



**U.S. Immigration
and Customs
Enforcement**

February 24, 2022

The Honorable Edward J. Markey
United States Senate
Washington, DC 20510

Dear Senator Markey:

Thank you for your January 3, 2022, letter to the Department of Homeland Security (DHS). Secretary Mayorkas asked that I respond on his behalf, and I apologize for the delay in responding.

U.S. Immigration and Customs Enforcement (ICE) takes the health, safety, and welfare of those in its custody very seriously and is committed to ensuring that everyone in custody receives timely access to medical care and treatment. The ICE national detention standards and other ICE policies require facilities to provide comprehensive medical care from the moment noncitizens arrive at a facility, throughout their time in ICE custody. Facilities are required to conduct a medical intake screening (including a mental health assessment) within 12 hours of a noncitizen's arrival at a facility and a full health assessment within 14 days of arrival. Facilities are further required to provide access to daily sick calls and 24-hour emergency care.

Throughout the ongoing COVID-19 pandemic, ICE has, and continues to adhere to, or exceed, the Centers for Disease Control and Prevention's (CDC) recommendations for cleaning and disinfection by utilizing a broad range of measures to ensure hygiene within facilities, and protection against the spread of infection. These measures include: cleaning and disinfecting surfaces, objects, and shared equipment that are frequently touched more often than suggested by the CDC; providing noncitizens with soap for the shower and hand soap for handwashing; providing alcohol-based sanitizer in visitor entrances, exits, and waiting areas whenever possible; ensuring soap and paper towels are present in bathrooms and work areas within the facilities; and providing detained noncitizens with a no-cost personal hygiene kit upon intake.

Thank you again for your letter and interest in this matter. Enclosed please find responses to the questions in your letter. Should you wish to discuss this matter further, please do not hesitate to contact the ICE Office of Congressional Relations at

Sincerely,

A handwritten signature in blue ink, appearing to read "Tae D. Johnson".

Tae D. Johnson
Acting Director

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Enclosure

cc: The Honorable Elizabeth Warren

**The Department of Homeland Security's
Response to Senators Markey and Warren's January 3, 2022 Letter**

1. How many meals a day does PCCF provide to detainees? If a detainee does not have access to commissary funds, are detainees still ensured at least two hot meals every day?

All those in custody are required to receive three meals per day. By federal and state standards, two of those meals per day are served hot.

a. How does staff ensure all food served is fit for consumption?

The facility receives its food from Trinity, a vendor with experience providing food to correctional facilities throughout the country. Trinity supervisors and facility food service managers are certified in the Serve Safe method, a nationally recognized standard. Trinity supervisors monitor the food preparation process from start to finish. The food is sampled by the food service provider prior to each meal. The facility's food service must meet standards established by the American Correctional Association, the Massachusetts Department of Public Health (DPH), the Office of Detention Oversight, U.S. Immigration and Customs Enforcement (ICE), and the U.S. Marshals Service. The facility is subject to regular audits by each of these entities.

All meal plans are reviewed and approved by a registered dietician who monitors caloric intake and ensures food is nutritious and fit for consumption. Additionally, all meal temperatures are monitored throughout meal service at the pre-cooked, cooked, and serving levels.

The food preparation line is monitored by correctional staff and our food service provider to ensure proper temperature, presentation, security, and portion size.

b. Do detainees have access to hot water? If so, what is the process for requesting hot water for meals or drinks?

Each housing unit is equipped with an on-demand hot water heater. The Plymouth County Correctional Facility (PCCF) is a direct-supervision facility, and detained noncitizens have eight hours a day of recreation time outside their cells in the housing unit or the adjoining recreation deck for that housing unit. This provides detained noncitizens access to the hot water heaters while out of their cells during their eight hours of scheduled recreation times. When not on recreational time, detained noncitizens have 24 hours access to hot water within their cells. While in their cells, they can also request, via an intercom, that the unit officer provide access to water from the water heater, if needed, which is provided at the officer's discretion.

2. The 2019 NDS states that “all detainees shall have access to appropriate medical, dental, and mental health care, including emergency services.” When a detainee requests medical attention or medication (e.g., an inhaler), how long do they wait to receive it? Where does the request go and who approves it? How are requests prioritized?

The Department of Homeland Security (DHS) and PCCF take very seriously their obligation to provide proper medical care to noncitizens. PCCF maintains a full-time medical staff which is on duty 24/7 and consists of nursing staff and on-call medical providers. The services provided by the medical staff at PCCF include sick calls, all nursing care (vaccines, EKGs, dressing changes, etc.), emergency response, wellness checks on mental health watch, hunger strike monitoring, monitoring COVID-positive detainees, and intake screening.

In addition, PCCF also contracts with Correctional Psychiatric Services (CPS) to provide additional medical services. CPS provides a full range of medical and mental health services for PCCF, including psychiatric care and a mental health program. The contract provides for a medical doctor on-site 40 hours per week, a nurse practitioner or physician’s assistant on-site 36 hours per week, along with 24/7 on-call coverage. On-call providers are available after hours to address medical concerns and make verbal orders as needed. In the event of a physician vacancy, the contractor provides coverage with mid-level medical staff (e.g., a nurse practitioner or a physician’s assistant) with supervision by a doctor. The contract also provides for optometry, podiatry, radiology, and diagnostic testing services. Additionally, PCCF has arrangements with hospitals throughout the greater Boston area to provide specialized or advanced care as needed. For example, Beth Israel Deaconess Hospital-Plymouth is located within one mile of the facility and provides emergency medical care when needed.

The Department maintains a sick-call procedure that permits detained noncitizens to submit a sick-call slip with their medical complaints. Nurses are in each unit at least twice a day to perform sick calls. The nurses review all sick-call slips to triage complaints, determine which detained noncitizens at PCCF need to be placed on the list to see a medical provider or be taken to the medical unit, and also evaluate detained noncitizens who appear at sick call in-person. For emergency medical needs, security staff can alert the medical staff to the need for immediate attention.

If the medical provider prescribes a medication, the medical staff orders the medication from the State Office for Pharmacy Services (SOPS) and distributes it to the patient. PCCF keeps supplies of commonly prescribed medications and inhalers in stock and nurses deliver medications immediately from that supply until the Department receives the prescription from SOPS. Although it generally takes 24 to 48 hours to obtain new medications, SOPS delivers medication daily.

3. Please identify the hygiene items made available to detainees.

PCCF provides the following items to all detained noncitizens in custody:

- 1 Blanket;
- 4 boxer shorts/underwear;
- 1 cleaning towel;
- 1 envelope;
- 1 hygiene kit (toothbrush, toothpaste, comb, soap, soap dish, and a packet of lotion);
- 1 pillow;
- 1 pillowcase;
- 1 red canteen bag;
- 1 security pen;
- 2 sheets;
- 1 pair of shower shoes;
- 1 pair of footwear;
- 4 pairs of socks;
- 2 towels;
- 2 washcloths;
- 1 white property bag; and
- 3 uniforms.

a. How often are detainees allowed to cut their nails?

Noncitizens in custody can buy emery boards from the canteen for \$0.95 for a package of 10. Noncitizens can purchase one package per week. If a noncitizen's nails are so long that an emery board would be ineffective, the noncitizen must submit a sick-call slip to a nurse to have a provider see them to clip their nails with nail clippers. Permitting detainees to have access to nail clippers would create an unreasonable safety and security risk for employees and detainees.

b. What type of bathroom facilities are provided for use? Communal or private?

Each cell has a toilet and a sink with running hot water. Showers are individual stalls with privacy curtains. Showers are located adjacent to the day room of the housing unit.

4. Detainees often do not speak English and need translators to communicate. How often are translators made available to detainees?

PCCF utilizes Language Line Solutions for all interpreter services. This is available to detained noncitizens at all times when needed.

a. In the event that translators are not available, how does the facility ensure detainees can communicate with staff?

The contracted language line is available 24/7. There is never a time when translators are not available.

b. When detainees do not understand staff, are they punished for not obeying orders due to language barriers?

No. Every facility has a site-specific detainee handbook to serve as an overview of the detention policies, rules, and procedures in effect at the facility, with which every detainee must comply. The handbook also lists detainees' rights and responsibilities. The handbook is provided in English and translated into Spanish and, if appropriate, into the most-prevalent language(s) among the facility's detainees. The facility also provides translation assistance to detainees exhibiting literacy or language problems and to those who request it. This may involve translators from the private sector or from the detainee population.

5. When detainees need to communicate with their attorneys, what restrictions are placed on their access to telephones?

At intake, those in custody complete a phone slip and can list their attorney's number. PCCF verifies the numbers and approves them for calls, which are not recorded or monitored. Those in custody can add attorney numbers after intake by submitting a request to the unit team manager.

There are no restrictions on attorney telephone calls. Noncitizens in custody may make calls when out of their cells, when on recreation, or by completing a request slip to have an attorney call during times when they are scheduled to be in their cells.

In addition, attorneys can visit their clients in-person, and, alternately, can utilize JurisLink, a vendor that provides kiosks in each of the housing units for confidential videoconferences. Attorneys may schedule meetings with their clients through JurisLink to connect to a secure and confidential videoconference. JurisLink also allows attorneys and their clients to view and digitally sign paperwork during their meeting.

a. When attorneys visit their clients in person, is attorney-client privilege honored and respected? What spaces are provided so that attorneys and their clients can meet privately?

Yes, attorney-client privilege is honored throughout the visit. All in-person attorney visits are held individually, in private meeting rooms. PCCF has eight attorney visitation rooms for use.

JurisLink kiosks also are available in the multipurpose rooms—separate rooms within the housing units with secure steel doors. During confidential attorney-client conferences, the security staff ensures that only one detained noncitizen is assigned to

the room and that communication with the attorney is private. When a detained noncitizen uses the JurisLink kiosks, the unit officer secures the door to the room to ensure that other persons cannot enter during the meeting.

6. How are detainees of non-Christian faiths accommodated? Are their requests for prayer time and dietary restrictions respected?

Noncitizens of all faiths in custody can request religious materials through the PCCF chaplain. For example, PCCF provides Bibles, Qurans, and Torahs. PCCF also provides religious articles such as prayer caps, prayer towels, prayer beads, and yarmulkes. Those in custody are allowed to pray at any time. They can accomplish this within their cell during lockdown times or in the dayroom while out for recreation.

As far as dietary restrictions, detained noncitizens can request religious meals such as kosher and Halal meals through the PCCF chaplain, with approval by the PCCF doctor. PCCF provides many such meals every day.

7. Are staff required to wear personal protective equipment (PPE) when at work and interacting with detainees?

All staff are required to wear a mask when inside PCCF. PCCF supplies surgical masks to all staff.

ICE follows CDC guidance entitled, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*. This guidance prioritizes cloth masks for source control of the virus among persons who do not meet criteria for N95 or surgical masks. The CDC notes that personal protective equipment (PPE) shortages continue to be anticipated in every category during the COVID-19 response and recommends issuing N95 respirators based on the type of contact detainees and staff have with someone with COVID-19 and their close contacts.

ICE requires facilities to ensure that sufficient supplies of PPE, including N95 respirators, eye protection, disposable medical gloves, and disposable gowns/one-piece coveralls are on hand and that there is a plan in place to issue and restock the equipment as needed. Facilities are also required to ensure that staff and detainees are trained to don, doff, and dispose of PPE they will need to use while performing duties within the scope of their responsibilities.

a. How often are the staff and detainee population tested for COVID-19?

All noncitizens in custody are tested upon arrival and again in an intake quarantine unit before going to general population. They are also tested prior to release or transfer. Additionally, all detained noncitizens and staff are tested following a report of COVID-19 symptoms or close contact with a COVID-19 case. In coordination with the Massachusetts DPH and the Executive Office of Health and Human Services, PCCF has conducted several rounds of facility-wide surveillance testing.

b. Are all staff members vaccinated?

As of February 4, 2022, the vaccination rate (fully vaccinated) for staff at PCCF is 84 percent. PCCF continues to offer the vaccine and booster shots to staff during PCCF's weekly vaccine/booster clinics.

c. Are detainees given the option to be vaccinated? If so, how many detainees are vaccinated?

Currently, COVID-19 vaccines are available and offered to all detained noncitizens within 14 days of arrival at an ICE detention facility, in accordance with U.S. Food and Drug Administration approvals and authorizations and the CDC's Advisory Committee on Immunization Practices recommendations. ICE health staff review detained noncitizens' age, current medical conditions, and previous vaccination history to determine eligibility for vaccine doses and schedule vaccinations appropriately. As with all medical procedures, ICE ensures consent of the detained noncitizen regarding receipt of the COVID-19 vaccine and, following CDC and other clinical guidance, administers the vaccine in accordance with any restrictions or recommendations based on the detained noncitizen's medical history. For those choosing to be vaccinated, nurses administer the initial dosage during the intake quarantine period.

PCCF has vaccination literature in multiple languages hanging in the units as well. Detained noncitizens are informed that they can put a sick-call slip in at any time to be vaccinated.

As of January 30, 2022, 51,435 noncitizens in ICE custody received COVID-19 vaccinations at IHSC-staffed and non-IHSC-staffed facilities nationwide since detainee vaccinations began.

As of February 4, 2022, the vaccination rate (fully vaccinated) for detained noncitizens in ICE custody at PCCF is 58.3 percent.

d. Are detainees provided regular access to clean and effective PPE and allowed to safely social distance?

Noncitizens in custody are issued two cloth masks at intake and are able to wash them regularly through the PCCF's laundry department. PCCF continues to adhere to the CDC guidance entitled, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities* which prioritizes the distribution of N95 or surgical masks based on the type of contact detainees and staff have with someone with COVID-19 and their close contacts. Noncitizens also have antibacterial soap issued to them weekly, so they can wash their masks within their cells.

The Department continues to monitor and keep the housing units at a reduced number so there is ample space to social distance. As of January 6, 2022, the ICE units at PCCF have the following populations: 74 detained noncitizens in Unit C3 with a capacity of

139; 24 detained noncitizens in Unit DS3 with a capacity of 62; and 27 detained noncitizens in Unit DN3 with a capacity of 62.

In the housing units, PCCF provides informational posters from Massachusetts DPH and the CDC regarding social distancing, mask wearing, and proper/good hygiene practices (i.e., washing hands, covering face, etc.).

8. Please describe the grievance process and how complaints are addressed. Has PCCF engaged in any retaliation against detainees who have lodged complaints?

There are kiosks in each unit that enable detained noncitizens to file a grievance. The kiosk gives detained noncitizens the option to file a grievance in English and Spanish. Those who need assistance filing a grievance in another language can obtain it through their caseworker and the language line. The grievance is sent electronically to the inmate grievance coordinator (IGC) who then processes it and distributes it to the appropriate department head to answer. Grievances are required to be answered within five days. Once answered, detained noncitizens are sent a paper copy of their grievance along with the decision.

Individuals can then appeal this decision within ten working days of the detained noncitizen's receipt of the IGC's decision. The appeal then goes to the superintendent to respond to in writing within 30 days.

PCCF has a zero-tolerance policy for retaliation and has not retaliated against any incarcerated individuals for participating in their protected activity.

All grievances by detained noncitizens are forwarded to an ICE representative when submitted and then at completion.