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Security

May 19, 2022

MEMORANDUM FOR: Corey A. Price
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U.S. Immigration and Customs Enforcement

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SUBJECT: Key Civil Rights Findings and Recommendations
CRCL Spot-Check at Torrance County Detention Facility
CRCL Complaint No. 003855-22-ICE

Purpose: The following findings and recommendations were prepared in response to CRCL's April 19, 2022, spot-check at Torrance County Detention Facility (Torrance) in Estancia, New Mexico. The onsite was a high-level review and resulted in six top-line recommendations.

Background: The primary spot-check allegations were unsanitary facility conditions, including lack of access to clean drinking water. This was based in part upon the issuance of the Office of Inspector General's report titled, Management Alert - Immediate Removal of All Detainees from the Torrance County Detention Facility (OIG Report) and general allegations CRCL received. CRCL staff was accompanied by two subject matter experts in conditions of detention and environmental health and safety in order to review these concerns. This document discusses additional critical concerns beyond those outlined in the OIG Report related to conditions of detention, including inadequate language access services and detainee grievances. The summary findings and recommendations are included below.¹

Findings and Recommendations: The following recommendations are based upon the Performance Based National Detention Standards 2011-2016; the DHS Language Access Plan (Feb. 28, 2012); the ICE Language Access Plan (June 14, 2015), and related professional standards in conducting their work, all of which apply to Torrance's care of ICE detainees.

¹ On April 28, 2022, CRCL provided Immigration and Customs Enforcement (ICE) staff with a summary of concerns observed during the spot-check for its immediate attention.

Staffing – Torrance currently has a staffing shortage. As of April 19, 2022, the detainee population was recorded at 111 out of a maximum population of 294. Torrance reported having an average of five (5) officers posts being unfilled on each shift every day. This is significantly low for the population managed.

Recommendations:

1. CRCL recommends that Torrance continue their use of “TDY” staff, as well as overtime and recruitment efforts to ensure essential officer posts are filled on every shift.
2. (b)(5)

Non-functioning Intercoms in Housing Unit – Several detainees reported that the intercoms within the housing unit cells were non-functional, limiting their ability to communicate with custody staff during an emergency or at night. Non-functioning intercoms pose a high risk to detained persons during an emergency. CRCL was unable to test the intercoms during the April 19 spot-check due to time constraints; however, we will conduct a review of the intercoms during our June 27-30, 2022, onsite investigation.

Recommendation:

3. In the interim, CRCL recommends that Torrance immediately review the functionality of the intercom systems and correct any deficient intercoms. *See* PBNDS 2011, Section II, 2.4 Facility Security and Control.

Language Access – The 2011 PBNDS and the DHS and ICE’s Language Access Plans require that information be provided to detainees in a language or manner they understand. CRCL observed that ICE and other informational postings are located throughout the facility in English and/or Spanish only, despite facility’s sizable Turkish population and the number of detainees whose preferred language is Portuguese and Arabic.

Recommendation:

4. CRCL recommends that Torrance identify ways to communicate immigration and detention related information to the non-English and non-Spanish speaking detainee population. *See* PBNDS 2011, Section II, Staff-Detainee Communication; DHS Language Access Plan; and ICE Language Access Plans.

Language Access – Detainees reported challenges communicating with facility staff regarding day-to-day activities. While they acknowledge the use of interpretation services for medical appointments and communication with counsel, detainees reported relying on other detainees as interpreters or using hand gestures to communicate with detention staff.

Recommendation:

5. CRCL recommends that Torrance identify ways for corrections staff to communicate with detainees regarding daily activities who are limited English proficient to provide detainees with meaningful access to programs and activities. *See* PBNDS 2011, Section II, Staff-Detainee Communication; DHS Language Access Plan; and ICE Language Access Plans.

Privacy during Legal Visits – Detainees reported that they do not have privacy when meeting with their legal representative during phone calls. While the ICE Custody Resource Coordinator provides

an orientation to explain that detainees may arrange a private attorney call through the Unit Manager's office, many of the non-English and non-Spanish speaking detainees interviewed were unaware of this option.

Recommendation:

6. CRCL recommends that Torrance increase their communication with detainees about the process for arranging for private attorney phone calls in their preferred language. See PBNDS 2011, Section V, 5.7 Visitation & 5.6 Telephone Access; DHS Language Access Plan; and ICE Language Access Plans.

Sinks in Housing Units – CRCL found the facility to be relatively clean. Detainees reported relative satisfaction with the conditions at Torrance, including drinking water in the dayroom, access to hygiene products, and the provision of clean clothes daily. However, CRCL expressed concern with the conditions in Housing Unit 7. Specifically, the number of broken porcelain sinks throughout the unit. Porcelain sinks and toilets are problematic because, when broken, the shards can cause injury or be used as a weapon. The facility indicated that the porcelain fixtures are being replaced with stainless “combi” units.

Recommendation:

7. CRCL recommends that the facility assess potential safety concerns arising from the broken porcelain sinks consider removing detainees from Housing Unit 7 until the combi units are in place. See PBNDS 2011, Environmental Health and Safety, Section II.10; V.2 Staff and Detainee Safety.

Given the expedited timeframe and focused nature for providing ICE these recommendations, CRCL requests ICE similarly respond on an expedited timeframe. Accordingly, CRCL requests ICE respond within 30 days concurring or non-concurring with the recommendations. If you concur, please include an action plan. Please send your response and any questions to CRCL at crcirecommendations@hq.dhs.gov. CRCL will share your response with Ayana Henry and Elizabeth Thornton, the Policy Advisors assigned to this investigation.

CRCL will return to Torrance in June 2022 for a full onsite review and will be accompanied by subject matter experts in medical and mental health care, environmental health and safety, and conditions of detention. Of note, CRCL has opened 18 complaints involving conditions at Torrance since 2020. The allegations go beyond those covered in the spot-check and include inadequate or inappropriate medical care, excessive use of force by facility officers, as well as the issues covered in the spot-check which will be examined more closely during the onsite.

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