



Homeland
Security

May 18, 2017

MEMORANDUM FOR: Matthew Albence
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn (b) (6)
Acting Deputy Officer for Programs and Compliance
Office for Civil Rights and Civil Liberties

SUBJECT: Stewart Detention Center
Recommendations on Complaint Nos. (b) (6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) is conducting an investigation into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Stewart Detention Center (SDC) in Lumpkin, Georgia.

Since 2015, CRCL has received numerous allegations alleging civil rights and civil liberties violations of persons being detained at SDC in the following areas: medical and mental health care, legal access, food service, segregation, recreation, and the detainee grievance system.

In response to these complaints, CRCL conducted a site review at SDC from February 1-3, 2017. We greatly appreciate the cooperation and assistance provided by ICE and SDC personnel before and during the review. As part of the review, CRCL engaged the assistance of 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 detainee and staff interviews, document reviews, and direct observation, the subject-matter experts identified concerns regarding the medical and mental health care, environmental health and safety, and overall conditions at the facility.

On February 3, 2017, as part of the SDC site review closing discussions, CRCL and the subject-matter experts discussed the general concerns found during the investigation with ICE ERO field office management, personnel from the ICE Office of Diversity and Civil Rights (ODCR) and SDC senior management. During the discussions, the subject-matter experts also provided recommendations to address the concerns identified.¹

¹ In general, CRCL's experts relied on the applicable 2011 Performance-Based National Detention Standards (2011 PBNDS) for the SDC onsite as they were the standards the facility is contractually obligated to implement.

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Enclosed with this memorandum are the reports prepared by our subject-matter experts. They have been divided into priority and non-priority recommendations. Priority recommendations are listed in the body of this memorandum, and CRCL requests that ICE formally concur or non-concur with these recommendations and provide an implementation plan for all accepted recommendations. Non-priority recommendations are contained in a separate attachment to this memorandum. Although CRCL is not requesting formal responses to these, we encourage ICE to consider and implement these recommendations to the fullest extent possible.²

With this memorandum, and consistent with our standard practice, we request that you indicate to us whether ICE concurs with the recommendations made below, and ask you to provide an action plan within 60 days.

Medical

CRCL's medical expert made the following recommendations regarding medical care and mental health care at SDC. These recommendations relate to the 2011 PBNDS Medical Care Standard, which requires timely access to an appropriate level of medical care:

1. The facility medical program is overseen by IHSC, but depends on contractors to deploy adequate staff. The facility is located in a remote, rural location. This makes it more difficult to recruit qualified professionals to work in the facility and CRCL found that the facility does not have an adequate number of medical staff. To address staffing inadequacies, SDC should ensure medical staffing is increased to meet the staffing plan and to ensure appropriate and timely medical care is provided to detainees.
2. CRCL found that the current remodeling plan for the SDC medical unit is not adequate to provide sufficient exam rooms and offices for a facility that houses 1800 adult detainees. SDC should significantly expand clinic space to provide sufficient room to provide medical care.
3. CRCL found that SDC is using segregation space for medical housing purposes. SDC should discontinue this practice and create a new medical housing unit within the facility.
4. CRCL found that various surfaces in the clinical space were degrading or breaking down. SDC should ensure that the clinic space is cleaned on a regular basis by cleaners who have been trained in the proper cleaning of medical space. Surfaces that are degrading or breaking down must be repaired or replaced in order to maintain proper sanitation.
5. CRCL identified problems in the documentation of special needs for detainees with disabilities or other chronic medical problems. SDC medical and custodial staff should work together with custody staff to find reasonable ways to accommodate legitimate medical special needs such as crutches and braces in a way that addresses security concerns while at the same time protecting the legitimate access to medically indicated accommodations. SDC medical should communicate to the security staff, in writing, when special accommodations

² CRCL's experts also provided best practice recommendations, which may be found in their respective reports.

are necessary.

Mental Health

CRCL's mental health expert made the following recommendation regarding mental health care at SDC. This recommendation relates to the 2011 PBNDS Medical Care Standard, which requires timely access to an appropriate level of medical care:

6. All components of the necessary mental health program are not adequately met, with only two of the three allocated mental health provider positions filled, and the one vacant psychiatric position being covered by a maximum of five hours of telepsychiatry time per week. SDC should re-evaluate the staffing pattern for mental health providers to ensure that those detainees with significant mental illness have access to a range of ongoing care. The vacant mental health provider positions should be filled expeditiously. Pending the hiring of a full-time psychiatrist, (b) (5)

Environmental Health and Safety

7. (b) (5)
8. In some of the showers within the housing units, there were instances of green staining on the wall, which appeared to be a possible issue with the pH balance of the water and not fungus growth. However, SDC should ensure that shower cleanings are completed on a regular basis to comply with the PBNDS 2011 Environmental Health and Safety Standard requiring that "conditions shall be maintained at a level that meets recognized standards of hygiene, including those from the American Correctional Association" specifically ACA Housekeeping standard 4-ALDF-1A-04 indicating, "The facility is clean." (PBNDS 2011; Environmental Health and Safety)
9. There were instances, particularly in the medical unit, where the floors, walls, and door jams were not properly cleaned and disinfected. SDC should review its housekeeping plan and provide more detailed information on proper cleaning, sanitizing, and disinfecting in the facility. This plan should outline equipment and supplies to be used and exact steps to be taken to properly clean and mop floors, when and how to clean and sanitize equipment, mattresses, contact surfaces, bathrooms, exam rooms, etc.

10. (b) (5)

11. (b) (5)

12. CRCL found multiple areas in the medical clinic and housing areas that needed greater emphasis on cleaning procedures and processes. SDC should ensure training on how to properly clean the facility is provided to all staff and detainees. The PBNDS 2011 standard requiring, "The Chief Nurse (or equivalent) is responsible for training all staff and detainees in using proper housekeeping procedures and proper handling of hazardous materials and chemicals" should be implemented and followed. (PBNDS 2011; Environmental Health and Safety)

Corrections

CRCL's corrections expert made the following priority recommendation related to general conditions of detention at SDC:

13. There were instances where the incident reports were lacking detailed information. Therefore, SDC should require language in use of force incident reports to describe (b) (5) actions taken by each staff member involved in a use of force incident. (b) (5)

The complete expert reports and recommendations are contained in the enclosed expert reports.

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. We look forward to working with ICE to determine the best way to resolve these complaints. We request that ICE provide a response to CRCL 60 days whether it concur or non-concur with these recommendations. If you concur, please include an action plan. You can send your response by email. If you have any questions, please contact Policy Advisor (b) (6) by telephone at (b) (6) or by email at (b) (6)

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Enclosures

Appendix A – Non-Priority Recommendations
Appendix B – Medical Expert Report
Appendix C – Mental Health Expert Report
Appendix D - Environmental Health and Safety Expert Report
Appendix E – Corrections Expert Report