



Homeland
Security

April 22, 2022

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

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FROM: Dana Salvano-Dun (b) (6)
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Susan Mathias /s/
Assistant General Counsel, Legal Counsel Division
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SUBJECT: Sherburne County Jail
Closure of Complaints Nos. 19-05-ICE-0163, 19-02-ICE-0165,
19-02-ICE-0114,¹ 18-09-ICE-0355, and 18-04-ICE-0740

This memorandum discusses the outcome of the investigation conducted by the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Sherburne County Jail (Sherburne) in Elk River, Minnesota. Following a collaborative process between ICE and CRCL, CRCL is closing the above-listed complaints.

Background

From April 3-5, 2019, CRCL conducted an onsite investigation at Sherburne to review medical care, mental health care, and conditions of detention. Due to additional concerns with the basic condition of the facility, CRCL expanded its investigation to look at environmental health and safety practices. CRCL used four subject-matter experts: a medical expert, mental health expert, conditions of confinement expert, and environmental health and safety expert to conduct the onsite. Based on

¹ In the August 2019 CRCL Expert Recommendation Memorandum, there was a typographical error in one of the complaint numbers listed. Complaint No. 19-02-ICE-0144 was erroneously displayed instead of the correct Complaint No. 19-02-ICE-0114.

detainee and staff interviews, direct observations, and document reviews, the subject-matter experts identified concerns with facility conditions.

On August 12, 2019, CRCL provided ICE with a final expert recommendation memorandum setting forth 21 recommendations made by the experts in the areas of medical care, mental health care, conditions of detention, and environmental health and safety. In April 2020, ICE responded to the recommendations and provided comments to explain the responses. Of the 21 recommendations issued by CRCL, ICE concurred with 11 recommendations and partially concurred with ten recommendations.²

Analysis

In its response, ICE provided explanations and implementation plans to CRCL's Expert Recommendation Memorandum. For those recommendations where ICE partially concurred, CRCL requested and received further guidance from ICE on the agency's practices at Sherburne and concludes ICE's responses are sufficient.

We appreciate ICE working with CRCL on these recommendations and would like to highlight the following examples of positive changes that stemmed from this work:

- CRCL recommended that Sherburne develop a process for acquiring informed input from mental health staff (provided by MEnD Correctional Care, the facility's contracted medical services) when detainees with known history of self-harm or mental illness are placed into segregated status. ICE concurred. "At the conclusion of the CRCL inspection on April 5, 2019, [Sherburne County Jail] implemented a procedure that requires MEnD mental health staff to provide feedback, additional information, opinions, and recommendations regarding any patient being transferred into segregated status." ICE further reported that "[s]pecifically, the [Sherburne County Jail] and MEnD staff attend a weekly segregation team meeting on Mondays to discuss the current status of any detainee placed in segregation, including those placed in segregation due to self-harm ideation or mental illness."
- CRCL recommended that medical staff should immediately develop and implement a system for tracking patient orders and appointments in the patient medical records. ICE partially concurred with this recommendation and implemented actions to achieve the recommendation. According to ICE, "[w]hen a new EMR system is implemented, patient orders and appointment will be tracked electronically. ICE further reported that "a new EMR vendor, Fusion EMR, was selected by MEnD and the Sherburne County Sheriff's Department on January 8, 2020. Sherburne County IT is currently working with the company on logistics for implementation."

² In ICE's response, ICE divided CRCL's initial 21 recommendations into 37 separate recommendations. Of the 37 recommendations, ICE concurred with 17 recommendations, partially concurred with 16, and non-concurred with four. For the purposes of this memorandum, CRCL has utilized the original recommendation count at the issuance of the CRCL Expert Recommendation Memorandum to ensure consistency and clarity.

With their partial concurrences, ICE did not concur with four parts³ covered within three of CRCL’s 21 recommendations. Although CRCL believes these parts of CRCL’s recommendations remain important, after assessing the responses, it appears that ICE has made improvements:

- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]

Conclusion

Following this collaborative process, CRCL is satisfied with ICE’s responses and considers these complaints closed. CRCL will continue to monitor new information related to Sherburne in light of the findings and recommendations made related to the onsite investigations. 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. As a result, CRCL appreciates the efforts of ICE to address CRCL’s concerns. 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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³ In ICE’s response, ICE non-concurred with parts of CRCL recommendations: No. 7 (ICE response 7c), No. 12 (ICE responses 12a and 12c), and No. 13 (ICE response 13b).

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