



**Homeland
Security**

October 16, 2014

MEMORANDUM FOR: Thomas J. Winkowski
Principal Deputy Assistant Secretary
U.S. Immigration and Customs Enforcement

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

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

David J. Palmer 
Acting Associate General Counsel (Legal Counsel)
Office of General Counsel

SUBJECT: Stewart Detention Center
CRCL Complaint Nos. 12-08-ICE-0136, 12-08-ICE-0173,
12-08-ICE-0187, and 12-12-ICE-0250

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 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 is closing the complaints listed above.

Background: On May 15, 2012, CRCL received a report written by the American Civil Liberties Union (ACLU) of Georgia regarding immigration detention conditions at Georgia facilities, including SDC. The report raised concerns about conditions of detention at SDC related to correctional operations, medical care, and mental health care. CRCL opened complaints based on the information in the report, and also based upon separate complaints received raising similar concerns.

CRCL conducted a site visit to SDC in February 2013 with the assistance of three expert consultants. In March 2013, CRCL provided ICE with a memorandum that detailed the 17 recommendations made by the experts following the site visit. The recommendations addressed

Protected by Attorney-Client and Deliberative Process Privileges

medical care; electronic medical records; continuity and coordination of care; mental health care; segregation; religious meal requests; grievances; law library and legal materials; overall corrections matters; and environmental health and safety. In a memorandum dated March 19, 2014, ICE responded to the recommendations made by CRCL's subject-matter experts. ICE concurred or partially concurred on all 17 recommendations. ICE also provided comments to explain its responses.

Recommendations resolved and closed. Following the collaborative process described above, CRCL has concluded that ICE has adequately addressed the 17 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 care, CRCL's expert recommended that "The mid-level practitioners need increased supervision by the facility physician. Scheduling systems should be improved and performance should be monitored through the quality management program." In its response, ICE concurred, and reported that "SDC's supervision of the Mid-Level Provider (MLP) by the facility physician has increased. In addition to the weekly case conferences with the Clinical Director, weekly rounds, case reviews, and cases of concern are discussed between the facility physician and MLPs. This occurs during weekly provider meetings. The facility physician is also acting clinical director and was appointed as quality improvement officer in August 2013 and reviews all chronic care cases seen by the MLPs."
- Regarding use of the segregation unit for overflow from the medical housing unit (MHU), CRCL's medical, mental health, and corrections experts recommended that "ICE should ensure that detainee patients are not subjected to punitive conditions of detention in the segregation unit because of their medical or mental illnesses and a lack of housing space in the medical unit." In its response, ICE concurred, noting that MHU has limited space, but that "IHSC will work within the framework of SDC security policy to mitigate as much as practicable the seemingly punitive conditions."
- Regarding provision of kosher meals to detainees, CRCL's expert recommended that "SDC should immediately discontinue the use of the questionnaire that is administered to detainees to test their knowledge about the Jewish faith to determine if they are eligible for kosher meals." In its response, ICE concurred, and indicated that it had confirmed that the use of the questionnaire had been discontinued. ICE also indicated that, in response to separate recommendations, SDC administrators had reviewed religious meal and religious accommodation requests for the past two years and confirmed that the requests had been appropriately reviewed and evaluated, and ensured appropriate training and supervision for the personnel receiving and reviewing these requests.
- Regarding legal services, CRCL's expert recommended that "ICE and SDC should review and expand SDC's legal access program and resources to ensure that it is in compliance with the PBNDS 2008, including that detainees are receiving at least five hours of access per week to the law library and that the LexisNexis software is current and operable." ICE concurred with this recommendation, noting that "The number of

workstations in the general population law library was increased from seven to ten to provide additional opportunities for detainees to access legal material. Subsequent reviews of detainee requests and law library logs confirm that detainees are being afforded the minimum of five hours access per week in accordance with PBNDS 2008. All workstations have been updated with the most recent edition of the Lexis-Nexis software, as well as the Executive Office for Immigration Review self-help tools.”

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. This memorandum is our final report regarding SDC. 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