



Homeland
Security

November 15, 2021

MEMORANDUM FOR: Corey A. Price
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

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

Zazy Ivonne López
Acting Deputy Director, Compliance Branch
Office for Civil Rights and Civil Liberties

SUBJECT: Port Isabel Detention Center
Complaint Nos. 001562-21-ICE, 000738-21-ICE,
000615-21-ICE, 001126-21-ICE, and 002145-21-ICE

The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) conducted an investigation into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Port Isabel Detention Center (PIDC) in Los Fresnos, Texas. CRCL's virtual onsite investigation occurred August 25-27, 2021 and was in response to allegations received regarding civil rights and civil liberties violations related to general conditions of detention and inadequate medical care of detainees at PIDC.

We greatly appreciate the cooperation and assistance provided by ICE and PIDC personnel before and during the review. As part of the review, CRCL engaged the assistance of two subject-matter experts: a medical consultant and a conditions of detention consultant. As a result of detained individual and staff interviews, document reviews, and virtual observation, the subject-matter experts identified 20 recommendations specific to medical care and conditions of detention concerns at the facility.

On August 27, 2021, as part of the PIDC onsite closing discussions, CRCL and the subject-matter experts discussed our findings with ICE ERO field office management, personnel from ICE ERO headquarters, and PIDC senior management¹.

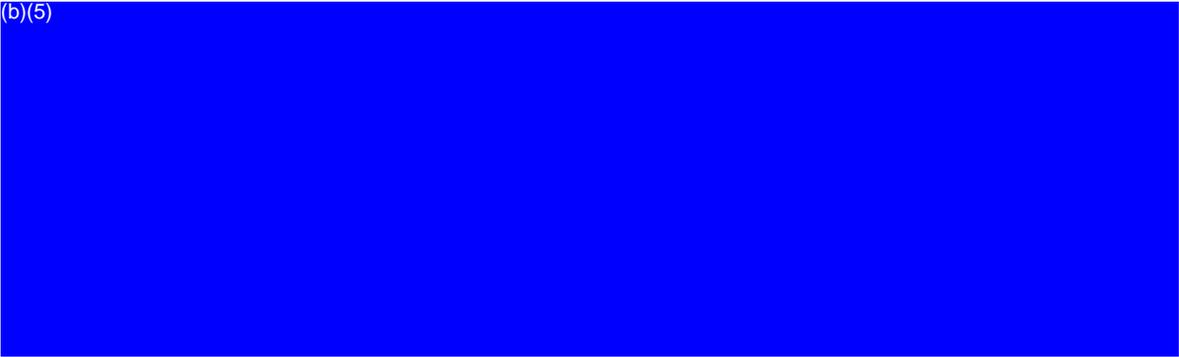
Enclosed with this memorandum are the reports prepared by our subject-matter experts. They have been divided into priority and best practices recommendations. Priority recommendations are listed

¹ CRCL's experts relied on the applicable 2011 Performance Based National Detention Standards. (PBNDS), revised 2016, for the PIDC onsite as they were the standards the facility is contractually obligated to implement.

in the body of this memorandum, and CRCL requests that ICE formally concur or non-concur with these recommendations and provide an implementation plan for all accepted recommendations. Best practices recommendations are contained in a separate attachment to this memorandum. Although CRCL is not requesting formal responses to these, we encourage ICE to consider and implement these recommendations to the fullest extent possible. With this memorandum, and consistent with our standard practice, we request that ICE respond within 60 days.

Medical Care:

COVID-19: CRCL's medical expert made the following recommendations regarding COVID-19, medical care and treatment, mental health, and dental care at PIDC. These recommendations relate to the 2011 PBNDS, revised 2016 (PBNDS 2011/16), Medical Care Standard, which requires that detainees have access to appropriate and necessary medical, dental, and mental health care treatment and the ICE/ERO COVID-19 Pandemic Response Requirements, Version 6. March 2021 (ICE/ERO PRR, v.6):

1. (b)(5) 

2. Based on CRCL's review of complaint 001562-21-ICE ³, CRCL found that PIDC had not completed the mortality review or the root cause analysis regarding the detainee's death. CRCL recommends that the HSA ensure that the PIDC Quality Improvement Committee complete the mortality review and root cause analysis of the detained individual death and recommend Corrective Action Plans (CAPs) as warranted. The committee should ensure the adequacy and completion of health care staff training on the emergency management of chest pain. (b)(5) 

3. (b)(5) 

² Complaint 001562-21-ICE is specific to the death of Detainee #1 (please see Appendix A for the detainee's name and alien number), which occurred at the PIDC on March 15, 2021.

³ Id.

(b)(5)

4. (b)(5)
- 5.

Conditions of Detention:

CRCL's corrections expert made the following priority recommendations related to general conditions of detention at SDC in accordance with PBNDS 2011:

6. (b)(5)
- 7.
- 8.

(b)(5)

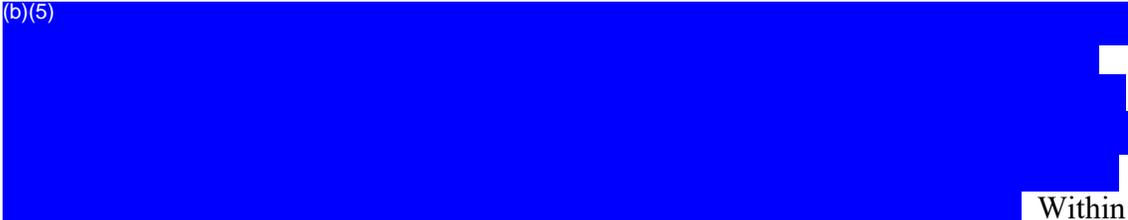
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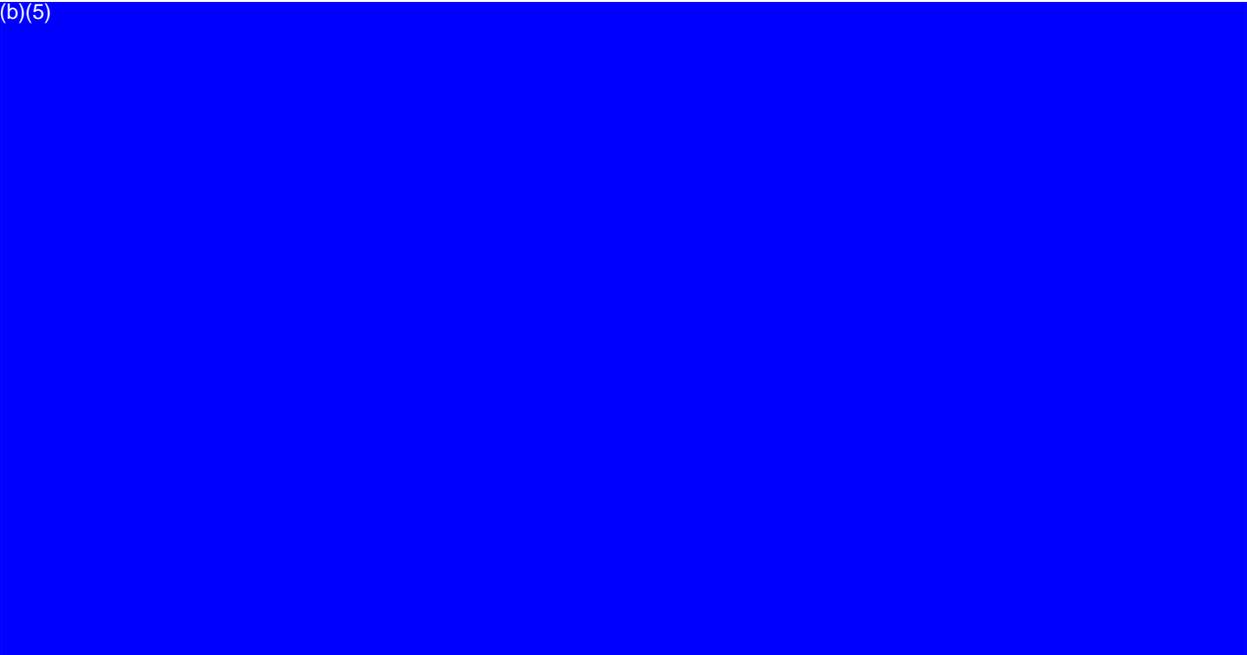
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12. In reviewing the Use of Force After-Action Report, CRCL observed that PIDC's Use of Force After-Action Review Team did not acknowledge or address the specific issue of the use of a potentially prohibited technique, such as a chokehold. For example, the After-Action Use of Force Review forms have a section for the committee to assess whether the detainee's thorax, head, neck or extremities were adequately protected during the use of force. This section was marked "yes" on all the review forms; however, it does not appear that the After-Action Review Team acknowledged or addressed the use of the neck restraint in one instance reviewed during a random review of records. The After-Action Review needed to address this issue specifically and demonstrated that they recognized the use of the technique and the need to separately evaluate that use. Also, as this issue was not mentioned in the summary reports and therefore was not brought to the attention of the ICE Field Office Director. CRCL recommends that when techniques are used that fall into the prohibited categories, or have inherent risk related to those prohibited techniques, the After-Action Review Team identify that concern specifically and provide comments that demonstrate their awareness of the use of the technique, their assessment of its use and their basis for the determination of whether the techniques were justified or unjustified. This specific concern should be clearly delineated in an After-Action report forwarded to the ICE Field Office Director in order to bring the use of a potentially prohibited use of force to their attention. (PBNDS 2011/16, 2.15 Use of Force and Restraints, B. Principles Governing the Use of Force and Application of Restraints)

13. CRCL observed that the Facility Manager and the Assistant Facility Manager do not routinely participate in the Use of Force After-Action Reviews. Both the Facility Manager and Assistant Facility Manager said that they had delegated this responsibility to the Chief of Security. This delegation does not comply with the PBNDS 2011 requirements for the composition of the After-Action Review Team. The team composition is as follows: The facility administrator, the assistant facility administrator, the ICE Field Office Director's designee and the health services administrator. CRCL recommends that PIDC comply with the Use of Force After-Action Review Team composition and that PIDC revise their Use of Force Policy to reflect this composition. (PBNDS 2011/16, 2.15 Use of Force and Restraints, P. After-Action Review of Use of Force and Application of Restraints)

14. (b)(5)  Within two days of the submission of the After-Action Team's finding, the Facility Administrator will report with details the findings of appropriate or inappropriate use of force and whether the Facility Administrator concurs with those findings. (PBNDS 2011/16, 2.15 Use of Force and Restraints, P. After-Action Review of Use of Force and Application of Restraints)

15. CRCL observed that PIDC inspects detained individuals' legal mail not in the presence of the detainee, in violation of PBNDS 2011. CRCL recommends that PIDC ensures that the detained individual's legal mail is inspected in the presence of the detained individual. (PBNDS 2011/16, 5.1 Correspondence and Other Mail, F. Inspection of Incoming Correspondence and Other Mail)

16. (b)(5) 

17.

18. (b)(5) [Redacted]

It is CRCL’s statutory role to advise department leadership and personnel about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions. We look forward to working with ICE to determine the best way to resolve these complaints. We request that ICE provide a response to CRCL 60 days whether it concur or non-concur with these recommendations. If you concur, please include an action plan. If you have any questions, please contact Senior Policy Advisor, (b)(6) by telephone at (b)(6), or by email at (b)(6)

Enclosures

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