



Homeland
Security

May 23, 2018

MEMORANDUM TO:

Thomas D. Homan
Deputy Director and Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Mike P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM:

Veronica Venture
Deputy Officer
Officer for Civil Rights and Civil Liberties

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

SUBJECT:

Stewart Detention Center
Closure of Complaint Nos (b) (6)
(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 Stewart Detention Center (SDC) in Lumpkin, Georgia. 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, as of the date of this memorandum, CRCL has closed the above-listed complaints.

Background:

CRCL sent a retention memorandum on December 20, 2016, to inform ICE that CRCL would be investigating SDC. This memorandum explained the complaints which precipitated the investigation, including allegations concerning medical and mental health care, legal access, food service, segregation, recreation, and the detainee grievance system.

The Investigation and Expert Recommendations

In February 2017, CRCL conducted its onsite investigation of SDC, engaging the assistance of four subject matter experts: a medical doctor, a mental health expert, an environmental health

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and safety expert, and a corrections expert. Following the review, in May 2017, CRCL sent ICE an Expert Report Memorandum, which contained 13 recommendations, along with the experts' written reports, requesting a response from ICE to the recommendations within 60 days.

In February 2018, ICE responded to the recommendations and provided comments to explain its responses. Of the 13 recommendations, ICE concurred with eight, partially concurred with two, and non-concurred with three. A number of positive changes stemmed from these concurrences, including the following:

- The experts had concerns about the cleanliness of the medical clinic space and recommended that SDC ensure that it is cleaned on a regular basis by cleaners who have been trained in the proper cleaning of medical space. In its response, ICE concurred and indicated that ICE and Core Civic have adjusted the cleaning process to have dedicated officers properly supervise the cleaning of medical spaces by a detainee cleaning crew. This cleaning process also includes a daily walkthrough to identify any deficiencies, which are ultimately brought to the attention of the Associate Warden, if not addressed within a specified time period.
- The experts noted concerns that detainees with special needs were not appropriately accommodated and recommended that SDC medical and custodial staff work together to find ways to provide reasonable accommodation to detainees with special needs, such as crutches and braces, in a way that addresses security concerns, as well as protects the legitimate access to medically indicated accommodations. ICE concurred with the recommendation and stated that in January 2017, SDC revised the process for handling detainees' medical needs as they pertain to durable medical devices. The revised policy allows for newly arriving detainees with metal durable medical devices to retain the devices until a qualified medical provider evaluates the detainee and makes a determination as to the need of the device and its continued use.

ICE non-concurred or partially concurred with four of the recommendations made by the experts that will be closed with no further concerns noted:

- (b) (5) (b) (5) According to ICE, Core Civic, as part of its maintenance procedures, on a monthly basis, tests, monitors, and maintains water temperature logs. ICE Onsite Monitoring was able to obtain Core Civic Shower Temperature Logs from September 2016, up to and including the time period of CRCL's visit, and at no time did the logs reflect water temperatures below 100 degrees. Further, on January 30, 2018, at 12:30 PM, Detention Monitoring Unit staff at SDC and the ERO Atlanta Field Office Compliance Team verified the water temperature was at 104 F degrees. As a result of this response, CRCL is satisfied that appropriate action has been taken and now considers this recommendation closed.
- (b) (5) (b) (5) ICE non-concurred and stated that facility management and ICE Officers monitor proper sanitation on a daily basis. Mattresses are replaced when either facility management staff or ICE officers identify mattresses that are no longer

serviceable – i.e. stained, torn, or otherwise damaged. According to ICE, ICE Onsite Monitoring has not encountered this issue since CRCL’s visit in February 2017; however, as a best practice, ICE agreed to recommend that Core Civic reiterate to staff the policy and procedure for reporting worn mattresses and having them replaced. As a result of this response, CRCL considers this recommendation closed.

- ICE non-concurred on CRCL’s recommendation (b) (5)
(b) (5)

(b) (5) According to ICE, a “check and balance” system is already in place to ensure that cleaning and disinfecting procedures and schedules are followed and regularly occurring. ICE agreed to continue monitoring the situation closely to ensure that standards of cleanliness are being maintained on a consistent basis. CRCL is satisfied with the response and considers this recommendation closed.

- ICE partially concurred with two recommendations (b) (5)
(b) (5)

(b) (5) According to ICE, as of May 2017, another mental health provider has been added to the staffing plan. Additionally, ICE agreed to continue efforts to recruit and hire additional mental health providers. CRCL is satisfied with the response and considers this recommendation closed.

Remaining Concern

(b) (5)



(b) (5)



Conclusion:

Following this collaborative process, CRCL has concluded that the complaints will be closed. 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 SDC 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. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6)

Copy to:

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