

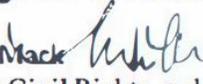


Homeland  
Security

March 9, 2016

MEMORANDUM FOR: Sarah Saldaña  
Director  
U.S. Immigration and Customs Enforcement

Gwendolyn Keyes Fleming  
Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

FROM: Megan H. Mack   
Officer for Civil Rights and Civil Liberties

Susan Mathias   
Assistant General Counsel (Legal Counsel)  
Office of General Counsel

SUBJECT: Delaney Hall Onsite Investigation  
CRCL Complaint No. 12-01-ICE-0032

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 Delaney Hall (DH) located in Newark, New Jersey. Following a collaborative process between ICE and CRCL that focused on findings and recommendations made by CRCL's subject-matter experts, CRCL considers the issues identified by the experts to be resolved. Consequently, CRCL has closed the complaint listed above.

*Background:* In October 2011, CRCL received a complaint from the wife of a detainee who was being held at DH. The complainant wrote on behalf of all detainees being held at DH and alleged that the health of detainees at the facility was deteriorating because they were undernourished and fed "below-par food." Additionally, the complaint claimed that detainees had informally grieved the matter to immediate supervision and no corrective action was taken. CRCL had planned an onsite investigation at Essex County Correctional Facility (ECCF), which operates DH, and decided to also visit DH to investigate this complaint and look at the operations at the facility more generally.

CRCL conducted an onsite investigation at DH on February 16-17, 2012. As part of the investigation, CRCL engaged the assistance of a medical expert, a corrections expert, and an environmental health and safety expert. As a result of detainee and staff interviews, document reviews and direct observations, the subject-matter experts identified concerns regarding conditions

at the facility. On May 21, 2012, CRCL provided ICE with a memorandum that detailed the nine recommendations made by the experts following the site visit. Their recommendations addressed medical care; grievances; communication between health staff and detainees; correctional operations issues; and environmental health and safety issues.

In a memorandum dated April 9, 2015, ICE responded to the recommendations made by CRCL. ICE concurred or partially concurred with eight of the nine recommendations. Regarding the one recommendation with which ICE did not concur, relating to the posting of telephone numbers near the telephones, ICE indicated that DH is not specifically required to do this by the PBNDS 2008, but the facility did so nevertheless, addressing the substance of the recommendation. As to the other eight recommendations with which ICE concurred, ICE provided adequate comments to explain their responses and implementation.

*Recommendations resolved and closed.* Following the collaborative process described above, CRCL has concluded that ICE has adequately addressed the nine expert recommendations. We appreciate ICE's collaboration with CRCL on these recommendations and would like to highlight the following examples of positive changes that stemmed from this work:

- Regarding medical grievances, CRCL's expert recommended that "DH administration should ensure that clinical staff are notified of grievances so that they can follow-up on individual cases and analyze grievances over time to identify and remedy identified problems." In its response, ICE concurred and reported that "[t]he medical staff collects medical grievances from detainees daily from a locked box. As of August 2014, DH scans medical grievances into the electronic medical record to ensure timely follow up. Additionally, the Health Service Administrator conducts continuous quality improvement studies on medical grievances to assess complaint trends."
- Regarding interactions with medical staff, CRCL's expert recommended that "DH clinical staff should make better efforts to ensure good communication between health staff and detainees regarding treatment plans." In its response, ICE concurred, noting that "[a]ll staff have been trained regarding communication between detainees and health staff. All providers were mandated to complete cultural competency via documented Continuing Medical Education. As of January 2015, all medical staff had completed 2 hours of cultural diversity training. All staff are aware of how to use interpretive services to enhance communication between the staff and detainees. As of February 2015, the FMC reviewed 50 medical records, all of which reflected detainee language preference and use of the telephonic language line, if needed."
- Regarding environmental health and safety, CRCL's expert recommended that "[d]aily, detailed housekeeping procedures and schedules should be developed, posted in housing units, and strictly followed. The Work Detail Operations Counselor Post Order should be evaluated to ensure all assigned duties can be successfully accomplished during the shift. The housing units must be routinely inspected by the unit counselors to ensure the detainees are maintaining adequate cleanliness and corrective action must be taken should the areas not be clean." In its response, ICE concurred and indicated that DH developed housekeeping procedures and schedules and began posting them in the

housing units in February 2015. These procedures and schedules are being followed by the facility staff.

- Regarding grooming services, CRCL's expert recommended that "Barber/Beauty operation procedures must be immediately changed to require proper cleaning and disinfecting of all barber tools and implements in accordance with the New Jersey State Board of Cosmetology and Hairstyling regulations. Counselors and detainees working in Barber Operations should be trained on the rules and proper procedures. Ultraviolet light should only be used to maintain properly cleaned and disinfected tools and implements. Soap for hand washing should be available at all times to promote proper personal hygiene and hand washing between servicing detainees." ICE concurred with this recommendation, noting that "DH implemented procedures to ensure proper cleaning and disinfecting in accordance with New Jersey State Board of Cosmetology and Hairstyling regulations. Training is being completed regularly. Soap is available in both male and female areas. Training is completed every time a new detainee is assigned to the area and this is an ongoing training."

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, we appreciate the work that has been done by ICE and DH to address CRCL's concerns. We have taken into account this important work in addressing our concerns, and accordingly, CRCL is formally closing the complaint identified in this memorandum. This memorandum is our final report regarding DH. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6).

Copy to: ice.civil.liberties@ice.dhs.gov