



Shoba Sivaprasad Wadhia, Officer
CRCLCompliance@hq.dhs.gov
Office for Civil Rights and Civil Liberties
Department of Homeland Security

David Gersten, Acting Ombudsman
David.Gersten@hq.dhs.gov
Office of the Immigration Detention
Ombudsman
Department of Homeland Security

Joseph Cuffari, Inspector General
dhs-oig.officepublicaffairs@oig.dhs.gov
Office of Inspector General
Department of Homeland Security

October 19, 2023

RE: Medical Neglect, Inhumane Conditions, and Retaliation Reported by Sopheak Pal and Over 120 Other Detained Individuals at Stewart Detention Center

Dear Officer Wadhia, Inspector General Cuffari, and Acting Ombudsman Gersten:

Freedom for Immigrants is submitting this complaint on behalf of Sopheak Pal (A#: [REDACTED]-[REDACTED]-[REDACTED]) an individual currently detained by Immigration and Customs Enforcement ("ICE") at CoreCivic's Stewart Detention Center ("Stewart") in Lumpkin, Georgia. This complaint is accompanied by a petition that has been signed by over 120 individuals detained at Stewart. Mr. Pal has been contacting the Freedom for Immigrants National Detention Hotline since August 21, 2023 reporting inhumane conditions, medical neglect, COVID-19 negligence, and retaliation at Stewart. These concerns are in direct violation of ICE's Performance Based National Detention Standards ("PBNDS") 2011/2016 and the U.S. Constitution.

Mr. Pal has provided express consent to Freedom for Immigrants to share his information and has authorized your offices to share information with Freedom for Immigrants about this complaint. Mr. Pal's date of birth is [REDACTED] [REDACTED] [REDACTED] his country of origin is Thailand, and his preferred language is English.

I. Conditions in Stewart Detention Center are Inhumane and Unlivable

On September 8, 2023, Mr. Pal reported to the Freedom for Immigrants National Detention Hotline that the food at Stewart is consistently hazardous due to the facility's reuse of leftovers sometimes for a whole week. The food is often rotten, smelly, and visibly spoiled. For example, people at Stewart have received green and moldy bread. Mr. Pal reports receiving spoiled carrots that were squishy and green inside. The food is also often burnt to the point of being completely inedible. As a result of all these issues, there have been many cases of food

poisoning. Mr. Pal has reported that he has gotten food poisoning twice and that around September 7, 2023, half those around him detained at Stewart were reporting having suffered food poisoning. Additionally, Mr. Pal has also reported that several of the toilets are broken. The toilets make extremely loud, strange noises, and overflow when they are flushed. ICE & CoreCivic staff have ignored repeated requests to have the toilets repaired by a plumber.

According to the PBNDS 2011/2016, ICE and CoreCivic are contracted to follow and provide “nutritionally balanced diets” and “food service personnel shall provide nutritious and appetizing meals.”¹ This is evidently not happening at Stewart.

II. Retaliation in Response to Informal Grievances

On September 20, 2023, Mr. Pal called the Freedom for Immigrants Hotline and informed us that he had printed out copies of a petition about the food and other conditions at Stewart and passed it along to others in detention to fill out. The petition calls for immediate action with the following demands:

- Address the mold problems found throughout the detention facility;
- Fix plumbing issues, ensuring reliable access to hot water for showers and for the kitchen;
- Improved medical and mental health care; petition signatories report difficulty scheduling medical appointments and failure to receive treatment for food poisoning, PTSD, chronic injuries and other issues;
- Edible, healthy and safe food;
- Bathroom and water access within the law library;
- Greater staff accountability (employees often refuse to perform their duties related to individuals’ cases).

The petition to this date has over 120 signatures. On September 20, 2023, Unit Manager Littleton told Mr. Pal that she would retaliate against Mr. Pal by charging him with “incitement” if he kept collecting signatures. Mr. Pal also reports that \$50 has been missing from his commissary account for over two weeks now, with no explanation. The timing between Unit Manager Littleton threatening retaliation and this commissary money missing in Mr. Pal’s account is concerning.

CoreCivic and ICE staff have violated Mr. Pal’s rights as well as ICE’s own standards of care as detailed within the PBNDS 2011/2016. The “Grievance System” standards detail that staff shall “not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance.”² More specifically, “actions are considered retaliatory if they are in response to

¹ Immigration and Customs Enforcement. “Section 4.1: Expected Outcomes.”
<https://www.ice.gov/doclib/detention-standards/2011/4-1.pdf>

² Immigration and Customs Enforcement. “Standard 6.2 Grievance System, Section V: Performance-Based National Detention Standards 2011/2016.”
<https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>

an informal or formal grievance that has been filed and the action has an adverse effect on the resident's life in the facility."³ This incident raises questions about how many other abuses go unreported for fear of retaliation.

III. Medical Neglect reported by Mr. Pal

ICE and CoreCivic have a constitutional obligation to provide adequate medical care to everyone detained. See generally *Estelle v. Gamble*, 429 U.S. 97 (1976). Medical negligence is also in violation of both the U.S. Constitution and ICE's own PBNDS 2011/2016. Mr. Pal has reported to the Freedom for Immigrants National Detention Hotline that he has been experiencing multiple instances of medical negligence including:

- Medical neglect for chronic injuries and illnesses:
 - Mr. Pal reports that since June 2023, he has filled out medical request forms to get bloodwork done because his father had liver cancer. It took about 3 months to get the blood work completed.
 - Mr. Pal has many pre-existing injuries including injuries to his knee, back, and neck. Mr. Pal was assigned a top bunk and every time he climbs down, it makes his knee pain worse. Mr. Pal has submitted several grievances about this pain but has not received a response. Mr. Pal has also requested to switch bunks to a bottom bunk due to this knee pain, but that request was not granted.
 - After asking for medical treatment repeatedly, Mr. Pal finally saw a medical provider and was only given ibuprofen for his back injury and was told to "stretch."
- Lack of timely response times:
 - On September 8, 2023, Mr. Pal reported that it takes weeks to see a nurse after putting in a request to see one.
 - In total, Mr. Pal reports that he has submitted at least 10 sick call requests for various injuries, dental work, food poisoning, and post-traumatic stress disorder.
- COVID-19 neglect: In July 2023, Mr. Pal was displaying symptoms of COVID-19. He informed multiple officers but the officers didn't take any steps to test or treat Mr. Pal even though he was very sick and couldn't walk. After complaining for 2-3 days, Mr. Pal was finally seen by a nurse who tested him for COVID-19. The test came back positive and Mr. Pal was subsequently placed in segregation for 10 days.
- Mental Health neglect: Mr. Pal suffers from post-traumatic stress disorder after experiencing abuse as a child. He often can't sleep and has severe nightmares. Mr. Pal has put in a request to see a mental health professional, and has not received a response.

³ Ibid.

ICE and CoreCivic are responsible for treating Mr. Pal's injuries and conditions because it could result in further significant injury or the unnecessary infliction of pain if not treated. The law does not require harm to health to have already occurred in order to mandate action. The exposure to a risk that may cause harm in the future is a basis for deliberate indifference under the U.S. Constitution.

IV. Conclusion and Demands

We demand the end to the retaliation he is experiencing as well as immediate medical care for Mr. Pal. In order to ensure that Mr. Pal is able to get the care he needs as well as avoid further burdening the detention facility, we urge you to immediately release him from Stewart so that he may obtain appropriate external medical care.

Please provide a response in writing to Mr. Pal and Freedom for Immigrants by November 2, 2023. Thank you in advance for your prompt attention to this urgent matter.



Amanda Diaz
Senior National Hotline Manager
Freedom for Immigrants
adiaz@freedomforimmigrants.org