



Homeland  
Security

February 26, 2019

MEMORANDUM FOR: Ronald D. Vitiello  
Acting Director  
U.S. Immigration and Customs Enforcement

Michael P. Davis  
Executive Deputy Principal Legal Advisor  
Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement

FROM: Veronica Venture   
Deputy Officer for Civil Rights and Civil Liberties

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

SUBJECT: Theo Lacy Facility  
Complaint Closure for Complaint Nos. 15-07-ICE-0478 (death),  
15-10-ICE-0576, 15-10-ICE-0707, 15-12-ICE-0618, and 15-12-ICE-  
0659

*Purpose*

This purpose of this memorandum is to notify U.S. Immigration and Customs Enforcement (ICE) that, upon issuance of this memorandum, the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) considers the above listed complaints closed.

*Background*

On April 15, 2015, CRCL received notice from ICE regarding the death of an individual who was detained at the Orange County Sheriff's Theo Lacy Facility (TLF) for over two years. Immediately prior to his death, the detainee was transferred from TLF to the Adelanto Detention Facility, located in Adelanto, California. Additionally, between April and September 2015, CRCL opened five complaints alleging verbal and physical abuse of ICE detainees by TLF Officers, as well as allegations of inadequate medical care, recreation, access to telephones, and law library access.

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CRCL also received separate allegations reporting inappropriate responses to use of force incidents, and overuse of segregation at the facility.<sup>1</sup>

To address the concerns raised, CRCL conducted a limited onsite investigation at the facility on December 8, 2015, primarily focused on medical care, and generally covering the other issues. CRCL brought onsite an expert in medical care and an expert in corrections. In particular, CRCL looked closely at medical care in relation to the detainee death. Of note, CRCL attempted to address the allegations of mistreatment by TLF Officers, however the onsite Orange County Sheriff denied CRCL access to the facility's employee misconduct investigation records, which were needed to thoroughly investigate those complaints. Because CRCL was not able to access those records to determine if there was a pattern of ongoing abuse by TLF Officers, CRCL's expert recommended that CRCL return to the facility at a future date and, with ICE's assistance, obtain access to the necessary employee records.<sup>2</sup> On August 25, 2016, CRCL provided ICE with 11 recommendations: nine addressed conditions of detention including one recommending that ICE should ensure they and CRCL have access to employee misconduct records, and two addressed medical care. On January 4, 2018, CRCL received ICE's response to the recommendations; concurring with six, including the recommendation addressing access to employee records and the two recommendations addressing medical care. ICE partially concurred with one and non-concurred with four recommendations on conditions of detention.

### *Complaint Closing*

While onsite, CRCL's expert in medical care observed medical unit operations, conducted interviews with medical unit leadership and staff, and learned of the steps the medical unit undertook as a result of the detainee death to improve oversight of the medical monitoring and care provided to seriously and chronically ill detainees. The medical expert concluded that the TLF medical unit had taken appropriate steps after the detainee death to ensure that detainees with serious or chronic medical needs were appropriately treated and monitored. The medical expert's two recommendations requested continued implementation and oversight of those improvements.

CRCL made six recommendations regarding general corrections, of which ICE concurred with two and non-concurred with four. (b) (5)

(b) (5)

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<sup>1</sup> Note that CRCL does not open complaint investigations into all allegations received. Accordingly, this Memo references both complaints and allegations involving TLF, both of which informed the 2015 CRCL onsite investigation.

<sup>2</sup> Without full access to employee misconduct investigation records (we received some redacted information after the onsite), CRCL's expert could not determine if abuse was systemic within Officer culture at that location. Grievance logs did not contain the identity of the Officers whom detainees grieved about as abusive, which ICE is required to know via a report from the facility, as mandated by the Standards.

(b) (5)

However, based upon ICE' response and concurrence of many recommendations, as well as the age of the remaining allegations, CRCL is closing the complaints listed in this memorandum.

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. This is our final memorandum regarding these complaints. If you have any questions, please contact the Director of Compliance, Dana Salvano-Dunn, at (b) (6)

(b) (6) or (b) (6)

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<sup>3</sup> ICE concurred that CRCL must receive the information requested for complaint investigations and offered to work with TLF and the Orange County Sheriff to provide it upon CRCL's request.

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