

Supplement to SF95 Claim Form by:

████████████████████

1. Submit to Appropriate Federal Agency:

Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528

U.S. Customs and Border Protection
Office of the Chief Counsel
1300 Pennsylvania Ave., N.W.
Washington, DC 20229

U.S. Customs and Border Protection
CBP Fort Brown Station
3305 S. Expressway 83
Brownsville, TX 78521

Office of the Principal Legal Advisor
Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024

2. Claimant's Personal Representatives:

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6. Date and Day of Accident:

On and about ██████████, 2012.

8. Basis of Claim:

On or about ██████████, 2012, ██████████ was taken into custody by United States Customs and Border Protection (CBP), in Brownsville, Texas. The officers that apprehended ██████████ were wearing green uniforms. ██████████ is a thirty year-old woman and mother of three children, ages three, six and twelve.

The CBP officer who took ██████████ into custody placed her hands forcibly behind her back, handcuffed her and then, standing behind her, pushed her forward, knocking her onto the ground, face first. Because her clothes were wet, she became covered in dirt. She was then ordered along with other individuals to “subete a la perrera,” translated in English to mean “get in the dog kennel.” She was told that she and the other detainees were being taken to the “hielera,” translated in English to mean the “freezer,” “icebox” or “refrigerator.”

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She was then transported, upon information and belief, to the CBP Fort Brown Station, in the CBP Rio Grande Valley Sector. There, her shoelaces and belongings were taken from her, and still wearing her wet, dirt-covered clothing, she was placed in what the CBP agent had meant by “hielera”: a small, freezing cold cell where many detainees were crowded together. She later heard other CBP officers also refer to the cell as the “hielera” and realized that this was the CBP officers’ nickname for it.

After being detained in the first hielera, ██████████ was subsequently transported to two other hieleras. The conditions of the hieleras were basically identical. The hieleras had no beds, no chairs and a single toilet and sink sitting in the open in the corner. A large window in the door of the cells allowed CBP officers to see into the entirety of the cell, including the toilet and anyone using it.

The temperature in the hieleras was so cold that ██████████ observed that the lips and fingers of other detainees had turned blue. ██████████ experienced pain in her ears from the extreme cold. The cold also caused her face to turn red and her lips to chap and split. Because of the cold, she and the other detainees would huddle together on the floor for warmth. The cold temperature made it very difficult to sleep. The cramped quarters also made it impossible for all of the women to lie down all at one time on the floor. Consequently, they took turns trying to sleep on the cement floor or sitting up against the wall.

She and other detainees repeatedly asked that air conditioning be turned off but the CBP officers would simply laugh at these requests and the cells remained freezing.

██████████ was embarrassed and felt “horrible” when having to use the toilet which sat exposed in the open in the corner of the cell. She felt ashamed and humiliated to have to expose herself to the other detainees while urinating and defecating. She would refrain from relieving herself as long as possible so she would not have to humiliate herself in this fashion.

In one of the hieleras in which ██████████ was incarcerated, one of the women was pregnant. Through the window in the cell door, she could see into another hielera. In that hielera she could see children, including a child she believed to be approximately two years of age.

While in the hieleras, ██████████ was fed approximately twice a day. Each meal consisted of a single sandwich made of an unidentifiable processed meat and white bread. Many of the sandwiches she received were frozen and as a result difficult or impossible to eat. This meager food left her hungry every day and caused her to feel light headed and to suffer headaches. The only water available to ██████████ was provided in a single thermos shared by all the detainees. There were no cups to drink the water. ██████████ and the other detainees poured water into their hands in order to drink it. The water smelled like bleach and burned ██████████ throat when she drank it.

██████████ had no access to a bath or shower and was not provided with any personal hygiene products like a toothbrush, toothpaste, comb, brush or soap. Nor was she ever provided with a change of clothing. For five days she wore the same dirt-covered pants, shirt and undergarments

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██████████ she had on when apprehended. Because her shoes and socks were wet, she removed the socks. Because the laces of her shoes were taken, her shoes were loose and her feet were freezing and numb because of the temperature. As a result of being forced to stay in her dirty clothes and of being unable to clean herself, she was filthy and she felt embarrassed and ashamed.

██████████ spent a total of five days in the hieleras. During this time she was driven to tears repeatedly. She felt hopeless and despondent. She was told nothing about where she was or what would happen to her.

During her time in the hieleras she was occasionally taken from her cell into another room and presented with documents, all in English, that she was told she had to sign. ██████████ does not speak or read English. When she asked what the documents said, she was repeatedly told to just sign and that until she did, she would not be allowed to leave the hieleras. She refused repeatedly but finally, exhausted from lack of sleep and food, and after being told that if she did not sign she would be “in much bigger trouble because she was not ‘collaborating’ with them,” she signed. The CBP officer who told her to sign was a male. Unbeknownst to her, the document she signed was a Record of Sworn Statement in Affidavit Form (Form I-215B).

██████████ was not asked, before being required to sign the documents, whether she had a fear or concern of being returned to the country from which she came. After being transported to the Broward Transitional Center in Florida, ██████████ was asked about having a fear of returning and indicated that she did have such a fear.

During the time the five days that ██████████ was incarcerated in the hieleras, the actions of the CBP officers who: (1) detained her; (2) oversaw her in detention; and (3) coerced her into signing a Record of Sworn Statement in Affidavit Form (Form I-215B), were known to the CBP officers’ supervisors and colleagues. Yet, upon information and belief, these supervisors and colleagues took no action to stop, correct or amend the unlawful and harmful action of their colleagues.

By intentionally, unlawfully, and in bad faith detaining ██████████ under these unlawful and harmful conditions, and by unlawfully and intentionally coercing her to sign a document she did not comprehend that detrimentally and materially affected her, the officers and agents described above committed the following common law torts: negligent hiring; negligent retention; negligent training; intentional infliction of emotional distress; and negligence. The actions of the officers and agents described above also committed the following torts under Texas law: abuse; civil conspiracy; neglect; and extortion.

9. Property damage: No property was damaged.

10. Nature and Extent of injury: As a result of the unlawful treatment of ██████████, she suffered severe, substantial and continuing emotional distress and, potentially, lasting psychological harm.

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[REDACTED]

11. Witnesses:

(a)

[REDACTED]

(b)

[REDACTED]

(c)

[REDACTED]

(d)

[REDACTED]

(e)

[REDACTED]

(f) Current and/or former employees or agents of CBP or the Department of Homeland Security whose identities are presently unknown, including agents assigned to the CBP Stations in the Rio Grande Valley Sector in Texas.

12. (d) Total: \$500,000.00

15-19. [REDACTED] does not carry any insurance responsive to these requests.