



Homeland
Security

December 7, 2021

MEMORANDUM FOR: Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Kerry E. Doyle
Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn (b)(6)
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Office for Civil Rights and Civil Liberties

Susan Mathias /s/
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SUBJECT: ICE's Oversight of the New Orleans Field Office
Complaint Nos. 001278-21-ICE, 000993-21-ICE, 002483-21-ICE,
002240-21-ICE, 000101-21-ICE, 000102-21-ICE, 000890-21-ICE,
001523-21-ICE, 002407-21-ICE, 000377-21-ICE, and
000667-21-ICE

Due to the volume and severity of allegations received concerning several ICE detention facilities within the New Orleans (NOL) Area of Responsibility (AOR), CRCL will conduct a systemic review of the NOL AOR, focusing on ICE's oversight of the detention facilities within the AOR, including a review of the policies and procedures governing these facilities and the responsibilities of ICE Headquarters and the NOL Field Office staff in carrying out the day-to-day operations at each of these facilities. This investigation will also review ICE's process of receiving, assessing, and implementing recommendations related to the care and treatment of detainees within this AOR. CRCL is undertaking this review pursuant to its authority under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Since Fiscal Year (FY) 2021, the Office for Civil Rights and Civil Liberties (CRCL) has received almost 200 allegations regarding the care and treatment of noncitizens who are housed in Immigration and Custom Enforcement (ICE) detention facilities, within the New Orleans Field Office Area of Responsibility¹ (NOL AOR), including medical and mental health care and

¹The New Orleans Field Office has 10 ICE detention facilities: Allen Parish Public Safety Complex, Bossier Parish Medium Security Complex, Jackson Parish Correctional Center, LaSalle ICE Processing Center, Natchitoches

conditions of detention. Recently, CRCL has seen an increase in use of force and coercion allegations, including an increase in the use of oleoresin capsicum (OC) spray and physical force to obtain fingerprints and signatures on removal documents; allegations involving use of threats of exposure to COVID-19 as coercion, allegations of retaliation. Additionally, CRCL has received general concerns about ICE NOL's management of COVID-19 and allegations claiming non-compliance with ICE's Pandemic Response Requirements (PRR).

In addition to the above-related concerns, CRCL has noted that certain facilities, in particular Winn Correctional Center, Pine Prairie ICE Processing Center, Etowah County Jail and Richwood Correctional Center have had significant current and past allegations related to conditions of detention and medical and mental health care. Some of these allegations were investigated in previous investigations and have been to some extent substantiated. Specifically, CRCL has had recent prior onsite at each of these facilities² and issued expert reports with lengthy and critical recommendations.³

As noted above, this review will include reviews of several facilities in the NOL AOR, as well as a look at the overall functioning of the AOR as conducted by ICE, including the level of oversight provided to these facilities and the actions ICE has taken to correct issues when raised to their attention. To achieve this goal, CRCL will conduct this investigation in three parts: (1) a review of ICE and its role throughout the NOL AOR; (2) new investigations of four NOL AOR facilities new to CRCL, to include Jackson Parish Correctional Center, Allen Parish Public Safety Complex, South Louisiana ICE Processing Center and Adams County Detention Center; (3) a follow-up of implementation of prior CRCL recommendations following CRCL investigations into NOL AOR facilities.

FOCUS OF THE REVIEW

1. Field Office Review:

CRCL will conduct a broad review of ICE's oversight and interaction with the facilities in the NOL AOR. This will include a review of both the local Field Office (FO) level, as well as the ICE Headquarters (HQ) role in monitoring these facilities. Also, based upon additional information described below, CRCL will investigate whether the NOL AOR follows ICE policy and procedure consistently and fairly when fulfilling its immigration functions.

Parish Detention Center, Pine Prairie ICE Processing Center, Richwood Correctional Center, River Correctional Center, South Louisiana ICE Processing Center and Winn Correctional Center. See [Detention Facilities | ICE](#).

² CRCL conducted two onsite investigations of the Richwood Correctional; one in February 2020; and a follow-up investigation in September 2020. In July 2021, CRCL conducted a virtual onsite at the Winn Correctional Center. In August 2021, CRCL conducted a follow-up virtual onsite at the Etowah County Jail, focusing on the facility's mental health program and to follow-up on prior mental health recommendations made to ICE. In September 2021, CRCL conducted a targeted investigation at the Pine Prairie Detention Center, focusing on the conditions of detention at this facility.

³ In October 2019, ICE responded to CRCL's August 2018 expert recommendation memorandum regarding Etowah County Jail. In August 2021, ICE responded to CRCL's August 2020 expert recommendation memorandum regarding Pine Prairie Detention Center. In October 2021, ICE responded to CRCL's January 2021 expert recommendation memorandum related to Richwood Correctional Center; however, CRCL has yet to receive an ICE response to CRCL's September 2020 expert recommendation memorandum regarding Richwood Correctional Center.

As supported by the information outlined below, CRCL’s investigation will include interviews of staff at ICE Headquarters and NOL Field Office Staff, as well as, Louisiana stakeholders. CRCL’s investigation of the field office will also include an extensive document review, to include communication between ICE Headquarters and the field office and the field office and facility leadership; facility contracts and oversight reviews; and parole documentation.

Non-government Based Organizations (NGOs): CRCL conferred with several Louisiana-based non-government organization (NGOs) regarding the care and treatment of persons detained at various ICE detention facilities throughout Louisiana. On July 6 and 26, 2021, the organizations raised concerns regarding the treatment of detainees within the NOL AOR and with the alleged lack of response from the New Orleans field office staff to NGO concerns. The NGOs also expressed uneasiness about the field office’s parole denial rates and removal practices.

a) Complaint No. 001278-21-ICE

On July 16, 2021, CRCL received an email from Louisiana Advocates for Immigrants in Detention, and other advocacy groups in the region, alleging that ICE detention release protocols in Louisiana and Mississippi violate the Performance Based National Detention Standards 2011 (PBNDS 2011) and jeopardize the well-being of people being released from detention in the NOLAOR. According to the complaint: (1) individuals are allegedly released from ICE detention without first having an opportunity to contact their families to inform them of their current location, impending release, and to communicate with them about arrangements made for their travel; (2) individuals allegedly have been left waiting for hours or overnight in a detention center lobby or outside the detention center without being able to contact anyone and were unable to communicate with the detention center staff due to unavailability or language barriers; and (3) ICE and its contractors allegedly have been providing incorrect or misleading information regarding private paid transportation upon release and individuals and their families have been told by the officials arranging their release that they would not be released unless they paid for a taxi. The complaint further alleged that eight of the nine ICE detention facilities it monitors in Louisiana and Mississippi currently “require” that detained individuals, their families, or sponsors pay an average of \$200-\$300 for a taxi to the nearest city with an airport or bus station if they do not have someone who can drive directly to the detention center to pick them up and that individuals are released from detention without critical medication or needed documentation.

b) Complaint No. 002240-21-ICE

On April 16, 2021, ICE received an OIG referral regarding (b)(6), alleging that “ICE is falsifying his legal process documents,” “imprinting fake documents that state false information about him and his court dates and are also not including vital background information about him, such as his education degree.” Mr. (b)(6) alleges that ICE is trying to “make him look like a criminal” so that he will not get his visa.

2. *New Onsite Investigations:*

CRCL’s investigation of the NOL AOR will include four onsite investigations – either virtually or in-person. CRCL, accompanied by subject matter experts, will conduct an onsite investigation

at the following ICE detention facilities: Allen Parish Public Safety Complex, Jackson Parish Correctional Center, South Louisiana ICE Processing Center,⁴ and Adams County Detention Center. These investigations will assess the NOL AOR's oversight of the conditions and treatment of detainees at these facilities and will determine what, if any, steps ICE and the NOL AOR should take to improve the conditions and overall care of the detainees housed in these facilities. Please note that since CRCL has recently investigated the Winn, Pine Prairie, and Richwood facilities, CRCL will be utilizing its current work with ICE on these facilities as part of the investigation.

a) Allen Parish Public Safety Complex (Allen Parish)

CRCL has a range of allegations related to Allen Parish, including improper use of force and other abusive treatment of peaceful hunger strikers, improper imposition of "solitary confinement," racially discriminatory abuse of black detainees, unsanitary conditions, and field office staff falsifying documents. Examples are provided below.

1. Complaint No. 000993-21-ICE

On August 18, 2021, CRCL received correspondence from the Southern Poverty Law Center (SPLC) alleging "abusive, inhumane, criminal, and racially discriminatory practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana."⁵ The letter alleges that Black immigrants at Allen Parish and Pine Prairie are frequently deprived of drinkable water. SPLC alleged that one detained individual, (b)(6), was denied water for five days and only provided with sugary juice, despite his repeated requests. The complaint also alleged that Allen Parish staff denied proper medical care to (b)(6) for his hypertension. Additionally, Black detained individuals were allegedly told by ICE staff that they could not have drinking water after 8:00 p.m. Another detained individual alleged that they were instructed to drink water from the tap, but that the water was dirty and turned their clothing brown. SPLC also alleged another detainee in 2020 claimed she was physically abused and threatened with solitary confinement if she did not sign a waiver of liability in the event of her death, due to COVID-19.

2. Complaint No. 002483-21-ICE

On April 16, 2021, CRCL received an OIG referral regarding (b)(6), alleging that that facility staff favors the Spanish-speaking non-citizens. Mr. (b)(6) explained that anytime the English-speaking non-citizens are trying to tell the warden their problems or issues, he completely ignores them unless they speak Spanish. He also alleged

⁴ On July 26, 2021, CRCL met with several Louisiana NGOs, who all expressed concerns with the lack of response from the New Orleans field office staff and mistreatment of detainees within the New Orleans AOR. Additionally, the NGOs expressed concerns about the field office's removal practices, specifically when women are released from custody without any notification, which can potentially lead to human trafficking of women, particularly at JPCC.

⁵ SPLC's July 28, 2021 letter detailed allegations of discriminatory treatment of black detainees at Pine Prairie and use of excessive force. CRCL reviewed those allegations during its September 27-29, 2021 Targeted Virtual Onsite Investigation of Pine Prairie. Accordingly, concerns related to conditions of detention at Pine Prairie will not be specifically addressed in this investigation. However, observations gleaned from that review may be referenced.

grievances filed by the Spanish-speaking non-citizens receive responses, while the grievances filed by non-Spanish speakers receive no response.

b) Jackson Parish Correctional Center (Jackson Parish)

CRCL has received allegations of inadequate medical care, racial discrimination, unsafe release practices, rotten food and poor working conditions at Jackson Parish. Examples are provided below.

1. Complaint No. 000101-21-ICE

On May 14, 2021 CRCL received an OIG referral from an attorney for (b)(6), a former ICE detainee at Jackson Parish Correctional Center in Jonesboro, Louisiana. The complaint alleges that Mr. (b)(6) “has host of health issues, including the tumor in his brain,” that he suffers from a severe form of headaches and has problems with his eyes, and that the medical staff “is not paying any attention to him.”

2. Complaint No. 000102-21-ICE

On May 14, 2021 CRCL received an OIG referral from an attorney for (b)(6), a former ICE detained individual at Jackson Parish. The complaint alleged that Mr. (b)(6) “has a big bump on his back, it could be a cancer,” and that the “medical staff is not paying attention to him.” The complaint further alleges that Mr. (b)(6) was taken to the hospital and he requested a biopsy be performed on his lump, but the hospital refused, instead offering to cut it out without further diagnosis, and that Mr. (b)(6) refused the surgery.

3. Complaint No. 000890-21-ICE

On June 10, 2021, CRCL received correspondence from (b)(6), alleging that he was asked to sign a document to confirm his identity, which he refused. He said he was harassed about signing the document raising his blood pressure. Mr. (b)(6) also stated that while at Jackson Parish he was so ill that other people in detention were trying to help him and they were threatened not to intervene. Mr. (b)(6) also alleged that on January 20, 2021, seven officers inflicted injuries on him. Further, he states that the food given to detainees was rotten and if people in detention wanted something better to eat, they had to buy it. He said that he worked at the facility and was only paid one dollar for five hours of work.

c) South Louisiana ICE Processing Center (South Louisiana)

CRCL has received allegations of unsanitary conditions and sexual harassment at South Louisiana. Examples are provided below.

1. Complaint No. 001523-21-ICE

On July 29, 2021, CRCL received correspondence from Freedom for Immigrants (FFI), relating to an anonymous ICE detained individual who alleged sexual harassment/sexual abuse medical neglect, lack of food, and unsanitary conditions at South Louisiana. The complainant also alleged that while female detainees are showering, “officers routinely open the shower curtain

and restroom door only to look at them naked.” Additionally, the complainant claimed that the staff do not clean, and the sanitation is so bad that the detainees must do all the cleaning and that the medical staff do not use gloves or clean properly between patients. Lastly, the complainant alleged that detainees “only have about 4-5 minutes to finish eating their meal,” after which point their food gets thrown away.

2. Complaint No. 002407-21-ICE

On April 22, 2021 CRCL received an email from FFI on behalf of (b)(6), a former ICE detained individual at South Louisiana alleging that on April 12, 2021, Ms. Santana called the FFI hotline to report that the facility “has poor hygiene practices, no PPE, inadequate cleaning and disinfecting procedures, no efforts to implement any form of social distancing, inadequate cohorting of COVID-19 positive individuals, and lack of infection control.”

d) Adams County Detention Center (Adams County)

CRCL has received allegations of unsanitary conditions, noncompliance with ICE’s PRR, and denied access to law library and legal materials. Examples are provided below.

1. Complaint No. 000377-21-ICE

On May 27, 2021, CRCL received Congressional correspondence from U.S. Congressman Bennie G. Thompson, Chairman, House Committee on the Judiciary, requesting an investigation into alleged violations of ICE’s COVID-19 Pandemic Response Requirements (PRR) at the Adams County Detention Center (ACDC) in Natchez, Mississippi. Congressman Thompson wrote, “On May 17, 2021, the Immigrant Alliance for Justice and Equity and 14 immigrant rights organizations urged your office [CRCL] to investigate ACDC’s compliance with ICE’s PRR.” Specific allegations raised in Congressman Thompson’s letter include staff failing to provide detainees with consistent access to soap and disinfecting supplies, detainees being grouped together in close quarters, and guards refusing to wear face masks.

2. Complaint No. 000667-21-ICE

On December 30, 2020, CRCL received correspondence from (b)(6), a detainee at Adams County. Mr. (b)(6) alleged detention facility counselors and officers refused his access to the law library, denied him adequate paper for printing of legal documents for his court case, gave preferential treatment to Black detainees and are racist towards Latino detainees, and don’t give appropriate notifications when food is being served, causing him to not have access to food.

3. Follow-up Investigations: Review of prior CRCL recommendations and ICE's responses:

Since FY17, CRCL has conducted eight onsite investigations of facilities in the NOL AOR.⁶ Stemming from these investigations, CRCL has issued over 200 recommendations to ICE in the areas of medical care, mental health care, conditions of detention and environmental health and safety. Many of these recommendations involved serious health and safety issues. During this investigation, CRCL will follow up on prior recommendations and respective responses to identify cross-cutting issues and concerns that require additional oversight; document the status of ICE's implementation of concurred with expert recommendations; and assess whether any of the facilities previously investigated require a de novo review or assessment of CRCL based upon the level of improvement since CRCL's last onsite investigation. Particular areas of focus are compliance with ICE's Sexual Abuse and Assault Prevention and Intervention (SAAPI) Directive and access to medical and mental health care.

a) Compliance with the SAAPI Directive

In three prior onsite investigations, CRCL made a total of six recommendations related to the detainee safeguards against sexual abuse and assaults at Pine Prairie ICE Processing Center, Etowah County Jail, and Richwood Correction Center. Of the three SAAPI-related recommendations made at Pine Prairie ICE Processing Center,⁷ ICE concurred with all three. Of the two SAAPI-related recommendations made at Etowah County Jail,⁸ ICE concurred with both recommendations. With the one SAAPI-related recommendation at Richwood Correction Center,⁹ ICE has not yet responded. CRCL will conduct review of the implementation of the concurred-with recommendations.

b) Medical and Mental Health Care

CRCL's NOL AOR investigation will also focus on ICE's implementation of CRCL's expert recommendations in the areas of medical and mental health care. Since CRCL issued its Expert Recommendation Memorandum of the Pine Prairie ICE Processing Center (Pine Prairie) on August 12, 2020, CRCL has received several allegations regarding medical and mental health care at Pine Prairie.

⁶ LaSalle ICE Processing Center (FY17), Etowah County Jail (FY18), Pine Prairie ICE Processing Center (FY20), Richwood Correctional Center (FY20), Richwood Correctional Center (including a second, targeted virtual onsite focused on COVID-19 in FY20), a second targeted virtual onsite on conditions of detention at Pine Prairie (FY21), Winn Correctional Center (FY21) and Etowah County Jail, which focused on a review of CRCL's prior mental health recommendations (FY21).

⁷ Expert Recommendation Memorandum re: Pine Prairie Detention Center from Peter E. Mina, Deputy Officer, Office for Civil Rights and Civil Liberties to Enrique M. Lucero, Executive Associate Director, Immigration and Customs Enforcement, at pg. 9 (Aug. 12, 2020).

⁸ Expert Recommendation Memorandum re: Etowah County Jail from Veronica Venture, Deputy Officer, Office for Civil Rights and Civil Liberties to Nathalie R. Asher, Acting Executive Associate Director, Immigration and Customs Enforcement, at pg. 5-6 (Aug. 24, 2018).

⁹ Expert Recommendation Memorandum re: Richwood Correctional Center from Peter E. Mina, Deputy Officer, Office for Civil Rights and Civil Liberties to Enrique M. Lucero, Executive Associate Director, Immigration and Customs Enforcement, at pg. 12 (Sept. 24, 2020).

CRCL issued 13 medical care recommendations and 22 mental health care recommendations to ICE ERO regarding care at Pine Prairie.¹⁰ ICE ERO responded to CRCL on August 3, 2021.¹¹ In ICE ERO's response to CRCL's medical care recommendations, ICE ERO concurred with one recommendation, partially concurred with one recommendation, and non-concurred with 11 recommendations. ICE ERO further partially concurred with one recommendation and non-concurred with 21 recommendations related to mental health care.

Accordingly, CRCL will conduct a follow-up investigation¹² in the area of medical and mental health care at Pine Prairie ICE Processing Center, including Pine Prairie and NOL AOR's implementation and responses of CRCL's August 2020 medical and mental health care recommendations related to the facility

Recent matter: Complaint No. 000993-21-ICE: As noted above, CRCL has received new allegations related to Pine Prairie. One example involves allegations received June 25, 2021, from the Southern Poverty Law Center, alleging an individual with serious liver disease was deprived of essential medical treatment, causing uncontrollable high blood pressure while in custody.

c) **Winn Correctional Center**

CRCL wants to reiterate the serious concerns noted following CRCL's August 2021 investigation of the Winn Correction Center (Winn) in Winn Parish, Louisiana. Following the onsite, CRCL had serious concerns for the health and safety of the detainees and issued an Action Memorandum on August 10, 2021, recommending that the facility be closed or drawn down until several critical health and safety concerns could be addressed. On November 17, 2021, CRCL issued an Expert Recommendation Memorandum to ICE regarding Winn with 88 recommendations. As a response is not due from ICE until January 17, 2022, CRCL will hold open the possibility of following-up on recommendations at a future date.

CRCL Mission. CRCL supports the Department's mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department's activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;

¹⁰ Expert Recommendation Memorandum re: Pine Prairie Detention Center from Peter Mina, Deputy Officer, Office for Civil Rights and Civil Liberties to Enrique M. Lucero, Executive Associate Director, Immigration and Customs Enforcement, at pg. 2-8 (Aug. 12, 2020).

¹¹ ICE Response Memorandum re: Pine Prairie ICE Processing Center from Russell Hott, Assistant Director, Immigration and Customs Enforcement to Katherine Culliton-González, Officer, Office for Civil Rights and Civil Liberties (Aug. 3, 2021).

¹² A follow-up investigation is a CRCL investigation that focuses on the prior recommendations issued by CRCL. During the investigation, CRCL will assess the implementation of the recommendations and may investigate any new allegations that are germane to the prior recommendation issued. The recommendation implementation review may be an onsite investigation or paper-based review of a component's policies and procedures.

- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel; and,
- Leading the Department’s equal employment opportunity programs and promoting workforce diversity and merit system principles.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500.

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function. Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization;”
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees;” and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and its accompanying request for information are issued pursuant to these authorities.

Privilege and required transparency. Our communications with DHS personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s website—that is required to detail “any allegations of [civil rights/civil liberties] abuses . . . and any actions taken by the Department in response to such allegations.”

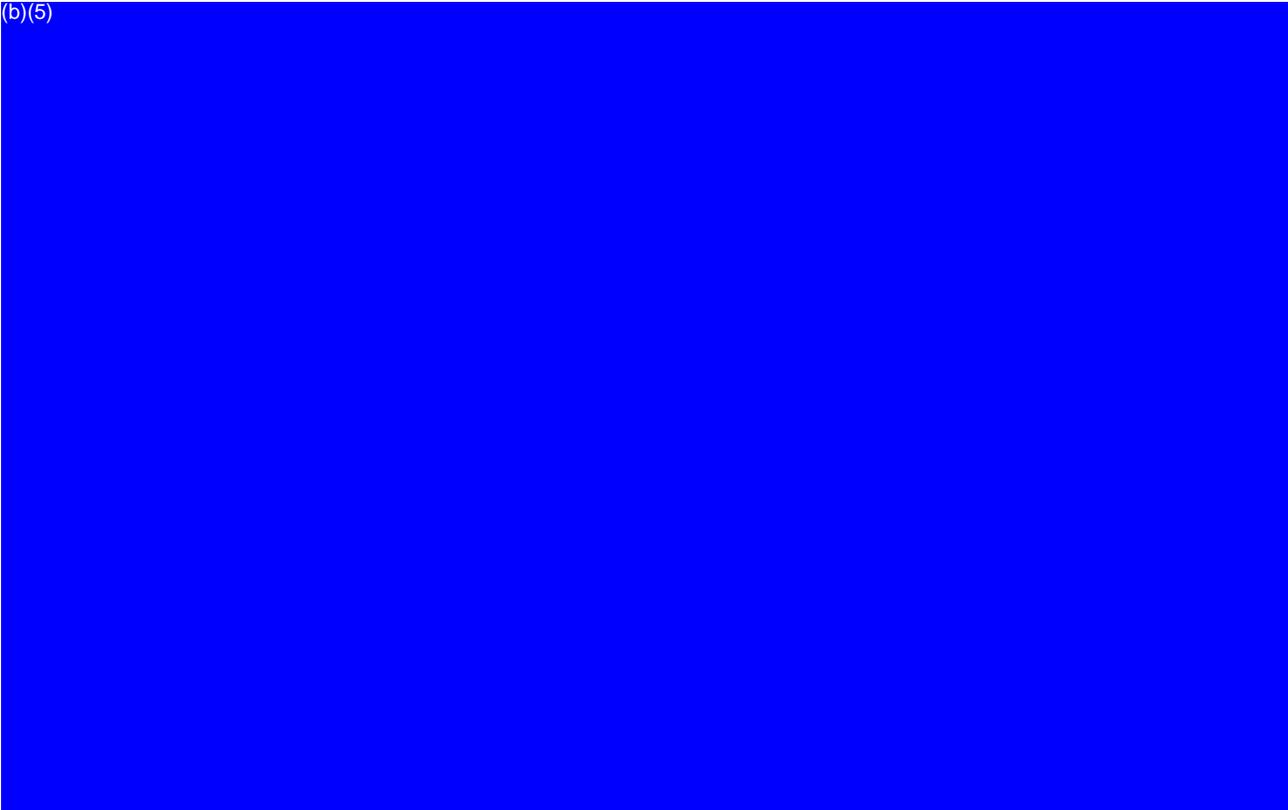
We look forward to working with your staff on this matter and will report back to you our findings and recommendations.

SCOPE OF REVIEW

The purpose of our review is to determine if: the allegations in the complaints can be verified or disproven; if the facts we find suggest that the Constitution, a federal statute, or a Departmental policy has been violated; and what steps, if any, should be taken by ICE to address the complaints, both individually (if the problem is ongoing) and as a matter of policy. policy and procedures, both individually (if the matter is ongoing) and as a matter of policy.

QUESTIONS PRESENTED

(b)(5)



INITIATING THE INVESTIGATION

CRCL will request additional information and/or request interviews as the investigation proceeds. Additionally, during the course of this review, CRCL may identify additional ICE detention facilities within the NOL AOR to conduct onsite inspections.

At this time, we request that ICE schedule initial discussions with Senior Policy Advisor (b)(6) as soon as possible related to this investigation and the plans to review this matter. We look forward to working together. If you have any questions, please do not hesitate to contact Ms. (b)(6) at (b)(6) or (b)(6).

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