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September 15th, 2020

RE: Urgent Medical Care Needed by [REDACTED]

Dear Warden Perry, Assistant Field Office Director Mullan, Assistant Field Office Director Boelens, Acting Washington Field Office Director Munroe, and Officer Quinn,

Freedom for Immigrants, a non-profit advocating for immigrants in detention, is formally submitting this medical complaint in regards to [REDACTED], a person currently being held in Immigration & Customs Enforcement (ICE) detention at Caroline Detention Facility in Bowling Green, Virginia. [REDACTED] initially reported to our organization on June 11, 2020, that for the entirety of his time in ICE custody, which has been over one year, the standards of medical care he is entitled to for his mental health disability, tooth problems, and general health have not been met. These violations began taking place as soon as he entered the Caroline Detention Facility in 2019 and continued upon transfer to Krome Detention Center in Miami, Florida. He then was transferred back

to Caroline Detention Facility. The inaction committed on behalf of ICE is a direct violation of ICE's own Performance-Based National Detention Standards (PBNDS) 2011, the Americans With Disabilities Act and Section 504 of the Rehabilitation Act, and the constitution of the United States. Below you will find detailed information on [REDACTED] medical conditions and lack of attention to those medical issues:

1. Mental Health

[REDACTED] was diagnosed with schizophrenia, post-traumatic stress disorder (PTSD), and anxiety disorder by the State of Virginia. He has reported to us, Freedom for Immigrants, that ICE has stopped providing him with his prescribed antipsychotic medication. He also reports that he was removed from the Krome Behavioral Health Unit (KBHU) while detained at Krome North Service Processing Center. [REDACTED] has stated that he was never clearly informed as to why he was taken off of his medication or removed from this program. The only explanation issued by ICE was that he was not able to properly participate in the program. [REDACTED] reports that sometimes he was unable to attend the program due to extreme physical pain (see below 3. Physical Health for details). Furthermore, his attendance was impacted due to the ICE cold room that he was placed in which caused further physical body pain. When he requested warmer clothing, he was then discharged from the behavioral unit program mentioned above. As mentioned, he is not currently being provided antipsychotic medication while at Caroline Detention Facility. He has requested this medication several times but he is only given Tylenol and Ibuprofen, at times.

It is vital to state that [REDACTED] continues to suffer from mental health issues and has a right to reasonable accommodations for his medical issues including providing his prescribed medication and specialized care. He has adamantly requested ICE reinstate his medication immediately, and to be transferred back to the KBHU unit at the Krome Detention Center or a similar unit that can accommodate and is designed for people with mental disabilities at Caroline Detention Facility.

2. Dental Health:

[REDACTED] reports that he has a persistent untreated dental infection which was mildly treated while at Arlington County Jail in Arlington, Virginia before being transferred to ICE custody. He was told by a medical employee that he needed a root canal. Although he has been requesting help repeatedly, he has not received any dental treatment while he has been detained at Krome Detention Center or Caroline Detention Facility and therefore, continues to experience a very high level of ongoing pain. Unfortunately, he reports that he also has a cracked tooth. Performing daily functions including sleeping, drinking, and eating is met with extreme pain. Both facilities have told him they have no dental facilities onsite and he would have to be taken to an offsite dentist. [REDACTED] has been informed that he will have to wait to get a root canal until he leaves detention. Again, when [REDACTED] speaks up about this extreme dental and oral pain, he is given Tylenol or Ibuprofen, at times.

3. Physical Health:

[REDACTED] has requested his medical records from the Caroline facility on August 10th, 2020 but he has not yet received them. He states he has extreme back pain and all over bone pain that has persisted for many months. Due to this debilitating discomfort, he is not able to participate in recreational activities and therefore his overall wellbeing is worse than ever. When [REDACTED] asked for help, he was simply given Tylenol which undoubtedly does very little to relieve his excruciating pain. He is

currently experiencing vomiting, loss of appetite, and headaches due to his health problems. He requires a real solution to his physical ailments.

Below is an estimated timeline of medical complaints ██████████ has reported to Freedom for Immigrants:

- **2019:** In 2019, he started to have severe tooth pain. ██████████ was transferred to Caroline Detention Facility from Krome Detention Center.
- **June 2020:** ██████████ filed an internal medical complaint about his extreme tooth pain and body aches. He received a letter requesting him to sign a waiver to release medical information which he did but has not received his medical records yet.
- **June 11, 2020:** ██████████ contacted Freedom for Immigrants to get help filling out an official medical complaint.
- **June 19, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **June 26, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **July 1, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **July 2, 2020:** ██████████ stated that he had been transferred back to the Caroline Detention Facility. He reported ongoing unaddressed health issues which were tooth pain and psychosis.
- **July 3, 2020:** ██████████ a contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **July 22, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **July 24, 2020:** ██████████ a contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **July 29, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **August 10th or 11th, 2020:** ██████████ a requested his medical records. As of today, he has not received them.
- **August 18, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **August 19, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **August 20, 2020:** ██████████ a contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **August 24, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.
- **August 28, 2020:** ██████████ contacted Freedom For Immigrants hotline to report severe tooth pain, psychotic episodes and/or body aches.

Responsibilities:

It is well known that ICE, Caroline Detention Facility, and Caroline County have a constitutional obligation to provide adequate medical care to ██████████. *See generally Estelle v. Gamble*, 429 U.S. 97 (1976). By refusing to provide basic medical care for ██████████ serious medical needs, ICE and

Caroline County place Mr. Haba at serious risk of harm, run afoul of the standard of care, and violate his right to due process under the Fifth and Fourteenth Amendments, respectively. *See, e.g., Kingsley v. Hendrickson*, 576 U.S. ____, 135 S. Ct. 2466 (2015).

According to the Performance-Based National Detention Standards (PBNDS 2011), which Caroline Detention Facility is contracted to uphold, the standards for medical care are not being met for Mr. [REDACTED] Reference 2011 4.3 healthcare and 4.7 disability. PBNDS 2011, Section 4.3, states:

1. Detainees shall have access to a continuum of health care services, including screening, prevention, health education, diagnosis and treatment.

4.3.O Mental Health Services Required. Each facility shall have an in-house or contractual mental health program, approved by the appropriate medical authority.

4.3.R.1 Dental Health Emergency dental treatment shall be provided for immediate relief of pain, trauma and acute oral infection.

4.3.U Medications. Detainees who arrive at a detention facility with prescribed medications or who report being on such medications, shall be evaluated by a qualified health care professional as soon as possible, but not later than 24 hours after arrival, and provisions shall be made to secure medically necessary medications.

4.8.1 Disability Identification, Assessment, and Accommodation. This detention standard requires that facilities housing ICE/ERO detainees act affirmatively to prevent disability discrimination. It outlines the necessary processes to ensure that detainees with a disability will have an equal opportunity to participate in, access, and enjoy the benefits of the facility's programs, services, and activities.

In addition to the requirements in this detention standard, the facility shall comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990, as amended (ADA), if applicable, and any other applicable federal, state, or local laws or regulations related to nondiscrimination and accommodation for individuals with disabilities.

Mr. Haba's conditions constitute a serious medical intervention and need for the following reasons:

- 1)** A reasonable doctor or patient would perceive schizophrenia as important and worthy of treatment.
- 2)** A reasonable doctor or patient would perceive extreme tooth pain and previous diagnosis of needing a root canal as important and worthy of treatment.
- 3)** A reasonable doctor or patient would perceive extreme body aches to the point of not being able to move about as important and worthy of treatment.
- 4)** [REDACTED] pain and psychosis significantly affect his daily activities. He gets very anxious and is unable to perform normal activities.
- 5)** Under the law, pain can constitute a serious medical need even if the failure to treat it does not make the condition worse.

ICE and the County of Caroline are responsible for treating [REDACTED] medical conditions. The law

does not require harm to health to have already occurred in order to mandate action.

We request a response in writing within a week that addresses the following:

1. When [REDACTED] will be evaluated by competent medical personnel to determine diagnoses and proper treatments, and a treatment plan be developed for him
2. Whether or not there is documentation supporting the staff's decision to remove [REDACTED] from the mental health treatment program, and that he will be moved back into a Behavioral Health Unit program
3. When an internal or external mental health specialist can be available to treat [REDACTED]
4. When [REDACTED] can be taken to an able and licensed dentist to address and treat his oral health and well being, specifically so that he can obtain a root canal
5. When [REDACTED] can once again be given proper medication for his mental health diagnoses
6. When [REDACTED] can be given proper treatments and medication for his physical back and other bone pain
7. That [REDACTED] medical records will be shared immediately so they can be reviewed by external parties, as is his right. It has been over 2 weeks since he submitted his request.

Please provide a report in writing regarding the status of this matter by September 29th, 2020.

Sincerely,

Tania Mattos

Tania Mattos, Policy and Northeast Monitoring Manager
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