



Homeland
Security

October 31, 2022

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

Kerry E. Doyle
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(b) (6)

FROM: Dana Salvano-Dunn
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Susan Mathias /s/
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SUBJECT: Close Memorandum Regarding Investigation at
Immigration Centers of America - Farmville (ICAF)
Complaint Nos. 19-02-ICE-0056, 19-09-ICE-0486, 20-04-ICE-0311,
20-04-ICE-0315, 20-04-ICE-0319, and 20-04-ICE-0309

This memorandum concludes the investigation the Office for Civil Rights and Civil Liberties (CRCL) conducted into allegations related to U.S. Immigration and Customs Enforcement (ICE) detainees at the Immigration Centers of America - Farmville (ICAF) in Farmville, Virginia. Following a collaborative process between CRCL and ICE, CRCL is closing the above-listed complaints.

Background

CRCL completed the first part of the investigation onsite between ICAF from September 21-24, 2020 and conducted subsequent work virtually in October 2020. CRCL utilized four subject matter experts in the areas of medical care, mental health care, environmental health and safety, and conditions of detention. On May 26, 2021, CRCL provided ICE with an Expert Recommendation Memorandum, which contained 43 recommendations, along with the experts' written reports. On May 26, 2022, ICE responded to the recommendations, concurring with nine, partially concurring with eight, and non-concurring with 26.

Analysis

Concurrences

CRCL appreciates ICE’s consideration of CRCL’s recommendations. The following examples highlight several of the positive changes that stemmed from the nine concurrences.

Use of Force (Recommendations Nos. 3-4)

Following the onsite, ICE took action to ensure the use of force after-action reviews are conducted with the required complement of After-Action Review Team members. Additionally, as of July 2020, ICAF removed an unauthorized concussion munition, which had been used to gain detainee compliance. Both actions were taken to ensure full compliance with the Use of Force and Restraints standard of the PBNDS 2011(revised 2016), which maintains the security and orderly operation of the facility.

Language Access (Recommendation No. 7)

To ensure grievance responses are provided to Limited English Proficient (LEP) detainees, ICAF will translate all written responses to LEP detainees’ requests into a language the detainee understands or use the language line to orally interpret the grievance responses.

Off-site Medical Visits (Recommendation No. 21)

In January 2021, ICE took corrective action to ensure that ICAF established a process to track all detainees waiting for off-site visits. The tracking process will help with ensure detainees continue to receive timely and necessary care.

Partial Concurrences

CRCL and its subject matter expert reviewed ICE’s response and has the following concerns related to two of ICE’s partial concurrences. CRCL reiterates the importance of these recommendations and encourages ICE to review the expert reports in relation to the below CRCL responses to ICE’s partial concurrences.

Mental Health Documentation (Recommendation Nos. 37 and 41)

While ICE responded that ICAF will continuously assess proper documentation, a review of mental health records revealed delays in referrals to higher level of care, (b) (5)

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Non-Concurrences

ICE non-concurred with 26 recommendations, and CRCL has carefully reviewed ICE’s response for each non-concurrence. Although CRCL believes these recommendations remain important, after assessing the response to 22 of the non-concurrences, it appears that ICE either generally agreed with the substance of the recommendations or indicated that the recommended actions were already being performed. Accordingly, CRCL considers these 22 responses to be sufficient.

Classification (Recommendation No. 5)

CRCL expressed concern that detained individuals were not provided with written notification of their classification designation. ICE considers this recommendation a best practice as written notification on classification decisions is not required by the PBNDS 2011 (revised 2016).

Legal Visitation (Recommendation No. 6)

CRCL recommended that legal visitation be documented separate from regular visitations. ICE stated that ICAF uses two bound ledgers at the main entrance to record social visitation and legal visitations.

Cleaning Protocols (Recommendation Nos. 8, 9, 12, 14)

CRCL expressed concern about appropriate face mask protocols and proper hand washing procedures. ICE stated that detainees are informed, via facility postings and videos, of the importance of wearing masks, upkeep of the masks, how to properly wash hands, how to properly cough, and the importance of social distancing.

Kitchen Equipment (Recommendation No. 10)

CRCL was concerned with the sanitary conditions of the air vents and intake/return grill in the kitchen. ICE said the kitchen is inspected for cleanliness on a weekly basis and found no visible rust on any of the vent covers.

Food Service (Recommendation No. 11)

CRCL was concerned about the amount of time food was left out before being served, causing potential for bacteria growth. ICE stated that the meals are served in insulated, compartmented trays capable of holding hot food hot and cold food cold for at least two hours and the temperature of the meals is routinely checked.

Dental Assessments (Recommendation No. 19)

Related to CRCL's recommendations regarding dental assessments, ICE stated nursing protocols are in place for complaints related to dental issues.

Medical Emergencies (Recommendation No. 24)

In the event of medical emergencies, ICE stated that ICAF clinical staff are trained to identify worsening conditions and to activate emergency services as needed.

Medical Orders (Recommendation No. 26)

CRCL was concerned that custody staff are unaware when a detained individual has a special medical or mental health need; however, ICAF has now developed a special needs form that is completed by clinical staff. A copy of this form is placed in the detained individual's chart, and a copy is given to security operations so that custody is made aware of any special needs of the detained individual.

Medical Charts (Recommendations Nos. 27, 29)

CRCL issued recommendations related to the lack of information in some of the medical charts. ICE responded that information concerning treatment plans and progress notes are placed in the medical charts, as well as the providers' verbal orders.

Mental Health Emergencies (Recommendation No. 39)

Related to CRCL’s recommendations regarding mental health emergencies, ICE stated that detained individuals are informed through various mechanisms on how to communicate to staff in the event they experience a mental health emergency. For example, the Detainee Handbook, which is provided to detained individuals upon intakes provides information about mental health emergencies. They are also informed that they can communicate with ICE via the Detention Reporting and Information Line (DRIL) and will be referred to an appropriate health professional, if necessary. The DRIL information is posted in the Handbook and throughout the housing units.

Suicide Smocks (Recommendation No. 40)

CRCL issued a recommendation related to the privacy and confidentiality of a detained individual during escort throughout the facility as they were in a suicide smock during escort. ICE stated the detained individual’s safety is paramount; therefore, they must remain in safety clothing for the duration of their acute suicide watch.

Intake and screening (Recommendations Nos. 13, 15, 17)

As of July 2022, ICAF housed only one ICE detainee. Additionally, due to litigation, ICAF will only detain a maximum of 180 individuals and only accept transfer of individuals who are vaccinated, asymptomatic, and test negative for COVID-19. Therefore, CRCL’s recommendations concerning COVID-19 intake and screening practices are no longer relevant.

Use of Force: (Recommendation Nos. 1-2, 25, 42)

Related to CRCL’s recommendations regarding use of force, ICE stated that ICAF staff receive annual training on use of force and ensures that every detainee exposed to OC spray receive a medical evaluation, per facility procedures. ICE also stated that it will incorporate the video of a recent use of force incident into existing use of force training.

Remaining concerns with non-concurrences: CRCL and its subject matter experts reviewed ICE’s response and expressed the continuing concerns related to four of ICE’s non-concurrences. CRCL reiterates the importance of these recommendations and encourages ICE to review the expert reports in relation to the below CRCL responses to ICE’s non-concurrences.

Mental Health – Confidentiality (Recommendation No. 33)

(b) (5)

Mental Health Policies (Recommendation No. 34)

(b) (5)

Mental Health Referrals (Recommendation No. 35)

(b) (5)

Suicide Prevention and Intervention (Recommendation No. 38)

(b) (5)

Conclusion

CRCL appreciates ICE's efforts to address CRCL's recommendations and recognizes the changes ICE has already enacted. While CRCL has reiterated several recommendations that it believes warrant additional review and consideration, CRCL is satisfied with ICE's overall response and is closing the complaints related to this investigation of ICAF. CRCL will continue to monitor new information related to ICAF in light of the findings and recommendations made related to the onsite investigation.

It is CRCL's statutory role to advise Department leadership and personnel about civil rights and civil liberties issues. Accordingly, CRCL may in the future review ICE's implementation of any of the recommendations discussed in this memorandum and will notify ICE of any plans to do so. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6).

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