*, December 31, 2019

<https://www.news-press.com/story/news/crime/2019/12/19/fired-taking-evidence-video-shows-deputy-using-slur-hes-now-hendry-county-watch-commander/2623820001/>.

<sup>211</sup> Nicole Audrey Spector, “The 10 Worst Sheriffs in America,” *Prison Legal News*, June 1, 2021,

<https://www.prisonlegalnews.org/news/2021/jun/1/10-worst-sheriffs-america/>

<sup>212</sup> “Florida Sheriff Issues Call to Arms Against ‘Radical Islam,’” NBC 5 Chicago, December 8, 2015,

<https://www.nbcchicago.com/news/national-international/florida-sheriff-issues-call-to-arms/2110037/>.

<sup>213</sup> “Hendry County Sheriff Accused of Being Racist After Making Comments on Facebook,” WBBH, May 8, 2019,

<https://abc-2.com/nbc-2-wbbh/2019/05/08/hendry-county-sheriff-accused-of-being-racist-after-making-comments-on-facebook/>.

At a 2020 public meeting, the sheriff refused to ban the deadly use of chokeholds and denied the existence of racial bias in policing.<sup>214</sup>

In 2021, the sheriff refused to arrest a school principal who hit a 6-year-old Latinx girl. Her mother is an undocumented immigrant reportedly afraid to push for action.<sup>215</sup>

In 2016, the state investigated the sheriff for a potential cover-up of a hit-and-run case involving an acquaintance of the sheriff's.<sup>216</sup> In 2021, a former deputy who claims he was a whistleblower in the hit-and-run case filed a lawsuit against the sheriff for allegedly firing the deputy for his whistleblower actions; the sheriff argued that he fired the deputy for an unrelated reason.<sup>217</sup> In another 2016 incident, the sheriff convinced a deputy not to file an assault charge against a friend of the sheriff who had physically attacked the deputy, in what local media described as a pattern of cover-ups for personal contacts.<sup>218</sup>

### *Civil Rights Violations: Racialized Police Violence*

In May 2020, deputies shot two Black men, one while he was lying on the ground in his own front yard.<sup>219</sup> They also reportedly shot into a crowd of people at a block party. One of the deputies who shot the men was previously fired from the Department of Corrections for excessive use of force; the sheriff hired him anyway. The sheriff denied wrongdoing in the shooting and blamed victims, saying, "Do not believe everything you see and hear on Facebook or on the news. People will lie. Body cameras do not. The people who attend these parties have no respect for the law-abiding citizens who live in this community or law enforcement."<sup>220</sup> His account of the shooting has been vigorously contested by witnesses and advocates.<sup>221</sup>

### *Evading Accountability*

The sheriff has reportedly declined news agency requests for information regarding the circumstances of the May 2020 shooting.<sup>222</sup>

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

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<sup>214</sup> Danika J. Fornear, "Hendry County Sheriff Addresses Use of Force and Accusations of Racism," *South Central Florida Life*, July 16, 2020, <https://www.southcentralfloralife.com/stories/hendry-county-sheriff-addresses-use-of-force-and-accusations-of-racism.9208>.

<sup>215</sup> "Hendry County Sheriff Said Principal Who Paddled First-Grader Committed No Crime," WZVN-TV, May 6, 2021, <https://abc-7.com/news/2021/05/04/hendry-county-sheriff-said-principal-who-paddled-first-grader-committed-no-crime/>.

<sup>216</sup> "Alleged Cover Up Places Hendry Sheriff Under Eye of State Investigators," WINK, updated December 9, 2016, <https://www.winknews.com/2016/09/21/alleged-cover-up-places-hendry-sheriff-under-eye-of-investigators/>.

<sup>217</sup> *Speak v. Whidden*, 2:18-cv-826-JLB-NPM (M.D. Fla. February 26, 2021), <https://casetext.com/case/speak-v-whidden-1>.

<sup>218</sup> "Cover Up Accusations Expose Past Similar Incident for Hendry Sheriff," WINK, November 2, 2016, <https://www.winknews.com/2016/11/02/cover-up-accusations-expose-past-similar-incident-for-hendry-sheriff/>.

<sup>219</sup> Devan Patel, "Dozens of Deputies Lied, Cheated and Stole. This Florida Sheriff Hired Them Anyway," *The News-Press*, updated January 7, 2021, <https://www.news-press.com/in-depth/news/crime/2020/10/25/florida-sheriff-hendry-county-whidden-hired-deputies-who-lied-stole/5985207002/>.

<sup>220</sup> *Ibid.*

<sup>221</sup> Devan Patel, "Hendry County Sheriff Posts His Account of May Shooting that Wounded Two Black Men; Attorneys Say He's Wrong," *Fort Myers News-Press*, October 30, 2020, <https://www.news-press.com/story/news/crime/2020/10/30/hendry-sheriff-steve-whidden-disputes-account-may-shooting-two-black-men/6059594002/>.

<sup>222</sup> *Ibid.*

## 14. Hernando County, FL

### Warrant Service Officer Model

#### Sheriff Al Nienhuis

Al Nienhuis became sheriff in 2011.<sup>223</sup> Nienhuis signed a 287(g) agreement to join the Warrant Service Officer Model in 2019,<sup>224</sup> a move that he announced in a joint press conference with Florida Governor Ron DeSantis focused on immigrants as perpetrators of crime.<sup>225</sup> In 2020, he signed another indefinite agreement to expand the program to a Jail Enforcement Model.<sup>226</sup>

#### *Jail Conditions*

The Hernando County Detention Center has a history of deaths in custody as a result of departmental mismanagement. In June 2021, the department reported the death “as a result of a medical condition” of a 51-year-old individual who had been held for six months on a charge of “unlawful possession of personal identification.”<sup>227</sup> Additionally, a 30-year-old died in 2017 following a “medical episode” after being detained for failure to appear in court.<sup>228</sup> In 2015, a detained individual hanged himself in his cell in full view of a surveillance camera.<sup>229</sup> This was just one month after another person detained in the jail had killed himself.<sup>230</sup> In 2011, a person detained in the jail on suicide watch killed himself after the deputy assigned to check on him every 15 minutes had neglected to observe him for an hour and 45 minutes.<sup>231</sup>

When the department took back operation of its jail from the private company Corrections Corporation of America in 2010, it inherited a decrepit and disorderly facility.<sup>232</sup> But while efforts were made to bring

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<sup>223</sup> “Sheriff’s Staff,” Hernando County Sheriff’s Office,

<https://www.hernandosheriff.org/SheriffsStaff.aspx#:~:text=Sheriff%20Al%20Nienhuis%20began%20his,the%20Pasco%20County%20Sheriff's%20Office.>

<sup>224</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Hernando County Sheriff’s Office, May 6, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_HernandoCoFl2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_HernandoCoFl2019-05-06.pdf).

<sup>225</sup> Sarah Nachin, “Hernando Sheriff Announces Participation in ICE Program,” *Hernando Sun*, February 26, 2019, <https://www.hernandosun.com/2019/02/26/hernando-county-sheriff-announces-participation-ice-program/>.

<sup>226</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Hernando County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020,

[https://www.ice.gov/doclib/287gMOA/287gJEM\\_HernandoCoFl2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_HernandoCoFl2020-06-09.pdf).

<sup>227</sup> Josh Fiallo, “Hernando County Inmate Dies in Custody Six Months After Arrest,” *Tampa Bay Times*, June 16, 2021,

<https://www.tampabay.com/news/hernando/2021/06/16/hernando-county-inmate-dies-in-custody-six-months-after-arrest/>.

<sup>228</sup> “Inmate Dies While in Custody in Hernando,” *Tampa Bay Times*, February 13, 2017,

<https://www.tampabay.com/news/publicsafety/inmate-dies-while-in-custody-in-hernando/2312883/>.

<sup>229</sup> “Sheriff: North Florida Inmate Commits Suicide,” CBS Miami, March 6, 2015,

<https://miami.cbslocal.com/2015/03/06/sheriff-north-florida-inmate-commits-suicide/>.

<sup>230</sup> Sherri Lonon, “Deputies: Pasco Man Committed Suicide in Hernando Jail,” Patch, February 4, 2015,

<https://patch.com/florida/landolakes/deputies-pasco-man-committed-suicide-hernando-jail>.

<sup>231</sup> Tony Marrero, “Deputy’s Negligence Indicated in Suicide at Hernando County Jail,” *Tampa Bay Times*, June 20, 2012, <https://www.tampabay.com/news/publicsafety/deputys-negligence-indicated-in-suicide-at-hernando-county-jail/1236332/>

<sup>232</sup> John Woodrow Cox and Barbara Behrendt, “Hernando County’s Takeover of Jail Brings Year of Sweeping Changes,” *Tampa Bay Times*, August 27, 2011, <http://www.tampabay.com/news/localgovernment/hernando-countys-takeover-of-jail-brings-year-of-sweeping-changes/1188387>.

needed repairs to buildings and appliances, the sheriff also promised “that the punishment aspect of incarceration will return under his leadership,” according to media.<sup>233</sup>

### *Civil Rights Violations*

In a 2017 letter, the ACLU urged DHS not to sign a 287(g) agreement with the department, noting reports of civil rights violations committed by deputies both in the field and at the jail.<sup>234</sup>

### *Evading Accountability*

A *USA Today/ProPublica* investigation found that the department withheld deputies’ names in nearly 1 in 3 use of force incident reports, including a 2020 case in which a deputy repeatedly hit a man in a mental health crisis with a flashlight; a 2019 case in which a deputy pepper-sprayed a homeless man in the face while he was handcuffed to a hospital bed; and an additional case resulting in a civilian death.<sup>235</sup>

### *Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

Nienhuis has repeatedly stoked fear about immigrants. In a post on his official social media page, the sheriff spread misinformation, writing: “Today, EVERY town is a border town. The border is not just open to people who want a better life, it is open to ANYONE who wants to cross (illegals from over 170 countries are frequently caught - NOT just Central America)... If you are a violent criminal, gang member, or terrorist, it is an EASY pathway to the United States....Open borders is not acceptable (regardless of your political stance). US citizens in the area (and throughout the country) are paying a HEAVY price.”<sup>236</sup> Nienhuis joined the April 2021 “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>237</sup>

### *Departmental Mismanagement*

In 2017, a former department official filed a complaint alleging that Nienhuis hid from the County Commission \$1.3 million in revenue he had collected for housing federal detainees in 2016.<sup>238</sup>

## **15. Indian River County, FL**

Warrant Service Officer Model

Sheriff Eric Flowers

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<sup>233</sup> Barbara Behrendt, “Inmates, Say Goodbye to Pizza,” *Tampa Bay Times*, August 22, 2010, <https://www.tampabay.com/archive/2010/08/22/inmates-say-goodbye-to-pizza>.

<sup>234</sup> See Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>235</sup> Kenny Jacoby and Ryan Gabrielson, “Marsy’s Law Was Meant to Protect Crime Victims. It Now Hides the Identities of Cops Who Use Force,” *USA Today/ProPublica*, October 29, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/10/29/police-hide-their-identities-using-victims-rights-bill-marsys-law/3734042001/>.

<sup>236</sup> Sheriff Al Nienhuis, “Today, EVERY town is a border town.” Facebook, July 30, 2021, [https://www.facebook.com/permalink.php?story\\_fbid=3918779258232949&id=100003027410536](https://www.facebook.com/permalink.php?story_fbid=3918779258232949&id=100003027410536).

<sup>237</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

<sup>238</sup> Barbara Behrendt, “Ex-sheriff’s Official Says Sheriff Intentionally Hid Federal Inmate Revenue from County,” *Tampa Bay Times*, June 28, 2017, <https://www.tampabay.com/news/localgovernment/ex-sheriffs-official-says-sheriff-intentionally-hid-federal-inmate-revenue/2328738/>.



In 2019, then-sheriff Deryl Loar entered the department into a 287(g) agreement without a set expiration date.<sup>239</sup> In 2021, Flowers replaced Loar as sheriff.<sup>240</sup>

#### *Advocacy of Inhumane Immigration and Border Policies*

In 2021, Flowers signed “America’s Sheriffs Letter” to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>241</sup>

#### *Civil Rights Violations*

In 2021, the mother of Alteria Woods, a woman who was killed by department deputies, filed a lawsuit in federal court for excessive force and civil rights abuses. Woods, a Black woman, was 21 years old when she was shot 10 times while lying in her bed during a drug raid conducted by the department. She was not the target of the raid.<sup>242</sup> “We not only seek justice for the death of Alteria Woods for her family. We also seek to end the abusive police practices by the defendants in this case,” said the attorneys who filed the case. An internal department investigation found no wrongdoing by its own deputies.

In December 2020, a corrections deputy abused and pepper-sprayed a man in the county jail even though video reveals the man was sitting still and making no aggressive action toward the officer; he was later fired and charged with battery.<sup>243</sup> In 2018, a deputy shot and killed a 62-year-old woman suffering a mental health crisis; her family later filed a multimillion dollar federal lawsuit against the sheriff for wrongful death.<sup>244</sup> In 2017, three deputies were suspended and one resigned after an investigation found excessive force was used in responding to a domestic dispute; one deputy entered a Black man’s home and punched him three times in the face.<sup>245</sup>

In 2016, a person detained by the department died shortly after he was allegedly beaten by a deputy; the cause of death was disputed by various autopsy reports, and the deceased’s family filed a federal lawsuit against the sheriff for wrongful death.<sup>246</sup>

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<sup>239</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Indian River County Sheriff’s Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_IndianRiverCoFL2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_IndianRiverCoFL2019-10-15.pdf).

<sup>240</sup> Corey Arwood, “Eric Flowers Sworn in as Indian River County Sheriff in Jan. 5 Vero Beach Stadium Ceremony,” *Treasure Coast Newspapers*, January 5, 2021, <https://www.tcpalm.com/story/news/crime/indian-river-county/2021/01/05/eric-flowers-sworn-indian-river-county-sheriff-jan-5-vero-beach-stadium-ceremony/4084951001/>.

<sup>241</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

<sup>242</sup> Nick Samuel, “Alteria Woods’ Mother Files Lawsuit Against Officers in Fatal Drug Raid,” *Vero News*, January 12, 2021, <http://veronews.com/2021/01/12/alteria-woods-mother-files-lawsuit-against-officers-in-fatal-drug-raid/>.

<sup>243</sup> Gary Detman, “Deputy Fired, Accused of Excessive Force in Indian River County,” WPEC, January 13, 2021, <https://cbs12.com/news/local/former-deputy-arrested-accused-of-excessive-force-in-indian-river-county>.

<sup>244</sup> Ryan Hughes, “Family of Woman Shot By Indian River County Sheriff’s Deputy Files Wrongful Death Suit,” WPTV, September 10, 2018, <https://www.wptv.com/news/region-martin-county/stuart/family-of-woman-shot-by-indian-river-county-sheriffs-deputy-files-wrongful-death-lawsuit>.

<sup>245</sup> Lamaur Stancil, “Deputy Resigns, Others Disciplined After Indian River Sheriff’s Probe,” *TCPalm*, February 9, 2017, <https://www.tcpalm.com/story/news/crime/indian-river-county/2017/02/09/police-brutality-sheriff/97688298>

<sup>246</sup> “Wrongful Death Suit Filed Against IRCISO,” WPTV, September 27, 2016, <https://www.wptv.com/news/region-indian-river-county/wrongful-death-suit-filed-against-irciso>

### *Jail Conditions*

In 2020, a woman died from a heroin overdose while detained at the department's jail for a month, raising questions as to how the drug entered the facility.<sup>247</sup> In 2018, another person detained at the facility died from a drug overdose.<sup>248</sup>

### *Officer Misconduct*

In 2020, the department was the subject of international criticism after a white deputy posted multiple videos to the popular video social media site TikTok in which he uses the n-word, refers to COVID-19 as "the Chinese virus," and deploys other racist and sexist language, including videos made while uniformed in his patrol vehicle.<sup>249</sup> After an internal investigation, the only discipline the deputy received as a result was a temporary suspension from the SWAT team.<sup>250</sup>

### *Evading Accountability*

In 2020, Flowers, who then served as the department's public information officer, was the subject of two lawsuits for failures to provide accurate public records.<sup>251</sup> In 2013, a state inquiry confirmed that the department had illegally altered public records.<sup>252</sup>

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

## **16. Jacksonville Sheriff's Office (Duval County), FL**

Jail Enforcement Model

Sheriff Mike Williams

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<sup>247</sup> Lamaur Stancil, "Inmate May Have Died From Heroin Overdose At Indian River County Jail, Officials Said," *Treasure Coast Newspapers*, June 10, 2020, <https://www.tcpalm.com/story/news/crime/indian-river-county/2020/06/10/death-lori-collins-indian-river-county-jail-may-drug-overdoes/5333292002/>.

<sup>248</sup> Jennifer Tintner, "Indian River County Jail Inmate Died from Kratom Overdose, Autopsy Shows," WPTV, May 17, 2018, <https://www.wptv.com/news/region-indian-river-county/indian-river-county-jail-inmate-died-from-kratom-overdose-autopsy-shows>.

<sup>249</sup> Jose Lambiet, "White Florida Sheriff's Deputy Turned Tik Tok Star With 'Insensitive' Videos Imitating Black People Sparks Race Debate Within His Wealthy Community Where Schools Are Still Segregated and Confederate Flags Fly Free," *Daily Mail*, April 6, 2020, <https://www.dailymail.co.uk/news/article-8175997/White-Florida-sheriffs-deputy-turned-Tik-Tok-star-insensitive-videos-spark-race-debate.html>.

<sup>250</sup> "Indian River County Deputy Suspended from SWAT Team Over Controversial Tiktok Videos, Investigation Concludes," Labor Relations Information System, May 14, 2020, <https://iris.com/2020/05/14/indian-river-county-deputy-suspended-from-swat-team-over-controversial-tiktok-videos-investigation-concludes/>.

<sup>251</sup> Ray McNulty, "Is Someone Trying to Derail Sheriff's Candidate Flowers?," *Vero News*, January 1, 2020, <http://veronews.com/2020/01/02/is-someone-trying-to-derail-sheriffs-candidate-flowers/>.

<sup>252</sup> "State Inquiry Confirms Sheriff's Office Wrongfully Altered Records," *Vero News*, April 12, 2013, <http://veronews.com/2013/04/12/state-inquiry-confirms-sheriffs-office-wrongfully-altered-records/>.

In 2008, Sheriff John Rutherford signed one of the first 287(g) agreements in Florida.<sup>253</sup> In 2020, Sheriff Mike Williams, who was first elected in 2015,<sup>254</sup> renewed the agreement indefinitely.<sup>255</sup>

### *Racial Profiling*

The department has a history of racial profiling. A 2021 public report drawn from community input sessions highlighted “serious problems” with the department’s treatment of people of color and called for a citizen oversight board.<sup>256</sup> A 2018 *ProPublica* investigation revealed that 55% of citations for pedestrian violations (primarily jaywalking) were filed against Black people in Jacksonville, although they make up only 29% of the local population.<sup>257</sup> According to one group, 56% of the people arrested in the county, and 100% of those killed by police, were also Black.<sup>258</sup>

Local advocates and the ACLU of Florida have argued since the agreement’s inception in 2008 that it is likely to increase racial profiling and deportation for minor offenses, such as jaywalking. Indeed, according to an in-depth study, in the first 10 months of 2010, half of the detainers issued by 287(g) officers nationwide were placed on people apprehended for misdemeanors, traffic violations, and noncriminal immigration offenses.<sup>259</sup>

As the ACLU of Florida noted in 2013, “nearly two-thirds were arrested for misdemeanors, and more than one-third of these misdemeanors were non-DUI traffic violations.”<sup>260</sup> The director of the Florida Coastal Immigrant Rights Clinic in Jacksonville reported that many of the individuals she has spoken with are too scared to call the department—even when they are the victims of a crime—because they have been stopped by department officers for minor traffic violations in the past and impermissibly questioned about their citizenship status.<sup>261</sup>

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<sup>253</sup> ACLU of Florida, “ACLU of Florida, FLIC and Coalition Call on Nelson, Rubio and Local Leaders to End Controversial Federal Immigration Program, press release, December 7, 2012, <https://www.aclufl.org/en/press-releases/aclu-florida-flic-and-coalition-call-nelson-rubio-and-local-leaders-end-controversial>.

<sup>254</sup> “Your Sheriff’s Office,” Jacksonville Sheriff’s Office, <https://www.jaxsheriff.org/Sheriffs-Office.aspx#:~:text=Elected%20Sheriff%20in%202015%20and,every%20neighborhood%20in%20Jacksonville%2C%20Florida>.

<sup>255</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Jacksonville Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_JacksonvilleCoFl2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_JacksonvilleCoFl2020-06-09.pdf).

<sup>256</sup> Jim Piggott, “New Report Criticizes JSO’s Relationship with Black Residents, Calls for Citizen Review Board,” WJXT, September 14, 2021, [www.news4jax.com/news/local/2021/09/13/report-critical-of-jsos-relationship-with-black-residents-calls-for-citizen-review-board/](http://www.news4jax.com/news/local/2021/09/13/report-critical-of-jsos-relationship-with-black-residents-calls-for-citizen-review-board/).

<sup>257</sup> “Jacksonville Sheriff Admits Race May Have Played a Role in Ticket Writing,” *ProPublica*, March 16, 2018, <https://www.propublica.org/article/jacksonville-sheriff-admits-race-may-have-played-a-role-in-ticket-writing>.

<sup>258</sup> “Jacksonville,” Police Scorecard, [policescorecard.org/fl/sheriff/jacksonville](http://policescorecard.org/fl/sheriff/jacksonville).

<sup>259</sup> ACLU of Florida, “ACLU of Florida, FLIC and Coalition Call on Nelson, Rubio and Local Leaders to End Controversial Federal Immigration Program, press release, December 7, 2012, <https://www.aclufl.org/en/press-releases/aclu-florida-flic-and-coalition-call-nelson-rubio-and-local-leaders-end-controversial>; Randy Capps, Marc R. Rosenblum, Cristina Rodríguez, and Muzaffar Chishti, *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* (Migration Policy Institute, January 2011), <https://www.migrationpolicy.org/pubs/287g-divergence.pdf>.

<sup>260</sup> “Saturday’s Lead Letter: ACLU of Florida Comments on Sheriff and Immigration,” *Florida Times-Union*, January 11, 2013, <https://www.jacksonville.com/opinion/letters-readers/2013-01-11/story/saturdays-lead-letter-aclu-florida-comments-sheriff-and>.

<sup>261</sup> *Ibid.*

### *Civil Rights Violations: Racialized Police Violence*

There have been more than 70 officer-involved shootings since 2015, a majority of them shootings of Black men by white law enforcement officers, many of them fatal.<sup>262</sup> In 2021, a man died following an altercation with officers at the department's jail.<sup>263</sup> In 2020, four local activists sued the department, accusing the sheriff of civil rights abuses for unlawful arrest and excessive force during protests following the murder of George Floyd.<sup>264</sup> In a settlement, the sheriff's office was required to change its policies for dealing with protestors. The same year, a Black woman called 911 to report she was afraid as a deputy parked in her driveway and wouldn't leave while checking emails in his patrol car. A scuffle ensued and video shows the white deputy arresting the woman and breaking her front teeth in the process.<sup>265</sup> Another filmed incident from 2020 shows a white deputy shouting expletives at a Black man while threatening to shoot him.<sup>266</sup> In 2019, a Black man was shot and killed by deputies as he reportedly raised his hands to surrender. Body camera footage of the incident was reportedly edited, prompting activists to accuse the department of a cover-up.<sup>267</sup> These and other incidents provoked community activists to confront the department for a pattern of racialized violence.<sup>268</sup>

### *Evading Accountability, Departmental Mismanagement*

During Williams' tenure as sheriff, 59 department employees have been arrested for various offenses.<sup>269</sup> In 2015, local activists criticized the sheriff for failure to keep email records as required by law.<sup>270</sup>

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<sup>262</sup> "Officer-Involved Shootings," Jacksonville Sheriff's Office, <https://transparency.jaxsheriff.org/OIS>.

<sup>263</sup> "JSO: Inmate Died at Hospital Seven Days After Altercation with Officers," WTLV, August 30, 2021, <https://www.firstcoastnews.com/article/news/crime/inmate-dies-after-altercation-in-duval-county-jail-says-report/77-341cf4bc-44d8-4339-8b7e-3f04f44a36af>.

<sup>264</sup> "4 Protesters to Receive \$10k Each in Settlement with Jacksonville Sheriff," WJXT, August 14, 2020, <https://www.news4jax.com/news/local/2020/08/14/4-protesters-to-receive-10k-each-in-settlement-with-jacksonville-sheriff/>.

<sup>265</sup> "Jacksonville Woman Found Not Guilty of Assaulting Officer After Her Teeth Were Broken in Scuffle with JSO," *First Coast News*, September 10, 2021, <https://www.firstcoastnews.com/article/news/crime/woman-whose-teeth-broken-by-jso-officer-found-not-guilty-of-felony/77-605923df-ada5-40ef-8015-25de97dc4028>.

<sup>266</sup> Anne Schinder, "Videos Raise Racial Concerns About Jacksonville Sheriff's Office Interactions with Public," *Florida Times-Union*, July 26, 2020, <https://www.jacksonville.com/story/news/local/2020/05/29/videos-raise-racial-concerns-about-jacksonville-sheriff-s-office-interactions-with-public/41750393/>.

<sup>267</sup> Teresa Stepzinski, "Drive-in Protesters Repeat Demands for Accountability, Civilian Oversight of Jacksonville Sheriff's Office," *Florida Times-Union*, updated July 20, 2020, <https://www.jacksonville.com/story/news/local/2020/07/18/drive-in-protesters-repeat-demands-for-accountability-civilian-oversight-of-jacksonville-sheriff-s-office/41746599/>.

<sup>268</sup> Anne Schinder, "Videos Raise Racial Concerns About Jacksonville Sheriff's Office Interactions with Public," *Florida Times-Union*, July 26, 2020, <https://www.jacksonville.com/story/news/local/2020/05/29/videos-raise-racial-concerns-about-jacksonville-sheriff-s-office-interactions-with-public/41750393/>.

<sup>269</sup> Andrew Pantazi, "59 Jacksonville Sheriff's Office Employees Have Been Arrested Since Sheriff Williams Took Office. Two Were Sentenced to Jail," *Florida Times-Union*, July 11, 2020, <https://www.jacksonville.com/story/news/local/2020/07/11/59-jacksonville-sheriff-s-office-employees-have-been-arrested-since-sheriff-williams-took-office-two-were-sentenced-to-jail/112135592/>.

<sup>270</sup> Andrew Pantazi and Sebastian Kitchen, "Jacksonville Sheriff's Office says it didn't maintain emails as law requires," *Florida Times-Union*, December 10, 2015, <https://www.jacksonville.com/story/news/2015/12/10/stub-433/15691772007/>.

## *Advocacy of Inhumane Immigration and Border Policies*

In December 2021, the sheriff appeared with Florida Governor Ron DeSantis to support the governor's proposals to "Stop the Flow of Illegal Aliens and Protect Floridians from the Ongoing Biden Border Crisis."<sup>271</sup>

### *Jail Conditions*

In 2021, three detained people died from COVID-19 after reports of overcrowding and lack of health and safety measures within the department's jail.<sup>272</sup> Jail population levels in 2021 were at their highest in years, contributing to these health and safety issues.<sup>273</sup>

## **17. Lake County, FL**

### Warrant Service Officer Model

Sheriff Peyton Grinnell

The department first applied to enter a 287(g) agreement in 2008, although whether ICE signed an agreement is unclear.<sup>274</sup> In 2016, Peyton Grinnell was elected sheriff; in 2018, Grinnell announced that the department had signed a Warrant Service Officer Model agreement, although ICE records indicate the agreement without set expiration date was not signed until fall 2019.<sup>275</sup>

### *Racial Profiling*

In 2011, the ACLU filed a federal lawsuit against the department for unlawfully detaining a Latinx woman—a mother of four married to a U.S. citizen and Iraq war veteran—for two weeks.<sup>276</sup> The woman, Rita Cote, had called the sheriff because her sister was a victim of domestic violence. In responding to the call, deputies instead arrested Cote after she was unable to prove her immigration status.<sup>277</sup> The Florida Center for Investigative Reporting found that from 2007 to 2009, "there were more than 230 people

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<sup>271</sup> Office of the Florida Governor, "Governor Ron DeSantis Announces Proposals to Stop the Flow of Illegal Aliens and Protect Floridians from the Ongoing Biden Border Crisis," press release, December 10, 2021, <https://www.flgov.com/2021/12/10/governor-ron-desantis-announces-proposals-to-stop-the-flow-of-illegal-aliens-and-protect-floridians-from-the-ongoing-biden-border-crisis/>.

<sup>272</sup> Kelly Wiley and Corley Peel, "Authorities: 3 Duval County Jail Inmates Die After Contracting COVID-19," WJXT, February 10, 2021, <https://www.news4jax.com/news/local/2021/02/10/authorities-3-duval-county-jail-inmates-die-after-contracting-covid-19/>.

<sup>273</sup> Sydney Boles, "More People Are Incarcerated in Duval County Jails Than There Have Been in Years, JSO Says," WJCT, April 23, 2021, <https://news.wjct.org/first-coast/2021-04-23/more-people-are-incarcerated-in-duval-county-jails-than-there-have-been-in-years-jso-says>.

<sup>274</sup> Gary S. Borders to Julie Myers, March 18, 2008, <https://www.ice.gov/doclib/287gMOA/lakecountyfl.pdf>.

<sup>275</sup> Stephen Hudak, "Lake County Agrees to Serve as Immigration Enforcement Partner, Hold Potential Deportees," *Orlando Sentinel*, June 4, 2018, <https://www.orlandosentinel.com/news/lake/os-lake-county-jail-ice-helper-20180601-story.html>; "Tracking Immigration and Customs Enforcement Detainers," TRACimmigration, 2015, <https://trac.syr.edu/phptools/immigration/detainhistory/> (full records on file with TRAC).

<sup>276</sup> American Civil Liberties Union, "ACLU Files Suit Against Lake County Sheriff, City of Tavares for Unlawfully Detaining Mother of Four," press release, January 25, 2011, <https://www.aclu.org/press-releases/aclu-files-suit-against-lake-county-sheriff-city-tavares-unlawfully-detaining-mother>.

<sup>277</sup> Ralph De La Cruz, "'The Police Took Mommy': How Reporting a Crime Nearly Resulted in Deportation for Florida Woman," Florida Center for Investigative Reporting, January 31, 2011, <https://fcir.org/2011/01/31/the-police-took-mommy-how-reporting-a-crime-nearly-resulted-in-deportation-for-florida-woman/>.

detained in Lake County for alleged immigration violations. That in a county with a population of less than 300,000.”<sup>278</sup>

The Farmworker Association of Florida compiled troubling testimonies of Lake County Latinx residents who were targeted by deputies and had their immigration status checked apparently for no other reason than the color of their skin.<sup>279</sup> In a 2009 report, a coalition of legal groups cited incidents like these from Lake County as evidence of “discrimination on account of race, national origin and ethnicity directly attributable to the 287(g) agreements entered into between the U.S. Department of Homeland Security and local law enforcement officials.”<sup>280</sup>

### *Civil Rights Violations*

In 2019, the Department of Justice indicted a Lake County deputy after he shot an unarmed woman whose hands were visible and empty. The FBI found that the deputy deliberately misled investigators to justify the fatal shooting.<sup>281</sup>

### *Racist Statements and Departmental Misconduct*

In 2019, Injustice Watch, using data from the Plain View Project, found that several deputies, including from Lake County, posted racist, violence-promoting content on social media.<sup>282</sup> As the *Orlando Sentinel* wrote in 2019, “One deputy advocated banning Islam. Another falsely identified President Obama as a Muslim. Another mocked a photo of a badly beaten black man. Other Facebook posts by deputies glorified violence, objectified women and demeaned immigrants. At least two posts found humor in mowing down protesters with a vehicle, which is precisely what happened two years ago in Charlottesville, Va...Through memes and photos, this group of about two dozen current and former deputies displayed sentiments ranging from hatred to disregard for Muslims, African-Americans, Democrats and anyone whom they judge as insufficiently patriotic.”<sup>283</sup> Deputies also called the late Representative John Lewis a “thug” and used Confederate flag imagery.<sup>284</sup>

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<sup>278</sup> Ibid.

<sup>279</sup> Rebecca Smith, Salvador Reza, Sarah Paoletti, and Kyle Harris, *Reply to U.S. Response to Specific Recommendations Identified by the CERD: The Rise of Racial Profiling, Discrimination and Abuse in Immigrant Communities as a Result of Local Enforcement of Immigration Law* (June 2009), [https://law.unc.edu/wp-content/uploads/2019/10/cerd\\_response\\_immig\\_racial\\_profiling\\_final\\_062909.pdf](https://law.unc.edu/wp-content/uploads/2019/10/cerd_response_immig_racial_profiling_final_062909.pdf).

<sup>280</sup> Ibid.

<sup>281</sup> Department of Justice, “Lake County Sheriff’s Office Deputy Charged with Civil Rights Offenses for Shooting an Unarmed Person and Lying to Investigators,” press release, August 21, 2019, <https://www.justice.gov/opa/pr/lake-county-sheriff-s-office-deputy-charged-civil-rights-offenses-shooting-unarmed-person-and>.

<sup>282</sup> Emily Hoerner and Rick Tulsky, “Cops Around the Country Are Posting Racist and Violent Comments on Facebook,” *Injustice Watch/BuzzFeed*, June 1, 2019, <https://www.injusticewatch.org/interactives/cops-troubling-facebook-posts-revealed/>; The Plain View Project, “Lake County, FL” [https://www.plainviewproject.org/data?city=lake\\_county](https://www.plainviewproject.org/data?city=lake_county).

<sup>283</sup> Orlando Sentinel Editorial Board, “Deputies’ Facebook Posts Another Stain on Lake County: Editorial,” *Orlando Sentinel*, June 27, 2019, <https://www.orlandosentinel.com/opinion/editorials/os-op-lake-county-deputies-facebook-posts-plain-view-project-20190627-ynvw2u2f3vfita3eudbyunjb4y-story.html>.

<sup>284</sup> Ibid.

The department gained further notoriety when, later in 2019, Grinnell posted a video in which he is flanked by several ski mask-wearing deputies and threatens people who might sell drugs: “We are coming for you. Run.”<sup>285</sup> The video went viral and commentators criticized its depictions of masked strongmen.<sup>286</sup>

The department’s actions are rooted in a larger pattern and history of racism in Lake County, including among public officials. In 2019, Lake County commissioners, who are responsible for overseeing the sheriff’s department, spent \$3,900 in public funds to investigate relocating to Lake County a statue of a slave-holding Confederate general that had been removed from the National Statuary Hall in Washington, D.C., for being racially offensive.<sup>287</sup> Longtime former Lake County Sheriff Willis McCall was widely known for his racist and segregationist views and actions.<sup>288</sup>

### *Jail Conditions*

In 2021, a man detained at the jail sued the department after he contracted COVID-19 at the facility; he alleges the department failed to protect him through appropriate health measures. At least two people have died from COVID-19 in the facility, while 290 detained people had been infected as of December 2021.<sup>289</sup> The man also accused three deputies of using “unreasonable force” by allegedly slamming him to the ground and choking him while detaining him following an incident at the facility.<sup>290</sup> In 2019, the sister of a man detained at the jail reported that her brother was put in a chokehold and slammed to the ground by deputies after he refused to take medication, prompting an internal investigation.<sup>291</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE’s most recent public reporting of steering committee meetings is from fiscal year 2019, potentially before the department entered the program).

## **18. Manatee County, FL**

Warrant Service Model

Sheriff Rick Wells

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<sup>285</sup> Ibid.

<sup>286</sup> Tim Elfrink, “Florida Sheriff Films ISIS-Style Video Starring Deputies in Ski Masks,” *Miami New Times*, April 10, 2017, <https://www.miaminewtimes.com/news/lake-county-sheriffs-office-releases-isis-esque-video-of-ski-mask-wearing-deputies-9267394>.

<sup>287</sup> Lauren Ritchie, “Racial Divide in Lake County Is Embarrassing: Commentary,” *Orlando Sentinel*, July 12, 2019, <https://www.orlandosentinel.com/opinion/os-op-lauren-ritchie-racial-divide-lake-county-20190712-vz2vdotlj5djtkecqmqjzqpkqm-story.html>.

<sup>288</sup> Ibid.

<sup>289</sup> Stephen Hudak, “Inmate Sues Lake County Jail Over Contracting COVID Infection in Lockup,” *Orlando Sentinel*, December 9, 2021, <https://www.orlandosentinel.com/news/lake/os-lk-jail-inmate-sues-over-covid-20211209-fnf7mg64kfdflmrodly7qqhpdu-story.html>.

<sup>290</sup> Ibid.

<sup>291</sup> Daralene Jones, “Lake County Sheriff’s Office Investigating Allegation of Abuse Against Inmate,” WFTV, July 23, 2019, <https://www.wftv.com/news/local/lake-county-sheriff-s-office-investigating-allegation-of-abuse-against-inmate/969522415/>.

The department joined the program under a Jail Enforcement Model agreement in 2008.<sup>292</sup> In October 2019, Wells signed a Warrant Service Officer program agreement with no expiration date.<sup>293</sup>

#### *Civil Rights Violations: Racialized Police Violence*

In 2018, a department deputy shot and killed an unarmed Black man, sparking protests.<sup>294</sup> In 2020, a local 70-year-old Black woman sued the department for civil rights abuses after she was tased when deputies entered her home without a warrant.<sup>295</sup>

#### *Jail Conditions*

In April 2021, the ACLU of Florida and a public defender filed an emergency class-action petition seeking the release or safe transfer of at least 700 people at the department's jail, which is located near a phosphate wastewater reservoir imminently set to collapse.<sup>296</sup> The ACLU of Florida noted: "There is an imminent danger to those in the jail, yet the sheriff is endangering both those in his care and his employees by continuing to detain individuals in the mandatory evacuation zone."<sup>297</sup>

In August 2021, following a reported lack of personal protective equipment and hygiene measures, a COVID-19 outbreak at the facility resulted in more than 100 detainees and employees testing positive for the virus.<sup>298</sup> A coalition of local advocates denounced conditions in that jail, saying "a jail sentence should not be a death sentence."<sup>299</sup>

#### *Evading Accountability*

For the last year for which ICE data is available and after the department entered the program (fiscal year 2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>300</sup> The ACLU could not locate a public notice by the department about a steering committee meeting.

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<sup>292</sup>"Tracking Immigration and Customs Enforcement Detainers," TRACimmigration, 2015,

<https://trac.syr.edu/phptools/immigration/detainhistory/> (full records on file with TRAC).

<sup>293</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Manatee County Sheriff's Office, May 6, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_ManateeCoFI2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_ManateeCoFI2019-05-06.pdf).

<sup>294</sup> "Community Enraged After Florida Sheriff's Deputy Kills Unarmed Black Man," Answer Coalition, January 29, 2018, [https://www.answercoalition.org/community\\_enraged\\_after\\_manatee\\_deputy\\_kills\\_unarmed\\_father\\_of\\_four](https://www.answercoalition.org/community_enraged_after_manatee_deputy_kills_unarmed_father_of_four).

<sup>295</sup> Jessica de Leon, "Deputy Violated Bradenton Grandmother's Civil Rights When He Hit Her with Taser, Lawyers Say," *Bradenton Herald*, January 4, 2020, <https://www.bradenton.com/news/local/crime/article238944358.html>.

<sup>296</sup> ACLU of Florida, "ACLU of Florida and Public Defender File Class-Action Petition for Emergency Release or Transfer of People Incarcerated in Manatee County Jail Due to the Imminent Collapse of the Nearby Reservoir," press release, April 6, 2021, <https://www.aclufl.org/en/press-releases/aclu-florida-and-public-defender-file-class-action-petition-emergency-release-or>.

<sup>297</sup> ACLU of Florida, "ACLU of Florida and Public Defender File Class-Action Petition for Emergency Release or Transfer of People Incarcerated in Manatee County Jail Due to the Imminent Collapse of the Nearby Reservoir," press release, April 6, 2021, <https://www.aclufl.org/en/press-releases/aclu-florida-and-public-defender-file-class-action-petition-emergency-release-or>.

<sup>298</sup> Jessica De Leon, "COVID Outbreak at Manatee County Jail Continues to Grow Despite Partial Lockdown," *Bradenton Herald*, September 5, 2021, <https://www.bradenton.com/news/coronavirus/article253983803.html>.

<sup>299</sup> *Ibid.*

<sup>300</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).



## **19. Marion County, FL**

### Warrant Service Officer Model

#### Sheriff Billy Woods

In 2016, Billy Woods was elected sheriff.<sup>301</sup> In October 2019, Woods joined the Warrant Service Officer program in an agreement with no expiration date.<sup>302</sup>

#### *Civil Rights Violations*

In 2021, a deputy harassed and unlawfully arrested a disabled man for filming the deputy after the deputy became aggressive while interacting with a grandmother following a traffic accident.<sup>303</sup>

In August 2020—in the midst of the COVID-19 pandemic—the department illegally detained a 57-year-old Black man, Neville Christopher Brooks, for over 12 hours in overcrowded conditions at the county jail, solely because he was born in Jamaica. Although ICE confirmed to multiple department employees that the man was not subject to any immigration detainer request, the sheriff’s office nevertheless continued his detention. Brooks suffered emotional distress and, five days after his release, he was diagnosed with COVID-19. In January 2022, the ACLU filed a lawsuit on his behalf.<sup>304</sup>

In 2016, four white sheriff’s deputies were sentenced by a judge for beating an unarmed Black man during an arrest. A fifth deputy involved was found not guilty by an all-white jury, despite a graphic video recording of the beating.<sup>305</sup>

During the trial, a deputy testified that he had been involved with 20 other beatings as part of a “culture of violence” within the sheriff’s office. He said that deputies often shouted “stop resisting!” during arrests even when suspects were not resisting. The sheriff’s office denied these allegations. The local NAACP called for community oversight of the department and pointed to the department’s lack of diversity; in 2016, records revealed that only 4% of deputies were Black.<sup>306</sup>

#### *Jail Conditions*

In 2020, a man detained in the department’s jail filed a lawsuit accusing the sheriff of violating the Florida Constitution by housing detained people in “unsanitary conditions” and knowingly endangering elderly detainees by not having running water and A/C in sections of the jail.<sup>307</sup> In 2020, families of people

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<sup>301</sup> “Sheriff Billy Woods,” Marion County Sheriff’s Office, <https://www.marionso.com/woods>.

<sup>302</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Marion County Sheriffs Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_MarionCoFl2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_MarionCoFl2019-10-15.pdf).

<sup>303</sup> Rebecca Long, “Video: Marion County Sheriff’s Office facing Scrutiny, Possible Lawsuit, Following Unlawful Arrest of Disabled Man, Deputy Twisted Facts,” *Ocala Post*, August 19, 2021, <https://www.ocalapost.com/marion-county-sheriffs-office-facing-scrutiny-possible-lawsuit-following-unlawful-arrest-of-disabled-man-deputy-twisted-facts/>.

<sup>304</sup> Brooks v. Woods, 5:22-cv-00030 (M.D. Fla., January 20, 2022), <https://www.aclu.org/legal-document/brooks-v-woods-complaint>.

<sup>305</sup> Ethan Magoc, “Judge Calls Marion County Case A ‘True Tragedy’ As He Sentences Former Deputies to Prison,” WUFT, April 20, 2016, <https://www.wuft.org/news/2016/04/20/former-marion-county-deputies-sentenced-in-derrick-price-beating/>.

<sup>306</sup> Austin Miller, “Marion County Sheriff’s Office Disputes Alleged ‘Culture of Violence,’” *Ocala StarBanner*, April 13, 2016, <https://www.ocala.com/story/news/crime/2016/04/13/marion-county-sheriffs-office-disputes-alleged-culture-of-violence/31971455007/>.

<sup>307</sup> “Lawsuit filed Against Marion County Sheriff, Billy Woods,” *Ocala Post*, July 1, 2020, <https://www.ocalapost.com/lawsuit-filed-against-marion-county-sheriff-billy-woods/>.

incarcerated in the county's jail expressed concerns about the department's handling of the coronavirus pandemic within the facility.<sup>308</sup> In August 2020, as the Covid-19 pandemic tore through Florida, Woods implemented the first "mask ban" for law enforcement officials in the country, forbidding his employees and visitors to the department from wearing masks, against the advice of public health professionals.<sup>309</sup>

### *Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

The sheriff appeared in a 2018 campaign ad for a gubernatorial candidate that spread false stereotypes and fear of immigrants. Using a disputed, unverified statistic, the ad claimed: "There are many reasons to be mad about illegal immigration. Here's one we can't stand for: Today, taxpayers in Florida are paying nearly \$100 million a year to imprison criminal illegal aliens. A hundred million dollars to feed, clothe, and house criminal illegal aliens."<sup>310</sup>

In 2021, Woods used taxpayer funds to visit the U.S.-Mexico border at the invitation of Representative Kat Cammack of Gainesville, who has inaccurately described the Biden administration's immigration policy as "open borders" that freely allow the passage of gangs and drugs across the border.<sup>311</sup> "I almost feel helpless back home," the sheriff remarked on his visit. "I'm trying to shoot a buffalo with a BB gun."<sup>312</sup>

### *Evading Accountability*

Local media report that since the current sheriff's election, the department has failed to comply with records requests and the sheriff has "made it clear to numerous media outlets that he does not like being questioned."<sup>313</sup> The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

## **20. Martin County, FL**

Warrant Service Officer Model

Sheriff William Snyder

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<sup>308</sup> Julia Laude, "Family Expresses Concerns Over Inmate Treatment at Marion County Jail, Officials Address These Concerns," WCJB, July 28, 2020, <https://www.wcjb.com/2020/07/28/ncfl-family-expresses-concerns-with-inmate-treatment-at-marion-county-jail-sheriffs-officials-address-these-concerns/>.

<sup>309</sup> "Coronavirus: Florida Sheriff Bans Deputies from Wearing Masks," BBC, August 14, 2020, <https://www.bbc.com/news/world-us-canada-53770604>.

<sup>310</sup> Ryan Nicol, "Adam Putnam in New Ad: 'Deport Violent Criminals Now'," *Florida Politics*, July 9, 2018, <https://floridapolitics.com/archives/268365-adam-putnam-deport-violent-criminals/>; Anthony Austin, "Verify: \$100 million spent to house illegal immigrants in Florida prisons?," *First Coast News*, August 2, 2018, <https://www.firstcoastnews.com/article/news/local/data/politics/verify-100-million-spent-to-house-illegal-immigrants-in-florida-prisons/77-579210197>.

<sup>311</sup> Young America's Foundation, "Who Does the Open Border Put in Danger? Ft. Rep. Kat Cammack," YouTube, September 20, 2021, <https://www.youtube.com/watch?v=B-4IpUXS-Q8>.

<sup>312</sup> Carlos Medina, "Marion Law Enforcement Visit Mexico Border," *Ocala Gazette*, July 15, 2021, <https://www.ocalagazette.com/marion-law-enforcement-visit-mexico-border/>.

<sup>313</sup> Rebecca Long, "Video: Marion County Sheriff's Office Facing Scrutiny, Possible Lawsuit, Following Unlawful Arrest of Disabled Man, Deputy Twisting Facts," *Ocala Post*, August 19, 2021, <https://www.ocalapost.com/marion-county-sheriffs-office-facing-scrutiny-possible-lawsuit-following-unlawful-arrest-of-disabled-man-deputy-twisted-facts/>.

Snyder was elected sheriff in 2012 after serving six years in the Florida House of Representatives.<sup>314</sup> In 2020, Snyder signed an indefinite agreement with ICE to enter the Warrant Service Officer program.<sup>315</sup>

#### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In May 2021, Snyder complained to local broadcast news: “A broken immigration system [implies] that there is a system. It does not appear to us and local law enforcement at least if there’s any system that the federal government has any idea what they are doing.”<sup>316</sup>

In June 2021, Snyder announced his intention to send deputies to the U.S.-Mexican border at the request of Florida Governor Ron DeSantis, who blamed the Biden administration for people entering the country unlawfully.<sup>317</sup> Snyder stated, “I’m not doing this because I think that in some fundamental way I will prevent crime in Martin County.”<sup>318</sup> “I’m into public safety and good government and order, and I’m not seeing that going on at the border,” he told local broadcast news.<sup>319</sup> Snyder also defended his department’s decision to arrest and detain a 24-year-old immigrant mother of three after she voluntarily attempted to pay a traffic ticket.<sup>320</sup>

As a state lawmaker prior to becoming sheriff, Snyder proposed a law modeled on Arizona’s SB 1070, a notoriously anti-immigrant bill that led to racial profiling. Snyder’s version carved out exceptions for Canadians and visa waiver countries, most of which were European at the time.<sup>321</sup> In May 2019, Snyder told a local radio station that federal immigration policy was “nothing short of anarchy.”<sup>322</sup>

#### *Racist Statements*

Snyder has been critical of racial justice movements and community dialogue since before the murder of George Floyd. “I could be politically correct and say, yes, we have to continue the dialogue, which we do, which I’m doing,” he said in 2016. “But the African-American community must mature and deal with the reality that they have too many young Black males that are aggressive and hateful and racist themselves

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<sup>314</sup> “Sheriff William Snyder,” Florida Sheriffs Association, <https://www.flsheriffs.org/sheriffs/bio/martin-county>.

<sup>315</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Martin County Sheriff’s Office, January 22, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_MartinCoFl2020-01-22.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_MartinCoFl2020-01-22.pdf).

<sup>316</sup> Gary Detman and Danielle Waugh, “Exclusive: Sheriff Says Sexual Assault Suspect in Country Illegally, Had Prior Arrests,” WPEC, May 20, 2021, <https://cbs12.com/news/local/elderly-rape-suspect-previously-arrested-for-lewd-act-in-park>.

<sup>317</sup> Mauricio La Plante, “Martin County Sheriff Says He’ll Send Deputies to Border After Called Upon by Gov. DeSantis,” *St. Lucie News Tribune*, June 17, 2021, <https://www.tcpalm.com/story/news/crime/martin-county/2021/06/17/martin-county-sheriff-heed-governors-call-deputies-mexican-border/7731292002/>.

<sup>318</sup> *Ibid.*

<sup>319</sup> Allison Stegman, “Martin County Sheriff William Snyder Discusses Decision to Send Deputies to Southern Border,” WPTV, June 20, 2021, <https://www.wptv.com/news/political/to-the-point/martin-county-sheriff-william-snyder-discusses-decision-to-send-deputies-to-southern-border>.

<sup>320</sup> Gil Smart, “Martin Immigration Case Shows Family Separation Doesn’t Just Happen at the Border,” *Treasure Coast Newspapers*, September 11, 2018, <https://www.tcpalm.com/story/opinion/columnists/gil-smart/2018/09/11/immigrant-mom-came-pay-ticket-wound-up-jail/1255465002/>.

<sup>321</sup> Jason Beahm, “Florida AG Proposes New Immigration Law,” FindLaw, August 12, 2010, <https://www.findlaw.com/legalblogs/law-and-life/florida-ag-proposes-new-immigration-law/>; Tim Elfrink, “Florida’s Arizona-Style Immigration Bill Would Give Canadians, Europeans a Free Pass,” *Miami New Times*, October 18, 2010, <https://www.miaminewtimes.com/news/floridas-arizona-style-immigration-bill-would-give-canadians-europeans-a-free-pass-6528828>.

<sup>322</sup> Joel Malkin, “Martin County Sheriff: Immigration Influx ‘Nothing Short of Anarchy,’” 610 WiOD NewsRadio, May 19, 2019, <https://wiod.iheart.com/featured/florida-news/content/2019-05-17-martin-county-sheriff-immigration-influx-nothing-short-of-anarchy/>.

who are consistently making the lives of the average deputy or police officer untenable. And that’s a fact,” Snyder said.<sup>323</sup>

### *Jail Conditions*

In August 2021, all 440 people incarcerated at the county jail were “quarantined in pairs”—held in 23-hour lockdown, with one hour allotted for phone calls and showers—following positive COVID-19 tests among at least 11 detained people and 21 employees.<sup>324</sup> In June 2021, a Martin County deputy threw a man detained at Martin County Jail to the ground from his wheelchair and repeatedly punched him.<sup>325</sup> The man lives with paraplegia and was being treated for two ulcers in his ankles when he asked for a new pair of socks, precipitating the deputy’s attack; the correctional officer was charged with one count of felony battery on a handicapped person.<sup>326</sup>

### *Civil Rights Violations*

The department charged at least 26 people between 2017 and 2018 with offenses based on narcotics reports that were later found to have been falsified by a deputy.<sup>327</sup> Since 2000, the department has spent at least \$1.33 million to settle lawsuits involving complaints of excessive force, falsified reports, unfounded charges, or mistaken identity, including against an officer who had been involved in at least eight shootings.<sup>328</sup> In 2019, the department publicly posted the image of a man wrongly accused of having patronized a spa for sex acts, apparently mistaking him for a different man with the same last name. “His face was plastered all over the internet for the world to see,” the man’s wife said. “My husband’s only crime was being a Patel... You and your deputy brought my world to an end,” she said, addressing the sheriff.<sup>329</sup>

### *Departmental Misconduct*

As *The Appeal* reported, “In 2015, a former reserve deputy said that [Sheriff] Snyder and dozens of deputies illegally accessed a state database [in] order to obtain personal information about him and keep tabs on the

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<sup>323</sup> Dara Kam, “Frustrated Police, Black Leaders in Florida Seek Answers After Shootings,” *Tampa Bay Business Journal*, July 19, 2016, <https://www.bizjournals.com/tampabay/blog/morning-edition/2016/07/frustrated-police-black-leaders-in-florida-seek.html>.

<sup>324</sup> Mauricio La Plante, “Record COVID Outbreak Infects 21 Martin County Sheriff’s Office Employees, 11 Incarcerated People,” *Stuart News*, August 3, 2021, <https://www.tcpalm.com/story/news/crime/martin-county/2021/08/03/martin-county-sheriff-covid-19-outbreak-hits-record-high/5469502001/>.

<sup>325</sup> Mauricio La Plante, “‘There’s No Way to Rationalize It,’ Sheriff Says of Martin County Corrections Sergeant Accused of Punching Incarcerated Man,” *Stuart News*, June 29, 2021, <https://www.tcpalm.com/story/news/crime/martin-county/2021/06/29/martin-county-sheriffs-corrections-sergeant-charged-battery-man-jail/7794618002/>.

<sup>326</sup> Ari Hait, “Martin Co. Deputy Arrested, Accused of Repeatedly Punching an Inmate,” WPBF, June 29, 2021, <https://www.wpbf.com/article/martin-co-deputy-arrested-accused-of-repeatedly-punching-an-inmate/36881578>.

<sup>327</sup> David M. Ruetter, “Former Florida Deputy Jailed for Fabricating Drug Evidence,” *Criminal Legal News*, April 15, 2020, [www.criminallegalnews.org/news/2020/apr/15/former-florida-deputy-jailed-fabricating-drug-evidence/](http://www.criminallegalnews.org/news/2020/apr/15/former-florida-deputy-jailed-fabricating-drug-evidence/).

<sup>328</sup> Melissa E. Holsman, “Investigation: Defending Aggressive Police Conduct in Martin County Comes at a Cost,” *Treasure Coast Newspapers*, March 22, 2017, [www.tcpalm.com/story/news/crime/martin-county/2017/03/22/investigation-defending-aggressive-police-conduct-martin-comes-cost/97873114/](http://www.tcpalm.com/story/news/crime/martin-county/2017/03/22/investigation-defending-aggressive-police-conduct-martin-comes-cost/97873114/); Meg O’Connor, “Florida Woman Faced 10 Years for ‘Meth’ That Was ‘Just a Rock,’” *The Appeal*, March 26, 2019, [www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/](http://www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/).

<sup>329</sup> Will Greenlee, “Man Falsely Arrested in Sex Spa Case Speaks: ‘On Feb. 25, I Thought My Life Had Ended,’” *Treasure Coast Palm*, March 5, 2019, <https://www.tcpalm.com/story/news/crime/martin-county/2019/03/05/sandipkumar-patel-wrongly-arrested-sex-spa-case-speaks/3054340002/>.

ex-husband of a fellow deputy's wife. (The agency said that its uses of the database were lawful.)"<sup>330</sup> In 2018, a longtime deputy was suspended for five days without pay after he was accused of calling a female employee a 'prostitute' and a 'street walker.'" He denied the allegations.<sup>331</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

## **21. Monroe County, FL**

### **Warrant Service Officer Model**

#### **Sheriff Rick Ramsay**

In 2012, Rick Ramsay was elected sheriff.<sup>332</sup> In October 2019, Ramsay joined the Warrant Service Officer program indefinitely.<sup>333</sup> Prior to entering the 287(g) program, the department participated in an ICE pilot program that uses Basic Ordering Agreements, wherein ICE pays counties for each person they hold for ICE.<sup>334</sup>

### *Racial Profiling and Other Civil Rights Violations*

The department has repeatedly conducted immigration enforcement during traffic stops that appear pretextual and raise concerns about racial profiling. In a 2019 traffic stop, a white sheriff's deputy stopped a car containing three Latinx men who were playing music in Spanish. Body and dashboard camera footage revealed that the stated reason for the stop—two extinguished tag lights and following another car too closely—was false. Another deputy called as backup interrogated one of the passengers about his immigration status and then called Border Patrol, turning the routine traffic stop into a "full-blown immigration investigation by a local sheriff's deputy whose agency says it does not conduct immigration enforcement."<sup>335</sup> ICE detained the passenger, who is married to a U.S. citizen and the father of three U.S.-born children, for nine days.<sup>336</sup>

The incident was not isolated; a local media investigation shows that over a five-month period in 2019, department deputies called Border Patrol officials to check immigration status on low-level traffic offenses at least 21 times. As local media report: "Based on a review of the Border Patrol-involved incidents, [deputies] ask people with foreign-sounding names to show their papers or otherwise identify themselves—

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<sup>330</sup> Meg O'Connor, "Florida Woman Faced 10 Years for 'Meth' That Was 'Just a Rock,'" *The Appeal*, March 26, 2019, [www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/](http://www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/).

<sup>331</sup> Meg O'Connor, "Florida Woman Faced 10 Years for 'Meth' That Was 'Just a Rock,'" *The Appeal*, March 26, 2019, [www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/](http://www.theappeal.org/florida-woman-faced-10-years-for-meth-that-was-just-a-rock/).

<sup>332</sup> "About Sheriff Rick Ramsay," Monroe County Sheriff's Office, <https://www.keysso.net/sheriff>.

<sup>333</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Monroe County Sheriff's Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_MonroeCoFl2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_MonroeCoFl2019-10-15.pdf).

<sup>334</sup> Immigration and Customs Enforcement, "ICE, 17 FL Sheriffs Announce New Enforcement Partnership," press release, January 17, 2018, <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

<sup>335</sup> Tony Pipitone, "Evidence Casts Doubt on Legality of Florida Keys Traffic Stop That Prompted Immigration Arrest," WTUV, August 20, 2019, <https://www.nbcmiami.com/news/local/florida-keys-traffic-stop-immigration-arrest/124486/>.

<sup>336</sup> Martin Vassolo, "A Mexican Boxer Was on Vacation in the Keys. He Was Detained by ICE for More Than a Week," *Miami Herald*, July 19, 2019, <https://www.miamiherald.com/news/local/immigration/article233210186.html>.

even when the driver has a valid license and there's no record the deputy suspects anyone in the car has or is about to commit a crime."<sup>337</sup>

In 2017, after a 31-year-old Honduran man was hit by a truck while riding his bicycle, rather than offering medical assistance upon arriving at the scene, a deputy immediately asked: "Speak English? You got ID? Passport, visa, or what? You illegal? Are you a legal citizen or no?" After he was discharged from the hospital, law enforcement told him to return to the scene of the accident, where Border Patrol detained him.<sup>338</sup> In another incident that year, the same deputy stopped a 54-year-old Argentine cook who had resided in the area for 16 years over an alleged traffic violation and quizzed him about his legal status. Once back in his vehicle, the deputy reportedly "called the county to notify them of the presence of an undocumented person and request[ed] that they contact the Border Patrol."<sup>339</sup>

In 2018, the department illegally detained U.S. citizen Peter Brown so that he could be picked up by ICE and deported to Jamaica—a country where he has never lived and knows no one. Throughout his detention, Brown repeatedly told department officers verbally and in writing that he was a U.S. citizen, and the jail's file showed that Brown was born in Philadelphia and held a valid Florida driver's license. Yet many officers mocked him, telling him in a Jamaican accent that everything was "gonna be alright." Officers sang him the theme song to the TV show *The Fresh Prince of Bel Air*—"West Philadelphia born and raised"—after he repeatedly told them he was from Philadelphia and had no ties to Jamaica. The department ignored all the indications it was illegally detaining Brown, did not contact ICE to pass along Brown's information or ask for a review of Brown's files. The ACLU, ACLU of Florida and Southern Poverty Law Center sued.<sup>340</sup> The sheriff argued that he had no legal authority to release Brown since he was held on the basis of an ICE detainer.<sup>341</sup>

In 2019, the sheriff fired a high-ranking detective after she was recorded encouraging a deputy to "be the neo-nazi" and act like a "white supremacist cop" while interrogating a Black man riding a bicycle.<sup>342</sup>

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<sup>337</sup> Tony Pipitone, "Evidence Casts Doubt on Legality of Florida Keys Traffic Stop That Prompted Immigration Arrest," WTVJ, August 20, 2019, <https://www.nbcmiami.com/news/local/florida-keys-traffic-stop-immigration-arrest/124486/>.

<sup>338</sup> Lorena Arroyo and Damià S. Bonmatí, "'Are You Illegal?' A Policeman's Question to a Honduran Who Had Just Been Run Over by a Car," Univision, May 24, 2017, <https://www.univision.com/univision-news/immigration/are-you-illegal-a-policemans-question-to-a-honduran-who-had-just-been-run-over-by-a-car?hootPostID=383f1e21dc528368d1ec8a9d8a46db2f>; "Monroe Deputy Asks Immigrant Hit by Car: 'You Illegal?,'" *Miami Herald*, February 8, 2018, <https://www.miamiherald.com/news/local/community/florida-keys/article152654894.html>.

<sup>339</sup> Lorena Arroyo, "Key West chef is asked status, then handed over to Border Patrol, after being stopped by police," *Univision*, June 6, 2017, <https://www.univision.com/univision-news/immigration/key-west-chef-is-asked-status-then-handed-over-to-border-patrol-after-being-stopped-by-police>

<sup>340</sup> See *Brown v. Ramsay*, 4:18-cv-10279 (S.D. Fla., December 3, 2018), <https://www.aclu.org/legal-document/peter-sean-brown-v-richard-ramsay-complaint>; Spencer Amdur, "Florida Sheriff Worked with ICE to Illegally Jail and Nearly Deport US Citizen," American Civil Liberties Union, December 3, 2018, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/florida-sheriff-worked-ice-illegally-jail-and>.

<sup>341</sup> Bianca Padró Ocasio, "South Florida Man's Deportation Scare Sparks Legal Fight Over Cooperation Between Florida Jails and ICE," *Orlando Sentinel*, December 12, 2018, <https://www.orlandosentinel.com/news/os-ne-florida-keys-boa-lawsuit-20181212-story.html>.

<sup>342</sup> David Goodhue, "Keys Sheriff Fires High-Ranking Detective Over Telling a Deputy 'to Be the Neo-Nazi,'" *Miami Herald*, December 19, 2019, <https://www.miamiherald.com/article238558038.html>

### *Jail Conditions*

For 23 years, the department had an intergovernmental services agreement with ICE for the detention of immigrants alongside people facing local criminal charges at the Monroe County Jail; it ended the agreement in April 2020 due to concern about COVID-19 spread.<sup>343</sup> A 2019 Southern Poverty Law Center investigation into the facility, along with three other south Florida jails, reported “substandard conditions, such as inadequate medical and mental health care, lack of accommodations for and discrimination against individuals with disabilities, and overuse of solitary confinement.”<sup>344</sup> In one documented case, an individual was put in solitary confinement for 16 days after singing Bob Marley’s “Redemption Song” while waiting in line for his medication; he developed fungus on his skin and scalp in his isolation cell, and was allowed only two showers during that period.<sup>345</sup> In January 2016, the DHS Office for Civil Rights and Civil Liberties issued six recommendations in response to complaints alleging retaliation against 11 detained people who had engaged in a hunger strike.<sup>346</sup>

### *Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>347</sup> The ACLU could not locate a public notice by the department about a steering committee meeting since that time.

## **22. Pasco County, FL**

### Jail Enforcement Model

Sheriff Chris Nocco

In 2011, then-governor Rick Scott appointed Chris Nocco sheriff. He was elected to a full term in 2012.<sup>348</sup> In 2018, Nocco first entered the department into a 287(g) agreement, which he renewed in 2020 with no expiration date.<sup>349</sup>

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<sup>343</sup> Amendment to Intergovernmental Service Agreement Between Monroe County Sheriff’s Office and U.S. Department of Justice Immigration and Naturalization Services, ACB-7-I-0085, May 31, 2013, <https://embed.documentcloud.org/documents/2157384-monroe-county-fl-jgsa-contract#document/p12/a226405>; Monique O. Madan, “Amid COVID-19 Fears, Keys Jail Ends Lucrative Contract, Gives ICE Back Its Detainees,” *Miami Herald*, April 6, 2020, <https://www.miamiherald.com/article241783926.html>.

<sup>344</sup> Southern Poverty Law Center, *Prison by Any Other Name: A Report on South Florida Detention Facilities* (December 9, 2019), <https://www.splcenter.org/20191209/prison-any-other-name-report-south-florida-detention-facilities>.

<sup>345</sup> Alexi C. Cardona, “Immigrants at Key West Jail Report Abuse, Neglect, and Extreme Isolation,” *Miami New Times*, December 20, 2019, <https://www.miaminewtimes.com/news/abuse-reported-by-immigrants-held-in-ice-detention-center-at-monroe-county-jail-11353503>

<sup>346</sup> Department of Homeland Security, *U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Fiscal Year 2017 Annual Report to Congress* (November 27, 2018), [www.dhs.gov/sites/default/files/publications/crcl-fy-2017-annual-report\\_0.pdf](http://www.dhs.gov/sites/default/files/publications/crcl-fy-2017-annual-report_0.pdf).

<sup>347</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>348</sup> “Sheriff Chris Nocco,” Pasco Sheriff’s Office, <https://www.pascosheriff.com/sheriff-chris-nocco.html>.

<sup>349</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Pasco Sheriff’s Office, “287(g) Jail Enforcement Model,” June 10, 2020, <https://www.ice.gov/doclib/287gMOA/287gPascoFI2020-06-10.pdf>.

### *Civil Rights Violations*

For the last decade, under Nocco's leadership, the department has developed and carried out a program of "predictive policing" that purports to identify future criminals and has led to the surveillance and harassment of children.<sup>350</sup> The department has been collecting information from the local public school district to "identify at-risk youth who are destined to a life of crime," a practice that led the U.S. House Committee on Education and Labor to request a Department of Education investigation in January 2021.<sup>351</sup> In September 2021, the Department of Justice informed the sheriff it was conducting an "intensive review" of the program, which the sheriff has previously and misleadingly described as being conducted "in cooperation with" the Department of Justice.<sup>352</sup> In spring 2021, Republican Representative Matt Gaetz urged the governor to consider removing Nocco from office, in light of the program, adding: "Its awful to harass citizens because you think they may commit crimes, hoping to 'make their lives miserable.'"<sup>353</sup>

In 2020, a Black man filed a lawsuit against the department after he was unlawfully searched and detained during a traffic stop in 2018. "At every step, [deputies] escalated. They escalated unnecessarily," said an attorney representing the man. "That's because their motto is 'We fight as one,' and they shouldn't be fighting anyone."<sup>354</sup>

In June 2014, deputies shot and killed an unarmed Black man; a *Tampa Bay Times* investigation revealed body camera footage that contradicted the department's claims regarding the basis for use of force.<sup>355</sup>

### *Evading Accountability*

In April 2019, two former deputies and a civilian manager sued Nocco, alleging retaliation for reporting misconduct; another 16 former deputies have reportedly sued on claims of corruption.<sup>356</sup> Nocco has reportedly routinely used a state law known as Marsy's Law to block the public release of the names of deputies involved in use of force incidents, including police killings.<sup>357</sup>

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<sup>350</sup> Kathleen McGrory and Neil Bedi, "Targeted," *Tampa Bay Times*, Sept. 3, 2020,

<https://projects.tampabay.com/projects/2020/investigations/police-pasco-sheriff-targeted/intelligence-led-policing/>; D'Ann Lawrence White, "Suit Filed Against Pasco Sheriff for Use of 'Predictive Policing,'" Patch, March 16, 2021, <https://patch.com/florida/newportricher/suit-filed-against-pasco-sheriff-use-predictive-policing>.

<sup>351</sup> Robert C. Scott to Mitchell Zais, January 19, 2021, <https://s3.documentcloud.org/documents/20460770/pasco-county-letter.pdf>.

<sup>352</sup> Kristen Mahoney to Chris Nocco, August 6, 2021, <https://s3.documentcloud.org/documents/21063568/pasco-letter-doj.pdf>.

<sup>353</sup> Kirby Wilson and Kathleen McGrory, "DeSantis Should Consider Removing Pasco Sheriff, GOP Congressman Says," *Tampa Bay Times*, March 12, 2021, <https://www.tampabay.com/news/florida-politics/2021/03/12/desantis-should-consider-removing-pasco-sheriff-gop-congressman-says/>.

<sup>354</sup> Heather Leigh, "African American Man Suing Pasco Sheriff's Office After He Says His Arrest During a 2018 Traffic Stop Was Unlawful," WFTS, June 16, 2020, <https://www.abcactionnews.com/news/region-pasco/african-american-man-suing-pasco-sheriffs-office-after-he-says-his-arrest-during-a-2018-traffic-stop-was-unlawful>.

<sup>355</sup> Allison Ross and Kathleen McGrory, "Previously Unreleased Video Shows Pasco County Deputies Shooting Unarmed Man," *Tampa Bay Times*, June 29, 2020, <https://www.tampabay.com/investigations/2020/06/26/previously-unreleased-video-shows-pasco-county-deputies-shooting-unarmed-man/>.

<sup>356</sup> Kathleen McGrory and Neil Bedi, "Targeted Part Three: Pasco Sheriff Chris Nocco Has a Controversial Approach—and Powerful Friends Who Don't Question It," *Tampa Bay Times*, December 24, 2020, <https://centerforhealthjournalism.org/fellowships/projects/targeted-part-three-pasco-sheriff-chris-nocco-has-controversial-approach-and>.

<sup>357</sup> Kenny Jacoby and Ryan Gabrielson, "Marsy's Law Was Meant to Protect Crime Victims. It Now Hides the Identities of Cops Who Use Force," *USA Today/ProPublica*, October 29, 2020, <https://www.usatoday.com/in-depth/news/investigations/2020/10/29/police-hide-their-identities-using-victims-rights-bill-marsys-law/3734042001/>.



### *Jail Conditions*

In May 2021, an individual detained at the county jail reported that the department intimidated and retaliated against him and other detained individuals after they complained about being exposed naked on the jail video visitation system that could be accessed by members of the general public.<sup>358</sup> In 2020, a COVID-19 outbreak infected more than 100 detainees at the department's jail.<sup>359</sup> In 2019, a man died by suicide while detained at the department's jail.<sup>360</sup>

### *Advocacy of Inhumane Immigration and Border Policies*

In 2021, Nocco pledged to send Pasco County sheriff's deputies to the southern border, in response to a request by Florida Governor Ron DeSantis.<sup>361</sup>

## **23. Pinellas County, FL**

### Warrant Service Officer Model

#### Sheriff Bob Gualtieri

Then-governor Rick Scott appointed Gualtieri sheriff in 2011.<sup>362</sup> In 2019, Gualtieri entered the department into a 287(g) agreement under the new Warrant Service Officer model (WSO), which he helped design.<sup>363</sup> The agreement does not have an expiration date.<sup>364</sup> In 2018, the sheriff helped broker an agreement between ICE and 17 Florida sheriffs that preceded the WSO and used a mechanism known as a Basic Ordering Agreement (BOA) to empower sheriffs to detain people for ICE beyond 48 hours.<sup>365</sup>

### *Civil Rights Violations*

According to a local media investigation, in June 2020, Gualtieri made an agreement with a county judge to detain Black Lives Matter protestors without bail overnight—a practice typically reserved for serious offenses—on the sole charge of unlawful assembly, a second-degree misdemeanor.<sup>366</sup> The ACLU of Florida

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<sup>358</sup> Walt Buteau, "Pasco County Jail on 'Thin Legal Ice' with Showering Inmates Exposed to Public," WFLA, May 14, 2021, <https://www.wfla.com/news/pasco-county/pasco-county-on-thin-legal-ice-with-showering-inmates-exposed-to-public/>.

<sup>359</sup> Kathryn Varn, "Inside Pasco Jail, 100 Inmates Test Positive for Coronavirus. Here's How Tampa Bay Jails Are Faring," *Tampa Bay Times*, July 8, 2020, <https://www.tampabay.com/news/health/2020/07/08/inside-pasco-jail-100-inmates-test-positive-for-the-coronavirus-heres-how-tampa-bay-jails-are-faring/>.

<sup>360</sup> Jamal Thalji, "Pasco County Jail Inmate Found Dead in Cell," *Tampa Bay Times*, August 23, 2019, <https://www.tampabay.com/news/pasco/2019/08/24/pasco-county-jail-inmate-found-dead-in-jail-cell>

<sup>361</sup> Jim Turner and Jim Saunders, "DeSantis Says Hillsborough, Pasco Deputies Among Those Helping with Southwestern Border Control," WTVT, June 16, 2021, <https://www.fox13news.com/news/desantis-says-hillsborough-pasco-deputies-among-those-helping-with-southwestern-border-control>.

<sup>362</sup> "Sheriff Bob Gualtieri," Pinellas County Sheriff's Office, <https://www.pcsoweb.com/sheriff-bob-gualtieri-2>.

<sup>363</sup> Immigration and Customs Enforcement, "ICE Launches Program to Strengthen Immigration Enforcement," press release, May 6, 2019, <https://www.ice.gov/news/releases/ice-launches-program-strengthen-immigration-enforcement>.

<sup>364</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Pinellas County Sheriff's Office, April 24, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_PinellasCoFI2019-04-24.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_PinellasCoFI2019-04-24.pdf).

<sup>365</sup> Immigration and Customs Enforcement, "ICE, 17 FL Sheriffs Announce New Enforcement Partnership," press release, January 17, 2018, <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

<sup>366</sup> Kathryn Varn, "Chief Judge Says He Relied on Pinellas Sheriff's Word to Keep Protesters in Jail," *Tampa Bay Times*, June 19, 2020, [www.tampabay.com/news/crime/2020/06/19/chief-judge-blames-pinellas-sheriff-for-keeping-protesters-in-jail](http://www.tampabay.com/news/crime/2020/06/19/chief-judge-blames-pinellas-sheriff-for-keeping-protesters-in-jail); ACLU of Florida to Bob Gualtieri, "Re: No Bond for Unlawful Assembly Arrests," June 10, 2020, <https://www.aclufi.org/en/aclu-florida-letter-sheriff-gualtieri-re-no-bond-unlawful-assembly-arrests>.

argued that “[t]his oppressive practice, seemingly by design, has a chilling effect on the exercise of free speech by those who want to express their disapproval of excessive use of force by law enforcement.”<sup>367</sup> Following a COVID-19 outbreak at the county jail, the sheriff reversed its no-bond policy.<sup>368</sup>

According to data compiled by Police Scorecard, 11 people were killed by the department from 2013–20. Based on population, a Black person was 4.5x as likely and a Latinx person was 1.7x as likely to be killed by police as a white person in Pinellas County from 2013–20.<sup>369</sup>

### *Jail Conditions*

In 2021, Gualtieri and his office were sued by a transgender woman who reported severe mistreatment at the county jail. Karla Bello, 38, was placed in male housing, searched by male deputies, referred to as “sir” and with male pronouns, and denied gender-affirming treatment—including hormones—according to the lawsuit filed August 27 in federal court.<sup>370</sup>

In 2019, a deputy at the jail choked a woman already in handcuffs and slammed her to the ground, breaking her arm.<sup>371</sup> The woman later filed a federal civil rights lawsuit against the sheriff for an alleged systemic string of abuse of people detained by the department. The suit points to statements made by several department employees who expressed that the deputy who had assaulted the woman was using reasonable force. It also highlights other incidents of excessive force and abuse at the jail in recent years, including deputies who struck and antagonized a detainee in a wheelchair<sup>372</sup>; kicked a detainee and forced him to do push-ups<sup>373</sup>; taped degrading signs to the backs of detainees<sup>374</sup>; and other incidents in which detainees were injured at the hands of deputies.<sup>375</sup>

### *Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

Gualtieri is prominent in national law enforcement groups. Gualtieri reportedly worked with the Federation for American Immigration Reform (FAIR), an anti-immigrant group, to help create the WSO model in an

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<sup>367</sup> ACLU of Florida to Bob Gualtieri, “Re: No Bond for Unlawful Assembly Arrests,” June 10, 2020, <https://www.aclufl.org/en/aclu-florida-letter-sheriff-gualtieri-re-no-bond-unlawful-assembly-arrests>.

<sup>368</sup> McKenna King, “PCSO Retracts No-bond Policy Following COVID-19 Outbreak at the Pinellas County Jail,” WFTS, June 12, 2020, <https://www.abcactionnews.com/news/region-pinellas/pcso-retracts-no-bond-policy-following-covid-19-outbreak-at-the-pinellas-county-jail>.

<sup>369</sup> “Pinellas County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/fl/sheriff/pinellas-county>.

<sup>370</sup> Kathryn Varn, “Transgender woman sues Pinellas sheriff over treatment in jail,” *Tampa Bay Times*, September 2, 2020, <https://www.tampabay.com/news/pinellas/2020/09/02/transgender-woman-sues-pinellas-sheriff-over-treatment-in-jail/>.

<sup>371</sup> Kathryn Varn, “A Pinellas Jail Deputy Broke a Prisoner’s Arm. Does the Jail Have a Problem?,” *Tampa Bay Times*, November 16, 2019, <https://www.tampabay.com/news/2019/11/16/a-pinellas-jail-deputy-broke-a-prisoners-arm-does-the-jail-have-a-problem>.

<sup>372</sup> McKenna Oxenden, “Pinellas Jail Deputy Fired for Hitting Inmate Who Uses Wheelchair,” *Tampa Bay Times*, January 17, 2019, <https://www.tampabay.com/breaking-news/pinellas-jail-deputy-fired-for-hitting-inmate-who-uses-wheelchair-20190117/>.

<sup>373</sup> Kathryn Varn, “Watch: Pinellas Jail Deputy Fired, Arrested After Video Shows Him Kicking Inmate,” *Tampa Bay Times*, April 23, 2019, <https://www.tampabay.com/news/publicsafety/watch-pinellas-jail-deputy-fired-arrested-after-video-shows-him-kicking-inmate-20190423>.

<sup>374</sup> “Attempts to Humiliate Pinellas County Inmates Lead to Suspension of Two Deputies,” *Tampa Bay Times*, July 13, 2019, <https://www.tampabay.com/breaking-news/attempts-to-humiliate-pinellas-county-inmates-lead-to-suspension-of-two-deputies-20190713/>.

<sup>375</sup> Kathryn Varn, “A Pinellas Jail Deputy Broke a Prisoner’s Arm. Does the Jail Have a Problem?,” *Tampa Bay Times*, November 16, 2019, <https://www.tampabay.com/news/2019/11/16/a-pinellas-jail-deputy-broke-a-prisoners-arm-does-the-jail-have-a-problem>.

attempt to circumvent sheriffs' liability for constitutional violations.<sup>376</sup> In 2017, national media reported, "Gualtieri has visited Washington multiple times over the last few months and had numerous conversations with [Trump] administration officials. His goal is to get ICE to sign contracts with the sheriffs who want them, so those sheriffs won't risk lawsuits by cooperating with the agency."<sup>377</sup>

Gualtieri has said: "When it comes to criminal illegals, there should be no discussion, there should be no debate, there should be no hesitation, there should be no consideration," he said. "They need to go and they need to stay gone and we should all be committed to that."<sup>378</sup>

Remarking on a new Basic Ordering Agreement model he helped design, Gualtieri said, "Today's announcement is about public safety—period. For years, sheriffs have had to choose between releasing criminal illegal aliens from their jails back into the community, or exposing themselves to potential civil liability. Both choices are unacceptable and that is why the Basic Ordering Agreement model being unveiled today is the linchpin in allowing us to faithfully execute our public safety duties."<sup>379</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, as the department entered the program).

## **24. Polk County, FL**

Warrant Service Officer Model

Sheriff Grady Judd

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<sup>376</sup> Kathryn Varn and Tony Marrero, "Sheriff Launches Training Program Enabling Pinellas Jail to Hold Immigration Detainees," *Tampa Bay Times*, May 6, 2019, <https://www.tampabay.com/news/publicsafety/pinellas-sheriffs-office-is-among-first-to-launch-new-program-to-honor-immigration-detainer-20190506/>; Ethan Fauré, "The National Sheriffs' Association Strengthens the Deportation Machine," Political Research Associates, June 6, 2019, <https://www.politicalresearch.org/2019/06/06/the-national-sheriffs-association-strengthens-the-deportation-machine>.

<sup>377</sup> Betsy Swan, "Sheriff: Trump Wants Us to Break the Law," *The Daily Beast*, August 19, 2017, <https://www.thedailybeast.com/sheriff-trump-wants-us-to-break-the-law>.

<sup>378</sup> Julio Ochoa, "Florida Sheriffs Partner With ICE to Legally Hold Undocumented Criminals," WUSF, January 17, 2018, <https://wusfnews.wusf.usf.edu/law-order/2018-01-17/florida-sheriffs-partner-with-ice-to-legally-hold-undocumented-criminals>.

<sup>379</sup> Immigration and Customs Enforcement, "ICE, 17 FL Sheriffs Announce New Enforcement Partnership," press release, January 17, 2018, <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

In 2004, Grady Judd was elected sheriff.<sup>380</sup> In 2019, Judd joined the new Warrant Service Officer model with an agreement with no expiration date.<sup>381</sup> In 2018, the department under Judd participated in a pilot ICE program that used Basic Ordering Agreements to detain immigrants.<sup>382</sup>

### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

Judd has a long record of villainizing undocumented immigrants as public safety threats.<sup>383</sup> In 2017, in an appearance on “America’s Newsroom,” Judd deployed dehumanizing language and falsehoods to spread fear about immigrants. “There’s not a day goes by we all don’t arrest a lot of illegal aliens that are out here preying on the people in this country,” the sheriff said. “And they’re committing felonies, violent felonies, and they’re trafficking in narcotics. And if that’s not enough, we deport them, they come back and pick up doing the same thing again.” He compared immigration to a leak in a house and described immigrants as “terrorizing” communities: “If you went home this afternoon and there was water flowing in your house, would you start mopping it up or would you turn off the source of the leak? We have to get these illegal criminals, these illegal aliens, out of this country. We have to pick them up, keep them locked up until they are deported to their home country of origin.... Why don’t you take them home with you? Why don’t you rent them a home next door to you? Because you know they’re living next door to somebody in our community and they’re terrorizing them.”<sup>384</sup>

Between 2016 and 2018, the department reportedly did not “sign a single one of the nearly 70 [U visa] requests it received.”<sup>385</sup> In 2021, the sheriff vowed to “indirectly” support Governor Ron DeSantis’ pledge to send law enforcement to the U.S. border with Mexico to address what DeSantis called the “Biden border crisis.”<sup>386</sup>

A local reverend reported overhearing a sheriff’s deputy talking after church about all the “illegals who are ruining Polk County.” According to the faith leader, the deputy said in 2012, “My favorite thing to do is spend time on patrol in those parts of town where ‘those people’ hang out. I just wait for them to look like

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<sup>380</sup> “Sheriff Grady Judd,” Florida Sheriffs’ Association, <https://www.flsheriffs.org/sheriffs/bio/polk-county>.

<sup>381</sup> Kathy Leigh Berkowitz, “PCSO Joins ICE program to Expand Immigration Enforcement,” *The Ledger*, May 7, 2019, <https://www.theledger.com/news/20190507/pcso-joins-ice-program-to-expand-immigration-enforcement>; Memorandum of Agreement Between Immigration and Customs Enforcement and Polk County Sheriff’s Office, May 6, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_PolkCoFI2019-05-06.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_PolkCoFI2019-05-06.pdf).

<sup>382</sup> Immigration and Customs Enforcement, “ICE, 17 FL Sheriffs Announce New Enforcement Partnership,” press release, January 17, 2018, <https://www.ice.gov/news/releases/ice-17-fl-sheriffs-announce-new-enforcement-partnership>.

<sup>383</sup> See Jenna Curren, “Report: Illegal Immigrant Charged with DUI, Killing 5-Year-Old Girl in Hit and Run,” *Law Enforcement Today*, October 26, 2021, <https://www.lawenforcementtoday.com/report-illegal-immigrant-charged-with-dui-killing-5-year-old-girl-in-hit-and-run/>.

<sup>384</sup> Fox News, “Florida Sheriff: Illegal Criminals Are Preying on Our People,” YouTube, February 23, 2017 <https://www.youtube.com/watch?v=CwuDSb4FPNc>.

<sup>385</sup> Laura C. Morel, “The U Visa Is Supposed to Help Solve Crimes and Protect Immigrants—But Police Are Undermining It,” *Tampa Bay Times*, November 7, 2019, <https://www.tampabay.com/special-reports/2019/11/09/the-u-visa-is-supposed-to-help-solve-crimes-and-protect-immigrants-but-police-are-undermining-it>.

<sup>386</sup> “PCSO Will Back Up Agencies Sending Employees to Border,” *The Ledger*, June 18, 2021, <https://www.theledger.com/story/news/local/2021/06/18/pcso-back-up-state-agencies-sending-employees-mexican-border/7745850002/>.

they are breaking a law and then I get to catch me a Mexican.” The reverend expressed concern about a larger “anti-Latino culture that pervades the Polk County Sheriff’s Office.”<sup>387</sup>

### *Racist Statements*

The sheriff’s office used racialized language on social media to mock a local Black mother who stole baby formula.<sup>388</sup> At a 2021 press conference, Judd held up the mug shot of two Black men before donning a large gold chain seized during an arrest and beginning to rap, invoking racialized tropes and language.<sup>389</sup> In a 2019 radio interview, Judd shared an anecdote in which he claimed to tell a Black teenager to “keep your cotton picking, sticky hands off people’s property.”<sup>390</sup> A spokesperson for the department said the sheriff did not know the teenager was Black when he shared the anecdote.<sup>391</sup>

### *Racial Profiling and Other Civil Rights Violations*

In 2020, a viral video revealed a deputy punched a Latinx man twice after the man was already handcuffed.<sup>392</sup> The sheriff defended the deputies involved in the incident, justifying their actions by saying that the man had spit on the deputies, potentially spreading “HIV/AIDS, Hepatitis C... COVID, too.”<sup>393</sup> An internal review cleared the deputy of wrongdoing over the incident but he was suspended for 16 hours without pay for failing to properly notify his supervisors about his conduct.<sup>394</sup> The day following the incident, deputies surrounded the house of the man who had recorded the video and arrested him. In a Facebook Live recording, a deputy can be heard saying in a voicemail left that day that she is outside his house and wants to talk to him about the video recording. Later, the man can be heard saying, “I can’t breathe.” The man believes he was arrested in retaliation for filming the video of the man being punched by a deputy: “That video has ruined my life. I mean I know I was trying to be a good person and do something good, but out of that good, it’s just destroyed my life,” he said.<sup>395</sup>

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<sup>387</sup> Rev. Andy Oliver, “Deputy Remarks Racist,” *The Ledger*, July 31, 2012,

<https://www.theledger.com/story/opinion/letters/2012/07/31/deputy-remarks-racist/26504232007/>.

<sup>388</sup> Polk County Sheriff, “Come on girl! What were ya thinkin? Steal baby formula in our county and you get caught!...” Twitter, reposted August 22, 2018,

[https://mobile.twitter.com/aidan\\_smx/status/1032440811277828096/photo/1](https://mobile.twitter.com/aidan_smx/status/1032440811277828096/photo/1).

<sup>389</sup> Dan Shalin, “Rapping Polk County Sheriff Grady Judd Goes Viral,” Patch, July 26, 2021,

<https://patch.com/florida/lakeland/rapping-polk-county-sheriff-grady-judd-goes-viral>.

<sup>390</sup> Erik Sandoval, “Radio listener calls out Sheriff Grady Judd over term 'cotton picking,’” Orlando News 6, April 19, 2019, <https://www.clickorlando.com/news/2019/04/19/radio-listener-calls-out-sheriff-grady-judd-over-term-cotton-picking/>.

<sup>391</sup> Ibid.

<sup>392</sup> “Sheriff Grady Judd: Deputy Punched Cuffed Suspect Twice After Getting Spat On,” WFTS, May 7, 2020,

<https://www.abcactionnews.com/news/region-polk/sheriff-grady-judd-deputy-punched-cuffed-suspect-twice-after-getting-spat-on>.

<sup>393</sup> Jillian Olsen, “Sheriff Judd: Investigating Deputy Caught on Camera Hitting Man Who Spit in Another Deputy’s Face During COVID-19 Pandemic,” WTSP, May 7, 2020,

<https://www.wtsp.com/article/news/health/coronavirus/polk-county-sheriffs-office-investigating-deputy-caught-on-camera-hitting-man-who-spit-in-another-deputys-face-during-covid-19-pandemic/67-a79b58d7-9691-41b1-ac91-9249d41b80c1>.

<sup>394</sup> Kylie McGivern, “Man Who Recorded Polk Deputy Punching Handcuffed Suspect Calls for Body Cameras After Own Arrest,” WFTS, September 27, 2021, <https://www.abcactionnews.com/news/local-news/i-team-investigates/man-who-recorded-polk-deputy-punching-handcuffed-suspect-calls-for-body-cameras-after-own-arrest>.

<sup>395</sup> Ibid.

In 2020, the vice chairman of a newly formed police-citizens advisory board filed a complaint against the department, alleging he was racially profiled and harassed during a traffic stop.<sup>396</sup> Outraged by how the man handled the situation, Judd said, “Get him off the board.”<sup>397</sup>

In 2015, a man was stopped and one of his passengers was arrested after a deputy detected a “faint odor of marijuana.” The man said that the deputy falsified his account of the stop; when the man contested the deputy’s report, the department told him that they did not utilize body or dashboard cameras and so it was his word against the deputy’s. As a result, the man was forced to enter into a pretrial diversionary program. He launched a petition that received over 20,000 signatures advocating that the department implement the use of body cameras.<sup>398</sup>

### *Jail Conditions*

In 2021, a man died after being assaulted in the jail by another detainee in the mental health unit; the family of the deceased man intends to sue the department for civil rights violations for failing to protect their family member and shortcomings in the department’s mental health procedures.<sup>399</sup>

In 2021, a mental health agency released a report that revealed that the department’s jail housed the largest number of people with mental health conditions in the county, and that they were not receiving the treatment that they needed.<sup>400</sup>

In 2012, the Southern Poverty Law Center filed a federal lawsuit against the sheriff and department for abuse and neglect of minors detained in adult facilities at the jail.<sup>401</sup>

### *Evading Accountability*

As recently as 2021, despite community pressure and multiple incidents including a 2021 officer-involved shooting in a county police department, the sheriff has reiterated his opposition to the use of body cameras.<sup>402</sup> In 2021, the sheriff wrote an op-ed criticizing a media investigation that revealed that hundreds of Florida officers were rehired by a law enforcement agency after being disciplined or dismissed by a

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<sup>396</sup> Sara-Megan Walsh, “LPD Citizens Advisory Board Member Files Harassment Complaint Against Polk County Sheriff’s Office,” *The Ledger*, September 3, 2020, <https://www.theledger.com/story/news/local/2020/09/03/pcso-hit-racial-harassment-complaint-black-member-lakeland-pd-citizens-advisory-board/5694548002/>.

<sup>397</sup> Ken Suarez, “V.P. of Lakeland Police Advisory Board says he was ‘harassed’ by ‘bad apple’ deputy,” Fox 13 News, Sept. 4, 2020, <https://www.fox13news.com/news/v-p-of-lakeland-police-advisory-board-says-he-was-harassed-by-bad-apple-deputy>.

<sup>398</sup> Tori Walker, “Petition Backs PCSO Body, Dash Cams,” *The Ledger*, October 25, 2016, <https://www.theledger.com/story/news/local/2016/10/26/more-than-20000-agree-pcso-needs-body-and-dash-cams/24664001007/>.

<sup>399</sup> Kimberly C. Moore, “Mental Health: Death in Polk County Jail’s Mental Health Unit Shows Flaws in the System,” *The Ledger*, December 5, 2021, <https://www.theledger.com/story/news/regional/2021/12/05/death-polk-county-jails-mental-health-unit-shows-flaws-system/6281435001/>.

<sup>400</sup> Kimberly C. Moore, “Mental Health: Polk Vision Report Shows Inmates Not Getting Counseling in Jail,” *The Ledger*, December 5, 2021, <https://www.theledger.com/story/news/regional/2021/12/05/polk-vision-report-shows-those-jail-arent-getting-mental-health-counseling/8592557002/>.

<sup>401</sup> “Southern Poverty Law Center Files Lawsuit Against Polk County Sheriff to End Abuse of Children at Jail,” Southern Poverty Law Center, March 21, 2012, <https://www.splcenter.org/news/2012/03/21/southern-poverty-law-center-files-lawsuit-against-polk-county-sheriff-end-abuse-children>.

<sup>402</sup> Sara-Megan Walsh, “Timeline: Events that Fueled Polk County’s Body Camera Debate,” *The Ledger*, May 9, 2021, <https://www.theledger.com/story/news/local/2021/05/09/body-cam-events-fueled-polk-county-debate/4941696001/>.

different agency.<sup>403</sup> He called the hiring of reportedly abusive officers “a made up, fake problem designed to sling mud on the policing profession” while blaming “our modern media and left wing advocacy organizations” for scrutinizing law enforcement.<sup>404</sup>

The ACLU could not locate a public notice by the department about a steering committee meeting.

### *Departmental Mismanagement*

In 2021, deputies arrested a former Marine for murder after he surrendered; the sheriff expressed his wish that they would’ve killed him instead. “It would’ve been nice if he’d have come out with a gun and then we’d have been able to read a newspaper through him. If he’d have given us the opportunity, we’d have shot him up a lot,” he said.<sup>405</sup>

In 2021, three department deputies were arrested for evidence tampering.<sup>406</sup> Another two department employees were arrested in 2021 for allegedly conspiring with a detainee to smuggle contraband into the jail.<sup>407</sup>

## **25. Santa Rosa County, FL**

### Warrant Service Officer Model

Sheriff Bob Johnson

In 2016, Bob Johnson was elected sheriff; in 2018, Johnson began a Basic Ordering Agreement with ICE to hold ICE detainees for \$50 a day.<sup>408</sup> In 2020, Johnson entered the department into a 287(g) program under a Warrant Service Officer agreement with no expiration date.<sup>409</sup>

### *Jail Conditions*

In a 2021 lawsuit in federal court, the department was found liable for \$1.7 million following the suicide of a 29-year-old man detained in the department’s jail. The jury found that department deputies failed to monitor him while he was placed on suicide watch. The man, whose only charge was driving without a license, was detained without bond due to his status as an undocumented immigrant. He had no history of mental illness, but his prolonged detention in the jail reportedly led him to have a mental breakdown.

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<sup>403</sup> Devan Patel, “Florida Gave Thousands of Tarnished Officers a Second Chance. Hundreds Blew It Again,” *Naples Daily News*, updated February 6, 2021, <https://www.news-press.com/in-depth/news/crime/2020/12/29/hundreds-florida-officers-given-second-chance-blew-again/3764571001/>.

<sup>404</sup> Grady Judd, “Guest Opinion: Recent Investigative Story 'Dripping with Anti-Police Rhetoric,’” *Fort Myers News-Press*, January 31, 2021, <https://www.news-press.com/story/opinion/2021/01/31/sheriff-grady-judd-polk-county-addresses-report-police-misconduct-florida/4278376001/>.

<sup>405</sup> Jonathan Edwards, “Florida Deputies Got a Murder Suspect to Surrender. Their Sheriff Said He Wishes They Would Have Killed Him,” *Washington Post*, September 8, 2021, <https://www.washingtonpost.com/nation/2021/09/08/florida-sheriff-murder-suspect/>.

<sup>406</sup> ABC Action News, “3 Polk County Deputies Arrested for Evidence Tampering,” YouTube, March 22, 2021, <https://www.youtube.com/watch?v=RzJ4GoXk6qw>.

<sup>407</sup> “2 former Polk County Sheriff’s Office Employees Accused of Conspiring with Inmate to Bring Contraband Into Jail,” WESH, March 31, 2021, <https://www.wesh.com/article/2-former-polk-county-sheriffs-office-employees-accused-of-conspiring-with-inmate-to-bring-contraband-into-jail/35992919#>.

<sup>408</sup> Mitch Perry, “ICE, Florida Counties Strike Deal on New Immigrant Detention Policy,” *Florida Politics*, January 17, 2018, <https://floridapolitics.com/archives/253815-ice-florida-counties-strike-deal-new-immigrant-detention-policy/>.

<sup>409</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Santa Rosa County Sheriff’s Office, October 15, 2019, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_SantaRosaCoFI2019-10-15.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_SantaRosaCoFI2019-10-15.pdf).

Deputies admitted to falsifying records to make it appear that they had checked on him every 15 minutes, per department policy; in fact, one deputy admitted that while the man “made repeated attempts to commit suicide, he was busy checking his Facebook account, viewing ESPN.com, and socializing with other jail employees.” One of the two deputies involved still works for the department. The sheriff has vowed to appeal the court’s decision.<sup>410</sup>

### *Civil Rights Violations*

The sheriff described unlawful detention practices to local media in 2018, explaining his department’s practice of detaining individuals for ICE without a detainer—beyond their release date and after they have posted bond—“if they had any violent past.”<sup>411</sup>

In 2021, a jury in a federal civil court found a department deputy liable for \$625,000 after he entered a home without a warrant and beat the resident before and after he was in handcuffs. The plaintiff, a U.S. Air Force staff sergeant, was so badly injured following the beating that he was forced to retire early from his Air Force position. The deputy reportedly held his firearm to the back of the plaintiff’s head, leading the man’s father to fear the deputy was going to execute him. The deputy then slammed the man’s face into his vehicle multiple times, despite the fact that the man was reportedly not resisting. The man was in the midst of a contentious divorce from his wife, a department employee; deputies on the scene referenced this fact.<sup>412</sup> The sheriff suggested he believed the jury’s decision would be overturned on appeal.<sup>413</sup>

In 2012, a federal judge compelled the department to allow letters to be sent and received by people detained in the county jail after a civil rights lawsuit filed by the ACLU of Florida challenging the department’s “postcard only” policy.<sup>414</sup>

### *Departmental Mismanagement*

In 2020, an investigation revealed a captain with the Santa Rosa County Sheriff’s Office had regularly sexually harassed a female department subordinate over an extended period of time. He was not fired following the investigation but was demoted to lieutenant.<sup>415</sup>

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<sup>410</sup> Colin Warren-Hicks, “‘Record-setting Verdict’: SRSO Ordered to Pay \$1.7M to Family of Inmate Who Took His Own Life,” *Pensacola News Journal*, October 18, 2021, <https://www.pnj.com/story/news/crime/2021/10/18/srso-ordered-pay-1-7-million-family-jose-escano-reyes-died-by-suicide-jail/8469529002/>.

<sup>411</sup> Hannah Mackenzie, “ICE Partnering with Local Jails to Detain Undocumented Criminal Immigrants,” WEAR, January 25, 2018, <https://weartv.com/news/local/ice-partnering-with-local-jails-to-detain-undocumented-criminal-immigrants>.

<sup>412</sup> Colin Warren-Hicks, “SRSO deputy Ordered to Pay \$625,000 to Retired Air Force Sergeant He Injured in 2014,” *Pensacola News Journal*, June 24, 2021, <https://www.pnj.com/story/news/2021/06/24/deputy-ordered-pay-625-k-retired-air-force-sergeant-he-injured/5304770001/>.

<sup>413</sup> Colin Warren-Hicks, “SRSO deputy Ordered to Pay \$625,000 to Retired Air Force Sergeant He Injured in 2014,” *Pensacola News Journal*, June 24, 2021, <https://www.pnj.com/story/news/2021/06/24/deputy-ordered-pay-625-k-retired-air-force-sergeant-he-injured/5304770001/>.

<sup>414</sup> ACLU of Florida, “ACLU, FJI Win Legal Challenge, Protect Free Speech; Inmates May Now Exchange Letters Instead of Postcards Only,” press release, February 14, 2012, <https://www.aclufl.org/en/press-releases/court-ends-santa-rosa-county-sheriffs-postcard-only-mail-policy>

<sup>415</sup> Kristie Henderson, “Santa Rosa County Captain Demoted After Sexual Harassment Investigation,” WEAR, February 20, 2020, <https://weartv.com/news/local/santa-rosa-county-captain-demoted-after-sexual-harassment-investigation>.



### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In 2021, Florida Governor Ron DeSantis called for Florida law enforcement agencies to assist with enforcement at the U.S.-Mexico border in Texas; DeSantis was responding to Texas Governor Greg Abbott's call for assistance in border counties due to what he called the "Biden open-border emergency."<sup>416</sup> The sheriff stood behind DeSantis at the press conference announcing the move and was among the first to volunteer his deputies to go to Texas.<sup>417</sup> The sheriff has also refused to enforce federal policies, such as President Biden's vaccine mandate, raising concerns about his participation in federal immigration enforcement.<sup>418</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from fiscal year 2019, before the department entered the program).

## **26. Georgia Department of Corrections**

### Jail Enforcement Model

#### Commissioner Timothy Ward

In 2019, Timothy Ward was appointed by Governor Brian Kemp of Georgia as the commissioner of the department. In 2020, Ward signed a 287(g) agreement without an expiration date.<sup>419</sup>

### *Prison Conditions*

In September 2021, the federal Department of Justice initiated a statewide investigation into Georgia Department of Corrections prisons, sparked by numerous reports of abuses against LGBT detainees and a culture of violence and neglect in the department's facilities.<sup>420</sup> In announcing the investigation, U.S. Assistant Attorney General for Civil Rights Kristen Clarke said, "In 2020, at least 26 people died in Georgia prisons by confirmed or suspected homicide. There have been a reported 24 homicides so far in 2021. Reports of countless other violent assaults, including stabbings and beatings, also have emerged from

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<sup>416</sup> Dianne Solis, "Abbott Blasts Biden Border Policies as He Says Texas Has Stemmed Flow of Mass Crossings in Del Rio," *Dallas Morning News*, September 21, 2021, <https://www.dallasnews.com/news/immigration/2021/09/21/abbott-blasts-biden-as-he-says-texas-has-staunched-mass-crossings-in-del-rio/>.

<sup>417</sup> Annie Blanks, "DeSantis: Florida to Send Law Enforcement to Mexico Border to Combat Immigration 'Crisis,'" *Pensacola News Journal*, June 16, 2021, <https://www.pnj.com/story/news/2021/06/16/florida-send-law-enforcement-officers-mexico-arizona-texas-border-desantis-immigration-crisis/7715681002/>; "Ron DeSantis Says Florida law enforcement will help with border," News Service of Florida, June 16, 2021, <https://www.tampabay.com/news/florida-politics/2021/06/16/ron-desantis-says-florida-law-enforcement-will-help-with-border/>.

<sup>418</sup> Carey Cox, "Santa Rosa County Sheriff: 'Under No Circumstances Will I Ever Make an Employee Get Vaccinated,'" WKRG, updated November 8, 2021, <https://www.wkrg.com/news/santa-rosa-county-sheriff-under-no-circumstances-will-i-ever-make-an-employee-get-vaccinated/>.

<sup>419</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Georgia Department of Corrections, "287(g) Jail Enforcement Model," June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_GeorgiaDOC\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_GeorgiaDOC_06-09-2020.pdf).

<sup>420</sup> Department of Justice, "Justice Department Announces Investigation Into Conditions in Georgia Prisons," press release, September 14, 2021, <https://www.justice.gov/opa/pr/justice-department-announces-investigation-conditions-georgia-prisons>; Kevin Johnson, "Justice Department Investigating Georgia State Prisons After 44 Inmate Deaths, LGBT Assaults," *USA Today*, September 14, 2021, <https://www.usatoday.com/story/news/politics/2021/09/14/doj-investigates-georgia-prisons-after-44-inmates-died-lgbt-assaulted/8331484002/>.

Georgia prisons....A major riot occurred in one large closed security Georgia prison last year, and disturbances reportedly have occurred in other prisons as well.”<sup>421</sup> As the *New York Times* reported, “Ms. Clarke said that dangerous conditions in the state’s prisons, including ‘contraband weapons and open gang activity,’ seemed to be exacerbated by many systemic factors. She cited staffing shortages and high employee turnover, policy and training issues and a lack of accountability for misconduct.”<sup>422</sup> The results of the investigation are pending.

In 2021, the Southern Center for Human Rights filed a civil rights lawsuit against the department over the inhumane detention of people in solitary confinement. “Conditions of confinement...are repulsive,” the civil rights group alleged. “Rats and roaches crawl on people while they sleep and crawl in their food. Many cells have no power and defective plumbing. Living areas reek of feces from accumulated human waste in unflushed toilets, whose flushing mechanisms are controlled by staff.”<sup>423</sup>

A 2021 video showed a corrections officer repeatedly beating a detained person in a mental health unit at a state prison.<sup>424</sup> According to WXIA-TV, a prosecutor later found that the punching “was ‘profoundly regrettable’ but that the officer ‘was within use of force guidelines.’”<sup>425</sup>

### *Evading Accountability*

In 2021, corrections officials barred state lawmakers from touring a state prison to investigate allegations of inhumane conditions, citing a “security concern.”<sup>426</sup> A lawmaker complained: “The system is surviving by walling itself off from the public. They are sealed off from scrutiny.”<sup>427</sup> Moreover, “requests for information about everything from staffing levels to COVID-19 testing generally go unanswered,” the Atlanta Journal Constitution reported.<sup>428</sup>

## **27. Hall County, GA**

Sheriff Gerald Crouch

Jail Enforcement Model

Hall County Sheriff’s Office was among the first in the nation to sign a 287(g) agreement in 2008, utilizing both the Jail Enforcement and the now-defunct Task Force models.<sup>429</sup> In 2012, Gerald Crouch was elected

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<sup>421</sup> Katie Benner, “Justice Dept. to Investigate Georgia Prisons,” *New York Times*, September 14, 2021, <https://www.nytimes.com/2021/09/14/us/politics/georgia-prisons-justice-department.html>.

<sup>422</sup> Ibid.

<sup>423</sup> Kevin Johnson, “Justice Department Investigating Georgia State Prisons After 44 Inmate Deaths, LGBT Assaults,” *USA Today*, September 14, 2021, <https://www.usatoday.com/story/news/politics/2021/09/14/doj-investigates-georgia-prisons-after-44-inmates-died-lgbt-assaulted/8331484002/>.

<sup>424</sup> Khaleda Rahman, “Video Shows Guard Brutally Beating Inmate Inside Georgia Prison,” *Newsweek*, June 29, 2021, <https://www.newsweek.com/video-shows-guard-brutally-beating-inmate-georgia-prison-1605112>.

<sup>425</sup> Jonathan Raymond, “Gwinnett DA decides on no charges in punching of inmate at Phillips State Prison,” WXIA-TV, Aug. 27, 2021, <https://www.11alive.com/article/news/local/inmate-punched-phillips-state-prison-georgia-no-charges/85-83e27001-1fc4-4c60-9976-f67edf93d9ec>.

<sup>426</sup> Christian Boone, “State Lawmakers Barred from Touring Arrendale Prison,” *Atlanta Journal-Constitution*, August 11, 2021, <https://www.ajc.com/news/crime/state-lawmakers-barred-from-touring-arrendale-prison/Z6OTITDHOVDX3G5RDKM7ZTXXNU/>.

<sup>427</sup> Ibid.

<sup>428</sup> Ibid.

<sup>429</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?abstract&did=29593>.

sheriff<sup>430</sup>; in 2016, he began a new Jail Enforcement Model agreement with ICE, which he renewed indefinitely in 2020.<sup>431</sup>

#### *Civil Rights Violations: Excessive Force*

In 2019, according to a departmental report, a department employee punched a detainee in the face after the detainee threw a towel at him. Following the incident, the employee was given six hours of de-escalation training. Though two senior department employees thought the use of force was justified, three other supervisors said it went outside of policy.<sup>432</sup> In another 2019 incident in the county jail, a department employee put a detained person into a chokehold—a potentially lethal move another internal investigation found to be incommensurate with the situation at hand.<sup>433</sup> In a third 2019 excessive use-of-force incident, a deputy reportedly deployed a Taser for five seconds on a woman who was not exhibiting any aggressive behavior.<sup>434</sup>

Between 2017 and 2019, the department conducted 126 use-of-force reviews for deputy actions. Of these, only three were determined by the department to be out of policy, including the punching incident.<sup>435</sup>

#### *Civil Rights Violations: Unlawful Detention*

In a 2017 letter, Project South, a legal advocacy organization, wrote to the sheriff alleging that the department “detains, without an ICE detainer (immigration hold), arrested persons who state that they were born outside the United States, even after they have posted bond.”<sup>436</sup> They said the department has a policy “that when arrested persons state they were not born in the United States, you administer an ICE enforcement questionnaire, forward the form to ICE, and continue to detain the arrested person until ICE responds to you, even if such persons have already posted bail or bond,” likely in violation of the law, as well as the terms of the department’s 287(g) agreement with ICE.

#### *Jail Conditions, Departmental Mismanagement*

A 2019 internal affairs report found a pattern of sexual abuse, lies, and organized fights between employees within the department’s jail. Department employees engaged in sexual activity with each other while on the job, leaving parts of the jail understaffed; they deployed their Tasers against each other in violation of state policy; and covered up their actions by lying to supervisors.<sup>437</sup>

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<sup>430</sup> “About Sheriff Gerald Couch,” Hall County Sheriff’s Office, <https://www.hallcountysheriffsoffice.org/sheriff>.

<sup>431</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Hall County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_HallCoGa2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_HallCoGa2020-06-09.pdf).

<sup>432</sup> Nick Watson, “How Hall, Gainesville Law Enforcement Have Investigated Improper Use-of-force Allegations,” *Gainesville Times*, November 11, 2020, <https://www.gainesvilletimes.com/news/badge-bar/how-hall-gainesville-law-enforcement-have-investigated-improper-use-force-allegations/>.

<sup>433</sup> Ibid.

<sup>434</sup> Ibid.

<sup>435</sup> Ibid.

<sup>436</sup> Azadeh N. Shahshahani to Gerald Couch, “Re: Continued Detention After Posting Bond,” August 22, 2017, <https://projectsouth.org/wp-content/uploads/2017/08/Hall-County-Sheriff-Continued-Detention-After-Posting-Bond.pdf>.

<sup>437</sup> Mitch Clarke, “Hall Jail Investigation Reveals Sex, Lies and ‘Fights,’” *AccessWDUN*, December 19, 2019, <https://accesswdun.com/article/2019/12/861330/hall-jail-investigation-reveals-sex-lies-and-fights>.

### *Community Concerns*

In an Emmy award–winning documentary investigation, Univision documented a culture of fear instilled in the county’s community of undocumented immigrants. The county’s “main city of Gainesville has the largest percentage of undocumented immigrants in the country,” according to Univision. Immigrants report being terrified to drive their children to school or to their jobs. Investigators spoke to Anmarie Martin, a former deputy in the department who resigned in 2014 after seeing the number of immigrants separated from their families due to minor offenses, such as the case of a man who was referred to ICE after being detained for fishing without a license. “The training tells you that you are going to lock up and process people who are criminals, but in this case, 287(g) is meant to destroy people,” she said. “Arresting a human being who is working to feed their family, turning them into a criminal, and removing from that family unit is inhumane. My uniform became a burden. I no longer felt proud serving my country. My resignation was immediate.” The report also revealed that more than 2,000 people were turned over to ICE for deportation under the county’s 287(g) agreement since 2011, many for minor offenses. In the first six months of 2019, of the 536 criminal charges filed against immigrants processed through the 287(g) program, 70% were for minor traffic violations (unrelated to driving under the influence).<sup>438</sup> This has led to widespread community fear of interaction with law enforcement, especially among those working in the poultry factories key to the region’s economy.<sup>439</sup>

Under the Trump administration, data evaluated by the *Washington Post* found that the number of immigrants taken into ICE custody in Hall County in 2017 averaged 40 per month, nearly quadruple the monthly number in 2016. This increase, as the *Washington Post* reported in 2021, led to further community distrust. “You’re living with the grace of God, constantly worried the cops are going to show up,” the *Post* quoted one undocumented community member as saying. “It’s a constant fear. Nobody can protect you.”<sup>440</sup> In a 2021 documentary short, the *Post* described the sheriff’s “reign of fear” in the county; immigrant workers described living with “invisible chains” due to the sheriff’s immigration enforcement powers.<sup>441</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting since 2017. If no subsequent meeting occurred, community members would have been denied an opportunity to comment on the agreement’s 2020 renewal without termination date.

## **28. Jackson County, KS**

Warrant Service Officer Model

Sheriff Tim Morse

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<sup>438</sup> Ronny Rojas, Almudena Toral, and Antonio Cucho, “In the Country’s Chicken Processing Capital, Undocumented Immigrants Live in Fear,” Univision, November 1, 2017, <https://www.univision.com/univision-news/immigration/in-the-countrys-chicken-processing-capital-undocumented-immigrants-live-in-fear>.

<sup>439</sup> Jeremy Redmon, “In ‘Poultry Capital,’ Stakes Are High Amid Trump Immigration Crackdown,” *Atlanta Journal-Constitution*, September 19, 2019, <https://www.ajc.com/business/economy/poultry-capital-stakes-are-high-amid-trump-immigration-crackdown/hmN7WaYjza9ox87mbBvCqL/>.

<sup>440</sup> Debbie Cenziper, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran, “Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants,” *Washington Post*, November 23, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>.

<sup>441</sup> Alice Li and Jon Gerberg, “One Southern Sheriff’s Reign of Fear in a Community of Immigrants,” *Washington Post*, November 23, 2021, [https://www.washingtonpost.com/video/national/one-southern-sheriffs-reign-of-fear-in-a-community-of-immigrants/2021/11/23/30e9446c-40a7-46b2-893f-7ab5de7ce031\\_video.html](https://www.washingtonpost.com/video/national/one-southern-sheriffs-reign-of-fear-in-a-community-of-immigrants/2021/11/23/30e9446c-40a7-46b2-893f-7ab5de7ce031_video.html).

In 2011, Tim Morse was appointed as sheriff by then-governor Sam Brownback<sup>442</sup>; in 2020, Morse entered the department into a 287(g) agreement with no expiration date.<sup>443</sup>

### *Anti-Immigrant Statements and Advocacy of Inhumane Immigration and Border Policies*

Commenting on his appointment to the National Sheriffs' Association Immigration and Border Security Committee, Morse stoked fear about the "over one million criminal illegal aliens walking the streets of America."<sup>444</sup> He published an op-ed unfairly linking immigration to the opioid epidemic and calling on the new administration to "focus like a laser beam on putting the nation's 300 or more dangerous sanctuary cities out of the business of protecting criminal aliens."<sup>445</sup>

In response to the op-ed, the ACLU of Kansas sent a letter to the sheriff correcting his misinformation and specifically outlining the legal liabilities, constitutional violations, and community impacts of local law enforcement participating in federal immigration enforcement.<sup>446</sup>

In a 2018 letter sponsored by the National Sheriffs' Association, Morse and dozens of other sheriffs urged Congress to construct a border wall, writing, "Without border security and immigration reform, more Americans will continue to be victims of crime. Now is the time to act!"<sup>447</sup> Morse met with President Trump and other senior officials at the White House in 2018 as part of a lobbying blitz sponsored by the Federation for American Immigration Reform (FAIR), a noted anti-immigrant organization.<sup>448</sup> He also appeared on a 2018 podcast produced by FAIR on which he said he calls ICE anytime he has a "problem" with "illegal aliens" such as those in the local Guatemalan community.<sup>449</sup>

In April 2021, he signed the "America's Sheriffs Letter" to President Biden, falsely accusing his administration of "encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration."<sup>450</sup>

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<sup>442</sup> Ann Marie Bush, "Jackson County Sheriff to Run for His Seat," *Topeka Capital-Journal*, February 12, 2012, <https://www.cjonline.com/story/news/politics/state/2012/02/12/jackson-county-sheriff-run-his-seat/16442825007/>.

<sup>443</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Jackson County Sheriff's Office, "Warrant Service Officer Program," July 23, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_JacksonCoKS\\_07-23-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_JacksonCoKS_07-23-2020.pdf).

<sup>444</sup> "Local Sheriff Named to Immigration Committee," Many Signals Communications, March 12, 2017, <https://www.mscnews.net/news/?nk=61642>.

<sup>445</sup> Tim Morse, "Sheriff Tim Morse: The Border Has Come to Kansas," *Topeka Capital-Journal*, March 17, 2017, <https://www.cjonline.com/opinion/columns/2017-03-17/sheriff-tim-morse-border-has-come-kansas>

<sup>446</sup> Doug Bonney to Tim Morse, "Re: ICE Detainers, Immigration Enforcement, & 'Sanctuary Cities,'" March 28, 2017, [https://www.aclukansas.org/sites/default/files/field\\_documents/jackson\\_county\\_sheriff\\_tim\\_morse\\_ice\\_detainer\\_letter\\_2017.03.28.pdf](https://www.aclukansas.org/sites/default/files/field_documents/jackson_county_sheriff_tim_morse_ice_detainer_letter_2017.03.28.pdf); "Kris Kobach Earns Endorsement From Kansas Sheriffs," *Kansas City News-Remedy*, July 26, 2021, <https://www.tonyskansascity.com/2021/07/kris-kobach-earns-endorsement-from.html>.

<sup>447</sup> Mike McKinnon III, "Sheriffs from Around the Country Tell Congress the Border Wall Must Be Built," KUSI, March 31, 2018, <https://www.kusi.com/sheriffs-around-country-tell-congress-border-wall-must-built/>.

<sup>448</sup> Debbie Cenziper, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran, "Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants," *Washington Post*, November 23, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>; Greg Bebermeyer, "Local Sheriff Visits the White House," Many Signals Communications, September 6, 2018, <https://www.mscnews.net/news/?nk=65603>.

<sup>449</sup> Shari Rendall and Bob Namjulski, "FAIR Talks to Sheriff Tim Morse," in *FAIR Podcasts*, podcast, February 12, 2018, <https://open.spotify.com/episode/1M2zz791MOYYAULN2FVDbe>.

<sup>450</sup> "Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration," WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

### *Civil Rights Violations: Racial Profiling*

In a 2020 incident, two Black parents were interrogated by deputies after buying baby formula for their child at a local Walmart. Video of the incident went viral and sparked national outcry and accusations of racial profiling.<sup>451</sup> “I was really in disbelief that the cops were called on me for a grocery visit. I wanted it all to be over quick,” the father said. “It seemed like they went out to humiliate and harass us.”<sup>452</sup> The sheriff refused to apologize, denied claims of racial profiling, and contested the couple’s account of the incident.<sup>453</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE’s most recent public reporting of steering committee meetings is from 2019, before the department entered the program). Additionally, the department appears to have made no statement and released no documents related to their participation.

## **29. East Baton Rouge Parish, LA**

### Jail Enforcement Model

#### Sheriff Sid Gautreaux III

In 2007, Sid Gautreaux was elected as sheriff.<sup>454</sup> In 2017, East Baton Rouge Parish became the first of two departments in Louisiana to enter the 287(g) program.<sup>455</sup> By 2018, ICE arrests in the area had nearly tripled.<sup>456</sup> In 2020, the agreement was renewed indefinitely despite community opposition.<sup>457</sup>

### *Civil Rights Violations and Racial Profiling*

At least eight people died following encounters with the department from 2013–20, three-quarters of whom were Black—making the department’s racial disparities in deadly force worse than 75% of sheriff’s departments nationwide, according to one group’s analysis.<sup>458</sup> In 2016, East Baton Rouge deputies fired 21 shots and killed an unarmed man experiencing a mental health crisis; the man’s family filed a civil suit against Gautreaux for failing to train his deputies to appropriately respond to people suffering mental health

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<sup>451</sup> “Black Couple Allege Racial Profiling After Shoplifting Accusation at Kansas Walmart,” *Storyful*, June 21, 2020, <https://www.yahoo.com/entertainment/black-couple-allege-racial-profiling-224812404.html>.

<sup>452</sup> Katie Bernard, “‘Terrified’: Black Kansas Couple Says They Were Racially Profiled at Walmart,” *Kansas City Star*, June 18, 2020, <https://www.kansascity.com/news/local/crime/article243644647.html>.

<sup>453</sup> Tim Hrenchir, “Jackson County Sheriff Questions Account of Alleged Racial Incident,” *Topeka Capital-Journal*, June 20, 2020, <https://www.cjonline.com/story/news/local/2020/06/20/jackson-county-sheriff-questions-account-of-alleged-racial-incident/114910460/>.

<sup>454</sup> “Sheriff Sid J. Gautreaux, III,” East Baton Rouge Sheriff’s Office, <https://www.ebrso.org/SHERIFF>.

<sup>455</sup> Lea Skene, “Critics Assail East Baton Rouge Sheriff’s Office Decision to Renew Immigration Agreement,” *The Advocate*, July 17, 2019, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html).

<sup>456</sup> “Immigration and Customs Enforcement Arrests: ICE Data Through May 2018,” TRACImmigration, [www.trac.syr.edu/phptools/immigration/arrest/](http://www.trac.syr.edu/phptools/immigration/arrest/).

<sup>457</sup> Lea Skene, “Critics Assail East Baton Rouge Sheriff’s Office Decision to Renew Immigration Agreement,” *The Advocate*, July 17, 2019, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html); Memorandum of Agreement Between Immigration and Customs Enforcement and East Baton Rouge Parish Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, <https://www.ice.gov/doclib/287gMOA/287gBatonRougeLa2020-06-09.pdf>.

<sup>458</sup> “East Baton Rouge Parish,” Police Scorecard, <https://policescorecard.org/la/sheriff/east-baton-rouge-parish>.

crises.<sup>459</sup> In 2013, the sheriff was the subject of national criticism for arresting more than a dozen gay men on sodomy charges for engaging in consensual sexual activity, despite the fact that the Supreme Court had found sodomy laws to be unconstitutional years earlier and the local District Attorney would not pursue charges.<sup>460</sup>

In 2017, the ACLU urged DHS to reject the department's application to the 287(g) program, noting its record of disproportionately targeting racial minorities in drug enforcement.<sup>461</sup> In a 2018 investigation, the Southern Poverty Law Center found evidence that area law enforcement was disproportionately targeting Black and Latinx communities.<sup>462</sup>

### *Jail Conditions*

As of June 2021, 47 people have died in the department's custody since 2012,<sup>463</sup> an alarmingly high rate that puts the jail well above the national average.<sup>464</sup> The majority of those who died were detained for misdemeanors and were Black.<sup>465</sup> A report by The Promise of Justice Initiative found that a majority of these deaths were preventable.<sup>466</sup> Additionally, the incarceration rate in the jail is well above the national average, largely due to cash bail policies that punish poverty.<sup>467</sup> 88% of people detained in the facility are held pretrial, without being convicted of any crime;<sup>468</sup> 75% of those detained at the facility were Black in a parish that is only 47% Black, according to a 2021 report from The Promise of Justice Initiative.<sup>469</sup>

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<sup>459</sup> *Spears v. Gautreaux*, 3:17-CV-00105-JWD-EWD (5<sup>th</sup> Cir., November 17, 2020),

[https://www.laclu.org/sites/default/files/field\\_documents/spears\\_brief.pdf](https://www.laclu.org/sites/default/files/field_documents/spears_brief.pdf).

<sup>460</sup> Kathy Finn, "Baton Rouge Sheriff Accused of Targeting Gay Men for Arrest," Thomson Reuters, July 29, 2013,

<https://www.reuters.com/article/us-usa-louisiana-sodomy/baton-rouge-sheriff-accused-of-targeting-gay-men-for-arrest-idUSBRE96S14720130729>.

<sup>461</sup> "When comparing the four ZIP codes of the city comprising the highest African-American population (90%) with those of majority white ZIP codes, enforcement in the African-American communities is 513% higher than the white ZIP codes, while drug usage is actually 0.6% lower. This disparate enforcement raises concerns regarding how East Baton Rouge would conduct enforcement in other areas, including immigration under the 287(g) program." See Ronald Newman to Bruce Friedman, "Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program," February 7, 2017,

[https://www.aclu.org/sites/default/files/field\\_document/aclu\\_letter\\_re\\_dhs\\_crcl\\_re\\_proposed\\_287g\\_jurisdictions\\_02-07-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_letter_re_dhs_crcl_re_proposed_287g_jurisdictions_02-07-17.pdf).

<sup>462</sup> "Racial Profiling in Louisiana: Unconstitutional and Counterproductive," Southern Poverty Law Center, September 18, 2018, <https://www.splcenter.org/20180918/racial-profiling-louisiana-unconstitutional-and-counterproductive>.

<sup>463</sup> Jacqueline DeRobertis, "After Apparent Suicide at East Baton Rouge Parish Prison, Advocates Seek Oversight," *The Advocate*, June 12, 2021, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_35a18440-cbbf-11eb-982f-6b50889ecd23.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_35a18440-cbbf-11eb-982f-6b50889ecd23.html).

<sup>464</sup> Grant Smith, "Jail Deaths in America: Data and Key Findings of *Dying Inside*," Thomson Reuters, October 16, 2020,

<https://www.reuters.com/investigates/special-report/usa-jails-graphic>.

<sup>465</sup> *Ibid.*

<sup>466</sup> Teresa Mathew, "Most Recent Deaths at East Baton Rouge Jail Could Have Been Avoided," *The Appeal*, August 15, 2018, <https://theappeal.org/new-report-louisiana-jail-conditions-deaths/>.

<sup>467</sup> Grace Toohey, "East Baton Rouge Parish Jails People at Rates Far Higher than New Orleans And Lafayette: Here's Why," *The Advocate*, September 14, 2019, [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_aa68a582-c45b-11e9-8439-a7110c42fa80.html](https://www.theadvocate.com/baton_rouge/news/courts/article_aa68a582-c45b-11e9-8439-a7110c42fa80.html).

<sup>468</sup> Teresa Mathew, "Most Recent Deaths at East Baton Rouge Jail Could Have Been Avoided," *The Appeal*, August 15, 2018, <https://theappeal.org/new-report-louisiana-jail-conditions-deaths/>.

<sup>469</sup> The Promise of Justice Initiative, *Brutality in the Name of "Safety"* (January 2021),

<https://static1.squarespace.com/static/5fe0e9cce6e50722511b03cc/t/601221747e89bf5fc0526d9b/1611800951759/EBR-Report-FINAL.pdf>.

Additionally, community advocates have complained about the sheriff's failure to notify the public of these deaths,<sup>470</sup> including the 2021 suicide of a Latino man detained in the jail.<sup>471</sup> The department has paid nearly \$5 million since 2011 in settlements resulting from departmental mismanagement.<sup>472</sup> In February 2022, a man died awaiting trial for marijuana charges at East Baton Rouge Parish Prison.<sup>473</sup>

In a 2020 lawsuit, a coalition of local and national civil rights groups sued the department for the release of detainees at risk due to the COVID-19 pandemic and the department's refusal to implement protective measures such as testing, social distancing, and mandatory mask wearing.<sup>474</sup> The organizations described the facility as one of the nation's deadliest.<sup>475</sup> Members of the East Baton Rouge Metro Council criticized the department for testing only symptomatic detainees, and representatives for the jail's health contractor reportedly said "jail administrators had been reluctant to expand testing in the past."<sup>476</sup>

### *Evading Accountability*

According to ICE's data, the department failed to hold a steering committee meeting in fiscal years 2018-2019,<sup>477</sup> despite local opposition to renewal of the agreement.<sup>478</sup> The ACLU could not locate a public notice by the department about a steering committee meeting since that time.

## **30. Massachusetts Department of Correction**

Jail Enforcement Model

Commissioner Carol Mici

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<sup>470</sup> Teresa Mathew, "More Than 40 People Have Died in the East Baton Rouge Jail. Will Voters Oust the Sheriff?" *The Appeal*, October 9, 2019, [theappeal.org/more-than-40-people-have-died-in-custody-of-the-east-baton-rouge-jail-will-voters-send-the-sheriff-packing/](https://theappeal.org/more-than-40-people-have-died-in-custody-of-the-east-baton-rouge-jail-will-voters-send-the-sheriff-packing/).

<sup>471</sup> Jacqueline DeRobertis, "After Apparent Suicide at East Baton Rouge Parish Prison, Advocates Seek Oversight," *The Advocate*, June 12, 2021, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_35a18440-cbbf-11eb-982f-6b50889ecd23.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_35a18440-cbbf-11eb-982f-6b50889ecd23.html).

<sup>472</sup> Teresa Mathew, "Most Recent Deaths at East Baton Rouge Jail Could Have Been Avoided," *The Appeal*, August 15, 2018, <https://theappeal.org/new-report-louisiana-jail-conditions-deaths/>.

<sup>473</sup> Jacqueline DeRobertis, "Man awaiting trial at East Baton Rouge Parish jail dies after staff find him unresponsive in cell," *The Advocate*, March 10, 2022, [https://www.theadvocate.com/baton\\_rouge/news/article\\_24863d9c-a0ab-11ec-856f-93361ecdaae2.html](https://www.theadvocate.com/baton_rouge/news/article_24863d9c-a0ab-11ec-856f-93361ecdaae2.html).

<sup>474</sup> *Belton v. Gautreaux*, 3:20-cv-000278-BAJ-SDJ (M.D. La., May 27, 2020), <https://advancementproject.org/wp-content/uploads/2020/05/20200526-CA-EBR-Complaint-Petition-1.pdf>.

<sup>475</sup> "News: Debunking the Myth of No COVID-19 Cases in East Baton Rouge Parish Prison," *The Daily Outrage*, August 24, 2020, <https://ccrjustice.org/home/blog/2020/08/24/news-debunking-myth-no-covid-19-cases-east-baton-rouge-parish-prison>.

<sup>476</sup> Lea Skene, "Testing only inmates with symptoms skews Baton Rouge jail's COVID data, Metro Council says," *The Advocate*, Aug. 27, 2021, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_11a45a9c-075e-11ec-a0ae-ef2a5dc569ce.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_11a45a9c-075e-11ec-a0ae-ef2a5dc569ce.html).

<sup>477</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf).

<sup>478</sup> Lea Skene, "Critics Assail East Baton Rouge Sheriff's Office Decision to Renew Immigration Agreement," *The Advocate*, July 17, 2019, [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/article\\_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html](https://www.theadvocate.com/baton_rouge/news/crime_police/article_7b4e5902-a400-11e9-9e65-17bd3e4a9b74.html).



In 2007, the department first entered into a Jail Enforcement 287(g) agreement with ICE.<sup>479</sup> In 2019, Carol Mici was appointed commissioner of the department<sup>480</sup>; in 2020, she renewed a Jail Enforcement Model contract indefinitely.<sup>481</sup>

### *Civil Rights Violations, Prison Conditions, Evading Accountability*

A 2020 Department of Justice investigation concluded that the Massachusetts Department of Correction (MDOC) “fails to properly supervise and accommodate prisoners suffering from serious mental health issues...and thus protect prisoners from serious harm in violation of the constitution.”<sup>482</sup> “MDOC Officials Knew of the Substantial Risk of Serious Harm and Disregarded It,” the report determined, resulting in serious injuries and multiple deaths of detained people.<sup>483</sup> The report outlines the ways the department failed to provide adequate mental health care and supervision and improperly used restrictive housing, violating “the constitutional rights of prisoners in mental health crisis.”<sup>484</sup>

The two-year investigation revealed at least 688 incidents of self-harm, and found that prisoners are sometimes placed in “conditions that perpetuate the prisoner’s crisis or even escalate it, all while the prisoner decompensates and continues to engage in self-harm.”<sup>485</sup> One such case is that of “SS, a gay man who had issues with incontinence because of prostate cancer” who died by suicide. While he was on mental health watch, “MDOC did not address the underlying issues that put SS on watch in the first place, and released him without an adequate step-down process that would have provided him enhanced therapeutic engagement and may have prevented his continued deterioration from the isolation he experienced.”<sup>486</sup> The report found numerous failings in the department’s handling of his case, including that he “faced the tormenting of prisoners and officers who targeted him for being gay.”<sup>487</sup> The day before he killed himself, his sister reported to department officials that she had received a letter in which he said “by the time she received the letter, he would be gone”; department officials reportedly determined he was fine. The next morning, he was found dead in his cell.

The investigation documents dozens of similarly egregious cases of departmental failings, such as that of a man on 1:1 suicide watch (meaning an officer was assigned to watch him full-time) who purposefully cut himself while the assigned officer sits slumped in his office chair. Other officers then arrived but waited 45

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<sup>479</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?abstract&did=29593>.

<sup>480</sup> Massachusetts Department of Correction, “Carol Mici Appointed to Serve as Commissioner of the Department of Correction,” press release, January 23, 2019, <https://www.mass.gov/news/carol-mici-appointed-to-serve-as-commissioner-of-the-department-of-correction>.

<sup>481</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Massachusetts Department of Correction, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287g\\_JEM\\_MassDOC\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287g_JEM_MassDOC_06-08-2020.pdf).

<sup>482</sup> Department of Justice, “Justice Department Alleges Conditions at Massachusetts Department of Corrections Violate the Constitution,” press release, November 17, 2020, <https://www.justice.gov/opa/pr/justice-department-alleges-conditions-massachusetts-department-corrections-violate>.

<sup>483</sup> Department of Justice Civil Rights Division and United States Attorney’s Office, District of Massachusetts, *Investigation of the Massachusetts Department of Correction* (November 17, 2020), <https://www.justice.gov/opa/press-release/file/1338071/download>.

<sup>484</sup> *Ibid.*

<sup>485</sup> Deborah Becker, “U.S. Attorney Finds Constitutional Violations at Massachusetts Prisons,” WBUR, November 17, 2020, <https://www.wbur.org/news/2020/11/17/us-attorney-constitutional-violations-massachusetts-prisons>.

<sup>486</sup> Department of Justice Civil Rights Division and United States Attorney’s Office, District of Massachusetts, *Investigation of the Massachusetts Department of Correction* (November 17, 2020), <https://www.justice.gov/opa/press-release/file/1338071/download>.

<sup>487</sup> *Ibid.*

minutes before intervening, even after they knew the man was bleeding profusely.<sup>488</sup> In another horrific example of the department’s civil rights violations, the report documented the case of a man who had been on mental health watch/restrictive housing “for 11 years and during that time had only been to outside recreation six times.”<sup>489</sup> Department officials reportedly told detainees who were engaged in self-harm “not good enough,” suggesting that they needed to engage in more serious self-harm before medical assistance would be called.<sup>490</sup>

Earlier in 2020, the department temporarily suspended all employee discipline processes, citing COVID-19. Widespread outcry caused the department to reinstate its policies.<sup>491</sup>

In 2020, the ACLU of Massachusetts and other civil rights organizations filed a lawsuit against the department that reported “extreme abuse” in a department prison, “including forced kneeling and beatings as well as reduced meals and bathing in retaliation” for an earlier attack on guards by a group of detainees.<sup>492</sup> Other advocacy groups similarly reported an inundation of abuse reports by people detained at the facility. “A number of people tried to ask why the officers were doing this. When this happened, they were beaten further. One person was told by the CO [correction officer] that when one of their officers is assaulted, the entire prison will pay,” reported one legal advocate.<sup>493</sup>

In April 2020, the commissioner of the department argued that its COVID-19 response was adequate and refused to release detainees, despite more than 250 COVID cases and seven deaths within its facilities.<sup>494</sup>

In 2021, a detainee in a mental health unit alleged that a department employee groomed and coerced him into sex (the employee later resigned). He alleged that other officers assaulted and threatened to rape him after he made the allegations.<sup>495</sup>

In 2020, a media investigation revealed a pattern of physical abuse, medical neglect, and administrative failings at MCI-Framingham. The investigation documented the stories of a woman who had been waiting for dentures for over 6 years and other women who had been tied down by all four limbs for an extended period of time, in a practice known colloquially as “four pointing.”<sup>496</sup> A 2019 health inspection found 107 repeat health and safety violations at the prison, including mold, poor sanitization standards, and improper medication storage.<sup>497</sup> A 2020 state audit of the facility found noncompliance in several areas of medical

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<sup>488</sup> Ibid.

<sup>489</sup> Ibid.

<sup>490</sup> Ibid.

<sup>491</sup> Matt Rocheleau, “The State’s Prison System Halted Employee Discipline, Citing Coronavirus, But Changed Course a Day Later,” *The Boston Globe*, March 18, 2020, <https://www.bostonglobe.com/2020/03/18/nation/state-prison-system-halts-employee-discipline-suspensions-citing-coronavirus-concerns/>.

<sup>492</sup> Caroline Connolly and Josh Sullivan, “Lawsuit Alleges ‘Extreme Abuse’ at Mass. Prison Following Attack on Officers,” WBTS, February 3, 2020, <https://www.nbcboston.com/news/local/aclu-other-groups-to-protest-extreme-abuse-at-mass-prison-following-attack-on-officers/2071053/>.

<sup>493</sup> Deborah Becker, “Prisoners Allege Beatings, Abuse at Mass. Max Security Prison,” WBUR, February 2, 2020, <https://www.wbur.org/news/2020/01/31/souza-baranowski-prison>.

<sup>494</sup> Sarah Betancourt, “Mici: No Need to Release Inmates Due to COVID-19,” *CommonWealth Magazine*, April 29, 2020, <https://commonwealthmagazine.org/criminal-justice/mici-no-need-to-release-inmates-due-to-covid-19/>.

<sup>495</sup> Kathy Curran, “Inmate, Officer in ‘Inappropriate Relationship’ in Mass. Maximum Security Prison,” WCVB, June 15, 2021, <https://www.wcvb.com/article/inmate-officer-inappropriate-relationship-massachusetts-maximum-security-prison/36731659>.

<sup>496</sup> Shelby Grebbin and Isha Marathe, “Inside the Fight to Document the Horrors at America’s Oldest Women’s Prison,” *Dig Boston*, December 17, 2020, <https://digboston.com/inside-the-fight-to-document-the-horrors-at-americas-oldest-womens-prison/>.

<sup>497</sup> Amy Medeiros to Allison Hallett, “Re: Facility Inspection – MCI Framingham,” June 28, 2019, <https://www.mass.gov/doc/mci-framingham-june-17-2019/download>.

services provided by the department. Further findings were inhibited due to a mold infestation that rendered many of the facility’s records illegible; “if these medical files had been available,” the report concluded, “it is possible that our audit procedures might have identified further issues.”<sup>498</sup>

### **31. Barnstable County, MA**

#### Jail Enforcement Model

##### Sheriff James Cummings

James Cummings was elected sheriff in 1999.<sup>499</sup> In 2007, he first signed a 287(g) agreement with ICE.<sup>500</sup> In 2020, he renewed a Jail Enforcement Model agreement indefinitely.<sup>501</sup>

##### *Racial Profiling*

Cape Cod Coalition for Safe Communities analysis found that Barnstable’s 287(g) program disproportionately affects Jamaican men—of the 262 people the sheriff’s website listed as reported to ICE from January 2018 through May 2021, 117 were from Africa and the Caribbean; 79 from Mexico, Central America, and South America; 46 from Europe; 16 from Asia; and 3 from Canada. The largest group of immigrants in the area is Brazilian by a large margin, according to the chair of the Migrant and Refugee Committee of the Cape Cod Council of Churches, and the reported disproportionate impact on Jamaicans raises questions about anti-Black racism and racial profiling.<sup>502</sup>

##### *Anti-Immigrant Statements, Spreading Misinformation and Fear*

In 2019, the sheriff attended a national conference with former President Trump in Washington, D.C., organized by the Federation for American Immigration Reform (FAIR), an anti-immigrant organization. In 2021, the sheriff signed the “America’s Sheriffs Letter” to President Biden, spreading fear about immigrants while falsely accusing the administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>503</sup>

##### *Jail Conditions*

In 2021, a former department employee wrote a public letter detailing abuses in the jail and faulting the sheriff for failing to respond to these concerns. “In the course of my official duties as a Deputy Sheriff for Barnstable County Sheriff’s Office, I have been witness to violations of law, deliberate concealment of the truth when reporting critical incidents as well as concealment of vital information in regard to inmate

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<sup>498</sup> “Audit of the Massachusetts Department of Correction Objectives, Scope, and Methodology,” Office of the Massachusetts State Auditor, January 9, 2020, <https://www.mass.gov/info-details/audit-of-the-massachusetts-department-of-correction-objectives-scope-and-methodology>.

<sup>499</sup> “About Sheriff James M. Cummings,” Barnstable County Sheriff’s Office, <http://www.bsheriff.net/office-sheriff/sheriff-james-m-cummings/>.

<sup>500</sup> Immigration and Customs Enforcement, *Fact Sheets: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act* (September 6, 2007), <https://www.justicestrategies.org/sites/default/files/ICE-287gMemo-09062007.pdf>

<sup>501</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Barnstable County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_BarnstableCoMA2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_BarnstableCoMA2020-06-09.pdf).

<sup>502</sup> Sophie Hills, “Sheriff Cummings’s Contract with ICE Is Renewed Again,” *Provincetown Independent*, July 15, 2021, <https://provincetownindependent.org/sheriff-cummings-s-contract-with-ice-is-renewed-again/>.

<sup>503</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

deaths,” he wrote. “The deliberate indifference of the ‘leadership’ within the Barnstable County Sheriff’s Office undermines the integrity of our legal system and has violated the basic human rights of the inmates within the facility.”<sup>504</sup> Since 2019, at least two people have died in department custody.<sup>505</sup> In 2017, two detained people died by suicide within two weeks of each other; neither of them were on suicide watch even though one wrote a “desperate note” to jail staff the day before her death.<sup>506</sup>

### *Evading Accountability*

In a 2005 lawsuit, a local media publication sued the department for failing to comply with public records requests.<sup>507</sup>

## **32. Cecil County, MD**

### Jail Enforcement Model

Sheriff Scott Adams

In 2014, Scott Adams was elected sheriff.<sup>508</sup> In 2019, despite protests,<sup>509</sup> Adams entered the department into a 287(g) agreement; in 2020, he renewed the agreement indefinitely.<sup>510</sup>

### *Civil Rights Violations: Racialized Police Violence*

In 2020, Tyreke Collier, a Black man, was driving with his girlfriend and 2-year-old daughter when deputies stopped him, purportedly for speeding. The *Washington Post* investigated the case, finding that three white deputies attempted to search Collier’s car with a canine, stating that it was a “random” search. When Collier refused to be searched, the deputies dragged Collier from his car and slammed him to the ground even as he complied and shouted “I’m not resisting.” His girlfriend filmed the incident in a video that went viral. In the video, she confronts the officers over why they were arresting her boyfriend; a deputy can be heard cursing Collier, muttering, “Everything’s always got to be about race. So sick of this shit.” Following the incident, no deputies were disciplined.<sup>511</sup> The state prosecutor eventually made charges

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<sup>504</sup> Noah J. L’Heureux, “Barnstable County Sheriff’s Office conceals truth about inmate deaths and violate other laws,”

*New Bedford Guide*, June 1, 2021,

<https://www.newbedfordguide.com/opinion-barnstable-sheriffs-conceals-truth-inmate-deaths/2021/06/01>.

<sup>505</sup> Citizens for Juvenile Justice FOIA Request, Jail Deaths in Barnstable County, MA,

<https://www.muckrock.com/foi/barnstable-county-19/jail-deaths-2020-21-barnstable-county-sheriffs-office-113948>.

<sup>506</sup> Phil Demers, “Investigation on after pair of suicides in Barnstable County jail,” *MassLive*, August 22, 2017,

[https://www.masslive.com/news/2017/08/investigation\\_on\\_after\\_pair\\_of.html](https://www.masslive.com/news/2017/08/investigation_on_after_pair_of.html).

<sup>507</sup> *Cape Cod Times v. Sheriff of Barnstable County*, 443 Mass. 587 (Mass. March 8, 2005),

<https://caselaw.findlaw.com/ma-supreme-judicial-court/1116560.html>.

<sup>508</sup> Carl Hamilton, “Adams Wins Big in Sheriff Race,” *Cecil Whig*, November 4, 2014,

[https://www.cecildaily.com/news/local\\_news/adams-wins-big-in-sheriff-race/article\\_b73e4f4c-9134-59db-92df-e93a826ec791.html](https://www.cecildaily.com/news/local_news/adams-wins-big-in-sheriff-race/article_b73e4f4c-9134-59db-92df-e93a826ec791.html).

<sup>509</sup> Katie Tabeling, “Citizens Protest County’s Agreement with ICE,” *Cecil Whig*, December 19, 2019,

[https://www.cecildaily.com/news/local\\_news/citizens-protest-countys-agreement-with-ice/article\\_8eb4a24f-8fbc-505c-b54c-d3ac21c9f095.html](https://www.cecildaily.com/news/local_news/citizens-protest-countys-agreement-with-ice/article_8eb4a24f-8fbc-505c-b54c-d3ac21c9f095.html).

<sup>510</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Cecil County Sheriff’s Office, “287(g) Jail Enforcement Model,” March 9, 2020,

[https://www.ice.gov/doclib/287gMOA/287gJEM\\_CecilCoMD2020-03-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_CecilCoMD2020-03-09.pdf).

<sup>511</sup> Matt Hooke, “Cecil Solidarity Protests to Demand the Firing of a Sheriff’s Deputy,” *Cecil Whig*, February 26, 2021,

[https://www.cecildaily.com/cecilwhig/cecil-solidarity-protests-to-demand-the-firing-of-a-sheriffs-deputy/article\\_5ee8d068-910f-57ed-be19-1785f06ffcc7.html](https://www.cecildaily.com/cecilwhig/cecil-solidarity-protests-to-demand-the-firing-of-a-sheriffs-deputy/article_5ee8d068-910f-57ed-be19-1785f06ffcc7.html).

against Collier inactive. Collier moved out of the county due to trauma and fear resulting from the incident.<sup>512</sup>

As the *Washington Post* reports, the department has a record of racialized police violence in Cecil County, which is historically a KKK stronghold. Law enforcement officials killed at least seven people from 2012–19, including an unarmed Black man named Terry Garnett Jr., 37, whom a deputy shot 12 times in 2015. A State’s Attorney decided he would face no criminal charges over the shooting and two years later the deputy was promoted.<sup>513</sup>

In 2018, a disabled Black woman sued the department after deputies “forcibly removed [her] from her vehicle and violently threw her face down on the concrete.”<sup>514</sup> A judge later found the deputies to be protected by qualified immunity.<sup>515</sup> Community members expressed frustration at what they characterized as the sheriff and other top officials’ unresponsiveness on the issues raised by the incident.<sup>516</sup> The sheriff has categorically denied the existence of misconduct or excessive force within the department, pointing to training that his deputies undergo.<sup>517</sup>

### *Civil Rights Violations: Racial Profiling*

As the *Washington Post* detailed in 2021, many minority residents have reported experiencing racial profiling. Data provided by the sheriff revealed that “officers gave about a fifth of traffic citations in the past three years to Black drivers, even though Black people make up just 7% of the county’s population.”<sup>518</sup> The chair of the local NAACP reports that in the days immediately following Trump’s 2016 election, her husband was pulled over four times by the same deputy.<sup>519</sup>

### *Jail Conditions*

In October 2020, a COVID-19 outbreak at the department’s jail, which at the time was the largest outbreak in a jail or prison in Maryland, led to nearly 100 positive cases, jeopardizing detainee, employee, and community safety.<sup>520</sup> In 2021, advocates picketed outside the facility to support detainees who launched a hunger strike in protest of what they described as inhumane conditions, including sewage backing up into detainee cells, lack of reliable medical care, black mold, and 23-hour lockdowns.<sup>521</sup> At a March 2022

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<sup>512</sup> Rebecca Tan, “In Former Klan Country, One Black Woman Decides She’s Had Enough,” *Washington Post*, March 31, 2021, <https://www.washingtonpost.com/dc-md-va/2021/03/31/christine-givens-cecil-county-black-motorist-video/>.

<sup>513</sup> Ibid.

<sup>514</sup> *Sherill v. Cunningham*, JKB-18-476 (D. Md., July 20, 2018), <http://www2.mdd.uscourts.gov/OPINIONS/OPINIONS/SHERRILL%20MEM%20GRT%20DENY%20MOTS%20DISSMISS%20FOR%20WEBSITE.PDF>.

<sup>515</sup> Rebecca Tan, “In Former Klan Country, One Black Woman Decides She’s Had Enough,” *Washington Post*, March 31, 2021, <https://www.washingtonpost.com/dc-md-va/2021/03/31/christine-givens-cecil-county-black-motorist-video/>.

<sup>516</sup> Ibid.

<sup>517</sup> Ibid.

<sup>518</sup> Ibid.

<sup>519</sup> Ibid.

<sup>520</sup> Phillip Jackson, “More than 70 Inmates and 16 Workers at Cecil County Jail Test Positive for COVID-19, a Sharp Increase, State Says,” *Baltimore Sun*, October 21, 2020, <https://www.baltimoresun.com/coronavirus/bs-md-cases-covid-cecil-county-jail-20201021-dlodft36bbh5vowwqinpmtpg6a-story.html>.

<sup>521</sup> “End Human Rights Abuses at Cecil County Detention Center!,” Change.org, <https://www.change.org/p/james-dellmyer-end-human-rights-abuses-at-cecil-county-detention-center>; Matt Hooke, “Cecil Solidarity Protests to Show Support for Inmates Seeking Better Conditions at Detention Center,” *Cecil Whig*, May 6, 2021,

candidate meeting, the sheriff said that during the COVID-19 pandemic, “we certainly had an overpopulation, we were flooded in the jail.”<sup>522</sup>

### *Evading Accountability*

The ACLU of Maryland and other local groups have made clear 287(g)’s adverse effects on the community with little to no response from the department.<sup>523</sup> The sheriff has spread misinformation about how the 287(g) program operates, inaccurately telling local media that it would only affect people already convicted of crimes.<sup>524</sup> In fact, the agreement affects anyone detained by the department; many detainees in the department’s jail have not yet been convicted of a crime and according to a Police Scorecard analysis, 66% of arrests are for minor offenses.<sup>525</sup> He has also inaccurately asserted to the public that the 287(g) program has no financial cost to the county.<sup>526</sup>

### *Anti-Immigrant Statements*

Adams frequently refers to “illegal immigrants” and “illegal persons”<sup>527</sup> while warning of threats to public safety and emphasizing crimes committed by immigrants, stating in a Facebook discussion with constituents for example: “I heard a lot of testimony yesterday from Angel families who have had family members killed by illegal immigrants right here in Maryland. Those family members would still be here if the illegal immigrants who had committed several crimes in most cases would have been deported.”<sup>528</sup> He was the featured speaker at the Cecil County Campaign for Liberty in January 2020, at an event that described the 287(g) program as protecting “Cecil County Citizens” against “illegals,” opposed only by “radical-left activists and local media.”<sup>529</sup>

## **33. Frederick County, MD**

Jail Enforcement Model

Sheriff Chuck Jenkins

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[https://www.cecildaily.com/news/local\\_news/cecil-solidarity-protests-to-show-support-for-inmates-seeking-better-conditions-at-detention-center/article\\_bca8b7c3-51e4-5cb3-909f-fe1984f9ccce.html](https://www.cecildaily.com/news/local_news/cecil-solidarity-protests-to-show-support-for-inmates-seeking-better-conditions-at-detention-center/article_bca8b7c3-51e4-5cb3-909f-fe1984f9ccce.html).

<sup>522</sup> “Candidates for Cecil County Sheriff March 22, 2022,” YouTube, <https://www.youtube.com/watch?v=VHrKEwL4Gtw>

<sup>523</sup> “Seven Truths Surrounding 287(g) Programs,” ACLU of Maryland, April 9, 2020, [www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs](http://www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs).

<sup>524</sup> Nancy Scherzler, “Cecil County Sheriff Joins ICE Program to Turn Over Illegals, Won’t House Detainees at Jail; Sheriff Faces Guard Shortage,” *The Cecil Times*, May 1, 2019, <http://ceciltimes.com/2019/05/cecil-county-sheriff-joins-ice-program-to-turn-over-illegals-wont-house-detainees-at-jail-sheriff-faces-guard-shortage/>.

<sup>525</sup> “Cecil County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/md/sheriff/cecil-county>.

<sup>526</sup> Katie Tabelaing, “Citizens Protest County’s Agreement with ICE,” *Cecil Whig*, December 19, 2019, [https://www.cecildaily.com/news/local\\_news/citizens-protest-countys-agreement-with-ice/article\\_8eb4a24f-8fbc-505c-b54c-d3ac21c9f095.html](https://www.cecildaily.com/news/local_news/citizens-protest-countys-agreement-with-ice/article_8eb4a24f-8fbc-505c-b54c-d3ac21c9f095.html).

<sup>527</sup> Ian Round, “Three Maryland Counties Continue Partnerships with ICE,” Associated Press, December 17, 2019, <https://apnews.com/article/098056648dc9a051e8c12c9d3a9a8c4b>.

<sup>528</sup> Scott Adams, Sheriff of Cecil County, “Fighting the good fight in Annapolis,” Facebook, February 20, 2020, <https://www.facebook.com/adamsforsheriffofcecilcounty/posts/1809996049132206>.

<sup>529</sup> Cecil County Campaign for Liberty, “January Meeting,” Facebook, January 8, 2020, <https://www.facebook.com/events/842964699472301/>.

Chuck Jenkins was elected sheriff in 2006<sup>530</sup> and joined the 287(g) program in 2008 under the Jail Enforcement and now-defunct Task Force models.<sup>531</sup> In 2020, he renewed the department’s 287(g) Jail Enforcement agreement with ICE indefinitely.<sup>532</sup>

### *Racial Profiling of Latinx Residents*

Local organizations have documented patterns of racial profiling by the department, particularly unlawfully detaining people under the pretense of traffic offenses and other minor offenses, as part of a practice of harassing immigrant community members.<sup>533</sup> For example, Sara Medrano, a Latinx Frederick resident, was stopped by a Frederick County deputy for a “broken” taillight that turned out to be working properly. The deputy asked about Medrano’s legal status before detaining and illegally holding her in an attempt to get ICE to come pick her up. The ACLU of Maryland sued and reached a 2021 settlement agreement with Jenkins requiring him, among other things, to publicly report incidents that involve racial or immigration profiling and apologize to Medrano.<sup>534</sup> In another example, a Latinx man and U.S. citizen described being “regularly pulled over based upon false and suspicious allegations of broken taillights and other minor traffic violations,” getting questioned by deputies about his immigration status on multiple occasions and, most recently, asked why he “speaks such good English.”<sup>535</sup>

In a 2008 case, Roxana Orellana Santos, another Latinx woman, was sitting outside her workplace taking a lunch break when two deputies detained her without reasonable suspicion or probable cause. The deputies were not trained or authorized to perform immigration functions under the 287(g) program. Nevertheless, they arrested Santos, placing her in handcuffs without charging her of any violation of any law, and illegally held her in jail. A district federal court and appeals court found the deputies’ behavior unconstitutional.<sup>536</sup>

A 2017 study of Frederick County’s 287(g) program found that since the program began in 2008, it has led to increased arrests of Latinx individuals—“11 to 13 more [Latinx individuals] per month than would be expected without the program”—while arrests of white and Black people fell significantly. The data indicates that the department has focused more on the Latinx community since the 287(g) program began.<sup>537</sup>

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<sup>530</sup> “Office of the Sheriff,” Frederick County Sheriff’s Office, <https://www.frederickcosheriff.com/office-of-the-sheriff>.

<sup>531</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?view&did=29593>.

<sup>532</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Frederick County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_FrederickCoMD2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_FrederickCoMD2020-06-09.pdf).

<sup>533</sup> *Medrano v. Jenkins*, 1:19-cv-02038-RDB (D. Md., July 11, 2019), [https://www.aclu-md.org/sites/default/files/1\\_-\\_medrano\\_v\\_jenkins\\_compl.pdf](https://www.aclu-md.org/sites/default/files/1_-_medrano_v_jenkins_compl.pdf).

<sup>534</sup> Nick Steiner, “Opinion: Maryland Police Must Stop Playing ICE,” *Washington Post*, February 5, 2021, [www.washingtonpost.com/opinions/local-opinions/maryland-police-must-stop-playing-ice/2021/02/04/5b0f8646-5ff4-11eb-9430-e7c77b5b0297\\_story.html](https://www.washingtonpost.com/opinions/local-opinions/maryland-police-must-stop-playing-ice/2021/02/04/5b0f8646-5ff4-11eb-9430-e7c77b5b0297_story.html).

<sup>535</sup> *Medrano v. Jenkins*, 1:19-cv-02038-RDB (D. Md., July 11, 2019), [https://www.aclu-md.org/sites/default/files/1\\_-\\_medrano\\_v\\_jenkins\\_compl.pdf](https://www.aclu-md.org/sites/default/files/1_-_medrano_v_jenkins_compl.pdf).

<sup>536</sup> *Santos v. Frederick County Board of Commissioners*, 725 F.3d 451 (4th Cir. 2013); *Santos v. Frederick County Board of Commissioners*, 346 F. Supp. 3d 785, 792-93 (D. Md., Sept. 27, 2018); *Medrano v. Jenkins*, 1:19-cv-02038-RDB (D. Md., July 11, 2019), [https://www.aclu-md.org/sites/default/files/1\\_-\\_medrano\\_v\\_jenkins\\_compl.pdf](https://www.aclu-md.org/sites/default/files/1_-_medrano_v_jenkins_compl.pdf).

<sup>537</sup> Michael Coon, “Local Immigration Enforcement and Arrests of the Hispanic Population,” *Journal on Migration and Human Security* 5, no. 3 (August 8, 2018): 645–665, <https://doi.org/10.1177/233150241700500305>.

*Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

Jenkins has called joining the 287(g) program “the single best thing” a sheriff can do to keep citizens safe.<sup>538</sup> He built a reputation as one of the 287(g) program's staunchest defenders both in Maryland and national media.<sup>539</sup> He said that some 1,600 deportations under the program have made the county safer, but neighboring counties without 287(g) agreements have seen a sharper decline in the crime rate.<sup>540</sup>

Jenkins consistently uses racist dog whistles in his advocacy against immigrants. He claims that migrants seeking refuge in the United States are part of an “invasion” that cannot be allowed to continue<sup>541</sup>; he calls immigrants “illegals”<sup>542</sup>; he calls DACA recipients “criminals”<sup>543</sup>; he told a Take America Back rally, “if they’re not in this country legally, you have to go.”<sup>544</sup> Fox News has called Jenkins one of “America’s Top 10 ‘Toughest’ Immigration Sheriffs”<sup>545</sup>—a distinction that he trumpets in his official biography on the sheriff’s office website.<sup>546</sup> He has visited the U.S.-Mexico border on a trip sponsored by the anti-immigrant group Federation for American Immigration Reform (FAIR)<sup>547</sup>; he described the border as a “combat zone” that required a “full deployment of military resources.”<sup>548</sup>

In 2016, during the Obama administration, the sheriff testified before Congress to condemn policies like DACA, which he claimed abetted “criminal aliens.”<sup>549</sup> He has reportedly worked with known white

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<sup>538</sup> “America’s Top 10 ‘Toughest’ Immigration Sheriffs,” Fox News, November 12, 2014, [www.foxnews.com/us/americas-top-10-toughest-immigration-sheriffs](http://www.foxnews.com/us/americas-top-10-toughest-immigration-sheriffs).

<sup>539</sup> Steve Bohnel, “Hundreds Gather, Support Chuck Jenkins and 287(g) Program,” *The Frederick News-Post*, October 7, 2019,

[https://www.fredericknewspost.com/news/politics\\_and\\_government/levels\\_of\\_government/county/sheriff/hundreds-gather-support-chuck-jenkins-and-287-g-program/article\\_989f384d-b1fa-5c20-93ee-84220af729cf.html](https://www.fredericknewspost.com/news/politics_and_government/levels_of_government/county/sheriff/hundreds-gather-support-chuck-jenkins-and-287-g-program/article_989f384d-b1fa-5c20-93ee-84220af729cf.html).

<sup>540</sup> Daniel Moattar, “‘The Next Joe Arpaio’: the Maryland Sheriff Praised by Fox and Trump,” *The Guardian*, October 22, 2018, <https://www.theguardian.com/us-news/2018/oct/22/frederick-county-chuck-jenkins-donald-trump-immigration-ice>.

<sup>541</sup> “Jenkins: Without More Support at the Border, No County Safe,” *Frederick News-Post*, August 21, 2014, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/jenkins-without-more-support-at-the-border-no-county-safe/article\\_d94b03c2-ad5a-5bbd-941f-ae04fa792154.html](https://www.fredericknewspost.com/news/crime_and_justice/jenkins-without-more-support-at-the-border-no-county-safe/article_d94b03c2-ad5a-5bbd-941f-ae04fa792154.html).

<sup>542</sup> Kate Masters, “Frederick Uncut: Sheriff Chuck Jenkins Talks Local Immigration Enforcement and Sanctuary Cities,” *The Frederick News-Post*, March 14, 2017, [https://www.fredericknewspost.com/news/frederick-uncut-sheriff-chuck-jenkins-talks-local-immigration-enforcement-and-sanctuary-cities/article\\_3f7754f2-e745-5f77-a58c-8881a09b220c.html](https://www.fredericknewspost.com/news/frederick-uncut-sheriff-chuck-jenkins-talks-local-immigration-enforcement-and-sanctuary-cities/article_3f7754f2-e745-5f77-a58c-8881a09b220c.html).

<sup>543</sup> Hearing Before the Subcommittee on Immigration and Border Security of the Committee on the Judiciary, 114<sup>th</sup> Cong. (April 19, 2016), “The Real Victims of a Reckless and Lawless Immigration Policy: Families and Survivors Speak Out on the Real Cost of this Administration’s Policies,” <https://www.govinfo.gov/content/pkg/CHRG-114hhrg99838/html/CHRG-114hhrg99838.htm>.

<sup>544</sup> 930WFMD, “Take America Back—Sheriff Chuck Jenkins—Part 2,” YouTube, July 7, 2009, <https://www.youtube.com/watch?v=RV6Az-Z6j-c>.

<sup>545</sup> “America’s Top 10 ‘Toughest’ Immigration Sheriffs,” Fox News, November 12, 2014, [www.foxnews.com/us/americas-top-10-toughest-immigration-sheriffs](http://www.foxnews.com/us/americas-top-10-toughest-immigration-sheriffs).

<sup>546</sup> “Sheriff Chuck Jenkins,” Frederick County Government, <https://frederickcountymd.gov/DocumentCenter/View/277703/Sheriff-Jenkins-Bio>.

<sup>547</sup> Grace Toohey, “Sheriff’s Trip Funded by Alleged Anti-immigrant Hate Group,” *The Frederick News-Post*, July 16, 2014, [https://www.fredericknewspost.com/news/politics\\_and\\_government/elections/sheriffs-trip-funded-by-alleged-anti-immigrant-hate-group/article\\_a6723cb9-29fe-5481-aff5-28f627c50b0b.html](https://www.fredericknewspost.com/news/politics_and_government/elections/sheriffs-trip-funded-by-alleged-anti-immigrant-hate-group/article_a6723cb9-29fe-5481-aff5-28f627c50b0b.html).

<sup>548</sup> Bethany Rodgers, “Jenkins Describes ‘Combat Zone’ Conditions at U.S.-Mexico Border,” *The Frederick News-Post*, July 25, 2014, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/cops\\_and\\_crime/jenkins-describes-combat-zone-conditions-at-u-s--mexico-border/article\\_21225f11-0956-5967-ae7e-4033db2534ed.html](https://www.fredericknewspost.com/news/crime_and_justice/cops_and_crime/jenkins-describes-combat-zone-conditions-at-u-s--mexico-border/article_21225f11-0956-5967-ae7e-4033db2534ed.html).

<sup>549</sup> Hearing Before the Subcommittee on Immigration and Border Security of the Committee on the Judiciary, 114<sup>th</sup> Cong. (April 19, 2016), “The Real Victims of a Reckless and Lawless Immigration Policy: Families and Survivors



nationalists and anti-immigrant organizations such as FAIR.<sup>550</sup> In 2021, he appeared on Fox News to warn that there would be “total lawlessness” should President Biden’s immigration reforms go into effect.<sup>551</sup>

In 2021, a *Washington Post* investigation revealed emails that Jenkins had exchanged with top anti-immigrant activists as well as Trump administration officials. In one, he expressed support for Trump to remove protection from DACA recipients: “I say rip the band aid off and...market this through the prism of public safety,” he wrote.<sup>552</sup>

### *Jail Conditions*

The jail has a history of people dying by suicide while detained. In January 2021, a man was found after he died by suicide while detained in the jail.<sup>553</sup> In December 2020, a woman died by suicide in the jail while she was in a 14-day COVID-19 quarantine protocol for all new detainees.<sup>554</sup> In 2014 and 2015, the department settled at least three wrongful death lawsuits following multiple suicides in the facility between 2009 and 2010.<sup>555</sup> In 2021, the facility suffered a COVID-19 outbreak infecting multiple staff and detainees.<sup>556</sup> In 2018, a state public defender accused the sheriff of unconstitutional jail conditions, especially in its prolonged detention of minors in a jail facility designed for adults, which Jenkins disputed.<sup>557</sup>

### *Community Opposition*

Local organizations report that immigrant community members do not feel safe reporting crimes they have experienced in Frederick County, and many who have been victimized by sheriff’s deputies do not feel safe making formal complaints out of fear of retaliation.<sup>558</sup> An academic study using arrest data from the county suggested that Latinx people were less likely to report crime following the county’s participation in 287(g),

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Speak Out on the Real Cost of this Administration’s Policies,” <https://www.govinfo.gov/content/pkg/CHRG-114hrg99838/html/CHRG-114hrg99838.htm>.

<sup>550</sup> “Frederick Unity Rally,” ACLU of Maryland, October 6, 2019, <https://www.aclu-md.org/en/events/frederick-unity-rally>; Dylan Petrohilos, “Between White Nationalism and Sheriff Chuck Jenkins,” Medium.com, August 5, 2019, <https://dpetrohilos.medium.com/between-white-nationalism-and-sheriff-chuck-jenkins-95fa0cf631e>.

<sup>551</sup> “From the February 8, 2021, Edition of Fox & Friends,” Media Matters for America, February 8, 2021, <https://www.mediamatters.org/media/3929521>.

<sup>552</sup> Debbie Cenziper, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran, “Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants,” *Washington Post*, November 23, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>.

<sup>553</sup> Elliot Henney, “Inmate Allegedly Hangs Himself at Frederick County Jail Wednesday,” WJLA, January 20, 2021, <https://wjla.com/news/local/inmate-hangs-himself-frederick-county-jail>.

<sup>554</sup> “Female Inmate Found Dead at Frederick County Adult Detention Center,” WFMD, December 27, 2020, <https://www.wfmd.com/2020/12/27/female-inmate-found-dead-at-frederick-county-adult-detention-center/>.

<sup>555</sup> Danielle Gaines, “Wrongful-death Lawsuit at Frederick County Jail Settled,” *The Frederick News-Post*, May 4, 2015, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/wrongful-death-lawsuit-at-frederick-county-jail-settled/article\\_fbb20a89-0110-536e-9471-feed4ca8e279.html](https://www.fredericknewspost.com/news/crime_and_justice/wrongful-death-lawsuit-at-frederick-county-jail-settled/article_fbb20a89-0110-536e-9471-feed4ca8e279.html).

<sup>556</sup> Timothy Young, “4 Inmates, 6 Officers Test Positive for COVID-19 at Frederick County Adult Detention Center,” WDVM, January 8, 2021, <https://www.localdvm.com/news/maryland/4-inmates-6-officers-test-positive-for-covid-19-at-frederick-county-adult-detention-center/>.

<sup>557</sup> Cameron Dodd, “Jenkins Calls Allegations About County Jail Conditions for Juveniles Untrue,” *The Frederick News-Post*, September 4, 2018, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/prison/jenkins-calls-allegations-about-county-jail-conditions-for-juveniles-untrue/article\\_5eda85d4-b797-5a43-956f-3d8ad8a24150.html](https://www.fredericknewspost.com/news/crime_and_justice/prison/jenkins-calls-allegations-about-county-jail-conditions-for-juveniles-untrue/article_5eda85d4-b797-5a43-956f-3d8ad8a24150.html).

<sup>558</sup> *Medrano v. Jenkins*, 1:19-cv-02038-RDB (D. Md., July 11, 2019), [https://www.aclu-md.org/sites/default/files/1\\_-\\_medrano\\_v\\_jenkins\\_compl.pdf](https://www.aclu-md.org/sites/default/files/1_-_medrano_v_jenkins_compl.pdf).

indicating a chilling effect.<sup>559</sup> Advocates have held numerous rallies protesting Jenkins, 287(g), and racist policing in general.<sup>560</sup>

### *Other Civil Rights Violations*

At least four people have died following encounters with the department since 2013, according to one analysis, including a 26-year-old man with Down syndrome who died after three off-duty deputies attempted to forcibly remove him from his seat at a movie theater when he attempted to remain for a second screening of a movie.<sup>561</sup> The death was ruled a homicide as a result of asphyxia and the family reached a \$1.9 million settlement with multiple parties, but the deputies were cleared of wrongdoing in an internal affairs investigation.<sup>562</sup>

In 2019, Abraham Arellano, a Latino man, was shot and killed by deputies who were responding to a 911 call of an armed and potentially suicidal person entering a house. It was later discovered that Arellano was the person who had placed the call and the house was empty.<sup>563</sup> Arellano's fiancé wept as she wondered why the deputy shot Arellano: "I felt like they could have done something else. Or the police could have handled it differently."<sup>564</sup> The ACLU described this shooting as part of a "troubling pattern" of "ongoing failure" to de-escalate situations with people who may have mental health issues in the region.<sup>565</sup>

A *Washington Post* investigation documented several recent deadly force cases, including the case of Daniel Vail, who was shot at 18 times in his own apartment; Jarrel Gray, a Black man killed after a deputy deployed a stun gun twice on him; a dog shot without warning by a deputy for barking, for which the family was awarded damages; and a man fatally shot after threatening deputies with scissors.<sup>566</sup>

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<sup>559</sup> Kelsi Loos, "Study of Arrest Rates Posits that 287(g) Immigration Enforcement Keeps Hispanics from Going to the Police," *The Frederick News-Post*, August 14, 2017, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/courts/study-of-arrest-rates-posit-that-g-immigration-enforcement-keeps/article\\_a2357ae3-943f-53e0-b718-797a1fd6b659.html](https://www.fredericknewspost.com/news/crime_and_justice/courts/study-of-arrest-rates-posit-that-g-immigration-enforcement-keeps/article_a2357ae3-943f-53e0-b718-797a1fd6b659.html).

<sup>560</sup> "Frederick Unity Rally," ACLU of Maryland, October 6, 2019, <https://www.aclu-md.org/en/events/frederick-unity-rally>; Jeremy Arias, "Protesters confront Frederick County sheriff," *The Frederick News-Post*, June 9, 2020, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/protesters-confront-frederick-county-sheriff/article\\_77d1f4b9-0523-5cc9-8115-90de24d3ff32.html](https://www.fredericknewspost.com/news/crime_and_justice/protesters-confront-frederick-county-sheriff/article_77d1f4b9-0523-5cc9-8115-90de24d3ff32.html); Ryan Marshall, "Frederick Rally Criticizes Jenkins, Capitol Violence," *The Frederick News-Post*, January 13, 2021, [https://www.fredericknewspost.com/news/crime\\_and\\_justice/cops\\_and\\_crime/frederick-rally-criticizes-jenkins-capitol-violence/article\\_671e7ad6-2bbb-5827-85c5-8a42d825ebe0.html](https://www.fredericknewspost.com/news/crime_and_justice/cops_and_crime/frederick-rally-criticizes-jenkins-capitol-violence/article_671e7ad6-2bbb-5827-85c5-8a42d825ebe0.html).

<sup>561</sup> "Frederick County Sheriff's Department," Police Scorecard, <https://policescorecard.org/md/sheriff/frederick-county/>.

<sup>562</sup> Theresa Vargas, "Settlement Reached in Police-custody Death of Man with Down Syndrome," *Washington Post*, April 24, 2018, [www.washingtonpost.com/local/settlement-reached-in-police-custody-death-of-man-with-down-syndrome/2018/04/24/7d53c0ca-47fe-11e8-827e-190efaf1f1ee\\_story.html/](http://www.washingtonpost.com/local/settlement-reached-in-police-custody-death-of-man-with-down-syndrome/2018/04/24/7d53c0ca-47fe-11e8-827e-190efaf1f1ee_story.html/).

<sup>563</sup> "ACLU: Hyattsville Police Shooting Part of Troubling Pattern," *Route 1 Reporter*, October 6, 2019, <https://route1reporter.com/2019/10/06/aclu-hyattsville-police-shooting-part-of-troubling-pattern/>.

<sup>564</sup> Scott Broom, "Anatomy of a Family Tragedy: Fiancé Mystified by Apparent 'Suicide by Cop' in Thurmont," WUSA9, March 26, 2019, <https://www.wusa9.com/article/news/anatomy-of-a-family-tragedy-fiance-mystified-by-apparent-suicide-by-cop-in-thurmont/65-74e6eede-4b39-429c-971c-63f361e6e81d>.

<sup>565</sup> "ACLU: Hyattsville Police Shooting Part of Troubling Pattern," *Route 1 Reporter*, October 6, 2019, <https://route1reporter.com/2019/10/06/aclu-hyattsville-police-shooting-part-of-troubling-pattern/>.

<sup>566</sup> Michael S. Rosenwald, "Frederick County Sheriff Chuck Jenkins Is Loathed and Loved After Down Syndrome Death," *Washington Post*, August 3, 2013, [https://www.washingtonpost.com/local/frederick-county-sheriff-chuck-jenkins-is-loathed-and-loved-after-down-syndrome-death/2013/08/03/8494e170-f54c-11e2-aa2e-4088616498b4\\_story.html](https://www.washingtonpost.com/local/frederick-county-sheriff-chuck-jenkins-is-loathed-and-loved-after-down-syndrome-death/2013/08/03/8494e170-f54c-11e2-aa2e-4088616498b4_story.html).

## *Evading Accountability*

In May 2019, Jenkins canceled a steering committee meeting despite concerns by local activists and complaints from city officials about his lack of transparency, denying them a “public forum to express our dissent.”<sup>567</sup> Jenkins has failed to provide information about the 287(g) program’s operation, including statistics on deportations and arrests, despite a formal inquiry filed by Rep. David Trone, whose district includes part of Frederick County.<sup>568</sup> As part of the settlement agreement in an ACLU of Maryland case, Jenkins is now required to hold steering committee meetings regarding the 287(g) program. In July 2021, Jenkins held a virtual steering committee meeting that consisted of a one-sided presentation on the program rife with “fearmongering stereotypes of immigrants as criminals,” as a local legal advocate described it, and did not include an opportunity for real-time public comment.<sup>569</sup>

### **34. Alamance County, NC**

#### Warrant Service Officer Model

##### Sheriff Terry Johnson

Terry Johnson was elected sheriff in 2002.<sup>570</sup> His was among the first departments to join the 287(g) program in 2007.<sup>571</sup> He joined the Warrant Service Officer program in 2020 with no expiration date.<sup>572</sup>

DHS terminated the previous 287(g) agreement with Alamance County in 2012, following a two-year Department of Justice investigation that found a pattern of discriminatory policing against Latinx people.<sup>573</sup> Assistant Attorney General Thomas E. Perez, who authored the letter summarizing the findings of the investigation, said: “The discriminatory conduct we observed is deeply rooted in a culture that begins with Sheriff Johnson and permeates the entire agency. While Sheriff Johnson often justifies [his department’s] activities by citing his desire to combat illegal immigration, we conclude that anti-Latino bias motivates his selection and enforcement of enforcement priorities.”<sup>574</sup>

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<sup>567</sup> ACLU of Maryland, “RISE, ACLU File Open Meeting Complaint Against Frederick County Sheriff’s Office for Shutting Down Steering Committee Meeting on 287(g) Program,” press release, July 23, 2019, [www.aclu-md.org/en/press-releases/rise-aclu-file-open-meetings-complaint-against-frederick-county-sheriffs-office](http://www.aclu-md.org/en/press-releases/rise-aclu-file-open-meetings-complaint-against-frederick-county-sheriffs-office); Steve Bohnel, “Inspector General’s Letter: Sheriff Jenkins Not Required to Hold Public Meetings on 287(g),” *The Frederick News-Post*, January 27, 2020, [www.fredericknewspost.com/news/politics\\_and\\_government/levels\\_of\\_government/county/council/inspector-generals-letter-sheriff-jenkins-not-required-to-hold-public-meetings-on-287-g/article\\_5a8e7e07-d7b1-5d87-8b04-74b96331a98d.html](http://www.fredericknewspost.com/news/politics_and_government/levels_of_government/county/council/inspector-generals-letter-sheriff-jenkins-not-required-to-hold-public-meetings-on-287-g/article_5a8e7e07-d7b1-5d87-8b04-74b96331a98d.html).

<sup>568</sup> See “Seven Truths Surrounding 287(g) Programs,” ACLU of Maryland, April 9, 2020, [www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs](http://www.aclu-md.org/en/news/seven-truths-surrounding-287g-programs).

<sup>569</sup> Viviana Westbrook, “Federal Program in Frederick County Stokes Fear of—and in—Undocumented Immigrants,” *The Baltimore Sun*, July 21, 2021, [www.baltimoresun.com/opinion/op-ed/bs-ed-op-0722-frederick-sheriff-jenkins-20210721-5ztbq6ilmnaszflmjgibcmkskda-story.html](http://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0722-frederick-sheriff-jenkins-20210721-5ztbq6ilmnaszflmjgibcmkskda-story.html).

<sup>570</sup> “Alamance County Sheriff’s Office,” Alamance County, North Carolina, <https://www.alamance-nc.com/sheriff/>.

<sup>571</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?abstract&did=29593>.

<sup>572</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Alamance County, NC Sheriff’s Office, May 21, 2021, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_AlamanceCoNC\\_05-21-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_AlamanceCoNC_05-21-2020.pdf).

<sup>573</sup> Thomas E. Perez to Clyde B. Albright, “Re: United States’ Investigation of the Alamance County Sheriff’s Office,” September 18, 2012, <https://www.justice.gov/iso/opa/resources/171201291812462488198.pdf>.

<sup>574</sup> Michael Biesecker, “Feds Say North Carolina Sheriff, Deputies Targeted Latinos,” *Lubbock Avalanche-Journal*, September 19, 2012, <https://www.lubbockonline.com/story/news/nation-world/2012/09/19/feds-say-north-carolina-sheriff-deputies-targeted-latinos/15130197007/>.

A subsequent Department of Justice lawsuit charged that the Sheriff's department systematically and unlawfully targeted Latinx residents for investigation, traffic stops, arrests, seizures, and other enforcement actions, followed Latinx drivers for long stretches and pulled them over for little or no reason, and found that the Sheriff and his staff used anti-immigrant epithets and slurs during official department business.<sup>575</sup> Although a federal judge ultimately dismissed the lawsuit, the office's egregious civil rights abuses were exposed and DHS terminated the 287(g) agreement. Despite this—and with the same abusive sheriff at the helm of the department—the Trump administration reinitiated a relationship with the department, signing an agreement in 2019 to hold ICE detainees in the county jail<sup>576</sup> and in 2020 to join the WSO model.<sup>577</sup>

### *Anti-Immigrant Statements*

Johnson has a long history of racist and anti-immigrant rhetoric and vilification, and his deputies have also been known to use a wide variety of slurs against Latinx people.<sup>578</sup> Witnesses told investigators that he told deputies to “go out there and get me some of those taco eaters” and demanded “bring me some Mexicans” while pounding his fists on a table in a staff meeting.<sup>579</sup> In a 2019 meeting on a budget request, he told the county's board of commissioners that “criminal illegal immigrants” are “actually raping our citizens in many, many ways.”<sup>580</sup> “The jails are full all over this nation of immigrants, criminal immigrants, not the people just crossing the border but people that are coming here for a reason: to victimize our children, our citizens with drugs, murders, rapes, robberies, you name it,” Johnson said.<sup>581</sup>

In 2020, Johnson was photographed attending a Confederate Memorial Day rally, and he tried to prohibit protests against a local Confederate monument.<sup>582</sup>

### *Racial Profiling*

As the ACLU noted in a 2017 letter to DHS: “Shortly after Alamance gained 287(g) authority, Sheriff Johnson ordered patrol supervisors to ‘arrest Hispanics’ at a supervisors' meeting and informed multiple

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<sup>575</sup> Department of Justice, “Justice Department Files Civil Rights Lawsuit Against the Alamance County, N.C., Sheriff's Office,” press release, December 12, 2012, <https://www.justice.gov/opa/pr/justice-department-files-civil-rights-lawsuit-against-alamance-county-nc-sheriff-s-office>.

<sup>576</sup> Teo Armus, “ICE Once Called Alamance County Sheriff 'Discriminatory.' Now, It Pays Him to Hold Asylum-seekers,” *The Charlotte Observer*, August 6, 2019, [https://greensboro.com/news/state/ice-once-called-alamance-county-sheriff-discriminatory-now-it-pays-him-to-hold-asylum-seekers/article\\_ff0e7ee1-61f6-5af6-8a07-bae084b18fe5.html](https://greensboro.com/news/state/ice-once-called-alamance-county-sheriff-discriminatory-now-it-pays-him-to-hold-asylum-seekers/article_ff0e7ee1-61f6-5af6-8a07-bae084b18fe5.html).

<sup>577</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Alamance County, NC Sheriff's Office, May 21, 2021, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_AlamanceCoNC\\_05-21-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_AlamanceCoNC_05-21-2020.pdf).

<sup>578</sup> United States of America. v. Johnson, 1:12-cv-01349-TDS-JLW (M.D.N.C., August 7, 2015), <https://www.justice.gov/crt/file/886411/download>.

<sup>579</sup> United States of America v. Johnson, 1:12-cv-01349 (M.D.N.C., December 20, 2012), <https://www.justice.gov/iso/opa/resources/55620121220953110360.pdf>.

<sup>580</sup> Alissa Ellis, “ICE Partners Again with a Sheriff It Once Severed Ties With Because of Racial Profiling,” American Civil Liberties Union, February 1, 2019, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/ice-partners-again-sheriff-it-once-severed-ties>.

<sup>581</sup> Rebecca Martinez, “Alamance Commissioners Back Sheriff's \$2.8M Plan to Resume ICE ‘Detainer’ Deal,” WUNC, January 24, 2019, <https://www.wunc.org/law/2019-01-24/alamance-commissioners-back-sheriffs-2-8m-plan-to-resume-ice-detainer-deal>.

<sup>582</sup> Sarah Willets, “Alamance County's Notorious Sheriff Hurt His Shin, and He Wants an Anti-Confederate Protester from Durham to Pay for It,” *Indy Week*, November 22, 2017, <https://indyweek.com/news/alamance-county-s-notorious-sheriff-hurt-shin-wants-anti-confederate-protester-durham-pay/>; Lynn Bonner, Legal settlement ensures protests are allowed around the Alamance County Confederate statue, *The Pulse*, April 21, 2021, <https://pulse.ncpolicywatch.org/2021/04/21/legal-settlement-ensures-protests-are-allowed-around-the-alamance-county-confederate-statue/#sthash.snLjhVGy.dpbs>.

officers to arrest Latinos during vehicle checkpoints. Also around this time, the ACSO changed its booking procedures to require detention officers to book all individuals arrested and brought to the County Jail—even those arrested for traffic offenses.” This meant the prospect of deportation for even the most minor of offenses. During the adjudication of the lawsuit brought by the DOJ against the department, “evidence was presented that every person investigated during this period was Latino. This blurring of the lines between the Sheriff’s office and federal immigration enforcement only stopped after a December 2008 ICE audit of Alamance’s 287(g) program found that ACSO deputies were improperly exercising their authority outside of the Alamance County Jail. Similar violations continued to take place until September 2012 when ICE terminated its MOA with Alamance, thus stripping the Sheriff’s office of any authority to investigate potential immigration violations by individuals detained in the County Jail.”<sup>583</sup>

In addition to the Department of Justice’s documentation, local advocates have documented an unquestionable pattern of racial profiling. In 2008, officers reportedly took a Latinx gunshot victim into custody after he called 911, citing “providing the wrong address for the crime scene” as the reason for his arrest; it led to his deportation.<sup>584</sup>

In an 2008 incident, three children were stranded on the side of the highway in the middle of the night after their mother, Maria Chavira Ventura, was detained under 287(g) for driving without a license.<sup>585</sup> As described in a 2010 national report documenting the effects of 287(g) agreements, “The deputized officer left the children with a man the mother did not know or trust to care for her children. Fearing that ICE would come back for him, the man abandoned the children on the side of the road, where they remained for eight hours before their father arrived from Maryland to pick them up. The children, ages 14, 10, and 6, were found by their father ‘scared, exhausted, hungry, and distraught over the loss of their mother.’”<sup>586</sup>

In a 2009 report, a coalition of legal groups cited a “dramatic rise” in racial profiling incidents in Alamance County “directly attributable to the 287(g) agreements entered into between the U.S. Department of Homeland Security and local law enforcement officials.”<sup>587</sup> The report also documented that in the first year of the 287(g) program, Latinx people comprised only 11% of the total population yet nearly 26% of total traffic stops in the county.<sup>588</sup>

### *Civil Rights Violations*

Johnson has used his authority to intimidate protestors and chill First Amendment–protected activity. In 2020, as protests against police violence nationwide led to the removal of Confederate statues, Johnson wrote on Facebook that permits to protest would not be granted for the foreseeable future and threatened protestors with arrest. The ACLU of North Carolina and other groups wrote him, noting that “[t]hreatening

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<sup>583</sup> Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>584</sup> Mai Thi Nguyen and Hannah Gill, *The 287(g) Program: The Costs and Consequences of Local Immigration Enforcement on North Carolina Communities* (University of North Carolina, 2010), [https://migration.unc.edu/wp-content/uploads/sites/2/2019/10/287g\\_report\\_final.pdf](https://migration.unc.edu/wp-content/uploads/sites/2/2019/10/287g_report_final.pdf).

<sup>585</sup> “Mom Arrested by Alamance Deputies While Children Stranded on Interstate,” *The Times-News*, July 23, 2008, <http://www.thetimesnews.com/articles/alamance-15853-sheriff-county.html>.

<sup>586</sup> A. Elena Lacayo, *The Impact of 287(g) of the Immigration and Nationality Act on the Latino Community* (National Council of La Raza, 2021), [https://www.unidosus.org/wp-content/uploads/2021/07/287g\\_issuebrief\\_pubstore.pdf](https://www.unidosus.org/wp-content/uploads/2021/07/287g_issuebrief_pubstore.pdf).

<sup>587</sup> Rebecca Smith, Salvador Reza, Sarah Paoletti, and Kyle Harris, *Reply to U.S. Response to Specific Recommendations Identified by the CERD: The Rise of Racial Profiling, Discrimination and Abuse in Immigrant Communities as a Result of Local Enforcement of Immigration Law* (June 2009), [https://law.unc.edu/wp-content/uploads/2019/10/cerd\\_response\\_immig\\_racial\\_profiling\\_final\\_062909.pdf](https://law.unc.edu/wp-content/uploads/2019/10/cerd_response_immig_racial_profiling_final_062909.pdf).

<sup>588</sup> *Ibid.*

to arrest individuals engaged in peaceful protests violates the federal and North Carolina Constitutions.”<sup>589</sup> In October 2020, county deputies and local police pepper-sprayed peaceful protestors—including a 5-year-old girl, among other children, the elderly, and people with disabilities—who participated in a local “I Am Change” march to the polls.<sup>590</sup> This prompted the ACLU of North Carolina to file a civil rights lawsuit against the sheriff for excessive force, interfering with protected speech and assembly rights and other rights violations.<sup>591</sup>

### *Jail Conditions*

In March 2022, ICE announced it would limit its use of the Alamance jail for immigrant detention, citing among other issues, “concerns about conditions, including a lack of outdoor recreation.”<sup>592</sup>

In November 2021, three people detained at the department’s jail were found unconscious; two died, at least one due to an overdose of opioids.<sup>593</sup> In August 2021, another woman died in the jail following an apparent drug overdose.<sup>594</sup> In 2020, a man complained that he had been severely beaten by 12 men in the jail while guards walked by and did nothing; he accused the department of negligence.<sup>595</sup> The facility has had multiple COVID-19 outbreaks infecting hundreds of detained people.<sup>596</sup> An investigation by Disability Rights North Carolina revealed that the department received nearly half a million dollars in state funds over three years for detaining people for the state despite concerns that at times the jail was dangerously overcrowded, jeopardizing the safety of staff and detained people, especially those with disabilities.<sup>597</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE’s most recent public reporting of steering committee meetings is from 2019, before the department entered the program).

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<sup>589</sup> ACLU of North Carolina, Lawyers Committee for Civil Rights Under Law, and EmaNCipate to Terry Johnson, “Re: The Right to Protest,” June 26, 2020,

[https://www.acluofnorthcarolina.org/sites/default/files/06.26.2020\\_alamance\\_letter\\_.pdf](https://www.acluofnorthcarolina.org/sites/default/files/06.26.2020_alamance_letter_.pdf).

<sup>590</sup> Zachary Eanes and Carli Brosseau, “March to Alamance Polls Ends with Police Using Pepper-Spray on Protesters, Children,” *Raleigh News & Observer*, October 31, 2020, [www.newsobserver.com/news/local/article246861942.html](http://www.newsobserver.com/news/local/article246861942.html).

<sup>591</sup> Drumwright v. Johnson, 1:20-cv-00998 (M.D.N.C., November 2, 2020),

[https://www.acluofnorthcarolina.org/sites/default/files/field\\_documents/field\\_complaint.pdf](https://www.acluofnorthcarolina.org/sites/default/files/field_documents/field_complaint.pdf).

<sup>592</sup> U.S. Immigration and Customs Enforcement, “ICE to close Etowah Detention Center,” March 25, 2022,

<https://www.ice.gov/news/releases/ice-close-etowah-detention-center>.

<sup>593</sup> Elizabeth Thompson, “NC Jails Report Deaths, But What If You Almost Died While Incarcerated?,” North Carolina Health News, December 7, 2021, <https://www.northcarolinahealthnews.org/2021/12/07/nc-jails-report-deaths-but-what-if-you-almost-died-while-incarcerated/>.

<sup>594</sup> “How did a woman O.D. in jail several days after her arrest?,” *Alamance News*, September 2, 2021,

<https://alamancenews.com/how-did-a-woman-o-d-in-jail-several-days-after-her-arrest/>.

<sup>595</sup> Elizabeth Pattman, “Ex-Alamance Jail Inmate Alleges Negligence After Assault,” *The Times-News*, February 1, 2020, <https://www.thetimesnews.com/story/news/crime/2020/02/01/ex-alamance-jail-inmate-alleges-negligence-after-assault/41798087/>.

<sup>596</sup> Rachel Berry, “COVID-19 Outbreak Identified at Alamance County Jail,” *The Times-News*, February 6, 2021,

<https://www.thetimesnews.com/story/news/local/2021/02/06/covid-19-outbreak-identified-alamance-county-jail/4423537001/>; Rachel Berry and Isaac Groves, “Sheriff: Unvaccinated Person Behind 62-Person Alamance County Jail COVID Outbreak,” *The Times-News*, August 25, 2021,

<https://www.thetimesnews.com/story/news/coronavirus/2021/08/25/62-people-test-positive-covid-19-outbreak-alamance-county-jail-vaccinations-masks-terry-johnson/8205171002/>.

<sup>597</sup> “State Jail Program Tied to Overcrowding,” Disability Rights North Carolina, August 16, 2021,

<https://disabilityrightsnc.org/prisons-and-jails/state-jail-program-tied-overcrowding/>.

## 35. Henderson County, NC

### Jail Enforcement Model

Sheriff Lowell S. Griffin

In 2008, the department first signed a 287(g) agreement.<sup>598</sup> In 2020, despite vocal community opposition, including a public hearing where dozens spoke out against the agreement and nobody spoke for it,<sup>599</sup> Sheriff Lowell Griffin renewed the agreement indefinitely.<sup>600</sup>

Griffin has defended the program on the unfounded basis that it only detains and deports those convicted of crimes.<sup>601</sup> However, in 2019, at least nine people were deported in the county under 287(g) without having been convicted of a crime.<sup>602</sup> A former Henderson sheriff's department official spoke about 287(g) on the condition of anonymity for fear of reprisal: "Originally, it was a program intended to target aggravated felonies and such crimes. But then people were included that were brought into the jail for jaywalking or having an expired license. Now you're talking about people that have been in this country for who knows how many years being separated from their families."<sup>603</sup> For example, in 2020, a pregnant mother with an infant child was left living alone after her husband was hastily deported under the 287(g) process following a traffic citation as he was running late for his restaurant job four miles from his house.<sup>604</sup>

### *Racial Profiling*

In 2021, the department was the subject of nationwide criticism for removing a Latinx woman from a swimming pool she had paid to enter because of a complaint from a white patron about her Spanish-language "Mexican music." Footage of the incident reveals the woman respectfully engaging the deputy, explaining that English-language music was also being played with no complaint, but when she put on

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<sup>598</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?abstract&did=29593>.

<sup>599</sup> Sam DeGrave, "ICE Challenged at Public Meeting Over 287(g), No Supporters Speak Out Among Crowd of 40," *The Citizen-Times*, April 25, 2018, <https://www.citizen-times.com/story/news/local/2018/04/25/ice-challenged-public-meeting-over-287-g-no-supporters-speak-out-among-crowd-40/545741002/>.

<sup>600</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Henderson County Sheriff's Office, "287(g) Jail Enforcement Model," June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_HendersonCoNC2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_HendersonCoNC2020-06-09.pdf).

<sup>601</sup> Larry Freeman and Tippy Creswell, "Buncombe Will No Longer Hold ICE Detainees," WHKP, <https://www.whkp.com/news/6596-sheriff-griffin-on-the-ice-issue-there-are-a-lot-of-things-to-consider-and-we-re-looking-at-all-of-them.html>.

<sup>602</sup> The most recently available statistics from TRAC indicate that, in the program's history within the county from 2008 to 2015, a majority of detainers and deportation orders were issued for nonviolent misdemeanors or those who had not been convicted of the crime they were arrested for. "Tracking Immigration and Customs Enforcement Detainers," TRAC Immigration, 2015, <https://trac.syr.edu/phptools/immigration/detainhistory/>. See also Andrew Mundhenk, "287(g) Update: 19 People Detained in 2019 in Henderson County," *Hendersonville Times-News*, December 10, 2019, <https://www.gastongazette.com/news/20191210/287g-update-19-people-detained-in-2019-in-henderson-county>.

<sup>603</sup> Sammy Feldblum, "ICE Raids Shine Spotlight on Henderson County's 287(g) Program," *Mountain Xpress*, May 3, 2018, <https://mountainx.com/news/ice-raids-shine-spotlight-on-henderson-countys-287g-program/>.

<sup>604</sup> "287(g) Agreement Results in Deportation of Hendersonville Man Following Traffic Stop," *Blue Ridge Public Radio*, February 11, 2020, <https://www.bpr.org/post/287g-agreement-results-deportation-hendersonville-man-following-traffic-stop>.

Spanish music a patron aggressively shut off her speaker and called the sheriff. “It hurts me so much to see the inequality and racism,” the woman said as she and her family were escorted out of the facility.<sup>605</sup>

In 2019, County Commissioner Mike Edney described a history of racial profiling within the department. Sheriff’s deputies, he said, would “stop people for no operator’s license and other minor traffic offenses. And instead of writing a ticket like he would a light-skinned person, they would bring them in and have them arrested and then if they were illegal, they would be deported.”<sup>606</sup>

#### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In 2021, Griffin signed an open letter to President Biden making explicit his anti-immigrant views, engaging in fear-mongering language and warning of “criminal illegal alien violence caused by the reckless and irresponsible policies of your administration.”<sup>607</sup> He has praised ICE even as his own constituents have described living in fear: “[ICE] probably do a better job than anyone realizes. The problem is they have very poor public relations concerning getting the word out about those they have arrested.”<sup>608</sup>

#### *Jail Conditions*

The sheriff himself has described jail overcrowding, lack of staff, and dangerous conditions in the jail. “We don’t really have the personnel to cover the day-to-day tasks in the jail,” the sheriff said in 2019. “And when you add to that the ICE program, I have to send officers out of state for just over a month at a time to be trained for certification to continue the ICE program.”<sup>609</sup> In 2020, the sheriff reported to county commissioners once again that the jail was dangerously crowded: “We are at that point where we aren’t only at capacity, we’ve had several days far over capacity.”<sup>610</sup>

#### *Evading Accountability, Community Opposition*

In December 2019, at a public hearing, Griffin was met with 25 questions that voiced “opposition to the program” or “asking for more information.” He lacked data and specific information regarding the program’s operation in the county.<sup>611</sup> A county commissioner also referenced a 2019 CATO Institute study of 287(g) programs within North Carolina, including Henderson County, which found in examining crime

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<sup>605</sup> “Activists: Families Escorted From Pool for Music in Spanish,” Associated Press, July 19, 2021, <https://www.usnews.com/news/best-states/north-carolina/articles/2021-07-19/activists-families-escorted-from-pool-for-music-in-spanish>.

<sup>606</sup> Derek Lacey, “Commissioners Defer to Sheriff Griffin on Whether to Keep 287(g) in Henderson County,” *Hendersonville Times-News*, March 20, 2019, <https://www.blueridgenow.com/news/20190320/commissioners-defer-to-sheriff-griffin-on-whether-to-keep-287g-in-henderson-county>.

<sup>607</sup> America’s Sheriffs to President Joseph R. Biden, “Help America’s Sheriffs Keep Our Neighborhoods and Communities Safe by Halting Illegal Immigration,” April 7, 2021, <https://www.fairus.org/sites/default/files/2021-04/PresidentLetter.pdf>.

<sup>608</sup> Larry Freeman and Tippy Creswell, “Buncombe Will No Longer Hold ICE Detainees,” WHKP, <https://www.whkp.com/news/6596-sheriff-griffin-on-the-ice-issue-there-are-a-lot-of-things-to-consider-and-we-re-looking-at-all-of-them.html>.

<sup>609</sup> Ibid.

<sup>610</sup> Rebecca Walter, “Overcrowding at Henderson County Jail, Courthouse Sparks Concerns, Need for Study,” *Hendersonville Times-News*, January 15, 2020, <https://www.blueridgenow.com/news/20200115/overcrowding-at-henderson-county-jail-courthouse-sparks-concerns-need-for-study>.

<sup>611</sup> Andrew Mundhenk, “287(g) Update: 19 People Detained in 2019 in Henderson County,” *Hendersonville Times-News*, December 10, 2019, <https://www.gastongazette.com/news/20191210/287g-update-19-people-detained-in-2019-in-henderson-county>.



statistics that they were not effective in reducing crime rates but did correlate with an increased rate of violence against law enforcement officers.<sup>612</sup> Griffin said he was unfamiliar with the study.<sup>613</sup>

Until 2010, according to local advocates, the sheriff reported statistics related to the program; in recent years, no such information has been provided.<sup>614</sup>

### **36. Randolph County, NC**

Warrant Service Officer Model

Sheriff Greg Seabolt

In 2018, Greg Seabolt was elected sheriff<sup>615</sup>; in 2020, he entered the department into a 287(g) agreement with no expiration date.<sup>616</sup>

#### *Racial Profiling*

State Bureau of Investigation Data from 2020 reveals that department deputies were about twice as likely to search Latinx drivers as white drivers; the sheriff's office disputed these findings.<sup>617</sup>

In 2019, a Black woman was pulled over by Randolph deputies, several with their guns drawn, who she alleged proceeded to break her car window and drag her out through the broken glass by her hair and arms, according to a 2021 excessive force lawsuit filed by the woman. The lawsuit additionally alleged that the sheriff “negligently supervised and or trained his deputies in the constitutional use of force,” turns a blind eye to misconduct and fails to properly investigate complaints,” according to reporting by local media.<sup>618</sup> Nearly seven months after the incident, according to a December 2021 *Courier-Tribune* article, an internal investigation following a civil rights complaint was still under review by the department.<sup>619</sup> The department later denied any wrongdoing.<sup>620</sup>

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<sup>612</sup> Alex Nowrasteh, “287(g) Does Not Fight Crime, But It Does Increase Assaults Against Police Officers,” CATO Institute, April 11, 2018, <https://www.cato.org/blog/287g-does-not-fight-crime-it-does-increase-assaults-against-police-officers>.

<sup>613</sup> Derek Lacey, “Commissioners Defer to Sheriff Griffin on Whether to Keep 287(g) in Henderson County,” *Hendersonville Times-News*, March 20, 2019, <https://www.blueridgenow.com/news/20190320/commissioners-defer-to-sheriff-griffin-on-whether-to-keep-287g-in-henderson-county>.

<sup>614</sup> Bill Moss, “Henderson County Four Seasons Politics: Attorney Blasts, Griffin Defends Renewal of 287(g) Agreement,” *Hendersonville Lightning*, May 5, 2019, <https://www.hendersonvilleglightning.com/four-seasons-politics/7852-griffin.html>.

<sup>615</sup> “Greg Seabolt Wins Sheriff Race in Randolph County,” WGHP, November 7, 2018, <https://myfox8.com/news/greg-seabolt-wins-sheriff-race-in-randolph-county/>.

<sup>616</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Randolph County, NC Sheriff's Office, May 21, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_RandolphCoNC\\_05-21-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_RandolphCoNC_05-21-2020.pdf).

<sup>617</sup> DaVonté McKenith, “North Carolina Traffic Stops, Including Those in Piedmont Triad, Show Racial Disparities, Data Says,” WXII, February 25, 2020, <https://www.wxii12.com/article/north-carolina-traffic-stop-piedmont-triad-race-disparities/31082726>.

<sup>618</sup> “Randolph deputies accused of excessive force,” *High Point Enterprise*, February 1, 2022, <https://news.yahoo.com/randolph-deputies-accused-excessive-force-095200371.html>.

<sup>619</sup> Ahmed Jallow, “A Woman Says Randolph County Deputies Pulled Her Through a Broken Car Window and Now She Is Suing,” *Asheboro Courier-Tribune*, December 8, 2021, <https://www.courier-tribune.com/story/news/2021/12/08/randolph-county-sheriffs-office-sued-excessive-use-force/8846536002/>.

<sup>620</sup> “Randolph sheriff's office denies use of excessive force,” *High Point Enterprise*, February 2, 2022, <https://finance.yahoo.com/finance/news/randolph-sheriffs-office-denies-excessive-001500808.html>.

In 2016, a deputy stopped two Black men while they were driving in their own neighborhood, an affluent suburb, despite the fact that they had committed no violation and the white deputy could only say he had “never seen this car in this neighborhood” as a reason for pulling them over. A viral video of the incident revealed that the deputy did not leave the men until they proved they could enter their own house.<sup>621</sup> The deputy also quizzed the driver if he could name the president of the local HOA. The department defended the stop by saying the driver engaged in “suspicious behavior,” while the men in the car said the “only reason he pulled us over was we was two black guys and it didn’t look like we could afford to be there.”<sup>622</sup>

### *Civil Rights Violations*

In 2017, a deputy assigned to a local school reportedly slammed, smacked, and held down a 13-year-old Afro-Latina girl on school grounds, leaving bruises on her face. The incident sparked an outcry from the local NAACP and other advocates, who described it as part of a growing trend of overpolicing in schools and racial discrimination within the county.<sup>623</sup> The deputy was neither disciplined nor charged; the district attorney said that the deputy's actions were “within the law.”<sup>624</sup>

### *Jail Conditions*

In 2021, a pregnant woman detained in the department’s jail reported consistent medical neglect, culminating in being forced to wait in pain for 18 hours before being taken to the hospital, where her 34-week-old fetus was declared no longer viable.<sup>625</sup> “I needed an emergency C-section. My son could have lived,” the woman told local media; the sheriff’s office denied wrongdoing by the officers.<sup>626</sup>

### *Advocacy of Inhumane Immigration and Border Policies, Anti-Immigrant Statements*

In April 2021, the sheriff signed the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>627</sup>

## **37. Dakota County, NE**

Jail Enforcement Model

Sheriff Chris Kleinberg

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<sup>621</sup> Matt Agorist, “VIDEO: 2 Black Guys Make Cop Look Foolish For Racially Profiling Them In Their Own Neighborhood,” *MintPress News*, June 22, 2016, <https://www.mintpressnews.com/video-2-black-guys-make-cop-look-foolish-rationally-profiling-neighborhood/217646>.

<sup>622</sup> “Randolph County incident: Two perspectives of a traffic stop,” *The Courier-Tribune*, June 2, 2016, <https://www.courier-tribune.com/story/news/crime/2016/06/22/randolph-county-incident-two-perspectives-of-traffic-stop-videos/26614974007/>.

<sup>623</sup> Jordan Green, “Rising Racial Tension In North Carolina Stirs Beneath a Police Officer's Alleged Assault on 13 Year Old,” *Scalawag*, November 14, 2017, <https://scalawagmagazine.org/2017/11/rising-racial-tension-in-north-carolina-stirs-beneath-a-police-officers-alleged-assault-on-13-year-old/>.

<sup>624</sup> *Ibid.*

<sup>625</sup> Paul B. Johnson, “Woman Says Neglect Led to Baby's Death at Jail,” *The High Point Enterprise*, September 2, 2021, <https://sports.yahoo.com/woman-says-neglect-led-babys-064700967.html>.

<sup>626</sup> *Ibid.*

<sup>627</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” *WALB*, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

The department joined the 287(g) program in 2018, despite objections from local community leaders and 600 individuals who signed a petition<sup>628</sup>; the ACLU of Nebraska also sent a letter to his office highlighting the dangers of the program.<sup>629</sup> The sheriff told media that his application was motivated in part because “[i]t’s an opportunity to make money for a county that is facing economic hardship.”<sup>630</sup> It is the only such agreement in Nebraska. In 2017, the ACLU noted that the Dakota County Sheriff’s desire to “join the 287(g) program as a moneymaker” demonstrates a troubling misunderstanding of the functions and costs of the 287(g) program.<sup>631</sup> In 2020, Kleinberg renewed the agreement indefinitely.<sup>632</sup>

### *Racial Profiling*

The ACLU of Nebraska has fielded intakes of concerned U.S. citizens who have been questioned by a Dakota County deputy about their citizenship because of their skin color or accent. A spokesperson for the ACLU of Nebraska said they’ve seen “increased racial profiling” and “U.S. citizens being stopped merely because of the color of their skin.”<sup>633</sup> In 2021, the ACLU of Nebraska wrote to the DHS Office for Civil Rights and Civil Liberties (CRCL), documenting these racial profiling concerns. In a reply letter, CRCL said had they launched an investigation and “identified several areas of ongoing concern” regarding “discriminatory behaviors that directly impact the Dakota County Sheriff’s Office’s immigration encounters, including implicit or unconscious bias and racial profiling.”<sup>634</sup> On July 1, 2021, CRCL offered “informal advice to ICE detailing remedial measures and suggesting training efforts” to address these concerns.<sup>635</sup>

The Winnebago Tribe has reported routine racial discrimination by law enforcement in the county and actively opposed the instituting of the 287(g) agreement.<sup>636</sup> The sheriff has attempted to defend against

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<sup>628</sup> American Civil Liberties Union, “Civil Rights Organizations Urge Dakota County to Reject Costly 287(g) Program,” press release, November 9, 2017, <https://www.aclu.org/press-releases/civil-rights-organizations-urge-dakota-county-reject-costly-287g-program>; Ian Richardson, “Unity in Action Petitions Against Immigration Enforcement Program in Dakota County,” *Sioux City Journal*, January 13, 2018, [https://siouxcityjournal.com/news/local/unity-in-action-petitions-against-immigration-enforcement-program-in-dakota-county/article\\_2438383e-2446-55fd-9d73-c8dd599aeb9.html](https://siouxcityjournal.com/news/local/unity-in-action-petitions-against-immigration-enforcement-program-in-dakota-county/article_2438383e-2446-55fd-9d73-c8dd599aeb9.html).

<sup>629</sup> Rose Godinez to Chris Kleinberg, “RE: Application for Delegated Authority Pursuant to 287(g),” ACLU of Nebraska, November 9, 2017, [https://www.aclunebraska.org/sites/default/files/field\\_documents/dakota\\_county\\_sheriff\\_letter\\_re287g.pdf](https://www.aclunebraska.org/sites/default/files/field_documents/dakota_county_sheriff_letter_re287g.pdf).

<sup>630</sup> Paul Hammel, “Nebraska Sheriff’s Office Looks to Join Trump’s Crackdown on Illegal Immigration,” *Omaha World-Herald*, updated March 6, 2021, [https://omaha.com/state-and-regional/nebraska-sheriff-s-office-looks-to-join-trumps-crackdown-on-illegal-immigration/article\\_e194fe14-c43c-11e7-8b6e-7b50c6aab51c.html](https://omaha.com/state-and-regional/nebraska-sheriff-s-office-looks-to-join-trumps-crackdown-on-illegal-immigration/article_e194fe14-c43c-11e7-8b6e-7b50c6aab51c.html); Mica Rosenberg and Reade Levinson, “Police in Trump-supporting Towns Aid Immigration Officials in Crackdown,” Thomson Reuters, November 27, 2017, <https://www.reuters.com/article/us-trump-effect-immigration-police-idUSKBN1DR169>.

<sup>631</sup> See Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>632</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Dakota County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, <https://www.ice.gov/doclib/287gMOA/287g-DAKOTACounty-2020-06-09.pdf>.

<sup>633</sup> Eric Galatas, “Coalition Presses Dakota County Sheriff to End Ties with ICE,” *Norfolk Daily News*, updated June 11, 2021, [https://norfolkdailynews.com/coalition-presses-dakota-county-sheriff-to-end-ties-with-ice/article\\_a928c812-9f32-11e9-acbf-af81c86e73fb.html](https://norfolkdailynews.com/coalition-presses-dakota-county-sheriff-to-end-ties-with-ice/article_a928c812-9f32-11e9-acbf-af81c86e73fb.html).

<sup>634</sup> Letter on file with ACLU of Nebraska.

<sup>635</sup> Letter on file with ACLU of Nebraska.

<sup>636</sup> Ian Richardson, “Winnebago Tribe Opposes Dakota County Immigration Enforcement Program,” *Sioux City Journal*, February 26, 2018, [https://siouxcityjournal.com/news/local/govt-and-politics/winnebago-tribe-opposes-dakota-county-immigration-enforcement-program/article\\_1aec06af-897c-5781-883c-8e46b9953a5f.html](https://siouxcityjournal.com/news/local/govt-and-politics/winnebago-tribe-opposes-dakota-county-immigration-enforcement-program/article_1aec06af-897c-5781-883c-8e46b9953a5f.html).

accusations of racial profiling: “This has nothing to do with anybody's race or whether I'm racist or not. This has to do with, follow our laws in immigration, follow our local laws, and be a part of America. That's all I'm asking.”<sup>637</sup>

### *Anti-Immigrant and Racist Statements*

Through an open records request, the ACLU and local partner Unity in Action obtained a March 2019 email from the sheriff to ICE that illustrates his anti-immigrant bias. Noting the numbers of deportations resulting from his department's involvement, the sheriff asked why the numbers were so “low” when the local school district receives large amounts of funding because they have many “NOT light skinned” students.<sup>638</sup>

In 2018, the sheriff joined other law enforcement in meeting with then-President Trump. During the meeting, he complained that “with our borders open, people are just coming with them,” citing people detained in his jail supposedly with ICE holds.<sup>639</sup>

Following the conviction of Derek Chauvin for the murder of George Floyd, the sheriff expressed disappointment. “There wasn't anything that indicated that [Floyd] was suffocated by a knee on his neck, and honestly it scares me, because it looks like mob rule, it looks like, if he hadn't been convicted, the mob was threatening—I mean we had politicians up there saying to burn the city down if he's not convicted. That scares me, because Lady Justice shouldn't see that,” Kleinberg said. “I guess what I'm trying to say is, I don't think he got a fair trial.”<sup>640</sup>

### *Departmental Mismanagement*

The department has a history of reported racial and gender discrimination against staff. Sexual harassment and discrimination lawsuits led the County Board to remove the Dakota County Sheriff's jail management authority from 2007 to 2016.<sup>641</sup> The department settled for over half a million dollars with former employees for discrimination they experienced while at the department, as the ACLU noted in a 2017 letter to CRCL in which it expressed multiple concerns about the department's suitability for the 287(g) agreement.<sup>642</sup>

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<sup>637</sup> “Controversial Immigration Enforcement Program Partners Northeast Nebraska Sheriff, ICE,” KMTV, May 17, 2018, <https://www.3newsnow.com/news/local-news/controversial-immigration-enforcement-program-partners-northeast-nebraska-sheriff-ice>.

<sup>638</sup> Rose Godinez, “North of the Border: The Dakota County Sheriff Profits Off of Immigrants,” ACLU of Nebraska, July, 27, 2019, [www.aclunebraska.org/en/news/north-border-dakota-county-sheriff-profits-immigrants](http://www.aclunebraska.org/en/news/north-border-dakota-county-sheriff-profits-immigrants).

<sup>639</sup> “Sheriff Kleinberg in Washington D.C., Talking Immigration Reform with President Trump,” *Siouxland News*, September 5, 2018, <https://siouxlandnews.com/news/local/sheriff-kleinberg-in-washington-dc-talking-immigration-reform-with-president-trump>.

<sup>640</sup> Mason Dockter, “Sioux City Metro Law Enforcement Officials Offer Divergent Reactions to Chauvin Verdict,” *Sioux City Journal*, April 21, 2021, [https://siouxcityjournal.com/news/local/sioux-city-metro-law-enforcement-officials-offer-divergent-reactions-to-chauvin-verdict/article\\_b81b97ab-d97e-5891-b2c5-6b6ae886f627.html](https://siouxcityjournal.com/news/local/sioux-city-metro-law-enforcement-officials-offer-divergent-reactions-to-chauvin-verdict/article_b81b97ab-d97e-5891-b2c5-6b6ae886f627.html).

<sup>641</sup> Nick Hytrek, “Dakota County Jail Oversight Returns to Sheriff,” June 25, 2016, *Sioux City Journal*, [https://siouxcityjournal.com/news/local/dakota-county-jail-oversight-returns-to-sheriff/article\\_6d9db8f4-af40-5237-bbeb-a651d2e77bdb.html](https://siouxcityjournal.com/news/local/dakota-county-jail-oversight-returns-to-sheriff/article_6d9db8f4-af40-5237-bbeb-a651d2e77bdb.html).

<sup>642</sup> See Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

In a 2021 report, the ACLU of Nebraska found that the department failed to train officers in engaging non-English speakers and failed to advise the public of services that might be available to people for whom English is not their first language.<sup>643</sup>

#### *Jail Conditions*

The sheriff has expressed a desire to expand the jail using federal funds received for incarcerating federal detainees, while warning that the jail is currently operating at or near capacity.<sup>644</sup>

In 2019, the ACLU of Nebraska and partner organizations toured the jail to better understand the implementation of the department's 287(g) program. The visit revealed some clear and some potential Nebraska Jail Standards violations, National Detention Standards violations, and constitutional violations.<sup>645</sup> They include the lack of an outdoor recreation area and only a small indoor recreation area with no exercise equipment, permitting detainees only to walk in circles; improper use of a suicide watch room as detainee housing; inadequate law library; improper use of restraint chair well beyond its strictly limited allowable usage; lack of natural light due to no outward-facing windows in the facility, in violation of Nebraska Jail Standards<sup>646</sup>; and inadequate accessibility of grievance procedure due to English-only forms, in violation of ICE detention protocols.<sup>647</sup>

### **38. Rensselaer County, NY**

#### Jail Enforcement Model

Sheriff Patrick Russo

In 2018, Sheriff Patrick Russo signed an agreement to enter the Rensselaer County Sheriff's Office into the 287(g) program, becoming the first and only department in New York State with a 287(g) agreement.<sup>648</sup> The jail also has an intergovernmental service agreement (IGSA) to detain people in ICE custody on behalf of the federal government, which is a rider to a preexisting agreement with the U.S. Marshal Service. The 287(g) agreement was renewed indefinitely in 2020.<sup>649</sup>

#### *Jail Conditions*

Advocates have made alarming complaints recently about the conditions of the county jail, where varying numbers of people in ICE custody—mostly women—have been detained. In September 2021, multiple advocacy groups filed a complaint with the DHS Office for Civil Rights and Civil Liberties on behalf of a woman, Ms. Q, in ICE custody detained at the Rensselaer County jail, and on behalf of all other women

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<sup>643</sup> ACLU of Nebraska, *Justice in any Language: Nebraska Law Enforcement Agencies' Limited Implementation of Language Access Policies* (2021), [https://www.aclunebraska.org/sites/default/files/justice\\_in\\_any\\_language.pdf](https://www.aclunebraska.org/sites/default/files/justice_in_any_language.pdf).

<sup>644</sup> Nick Hytrek, "Dakota County Readies for Jail Expansion," September 25, 2021, *Sioux City Journal*, [https://siouxcityjournal.com/news/local/dakota-county-readies-for-jail-expansion/article\\_d950ef6f-d635-59f2-aa1c-2a322dfa0922.html](https://siouxcityjournal.com/news/local/dakota-county-readies-for-jail-expansion/article_d950ef6f-d635-59f2-aa1c-2a322dfa0922.html).

<sup>645</sup> *Report on file with the ACLU of Nebraska.*

<sup>646</sup> 81 Neb. Admin. Code, ch. 15, §006.02C

<sup>647</sup> Immigration and Customs Enforcement, *National Detention Standards for Non-Dedicated Facilities*, 2019, Section 6.2. II. A. 2. c, [https://www.ice.gov/doclib/detention-standards/2019/6\\_2.pdf](https://www.ice.gov/doclib/detention-standards/2019/6_2.pdf).

<sup>648</sup> New York Civil Liberties Union, *In League with ICE: Rensselaer County's 287(g) Agreement* (May 27, 2020), <https://www.nyclu.org/en/publications/league-ice-rensselaer-countys-287g-agreement>.

<sup>649</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Rensselaer County Sheriff's Office, "287(g) Jail Enforcement Model," June 10, 2020, [https://www.ice.gov/doclib/287gMOA/287g\\_JEM\\_RensselaerCoNY\\_06-10-2020.pdf](https://www.ice.gov/doclib/287gMOA/287g_JEM_RensselaerCoNY_06-10-2020.pdf).

detained at the jail, alleging medical neglect and egregious conditions at the facility.<sup>650</sup> The complaint alleges that a corrections officer at the jail tugged on a woman's shackles while transporting her from criminal custody to an ICE office, causing her to fall and sustain bleeding, bruising, and ankle injuries that she is still recovering from. According to the complaint, the woman also heard an ICE officer tell another officer to "tell them she fell on her own." The jail reportedly delayed medical treatment for her injuries for months despite her complaints and severely impaired mobility, and to this day, she cannot walk without assistance. Before her eventual release, Ms. Q also suffered retaliation from officers at the jail for speaking out about her treatment.

In addition to the mistreatment experienced by Ms. Q, the complaint alleges systemic medical neglect at the jail, documenting the cases of multiple women who were refused standard medication for ailments after being transferred to the jail, and incidents of jail officials failing to respond to health concerns. The complaint goes on to document unsanitary conditions of confinement, refusing phone calls to people in ICE detention, denial of access to commissary accounts, and periods of solitary confinement.

In 2018, the New York Civil Liberties Union (NYCLU) wrote to the Rensselaer County sheriff's office about its inadequate policies to protect the rights and safety of trans people detained at the jail, and recommended updates to those policies. In response, the county attorney wrote bluntly that after consultation with the county undersheriff, he "will be wasting our time dealing with transgender policy issues" until New York's state commission for corrections requires them to be addressed.<sup>651</sup>

#### *Departmental Misconduct*

In 2016, Rensselaer County settled a federal civil anti-discrimination lawsuit brought by a former internal affairs officer against former sheriff Jack Mahar. The lawsuit alleged that the former officer was singled out and subjected to harassment for years because of his Lebanese ethnicity. The agreement to settle was reached shortly after a judge ruled that jurors would be allowed to hear a statement by Russo, who was undersheriff at the time, that the plaintiff "should shave his goatee or he would be put back on the terrorist watch list." In a deposition, Russo reportedly said that the comment was meant to "lighten the mood," and defended himself by claiming that he has "probably as many Lebanese friends as [the officer] has."<sup>652</sup> The county agreed to pay \$300,000 to settle the lawsuit.<sup>653</sup>

In 2018, a Rensselaer County corrections officer was criminally charged for inappropriately and forcibly touching a woman detained at the county jail on two separate occasions.<sup>654</sup>

#### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration Policies*

Russo has peddled rhetoric that paints immigrants as criminals and threats to public safety. In a 2018 op-ed, Russo defended his decision to enter into 287(g) by claiming that he could "could fill the paper with photos of illegal criminals who have robbed, raped and murdered citizens of communities all across this country or

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<sup>650</sup> *Redacted complaint on file with the NYCLU.*

<sup>651</sup> Erin Beth Harrist to Allen Riley, "Re: Protection of LGBTQ People in County Jails," February 21, 2019, [https://www.nyclu.org/sites/default/files/field\\_documents/scoc-letter.pdf](https://www.nyclu.org/sites/default/files/field_documents/scoc-letter.pdf).

<sup>652</sup> Robert Gavin, "Rensselaer County to Pay \$300K to Officer in Discrimination Case," *Times Union*, June 1, 2016, <https://www.timesunion.com/tuplus-local/article/Rensselaer-County-to-pay-300K-to-jail-guard-who-7954898.php>.

<sup>653</sup> *Ibid.*

<sup>654</sup> Evan Sery, "Officer Charged with Sexually Abusing Inmate at Rensselaer County Jail," *Spectrum News* 1, September 26, 2018, <https://spectrumlocalnews.com/nys/capital-region/news/2018/09/26/correctional-officer-arrested-in-rennselaer-county>.

photos of victims who have been killed in auto accidents by individuals who have been deported on more than one occasion.”<sup>655</sup>

Russo defended the 287(g) program during an appearance on Fox News<sup>656</sup> and in 2018 he visited the White House to meet with the president and show support for aggressive immigration enforcement in a series of events sponsored by the anti-immigrant Federation for American Immigration Reform (FAIR).<sup>657</sup>

In responding to a complaint alleging “physical abuse while in transit by ICE to the [jail] facility as well as medical neglect and deplorable jail conditions” a Latinx woman, the sheriff disputed the accounts of the woman and noted she was “scheduled for deportation.”<sup>658</sup>

### *Evading Accountability*

From the time that Rensselaer County first applied to be part of the 287(g) program, it has been criticized as nontransparent about its implementation of the program and dismissive of the community’s concerns.<sup>659</sup> Prior to entering into the agreement, despite repeated requests from the NYCLU and others, Russo pointedly refused to hold a public forum where residents could voice their views, openly stating that he was concerned they would become “a platform for protests.”<sup>660</sup>

When the first steering committee meeting was held after the agreement was signed, in summer of 2019, little public notice of the meeting was provided to community members.<sup>661</sup> The meeting was held at the county jail, likely deterring some community members who were not comfortable voluntarily entering a law enforcement space. The sheriff has generally been dismissive of advocates’ concerns over the program, and no meaningful efforts have been made to give advocates a seat at the table in the operation of the program.<sup>662</sup>

## **39. Canadian County, OK**

### Jail Enforcement Model

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<sup>655</sup> Patrick A. Russo, “Reader's View: People Spreading False Information About 287[g] Program,” *The Record*, March 2, 2018, <https://www.troyrecord.com/2018/03/02/readers-view-people-spreading-false-information-about-287g-program/>.

<sup>656</sup> Kenneth C. Crowe II, “Rensselaer County Sheriff Defends ICE Program on National TV,” *Times Union*, April 4, 2018, <https://www.timesunion.com/news/article/Rensselaer-County-Sheriff-Russo-defends-ICE-12804652.php>.

<sup>657</sup> Ibid.; Debbie Cenziper, Madison Muller, Monique Beals, Rebecca Holland, and Andrew Ba Tran, “Under Trump, ICE Aggressively Recruited Sheriffs as Partners to Question and Detain Undocumented Immigrants,” *Washington Post*, November 23, 2021, <https://www.washingtonpost.com/investigations/interactive/2021/trump-ice-sheriffs-immigrants-287g/>.

<sup>658</sup> “Rensselaer County Sheriff Responds to Complaint Filed Against Jail, ICE,” WTEN, September 24, 2021, <https://www.news10.com/news/rensselaer-county/rensselaer-county-sheriff-responds-to-complaint-filed-against-jail-ice/>.

<sup>659</sup> Melanie Trimble to Kenneth H. Herrington, January 11, 2018, [https://www.nyclu.org/sites/default/files/field\\_documents/1.11.2018\\_letter\\_to\\_rensselaer\\_county\\_legislature\\_re\\_287g.pdf](https://www.nyclu.org/sites/default/files/field_documents/1.11.2018_letter_to_rensselaer_county_legislature_re_287g.pdf).

<sup>660</sup> Patrick A. Russo, “Reader's View: People Spreading False Information About 287[g] Program,” *The Record*, March 2, 2018, <https://www.troyrecord.com/2018/03/02/readers-view-people-spreading-false-information-about-287g-program/>.

<sup>661</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf).

<sup>662</sup> New York Civil Liberties Union, *In League with ICE: Rensselaer County's 287(g) Agreement* (May 27, 2020), <https://www.nyclu.org/en/publications/league-ice-rensselaer-countys-287g-agreement>.

Sheriff Chris West

In 2017, Chris West assumed the office of sheriff; in 2018, he entered the department into a 287(g) agreement and in 2020, renewed the agreement indefinitely.<sup>663</sup>

#### *Affiliation with Movements Questioning the Supremacy of Federal Law Over State or Local Law Enforcement Authorities*

In June 2020, West put out a public call for volunteers to join a “sheriff’s posse,” a “rapid response force of citizens who could be called upon in a minute’s notice to answer the call to aid in safeguarding lives and property, as well as the constitutional rights of innocent law-abiding citizens of Canadian County.”<sup>664</sup> This occurred during protests following the murder of George Floyd. More than 500 civilian volunteers applied, touting their combat and firearm skills.<sup>665</sup> There is a risk that the 287(g) agreement could embolden volunteers to target and harass immigrant community members under the guise of “safeguarding lives and property.”

In 2021, West was elected to the executive committee of the National Sheriffs’ Association (NSA), prompting the president of the Oklahoma Sheriffs’ Association to laud his “unquestioned stance” as a “constitutional sheriff,” appearing to refer to a movement which promotes the fringe and unsound legal theory that local sheriffs have ultimate authority over the state and federal governments.<sup>666</sup> A *Washington Post* investigation into “constitutional sheriffs” who “argue that their power to interpret the law is above any state or federal authority” mentions West, though the Constitutional Sheriffs and Peace Officers Association does not explicitly name him as a supporter.<sup>667</sup>

#### *Anti-Immigrant Statements and Affiliations*

In 2019, West flew to Washington, D.C., for an event with President Trump at the invitation of the Federation for American Immigration Reform (FAIR), an anti-immigrant organization.<sup>668</sup> He signed a 2018 letter calling for Congress to build the border wall, “end criminal cooperation and shelter in cities, counties, and states, and have zero tolerance and increased repercussions for criminal aliens,” while warning that Congress’s failure to push an anti-immigrant policy agenda is threatening “the public trust that is essential to the preservation of our Republic.”<sup>669</sup>

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<sup>663</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Canadian County Sheriff’s Office, “287(g) Jail Enforcement Model,” March 13, 2020,

[https://www.ice.gov/doclib/287gMOA/287gJEM\\_CanadianCoOK2020-03-13.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_CanadianCoOK2020-03-13.pdf).

<sup>664</sup> Kayla Branch, “Canadian County Sheriff Creates Volunteer ‘Sheriff’s Posse’ to Aid Law Enforcement,” *The Oklahoman*, June 10, 2020, <https://www.oklahoman.com/article/5664223/canadian-county-sheriff-creates-volunteer-sheriffs-posse-to-aid-law-enforcement>.

<sup>665</sup> Ben Felder, “Volunteers Reference ‘Combat Skills’ and Firearm Training in Applications for ‘Sheriff’s Posse,’” *The Frontier*, September 22, 2020, <https://www.readfrontier.org/stories/volunteers-reference-combat-skills-and-firearm-training-in-applications-for-sheriffs-posse/>.

<sup>666</sup> Conrad Dudderar, “Canadian County Sheriff Elected to National Post,” *Yukon Progress*, July 16, 2021, <https://yukonprogressnews.com/2021/07/10/canadian-county-sheriff-elected-to-national-post/>.

<sup>667</sup> Kimberly Kindy, “Boosted by the Pandemic, ‘Constitutional Sheriffs’ Are a Political Force,” *Washington Post*, November 2, 2021, [https://www.washingtonpost.com/politics/constitutional-sheriffs-elections-trump-pandemic/2021/11/01/4c14c764-368b-11ec-91dc-551d44733e2d\\_story.html](https://www.washingtonpost.com/politics/constitutional-sheriffs-elections-trump-pandemic/2021/11/01/4c14c764-368b-11ec-91dc-551d44733e2d_story.html).

<sup>668</sup> Cloee Cooper, Ethan Fauré, and Olivia Lawrence-Weilmann, “Mapping Far-Right and Anti-Immigrant Movement Alignment with County Sheriffs,” Political Research Associates, September 14, 2020, <https://politicalresearch.org/sheriffs-map/>.

<sup>669</sup> Mike McKinnon III, “Sheriff’s from around the country tell Congress the border wall must be built,” KUSI News, March 30, 2018, <https://www.kusi.com/sheriffs-around-country-tell-congress-border-wall-must-built/>



### *Racial Profiling and Other Civil Rights Violations*

In 2021, two Asian-American businessmen were traveling with approximately \$140,000 in cash to purchase land in Oklahoma. Their funds were seized by the department under suspicion the cash was drug money, though an investigation by local media corroborated the legality of the men's purchasing plans. Their money still has not been returned.<sup>670</sup> This is the latest in a long string of civil forfeiture cases; West has said he uses the mechanism to acquire funds for the department.<sup>671</sup> An analysis by local media of court records revealed that, although the county is majority white, "60 percent of large-amount seizures in the county involved racial minorities; 35 percent were Hispanic."<sup>672</sup>

### *Jail Conditions*

The Canadian County Jail is frequently overcrowded, operating above capacity.<sup>673</sup> In 2017, a federal suit was filed against the Canadian County Sheriff and others over lack of adequate care after a man was found unresponsive, injured, naked, and covered in feces on the floor of his jail cell. The man was taken to the hospital and pronounced dead.<sup>674</sup> A March 2022 overdose death in the jail suggests drug smuggling and substance abuse problems in the jail.<sup>675</sup>

### *Evading Accountability*

The ACLU could not locate a public notice by the department about a steering committee meeting. (ICE's most recent public reporting of steering committee meetings is from 2019, before the department entered the program).

## **40. Okmulgee County Criminal Justice Authority, OK**

### Jail Enforcement Model

Executive Director Shannon T. Clark

The Okmulgee County Criminal Justice Authority is responsible for running the county's jail; it detains people arrested by any law enforcement in the county, as well as holds certain ICE detainees on a long-term

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<sup>670</sup> Jessica Bruno, "Caddo County Property Owner Confirms New Mexico Businessmen Were Trying to Purchase Land When Their Money Was Seized by Canadian County Deputies," KFOR, July 21, 2021, <https://kfor.com/news/local/caddo-county-property-owner-confirms-new-mexico-businessmen-were-trying-to-purchase-land-when-their-money-was-seized-by-canadian-county-deputies/amp/>.

<sup>671</sup> "Sheriff Plans Project to Improve Canadian County Jail," KWTW, August 1, 2017, <http://www.news9.com/story/5e349b69527dcf49dad82693/sheriff-plans-project-to-improve-canadian-county-jail>.

<sup>672</sup> Clifton Adcock, Ben Fenwick, and Joey Stipek, "Oklahoma Watch: Most Police Seizures of Cash Come from Blacks and Hispanics, Court Records Show," *The Oklahoman*, October 18, 2015, <https://www.oklahoman.com/article/5454295/oklahoma-watch-most-police-seizures-of-cash-come-from-blacks-and-hispanics-court-records-show/>.

<sup>673</sup> Conrad Dudderar, "Canadian County Jail Population Hits 2021 High," *Yukon Progress News*, August 10, 2021, <https://yukonprogressnews.com/2021/08/10/canadian-county-jail-population-hits-2021-high/>.

<sup>674</sup> "El Reno Man Found Dead in Canadian County Jail Cell," KWTW, June 7, 2016, <http://www.news9.com/story/32166200/el-reno-man-found-dead-in-canadian-county-jail-cell>; Grant Hermes, "Family Files Federal Suit Against Canadian County Jail, Sheriff, Health Provider," News 9, Aug. 21, 2017, <https://www.news9.com/story/5e349a8e527dcf49dad82021/family-files-federal-suit-against-canadian-county-jail-sheriff-health-provider>.

<sup>675</sup> Brittany Toolis, "Woman Dies In Canadian County Jail, Another Charged For Smuggling Deadly Drugs," News On 6, March 23, 2022, <https://www.newson6.com/story/623bac4d6d28c7045803d0ca/woman-dies-in-canadian-county-jail-another-charged-for-smuggling-deadly-drugs>.

basis pursuant to a 2017 Intergovernmental Service Agreement with the agency.<sup>676</sup> In 2018, the Okmulgee County Criminal Justice Authority first entered into a 287(g) agreement. In April 2020, then-Executive Director Sam McCoy renewed the county's 287(g) agreement indefinitely.<sup>677</sup> In July 2020, McCoy retired and was replaced by Shannon Clark.<sup>678</sup>

### *Jail Conditions, Civil Rights Violations*

In March 2022, local media began investigating “complaints about retaliation, racism and unfair firings surrounding the Okmulgee County Jail.” Four former employees lodged complaints, including a nineteen-year veteran of the department who alleges he was fired by the jail's director Shannon Clark after he reported the beating of a Black detainee by a white jailer.<sup>679</sup> Another former employee alleges she was discriminated against because she is a Black woman. County officials denied the allegations and claimed the employees were part of an embezzlement investigation.<sup>680</sup>

As the ACLU highlighted in a 2017 letter to the DHS Office for Civil Rights & Civil Liberties (CRCL) outlining Okmulgee County's unfitness for a 287(g) agreement as the jail has a history of inhumane conditions.<sup>681</sup> In 2020, ICE's own Office of Detention Oversight (ODO) Compliance Inspection found the facility deficient in 24 jail standards, including four medical care and six use of force violations.<sup>682</sup> Multiple detainees reported medical neglect, including one conducting a hunger strike to protest conditions.<sup>683</sup>

In January 2018, CRCL investigated the facility following a complaint about inadequate medical care, including one person who reported having a broken jaw for days without receiving medical attention<sup>684</sup>; the investigation revealed mistreatment within the jail and advised corrective action.<sup>685</sup>

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<sup>676</sup> Immigration and Customs Enforcement Office of Professional Responsibility, *Office of Detention Compliance Inspection: Enforcement and Removal Operations ERO Dallas Field Office: Okmulgee County Jail—Moore Detention Facility* (July 20, 2020), <https://www.ice.gov/doclib/foia/odo-compliance-inspections/OkmulgeeCoMooreDFOkmulgeeOKJuly2020.pdf>.

<sup>677</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Okmulgee County Criminal Justice Authority, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_OkmulgeeCoOK\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_OkmulgeeCoOK_06-09-2020.pdf).

<sup>678</sup> “Executive Director & Chief of Law Enforcement,” Okmulgee County Criminal Justice Authority, <https://www.occjajail.org/about.php>.

<sup>679</sup> Shae Rozzi, “FOX23 Investigates Allegations of Corruption Surrounding the Okmulgee County Jail,” FOX23, March 10, 2022, <https://www.fox23.com/news/fox23-investigates/fox23-investigates-allegations-corruption-surrounding-okmulgee-county-jail/7ZJLAOFRKVESAP5AEEJE5AMXE/>.

<sup>680</sup> Shae Rozzi, “FOX23 Investigates Allegations of Corruption Surrounding the Okmulgee County Jail,” FOX23, March 10, 2022, <https://www.fox23.com/news/fox23-investigates/fox23-investigates-allegations-corruption-surrounding-okmulgee-county-jail/7ZJLAOFRKVESAP5AEEJE5AMXE/>.

<sup>681</sup> Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>682</sup> Immigration and Customs Enforcement Office of Professional Responsibility, *Office of Detention Compliance Inspection: Enforcement and Removal Operations ERO Dallas Field Office: Okmulgee County Jail—Moore Detention Facility* (July 20, 2020), <https://www.ice.gov/doclib/foia/odo-compliance-inspections/OkmulgeeCoMooreDFOkmulgeeOKJuly2020.pdf>.

<sup>683</sup> Ibid.

<sup>684</sup> Ryan Braschler, “Can the Okmulgee County Jail Handle Tulsa Overflow Inmates?,” August 17, 2017, KTUL, <https://ktul.com/news/local/can-the-okmulgee-county-jail-handle-tulsa-overflow-inmates>.

<sup>685</sup> Department of Homeland Security, *U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Fiscal Year 2018 Annual Report to Congress* (November 18, 2019), [https://www.dhs.gov/sites/default/files/publications/crcl-fy-2018-annual-report\\_0.pdf](https://www.dhs.gov/sites/default/files/publications/crcl-fy-2018-annual-report_0.pdf).

In 2019, then-Sheriff Audie Cole described conditions including “poor plumbing, outdated electrical wiring and crowding,” making it “below state and federal standards.”<sup>686</sup> One lawsuit describes incarcerated people sleeping on a bare concrete floor due to overcrowding, as well as repeated sewage backups during which detainees were allegedly forced to wade through urine and feces while eating.<sup>687</sup> One analysis found that six people died in jail custody from 2013–19, a higher rate than 94% of other departments.<sup>688</sup>

In 2014, overcrowding and poor conditions contributed to a prison fight that resulted in over \$10,000 in damage at the Okmulgee County Criminal Justice Center.<sup>689</sup> According to Okmulgee County District Attorney Rob Barris, the overcrowding was so horrific that “several times, the jail inspector had indicated if the issue was not corrected, the county would face fines and other sanctions which could cost the taxpayers tens of thousands of dollars and possibly result in the closure of the jail.”<sup>690</sup>

### *Commissioner Misconduct*

Prior to being hired as executive director of Okmulgee Criminal Justice Authority, Shannon Clark was dismissed in 2015 from his position managing the Tulsa County Jail after a three-week review of his job performance; two days prior to his termination, a former employee filed a lawsuit alleging “hostile and malicious” conduct in the facility, naming Clark among others.<sup>691</sup> In 2016, Clark resigned suddenly from his new position as chief deputy in the Wagoner County Sheriff’s Office after multiple complaints of bullying and harassment, including an audio recording sent to county commissioners in which Clark can be heard haranguing a direct report.<sup>692</sup> Clark denies he was forced out, saying instead he wanted to focus on his (ultimately unsuccessful) campaign for Wagoner sheriff, but commissioners and other employees reported that he was told to resign or face a second termination on his record.<sup>693</sup>

## **41. Tulsa County, OK**

Jail Enforcement Model

Sheriff Vic Regalado

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<sup>686</sup> “Okmulgee County Officials Eye New Jail,” *Tulsa World*, updated February 27, 2019, [https://tulsaworld.com/archive/okmulgee-county-officials-eye-new-jail/article\\_55bd11ec-0214-53a1-9808-8694e67a8c91.html](https://tulsaworld.com/archive/okmulgee-county-officials-eye-new-jail/article_55bd11ec-0214-53a1-9808-8694e67a8c91.html).

<sup>687</sup> *Butler v. Rice*, CIV 20-231-RAW-SPS (E.D. Okla. Sep. 10, 2021), <https://casetext.com/case/butler-v-rice-2>.

<sup>688</sup> “Okmulgee County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/ok/sheriff/okmulgee-county>.

<sup>689</sup> Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>690</sup> Jeremy Kuzmarov, “Protesters Oppose ICE Center In Okmulgee,” *The Oklahoma Observer*, March 11, 2020, <https://okobserver.org/protesters-oppose-ice-center-in-okmulgee/>.

<sup>691</sup> Cary Aspinwall and Ziva Branstetter, “Lawsuit: Wrongful Termination, Malicious Conduct at TCSO,” *The Frontier*, May 29, 2015, <https://www.readfrontier.org/stories/lawsuit-alleges-wrongful-termination-malicious-conduct-at-tcso/>.

<sup>692</sup> Samantha Vicent, “Former Wagoner County Chief Deputy Denies Claims Regarding Reason He Resigned,” *Wagoner County American-Tribune*, June 3, 2016, [https://tulsaworld.com/community/wagoner/news/former-wagoner-county-chief-deputy-denies-claims-regarding-reason-he-resigned/article\\_944f0bec-c169-5ced-94be-780cee813a87.html](https://tulsaworld.com/community/wagoner/news/former-wagoner-county-chief-deputy-denies-claims-regarding-reason-he-resigned/article_944f0bec-c169-5ced-94be-780cee813a87.html).

<sup>693</sup> “Sheriff Candidate Responds to Allegations,” KJRH, June 2, 2016, <https://www.kjrh.com/news/local-news/former-wagoner-county-chief-deputy-reacts-to-accusations-of-creating-a-hostile-work-environment>.

The county first entered a 287(g) agreement in 2007 with a Jail Enforcement and the now-defunct Task Force Model.<sup>694</sup> In 2016, Vic Regalado was elected sheriff.<sup>695</sup> In 2020, Regalado renewed the agreement indefinitely.<sup>696</sup>

### *Jail Conditions*

In addition to the 287(g) agreement, the department has an Intergovernmental Services Agreement to detain people on behalf of ICE for more than 72 hours at the county jail.<sup>697</sup> According to a Reuters analysis, between 2009 and 2019, 34 people died while in custody at the Tulsa County Jail.<sup>698</sup> Many of these deaths were the result of departmental abuse, such as failing to provide medical aid.<sup>699</sup> In 2017, jurors awarded the family of Elliot Earl Williams \$10 million after Williams died in the county jail, as local media reported: “Elliott Williams begged for water as he spent his last days lying in his own waste on the floor of a Tulsa County jail cell, where he ultimately died...Williams hit his head while alone in a holding cell, injuring his neck; he languished six days until jail personnel discovered him unresponsive.”<sup>700</sup> The 37-year-old Black Army veteran had mental health issues and was jailed on a minor complaint of obstructing a police officer.<sup>701</sup>

### *Civil Rights Violations and Evading Accountability*

In 2018, the county agreed to pay \$6 million to settle an excessive force lawsuit after a white sheriff’s deputy shot Eric Harris, a Black man, at close range; another deputy then kneeled on Harris’ head after he had been shot and Harris died shortly thereafter.<sup>702</sup> The deputy said he confused his revolver for a Taser. A 2015 grand jury investigation found deep-rooted corruption and an attempted cover-up of the shooting

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<sup>694</sup> Immigration and Customs Enforcement, *The ICE 287(g) Program: A Law Enforcement Partnership* (January 21, 2010), <https://www.hsdl.org/?view&did=29593>.

<sup>695</sup> “Sheriff Vic Regalado,” Tulsa County Sheriff’s Office, October 26, 2020, <https://tcsso.org/staff/sheriff-vic-regalado/>.

<sup>696</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Tulsa Board of County Commissioners, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_TulsaCoOK\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_TulsaCoOK_06-08-2020.pdf).

<sup>697</sup> Department of Homeland Security, *ICE ERO Detention Facilities: Authorized Over 72-Hour Facility List*, <https://www.ice.gov/doclib/detention/Over72HourFacilities.xlsx>.

<sup>698</sup> Grant Smith, “Jail Deaths in America: Data and Key Findings of *Dying Inside*,” Thomson Reuters, October 16, 2020, <https://www.reuters.com/investigates/special-report/usa-jails-graphic>.

<sup>699</sup> Trevor Brown, “Oklahoma Watch: Mortality Rate in State’s Jails Second Highest in U.S., Reuters Finds,” *Tulsa World*, February 15, 2021, [https://tulsaworld.com/news/state-and-regional/oklahoma-watch-mortality-rate-in-states-jails-second-highest-in-u-s-reuters-finds-copy/article\\_9d29f9ac-6f54-11eb-ba14-bf9090210b5c.html](https://tulsaworld.com/news/state-and-regional/oklahoma-watch-mortality-rate-in-states-jails-second-highest-in-u-s-reuters-finds-copy/article_9d29f9ac-6f54-11eb-ba14-bf9090210b5c.html).

<sup>700</sup> *Ibid.*

<sup>701</sup> Oliver Lazarus and Amber Hall, “Horror in Oklahoma: Man’s Brutal Death Reveals Abuse in Tulsa Prison System,” WNYC, January 24, 2017, <https://www.wnystudios.org/podcasts/takeaway/segments/case-point-horrifying-case-earl-williams>.

<sup>702</sup> Corey Jones, “Tulsa County settles Eric Harris excessive force lawsuit for \$6 million days after Robert Bates renews appeal,” *Tulsa World*, March 9, 2018, [https://tulsaworld.com/news/local/crime-and-courts/tulsa-county-settles-eric-harris-excessive-force-lawsuit-for-6-million-days-after-robert-bates/article\\_3305adab-79c2-5fa9-8003-73207eb82424.html](https://tulsaworld.com/news/local/crime-and-courts/tulsa-county-settles-eric-harris-excessive-force-lawsuit-for-6-million-days-after-robert-bates/article_3305adab-79c2-5fa9-8003-73207eb82424.html).

within the department including pressure to portray it as a “justifiable homicide”<sup>703</sup>; then-Sheriff Stanley Glanz was indicted for two crimes in attempting to block the investigation.<sup>704</sup>

Following the settlement, an attorney for Harris’ family described the county’s “long history of racial division, injustice and violence. Tulsa was home to the 1921 Tulsa Race Riot, considered the single worst episode of racial violence in American history. Eric’s death, and the profound government corruption uncovered in the wake of his death, served as a wake-up call for Tulsa.”<sup>705</sup>

#### *Advocacy of Inhumane Immigration and Border Policies, Anti-Immigrant Statements*

In 2016, a Tulsa Dreamer organization said “Regalado’s campaign rhetoric is perpetuating fear in Hispanics, causing them to be wary of reporting crime to law enforcement,” and alleged that he “[made] it a point to target the immigrant community.”<sup>706</sup> In 2018, he visited the White House and Congress to meet with former President Trump and other senior leaders in a series of events sponsored by the anti-immigrant Federation for American Immigration Reform (FAIR),<sup>707</sup> and signed a letter to members of Congress supporting then-President Trump’s border wall and advocating “zero tolerance” for “illegal aliens.”<sup>708</sup>

## **42. Knox County, TN**

### Jail Enforcement Model

#### Sheriff Tom Spangler

The department first signed a 287(g) agreement in 2017 under then-Sheriff Jimmy Jones.<sup>709</sup> In 2018, Tom Spangler replaced Jones as sheriff<sup>710</sup>; in 2020, Spangler renewed the department’s 287(g) agreement indefinitely, despite deep community opposition.<sup>711</sup>

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<sup>703</sup> Corey Jones, “Top Officials Pressured Investigators to Call Eric Harris Shooting a Justifiable Homicide, According to Grand Jury Testimony,” *Tulsa World*, updated January 27, 2021, [https://tulsa-world.com/news/crimewatch/top-officials-pressured-investigators-to-call-eric-harris-shooting-a/article\\_68d08e5e-cbd0-560b-86ac-e74724328e8d.html](https://tulsa-world.com/news/crimewatch/top-officials-pressured-investigators-to-call-eric-harris-shooting-a/article_68d08e5e-cbd0-560b-86ac-e74724328e8d.html).

<sup>704</sup> Curtis Killman, “Former Sheriff Stanley Glanz Pleads Guilty to One Misdemeanor Charge, No Contest to Another,” *Tulsa World*, updated January 27, 2021, [https://tulsa-world.com/news/local/crime-and-courts/former-sheriff-stanley-glanz-pleads-guilty-to-one-misdemeanor-charge-no-contest-to-another/article\\_f0648017-282e-571a-89bc-392966e06e25.html](https://tulsa-world.com/news/local/crime-and-courts/former-sheriff-stanley-glanz-pleads-guilty-to-one-misdemeanor-charge-no-contest-to-another/article_f0648017-282e-571a-89bc-392966e06e25.html).

<sup>705</sup> Corey Jones, “Tulsa County Settles Eric Harris Excessive Force Lawsuit for \$6 Million Days After Robert Bates Renews Appeal,” *Tulsa World*, March 9, 2018, [https://tulsa-world.com/news/local/crime-and-courts/tulsa-county-settles-eric-harris-excessive-force-lawsuit-for-6-million-days-after-robert-bates/article\\_3305adab-79c2-5fa9-8003-73207eb82424.html](https://tulsa-world.com/news/local/crime-and-courts/tulsa-county-settles-eric-harris-excessive-force-lawsuit-for-6-million-days-after-robert-bates/article_3305adab-79c2-5fa9-8003-73207eb82424.html).

<sup>706</sup> Corey Jones, “Hispanic Group Concerned About Sheriff Candidate Vic Regalado's Rhetoric Against Undocumented Immigrants,” *Tulsa World*, March 17, 2016, [https://tulsa-world.com/news/local/hispanic-group-concerned-about-sheriff-candidate-vic-regalados-rhetoric-against-undocumented-immigrants/article\\_9b7781f3-1f25-53cc-8567-8186aaa1217b.html](https://tulsa-world.com/news/local/hispanic-group-concerned-about-sheriff-candidate-vic-regalados-rhetoric-against-undocumented-immigrants/article_9b7781f3-1f25-53cc-8567-8186aaa1217b.html).

<sup>707</sup> Reece Ristau, “Tulsa County Sheriff Visits Congress, White House to Call for Increased Border Security, Immigration Reform,” *Tulsa World*, September 7, 2018, [https://tulsa-world.com/news/local/tulsa-county-sheriff-visits-congress-white-house-to-call-for-increased-border-security-immigration-reform/article\\_49e77f19-c88c-576b-995a-b0cd0cd975cd.html](https://tulsa-world.com/news/local/tulsa-county-sheriff-visits-congress-white-house-to-call-for-increased-border-security-immigration-reform/article_49e77f19-c88c-576b-995a-b0cd0cd975cd.html).

<sup>708</sup> National Sheriffs’ Association to Members of Congress, March 21, 2018, [https://www.sheriffs.org/sites/default/files/ImmLtrUpdated\\_0.pdf](https://www.sheriffs.org/sites/default/files/ImmLtrUpdated_0.pdf).

<sup>709</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Knox County Sheriff’s Office, June 15, 2017, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_KnoxCoTn2017-06-15.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_KnoxCoTn2017-06-15.pdf).

<sup>710</sup> “History,” Knox County Sheriff’s Office, <https://knoxsheriff.org/kcso-history/>.

<sup>711</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Knox County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287g\\_JEM\\_Knox\\_6-8-](https://www.ice.gov/doclib/287gMOA/287g_JEM_Knox_6-8-)

### *Anti-Immigrant Statements*

The department first applied to join the 287(g) program in 2009.<sup>712</sup> When the Obama administration denied its application, the sheriff at the time ridiculed the “inept administration” for “clearing the way for law breaking illegal immigrants to continue to thrive in our community.”<sup>713</sup> He stated his intention to flout its decision, stating, “I will continue to enforce these federal immigration violations with or without the help of ICE....If need be, I will stack these violators like cordwood in the Knox County jail.”<sup>714</sup> “Beyond the symbolism, [Jones’] statement likely has alienated the immigrant community,” undermining community trust, noted the Editorial Board of the *Knoxville News Sentinel*.<sup>715</sup>

In 2017, after the inauguration of then-President Trump, the department applied again and was approved, becoming one of the first departments nationwide to enter a 287(g) agreement under the Trump administration.<sup>716</sup> In 2021, a local media investigation revealed that the department had entered into that 287(g) agreement unilaterally, without permission of the county commission, as is required by state law. As a result, the legality of the agreement is under question.<sup>717</sup>

### *Racial Profiling*

A 2021 review of data produced by University of Tennessee sociologist Dr. Meghan Conley concluded that the department’s 287(g) program “targets immigrants with low-level offenses.” In particular, she found that 85% of individuals in Knox County Jail based on criminal charges were charged with misdemeanors, 81% were charged with nonviolent offenses, and nearly 21% were arrested for driving without a license.<sup>718</sup>

In 2021, officer whistleblowers and an investigation by local media revealed that the Knoxville Police Department has a long history of racist officers and failure to remove officers from the line of duty.<sup>719</sup> While the police department does not have a 287(g) agreement, people they arrest primarily go to the Knox

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[2020.pdf](#); Jesse Fox Mayshark, Compass Knox, and Tyler Whetstone, “Knox County’s 287(g) Program Tears Families Apart. And It Might Be Illegal,” *Knoxville News Sentinel*, updated June 10, 2021, <https://www.knoxnews.com/in-depth/news/politics/2021/04/01/knox-county-287-g-immigration-program-may-be-illegal/4662561001/>.

<sup>712</sup> See Allies of Knoxville’s Immigrant Neighbors to Secretary Alejandro Mayorkas, “Re: Terminate the 287(g) Agreement with Knox County Sheriff’s Office,” September 7, 2021, <https://www.wate.com/wp-content/uploads/sites/42/2021/09/2021-AKIN-Letter-to-Mayorkas.pdf>.

<sup>713</sup> See Lawrence Downes, “Comparing Immigrants to Cordwood,” *New York Times*, August 22, 2013, <https://takingnote.blogs.nytimes.com/2013/08/22/comparing-immigrants-with-cordwood/>.

<sup>714</sup> “Defiant Knox Sheriff to Stack Illegal Immigrant Violators ‘Like Cordwood’ in Jail,” *Knoxville News Sentinel*, August 21, 2013, <https://tinyurl.com/jwsr7nxf>.

<sup>715</sup> Knoxville News Sentinel Editorial Board, “Sheriff Should Issue Apology for Words About ICE Ruling,” *Knoxville News Sentinel*, August 26, 2013; ACLU of Tennessee to Sheriff Jimmy Jones, August 28, 2013.

<sup>716</sup> Meghan Conley, “President Biden, End Knox County’s Illegal Immigrant-detention Program Now,” *Knoxville News Sentinel*, August 4, 2021, <https://www.tennessean.com/story/opinion/2021/08/04/president-biden-end-knox-county-illegal-immigrant-detention-program/8075926002/>.

<sup>717</sup> Tyler Whetstone, “Knox County Sheriff Didn’t Get Proper Approval for ICE Partnership: What You Should Know,” *Knoxville News Sentinel*, April 1, 2021, <https://www.knoxnews.com/story/news/politics/2021/04/01/knox-county-sheriff-ice-partnership-287-g-program/4838014001/>.

<sup>718</sup> Meghan Conley, “President Biden, End Knox County’s Illegal Immigrant-detention Program Now,” *Knoxville News Sentinel*, August 4, 2021, <https://www.tennessean.com/story/opinion/2021/08/04/president-biden-end-knox-county-illegal-immigrant-detention-program/8075926002/>.

<sup>719</sup> Tyler Whetstone, “A Cop Told Bosses a Fellow Cop Was Racist. They Did Nothing. Officers Say It Shows a Deep-seated Problem at KPD,” *Knoxville News Sentinel*, June 16, 2021, <https://www.knoxnews.com/in-depth/news/local/2021/06/17/knoxville-police-department-cover-up-officers-racist-comments/7684667002/>.

County Jail, which is run by the sheriff's department and is therefore intertwined with the sheriff's 287(g) agreement.

In November 2021, a Latinx woman filed a lawsuit against the sheriff after she was arrested by the department when deputies responded to a 911 call she had placed to report domestic violence. Instead of arresting her English-speaking partner, they detained the woman and held her for allegedly violating immigration law.<sup>720</sup> Her lawsuit alleged that the "injuries and civil rights violations inflicted on her are typical of more than 1,000 people" detained under the county's "illicit immigration enforcement program."<sup>721</sup>

### *Jail Conditions, Civil Rights Violations*

Local advocates and the ACLU have documented a decades-long history of overcrowding at Knox County Jail, which remains under a consent decree dating back to the 1990s.<sup>722</sup> The sheriff himself has acknowledged overcrowding at the facility.<sup>723</sup> Numerous lawsuits allege "mismanagement, neglect, and abuse" in the jail, including the severe beating of a mentally ill Black man, which the FBI investigated.<sup>724</sup> In 2017, the ACLU warned that "at Knox County's deplorable jail, one of the many reported abuse cases involved an individual with mental health needs and cerebral palsy who was tackled, had his head slammed against the concrete floor, and was viciously assaulted by detention facility staff. He was then placed in a 'restraint chair' as punishment, preventing his legs, arms, and torso from moving."<sup>725</sup>

In 2017, the ACLU wrote DHS urging it to reject the department's application to join the 287(g) program, documenting multiple allegations of medical neglect and violations of the county's own policies.<sup>726</sup> These include denying care to a man in the jail with a broken neck for three months; and beating another man with a mental disability.<sup>727</sup>

In 2014, a deputy repeatedly choked a 22-year-old handcuffed student outside his home, leading him to lose consciousness. After images of the abuse circulated publicly, department deputies allegedly began stalking

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<sup>720</sup> Vinay Simlot, "Woman Suing Knox County Sheriff's Office Over 287(g) Program, Saying She Was Illegally Detained," WBIR, November 10, 2021, <https://www.wbir.com/article/news/local/woman-suing-knox-county-over-287g/51-544d98b3-a348-4e16-88ba-001f5624a274>.

<sup>721</sup> Angela Dennis and Tyler Whetstone, "She Called 911 for Help. She Ended Up Jailed for Months on Disputed Immigration Hold," *Knoxville News Sentinel*, November 9, 2021, <https://www.knoxnews.com/story/news/2021/11/09/knoxville-woman-maira-oviedo-granados-jailed-months-immigration-hold-after-calling-911-lawsuit/6356028001/>.

<sup>722</sup> See *Carver v. Knox County*; No. Civ. 3-86-299 (E.D. Tenn. 1989).

<sup>723</sup> Blake Stevens, "Knox County Sheriff Highlights Jail Overcrowding Problem," WATE, October 10, 2018, <https://www.wate.com/news/local-news/knox-county-sheriff-highlights-jail-overcrowding-problem/>.

<sup>724</sup> See Allies of Knoxville's Immigrant Neighbors to Secretary Alejandro Mayorkas, "Re: Terminate the 287(g) Agreement with Knox County Sheriff's Office," September 7, 2021, <https://www.wate.com/wp-content/uploads/sites/42/2021/09/2021-AKIN-Letter-to-Mayorkas.pdf>; Greg Brobeck, "Attorney: FBI investigating Knox County jail beating case," WATE, February 23, 2015, <https://www.wate.com/news/attorney-fbi-investigating-knox-county-jail-beating-case/>; *Flack v. Knox County*, 3:15-cv-522-PLR-HBG (E.D. Tenn., January 24, 2017), <https://casetext.com/case/flack-v-knox-cnty>.

<sup>725</sup> Chris Rickerd, "Local Police Should Just Say No to Federal Agreements That Make Their Officers Part of Trump's Deportation Force," ACLU, April 7, 2017, <https://www.aclu.org/blog/immigrants-rights/local-police-should-just-say-no-federal-agreements-make-their-officers-part>.

<sup>726</sup> Chris Rickerd to Bruce Friedman, "Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program," March 31, 2017, [https://www.aclu.org/sites/default/files/field\\_document/3-31-17\\_aclu\\_letter\\_on\\_new\\_287g\\_jurisdictions.pdf](https://www.aclu.org/sites/default/files/field_document/3-31-17_aclu_letter_on_new_287g_jurisdictions.pdf).

<sup>727</sup> *Ibid.*

the student outside his home in an effort to intimidate him.<sup>728</sup> Rather than being disciplined, the deputy was allowed to retire early.<sup>729</sup>

### *Evading Accountability*

Local advocates have documented how “the Sheriff’s office has repeatedly impeded efforts by the community and the press to access information of concern to the public” including “protracted resistance to the disclosure of public records pertaining to the 287(g) Agreement.”<sup>730</sup> The department repeatedly rescheduled its steering committee meeting, flouting local requirements that notice of the meeting date and time be provided 30 days in advance. Local advocates called the move “a cynical attempt by [the Knox County Sheriff’s Office] and ICE to confuse the public and decrease the number of people who show up to speak out against this program.”<sup>731</sup> In 2020, a county judge found the sheriff and his office violated public records law by willfully failing to comply with information requests made by a local sociology professor regarding the department’s 287(g) participation.<sup>732</sup> A local media investigation found the department systematically failed to respond to public records requests.<sup>733</sup>

### *Advocacy of Inhumane Immigration and Border Policies*

In 2021, Spangler signed the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>734</sup>

## **43. Aransas County, TX**

Jail Enforcement Model

Sheriff William “Bill” Mills

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<sup>728</sup> Jamie Satterfield, “UT Student Sues KCSO for \$2.2M in Alleged Choking,” *Knoxville News Sentinel*, February 13, 2015, <https://archive.knoxnews.com/news/crime-courts/ut-student-sues-kcso-for-22m-in-alleged-choking-ep-931471573-353564511.html>; *Dotson v. Knox County*, 3:15-cv-66-TAV-CCS (E.D. Tenn., December 8, 2015), <https://case-law.vlex.com/vid/Dotson-v-Knox-County-120815-TNEDC-3-15-CV-66-TAV-CCS-600443322>.

<sup>729</sup> Jamie Satterfield, “UT Student Sues KCSO for \$2.2M in Alleged Choking,” *Knoxville News Sentinel*, February 13, 2015, <https://archive.knoxnews.com/news/crime-courts/ut-student-sues-kcso-for-22m-in-alleged-choking-ep-931471573-353564511.html>.

<sup>730</sup> See Allies of Knoxville’s Immigrant Neighbors to Secretary Alejandro Mayorkas, “Re: Terminate the 287(g) Agreement with Knox County Sheriff’s Office,” September 7, 2021, <https://www.wate.com/wp-content/uploads/sites/42/2021/09/2021-AKIN-Letter-to-Mayorkas.pdf>.

<sup>731</sup> Allies of Knoxville’s Immigrant Neighbors, “When the heck is the KCSO 287(g) steering committee meeting, anyway?,” July 6, 2018, <https://weareakin.wordpress.com/2018/07/06/when-the-heck-is-the-kcso-287g-steering-committee-meeting-anyway/>.

<sup>732</sup> *Conley v. Spangler*, 197897-1 (April 9, 2020), <https://tcog.info/wp-content/uploads/2020/04/Conley-v.-Spangler-Memorandum-Opinion.pdf>.

<sup>733</sup> Tyler Whetstone, “Knox County Sheriff’s Office ‘Wrongly Denied’ Access to Open Records,” *Knoxville News Sentinel*, April 13, 2020, <https://www.knoxnews.com/story/news/local/2020/04/13/knox-county-sheriffs-office-wrongly-denied-access-open-records/2981436001>.

<sup>734</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.



In 2016, Bill Mills was elected sheriff<sup>735</sup>; in 2017, Mills joined more than a dozen other Texas sheriffs in signing a 287(g) agreement.<sup>736</sup> In 2020, he renewed the agreement indefinitely.<sup>737</sup>

#### *Civil Rights Violations and Jail Conditions*

In 2017, the ACLU wrote DHS urging it to reject the department's application to join the 287(g) program, documenting multiple allegations of abuse, with at least eight lawsuits filed against the office in recent years.<sup>738</sup> These include cases involving claims of excessive force and First Amendment retaliation,<sup>739</sup> excessive force in detention facilities resulting in an individual's arm being immobilized for three weeks,<sup>740</sup> the county jail's refusal to replace an individual's glasses despite a claim that the person would be legally blind without them,<sup>741</sup> and the jail's refusal to accept a habeas petition for mailing by a detainee.<sup>742</sup>

There are also cases of inadequate medical care at the county jail. An individual had an abscess on his face develop while in custody and passed out from the pain when jailers and medical staff delayed the administration of antibiotics and other medication. The abscess ruptured, resulting in hospitalization and diagnosis of a dangerous MRSA infection. Upon his release from the hospital, medical staff at the jail failed to follow postoperative care instructions.<sup>743</sup> Another medical abuse case resulted in an inmate's foot being amputated after medical staff failed to provide antibiotics for a bone infection.<sup>744</sup> At least four people have died in department custody since 2011, according to the Texas Justice Initiative.<sup>745</sup>

#### *Officer Misconduct*

In 2020, three county officers were indicted on three separate counts by a grand jury, including for altering public records, improperly threatening another officer with a gun, and threatening a county judge in retaliation.<sup>746</sup>

## **44. Galveston County, TX**

### Jail Enforcement Model

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<sup>735</sup> Norma Martinez, "Mills Beats Ramos by 234 Votes in GOP Primary for AC Sheriff," *The Rockport Pilot*, March 4, 2016, [http://www.rockportpilot.com/news/article\\_e45fcc56-e27e-11e5-85c1-eb4b6d836b27.html](http://www.rockportpilot.com/news/article_e45fcc56-e27e-11e5-85c1-eb4b6d836b27.html).

<sup>736</sup> "ICE Announces 18 New 287(g) Agreements in Texas," Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>737</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Aransas County Sheriff's Office, "287(g) Jail Enforcement Model," June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_AransasCoTX\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_AransasCoTX_06-08-2020.pdf).

<sup>738</sup> Chris Rickerd to Bruce Friedman, "Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program," March 31, 2017, [https://www.aclu.org/sites/default/files/field\\_document/3-31-17\\_aclu\\_letter\\_on\\_new\\_287g\\_jurisdictions.pdf](https://www.aclu.org/sites/default/files/field_document/3-31-17_aclu_letter_on_new_287g_jurisdictions.pdf).

<sup>739</sup> *Robles v. Aransas County Sheriff's Department*, 15-cv-0495 (S.D. Tex., December 9, 2015).

<sup>740</sup> *Edwards v. Texas Board of Pardons & Paroles*, 15-cv-207, 2016 WL 67937 (S.D. Tex., January 6, 2016).

<sup>741</sup> *Kemppainen v. Aransas County Detention Center*, 08-cv-194, 2010 WL 4918958 (S.D. Tex., November 23, 2010), *aff'd* by 460 F. App'x 411, cert. denied, 132 S. Ct. 2394 (2012).

<sup>742</sup> *McLeod v. Anderson*, 08-mc-41, 2008 WL 3316606 (S.D. Tex., August 7, 2008).

<sup>743</sup> *Daniels v. Aransas County*, 08-cv-172, 2009 WL 385475 (S.D. Tex., February 13, 2009).

<sup>744</sup> *McLeod v. Anderson*, 08-mc-41, 2008 WL 3316606 (S.D. Tex., August 7, 2008).

<sup>745</sup> "Deaths in Custody," Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>746</sup> Bill Churchwell, "Aransas Co. Sheriff's Deputy Indicted for Assault on Officer in Front of Police Chief, 2 Other Law Enforcement Officers Also Accused of Misconduct," KIII, June 24, 2020, <https://www.kiiitv.com/article/news/aransas-county-district-attorney-speaks-to-3news-regarding-the-three-county-law-enforcement-officials-facing-various-charges-of-misconduct/503-9a9aa29f-87da-45e1-a43a-f9dd97f8a005>.

Sheriff Henry A. Trochesset

Henry Trochesset became sheriff in 2013<sup>747</sup>; in 2017, Trochesset was one of more than a dozen Texas sheriffs who signed new 287(g) agreements.<sup>748</sup> In 2020, the sheriff renewed the agreement indefinitely.<sup>749</sup>

### *Racial Profiling, Civil Rights Violations*

In December 2021, several organizations including the ACLU of Texas wrote the Department of Justice urging it to investigate and terminate federal funding to Galveston County in light of its violation of Title VI of the Civil Rights Act of 1964 in its participation in Governor Greg Abbott's migrant arrest program. Along with other local law enforcement, the Galveston County Sheriff's Office has targeted migrants for criminal arrest and prosecution under the guise of state criminal trespass law but with the explicit, stated goal of punishing migrants based on their immigration status.<sup>750</sup>

In 2021, the sheriff's department and local police were criticized for racial profiling during a cultural event frequented by Black community members. Local activists protested in the county and met with the sheriff and police chief, decrying what they characterized as a "military-style police threat" during the event.<sup>751</sup>

### *Jail Conditions*

In 2021, a sheriff's deputy was charged with manslaughter after he aggressively pushed a man detained in the county's jail, causing the man to fall backward and hit his head. The man died shortly thereafter.<sup>752</sup> In 2015, a deputy was fired and charged with improper sexual contact with a person detained by the department.<sup>753</sup> Between 2011-2022, according to the Texas Justice Initiative, 18 people died in department custody.<sup>754</sup>

In 2017, the ACLU wrote to the DHS Office for Civil Rights and Civil Liberties describing serious and recurring problems at the Galveston County Jail,<sup>755</sup> exemplified by the case of Jesse Jacobs. He was denied his medication despite a letter from his doctor describing it as a "imperative." He suffered multiple seizures as a result of withdrawals but was not seen by a doctor in the facility and was relegated to an isolation cell.

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<sup>747</sup> "Sheriff's Office," The County of Galveston, TX, <https://www.galvestoncountytexas.gov/our-county/sheriff/sheriff-s-office>.

<sup>748</sup> "ICE Announces 18 New 287(g) Agreements in Texas," Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>749</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Galveston County Sheriff's Office, "287(g) Jail Enforcement Model," June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_GalvestonCoTX\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_GalvestonCoTX_06-08-2020.pdf).

<sup>750</sup> Kathryn Huddleston, et al., "Texas Migrant Arrest Program under 'Operation Lone Star'—Urgent Need for Investigation into Race and National Origin Discrimination by Texas Agencies," ACLU of Texas, December 15, 2021, [https://www.aclutx.org/sites/default/files/field\\_documents/ols\\_trespass\\_arrest\\_title\\_vi\\_complaint.pdf](https://www.aclutx.org/sites/default/files/field_documents/ols_trespass_arrest_title_vi_complaint.pdf).

<sup>751</sup> Nick Powell, "Activists Raise Claims of Police Brutality at Galveston Slab Car Event," *Houston Chronicle*, May 5, 2021, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Activists-raise-claims-of-police-brutality-at-16155088.php>.

<sup>752</sup> John Wayne Ferguson, "Grand Jury Issues Manslaughter Charge Against Galveston County Sheriff's Deputy," *The Daily News*, June 24, 2021, [https://www.galvnews.com/news/police/free/article\\_317b2581-b3b0-519b-8e96-201768b5d240.html](https://www.galvnews.com/news/police/free/article_317b2581-b3b0-519b-8e96-201768b5d240.html).

<sup>753</sup> "Galveston County Deputy Fired in Inmate Sex Investigation," KXAS, September 15, 2015, <https://www.nbcdfw.com/news/local/galveston-county-deputy-fired-in-inmate-sex-investigation/2005936/>.

<sup>754</sup> "Deaths in Custody," Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>755</sup> Chris Rickerd to Bruce Friedman, "Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program," March 31, 2017, [https://www.aclu.org/sites/default/files/field\\_document/3-31-17\\_aclu\\_letter\\_on\\_new\\_287g\\_jurisdictions.pdf](https://www.aclu.org/sites/default/files/field_document/3-31-17_aclu_letter_on_new_287g_jurisdictions.pdf).

On his seventh day in detention, he was found unconscious in a pile of his own feces. He died the next day.<sup>756</sup> In another case, a man detained in the jail reported that following a minor verbal dispute, deputies threw him to the ground and kicked and punched him while he was shackled.<sup>757</sup>

### *Anti-Immigrant Statements*

In 2017, local police pulled over a Latinx man ostensibly due to a broken taillight while he was driving to the doctor. They arrested him for driving with an expired license; local deputies called ICE during booking. The man was deported away from his family, including his wife and four daughters, after having lived in the U.S. for more than 20 years without a single criminal encounter. This was one of the first immigration actions carried out in 2017 following the county's new 287(g) agreement.<sup>758</sup> Asked by a local news outlet whether he was concerned that what had happened would create fear within immigrant communities, Trochesset said, "I'm gonna look at this in a different manner: Is he in this country illegally? What part of illegal are we not looking at?"<sup>759</sup>

### *Advocacy of Inhumane Immigration and Border Policies*

Galveston County recently issued a disaster declaration on the basis of right-wing rhetoric describing the border in crisis.<sup>760</sup> In a news conference, the county judge said, "As a result of the crisis at the border we have seen...an increase in violent and organized crime....We have seen an increased flow of drugs...and finally, we have been told about the stash houses for human trafficking." The judge signed an executive order committing millions of dollars for border wall construction and naming the sheriff one of the directors of the "Galveston County Border Security Response Team."<sup>761</sup> In conjunction with this effort, the sheriff sent at least one deputy and four jailors from Galveston County to assist the state in processing immigrants arrested on state charges as part of Gov. Abbott's Operation Lone Star.<sup>762</sup>

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<sup>756</sup> Jacobs v. Trochesset, 16-cv-65, 2016 WL 6493437, (S.D. Tex., November 2, 2016); Jacobs v. Trochesset, 16-cv-65, 2016 WL 6518420 (S.D. Tex., November 2, 2016).

<sup>757</sup> Springer v. Unknown Rekoff, 14-cv-300, 2016 WL 5372526 (S.D. Tex., September 26, 2016).

<sup>758</sup> Adam Bennett, "Houston-area man deported to Mexico one week after traffic stop," 12News, March 19, 2017, <https://www.12newsnow.com/article/news/houston-area-man-deported-to-mexico-one-week-after-traffic-stop/502-423814901>.

<sup>759</sup> Meagan Flynn, "Broken Taillight Leads to Undocumented Texan's Deportation," *HoustonPress.com*, March 20, 2017, <https://web.archive.org/web/20210509205316/http://www.houstonpress.com/news/undocumented-immigrant-arrested-during-traffic-stop-ends-up-deported-9282811>.

<sup>760</sup> Daniela Sternitzky-Di Napoli, "Galveston County Judge Mark Henry Issues Disaster Declaration Citing Border Crisis," KPRC, June 29, 2021, <https://www.click2houston.com/news/local/2021/06/29/galveston-montgomery-county-judges-makes-announcement-on-border-security>.

<sup>761</sup> Daniela Sternitzky-Di Napoli, "Galveston County Judge Mark Henry Issues Disaster Declaration Citing Border Crisis," KPRC, June 29, 2021, <https://www.click2houston.com/news/local/2021/06/29/galveston-montgomery-county-judges-makes-announcement-on-border-security>.

<sup>762</sup> Robert Arnold, "Galveston County Sends More Law Enforcement to Help with Border Crisis," KPRC, August 11, 2021, <https://www.click2houston.com/news/investigates/2021/08/11/galveston-county-sends-more-law-enforcement-to-help-with-border-crisis/>.

*Affiliation with Movements Questioning the Supremacy of Federal Law Over State or Local Law Enforcement Authorities*

Political Research Associates, a think tank, identified Trochesset as a sheriff affiliated with the Constitutional Sheriffs and Peace Officers Association, which promotes the fringe and unsound legal theory that local sheriffs have ultimate authority over the state and federal governments.<sup>763</sup>

*Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>764</sup> The ACLU could not locate a public notice by the department about a steering committee meeting.

## **45. Goliad County, TX**

Jail Enforcement Model

Sheriff Roy Boyd

In 2017, then-Sheriff Kirby Brumby entered the department into a 287(g) agreement along with more than a dozen other Texas departments.<sup>765</sup> In 2020, he renewed the agreement indefinitely.<sup>766</sup> In November 2020, Roy Boyd was elected sheriff.<sup>767</sup>

*Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In April 2021, in conjunction with the Texas governor's actions, Goliad County issued a disaster declaration in which it spread misinformation and fear about migrants while deploying racist, xenophobic language. "The ongoing border crisis has resulted in thousands of illegal aliens invading South Texas and overwhelming our local, state, and federal law enforcement," the Goliad County declaration reads in part.<sup>768</sup>

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<sup>763</sup> Cloee Cooper, Ethan Fauré, and Olivia Lawrence-Weilmann, "Mapping Far-Right and Anti-Immigrant Movement Alignment with County Sheriffs," Political Research Associates, September 14, 2020, <https://politicalresearch.org/sheriffs-map/>.

<sup>764</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>765</sup> "ICE Announces 18 New 287(g) Agreements in Texas," Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>; Bill Clough, "Brumby responds to immigration push," *Goliad Advance-Guard*, March 6, 2017, [https://www.mysoutex.com/goliad\\_advance\\_guard/news/brumby-responds-to-immigration-push/article\\_afc48966-ff81-11e6-a303-833c3923ec09.html](https://www.mysoutex.com/goliad_advance_guard/news/brumby-responds-to-immigration-push/article_afc48966-ff81-11e6-a303-833c3923ec09.html).

<sup>766</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Goliad County Sheriff's Office, "287(g) Jail Enforcement Model," June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_GoliadCoTX\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_GoliadCoTX_06-09-2020.pdf).

<sup>767</sup> Matthew Tamez, "Law and Order: Goliad," *Goliad Advance-Guard*, January 6, 2022, [https://www.mysoutex.com/goliad\\_advance\\_guard/news/features/law-and-order-goliad/article\\_ed15732a-6f07-11ec-900d-83116dc15162.html](https://www.mysoutex.com/goliad_advance_guard/news/features/law-and-order-goliad/article_ed15732a-6f07-11ec-900d-83116dc15162.html).

<sup>768</sup> Bethany Blankley, "Texas Counties Declare Disaster Over Border Crisis, More to Follow," *Aberdeen News*, April 30, 2021, <https://www.aberdeennews.com/story/news/2021/04/30/texas-counties-declare-disaster-over-border-crisis-more-to-follow/43781365/>; Kathryn Huddleston to Texas County Judges and Sheriffs, "Re: Governor Abbott's Unlawful Efforts to Set Federal Immigration Policy and Engage in Federal Immigration Enforcement," June 24, 2021, [https://www.aclutx.org/sites/default/files/abbott\\_border\\_plan\\_pia\\_6.24.21.pdf](https://www.aclutx.org/sites/default/files/abbott_border_plan_pia_6.24.21.pdf).

Boyd supported the county in seeking a nearly \$1 million grant from the state's Operation Lone Star grant program.<sup>769</sup>

In June 2021, the ACLU of Texas sent a letter to Boyd and other county officials advising him of "limitations on your authority to engage in actions that seek to enforce federal immigration law" and making public records requests related to the department's immigration enforcement-related activities.<sup>770</sup>

Boyd responded with misinformation and xenophobic language in a two-page response letter on the official department social media account. In the letter, he refers to migration as "trespassing" and "the victimization of innocent Americans" while using dehumanizing language ("a poor illegal alien female who was found deceased on the side of the road in our county"). He urges the ACLU to help "prevent the enslavement of untold numbers of people being illegally brought here by transnational criminal organizations, in cooperation with foreign governments who desire the destruction of America for various reasons."<sup>771</sup>

In a public meeting following the release of his letter, Boyd spread further fear, racist xenophobia, and misinformation. He asserted that if people continue crossing into the county at the current rate, "We will not have a sovereign country anymore."<sup>772</sup> In another public event, Boyd reportedly said "this is not immigration; it's slave trade" and stated: "The federal government does not want it stopped...I've been to Roma and seen where they are not processing them like they say they are. They are shipping them to places in Houston agents aren't even aware of. It's being kept secret from their own people. We can't function this way."<sup>773</sup> He inaccurately alleged "the federal government is going to do nothing" on border enforcement.<sup>774</sup>

He has described border enforcement as a "fight between good and evil," stating: "The evil is communism, the evil is cartels, the evil is the drugs that they put on our streets."<sup>775</sup>

In an April 2021 video posted to the department's official website about "the border crisis," Boyd warned of "the ignored victims—Americans" who "can no longer let their children play in their own yards" and "are victimized by the cartels, the illegal aliens, the Mexican government, and our own government." He refers to citizens as "the real victims of this crisis, the ones marginalized by the media and their own government. Something has to be done or our way of life will be destroyed forever." While filming himself walking along the Rio Grande, Boyd says, "I may not be able to stop their activities, especially when the

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<sup>769</sup> Coy Slavik, "GCSO utilizing Operation Lone Star grant," *Goliad Advance-Guard*, Feb. 21, 2022, [https://www.mysoutex.com/goliad\\_advance\\_guard/news/gcso-utilizing-operation-lone-star-grant/article\\_3f83956c-902b-11ec-9100-ab858bdf73d6.html](https://www.mysoutex.com/goliad_advance_guard/news/gcso-utilizing-operation-lone-star-grant/article_3f83956c-902b-11ec-9100-ab858bdf73d6.html).

<sup>770</sup> ACLU of Texas, "Texas Border Counties Put on Notice Not to Participate in Gov. Abbott's Border Actions," press release, June 24, 2021, <https://www.aclutx.org/en/press-releases/texas-border-counties-put-notice-not-participate-gov-abbotts-border-actions>.

<sup>771</sup> Goliad County Sheriff's Office, letter dated July 2, 2021, Facebook, July 8, 2021, <https://facebook.com/GoliadSheriff/photos/pcb.1885898594905768/1885898068239154/?type=3&theater>.

<sup>772</sup> Chase Rogers, "Goliad County Meeting About Illegal Immigration Attracts Hundreds," *Victoria Advocate*, April 23, 2021, [https://www.victoriaadvocate.com/premium/goliad-county-meeting-about-illegal-immigration-attracts-hundreds/article\\_940e824e-a45f-11eb-b4ad-47fdfab76172.html](https://www.victoriaadvocate.com/premium/goliad-county-meeting-about-illegal-immigration-attracts-hundreds/article_940e824e-a45f-11eb-b4ad-47fdfab76172.html).

<sup>773</sup> Pink Rivera, "Goliad Sheriff Addresses Border Issues," *Karnes Countywide*, July 13, 2021, [https://www.mysoutex.com/karnes\\_countywide/goliad-sheriff-addresses-border-issues/article\\_32e5d9c6-dce6-11eb-be9d-3f4a44c1c7a8.html](https://www.mysoutex.com/karnes_countywide/goliad-sheriff-addresses-border-issues/article_32e5d9c6-dce6-11eb-be9d-3f4a44c1c7a8.html).

<sup>774</sup> Matthew Tamez, "Law and Order: Goliad," *Goliad Advance-Guard*, January 6, 2022, [https://www.mysoutex.com/goliad\\_advance\\_guard/news/features/law-and-order-goliad/article\\_ed15732a-6f07-11ec-900d-83116dc15162.html](https://www.mysoutex.com/goliad_advance_guard/news/features/law-and-order-goliad/article_ed15732a-6f07-11ec-900d-83116dc15162.html).

<sup>775</sup> Charlotte Cuthbertson, "Texas Sheriff: 'It's Not a Border Crisis, It's a Fight Between Good and Evil,'" *The Epoch Times*, August 5, 2021, [https://www.theepochtimes.com/texas-sheriff-its-not-a-border-crisis-its-a-fight-between-good-and-evil\\_3935416.html](https://www.theepochtimes.com/texas-sheriff-its-not-a-border-crisis-its-a-fight-between-good-and-evil_3935416.html).

federal government puts out the welcome mat and leaves the light on for them,” but he promises to “make you aware of what is happening.”<sup>776</sup>

In a September 2021 TV appearance, Boyd responded to White House Press Secretary Jenn Psaki’s description of the processing of Haitian migrants, including those with COVID-19, stating: “It’s a bold-faced lie, it’s just the same as Mayorkas coming out and saying that the border is secure. It’s absolutely sickening, it makes you want to throw up, this is not the truth. Anything the administration says about this is a lie.”<sup>777</sup>

### *Civil Rights Violations*

In 2017, a Latinx woman settled a lawsuit with the department for excessive force after a deputy used a Taser to electrocute her as she was walking away.<sup>778</sup> In 2021, a federal appeals court ruled in favor of a man who sued deputies for unconstitutional excessive force, alleging they severely beat him in the face with a flashlight, causing serious injury.<sup>779</sup>

### *Jail Conditions*

In December 2021, the Texas Commission on Jail Standards found that the Goliad County Jail failed to meet minimum health and safety standards; in particular, it failed to properly train its employees in the care of detainees with mental illness and/or suicidal intentions. Additionally, deputies failed to regularly observe detainees for wellbeing and security.<sup>780</sup> In 2020, a deputy was arrested and fired after he delivered contraband to detainees.<sup>781</sup> In 2016, a 51-year-old Latinx man was found dead at the jail.<sup>782</sup>

### *Departmental Mismanagement*

In 2016, the sheriff was investigated by the Equal Employment Opportunity Commission for mismanagement of department funds and employee timecards. The former deputy who revealed the discrepancies was fired; he later sued for wrongful termination.<sup>783</sup>

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<sup>776</sup> Goliad County Sheriff’s Office, “Goliad County Update,” YouTube, April 24, 2021, <https://www.youtube.com/watch?v=Ibff47dYYho>.

<sup>777</sup> Newsmax TV, “National Report,” Facebook, September 23, 2021, <https://www.facebook.com/newsmax/videos/256894376342995/>.

<sup>778</sup> “Goliad Woman Settles Case Against Deputy,” *Crossroads Today*, March 10, 2016, <https://www.crossroadstoday.com/goliad-woman-settles-case-against-deputy/>.

<sup>779</sup> *Shefeik v. Busby*, 20-40335 (5th Cir. Feb. 12, 2021), <https://casetext.com/case/shefeik-v-busby>.

<sup>780</sup> Texas Commission on Jail Standards, *Jail Inspection Report: Goliad County Jail* (December 1, 2021), [https://www.tcjs.state.tx.us/wp-content/uploads/2021/12/Goliad\\_NC\\_12-1-2021.pdf](https://www.tcjs.state.tx.us/wp-content/uploads/2021/12/Goliad_NC_12-1-2021.pdf).

<sup>781</sup> Jon Wilcox, “Goliad County Jailer Arrested and Indicted After Texas Ranger Investigation into Contraband Accusation,” *Victoria Advocate*, updated April 11, 2021, [https://www.victoriaadvocate.com/premium/goliad-county-jailer-arrested-and-indicted-after-texas-ranger-investigation-into-contraband-accusation/article\\_2bda837c-5fd1-11ea-8b5b-27aaad64b72d.html](https://www.victoriaadvocate.com/premium/goliad-county-jailer-arrested-and-indicted-after-texas-ranger-investigation-into-contraband-accusation/article_2bda837c-5fd1-11ea-8b5b-27aaad64b72d.html).

<sup>782</sup> “Inmate Found Dead in Goliad County Jail,” WOAI, August 25, 2016, <https://news4sanantonio.com/news/local/man-found-dead-in-goliad-county-jail>.

<sup>783</sup> Jon Wilcox, “Fraud Allegations Prompt Investigations in Goliad,” *Victoria Advocate*, April 16, 2016, [https://www.victoriaadvocate.com/counties/goliad/fraud-allegations-prompt-investigations-in-goliad/article\\_1993d086-e45-512b-9a1a-ffac8d77a70e.html](https://www.victoriaadvocate.com/counties/goliad/fraud-allegations-prompt-investigations-in-goliad/article_1993d086-e45-512b-9a1a-ffac8d77a70e.html).

## 46. Jackson County, TX

### Jail Enforcement Model

Sheriff Kelly Janica

In 2017, longtime Sheriff Andy “A.J.” Louderback joined the 287(g) program along with more than a dozen other Texas sheriffs.<sup>784</sup> In 2020, he renewed the agreement indefinitely.<sup>785</sup> In December 2021, Kelly Janica was appointed interim sheriff after Louderback resigned in order to run for Congress.<sup>786</sup>

### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In December 2021, Louderback declared his candidacy for Congress. In his announcement, he said, “The Biden administration’s vision of an open border is catastrophic to our state. It’s catastrophic to our counties, our cities, and everyone’s affected by this issue. It’s the largest monster of the basement, as I like to say. This one fundamental issue in our country changes everything.”<sup>787</sup>

In 2021, the sheriff signed the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>788</sup>

In 2019, the White House tweeted a video in which the sheriff thanked former President Trump in the Oval Office while Trump vetoed legislation by Congress to end Trump’s declaration of a national emergency in order to fund a border wall.<sup>789</sup> In 2018, he signed a letter urging Congress to fund the border wall.<sup>790</sup>

In another 2019 roundtable sponsored by the anti-immigrant Center for Immigration Studies, Louderback defended the detention of migrant children in chain-link cells: “Just like we hold Americans in our American penal system, we use chain-link fence and we use concrete floors in our American penal system today. Same thing.” Of the border, he said, “Can it be secured by the federal government? That’s where at some point in time I believe the American people are probably going to have to step up and do the right thing and enforce our laws as a rule-of-law country.”<sup>791</sup>

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<sup>784</sup> “ICE Announces 18 New 287(g) Agreements in Texas,” Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>785</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Jackson County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_JacksonCoTX\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_JacksonCoTX_06-08-2020.pdf).

<sup>786</sup> Chase Rogers, “5th Generation Jackson County Native Enters Race for Now-vacated Sheriff Seat,” *Victoria Advocate*, December 17, 2021, [https://www.victoriaadvocate.com/counties/victoria/5th-generation-jackson-county-native-enters-race-for-now-vacated-sheriff-seat/article\\_09666830-5fa0-11ec-9e2b-c7773667ebc2.html](https://www.victoriaadvocate.com/counties/victoria/5th-generation-jackson-county-native-enters-race-for-now-vacated-sheriff-seat/article_09666830-5fa0-11ec-9e2b-c7773667ebc2.html).

<sup>787</sup> James Munoz, Don Brubaker, and Valerie Perez, “Jackson County Sheriff A.J. Louderback Announces Primary Run for U.S. Congress District 27,” *Crossroads Today*, December 10, 2021, <https://www.crossroadstoday.com/jackson-county-sheriff-a-j-louderback-announces-primary-run-for-u-s-congress-district-27/>.

<sup>788</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

<sup>789</sup> The White House 45 Archived, “Sheriff Louderback: ‘The sheriffs and men and women of law enforcement in this room and across this nation owe you a debt of gratitude for something that we’ve been waiting for—for decades.’” Twitter, March 16, 2019, [https://twitter.com/WhiteHouse45/status/1106981017108299776?ref\\_src=twsrc%5Etfw](https://twitter.com/WhiteHouse45/status/1106981017108299776?ref_src=twsrc%5Etfw).

<sup>790</sup> National Sheriffs’ Association to Members of Congress, March 21, 2018, [https://www.sheriffs.org/sites/default/files/ImmLtrUpdated\\_0.pdf](https://www.sheriffs.org/sites/default/files/ImmLtrUpdated_0.pdf).

<sup>791</sup> “Panel Transcript: The Border Crisis,” Center for Immigration Studies, June 27, 2019, <https://cis.org/Transcript/Panel-Border-Crisis>.

On April 7, 2021, Louderback spoke at a congressional roundtable on the border, “We have never seen it at the level we’re experiencing today. It’s by far the worst that we’ve ever had....Texas sheriffs here are now inundated with a crime problem we’ve not had before.”<sup>792</sup> Previously, Louderback inaccurately tweeted, “Biden has more empathy for criminal aliens who have entered our country illegally than he does for citizens and this nation’s law enforcement officers!”<sup>793</sup>

In a 2021 appearance on “Tucker Carlson Tonight,” Louderback described guidance on interior immigration enforcement issued by the Biden administration as “a full nullification of the law” and “promoting lawless attitude.”<sup>794</sup>

### *Jail Conditions*

In 2021, the department’s jail experienced a COVID-19 outbreak that infected at least 11 staff and more than a dozen people detained in the jail.<sup>795</sup> In 2020, a person detained by the department died by suicide, prompting a state investigation.<sup>796</sup> At least two people have died in custody since 2011, according to the Texas Justice Initiative.<sup>797</sup>

## **47. Montgomery County, TX**

### Jail Enforcement Model

#### Sheriff Rand Henderson

Rand Henderson began his tenure as sheriff in 2017;<sup>798</sup> that same year, Henderson entered into a 287(g) agreement even after claiming the department had not applied for one.<sup>799</sup> That contract, which expired in 2019, is still listed on the ICE website as an active 287(g) partnership.<sup>800</sup>

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<sup>792</sup> Sandra Sanchez, “Sheriff: ‘Our Resources, Our Assets Are Stretched Thin’ by Migrant Smuggling from South Texas Border,” *BorderReport*, April 13, 2021, <https://www.borderreport.com/hot-topics/border-crime/sheriff-our-resources-our-assets-are-stretched-thin-by-migrant-smuggling-from-south-texas-border/>.

<sup>793</sup> A.J. Louderback, “\$86 MILLION for HOTELS! President Biden has more empathy for criminal aliens who have entered our country illegally than he does for citizens and this nation’s law enforcement officers!,” Twitter, March 22, 2021, <https://twitter.com/andylouderback/status/1374071254651695104>.

<sup>794</sup> Charles Creitz, “Texas Sheriff Claims Biden ‘Defunding ICE by Memo’: ‘We Have a Full Nullification of the Law Going on Here,’” Fox News, February 8, 2021, <https://www.foxnews.com/politics/biden-defunding-ice-by-memo-texas-aj-louderback>.

<sup>795</sup> Chase Rogers, “Jackson County Jail Staff, Inmates Facing COVID-19 Outbreak,” *Victoria Advocate*, January 21, 2021, [https://www.victoriaadvocate.com/counties/jackson/jackson-county-jail-staff-inmates-facing-covid-19-outbreak/article\\_7b9c68e0-5c32-11eb-bcbe-ffee8bd0161d.html](https://www.victoriaadvocate.com/counties/jackson/jackson-county-jail-staff-inmates-facing-covid-19-outbreak/article_7b9c68e0-5c32-11eb-bcbe-ffee8bd0161d.html).

<sup>796</sup> James Munoz, “Inmate Death at the Jackson County Jail Under Investigation,” *Crossroads Today*, August 28, 2020, <https://www.crossroadstoday.com/inmate-death-at-the-jackson-county-jail-under-investigation/>.

<sup>797</sup> “Deaths in Custody,” Texas Justice Initiative, February 1, 2022, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>798</sup> “Sheriff Rand Henderson,” Montgomery County Sheriff’s Office, [https://www.mctxsheriff.org/administration/sheriff\\_henderson.php#:~:text=Sheriff%20Rand%20Henderson%20is%20a,married%20and%20has%202%20children](https://www.mctxsheriff.org/administration/sheriff_henderson.php#:~:text=Sheriff%20Rand%20Henderson%20is%20a,married%20and%20has%202%20children).

<sup>799</sup> Chris Rickerd to Bruce Friedman, “Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program,” March 31, 2017, [https://www.aclu.org/sites/default/files/field\\_document/3-31-17\\_aclu\\_letter\\_on\\_new\\_287g\\_jurisdictions.pdf](https://www.aclu.org/sites/default/files/field_document/3-31-17_aclu_letter_on_new_287g_jurisdictions.pdf).

<sup>800</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Montgomery County Sheriff’s Office, June 28, 2017, <https://www.ice.gov/doclib/287gMOA/montgomery-tx-2017.pdf>.



### *Anti-Immigrant Statements, Advocacy of Inhumane Immigration and Border Policies*

In 2021, the sheriff vowed to send department jailers to the southern border with Mexico in response to a call for support from Texas Governor Greg Abbott, who has led a campaign against what he calls the “Biden border crisis.”<sup>801</sup> Supporting the county’s effort to send resources to the border, Henderson stated, “Recent changes to border policy have created a dangerous environment for all the citizens of the State of Texas.”<sup>802</sup>

In 2021, the sheriff joined other Texas sheriffs in suing the Biden administration and top DHS officials in response to new immigration enforcement priorities outlined by DHS Secretary Mayorkas, which the sheriffs alleged were illegal and unconstitutional—raising alarm about their willingness to comply with the priorities, including through the 287(g) program.<sup>803</sup>

The current sheriff came to office with the reported endorsement of Sheriff Richard Mack of Graham County, Arizona, who is also the founder of the Constitutional Sheriffs and Peace Officers Association,<sup>804</sup> a group that promotes the fringe and unsound legal theory that local sheriffs have ultimate authority over the state and federal governments.<sup>805</sup>

### *Civil Rights Violations: Racialized Police Violence*

In 2020, a man filed a federal civil rights lawsuit against the department alleging deputies entered his home without a warrant and arrested him, despite the fact that he had committed no crime. Deputies arrested the plaintiff, a Black man, even though it was reportedly his girlfriend who had called the police to report the man’s ex-wife, a white woman, who was attempting to enter the residence. As such, the man alleged explicit bias in policing.<sup>806</sup>

In 2019, department personnel shot and killed a woman reportedly holding a small pocketknife while she was undergoing a mental health crisis at a residence. The woman had previously encountered at least one of the deputies. A sergeant shouted “shoot the bitch” before deputies fatally shot the woman.<sup>807</sup>

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<sup>801</sup> Catherine Dominguez, “Montgomery County Will Send Jail Staff to Border,” *The Courier of Montgomery County*, June 29, 2021, <https://www.yourconroenews.com/neighborhood/moco/news/article/Montgomery-County-will-send-jail-staff-to-border-16282291.php>.

<sup>802</sup> “Montgomery County Sheriff Rand Henderson Stands Ready to Assist in Border Crisis,” *Montgomery County Police Reporter* (undated), <http://montgomerycountypolicereporter.com/montgomery-county-sheriff-rand-henderson-stands-ready-to-assist-in-border-crisis/>.

<sup>803</sup> *Coe v. Biden*, 3:21-cv-00168 (S.D. Tex., July 1, 2021); Brittany Taylor, “Lawsuit Filed by Texas Sheriffs, Counties, ICE Officers Against President Biden, Administration,” *KPRC*, July 1, 2021, <https://www.click2houston.com/news/local/2021/07/01/lawsuit-being-filed-by-texas-sheriffs-counties-ice-officers-against-president-biden-administration>.

<sup>804</sup> “Montgomery County Sheriff,” *Texas Patriots PAC*, <https://www.texaspatriotspac.com/jim-napolitano>.

<sup>805</sup> Mark Potok and Ryan Lenz, “Line in the Sand: A Radical and Growing Organization of ‘Constitutional Sheriffs’ Is Promoting Defiance of Federal Laws It Doesn’t Like,” *Intelligence Report*, June 13, 2016, <https://www.splcenter.org/fighting-hate/intelligence-report/2016/line-sand>.

<sup>806</sup> Jose R. Gonzalez, “\$2M Federal Lawsuit Says Deputies Arrested Man for Being Black,” *Houston Chronicle*, December 5, 2020, [chron.com/neighborhood/moco/news/article/2M-lawsuit-says-deputies-arrested-man-for-being-15777659.php](https://www.chron.com/neighborhood/moco/news/article/2M-lawsuit-says-deputies-arrested-man-for-being-15777659.php).

<sup>807</sup> Eric Dexheimer, “Was Laura Bond's Police Shooting Unavoidable?,” *Houston Chronicle*, November 29, 2019, <https://www.houstonchronicle.com/politics/texas/article/Shoot-the-bitch-A-fatal-confrontation-with-14867618.php>.

In 2017, the ACLU cited the case of a man who was forcibly tackled by deputies at his own house and then denied medical care<sup>808</sup> as further evidence that the department was unfit for a 287(g) agreement.<sup>809</sup>

#### *Jail Conditions*

In 2020, a man filed a federal civil rights lawsuit against the department after he entered an induced coma due to epileptic seizures he suffered while detained in the department's jail. The suit reports that the man did not receive the proper treatment and medication for his epilepsy from jailers, despite repeated instructions from the man, his wife, and his pharmacist. This resulted in increasingly worse seizures that have left him permanently disabled.<sup>810</sup>

In 2019, a man once wrongly accused of murder died by suicide while detained at the facility for another charge, prompting a state investigation.<sup>811</sup> Since 2011, 40 people have died in department custody, including 21 reported as suicide, according to the Texas Justice Initiative.<sup>812</sup>

#### *Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>813</sup>

## **48. Nueces County, TX**

### **Jail Enforcement Model**

Sheriff J.C. Hooper

In 2018, longtime sheriff Jim Kaelin signed a 287(g) agreement despite community opposition.<sup>814</sup> Later that year, Kaelin stepped down as sheriff to become the county GOP chair. In 2021, he resigned from that post after suggesting that the murder of George Floyd was staged.<sup>815</sup> In 2018, J.C. Hooper was appointed sheriff

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<sup>808</sup> Harvey v. Montgomery County, Texas, 4:2011cv01815, (S.D. Tex., May 12, 2011), Document 44, <https://law.justia.com/cases/federal/district-courts/texas/txsdce/4:2011cv01815/888622/44/>.

<sup>809</sup> Chris Rickerd to Bruce Friedman, "Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program," March 31, 2017, [https://www.aclu.org/sites/default/files/field\\_document/3-31-17\\_aclu\\_letter\\_on\\_new\\_287g\\_jurisdictions.pdf](https://www.aclu.org/sites/default/files/field_document/3-31-17_aclu_letter_on_new_287g_jurisdictions.pdf).

<sup>810</sup> Jose R. Gonzalez, "Federal Lawsuit Alleges Man Suffered Coma While Jailed in Montgomery County," *Houston Chronicle*, June 30, 2020, <https://www.houstonchronicle.com/neighborhood/moco/news/article/Federal-lawsuit-alleges-man-suffered-coma-while-15374158.php>.

<sup>811</sup> "Inmate Once Wrongfully Accused of Killing 7-year-old Jazmine Barnes Killed Himself Behind Bars," KTRK, July 29, 2019, <https://abc13.com/robert-paul-cantrell-jazmine-barnes-shooting-threatening-comments/5428054/>.

<sup>812</sup> "Deaths in Custody," Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>813</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>814</sup> Vicky Camarillo, "Immigration Groups Ask Sheriff to End ICE Partnership," *Corpus Christi Caller Times*, June 24, 2020, <https://www.caller.com/story/news/education/2020/06/24/immigration-groups-ask-nueces-county-sheriff-end-ice-partnership/3220766001>; Rudy Treviño, "Concerns Expressed over Nueces County's 287-G Partnership with ICE," KIII, July 11, 2018, <https://www.kiiitv.com/article/news/local/concerns-expressed-over-nueces-countys-287-g-partnership-with-ice/503-572877595>.

<sup>815</sup> "Nueces County Black Democrats Calling for Jim Kaelin to Resign After He Shared a Controversial Facebook Post Suggesting Floyd's Death Was Staged," KIII, June 9, 2020, <https://www.kiiitv.com/article/news/local/nueces-county-black-democrats-calling-for-jim-kaelin-to-resign-after-he-shared-a-controversial-facebook-post-suggesting-floyds->

and in 2020 he was elected to the position for a full term<sup>816</sup>; that year, he renewed the department's 287(g) agreement indefinitely,<sup>817</sup> despite community opposition expressed in a letter signed by eight local organizations and more than 180 people.<sup>818</sup>

### *Anti-Immigrant Statements*

In June 2021, the sheriff joined a town hall that spread fear about migrants during which he reportedly accused Border Patrol of being complicit in the human smuggling done by cartels.<sup>819</sup> In March 2021, the sheriff refused a request by Border Patrol to use department vehicles to transport migrants from the border to shelters in different counties.<sup>820</sup> “[U.S. Customs and Border Protection] was asking if we would assist him in moving immigrants who are in the country illegally from the border area up into Kleberg and the Corpus Christi area, Nueces County, and I advised him that the Nueces County Sheriff's Office would not be assisting in that,” the sheriff said.<sup>821</sup>

### *Association with Movements Questioning the Supremacy of the Federal Government*

Hooper has acknowledged he is a former member of the anti-government extremist group the Oath Keepers, a militia organization notorious for recruiting current and former law enforcement officials and military members to join its ranks, to promote defiance when a sheriff disagrees with the federal government.<sup>822</sup> In October 2021, Hooper said he is no longer a member of the group but called it “a beautiful concept.”<sup>823</sup> He reportedly said that he would not cooperate with a Justice Department directive to cooperate with federal law enforcement to address rising threats against school board officials, calling it “overreach into the operations of local school board meetings.”<sup>824</sup>

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[death-was-staged/503-3774ac36-c2d4-4c7d-9e10-9bef90bcaded](https://www.kiiitv.com/article/news/politics/jim-kaelin-steps-down-as-republican-chair/503-fdbb6c4a-59c1-46d2-be73-5c31e88981d5); Bill Churchwell, “Jim Kaelin Stepping Away from Role as Nueces County Republican Chair,” KIII, June 7, 2021, <https://www.kiiitv.com/article/news/politics/jim-kaelin-steps-down-as-republican-chair/503-fdbb6c4a-59c1-46d2-be73-5c31e88981d5>.

<sup>816</sup> “Nueces County Sheriff,” Nueces County Sheriff's Office, <https://www.nuecesco.com/law-enforcement/sheriff>

<sup>817</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Nueces County Sheriff's Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_NuecesCoTx2020-06-09.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_NuecesCoTx2020-06-09.pdf).

<sup>818</sup> Vicky Camarillo, “Immigration Groups Ask Sheriff to End ICE Partnership,” *Corpus Christi Caller Times*, June 24, 2020, <https://www.caller.com/story/news/education/2020/06/24/immigration-groups-ask-nueces-county-sheriff-end-ice-partnership/3220766001>.

<sup>819</sup> Carolina Astrain and Cristian Delgado, “Area Sheriffs Urge Residents to Keep Vehicles Locked Due to Increased Number of Human Smuggling Bailouts,” *Crossroads Today*, June 1, 2021, <https://www.crossroadstoday.com/area-sheriffs-urge-residents-to-keep-vehicles-locked-due-to-increased-number-of-human-smuggling-bailouts/>.

<sup>820</sup> Javier Guerra, “NCSO Prisoner Transport Bus Will Not Be Used to Transport Immigrants,” KRIS, March 25, 2021, <https://www.kristv.com/news/local-news/ncso-prisoner-transport-bus-will-not-be-used-to-transport-immigrants>.

<sup>821</sup> Nicole Fallert, “2 Texas Sheriffs Refuse to Transport Migrants For CBP, 'We Just Don't Have Any Resources',” *Newsweek*, March 26, 2021, <https://www.newsweek.com/2-texas-sheriffs-refuse-transport-migrants-cbp-we-just-dont-have-any-resources-1579047>.

<sup>822</sup> Vicky Camarillo and Kailey E. Hunt, “Nueces County Sheriff J.C. Hooper Is a Former Oath Keeper. What Does That Mean?,” *Corpus Christi Caller Times*, updated November 15, 2021, <https://www.caller.com/story/news/local/2021/10/19/oath-keepers-records-nueces-county-sheriff-j-c-hooper-joined-extremist-group/6012101001/>.

<sup>823</sup> *Ibid.*

<sup>824</sup> *Ibid.*

### *Evading Accountability*

Local advocates called for a town hall meeting to discuss the agreement prior to its renewal in 2020. The sheriff refused, saying, “I’m not going to participate in a choreographed political event because that’s exactly what their town hall meetings are.”<sup>825</sup> He argued he satisfied a requirement to gather public input from a prior steering committee meeting, which met during a Nueces County commissioners’ court meeting.<sup>826</sup> State records show expenses related to detaining undocumented immigrants in the Nueces County Jail increased from about \$2,400 in 2015 to more than \$193,000 in 2018. “This is a stunning increase that demands a broader community discussion,” said Claudia Rueda, a member of the Corpus Christi Immigration Coalition. “Taxpayer dollars, as well as the time and attention of local law enforcement, should be prioritized for local needs.” The sheriff, however, continues to refuse meetings.<sup>827</sup>

### *Departmental Mismanagement*

An investigation by local media revealed that the department hired a jailer in 2014, even though he was dishonorably discharged from the police academy.<sup>828</sup> Additionally, the Department of Labor found that the department had violated labor laws by altering time sheets and failing to pay employees in the amount of nearly \$720,000.<sup>829</sup>

### *Jail Conditions*

In a 2017 letter to DHS, the ACLU listed a number of cases that highlight a pattern of abusive behavior by the department. Among them is the case of Sylvia Fuentes, who sued the department after her husband Sam Toomey died while in custody. Deputies reportedly “beat Toomey up several times, and even after he told the jail clerk that he was going to commit suicide, their failure to supervise him or give him adequate attention constituted gross negligence or deliberate indifference.” As the ACLU wrote: “These are the officials that would be in charge of implementing 287(g), and if they are willing to use excessive force without any accountability for their actions, they should not be trusted with enforcing immigration law.”<sup>830</sup>

As recently as 2021, the Texas Commission on Jail Standards found the jail to be noncompliant in several categories, including by keeping detainees for extended periods in isolation and holding cells as well as denying detainees at least one hour of exercise three times a week, which is required by applicable jail standards.<sup>831</sup>

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<sup>825</sup> Vicky Camarillo, “Immigration Groups Ask Sheriff to End ICE Partnership,” *Corpus Christi Caller Times*, June 24, 2020, <https://www.caller.com/story/news/education/2020/06/24/immigration-groups-ask-nueces-county-sheriff-end-ice-partnership/3220766001>.

<sup>826</sup> Ibid.

<sup>827</sup> Ibid.

<sup>828</sup> Dillon Collier, “Honorable Discharge: Officer Accused of Groping Handcuffed Woman Bounced Between Departments Despite Trail of Misconduct,” *KSAT*, July 15, 2021, <https://www.ksat.com/news/local/2021/07/15/honorable-discharge-officer-accused-of-groping-handcuffed-woman-bounced-between-departments-despite-trail-of-misconduct/>.

<sup>829</sup> Department of Labor, “Nueces County Sheriff’s Office Pays \$769K in Overtime Back Wages, Penalties Following US Labor Department Investigation,” press release, April 19, 2016, <https://www.dol.gov/newsroom/releases/whd/whd20160419-1>.

<sup>830</sup> Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>831</sup> Texas Commission on Jail Standards, *Jail Inspection Report: Nueces County Jail* (June 14, 2021), [https://www.tcjs.state.tx.us/wp-content/uploads/2021/07/Nueces\\_NC\\_06-15-21.pdf](https://www.tcjs.state.tx.us/wp-content/uploads/2021/07/Nueces_NC_06-15-21.pdf).

In 2021, the county jail was at 99 percent capacity and the sheriff said, “We’re at a critical mass and it’s not going to change any time soon.”<sup>832</sup> As of August 2021, more than 400 people had been incarcerated in the jail for more than 100 days while waiting for a trial due to the county’s backlogged court system.<sup>833</sup>

In 2019, four department jailers were investigated and one known to detainees as “the punisher” was charged with felonies for at least three separate incidents, including beating detainees, and tampering with official records.<sup>834</sup>

A 2021 media investigation revealed a history of overcrowding, deficient mental health care, shoddy inspections, and violence within the facility. “At least 11 Nueces County jailers have been criminally charged in recent years, with allegations ranging from brutality to lying about assaults in incident reports,” the investigation found.<sup>835</sup> The investigation also details multiple deaths in the jail due to neglect and/or abuse. One such case is that of Daniel Carrillo, a Latinx man who died after five guards tackled, hit, put their knee into his back and used their stun gun on Carrillo. An autopsy deemed his death a homicide; however, none of the deputies involved were disciplined or charged.<sup>836</sup>

According to the Texas Justice Initiative, at least 25 people have died in department custody since 2011.<sup>837</sup>

## **49. Smith County, TX**

### Jail Enforcement Model

Sheriff Larry R. Smith

In 2017, Sheriff Larry R. Smith was among more than a dozen Texas sheriffs who signed 287(g) agreements.<sup>838</sup> In 2020, the sheriff renewed the agreement indefinitely.<sup>839</sup>

### *Association with Movements Questioning the Supremacy of the Federal Government*

Smith was identified by Political Research Associates,<sup>840</sup> a think tank, as a sheriff aligned with the “Patriot” movement, which is a conglomerate of related extremist movements and groups in the United States whose

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<sup>832</sup> Rachel Denny Clow and Monica Chavarria, “Nueces County Jail Continues to Deal with Overcrowding Due to Backlogged Courts,” KRIS, August 6, 2021, <https://www.kristv.com/news/coronavirus/nueces-county-jail-continues-to-deal-with-overcrowding-due-to-backlogged-courts>.

<sup>833</sup> Ibid.

<sup>834</sup> Rudy Treviño, “Four Nueces County Jailers Being Investigated for Excessive Force Against Inmates,” KIII, October 2, 2019, <https://www.kiiitv.com/article/news/local/four-nueces-county-jailers-being-investigated-for-excessive-force-against-inmates/503-b66e56a0-bd7a-4e8d-acdf-eb82783b85a>.

<sup>835</sup> Michael Barajas and Sophie Novack, “Locked Up and Left to Die,” *Texas Observer*, November 1, 2021, <https://www.texasobserver.org/locked-up-and-left-to-die/>.

<sup>836</sup> Michael Barajas and Sophie Novack, “Locked Up and Left to Die,” *Texas Observer*, November 1, 2021, <https://www.texasobserver.org/locked-up-and-left-to-die/>.

<sup>837</sup> “Deaths in Custody,” Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>838</sup> “ICE Announces 18 New 287(g) Agreements in Texas,” Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>839</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Smith County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_SmithCoTX\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_SmithCoTX_06-09-2020.pdf).

<sup>840</sup> Cloee Cooper, Ethan Fauré, and Olivia Lawrence-Weilmann, “Mapping Far-Right and Anti-Immigrant Movement Alignment with County Sheriffs,” Political Research Associates, September 14, 2020, <https://www.politicalresearch.org/2020/09/14/mapping-far-right-and-anti-immigrant-movement-alignment-county-sheriffs>.

ideologies center on anti-government conspiracy theories, according to the Anti-Defamation League.<sup>841</sup> He has also been affiliated with the Constitutional Sheriffs and Peace Officers Association, which promotes the fringe and unsound legal theory that local sheriffs have ultimate authority over the state and federal governments.<sup>842</sup>

### *Jail Conditions, Civil Rights Violations*

In 2021, the Smith County Jail was determined to be noncompliant on at least six counts following an inspection by the Texas Commission on Jail Standards, including lack of clean clothing, documentation failures, and emergency power problems.<sup>843</sup> In August 2021, the jail had a “major emergency” involving its plumbing that required some of those detained to be transferred to a neighboring county. Over 100 jail detainees had COVID-19 at the time.<sup>844</sup>

In a 2017 letter to DHS, the ACLU highlighted multiple allegations of deputy misconduct at the jail as well as multiple wrongful death suits filed against the sheriff for “deliberate indifference” to detainees’ health needs.<sup>845</sup>

In 2017, a man was booked into Smith County Jail on a public intoxication charge. Approximately 30 minutes later, he was carried from the facility unconscious on a stretcher. He never regained consciousness and died two days later.<sup>846</sup> Video from the facility shows deputies covering the man’s face with his shirt as they attempted to remove his earrings. A deputy involved with the incident admitted “we had his mouth and nose covered” until the man turned purple, losing breath and then consciousness. His family filed a wrongful death lawsuit in the case, in which they also allege a cover-up by the department. Local media investigations have corroborated many of the family’s allegations.<sup>847</sup>

A 2016 investigation found that deputies falsified records of welfare checks that were supposed to be conducted to assure the wellbeing of people detained in the jail.<sup>848</sup>

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<sup>841</sup> “Patriot Movement,” Anti-Defamation League, <https://www.adl.org/resources/glossary-terms/patriot-movement>.

<sup>842</sup> Cloee Cooper, Ethan Fauré, and Olivia Lawrence-Weilmann, “Mapping Far-Right and Anti-Immigrant Movement Alignment with County Sheriffs,” Political Research Associates, September 14, 2020, <https://politicalresearch.org/sheriffs-map/>.

<sup>843</sup> Texas Commission on Jail Standards, “Jail Inspection Report: Smith Co. Jail,” June 21-23, 2021, [https://www.tcjs.state.tx.us/wp-content/uploads/2021/07/Smith\\_NC\\_06-23-21.pdf](https://www.tcjs.state.tx.us/wp-content/uploads/2021/07/Smith_NC_06-23-21.pdf).

<sup>844</sup> Jo Lee Ferguson, “Gregg County Assisting Smith County Jail by Housing Inmates,” *Longview News-Journal*, August 24, 2021, [https://www.news-journal.com/news/local/gregg-county-assisting-smith-county-jail-by-housing-inmates/article\\_9c00ebb2-0432-11ec-8471-1b72e9c2be2a.html](https://www.news-journal.com/news/local/gregg-county-assisting-smith-county-jail-by-housing-inmates/article_9c00ebb2-0432-11ec-8471-1b72e9c2be2a.html).

<sup>845</sup> Ronald Newman to Bruce Friedman, “Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program,” February 7, 2017, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_letter\\_re\\_dhs\\_crcl\\_re\\_proposed\\_287g\\_jurisdictions\\_02-07-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_letter_re_dhs_crcl_re_proposed_287g_jurisdictions_02-07-17.pdf).

<sup>846</sup> “Tyler Police Video Shows Struggle With Man Who Later Died, Family Lawyer Calls It ‘Murder,’” KETK, updated June 11, 2021, <https://www.ketk.com/news/special-reports/ketk-investigates-30-minutes-after-teddy-parker-was-brought-to-smith-county-jail-he-was-carried-out-on-a-stretcher-and-died-what-happened/>.

<sup>847</sup> “Tyler Police Video Shows Struggle With Man Who Later Died, Family Lawyer Calls It ‘Murder,’” KETK, updated June 11, 2021, <https://www.ketk.com/news/special-reports/ketk-investigates-30-minutes-after-teddy-parker-was-brought-to-smith-county-jail-he-was-carried-out-on-a-stretcher-and-died-what-happened/>.

<sup>848</sup> Matthew Clarke, “Guards Falsifying Texas Jail Records Leads to Resignations and Demotions,” *Prison Legal News*, September 6, 2016, <https://www.prisonlegalnews.org/news/2016/sep/6/guards-falsifying-texas-jail-records-leads-resignations-and-demotions/>.

In 2020, a Latinx man died from complications of COVID-19 while incarcerated at the jail. His death came as a surprise to his family, who were never notified that he was even sick.<sup>849</sup> There have been multiple deaths, including from suicide<sup>850</sup> and COVID-19,<sup>851</sup> in the jail in recent years.<sup>852</sup> Nineteen people have died in department custody since 2011, according to the Texas Justice Initiative.<sup>853</sup>

### *Deputy Misconduct*

In 2021, two deputies were indicted in two separate incidents of official misconduct, including abusing a database to look up information to assist a man trafficking drugs from Mexico.<sup>854</sup>

### *Anti-Immigrant Statements, Advocacy of Inhumane Border Policies*

In a 2017 news story about the department's efforts to join the 287(g) program, the sheriff said, "We are looking at undocumented criminal aliens that continue committing crimes in Smith County and adjoining counties because they don't belong here....As long as we can get rid of them, it's going to be a safer place for all of our citizens to live."<sup>855</sup> A 2019 joint statement he signed in his official capacity states: "Every level of law enforcement and the communities they live in along our southern border are overwhelmed by a tsunami of asylum seekers who make their dangerous journey knowing that untenable and outdated U.S. immigration policies won't allow them to be turned away and returned to their countries of origin." The statement advocates for a border wall and described migrants as "criminals" who were "exploiting" the federal government's weakness.<sup>856</sup>

### *Community Opposition*

In 2019, advocates expressed opposition to a renewal of the agreement at a steering committee meeting. "I can give you a list of cases of individuals I've met that are undocumented that do not come forward because this agreement exists," local advocate Dalila Reynoso said during the meeting. "That doesn't keep our community safe."<sup>857</sup> In 2021, a coalition of Texas advocacy groups sent a letter to DHS Secretary Alejandro

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<sup>849</sup> Payton Weidman, "Family of Smith County Inmate Who Died from COVID-19 Seeking Answers," KYTX, May 19, 2020, <https://www.cbs19.tv/article/news/local/family-of-smith-county-inmate-who-died-from-covid-19-seeking-answers/501-61698feb-17ba-4694-8bb1-674a3c2ecdeb>.

<sup>850</sup> "Smith County Jail Inmate Dies 13 Days After Hanging Himself," *Longview News-Journal*, updated July 15, 2019, [https://www.news-journal.com/news/police/smith-county-jail-inmate-dies-13-days-after-hanging-himself/article\\_2835d88a-5d61-5eab-bd18-9820e297d601.html](https://www.news-journal.com/news/police/smith-county-jail-inmate-dies-13-days-after-hanging-himself/article_2835d88a-5d61-5eab-bd18-9820e297d601.html).

<sup>851</sup> Zak Wellerman, "Smith County Reports Two New COVID-19 Deaths," *Tyler Morning Telegraph*, January 8, 2021, [https://tylerpaper.com/news/local/smith-county-reports-two-new-covid-19-deaths/article\\_6fc0389e-520f-11eb-aca4-677c5a18f2c7.html](https://tylerpaper.com/news/local/smith-county-reports-two-new-covid-19-deaths/article_6fc0389e-520f-11eb-aca4-677c5a18f2c7.html).

<sup>852</sup> Zak Wellerman, "Smith County Jail Inmate Dies After Being Found Unresponsive in His Cell," *Tyler Morning Telegraph*, June 22, 2020, [https://tylerpaper.com/news/crime/smith-county-jail-inmate-dies-after-being-found-unresponsive-in-his-cell/article\\_c2feafa0-b4a7-11ea-a591-7b227a39c156.html](https://tylerpaper.com/news/crime/smith-county-jail-inmate-dies-after-being-found-unresponsive-in-his-cell/article_c2feafa0-b4a7-11ea-a591-7b227a39c156.html).

<sup>853</sup> "Deaths in Custody," Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>854</sup> Patrick Cunningham, "Warrant: Smith County Deputy Accessed Secure Database to Assist Drug Trafficker from Mexico," KETK, September 20, 2021, <https://www.ketk.com/news/crime-public-safety/warrant-smith-county-deputy-accessed-secure-database-to-assist-drug-trafficker-from-mexico/>.

<sup>855</sup> "Smith County Cracking Down on Illegal Immigrant Repeat Offenders," KLTV, January 13, 2017, <https://www.kltv.com/story/34256232/smith-county-cracking-down-on-illegal-immigrant-repeat-offenders/>.

<sup>856</sup> Sheriffs' Association of Texas, *Statement of Texas Sheriffs on Border Crisis* (March 19, 2019), [https://kevinbrady.house.gov/uploadedfiles/sat\\_statement\\_on\\_border\\_crisis.pdf](https://kevinbrady.house.gov/uploadedfiles/sat_statement_on_border_crisis.pdf).

<sup>857</sup> Matthew Copeland, "Sheriff Larry Smith Defends ICE Program at Smith County Jail During Tense Public Meeting," WTLV, December 17, 2019, <https://www.cbs19.tv/article/news/local/sheriff-larry-smith-defends-ice-program-at-smith-county-jail-during-tense-public-meeting/501-106d537c-2c56-4b07-abff-7798516b9493>.

Mayorkas urging an end to 287(g) agreements in the state; Smith County was highlighted as one example of why it was imperative as a matter of public safety and welfare to end this collaboration with ICE.<sup>858</sup>

## **50. Tarrant County, TX**

### Jail Enforcement Model

#### Sheriff Bill Waybourn

In 2016, Bill Waybourn was elected sheriff.<sup>859</sup> In 2017, Waybourn joined more than a dozen other Texas sheriffs in entering a 287(g) agreement.<sup>860</sup> In 2020, he renewed the agreement indefinitely.<sup>861</sup>

#### *Civil Rights Violations and Jail Conditions*

21 people died in department custody in 2020 alone, including an individual experiencing a seizure condition who was reportedly denied his medication<sup>862</sup> and another man who went on a hunger strike and was left untreated for weeks.<sup>863</sup> According to the Texas Justice Initiative, 64 people have died in department custody since 2011, well above the number in other large Texas county jails.<sup>864</sup> A spokesperson for the Texas Commission on Jail Standards (TCJS) said that it received 393 pages of complaints about the jail over the past three years.<sup>865</sup>

In May 2020, a woman gave birth in the Tarrant County jail and her child died 10 days later. According to her attorney, she was left alone and without aid during the birth and after it.<sup>866</sup> During the same period, state regulators investigating a suicide at the jail found that staff failed to meet minimum standards; the jail temporarily lost its state certification.<sup>867</sup> In July 2020, an officer beat a detained individual while two

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<sup>858</sup> Alianza Americas et al. to Secretary Alejandro Mayorkas, “Re: Texas Groups Urge You to End 287(g), Secure Communities and Detainers,” April 29, 2021,

[https://www.aclutx.org/sites/default/files/287g\\_letter\\_to\\_sec\\_mayorkas.pdf](https://www.aclutx.org/sites/default/files/287g_letter_to_sec_mayorkas.pdf).

<sup>859</sup> “Bill Waybourn Elected Tarrant County Sheriff,” KTXA, May 24, 2016, <https://dfw.cbslocal.com/2016/05/24/bill-waybourn-claims-victory-in-tarrant-county-sheriffs-race/>.

<sup>860</sup> “ICE Announces 18 New 287(g) Agreements in Texas,” Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>861</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Tarrant County, “287(g) Jail Enforcement Model,” June 16, 2020, [https://www.ice.gov/doclib/287gMOA/287g\\_JEM\\_TarrantCoTX\\_06-16-2020.pdf](https://www.ice.gov/doclib/287gMOA/287g_JEM_TarrantCoTX_06-16-2020.pdf).

<sup>862</sup> Nichole Manna, “Family of Fort Worth Man Who Died in Jail Want Answers,” *Fort Worth Star-Telegram*, August 17, 2020, <https://www.star-telegram.com/news/local/fort-worth/article244416882.html>.

<sup>863</sup> “How Did 21 People Die in Tarrant County Jail? Here’s What We Know,” *Dallas Morning News*, December 7, 2021, <https://www.dallasnews.com/opinion/editorials/2021/12/07/how-did-21-people-die-in-tarrant-county-jail-heres-what-we-know/>.

<sup>864</sup> “Deaths in Custody,” Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>; “When inmates die in the Tarrant County Jail, taxpayers need answers – and so do families,” *Fort Worth Star-Telegram*, April 17, 2022.

<sup>865</sup> Edward Brown, “Humanizing Life Behind Bars,” *Fort Worth Weekly*, August 4, 2021, <https://www.fwweekly.com/2021/08/04/humanizing-life-behind-bars/>.

<sup>866</sup> Mitch Mitchell, “Her Baby Dead, Inmate Now in Mental Hospital After Giving Birth in Tarrant County Jail,” *Fort Worth Star-Telegram*, July 17, 2020, <https://www.star-telegram.com/news/local/fort-worth/article243086736.html>.

<sup>867</sup> Nichole Manna, “Tarrant County Sheriff Responds to Chaotic Month Mired by Jail Deaths, Birth in Cell,” *Fort Worth Star-Telegram*, May 29, 2020, <https://www.star-telegram.com/news/local/fort-worth/article243086736.html>.



officers watched, resulting in the individual suffering a collapsed lung, internal bleeding, rib fractures and a broken cheek bone requiring surgery. One of the officers involved described it as a “normal thing.”<sup>868</sup>

The sheriff reportedly ignored requests for individuals’ release during the peak of the COVID-19 pandemic<sup>869</sup>; as COVID-19 initially spread, between 17 and 20 detained people in jail custody died.<sup>870</sup> In one week in December 2020, 81 jail staff tested positive for the virus.<sup>871</sup>

### *Anti-Immigrant and Racist Statements, Advocacy of Inhumane Border Policies*

Waybourn has repeatedly expressed racist and anti-immigrant rhetoric in high-profile settings. In an October 2019 visit to the White House, Waybourn said regarding immigrants: “If we have to turn them loose or they get released, they’re coming back to your neighborhood and my neighborhood. These drunks will run over your children and they will run over my children.”<sup>872</sup> On social media, Waybourn referred to COVID-19 as the “Wuhan Virus” and “Chinese Virus,”<sup>873</sup> and in an interview, he said that people who believe blaming Chinese people for the coronavirus is racist “need to get with reality if they want to protect their families individually.”<sup>874</sup>

Waybourn does not appear to recognize that his racist and anti-immigrant comments are harmful. Responding to allegations of his racist behavior and attitude, he said, “I think they’ve worn out the term. I don’t think anybody takes that serious anymore.”<sup>875</sup>

In 2021, Waybourn appeared on a radio show to describe the “overwhelm” of CBP due to what he described as President Biden’s new immigration policies.<sup>876</sup> That year, he also visited the border with former President Trump and Texas Governor Greg Abbott in a political event focused on criticizing the Biden administration. He emphasized the criminality of immigrants and blamed them for drug overdoses due to fentanyl. “The border is open,” the sheriff said inaccurately, warning “we have got a crisis on the border and that crisis is growing throughout America.”<sup>877</sup>

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<sup>868</sup> Nichole Manna, “Tarrant County Jailer Slammed Inmate, Causing Broken Cheek, Collapsed Lung, Report Says,” *Fort Worth Star-Telegram*, July 30, 2020, [www.star-telegram.com/article244598587.html](http://www.star-telegram.com/article244598587.html).

<sup>869</sup> “Come for the Vax, Stay for the Institutional Racism,” *Fort Worth Weekly*, May 13, 2021, <https://www.fweekly.com/2021/05/13/come-for-the-vax-stay-for-the-institutional-racism/>.

<sup>870</sup> Edward Brown, “Humanizing Life Behind Bars,” *Fort Worth Weekly*, August 4, 2021, <https://www.fweekly.com/2021/08/04/humanizing-life-behind-bars/>.

<sup>871</sup> “Tarrant County Sheriff’s Office Employee Dies of COVID-19,” September 19, 2021, <https://www.nbcdfw.com/news/local/tarrant-county-sheriffs-office-employee-dies-of-covid-19/2746353/>.

<sup>872</sup> Tessa Weinberg and Anna M. Tinsley, “Texas Sheriff Draws National Attention for ICE Comments,” *Fort Worth Star-Telegram*, October 10, 2019, [www.star-telegram.com/news/politics-government/article235992313.html](http://www.star-telegram.com/news/politics-government/article235992313.html).

<sup>873</sup> Lone Star Project, *Candidate Study: Bill Waybourn, Tarrant County Sheriff* (September 2020), [www.lonestarproject.net/wp-content/uploads/2020/09/LSP-Candidate-Study-Bill-Waybourn-2020.pdf](http://www.lonestarproject.net/wp-content/uploads/2020/09/LSP-Candidate-Study-Bill-Waybourn-2020.pdf).

<sup>874</sup> Newsmax TV, “Virus at the Border: Texas Sheriff Responds to ‘Racism’ Claims,” YouTube, March 24, 2020, [www.youtube.com/watch?v=gKB-TMiRfC8](http://www.youtube.com/watch?v=gKB-TMiRfC8).

<sup>875</sup> Lone Star Project, *Candidate Study: Bill Waybourn, Tarrant County Sheriff* (September 2020), [www.lonestarproject.net/wp-content/uploads/2020/09/LSP-Candidate-Study-Bill-Waybourn-2020.pdf](http://www.lonestarproject.net/wp-content/uploads/2020/09/LSP-Candidate-Study-Bill-Waybourn-2020.pdf) (citing Daily Caller, “Texas Sheriff Talks Trump, Border, 2020 & ‘The Beto Effect,’” YouTube, February 19, 2020, [www.youtube.com/watch?v=AK5gf8X2txk](http://www.youtube.com/watch?v=AK5gf8X2txk)).

<sup>876</sup> “Chris Salcedo Show: Tarrant County Sheriff on Immigration,” WBAP, February 11, 2021, <https://www.wbap.com/2021/02/11/chris-salcedo-show-tarrant-county-sheriff-on-immigration/>.

<sup>877</sup> Talia Kaplan, “Texas Sheriff: Fentanyl a ‘Clear and Present Threat’ to Americans as Border Crisis Grows,” Fox News, June 30, 2021, <https://www.foxnews.com/media/trump-abbott-border-texas-sheriff-fentanyl-crisis>.

## *Evading Accountability*

County commissioners and families of individuals who died in custody have complained about the department's failure to notify them about the events, including a woman who said she learned about her husband's death in custody only from reading the newspaper.<sup>878</sup> According to a county commissioner, Waybourn failed to provide a full accounting of the 287(g) program, including its financial costs and how many people flagged for ICE were ultimately convicted of charges.<sup>879</sup> In June 2021, sheriff's deputies reportedly shoved an immigrant rights activist while escorting her out of a county commissioners' meeting, and deputies could be heard discussing the possibility of jailing the activists for engaging in a chant as they exited the meeting.<sup>880</sup>

## **51. Waller County, TX**

Warrant Service Officer

Sheriff Troy Guidry

In 2017, Sheriff R. Glenn Smith first signed a 287(g) agreement.<sup>881</sup> In February 2020, he renewed the agreement indefinitely.<sup>882</sup> In November 2020, Troy Guidry was elected sheriff.<sup>883</sup>

### *Civil Rights Violations and Jail Conditions*

In 2015, 28-year-old African American Sandra Bland was found hanged in her cell in Waller County Jail. Three days prior, a state trooper stopped her, allegedly for failing to use her turn signal while changing lanes.<sup>884</sup> The case was the subject of protests against her mistreatment, disputes over her cause of death, and calls to end racialized police violence against her and other people of color. As an *Atlantic* investigation revealed, "The place where the young Chicago woman [Bland] was found dead in a jail cell has seen more than a century of racial violence and oppression."<sup>885</sup> A former Waller County judge describes Waller County as "the most racist county in Texas" given its long history of law enforcement racism.<sup>886</sup> As the

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<sup>878</sup> Nichole Manna, "'No one notified me': When people die in Tarrant County jail, answers don't come easily," *Fort Worth Star-Telegram*, April 18, 2022, <https://www.star-telegram.com/news/local/crime/article256822702.html#storylink=cpy>.

<sup>879</sup> Christopher Connelly, "Tarrant County Commissioners Vote to Extend ICE Agreement," *KERA*, June 19, 2019, <https://www.keranews.org/news/2019-06-19/tarrant-county-commissioners-vote-to-extend-ice-agreement>.

<sup>880</sup> Brian Lopez, "Tarrant County Deputies, Officials Clash with Protestors Over ICE Enforcement in Jails," *Fort Worth Star-Telegram*, June 15, 2021, <https://www.star-telegram.com/news/politics-government/article252136573.html>.

<sup>881</sup> "Jail Where Sandra Bland Died Is Now Authorized to Detain Immigrants," *Okayplayer*, July 20, 2017, <https://www.okayplayer.com/news/sandra-bland-ice-waller-county-jail.html>; "ICE Announces 18 New 287(g) Agreements in Texas," Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>.

<sup>882</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Waller County Sheriff's Office, February 12, 2020, [https://www.ice.gov/doclib/287gMOA/287gWSO\\_WallerCoTx2020-02-12.pdf](https://www.ice.gov/doclib/287gMOA/287gWSO_WallerCoTx2020-02-12.pdf).

<sup>883</sup> R. Hans Miller, "Guidry Discusses Plans for Waller County Sheriff's Office," *Katy Times*, November 13, 2020, <http://katytimes.com/stories/guidry-discusses-plans-for-waller-county-sheriffs-office.1978>.

<sup>884</sup> "New cellphone video shows what Sandra Bland saw during arrest by Texas trooper," *The Texas Tribune*, May 6, 2019, <https://www.texastribune.org/2019/05/06/sandra-bland-shot-cell-phone-video-texas-trooper-arrest/>.

<sup>885</sup> David A. Graham, "Sandra Bland and the Long History of Racism in Waller County, Texas," *The Atlantic*, July 21, 2015, <https://www.theatlantic.com/politics/archive/2015/07/sandra-bland-waller-county-racism/398975/>.

<sup>886</sup> Michelle Toh, "Sandra Bland Death: Is Waller County 'the Most Racist County' in Texas?," *Christian Science Monitor*, July 22, 2015, <https://www.csmonitor.com/USA/USA-Update/2015/0722/Sandra-Bland-death-Is-Waller-County-the-most-racist-county-in-Texas>; Shaun King, "Texas sheriff involved in the death of Sandra Bland fired from

ACLU urged in a 2017 letter to DHS opposing the department’s 287(g) application, such a history raises serious alarm about the department’s suitability to assist in federal immigration enforcement.<sup>887</sup> The jurisdiction had more police shootings per arrest than 84% of other Texas departments.<sup>888</sup>

In 2017, then-sheriff Smith was asked to resign by county commissioners, the district attorney, and a county judge. Their request—which the sheriff rebuffed—came after a woman detained at the county jail was sexually assaulted due to a failure of jail management; six handguns and two rifles (including a machine gun) went missing from the sheriff’s truck while he was eating lunch; and the jail was found to be “noncompliant” in a state-level standards audit.<sup>889</sup> A 2016 independent commission investigating Bland’s death reportedly found systemic failures within the county jail, including poor training and violation of policies mandating the monitoring of prisoners.<sup>890</sup> Three people have died in department custody since 2011, according to the Texas Justice Initiative.<sup>891</sup>

In a 2017 letter to DHS, the ACLU highlighted that the sheriff who first entered the department into a 287(g) agreement was previously fired in his role as police chief due to accusations of racism following the forced strip-search of young Black men.<sup>892</sup> He had previously been suspended and forced to take anger management classes after using profanity and pushing a Black man during an arrest.<sup>893</sup>

### *Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>894</sup> The ACLU could not locate a public notice by the department about a subsequent steering committee meeting.

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previous post for racism,” Daily Kos, July 16, 2015, <https://www.dailykos.com/stories/2015/07/16/1402770/-Texas-Sheriff-involved-in-the-death-of-Sandra-Bland-fired-from-previous-post-for-racism>.

<sup>887</sup> Ronald Newman to Bruce Friedman, “Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program,” February 7, 2017, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_letter\\_re\\_dhs\\_crcl\\_re\\_proposed\\_287g\\_jurisdictions\\_02-07-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_letter_re_dhs_crcl_re_proposed_287g_jurisdictions_02-07-17.pdf).

<sup>888</sup> “Waller County Sheriff’s Department,” Police Scorecard, <https://policescorecard.org/tx/sheriff/waller-county>.

<sup>889</sup> Cindy George, “Waller County Sheriff Glenn Smith Declines Resignation Request by County Judge, DA,” *Houston Chronicle*, March 29, 2017, <https://www.chron.com/news/houston-texas/texas/article/Waller-Sheriff-declines-resignation-request-by-11037237.php>.

<sup>890</sup> Institute for Predictive Analytics in Criminal Justice, “2020 Racial Profiling Data Analysis for the State of Texas,” April 23, 2021, <https://web.tarleton.edu/ipac/wp-content/uploads/sites/12/2021/05/IPAC-Racial-Profiling-Texas-compressed.pdf>.

<sup>891</sup> “Deaths in Custody,” Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>892</sup> Ronald Newman to Bruce Friedman, “Re: Unsuitability of Applicants to the 287(g) Immigration Enforcement Program,” February 7, 2017, [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_letter\\_re\\_dhs\\_crcl\\_re\\_proposed\\_287g\\_jurisdictions\\_02-07-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_letter_re_dhs_crcl_re_proposed_287g_jurisdictions_02-07-17.pdf); Eric Hanson, “Fired Hempstead Police Chief Now Nominee for Sheriff,” *Houston Chronicle*, April 12, 2008, <https://www.chron.com/news/houston-texas/article/Fired-Hempstead-police-chief-now-nominee-for-1784270.php>

<sup>893</sup> Helen Erikson, “Hempstead Police Chief Disciplined in Racially Charged Arrest,” *Houston Chronicle*, February 11, 2007, <https://www.chron.com/news/houston-texas/article/Hempstead-police-chief-disciplined-in-racially-1794136.php>.

<sup>894</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

## 52. Walker County, TX

### Jail Enforcement Model

#### Sheriff Clint McRae

In 2004, Clint McRae was elected sheriff.<sup>895</sup> In 2017, McRae entered the department into a 287(g) agreement along with more than a dozen other Texas sheriffs.<sup>896</sup> In 2020, he renewed the agreement indefinitely.<sup>897</sup>

“One of the things we said we were going to do when we told the taxpayers we were going to build a new jail is that we would always look for ways to make additional revenue. That is what we are doing,” the sheriff said at the time.<sup>898</sup> The sheriff said he would pursue a 287(g) agreement if he was awarded a detention contract with ICE, known as an intergovernmental service agreement (IGSA).<sup>899</sup> Mary Small, then-policy director for the Detention Watch Network, said it was the first time she had heard a sheriff “explicitly linking [a 287(g) and an IGSA agreement] and saying that they’re planning to use one to make the other worthwhile.”<sup>900</sup> Small described the arrangement as a “perverse financial incentive”; “it allows them to control the pipeline of people into the detention facility where they’re then paid per day to detain people,” she said.<sup>901</sup>

#### *Jails Conditions, Civil Rights Violations*

In 2016, two department employees severely beat a Black man who was being booked into the department’s jail. In 2017, the DA said that the beating was racially motivated and the employees were charged by a grand jury with Official Oppression with a hate crime enhancement.<sup>902</sup> In 2018, the beaten man filed a federal civil rights complaint against the department for the unprovoked attack, which landed him in the hospital and had lasting physical and mental health effects.<sup>903</sup>

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<sup>895</sup> “Staff Directory: Clint McRae,” Waller County, Texas,

<https://www.co.walker.tx.us/egov/apps/staff/directory.egov?view=detail:id=9>.

<sup>896</sup> “ICE Announces 18 New 287(g) Agreements in Texas,” Immigration and Customs Enforcement, July 31, 2017, <https://www.ice.gov/news/releases/ice-announces-18-new-287g-agreements-texas>;

<sup>897</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Walker County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 9, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_WalkerCoTX\\_06-09-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_WalkerCoTX_06-09-2020.pdf).

<sup>898</sup> Sean Collins Walsh, “How 2 ICE Programs Let Sheriffs Cash In on Immigration Crackdowns,” *Governing*, July 20, 2017, <https://www.governing.com/archive/tns-immigration-ice-sheriffs.html>.

<sup>899</sup> Cody Stark, “Walker County Applies to House Inmates with Immigration Detainers for Feds,” *The Item*, April 1, 2017, [https://www.itemonline.com/news/walker-county-applies-to-house-inmates-with-immigration-detainers-for-feds/article\\_b79c6c7e-175c-11e7-a08c-db9efec2c0c.html](https://www.itemonline.com/news/walker-county-applies-to-house-inmates-with-immigration-detainers-for-feds/article_b79c6c7e-175c-11e7-a08c-db9efec2c0c.html).

<sup>900</sup> Sean Collins Walsh, “How 2 ICE Programs Let Sheriffs Cash In on Immigration Crackdowns,” *Governing*, July 20, 2017, <https://www.governing.com/archive/tns-immigration-ice-sheriffs.html>.

<sup>901</sup> Sean Collins Walsh, “How 2 ICE Programs Let Sheriffs Cash In on Immigration Crackdowns,” *Governing*, July 20, 2017, <https://www.governing.com/archive/tns-immigration-ice-sheriffs.html>.

<sup>902</sup> Whitney Miller and Rusty Surette, “Alleged Misconduct by Walker County Jailers Was Racially Motivated, Says DA,” *KBTX*, April 5, 2017, <https://www.kbtv.com/content/news/Alleged-misconduct-by-Walker-County-jailers-was-racially-motivated-says-DA-418421053.html>.

<sup>903</sup> Jeffrey L. Boney, “Legal Authority with the Power to Hate: Severely Beaten Black Jail Inmate Files Federal Civil Rights Lawsuit,” *Forward Times*, September 26, 2018, <https://forwardtimes.com/legal-authority-with-the-power-to-hate-severely-beaten-black-jail-inmate-files-federal-civil-rights-lawsuit/>.

In another 2016 attack, the same department employees beat another detainee without provocation. They were not disciplined. Local media reports another department employee was fired in 2016 after filing a complaint against the two jailers who used excessive force; several complaints against the men reportedly made it to the sheriff and other top officials, but they failed to take action. The two jailers had a history of excessive force—one was previously fired from the Texas Department of Corrections, the other from a boys' school for using excessive force—but were hired anyway by the department.<sup>904</sup>

Six people have died in department custody since 2011, according to the Texas Equal Justice Initiative.<sup>905</sup>

### *Anti-Immigrant Statements*

In a 2019 video endorsing an anti-immigrant member of Congress, the sheriff spread fear about crimes committed by immigrants, warning that crime has “become more violent.” He expressed support for all of former President Trump’s immigration policies and said that “if we don’t get a handle on it we’re gonna lose total control.”<sup>906</sup>

### *Evading Accountability*

For the last two years for which ICE data is available (fiscal years 2018-2019), the department failed to hold a public steering committee meeting regarding the 287(g) program.<sup>907</sup> The ACLU could not locate a public notice by the department about a subsequent steering committee meeting.

## **53. Culpeper County, VA**

### Jail Enforcement Model

#### Sheriff Scott Jenkins

In 2012, Scott Jenkins began his tenure as sheriff.<sup>908</sup> In 2018, Jenkins signed the county’s first 287(g) agreement.<sup>909</sup> In 2020, the sheriff renewed the agreement indefinitely.<sup>910</sup>

### *Civil Rights Violations*

As the ACLU documented in a 2017 letter to DHS, the department has a record of holding immigrants beyond their release date and often beyond the two-day holding period requested by ICE. Data from the

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<sup>904</sup> Ibid.

<sup>905</sup> “Deaths in Custody,” Texas Justice Initiative, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>906</sup> Rep. Kevin Brady, “Sheriff Clint McRae Discusses Impact of Illegal Immigration on Crime in Walker County,” Facebook, February 25, 2019, <https://www.facebook.com/kevinbrady/videos/sheriff-clint-mcrae-discusses-impact-of-illegal-immigration-on-crime-in-walker-c/388671538590063/>.

<sup>907</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](http://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf); Immigration and Customs Enforcement, *287(g) End-of-Year Annual Report: Fiscal Year 2018 Report to Congress* (January 27, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_annual\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_annual_report.pdf).

<sup>908</sup> “Home,” Culpeper County Sheriff’s Office, <https://www.culpepersheriffsoffice.com/>.

<sup>909</sup> Statement of Sheriff Scott Jenkins in Signing the 287(g) Jail Enforcement Officer Memorandum of Agreement,” April 4, 2018, <https://www.culpepersheriffsoffice.com/single-post/2018/04/24/statement-of-sheriff-scott-jenkins-in-signing-the-287g-jail-enforcement-officer-memorandum>; Mateo Gasparotto, “Culpeper’s 287(g) Contract with ICE Is Illegal and Racist,” ACLU of Virginia, November 27, 2018, [www.acluva.org/en/news/culpepers-287g-contract-ice-illegal-and-racist](http://www.acluva.org/en/news/culpepers-287g-contract-ice-illegal-and-racist).

<sup>910</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Culpeper County Sheriff’s Office, “287(g) Jail Enforcement Model,” June 8, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_CulpeperCoVA\\_06-08-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_CulpeperCoVA_06-08-2020.pdf).

Virginia Compensation Board shows several cases where individuals with ICE detainers were held beyond their release dates—sometimes up to five days beyond the date they were set to be released on state charges. In one case, a relative of Ms. Cecillia C. (last name withheld) was held in the Culpeper jail 11 days past his time to be released. Jenkins simply ignored the law and waited for ICE to take custody of the individual. So egregious was this case that at a bond hearing, the local district court judge questioned why the individual was still being jailed.<sup>911</sup>

### *Racist Statements*

In 2020, the sheriff used the department’s official social media pages to denounce and stoke fear of the Black Lives Matter movement and protests for social and racial justice. “Citizens should alert themselves to the true nature of this violence and realize the intent is for it to continue across our nation during the months ahead,” said a post attributed to the sheriff. “Antifa and the Black Lives Matter movement is not [sic] peaceful and at their heart are violent. They may bring their violence to any community at any time and especially where they see weakness in local government officials.”<sup>912</sup> The sheriff’s office repeated an apparently false accusation Black Lives Matter protestors had violently attacked men in Roanoke.<sup>913</sup> It reshared an article warning: “Chaos is coming to Mayberry. The majority of Americans still have no idea that they are living in the midst of a low-boil Civil War.”<sup>914</sup> Local residents considered organizing a lawsuit and recall attempt against Jenkins.<sup>915</sup> In a subsequent social media post, the sheriff acknowledged that local community protests had been peaceful, but doubled down on his decision to share the apparently fabricated story.<sup>916</sup>

### *Advocacy of Inhumane Border Policies*

In 2021, the sheriff signed the “America’s Sheriffs” letter to President Biden, falsely accusing his administration of “encouraging and sanctioning lawlessness and the victimization of the people of the United States of America, all in the name of mass illegal immigration.”<sup>917</sup>

### *Departmental Mismanagement*

The department has been the subject of national attention for chaos, bullying, turnover, and a hostile environment created by Jenkins. According to a deputy, the sheriff “would get so angry, sometimes even

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<sup>911</sup> Chris Rickerd to Scott L. Shuchart, “Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants,” November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>912</sup> Kolbie Satterfield, “Some Culpeper County Residents Considering Legal Action to Remove Its Sheriff,” WUSA, September 19, 2020, <https://www.wusa9.com/article/news/local/virginia/some-culpeper-co-residents-considering-legal-action-to-remove-the-sheriff/65-6bdb7926-3cc8-407d-9e8e-b9af16f67bf6>.

<sup>913</sup> “Culpeper Sheriff Posts Apparent Fake News about BLM Violence in Roanoke,” *The Free Lance-Star*, September 17, 2020, [https://fredericksburg.com/news/local/culpeper-sheriff-posts-apparent-fake-news-about-blm-violence-in-roanoke/article\\_deb20b71-f62d-506c-9794-ae00d9f788e7.html](https://fredericksburg.com/news/local/culpeper-sheriff-posts-apparent-fake-news-about-blm-violence-in-roanoke/article_deb20b71-f62d-506c-9794-ae00d9f788e7.html); “Curiosities in Culpeper: Has the sheriff of Culpeper County just given criminals an ‘out?’,” *The Roanoke Times*, September 22, 2020.

<sup>914</sup> Kolbie Satterfield, “Some Culpeper County Residents Considering Legal Action to Remove Its Sheriff,” WUSA, September 19, 2020, <https://www.wusa9.com/article/news/local/virginia/some-culpeper-co-residents-considering-legal-action-to-remove-the-sheriff/65-6bdb7926-3cc8-407d-9e8e-b9af16f67bf6>.

<sup>915</sup> Kolbie Satterfield, “Some Culpeper County Residents Considering Legal Action to Remove Its Sheriff,” WUSA, September 19, 2020, <https://www.wusa9.com/article/news/local/virginia/some-culpeper-co-residents-considering-legal-action-to-remove-the-sheriff/65-6bdb7926-3cc8-407d-9e8e-b9af16f67bf6>.

<sup>916</sup> Culpeper County Sheriff’s Office, September 19, 2020, <https://www.facebook.com/culpepersheriff/posts/3835484823133025>.

<sup>917</sup> “Sheriffs Across U.S. Pen Letter to Biden on Illegal Immigration,” WALB, April 7, 2021, <https://www.walb.com/2021/04/07/sheriffs-across-us-pen-letter-biden-illegal-immigration/>.

pounding his fist on the table. Sometimes [he used] vulgar names, just to tear you down. He tore many people down...It's not just disgruntled employees, this is actually a legitimate problem." Another former deputy said, "He treated me so bad, I just couldn't take it anymore. I'll be honest, I got off the phone and cried to my wife. I couldn't take it."<sup>918</sup> The department has lost 91 employees since 2012, a rate more than three times higher than in neighboring counties.<sup>919</sup>

In 2021, the son of a man killed in a car accident with a sheriff's deputy filed a lawsuit against the sheriff for "negligent hiring/retention" of the deputy, who had a history of excessive speed and reckless driving charges. The deputy was driving 20 miles per hour over the speed limit at the time of the accident, even though she did not have her siren activated and was not responding to an emergency.<sup>920</sup>

### *Evading Accountability*

Sheriff Jenkins reportedly "treated his meetings with the county board of supervisors, where ICE agents referred to undocumented people as 'bodies,' as a courtesy. It was clear he would sign the contract whether board members objected or not."<sup>921</sup> In 2018, the agreement was the subject of a lawsuit filed by the ACLU of Virginia for illegally using local taxpayer funds for federal duties. The department's last recorded steering committee meeting was in 2018.<sup>922</sup>

## **54. Waukesha County, WI**

### Jail Enforcement Model

Sheriff Eric J. Severson

In 2014, Eric Severson was elected sheriff.<sup>923</sup> In 2017, Severson applied to join the 287(g) program and in 2018, he signed a 287(g) agreement.<sup>924</sup> In 2020, the sheriff renewed the department's 287(g) agreement indefinitely.<sup>925</sup>

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<sup>918</sup> Scott MacFarlane, Rick Yarborough, and Steve Jones, "Law & Disorder? Accusations of Chaos, Bullying in Virginia Sheriff's Office," WRC-TV, November 16, 2017, [www.nbcwashington.com/news/local/law-disorder-accusations-of-chaos-bullying-in-virginia-sheriffs-office/32515/](http://www.nbcwashington.com/news/local/law-disorder-accusations-of-chaos-bullying-in-virginia-sheriffs-office/32515/).

<sup>919</sup> Ibid.

<sup>920</sup> Allison Brophy Champion, "Son Files \$5.3 Million Suit Against Culpeper Sheriff, Lieutenant in Fatal Route 3 Crash," *Culpeper Star-Exponent*, July 12, 2021, [https://starexponent.com/news/son-files-5-3-million-suit-against-culpeper-sheriff-lieutenant-in-fatal-route-3-crash/article\\_0398d333-da4b-58f6-ac91-35ad36fff80e.html](https://starexponent.com/news/son-files-5-3-million-suit-against-culpeper-sheriff-lieutenant-in-fatal-route-3-crash/article_0398d333-da4b-58f6-ac91-35ad36fff80e.html).

<sup>921</sup> Mateo Gasparotto, "Culpepers's 287(g) Contract with ICE is Illegal and Racist," ACLU of Virginia, November 27, 2018, [www.acluva.org/en/news/culpepers-287g-contract-ice-illegal-and-racist](http://www.acluva.org/en/news/culpepers-287g-contract-ice-illegal-and-racist).

<sup>922</sup> Immigration and Customs Enforcement, *287(g) End-of-Year Report: Fiscal Year 2019 Report to Congress* (June 24, 2020), [https://www.dhs.gov/sites/default/files/publications/ice\\_-\\_287g\\_end-of-year\\_report.pdf](https://www.dhs.gov/sites/default/files/publications/ice_-_287g_end-of-year_report.pdf).

<sup>923</sup> Jason Silverstein, "Eric Severson Wins Landslide Vote for Waukesha County Sheriff," *Milwaukee Journal Sentinel*, August 12, 2014, <https://archive.lakecountrynow.com/lakecountrywatch/271009501.html>.

<sup>924</sup> ACLU of Wisconsin, "Waukesha County Sheriff Applies to 287g program," October 27, 2017, <https://www.aclu-wi.org/en/news/waukesha-county-sheriff-applies-287g-program>; Waukesha County Sheriff, "update," April 25, 2018, <https://www.waukeshacounty.gov/globalassets/sheriff/news-releases/4-25-18-287g-release---update.pdf>.

<sup>925</sup> Memorandum of Agreement Between Immigration and Customs Enforcement and Waukesha County Sheriff's Department, "287(g) Jail Enforcement Model," June 10, 2020, [https://www.ice.gov/doclib/287gMOA/287gJEM\\_WaukeshaCoWI\\_06-10-2020.pdf](https://www.ice.gov/doclib/287gMOA/287gJEM_WaukeshaCoWI_06-10-2020.pdf).

### *Racial Profiling and Other Civil Rights Violations: Police Violence*

In 2018, the group Common Ground filed a lawsuit against the Waukesha County Sheriff's Department alleging "chronic and persistent" racial profiling. The suit was sparked by an incident during which sheriff's deputies reportedly harassed and unconstitutionally searched two Black pastors who were changing a flat tire on the side of the highway following a fishing trip. A local white resident described her contrasting recent experience with a flat tire, during which a deputy offered to let her sit in his backseat out of concern for her safety. By comparison, deputies in this case allegedly interrogated the two pastors about whether they had guns or drugs.<sup>926</sup>

A federal civil rights lawsuit filed in 2015 alleged unlawful use of force, unlawful entry to a private residence, and unlawful searches by sheriff's deputies. In 2017, reports circulated on social media alleging Waukesha Sheriff deputies harassing Latinx attendees of a gun show in the county.<sup>927</sup>

In January 2021, deputy Joseph Mensah was hired by the sheriff's department even after being involved in three separate officer-involved shootings in a neighboring county, most recently in 2020. In April 2021, a judge ruled that Mensah could be held criminally responsible for shooting Jay Anderson Jr., a Black man, while Anderson was sitting in his car in 2016. Even after the ruling, Mensah's standing within the sheriff's department was unaffected.<sup>928</sup>

### *Jail Conditions*

In 2018, two people died in the department's jail facility, including one by suicide.<sup>929</sup> At least two of the department's jailer officers were hired after previously resigning from another department during an internal misconduct investigation.<sup>930</sup> In 2021, a department employee was found guilty of sexually assaulting a detainee while on duty.<sup>931</sup>

### *Anti-Immigrant Statements*

In 2017, the sheriff testified before a Senate committee, expressing concern about "the criminal threat posed by foreign nationals that are in our country in violation of our immigration statutes" and using statistics from the anti-immigrant group Federation for American Immigration Reform (FAIR).<sup>932</sup>

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<sup>926</sup> Isiah Holmes, "Waukesha County Sued for Racial Profiling," *Wisconsin Examiner*, January 10, 2019, <https://urbanmilwaukee.com/2019/01/10/waukesha-county-sued-for-racial-profiling/>.

<sup>927</sup> Chris Rickerd to Scott L. Shuchart, "Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants," November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](http://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf)

<sup>928</sup> Karen Pilarski, "Mensah to Remain Working in Waukesha County Sheriff's Department," Patch, July 30, 2021, <https://patch.com/wisconsin/waukesha/mensah-remain-working-waukesha-county-sheriff-s-department>.

<sup>929</sup> Steven Martinez, "Another Waukesha County Jail Inmate Has Been Found Dead," *Milwaukee Journal Sentinel*, August 10, 2018, <https://www.jsonline.com/story/communities/waukesha/news/2018/08/10/60-year-old-inmate-second-die-summer-waukesha-county-jail/957850002/>.

<sup>930</sup> Peter Cameron, "With Law Enforcement Agencies Hurting for Candidates, 30 Fired or Forced Out Officers Back Working as Jail Guards in Wisconsin," *The Badger Project*, September 1, 2021, <https://thebadgerproject.org/2021/09/01/with-law-enforcement-agencies-hurting-for-candidates-25-fired-or-forced-out-officers-working-as-jail-guards-in-wisconsin/>.

<sup>931</sup> Sophie Carson, "Waukesha County Correctional Officer Fired, Charged with Sexual Assault of Inmate While on Duty," *Milwaukee Journal Sentinel*, January 18, 2021, <https://www.jsonline.com/story/news/2021/01/18/waukesha-county-correctional-officer-fired-charged-assault/4208047001/>.

<sup>932</sup> Statement of Eric J. Severson Before the United States Senate Committee on Homeland Security and Government Affairs, "The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities," March 1, 2017, <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Severson-2017-03-01-REVISED.pdf>.



### *Community Opposition*

The ACLU wrote a letter to the DHS Office of Civil Liberties and Civil Rights highlighting the department's lack of transparency and dubious civil rights record.<sup>933</sup> In 2018, community groups expressed opposition to the agreement, staging a "Day without Latinxs" protest that drew thousands of people.<sup>934</sup> They argued that the agreement would harm public safety and instill fear in immigrants. "They're scared that they're gonna go drop their kids off at school and immigration authorities are gonna be there," said one advocate.<sup>935</sup>

**For further analysis of the 287(g) program, including statistics on all currently participating agencies, a history of the program's xenophobic origins, research detailing its adverse public safety effects, and recommendations, please see the ACLU's full 2022 report: [aclu.org/sheriffs-report](https://www.aclu.org/sheriffs-report)**

Current as of March 2022

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<sup>933</sup> Chris Rickerd to Scott L. Shuchart, "Re: Unsuitability of 287(g) Immigration Enforcement Program Applicants," November 9, 2017, [www.aclu.org/sites/default/files/field\\_document/aclu\\_combined\\_287g\\_letter\\_to\\_crcl-11-8-17.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_combined_287g_letter_to_crcl-11-8-17.pdf).

<sup>934</sup> Teran Powell, "A Day Without Latinxs' Draws Thousands in Waukesha," WUWM, May 2, 2018, <https://www.wuwm.com/news/2018-05-02/a-day-without-latinxs-draws-thousands-in-waukesha>.

<sup>935</sup> Ibid.