



Homeland
Security

January 5, 2023

MEMORANDUM FOR: Tae D. Johnson
Acting Director
U.S. Immigration and Customs Enforcement

Kerry E. Doyle
Principal Legal Advisor
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn (b) (6)
Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b) (6)
Attorney Advisor, Legal Counsel Division
Office of the General Counsel

SUBJECT: Central Louisiana ICE Processing Center
Complaint Nos. 004777-22-ICE, 004589-22-ICE, 004588-22-ICE,
002847-22-ICE, 002827-22-ICE, and 004591-22-ICE

The Office for Civil Rights and Civil Liberties (CRCL) has received complaints alleging that U.S. Immigration and Customs Enforcement (ICE) has violated individuals' civil rights and civil liberties at the Central Louisiana ICE Processing Center (CLIPC), in Jena, Louisiana.¹ The purpose of this memorandum is to notify you of the complaints and describe the allegations, inform you that CRCL will retain the above-referenced complaints for investigation and conduct an onsite investigation, and explain how CRCL will work with ICE during our investigation. As part of this investigation, and consistent with its authority described in the CRCL and Scope of Review sections below, CRCL will examine the allegations summarized below and will look at CLIPC's operations more generally to address any systemic civil rights and civil liberties concerns.

¹ Until recently the facility was called "LaSalle" but was changed to avoid confusion with the ICE contractor of the same name.

Complaints

Complaint No. 004777-22-ICE²

On September 16, 2022, CRCL received an OIG referral regarding complainant, (b) (6), a Jamaican national detained at CLIPC. In a telephone call to the OIG, the complainant alleged that on September 11, 2022, he and other detainees were “jumped” by ICE officers.

Complaint No. 004589-22-ICE³

On August 11, 2022, (b) (6), Southern Poverty Law Center (SPLC), wrote to CRCL on behalf of (b) (6) a noncitizen detained at CLIPC. SPLC correspondence alleged that “since arriving at LaSalle [now CLIPC] in May 2022, Ms. (b) (6) “health has deteriorated sharply. Her symptoms, which include severe pain, dizziness, and vomiting blood, have persisted since she arrived at LaSalle and to date she has not received any diagnosis or treatment. She continues to experience debilitating pain and dizziness, memory loss, confusion, and frequent panic attacks. She also suffered a fall in the shower on July 6, 2022, due to her dizziness and required the use of a wheelchair.” SPLC also alleged that the wheelchair Ms. (b) (6) received was in such poor condition that she returned it and was afterwards informed she would be given crutches but has not received them.⁴ Lastly, SPLC alleged that, “[d]uring a legal call with Ms. (b) (6) on July 14, 2022, she continued to report vomiting and disclosed that meals provided to her by LaSalle staff contained expired food.

Complaint No. 004588-22-ICE⁵

On August 11, 2022, (b) (6) with the SPLC wrote to CRCL on behalf of (b) (6), a noncitizen detained at CLIPC. SPLC alleged Ms. (b) (6) was suffering from prolonged hunger and imminent malnutrition as the CLIPC staff is unable or unwilling to provide the food she needs on a regular basis. Ms. (b) (6) alleged that she had not been provided three meals a day on a regular basis at CLIPC despite requiring a special diet for her health. Additionally, SPLC alleged Ms. (b) (6) was allegedly “paid” with a bottle of Gatorade after spending hours sanitizing a dorm used for quarantine while in a medically vulnerable state.

² On September 19, 2022, CRCL sent an email to ERO requesting a copy of the video of the alleged use of force incident. On September 21, 2022, ERO responded to CRCL indicating that CLIPC’s Facility Administrator stated there was no use of force on the referenced date involving the complainant.

³ On August 12, 2022, CRCL opened this allegation as a medical referral and forwarded it to ERO/IHSC for review. On September 22, 2022, ERO/IHSC responded to CRCL unsubstantiating the complainant’s allegations.

⁴ CRCL opened the wheelchair allegation as a 504 complaint (see Complaint 004602-22-ICE).

⁵ On August 12, 2022, CRCL opened this allegation as a medical referral and forwarded it to ERO/IHSC for review. CRCL is awaiting ERO/IHSC’s response.

Complaint No. 002847-22-ICE⁶

On November 19, 2021, CRCL received an OIG referral from complainant (b) (6). The complainant alleged that since he had been at CLIPC, he had “not been provided with legal aid,”⁷ and has suffered physical abuse. He also alleged that there is black mold growing in the showers and the showers are not being cleaned.

Complaint No. 002827-22-ICE

On November 17, 2021, CRCL received email correspondence from (b) (6) from United Jewish Organizations of Williamsburg and North Brooklyn on behalf of (b) (6), a noncitizen held at CLIPC. The complainant alleged CLIPC denied access to religious articles of faith, specifically his phylacteries, also known as Tefillin. The complainant stated that the subject is an Orthodox Jew, and it is a religious requirement to wear one’s own Tefillin.

Complaint 004591-22-ICE⁸

On August 11, 2022, (b) (6) with SPLC wrote to CRCL on behalf of (b) (6) a transgender male detained at CLIPC. According to SPLC’s correspondence, CLIPC failed to provide Mr. (b) (6) with the appropriate mental health services to treat his gender dysphoria and that CLIPC medical staff also failed to use interpretation services to provide him with information regarding the serious side effects associated with the hormone replacement therapy he began prior to entering CLIPC. SPLC further alleged that Mr. (b) (6), suffered repeated asthma attacks due to COVID-19 induced pneumonia that resulted in his hospitalization. According to SPLC, Mr. (b) (6), who is obese and diagnosed with a number of chronic health conditions, had initially expressed concern about contracting COVID-19 while in detention due to several chronic health conditions that put him at serious risk of severe or prolonged illness should he contract COVID-19. Lastly, SPLC alleges that Mr. (b) (6) is not being treated for a serious injury suffered in his dorm due to the wet floors. According to SPLC the dorm is “persistently plagued by wet floors, mold and mild flooding due to leaks every time it rains.”

CRCL

CRCL mission. CRCL supports the Department’s mission to secure the Nation while preserving individual liberty, fairness, and equality under the law. CRCL integrates civil rights and civil liberties into all the Department’s activities:

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;

⁶In the OIG referral, it is unclear if the complainant is an ICE noncitizen housed at LIPC; however, CRCL would like to review the allegations of lack of legal access, physical abuse and the unsanitary conditions at LIPC.

⁷ CRCL is unsure what specifically this refers to but will review legal access while onsite.

⁸On August 12, 2022, CRCL opened this allegation as a medical referral and forwarded it to ERO/IHSC for review. On October 5, 2022, ERO/IHSC responded to CRCL unsubstantiating the complainant’s allegations.

- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of redress, and promoting appropriate attention within the Department to their experiences and concerns;
- Investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel;
- Leading the Department’s equal employment opportunity programs and promoting workforce diversity and merit system principles.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. In investigating complaints, if CRCL believes that the complaints raise similar issues, CRCL may look into whether there are systemic problems that justify a broader investigation. Pursuant to its authority under 6 U.S.C. § 345(a) (3), CRCL shall assist components to “periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities.”⁹ Additionally, pursuant to DHS Delegation Number 19003, issued October 26, 2012, the Secretary has delegated to the Officer of CRCL the authority to “[a]ssess[] new and existing policies throughout the Department for the policies’ impact on civil rights and civil liberties” and “review . . . programs within any Component to ensure compliance with standards established by the Officer for CRCL to protect civil rights and civil liberties.” Issues such as appropriate treatment by ICE officials, access to medical care, arbitrary punishment, language access, and religious accommodation for ICE detainees may raise civil rights and liberties concerns. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500, DHS Instruction 046-01-001, and DHS Instruction 046-01-002.

Access to information. 42 U.S.C. § 2000ee-1(d) grants the Officer access to the “information, material, and resources necessary to fulfill the functions” of the office, including (but not limited to) the complaint investigation function. Management Directive 3500 further authorizes CRCL to:

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization;”
- “Interview persons and obtain[] other information deemed by CRCL to be relevant and require cooperation by all agency employees;” and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Further guidance is contained in DHS Instruction 046-01-002, and, pursuant to § 3.3 of ICE Directive 8010.1, “Administration and Management of Inquiries from the Office for Civil Rights and Civil Liberties,” this is a request for information or assistance. Under § 3.3 of Directive 8010.1, ICE

⁹ Pursuant to 42 U.S.C. § 2000ee-1(a)(2), CRCL has the authority to “periodically investigate and review department, agency, or element actions, *policies, procedures, guidelines*, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions” (emphasis added).

will provide the requested information and materials to CRCL within the specified timeframe, and not edit or otherwise limit review of the information that is responsive to CRCL's request. Pursuant to § 2 of Directive 8010.1, CRCL understands that this request will be handled by the appropriate ICE program office.

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any "action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to" CRCL in the course of this investigation.

This memorandum and the request for information are issued pursuant to these authorities.

Privilege and required transparency. Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges as well as any other applicable privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL's website—that is required to detail "any allegations of [civil rights/civil liberties] abuses...and any actions taken by the Department in response to such allegations."

We look forward to working with your staff on this matter and will report back to you our findings and any recommendations.

SCOPE OF REVIEW

The purpose of our review is to determine if: the allegations in the complaints can be verified or disproven; if the facts we find suggest that the Constitution, a federal statute, or a Departmental policy has been violated; and what steps, if any, should be taken by ICE to address the complaints, both individually (if the problem is ongoing) and as a matter of policy.

QUESTIONS PRESENTED

(b) (5)



INITIATING THE INVESTIGATION

CRCL has already taken steps to begin its investigation, which is assigned to (b) (6), Senior Policy Advisor. We look forward to continuing to work together to determine all the facts surrounding this matter and if appropriate, the best way forward. If you have any questions, please do not hesitate to contact (b) (6) by phone at (b) (6) or by email at (b) (6).

Enclosure

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