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Via Email and Post Mail

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

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

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

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

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

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

**We write as over 120 organizations throughout California and the United States in support of noncitizen survivors and witnesses of staff abuse at the Federal Correctional Institute at Dublin (FCI Dublin).** For years, employees at the federal women’s prison in Dublin, California have sexually abused people in their custody, specifically targeting immigrant women. And for years, Immigration and Customs Enforcement (ICE) has knowingly detained and deported noncitizens who suffered heinous abuse at the hands of federal employees, and who risked retaliation to speak out against staff misconduct. Survivors of prison staff sexual abuse and retaliation should be allowed to return to their communities and heal from the trauma they’ve endured—not subjected to indefinite civil detention and permanent separation from their families. **We write to demand that ICE release survivors and witnesses of staff sexual abuse at FCI Dublin from immigration detention, and safeguard them from deportation.**

FCI Dublin has been the center of a sprawling criminal investigation,<sup>1</sup> multiple Congressional inquiries,<sup>2</sup> and national media attention.<sup>3</sup> It is well-established that **employees across the institution sexually abused dozens of people in their custody**, and that prison staff engaged in egregious misconduct, including stalking, harassment, assault, and rape. It is also clear that **staff specifically targeted noncitizen and non-English speaking women, who they knew were facing detention and deportation after release.**<sup>4</sup>

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

Unfortunately, staff sexual abuse at FCI Dublin goes far beyond the conduct described in these five criminal prosecutions.<sup>9</sup> Advocates have spoken with dozens of people who report that they were abused by over 20 FCI Dublin employees. BOP's own records show that 17 additional current and former FCI Dublin staff members were under investigation for sexual misconduct as of May 2022, and this number continues to grow—additional staff members were placed on leave in December 2022.<sup>10</sup>

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<sup>1</sup> Los Angeles Times, [Corrections officer is 5th person charged in growing sex abuse scandal at federal female prison](#) (Mar. 24, 2022); USA Today, [Famed federal women's prison under investigation as 5th worker charged with sexual abuse of inmates](#) (Mar. 24, 2022).

<sup>2</sup> U.S. Senate Permanent Subcommittee on Investigations (PSI), [Sexual Abuse of Female Inmates in Federal Prisons](#) (Dec. 13, 2022); [Grassley, Durbin, Padilla Meet With BOP Director To Further Investigate Sexual Misconduct](#) (Feb. 1, 2023); [Rep. Swalwell Joins Colleagues in Calling on Inspector General Horowitz and Director Carvajal to Investigate Abuses at FCI Dublin](#) (Mar. 3, 2022).

<sup>3</sup> Associated Press, [Women's Prison Fostered Culture of Abuse](#) (Feb. 6, 2022); Associated Press, ['Abhorrent': Prison Boss Vexes DOJ with Alleged Intimidation](#) (Mar. 4, 2022); Mother Jones, [Ex-Warden of Federal "Rape Club" Prison Convicted of Sexual Abuse](#) (Dec. 7, 2022); KTVU, [Powerless in Prison: Surviving Sex Abuse](#) (Sept. 23, 2022).

<sup>4</sup> NPR, [Advocates seek compassionate release for women sexually abused while incarcerated](#) (Oct. 28, 2022); Associated Press, [Abuse-clouded prison gets attention, but will things change?](#) (May 4, 2022); Berkeley Journal of Gender, Law & Justice, [Institutionalized indifference: FCI Dublin and the policies quietly stifling sexual misconduct complaints in federal prisons](#) (Dec. 21, 2022).

<sup>5</sup> KTVU, [Dozens of women detail rape and retaliation at Dublin prison](#) (Sept. 23, 2022).

<sup>6</sup> U.S. Department of Justice, [Former Correctional Officer Sentenced To 20 Months In Prison For Abusive Sexual Contact With Inmate](#) (Feb. 9, 2023); Mercury News, [Federal judge says no way to proposed sentences for Dublin prison cook who sexually abused women, gives him more than prosecutors wanted](#) (Feb. 9, 2023).

<sup>7</sup> U.S. Department of Justice, [Jury Convicts Former Federal Prison Warden for Sexual Abuse of Three Female Inmates](#) (Dec. 8, 2022); Los Angeles Times, [Former warden at female prison known as 'rape club' guilty of sexually abusing women behind bars](#) (Dec. 8, 2022).

<sup>8</sup> U.S. Department of Justice, [Federal Prison Chaplain Sentenced for Sexual Assault and Lying to Federal Agents](#) (Aug. 31, 2022); KTVU, [Women say Dublin prison chaplain used Bible, God to manipulate them to have sex](#) (Sept. 1, 2022).

<sup>9</sup> San Francisco Chronicle, [Advocates, employees say abuses at Dublin prison will continue without 'real changes'](#) (Dec. 12, 2022).

<sup>10</sup> KTVU, [3 FCI Dublin officers put on leave as warden's sex abuse trial got underway](#) (Dec. 5, 2022);

KTVU, [More than a dozen Dublin prison officers reassigned in wake of sex scandal](#) (May 18, 2022).

Survivors' stories make clear that these staff members consistently targeted immigrant women, and that ICE repeatedly detained and deported noncitizen survivors and witnesses. Advocates report that:

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

**This is unacceptable. ICE can and must release FCI Dublin survivors and witnesses from immigration detention and halt their deportations.** The Department of Justice,<sup>13</sup> legal advocates,<sup>14</sup> and mental health experts<sup>15</sup> have recognized that continued incarceration is extremely harmful to survivors of prison sex abuse. The Deputy Assistant General recently recommended that federal agencies consider release, prosecutorial discretion, and immigration benefits for people abused by federal prison staff.<sup>16</sup> ICE's own policies also dictate that the agency must exercise discretion in cases involving noncitizen victims and witnesses of crime, and individuals who qualify for victim-based immigration relief.<sup>17</sup> ICE also has broad authority to decide who to detain and prosecute, regardless of their criminal records.<sup>18</sup>

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<sup>11</sup> University of Washington Human Rights Center, [Conditions at the Northwest Detention Center](#) (last updated Feb. 3, 2023); KUOW, [Hunger strike suspended at Tacoma ICE facility, but objections remain](#) (Feb 6, 2023).

<sup>12</sup> Seattle Times Editorial Board, [Sexual-abuse report underscores need to overhaul immigrant detention](#) (May 26, 2022); University of Washington Center for Human Rights, [Conditions at the NWDC: Reporting of Sexual Abuse and Assault](#) (May 16, 2022); Freedom for Immigrants, [Sexual Abuse, Assault, and Harassment in U.S. Immigration Detention Facilities](#) (April 11, 2017).

<sup>13</sup> New York Times, [Justice Dept. Considers Early Release for Female Inmates Sexually Abused Behind Bars](#) (Dec. 13, 2022).

<sup>14</sup> [FAMM calls on DOJ to seek early release for women abused at federal prison in Dublin, California](#) (May 10, 2022); [Formerly Incarcerated People and Advocacy Organizations Urge Reform of US Bureau of Prisons](#) (Sept. 6, 2022); [Over 100 Advocacy Groups Demand Action from DOJ to End Rampant Sexual Abuse at FCI Dublin](#) (Mar. 1, 2022).

<sup>15</sup> Jennifer Hartsfield, Susan Sharp, and Sonya Conner, "Cumulative Sexual Victimization and Mental Health Outcomes Among Incarcerated Women" (2017), Dignity: A Journal of Analysis of Exploitation and Violence, Vol. 2: Iss. 1.

<sup>16</sup> Office of the Deputy Attorney General, [Report and Recommendations Concerning the Department of Justice's Response to Sexual Misconduct by Employees of the Federal Bureau of Prisons](#) (Nov. 2, 2022).

<sup>17</sup> ICE Directive 11005.3, [Using a Victim-Centered Approach with Noncitizen Crime Victims](#) (Aug. 12, 2021).

<sup>18</sup> ICE, [Prosecutorial Discretion and the ICE Office of the Principal Legal Advisor](#) ("PD is the longstanding authority of a law enforcement agency, and an indispensable feature of any functioning legal system, that can be used to preserve

ICE must take immediate action to ensure that no survivor or witness of sexual abuse by federal prison employees faces further incarceration and exile. We demand that ICE:

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

Sincerely,

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

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limited government resources necessary to achieve just and fair outcomes in individual cases.”) See also, e.g., *Arizona v. US*, 132 S. Ct. (2012); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999).

Bay Area United Against War	San Francisco, CA
Benedictine Sisters of Baltimore	Baltimore, MD
Berkeley Immigration Group	Berkeley, CA
Brost Law Office	Cedar Falls, IA
California Rural Legal Assistance (CLRA) Foundation	Sacramento, CA
Caminar Latino - Latinos United for Peace and Equity	Atlanta, GA
CASA of Contra Costa County	Concord, CA
Catholic Charities of the Diocese of Owensboro	Owensboro, KY
Community Legal Services in East Palo Alto (CLSEPA)	East Palo Alto, CA
Community Works	Oakland, CA
Counsel on American-Islamic Relations, California	California
Coyote Rhode Island	Providence, RI
Crisis Support Of Alameda County	Oakland, CA
CSA San Diego County	San Diego, CA
CURE California	California
Education and Leadership Foundation	Fresno, CA
El Concilio Family Services	Oxnard, CA
El/La Para TransLatinas	San Francisco, CA
End Domestic Abuse Wisconsin	Madison, WI
End Solitary Santa Cruz County	Santa Cruz, CA
Espacio Migrante	San Diego, CA
Esperanza United	St. Paul, MN
Faithful Friends	Sacramento, CA
Families for Freedom	New York, NY
Family Violence Law Center	Oakland, CA
First Friends of New Jersey & New York	Kearny, NJ
Food Empowerment Project	San Jose, CA
Freedom Archives	Berkeley, CA
Grassroots Leadership	Austin, TX
Hope Immigration	Atlanta, GA
Illinois Alliance for Reentry & Justice	Chicago, IL
Illinois Coalition Against Domestic Violence	Springfield, IL
Immigrant Action Alliance	Miami, FL
Immigrant Defenders Law Center	Los Angeles, CA
Immigrant Defense Advocates	Sacramento, CA
Immigration Counsel	San Francisco, CA
Immigration Outreach Service Center	Baltimore, MD
Immigrant Legal Defense	Oakland, CA
Justice & Diversity Center, Bar Association of San Francisco	San Francisco, CA
Latin Advocacy Network (LATINAN)	San Francisco, CA
La Raza Community Resource Center	San Francisco, CA
Law Office of Heather Wolf	El Cerrito, CA
Law Office of Helen Lawrence	Oakland, CA
Law Office of Peggy J. Bristol	Oakland, CA
Legal Aid Justice Center	Charlottesville, VA
Let's Get Free: The Women & Trans Prisoner Defense Committee	Pittsburgh, PA

Long Beach Immigrant Rights Coalition	Long Beach, CA
Mariposa Legal	Indianapolis, IN
Michigan Solidarity Bail Fund	Michigan
Mujeres Unidas y Activas	Oakland, CA
National Lawyers Guild - San Francisco Bay Area Chapter	San Francisco, CA
National Lawyers Guild - Massachusetts Chapter	Boston, MA
No Detention Centers in Michigan	Michigan
NorCal Resist	Sacramento, CA
O.L.A. Raza, Inc.	Porterville, CA
Open Immigration Legal Services	Oakland, CA
Operation Restoration	New Orleans, LA
Pangea Legal Services	San Francisco, CA
Parole Illinois	Chicago, IL
Partnership for the Advancement of New Americans (PANA)	San Diego, CA
Pilgrim United Church of Christ	Carlsbad, CA
Point Loma Nazarene U., Center for Justice & Reconciliation	San Diego, CA
Rapid Response Network of Kern County	Kern Co., CA
Reproductive Justice Inside	Baltimore, MD
Rev. Joseph L. Muth, Jr.	Baltimore, MD
Robert F. Kennedy Human Rights	Washington, D.C.
Root & Rebound	Oakland, CA
Rural Organizing Project	Cottage Grove, OR
San Diego Immigrant Rights Consortium	San Diego, CA
Santa Barbara County Immigrant Legal Defense Center	Santa Barbara, CA
Services, Immigrant Rights and Education Network (SIREN)	San Jose & Fresno, CA
Showing Up for Racial Justice (SURJ)	National
Sikh Family Center	San Carlos, CA
Sonoma Immigrant Services	Sonoma, CA
South Bay People Power	Chula Vista, CA
Southern California Immigration Project	San Diego, CA
Robert Allen Hood, former warden, Bureau of Prisons	
The Bortel Firm	Minneapolis, MN
The Collective Healing And Transformation Project	Richmond, CA
The Real Cost of Prisons Project	Northampton, MA
U.C. Berkeley Center for Race & Gender	Berkeley, CA
U.C. Davis School of Law Aoki Center for Critical Race & Nation Studies	Davis, CA
U.C. Davis Immigration Law Clinic	Davis, CA
Unapologetically HERS	San Leandro, CA
Unitarian Universalist Justice Ministry of California	Sacramento, CA
Unitarian Universalist Refugee & Immigrant Services & Education	Vista, CA
University of Denver Sturm College of Law Civil Rights Clinic	Denver, CO
University of Maryland Carey Law Gender Violence Clinic	Baltimore, MD
University of San Francisco Immigration & Deportation Defense Clinic	San Francisco, CA
ValorUS	Sacramento, CA
VIDA Legal Assistance	Miami, FL
VIDAS Legal Services	North Bay Area, CA

West End P.O.W.E.R.  
What's Next Washington  
Wild Cat Consulting  
Women & Justice Issues

Pittsburgh, PA  
Seattle, WA  
Clayton, CA  
Oakland, CA

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