



February 8, 2024

MEMORANDUM FOR: Patrick J. Lechleitner
Deputy Director and
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

Kenneth Padilla
Acting Principal Legal Advisor
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FROM:

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Office for Civil Rights and Civil Liberties

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SUBJECT: **Retention Memo:** Multidisciplinary Onsite Investigation of
Stewart Detention Center
Complaint Nos. 006059-23-ICE, 006787-24-ICE,
007148-24-ICE, 007179-23-ICE, 007199-23-ICE,
007417-24-ICE, 007532-24-ICE, 007568-24-ICE,
and 007973-24-ICE

The Office for Civil Rights and Civil Liberties (CRCL) has received allegations that U.S. Immigration and Customs Enforcement (ICE) has violated the civil rights and civil liberties of noncitizens at the Stewart Detention Center (Stewart) in Lumpkin, Georgia. The purpose of this memorandum is to inform you that CRCL will conduct a multidisciplinary onsite investigation¹ at Stewart to investigate the complaints described below and review Stewart's operations more generally to address any systemic civil rights concerns.

¹ CRCL's Multidisciplinary Onsites investigate a broad range of alleged civil rights and civil liberties violations within multiple disciplines, including conditions of detention, medical and mental health care, and environmental health and safety.

Complaints

Since the beginning of Fiscal Year 2023, CRCL has received 83 pieces of correspondence alleging allegations of civil rights and civil liberties violations at Stewart.² After reviewing these allegations, CRCL decided to conduct a multidisciplinary onsite investigation at Stewart and opened eight complaints as representative samples, due to the serious nature and/or the frequency of the allegations. The representative complaints include concerns with inadequate medical and mental health care; unsanitary living conditions; moldy food; lack of language access; discriminatory treatment based on sexual orientation; limited access to recreation; an insufficient grievance system; and barriers to communication with ICE personnel. Finally, CRCL opened a complaint alleging retaliatory use of the disciplinary system in response to noncitizens raising grievances about the conditions.

1. Complaint No. 006059-23-ICE

On April 5, 2023, CRCL received a death notification from ICE concerning (b) (6), a 61-year-old noncitizen, who was previously in ICE custody at Stewart. According to the summary, during intake on February 17, 2023, Stewart's medical staff identified his medical history to include hypertension, diabetes, and gastroesophageal reflux disease. On March 31, 2023, the medical staff referred him to the Piedmont Medical Center (Piedmont) in Columbus, GA via emergency transport for evaluation and treatment of seizure symptoms. On April 1, 2023, Piedmont admitted him for treatment of a stroke. He was pronounced deceased at Piedmont on April 4, 2023. No additional information was provided in ICE's death notification.³

2. Complaint No. 006787-24-ICE

On July 17, 2023, CRCL received a DHS Office of Inspector General (OIG) referral from (b) (6), a noncitizen formerly detained at Stewart alleges that the water is moldy, and this has led to fungal infections in other detained noncitizens, however no names were provided. He further alleges that he has not received assistance from ICE with his immigration case.

3. Complaint No. 007148-24-ICE⁴

On September 8, 2023, CRCL received a referral from the OIG regarding medical care allegations from (b) (6), a noncitizen formerly detained at Stewart. The noncitizen alleged that he suffers from a chronic muscular disease that causes inflammation and pain in his back, for which he is not receiving treatment. The noncitizen further alleges that doctors falsified progress reports pertaining to his back pain in his medical record, and that he has issued multiple requests via the tablet related to his back pain for additional treatment that are being denied.

² CRCL received 83 pieces of correspondence between October 1, 2022, and November 29, 2023.

³ Subsequently, ICE Office of Professional Responsibility provided additional details of noncitizen's medical care at SDC in a report dated September 29, 2023, identifying violations of the PBNDS 2011 (2016 revisions).

⁴ CRCL initially opened Complaint No. 007148-23-ICE as a medical referral. On September 8, 2023, CRCL forwarded the medical referral to ERO/IHSC for review. To date, CRCL is awaiting IHSC's response.

4. Complaint No. 007179-23-ICE

On September 12 and 13, 2023, CRCL received additional referrals from the OIG from (b) (6) (b) (6). The noncitizen alleged unsanitary and inhumane conditions, including moldy bread and spoiled milk. Additionally, he alleged they have received insufficient clothing and are very cold, and that staff treat noncitizens poorly. Regarding ICE, the noncitizen stated that he has not received assistance with his immigration case. Specifically, that he is not receiving documents related to his immigration case in a language he understands and is not provided translation services by officers.

5. Complaint No. 007199-23-ICE

On September 14 and 18, 2023, CRCL received OIG referrals concerning allegations from (b) (6) (b) (6), a noncitizen formerly detained at Stewart. The noncitizen alleged that officers are discriminating against him due to his sexual orientation and limited ability to speak English. Specifically, he alleged officers made fun of his voice, physical appearance, and inability to understand and speak English. Additionally, related to ICE, the noncitizen stated that when he tries to speak to his deportation officer, he is ignored.

6. Complaint No. 007417-24-ICE⁵

On October 6, 2023, CRCL received an OIG referral from (b) (6) (b) (6), a noncitizen currently detained at Stewart.⁶ The noncitizen alleged that another detained noncitizen choked him on June 25, 2023, and since then he has been experiencing headaches and blurry vision. He alleged that he has asked facility staff to visit the infirmary, but his requests have been denied because the facility does not deem it a medical emergency.

7. Complaint No. 007532-24-ICE

On October 19, 2023, CRCL received direct correspondence from Freedom for Immigrants on behalf of (b) (6), a noncitizen currently detained at Stewart.⁷ The correspondence alleges several civil rights and civil liberties violations involving:

- **Medical and mental health negligence:** alleging that it took the facility three months to provide the noncitizen with needed blood work; that sick call requests were either not responded to or not addressed in a timely way; that medical providers provide inadequate treatment; and that requests to see a mental health provider for post-traumatic stress disorder have gone unaddressed. The complaint also alleged that requests to switch to a bottom bunk due to existing knee pain have been denied and that facility officers ignored his requests for medical treatment and testing when he displayed COVID-19 symptoms in July 2023.⁸
- **Food safety:** alleging that noncitizens have had food poisoning from rotten, visibly spoiled, and inedible food, including green and moldy bread, spoiled carrots, burnt food, and reused

⁵ On October 10, 2023, CRCL opened this matter as a medical referral and forwarded it to ERO/IHSC for review.

⁶ As of February 1, 2024.

⁷ As of February 1, 2024.

⁸ On October 19, 2023, CRCL sent over the medical and mental health care allegations as medical referral to ERO/IHSC.

leftovers multiple days in a row. According to the complaint, a mass food poisoning incident occurred around September 7, 2023.

- **Broken toilets:** alleging that several of the toilets are broken and ICE and facility staff have ignored repeated requests to have them repaired.
- **Retaliation:** alleging that the noncitizen has experienced retaliation and has been threatened with disciplinary sanctions, including a charge for “inciting” because he drafted and received 120 signatures on a group petition regarding allegations of inhumane conditions of detention.⁹ Following the alleged retaliatory threats, \$50 allegedly went missing from noncitizen’s commissary account and he has not received his money or an explanation.
- **Staff misconduct:** alleging unprofessional misconduct on behalf of a named facility staff member.

The correspondence included the group petition and signatures that noncitizen submitted to the facility.

8. Complaint No. 007568-24-ICE

On October 23, 2023, CRCL received a referral from DHS OIG regarding allegations made by (b) (6), a noncitizen currently detained at Stewart.¹⁰ The noncitizen alleged that the facility does not provide detained noncitizens with enough time for recreation or sufficient cleaning supplies and that the facility is dirty. Also, the complaint reported that many of the phones do not work, and grievances are ignored.

9. Complaint No. 007973-24-ICE

On October 25, 2023, and on November 1, 2023, CRCL received direct correspondence from (b) (6), the same noncitizen who is the subject of above complaint (Complaint No. 007532-24-ICE). In his subsequent allegations, the noncitizen alleged that he has faced retaliation for writing the petition about conditions at the facility and asking other detained noncitizens to sign it. Specifically, that following the petition, he was disciplined and lost his commissary for having “paper on his window” although the paper had been on his window for three and a half months without previous issue. In supplemental correspondence received on November 1, 2023, alleged that he was placed in disciplinary segregation, denied due process during his disciplinary hearing, and his request for protective custody¹¹ was denied.

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:

⁹ The group petition references plumbing and hot water issues; broken toilets; visible mold growing around the facility which has led to eye problems; medical neglect and delays; rotten and moldy food; lack of bathroom and water access in the law library; multiple lock downs and counts; and staff members who do not assist with detainee requests.

¹⁰ As of November 29, 2023.

¹¹ He alleges a request for protective custody due to the misconduct of the same named facility staff member under Complaint 007532-24-ICE.

- Promoting respect for civil rights and civil liberties in policy creation and implementation by advising Department leadership and personnel, and state and local partners;
- 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.”¹² 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

¹² 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, and (b) (6), Team Lead. 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 Ms. (b) (6) at (b) (6) and Ms. (b) (6) at (b) (6).

Enclosure

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