



December 4, 2015

John Roth
Inspector General, Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Megan H. Mack
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528

Moreen Murphy
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528

Dear Inspector General Roth, Officer Mack, and Officer Murphy:

Community Initiatives for Visiting Immigrants in Confinement (CIVIC) and four individuals who have been released recently from immigration detention submit this multi-individual complaint on behalf of 10 individuals detailing civil and human rights violations committed against persons in the custody of U.S. Immigration and Customs Enforcement (ICE) at Theo Lacy Facility, a maximum-security county jail operated by the Orange County Sheriff's Department (OCSD) in Orange, California. Specifically, we write to express our deep concerns about multiple incidents of physical assault, retaliatory transfers, and lack of appropriate medical care at Theo Lacy Facility. Short of terminating the contract, we urge the Office for Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security (DHS), pursuant to its authority under 6 U.S.C § 345, to immediately investigate these complaints, to promptly develop policies to address the violations, and to provide ongoing oversight on the implementation of the changes.

CIVIC provides direct support to and advocates for people in immigration detention across the country. Our mission is to end the isolation and abuse of people in U.S. immigration detention through visitation, independent monitoring, storytelling, and advocacy. We support a network of immigration detention visitation programs, including one operating at Theo Lacy Facility. This letter summarizes complaints that 10 men at Theo Lacy have lodged directly with CIVIC in the preceding year. Five of the individuals have been released recently from immigration detention or deported and are willing to state their allegations publicly:



Felix Alvarado (A 029307512, Honduras)
Jose Gudiño (A 206412181, Mexico)
Luis A. Chavez (A 094314545, El Salvador)
Carlos Hidalgo (A 092952155, El Salvador)
Erwin Amiel Melendez (A 013067766, Guatemala)

We are in touch with all of these men, and we would be happy to put your office in touch with them as well. We also are in touch with other individuals who agreed to be referred to by pseudonym because they fear retaliation:

A.M.
B.P.
C.Q.
D.M.
G.G.

Overview of Relevant Federal Standards

OCSD is obligated to ensure the safety of and provide comprehensive, necessary and appropriate medical and mental health care services to all detainees housed in their facilities. OCSD has contracted to adhere to ICE's Performance Based National Detention Standards ("PBDNS"):

- OCSD must act "affirmatively to prevent sexual abuse and assaults on detainees; provide prompt and effective intervention and treatment for victims of sexual abuse and assault; and control, discipline, and prosecute the perpetrators of sexual abuse and assault."¹
- Facilities are required to conduct appropriate screening so as to house detainees in a manner that will prevent abuse, and those considered to likely be victims "shall be placed in the least restrictive housing that is available and appropriate."²
- ICE shall "ensure appropriate review and oversight of decision to retain detainees in segregated housing for over 14 days..."³
- ICE shall "ensure that detainees have access to appropriate and necessary medical, dental and mental health care, including emergency services."⁴
- Facilities are required to provide a "comprehensive" range of medical, dental and mental health screening and care, "timely responses to medical complaints," and "professional language services necessary for detainees with limited English proficiency."⁵

¹ PBDNS § 2.11.I, *available at* http://www.ice.gov/doclib/detention-standards/2011/sexual_abuse_and_assault_prevention_and_intervention.pdf

² PBDNS § 2.11.II, *available at* http://www.ice.gov/doclib/detention-standards/2011/sexual_abuse_and_assault_prevention_and_intervention.pdf

³ ICE, Review of the Use of Segregation for ICE Detainees, *available at* https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf.

⁴ PBDNS § 4.3.I, *available at* http://www.ice.gov/doclib/detention-standards/2011/medical_care.pdf

⁵ PBDNS § 4.3.V.A.



- Detainees shall be transferred with appropriate medication(s) and medical and referral information to ensure continuity of care with the receiving facility's medical services.⁶
- At Theo Lacy, specifically, the CMS Medical Director makes the final determination whether to accept a person with medical issues into the care of OCSD. From the language of ICE's contract with OCSD, any person with a medical condition that cannot be "reasonably managed in an outpatient ambulatory care setting" should not be admitted into OCSD care.⁷
- "Detainees shall have meaningful access (no less than five hours per week) to law libraries, legal materials and equipment."⁸
- For optimum compliance with Standard 5.4, "Detainees shall have at least four hours a day access, seven days a week, to outdoor recreation, weather and scheduling permitted."⁹

However, OCSD has failed to live up to these standards, despite the fact that Orange County has received more than \$100,000,000 taxpayer dollars from ICE since 2010.¹⁰ As an organization that works directly with individuals detained in the Theo Lacy Facility, CIVIC has received several reports of physical abuse, medical neglect, and retaliatory transfers. We have tried to resolve these concerns with the ICE Los Angeles Field Office and with OCSD. While both offices have been responsive to us, they have failed to adequately address our concerns.

Physical Abuse

We have documented five incidents of physical assault by OCSD deputies¹¹ against people in ICE custody. Additionally, we have documented at least one incident of mismanagement, at best, which resulted in an assault on a person in ICE's custody.

Three detainees, A.M., B.P., C.Q., were beaten by an OCSD deputy.¹² Additionally, according to Mr. Felix Alvarado, he was physically abused by OCSD deputies on February 18, 2015, at

⁶ PBNDS § 7.4.II.6, *available at* https://www.ice.gov/doclib/detention-standards/2011/detainee_transfers.pdf.

⁷ Orange County Sheriff's Department IGSA with ICE – Medical Services, response to CIVIC's California Public Records Act request, *available at* <https://www.dropbox.com/s/vhsl10wy29gs6s/Attachment%20I%20-%20Medical%20Services.pdf?dl=0>.

⁸ PBNDS § 6.3.II.2, *available at* https://www.ice.gov/doclib/detention-standards/2011/law_libraries_and_legal_material.pdf.

⁹ PBNDS § 5.4.II.2, *available at* <https://www.ice.gov/doclib/detention-standards/2011/recreation.pdf>.

¹⁰ Orange County Sheriff's Department ICE Billing Summary, response to CIVIC's California Public Records Act request, *available at* <https://www.dropbox.com/s/kmwf3sovlz0qru/ICE%20Billing%20Summary.pdf?dl=0>. *See also* ICE Intergovernmental Service Agreement and Task Order and Modifications, response to CIVIC's California Public Records Act request, *available at* https://www.dropbox.com/sh/vfhta56ra5jp7qp/AAAK4rWXhyb2w_X-M8hLyMKRa?dl=0.

¹¹ Although CIVIC has the names of deputies whose actions are detailed in this complaint, we will not name them publicly. Instead we call for an independent investigation of all the accusations. If an independent investigative body requests the identities of the deputies to aid their investigation, CIVIC will provide the names at that time.

¹² For the safety of these individuals, we have not provided details. However, once these individuals are out of the custody of OCDC, they may be willing to speak directly with CRCL.



Theo Lacy Facility. After a search of the housing unit had been conducted, it is our understanding that Mr. Alvarado was accused of having a pencil with a sharp point, which he denied. It is our understanding that he was shoved against a wall and placed in handcuffs. He then was taken to a cell where no other individuals or the security cameras could record the following actions. Multiple officers proceeded to hit him. One grabbed him by the hands, despite his still being handcuffed, and another by the neck and began to slam his head against the wall. Mr. Alvarado cried out in pain and asked that they stop. The deputies responded that if he did not tell them to whom the pencil belonged that they would continue all day long. They continued to grab his hands and hit his head against the wall.

Finally, it is our understanding that a sergeant arrived and told the deputies to take off the handcuffs; it is our understanding that the sergeant threatened Mr. Alvarado that if he spoke of the incident he would be put in administrative segregation, or solitary confinement. Shortly after this incident, Mr. Alvarado was moved to a cell in Housing Unit I. He reports that harassment continued in this housing unit. In one particular incident on March 6, 2015, he was released from his cell to go to the shower. After five minutes in the shower, guards came for no apparent reason to forcibly remove him back to his cell. He was naked, without his clothing and covered in soap. He was held in his cell naked for approximately 15 minutes and then moved forcibly back to the shower.

A similar incident of abuse occurred later that month to another person in ICE's custody. According to Mr. Jose Gudiño, he was physically abused by a deputy on March 29, 2015, at Theo Lacy. He was walking back from the cafeteria when a deputy confronted him, saying that he had stashed some food under his clothing. The deputy then proceeded to beat him up, kicking him repeatedly in the foot and grabbing his hands. As a result of this physical abuse and the injuries he sustained, Mr. Gudiño was unable to walk for a month. At the time, he was threatened by the deputy and told not to file any complaint about this incident. There was at least one other witness to the abuse; however, the deputy threatened both men not to say anything or else they would experience consequences for their immigration cases. The witness was so scared by this that he has not spoken with Mr. Gudiño since.

Mr. Gudiño reports that he filed three separate complaints with ICE to have the incident investigated. ICE officials came to speak to him once about the incident in July. In the meantime, however, he received two threats on separate occasions from a deputy to remain silent about the incident. On the most recent occasion, reported to CIVIC on August 22nd, the deputy threatened that his reporting of the incident would result in consequences for his immigration case and told Mr. Gudiño, "This is my house. I will kill you." Mr. Gudiño reports that there is a video of the incident. He has asked the deputies for the video and has been informed that OCSA has a copy. He also believes that ICE officials have seen the video. CIVIC has not been able to secure this video.

A common complaint from the men in ICE custody at Theo Lacy is that the facility has a threatening and hostile environment. It is our understanding that deputies frequently yell

racially-charged insults at the detainees and conduct frequent searches of detainees' items that result in legal paperwork being strewn about the barracks and misplaced.

According to Mr. Luis Chavez, he was repeatedly threatened and physically abused by other people held at Theo Lacy. Mr. Chavez was beaten up by other men held at Theo Lacy while living in Housing Unit B in March 2014. In September 2014, he was moved to Housing Unit I and placed in a cell for his protection. On June 15, 2015, he was released from his cell for his one hour of the day in the common room. Immediately prior to this, the deputies had failed to securely return another detainee to his cell; this detainee is a member of a well-known gang¹³ and known to have threatened Mr. Chavez previously. Mr. Chavez reports that he did not see the man in the common room below and proceeded down the stairway. The detainee approached Mr. Chavez at the base of the stairs, proceeded to remove one of his sandals and said, "Finally, I can do this for my homies. They will thank and respect me for this."

Detainees in other cells began to yell, but the deputies remained unresponsive. The detainee pinned Mr. Chavez by stepping on both of his feet and then kneeling him in the stomach. Mr. Chavez fell to the floor and the detainee proceeded to hit and kick him. Mr. Chavez blacked out and after coming to, he realized that the deputies had fired tear gas bullets to separate the two men. Mr. Chavez had blood pouring from both ears. While Mr. Chavez received emergency medical care that day at a local hospital, he was immediately returned to his cell, despite ongoing pain and worsening conditions. Mr. Chavez has tried to obtain his medical documents from this outside visit, but ICE has been unwilling to provide them to him and will not disclose to him the name of the hospital to which he was taken.

This violent incident affected other people detained at Theo Lacy. When the deputies fired tear gas bullets, the entire module filled with noxious and irritating chemicals that quickly spilled into each of the detainees' cells. Mr. Alvarado was in Unit I at the time of this incident, and from his cell, witnessed all of the events described above. Several detainees made requests for the unit to be ventilated or for them to be released into the yard for fresh air. However, these requests were denied. It is our understanding that it took several hours for the fumes to subside and nothing was done to ventilate the cells of the module, leaving all of the men exposed to the tear gas for an extended period.

Abuse by OCSD officers at Theo Lacy is not new. In 2008, a grand jury found that deputies at Theo Lacy watched television, played video games, and took naps while inmates were allowed to use brutality and intimidation to keep order in the cellblocks.¹⁴ More recently, in 2013, an advocacy group noted Theo Lacy as one of the top 10 worst immigration detention facilities in

¹³ For our own protection, we are not disclosing the name of the gang publically.

¹⁴ Rampant Abuse Seen at O.C. Jails, Los Angeles Times, Apr. 8, 2008, *available at* <http://articles.latimes.com/2008/apr/08/local/me-inmate8>.

the country, highlighting physical, verbal and psychological abuse of detainees by deputies.¹⁵ Corruption within OCSD, unfortunately, also is well documented. Earlier this year, an Orange County Superior Court judge found that that OCSD deputies and prosecutors unconstitutionally used jailhouse informants to obtain information against defendants who already had lawyers. Just last month, 30 retired prosecutors, prominent professors and other legal scholars signed on to a letter asking for a federal investigation of the Orange County district attorney's office and OCSD.¹⁶

Medical Abuse/Neglect

The medical abuse and neglect at Theo Lacy is widespread and pervasive. We here summarized only a small sample of the cases we have documented in the past year, which range from lack of proper care for chronic illnesses to medical neglect resulting in permanent loss of sight and mobility to deputies throwing away and not replacing important medical devices. People in immigration detention at Theo Lacy have been told that OCSD will not provide certain medical services to people in ICE's custody because the county is either unequipped to provide the service or the services are too costly. This is disturbing and confusing, especially given the fact that ICE pays OCSD for the daily cost of health care services, reimbursement for prescriptions for detainees, and reimbursement for outside hospitalization.¹⁷

Over the course of his time at Theo Lacy Facility, Mr. Alvarado has been denied medical care for multiple chronic conditions. Mr. Alvarado suffers from the chronic condition of Lupus, yet he was never granted access to a medical specialist, despite repeated requests. Additionally, towards the end of 2013, he was diagnosed at Theo Lacy with ulcers; yet, he again was denied a medical consult with a specialist. For more than a year, he also experienced ongoing pain in his right arm. After repeated requests for medical care, he was only given acetaminophen. Throughout this period, he also made repeated requests to receive a copy of his medical records. OCSD and ICE never provided him with these records.

In addition, Mr. Alvarado reports that he received poor treatment by one of the staff doctors, and in January 2015, he was thrown out of the doctor's office. A nurse witnessed this incident. On

¹⁵ Expose & Close: Theo Lacy, Detention Watch Network, *available at* <http://www.detentionwatchnetwork.org/sites/detentionwatchnetwork.org/files/ExposeClose/Expose-TheoLacy11-13.pdf>.

¹⁶ Legal leaders call for federal investigation into O.C.'s use of jailhouse informants, Los Angeles Times, Nov. 20, 2015, *available at* <http://www.latimes.com/local/orangecounty/la-me-oc-jailhouse-20151120-story.html>

¹⁷ Orange County Sheriff's Department IGSA with ICE – Medical Services, response to CIVIC's California Public Records Act request, *available at* <https://www.dropbox.com/s/vhsl10wy29gs6s/Attachment%20I%20-%20Medical%20Services.pdf?dl=0>. See also ICE Status Report (Dated Sept. 2011), response to CIVIC's California Public Records Act request, *available at* <https://www.dropbox.com/s/h4rbizcm8zti1cj/ICE%20Status%20Report%20%28Dated%20September%202011%29.pdf?dl=0>.



November 28, 2014, deputies took away and disposed of Mr. Alvarado's removable partial denture that was stored in a special, dentist-provided envelope that possessed Mr. Alvarado's name. The partial denture was part of a bridge for the molars in the right side of his mouth. He filed two complaints with ICE and received a response that it had been determined that the deputies had acted appropriately within their capacity. His partial denture was never returned and he was never provided with appropriate dental care to address his missing teeth.

Finally, on February 16, 2015, Mr. Alvarado sustained a serious cut in his testicular area in the shower. However, he was not granted a medical visit until 42 days later. Most recently, Mr. Alvarado was moved to one of the downstairs cells because his health was so poor he could not make it up the stairs to the second floor. Ultimately, he was abruptly deported to Honduras on September 1, despite having a court hearing date on September 28. According to Mr. Alvarado, he was never told that he was going to be deported, he never signed any papers agreeing to the deportation, and he was never taken to his consulate.

Mr. Gudiño also did not receive adequate medical care, despite chronic pain due to the injuries he sustained at the hands of the OCSA deputies. He was given an x-ray of his right shoulder; however, he continues to experience severe pain in his shoulder and reports that he cannot bend all of the fingers on that hand. He reported to us on August 22 that he continued to have severe pain in his shoulder. The smallest finger on his right hand is permanently dislocated and there continues to be a mass on his foot. As of that date he had only received Ibuprofen and one medical follow-up visit.

Mr. Chavez's mental health deteriorated during his detention at the facility. Since his arrival at Theo Lacy, his mental health status declined and he was denied or delayed in receiving appropriate mental health care. He was first placed on anti-anxiety and depression medicines in March 2015, but did not receive appropriate follow-up in the ensuing months.

As a result of the physical attack in June by another person held at Theo Lacy, Mr. Chavez has permanently lost some vision in his left eye and continues to suffer from pain in his shoulder. To this date, he has regained only about sixty percent vision in his eye and his shoulder has not recovered fully to the extent that in his job in construction in El Salvador he has had to learn to use his left hand to be able to complete his work. While Mr. Chavez received emergency medical care that day at a local hospital, he was immediately returned to his cell, despite ongoing pain and worsening conditions. On June 17, he saw a doctor at the facility's clinic. In the following days, Mr. Chavez observed that the vision in his right eye was becoming increasingly blurry. It is our understanding that he submitted a medical request on June 22, 23, and 24. On June 25, one of the facility doctors saw him and said he would be taken to an eye doctor. On June 26, he was placed in Housing Unit O, the medical unit, where he received eye drops for his eye. However, he was informed that he would require surgery to fully regain his vision and that OCSA would not provide that for him. He also received a visit from a mental health professional who determined that his mental health status had declined considerably.



After the attack against Mr. Chavez, ICE agents began to pressure him on a weekly basis to sign removal papers. Mr. Chavez requested that he be permitted to complete his medical treatment and heal completely before signing paperwork. Unfortunately, Mr. Chavez has now been deported to El Salvador. In the middle of the night on August 12, 2015, ICE agents came to his bunk and removed him, showed him a passport which he supposedly signed (he says he did not) and began his transfer to El Salvador.

Work Program

Many detained immigrants who choose to work at Theo Lacy are not paid the requisite \$1 per day required by the standards that govern ICE's Voluntary Work Program.¹⁸ It is unclear why, but D.M. explains, "Garden workers, barbers, floor cleaners, washroom cleaners, toilet cleaners, they never get paid. They work for free." D.M. and other people detained at Theo Lacy with whom we have communicated explain that on multiple occasions some of the inmates at Theo Lacy have forced the people in immigration detention to work, and the deputies encourage this behavior by punishing people in immigration detention who refuse to work for free by placing them in a small, very cold room.

Retaliatory Transfers & Module Units

ICE often threatens people detained at James Musick Jail—a minimum security jail in Orange County with which ICE contracts—with a transfer to Theo Lacy, which is a maximum security jail. We have documented dozens of people being transferred from James Musick to Theo Lacy in retaliation, and we have selected to highlight some of these transfers here. It seems to be common knowledge at Musick that if someone "speaks up" or "misbehaves," they will be transferred to Theo Lacy.

Most recently, between 20 and 35 men, mostly asylum seekers, stopped eating on the evening of November 24th. Musick lieutenants did not seem to notice the beginning of this hunger strike until the morning of November 25th, when the men refused breakfast. In seeming retaliation, many if not all of these individuals were transferred during the afternoon of November 26th to Theo Lacy. This is at least the sixth detention facility in the United States to start a hunger strike in the last two months, calling for an end to the indefinite detention and deportation of asylum seekers who have already passed their credible fear interviews.¹⁹

Another detainee, G.G., was transferred from Musick to Theo Lacy last year. G.G. understood that this transfer came as a reprisal: There had been three days of only hot water in the Musick showers, and after many complaints to the guards with no response, G.G. went over the guards' heads to speak with a sergeant about the situation. At that point, the situation was promptly addressed. Apparently, the guards were furious with him for embarrassing them; they

¹⁸ 2011 PBNDS Voluntary Work Program." Practice K, page 4. Immigration and Customs Enforcement. http://www.ice.gov/doclib/detention-standards/2011/voluntary_work_program.pdf

¹⁹ <http://www.motherjones.com/politics/2015/11/why-are-hundreds-detained-immigrants-going-hunger-strike>



subsequently called G.G. up in front of all the other men in detention and verbally humiliated him. About a week later, some of the men in detention, after being told not to take bread out of the mess hall to the barracks, were searched and found to have bread. G.G. was one of them, and two days later he was transferred to Lacy.

A few weeks later, a visitor mentioned to a guard at Musick that the person she used to visit at Musick had been moved to Lacy; the guard replied that the detainee must have become so much of a nuisance to them that they requested that he be transferred to Theo Lacy. The implicit message was that if a detainee speaks up for himself and/or others, OCSD are able to have him transferred.

We also have documented retaliatory transfers from the Adelanto Detention Facility, an ICE-contracted private prison in the Mojave Desert, to Theo Lacy. For example, six men who had been placed into solitary confinement for supposedly organizing at the Adelanto Detention Facility in May 2015, were transferred to Theo Lacy. This transfer had a devastating effect for at least two of these men. Mr. Erwin Amiel Melendez was transferred to the Theo Lacy Facility in Orange County on May 15. The transfer prevented him from attending one of his hearings, which was postponed. Perhaps even more troubling, the doctor at Theo Lacy told him that they do not provide the medical procedure for which he had been scheduled at Adelanto. At Adelanto, he had been told that he had symptoms in his kidneys that may be cancerous and had an upcoming procedure. Also at Adelanto, he was receiving blood thinner medication, as he suffers from heart problems. At Theo Lacy, he only was provided with blood pressure pills and aspirin to thin his blood. He was released from detention six months later in November 2015.

Carlos Hidalgo, another one of the men who was transferred from Adelanto to Theo Lacy in May 2015, had his hearing postponed three times under suspicious circumstances due to this transfer. His original hearing on May 19 was postponed until May 27 because of his transfer from Adelanto to Theo Lacy. Although Mr. Hidalgo was transferred back to Adelanto for the hearing on May 27, his case was postponed until June 2 because the government lost his file in the transfer. ICE had still not found the file by Mr. Hidalgo's June 2 court date and the government forgot to transfer Mr. Hidalgo to his court hearing. Without at least the file, the immigration judge explained that she had no jurisdiction to grant bond or administratively close Mr. Hidalgo's case despite being inclined to do so over the government's objection. CIVIC filed a complaint with ICE headquarters, the Los Angeles Field Office, and CRCL on June 3rd. Mr. Hidalgo was finally released with an ICE bond on July 7th.

It is important for us to add that many, if not most, of these men who have been transferred have ended up in the modular housing units (as opposed to the barracks) at Theo Lacy. We consider the modular housing units a form of solitary confinement because the individual is placed in physical and social isolation for 23 hours a day with little or no human contact, particularly for the men who are housed without a cellmate. ICE's 2013 directive on the use of segregation for



ICE detainees²⁰ imposes substantive limits on the use of solitary. For example, it requires centralized review of all decisions to place detainees in solitary confinement for more than 14 days at a time, including an evaluation of whether any less-restrictive option could be used instead of solitary. For the men placed in the modules at Theo Lacy, these reviews and evaluations do not occur.

People we have visited remain in the modules for months, and they tell us that they do not know why they are in the modular units rather than the barracks. Neither ICE nor OCSJ considers the modular housing units segregation. Their one hour in the common room is usually early in the morning, which is not a good time to make necessary phone calls to attorneys and their family. Mr. Melendez, who was held in Housing Unit I for six months after being transferred there from Adelanto, stated that he asked every day to use the computer and the law library, but he was only granted that opportunity approximately twice—an extreme violation of PBNDS 6.3. On the day he was allowed access to the law library, he was out of his cell for only approximately two hours. In the six months Mr. Melendez was detained in the modules, he was never once permitted outdoor recreation.²¹

Overview of Communications with ICE and the Orange County Sheriff's Department

Jan Meslin, the Director of Social Change for CIVIC, initiated a meeting with ICE's Los Angeles Field Office to report CIVIC's concern that ICE standards are not being met at Theo Lacy. Ms. Meslin met with Assistant Field Office Director (AFOD) Pilkington and AFOD Jackson in Los Angeles on May 12th. The AFODs suggested she follow up by meeting with Lieutenant Mike McHenry, the OCSJ lieutenant who oversees ICE detainees at Theo Lacy. Therefore, on May 28th, Ms. Meslin met with AFOD Gabriel Valdez from the ICE Los Angeles Field Office as well as Lt. Mike McHenry, Officer Copeland, and Office Briggs with OCSJ. After voicing CIVIC's concerns, Ms. Meslin was told by Lt. McHenry that he would follow up with her.

After the meeting, Ms. Meslin received the following email on June 3, 2015:

“Reference the medical concerns you brought to our attention for Mr. [Alvarado] Flores and Mr. [Chavez] Cheron, I had both medical files reviewed at the manager level for Correctional Health Services. Additionally, both detainees were contacted by medical staff to ensure that there was a dialogue about their care and any additional follow-up that they needed. Please discuss with them their experience and any feedback you feel comfortable giving about that interaction. Insofar as the other issues (access to Recreation, Dayroom, etc.) I can assure you that we are providing those opportunities in the manner that we all expect according to the PBNDS 2008 standards. Please feel free to contact me with additional concerns or follow-up regarding these or other conditions

²⁰ https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf

²¹ Please note that Mr. Melendez, Mr. Alvarado, and six other men have filed on their own a class action suit against OCSJ for poor treatment.



for detainees who are housed at Orange County Sheriff's Department. Regards,
Lieutenant Michael McHenry.”

In the months following this correspondence, there were no significant improvements to the medical care that the men received. In addition, several related and concerning instances occurred since CIVIC received the above correspondence from Lt. McHenry, which we have detailed in this complaint to the Office for Civil Rights & Civil Liberties.

For the foregoing reasons, we urge the Office for Civil Rights & Civil Liberties and ICE to immediately intervene to ensure the health and safety of the current and future detainees housed at Theo Lacy Facility. While we do not believe Theo Lacy Facility should be housing people in civil U.S. immigration detention, we demand that CRCL and ICE at a minimum take some immediate steps to improve OCSD's practices, including by appointing an independent investigator to inspect the above incidents and investigate OCSD's health care policies and practices, develop recommendations to improve the quality of care at the facility, and oversee the implementation of those recommendations.²²

We look forward to your prompt attention to these serious issues. We request a meeting with ICE and DHS's CRCL to discuss our concerns and what steps ICE plans to take to address them. Please notify us by December 17th with proposed dates for the meeting. Should you have any questions, please contact Christina Fialho, Co-Founder/Executive Director of CIVIC at CFialho@endisolation.org or Jan Meslin, Director of Social Change Development for CIVIC at JMeslin@endisolation.org.

Sincerely,

Christina Fialho
Co-Executive Director/General Counsel
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

Jan Meslin
Director of Social Change Development
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

Felicity Figueroa
Volunteer
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

²² While ICE conducts routine compliance inspections at the facility, it is clear that more robust oversight is urgently needed. Those reviews have failed to adequately investigate Theo Lacy's medical care practices and overlooked the serious systemic problems at the facility.



Maria-Elena Young
Volunteer
Community Initiatives for Visiting Immigrants in Confinement (CIVIC)

Felix Alvarado
Representative Complainant

Jose Gudiño
Representative Complainant

Luis A. Chavez
Representative Complainant

Erwin Amiel Melendez
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