



July 29, 2022

MEMORANDUM FOR: Corey A. Price
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SUBJECT: Key Civil Rights Findings and Recommendations
CRCL Spot-Check at Orange County Jail
CRCL Complaint No. 002794-22-ICE

Purpose: The following findings and recommendations were prepared in response to CRCL's May 2-3, 2022, spot-check at Orange County Jail (OCJ) in Goshen, New York.¹ The onsite was a high-level review and resulted in 16 top-line recommendations.

Background: On March 30, 2022, CRCL issued Informal Advice (IA) to Immigration and Customs Enforcement (ICE) related to a complaint filed by New York University (NYU) School of Law Immigrant Rights' Clinic raising concerns regarding the provision of medical and mental health care at OCJ, as well as excessive use of force.² CRCL's findings included significant concerns regarding mental health evaluations and treatment plans, suicide risk assessments, segregation screening, pharmacological treatment, and language access. Following the issuance of the IA to ICE, CRCL received subsequent serious allegations related to inadequate medical and mental health care, excessive use of force, and officer mistreatment. CRCL's spot-check focused on these serious allegations which came on the heels of the findings in similar areas. During the spot-check, CRCL staff were accompanied by two subject matter experts, one conditions of detention expert and one medical care expert.

¹ A "spot-check" refers to a site visit precipitated by related allegations that due to their seriousness or unique nature require a prompt onsite to assess and identify high level health and safety concerns. CRCL may follow-up with a full onsite depending on the outcome on the spot-check.

² Complaint No. 002794-22-ICE.

Findings and Recommendations: The following high-level recommendations all stemmed from the spot-check. Given the serious nature of the allegations, as explained above, the onsite was planned to expeditiously evaluate the major health and safety issues. They are based upon the National Detention Standards 2019; the DHS Language Access Plan (Feb. 28, 2012); the ICE Language Access Plan (June 14, 2015); ERO COVID-19 Pandemic Response Requirements, and related professional standards, all of which apply to OCJ's care of ICE detainees.

Grievances/Staff Complaints and Racial Discrimination – (b) (5)

[REDACTED]

Recommendations:

1. (b) (5)
[REDACTED]
2. (b) (5)
[REDACTED]
3. OCJ should promptly investigate all allegations of retaliation reported in response to complaints of staff misconduct. (NDS 2019, Grievance System 6.2, and 4-ALDF-6A-07)
4. OCJ must fully investigate the numerous detainee complaints regarding Sergeant (b) (6), (b) (7)(C) and Officer (b) (6), (b) (7)(C) alleged use of derogatory racial terms, discrimination, verbal abuse, and anti-immigrant postings on social media. The findings should be shared and reviewed by ICE. (NDS 2019, Grievance System 6.2, and 4-ALDF-6A-07)

³ Grievance Nos. 21-0726 and 21-0727

⁴ This was a finding in CRCL's 2017 OCJ Onsite.

⁵ (b) (5)
[REDACTED]

5. ICE should ensure OCJ takes appropriate corrective action against any employee who discriminates against any detainee or subjects detainees to disrespectful treatment, derogatory comments, harassment, or retaliation. (NDS 2019 Grievance System)

Discipline – (b) (5)

Recommendation:

6. (b) (5)

Limited English Proficiency (LEP)-Language Access – OCJ’s language access program does not comply with the DHS Language Access plan or the NDS 2019. CRCL found that while detainees were provided interpretation services during the admission process, they were not provided adequate language interpretation services in all other areas of institutional operations including during disciplinary hearings or medical appointments, in response to grievances, or other important functions and services. CRCL also found that some of the OCJ and ICE postings in the housing units were outdated and not posted in English and Spanish, as required by the NDS 2019, many of the templates used at the facility were only available in English, and that OCJ’s recorded information and responses to detainee requests/grievances were written in English and not in the language that the detainee could understand, as required under the DHS Language Access Plan.

Recommendations:

7. OCJ should use (b) (5) interpretation services when communicating with limited English proficient detainees.⁷ (NDS 2019 Multiple, DHS Language Access Plan)
8. All OCJ and ICE postings in the housing units should be posted in English and Spanish – the primary languages spoken by detainees at OCJ. (NDS 2019 Multiple, DHS Language Access Plan)
9. Language interpretation and translation services must be used for all LEP detainees related to any disciplinary process and in responses to grievances to ensure communications meet due process and language access requirements. (NDS 2019 Multiple, DHS Language Access Plan)

Medical Screening: CRCL found a number of deficiencies in the provision of medical care at OCJ, specifically in the areas of chronic care, COVID-19, triaging of sick call requests, and the proper storage of medication.

⁶ This was a finding in CRCL’s 2017 OCJ Onsite.

⁷ This was a finding in CRCL’s 2017 OCJ Onsite.

Chronic Care – CRCL found that detainees with reported/identified acute or chronic medical conditions were not consistently identified during intake screenings and that the initial provider encounter for detainees with chronic medical conditions is not occurring in a timely manner.

Recommendations:

10. OCJ should ensure that all detainees with reported/identified acute or chronic medical conditions during intake screening are evaluated by a health care practitioner as quickly as possible and ideally within two working days. (NDS 2019. Medical Care. II.D., NCCHC Standards for Health Services in Jails 2018. J-F-01.)
11. OCJ should ensure that medical diets are identified and prescribed as clinically indicated. (NCCHC Standards for Health Services in Jails 2018. J-D-05.1.)
12. OCJ should ensure that all detainees with asthma undergo a peak flow measurement during their initial intake and/or initial history and physical. (NDS 2019. Medical Care. II.A.3.)

COVID-19 – CRCL found that OCJ is not evaluating all detainees for COVID-19 upon admission to the facility as required by ICE’s Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, 8.0. CRCL also observed a failure of medical staff to sanitize their hands before and after putting on gloves and between patients and that detainees and staff are not consistently wearing masks.

Recommendations:

13. OCJ should ensure that all detainees are evaluated for COVID-19 upon admission to the facility. (ICE’s Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, 8.0)
14. OCJ should continuously remind staff and detainees, in multiple languages through trainings and town halls, of the importance of wearing masks to prevent the spread of COVID-19. (CDC Guidelines and ICE’s Enforcement and Removal Operations COVID-19 Pandemic Response Requirements, 8.0)

SICK CALL – CRCL found that nursing staff is not triaging sick call slips and providing an initial face to face evaluation of the detainees within 24 hours of collection of the sick call slip, as required by the NDS 2019.

Recommendation:

15. OCJ should ensure that nursing staff provide timely face-to-face evaluation of detainees in response to sick call requests within 24 hours of the receipt of the request. (NDS 2019. Medical Care. II.A.6., NCCHC Standards for Health Services in Jails 2018. J-E-07.)

MEDICATION – CRCL observed several expired vials of insulin in the medication refrigerator.

Recommendation:

16.OCJ should routinely monitor and remove outdated, expired medications from all medication storage areas. (NCCHC Standards for Health Services in Jails 2018. J-D-01.)

Given the expedited timeframe and focused nature for providing ICE these recommendations, CRCL requests ICE similarly respond on an expedited timeframe. Accordingly, CRCL requests ICE respond within 30 days concurring or non-concurring with the recommendations. If you concur, please include an action plan. Please send your response and any questions to CRCL at CRCLRecommendations@hq.dhs.gov. CRCL will share your response with (b) (6) and (b) (6), the Policy Advisors assigned to this investigation.

CRCL will return to OCJ in September 2022 for a full onsite review and will be accompanied by subject matter experts in medical and mental health care, environmental health and safety, and conditions of detention. Of note, CRCL has opened 13 complaints involving conditions at OCJ since 2021. The allegations go beyond those covered in the spot-check and include inadequate or inappropriate medical care, environmental health and safety concerns, as well as the issues covered in the spot-check which will be examined more closely during the onsite.

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