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Physicians for
Human Rights

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Cc:

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January 16, 2020

Re: Delays of Critical Medical Records of Men on Hunger Strikes

Dear Acting Field Office Director Joyce, Deputy Field Office Director Cephas-Kimbrough, Warden Cole, and Assistant Director Smith,

Freedom for Immigrants and Physicians for Human Rights submit this complaint regarding significant delays in obtaining time-sensitive medical records for [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED], both detained at The GEO Group's LaSalle ICE Processing Center, are on the 75th day of a hunger strike. The length of [REDACTED] and [REDACTED] hunger strike means that there are severe risks to their physical well-being, including the risk of death. However, after nearly two months of awaiting the receipt of critical medical records, ICE has neglected to respond in a reasonable time frame, as required under the Performance-Based National Detention Standards (PBNDS) 2011 which the LaSalle ICE Processing Center is obligated under contract to uphold. This delay obstructs the men's right to



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independent medical evaluation, also guaranteed under PBNDS 2011, violating their rights and decreasing both transparency and level of care.

Freedom for Immigrants is a national organization that monitors detention conditions while supporting people detained across the country. We are working along with Nell Hahn, a Freedom for Immigrants affiliated volunteer who has requested medical records multiple times for [REDACTED] and [REDACTED] and who is their designed representative for medical monitoring purposes. Additionally, Physicians for Human Rights affiliated representatives Dr. Catherine Jones, Associate Program Director of the Internal Medicine Residency Program at Tulane University and Dr. Anjali Niyogi, Co-Director of the Resident Initiative in Global Health at Tulane University and Director of the Formerly Incarcerated Transitions (FIT) Clinic, are waiting to review [REDACTED] and [REDACTED] medical records as soon as they are released by ICE.

Ms. Hahn submitted medical records requests for [REDACTED] and [REDACTED] on November 27, 2019 and December 20, 2019 respectively. However, after almost two months and multiple follow ups, ICE has neglected to treat these requests with the urgency they require, in violation of PBNDS 2011. These significant delays have prevented the external physicians from reviewing the treatment that [REDACTED] and [REDACTED] are receiving.

External medical review of individuals on prolonged hunger strikes while in ICE detention has proven to be crucial in ensuring a proper standard of care. In October 2019, Dr. Parveen Parmar, a licenced physician practicing with the Los Angeles County + University of Southern California (LAC+USC) Emergency Department and who is an affiliated representative with Physicians for Human Rights, reviewed the medical records of a man who had been on hunger strikes for approximately three months while detained at El Paso ICE Processing Center. Dr. Parmar's medical experience includes treating patients that are detained by ICE. Upon review of the medical documents, Dr. Parmar stated that the man's care was so negligent as to constitute a risk to life. She stated directly, "The lack of appropriate attention to critically low blood pressure and astonishingly infrequent MD evaluations of a very ill patient, on whom treatments are being forced without their consent, would never be tolerated in any hospital and is, frankly, the worst medical care I have seen in my 10 years of practice."¹ After this independent review of medical records, submitted as a court affidavit in a legal suit, the ICE ERO El Paso Field Office released the individual to obtain proper medical care within a community-based setting.

Medical Standard Violations

¹ <https://www.newyorker.com/news/as-told-to/a-hunger-strike-in-ice-detention?verso=true>



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As noted, the Jena LaSalle Detention Facility is required to comply with ICE's 2011 Performance-Based National Detention Standards (PBNDS 2011). The PBNDS 2011 section 4.2 contains standards on practices and care of hunger strikers in ICE custody;² section 4.3 outlines standards of medical care, including the release of medical records of people in ICE custody.³

Per PBNDS 2011 section 4.2, the ICE Field Office Director should be immediately notified when a person in their custody is on hunger strike. Further, the standard also establishes that the health of individuals on hunger strike must be closely monitored and documented. All interactions with people on hunger strike, care provided, and communications between the clinical medical authority, the facility operator and ICE regarding medical care, must be recorded.

The PBNDS 2011 section 4.3 also establishes that detained individuals and designated representatives are entitled to a copy of the medical records of people in ICE custody. According to ICE's standards of care, "Copies of health records shall be released by the Health Service Administrator (HSA) directly to a detainee or their designee, at no cost to the detainee, within a reasonable timeframe after receipt by the HSA of a written authorization from the detainee."

In order for the Jena LaSalle Detention Facility to remain in compliance with the aforementioned standards, there must be detailed medical records for [REDACTED] and [REDACTED] that are continuously updated. [REDACTED] and [REDACTED] have been on a hunger strike for 74 days, which means that they are at a point where their health is quickly deteriorating and their vital organs may lose functioning, with their health drastically worsening from one day to another. Each day they are closer to irreversible bodily harm or even death. Thus it is critical that any health service provider that has treated [REDACTED] and [REDACTED], The GEO Group, and ICE respond to medical related requests in a timely manner that ensures their well-being.

Per ICE's own standards, the ERO New Orleans Field Office Director, William Joyce, must be aware of the ongoing hunger strike at the facility, and presumably of the multiple requests that have gone unanswered. Therefore, we request that Field Office Director Joyce does everything within his authority to ensure that Ms. Hahn receives a copy of the most recent medical records of her clients immediately.

² <https://www.ice.gov/doclib/detention-standards/2011/4-2.pdf>

³ <https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf>



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History of Communications

Ms. Hahn's request for medical records has gone unanswered for almost two months, which would be considered unreasonable under PBNDS 2011 and is neglectful for cases as urgent as [REDACTED] and [REDACTED]. Below is a record of communications between Ms. Hahn and ICE officials that further demonstrates ICE's unresponsiveness.

Requests for [REDACTED]:

- On November 19, 2019, Ms. Hahn sent an email to the LaSalle ICE Processing Center's ICE supervisor John Hartnett requesting information about four men on hunger strike, including [REDACTED]. The email inquired if the men were being force-fed or if ICE had any intentions to force-feed the men. There was no response to the email.
- On November 27, 2019, Ms. Hahn sent a formal request for [REDACTED] medical records to his ICE Deportation Officer Martin Manuel, asking for receipt of medical records by December 6, 2019. The request included the appropriate G-28 form and medical release form signed by [REDACTED]. Likewise, Ms. Hahn received no response to this request.
- On December 3, 2019, Ms. Hahn communicated via email with William Lund, ICE's attorney responsible for hunger strikes in the LaSalle ICE Processing Center. In the email she stated that she requested the medical records for the men on hunger strike and didn't receive a response, and further inquired about any other steps she could take to ensure that she received the documents. Ms. Hahn also asked about the process to request an external medical authorization. Again, she didn't receive a response.
- On December 12, 2019, Ms. Hahn received an email from Maria Quebrado, the ICE deportation officer for two other men on hunger strike, saying that the privacy waiver to receive medical records should be filed on behalf of an organization. That same day, Ms. Hahn sent a second privacy waiver to Mr. Manuel adding the corrections mentioned by Ms. Quebrado. Mr. Manuel never reached out to Ms. Hahn about corrections needed to obtain [REDACTED] medical records.
- On December 17, 2019, Ms. Hahn delivered the medical records request to the La Salle General Hospital in person.
- On December 19, 2019, Ms. Hahn emailed Mr. Hartnett, Mr. Lund and Mr. Manuel asking why the records had still not been delivered to her.
- On December 24, 2019, Ms. Hahn emailed Mr. Manuel once again to follow up with the request for [REDACTED] medical records. Gary Chamberlain responded to the email asking for a waiver and G-28 form. Both forms had been originally sent almost a month



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earlier, on November 27, 2019; however, Ms. Hahn sent them again by email that same day.

- On December 26, 2019, Ms. Hahn received a call from Joey Widlund, an ICE Deportation Officer Supervisor, regarding [REDACTED]. Ms. Hahn sent a follow up email asking about the status of [REDACTED] request.
- On December 30, 2019, Mr. Tyler responded to Ms. Hahn asking for a corrected medical waiver that included the organization making the request. That corrected medical waiver had already been sent by Ms. Hahn two weeks before on December 11, 2019, but she sent it again immediately upon receiving Mr. Tyler's email.
- On January 10, 2020, almost two months after the original medical records request, Ms. Hahn emailed Mr. Tyler asking about the status of her request. Mr. Tyler said that he would inquire with the facility.
- As of January 16, 2020, no medical records had yet been received.

Requests for [REDACTED]:

- On December 20, 2019, Ms. Hahn reached out to Mr. Hartnett and Michael Dumont, [REDACTED] probation officer, formally requesting his medical records. The email included a signed G-28 and privacy waiver. Ms. Hahn received a reply from Mr. Dumont stating that he would work on it.
- On December 30, 2019, Mr. Dumont wrote to Ms. Hahn referring her to Quincy Hodges, Jeffrey Colton, Kianne Casper, and William Harris for [REDACTED] medical records request.
- On December 30, 2019, Wilton Tyler wrote to Ms. Hahn saying that the medical waiver needed to be corrected, as a box check was missing. Ms. Hahn sent a corrected form the same day.
- On January 11, 2019, three weeks after the original request, Ms. Hahn emailed Mr. Dumont, James Humphries, and Ms. Murrell about not receiving [REDACTED] medical records. She did not receive a response.
- As of January 16, 2020, no medical records had yet been received.

ICE Must Release Medical Records Immediately

Freedom for Immigrants and Physicians for Human Rights are requesting that [REDACTED] and [REDACTED] medical records are sent to Ms. Hahn within the next business day. Per ICE's standards of care, she is entitled to receive her clients' medical records, including the ongoing assessments recorded according to ICE's standard practices for hunger strikes. Ms. Hahn has attempted to obtain medicals records for [REDACTED] for almost two months and for [REDACTED] for almost one month. Given the urgency of these requests, ICE's delays are



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inexcusable. Ms. Hahn also requested updated medical records for [REDACTED], [REDACTED], and [REDACTED] on January 13th. We expect these records to be received promptly, as well, in accordance with their medical state.

Please provide the requested records by the close of business on Friday, January 17, 2020.

Sincerely,

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