

Supplement to SF95 Claim Form by:

1. Submit to Appropriate Federal Agency:

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

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

U.S. Customs and Border Protection
McAllen Border Patrol Station
3000 West Military Highway
McAllen, TX 78503

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

2. Claimant's Personal Representatives:

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6. Date and Day of Accident:

On and about [REDACTED], 2013.

8. Basis of Claim:

On or about [REDACTED], 2013, [REDACTED] was taken into custody by United States Customs and Border Protection (CBP), in McAllen, Texas. [REDACTED] is a thirty year-old woman and mother of three children, ages four, eleven and twelve. Taken into custody at the same time were her sisters [REDACTED]'s five-year old child and [REDACTED]'s brother, [REDACTED].

[REDACTED] was told by a CBP officer that she and her family members were being taken to a "hielera," translated in English to mean the "freezer," "icebox" or "refrigerator." She was then transported, upon information and belief, to the CBP McAllen Station, in the CBP Rio Grande Valley Sector. There, she was placed in what the CBP agent had meant by "hielera": a

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small, freezing cold cell where many detainees were crowded together. She later heard other officers also refer to the cell as the "hielera" and realized that this was their nickname for it. She would later be moved to two other hieleras.

██████████ was in the first hielera to which she taken for a period of three days. Her sister ██████████ was also in the first hielera for three days. Her sister ██████████ and her child were removed from the first hielera after one day. ██████████ and her sister ██████████ were transported to a second hielera where they spent an additional day and night. They were then transported to another hielera where they spent another day before they were transported to the Hidalgo County Jail where she was incarcerated for eleven days before being transported to the Broward Transitional Center in Florida.

The conditions in the three hieleras were almost identical. The hieleras had no beds, no chairs and a single toilet and sink, both of these in plain view. A large window in the door of the cells provided CBP officers a view of the entirety of the cell, including the toilet and anyone using it. As many as forty women were detained in the first hielera with ██████████ all sharing the one toilet. When using the toilet in the hieleras, ██████████ felt bad and ashamed. She felt humiliated having to expose herself to the other detainees while urinating and defecating. And she found it difficult to actually relieve herself because of this embarrassment. She would try and "hold it" as long as possible before going because of the shame and discomfort she felt.

The temperature in the hieleras was so cold that ██████████ lips and fingertips turned blue. Her lips eventually chapped and split. The lips and fingers of her two sisters and her sister's child also turned blue. Because of the cold, she and her sisters and her sister's child would huddle together on the floor for warmth. The cold temperature made it very difficult to sleep. There were no mattresses or blankets, and ██████████ and the other women had to try and sleep on the concrete floor. The cramped quarters also made it impossible for all of the women to lie down all at one time. CBP officers would disturb the detainees anytime they appeared to be trying to sleep. There were three large air conditioner vents in the middle of the ceiling of the hieleras from which ██████████ could feel a steady flow of cold air. She repeatedly pleaded with the CBP officers to turn off the air conditioning but it remained on.

While in the hieleras, ██████████ and the other detainees were fed once or twice a day. Due to transfers from one hielera to another hielera, she also missed meals. She was not fed on those occasions when she missed the meal. Every meal she did received consisted of no more than a single sandwich made of an unidentified, processed meat product and white bread. This meager food left her hungry every day and caused her to feel light headed and to suffer headaches. The only water available to ██████████ was provided in a single thermos shared by all the detainees. There were no cups to drink the water. ██████████ and the other detainees poured water into their hands in order to drink it. The water smelled like bleach and burned ██████████ throat when she drank it.

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Among the other detainees incarcerated in the hielera, [REDACTED] noticed at least one detainee who was pregnant. [REDACTED] also observed detainees who had no shoes and a detainee with thorns in her skin who received no medical care. She also saw a woman who had some type of seizure or attack who fell on the ground. More than half an hour passed before she received medical attention.

[REDACTED] and the other detainees had no access to a bath or shower in the hieleras they were not provided with personal hygiene products such as a toothbrush, toothpaste, comb, brush or soap at any time. Nor was she provided with a change of clothing. For six days she wore the same pants, shirt and undergarments she had on when apprehended. During three of the six days she was in the hieleras, she was menstruating. Because she had no way to clean herself, she smelled bad and was very ashamed that she was unable to properly clean herself. Her underwear became soiled as a result of her menstruation and smelled bad. [REDACTED] tried to stay away from other detainees because of the shame she felt in the way she smelled and how filthy she was.

During the six days that [REDACTED] was incarcerated in the hieleras she felt desperation and repeatedly broke down in tears.

After her first day in the hielera she was taken from the cell and fingerprinted. After being printed she was taken to another location in the CBP Station where she was shown documents, all in English. [REDACTED] does not speak or read English. A male CBP officer told [REDACTED] that she was required to sign the documents, though the officer did not explain to her what the documents said or meant. The only document [REDACTED] saw in English was a document in Spanish indicating that the United States government had a right to notify her consulate of her presence in the United States. Not knowing what the English documents said, and believing the CBP officer that she was required to sign the document, she signed. Unbeknownst to her, the document was an order for expedited removal.

During the six days that [REDACTED] was incarcerated in the hieleras, the actions of the CBP officers who: (1) detained her; (2) oversaw her in detention; and (3) coerced her into signing the order for expedited removal, were known to those CBP officers' supervisors and colleagues. Yet, upon information and belief, these supervisors and colleagues took no action to stop, correct or amend the unlawful and harmful action of their colleagues.

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

9. Property damage: No property was damaged.

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[REDACTED]

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

11. Witnesses:

(a) [REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

(f) [REDACTED]

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

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

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