

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FLORENCE IMMIGRANT AND REFUGEE
RIGHTS PROJECT,

Plaintiff,

V.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

Civ. A. No. 1:22-cv-03118 (CKK)

**DEFENDANTS' CERTIFICATE OF COMPLIANCE WITH THE COURT'S
FEBRUARY 1, 2023 PRELIMINARY INJUNCTION ORDER**

Defendants, the United States Department of Homeland Security, Alejandro N. Mayorkas, in his official capacity as the Secretary of the Department of Homeland Security, U.S. Immigration and Customs Enforcement (“ICE”), and Patrick Lechleitner, in his official capacity as Acting Director of the U.S. Immigration and Customs Enforcement, by and through undersigned counsel, submit this Certificate of Compliance and attached Declaration of Jason Ciliberti, Deputy Field Office Director, Phoenix Field Office, ICE (Exhibit A with attachments) in response to the Court’s Order, dated February 1, 2023 (ECF No. 78), as modified by the Court’s Orders, dated April 11, 2023 (ECF No. 97) and May 15, 2023 (Minute Order dated May 15, 2023).

The Court ordered Defendants to ensure that the Central Arizona Florence Correctional Complex in Florence, Arizona either (1) install six private, confidential attorney-client visitation rooms in which counsel may utilize translation services and physically pass documents to and from their detainee client or (2) install or transfigure a ratio of 25 detainees to one telephone that block all others from listening to legal calls while in progress, and to otherwise comply with every

provision of the 2019 National Detention Standards for Non-Dedicated Facilities.¹ *Id.* The attached Declaration at Exhibit A (with attachments) outlines Defendants actions to comply with the Court Order.

Dated: August 30, 2023

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General
Civil Division

WILLIAM C. PEACHEY
Director, District Court Section
Office of Immigration Litigation

JORDAN HUMMEL
Trial Attorney

Respectfully submitted,

/s/ Lauren Fascett
LAUREN E. FASCETT
Senior Litigation Counsel
Department of Justice, Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-3466
Email: Lauren.Fascett@usdoj.gov

Counsel for Defendants

¹ The U.S. Marshals Service-CoreCivic contract for Florence requires performance in accordance with the ICE Performance Based National Detention Standards (PBNDS). *See* ECF 100-1, Exhibit 1 – Declaration of Brittany Tobias (Tobias Decl.) ¶¶ 8 and 9. At the time of the last contract modification, the applicable standard contractually agreed upon by the parties was the 2008 PBNDS. *Id.* There have not been any further modifications or updates to this applicable detention standard. *Id.* Thus, the 2008 PBNDS are the applicable detention standards for ICE detainees at Florence. Plaintiffs do not dispute this fact. *See* ECF Nos. 53, First Amended Complaint, ¶ 40 (“The 2008 PBNDS are applicable to Florence.”); 118 Second Amended Complaint, ¶ 8 (“the 2008 Performance-Based National Detention Standards (‘PBNDS’)[] govern conditions at Florence.”).