



**Homeland  
Security**

August 1, 2022

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

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

Susan Mathias /s/  
Assistant General Counsel, Legal Counsel Division  
Office of General Counsel

SUBJECT: Close Memorandum Regarding the FY 2020 CRCL Investigation at the  
Worcester County Jail  
Complaint Nos. 18-07-ICE-0769, 19-02-ICE-0615, 18-09-ICE-0397,  
18-09-ICE-0387 and 19-03-ICE-0616

This memorandum concludes the investigation the Office for Civil Rights and Civil Liberties (CRCL) conducted into allegations related to U.S. Immigration and Customs Enforcement (ICE) detainees at the Worcester County Jail (WCJ) in Snow Hill, Maryland. Following a collaborative process between CRCL and ICE, CRCL is closing the above-listed complaints.

### *Background*

On November 13-15, 2019, CRCL conducted an onsite investigation of WCJ, engaging the assistance of three subject matter experts in the areas of medical care, environmental health and safety, and conditions of detention. On April 2, 2020, CRCL provided ICE an Expert Report Memorandum which contained 31 recommendations, along with the experts' written reports. On January 4, 2021, ICE responded to the recommendations, concurring with 21, partially concurring with six, and non-concurring with four.

## *Concurrences*

CRCL appreciates ICE's consideration of CRCL's recommendations. The following examples highlight several of the positive changes that stemmed from the 21 concurrences.

### **Medication management (Recommendation Nos. 4-5)**

Following the onsite, the facility took immediate steps to update its practice to ensure that qualified health professionals are checking the expiration date of medication prior to administration. By verifying the expiration dates of medical products prior to administration, the facility and detainees are protected from the risks that expired medical products can have.

### **Language access services (Recommendation Nos. 10 and 19)**

Following the onsite, ICE worked with the facility to update their procedures for limited English Proficient (LEP) detainees to obtain legal access using the language line. Revised procedures were completed in June 2020. ICE also indicated that it advised staff to utilize the appropriate language assistance system to communicate with detainees so that other detainees do not have to relay information on behalf of another detainee. This prompt action ensures that LEP detainees will have greater access to legal assistance and ability to communicate with ICE and facility staff through the language line, especially on confidential matters.

### **Detainee grievances (Recommendation No. 14)**

Following the onsite, ICE and WCJ developed written policies and procedures to address detainee grievances in accordance with National Detention Standards (NDS) 2019 and was implemented in June 2020 with all custody staff made aware of the changes. This prompt action ensures that detainee grievances will be addressed in a consistent and timely manner.

### **Mental health evaluations (Recommendation No. 16)**

Following the onsite, WCJ revised their policies and procedures to ensure that a detainee is evaluated by a medical/mental health staff member prior to a disciplinary hearing. The policy went into effect in June 2020, and all staff were trained on the changes. The revisions ensure the safety and security of detainees as those with mental health concerns and are identified as "not appropriate" for disciplinary segregation will be served with other forms of discipline.

## *Partial Concurrences*

CRCL would like to highlight positive changes that resulted from ICE's two partial concurrences.

### **Detox protocol (Recommendation No. 8)**

CRCL is encouraged by ICE's response that all Wellpath licensed staff were re-educated on the protocol and use of Clonidine for detox within FY 2020.

### **Segregation cells (Recommendation No. 12)**

ICE indicated that it does not object to WCJ utilizing the segregation left and segregation right cells, but that if WCJ does use either of the cells, the facility must conduct observations at least every thirty minutes. CRCL is encouraged by ICE's response to provide observation of these

segregation cells. This will help ensure sufficient supervision and provide safety for individuals housed in these cells.

CRCL does, however, have continuing concerns related to three of ICE's partial concurrences. CRCL reiterates the importance of these recommendations and encourages ICE to review the expert reports in relation to the below CRCL responses to ICE's partial concurrences.

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*Non-Concurrences*

ICE non-concurred with four of the recommendations, and CRCL has carefully reviewed ICE's response for each non-concurrence.

CRCL believes the below recommendation was generally agreed to by ICE. Accordingly, CRCL considers this response to be sufficient.

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*Conclusion*

CRCL appreciates ICE's efforts to address CRCL's recommendations and recognizes the changes ICE has already enacted. While CRCL has reiterated several recommendations that it believes warrant additional review and consideration, CRCL is satisfied with ICE's overall response and is closing the complaints related to this investigation of the Worcester County Jail. CRCL will continue to monitor new information related to WCJ in light of the findings and recommendations made related to the onsite investigation.

It is CRCL's statutory role to advise Department leadership and personnel about civil rights and civil liberties issues. Accordingly, CRCL may, in the future, review ICE's implementation of any of the recommendations discussed in this memorandum and will notify ICE of any plans to do so. 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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