



**FREEDOM
FOR IMMIGRANTS**



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February 18, 2020

Re: Potential Death due to Medical Neglect, Obstruction of External Medical Evaluation, and Withholding of Information to Legal Counsel

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

Freedom for Immigrants, Louisiana Advocates for Immigrants in Detention, and the Southern Poverty Law Center (SPLC) submit this complaint regarding (1) severe medical neglect; (2) obstruction of independent medical evaluations; and (3) deliberate withholding of crucial information to legal counsel by ICE. ICE is in direct violation of ICE's own Performance-Based National Detention Standards (PBNDS) 2011 which the LaSalle ICE Processing Center is obligated under contract to uphold. This has represented life-threatening consequences which should be immediately investigated.

[REDACTED] was detained at GEO's LaSalle ICE Processing Center until January 29, 2020. [REDACTED], who was force-fed by ICE, was deported while on day 83 of his hunger strike.

This deportation took place just four days before a scheduled independent medical evaluation, and at a critical juncture given the health risk inherent after this many days on hunger strike. According to Physicians with Human Rights¹, lack of adherence to a strict refeeding may result “in fluid overload or depletion, hypotension, acute renal syndrome, cardiac failure and sudden death.” To this date, [REDACTED] attorneys have not been notified if he was deported with the appropriate medical stabilization protocol that would prevent permanent damage to his health, including potential death. We demand that the life threatening violation of [REDACTED] rights be immediately investigated upon receipt of this complaint.

Severe Medical Neglect

According to ICE’s PBNDS 2011 4.3 standards on medical care² detained people “shall receive continuity of care from time of admission to time of transfer, release or removal. [Detained people] who have received medical care, released from custody or removed shall receive a discharge plan, a summary of medical records, any medically necessary medication and referrals to community-based providers as medically-appropriate.” Per the standards of care, [REDACTED] was entitled to a discharge plan in order to prevent any serious or permanent medical consequences. ICE’s failure to release [REDACTED] with the medically-appropriate stabilizing plan constitutes gross medical neglect and should be investigated.

ICE’s PBNDS 2011 standards mandate that if severe medical conditions are present, “medical staff shall also place a medical hold on the detainee using the Medical/Psychiatric Alert form (IHSC-834) or equivalent, which serves to prevent ICE from transferring or removing the detainee without the prior clearance of medical staff at the facility. The facility administrator shall receive notice of all medical/psychiatric alerts or holds, and shall be responsible for notifying ICE/ERO of any medical alerts or holds placed on a detain.” [REDACTED] health conditions merited the completion of a Medical/Psychiatric Alert and an appropriate hold of his deportation on the grounds outlined on PBNDS 4.3, as he was subject to “ongoing” medical procedures due to his hunger strike. Was this medical alert form submitted by ICE’s Health Service Corps? If so, please provide documentation of Facility Administrator Cole’s notification to ICE/ERO and proof of the appropriate medical staff clearance waiving risk of death upon deportation.

Obstruction to External Physicians’ Medical Monitoring

[REDACTED] had an approved scheduled independent medical evaluation just four days before being deported, which merited a hold of his removal to ensure no threat to life. His right to independent medical evaluation is codified under PBNDS 2011 section 4.3, and his deportation directly before this evaluation constitutes a potentially life threatening denial of his rights.

¹ Letter regarding Refeeding Syndrome in Hunger Strikes, Physicians for Human Rights
https://drive.google.com/file/d/1TvnRh_hce-uQK-4gJg7zuJq306POBu3p/view

² PBNDS 2011 (Revised December 2016) 4.3 Medical Care
<https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf>

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 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." 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.

Appropriate ICE officers and LaSalle Detention Center affiliated staff were made aware in advance of doctors' intent to evaluate the quality of care being provided for [REDACTED], to be used potentially as evidence in a request for emergency release on medical grounds, if the doctors finding warrants this. His deportation in advance of this scheduled evaluation appears to have been a deliberate intent to block this external medical evaluation and the gathering of evidence. We demand an explanation as to why this took place.

Withholding Information from Legal Counsel

Neither intent to deport nor information on [REDACTED] whereabouts, post-deportation, were shared with Ms. Nell Hahn with Louisiana Advocates for Immigrants in Detention, attorney on record for the purposes of medical monitoring during the hunger strike. In addition, neither she nor attorney Laura Murchie with SPLC, attorney on record for the intent to file an emergency medical parole release request, have been provided the plan for medical stabilization upon release. On January 28th, upon being informed by advocates he was no longer at the facility post transfer, a direct inquiry into the potential deportation was made by SPLC to ICE, with Ms. Murchie's G-28 submitted. ICE's response came post-deportation, and with no additional information on [REDACTED] welfare or attempts to stabilize. This is completely unacceptable.

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. 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. Per ICE's own standards, the ERO New Orleans Field Office Director, John Hartnett, was well aware of the ongoing hunger strike at the facility and these actions which took place.

For this reason, Freedom for Immigrants, Louisiana Advocates for Immigrants in Detention, and Southern Poverty Law Center requests that :

1. The Office of Civil Rights and Civil Liberties recommends that ICE answer to whether or not a post-release medical stabilization plan was put in place, in a language [REDACTED] could understand. If such a plan exists, we request a copy be provided.
2. The Office of Civil Rights and Civil Liberties investigates whether a proper refeeding protocol was followed for [REDACTED] prior to deportation.
3. We request that copies of [REDACTED] medical records be provided to his attorneys on record to allow for independent medical assessment of [REDACTED] quality of care and assessment of risk.

This matter is of the greatest urgency both for [REDACTED], whose rights were violated, and for the other men on hunger strike who remain vulnerable. At time of writing, both [REDACTED] and [REDACTED] are missing, with their whereabouts unknown since 4am this morning. No response has been received to attorneys' inquiries, raising questions about their welfare were ICE's actions to be replicated for them as well. Please provide a report in writing regarding the status of this matter within 24 hours of receipt.

Sincerely,

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