



Homeland  
Security

October 31, 2022

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

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FROM: Dana Salvano-Dunn  
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SUBJECT: Close Memorandum Regarding Investigation at  
Wakulla County Jail  
Complaint Nos. 19-06-ICE-0703, 19-07-ICE-0311,  
19-09-ICE-0553, 19-06-ICE-0702, 19-08-ICE-0705,  
19-09-ICE-0707, 19-11-ICE-0589, 19-06-ICE-0257,  
19-06-ICE-0278, 19-07-ICE-0287, 19-008-ICE-0359,  
and 19-10-ICE-0709

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 Wakulla County Jail (WJC) in Crawfordville, Florida. Following a collaborative process between CRCL and ICE, CRCL is closing the above-listed complaints.

### *Background*

From December 3-5, 2019, CRCL conducted an onsite investigation at WJC, using four subject matter experts in the areas of medical care, mental health care, environmental health and safety, and conditions of detention. On June 23, 2020, CRCL provided ICE with an Expert Recommendation Memorandum, which contained 71 recommendations, along with the experts' written reports. On September 1, 2021, ICE responded to the recommendations, concurring with 54, partially concurring with eight, and non-concurring with nine.

## *Analysis*

### Concurrences

CRCL appreciates ICE's consideration of CRCL's recommendations. The following examples highlight several of the positive changes that stemmed from the 54 concurrences.

#### **Medical referrals (Recommendation Nos. 3-5 and 7)**

Following the onsite, ICE took corrective action to ensure that referrals for specialized medical care are made on a timely and efficient basis with the implementation of a new electronic medical records (EMR) system, Core EMR, on February 1, 2020. When referring detainees who require a higher level of care, nurses can assign to medical providers tasks that document the reason for the referral and which must be addressed by the provider.

#### **Mental health services (Recommendation Nos. 16-18 and 21)**

Within two months of CRCL's onsite investigation, on February 1, 2020, Wakulla County Sheriff Office (WCSO) began working with a new medical contractor, Southern Correctional Medicine (SCM). Under the new contract with SCM, licensed mental health professionals and psychiatric providers are able to work more collaboratively by sharing notes from their evaluations of detainees to identify specific diagnoses and treatment plans which are documented and updated accordingly.

#### **Maintenance of video footage (Recommendation No. 39)**

ICE took corrective action and revised its use of force policy, effective February 12, 2020, to provide that video, audio and other recordings will be preserved for no less than 30 months after their last documented use. Ensuring that video footage and other recordings are preserved is critical in aiding ongoing and potential investigations by component agencies.

#### **Kitchen cleaning practices (Recommendation Nos. 55-57 and 59-61)**

ICE made a series of corrective actions to ensure compliance with all applicable rules and regulations regarding the preparation and serving of food and beverages in a clean and sanitized environment. Daily inspections and regular cleaning and sanitization of food and beverage equipment and preparation areas will help reduce cross contamination hazards.

#### **Overcrowding (Recommendation Nos. 62-63)**

Following the onsite investigation, ICE took corrective actions within the housing units to ensure that detainees had appropriate access and use of bathroom facilities in compliance with the 2019 National Detention Standards (NDS). In addition, ICE stated that it implemented a policy that only 20 detained people were to be held in the three pods in which CRCL indicated there was overcrowding. ICE's actions to reduce overcrowding will reduce safety risks, including an increased likelihood of illness and disease.

### Partial Concurrences

CRCL also would like to highlight positive changes that resulted from ICE's eight partial concurrences.

**Language assistance in provision of medical care (Recommendation No. 14)**

CRCL is encouraged by ICE’s response that WCJ staff began to use the facility language line, Language Line Solutions, when interacting with detained individuals unable to speak or understand English. Further, the new EMR system at WCJ requires nursing staff to log the interpreter identification number for all non-English speaking detainees before a clinical note successfully entered. Availability of interpretation services will ensure that detainees are able to access medical care in an efficient and meaningful manner, particularly for those detainees who may be in urgent need of medical care.

**Availability of tele-psychiatry services (Recommendation No. 32)**

Within two months of the onsite investigation, ICE took corrective action by introducing a new psychiatric service provider, ePsychiatry. While we recommended that ICE increase psychiatry hours from four hours of tele-psychiatry a week to at least ten hours a week, we are encouraged that, since the introduction of ePsychiatry, ICE increased the number of hours that a tele-psychiatrist is onsite to six hours a week.

CRCL and its subject matter experts reviewed ICE’s response and has the following concerns related to four 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 non-concurrences.

**Documentation of medical practices using Q1 program, an electronic medical records system (Recommendation Nos. 1, 9, 10, and 14)**

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Non-Concurrences

ICE non-concurred with nine 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 seven of the non-concurrences, it appears that ICE either generally agreed with the substance of the recommendations or indicated that the recommended actions were no longer necessary because WCJ terminated its agreement with ICE effective July 21, 2021. Accordingly, CRCL considers these five responses to be sufficient.

**Grievances (Recommendation Nos. 36-37)**

CRCL expressed concerns about the facility’s failure to appropriately review and respond to informal grievances submitted by detainees and to identify and forward staff grievances to appropriate ICE personnel. ICE explained that the 2019 NDS do not require the facility to track informal grievances and that detainees are able to instead file formal grievances which would be

adjudicated through a formal process. ICE further explained that because the facility no longer holds detainees, additional training on handling grievances was no longer necessary.

**PREA (Recommendation Nos. 38, 45 and 51)**

CRCL expressed concerns about the failure to respond appropriately to PREA-related issues including identification of detainees as potentially vulnerable or potentially a predator, and the lack of training completed by the facility PREA coordinator. ICE responded that WCJ terminated its agreement with ICE effective July 21, 2021 and therefore, because ICE no longer holds anyone at the facility, additional PREA/SAAPI training was no longer necessary. Further, ICE explained that on September 2, 2020, ERO Custody Programs headquarters staff provided PREA/SAAPI training to ICE ERO officers and the facility PREA officer.

**Classification overrides (Recommendation No. 46)**

CRCL expressed concern with failure by the WCJ staff, and the Classification Sergeant in particular, to adequately document justification of classification overrides. All WCJ staff performing classification duties should receive additional ICE Classification System training and ensure that classification decisions and overrides are justified in writing. ICE responded that no such training was necessary as the contract between WCJ and ICE was ending effective July 21, 2021.

**Language line (Recommendation No. 49)**

CRCL expressed concern regarding the lack of sufficient information in WCJ's Standard Operating Procedure (SOP) and Detention Handbook for Limited English Proficient (LEP) detainees to obtain legal access. ICE responded that the WCJ detainee handbook do not lack sufficient information and therefore the facility SOP and/or handbook would not be updated.

**Placement of detainees who are suicide risks in SMU holding cells (Recommendation Nos. 26-27)**

CRCL recommended that detained individuals on suicide watch be placed in a cell that is conducive to treatment and stabilization, rather than a holding cell. SMU holding cells are not appropriate for stabilizing a detainee who is gravely disabled or a danger to him/herself or others. Suicide watch is mental health's highest level of care, requiring intensive treatment and appropriate housing.

*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 Wakulla County Jail. CRCL understands that ICE has ceased housing detained people at WCJ following CRCL's onsite investigation and issuance of recommendation, on April 20, 2021. CRCL requests that ICE notify us prior to any future use of WCJ to house detainees.

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  
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