



Homeland  
Security

August 21, 2024

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

Kerry E. Doyle  
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FROM:

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Office for Civil Rights and Civil Liberties  
(b) (6), (b) (6)  
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SUBJECT: **Retention Memo:** Multidisciplinary Onsite Investigation of  
Northwest ICE Processing Center  
Complaint Nos. CR-012790, CR-008369, CR-009655, CR-  
010401, CR-010821, CR-011342, CR-012511<sup>1</sup>, and CR-012549

## I. Purpose

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 Northwest ICE Processing Center (Northwest) in Tacoma, Washington. The purpose of this memorandum is to inform you that CRCL will conduct a multidisciplinary onsite

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<sup>1</sup> Please note that the complainant for Complaint No. CR-012511 is covered by protections under 8 U.S.C. 1367. Section 1367(a)(2) prohibits use by or disclosure to anyone (other than a sworn officer or employee of the Department of Homeland Security, or bureau or agency thereof, for legitimate Department, bureau, or agency purposes) of any information which relates to noncitizens who are seeking or have been approved for immigrant status as (1) battered spouses, children and parents under provisions of VAWA; (2) victims of a severe form of human trafficking who generally are cooperating with law enforcement authorities; or (3) victims who have suffered substantial physical or mental abuse and are cooperating with law enforcement authorities.

investigation into the complaints described below.<sup>2</sup> As part of this investigation, and consistent with its authority described in the CRCL and Scope of Review sections below, CRCL will also examine Northwest operations more generally to address any systemic civil rights concerns.

## **II. Complaints**

In calendar year 2024, CRCL received 57 unrelated allegations involving Northwest, eight of which were opened as complaints and retained for this investigation. These complaints were selected as representative samples based upon the serious nature, unique circumstances, and/or the frequency of the allegations received in relation to Northwest. The representative complaints exemplify a broad range of allegations raised about the conditions at Northwest, including inadequate medical and mental health care; excessive use of force by ICE and facility officers; limited legal access, prolonged and improper segregation; limited and insufficient communication with Deportation Officers; deficient responses to noncitizen grievances (including Prison Rape Elimination Act (PREA) allegations); and environmental health concerns. CRCL is also investigating a noncitizen death at Northwest, which occurred in March 2024. Detailed summaries of the complaints are provided below.

### **Complaint No. CR-012790**

On June 11, 2024, CRCL received a Web Portal Submission from La Resistencia, a nonprofit organization, on behalf of (b) (6) (A-number unknown), a noncitizen detained at Northwest. The noncitizen alleged that she and 24 other noncitizens were moved from “Unit C2” to “Unit D2” where there was a “nauseating smell,” excrement residue in the bathroom, excrement stains on the floor and under the bed, black mold on the bathroom curtains, and the smell of urine. Some other noncitizens allegedly vomited due to the smell. The noncitizen alleged that officers at Northwest told them no one was available to clean the unit and that they had to do so themselves. The noncitizens allegedly cleaned the entire unit themselves for about six hours using chemicals provided by Northwest personnel.<sup>3</sup>

### **Complaint No. CR-008369**

On January 9, 2024, CRCL received a DHS Office of Inspector General (OIG) referral concerning (b) (6) (Complainant) alleging he was attacked by another detained noncitizen, first-name-unknown (b) (6), on November 26, 2024, while detained at Northwest. Complainant alleged he was aggressively hit in the head and back multiple times, unprovoked. Complainant further alleged he had remained in segregation since the incident and that Northwest staff refused to provide him with the incident report because they were “still working on it.” Complainant reported he also filed a report about the incident with ICE officers, but that he had heard nothing in response.

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<sup>2</sup> 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.

<sup>3</sup> Northwest ICE Processing Center is operated by ICE contractor The GEO Group.

### **Complaint No. CR-009655**

On March 8, 2024, CRCL received notification from ICE ERO of the death of Charles Leo Daniel (b) (6) (Noncitizen), a 61-year-old noncitizen detained at Northwest.

On March 7, 2024, at approximately 10:43 a.m. PST, officers at Northwest observed the noncitizen in respiratory and cardiac arrest in his cell in the Restricted Housing Unit. Northwest officers immediately called 911 and notified ICE Health Service Corps (IHSC). IHSC staff began Cardiopulmonary Resuscitation at approximately 10:45 a.m. PST. On March 7, 2024, at approximately 11:35 a.m. PST, Tacoma Fire Department ALS pronounced Noncitizen deceased.

### **Complaint No. CR-010401**

On March 28, 2024, CRCL received an OIG referral concerning (b) (6) (Complainant), a noncitizen in ICE custody at Northwest. In a phone call to the OIG on March 4, 2024, Complainant alleged noncitizen (b) (6) (A-number unknown) had sexually assaulted him since the week of February 25, 2024.<sup>4</sup> Complainant alleged the noncitizen touched him inappropriately, abused him, and attempted to force him to perform oral sex. Complainant alleged this PREA issue was reported but a report number was not provided.

### **Complaint No. CR-010821**

On April 10, 2024, CRCL received direct postal correspondence from (b) (6) (b) (6) (Complainant), a noncitizen in ICE custody at Northwest. Complainant alleged that he was sent a transcript of his immigration hearing on a CD by the Department of Justice. On February 8, 2024, he visited the law library to attempt to access the document on the CD, but alleges he was told there were way to access the information and that he was not supposed to have the CD in his possession. Complainant alleged he showed the officer the court letter regarding the CD but was informed he needed to formally list the CD as his property, which he agreed to do, and was told he would be able to access the document on February 13, 2024, through a formal grievance. Complainant, however, alleged he was unable to access his legal documents until March 2, 2024, which was several days after the deadline for him to appeal his immigration decision and therefore was too late.

Complainant further alleged that during this exchange, Officer (b) (6), (b) (7)(C) slammed the cell door in his face and he was later put into segregation. Specifically, while he was being moved to segregation, two officers allegedly attacked him, hitting and grabbing him, and putting him in a choke hold. He stated he was not provided with medical assistance following the incident.<sup>5</sup>

### **Complaint No. CR-011342**

On April 23, 2024, CRCL received an OIG referral reporting allegations made by (b) (6) (b) (6) (Complainant), a noncitizen in ICE custody at Northwest. Complainant alleged that noncitizens at Tacoma had insufficient legal access. Specifically, Complainant

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<sup>4</sup> (b) (5), (b) (7)(E)

<sup>5</sup> CRCL sent a Medical Referral to ICE on April 12, 2024.

alleged he had not had any communication with his Detention Officer regarding his immigration case process. Additionally, Complainant alleged that the list of agency contacts in the library was outdated and that he alleged this was deliberate so noncitizens at Northwest do not have access to recourses outside of the facility. Complainant further alleged that grievances are not adequately addressed by staff at Northwest and that he witnessed ICE officers throw complaints away.

Complainant raised additional allegations regarding general conditions. Complainant alleged that ICE officers often threaten him and other detained noncitizens for seemingly no reason, forcing them to comply with arbitrary orders. Additionally, Complainant alleged that he had been held in isolation since April 1, 2024 due to another noncitizen contracting COVID-19, even though he himself has tested negative.<sup>6</sup> Finally, Complainant alleged there are environmental safety concerns at Northwest including dirty pods, beds falling apart, and mold growth in the showers.

### **Complaint No. CR-012511**

*[\*Note: This complainant is covered by protections under 8 U.S.C. § 1367.]*

On May 31, 2024, CRCL received direct correspondence from Mr. S (Complainant), a noncitizen at Northwest. Complainant alleged he was repeatedly exposed to Covid-19 while detained. He further alleged that he has also been exposed to mold and that a noxious smell emitted throughout the facility ventilation system.

### **Complaint No. CR-012549**

On June 4, 2024, CRCL received an OIG referral reporting allegations made via telephone on May 28, 2024, by an anonymous complainant alleging environmental health concerns at Northwest. Complainant alleged that there is possible black mold exposure in the medical records department. Allegedly, the employees of that department continuously show respiratory symptoms. Complainant alleged that the restrooms overflow in the medical records office and, instead of cleaning it up, the facility places fans to dry the area and the carpet. Complainant stated that they have a family member also at Northwest affected and struggling with breathing as a result. This issue has been reported; however, nothing has been done about it. Complainant stated that they have been exposed to black mold and moved from the area, but those that stayed back had the same symptoms.

## **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;
- Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities, informing them about policies and avenues of

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<sup>6</sup> (b) (5), (b) (7)(E)

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; and
- 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.”<sup>7</sup> 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.”

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<sup>7</sup> 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).

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 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 complaint 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 complaint, both individually (if the problem is ongoing) and as a matter of policy.

## **QUESTIONS PRESENTED**

This investigation will address whether ICE and Northwest personnel have conformed to ICE standards, policies and procedures, and to civil rights requirements, in the treatment of detained noncitizens at this facility.

CRCL will also look at conditions generally to ensure that the issues raised are not systemic to the overall operation of the facility. It is possible that our investigation will reveal other matters of concern; if this occurs, we will inform you.

## **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 Senior Policy (b) (6) at (b) (6)

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