



Homeland
Security

September 25, 2012

MEMORANDUM FOR: John T. Morton
Director
U.S. Immigration and Customs Enforcement

Peter S. Vincent
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Tamara J. Kessler *TJK*
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SUBJECT: Complaint No. 09-07-ICE-0077
South Texas Detention Complex

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 mental health care provided to U.S. Immigration and Customs Enforcement (ICE) detainees at the South Texas Detention Complex (STDC) in Pearsall, Texas. Following a collaborative process between ICE and CRCL, CRCL has focused on findings and recommendations made by CRCL's subject matter expert. CRCL considers the issues identified by the expert to be resolved and closed. Consequently, as of the date of this memo, CRCL is closing the above-referenced complaint.

Background. The investigation originated from a detainee complaint, forwarded by the American Bar Association (ABA), and received by CRCL in April 2009 alleging inappropriate mental health care at STDC. The complaint came at the same time CRCL was conducting a site visit to STDC, so CRCL interviewed the detainee while at STDC, as well as mental health personnel. At the time of the site visit, CRCL did not have a mental health expert to consult. In May 2011, however, CRCL conducted additional investigative work with the assistance of (b) (6), M.D., a mental health subject matter expert, who examined the issues raised in 2009. CRCL did not identify any concerns specifically related to the complainant. However, as a result of Dr. (b) (6) work, he did provide a written report identifying specific concerns regarding some specific aspects of the facility's mental health care and making recommendations to address those concerns. In total, Dr. (b) (6) made three recommendations relating to the mental health caseload and mental health screening, mental health policies and procedures, and mental health treatment plans.

On January 13, 2012, CRCL provided the expert report via memorandum to ICE. In a memorandum dated April 3, 2012, ICE responded to CRCL by concurring or concurring in part with the recommendations and providing comments to explain its responses.

Recommendations resolved and closed. To date, following the collaborative process described above, CRCL has concluded that ICE has adequately addressed all of the 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 the mental health caseload, and referrals of detainees who may be identified during screening as in need of mental health treatment, STDC agreed to perform a quality assurance study to ensure that detainees in need of treatment are being identified, and that referrals of such detainees for treatment are occurring in a timely and appropriate manner.
- Regarding its mental health policies, STDC made modifications to its policies, had already implemented new policies, or had other policies that addressed most of the changes suggested by CRCL's expert.
- Regarding issues identified with the treatment plans for some detainees whose records were reviewed by CRCL's expert, STDC agreed to review the plans for detainees in segregation, and ensure that they are appropriate given the limitations existing in the detention environment.

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 STDC 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 STDC.** If you have any questions, please contact Senior Policy Advisor [REDACTED] at [REDACTED] or [REDACTED] (b) (6). You may also contact Compliance Branch Director Jeffrey Blumberg directly at [REDACTED] (b) (6) or [REDACTED] (b) (6).

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