

# United States Senate

WASHINGTON, DC 20510

October 13, 2020

Patricia Nation  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
2707 Martin Luther King, Jr. Avenue, SE  
Mail Stop #0190  
Washington, DC 20528-0190

Dear Ms. Nation,

We write today to request your office immediately contract with a third-party independent investigator to examine alleged and systemic civil rights violations committed by Immigration and Customs Enforcement (ICE) Health Service Corps and their contractors, including but not limited to the Irwin County Detention Center in Ocilla, Georgia, Eloy Detention Center in Eloy, Arizona, and the ICE Processing Center in Adelanto, California. Additionally, considering the pattern of sustained allegations of ICE mistreatment, we request your office maintain direct oversight of this investigation.

Over recent years, there have been numerous allegations of ICE detainees suffering civil rights violations while in ICE custody. Most recently, on September 14, 2020, an alarming whistleblower complaint was filed by Dawn Wooten, a nurse at the privately run detention facility in Georgia. She detailed procedures ordered or undertaken by a physician at the Irwin County Detention Center, a facility administered under contract with LaSalle Corrections. According to the complaint, these procedures resulted in several women having their uteruses removed without their consent. The complaint also rang alarm bells by flagging the high rate at which hysterectomies are performed on immigrant women in ICE custody.<sup>1</sup>

Such allegations follow what your office has already found – a pattern of insufficient care at ICE facilities. In March of 2019, your office outlined seventeen complaints of ICE neglecting the medical needs of detained immigrants.<sup>2</sup> Six of the complaints happened within Arizona detention facilities, one of which resulted in the death of the detainee.<sup>3</sup> Your memo to ICE leadership contained reports of detainees being given incorrect medication, suffering from delay in treating withdrawal symptoms, and one who was allowed to become so mentally unstable he lacerated his own penis and required reparative surgery.

During the ongoing pandemic, ICE has struggled to keep detainees safe from COVID-19. Over 6,000 ICE detainees have tested positive for COVID-19, with facilities such as La Palma reporting over 400 total cases. ICE continues to unnecessarily transfer detainees among facilities, facilitating the spread of the COVID-19 virus among detention facilities. These transfers, in addition to a lack of testing or ability to effectively isolate infected detainees, has greatly increased risks to detainees, as well as nearby communities. Other allegations include failure to

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<sup>1</sup> <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf>

<sup>2</sup> <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-surgeries-deaths-jails-whistleblower-secret>

<sup>3</sup> <https://www.documentcloud.org/documents/6575024-ICE-Whistleblower-Report.html>

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provide adequate nutrition for detainees, and in some serious cases, forcing detainees to consume food in violation of their religious liberties.<sup>4</sup> We understand the need to adapt policies and procedures to protect the public health in these unique circumstances, but we must continue to treat migrants fairly and humanely and take all allegations of abuse seriously.

While the Department of Homeland Security Office of the Inspector General (DHS-OIG) announced their own investigation into the most recent allegations of forced sterilizations, an independent third-party led investigation is warranted. Your office has a history of partnering with outside contractors to conduct independent investigations into family separation at ICE facilities and the resulting mental health implications on children, and we ask that you follow those same protocols here given the seriousness of the allegations to accurately capture all relevant facts, statements, medical records, and other critical investigative information.

We respectfully request an update on your decision to contract a third-party investigator, along with the answers to the following questions by October 16, 2020:

1. Is your office currently investigating these or any other allegations to determine if detainees in the care of ICE Health Service Corps experienced civil rights or civil liberties violations?
2. If your office pursues an investigation, will the final report be available to members of Congress and the general public (with all personally identifiable information redacted)?
3. When your office has contracted third-party investigators in the past, what did the contract between DHS CRCL entail? How did your office ensure the contractor had full, uncensored, access to necessary records, witnesses, and other crucial needs of an investigation?
4. How did your office maintain responsibility for the results of the investigation when you used third-party contractors?
5. When your office has contracted third-party investigators in the past, did this impact, CRCL's ability to provide programmatic or policy recommendations to mitigate future risks in any way?

Sincerely,



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Jeffrey A. Merkley  
United States Senator



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Kyrsten Sinema  
United States Senator

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<sup>4</sup> <https://www.forbes.com/sites/lisettevoytko/2020/08/19/muslim-ice-detainees-reportedly-fed-pork-told-by-chaplain-it-is-what-it-is/#21d5d3596cc5>