



# Office for Civil Rights and Civil Liberties

## Summary of CRCL's Recommendations and ICE's Response *Otay Mesa Detention Center*

On March 18, 2022, U.S. Immigration and Customs Enforcement (ICE) responded to an *Expert Recommendation Memorandum* issued in September 2021 by the Office for Civil Rights and Civil Liberties (CRCL) that followed an onsite investigation at the Otay Mesa Detention Center (OMDC). ICE concurred with 16 recommendations, partially concurred with 12, and non-concurred with four.

### Background

Between March and June 2020, CRCL opened four complaint investigations involving noncitizens in ICE custody at OMDC. CRCL also reviewed approximately 50 incidents at OMDC that were reported in ICE's Daily Detainee Assault Report, which includes any allegations of sexual assault, physical assault, and use of force incidents in ICE detention settings. The allegations raised concerns related to use of force, suicide prevention and intervention, and sexual abuse and assault prevention. As a result of these complaints, CRCL conducted a multidisciplinary virtual onsite investigation at OMDC in October 2020 to examine the facility's operations and assess issues raising civil rights and civil liberties concerns.

### Findings and Recommendations

On September 1, 2021, CRCL issued ICE an *Expert Recommendation Memorandum* based on its investigation conducted with the assistance of contract subject matter experts. The memo included 32 recommendations in the general areas of conditions of detention, medical care, mental health care, and environmental health and safety. The following highlights the top three findings and actions that ICE agreed to take as a result of CRCL's recommendations.

#### **Medical Staffing**

CRCL determined that the facility's multiple changes in medical care providers caused disruptions in staffing levels, access to medical records, and medication administration. As of June 14, 2021, ICE ensured that the medical staffing levels achieved the required minimum of 80 percent and transferred all medical records to the new medical provider. ICE further agreed to increase the number of pill line nurses and pill carts to decrease the medicine distribution time.

#### **Mental Health Documentation**

CRCL found that OMDC's mental health records lacked sufficient clinical rationale for diagnoses. ICE agreed to document the symptoms that support any diagnostic conclusions along with the corresponding treatment plans. ICE also agreed to document the use of any language services utilized when interacting with limited English proficient noncitizens and to conduct reviews of the mental health records to ensure documentation compliance.

#### **Detention Staff Conduct**

CRCL found concerns that OMDC staff were disrespectful and verbally abusive towards noncitizens. ICE agreed to receive, review, and report all staff misconduct allegations to the Office of Professional Responsibility. ICE explained that they interview the reporting party and witnesses, and review any available video.

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*CRCL provides the public with documents related to complaint investigations. After it is prepared and reviewed, CRCL will post a redacted version of this Expert Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

March 4, 2024