



Homeland  
Security

May 2, 2022

MEMORANDUM FOR: Corey A. Price  
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U.S. Immigration and Customs Enforcement

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SUBJECT: Adelanto Processing Center  
Complaint Nos. 20-03-ICE-0220, 21-07-ICE-0400,  
21-07-ICE-0403, 21-02-ICE-0411,

The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) conducted an investigation into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Adelanto Processing Center (Adelanto) in Adelanto, CA. CRCL's virtual onsite investigation occurred July 12-16, 2021 and was in response to complaints regarding conditions of detention, medical and mental health care, suicide prevention and intervention, sexual abuse and assault prevention, and environmental health and safety issues.

We greatly appreciate the cooperation and assistance provided by ICE and its contractors before and during the virtual onsite investigation. As part of the investigation, CRCL engaged the assistance of four subject-matter experts: a conditions of detention expert, an environmental health and safety expert, a medical expert, and a mental health expert. As a result of detainee and staff interviews, document and record reviews, and virtual direct observation, the subject-matter experts identified concerns in each of their areas.

On July 16, 2021, as part of the virtual onsite closing discussion, CRCL and the subject-matter experts discussed our preliminary findings and recommendations with ICE field office management, personnel from ICE Enforcement and Removal Operations (ERO) headquarters, and GEO management. Shortly following the onsite, CRCL sent an email to ICE on August 16, 2021, summarizing these initial recommendations, to ensure ICE had sufficient information to begin to initiate proposed changes.

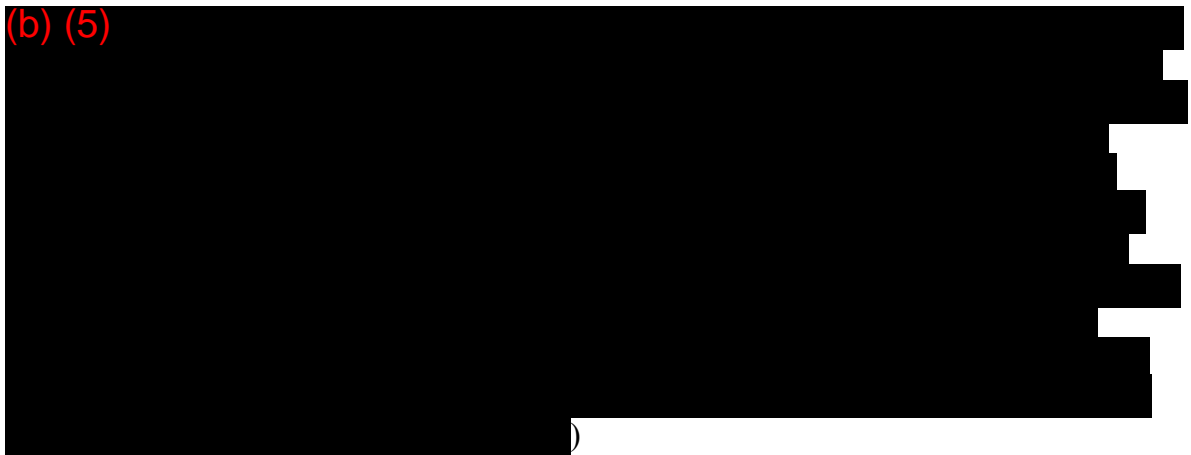
Enclosed with this memorandum are the reports prepared by our subject-matter experts.<sup>1</sup> They have been divided into priority and non-priority recommendations. Priority recommendations are listed in the body of this memorandum, and CRCL requests that ICE formally concur or non-concur with these recommendations and provide an implementation plan for all accepted recommendations within 60 days of issuance. Non-priority recommendations are contained in a separate attachment to this memorandum. Although CRCL is not requesting formal responses to these, we encourage ICE consider and implement these recommendations to the fullest extent possible.

With this memorandum, and consistent with our standard practice, we request that ICE indicate whether it concurs with the expert recommendations, and that for those agreed to, ICE provide an action plan within 60 days.

### Conditions of Detention

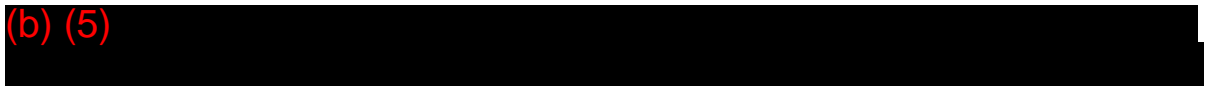
CRCL's conditions of detention expert made the following priority recommendations related to the Performance Based National Detention Standards 2011-2016 (PBNDS 2011/16); U.S. Immigration and Customs Enforcement / Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, (ICE/ERO COVID-19 PRR) (Version 6.0, March 16, 2021); the Centers for Disease Control Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (CDC COVID-19 Guidance); and the Department of Homeland Security Language Access Plan, issued Feb. 28, 2012, the ICE Language Access Plan, issued on June 14, 2015, and the Performance-Based National Detention Standards (PBNDS 2011):

1. (b) (5)



2. Detainees continued to report, as they did in the 2017 onsite investigation, having no faith in the grievance system due to a lack of responsiveness by staff, disrespectful treatment by the Grievance Coordinator, a perceived lack of impartiality, and the grievance system being ineffective. ICE and Adelanto management (including the Warden) must ensure that facility personnel effectively respond to and resolve the detainee grievance issues assigned to them by the Grievance Coordinator. (PBNDS 2011, Justice, Grievance System, 6.2, I, II. V.A.6).

3. (b) (5)



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<sup>1</sup> In general, CRCL's experts relied on the applicable 2011 PBNDS and related professional standards in conducting their work and preparing their reports and recommendations. Some of their analyses or recommendations, however, may be based on constitutional or statutory requirements that exceed the detention or professional standards.

(b) (5)

4. During the previous onsite investigation in 2017 language access was identified as a barrier to legal access for LEP detainees. During onsite interviews with male detainees in July 2021 detainees continue to voice significant complaints regarding the lack of language assistance related to using Lexis-Nexis, and language barriers to preparing legal forms that are only available in English. Adelanto should institute a computer training class, demonstrating use of the Lexis-Nexis software and computers, and create a detainee worker position in each housing unit to assist detainees with utilizing the computer system or provide LEP detainees with reasonable access to the Lexis Nexis system utilizing some form of translation or interpretation services. (PBNDS 2011, Justice, Law Libraries and Legal Materials 6.3 II.11)

5. (b) (5)

6. Detainees reported being asked to sign forms that were written in English with no explanation provided in a language they could understand. ICE and Adelanto must ensure all forms issued to detainees for informational purposes and/or for detainee signatures must be written and/or translated in a language the detainee comprehends. All written material provided to detainees shall generally be translated into Spanish and to comply with the Detention Standards. (DHS Language Access Plan 2012) (PBNDS 2011)

7. (b) (5)

8. Detainees with complex behavioral mental health needs remain in segregation at Adelanto for extended periods of time as ICE does not have sufficient therapeutic treatment or step-down program beds to transfer detainees to. As a result, detainees remain in segregation for an extended period of time. ICE should develop additional capacity to ensure detainees with complex behavioral and mental health needs do not remain in segregation for extended periods of time due to the lack of a facility to transfer the detainee to. (PBNDS 2011 Security, SMU 2.12; ICE Segregation Directive)

9. (b) (5)

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<sup>2</sup> The language Line Log exists at various locations within the facilities, but non-medical staff do not consistently use the language line

(b) (5)

10. ICE DOs do not adhere to a schedule that detainees can rely upon to allow for communication with their assigned DO as mandated by PBNDS 2011. All assigned DOs should be responsive to detainee requests to speak with their assigned DO in person or by telephone. (PBNDS 2011, Security, Staff Detainee Communication 2.13. V.A and V.B).
11. Postings of DO scheduled visits are not regularly updated. Adelanto's posted schedules for DO visits to detainee housing units and DO contact and assignment information is not updated quarterly or more frequently as DO staff changes occur. Adelanto must provide updated DO schedule and assignment information in each housing unit that reflects accurate and updated information to enable detainees to communicate with their assigned DO. (PBNDS 2011, Security, Staff Detainee Communication, 2.13 V.A).
12. Some responses on detainee request forms were vague or non-responsive to the detainee's request to see their DO and there is a lack of quality control measures. ICE Supervisory Detention and Deportation Officers should regularly review ICE DO responses to detainee requests as a quality control measure and provide additional training to DOs as needed to ensure DOs are timely and effectively communicating with detainees. (PBNDS 2011 Security, Staff Detainee Communication, 2.13 V.B.1)

13. (b) (5)

14. Adelanto did not complete an incident report for a serious Use of Force (UOF) incident involving a detainee on September 8, 2020, because ICE staff used the force and Adelanto staff did not use physical force. Adelanto should complete a UOF facility incident report when any Adelanto staff are involved in responding to or witness an UOF incident. All staff involved in an incident should complete individual reports if the force occurs in the facility regardless of whether ICE or Adelanto staff use the physical force. (PBNDS 2011, Security, Use of Force and Restraints 2.15 V. A.5, V. B.14, and V.0)

15. (b) (5)

16. (b) (5)

17. ICE and Adelanto did not conduct an after-action review of the September 8 incident involving a detainee who had documented medical disabilities. ICE and Adelanto should

prepare a joint incident report and conduct a joint after-action review when a UOF incident involves ICE staff and Adelanto personnel. (PBNDS 2011, Security, Use of Force and Restraints 2.15 O. and P)

18. Adelanto should cease the current practice of housing detainees who are identified as predators and those identified as vulnerable in the same housing unit, a practice that violates PBNDS. The current practice of comingling predators and vulnerable detainees is a serious policy violation and puts the detainees at risk of sexual abuse and assault. (PBNDS 2011, Security, Sexual Abuse and Assault Prevention and Intervention 2.11 II.8, V.H.1)
19. Adelanto does not maintain records of all detainee disability accommodations. The ADA Coordinator should create a log of all detainee requested disability accommodations that she approves and provide a copy of the log to the Medical Disability Compliance Coordinator who is responsible for processing disability accommodation requests and maintaining the Disability Tracking log. (PBNDS 2011, Care, Disability Identification, Assessment and Accommodation 4.8 V.F.4.G)
20. (b) (5)
21. Some ICE and Adelanto staff fail to wear masks consistent with CDC COVID-19 guidelines and the ICE/ERO PRR. ICE and Adelanto should continuously remind staff and detainees in multiple languages through training, town halls, visual media (posters and television, etc.) of the importance of wearing masks to prevent the spread of COVID-19.
22. Staff do not consistently take corrective measures when detainees are improperly masked. ICE and Adelanto Supervisors during their regular rounds should be vigilant about taking corrective measure to address any staff or detainee observed that is not wearing their face mask consistent with CDC COVID-19 Guidance and the ICE/ERO PRR. (CDC COVID-19 Guidance; ICE/ERO PRR)

#### Environmental Health and Safety

CRCL's environmental health and safety expert made the following recommendations related to the PBNDS 2011, Environmental Health and Safety standard, the U.S. Food and Drug Administration (FDA) Food Code, the CDC COVID-19 Guidance and the ICE/ERO PRR.

23. The current schedule of thrice weekly cleaning and disinfection of the dayrooms, showers, and bathrooms at Adelanto does not comply with the PBNDS 2011 Environmental Health and Safety standard requirements, COVID-19 Guidance, and DHS ERO PRR and is not adequate to ensure sanitation and hygiene in communal living areas. Adelanto should fully comply with the PBNDS 2011's specific requirements stating that all horizontal surfaces shall be damp dusted daily with an approved germicidal solution; windows, window frames and windowsills be cleaned on a weekly schedule; furniture and fixtures be cleaned daily; and floors be mopped daily and when soiled. (PBNDS 2011, 1.2 Environmental Health and Safety, V. Expected Practices, A. Environmental Health and Safety, 3. General Housekeeping)
24. (b) (5)

(b) (5)

25. Often there are birds present in the east housing unit, which can cause health hazards for detainees and staff. Adelanto administration should closely monitor the birds in the east housing unit, discourage detainees from feeding and thus attracting the birds, and ensure that any bird droppings are promptly cleaned up to facilitate compliance with the standards (PBNDS 2011, 1.2 Environmental Health and Safety, II. Expected Outcomes, 1 and 12)
26. Detainees interviewed complained about the amount, quality, and repetitive nature of the food at the facility. As noted in the detention standards, the food service program significantly influences morale among detainees. Adelanto should implement a multidisciplinary team or committee to meet regularly to evaluate the menus, analyze the data from the food surveys, review food related grievances, assess the overall satisfaction with the foodservice program, recommend changes based on their findings, and ensure that previous recommendations were implemented to facilitate compliance with the standards. (PBNDS 2011, 4.1 Food Service, V. Expected Practices, E. Menu Planning, (1.) General Policy)
27. During interviews, detainees reported that occasionally their laundry is damp or wet when it returns from the laundry. Clean laundry is fundamental to maintaining personal hygiene and good health; therefore, Adelanto administration should develop and implement procedures for filling and laundering the washable laundry bags, including staff and detainee education to facilitate compliance with the standards. (Applicable Standard: PBNDS 2011, 4.5 Personal Hygiene, I. Purpose and Scope, 2)

28. (b) (5)

29. (b) (5)

Medical Care

CRCL's medical expert made the following recommendations related to PBNDS 2011.

30. (b) (5) [Redacted]

31. (b) (5) [Redacted]

Mental Health Care

CRCL's mental health expert made the following recommendations related to PBNDS 2011 and the National Commission on Correctional Health Care (NCCHC), Standards for Health Services in Jails.

32. (b) (5) [Redacted]

33. A major programming concern was the gap in Adelanto's continuum of care, with little to no access to an inpatient level of care for seriously mentally ill detainees who were unable to adaptively function in both general population and alternative housing units. It is strongly recommended that Adelanto develop a chronic care residential program in the alternative housing unit for detainees with chronic mental illness who do not require inpatient treatment but do require a therapeutic milieu with programming and treatment services due to their inability to adequately function in other units. Adelanto is also strongly recommended to either create a forensic psychiatric inpatient unit on-site or contract with a local, external facility that has a secure forensic inpatient unit. (PBNDS 2011, Medical Care, VO. Mental Health Program, Mental Health Services Required).

34. (b) (5) [Redacted]

(b) (5)

35. (b) (5)

36. There were few treatment services for seriously mentally ill detainees. In place of treatment and active programming, detainees in the infirmary on suicide watch or observation, and detainees in the SMU, were locked in their cells, observed closely, given limited property, and seen daily during rounds and at least weekly for treatment. It is recommended that psychiatrists, psychologists, and social workers collaboratively develop interdisciplinary treatment plans and positive behavior support plans for seriously mentally ill detainees who are difficult to manage, with the goal of placing them in a less restrictive environment. (PBNDS 2011, Medical Care, VO. Mental Health Program, Mental Health Services Required).

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 concurs or does not concur with these recommendations. If you concur, please include an action plan. Please send your response and any questions to CRCL at (b) (6). CRCL will share your response with (b) (6), the Policy Advisor who conducted this investigation.

Enclosures

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