



December 4, 2020

Michael W. Meade
Field Office Director
Miami Field Office, Enforcement and Removal Operations (ERO)
Immigration and Customs Enforcement (ICE)
U.S. Department of Homeland Security (DHS)
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Re: Inadequate Medical Care and Women’s Health at ICE Detention Facilities in Florida

Dear Director Meade,

We, the undersigned organizations, write to you to regarding growing concerns about reports of grossly inadequate medical care being provided to detained persons, and particularly immigrant women, within your jurisdiction (including, but not limited to, Krome Service Processing Center, Broward Transitional Center, Glades County Detention Center, Wakulla County Facility, and Baker County Facility).

Complaints of inadequate medical care in ICE custody nationwide have continued on a regular basis despite repeated calls for extra vigilance in patient care during the COVID-19 pandemic, which has exacerbated unhealthy conditions at your facilities. Detention facilities are simply not designed or equipped to handle this unprecedented public health crisis, as demonstrated by the fact that your agency recently confirmed its twentieth death in detention during Fiscal Year 2020. This is the deadliest year since Fiscal Year 2005, and the third deadliest in the agency’s 17-year history. Choosing to continue to detain people under these dire circumstances is costing lives.

As you know, Project South, Georgia Detention Watch, Georgia Latino Alliance for Human Rights, and South Georgia Immigrant Support Network recently filed a complaint¹ with the U.S. Department of Homeland Security on behalf of detained immigrants at the Irwin County Detention Center (ICDC). The complaint alleges various accounts of patient abuse or medical neglect, including allegations of “hysterectomies” performed on detained immigrant women without their full knowledge and consent. Since then, news reports have confirmed a deeply disturbing pattern of immigrant women being subjected to unnecessary and unwanted invasive gynecological procedures at the facility.² We vigorously condemn any and all instances of medical procedures performed without patient consent as a gross violation of fundamental individual rights.

Unfortunately, instances of patient abuse or neglect have not been limited to ICE facilities in Georgia. There are ongoing reports of medical delays and other inadequate medical care, as well as grossly unsanitary conditions, at the facilities within your jurisdiction in Florida. At Glades County Detention Center (Glades), we have heard directly from detained persons about the continued lack of adequate screening or testing for COVID-19, including among individuals with serious medical vulnerabilities, and about the facility’s failure to facilitate good hygiene and maintain social distancing. One medically-vulnerable person reports being housed with over 20 individuals who tested positive for COVID-19, in a dorm without consistent access to soap. Sadly, one detained person, Onoval Perez-Montufa, died from COVID-19 at the facility this past July, despite ICE’s assurances that its response to the pandemic was adequate.

Persons detained at the Krome Service Processing Center (Krome) also report being denied medical care. Many detainees have reported being regularly denied medication they were prescribed for severe chronic conditions simply because they were asleep when the guards made their daily medicine rounds. Meanwhile, at the Baker County Facility (Baker), where stories of worms on shower floors were frequent as recently as last April, detained immigrants have reported being denied necessary hygienic supplies, such as toilet paper, and being subjected to retaliation and excessive force by guards for complaining about these conditions. An unexpected inspection³ of Baker last year confirmed that living conditions at the facility violate ICE’s own detention standards.

These are just a few examples.

As Field Director, you have the authority and responsibility to ensure that those in your custody are receiving appropriate medical care. Your agency must reassure the public that detained

¹ Project South, Georgia Detention Watch, Georgia Latino Alliance for Human Rights, and South Georgia Immigrant Support Network, *Lack of Medical Care, Unsafe Work Practices, and Absence of Adequate Protection Against COVID-19 for Detained Immigrants and Employees Alike at the Irwin County Detention Center*, (September 14, 2020), <https://projectsouth.org/wp-content/uploads/2020/09/OIG-ICDC-Complaint-1.pdf>

² Caitlin Dickerson, Seth Freed Wessler, and Miriam Jordan, *Immigrants Say They Were Pressured Into Unneeded Surgeries*, (New York Times, September 29, 2020), <https://www.nytimes.com/2020/09/29/us/ice-hysterectomies-surgeries-georgia.html>

³ U.S. Department of Homeland Security, Office of the Inspector General, *Observations of Unannounced Inspections of ICE Facilities in 2019* (July 1, 2020), <https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf>

women in our state are protected from patient abuse. In the wake of reports of abusive medical procedures at the nearby ICDC facility, the American Civil Liberties Union (ACLU) and the ACLU of Georgia submitted a public records request⁴ under the Freedom of Information Act to your agency on September 18, 2020. The request seeks to obtain documents related to sterilization procedures performed on people in ICE detention. The request includes but is not limited to information related to the following:

- Policies, protocols, and guidance regarding gynecological procedures that result in sterilization for people in ICE custody, including but not limited to: hysterectomies (removal of the uterus), salpingectomy (removal of fallopian tube or tubes), oophorectomy (removal of one or both ovaries), and tubal ligation;
- Policies, protocols, and directives related to translation services for individuals in ICE custody that receive medical care;
- Policies, protocols, and directives regarding ensuring informed consent prior to all medical care for individuals in ICE custody;
- Documents and communications — including grievances — related to gynecological procedures that resulted in sterilization of people in ICE custody; or related to lack of informed consent for medical procedures; or related to lack of translation services;
- Any and all records documenting the total number of times that ICE has paid for gynecological procedures that result in sterilization for people in its custody.

Considering the high frequency of transfers between ICDC and the facilities under your jurisdiction in Florida⁵, in addition to these organizations' specific request for documents, we call upon you, as Miami Field Office Director, to ensure that those in your custody--particularly women detained in our state--are receiving adequate medical care.

Your decision not to exercise your discretion to release even the most vulnerable individuals at the onset of the pandemic, despite loud requests by a number of organizations, has made the lack of adequate medical care all the more dire.

Accordingly, we respectfully request that you demonstrate your commitment to transparency regarding the health and safety of those in your custody by providing a written response to the following questions:

- In 2018, how many detained immigrant women in ICE custody within your jurisdiction received gynecological procedures that resulted in sterilization or diminished fertility, including but not limited to: hysterectomies (removal of the uterus), salpingectomy (removal of fallopian tube or tubes), oophorectomy (removal of one or both ovaries), and tubal ligation?;

⁴ American Civil Liberties Union (ACLU) and the ACLU of Georgia, *FOIA Request Related to ICE's Provision of Sterilization Procedures, and Translation Services and Informed Consent for Medical Care*, (September 18, 2020), https://www.aclu.org/sites/default/files/field_document/2020-09-18_foia_re_ice_detention_sterilizations_1.pdf

⁵ Hamed Aleaziz, *Federal Officials Now Say That Transferring Detainees Between Jails Holding Immigrants Contributed To Coronavirus Outbreaks*, (Buzzfeed News, October 6, 2020), <https://www.buzzfeednews.com/article/hamedaleaziz/dhs-report-detainee-transfers-covid-spread>

- In 2019, how many detained immigrant women in ICE custody within your jurisdiction received gynecological procedures that resulted in sterilization or diminished fertility, including but not limited to: hysterectomies (removal of the uterus), salpingectomy (removal of fallopian tube or tubes), oophorectomy (removal of one or both ovaries), and tubal ligation?;
- In 2020, how many detained immigrant women in ICE custody within your jurisdiction received gynecological procedures that resulted in sterilization or diminished fertility, including but not limited to: hysterectomies (removal of the uterus), salpingectomy (removal of fallopian tube or tubes), oophorectomy (removal of one or both ovaries), and tubal ligation?;
- How many complaints or grievances - verbal or in writing - have you received since 2018 related to gynecological procedures performed on detained immigrant women in ICE custody within your jurisdiction?

As we have tragically learned over the past few months, your prompt action is critical to saving lives. We therefore respectfully request that you provide us with your response by January 25, 2021. It is our hope of course that this is a non issue in Florida and thus promptly providing this information will not be an inconvenience and that your transparency will alleviate any concerns regarding unnecessary and unwanted gynecological procedures within Florida's detention facilities.

If you have any questions or wish to discuss further, please contact Kirk Bailey, Political Director, ACLU of Florida, at kbailey@aclufl.org.

Sincerely,

American Civil Liberties Union of Florida

American Friends Service Committee

Americans for Immigrant Justice

Doctors for Camp Closure Florida Chapter

Florida Alliance of Planned Parenthood Affiliates

Florida Council of Churches

Florida Immigrant Coalition

Immigrant Action Alliance

Latino Justice PRLDEF

Miami Freedom Project

New Florida Majority

Organize Florida

Southern Poverty Law Center Action Fund

United We Dream Florida