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Attorneys for Plaintiffs-Petitioners

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

INNOVATION LAW LAB and LUIS
JAVIER SANCHEZ GONZALEZ by
XOCHITL RAMOS VALENCIA as next
friend,

Plaintiffs-Petitioners,

v.

KIRSTJEN NIELSEN, Secretary, Department
of Homeland Security, THOMAS HOMAN,
Acting Director, Immigration and Customs
Enforcement, ELIZABETH GODFREY,
Acting Field Office Director, Seattle Field
Office of ICE, JEFFERSON BEAUREGARD
SESSIONS, III, U.S. Attorney General,
HUGH J. HURWITZ, Acting Director,
Federal Bureau of Prisons, JOSIAS
SALAZAR, Warden, FCI Sheridan Medium
Security Prison, in their official capacity only,

Defendants-Respondents.

Case No. 3:18-cv-01098

**DECLARATION OF ERIN M.
PETTIGREW IN SUPPORT OF MOTION
TO AMEND AND CLARIFY
TEMPORARY RESTRAINING ORDER**

Erin M. Pettigrew hereby declares as follows:

1. I am an attorney licensed to practice in the States of Oregon and Washington, and I am a member in good standing of the bars of the United States District Court for the District of Oregon, the Western District of Washington, and the United States Court of Appeals for the Ninth Circuit. I am over the age of 18 and have personal knowledge of the facts described herein.

2. I work for Innovation Law Lab (“Law Lab”) as an Immigrant Rights Attorney. Since Law Lab learned of the individuals detained at FDC Sheridan, I have, together with our staff, organized and supported efforts to gain access to those who have requested legal visitation by immigration attorneys. I supervise and support the work of our staff, I perform legal visitations myself in the facility, I provide interpretation, and I coordinate with local immigration bar to ensure successful operation of the Sheridan Pro Bono Program. I do this work in close collaboration with my colleagues and the community of pro bono advocates.

3. Since entry of the Court’s Temporary Restraining Order on Monday, June 25, 2018, I have served as the principal point of contact between ICE attorneys and staff and BOP attorneys and staff, with input and supervision of counsel for all parties.

4. There are two telephone systems at Sheridan that pertain to the Court’s order. The first system includes the telephones in the attorney visitation rooms. On Tuesday, June 26, at approximately 9:30 am, those phones were still being installed. After they were installed, Mr. Sean Price for BOP informed me that they are only to be used for calling interpreting services.

5. Limiting the attorney visitation room telephones to interpreting services only makes it very difficult for pro bono attorneys to do the necessary work in representing clients. Because cell phones are not allowed inside Sheridan, this means that all legal calls must be performed outside of the facility. It is a matter of routine when conducting factual intake and

legal consultation appointments that attorneys and legal workers need to place phone calls – for example, to family members of the detained individual to ascertain dates, locations, and additional details and facts central to an individual’s immigration history and claim. Additionally, a legal worker or attorney may need to call a supervisor, coordinator for the pro-bono project, or an expert witness, to list just a few additional examples.

6. Because the Bureau of Prisons does not allow legal visitors to bring a personal cell phone into the facility, a legal visitor must therefore be escorted by a BOP employee to leave the attorney visitation room, pass through security, go to their vehicle to place a call from a personal cell phone. Then they must return to the facility, be processed through security, and escorted back to their client. To place a single phone call can add an extra 30 to 60 minutes to an appointment, depending on how long it takes for an attorney to get processed back in to the facility. This delay could mean that the attorney and/or the client run out of allotted time and the whole process would have to begin again the following day.

7. The second telephone system at issue includes the telephones in the units where the detained individuals are housed. Though BOP staff assured me that they would work to fix the attorney line issue on Tuesday, June 26, 2018, it wasn’t until Friday, June 29, 2018, that BOP informed me that a phone system was set up.

8. Nearly every day that we have travelled to Sheridan to provide legal visitation to the individuals detained, there have been significant wait times in transferring the individual detainees to the attorney visitation rooms.

9. On Tuesday, June 26, 2018, for example, Law Lab volunteers waited for over an hour to have clients transferred to the attorney visitation rooms.

10. On Wednesday, June 27, 2018, Law Lab volunteers waited nearly three hours to have their clients transferred to the visitation rooms.

11. Because FDC Sheridan requests that we prearrange all visit, and because our volunteer attorneys schedule their time in accordance with those pre-made arrangements, significant delays result in the inability by the volunteers to complete the necessary legal services.

12. Last week, BOP informed me that National Crime Information Center (NCIC) background check forms must be filled out “in advance” for non-attorney volunteers. Mr. Sean Price gave me copies of those forms on Tuesday, June 26, at the close of our visit. We then proceeded to submit those forms at the start of the visit or the night prior for the rest of the week without issue.

13. On Friday, June 29, BOP staff informed me that the NCIC forms needed to be submitted 48 hours in advance and could not be processed upon arrival. A true and correct copy of the communication sent to me by Amberly Newman on Friday, June 29, 2018, is attached as **Exhibit A**.

14. This new requirement will substantially impair Law Lab’s ability to provide the required legal services in a timely manner. The immigrants held at Sheridan speak over 16 different languages. Law Lab depends on volunteer interpreters from across the state to travel to Sheridan to assist with in-person interpretation for the know-your-rights trainings and other legal visits. These interpreters include elder, first-generation immigrants and others who may have limited access to computers, printers and scanners to comply with this request.

15. I learned for the first time on late Saturday afternoon from Jamie Burns of ICE that all of the individuals detained at Sheridan had been served expedited orders of removal and had conducted an interview with an officer upon entry regarding their fear.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

EXECUTED this 1st day of July, 2018.

INNOVATION LAW LAB

By: /s/ Erin M. Pettigrew
Erin M. Pettigrew, OSB No. 125100