

Katherine Culliton-González
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Washington, DC 20528-0190

March 30, 2021

RE: Request for investigation into medical neglect in immigration detention – Pulaski County Detention Center, Illinois

Dear Ms. Culliton-González:

The National Immigrant Justice Center (NIJC) files this complaint on behalf of three individuals in the custody of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS).¹ We submit this complaint as ICE continues to put lives at risk by neglecting medical needs and detaining people in the close-quarter settings found in ICE detention facilities, where social distancing is still largely impossible.²

The complaint provides firsthand accounts from individuals currently detained in the Pulaski County Detention Center, Ullin, Illinois, where people are detained in ICE custody under an Intergovernmental Service Agreement with Pulaski County. We urge your office to investigate the instances of medical neglect in ICE detention detailed in the enclosed declarations, which are especially concerning as they are taking place in the context of the ongoing COVID-19 pandemic. We further urge you to investigate ICE's failure to ensure the release from custody of individuals who are at heightened risk of the COVID-19 virus, per the terms of the *Fraihat* settlement.³

Background

NIJC has documented a long history of neglect and abusive practices in ICE detention, including in the Pulaski Detention Center. NIJC and Detention Watch Network issued a report in 2012 documenting how grievances in Pulaski were largely ignored, essential medical care was delayed, and general overcrowding was exacerbated by inadequate medical staffing.⁴ A

¹ Headquartered in Chicago, NIJC provides legal services to more than 10,000 individuals each year, including survivors of human trafficking, domestic violence and other crimes, children designed as unaccompanied upon arrival at the southern border, and asylum seekers. NIJC provides direct representation to people in detention in the Midwest region, and witnesses daily the conditions and ICE treatment of individuals in detention.

² NIJC submitted a complaint on March 23, 2021, requesting an investigation by CRCL into of the treatment of an individual who was detained in the Clay County Justice Center in the context of the lack of protective measures being taken to stem the further spread of COVID-19 within the Clay County Justice Center and other ICE detention facilities.

³ See *Fraihat, et al. v. U.S. Immigration and Customs Enforcement, et al.* Order, April 20, 2020, https://www.splcenter.org/sites/default/files/fraihat_pi_grant.pdf.

⁴ Julia Toepfer, "Expose and Close: Shutting Down Americas Worse Immigration Jails," National Immigrant Justice Center, November 15, 2012, <https://immigrantjustice.org/staff/blog/expose-and-close-shutting-down-americas-worst-immigration-jails>. See also "In Focus: ICE Inspections At Pulaski County Jail, Illinois (Formerly Tri-County

subsequent 2015 NIJC report showed how the ineffective inspections system allowed for impunity for abuses against people in ICE detention, including in Pulaski.⁵ ICE inspections have repeatedly found that Pulaski Detention Center fails to meet basic requirements for standards of care.⁶ Nonetheless, the pattern of neglect and abuse continues today.

The COVID pandemic has illuminated the rights violations and deep suffering that result from ICE detention.⁷ At the start of the pandemic, public health experts called on government leaders to take common-sense steps to counter the outbreak of COVID-19. Medical experts contracted by the Office for Civil Rights and Civil Liberties (CRCL) raised the alarm early on, urging the widespread release of individuals from immigration detention.⁸ In April 2020, a federal judge in California ordered ICE to begin considering for release from ICE custody of individuals at higher risk of severe illness from COVID-19.⁹ Nonetheless, as of March 28, 2021, 649 of the 14,077 people still detained by ICE, have COVID-19 and are currently under isolation or monitoring.¹⁰ This is an alarming increase from 332 active cases out of the 13,890 people in ICE detention at the end of February.¹¹

In June 2020, Illinois Senators Dick Durbin and Tammy Duckworth called on the Inspectors General for DHS and U.S. Department of Health and Human Services (HHS) to immediately investigate the urgent public health concerns for people in ICE detention and facility staff at the Pulaski County Detention Center.¹² The Senators raised alarm that the remote detention facility lacked the physical layout for necessary social distancing and was seeing a rapid spread of COVID-19 among people in detention, some of whom had preexisting conditions causing increased risks from the disease.¹³ Nonetheless, as of March 28, 2021, 112 people in total have

Detention Center),” National Immigrant Justice Center, October 22, 2015, <https://immigrantjustice.org/focus-ice-inspections-pulaski-county-jail-illinois-formerly-tri-county-detention-center>.

⁵ “Lives in Lives In Peril: How Ineffective Inspections Make ICE Complicit In Detention Center Abuse,” National Immigrant Justice Center and Detention Watch Network, October 22, 2015, <https://immigrantjustice.org/lives-peril-how-ineffective-inspections-make-ice-complicit-detention-center-abuse>.

⁶ See Annual Inspection of the Pulaski County Detention Center, U.S. Department of Homeland Security, March 2, 2017, <https://embed.documentcloud.org/documents/20407554-2017-ero-inspection-pulaski-county-detention-center#document/p40/a2005073>. See also Office of Detention Oversight Compliance Inspection, Enforcement and Removal Operations ERO Chicago Field Office, Pulaski County Jail Ullin, Illinois, September 14 - 18, 2020, https://www.ice.gov/doclib/foia/odo-compliance-inspections/pulaskiCoJailUllinIL_Sep14-18_2020.pdf.

⁷ See, i.e., Jesse Franzblau, “New Documents Illuminate A Dark Pattern Of Abuse In ICA-Farmville,” National Immigrant Justice Center, August 17, 2020, <https://immigrantjustice.org/staff/blog/new-documents-illuminate-dark-pattern-abuse-ica-farmville>.

⁸ Letter to Congress from Dr. Scott A. Allen and Dr. Josiah “Jody” Rich, March 19, 2020, <https://whistleblower.org/wp-content/uploads/2020/03/Drs.-Allen-and-Rich-3.20.2020-Letter-to-Congress.pdf>.

⁹ *Fraihat, et al. v. U.S. Immigration and Customs Enforcement, et al.* Order, April 20, 2020, https://www.splcenter.org/sites/default/files/fraihat_pi_grant.pdf.

¹⁰ U.S. Immigration and Customs Enforcement (ICE), ICE Guidance on COVID-19, <https://www.ice.gov/coronavirus> [last visited March 30, 2021].

¹¹ See Jesse Franzblau, “Cut The Contracts: It’s Time To End ICE’s Corrupt Detention Management System,” National Immigrant Justice Center, March 16, 2021, <https://immigrantjustice.org/research-items/policy-brief-cut-contracts-its-time-end-ices-corrupt-detention-management-system>.

¹² The Office of U.S. Senator for Illinois Tammy Duckworth, “Durbin, Duckworth Call On DHS & HHS Inspectors General To Investigate COVID-19 Health Concerns At Pulaski County Detention Center,” June 1, 2020, <https://www.duckworth.senate.gov/news/press-releases/duckworth-durbin-call-on-dhs-and-hhs-inspectors-general-to-investigate-covid-19-health-concerns-at-pulaski-county-detention-center>.

¹³ *Ibid.*

tested positive for COVID-19 in the Pulaski County Detention Center, the largest outbreak in the ICE Chicago jurisdiction.¹⁴

Throughout the pandemic, ICE unnecessarily transferred people between facilities,¹⁵ creating new outbreaks inside jails and in surrounding communities.¹⁶ Publicly, ICE claimed they were taking precautions to mitigate the spread. Yet, rather than quickly and safely release people from detention, ICE placed people in quarantine and solitary confinement, and used force in response to hunger strikes and protests.¹⁷ In a report released in January 2021, researchers with the Physicians for Human Rights found that immigrants in ICE custody were denied access to even “the most basic COVID-19 prevention measures, such as soap for hand-washing, and were retaliated against for raising safety concerns” while the pandemic spread through numerous detention facilities.¹⁸ The report concluded that ICE created “unacceptable health risks and violated constitutional and human rights during the pandemic,” which is ongoing.¹⁹

The continued neglect, mismanagement, and lack of oversight of ICE detention facilities has deadly consequences.²⁰ Between January 2017 and April 2020, 39 adults died in ICE custody or immediately after being released.²¹ The number of people who died in ICE custody in 2020 was more than double the prior year.²² Tragically, three people have died in detention since President Biden took office.²³

Individual complaints: neglectful treatment in ICE detention in Pulaski County Detention Center

The cases below illustrate the experiences in ICE detention. Pseudonyms have been used to protect the complainants from possible retaliation.

¹⁴ United States Immigration and Customs Enforcement, “COVID-19 ICE Detainee Statistics by Facility,” <https://www.ice.gov/coronavirus> [last visited March 30, 2021].

¹⁵ Mica Rosenberg, Kristina Cooke, Reade Levinson, “U.S. immigration officials spread coronavirus with detainee transfers, Reuters,” July 17, 2020, <https://www.reuters.com/article/us-health-coronavirus-immigration-detent/u-s-immigration-officials-spread-coronavirus-with-detainee-transfers-idUSKCN2411G0>.

¹⁶ Hamed Aleaziz, “ICE Moved Dozens Of Detainees Across The Country During The Coronavirus Pandemic. Now Many Have COVID-19,” BuzzFeed News, April 29, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/ice-immigrant-transfer-jail-coronavirus>.

¹⁷ Marissa J. Lang, “‘It’s a time bomb’: ICE detainees seek release amid growing coronavirus fears,” Washington Post, April 12, 2020, https://www.washingtonpost.com/local/ice-coronavirus-detention-centers-release/2020/04/08/f4dcaef8-74ee-11ea-87da-77a8136c1a6d_story.html.

¹⁸ Katherine Peeler, MD, “Praying for Hand Soap and Masks,” Physicians for Human Rights, January 12, 2021, <https://phr.org/our-work/resources/praying-for-hand-soap-and-masks>.

¹⁹ *Ibid.*

²⁰ *See, i.e., supra* n. 10.

²¹ Eunice Hyunhye Cho, Tara Tidwell Cullen, and Clara Long, *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration*, National Immigrant Justice Center, ACLU and Human Rights Watch, (April 2020) [https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2020-04/Justice-Free%20Zones Immigrant Detention Report ACLU-HRW-NIJC April-2020.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2020-04/Justice-Free%20Zones%20Immigrant%20Detention%20Report%20ACLU-HRW-NIJC%20April-2020.pdf).

²² Hamed Aleaziz, “A 50-Year-Old Honduran Immigrant Who Died In ICE Custody Had Tested Positive For COVID-19,” BuzzFeed, April 30, 2020, <https://www.buzzfeednews.com/article/hamedaleaziz/a-50-year-old-honduran-immigrant-who-died-in-ice-custody>.

²³ “Deaths at Adult Detention Centers,” American Immigration Lawyers Association, AILA Doc. No. 16050900, Dated March 17, 2021, <https://www.aila.org/infonet/deaths-at-adult-detention-centers#2021>.

Testimony 1: William

I am 61 years old, and currently in detention in the Pulaski County Jail, under the custody of ICE. I suffer from Type 2 diabetes mellitus, hypertension, asthma, and am a survivor of prostate cancer. I have a family, children and grandchildren. I should be released to be with my family, and receive the medical attention I need.

In September 2020, I contracted COVID-19. I suffered terrible symptoms. The following month I was transferred out of the detention facility to two different hospitals by an ambulance due to severe pain in my chest and shortness of breath. The doctor has told me that they would have to amputate my leg because there is an infection in the bone. The doctor has put me on antibiotics, but they say they have to amputate my leg or I will die. I have terrible inflammation. I will not get amputated while I am in detention, because I am scared of the medical conditions here. It is not safe here. When they bring me to medical, they just bring me back to bad unsafe conditions. The more I am here, the more my life is in danger.

I need to take medication every day. I take high blood pressure pills, I take insulin. I suffer from asthma and sleep apnea. I have a sleep machine that I need at night, but it does not work properly in my cell because it is too cold. I cannot breathe properly without it. I should be under medical examination. Instead I am in a cell that drops down to 45 degrees Fahrenheit, and my CPAP machine does not work in this cold. I am in central booking with prisoners. The cells have no windows, no heat. The conditions are inhumane.

There is no social distancing in this jail. They keep the cells freezing cold. We sleep around 2-3 feet from each other. The guards sometimes wear masks, but often improperly, hanging off their faces. We are all forced to live close to each other in detention. We use the same restrooms. There are 40-50 people in a pod, nobody is wearing a mask.

They put me in the population with people in ICE custody during the day. But at night, they put me in a booking cell. The cell I am currently in is so cold. I can't breathe. I wrote the captain, I wrote the sergeant, I wrote them and they won't do anything about it. I have filed several grievances. I asked why are they punishing me? I asked to be moved to a cell that is warm so my breathing machine can work, but they refuse to move me.

I have been in detention for nine months. It is impossible to manage my medical conditions in detention. Other people have been released because of one medical condition. I have many. I should be home with my family.

Testimony 2: Jose

I have lived in the United States for 33 years. I am currently in detention in the Pulaski County Jail, under the custody of ICE. I have been sick for four months and it has gotten a lot worse the last two months in detention. They took me to see a doctor, but the medicine they gave me is not helping. I need to go to a real hospital. I have an infection.

There is a lot of blood in my urine when I go to the bathroom, and I have blood in my stool. I vomit blood because I have an infection.

I have been unable to sleep because I have had a fever at night. I am out of the medicine they gave me, which did not work. My condition has only gotten worse. I have submitted multiple requests to see the doctor. I asked for medical help in March, but they wouldn't take me to the doctor.

There is no social distancing here. We are all together. We don't have freedom to keep any distance. I sleep together with around 50 people at night. The beds are close to each other. The bathrooms are dirty. We don't know if anyone has COVID. People come and go all day. I don't want to ask for the vaccine, because I'm sick, and worried it will make me worse. Other men around me are sick. One man has a hernia. Another man said the water made him sick. When I ask for help, they don't take me seriously, or they do not pay attention to me. They say "later". I cannot wait for later, I am in pain.

I've suffered a lot in detention. My wife says they should allow me to post bond so I can leave and see a proper doctor. I've never been sick before. I worked every day. Now, in detention, I'm sick every day. I have a young daughter and a wife. My wife is from the United States and my daughter was born here. I speak with them every day. I pray to god that I can get out. My wife is very worried about me. It's very hard for her to take care of our daughter by herself. I haven't seen them for almost 5 months. I miss them, and they miss me.

Testimony 3: Carlos

I am a seeking asylum in the United States, and currently in detention in the Pulaski County Jail, under the custody of ICE. It's been almost a year since I've been here. I am one of the people who brought COVID-19 from another jail when they transferred me here. The nurse in Pulaski told me when I arrived that they didn't care that I had COVID symptoms. Everybody in my pod got affected by April of last year. I filed a grievance about this, but that grievance disappeared. They said they never got it.

I have been bleeding for more than a year, either from my stomach or somewhere else. I spit up blood every time I wake up. I was able to visit a gastroenterologist in November. When I went to her, however, she said I needed a lung doctor. I again went to see her around a month ago, and got results for a colonoscopy and endoscopy. She asked again why I hadn't seen a lung doctor. I told her the doctor in Pulaski had not given me a referral. I have had chest pains for the last month. I am supposed to see a cardiologist at the end of this month. My wife called the cardiologist and they said that they have space open before this, but the doctor in the jail needs to call to make the appointment.

I have chest pain and heart palpitations. I feel like my heart is weak when I go to bed. My thyroid is not good. I believe the doctor inside does not care about my health. I have brought up other issues with him. Sometimes I wake up with very blurry vision. It's gotten worse. The left side of my face feels numb. It feels like I have an electrical shock

through the left side of my face sometimes. The doctor says that he won't do anything. He doesn't believe me when I share my symptoms.

I have filed several grievances throughout the year. I filed a grievance about the rotten food, moldy food. I told an immigration officer I was being harassed by a sergeant inside. That sergeant has made racist comments. I was in segregation many times. I went 15 days without hot water at one point. The doctor here has called me names. He's called me a malingerer.

I believe I am treated differently because I have submitted many medical requests and grievances. But I am sick, and need attention. I have been through so much in my life. I should be released to be with my fiancée and pursue my asylum case from the safety of my home.

Conclusion: CRCL should investigate the pattern of medical negligence addressed in this complaint and recommend release

Those who are forced to remain in close physical proximity, like the thousands of individuals still detained in ICE custody, are still more likely to become infected with COVID-19. Such individuals are also particularly vulnerable to medical negligence, as detailed in declarations enclosed in this complaint. DHS must take steps to reduce the population of individuals still in ICE detention facilities to avoid more suffering, loss of life and extending the global public health crisis. We urge your office to: 1) investigate this complaint in the context of medical neglect and abuse in ICE detention and; 2) recommend the release of the three affiants and others with medical conditions that render them vulnerable to COVID-19 and other harms in detention facilities.

The complainant and NIJC await the CRCL's response and look forward to working with them to provide guidance to ensure that the rights of people in detention are upheld. If you have any questions about this complaint, please direct any response or inquiries to:

Ruben Loyo, NIJC Associate Director, Detention Project, rloyo@heartlandalliance.org

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