



Homeland Security

May 17, 2019

MEMORANDUM FOR: Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement

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FROM: Peter Mina (b) (6)
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SUBJECT: El Paso Service Processing Center
Complaint Closure for Recommendations on Complaint Nos.
(b) (6)

This memorandum discusses the outcome of the investigation the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) conducted into the conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the El Paso Service Processing Center (EPSPC) in El Paso, Texas. Additionally, this memorandum serves to notify ICE that following a collaborative process between ICE and CRCL, CRCL considers the issues identified by the experts to be closed.

Background:

Beginning in 2016, CRCL tracked numerous allegations alleging civil rights and civil liberties violations of persons being detained at EPSPC in the following areas: medical and mental health care, segregation, legal access, law library access, food safety, and the detainee grievance system.

In November 2017, CRCL conducted a site review of EPSPC to investigate these concerns. During the site review, CRCL engaged the assistance four subject-matter experts: a medical consultant, a mental health consultant, a corrections consultant and an environmental health and safety consultant. As a result of that site review, CRCL's subject matter experts provided written reports identifying specific concerns regarding EPSPC and made recommendations to address those concerns.

Following the site review, CRCL provided the experts' written report to ICE on March 5, 2018. On April 8, 2019, CRCL received ICE's responses. Of the 12 recommendations sent to ICE, ICE concurred with eight of the recommendations; partially concurred with one recommendation and did not concur with three recommendations.

Recommendations resolved and closed. After reviewing ICE's responses to the one partially concurred recommendation and the three recommendations where ICE did not concur, CRCL believes ICE's responses are sufficient to close all 12 recommendations, due to ICE's implementation of the recommended actions. We appreciate ICE working with CRCL on these recommendations and would like to highlight the following examples of positive changes stemming from this work:

- Regarding medical and mental health care, CRCL's expert recommended that, "EPSPC should ensure medical staffing is increased to meet the staffing plan and to ensure appropriate and timely medical care is provided to detainees." CRCL's expert also recommended that "EPSPC should increase mental health and custody staff allocations generally, in order to ensure detainees with mental illness have access to ongoing care and to provide psychoeducational and psychotherapeutic treatment activities for detainees receiving psychiatric intervention." In its response, ICE concurred and reported that "IHSC is working to ensure that medical staffing is adequate to meet the staffing plan." Additionally, ICE reported that, "as of January 2019, a Psychiatric Nurse Practitioner position has been added to the Staffing Plan to assist with mental health care" and "as of March 2019, EPSPC's medical vacancies are 87% filled."
- CRCL's corrections expert recommended that "EPSPC staff should provide more comprehensive written and verbal access to limited English proficient (LEP) detainees by expanding the use of the language line throughout the facility and ensuring all written materials provided to detainees shall generally be translated into Spanish and ensuring provisions for written translation to be made for other significant segments of the population with limited English proficiency." In its response, ICE concurred and reported that "ICE has taken the necessary steps to remind EPSPC contract guard staff to utilize the language line for any LEP detainees" and will ensure the written materials are appropriately translated.

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 EPSPC to address CRCL's concerns. We have taken into account this important work in addressing our concerns, and accordingly, CRCL is formally closing the complaints identified in this memorandum. This memorandum is our final report regarding EPSPC. If you have any

questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) (b) (6) or (b) (6)

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