



Homeland
Security

May 4, 2016

MEMORANDUM FOR: Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement

Gwendolyn Keyes Fleming
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Megan H. Mack 
Officer for Civil Rights and Civil Liberties

Susan Mathias 
Assistant General Counsel (Legal Counsel)
Office of General Counsel

SUBJECT: San Diego Contract Detention Facility
CRCL Complaint Nos. 13-04-ICE 0132; 13-11-ICE 0292;
14 02 ICE 0032; 14 05-ICE 0116; 14-05-ICE 0100;
14 06-ICE 0132.

This memorandum discusses the outcome of the investigation conducted by the U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL), into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the San Diego Contract Detention Facility CCA (San Diego) located in San Diego, California. Following a collaborative process between ICE and CRCL that focused on findings and recommendations made by CRCL's subject matter experts, CRCL considers the issues identified by the experts to be resolved. Consequently, CRCL has closed the complaint listed above.

Background: From August 19 22, 2014, CRCL conducted an onsite investigation at San Diego to review medical and mental health care, environmental health and safety, and conditions of detention. As part of the onsite investigation, CRCL used four of its subject matter experts: a medical consultant, a mental health consultant, an environmental health and safety consultant, and a penologist. As a result of detainee and staff interviews, direct observations, and document reviews, the subject matter experts identified concerns regarding conditions at the facility. On March 25, 2015, CRCL provided ICE with a memorandum that detailed the 13 expert recommendations and best practices made by the experts following the site visit. Their recommendations addressed medical and mental health care, environmental health and safety, and conditions of detention.

In a memorandum dated October 13, 2015, ICE responded to the recommendations made by CRCL. ICE concurred or partially concurred to 12 of the 13 recommendations. ICE provided comments to explain their responses and implementation to the 12 recommendations to which ICE concurred. Regarding the one recommendation related to a physician staffing vacancy with which ICE did not concur, ICE indicated that San Diego has two full-time physicians and no anticipated vacancies.

Recommendations resolved and closed. Following the collaborative process described above, CRCL has concluded that ICE has adequately addressed the 13 expert recommendations. We appreciate ICE's collaboration with CRCL on these recommendations and would like to highlight the following examples of positive changes that stemmed from this work:

- Regarding medical care, CRCL recommended that “[e]very effort should be made to implement the process reforms articulated in the IHSC death review, particularly those process reforms targeting timely identification, triage and physician referrals for detainees with chronic and serious medical conditions.” In its response, ICE concurred, noting that San Diego “conducted a root cause analysis (RCA) in February 2014 to review its current processes and implement changes accordingly. As a result of the RCA, in September 2014, [San Diego] assigned a nurse to manage the chronic care clinic. This initiative has helped to ensure timely identification, triage, and physician referrals for detainees with chronic and serious medical conditions....”
- Regarding mental health care, CRCL recommended that “SDCDF should take steps to reconfigure its current F-Unit segregation housing unit, so that the unit is [comprised] ONLY of detainees housed there for specific mental health concerns; and, associated with this reconfiguration, attempts should be made by IHSC to staff the unit with a designated mental health professional to better ensure all attempts are made to allow detainees access to less restrictive housing options.” In its response, ICE partially concurred, noting that San Diego could not reconfigure “its current F-Unit segregation housing unit because of the structural facility limitations,” and that “the F-Unit cannot be designated solely for psychiatric detainee housing. Accordingly, beginning October 16, 2015, [San Diego] plans to relocate to the [Otay Mesa Detention Center] location. ICE concurs that the new facility will have a dedicated mental health and medical segregated housing unit and will be staffed by medical and/or mental health professionals.” Subsequently, on March 17, 2016, ICE provided CRCL with additional information on the new facility. Specifically, ICE noted that “[o]n Oct 17, 2015, the IHSC medical department moved into its new facility, the Otay Mesa Detention Center (OMDC). The new medical housing unit (MHU) consists of two dorms with nine beds each, a medical/mental health wing with 14 single-bed rooms, and a six bed negative pressure section. Housing in the MHU is limited to those detainees admitted by IHSC or a behavioral health care provider (BHP). Detainees housed in the MHU are provided recreation time in their own recreation area. Custody staff provides supervision while the MHU nurse and BHP provide oversight; medical staff also provide appropriate interventions as needed. In this setting, the patients have open movement, which offers a less restrictive environment and the ability to interact more freely with one another.”

- Regarding mental health care, CRCL recommended that San Diego “provide training to all [San Diego] staff regarding respectful treatment and appropriate communication with Lesbian, Gay, Bi-sexual, Transgender (LBGT) detainees.” In its response, ICE concurred, noting that “[o]n March 9, 2015, staff from the University of California at Irvine provided LGBTI sensitivity and awareness training to San Diego staff.” ICE further noted that on June 19, 2015, ICE issued a guidance memorandum on the management of Transgender detainees, *Further Guidance Regarding Care of Transgender Detainees*. The June 19 guidance addressed intake, housing placement, and transfers of transgender detainees. ICE also noted that on September 1, 2015, training sessions were conducted for senior Field Office personnel in San Diego and LA and a nationwide webinar was offered to Enforcement and Removal Operations field leadership.

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. As a result, we appreciate the work that has been done by ICE to address CRCL’s concerns. We have taken into account this important work in addressing our concerns, and accordingly, CRCL is formally closing the complaint identified in this memorandum. This memorandum is our final report regarding San Diego. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6).

Copy to:

Thomas Homan
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
(b) (6)

Kevin Landy
Assistant Director
Office of Detention Policy and Planning
U.S. Immigration and Customs Enforcement
(b) (6)

Captain Luzviminda Peredo-Berger, MD
Deputy Assistant Director Clinical Services
Medical Director
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations
ICE Health Services Corps
(b) (6)

ice.civil.liberties@ice.dhs.gov