



Homeland
Security

December 18, 2019

MEMORANDUM FOR: Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement

Mike P. Davis
Executive Deputy Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Peter E. Mina (b) (6)
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Office for Civil Rights and Civil Liberties

Susan Mathias (b) (6)
Assistant General Counsel (Legal Counsel Division)
Office of General Counsel

SUBJECT: Folkston Processing Center
Complaint Closure for Recommendations on
Complaint Nos. (b) (6)
[REDACTED]
[REDACTED]

This memorandum discusses the outcome of the investigation the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) conducted into the conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Folkston Processing Center (FPC) in Folkston, Georgia. Additionally, this memorandum serves to notify ICE that following a collaborative process between ICE and CRCL, CRCL considers the issues identified by the experts to be closed.

Background:

Beginning in 2017, CRCL tracked numerous allegations alleging civil rights and civil liberties violations of persons being detained at FPC in the following areas: medical care, segregation, legal access, law library access, and the access to the detainee grievance system.

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In August of 2018, CRCL conducted a site review of FPC to investigate these concerns. During the site review, CRCL engaged the assistance two subject-matter experts: a medical consultant and a corrections consultant. As a result of that site review, CRCL's subject matter experts provided written reports identifying specific concerns regarding FPC and made recommendations to address those concerns.

Following the site review, CRCL provided the experts' written report to ICE on December 4, 2018. On May 3, 2019, CRCL received ICE's responses. Of the two recommendations sent to ICE, ICE concurred with one of the recommendations and partially concurred with one recommendation.

Recommendations resolved and closed. After reviewing ICE's responses to the recommendations, CRCL believes ICE's responses are sufficient to close both recommendations. With regard to the partial concurrence, ICE responded that it continues to work on implementation, but has implemented some measures to address the immediate concerns. We appreciate ICE working with CRCL on these recommendations and would like to highlight the following example of a positive change stemming from this work:

- Regarding medical care, CRCL's expert recommended that, "FPC increase permanent full time, onsite mental health staff to two, preferably by filling the vacant psychologist position with a permanent employee. If a psychologist is not likely to be hired soon, FPC should consider changing the qualifications and recruiting a licensed mental health provider with a master's degree in either counseling, social work, or a nurse practitioner. PBNDS 2011 Section 4.3, O, 3-4." In its response, ICE concurred and reported that "FPC hired a full-time psychologist who entered on duty (EOD) on April 1, 2019. The facility has also selected an additional full-time mental health social worker who will EOD pending the required background check and ICE clearance. In November 2018, FPC also increased telepsychiatry to two days per week. FPC has also dedicated a nurse to schedule mental health appointments, track the required follow ups, and provide a consistent point of contact for psychiatrist."

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 and FPC to address CRCL's concerns. We have taken into account this important work in addressing our concerns, and accordingly, CRCL is formally closing the complaints identified in this memorandum. This memorandum is our final report regarding FPC. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6).

Copy to:

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