

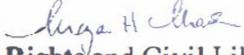


Homeland
Security

September 12, 2016

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

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Principal Legal Advisor
U.S. Immigration and Customs Enforcement

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

Susan Mathias 
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SUBJECT: Tensas Parish Detention Center Complaint Closures
Complaint Nos. 11-08-ICE-0240, 14-11-ICE-0338, and 14-11-
ICE-0339

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 Tensas Parish Detention Center (TPDC) in Waterproof, Louisiana. Following a collaborative process between ICE and CRCL that focused on findings and recommendations made by CRCL's subject-matter experts, ICE informed CRCL that it is no longer using this facility. Consequently, as of the date of this memorandum, CRCL is closing the above-listed complaints. CRCL requests that ICE inform us prior to any decision to again house detainees at TPDC.

Complaints

Complaint No. 11-08-ICE-0240

On May 27, 2011, CRCL received a letter from the Florida Immigrant Advocacy Center (FIAC). In the letter, FIAC stated that on April 15, 2011, it received a telephone call from a detainee in ICE custody at TPDC, who reported a concerning use of force incident at the facility. FIAC also reported allegations from multiple detainees of inadequate medical care and environmental health at Tensas. Additionally, FIAC raised health and safety and medical concerns.

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Specifically, FIAC alleged that, unrelated to the use of force incident, detainees were given contaminated water to drink on Wednesday, April 6, 2011, and were not notified of the contamination until Monday, April 11, 2011. Additionally, the letter claimed that on April 28, 2011, a detainee was not given adequate medical care when he felt weak and appeared to faint. Lastly, facility staff allegedly told the detainees that the facility lacks medical staff in the early morning.

Complaint No. 14-11-ICE-0338

On August 13, 2014, CRCL received postal mail from an ICE detainee at TPDC alleging that the living conditions at the facility are substandard in the following areas: recreation, law library access, legal counsel access, delays in medical care, insufficient food, abusive staff, and the unsanitary/dirty state of facility. The complainant also alleged that he and other detainees went on a hunger strike in December 2013 to protest the aforementioned issues.

Complaint No. 14-11-ICE-0339

On August 11, 2014, CRCL received email correspondence from an ICE detainee at TPDC. The complainant alleged that he was not provided razors, toilet paper, or soap for three weeks. The complainant also claimed that he did not receive an appropriate number of calories on a daily basis.

Background

CRCL conducted a site visit to TPDC in June 2012 to investigate allegations of inadequate conditions of detention. CRCL found many serious problems at the facility in the areas of medical care (including delayed physical examinations in violation of the 2000 National Detention Standards), detainee safety (a razor was found in the recreation yard and a window was broken in the housing unit), and general conditions.

CRCL sent ICE recommendations based on its findings in August 2012. ICE responded to the recommendations in January 2015; a large number of the responses were either inadequate or unresponsive. In particular, CRCL disagreed with the ICE responses to Recommendations # 3 and 12:

- **Recommendation #3:** CRCL recommended that independent practitioner time be increased to accommodate the need to screen, evaluate, treat, and follow-up on detainees with acute and chronic medical and dental problems. ICE concurred and indicated that nurse practitioner time at the facility was increased from four to ten hours per week. According to a CRCL medical expert, however, a facility of this size should have a full-time or nearly full-time mid-level practitioner at least a few hours per week of on-site physician consultation, and significantly more mental health care availability.
- **Recommendation #12:** CRCL recommended that TPDC should ensure that there is adequate mental health and physician time on a one-to-one basis for the needs of the facility. ICE concurred and stated that TPDC offers mental health and physician time on a one-to-one basis one day per week and the HSA (who also serves as the RN) monitors

and schedules extra time as needed. According to a CRCL medical expert, however, a facility of this size should have a full-time or nearly full-time mid-level practitioner at least a few hours per week of on-site physician consultation, and significantly more mental health care availability.

In addition, in two separate complaints alleging inadequate medical care (Complaint Nos.13-06-OICE-0133 and 15-06-ICE-0323), received subsequent to the site visit, and reviewed by ICE IHSC through the medical referral process, ICE found serious lapses in medical care at the facility, including the failure to appropriately maintain a detainee's PEG tube, requiring its replacement, and its failure to provide specialty care to a detainee with decreased arterial blood flow. These findings mirror the problems identified in CRCL's 2012 recommendations.

Because of CRCL's continuing concerns about the quality of the ICE responses and the conditions of detention at TPDC, CRCL began to plan an additional site visit to the facility. When CRCL informed ICE that it was considering an additional site visit to the facility, ICE informed CRCL in May 2016 that it had stopped housing detainees in the facility.

Conclusion

Having engaged in the collaborative process described above and been informed by ICE that ICE no longer uses TPDC to house detainees, CRCL has concluded that these complaints will be closed. TPDC remains on the ICE list of approved facilities, however. As a result, CRCL requests that ICE inform CRCL of any decision to use the facility again prior to housing any detainees there and that CRCL be permitted to review the facility prior to detainees being placed at TPDC.

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 TPDC 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).

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