

IN THE SHADOW OF THE VALLEY:

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# The Unnecessary Confinement and Dehumanizing Conditions of People in Immigration Detention

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at Moshannon Valley Processing Center



Stephen and Sandra  
**SHELLER**

**CENTER for SOCIAL JUSTICE**



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citizen children—are detained and taken away from their communities based on old crimes. Yet the latest evidence shows that 98% of people released from ICE detention who have legal representation show up to court.<sup>6</sup> And despite spending over \$1 billion annually on immigration detention, our communities are measurably no safer.<sup>7</sup> Rather, immigration detention separates people who are immigrants from their families and puts them in unsafe, harsh conditions.

This report is primarily based on site visits and interviews, conducted by community-based organizations and legal groups in the spring of 2023 of people held at Moshannon. Further, we reviewed information obtained about Moshannon from public records requests, interviewed people who were formerly detained at Moshannon, and researched the national state of immigration detention.<sup>8</sup>

There are three major themes that surfaced from our investigation of Moshannon: (1) physical and psychological mistreatment, (2) barriers to justice, and (3) problems with health and well-being.

### Of the 77 immigrants interviewed:

- 58% expressed medical and mental healthcare issues
- 50% reported instances of general mistreatment by facility staff
- 31% were subject to racial or derogatory slurs
- 10% felt threatened by the possibility of being transferred to an out-of-state facility
- 6% were the victims of physical force.<sup>9</sup>

These complaints about Moshannon, however, are not an aberration. Many people are shocked to learn that they fit within the well-documented pattern of harms to people in immigration detention across the country.

Spending taxpayer money to increase the number of people in immigration detention has not created a fairer, safer, or more efficient immigration system. Instead, it has created an immigration detention system that is contrary to ideals of fairness, freedom, and opportunity. It is a system too broken for piecemeal reforms and needs to be abolished. In its place, a community-based case management system can work with people to screen, process, and ensure their attendance at immigration court. For these reasons, we call for the closure of Moshannon.

# INTRODUCTION

An African immigrant to the United States was transferred to Moshannon Valley Processing Center in rural Pennsylvania, hundreds of miles away from his family. His wrists were handcuffed and shackled to his waist as he was driven hours away from his home on a bus with other strangers resigned to the same fate in immigration detention. He arrived at the facility hungry and unsure of what would happen next. He was eager to call his son who was only two years old when they got separated. In the 18 months that he spent in detention, he made a few dollars a day here and there through the facility's voluntary work program, but costs to call home were much higher, especially when he also had to buy other essentials, like soap, snacks, and ibuprofen. In many ways, he was one of the lucky ones. His son's mother was willing and able to put money in his account so he could afford the calls home. He did his best to call by phone everyday he could, but he missed seeing his son grow up in his many months away. By the time he was released, his son was almost four.

-Story of a person held at Moshannon<sup>10</sup>

Each year, thousands of immigrants are held in immigration detention facilities across the country.

This report details the conditions at Moshannon Valley Processing Center (Moshannon) in Clearfield County, Pennsylvania. Moshannon is an immigration detention facility run under the authority of Immigration and Customs Enforcement (ICE), which is part of the Department of Homeland Security. The facility is run by a private prison company, The GEO Group, Inc., under contract with Clearfield County and ICE.<sup>11</sup> Moshannon stands out among similar facilities for its massive size, having the capacity of 1,876 beds.<sup>12</sup>

Until March 2021, Moshannon was a federal prison.<sup>13</sup> Moshannon re-opened as an immigration detention facility in the fall of 2021, intended to be a hub for the Northeast.<sup>14</sup> While some people looked forward to jobs returning to the area, other residents were concerned because they knew very little about the new contract between ICE and GEO.<sup>15</sup> In fact, neither ICE nor GEO made details of their contract public before it was finalized and have since provided very little public information about who is held in the facility, how it operates, and what the daily conditions are like.<sup>16</sup>

Because of this lack of transparency since its opening, organizations that work with immigrant communities, including those who have members with loved ones detained at Moshannon, have been trying to get a better understanding of the facility. In 2023, legal nonprofits, community-based organizations, and legal clinics toured the facility and conducted interviews with 77 people at Moshannon. These organizations have also filed public records requests to obtain further information about how Moshannon operates.



*Aerial view of Moshannon<sup>17</sup>*

People detained in Moshannon reported that the conditions are punitive, inhumane, and dangerous. They explained how they suffered from various forms of mistreatment, including lack of adequate access to healthcare, physical and psychological abuse, and retaliation for advocating for themselves within the facility. This report draws on various sources for its analysis: interviews, public records requests, complaints to the federal government, inspection reports, news articles, and research conducted by academics and non-profit advocacy organizations.

This report is divided into four parts. Part I provides a brief background about what immigration detention is. Thereafter, Part II explains how the U.S. immigration detention system is a relatively new phenomenon that grew to be the largest of its kind in the world. Part III provides background information on Moshannon Valley Processing Center, and Part IV details the lived experiences of people in detention at Moshannon. It does so primarily by retelling the stories of people held at Moshannon. While the instances retold below are alarming, they are neither exceptional nor accidental. Indeed, they exemplify the common experiences of hundreds of thousands of other people in immigration detention across the U.S. that are otherwise incompatible with our country's values of fairness, freedom, and dignity for all people.

We conclude by arguing that immigration detention is unnecessary for a fair and efficient immigration system. We explain how non-detention alternatives can accomplish the same goals at a fraction of the cost. This report ultimately calls for Moshannon's closure and the abolition of immigration detention more generally.

# METHODOLOGY

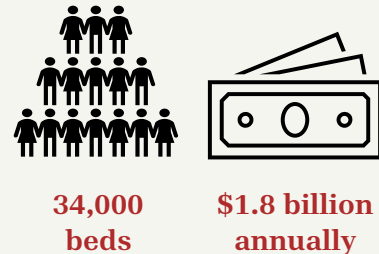
This report is the product of multiple resources provided generously by various groups.

It primarily draws from over 70 in-person and phone interviews of people held at Moshannon in the spring and summer of 2023. Coordinated by the ACLU of Pennsylvania (ACLU-PA), a group of community-based organizations, law school clinics, and legal nonprofits interviewed people at Moshannon using an intake form (Appendix). Interviewers compiled their notes from those interviews. These notes served as the primary source for understanding life inside Moshannon as we sought to uplift the stories of people held there. For purposes of this report, the identity of interviewers and all persons interviewed have been anonymized.

Further, the report draws from public record requests made by the ACLU-PA in 2023, as well as notes and materials gathered from the community and legal group visits to Moshannon in 2023.<sup>18</sup> We also relied on public letters and complaints sent to Immigrations and Customs Enforcement (ICE) and the Department of Homeland Security (DHS),<sup>19</sup> and we conducted in-depth interviews with people who were previously detained at Moshannon. Finally, we referred to academic articles, newspaper articles, and various publications by advocacy organizations about immigration detention.

# I. WHAT IS IMMIGRATION DETENTION?

Immigration detention is the detention of people who are immigrants while they await their immigration court proceedings, which will decide whether they will be deported from the U.S. In FY 2020, ICE detained an average daily population of around 35,000 people at the cost of \$1.3 billion annually.<sup>20</sup> DHS estimates that \$1.8 billion dollars are needed for 34,000 beds in FY 2025.<sup>21</sup>



Immigration detention includes a mix of former correctional facilities and active jails, and detention centers where only people in ICE detention are held.<sup>22</sup> These secure facilities are surrounded by barbed wire and deprive people in immigration detention of autonomy over their movement within the facility.<sup>23</sup> People in immigration detention wear prison uniforms, lack privacy, and have restrictions on how and when they can see and talk with loved ones. They also may face a plethora of unsafe conditions, ranging from safety issues to access to medical care. Immigration detention facilities also punish people by placing them in solitary confinement.<sup>24</sup>

These conditions are often worse in private immigration detention facilities. A study of immigration detention grievances found that privately run facilities have significantly more grievances.<sup>25</sup> This is particularly concerning given that studies also show that privately run prisons, by the same companies that operate immigration detention, have a worse track record for safety and security.<sup>26</sup>

The length of time people stay in detention exacerbates the punitive feeling of detention. Immigration detention is supposed to be a short-term solution until people have their court proceedings, yet many people remain in detention for months awaiting hearings or deportation.<sup>27</sup> The median length of time spent in immigration detention is approximately 52 days, and this length continues to increase.<sup>28</sup>

Immigration detention, however, is not supposed to be punitive.<sup>29</sup> Rather, ICE detains people who are immigrants based on violations of civil immigration laws. The U.S. Constitution does not allow those in civil detention to be subject to punishment or

conditions that amount to punishment.<sup>30</sup> Yet for hundreds of thousands of people who end up in immigration detention facilities each year, it is hard to imagine that being deprived of their liberty, excluded from communities, and separated from loved ones, is not some kind of punishment.

Who are the people that end up in immigration detention? Some entered the U.S. seeking asylum because they are fleeing violence, persecution, or torture. Others came to the U.S. seeking a better life for themselves and their families and built a home here only to find themselves in ICE custody. Long-time permanent residents with “green cards” can end up in immigration detention based on old crimes for which they have already served their time.<sup>31</sup> Many of the people in detention are already established members of their communities, with spouses and children who are U.S. citizens, or otherwise have familial ties in the U.S.<sup>32</sup>

Immigration detention is supposed to ensure a person’s appearance in court, but this justification is based on a flawed assumption.<sup>33</sup> Research shows that the vast majority of people subject to deportation proceedings show up to immigration court. In fact, 83% of all non-detained people in deportation proceedings between 2008 and 2018 attended their court hearings.<sup>34</sup> It is actually the interest in applying for relief from deportation, not the threat of detention, that encourages an individual to appear in court.

Rather than detain people in inhumane conditions, the U.S. should expand the right to court-appointed counsel to people facing deportation to improve attendance rates. For example, nearly 100% of families who were not detained but who had legal representation showed up to court from 2001 to 2016.<sup>35</sup> Instead of keeping people in immigration detention making it more difficult to obtain legal counsel,<sup>36</sup> the U.S. immigration system should provide more due process protections for people facing deportation to ensure their appearance in court.

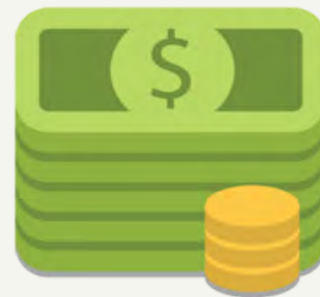
Studies repeatedly show that non-detained people appear at high rates for immigration court, particularly when they have community support and legal counsel.<sup>37</sup>

ICE is also wrong to categorically assume that people subject to deportation proceedings are a public safety risk. Most people who are in immigration detention have no criminal record whatsoever. In April 2024, for example, a minority of people in immigration detention had past criminal convictions (28%).<sup>38</sup> Even so, a person’s past conviction is not indicative of that person’s propensity for violence, since this ICE category includes people with *any* type of criminal violation, including low-level traffic

offenses.<sup>39</sup> Of people who are in immigration detention nationally in FY 2024, 84% are classified in the lowest risk categories based on prior convictions, disciplinary record, and other factors.<sup>40</sup>

There is also a law that requires ICE to mandatorily detain people with certain criminal convictions without the possibility of release on immigration bond.<sup>41</sup> That means that ICE and immigration judges are not required to consider other mitigating factors—such as the person’s family and community ties to the United States—when issuing bond. In other words, this overexpansive category of mandatory detention encompasses long-term residents in the U.S., whose deportation is triggered by old crimes, regardless of how long ago they occurred.<sup>42</sup> Moreover, studies too have shown that past criminal history, particularly history that is several years old, is not a reliable basis for assessing public safety risk.<sup>43</sup>

The immigration system need not operate this way. There are community-based case management programs that serve as alternatives to detention by vetting, processing, and supporting people in immigration court proceedings.<sup>44</sup> Such programs, for example, can provide holistic case management focused on case resolution while ensuring that people attend their check-ins with ICE, appear for court, and have access to needed services.<sup>45</sup> With great success, the federal government has previously contracted with community-based organizations to run such pilot programs.<sup>46</sup> With detention costs averaging \$157.20 per person per day, existing alternatives to detention cost a fraction of this daily rate.<sup>47</sup>



**Daily Rate =  
\$157.20 per person**

With the availability of such alternatives,<sup>48</sup> immigration detention, which deprives people of liberty, separates them from their families, and excludes them from communities, becomes an unnecessary and unjustifiable part of our immigration system.

## II. THE RAPID GROWTH OF IMMIGRATION DETENTION

Immigration detention has not always been this way. In 1980, less than 2,000 people were held in immigration detention.<sup>49</sup> Now an average of 30,000 people are detained on any given day, though this number fluctuates.<sup>50</sup> As of April 5, 2024, for example, 36,603 people were detained in immigration facilities.<sup>51</sup>

Why then are these detention numbers so large? For starters, tough-on-crime laws in the 1980s and 1990s made certain people who are immigrants automatically ineligible for release from detention.<sup>52</sup> These laws require ICE to mandatorily detain an overexpansive category of people, which includes those who have committed misdemeanors, non-violent crimes, or have criminal records from many years ago.<sup>53</sup> People who fall under this category are ineligible for a bond hearing and must remain in detention.<sup>54</sup>

Further, while ICE otherwise has the discretion to allow most people to fight their cases outside of detention, it often chooses to detain them.<sup>55</sup> Once they are detained, ICE has the discretion to release them but usually does not, which means people who are bond eligible may only be released by asking a court for an immigration bond. Those who are eligible for a bond hearing must prove that they are neither a flight risk nor danger to the community to be granted bond.<sup>56</sup> The odds of a grant of bond, however, can be as low as three percent.<sup>57</sup> Immigration law too requires people in detention to pay the bond in full, unlike criminal bail bonds which require only a percentage of the total amount.<sup>58</sup> Immigration bonds are typically around \$7,000,<sup>59</sup> with the most common bond amounts being \$5,000 or \$10,000.<sup>60</sup> Despite these high costs, immigration judges are not required to consider a person's ability to pay when setting a bond amount.<sup>61</sup>

"They wanna make money out of you, every time you get in custody, it's money for them."

-Person held at Moshannon<sup>62</sup>

Private prison companies have also fueled the growth of immigration detention. As of July 2023, 90.8% of persons who are immigrants under ICE custody are held in facilities owned or operated by private

prison companies.<sup>63</sup> These companies—The GEO Group and CoreCivic—make an enormous amount of revenue from their contracts with ICE. In 2022, for example, GEO Group made \$1.05 billion in revenue from ICE contracts,<sup>64</sup> a 40% increase from 2021.<sup>65</sup> That same year, CoreCivic made \$552.2 million in revenue from immigrant detention contracts.<sup>66</sup>

Private prison companies have lobbied politicians to expand immigration detention.<sup>67</sup> Since 2010, GEO Group has spent over \$12 million dollars on political funding, such as lobbying expenditures, campaign donations to elected officials, and ballot measures.<sup>68</sup> Their profits have been further secured by national bed quotas and fixed-rate contracts between private prison companies and ICE.<sup>69</sup>

Bed quotas or bed mandates refer to the Congressional policy that formally existed from 2009 to 2017 that required that at least 34,000 people be held in immigration detention centers at any given time.<sup>70</sup> While this policy is no longer in place, congressional budget proposals continue to presume that 34,000 or more beds should be reserved for immigration detention.<sup>71</sup> Immigration detention is expensive, and these costs continue to rise with inflation. As a result, DHS estimates that \$1.8 billion dollars are needed to sustain 34,000 beds this upcoming year.<sup>72</sup>

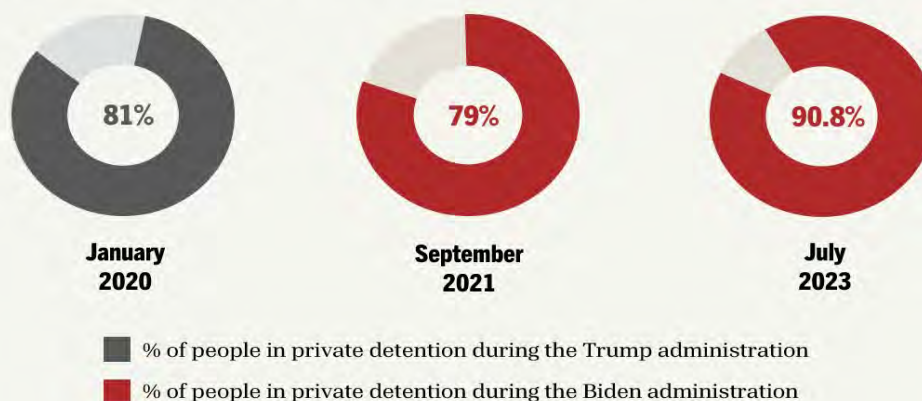
Fixed-rate contracts between private prison companies, local governments, and ICE lead to the filling of detention beds.<sup>73</sup> A “fixed-rate contract”<sup>74</sup> means that ICE pays to maintain a fixed number of beds at detention centers regardless of whether or not they are being used.<sup>75</sup> Thus, detention centers that are under fixed-rate contracts, like Moshannon,<sup>76</sup> may house significantly fewer people than what the contract requires. These fixed-rate contracts ensure that companies are paid for monthly operations regardless of whether the detention bed is used,<sup>77</sup> which encourages ICE to fill rather than waste the surplus beds. As a result, money drives immigration detention, not actual need.

Recent administrations, regardless of political party, have maintained the immigration detention regime. For instance, the Obama administration expanded family detention to deter migration, even after various lawsuits attempting to curtail it.<sup>78</sup> Afterwards, the Trump administration ballooned immigration detention to an average daily population of more than 56,000 people and committed to building more facilities.<sup>79</sup> Only the pandemic ultimately managed to decrease the overall numbers in detention.<sup>80</sup>

The Biden administration, like its predecessors, continues to use immigration detention, despite making representations that there should be no “private prisons,

period.”<sup>81</sup> In 2021, the Biden administration issued an executive order directing the Department of Justice to phase out its contracts with private prison companies, but it excluded immigration detention from the order.<sup>82</sup> Its decision to cut contracts with private prisons was motivated by concerns that private prisons do not maintain the same levels of safety and security for people.<sup>83</sup> These same concerns exist for private immigration detention facilities. Yet the Biden administration has increased the use of private immigration detention, and the number of immigrants in private detention has increased from 80% to over 90% since President Biden entered office (Figure 1).<sup>84</sup>

**Figure 1.** ACLU’s graphic of people held in private immigration detention.<sup>85</sup>



Still the U.S. is seen as a place of refuge for those seeking a better life.<sup>86</sup> For example, experts have stated that detention policies do not influence the decision of Central Americans to migrate, who make up one-third of recent arrivals at the Southern Border from 2019 to 2023.<sup>87</sup> The primary reason that people leave Central American countries is that those countries currently occupy the first, fourth and fifth place worldwide in homicide rates, which proliferated due to U.S.-led destabilization in those regions.<sup>88</sup> Increasing the money we spend on detention beds, however, has not stopped people from migrating or made for a more efficient or better immigration system.

Together, these policies and practices have helped to create the world’s largest immigration detention system, which enriches private companies while costing taxpayers \$1.6 billion. In the meantime, it is shocking to learn that people suffer from significant harms while being held in immigration detention. The next section will describe the conditions at Moshannon and show that the experience there is no exception.

# III. MOSHANNON VALLEY PROCESSING CENTER

Moshannon Valley Processing Center (Moshannon) is an immigration detention center that is privately owned and operated by The GEO Group (GEO) in Clearfield County, Pennsylvania.<sup>89</sup> It is about 131 miles from Pittsburgh and 231 miles from Philadelphia.<sup>90</sup> Its 1,876-bed capacity makes it the largest immigration detention center in the Northeast.<sup>91</sup> Moreover, it has become one of the top 10 immigration detention centers that holds people the longest, with an average stay of 78 days.<sup>92</sup>

Before becoming an immigration detention center, Moshannon was Pennsylvania’s first privately owned prison under contract with the federal Bureau of Prisons.<sup>93</sup> It served as a federal prison from 2006 until March 2021.<sup>94</sup> In a meeting of the Clearfield County Commissioners in September 2021, the Commissioners voted on the reopening of Moshannon as an immigration detention facility.<sup>95</sup> In deciding to approve the new contract, Commissioners weighed heavily the impact of the loss of about 300 jobs upon closure of the federal prison as well as the revenue they would gain from the contract.<sup>96</sup> The Commissioners, however, did not publish an agenda to notify the community prior to the September meeting, in violation of the Sunshine Act. After a lawsuit forced them to follow the proper procedures, they eventually approved a five-year contract, valid until November 2026, by unanimous vote (Figure 2).<sup>97</sup>

**Figure 2.** Moshannon’s Reopening.



**Figure 3. Moshannon Contracts.**



There are several things to note about how the contracts work for Moshannon. First, the contract between Clearfield County and GEO helps GEO to circumvent onerous federal contracting requirements that exist when a private company directly contracts with the federal government.<sup>98</sup> It works as follows (Figure 3): an inter-governmental service agreement (IGSA) exists between ICE and Clearfield County, with ICE paying the County for immigration detention.<sup>99</sup> In turn, the County then contracts with the private operator, GEO, and pays it to operate the facility.<sup>100</sup>

Second, while Clearfield County is a pass through for federal government dollars to GEO, the County benefits as well. The Service Agreement between Clearfield County and GEO requires GEO to pay the county \$200,000 per year as an “administrative fee.”<sup>101</sup> Further, local governments are often swayed by GEO’s marketing about immigration detention facilities as opportunities for economic opportunity. Current research shows, however, that carceral facilities do not necessarily positively affect the local economy in the long-term.<sup>102</sup> Despite this fact, counties like Clearfield are enticed by the service contracts and the promise of jobs to seemingly boost their community’s economy.

Finally, GEO then gets paid by ICE via Clearfield County based on the fees set in the IGSA.<sup>103</sup> GEO receives a fixed fee of \$2,862,718 per month to operate the facility no matter how many people are in detention at the facility.<sup>104</sup> On top of that, GEO receives \$10 to \$40 per person in detention per day every month and \$1 per person per day every month for voluntary work program participants.<sup>105</sup> At its most recent population size of 1,225 people, the federal government is paying over \$3.4 million per month to GEO to operate the facility (Figure 4).<sup>106</sup>

**Figure 4. Estimated Monthly Payments for Moshannon.**

Fixed Monthly Operating Fee	\$2,862,718
+	
Monthly Per Person Fee	\$534,000
+	<ul style="list-style-type: none"> <li>• \$10/person per day for 30 days for the first 800 people</li> <li>• \$40/person per day for 30 days for an additional 425 people</li> </ul>
Work Program	\$18,000
	<ul style="list-style-type: none"> <li>• \$1/person per day for 30 days for 600 people (estimate)</li> </ul>
<b>Total Monthly ICE Payment to GEO</b>	<b>\$3,414,718</b>

Some states, like New Jersey, New York, and Maryland have banned their counties from entering into IGSA's in an effort to keep immigration detention out of their states.<sup>107</sup> Due to these bans on immigration detention facilities, Moshannon holds many people from neighboring states, although it also detains people from across the country.<sup>108</sup> Based on interviews conducted with over 70 people who have been detained at Moshannon, the following sections explain what daily life is like, who is being held at the facility, and the conditions that people must endure.

## DAILY LIFE AT MOSHANNON

From firsthand accounts, people have described their daily lives at Moshannon as defined by a lack of freedom, choice, safety, and overall wellness. Moshannon is a former federal prison that was converted into an immigration “processing center.” GEO, however, did not tear it to the ground and build something new. Rather, the facility’s past bleeds into its present, where people forced to stay there are deprived of their freedom, excluded from their communities, and separated from loved ones. As a matter of fact, when the facility transitioned from a federal prison to an immigration detention center, GEO increased security by upgrading the “no-climb” fence around the perimeter.<sup>109</sup>



*Moshannon's no-climb fence upgraded for ICE*

Consider this vignette, which was compiled from interviews with people who are immigrants at Moshannon:

Imagine that you are an immigrant who has just been transferred to Moshannon. Maybe you were transferred immediately after being released from jail or you were detained after responding to a message from ICE asking you to come into the office.<sup>110</sup> First, you're handcuffed at your wrists and ankles and then placed in the back of a van with no windows.<sup>111</sup> On the way to Moshannon you are joined by other people who were detained by ICE.<sup>112</sup> You sit quietly next to each other on the benches of the van because you're scared or don't speak the same language.<sup>113</sup>

You find yourself being asked a lot of questions all at once in a language you might not understand.<sup>114</sup> You still don't know where you are, so you ask the clerk typing feverishly and if you can call your family.<sup>115</sup> They tell you that someone else will help you make a phone call once they're done processing you, but you'll later learn that they won't help you like they said they would<sup>116</sup> They ask you about your shirt, pant, and shoe size.<sup>117</sup>

Next, you're quickly stripped of all your personal belongings and clothes,<sup>118</sup> and given a standard jumpsuit.<sup>119</sup> This jumpsuit's color is based on how the staff that day decides what your supposed "security level" is from your past criminal history or suspected gang affiliations.<sup>120</sup> You are assigned a number.<sup>121</sup>

For men, you sleep in a “pod,” which is a large, dorm-like room crowded with up to 80 people. Bright lights that line the hallways of the housing unit stay on all night.<sup>122</sup> Staff come in and out of the dorm at all hours, slamming large, metal security doors open and shut throughout the night.<sup>123</sup> You sleep on uncomfortable bunk beds, one on top of the other. In the pods, there is no space for any privacy, and essentials, like toilet paper, shampoo, and razors,

“In the pod I sleep head to toe with four bunks on either side of me in my row. This means that there are sixteen people sleeping in my row. Since our beds are bunkbeds and I sleep on the bottom, I usually hang one of the sheets from [my] bed from the bottom of the bunk to get some privacy. . . . At least in criminal prison I had some privacy and space to myself.”<sup>126</sup>

are rationed, causing competition among people.<sup>124</sup> You make sure to wake up early to get your soap at 7:30 A.M. so you don’t miss the daily allotment.<sup>125</sup>

You struggle to keep your pod and clothes clean. GEO cuts costs by not hiring custodial staff and makes you and the other people in detention do all the

“If you want to use it [the bathroom], you have to bring a spray bottle. They don’t give you strong liquid to clean it [and] the toilets sometimes have feces on them. They ask the case manager many times to appoint someone to clean it here. They want the detainees to clean it because they don’t want to pay someone.”<sup>127</sup>

cleaning yourselves.<sup>128</sup> There is limited disinfectant available, so you use shampoo to clean the bathrooms.<sup>129</sup> When you send your dirty clothes to the laundry, they come back dirtier than when you sent them, with white shirts coming back discolored brown and reeking of dirty mopheads.<sup>130</sup>

If you're a woman, you get to share a cell with only one other person.<sup>131</sup> You are kept in your dorm about 22 hours a day, including during some mealtimes, because you are not allowed to see or interact with the men at the facility.<sup>132</sup>

Food is of such low quality that the "food in jail [would be] better."<sup>133</sup> The drinking water "smell[s] and taste[s] horrible," leaving some immigrants feeling hesitant about drinking it.<sup>134</sup>

Your day is consumed with waiting for your turn to use a tablet to call home, play a game, or do research for your immigration case. With up to 50-70 people in a pod and 7-12 tablets per pod, you are often waiting long for the next chance to speak to family or play a game.<sup>135</sup> Even once it's your turn to use the shared tablet, you are only afforded minimal time. The communication device is sometimes the only way to reach the outside world in an already isolating space. You don't want to spend all your time thinking about your loved ones hundreds of miles away, so you are eager to work at the facility, even if it is for a meager \$1-\$3 per day.<sup>136</sup> But it can be hard to get a position if too many people are signed up.

Those few dollars you might make from a job are precious. They pay for video calls with family and instant noodles at the commissary. You've heard there are visitation hours, but you know it will be too hard for your family to drive hours into rural Pennsylvania more than once or twice, with their work and school schedules, while you remain in detention for months.<sup>137</sup>

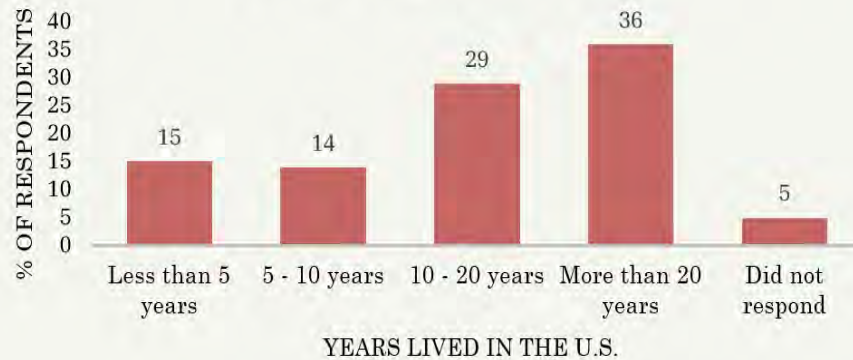
The whole time, you try to keep your head down so there is no chance that you will be disciplined by staff who stayed on from when the facility was a prison.<sup>138</sup> You dread the thought of being thrown into solitary confinement, known as the "SHU." You've heard horror stories of how it can be. A staff member takes another immigrant—in handcuffs—to the solitary confinement unit, separated from the general population and other dorm rooms.<sup>139</sup> In the SHU, the bright lights stay on all night,<sup>140</sup> there is no privacy from staff,<sup>141</sup> and there are no windows.<sup>142</sup> The food is cold as if it was taken straight from the freezer.<sup>143</sup>

## PEOPLE IN DETENTION AT MOSHANNON

Moshannon has a very large population that continues to grow. Over the 20-month span from January 1, 2022, to August 31, 2023, 9,223 people were in immigration detention at Moshannon.<sup>144</sup> From February 7, 2022, to April 1, 2024, the daily population at Moshannon increased from 233 people to 1,225 people.<sup>145</sup>

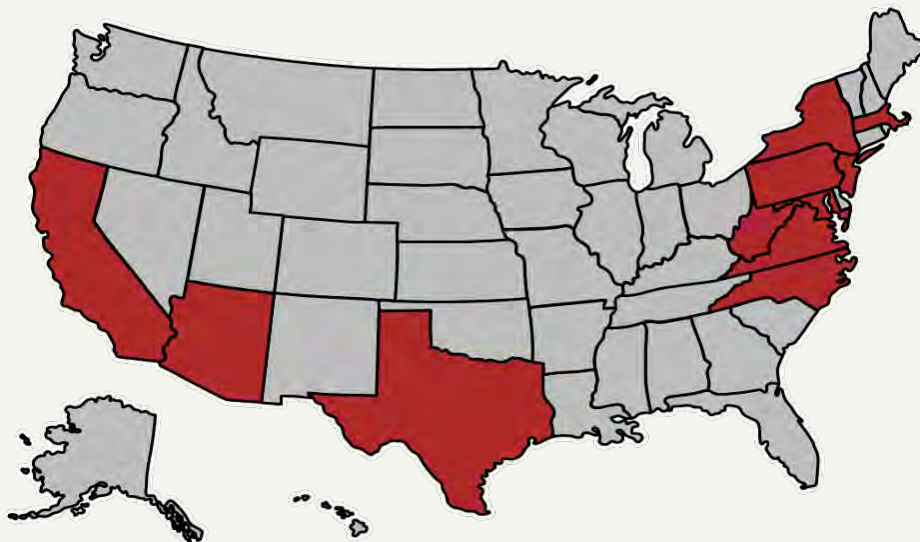
What is the profile of people who are detained at Moshannon? While we do not have overall demographic information about all people held at Moshannon, we can provide a snapshot from spring of 2023. This data includes some basic demographic data of those

**Figure 5.** Percentage of people at Moshannon based on length of time in U.S.



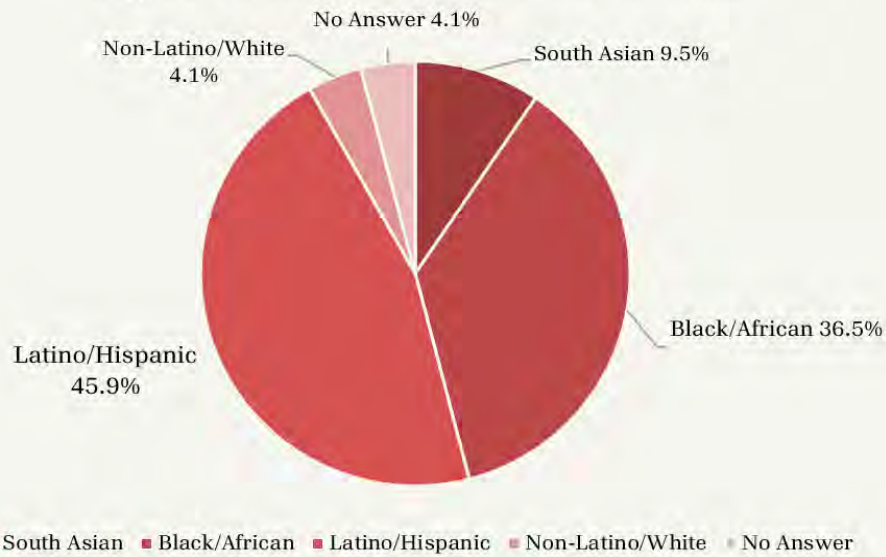
people who chose to sign up to meet with the groups and organizations that visited Moshannon.<sup>146</sup> Of the 77 people at Moshannon interviewed in the spring of 2023, more than half had been living in the U.S. for more than 10 years when they were forced into detention (Figure 5). In fact, 36% of people had been living in the U.S. for more than 20 years, while only 15% had been living in the U.S. for less than 5 years.

**Figure 6.** Resident states for people at Moshannon.



People in detention at Moshannon came from states all over the country as indicated in red on the map (Figure 6). While most people who are detained at Moshannon were from Pennsylvania and the neighboring states of Maryland, New Jersey, and New York, some have been brought to Moshannon from as far away as California, Texas, North Carolina, and Utah.

**Figure 7. Racial Demographics at Moshannon**



The facility mostly detains non-white people who are immigrants. Of those interviewed, almost half of respondents were Latino while over 30% were Black or African, based on self-reports of race (Figure 7).

## IV. CONDITIONS INSIDE MOSHANNON

There are three major themes that repeatedly surfaced from the interviews of people detained at Moshannon: (1) mistreatment, (2) barriers to justice, and (3) problems with health and well-being. Further, a recent fatality of a person in detention along with a recent report of 911 calls from the facility’s address reveal that many people detained at Moshannon have veritable safety concerns.

To put it simply, the reported conditions at Moshannon are unacceptable. Many people would be shocked to learn that people are not only being deprived of freedom, liberty, and opportunity, but are also enduring conditions that violate basic principles of fairness and respect for all human beings. These principles are enshrined in our Constitution, our laws, and human rights principles that guarantee the right to human dignity regardless of who you are or where you come from.<sup>147</sup>

Immigration detention facilities, like Moshannon, are technically regulated by federal Performance-Based National Detention Standards (PBNDS) through government inspections. These standards, however, set only a *minimum* threshold of treatment and

### A Note on Inspections

Moshannon is inspected by the Office of Inspector General, DHS Office for Civil Rights and Civil Liberties (CRCL), Office of the Immigration Detention Ombudsman (OIDO), and Office of Detention Oversight (ODO).<sup>148</sup> ICE also contracts with a private company, the Nakamoto Group, for annual inspections of large facilities like Moshannon.<sup>148</sup> Despite these oversight mechanisms, an overwhelming majority of these inspections result in “meets standards” reporting or higher in spite of on the ground reports to the contrary.<sup>149</sup> One official has described the private Nakamoto Inspections as “useless” because they are so difficult to fail.<sup>150</sup>

For Moshannon, the most recent federal inspections conducted by ODO in August 2023<sup>151</sup> and by the Nakamoto Group in March 2022<sup>152</sup> resulted in finding only one deficiency. The ODO inspection, in fact, praised the facility for its “steady improvement.”<sup>153</sup> The OIDO report from 2022 similarly found only a handful of issues—medical staffing levels, delayed mental health referrals, poor emergency preparedness, detainee communication, and ICE ERO visitation process—and three areas of exceptional performance.<sup>154</sup> These reports, however, contradict the first-hand accounts of the people in detention at Moshannon.

safeguards for people in immigration detention. As shown in the next sections, government inspections of Moshannon are of little utility and contradict the reports of people detained at the facility. Based on the interviews of people in detention at Moshannon, our own analysis finds that Moshannon is in violation of an alarming number of PBNDS requirements. From these interviews, we have summarized the top six PBNDS violations (Figure 8). Further, the PBNDS themselves fail to address the many issues that are fundamental for the well-being of people detained in immigration facilities, such as reducing barriers to family visitation, making telephone calls affordable, providing supplemental food, increasing access to medical care, and providing in person mental health support.

<b>Figure 8. Top Six PBNDS Violations.</b>	
<b><u>Type of Violation</u></b>	<b><u>Standard Number</u></b>
Medical Care	4.3
Use of Force and Restraints	2.15
Food Service	4.1
Religious Practices	5.5
Law Library and Legal Materials	6.3
Special Management Unit	2.12

Instead of operating places like Moshannon, the U.S. can choose to move towards an immigration system that aligns with our principles of the impartial rule of law, which provides for dignity for all people. Because this is the first report of its kind, further investigation into Moshannon is necessary to continue to document the experiences of immigrants detained at the facility. To begin, we provide a summary of the conditions detailed by the people who were detained in Moshannon in 2023.

## MISTREATMENT

Of those interviewed at Moshannon, 51 percent mentioned that they had suffered mistreatment or had seen others being mistreated at the facility.<sup>155</sup> Some people reported that staff physically harm people by using or threatening force or inappropriately placing people into solitary confinement. Others reported racist remarks, religious and sexual orientation discrimination, and retaliation for filing complaints about detention.<sup>156</sup>

### Solitary Confinement

Solitary confinement involves separating people from the general detention population. Immigration detention facilities across the country oversaw “more than 14,000 placements in solitary confinement between 2018 and 2023.”<sup>157</sup> At Moshannon, solitary units are called the “Special Management Unit” (SMU).<sup>158</sup> Moshannon staff not only wrongfully place immigrants in SMU, but also regularly threaten people with being sent to SMU.

At Moshannon, people in SMU are alone in a cell and isolated from the rest of the detention population.<sup>159</sup> Of those interviewed at Moshannon, over a quarter (27%) stated that they had been sent to SMU at some point or had complaints about the way SMU is weaponized by staff.<sup>160</sup> Although placement in SMU is supposed to be “nonpunitive,”<sup>161</sup> the reality is that SMU is a painful, isolating, and punitive experience that has serious consequences for people’s health and well-being.

One person, for example, described his time in SMU as being “in a cage,” while another described it as “corporal punishment.”<sup>162</sup> Another immigrant shared how he could see other people “deteriorating,” while he was in solitary.<sup>163</sup> Alarmed by the concerning use of SMU at Moshannon, the National Immigration Project filed a DHS CRCL

### CRCL Complaints

DHS’ CRCL Office is tasked with investigating civil rights complaints filed by the public.<sup>164</sup> People in detention may file a CRCL complaint to report human rights violations. Once a complaint is filed with the office, the CRCL Office investigates identified issues through a site visit or interviews and may choose to monitor the facility.

complaint on behalf of two men at Moshannon for their SMU placements.<sup>165</sup> One of the

men alleged that spending 23-24 hours per day in a cell alone was "soul crushing."<sup>166</sup> He further explained that while in SMU, he began to lose his mind, his sense of rationality and hope.<sup>167</sup> Understanding the harmful effects of solitary confinement, another person reported taking the blame for an elderly, medically-vulnerable person who was at risk for being placed in SMU for an incident related to a fire alarm. This person stated: "I took his blame [because] I thought he was going to go into a cardiac arrest if he went into SHU."<sup>168</sup>

People at Moshannon can be detained for up to 30 days or longer for certain kinds of offenses.<sup>169</sup> Immigrants reported that people at Moshannon can spend weeks—even months—in SMU isolation.<sup>170</sup> This is consistent with national data, reporting that the average time in solitary confinement at immigration detention facilities is one month—with some people spending "more than two years" in confinement.<sup>171</sup>

The threshold for deciding whether a person poses a sufficient threat to warrant SMU placement is vague, providing Moshannon staff with a lot of discretion about who gets placed there.<sup>172</sup> For example, in response to a protest about the regular searches of all bunks and personal belongings ("fire drills"), people report that about 44 individuals were placed in SMU for two weeks as punishment. During this time, one person reported that they were denied phone calls,<sup>173</sup> while another reported no access to a tablet or the law library.<sup>174</sup> People placed in SMU in other ICE detention facilities similarly report having limited to no access to make legal calls or have legal visits.<sup>175</sup>

People have shared that they have also wrongfully been accused of prohibited behavior and placed in SMU. One person reported that he was in SMU for 14 days because staff members found "a homemade lighter" under his bunkbed, which did not belong to him.<sup>176</sup> Another person shared that he was placed in SMU for 14 days for attempting to help another person who was "losing breath" during a physical altercation.<sup>177</sup>

Worse, some people reported that they are put in SMU pending an investigation or are never told why they are there. One person reported that he was "stuck in solitary confinement while awaiting the results of the investigation."<sup>178</sup> Another person stated that he spent thirty days in solitary but "didn't know [the] reason why he was put in, no write up or anything, all [the staff] said was that he was a security risk."<sup>179</sup> After thirty days in SMU, he was let out for only six hours before staff placed him back into SMU for another 14 days.<sup>180</sup>

With COVID-19, some people at Moshannon feared solitary so much that it became "common practice not to report COVID-19 symptoms to stay out of SMU."<sup>181</sup> Rather than

taking precautions, such as regular mask-wearing, to maintain the health and safety of people in detention and staff, people reported that Moshannon chose instead to quarantine people in SMU with symptoms for days and weeks at a time.<sup>182</sup>

Finally, people detained at Moshannon reported that staff use the threat of SMU to silence and intimidate individuals. People reported being scared because “if you get into any trouble, they put you in [SMU].”<sup>183</sup> One person was threatened with SMU when he had requested a new housing arrangement.<sup>184</sup> Given the well-known harms of SMU, people describe these threats by Moshannon staff as “a retaliation tool.”<sup>185</sup>



“Someone should do a deeper analysis on why people are being sent to the SMU - they send people for any reason.”<sup>186</sup>

Ultimately, these experiences with SMU are consistent with the problematic experience of others in immigration detention centers across the country.<sup>187</sup> In 2023, DHS CRCL issued a memorandum which documented over 60 complaints in the past four years regarding people with “serious mental health disabilit[ies] held in solitary.”<sup>188</sup> Many of the longest stays in SMU involve people with mental health conditions, which often lead to worsening conditions for people with mental health issues.<sup>189</sup> SMU placements for these vulnerable groups ultimately lead to the documented high rates of suicide in ICE detention.<sup>190</sup> Another evaluation by DHS CRCL of the Houston Immigration Detention Facility found that solitary confinement was misused against transgender people. Based on ICE’s own data, the number of transgender individuals in solitary confinement has “more than doubled in the third quarter of 2023.”<sup>191</sup> The lack of oversight related to the use of solitary confinement in so many situations has allowed these abuses to continue.<sup>192</sup>

## Physical Harm by Staff Members

Interviewees reported that Moshannon staff cause physical harm to immigrants, by engaging in physical violence and withholding food, water, and sleep. The federal standards (PBNDS) only allow staff to use “reasonable” force where it is “necessary” and “after all reasonable efforts to otherwise resolve a situation have failed.”<sup>193</sup> Under no circumstances are staff allowed to use force or apply restraints to punish a person.<sup>194</sup> Despite the national standards, it is shocking to learn that immigration detention staff across the country use unnecessary and unreasonable force against those in detention, such as handcuffing people, spitting in their face, or physically hitting people.<sup>195</sup>

People detained at Moshannon reported that staff have physically abused them using excessive force. One person reported that chokeholds had been used on several occasions when it was “totally unnecessary.”<sup>196</sup> In November 2022, several people reported that they were harassed by a guard at Moshannon who screamed obscenities at them, handcuffed them, and then took them to solitary confinement.<sup>197</sup> Several others reported that Moshannon staff have also threatened to use pepper spray against people.<sup>198</sup>

Further, several people reported being deprived of food and sleep. One person reported how the entire pod was denied dinner after complaining after they complained that the food was raw.<sup>199</sup> Another person who was slated for deportation was woken up at 2:00 AM with no notice, transported to the airport, and not given food or water for 18 hours, only to be returned suddenly to Moshannon because the plane was full.<sup>200</sup> One person in solitary confinement reported that staff deprived them of sleep by keeping the lights on all night.<sup>201</sup>

## Racial and Ethnic Discrimination

People in detention at Moshannon report prejudice and discrimination by staff. People explained feeling like the staff do not look at them “as human beings.”<sup>202</sup> Others described being told that “they should go back to their own countries and that they don’t have any worth”<sup>203</sup> or that “they don’t belong in the country, [and] need to leave.”<sup>204</sup>

Those in detention who do not speak English recounted how they get treated worse by staff. One person shared that he was told that toilet paper and soap were unavailable, while those who spoke English were provided with the same basic necessities.<sup>205</sup> Another non-English speaker explained that when he asks for anything, such as access to one of the tablets to connect with loved ones, staff refuse to help him because he only speaks Spanish and “[staff] look down on me.”<sup>206</sup>

“We feel that the mere fact that we are Black puts us at a disadvantage when relating with [a] particular [staff member]. . . we cannot be treated equally as other detainees . . . [the staff member] clearly has a bias against Black detainees and we do not think he can purge himself of his bias.”<sup>207</sup>

People in detention also reported staff being more watchful of Black immigrants.<sup>208</sup> Of those interviewed at Moshannon, 73% complained about how Moshannon staff weaponized SMU against immigrants were Black.<sup>209</sup> For instance, one person reported that staff members yelled derogatory statements against Black people in immigration detention and blamed them for setting off a fire alarm, exclaiming, “it’s those fu\*\*ing Black inmates.”<sup>210</sup> Further, a grievance at Moshannon signed by 21 people in detention alleged that one member of the staff “constantly associates being Black with being violent/dangerous.”<sup>211</sup> Black people who are detained at Moshannon also reported anticipating harsher discipline and less support from staff.<sup>212</sup>

Dismally, discrimination based on race or ethnicity is present in immigration detention centers across the U.S.<sup>213</sup> A 2022 study based on some 17,000 call records to an immigration detention hotline states, “there is a growing body of evidence involving violence and abuse against Black migrants that have become part of a well-documented pattern of anti-Black racism by ICE officials and their contractors.”<sup>214</sup> A nationwide FOIA revealed that 24% of all people in solitary confinement were Black, even though during that same time period, only 6% of the total ICE detention population was Black.<sup>215</sup> Further, a recent lawsuit alleges racial discrimination and the use of excessive force against Black people while in ICE detention.<sup>216</sup>

Finally, the classification system presents another layer of discrimination at Moshannon. People in immigration detention are assigned a color-coded prison jumpsuit to match their presumed level of threat they pose to other immigrants. Staff subjectively determine the color assignments based on threat levels, criminal history, and known or presumed associations with gangs.<sup>217</sup> The color classification determines what pod people in detention are placed in, whether they are eligible for work, and how much recreation time they have each week.<sup>218</sup>

People in detention are provided blue, orange, yellow, or red uniforms when they arrive at Moshannon.<sup>219</sup> The lowest level of security threat is blue, increasing in restrictions up to red, the highest level of threat.<sup>220</sup> The red classification is allegedly based on a person’s “history of violent or assaultive behavior” and gang affiliations.<sup>221</sup> People classified as red can only participate in the lowest paid voluntary work program job, cleaning/janitorial work (Figure 9).<sup>222</sup>

**Figure 9. Voluntary Work Program Pay and Restrictions.**

<b>Job</b> <sup>223</sup>	<b>Pay/Day</b> <sup>224</sup>	<b>Color Classification</b> <sup>225</sup>
Kitchen	\$4.00	Low-Medium (Blue, Orange, Yellow)
Laundry	\$3.00	Low-Medium (Blue, Orange, Yellow)
Barber Shop	\$3.00	Low-Medium (Blue, Orange, Yellow)
Special Work Details	\$2.00	Unknown
Other (including Janitorial Work)	\$1.00	All
Evening Workers	Unknown	Low-Medium (Blue, Orange, Yellow)
Recreation/Library	Unknown	Low-Medium (Blue, Orange, Yellow)

One person in detention reported being assigned a red uniform keeping him from his desired job as a library or laundry worker.<sup>226</sup> This same person had been given a red uniform even though the underlying criminal charges had been dismissed.<sup>227</sup> One person stated that the staff “set you up to get you in trouble” so that they can change a person’s color classification to one with more restrictions, which they have discretion to do.<sup>228</sup> People in detention expressed that they were held back by their color status, preventing access to jobs and recreation that would otherwise have helped them keep busy and stay positive while in detention.

## **Psychological Abuse**

In addition to the harms perpetrated through physical abuse, people in detention at Moshannon reported suffering from a variety of psychological abuses. Of those interviewed, 31% reported being the victims of racism or allege that the environment of detention promotes derogatory language and discriminatory treatment.<sup>229</sup> Similarly, people explained that they experience emotional distress due to religious intolerance or the multiple barriers they face in trying to communicate with or see loved ones. For women at Moshannon in particular, their movement is restricted as they have to be separated from men at all times.<sup>230</sup>

## **Women in a Majority-Male Facility**

Women, as the minority population at Moshannon, face unique challenges that are different from those faced by men. Women at Moshannon reported less access to resources including recreation time, the law library, and even the cafeteria, when

compared to men. One woman, for example, reported that this difference in access is because “men get priority for everything.”<sup>231</sup>

Of those interviewed, only five were women, so we still have a limited understanding of what detention is like for women at Moshannon. We do know from immigration detention across the country that a major concern for women is that facilities are “designed to supervise the behavior of men.” As such, they fail to address the unique medical needs of women—such as gynecological care or access to menstrual products—or the fact that women are more likely to be survivors of physical or sexual abuse or primary caregivers to dependent children.<sup>232</sup>

## **Sexual Orientation**

Several people mentioned feeling that they might be attacked because of their sexual orientation, while others tried to keep it a secret from staff.<sup>233</sup> This fear of being recognized as gay is caused, as one person explained, by not wanting “any issues while in detention.”<sup>234</sup> Another person, unable to hide, reported mistreatment by staff as a bisexual immigrant.<sup>235</sup> Another immigrant reported being sent to SMU to prevent attacks based on their sexual orientation. ICE itself has recognized the need for additional protections for lesbian, gay, bisexual, transgender, and intersex people in its immigration detention facilities.<sup>236</sup>

## **Religious Intolerance**

Religious people in immigration detention at Moshannon can try to seek solace in religious observance to respond to the isolating and dehumanizing conditions of detention. However, people at Moshannon reported that it can be difficult to practice their religion, particularly for those who practice non-Christian faiths. People who are Muslim and Jewish reported that they lack spaces to pray, cannot read their holy texts, and have minimal access to food consistent with their religious diets.<sup>237</sup>

People at Moshannon alleged that they are denied the necessary resources for religious observance in detention, even though the facility is obligated, for example, to allow people to access their religious property.<sup>238</sup> Only a handful of people who participated in the interviews were practicing the Muslim faith, but their reports told of a consistent lack of support for Muslim religious observance. At Moshannon, one person reported that there are no spaces for private prayer.<sup>239</sup> This same person explained that religious staff, like the facility Chaplain, told people that there is no budget to accommodate the

Muslim faith.<sup>240</sup> As a result, there were no prayer rugs provided unless you could purchase one at the commissary.<sup>241</sup> Another person resorted to using his towel as a prayer rug, leaving him without a towel for showers.<sup>242</sup> Religious texts are primarily available on shared tablets, which means that people do not have ready access.<sup>243</sup>

People in immigration detention also reported that Moshannon fails to account for people's religious dietary restrictions. Because people in detention do not have access to ingredient lists, it is a gamble to rely on staff to ensure the food will be consistent with religious diets.<sup>244</sup> For Muslim people at Moshannon who follow a halal diet and abstain from eating pork, they asserted that they can taste pork in their food and that they are never served halal meat.<sup>245</sup> Non-Christian people who are immigrants reported struggling to properly celebrate important religious holidays or celebrations like Ramadan<sup>246</sup> or Shabbat<sup>247</sup> because the facility does not provide space or ceremonial foods, like dates, for breaking fast during Ramadan,<sup>248</sup> although it is Moshannon's obligation to do so.<sup>249</sup> On top of not providing dates to break fast, Moshannon also did not allow family members to send these items, leaving practicing Muslim immigrants with no option to take part in a critical religious ritual.<sup>250</sup>

In addition to a lack of resources, people in detention expressed dismay over a fundamental lack of respect for people's religious observance. After a security sweep where staff ransacked people's pods (known among immigrants as "fire drills"), one person found his Bible soaked and strewn about the floor near the bathroom.<sup>251</sup>

These obstacles to religious observance occur in immigration detention facilities across the country. National reports find that people in immigration detention at other facilities are regularly denied access to any religious texts outside of the Bible in English.<sup>252</sup> In particular, there are multiple reports of those who practice non-Christian religions in immigration detention not only lacking the items they need to practice their religion but also facing hostility for trying to adhere to their beliefs.<sup>253</sup> A reporter for a religious news organization explains that, in immigration detention, "visits from clergy, access to religious material, and opportunities to engage in religious worship can be infrequent, inconsistent and in some cases absent altogether."<sup>254</sup> Moshannon unfortunately appears to be no exception in failing to support religious observance of all kinds.

## **Family Separation**

Immigration detention has a significant psychological impact—both on the person in detention and their family members—because of separation from their family and loved ones. Family separation for those in detention can cause psychological harms including

anxiety, stress, and post-traumatic stress disorder.<sup>255</sup> People in detention at Moshannon reported that this separation and isolation is exacerbated by Moshannon's remote location, restrictive visitation policies, and communication difficulties due to the high costs for telephone calls.

"I haven't been able to read my son's bedtime stories to him [and] I haven't been able to see him draw and read."<sup>256</sup>

Moshannon's rural location and inconsistent visitation policies limit immigrants' families and legal counsel's ability to make the journey, which people explained led to feelings of confusion, frustration, and isolation.<sup>257</sup> One person expressed frustration that he was not able to spend time with his partner due to policy restrictions at Moshannon. She traveled from California and stayed close to the facility but was only able to see her boyfriend in detention for an hour a day.<sup>258</sup> Another immigrant had his wife and child visit on a 5-hour trip from New Jersey, only to find that she was allowed to visit him for a limited time each day.<sup>259</sup> Additionally, people in immigration detention reported that staff implement restrictions inconsistently: some allow for personal contact while others do not.<sup>260</sup> These restrictions—limiting visits to one hour or placing glass separations between people in detention and their in-person visitors—are allowable under the detention standards.<sup>261</sup> Limited visitation hours and no-contact unfortunately leads to some people in detention to tell their families not to visit due to the traumatizing effect on their young kids.<sup>262</sup> As of early 2024, a recent change was to require that people detained at Moshannon be separated by a desk and glass partition from their visitors.



*Moshannon's visitation room (2024)*

For those whose relatives cannot visit in-person, phone or video calls are expensive. At Moshannon, a one hour phone call with a loved one can run as high as almost \$8 because it costs 13 cents per minute for phone calls, 38 cents per minute for international calls, and 21 cents per minute for video calls.<sup>263</sup> People rely on the limited money they earn from the work program or the funds their family sends through an online system to pay for these calls. For people in immigration detention without bank

accounts, credit cards, or other financial means, keeping in touch with family members becomes almost impossible.

These communication barriers contribute to mental health issues for people who are immigrants and their families. It is well-documented that feelings of isolation from community and family are associated with a higher risk of harm to a person's psychological well-being.<sup>264</sup> Besides the emotional toll, exclusion from one's community can cause delays and setbacks in immigration cases without the ability to connect with supportive resources like family and legal counsel. It follows that preventing access to these supportive resources lessens immigrants' ability to win their immigration cases.<sup>265</sup>

## **BARRIERS TO JUSTICE**

People who are detained at Moshannon reported barriers to being able to address issues within the facility and access resources to fight their immigration cases. Within the facility, people stated that their complaints are ignored or result in retaliation and abuse by staff. People in detention also explained that being within the facility makes accessing counsel for their immigration proceedings difficult, and those without counsel are forced to share a handful of resources. Without adequate legal representation, people had a hard time navigating and defending themselves in immigration court.

### **Advocating Within the Facility**

Moshannon provides immigrants with an opportunity to file grievances regarding safety concerns, discrimination or harassment, or housing-related requests. The GEO handbook for Moshannon provides that people who are immigrants in detention have the right to file grievances.<sup>266</sup> Those seeking to file a formal grievance, however, must first receive the form from staff. People in detention reported, however, that staff members render this opportunity meaningless by either ignoring them or retaliating against them for filing grievances.

Reports of retaliation against people who file grievances takes many forms. For example, about 10% of interviewees were afraid that if they filed a formal grievance they would be transferred to a distant immigration detention facility.<sup>267</sup> Upon filing a grievance, one person in detention was threatened with being transferred to the detention center near Buffalo, about 200 miles away from Moshannon.<sup>268</sup> Transfers raise challenges for not only a person's well-being but also their ability to successfully fight their immigration case.<sup>269</sup> In another instance, upon filing three grievances, one person at Moshannon reported being transferred to a facility in Pike County.<sup>270</sup> This person shared that Moshannon staff had let him know only the night before about his transfer to the Pike facility<sup>271</sup> and told him that he could not bring any belongings to the Pike facility.<sup>272</sup>

People are also scared that the staff will turn against them and worry about the negative

"I don't want any problems or an open case because I don't want it to interfere with my immigration case. I haven't complained because I don't want to create problems. If I didn't have this pending immigration case, I would feel more comfortable to file a grievance."<sup>275</sup>

impacts complaining might have on their pending immigration cases.<sup>273</sup> The threat of being placed in SMU also serves as a deterrent to filing grievances.<sup>274</sup>

"If I choose to file a grievance, I don't want to cause any problems, they are always looking for me to make a mistake, so I don't want to have a situation where they take me to the 'hole' [SMU]."<sup>276</sup>

Further, when people do file grievances, they reported that Moshannon also ignores them, taking too long to respond or responding inadequately. One person reported going over one and a half months without any response to their complaints.<sup>277</sup> Another person noted that he received the same generic response, no matter the grievance, so no significant improvements were ever made.<sup>278</sup> After filing multiple grievances against staff members for racist behavior, one person explained that he was repeatedly informed that the staff would be educated, but he noticed no change in behavior or follow-up.<sup>279</sup> After one of the sweeps of the pod where staff searched through everyone's personal belongings (a "fire drill"), one person who asked to file a formal grievance was told by staff that it would not do anything because it would just go to the boss, meaning essentially that it would "go in [the] trash."<sup>280</sup>

Finally, providing language access could help people communicate with staff and advocate for their needs. Although the facility has access to a telephone service for interpretation, people in detention who speak limited English report that they are

denied such services.<sup>281</sup> Further, people in detention reported that those immigrants that speak rarer but increasingly more prevalent indigenous languages, such as K'iche and Soninke, cannot even get language assistance through the telephone service.<sup>282</sup> Because of this failure to consistently provide for interpretation, people in immigration detention reported

## Language Access Barriers

Some at Moshannon do not speak, read, or write English well. According to several people, Moshannon fails to meet its language access obligations by either hiring multilingual staff or consistently using interpretation services (including for less common indigenous languages). As a result, people are left with limited means to communicate to Moshannon staff.

that non-English speakers are left to rely on other multilingual peers in detention to act as interpreters, or in some instances simply have no one to help them communicate with staff.<sup>283</sup>

## Accessing Legal Assistance

### No Right to Counsel

While immigrants have the right to be represented by an attorney at their own expense, the government has no obligation to provide counsel as it does in criminal proceedings.<sup>285</sup>

Persons in immigration proceedings are afforded no right to court-appointed counsel.<sup>284</sup> Because of this, most must find pro bono counsel, which is hard to come by, or pay for private counsel. Paying fees to private counsel can be difficult, especially when the person is in immigration detention

and no longer able to work for a living.<sup>286</sup> The rural location of Moshannon only exacerbates the challenge of finding counsel as it is difficult for legal aid programs to set up a pro bono network when the nearest big city may be hours away.<sup>287</sup> Given the limitations on accessing tablets and paying for expensive phone calls at Moshannon, being detained too makes it very difficult to be able to even do the legwork necessary to find and retain private legal counsel. Nationwide, 79% of people in immigration detention do not have legal counsel.<sup>288</sup> With low access to representation, people are left to rely on inconsistent access to an ill-equipped law library. Adequate access to the law library is important, given that most people are unrepresented. Requests to spend

"You get extra time if nobody signs up, but often many people sign up. Some weeks you miss it because they didn't have enough time."<sup>290</sup>

additional time to use the law library may not be accepted until many days later depending on demand.<sup>289</sup>

Further, if a person who is an immigrant is placed in SMU, interviewees reported that they are denied calls with attorneys<sup>291</sup> and access to a tablet or the law library.<sup>292</sup> Having legal representation and access to adequate legal materials increases the likelihood by ten times of winning immigration relief.<sup>293</sup> A combination of restrictive communication modes to finding counsel, gathering evidence, and limited access to legal materials perpetuates the overwhelming rates of loss in immigration cases.<sup>294</sup>

Finally, while Moshannon guarantees that people will be present at their immigration hearings, this guarantee does not extend to other legal proceedings. Moshannon can prevent some people who are immigrants who have other kinds of court dates—such as criminal proceedings—from participating in their proceedings. Angered by this, a group of people detained at Moshannon filed a civil rights complaint stating: “We demand virtual court access for our municipal and state court hearings so we can finish our cases.” They alleged a “violation of the 5th, 6th, 8th, and 14th Amendment[s] of the United States Constitution.”<sup>295</sup> To our knowledge, no changes were made in response to this complaint. Unfortunately, this lack of access to other court systems is a widespread problem in immigration detention facilities across the nation.<sup>296</sup>

## PROBLEMS WITH HEALTH AND WELL-BEING

While in immigration detention, people's health and well-being can deteriorate or worsen, particularly for those with chronic illnesses or other pre-existing medical conditions. Of those interviewed, over 58% experienced medical or mental health problems or complained about the inadequacy of the treatment available to them at Moshannon.<sup>297</sup> Although detention facilities are entrusted with the medical care of all immigrants, there are many reports of ICE's failure to provide adequate care.<sup>298</sup> Access to medical and mental health care, dietary choice, and hygiene supplies are severely restricted in detention.<sup>299</sup> Based on interviews with people at Moshannon, the following explains deficits in medical care, mental health care, and preventive care.

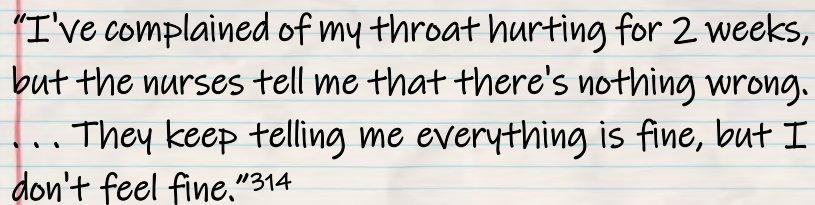
### Medical Neglect

GEO is responsible for the health and welfare of people in detention at their facilities, including Moshannon.<sup>300</sup> However, people in detention at Moshannon reported that their time at the facility exacerbated existing health conditions or led to new health issues. They explained that staff ignored their concerns, delayed treatment, withheld medical care based on inadequate funding, neglected to get informed consent, or failed to provide appropriate interpretation for those people who are immigrants who do not speak English. Several people have been transferred to local hospitals with no record of being transferred back to the facility.<sup>301</sup>

People at Moshannon reported that medical staff downplayed or ignored people's requests for medical treatment. People in detention further reported that they have waited weeks or months for appointments after complaining of pain because staff ignored their complaints of pain or took too long to get approval for medical procedures.<sup>302</sup> As one person described their experience, Moshannon has taught people in detention that if they are not persistent, their medical concerns will be forgotten or overlooked.<sup>303</sup> One person with diabetes complained about chronic chest pain and the fact that he was forced to wait 11 months to have a cardiologist appointment scheduled. At the time of interviewing, he stated that he had been out of his prescribed medication for 7 days.<sup>304</sup> Multiple people reported waiting 5 or 6 months for dentist appointments,<sup>305</sup> even when one person had tooth pain when eating.<sup>306</sup> Another woman with urinary tract issues reported being denied pads so that she had to sleep in wet sheets as a result.<sup>307</sup> One person with foot pain submitted a request for an appointment through the tablet system with no response.<sup>308</sup> When his pain became more severe he tried a new method, a paper request form.<sup>309</sup> In trying to advocate for himself, he asked for assistance from

staff to fill out the form, but no one helped.<sup>310</sup> These kinds of complaints about detention staff being slow to respond to chronic health issues are well-documented across immigration detention facilities.<sup>311</sup> Often, this is due to understaffing and a lack of available specialized care in rural locations.<sup>312</sup>

When people finally receive the medical attention they have been waiting for, they reported receiving inadequate care. Several people stated that Moshannon's medical staff would withhold treatment until symptoms are severe, leaving people in profound discomfort or pain.<sup>313</sup> Others reported that medical personnel frequently gave



"I've complained of my throat hurting for 2 weeks, but the nurses tell me that there's nothing wrong. ... They keep telling me everything is fine, but I don't feel fine."<sup>314</sup>

standard over the counter medicines like ibuprofen or acetaminophen no matter how acute the pain is.<sup>315</sup> These reports of medical staff defaulting to acetaminophen and naproxen, no matter the ailment, are all too familiar across immigration detention facilities.<sup>316</sup>

Sometimes Moshannon would justify the lack of routine medical care because of funding limitations. One person reported that he was not able to have his wisdom tooth pulled because there was no dentist available.<sup>317</sup> Another person explained that they were not able to get a proper prescription for their eyeglasses, leaving them unable to see properly. The staff justified the decision by saying that glasses were "too expensive."<sup>318</sup> Some common medicines like cough syrup and antihistamines were reportedly only available for purchase at the commissary.<sup>319</sup>

People with limited English proficiency can face even more barriers to getting medical care. People who need interpretation services reported that staff did not offer to use the telephone interpretation services available to them at every appointment.<sup>320</sup>

The myriad of issues with medical care can also lead to blurred lines of consent for treatment.<sup>321</sup> One person with cancer at Moshannon told his story.<sup>322</sup> Medical personnel made him take new tests to confirm his diagnosis because they refused to retrieve his prior medical records. After confirming the diagnosis, medical personnel tried to pressure him into further medical exams, which he refused, wanting to wait until he could be with his family. Without his consent, he was handcuffed in a doctor's office for a rectal exam while other staff members observed.

Outside of Moshannon, informed consent for medical treatment continues to be a concern in facilities across the country. The most prominent examples include involuntary hysterectomies and birth control insertion.<sup>323</sup> In 2021, the U.S. Government Accountability Office conducted a review of informed consent compliance in immigration detention and found that there were deficiencies at 25 facilities.<sup>324</sup> The report found a pervasive lack of informed consent for offsite medical treatment, sparking concerns about how consent was being obtained at detention facilities.<sup>325</sup>

## Mental Healthcare

Lack of mental healthcare is an especially acute problem in immigration detention because of the threat of deportation, isolation from family and friends, and dehumanizing conditions. From January 2022 to April 2024, there are records that at least 1,000 people at Moshannon were taking psychotropic medications.<sup>326</sup> One person at Moshannon explained that the constant noise in the facility, like people screaming, toilets flushing, and doors slamming, caused nightmares and constant anxiety. The conditions made him feel like his “brain cannot stop thinking.”<sup>327</sup> Studies of detained people who are immigrants show that their release from detention significantly decreases their physical and psychological stress.<sup>328</sup>

Like medical care, Moshannon does not provide adequate mental health support to people detained there. This includes preventative and responsive treatment for those struggling with their mental health. An official government inspection of Moshannon found that there was a delay in evaluating referrals for mental health treatment in violation of facility standards in 2022, though subsequent inspections did not find that the problem persisted.<sup>329</sup> People in detention reported that instead of spending time with patients to determine the source of their distress, clinicians rushed to diagnose and prescribe the most generic medication that could be considered appropriate.<sup>330</sup> One person, who could not sleep because of the stress of his impending deportation, stated that he was unable to get a prescription for sleeping pills.<sup>331</sup> Another person who normally received mental health medication recounted that he only received pills sporadically.<sup>332</sup>

Diagnoses like anxiety, depression, and post-traumatic stress disorder are common among detained people who are immigrants and those who have been released from immigration detention.<sup>333</sup> In a September 2023 DHS CRCL memo, the director of compliance reported that a person in immigration detention at Moshannon with mental health diagnoses including bipolar disorder, anxiety, PTSD, and depression was not

able to receive the therapy or medication he had prior to detention.<sup>334</sup> In response to him filing a grievance about his lack of care, he was placed in SMU without explanation. The day he was released from the SMU, he was placed back in for being found in an unauthorized area. That evening, he attempted suicide as a consequence of the stress of returning to solitary confinement.<sup>335</sup>

These stories are sadly in line with the experiences of people in immigration detention. The conditions of detention can worsen symptoms and trigger suicidal thoughts for immigrants who have previously experienced traumatic events or are mentally ill. For example, some immigrants receive “replacement” medication leading to drastic consequences such as hallucinations and suicide attempts.<sup>336</sup> In 2020, six people died by suicide in immigration detention nationwide.<sup>337</sup>

The Director of Policy at the National Immigrant Justice Center explained that “[y]ou cannot speak to one person who has gone through immigration detention, but doesn’t have the scars of dehumanizing treatment, of having been harassed by staff, of having been strip searched, of having been thrown in solitary because of their mental illness. The list goes on.”<sup>338</sup> Moshannon is no exception in creating or exacerbating mental health challenges.

## Nutrition

### Going Hungry

Because Moshannon serves inadequate meals, immigrants try to compensate by paying for snacks at the commissary. However, people only have money to spend at the commissary if they are part of the work program (earning \$1-\$3 per day) or have families who can deposit money into their account. Prices at the commissary are often too high to properly supplement their meals and the snacks are not particularly nutritious.<sup>345</sup> Immigrants reflect that this is yet again about GEO “mak[ing] money every way they can.”<sup>346</sup>

According to reports from people in immigration detention, Moshannon serves food that makes it hard for people to maintain their well-being. People with dietary restrictions based on allergies or other health conditions claimed that they were ignored. People in detention also reported that the food

served is unhealthy, insufficient, or spoiled, a far cry from the “nutritious and appetizing meals” they are obligated to provide under the law.<sup>339</sup> Several noted that the food is particularly unhealthy for people with conditions that require specific diets, like diabetes.<sup>340</sup> Others complained that vegetarians get meat on their trays<sup>341</sup> or people with

allergies were served the foods they cannot eat.<sup>342</sup> Some people are concerned that the served and commissary foods have high salt content, which could aggravate those with high blood pressure.<sup>343</sup> If people speak up about the poor quality of the food at Moshannon, they reported that staff told them that the food is free so they should not complain.<sup>344</sup>

## Safety

Moshannon is obligated to create a safe space for people in detention, as well as staff, visitors, and local community members who work in or visit the facility. However, outgoing 911 calls made from Moshannon, as well as the death of a person in detention, paint a dark picture, showing just how grossly unsafe people are within the facility.

**Figure 10. Log of 911 Calls from Moshannon (Sept. 2022 to Mar. 2024).**

<u>Category</u>	<u>Call Type</u>	<u>Number of Calls</u>
<b>Assault</b>	indecent assault	18
	assault	16
<b>Sex Offenses</b>	rape - attempted - not in progress	4
	sex offense - sexual assault	2
<b>Drug Offenses</b>	drug - possession	14
	drug - paraphernalia	9
	drug - overdose	1

From September 2022 to March 13, 2024, Moshannon was the source of 86 emergency calls to 911 relating to alleged criminal activity.<sup>347</sup> Of those calls, 30 were related to assault, 5 were related to sexual assaults, and 26 were related to drugs.

One of these calls on December 6, 2023, tragically ended in the drug overdose death of one person in detention at Moshannon.<sup>348</sup> The victim, Frankline Okpu, a Cameroonian national, was granted immigration relief under the Convention Against Torture on October 12, 2023, following seven months of detention at Moshannon.<sup>349</sup> He remained in detention as ICE sought another country for deportation. Mr. Okpu was found unresponsive in his solitary cell during a check.<sup>350</sup> The Clearfield County’s Coroner’s report concluded that Mr. Okpu died of a drug overdose from MDMA (Methylenedioxymethamphetamine) toxicity.<sup>351</sup> This story shows how immigration detention too may succumb to the disturbing trends of overdose deaths in state prisons across the country.<sup>352</sup> Mr. Okpu is survived by his wife and four-year-old son.<sup>353</sup>

# CONCLUSION

Since Moshannon’s opening as an immigration detention facility in 2021, this report is the first to systematically document interviews of the people held there. These interviews reveal that Moshannon is punitive, inhumane, and dangerous. People who are detained at Moshannon collectively reported that they face mistreatment, such as physical and psychological abuse by staff, ethnic, racial, and religious discrimination, and medical neglect in the facility, while facing barriers to justice. All the while, they were physically and emotionally isolated. Despite being deprived of their liberty, excluded from communities, and separated from their families, immigration detention is not supposed to be punishment. Yet there really is no other label—other than punishment—for the experience of the people detained at Moshannon.

Moshannon too, unfortunately, is not an aberration in the national immigration detention system. Instead, the reports by people detained at Moshannon are corroborated by inspections, investigations, and reports of other immigration detention facilities across the country. And in the meantime, our national system of immigration detention contributes to the rising profits of private prison companies like GEO.

But the immigration system need not work this way. Immigration detention has not always been this massive. We have alternative to detention programs that can work to vet, process, and support immigrants in their immigration court proceedings while they live with their families within communities in the U.S. These programs cost a fraction of the \$1.8 billion that we are set to spend on immigration detention this year. Imagine what would happen if we used this funding for other critical community needs, like schools and infrastructure, that would help make life better for everyone.

We are a nation that prides itself as a global model of freedom, opportunity, and community among people of different races, religions, and cultures. However, our current immigration detention system casts an ever-growing shadow over these purported ideals. As expressed by a person formerly detained at Moshannon: “When it happens in other countries, America would be the first one to tell them [other countries] they’re wrong.”<sup>354</sup> Change can happen as we continue to learn from the missteps leading us to this point. We must end immigration detention and move towards a future that provides a fair opportunity to the people who are immigrants. Fair opportunity would include demilitarizing the border and a pathway to citizenship for all people. In that way, we can build on our long legacy of having immigrants seeking prosperity and a better life in our cities, towns, and neighborhoods.

# APPENDIX

The following is a reprint of the questions that interviewers used for interviews with people detained at Moshannon.

## Section 1 – Biographical and Background Questions

What languages do you speak fluently?

Interpretation needed?  Yes  No If yes, what language?

Name (First Middle Last) \_\_\_\_\_

DOB: \_\_\_\_\_ A#: \_\_\_\_\_ Nationality: \_\_\_\_\_

Gender: \_\_\_\_\_ Pronouns: \_\_\_\_\_ Religion: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

Length of ICE detention: \_\_\_\_\_

Have you been detained at Moshannon the whole time?  Yes  No

If no → where else have you been detained by ICE?

Where were you living before you were placed in immigration detention?

How long have you lived in the U.S.?

## Section 2 – Conditions Questions

1. What dorm are you in?
2. How many people are in your dorm?
3. Does everyone in your dorm have a bed?  Yes  No
4. How many showers are in your dorm?
5. Do you have access to drinking water in your dorm?  Yes  No
6. How much recreational time do you have each day?

What does the recreational space look like?

7. Have you been placed in solitary confinement (Special Management Unit or SMU)?  Yes  No

If yes → For what reason and for how long?

8. Have you sought medical or mental health care at Moshannon?  Yes  No

If yes → Tell us more about how your experience has been with medical or mental health care. For example, do you believe you are receiving the care you need? Or do you have concerns about the care?

If yes and limited English proficient (LEP) → has Moshannon provided you with fluent staff or professional interpretation for any medical or mental health appointment, sick call, treatment, test, or consultation?  
 Yes  No

9. Have you heard staff using racial or other derogatory slurs, either when speaking with you or to another detained person?  Yes  No

If yes → Please share more:

10. Do you feel you have faced mistreatment because of your race, ethnicity, the language you speak, religion, or sexual orientation?  Yes  No

If yes → Please share more:

11. Do you do any cleaning or other work?  Yes  No

- If yes → what kind of tasks do you do?
- If yes → where in the facility do you do this work? (such as dorm bathrooms, dorm common areas, around their bunk, in the kitchen, recreation yard, etc.)
- Why do you do this work? (Check all that apply; provide details if possible)
  - Volunteer work program/Payment of \$1+/day
  - Because the guards tell me to do it
  - To get benefits/perks (i.e. access to food, more freedom to move

around)

Because I want to

Because I feel like I have to

Other (explain)

Details: \_\_\_\_\_

- Are you paid for any of this work through the Volunteer work program?  Yes  No
  - If Yes → what work tasks are you paid for, and what aren't you paid for?
  - If No → If you aren't paid for these tasks, does anyone else get paid for the same type of work?
- What do you think would happen if you didn't do this work?

12. Have you filed a grievance or spoken with a staff member about any concerns you have?  Yes  No

If yes → How did the facility respond to your grievance?

13. Have staff ever threatened to transfer you to another ICE detention center?  Yes  No

If yes → Did this happen after you filed a grievance, spoke with a staff member about an issue, or spoke with other detained people about an issue?

14. Have staff used physical force on you?  Yes  No

If yes → Tell us more about what happened

15. Have staff threatened to use physical force or cause you harm?  Yes  No

If yes → Tell us more about what happened

16. Have you experienced coerced or nonconsensual touching or sexual advances by staff?  Yes  No

17. Do you worry about COVID-19 now while in ICE custody?  Yes  No

If yes → Please share more about your concerns:

- COVID
- COVID vaccine
- COVID booster
- COVID treatment, including Paxlovid
- COVID quarantine
- Other (explain)

18. Is there anything else you would like to share about the conditions you are facing in Moshannon?

# ENDNOTES

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<sup>1</sup> Jessica Shirey, *Moshannon Valley Correctional Facility to Reopen as ICE Center*, GANTNews (Sept. 29, 2021), <https://gantnews.com/2021/09/29/moshannon-valley-correctional-facility-to-reopen-as-ice-center/>.

<sup>2</sup> *Moshannon Valley Processing Center*, GEO GROUP, INC., <https://www.geogroup.com/FacilityDetail/FacilityID/67> (last visited Apr. 24, 2024); Carlos Nogueras, *Rep. Mary Gay Scanlon Says Immigrant Detention Center Violates Spirit of Biden Executive Order, Calls to Halt Expansion*, AL DÍA NEWS (Dec. 20, 2022), <https://aldianews.com/en/politics/women-politics/pa-05-takes-ice-facility>.

<sup>3</sup> See Part III.

<sup>4</sup> See Part IV.

<sup>5</sup> Annotated Map from ACLU-PA, Right to Know Request (Sept. 2, 2021) (on file with authors).

<sup>6</sup> NINA SIULC & NOELLE SMART, VERA INST. JUST., EVIDENCE SHOWS THAT MOST IMMIGRANTS APPEAR FOR IMMIGRATION COURT HEARINGS 1 (2020), <https://www.vera.org/downloads/publications/immigrant-court-appearance-fact-sheet.pdf>.

<sup>7</sup> U.S. GOV'T ACCOUNTABILITY OFFICE, IMMIGRATION DETENTION: ACTIONS NEEDED TO IMPROVE PLANNING, DOCUMENTATION, AND OVERSIGHT OF DETENTION FACILITY CONTRACTS, GAO-21-149, 51 (2021), <https://www.gao.gov/assets/d21149.pdf> (“Across these 43 contracts and agreements, ICE guaranteed payment for approximately 28,000 beds a day nationwide at a total annual cost of approximately \$1.3 billion, according to ICE data.”); *Policy Brief: 5 Reasons To End Immigrant Detention*, NAT’L IMMIGRANT JUST. CTR. (Sept. 14, 2020), <https://immigrantjustice.org/research-items/policy-brief-5-reasons-end-immigrant-detention>.

<sup>8</sup> See Methodology.

<sup>9</sup> ACLU-PA, Overview of MVPC Site Visit Intakes (Aug. 17, 2023) (on file with authors).

<sup>10</sup> Interview by A.L. with Previously Detained Person No. 1 at Moshannon (Mar. 8, 2024).

<sup>11</sup> *Moshannon Valley Processing Center*, *supra* note 2.

<sup>12</sup> *Id.*

<sup>13</sup> Ted Hesson et al., *Biden Vowed to Reform Immigration Detention. Instead, Private Prisons Benefited*, REUTERS (Aug. 7, 2023), <https://www.reuters.com/world/us/biden-vowed-reform-immigration-detention-instead-private-prisons-benefited-2023-08-07/>.

<sup>14</sup> Shirey, *supra* note 1.

<sup>15</sup> The Sunshine Act requires public notice of county commissioner meetings prior to the meeting date. See 65 Pa. Cons. Stat. §§ 708(b), 709(c), 710.2(a); Nogueras, *supra* note 2.

<sup>16</sup> *Id.*

<sup>17</sup> *Moshannon Valley Processing Center*, *supra* note 2.

<sup>18</sup> See e.g., ACLU-PA, Right to Know Request (Sept. 2, 2021); ACLU-PA, Right to Know Request (Aug. 3, 2023) (on file with authors).

<sup>19</sup> See e.g., Letter from Nat’l Immigr. Project to Shoba Sivaprasad Wadhia, Complaint Detailing Discriminatory and Arbitrary Solitary Confinement at the Moshannon Valley Processing Center (Nov. 16, 2023), [https://nipnlg.org/sites/default/files/2023-11/2023\\_Moshannon-CRCL-complaint.pdf](https://nipnlg.org/sites/default/files/2023-11/2023_Moshannon-CRCL-complaint.pdf).

<sup>20</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, *supra* note 7, at 51.

<sup>21</sup> U.S. DEP’T OF HOMELAND SEC. U.S. IMMIGR. AND CUSTOMS ENF’T, OPERATIONS AND SUPPORT, FISCAL YEAR 2025 CONGRESSIONAL JUSTIFICATION 13 (2024) (explaining that the pricing change for detention “reflects the daily bed rate increase adjustment due to inflation impacting detention facility costs to sustain 34,000 detention beds, which totals \$1.8B”).

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<sup>22</sup> Dora Schriro, *Immigration Detention Overview and Recommendations*, U.S. DEP’T OF HOMELAND SEC. at 2 (2009), <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>; Eunice Hyunhye Cho & Paromita Shah, *Shadow Prisons: Immigrant Detention in the South*, SOUTHERN POVERTY L. CTR. (Nov. 21, 2016), <https://www.splcenter.org/20161121/shadow-prisons-immigrant-detention-south>.

<sup>23</sup> *Id.* at 5; Altaf Saadi et al., *Understanding US Immigration Detention: Reaffirming Rights and Addressing Social-Structural Determinants of Health*, 22(1) HEALTH HUM. RTS. J. 187, 189 (2020) (describing the similarities between U.S. immigration detention facilities and correctional facilities and the deficiencies in the immigration detention’s system of care).

<sup>24</sup> EMILY RYO & IAN PEACOCK, AM. IMMIGR. COUNCIL, *THE LANDSCAPE OF IMMIGRATION DETENTION IN THE UNITED STATES* 5 (2018),

[https://www.americanimmigrationcouncil.org/sites/default/files/research/the\\_landscape\\_of\\_immigration\\_detention\\_in\\_the\\_united\\_states.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/the_landscape_of_immigration_detention_in_the_united_states.pdf).

<sup>25</sup> *Id.* at 25.

<sup>26</sup> *Id.* at 28.

<sup>27</sup> *Length of Time Immigrants Remain in Detention Grows in Recent Weeks*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE (Dec. 22, 2023),

<https://trac.syr.edu/whatsnew/email.231222.html#:~:text=In%20fact%2C%20ICE%20reports%20that,the%20same%20number%20of%20days>. This average varies widely by region and particular detention centers. *See Detention by the Numbers*, FREEDOM FOR IMMIGRANTS, <https://www.freedomforimmigrants.org/detention-statistics> (last visited Apr. 24, 2024) (explaining that the longest average length that the top 10 immigrant prisons and jails hold people in detention was 259 days and the shortest average of those 10 facilities was 64 days).

<sup>28</sup> *Id.*

<sup>29</sup> RYO & PEACOCK, *supra* note 24, at 5.

<sup>30</sup> *See e.g., Fraihat v. U.S. Immigr. & Customs Enft*, 16 F.4th 613, 647 (9th Cir. 2021) (explaining that “under the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law,” and “a civil detainee awaiting adjudication is entitled to conditions of confinement that are not punitive”) (quoting *Bell v. Wolfish*, 441 U.S. 520, 535 (1979); *Jones v. Blanas*, 393 F.3d 918, 933 (9th Cir. 2004)).

<sup>31</sup> *See, e.g., Nielsen v. Preap*, 139 S. Ct. 954, 961 (2019).

<sup>32</sup> *See* American Immigration Council, *U.S.-Citizen Children Impacted by Immigration Enforcement* (June 2021), [https://www.americanimmigrationcouncil.org/sites/default/files/research/us\\_citizen\\_children\\_impacted\\_by\\_immigration\\_enforcement\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/us_citizen_children_impacted_by_immigration_enforcement_0.pdf).

<sup>33</sup> *Detention Standards*, U.S. IMMIGR. AND CUSTOMS ENFT, <https://www.ice.gov/detain/detention-management#:~:text=ICE%20uses%20its%20limited%20detention,a%20public%20safety%20or%20flight> (last visited Apr. 24, 2024); SIULC & SMART, *supra* note 6, at 1-4.

<sup>34</sup> SIULC & SMART, *supra* note 6, at 3.

<sup>35</sup> *Id.*

<sup>36</sup> INGRID EAGLY & STEVEN SHAFER, AM. IMMIGR. COUNCIL, *ACCESS TO COUNSEL IN IMMIGRATION COURT* 2 (2016), [https://www.americanimmigrationcouncil.org/sites/default/files/research/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf) (explaining that “immigrants in detention were the least likely to obtain representation,” and “only 14 percent of detained immigrants acquired legal counsel, compared with two-third of non-detained immigrants”).

<sup>37</sup> SIULC & SMART, *supra* note 6.

<sup>38</sup> *ICE Detainees*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, [https://trac.syr.edu/immigration/detentionstats/pop\\_agen\\_table.html](https://trac.syr.edu/immigration/detentionstats/pop_agen_table.html) (last visited Apr. 24, 2024).

<sup>39</sup> *Id.*

<sup>40</sup> *Detention Management*, U.S. IMMIGR. AND CUSTOMS ENFT (2024), <https://www.ice.gov/detain/detention-management> (follow “Detention FY 2024 YTD, Alternatives to Detention FY 2024 YTD and Facilities FY

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2024 YTD, Footnotes (219 KB)” hyperlink underneath “Detention Statistics,” calculations from “Facilities FY24,” Columns R, S, T & U).

<sup>41</sup> 8 U.S.C. § 1226(c); § 1226a.

<sup>42</sup> See *Nielsen*, 139 S. Ct. at 961.

<sup>43</sup> Melissa Hamilton, *Back to the Future: The Influence of Criminal History on Risk Assessments*, 20 BERKELEY J. CRIM. L. 75, 119 (2015).

<sup>44</sup> AM. IMMIGR. COUNCIL, ALTERNATIVES TO IMMIGRATION DETENTION: AN OVERVIEW 4-5 (2023), [https://www.americanimmigrationcouncil.org/sites/default/files/research/alternatives\\_to\\_detention\\_an\\_overview\\_0.pdf](https://www.americanimmigrationcouncil.org/sites/default/files/research/alternatives_to_detention_an_overview_0.pdf) (distinguishing current alternatives to detention in the United States).

<sup>45</sup> See INT’L DETENTION COAL., THERE ARE ALTERNATIVES: A HANDBOOK FOR PREVENTING UNNECESSARY IMMIGRATION DETENTION 12-13 (2015), <https://idcoalition.org/wp-content/uploads/2024/01/There-Are-Alternatives-2015.pdf>.

<sup>46</sup> See, e.g., IMMIGRANT DETENTION, U.S. CONF. CATHOLIC BISHOPS 2 (2014), <https://www.usccb.org/about/migration-policy/position-papers/upload/Immigrant-Detention-Backgrounder-july-2014.pdf>; AM. IMMIGR. LAWYERS ASS’N ET AL., *The Real Alternatives to Detention 3* (2018), <https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2018-06/The%20Real%20Alternatives%20to%20Detention%20FINAL%2006.17.pdf>.

<sup>47</sup> *FY 2024 Budget in Brief*, U.S. DEP’T OF HOMELAND SEC. 39 (2023), [https://www.dhs.gov/sites/default/files/2023-03/DHS%20FY%202024%20BUDGET%20IN%20BRIEF%20%28BIB%29\\_Remediated.pdf](https://www.dhs.gov/sites/default/files/2023-03/DHS%20FY%202024%20BUDGET%20IN%20BRIEF%20%28BIB%29_Remediated.pdf).

<sup>48</sup> *Alternatives to Detention*, U.S. IMMIGR. AND CUSTOMS ENF’T, <https://www.ice.gov/features/atd> (last visited Apr. 24, 2024).

<sup>49</sup> CARL TAKE ET AL., SHUTTING DOWN THE PROFITTEERS: WHY AND HOW THE DEPARTMENT OF HOMELAND SECURITY SHOULD STOP USING PRIVATE PRISONS 7 (2016), [https://www.aclu.org/sites/default/files/field\\_document/white\\_paper\\_09-30-16\\_released\\_for\\_web-v1-opt.pdf](https://www.aclu.org/sites/default/files/field_document/white_paper_09-30-16_released_for_web-v1-opt.pdf).

<sup>50</sup> *Id.*

<sup>51</sup> *Immigration Detention Quick Facts*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, <https://trac.syr.edu/immigration/quickfacts/detention.html> (last visited May 22, 2024).

<sup>52</sup> Denise L. Gilman, *To Loose the Bonds: The Deceptive Promise of Freedom from Pretrial Immigration Detention*, 92(1) IND. L. J. 159, 175-181 (2016); Anti-Drug Abuse Act, Pub. L. No. 100-690, 102 Stat. 4181 (1988); Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996); Antiterrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214 (1996).

<sup>53</sup> Yolanda Vazquez, *Crimmigration: The Missing Piece Of Criminal Justice Reform*, 51 U. RICH. L. REV. 1093, 1114-15 (2016).

<sup>54</sup> 8 U.S.C. § 1226(c); see also *Demore v. Kim*, 538 U.S. 510, 528 (2003).

<sup>55</sup> *Featured Issue: Immigration Detention and Alternatives to Detention*, AM. IMMIGR. LAW. ASS’N (Jan. 17, 2024), <https://www.aila.org/library/featured-issue-immigration-detention>.

<sup>56</sup> ANITA GUPTA, HOW TO ADDRESS EVIDENTIARY ISSUES IN BOND PROCEEDINGS, IMMIGRANT LEGAL RES. CTR. 2 (2019), <https://www.ilrc.org/sites/default/files/resources/evidentiaryissuesinbondproceedings-final.pdf>.

<sup>57</sup> *Detained Immigrants Seeking Release on Bond Have Widely Different Outcomes – Overall Bond Grant Rates Have Dropped*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE (July 9, 2023), <https://trac.syr.edu/reports/722/#:~:text=As%20mentioned%20earlier%2C%20bond%20was,bond%20motions%20was%2051%20percent>.

<sup>58</sup> *Post a Bond*, U.S. IMMIGR. AND CUSTOMS ENF’T, <https://www.ice.gov/detain/detention-management/bonds> (last visited Apr. 6, 2024).

<sup>59</sup> *Detained Immigrants Seeking Release on Bond Have Widely Different Outcomes*, *supra* note 57.

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<sup>60</sup> *Id.*

<sup>61</sup> *Locked Away: The Urgent Need for Immigration Detention Bond Reform*, NAT'L IMMIGRANT JUST. CTR. at 3 (2023), [https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-06/NIJC-Policy-Brief\\_ICE-Bond-Reform\\_May-2023.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2023-06/NIJC-Policy-Brief_ICE-Bond-Reform_May-2023.pdf).

<sup>62</sup> Interview by C.A. with Previously Detained Person No. 2 at Moshannon (Feb. 12, 2024).

<sup>63</sup> Eunice Hyunhye Cho, *Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*, ACLU (Aug. 7, 2023), <https://www.aclu.org/news/immigrants-righen-administration>.

<sup>64</sup> *Id.*

<sup>65</sup> Ted Hesson et al., *supra* note 13.

<sup>66</sup> Cho, *supra* note 63.

<sup>67</sup> See Dario McCarty, *Private Prison Industry Shifts Focus to Immigrant Detention Centers, Funding Immigration Hawks*, OPEN SECRETS (June 21, 2022), <https://www.opensecrets.org/news/2022/06/private-prison-industry-shifts-focus-to-immigrant-detention-centers-funding-immigration-hawks/> (describing how private prison companies fund Republican lawmakers who tout stronger immigration enforcement laws).

<sup>68</sup> *The Prison Industry Corporate Database*, WORTH RISES, <https://data.worthrises.org/?id=rec6TX41yInYz3rIf> (last visited Feb. 9, 2024).

<sup>69</sup> U.S. CONF. CATHOLIC BISHOPS & JUST. FOR IMMIGRANTS, IMMIGRANT DETENTION BED MANDATE 1 (2016), <https://justiceforimmigrants.org/wp-content/uploads/2017/01/Detention-Bed-Mandate-1-18-17.pdf>.

<sup>70</sup> *Detention Quotas*, DETENTION WATCH NETWORK, <https://www.detentionwatchnetwork.org/issues/detention-quotas> (last visited Apr. 7, 2024).

<sup>71</sup> See, e.g., OFF. MGMT. & BUDGET, EXEC. OFF. PRESIDENT, BUDGET OF THE U.S. GOV'T FISCAL YEAR 2025 40 (2024) (explaining that the budget includes funds to support 34,000 ICE immigration detention beds); U.S. DEP'T OF HOMELAND SEC. U.S. IMMIGR. AND CUSTOMS ENF'T, *supra* note 21, at 13; H.R. 4367, 118th Cong. (as passed by House, Sept. 28, 2023) (providing that funding be made available to maintain a minimum of 41,500 detention beds through September 30, 2024).

<sup>72</sup> U.S. DEP'T OF HOMELAND SEC. U.S. IMMIGR. AND CUSTOMS ENF'T, *supra* note 21, at 13.

<sup>73</sup> *Id.* at Custody Operations, PPA II (explaining that “the bed number will always exceed detainee population due to contracted minimums, geographic separation of facilities, and detainee density limitations”).

<sup>74</sup> 49 C.F.R. § 16.202-1.

<sup>75</sup> Hesson, *supra* note 13.

<sup>76</sup> Intergovernmental Service Agreement (IGSA) Between the U.S. Dep't of Homeland Sec. U.S. Immigr. And Customs Enf't Off. Of Enf't and Removal Operations and Clearfield Cty., Pa. 5 (2021) (on file with authors).

<sup>77</sup> Michael Sozan, *Solutions to Fight Private Prisons' Power Over Immigration Detention*, CTR. FOR AM. PROGRESS (July 16, 2018), <https://www.americanprogress.org/article/solutions-fight-private-prisons-power-immigration-detention/>.

<sup>78</sup> “In discussing civil commitment more broadly, the Court has declared such “general deterrence” justifications impermissible.” *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 189 (D.D.C. 2015) (citations omitted); *Kansas v. Crane*, 534 U.S. 407, 412 (2002) (explaining that civil detention may not “become a ‘mechanism for retribution or general deterrence’—functions properly those of criminal law, not civil commitment”); Michael Tan, *President Obama Wants to Continue Imprisoning Immigrant Families*, ACLU (Aug. 10, 2015), <https://www.aclu.org/news/smart-justice/president-obama-wants-continue-imprisoning-immigrant-families>.

<sup>79</sup> EUNICE HYUNHYE CHO ET AL., ACLU, JUSTICE-FREE ZONES: U.S. IMMIGRATION DETENTION UNDER THE TRUMP ADMINISTRATION 4 (2020), [https://www.aclu.org/wp-content/uploads/publications/justice-free\\_zones\\_immigrant\\_detention\\_report\\_aclu\\_hrwnijc\\_0.pdf](https://www.aclu.org/wp-content/uploads/publications/justice-free_zones_immigrant_detention_report_aclu_hrwnijc_0.pdf).

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- <sup>80</sup> *Immigration Detention and Covid-19*, BRENNAN CTR. FOR JUSTICE NYU LAW (Jan. 7, 2022), <https://www.brennancenter.org/our-work/research-reports/immigration-detention-and-covid-19>.
- <sup>81</sup> Eunice Cho, *Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration*, ACLU (Aug. 7, 2023), <https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration>.
- <sup>82</sup> *Id.*
- <sup>83</sup> Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities, Exec. Order No. 14006, 86 FR 7483 (Jan. 26, 2021).
- <sup>84</sup> Hesson, *supra* note 13.
- <sup>85</sup> Figure 1 is replicated from Cho, *supra* note 81.
- <sup>86</sup> Emily Ryo, *Detention as Deterrence*, 71 STANFORD L. REV. 237, 247 (2019).
- <sup>87</sup> Adam Cox & Ryan Goodman, *Detention of Migrant Families as “Deterrence”: Ethical Flaws and Empirical Doubts*, JUST SECURITY (June 22, 2018), <https://www.justsecurity.org/58354/detention-migrant-families-deterrence-ethical-flaws-empirical-doubts/Id.>; Nicole Ward & Jeanne Batalova, *Central American Immigrants in the United States*, MIGRATION POL’Y INST. (May 10, 2023), <https://www.migrationpolicy.org/article/central-american-immigrants-united-states#:~:text=U.S.%20Customs%20and%20Border%20Protection,about%20705%2C500%20in%20FY%202022>.
- <sup>88</sup> Cox & Goodman, *supra* note 87. *See, e.g.*, James L. Dietz, *Destabilization and Intervention in Latin America and the Caribbean*, 42(11) LATIN AM. PERSPECTIVES 3, 3-14 (1984).
- <sup>89</sup> *Moshannon Valley PROCESSING CENTER*, GEO GROUP, *supra* note 2.
- <sup>90</sup> Driving directions from Philadelphia, PA to Moshannon Valley Processing Center, GOOGLE MAPS, <http://maps.google.com> (follow “Directions” hyperlink; then search starting point field for “Philadelphia, PA” and search destination field for “Moshannon Valley Processing Center,” repeat these steps for Pittsburgh, PA).
- <sup>91</sup> *Moshannon Valley Processing Center*, *supra* note 2; Noguerras, *supra* note 2.
- <sup>92</sup> *Detention by the Numbers*, *supra* note 27.
- <sup>93</sup> Mike Bucsko, *Texas Firm to Operate Pa.’s 1<sup>st</sup> Private Prison in Clearfield*, PITTSBURGH POST-GAZETTE (Apr. 30, 2006), <https://www.post-gazette.com/frontpage/2006/04/30/Texas-firm-to-operate-Pa-s-1st-private-prison-in-Clearfield/stories/200604300138>.
- <sup>94</sup> Dylan Huberman, *Moshannon Valley Correctional Center to Close Next Wednesday*, WJAC (Mar. 22, 2021), <https://wjactv.com/news/local/moshannon-valley-correctional-center-to-close-next-wednesday>.
- <sup>95</sup> CLEARFIELD COUNTY COMMISSIONERS, MEETING MINUTES (Sept. 28, 2021) (meeting including Senior Vice President of Client Relations for GEO Group, David Venturella).
- <sup>96</sup> *Id.*
- <sup>97</sup> *Id.*
- <sup>98</sup> 48 C.F.R. § 1 *et seq.* A complete PDF version of the Federal Acquisition Regulation process can be accessed at <http://www.acquisition.gov/sites/default/files/current/far/pdf/FAR.pdf>.
- <sup>99</sup> IGSA, *supra* note 76.
- <sup>100</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, IMMIGRATION DETENTION: ACTIONS NEEDED TO IMPROVE PLANNING, DOCUMENTATION, AND OVERSIGHT OF DETENTION FACILITY CONTRACTS, GAO-21-149 16-17 (2021), <https://www.gao.gov/assets/d21149.pdf>.
- <sup>101</sup> SERVICES CONTRACT, between GEO and Clearfield County 2 (Sept. 28, 2021) (signed by Amber Martin, Executive Vice President of GEO and a representative of Clearfield County) (on file with authors).
- <sup>102</sup> BOB LIBAL ET AL., DETENTION WATCH NETWORK, COMMUNITIES NOT CAGES 6 (2021), [https://www.detentionwatchnetwork.org/sites/default/files/reports/Communities%20Not%20Cages-A%20Just%20Transition%20from%20Immigration%20Detention%20Economies\\_DWN%202021.pdf](https://www.detentionwatchnetwork.org/sites/default/files/reports/Communities%20Not%20Cages-A%20Just%20Transition%20from%20Immigration%20Detention%20Economies_DWN%202021.pdf).
- <sup>103</sup> IGSA, *supra* note 76.

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<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Detention Facilities Average Daily Population*, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE (Apr. 15, 2024), <https://trac.syr.edu/immigration/detentionstats/facilities.html>.

<sup>107</sup> DETENTION WATCH NETWORK, STATE LEGISLATION BANS ON IMMIGRATION DETENTION 1-6 (2021), [https://www.detentionwatchnetwork.org/sites/default/files/State%20Legislation%20Bans%20on%20Immigration%20A0Detention\\_DWN\\_12.16.2021.pdf](https://www.detentionwatchnetwork.org/sites/default/files/State%20Legislation%20Bans%20on%20Immigration%20A0Detention_DWN_12.16.2021.pdf); *but see* *Geo Group Inc. v. Newsom*, 50 F.4th 745 (9th Cir. 2022).

<sup>108</sup> *See* *People in Detention at Moshannon in Part III. Moshannon Valley Processing Center.*

<sup>109</sup> Shirey, *supra* note 1.

<sup>110</sup> Interview by C.A. with Person No. 2 Previously Detained at Moshannon (Feb. 12, 2024).

<sup>111</sup> *Id.*; Interview by A.L. with Person No. 1 Previously Detained at Moshannon (Mar. 8, 2024).

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Interview by C.A. with Person No. 2 Previously Detained at Moshannon (Feb. 12, 2024).

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> THE GEO GROUP, INC., SUPPLEMENT TO THE ICE NATIONAL DETAINEE HANDBOOK: MOSHANNON VALLEY PROCESSING CENTER 4 (2023) [hereinafter “MVPC DETAINEE HANDBOOK”].

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 5-7.

<sup>121</sup> *See, e.g.,* Complaint & Demand Letter by Person No. 1 Detained at Moshannon (Mar. 15, 2023) (signed by 36 additional people detained at Moshannon) (on file with authors).

<sup>122</sup> Interview by M with Person No. 47 Detained at Moshannon (May 25, 2023).

<sup>123</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023).

<sup>124</sup> Interview by P with Person No. 2 Detained at Moshannon (Apr. 7, 2023).

<sup>125</sup> *Id.*; Interview by T with Person No. 70 Detained at Moshannon (Apr. 7, 2023); Interview by H with Person No. 9 Detained at Moshannon (Apr. 7, 2023).

<sup>126</sup> Decl. E.N. Detained at Moshannon ¶ 10 (Nov. 8, 2022) (on file with authors).

<sup>127</sup> Interview by G with Person No. 21 Detained at Moshannon (Apr. 10, 2023).

<sup>128</sup> *Id.*

<sup>129</sup> Interview by J with Person No. 30 Detained at Moshannon (Mar. 30, 2023).

<sup>130</sup> Interview by O with Person No. 15 Detained at Moshannon (Apr. 14, 2023).

<sup>131</sup> Interview by H with Person No. 69 Detained at Moshannon (Apr. 7, 2023).

<sup>132</sup> *Id.*; JOHN MORTON, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 99 (2016), <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf> [hereinafter “PBNDs”].

<sup>133</sup> Interview by S with Person No. 74 Detained at Moshannon (July 4, 2023).

<sup>134</sup> Interview by O with Person No. 11 Detained at Moshannon (Apr. 14, 2023); Interview by D with Person No. 14 Detained at Moshannon (Mar. 30, 2023); Interview by O with Person No. 15 Detained at Moshannon (Apr. 14, 2023); Interview by O with Person No. 16 Detained at Moshannon (Apr. 7, 2023); Interview by F with Person No. 24 Detained at Moshannon (May 9, 2023); Interview by Q with Person No. 32 Detained at Moshannon (June 12, 2023); Interview by F with Person No. 45 Detained at Moshannon (May 3, 2023).

<sup>135</sup> Notes from stakeholder tour (Mar. 30, 2023) (on file with authors).

<sup>136</sup> MVPC DETAINEE HANDBOOK, *supra* note 118, at 26.

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<sup>137</sup> *Detention by the Numbers*, *supra* note 27; Notes from stakeholder tour (Mar. 30, 2023) (on file with authors); Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023); Interview by X with Person No. 29 Detained at Moshannon (Mar. 30, 2023).

<sup>138</sup> Eighty percent of the staff from the prison stayed on as employees of the ICE detention center. Hesson et al., *supra* note 13.

<sup>139</sup> Letter from Person No. 14 Detained at Moshannon to ACLU-PA (Apr. 16, 2023) (on file with authors).

<sup>140</sup> Interview by S with Person No. 74 detained at Moshannon (July 4, 2023); Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023).

<sup>141</sup> Interview by S with Person No. 74 Detained at Moshannon (July 4, 2023).

<sup>142</sup> *Id.*

<sup>143</sup> Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023).

<sup>144</sup> Information from Legal Services of New Jersey v. Immigration & Customs Enforcement, 2:23-cv-22222 (D.N.J. Nov. 9, 2023).

<sup>145</sup> *Detention Facilities Average Daily Population*, *supra* note 106.

<sup>146</sup> See generally ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>147</sup> See, e.g., U.N. General Assembly Working Group on Arbitrary Detention (UNWGAD), *Country report visit to the United States of America*, A/HRC/36/37/Add.2, ¶ 21, (“all administrative detention, in particular of immigrants in an irregular situation, should be in accordance with international human rights law; and that such detention is to be a measure of last resort, necessary and proportionate and be not punitive in nature, and that alternatives to detention are to be sought whenever possible”).

<sup>148</sup> *Oversight of Immigration Detention: An Overview*, AM. IMMIGR. COUNCIL (May 16, 2022), <https://www.americanimmigrationcouncil.org/research/oversight-immigration-detention-overview>.

<sup>149</sup> *Id.*

<sup>150</sup> OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, ICE’S INSPECTIONS AND MONITORING OF DETENTION FACILITIES DO NOT LEAD TO SUSTAINED COMPLIANCE OR SYSTEMIC IMPROVEMENTS, OIG-18-67 7 n.12 (June 26, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

<sup>151</sup> OFFICE OF DETENTION OVERSIGHT, UNANNOUNCED FOLLOW-UP COMPLIANCE INSPECTION 2023-005-147 (Aug. 15-17, 2023), [https://www.ice.gov/doclib/foia/odo-compliance-inspections/moshannonValleyProcCntr\\_PhilipsburgPA\\_Aug15-17\\_2023.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/moshannonValleyProcCntr_PhilipsburgPA_Aug15-17_2023.pdf).

<sup>152</sup> Letter from Lead Compliance Inspector, The Nakamoto Group, Inc. to Acting Assistant Director Custody Management, 90 Day Follow-Up/Annual Inspection of the Moshannon Valley Processing Center 2 (Mar. 3, 2022) (on file with authors).

<sup>153</sup> OFFICE OF DETENTION OVERSIGHT, UNANNOUNCED FOLLOW-UP COMPLIANCE INSPECTION 2023-005-147 8-9 (Aug. 15-17, 2023), [https://www.ice.gov/doclib/foia/odo-compliance-inspections/moshannonValleyProcCntr\\_PhilipsburgPA\\_Aug15-17\\_2023.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/moshannonValleyProcCntr_PhilipsburgPA_Aug15-17_2023.pdf).

<sup>154</sup> OFFICE OF THE IMMIGRATION DETENTION OMBUDSMAN (OIDO), INSPECTION MOSHANNON VALLEY PROCESSING CENTER, OIDO-23-001, 10-11 (OCT. 17, 2022), [https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Inspection%20Report%20%20Moshannon%20Valley%20Processing%20Center\\_2.pdf](https://www.dhs.gov/sites/default/files/2022-10/OIDO%20Final%20Inspection%20Report%20%20Moshannon%20Valley%20Processing%20Center_2.pdf).

<sup>155</sup> See generally ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>156</sup> *Id.*

<sup>157</sup> PHYSICIANS FOR HUMAN RIGHTS ET AL., “ENDLESS NIGHTMARE”: TORTURE AND INHUMAN TREATMENT IN SOLITARY CONFINEMENT IN U.S. IMMIGRATION DETENTION 1 (Feb. 2024), <https://phr.org/our-work/resources/endless-nightmare-solitary-confinement-in-us-immigration-detention/>.

<sup>158</sup> MVPC DETAINEE HANDBOOK, *supra* note 118, at 9.

<sup>159</sup> Notes from stakeholder tour (Mar. 30, 2023) (on file with authors).

<sup>160</sup> See generally ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>161</sup> PBNDS 2.12.

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- <sup>162</sup> Interview by O with Person No. 16 Detained at Moshannon (Apr. 7, 2023); Interview by W with Person No. 48 Detained at Moshannon (June 2, 2023).
- <sup>163</sup> Interview by C with Person No. 8 Detained at Moshannon (Apr. 18, 2023).
- <sup>164</sup> *Civil Rights Complaint Flowchart*, U.S. DEP'T OF HOMELAND SEC. OFF. FOR CIV. RTS AND CIV. LIBERTIES (last visited Apr. 28, 2024), [https://www.dhs.gov/sites/default/files/2023-02/crcl-complaints-flowchart\\_508.pdf](https://www.dhs.gov/sites/default/files/2023-02/crcl-complaints-flowchart_508.pdf).
- <sup>165</sup> Letter from Nat'l Immigr. Justice Project to Shoba Sivaprasad Wadhia, *Complaint Detailing Discriminatory and Arbitrary Solitary Confinement at the Moshannon Valley Processing Center* (Nov. 16, 2023), [https://nipnl.org/sites/default/files/2023-11/2023\\_Moshannon-CRCL-complaint.pdf](https://nipnl.org/sites/default/files/2023-11/2023_Moshannon-CRCL-complaint.pdf).
- <sup>166</sup> *Id.*
- <sup>167</sup> *Id.*
- <sup>168</sup> Interview by H with Person No. 59 Detained at Moshannon (May 25, 2023).
- <sup>169</sup> PBNDS 2.12.
- <sup>170</sup> Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023); Interview by P with Person No. 2 Detained at Moshannon (Apr. 7, 2023); Interview by L with Person No. 12 Detained at Moshannon (Apr. 7, 2023); Interview by C with Person No. 23 Detained at Moshannon (May 22, 2023); Interview by C with Person No. 35 Detained at Moshannon (May 25, 2023).
- <sup>171</sup> PHYSICIANS FOR HUMAN RIGHTS ET AL., *supra* note 157, at 1.
- <sup>172</sup> In considering whether a person in detention needs to be placed in solitary confinement based on being a “threat to the security of the facility,” the facility may consider the person’s past “criminal record.” PBNDS 2.12.
- <sup>173</sup> Interview by C with Person No. 23 Detained at Moshannon (May 22, 2023).
- <sup>174</sup> *See generally* ACLU-PA, *Overview of MVPC*, *supra* note 9.
- <sup>175</sup> PHYSICIANS FOR HUMAN RIGHTS ET AL., *supra* note 157, at 17.
- <sup>176</sup> Interview by C with Person No. 35 Detained at Moshannon (May 25, 2023).
- <sup>177</sup> Interview by O with Person No. 16 Detained at Moshannon (Apr. 7, 2023).
- <sup>178</sup> Interview by W with Person No. 48 Detained at Moshannon (June 2, 2023).
- <sup>179</sup> Interview by V with Person No. 63 Detained at Moshannon (Apr. 7, 2023).
- <sup>180</sup> *Id.*
- <sup>181</sup> Interview by H with Person No. 13 Detained at Moshannon (Apr. 7, 2023).
- <sup>182</sup> Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023); Interview by L with Person No. 12 Detained at Moshannon (Apr. 7, 2023); Interview by N with Person No. 28 Detained at Moshannon (Apr. 7, 2023); Interview by C with Person No. 39 Detained at Moshannon (May 17, 2023); Interview P with Person No. 66 Detained at Moshannon (Apr. 7, 2023); Interview by R with Person No. 75 Detained at Moshannon (Apr. 7, 2023).
- <sup>183</sup> Interview by G with Person No. 21 Detained at Moshannon (Apr. 10, 2023).
- <sup>184</sup> Interview by D with Person No. 14 Detained at Moshannon (Mar. 30, 2023).
- <sup>185</sup> Interview by W with Person No. 48 Detained at Moshannon (June 2, 2023).
- <sup>186</sup> Intake by H with Person No. 55 Detained at Moshannon (Apr. 25, 2023).
- <sup>187</sup> PHYSICIANS FOR HUMAN RIGHTS ET AL., *supra* note 157, at 34.
- <sup>188</sup> *Id.* at 8.
- <sup>189</sup> *Id.* at 6.
- <sup>190</sup> *Id.*
- <sup>191</sup> *Id.* at 16.
- <sup>192</sup> *Id.* at 2.
- <sup>193</sup> MORTON, *supra* note 132, at 200.
- <sup>194</sup> *Id.* at 201.
- <sup>195</sup> The federal government has noted these unlawful practices in its reports published by the Office of the Inspector General. *See* OFF. INSPECTOR GEN., *VIOLATIONS OF DETENTION STANDARDS AT ICE’S PORT ISABEL*

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SERVICE PROCESSING CENTER, U.S. DEP'T OF HOMELAND SEC. 10 (2023), <https://www.oig.dhs.gov/sites/default/files/assets/2023-02/OIG-23-13-Feb23.pdf>; OFF. INSPECTOR GEN., VIOLATIONS OF ICE DETENTION STANDARDS AT SOUTH TEXAS ICE PROCESSING CENTER, U.S. DEP'T OF HOMELAND SEC. 8 (2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-04/OIG-22-40-Apr22.pdf>.

<sup>196</sup> Interview by I with Person No. 54 Detained at Moshannon (Mar. 30, 2023).

<sup>197</sup> Decl. of Lilah Thompson, Senior Staff Attorney, Nationalities Service Center, on Moshannon Valley Processing Center ¶ 28 (Feb. 1, 2023) (on file with authors).

<sup>198</sup> Interview by Y with Person No. 53 Detained at Moshannon (Mar. 30, 2023); Interview by O with Person No. 16 Detained at Moshannon (Apr. 7, 2023).

<sup>199</sup> Interview by V with Person No. 63 detained at Moshannon (Apr. 7, 2023).

<sup>200</sup> Interview by M with Person No. 47 Detained at Moshannon (May 25, 2023).

<sup>201</sup> Interview by S with Person No. 74 Detained at Moshannon (Apr. 7, 2023).

<sup>202</sup> Interview by I with Person No. 54 Detained at Moshannon (Mar. 30, 2023).

<sup>203</sup> Interview by F with Person No. 24 Detained at Moshannon (May 9, 2023).

<sup>204</sup> *Id.*

<sup>205</sup> Interview by A&B with Person No. 22 Detained at Moshannon (May 25, 2023).

<sup>206</sup> Interview by A with Person No. 37 Detained at Moshannon (June 1, 2023).

<sup>207</sup> Grievance signed by a group of 16 people at Moshannon (Nov. 26, 2023) (on file with authors).

<sup>208</sup> Interview by P with Person No. 2 Detained at Moshannon (Apr. 7, 2023).

<sup>209</sup> ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>210</sup> Interview by P with Person No. 2 Detained at Moshannon (Apr. 7, 2023).

<sup>211</sup> Grievance signed by a group of 22 people detained at Moshannon (Mar. 21, 2023) (on file with authors).

<sup>212</sup> Grievance signed by a group of 22 people detained at Moshannon (Mar. 21, 2023) (on file with authors).

<sup>213</sup> *See generally* FREEDOM FOR IMMIGRANTS, UNCOVERING THE TRUTH: VIOLENCE AND ABUSE AGAINST BLACK MIGRANTS IN IMMIGRATION DETENTION (Oct. 2022), <https://www.freedomforimmigrants.org/report-uncovering-the-truth#:~:text=Black%20immigrants%20are%20disproportionately%20represented,and%20the%20criminal%20legal%20system.>

<sup>214</sup> *Id.* at 11.

<sup>215</sup> *Id.* at 14-15.

<sup>216</sup> Tatiana Flowers, *Racial Discrimination, Excessive Force and Retaliation Alleged at ICE Detention Center in Aurora*, THE COLORADO SUN (Apr. 14, 2022, 4:02 AM), <https://coloradosun.com/2022/04/14/aurora-detention-center/> (noting that one of the complainants said he once saw an ICE officer make a hand gesture he believes is a sign used by the members of a white supremacists prison gang).

<sup>217</sup> Evan McMorris-Santoro et al., *We Got Cameras Inside One of the Biggest ICE Detention Centers. This Is What We Saw.*, VICE (Aug. 2, 2019, 6:36 PM), <https://www.vice.com/en/article/xweqgn/we-got-cameras-inside-one-of-the-biggest-ice-detention-centers-this-is-what-we-saw>; PBND 2.2.

<sup>218</sup> MVPC DETAINEE HANDBOOK, *supra* note 118, at 6–7.

<sup>219</sup> *Id.*

<sup>220</sup> *Id.*

<sup>221</sup> *Id.* at 7.

<sup>222</sup> *Id.*

<sup>223</sup> *Id.*

<sup>224</sup> *Id.* at 26-27.

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<sup>225</sup> *Id.* at 7.

<sup>226</sup> Interview by S with Person No. 43 Detained at Moshannon (Apr. 7, 2023).

<sup>227</sup> *Id.*

<sup>228</sup> Interview by G with Person No. 21 Detained at Moshannon (Apr. 10, 2023).

<sup>229</sup> See generally ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>230</sup> MORTON, *supra* note 132, at 99.

<sup>231</sup> Interview by H with Person No. 20 Detained at Moshannon (Apr. 18, 2023).

<sup>232</sup> Nora Ellman, *Immigration Detention is Dangerous for Women’s Health and Rights*, CTR. FOR AM. PROGRESS (Oct. 21, 2019), <https://www.americanprogress.org/article/immigration-detention-dangerous-womens-health-rights/>.

<sup>233</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023).

<sup>234</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023).

<sup>235</sup> Interview by D with Person No. 14 Detained at Moshannon (Mar. 30, 2023).

<sup>236</sup> Letter from Thomas Homan to ICE, Further Guidance Regarding the Care of Transgender Detainees 4 (June 19, 2015), <https://www.ice.gov/sites/default/files/documents/Document/2015/TransgenderCareMemorandum.pdf>.

<sup>237</sup> Interview by E with Person No. 67 Detained at Moshannon (Mar. 30, 2023); Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023); Interview by S with Person No. 43 Detained at Moshannon (Apr. 7, 2023); Interview by Y with Person No. 56 Detained at Moshannon (Mar. 30, 2023); Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023); Decl. E.N. Detained at Moshannon ¶¶ 18-25 (Nov. 8, 2022) (on file with authors).

<sup>238</sup> PBNDS 5.5.

<sup>239</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023); see also Decl. E.N. Detained at Moshannon ¶ 20 (Nov. 8, 2022) (on file with authors).

<sup>240</sup> *Id.*

<sup>241</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023).

<sup>242</sup> Interview by Y with Person No. 56 Detained at Moshannon (Mar. 30, 2023); Decl. E.N. Detained at Moshannon ¶¶ 22-23 (Nov. 8, 2022) (on file with authors).

<sup>243</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023); Interview by O with Person No. 60 (Apr. 7, 2023).

<sup>244</sup> Monique O. Madan, *Miami ICE Detainees Forced to Choose ‘Between Faith and Food,’ Letter Says*, MIAMI HERALD (Aug. 24, 2020, 11:01 PM), <https://www.miamiherald.com/news/local/immigration/article245207760.html>.

<sup>245</sup> Interview by S with Person No. 43 Detained at Moshannon (Apr. 7, 2023); Decl. E.N. Detained at Moshannon ¶ 25 (Nov. 8, 2022) (on file with authors).

<sup>246</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023).

<sup>247</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023).

<sup>248</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023).

<sup>249</sup> PBNDS 5.5.

<sup>250</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023).

<sup>251</sup> Interview by P with Person No. 2 Detained at Moshannon (Apr. 7, 2023).

<sup>252</sup> Joseph (Yusuf) Saei, *ICE Contract Facilities, Including Counties, Continue to Violate the Religious Exercise Rights of Muslim Detainees*, AMERICAN CONST. SOC’Y (Apr. 24, 2019), <https://www.acslaw.org/expertforum/ice-contract-facilities-including-counties-continue-to-violate-the-religious-exercise-rights-of-muslim-detainees/>.

<sup>253</sup> This resembles the challenges facing Sikh immigrants in an Oregon facility. There, people in detention were not allowed to keep their own turbans or receive new ones, so they resorted to wearing towels or t-shirts wrapped around their heads during prayer. In response, staff ripped off the makeshift turbans. Aleksandr Sverdlik, *Border Patrol and ICE Routinely Violate Immigrants’ Religious Rights*,

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ACLU (Mar. 20, 2019), <https://www.aclu.org/news/immigrants-rights/border-patrol-and-ice-routinely-violate>.

<sup>254</sup> Tom Verde, *For ICE Detainees, Access to Clergy is Infrequent or Absent Altogether, Rights Groups Say*, RELIGION NEWS SERVICE (Oct. 25, 2018), <https://religionnews.com/2018/10/25/for-ice-detainees-access-to-clergy-is-infrequent-or-absent-altogether-rights-groups-say/>.

<sup>255</sup> Interview by C with Person No. 23 Detained at Moshannon (May 22, 2023) (“He sought mental health treatment because he couldn’t sleep, couldn’t eat, was very stressed because of the threat of deportation. He went to see the psychiatrist with hopes of getting sleeping pills. They would not give him anything and told him it was normal for someone in his situation”).

<sup>256</sup> Interview by A.L. with Previously Detained Person No. 1 at Moshannon (Mar. 8, 2024).

<sup>257</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023) (“[D]oes NOT have any family/friends in PA and expressed confusion as to why he was sent to MVPC”).

<sup>258</sup> Interview by T with Person No. 4 Detained at Moshannon (Apr. 7, 2023).

<sup>259</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>260</sup> Interview by T with Person No. 4 Detained at Moshannon (Apr. 7, 2023).

<sup>261</sup> MORTON, *supra* note 132, at 394 (“Each facility administrator shall decide whether to permit contact visits, as appropriate for the facility’s physical plant and detainee population.”); Notes from stakeholder tour first quarter of 2024 (on file with authors).

<sup>262</sup> Notes from stakeholder tour first quarter of 2024 (on file with authors).

<sup>263</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>264</sup> Chanelle Diaz, et. al, *Harmful by Design - a Qualitative Study of the Health Impacts of Immigration Detention*, J. GEN. INTERNAL MED., 2030, 2034 (2022),

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9713141/pdf/11606\\_2022\\_Article\\_7914.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9713141/pdf/11606_2022_Article_7914.pdf) (“Family separation further contributed to worsening mental health. Some participants described an irreparable harm to familial bonds, including divorce/separation from spouses. Children could not understand why their parent had disappeared. The pain of separation was sometimes worse during visitations, as those detained were forced to maintain physical distance from their loved ones.”)

<sup>265</sup> Patrick G. Lee, *Immigrants in Detention Centers Are Often Hundreds of Miles from Legal Help*, (May 16, 2017, 4:00 PM), <https://www.propublica.org/article/immigrants-in-detention-centers-are-often-hundreds-of-miles-from-legal-help>.

<sup>266</sup> MVPC DETAINEE HANDBOOK, *supra* note 118119, at 35.

<sup>267</sup> See generally ACLU-PA, Overview of MVPC, *supra* note 9.

<sup>268</sup> Driving Directions from Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866 to Buffalo Federal Detention Facility, 4250 Federal Dr, Batavia, NY 14020, GOOGLE MAPS, <http://maps.google.com> (follow “Directions” hyperlink; then search starting point field for “Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866” and search destination field for “Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866”).

<sup>269</sup> RYO & PEACOCK, *supra* note 24, at 29.

<sup>270</sup> Interview by A.L. with Previously Detained Person No. 1 at Moshannon (Mar. 8, 2024).

<sup>271</sup> *Id.*

<sup>272</sup> *Id.*

<sup>273</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023); Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>274</sup> According to one person, asserting your rights can you get you put into SMU. Interview by F with Person No. 38 Detained at Moshannon (May 3, 2023) (explaining that 44 people were placed into SMU after exercising their right to be present during a search of their belongings).

<sup>275</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023).

<sup>276</sup> *Id.*

<sup>277</sup> Interview by W with Person No. 44 Detained at Moshannon (June 6, 2023).

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- <sup>278</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).
- <sup>279</sup> *Id.*
- <sup>280</sup> Interview by G with Person No. 21 Detained at Moshannon (Apr. 7, 2023); *see generally* ACLU-PA, Overview of MVPC Site Visit Intakes (Aug. 17, 2023) (on file with authors).
- <sup>281</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023); Interview by F with Person No. 24 at Detained at Moshannon (May 9, 2023); *see also* Notes from Stakeholder Tour (Mar. 30, 2023) (on file with authors).
- <sup>282</sup> Interview by R with Person No. 73 Detained at Moshannon Valley (Apr. 7, 2023); *see also* Cristobal Ramón & Lucas Reyes, *Language Access in the Immigration System: A Primer*, BIPARTISAN POL'Y CTR. (Sept. 18, 2020), <https://bipartisanpolicy.org/blog/language-access-in-the-immigration-system-a-primer/>.
- <sup>283</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023); Interview by F with Person No. 24 at Detained at Moshannon (May 9, 2023).
- <sup>284</sup> EAGLY & SHAFER, *supra* note 36.
- <sup>285</sup> *Id.*
- <sup>286</sup> *Id.*
- <sup>287</sup> Lee, *supra* note 265.
- <sup>288</sup> ADITI SHAH & EUNICE HYUNHYE CHO, ACLU, NO FIGHTING CHANCE: ICE'S DENIAL OF ACCESS TO COUNSEL IN U.S. IMMIGRATION DETENTION CENTERS 10 (June 9, 2022), <https://www.aclu.org/publications/no-fighting-chance-ices-denial-access-counsel-us-immigration-detention-centers>.
- <sup>289</sup> MVPC DETAINEE HANDBOOK, *supra* note 118, at 16.
- <sup>290</sup> Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023).
- <sup>291</sup> Interview by C with Person No. 23 Detained at Moshannon (May 22, 2023).
- <sup>292</sup> *See generally* ACLU-PA, Overview of MVPC Site Visit Intakes (Aug. 17, 2023) (on file with authors).
- <sup>293</sup> SHAH & CHO, *supra* note 288, at 5.
- <sup>294</sup> *Id.* at 12.
- <sup>295</sup> Complaint & Demand Letter by Person No. 1 Detained at Moshannon (Mar. 15, 2023) (signed by 36 additional people detained at Moshannon) (on file with authors).
- <sup>296</sup> Note, *The Right to be Heard from Immigration Prisons: Locating a Right of Access to Counsel for Immigration Detainees in the Right of Access to Courts*, 132 HARV. L. REV. 727, 747 (2018).
- <sup>297</sup> *See generally* ACLU-PA, Overview of MVPC, *supra* note 9.
- <sup>298</sup> Isaac Chotiner, *The Troubling State of Medical Care in ICE Detention*, NEW YORKER (Sept. 25, 2020), <https://www.newyorker.com/news/q-and-a/the-troubling-state-of-medical-care-in-ice-detention>.
- <sup>299</sup> *Id.*
- <sup>300</sup> PBNDS 4.3.
- <sup>301</sup> Information from Legal Services of New Jersey v. Immigration & Customs Enforcement, 2:23-cv-22222 (D.N.J. Nov. 9, 2023).
- <sup>302</sup> *See generally* Interview by V with Person No. 34 Detained at Moshannon (Apr. 8, 2023); Interview by Y with Person No. 56 Detained at Moshannon (Mar. 30, 2023); Interview by M with Person No. 47 Detained at Moshannon (May 25, 2023).
- <sup>303</sup> *See generally* Interview by V with Person No. 34 Detained at Moshannon (Apr. 8, 2023); Interview O with Person No. 68 Detained at Moshannon (Apr. 7, 2023).
- <sup>304</sup> Interview by Y with Person No. 56 Detained at Moshannon (Mar. 30, 2023).
- <sup>305</sup> Interview by O with Person No. 60 Detained at Moshannon (Apr. 7, 2023); Interview by O with Person No. 76 Detained at Moshannon (Apr. 7, 2023); Interview by N with Person No. 10 Detained at Moshannon (Apr. 7, 2023).
- <sup>306</sup> Interview by N with Person No. 10 Detained at Moshannon (Apr. 7, 2023).
- <sup>307</sup> Interview by H with Person No. 69 Detained at Moshannon (Apr. 7, 2023).
- <sup>308</sup> Interview by M with Person No. 47 Detained at Moshannon (May 25, 2023).

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<sup>309</sup> *Id.*

<sup>310</sup> *Id.*

<sup>311</sup> Chotiner, *supra* note 298; Rafael Bernal, *Suicide Attempts Highlight Mental Health Concerns in Immigrant Detention*, THE HILL (Mar. 3, 2023), <https://thehill.com/latino/3881755-suicide-attempts-highlight-mental-health-concerns-in-immigrant-detention/>.

<sup>312</sup> *Id.*

<sup>313</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023); Interview by Q with Person No. 33 Detained at Moshannon (July 6, 2023).

<sup>314</sup> Interview by A with Person No. 37 Detained at Moshannon (June 1, 2023).

<sup>315</sup> Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023); Interview by G with Person No. 17 Detained at Moshannon (Mar. 30, 2023); Interview by X with Person No. 29 Detained at Moshannon (Mar. 30, 2023).

<sup>316</sup> *Conditions at the NWDC: Allegations of Medical Neglect*, CTR FOR HUMAN RTS. UNIV. WASHINGTON (Apr. 16, 2020), <https://jsis.washington.edu/humanrights/2020/04/16/nwdc-medical/>.

<sup>317</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>318</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023).

<sup>319</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023); Interview by F with Person No. 45 Detained at Moshannon (May 3, 2023).

<sup>320</sup> Interview by A&B Person No. 22 Detained at Moshannon (May 25, 2023).

<sup>321</sup> *Immigration Detention: ICE Needs to Strengthen Oversight of Informed Consent for Medical Care*, GAO-23-105196, U.S. GAO (Oct. 18, 2022), <https://www.gao.gov/products/gao-23-105196>.

<sup>322</sup> Interview by P with Person No. 3 Detained at Moshannon (Apr. 7, 2023).

<sup>323</sup> Morgan Lee, *WATCH: Senate Committee Finds ‘Invasive’ Medical Mistreatment of Women Detained by ICE*, PBS (Nov. 16, 2022, 2:35 PM), <https://www.pbs.org/newshour/politics/watch-live-senate-committee-investigates-medical-mistreatment-of-women-detained-by-ice>.

<sup>324</sup> U.S. GAO, *supra* note 321.

<sup>325</sup> *Id.*; Chotiner, *supra* note 298.

<sup>326</sup> *Information from Legal Services of New Jersey v. Immigration & Customs Enforcement*, 2:23-cv-22222 (D.N.J. Nov. 9, 2023).

<sup>327</sup> Interview by W with Person No. 6 Detained at Moshannon (May 31, 2023).

<sup>328</sup> Caitlin Patler et al., *Release from US Immigration Detention May Improve Physical and Psychological Stress and Health: Results from a Two-Wave Panel Study in California*, SSM: MENTAL HEALTH (Oct. 2021), <https://www.sciencedirect.com/science/article/pii/S2666560321000359>.

<sup>329</sup> OIDO, *supra* note 154, at 4-5, 15.

<sup>330</sup> Interviewer F with Person No. 38 Detained at Moshannon (May 3, 2023); Interview by G with Person No. 8 Detained at Moshannon (Apr. 17, 2023).

<sup>331</sup> Interview by C with Person No. 23 Detained at Moshannon (May 22, 2023).

<sup>332</sup> Interview by F with Person No. 24 Detained at Moshannon (May 9, 2023).

<sup>333</sup> *See generally* M. von Wethern et al., *The Impact of Immigration Detention on Mental Health: A Systematic Review*, 18 BMC PSYCHIATRY (Dec. 2018), <https://bmcp psychiatry.biomedcentral.com/articles/10.1186/s12888-018-1945-y>.

<sup>334</sup> Memorandum from Dana Salvano-Dunn, Office for Civil Rights and Civil Liberties, to Patrick J Lechleitner & Kerry E. Doyle at ICE, *Retention Memo: Segregation of Individuals with a Mental Health Disability and/or Serious Mental Illness 4* (Sept 1, 2023) (on file with authors).

<sup>335</sup> *Id.*

<sup>336</sup> *Mental Health in Detention*, NAT’L IMMIGR. JUST. CTR. (2022), <https://immigrantjustice.org/issues/mental-health-detention>.

<sup>337</sup> Bernal, *supra* note 311.

<sup>338</sup> *Id.*

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<sup>339</sup> PBNDS 4.1.

<sup>340</sup> Interview by Y with Person No. 56 Detained at Moshannon (Mar. 30, 2023); Interview by A&B with Person No. 22 Detained at Moshannon (May 25, 2023).

<sup>341</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>342</sup> *Id.*

<sup>343</sup> Interview by P with Person No. 3 Detained at Moshannon (Apr. 7, 2023); Decl. E.N. Detained at Moshannon ¶ 25 (Nov. 8, 2022) (on file with authors).

<sup>344</sup> Interview by F with Person No. 5 Detained at Moshannon (May 1, 2023).

<sup>345</sup> Interview by C with Person No. 39 Detained at Moshannon (May 17, 2023); Interview by T with Person No. 70 Detained at Moshannon (Apr. 7, 2023); Interview by U with Person No. 72 Detained at Moshannon (Mar. 30, 2023); Decl. E.N. Detained at Moshannon ¶ 25 (Nov. 8, 2022) (on file with authors).

<sup>346</sup> Interview by G with Person No. 17 Detained at Moshannon (Mar. 30, 2023).

<sup>347</sup> Pennsylvania State Police Response to Andrew Free's Pennsylvania RTKL Request on Behalf of MuckRock News (Jan. 24, 2024), [https://www.documentcloud.org/documents/24373955-ppsp\\_final\\_response\\_2023-2559](https://www.documentcloud.org/documents/24373955-ppsp_final_response_2023-2559); Pennsylvania State Police Response to ACLU-PA's RTKL Request (Apr. 19, 2024).

<sup>348</sup> *Detainee Death Report: OKPU, Frankline*, U.S. IMMIGR. AND CUSTOMS ENF'T (Feb. 2024), <https://www.ice.gov/doclib/foia/reports/ddrFranklineOkpu.pdf>; WJAC Staff, *Troopers Investigating Death of Man at Moshannon Valley ICE Processing Center*, 6WJAC (Dec. 11, 2023, 4:23 PM), <https://wjactv.com/news/local/troopers-investigation-ice-processing-immigration-moshannon-valley-pennsylvania-death-victim-police/>.

<sup>349</sup> Detention Watch Network, *Two Deaths in ICE Detention One Week into December* (Dec. 13, 2023), <https://www.detentionwatchnetwork.org/pressroom/releases/2023/two-deaths-ice-detention-one-week-december>.

<sup>350</sup> *Detainee Death Report*, *supra* note 348.

<sup>351</sup> Andrew Free, *Freedom of Information Act Request: Unlawfully Delayed MoValley ICE Death Report* MUCKROCK (Jan. 24, 2024), <https://www.muckrock.com/foi/united-states-of-america-10/unlawfully-delayed-movalley-ice-death-report-157727/#:~:text=The%20Congressionally%20mandated%20ICE%20Detainee,Center%20in%20Clearfield%20County%2C%20Pennsylvania>.

<sup>352</sup> Beth Schwartzapfel & Jimmy Jenkins, *Overdose Deaths in State Prisons Have Jumped Dramatically Since 2001*, NPR (July 15, 2021), <https://www.npr.org/2021/07/15/1015447281/overdose-deaths-state-prisons-increase>.

<sup>353</sup> Detention Watch Network, *Two Deaths*, *supra* note 349.

<sup>354</sup> Interview by A.L. with Previously Detained Person No. 1 at Moshannon (Mar. 8, 2024).