

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement</b> <b>Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>PREPARED BY</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> Detention Center, STEWART/Unknown/Non-Criminal Misconduct/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Detainee is alleging that he was never paid for working in the kitchen in the Stewart Detention Cent		
<b>9. SYNOPSIS</b> On January 24, 2008, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from Detainee (b)(6), (b)(7)c Stewart Detention Center (SDC), reporting he had not been paid for services rendered while working in the kitchen at SDC. Detainee (b)(6), (b)(7)c claims that he has been in the SDC for three years and has never received compensation for his kitchen duties.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>11. COMPLETION DATE</b> 29-JAN-2008	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>13. APPROVED DATE</b> 29-JAN-2008	<b>15. TELEPHONE NUMBER</b> No Phone Number
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p> <p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

None



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b> HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None

U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, Georgia 30303



U.S. Immigration  
and Customs  
Enforcement

April 28, 2008

MEMORANDUM FOR:

(b)(6), (b)(7)c

Human Capital and Training Division  
Mission Support Division

(b)(6), (b)(7)c

FROM:

Deputy Field Office Director  
Atlanta, Georgia

SUBJECT:

OPR Case # (b)(6), (b)(7)c (ICE Detainee)

The Atlanta Field Office has closed the above case. After reviewing the management inquiry conducted by (b)(6), (b)(7)c this office is unable to confirm that an contract guard from Corrections Corporation of America committed assault against the detainee, (b)(6), (b)(7)c Furthermore, the detainee was not able to provide (b)(6), (b)(7)c with any additional information.

If you have any more questions regarding this investigation, please contact me at (404) 890 (b)(6), (b)(7)c



U.S. Immigration  
and Customs  
Enforcement

Date: April 24, 2008

**INTEROFFICE**

MEMORANDUM FOR: (b)(6), (b)(7)c  
Deputy Field Office Director  
Detention and Removal  
Atlanta, Georgia

FROM: (b)(6), (b)(7)c  
Supervisory Detention and Deportation Officer  
Lumpkin, Georgia

SUBJECT: Management Inquiry – OPR Case (b)(6), (b)(7)c

**Allegations: Detainee Allegation of Assault by CCA Staff**

On January 24, 2008 the Joint Intake Center received a complaint by (b)(6), (b)(7)c of a possible assault on a detainee by Correction Corporations of America (CCA) Detention Officers.

The Stewart Detention Center is a facility that is run by Correction Corporations of America (CCA) ICE has an IGSA agreement with Stewart County to house detainees at the Stewart Detention Center. CCA has an agreement with Stewart County to run the facility for the County.

This writer on April 15, 2008 interviewed (b)(6), (b)(7)c of the Nakamoto Group who is working for ICE /DRO at the Stewart Detention Center as a consultant on National Detention Standards compliance

(b)(6), (b)(7)c stated to this writer that on January 24, 2008 at approximately (b)(7)e hours while making his rounds in the Segregation unit that a detainee named (b)(6), (b)(7)c a Haitian National stated to him that he had been assaulted by CCA Detention Officers.

(b)(6), (b)(7)c left the Segregation Unit and went to report this incident to ICE (b)(6), (b)(7)c then reported this incident to the Joint Intake Center.

On April 23, 2008 this writer traveled to the Atlanta Field Office to interview (b)(6), (b)(7)c who was transferred out of the Stewart Detention Center on February 15, 2008 to the Atlanta City Detention Center.

On April 23, 2008 at approximately (b)(7)e hours this writer interviewed (b)(6), (b)(7)c at the Atlanta Field Office.

(b)(6), (b)(7)c stated to this writer that on an unknown date and time during the day in either UNIT 1 or 2 (he could not remember) he became upset and disruptive in the pod.

(b)(6), (b)(7)c stated that he kept asking the CCA staff “Why do you keep me here”

(b)(6), (b)(7)c stated that he became very upset and that the unknown pod Officer asked him to step outside of the pod and go to the unit manager’s office.

(b)(6), (b)(7)c stated that once he walked into the Unit manager’s office that three unknown CCA Detention Officers grabbed him and placed handcuffs on his wrist and threw him to the ground.

(b)(6), (b)(7)c stated that once he was on the ground the Officers started to beat him with their fist striking him several times on his body and side. (b)(6), (b)(7)c stated that he could not remember how many times he was beaten.

This writer asked (b)(6), (b)(7)c if he could identify the officers that assaulted him.

(b)(6), (b)(7)c stated no that he could only remember them being black males.

This writer asked (b)(6), (b)(7)c what happen next. (b)(6), (b)(7)c stated that he was then taken to the medical unit to be checked out. Once at the medical unit (b)(6), (b)(7)c was checked out for bruises and broken bones. (b)(6), (b)(7)c was examined and found to be in good health with no bruises or broken bones.

(b)(6), (b)(7)c was then carried by the CCA Officers to the segregation unit and locked down for his disruptive behavior.

This writer asked (b)(6), (b)(7)c if he had anything else to add to this report. (b)(6), (b)(7)c stated no that he just wants to go home.

**Conclusion: Because (b)(6), (b)(7)c can not recall what day, time or unit he was in and that he can not identify any of the officers I found that his allegation of assault by CCA officers to be unsubstantial. I recommend at this time that this case be closed.**

(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, April 25, 2008 10:31 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** FW: Detainee (b)(6), (b)(7)c  
**Importance:** High  
**Attachments:** 2008\_04\_25\_10\_28\_06.pdf

(b)(6), (b)(7)c

Because of HIP Laws they will not release the medical record to me. I had Commander (b)(6), (b)(7)c write a statement below stating his condition when he went to segregation. Attached above is his medical summary transfer when he left Stewart to go to Atlanta as you can see there was no medical problems.

(b)(6), (b)(7)c

(b)(6), (b)(7)c  
(b)(6), (b)(7)c  
**Stewart Detention Center**  
**Office: (229) 838-** (b)(6), (b)(7)c  
**Cell: (229) 321-** (b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, April 25, 2008 10:17 AM  
**To:** (b)(6), (b)(7)c  
**Subject:** Detainee (b)(6), (b)(7)c

On January 14, Detainee (b)(6), (b)(7)c was seen in medical for a Physical Exam and a clearance for segregation, at the appt. he reported he had some Rt knee and Rt foot pain from an assault by CCA officers. He denied surgery/hospitalizations/medications/allergies/chronic illness. He reported he was once sent to the ER for evaluation after assault by officers in a Florida jail. It was a normal exam. There was no evidence of contusion or any injury to his R knee or R foot.

(b)(6), (b)(7)c

US Public Health Services  
Assistant Health Services Administrator  
Stewart Detention Center  
ICE Medical Facility  
79 Holder Road  
Lumpkin Georgia, 31815  
Work 229 838- (b)(6), (b)(7)c  
Fax 229 838 1242

**MEDICAL SUMMARY OF FEDERAL PRISONER/ALIEN IN TRANSIT**  
**U.S. Department of Justice**

**TB Clearance** Yes

1) PPD: \_\_\_\_\_  
 Results: \_\_\_\_\_

2) CXR Res: (b)(6), (b)(7)c

3) Health Authority Clearance: Yes

\_\_\_\_\_  
 Sign Date

Note: Dates listed above must be within one year of this transfer.

**I. PRISONER/ALIEN**

**Name:** \_\_\_\_\_ **Prisoner/Alien Reg. #:** \_\_\_\_\_ **D.O.B.:** \_\_\_\_\_  
 (b)(6), (b)(7)c

**Departed From:** Stewart SPC **Date Departed:** 02/04/2008

**Destination:** HAITI **Reason for Transfer:** DEPORT

**Dist. Name:** \_\_\_\_\_ **Dist. #:** \_\_\_\_\_ **Date in Case:** 01/04/2008

**II. Current Medical Problems**

1. Diagnosis - ROUTINE GEN MED EX@HLTH CARE  
 FACL
2. Allergy - NKA - NKA
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

			Current Medications	
Medication	Dose	Route	Instructions for Use	Stop
None				
<b>Additional Comments:</b>				
<b>Standard Precautions:</b>				

**III. SPECIAL NEEDS AFFECTING TRANSPORTATION**

Is prisoner medically able to travel by BUS, VAN, or CAR? Yes

Is prisoner medically able to travel by airplane? Yes

Is prisoner medically able to stay overnight at another facility en route to destination? Yes

Is there any medical reason for restricting the length of time prisoner can be in travel status? No

Does prisoner require any medical equipment while in transport status? No

**Sign & Print Name - Certifying Health Authority:** (b)(6), (b)(7)c **Phone Number:** (229) 838- (b)(6), (b)(7)c **Date Signed:** \_\_\_\_\_

U.S. Department of Homeland Security  
77 Forsyth St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

June 23, 2008

MEMORANDUM FOR (b)(6), (b)(7)c  
ACTING CHIEF, ADMINISTRATIVE INQUIRY UNIT  
HEADQUARTERS

FROM: (b)(6), (b)(7)c  
Deputy Field Office Director  
Atlanta, Georgia

SUBJECT: OPR Case Number (b)(6), (b)(7)c

The Atlanta Field Office has closed the above case. Upon review of the completed management inquiry for the above OPR case that was conducted by (b)(6), (b)(7)c COTR, it was discovered that the complainant (b)(6), (b)(7)c had already been voluntarily returned to Mexico on April 04, 2008. Complainant is unavailable for interview to confirm allegations. No further action will be taken in this case.

If you have any further questions regarding this investigation, please contact me at (404) 892 (b)(6), (b)(7)c

Attachment

U.S. Department of Homeland Security  
146 CCA Road  
Lumpkin, Georgia 31815



U.S. Immigration  
and Customs  
Enforcement

Date: June 17, 2008

**INTEROFFICE**

MEMORANDUM FOR: (b)(6), (b)(7)c  
Deputy Field Office Director  
Detention and Removal  
Atlanta, Georgia

FROM: (b)(6), (b)(7)c  
Supervisory Detention and Deportation Officer  
Lumpkin, Georgia

SUBJECT: Management Inquiry – OPR Case (b)(6), (b)(7)c

**Allegations: CCA Officer verbally abusing detainee**

On January 29, 2008 the Joint Intake Center received a complaint from an ICE detainee named (b)(6), (b)(7)c a Mexican National complaining that he has been verbally abused by a Correction Corporation of America Officer (CCA) at the Stewart Detention Center.

The Stewart Detention Center is a facility that is run by Correction Corporations of America (CCA) ICE has an IGSA agreement with Stewart County to house detainees at the Stewart Detention Center. CCA has an agreement with Stewart County to run the facility for the County.

(b)(6), (b)(7)c stated that a female officer named (b)(6), (b)(7)c first name unknown had verbally abused him and poked him on the forehead with her index finger. (b)(6), (b)(7)c also stated that Officer (b)(6), (b)(7)c had also ripped his CCA identification card off of his neck.

On May 29, 2008 this writer received this management inquiry and attempted to contact (b)(6), (b)(7)c at the Stewart Detention Center.

This writer discovered that detainee (b)(6), (b)(7)c had been voluntarily deported back to his home country of Mexico on April 4/4/08.

This writer recommends that this case be unfounded due to no complainant available to interview substantiating the alleged charges.



(b)(7)e

DAC CUSTODY SUMMARY INQUIRY

DATE: 06/10/2008

TIME: 17:59:31

A-NUM: (b)(6), (b)(7)c  
DCO: ATL

LAST NAME: (b)(6), (b)(7)c  
FIRST NAME:

NATLTY: MEXIC

CHG-DOC-ISSUED: 10/12/2007  
CHG-DOC-SERVED:

DATE-WA-ISSUED:  
DATE-WA-SERVED:  
CONSUL-NOTIF:

BOND-AMT-REQUIRED:  
BOND-AMT-POSTED:

BOND-TERM-STATUS:  
DATE-BOND-POSTED:

STAT-RECOG-SUPER:

DATE-STATUS-RECOG-SUPER:

DET-LOC-ID: ATLANGA  
DATE-RELEASED: 04/04/2008

DATE-BOOKED-IN: 04/04/2008  
RELEASED-TO: VD

DATE-ENTERED: 04/08/2008  
DET-FAC-TYPE: NSD


VR-USM:  
DET-DCO: ATL


COMMAND: CUST  
FIRST PAGE OF DATA

A-NUM: (b)(6), (b)(7)c

(b)(7)e - DET LOC ID LIST


NO BOND DATA

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement</b> <b>Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> UNKNOWN, UNKNOWN/Unknown/Rude & Discourteous/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Detainee's wife alleged that D/O told her she was lied to; Detention Center staff is always rude, GA.		
<b>9. SYNOPSIS</b> On 10/2/2008, the JIC received an email from The wife of (b)(6), (b)(7)c Stewart Detention Center, GA. Detainee (b)(6), (b)(7)c assigned officer is (b)(6), (b)(7)c (b)(6), (b)(7)c GA. (b)(6), (b)(7)c (wife) wrote that while Detainee (b)(6), (b)(7)c was in Cary NC Detention Center, he was assured (1 month ago) that if he signed documents, he'd be in Mexico in 2 weeks. (b)(6), (b)(7)c reports that she's been lied to continuously. She has sent all her husband's documents & a money order for \$300.00. No one in the office seems to know where the documents are & (b)(6), (b)(7)c allegedly told her that she was lied to by the officers in Cary, NC & that her husband has to go to court about his case. Every time (b)(6), (b)(7)c calls the Stewart Office at 229838 (b)(6), (b)(7)c the receptionists are rude & annoyed & almost never answer the phone. Detainee (b)(6), (b)(7)c has called (b)(6), (b)(7)c & told her that he has yet to see (b)(6), (b)(7)c & that most of the Detainees that arrived with him at the center have already left.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c - Joint Intake Specialist	<b>11. COMPLETION DATE</b> 05-OCT-2008	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY (Print Name &amp; Title)</b> (b)(6), (b)(7)c JIC Supervisor	<b>13. APPROVED DATE</b> 06-OCT-2008	<b>15. TELEPHONE NUMBER</b> No Phone Number
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	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001


**10. NARRATIVE**

none

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b> HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
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	<b>2. REPORT NUMBER</b> 001


None

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		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> (b)(6), (b)(7)c /DEPRTN OFFCR/Non-Criminal Misconduct/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Allegedly used abusive language and failed to call to a detainee's relative.		
<b>9. SYNOPSIS</b> On October 29, 2008, the Joint Intake Center (JIC), Washington, DC, received information via the Internal Affairs hotline from detainee (b)(6), (b)(7)c Stewart Detention Center, GA. (b)(6), (b)(7)c alleged that U.S. Immigration and Customs Enforcement (ICE) (b)(6), (b)(7)c failed to make a necessary call to (b)(6), (b)(7)c stepfather. (b)(6), (b)(7)c also claimed that (b)(6), (b)(7)c used "abusive" language when he spoke to (b)(6), (b)(7)c		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c Joint Intake Specialist	<b>11. COMPLETION DATE</b> 29-OCT-2008	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6), (b)(7)c - JIC Supervisor	<b>13. APPROVED DATE</b> 29-OCT-2008	<b>15. TELEPHONE NUMBER</b> No Phone Number
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	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

None

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	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

Detention Center, STEWART/Unknown/Abuse-Detainee/Alien (Other)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

Unsubstantiated

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Investigation of Allegations

**9. SYNOPSIS**

On November 20, 2008, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from Detainee (b)(6), (b)(7)c reporting that he is being denied access to his Immigration and Customs Enforcement (ICE) (b)(6), (b)(7)c claims that Contract Detention Officers (CDOs) at the Stewart Detention Center (SDC) are allegedly destroying his written requests to see his (b)(6), (b)(7)c also claims that the CDOs purposely misplaced his official passport in an attempt to prolong his detention at the SDC.

This report details the investigation of these allegations and closure of this case.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

19-NOV-2010

**14. ORIGIN OFFICE**

ICE OPR Office of Detention Oversight (ODO)

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

19-NOV-2010

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

002

**10. NARRATIVE**

On November 20, 2008, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from Detainee (b)(6), (b)(7)c reporting that he is being denied access to his Immigration and Customs Enforcement (ICE), (b)(6), (b)(7)c claims that Contract Detention Officers (CDOs) at the Stewart Detention Center (SDC) are allegedly destroying his written requests to see his (b)(6), (b)(7)c also claims that the CDOs purposely misplaced his official passport in an attempt to prolong his detention at the SDC.

A review of the Enforce Alien Removal Module (EARM) showed that (b)(6), (b)(7)c was removed from the US on October 23, 2008, almost a month before telephonic notification was received by the JIC (EXHIBIT 001).

An ODO Quality Assurance Review was conducted at the SDC in November 2008 and noted several deficiencies in the Staff-Detainee Communication standard. This information was provided to ERO as part of the final inspection report (Exhibit 002)

No further action is warranted in this investigation and this report will be closed upon completion of this report as these allegations are unsubstantiated.

Investigation closed.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

- 001 - EARM detention history
- 002 - November 2008 ODO QAR



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

003

**3. TITLE**

Detention Center, STEWART/Unknown/Non-Criminal Misconduct/ATLANTA, DEKALB, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Investigation of Allegations

**9. SYNOPSIS**

On February 2, 2009, the Joint Intake Center, Washington, DC, received a telephone call from U.S. Immigration and Customs Enforcement Detainee (b)(6), (b)(7)c alleging he had been denied grievance forms by Stewart Detention Center officers. Detainee (b)(6), (b)(7)c stated he is diabetic and he missed a meal, receiving an insufficient bag lunch as a replacement.

In April 2009, (b)(6), (b)(7)c reviewed these allegations. This report documents the findings of the investigation.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c - ICE-OPR Special Agent

**11. COMPLETION DATE**

12-MAY-2010

**14. ORIGIN OFFICE**

ICE OPR Detention Facilities Inspection

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c - ICE-OPR Special Agent Supervisor

**13. APPROVED DATE**

13-MAY-2010

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

003

HB 4200-01 (37), Special Agent Handbook



10. NARRATIVE

On February 2, 2009, the Joint Intake Center (JIC), Washington, DC, received a telephone call from U.S. Immigration and Customs Enforcement (ICE) Detainee (b)(6), (b)(7)c alleging he had been denied grievance forms by Stewart Detention Center (SDC) officers. Detainee (b)(6), (b)(7)c stated he is diabetic and he missed a meal, receiving an insufficient bag lunch as a replacement. The SDC, located in Lumpkin, Georgia, is utilized by the ICE Office of Detention and Removal Operations (DRO) to hold ICE detainees in immigration proceedings.

In April 2009, (b)(6), (b)(7)c assigned to the Office of Professional Responsibility, Detention Facilities Inspection Group, reviewed these allegations. (b)(6), (b)(7)c obtained information in support of this investigation regarding Detainee (b)(6), (b)(7)c from the Enforce Alien Removal Module (EARM), The Enforcement Communication System (TECS), and the National Crime Information Center (NCIC). (b)(6), (b)(7)c also reviewed copies of Detainee (b)(6), (b)(7)c detention file and SDC grievance logbook, and conducted an interview of Detainee (b)(6), (b)(7)c about the incidents.

Allegation 1: Officers are denying detainees grievance forms

(b)(6), (b)(7)c spoke to Detainee (b)(6), (b)(7)c about the SDC, specifically how detainees get sick-call, request and grievance forms. Detainee (b)(6), (b)(7)c indicated detainees must request these forms from the pod officers. Detainee (b)(6), (b)(7)c stated he was denied a grievance form from (b)(6), (b)(7)c (b)(6), (b)(7)c who usually works in Unit 6. Detainee (b)(6), (b)(7)c wished to file a grievance about (b)(6), (b)(7)c treatment of detainees.

Allegation 2: Bag meals are insufficient replacements to regular meals

(b)(6), (b)(7)c spoke with Detainee (b)(6), (b)(7)c about this issue. Detainee (b)(6), (b)(7)c clarified the allegation, stating he received a snack bag, not a lunch or meal bag after missing lunch. Detainee (b)(6), (b)(7)c stated he brought this to the attention of (b)(6), (b)(7)c who corrected the problem.

Findings:

Allegation 1 and Allegation 2 are unfounded. Detainee (b)(6), (b)(7)c filed grievances before this date and after this date with no problem. There were no evidence or documentation available to prove or disprove this allegation. Detainee (b)(6), (b)(7)c indicated allegation 2 is not an issue and was corrected. The SDC is compliant with the ICE National Detention Standards as they relate to the allegations.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

003

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

UNKNOWN, UNKNOWN/Unknown/Civil Rights Violation/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Investigation of Allegations at the Stewart Detention Center, Lumpkin, GA

**9. SYNOPSIS**

On May 21, 2009, the Joint Intake Center, Washington, DC, received information from the Department of Homeland Security, Office of Civil Rights and Civil Liberties, (complaint no. (b)(6), (b)(7)c) regarding U.S. Immigration and Customs Enforcement Detainee (b)(6), (b)(7)c. Detainee (b)(6), (b)(7)c alleges his civil rights were violated due to conditions at the Stewart Detention Center located in Lumpkin, Georgia.

On September 9, 2009, ICE (b)(6), (b)(7)c reviewed the allegations. This report documents the findings of the investigation.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

23-SEP-2009

**14. ORIGIN OFFICE**

ICE OPR Detention Facilities Inspection

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

24-SEP-2009

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY



1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

002

10. NARRATIVE

On May 21, 2009, the Joint Intake Center (JIC), Washington, D.C., received information from the Department of Homeland Security (DHS), Office of Civil Rights and Civil Liberties (CRCL), (complaint no. (b)(6), (b)(7)(C) regarding U.S. Immigration and Customs Enforcement (ICE) Detainee (b)(6), (b)(7)c. Detainee (b)(6), (b)(7)c wrote a letter (Exhibit 001) to the Lutheran Immigration and Refugee Service alleging several violations of his civil rights at the Stewart Detention Center (SDC). The SDC is used by the ICE Office of Detention and Removal Operations (DRO) to house ICE detainees pending immigration proceedings under an Inter-Governmental Service Agreement. The facility is managed and operated by Corrections Corporation of America (CCA).

On September 9, 2009, (b)(6), (b)(7)c assigned to the ICE, Office of Professional Responsibility (OPR), Office of Detention and Oversight (ODO), reviewed the allegations. In the course of this investigation, (b)(6), (b)(7)c interviewed facility and ICE employees, along with detainees housed at the SDC. (b)(6), (b)(7)c also reviewed policy, procedures, and records relating to the SDC. (b)(6), (b)(7)c was unable to interview Detainee (b)(6), (b)(7)c since he was removed from the U.S. on January 13, 2009.

Allegation 1: Staff uses racially derogative names and slurs directed at detainees.

Detainee (b)(6), (b)(7)c alleges correctional staff is verbally abusive towards detainees. Detainee (b)(6), (b)(7)c further states that the verbal abuse includes racial comments and slurs.

Since Detainee (b)(6), (b)(7)c did not provide specific information regarding the verbal abuse (b)(6), (b)(7)c interviewed CCA staff, detainees, and reviewed grievance records. (b)(6), (b)(7)c interviewed approximately 60 detainees from three different barracks in a town-hall type forum and none of the detainees stated correctional officers or staff used racial names or slurs. A few detainees expressed concern with the tone and manner in which correctional officers have addressed detainees. The SDC staff was advised of the detainee's concerns.

CCA management stated that the use of racial comments or slurs by employees is not tolerated and would result in disciplinary action being taken against the employee.

Allegation 2: The CCA staff threatens detainees with placement into the Special Management Unit (Disciplinary Segregation) for violation facility rules.

Detainee (b)(6), (b)(7)c alleges correctional staff place detainees in the Special Management Unit (SMU) for minor infractions.

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c



REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

002

10. NARRATIVE

(b)(6), (b)(7)c reviewed the procedures for placing detainees into the SMU at the SDC. (b)(6), (b)(7)c reviewed records of detainees that were currently placed in the SMU. A written order was completed by the facility prior to placing detainees into the SMU. A copy of the order was provided to the detainee. The orders are maintained on file in the SMU during the duration of the detainee's confinement. ICE staff is notified of any detainee placed in segregation and a copy of the placement order is maintained in the detainee's detention file.

A review of the SMU standard was conducted in November 2008, by OPR, Detention Facilities Inspection Group (DFIG). No deficiencies were found in that review (see exhibit 002).

The SDC is complaint with the ICE National Detention Standards (NDS) in this area.

Allegation 3: The food provided to detainees is poor and unbalanced.

Detainee (b)(6), (b)(7)c alleges that the posted menu is different than what is actually served. Additionally, (b)(6), (b)(7)c states the provided meals are not balanced.

The SDC contracts Canteen Correctional Services to operate its food service program. The SDC prepares a five-week menu cycle that is approved by a registered dietician (see exhibit 003). (b)(6), (b)(7)c observed the lunch meal being served on September 9, 2009, and it was consistent with the posted menu. The ICE NDS, Food Service, states "a registered dietitian shall conduct a complete nutritional analysis of every master-cycle menu planned by the FSA. Menus must be certified by the dietitian before implementation. If the master-cycle menus change significantly during the year, the cycle should be reevaluated, to maintain the integrity of the nutritional analysis." The date of approval of the SDC five-week menu is August 1, 2007. Since the master-cycle menu has not changed, there is no requirement, per the ICE NDS, to reevaluate the integrity of the nutritional analysis. (b)(6), (b)(7)c did recommend to SDC management that the current menu be reevaluated by a registered dietician.

The SDC is complaint with the ICE NDS in this area.

Allegation 4: Proper clothing not provided to detainees and clothing issued is old and torn.

Detainee (b)(6), (b)(7)c states in his letter that the SDC barracks are cold and detainees are not issued adequate clothing to keep warm. Detainee (b)(6), (b)(7)c additionally states issued clothing is old, used, ripped, and torn.





**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**10. NARRATIVE**

(b)(6), (b)(7)c interviewed SDC staff who stated the temperature in the barracks is between 72 - 76 degrees Fahrenheit. The temperature in the barracks was comfortable at the time of the investigation.

Detainees at the SDC are issued three uniform sets which consist of shirt, trouser, socks, and undergarments. Additionally, each detainee is issued a blanket. During the winter months, a jacket can be issued to detainees. The ICE NDS states that "all new detainees shall be issued clean, temperature-appropriate, presentable clothing during in-processing."

(b)(6), (b)(7)c interviewed detainees regarding the issuance and exchange of clothing. Two detainees had not received their issued clothing back from laundry services thus only had one uniform set. (b)(6), (b)(7)c advised SDC staff of the deficiency and the matter was resolved. Most of the detainees stated there was no problem with the issuance and exchange of clothing, lines, and towels. No torn or ripped clothing was observed by (b)(6), (b)(7)c

Allegation 5: Telephone service is expensive.

ICE has contracted with Public Communications Services (PCS) to provide telephone access to detainees held at all ICE facilities approved for over 72-hour detention (exhibit 004). Fees and charges for telephone calls at all detention facilities are determined by the nationwide agreement. Detainees are allowed free telephone access to embassies, foreign consulates, and pro bono community based legal service providers as outlined in the ICE NDS.

Allegation 6: Grievances are being "lost" or "misdirected."

Detainee (b)(6), (b)(7)c alleges detainees have attempted to address "problems" at the facility through the grievance process but their complaints are oftentimes ignored or lost.

(b)(6), (b)(7)c reviewed the grievance standard at SDC to determine if a process to submit formal and emergency grievances exists, and responses provided in a timely manner, without fear of reprisal. In addition, (b)(6), (b)(7)c reviewed the grievance appeal process to determine if detainees are provided the opportunity to appeal the facility's response to a grievance. The grievance log was reviewed and interviews were conducted with CCA and ICE staff, along with detainees.

Inmate complaint and grievance forms are located in the housing units. The grievance process and appeal procedures are stated in the detainee handbook (see exhibit 005).

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

002



10. NARRATIVE

(b)(6), (b)(7)c reviewed 12 grievances filed since June 23, 2009, and all grievances were responded to timely.

(b)(6), (b)(7)c spoke to approximately 60 detainees regarding the detainee grievance process. The detainees were aware of the process and how to access complaint forms. No concerns were expressed regarding lost or misdirected grievances.

In November 2008, an OPR, DFIG inspection was conducted at the SDC (see exhibit 006). One deficient finding identified during the inspection was SDC staff was not responding within the required time-frame on submitted grievances. The SDC management staff is aware of the deficiency. (b)(6), (b)(7)c did not find any deficiencies with the SDC grievance procedure during his investigation.

SDC is compliant with the ICE NDS in this area.

Allegation 8: The drinking water at the facility is green.

Detainee (b)(6), (b)(7)c states the facility drinking water is green.

(b)(6), (b)(7)c obtained the annual drinking water quality report for 2008 which states that the SDC's drinking water is safe and meets federal and state requirements (see exhibit 007). (b)(6), (b)(7)c

(b)(6), (b)(7)c also observed the water in the drinking fountains and bathroom in the detainee barracks and did not observe any water discoloration. The SDC is compliant with the ICE NDS in this area.

Findings:

The investigation of the allegations submitted by Detainee (b)(6), (b)(7)c found SDC was in compliance with the ICE NDS.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

- 001 Detainee Complaint Letter
- 002 DFIG Review of Segregation Management Unit, at SDC (November 2008)
- 003 SDC Five-Week Menu
- 004 DRO Memorandum titled, "Detainee Telephone Services." April 4, 2007
- 005 SDC Detainee Handbook, Page 26-27
- 006 DFIG Review of Detainee Grievance Procedure, at SDC (November 2008)
- 007 2008 Annual Drinking Water Quality Report for Brooklyn Community``



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

UNKNOWN, UNKNOWN/Unknown/Non-Criminal Misconduct/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Former detainee alleged that CCA staff improperly disposed of personal property at Steward Dententio

**9. SYNOPSIS**

On August 18, 2009, the Joint Intake Center (JIC), Washington, DC, received information that former Immigration and Customs Enforcement (ICE) detainee (b)(6), (b)(7)c alleged that his personal property, including several diplomas, Holy Bible, and legal documents were improperly disposed of while being detained at the Stewart Detention Center in Lumpkin, GA.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

18-AUG-2009

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

18-AUG-2009

**15. TELEPHONE NUMBER**

No Phone Number

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**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**10. NARRATIVE**

None

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

(b)(6), (b)(7)c

IMMGRTN ENF AGT/Abuse-Detainee/Alien Physical Abuse (Minor)/ATLANTA, DEKALB, GA

**4. FINAL RESOLUTION**

Unsubstantiated

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Detainee at the Stewart Detention Facility, Lumpkin, GA, claimed he was physically abused by unknown

**9. SYNOPSIS**

On October 18, 2010, the Joint Intake Center (JIC), Washington, D.C., received a completed Department of Homeland Security (DHS), Office of Inspector General (OIG) report of investigation dated October 13, 2010. It was alleged that detainee (b)(6), (b)(7)c Atlanta, GA, while in the custody of ICE at the Stewart County Detention Center (SCDC) was assaulted by unknown Immigration Enforcement Agents (IEA's). Investigation by DHS OIG determined that (b)(6), (b)(7)c were involved in the transport of (b)(6), (b)(7)c. The IEA's were interviewed and it was determined that (b)(6), (b)(7)c became combative when they took him to the airport to deport him. (b)(6), (b)(7)c was restrained and returned to the SCDC because he refused to remain seated on the airplane. (b)(6), (b)(7)c was treated by the SCDC nurse for scratches for which he received ibuprofen and cold compresses for his injuries. The Assistant United States Attorney reviewed the case and refused to prosecute.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

03-NOV-2010

**14. ORIGIN OFFICE**

DHS ICE IG Liaison

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

03-NOV-2010

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**



(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

**10. NARRATIVE**

See DHS OIG ROI for narrative.



**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**



(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

(b)(6), (b)(7)c

Criminal-Theft of Detainee/Alien/Civilian (Property/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Detainee alleged that an ICE Officer stole his cell phone and necklaces

**9. SYNOPSIS**

On March 11, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), Stewart Detention Center, Lumpkin Georgia. It was reported that Detainee (b)(6), (b)(7)c Lumpkin Georgia, alleged that an ICE employee stole his cell phone and three gold chains.

On March 16, 2011, ICE (b)(6), (b)(7)c interviewed Detainee (b)(6), (b)(7)c (Mexican National, Alien number (b)(6), (b)(7)c) at the Stewart Correctional Center located in Lumpkin, Georgia. The findings of the interview concluded there is no employee misconduct identified therefore, this file is closed pending further developments and/or requests.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

24-MAR-2011

**14. ORIGIN OFFICE**

ICE OPR RAC Tampa

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

24-MAR-2011

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

002

10. NARRATIVE

On March 11, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), Stewart Detention Center, Lumpkin Georgia. It was reported that Detainee (b)(6), (b)(7)c Lumpkin Georgia, alleged that an ICE employee stole his cell phone and three gold chains.

On March 16, 2011, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c for the purpose of obtaining details of his allegation concerning misconduct of an unnamed ICE employee. (b)(6), (b)(7)c stated that he was arrested at his residence, as a part of a gang round-up operation conducted by ICE/Atlanta on February 9, 2011, in Athens, Georgia. Following his arrest, he was transported by a local police officer to the Athens Police Department for processing. There, he was interviewed by an ICE employee and his initial deportation paperwork was completed.

(b)(6), (b)(7)c presented (b)(6), (b)(7)c with his Alien File, which revealed documents, signed by ICE agents (b)(6), (b)(7)c as well as (b)(6), (b)(7)c advised (b)(6), (b)(7)c that he recalled signing the forms in the presence of these agents who also signed their names. One of the agents was responsible for inventorying his personal property after he was transported to the Atlanta Detention Center (ADC). (b)(6), (b)(7)c specifically alleged that a black Samsung/Verizon cell phone, a gold chain with a religious cross and third religious style string necklace were taken from him at the time of his booking into the ADC. He was advised by the booking officer that the ICE agent that completed his deportation paperwork in Athens, Ga., would receive and be responsible for the property.

In the following week the unknown ICE employee visited (b)(6), (b)(7)c in the ADC and attempted to obtain additional details of his gang affiliation and informed him that he would deliver the property taken at the time of his arrest to a member of his family.

At the time of the interview, (b)(6), (b)(7)c had not received a property receipt or confirmation that his property was turned over to the custody of his family. (b)(6), (b)(7)c was granted a voluntary departure by an U.S. Immigration Judge in Lumpkin, Georgia in March 2011. He was expected to voluntary deport to Mexico as soon as he provided a travel document and airline ticket as required, per the conditions of his grant of voluntary return.

A property check conducted by (b)(6), (b)(7)c at Stewart Correctional Center, Lumpkin, Georgia revealed that the aforementioned property was not listed in (b)(6), (b)(7)c personal property inventory at the Stewart Detention Center.

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

002



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

In a subsequent investigation, (b)(6), (b)(7)c obtained a copy of the property receipt form (Exhibit 1) from IC (b)(6), (b)(7)c which documents that (b)(6), (b)(7)c (b)(6), (b)(7)c family member, received the property that was previously in the possession of (b)(6), (b)(7)c. The documents list three items received as (1) Verizon/Samsung touch screen phone, (2) Yellow/gray necklace w/crucifix and heart and flower medallion and a (3) string necklace, brown w/two religious patches. These items are an exact match of the items that (b)(6), (b)(7)c alleged were taken from him at the time of his arrest.

The OPR/Tampa investigation determined there was no misconduct by an ICE employee therefore; this file is closed pending further developments and/or requests.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**



(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

Exhibit One: Property Sheet documenting (b)(6), (b)(7)c returned property from ICE



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee alleged that Immigration and Customs Enforcement has lost his property.

**9. SYNOPSIS**

On March 18, 2011, the Joint Intake Center (JIC), Washington, DC, received an email from (b)(6), (b)(7)c (b)(6), (b)(7)c Supervisory Detention and Deportation Officer, Stewart Detention Center, Enforcement and Removal Operations, Lumpkin, GA. It was reported that (b)(6), (b)(7)c detainee, is alleging that Immigration and Customs Enforcement has lost his property.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

21-MAR-2011

**14. ORIGIN OFFICE**

XXCM CMG View Case

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

21-MAR-2011

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER



(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

001

10. NARRATIVE

On March 18, 2011, the Joint Intake Center (JIC), Washington, DC, received an email from (b)(6), (b)(7)c  
(b)(6), (b)(7)c Supervisory Detention and Deportation Officer, Stewart Detention Center, Enforcement and Removal Operations, Lumpkin, GA. It was reported that (b)(6), (b)(7)c detainee, is alleging that Immigration and Customs Enforcement has lost his property.

Details are contained herein.

This is a verbatim copy of a memorandum submitted to the JIC. No spelling or grammatical corrections have been made.

<BEGIN>

Update:

Detainee (b)(6), (b)(7)c has been provided with a Tort claim form SF-95 as detainee alleges that there was more property contained than the one listed as destroyed on the property receipt, to that end a Report of Detainee Missing Property form I-387 has been completed in accordance with Section 30.4 of Policy Memorandum dated 01/25/2007 from Director John P. Torres (attached).

ERO/ATL Stewart is making further inquiries into the destroyed property receipts received from ERO/MIA Jacksonville in accordance with section 30.5 of aforementioned policy.

Thank you,

(b)(6), (b)(7)c

Stewart Detention Center  
146 CCA Rd. Lumpkin, GA 31815  
Ph. (229) 838-(b)(6), (b)(7)c  
Fx. (229) 838-1219

From: (b)(6), (b)(7)c

Sent: Thursday, March 17, 2011 7:21 PM

To: JOINT INTAKE

Subject: PROPERTY LOSS OF Detainee (b)(6), (b)(7)c

Dear Joint Intake Center,

Detainee (b)(6), (b)(7)c is alleging that ICE has lost his property, detainee is due to be removed from the United States to his native Jamaica on 03/24/2011, please advise if deferral of removal is warranted. see attached e-mail messages for details.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**10. NARRATIVE**

thank you,

(b)(6), (b)(7)c

Stewart Detention Center  
146 CCA Rd. Lumpkin, GA 31815  
Ph. (229) 838-<sup>(b)(6), (b)(7)c</sup>  
Fx. (229) 838-1219  
<END>



**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**


**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001



None

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>		<p><b>1. CASE NUMBER</b></p> <p>(b)(6), (b)(7)c</p>
		<p><b>PREPARED BY</b></p> <p>(b)(6), (b)(7)c</p> <p><b>2. REPORT NUMBER</b></p> <p>001</p>
<p><b>3. TITLE</b></p> <p>LNU, FNU/Unknown/Detainee/Alien - Abuse (Medical Issue)/LUMPKIN, STEWART, GA</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b></p> <p>Initial Report</p>	<p><b>6. TYPE OF REPORT</b></p> <p>Allegation</p>	<p><b>7. RELATED CASES</b></p> <p>(b)(6), (b)(7)c</p>
<p><b>8. TOPIC</b></p> <p>Detainee alleges he is not receiving proper medical care by medical staff</p>		
<p><b>9. SYNOPSIS</b></p> <p>On June 3, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) received a complaint phone call from detainee (b)(6), (b)(7)c who alleged that Correctional Corporations of America (CCA) staff and medical staff are ignoring his complaints of pain, swelling, and sores in his genital area. Detainee (b)(6), (b)(7)c also alleges that he is being forced to take psychiatric medication and he is being pressured into signing a refusal form.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b></p> <p>(b)(6), (b)(7)c</p>	<p><b>11. COMPLETION DATE</b></p> <p>21-JUN-2011</p>	<p><b>14. ORIGIN OFFICE</b></p> <p>XXCM OPR View Update Case</p>
<p><b>12. APPROVED BY(Print Name &amp; Title)</b></p> <p>(b)(6), (b)(7)c</p>	<p><b>13. APPROVED DATE</b></p> <p>22-JUN-2011</p>	<p><b>15. TELEPHONE NUMBER</b></p> <p>No Phone Number</p>
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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001



**10. NARRATIVE**

On June 3, 2011, the Department of Homeland Security (DHS) Office of Inspector General (OIG) received a complaint phone call from detainee (b)(6), (b)(7)c who alleged that Correctional Corporations of America (CCA) staff and medical staff are ignoring his complaints of pain, swelling, and sores in his genital area. Detainee (b)(6), (b)(7)c also alleges that he is being forced to take psychiatric medication and he is being pressured into signing a refusal form.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001



None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/0601 Detainee/Alien - Abuse (Physical Abuse)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

(b)(6), (b)(7)c

**8. TOPIC**

Investigation of staff on detainee alleged assault at Stewart Detention Center

**9. SYNOPSIS**

On June 29, 2011, the Joint Intake Center, Washington, DC, received an email from Immigration and Customs Enforcement, Enforcement and Removal Operations, (b)(6), (b)(7)c

(b)(6), (b)(7)c

in Lumpkin, Georgia.

(b)(6), (b)(7)c

reported that

Immigration and Customs Enforcement Detainee (b)(6), (b)(7)c alleged that a correctional officer entered his cell and physically assaulted him at the Stewart Detention Center, Lumpkin, Georgia.

On July 6, 2011, the Immigration and Customs Enforcement, Office of Professional Responsibility, Office of Detention Oversight initiated an investigation into the allegation made by Detainee

(b)(6), (b)(7)c

This report documents the findings of the investigation.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

10-NOV-2011

**14. ORIGIN OFFICE**

ICE OPR Office of Detention Oversight (ODO)

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

10-NOV-2011

**15. TELEPHONE NUMBER**

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

002

**10. NARRATIVE**

On June 29, 2011, the Joint Intake Center, Washington, DC, received an email from Immigration and Customs Enforcement, Enforcement and Removal Operations, (b)(6), (b)(7)c (b)(6), (b)(7)c in Lumpkin, Georgia. (b)(6), (b)(7)c reported that Immigration and Customs Enforcement Detainee (b)(6), (b)(7)c alleged that a correctional officer entered his cell and physically assaulted him at the Stewart Detention Center, Lumpkin, Georgia.

On July 6, 2011, the Immigration and Customs Enforcement, Office of Professional Responsibility, Office of Detention Oversight initiated an investigation into the allegation made by Detainee (b)(6), (b)(7)c This report documents the findings of the investigation.

**FINDINGS**

The Stewart Detention Center (SDC) investigation revealed that the allegation of physical assault could not be substantiated. The Office of Detention Oversight (ODO) concludes the SDC was in compliance with the ICE Performance Based National Detention Standards as they relate to facility security and control and medical care and treatment. Detainee (b)(6), (b)(7)c was seen and treated by SDC medical staff immediately after the June 29th incident, upon his return to the SDC from the Stewart Webster Hospital (SWH) and the following day.

**DETAILS OF INVESTIGATION**

On June 29, 2011, the Joint Intake Center (JIC), Washington, DC, received an email from Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), (b)(6), (b)(7)c in Lumpkin, Georgia. (b)(6), (b)(7)c reported that ICE Detainee (b)(6), (b)(7)c alleged that a correctional officer entered his cell and physically assaulted him at the Stewart Detention Center (SDC), Lumpkin, Georgia.

The ODO investigation of the complaint included a review of immigration, detention and medical files. Information in support of this investigation was obtained from the following databases: Enforce Alien Removal Module (EARM), Treasury Enforcement Communications System (TECS), the Joint Integrity Case Management System (JICMS), and the Significant Event Notification System (SEN).

Allegation 1 - Alleged physical assault by an SDC officer on a detainee.

(b)(6), (b)(7)c with ICE ERO generated a Significant Incident Report (SIR) regarding the alleged assault (Exhibit 01). According to the report, on June 29, 2011, (b)(6), (b)(7)c

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER



(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

002

10. NARRATIVE

(b)(6), (b)(7)c a native and citizen of Trinidad and Tobago, claimed that a Corrections Corporation of America (CCA) staff member entered his cell at the SDC and physically assaulted him.

On June 28, 2011, at approximately 11:25 pm, (b)(6), (b)(7)c responded to B Pod to check on cells #202 and #113 after call buttons were activated in the cells. (b)(6), (b)(7)c (b)(6), (b)(7)c went to cell #202 where Detainee (b)(6), (b)(7)c was housed as (b)(6), (b)(7)c proceeded to Detainee (b)(6), (b)(7)c cell #113. After the officers checked on the detainees, they met in the Unit B dayroom where (b)(6), (b)(7)c told (b)(6), (b)(7)c that Detainee (b)(6), (b)(7)c would not speak with her. (b)(6), (b)(7)c went to Detainee (b)(6), (b)(7)c cell to verify the detainee's status. Detainee (b)(6), (b)(7)c became upset because his sleep was interrupted by the officers' checks. (b)(6), (b)(7)c explained if the button in the cell was activated the officers would continue to respond.

At approximately 12:05 am, on June 29, 2011 the call button in cell #202 was activated again. (b)(6), (b)(7)c returned to Detainee (b)(6), (b)(7)c cell where he observed through the cell door window Detainee (b)(6), (b)(7)c holding a towel, with red stains which appeared to be blood, to his head. (b)(6), (b)(7)c (b)(6), (b)(7)c opened the door as Detainee (b)(6), (b)(7)c began shouting that (b)(6), (b)(7)c had hit him with the officer's keys. Detainee (b)(6), (b)(7)c exited the cell and walked down the staircase in the pod with (b)(6), (b)(7)c following him. (b)(6), (b)(7)c contacted (b)(6), (b)(7)c via radio communications regarding the situation. (b)(6), (b)(7)c and (b)(6), (b)(7)c met (b)(6), (b)(7)c and the detainee in the main hallway of the SDC. Detainee (b)(6), (b)(7)c was escorted to medical, and (b)(6), (b)(7)c was relieved of his post. Detainee (b)(6), (b)(7)c was treated by SDC medical staff and then was transported to the Stewart Webster Hospital (SWH) located in Richland, GA for an evaluation (Exhibit 02).

At 0023 hrs, the CCA Administrative Duty Officer (ADO) was contacted by CCA staff regarding a possible staff on detainee assault.

Detainee (b)(6), (b)(7)c transport to the SWH occurred at approximately 1:30 am, and was because of a contusion and small laceration to his left temple and complaints of dizziness. At 05:00 am, Detainee (b)(6), (b)(7)c returned from SWH in good condition, with no medical limitations or immediate concerns. Detainee (b)(6), (b)(7)c was placed in segregation upon his return to the SDC pending an investigation into the allegation.

On June 29, 2011, at approximately 1:02 am, (b)(6), (b)(7)c for the CCA was contacted by (b)(6), (b)(7)c of the alleged assault on Detainee (b)(6), (b)(7)c by (b)(6), (b)(7)c (b)(6), (b)(7)c Specifically, Detainee (b)(6), (b)(7)c alleged that (b)(6), (b)(7)c entered Detainee (b)(6), (b)(7)c cell and struck him one to two times in his head using his fist in which his keys were held (Exhibit 03).



DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

002

10. NARRATIVE

On June 29, 2011, at approximately 7:28 am, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c (b)(6), (b)(7)c explained he and (b)(6), (b)(7)c responded to cells #202 and #113 because the emergency call buttons in the cells had been activated. The intercom system was not functioning; therefore the officers had to conduct a safety check to ascertain the detainees' wellbeing.

Detainee (b)(6), (b)(7)c in cell #202, refused to speak with (b)(6), (b)(7)c. (b)(6), (b)(7)c proceeded to cell #202 to check on Detainee (b)(6), (b)(7)c after (b)(6), (b)(7)c told him of the Detainee (b)(6), (b)(7)c refusal.

Detainee (b)(6), (b)(7)c yelled at (b)(6), (b)(7)c because the officer was imposing on his slumber. (b)(6), (b)(7)c

(b)(6), (b)(7)c explained to Detainee (b)(6), (b)(7)c that if the distress button was depressed then an officer would respond to ensure the safety of the detainees. Approximately thirty minutes later, the cell #202 button was pressed again. (b)(6), (b)(7)c returned to the cell to find Detainee (b)(6), (b)(7)c holding a white towel against his head. The towel appeared to have bloodstains on it. (b)(6), (b)(7)c

opened the cell door, and Detainee (b)(6), (b)(7)c immediately exited the cell, shouting "You hit me with your keys."

(b)(6), (b)(7)c interviewed (b)(6), (b)(7)c who were on shift with (b)(6), (b)(7)c stated she observed Detainee (b)(6), (b)(7)c disobey (b)(6), (b)(7)c order by refusing to prepare for lock down and count. After the count, (b)(6), (b)(7)c noticed the blinking lights on the control board for cell #202 and cell #113 call buttons. (b)(6), (b)(7)c responded to cell #202, while (b)(6), (b)(7)c went to cell #113. Later, the panel board light for cell #202 illuminated. (b)(6), (b)(7)c responded to cell #202. (b)(6), (b)(7)c witnessed Detainee (b)(6), (b)(7)c exit his cell with a towel, stained with what appeared to be blood, on his head. (b)(6), (b)(7)c stated (b)(6), (b)(7)c followed Detainee (b)(6), (b)(7)c out of the pod. Detainee (b)(6), (b)(7)c was taken to the medical unit.

(b)(6), (b)(7)c relayed the incident on June 28, 2011, when Detainee (b)(6), (b)(7)c refused to follow her orders to return to his cell to prepare for night count. (b)(6), (b)(7)c stated Detainee (b)(6), (b)(7)c was extremely upset when he returned to his cell. Later that night, (b)(6), (b)(7)c confirmed she initially responded to cell #202 where she found Detainee (b)(6), (b)(7)c on his top bunk. Detainee (b)(6), (b)(7)c turned his head when she opened the cell door. (b)(6), (b)(7)c explained the intercom malfunction and that each time the assistance button was activated that officers would respond for a cell check. She informed (b)(6), (b)(7)c that Detainee (b)(6), (b)(7)c ignored her. (b)(6), (b)(7)c went to cell #202. (b)(6), (b)(7)c heard Detainee (b)(6), (b)(7)c demand to see the captain because his sleep time was being disturbed. According to Officer (b)(6), (b)(7)c approximately thirty minutes later, (b)(6), (b)(7)c went to B pod because the cell #202 call button was pushed again. (b)(6), (b)(7)c was in the control room warming food when (b)(6), (b)(7)c left. (b)(6), (b)(7)c observed (b)(6), (b)(7)c open cell door #202, and Detainee (b)(6), (b)(7)c exit holding a white towel to his head with what appeared to be blood stains



DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

002



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

on the towel. Detainee (b)(6), (b)(7)c was saying "you hit me; you hit me with your keys."

The investigation included interviews of Detainee (b)(6), (b)(7)c, Detainee (b)(6), (b)(7)c and cellmate Detainee (b)(6), (b)(7)c a review the officers' incident reports and the photos of the injuries sustained by Detainee (b)(6), (b)(7)c viewing of the (b)(7)e (b)(7)e and site visits to cells #202 and #113.

(b)(6), (b)(7)c report concluded that there were discrepancies and inconsistencies with the alleged victim's and his witnesses' statements. (b)(6), (b)(7)c (b)(6), (b)(7)c noted that Detainee (b)(6), (b)(7)c is a "cutter". (b)(6), (b)(7)c observed razor-like cut marks and scars on the detainee's arms from his wrist to his elbows. The five marks above his left eye, which Detainee (b)(6), (b)(7)c alleged were the result of the assault by (b)(6), (b)(7)c appear to be five surgical cuts made by a razor-like instrument and not consistent with an injury made by keys. The allegation is unsubstantiated.

The ODO investigation into this complaint is closed.

EXHIBITS

- 01 Significant Incident Report
- 02 Medical
- 03 CCA Investigation Report

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c



**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

LNU, FNU/Unknown/Detainee/Alien - Abuse (Other)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

ICE contract facility staff are allegedly preventing detainee from accessing the law library.

**9. SYNOPSIS**

On June 10, 2011, the Department of Homeland Security (DHS), Office of Inspector General (OIG), received email notification from the American Bar Association regarding a complaint that they had received from Immigration and Customs Enforcement (ICE) detainee (b)(6), (b)(7)c (b)(6), (b)(7)c who is currently detained at the Stewart Detention Center located in Lumpkin, GA. According to the received complaint, detainee (b)(6), (b)(7)c alleges that he is not allowed to visit the facility law library and that he believes that the person in charge of the law library is only allowing a small select group of detainees to access the library rather than allowing access for all detainees.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c ICE-OPR Special Agent

**11. COMPLETION DATE**

07-JUL-2011

**14. ORIGIN OFFICE**

ICE OPR Office of Detention Oversight (ODO)

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c - ICE-OPR Special Agent Supervisor

**13. APPROVED DATE**

08-JUL-2011

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**10. NARRATIVE**

On June 10, 2011, the Department of Homeland Security (DHS), Office of Inspector General (OIG), received email notification from the American Bar Association regarding a complaint that they had received from Immigration and Customs Enforcement (ICE) detainee (b)(6), (b)(7)c (b)(6), (b)(7)c who is currently detained at the Stewart Detention Center located in Lumpkin, GA. According to the received complaint, detainee (b)(6), (b)(7)c alleges that he is not allowed to visit the facility law library and that he believes that the person in charge of the law library is only allowing a small select group of detainees to access the library rather than allowing access for all detainees.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/Detainee/Alien - Abuse (Other)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

(b)(6), (b)(7)c

**8. TOPIC**

Allegation received from ICE detainee (b)(6), (b)(7)c

**9. SYNOPSIS**

On July 18, 2011, the Joint Intake Center, Washington D.C., received an investigative referral from the Department of Homeland Security (DHS), Office of Inspector General (OIG), regarding a complaint phone call that was received by the DHS OIG Call Intake Center on July 15, 2011, from Immigration and Customs Enforcement (ICE) detainee (b)(6), (b)(7)c who was being held at the Stewart Detention Center located in Lumpkin, GA. According to the received complaint, detainee (b)(6), (b)(7)c alleged that a chaplain at the facility made fun of him and also refused to honor detainee (b)(6), (b)(7)c religious traditions.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

11-AUG-2011

**14. ORIGIN OFFICE**

XXCM OPR View Update Case

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

12-AUG-2011

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**



**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

**10. NARRATIVE**

On July 18, 2011, the Joint Intake Center, Washington D.C., received an investigative referral from the Department of Homeland Security (DHS), Office of Inspector General (OIG), regarding a complaint phone call that was received by the DHS OIG Call Intake Center on July 15, 2011, from Immigration and Customs Enforcement (ICE) detainee (b)(6), (b)(7)c who was being held at the Stewart Detention Center located in Lumpkin, GA. According to the received complaint, detainee (b)(6), (b)(7)c alleged that a chaplain at the facility made fun of him and also refused to honor detainee (b)(6), (b)(7)c religious traditions.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001

None





**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

(b)(6), (b)(7)c

Unknown/0603 Detainee/Alien - Abuse (Sexual Abuse)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

Unfounded

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Other

**7. RELATED CASES**

**8. TOPIC**

Alleged sexual assault of a detainee at the Stewart Detention Center

**9. SYNOPSIS**

On August 22, 2011, the Joint Intake Center (JIC), Washington, D.C., received an allegation from (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), Lumpkin, Georgia. (b)(6), (b)(7)c reported that detainee (b)(6), (b)(7)c alleged that he was sexually assaulted by detainee (b)(6), (b)(7)c at the Stewart Detention Center (SDC), Lumpkin, Georgia.

On August 22, 2011, (b)(6), (b)(7)c SDC, conducted an interview of (b)(6), (b)(7)c who stated that during the early morning hours of August 21, 2011, he was awakened by (b)(6), (b)(7)c messaging his genitals under his blanket, with his hand on top of his clothing. The SDC separated the two detainees and the internal investigation of the allegation was concluded as unfounded. This file is closed pending further developments and is not being referred for consideration of agency action.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

07-NOV-2011

**14. ORIGIN OFFICE**

ICE OPR RAC Tampa

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

23-NOV-2011

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER



(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

002

10. NARRATIVE

DETAILS OF INVESTIGATION:

On August 21, 2011, (b)(6), (b)(7)c reported to the ICE Health Service Corps (IHSC) that on August 21, 2011, at approximately 0230 hours, he was awakened with (b)(6), (b)(7)c hand on top of his clothing, massaging his genitals under the covers. (b)(6), (b)(7)c stated that he told (b)(6), (b)(7)c to stop because a guard was coming and (b)(6), (b)(7)c stopped.

On August 22, 2011, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c who confirmed he reported the aforementioned allegation to the IHSC. (b)(6), (b)(7)c advised (b)(6), (b)(7)c that he did not wish to pursue criminal charges against (b)(6), (b)(7)c but requested (b)(6), (b)(7)c to be moved to another area of SDC. (b)(6), (b)(7)c also communicated to (b)(6), (b)(7)c that he did not want the allegation to delay his pending deportation to Mexico. (b)(6), (b)(7)c coordinated a medical evaluation for (b)(6), (b)(7)c, which did not yield any evidence to confirm or deny (b)(6), (b)(7)c allegation.

On August 22, 2011, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c who denied having any contact with (b)(6), (b)(7)c stated that he believed (b)(6), (b)(7)c made the allegation against him to delay his (b)(6), (b)(7)c deportation. According to (b)(6), (b)(7)c report, there were no witnesses to this incident and the Stewart County Sheriffs Department declined prosecution.

Based on the allegation, SDC separated (b)(6), (b)(7)c was moved to another housing unit within SDC pending deportation. Additionally, SDC has updated (b)(6), (b)(7)c and (b)(6), (b)(7)c status within the jail tracking system to reflect that the two should remain separate in whatever facility they may be housed, during future detention.

SDC completed and closed their internal investigation of this matter. A copy of (b)(6), (b)(7)c (b)(6), (b)(7)c report is attached to this file, which concluded that the allegation was unfounded.

This file is closed pending further developments and is not being referred for consideration of agency action.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**



(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c


**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

002

None

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b>
		(b)(6), (b)(7)c
		<b>PREPARED BY</b>
		(b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b>
		001
<b>3. TITLE</b>		
(b)(6), (b)(7)c CRIM INVSTGR/Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b>	<b>6. TYPE OF REPORT</b>	<b>7. RELATED CASES</b>
Initial Report	Allegation	
<b>8. TOPIC</b>		
Detainee falsely accused of being (b)(6), (b)(7)c by ICE Agent during investigation.		
<b>9. SYNOPSIS</b>		
<p>On September 23, 2011, the Joint Intake Center (JIC) Washington, D.C., processed U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated July 19, 2011: The referral contained an allegation from (b)(6), (b)(7)c (b)(6), (b)(7)c detainee housed at the Stewart Detention Center in Lumpkin GA. Detainee (b)(6), (b)(7)c alleges ICE (b)(6), (b)(7)c accused him of being (b)(6), (b)(7)c during an investigation.</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b>	<b>11. COMPLETION DATE</b>	<b>14. ORIGIN OFFICE</b>
(b)(6), (b)(7)c	23-SEP-2011	XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b>	<b>13. APPROVED DATE</b>	<b>15. TELEPHONE NUMBER</b>
(b)(6), (b)(7)c	23-SEP-2011	No Phone Number
<p>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</p>		
<p>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</p>		

DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

001



10. NARRATIVE

On July 19, 2011, the Joint Intake Center, Washington, DC, received a referral from the Department of Homeland Security, Office of the Inspector General. The referral contained an allegation from (b)(6), (b)(7)c a detainee housed at the Stewart Detention Center in Lumpkin GA. Detainee (b)(6), (b)(7)c alleges ICE (b)(6), (b)(7)c (b)(6), (b)(7)c accused him of being (b)(6), (b)(7)c during an investigation.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

002

**3. TITLE**

UNKNOWN, UNKNOWN/Unknown/0610 Detainee/Alien - Sexual Assault (Detainee on Detainee)/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

Unfounded

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Closing Report of SDC Detainee (b)(6), (b)(7)c sexual assault allegation

**9. SYNOPSIS**

On October 7, 2011, the Joint Intake Center (JIC), Washington, D.C., received an email from (b)(6), (b)(7)c Enforcement and Removal Operations (ERO), Lumpkin, Georgia. (b)(6), (b)(7)c reported that detainee (b)(6), (b)(7)c (b)(6), (b)(7)c alleged an unidentified detainee attempted to rape him, in his unit at the Stewart Detention Center (SDC), Lumpkin, Georgia.

On October 7, 2011, (b)(6), (b)(7)c SDC, conducted an interview of (b)(6), (b)(7)c and reviewed all calls made by (b)(6), (b)(7)c while at SDC. (b)(6), (b)(7)c denied that there was an attempt to rape him and a review of (b)(6), (b)(7)c phone calls from SDC determined that (b)(6), (b)(7)c never communicated the allegation telephonically. This file has been closed as unfounded; pending further developments.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

24-OCT-2011

**14. ORIGIN OFFICE**

ICE OPR RAC Tampa

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

25-OCT-2011

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

002



10. NARRATIVE

DETAILS OF INVESTIGATION:


On October 7, 2011, (b)(6), (b)(7)c received a call from (b)(6), (b)(7)c of the Mexican Consulate, Atlanta, Georgia. (b)(6), (b)(7)c advised (b)(6), (b)(7)c that he received a call from detainee (b)(6), (b)(7)c sister on October 6, 2011. (b)(6), (b)(7)c sister informed the consulate that (b)(6), (b)(7)c was a detainee at SDC and during a phone conversation, (b)(6), (b)(7)c told her that there was an attempt to rape him, on October 6, 2011, in his unit at the SDC.

On October 7, 2011, (b)(6), (b)(7)c conducted an interview of (b)(6), (b)(7)c who stated there has been no attempt to rape him, while he has been a detainee at SDC.

(b)(6), (b)(7)c reviewed (b)(6), (b)(7)c calls and determined that (b)(6), (b)(7)c never made any statements regarding an attempted rape, attack or altercation while at SDC. A copy of (b)(6), (b)(7)c report is attached to this file, which concluded that the allegation was unfounded.

This file is closed pending further developments.



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION Exhibit List</b></p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 002
None	



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

(b)(6), (b)(7)c

Unknown/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

DO has not met with detainee (for the past two Wednesdays) to answer questions.

**9. SYNOPSIS**

On October 13, 2011, the Joint Intake Center (JIC) Washington, D.C., processed U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated August 18, 2011: The referral contained an allegation from (b)(6), (b)(7)c a detainee housed at the Stewart Detention Center in Lumpkin GA. Detainee (b)(6), (b)(7)c alleges (b)(6), (b)(7)c has not met with detainee (b)(6), (b)(7)c of answered his questions for the past two week.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

13-OCT-2011

**14. ORIGIN OFFICE**

XXCM CMG View Case

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

13-OCT-2011

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001



**10. NARRATIVE**

On August 09, 2011, the Joint Intake Center, Washington, DC, received a referral from the Department of Homeland Security, Office of the Inspector General. The referral contained an allegation from (b)(6), (b)(7)c (none provided) a detainee housed at the Stewart Detention Center in Lumpkin GA.

This is a verbatim recreation of the RIG sent to the JIC. No spelling or grammatical corrections have been made.

<VERBATIM BEGIN>

The complainant is filing a complaint that his deportation officer has not showed up for meetings the past two Wednesdays. They have many questions to ask and need updates on their cases. They are also missing many flights out.

<VERBATIM END>

**DEPARTMENT OF HOMELAND SECURITY**



**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c


**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

None

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>PREPARED BY</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> (b)(6), (b)(7)c Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> RIG: DO refused to answer detainee's questions.		
<b>9. SYNOPSIS</b> On November 4, 2011, the Joint Intake Center (JIC) Washington, DC, processed Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated October 7, 2011. The referral contained an allegation from (b)(6), (b)(7)c a detainee housed at Stewart Detention Center, Lumpkin, GA. Detainee (b)(6), (b)(7)c alleged that (b)(6), (b)(7)c (b)(6), (b)(7)c refuses to answer his question why he was given an extra 90 days in detention.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>11. COMPLETION DATE</b> 04-NOV-2011	<b>14. ORIGIN OFFICE</b> XXCM CMG View Case
<b>12. APPROVED BY (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>13. APPROVED DATE</b> 07-NOV-2011	<b>15. TELEPHONE NUMBER</b> No Phone Number
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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

001



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

10. NARRATIVE

Details of Investigation:

On November 4, 2011, the Joint Intake Center (JIC) Washington, DC, processed Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated October 7, 2011. The referral contained an allegation from (b)(6), (b)(7)c, a detainee housed at Stewart Detention Center, Lumpkin, GA. Detainee (b)(6), (b)(7)c alleged that (b)(6), (b)(7)c (b)(6), (b)(7)c refuses to answer his question why he was given an extra 90 days in detention.

The following is a verbatim copy of the complaint submitted to the JIC.

<Begin>

(b)(6), (b)(7)c has been sitting in the detention center for 90 days (b)(6), (b)(7)c believes that (b)(6), (b)(7)c (b)(6), (b)(7)c refuses to answer why (b)(6), (b)(7)c was given an extra 90 days. (b)(6), (b)(7)c stated that he has no criminal record and has no violence and is still being held another 90 days. (b)(6), (b)(7)c believes this is mismanagement.

<End>

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001

None



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

UNKNOWN, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee alleges unnamed Officers harass, provoke and make inappropriate comments to detainees. GA

**9. SYNOPSIS**

On January 5, 2012, the Joint Intake Center (JIC) received a referral from the Department of Homeland Security, Office of Inspector General (DHS/OIG), regarding an allegation received from (b)(6), (b)(7)c a detainee at the Stewart Detention Center in Lumpkin, GA., who alleged unnamed Officers at the facility harass, provoke, make inappropriate comments to detainees and generally follow a protect their own philosophy.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

13-MAR-2012

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

13-MAR-2012

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

**10. NARRATIVE**

On January 5, 2012, the JIC received a referral from DHS/OIG regarding an allegation received from (b)(6), (b)(7)c, a detainee at the Stewart Detention Center in Lumpkin, GA., who alleged unnamed Officers at the facility harass, provoke, make inappropriate comments to detainees and generally follow a protect their own philosophy.

Detainee (b)(6), (b)(7)c also alleged the following:

- An unnamed female Officer told detainees they had no rights or freedom and mocked them by telling them to "go back to their country";
- Officer's actions are often harassing and provocative;
- Growing trend of abuse of position/authority among some unnamed Officers at the facility.

Detainee's originating email is attached to the case file.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

001

None



**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

003

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/0606 Detainee/Alien - Abuse (Other)/ATLANTA, DEKALB, GA

**4. FINAL RESOLUTION**

Unfounded

**5. STATUS**

Closing Report

**6. TYPE OF REPORT**

Investigative Findings

**7. RELATED CASES**

**8. TOPIC**

Closing report, no evidence of neglect or abuse.

**9. SYNOPSIS**

On March 20, 2012, the Joint Intake Center (JIC), Washington, D.C., received a memorandum dated February 29, 2012, from (b)(6), (b)(7)c, the sister of (b)(6), (b)(7)c. The memorandum was addressed to the Honorable John Morton, Director of U.S. Immigration and Customs Enforcement (ICE). The document addressed allegations of injustice to (b)(6), (b)(7)c during his detention with ICE six years ago.

The OPR/Tampa investigation disclosed no violation of policy. This file is closed pending further developments and is not being referred for consideration of agency action.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

28-JUN-2012

**14. ORIGIN OFFICE**

ICE OPR RAC Tampa

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

13-JUL-2012

**15. TELEPHONE NUMBER**

813-225-(b)(6), (b)(7)c

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c



REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

003

10. NARRATIVE

DETAILS OF INVESTIGATION:

On April 2, 2012, Office of Professional Responsibility (OPR) Tampa, Florida, received the aforementioned memorandum and upon review, (b)(6), (b)(7)c alleged the following on behalf of former ICE Detainee (b)(6), (b)(7)c (hereafter referred to as (b)(6), (b)(7)c

- 1. Unfairly/Improperly Compensated for Personal Property.
- 2. Deported without a Lawful Charge.
- 3. Inappropriately Transported in Shackles.
- 4. Denied Medical Treatment which Led to Blindness.

On April 2, 2012, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c Corrections Corporation of America (CCA), Stewart Detention Center (SDC), Lumpkin, GA. (b)(6), (b)(7)c confirmed that (b)(6), (b)(7)c was detained at SDC from October 10, 2006, through November 1, 2006, and returned to SDC on December 5, 2006, where he remained until February 8, 2007, the day of his deportation. (b)(6), (b)(7)c also confirmed that each time (b)(6), (b)(7)c entered SDC; he logged in property containing toiletries, one gold ring, one gold watch, one gold bracelet and one gold necklace. During this time in 2006, CCA's policy was that if a detainee's property was lost or stolen, CCA was only responsible to reimburse a detainee up to \$50.00, for any type of property and the detainees were required to sign a form of acknowledgement. According to (b)(6), (b)(7)c CCA no longer has this policy, now their policy is that CCA is not responsible for any lost or stolen property of the detainees. A copy of the aforementioned property agreement signed by (b)(6), (b)(7)c is attached to this file.

Additionally, the claim that (b)(6), (b)(7)c made in reference to his lost/stolen property revealed that SDC offered a monetary settlement of \$100.00 to (b)(6), (b)(7)c which he declined. A copy of (b)(6), (b)(7)c's lost/stolen property claim, to include SDC's monetary settlement offer is attached to this file.

On April 3, 2012, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c (b)(6), (b)(7)c who was assigned to SDC during the time (b)(6), (b)(7)c was a detainee. (b)(6), (b)(7)c did not specifically remember (b)(6), (b)(7)c or the details of his case but stated that when a detainee's property was lost or stolen, ICE would explain what a TORT claim entailed, provided the forms to the detainee and advised them that they had the right to file the claim even after they were



DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

2. REPORT NUMBER

HB 4200-01 (37), Special Agent Handbook

003

10. NARRATIVE

deported to their home country. The detainees were also advised to provide ICE with a valid address so that if the property was later found, it could be mailed to them. The details of the interview were documented in a report of investigation prepared by (b)(6), (b)(7)c

On May 11, 2012, OPR/Tampa received and reviewed the a-file of former ICE detainee, (b)(6), (b)(7)c. It was determined that (b)(6), (b)(7)c entered the U.S. on May 21, 2000, on a B2 visitor visa issued by the Immigration and Naturalization Service (INS), which was granted for a six months period. While in the U.S., (b)(6), (b)(7)c

(b)(6), (b)(7)c  
(b)(6), (b)(7)c On

August 9, 2001, (b)(6), (b)(7)c did not attend his hearing at the immigration court and the presiding immigration judge formally (b)(6), (b)(7)c ordered him to be deported from the U.S. immediately. Because (b)(6), (b)(7)c was not present in court, he was deemed an absconder (b)(7)e

(b)(7)e

On May 28, 2006, (b)(6), (b)(7)c was encountered by a Gwinnett County Police Department (GCPD) Officer during a routine traffic stop. The officer learned, through NCIC, that (b)(6), (b)(7)c was wanted by ICE. He then confirmed that the warrant was still in effect, arrested (b)(6), (b)(7)c on the scene and notified ICE of (b)(6), (b)(7)c being in GCPD custody. Once in the custody of ICE, the process of attempting to obtain travel documents for (b)(6), (b)(7)c from Liberia began. On July 3, 2006, (b)(6), (b)(7)c

(b)(6), (b)(7)c ICE was eventually able to obtain the necessary travel documents for (b)(6), (b)(7)c and he was subsequently deported to Liberia on February 8, 2007.

It cannot be verified if (b)(6), (b)(7)c was handcuffed and/or shackled during the time he was in ICE custody. However, based on the ICE Enforcement and Removal Operations (ERO) restraints enforcement standards and escort enforcement standards policy, dated July 20, 2004, any ICE/ERO officer that encounters a detainee during an arrest or transportation, will make an assessment of the detainee to determine if he/she needs to be restrained and the appropriate type of restraint to be used. Per the ERO policy, several factors may be used in making this determination to include, the detainee's behavior, risk to the public and history of being an absconder. The aforementioned policy is attached to this file.

On June 5, 2012, OPR/Tampa, received and reviewed the medical records of (b)(6), (b)(7)c for the time period when he was detained at SDC. The records revealed that a medical evaluation was conducted on (b)(6), (b)(7)c on October 11, 2006. Based on the medical records, it was determined

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

003

**10. NARRATIVE**

that (b)(6), (b)(7)c informed SDC's medical staff that he suffered from (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) to treat his illness. The records further revealed that (b)(6), (b)(7)c was allowed to continue (b)(6), (b)(7)(C) was prescribed refills for the medication, and was scheduled for chronic monthly appointments to the medical services unit while he was being housed at SDC. The aforementioned medical records are attached to this file.

The OPR/Tampa investigation disclosed that (b)(6), (b)(7)c was properly compensated for his personal property, deported with a lawful charge, transported according to ERO policy and provided medical treatment.

This file is closed pending further developments and is not being referred for consideration of agency action.

**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

**2. REPORT NUMBER**

HB 4200-01 (37), Special Agent Handbook

003

None

~~CONFIDENTIAL~~

**To:** (b)(6) (b)(7)(c)

**From:** (b)(6) (b)(7)(c)

**Date:** March 19, 2011

**Re:** P.R.E.A allegation- Verbal Sex Harassment- **Unfounded** - (fails to meet guidelines) and Unsubstantiated as a Sex Harassment, "one on one" victim credibility questionable.

A follow up investigation of verbal sexual allegations brought forth by detainee (b)(6) (b)(7)(c) against detainee (b)(6) (b)(7)(c) claiming he was constantly being verbally harassed by sexual statements made, such as (b)(6) (b)(7)(c) approaching him while he was on the phone demonstrating an erection, while simultaneously stating "I have not been with a women in a long time", on Monday March 12, 2012.

He made additional quirks, throughout the week, such as you are very handsome, good looking etc. Finally this morning, he explains (b)(6), (b)(7) approached him and did a hand gesture by formulating a circle with his index finger on his left hand while placing the index finger of the right hand inside it moving it back and forth while stating "I want to pump you in the Ass/Butt".

The alleged victim was explicit that there was no contact or request for sexual favors.

I spoke with the alleged offender (b)(6) (b)(7)(c) denied any such conversations and denied having had any conversations at all with the alleged victim.

I spoke with the alleged offenders cell mate, (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) He stated the alleged offender (b)(6) (b)(7)(c) had entered their cell appearing to be very worried and concerned that he would be locked down, he asked why? And detainee (b)(6), (b)(7) confessed to him this morning he had approached the Polish



guy and told him he needs to shower because his ass stinks. Indicating he used sign language due to his English being weak by means of the round formed finger to simulate the rectal opening and a washing gesture with his other hand.

I approached the alleged offender again and confronted him with this new information and at this time he confessed, he had lied to me previously. He admitted he was kidding around and told the Polish guy he stunk and he needed to clean his ass, (Hand gesture)..

He stated he knew he would get into trouble for having said this, so he denied it to me.

This incident is **UNFOUNDED as a PREA**. The allegation of "Detainee on Detainee Sexual Harassment" does is not depicted as such by PREA code or any other indication of a violation of its mandates and parameters as set forth by 14-2..

A follow with medical indicated a mental evaluation by PHS, (b)(6), (b)(7)c (b)(6), (b)(7)c and the detainee's 213, (b)(6), (b)(7)(C) he (b)(6), (b)(7)(C)

The detainee is additional considered a sexual predator by having been found guilty of felonious crimes via Computer, Sexual Pedophilia.

This detainees credibility is highly questionable and the incident is basically a "one on one allegation" which is **UNSUBSTANTIATED were it to meet** the criteria set forth by PREA. (Which the incident does not)

This incident was treated as a serious PREA violation and although it did not meet the set guidelines to be a PREA, was fully investigated and the needed medical mental resources and assistance were made available to the alleged victim who brought forth the allegations.

The alleged offender was placed in Segregation pending investigation, while I sought the complete facts of the incident, his credibility was breached by, (b)(6) (b)(7)(c) originally having denied making any type of comment to detainee (b)(6) (b)(7)(c) and subsequently admitting to having harassed the detainee by telling him he needed to shower etc in front of his peers, when confronted with new evidence..

After final review of this documentation, by (b)(6) (b)(7)(c) it is likely detainee, (b)(6) (b)(7)(c) will be released back to GP with a "Separates" listing in OMS.



**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

**3. TITLE**

(b)(6), (b)(7)c

/Unknown/0652 Detainee - Staff-Detainee Communications/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

(b)(6), (b)(7)c

**8. TOPIC**

RIG: Detainee alleges an officer failed to correct another detainee inappropriate behavior. GA

**9. SYNOPSIS**

On February 27, 2012, the Joint Intake Center (JIC) received a referral from the Department of Homeland Security, Office of the Inspector General (DHS/OIG) regarding an allegation from (b)(6), (b)(7)c a detainee at the Stewart Detention Center in Lumpkin, GA, who alleged another detainee sexually harassed him.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

5-JUN-2012

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

15-JUN-2012

**15. TELEPHONE NUMBER**

No Phone Number

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DEPARTMENT OF HOMELAND SECURITY

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

2. REPORT NUMBER

001



10. NARRATIVE

On February 27, 2012, the JIC received a referral from the DHS/OIG regarding an allegation from (b)(6), (b)(7)c a detainee at the Stewart Detention Center in Lumpkin, GA, who alleged another detainee sexually harassed him.


Bey alleged that detainee (b)(6), (b)(7)c is sexually harassing him by lustfully staring at him while he is showering. (b)(6), (b)(7)c stated he noticed on numerous occasions when he is taking his daily shower that (b)(6), (b)(7)c always enter the shower directly across him, strips naked and stares at him.

(b)(6), (b)(7)c stated that (b)(6), (b)(7)c behavior is inappropriate and brings him much distress.

(b)(6), (b)(7)c alleged he told (b)(6), (b)(7)c that (b)(6), (b)(7)c behavior made him feel uncomfortable.

Instead of correcting the (b)(6), (b)(7)c behavior, (b)(6), (b)(7)c told him he could move to another housing unit.

Originating email is attached to case file.

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None



**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/0624 Detainee - Detainee Handbook/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Stewart Detention Center is allegedly not complying with the ICE Detainee Handbook.

**9. SYNOPSIS**

On July 11, 2012, the Joint Intake Center (JIC) received a telephonic complaint from an unidentified detainee at Stewart Detention Center in Lumpkin, GA, who reported Stewart Detention Center is allegedly not complying with the Immigration and Customs Enforcement (ICE) Detainee Handbook.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

11-JUL-2012

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

14-JUL-2012

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**


001

**10. NARRATIVE**

On July 11, 2012, the JIC received a telephonic complaint from an unidentified detainee at Stewart Detention Center in Lumpkin, GA, who reported Stewart Detention Center is allegedly not complying with the ICE Detainee Handbook.

The unidentified detainee claimed that the ICE Detainee Handbook states that Detention and Deportation Officers (DDO) are supposed to visit the facility once a week, but the DDOs assigned to Stewart Detention Center continuously fail to come to the facility once a week.

The unidentified detainee wanted to remain anonymous due to fear of retaliation for filing a complaint against the facility.

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

January 06, 2010

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

FROM:

Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia

A handwritten signature in black ink, appearing to read "F. Skinner", written over the printed name and title.

SUBJECT:

OPR case number (b)(6) (b)(7)(c)

The Atlanta Field Office received the above OPR case for review and action. (b)(6) (b)(7)(c) conducted the MI for this case. After reviewing the completed MI in its entirety, it has been determined that the allegation that an unknown employee of the Corrections Corporation of America (CCA) misplaced three (3) yellow metal necklaces of detainee (b)(6) (b)(7)(c) is founded. The National Detention Standards Handbook provides the necessary procedures for the CCA to follow for loss of a detainee's personal property. Detainee (b)(6) (b)(7)(c) was removed on July 06, 2009. An SF-95 Tort Claim has been mailed to Detainee (b)(6) (b)(7)(c) by Acting Assistant Attache (b)(6) (b)(7)(c) DHS/ICE, Mexico City, Mexico. There will be no further action taken and the Atlanta Field Office has closed this case.

If you have any further questions regarding this investigation, please contact

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c) (404) 892 (b)(6) (b)(7)(c)

Attachment



U.S. Department of Homeland  
Security  
180 Spring Street, SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

November 6, 2009

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

THROUGH

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office

FROM:

(b)(6) (b)(7)(c)

Stewart Detention Center

SUBJECT:

Management Referral: RE: UNKNOWN EMPLOYEE,  
OPR Case (b)(6) (b)(7)(c)

**Management Referral Executive Summary:**

**Discussion**

On June 23, 2009, the Joint Intake Center (JIC) received email notification from Immigration and Customs Enforcement (ICE) Supervisory Immigration Enforcement Agent (b)(6) (b)(7)(c) Lumpkin, GA. (b)(6) (b)(7)(c) reported that detainee (b)(6) (b)(7)(c) had 3 yellow metal necklaces on his property inventory at Intake when he arrived at the Stewart Detention Center on February 24, 2009. When he received his property while being prepped for a flight back to Mexico, the necklaces were missing. (b)(6) (b)(7)(c) was removed from the scheduled flight due to his property being misplaced.

This administrative inquiry was unable to identify specifically what became of the necklaces. However, this inquiry did substantiate that Corrections Corporation of America (CCA) is liable for the loss of the necklaces based upon an inmate property



receipt and an internal investigation conducted by CCA Investigator (b)(6) (b)(7)(c). The OPR Report of Investigation lists an "unknown employee" as the subject of this investigation. This investigation could not identify an employee of ICE or CCA who might have had direct knowledge as to what became of the necklaces.

**ALLEGATION ONE:** An unknown employee of Corrections Corporation of America, hereafter referred to as CCA, misplaced three (3) yellow metal necklaces of detainee (b)(6) (b)(7)(c) (b)(6) (b)(7)(c).

**SUBSTANTIATED**

**DETAILS OF MANAGEMENT REFERRAL ADMINISTRATIVE INQUIRY:**

On June 23, 2009, the Joint Intake Center (JIC) in Washington, DC, received an email from Immigration and Customs Enforcement (ICE) Supervisory Immigration Enforcement Agent (b)(6) (b)(7)(c) of the Stewart Detention Center in Lumpkin, Ga. (b)(6) (b)(7)(c) reported that detainee (b)(6) (b)(7)(c) had 3 yellow metal necklaces on his property inventory at Intake when he arrived at the Stewart Detention Center on 02/24/09, and when he received his property while being prepped for the flight the necklaces were missing. (b)(6) (b)(7)(c) was removed from the scheduled flight due to his property being misplaced. (EXHIBIT 1).

On July 27, 2009, (b)(6) (b)(7)(c) was assigned as fact finder to conduct the administrative inquiry of the allegation described.

On August 13, 2009, SDDQ (b)(6) (b)(7)(c) interviewed (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) at the Stewart Detention Center. (b)(6) (b)(7)(c) provided an affidavit documenting his knowledge of the allegation. (EXHIBIT 2) In his statement, he said that (b)(6) (b)(7)(c) had been scheduled for a flight to Mexico on 06/16/09 but had been removed from the flight because the three yellow metal chains with medallions that were checked into his property when he arrived in February were missing when his property was returned to him prior to the flight. (b)(6) (b)(7)(c) also stated that he completed a sworn statement for (b)(6) (b)(7)(c) and had him fill out a Form I -387 Report of Missing Property, (copies attached as EXHIBIT 3). Officer (b)(6) (b)(7)(c) also spoke with the CCA investigator assigned to this case, (b)(6) (b)(7)(c) who stated that the property in question was missing from the property room.

On August 10, 2009, (b)(6) (b)(7)(c) served a Management Inquiry Notice on the CCA Stewart Detention Center (b)(6) (b)(7)(c) (EXHIBIT 4)

On August 13 and 14, 2009, (b)(6) (b)(7)(c) interviewed CCA Investigator (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) at the Stewart Detention Center concerning the missing necklaces (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) provided a copy of (b)(6) (b)(7)(c) property receipt at his initial booking, a copy of (b)(6) (b)(7)(c) refusal to sign a CCA document that explained CCA's limited liability respecting detainee property in CCA custody, a copy of a CCA 5-1C Incident Statement from Officer (b)(6) (b)(7)(c) and a copy of page ten of the National



Detention Standards Handbook with Section 3 circled and bullet 6 within the section that states,

**“The facility may not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim”. (Collectively EXHIBIT 5)**

The CCA 5-1C Incident Statement was completed by (b)(6) (b)(7)(c) because she was on duty the night that (b)(6) (b)(7)(c) entered the facility. Her statement detailed the manner in which she accounted for detainee property on property receipts. One of the issues with the loss of the necklaces was that according to (b)(6) (b)(7)(c) there were yellow, metal medallions attached to two of the necklaces. The medallions are not noted on the receipt. (b)(6) (b)(7)(c) stated that she would have made a notation on the receipt if there were medallions attached to the necklaces.

CCA Investigator (b)(6) (b)(7)(c) stated that based on the evidence he had at his disposal, CCA is liable for the loss of the necklaces. This was not disputed when CCA could not produce the necklaces when (b)(6) (b)(7)(c) was originally scheduled to leave.

(b)(6) (b)(7)(c) statement concerning the value of the necklaces, which was in excess of four thousand dollars, was the primary issue. CCA did not make an offer approaching that amount to (b)(6) (b)(7)(c) to settle his claim. CCA's position based on (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) asserted value of the necklaces was that he file the appropriate torte claim form. There is no evidence that an SF-95 Torte Claim form was provided to (b)(6) (b)(7)(c) when he was removed on July 6, 2009. It is beyond the scope of this investigation to make an assessment of the value of the necklaces. However, based on the totality of the circumstances, the original allegation is founded and CCA is liable for the loss of the necklaces. (b)(6) (b)(7)(c) has yet to be compensated.

The exhibits list is on the following page.



List of Exhibits

- Exhibit 1. Referral for Management Action/Report of Investigation.
- Exhibit 2. Sworn Affidavit of (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) dated 08/13/2009 consisting of five pages (Includes Rights/Warnings & Advisements).
- Exhibit 3. Copy of Form I -387 Report of Missing Property and sworn statement for (b)(6) (b)(7)(c) consisting of two pages
- Exhibit 4. Management Inquiry Notice to (b)(6) (b)(7)(c) dated 08/10/2009.
- Exhibit 5. Copies of (b)(6) (b)(7)(c) property receipt , CCA limited liability receipt, CCA 5-1C Incident Statement from Officer (b)(6) (b)(7)(c) and page ten of the National Detention Standards Handbook.

# EXHIBIT 1





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

June 25, 2009

**MEMORANDUM FOR:** Felicia S. Skinner  
Field Office Director  
Atlanta, GA

**FROM:**

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

**SUBJECT:**

Referral for Management Action

RE: OPR Case No. (b)(6) (b)(7)(c)

The attached management referral case is for your review and action. The OPR file relating to the above case will remain open pending receipt of a written response from your office. The DRO Headquarters Point Of Contact (POC) for this management referral is (b)(6) (b)(7)(c). (b)(6) (b)(7)(c) The response is due by **August 25, 2009**. Should you require any additional time for the completion of this case, please notify (b)(6) (b)(7)(c) at least 5 days prior to the response due date. Please attach a copy of the investigative report to your response. If there are substantiated allegations, please send a copy of your proposal for disciplinary action and a copy of the final decision when they are served. Please maintain the original investigative report and any other documents pertaining to this case at your local office.

The written response must be in ICE/DRO memo format with the signature of the Field Office Director or his/her designee. The memo and investigative documentation should be forwarded electronically to the (b)(6) (b)(7)(c) with a copy to (b)(6) (b)(7)(c). If sent via DHL, please send two copies. Please include the OPR case number, subject, allegation(s), findings of the investigation (substantiated, not substantiated, or unfounded) and any proposed disciplinary action to be taken in your response.

If you have any questions, please contact (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c) or (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c).

Attachment





**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/Non-Criminal Misconduct/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee missing property (3 yellow medal necklaces)

**9. SYNOPSIS**

On June 23, 2009, the Joint Intake Center (JIC), Washington, DC, received an email from Immigration Customs Enforcement (ICE) (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Lumpkin, GA. (b)(6) (b)(7)(c) reported that detainee (b)(6) (b)(7)(c) had 3 yellow metal necklaces on his property inventory at Intake when he arrived at Stewart Detention Center on 2-24-09 and when he received his property while being prepped for the flight the necklaces were missing. (b)(6) (b)(7)(c) was removed from the scheduled flight due to his property being misplaced.

**10. CASE OFFICER (Print Name & Title)**

(b)(6) (b)(7)(c)

**11. COMPLETION DATE**

23-JUN-2009

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY (Print Name & Title)**

(b)(6) (b)(7)(c)  
Supervisor

**13. APPROVED DATE**

23-JUN-2009

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001.

**10. NARRATIVE**

None





**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001

None

**From:** [redacted] (b)(6) (b)(7)(c)

**Sent:** Wednesday, June 17, 2009 3:33 PM

**To:** JOINT INTAKE

**Subject:** Missing Property

I am a supervisor at Stewart Detention Center in Lumpkin, Georgia. This is an IGSA facility with Corrections Corporation of America (CCA) overseeing the detainees' property. I have a detainee at this time that was removed from a Flight Operations flight due to his property being misplaced by CCA. [redacted] (b)(6) (b)(7)(c)

(b)(6) (b)(7) had 3 yellow metal necklaces on his property inventory at Intake when he arrived at Stewart Detention Center on 2-24-09 and when he received his property while being prepped for the flight the necklaces were missing. He was removed from this scheduled flight and an investigation has been started by CCA staff member [redacted] (b)(6) (b)(7)(c) and I will be getting a sworn statement from the detainee and having a Report of Detainees Missing Property completed. If any update or further information is needed please advise me as this is my first report of this nature.

[redacted] (b)(6) (b)(7)(c)

Immigration Customs Enforcement  
Stewart County Detention Center  
146 CCA Road  
Lumpkin, GA. 31815  
Phone 229-838-[redacted] (b)(6) (b)(7)(c)  
Cell 229-321-[redacted] (b)(6) (b)(7)(c)  
Fax 229-838-1111

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[redacted] (b)(6) (b)(7)(c)

6/24/2009



# EXHIBIT 2

U.S. Department of Homeland  
Security  
180 Spring Street, SW  
Atlanta, Georgia 30303



U.S. Immigration  
and Customs  
Enforcement

August 11, 2009

(b)(6) (b)(7)(c)

United States Immigration and Customs Enforcement, Detention and Removal Operations  
Stewart Detention Center  
146 CCA Road, Lumpkin, GA 31815

Management Inquiry Notice

(b)(6) (b)(7)(c)

This letter is to notify you that you have been identified as a witness in a Management Inquiry. I will be conducting interviews related to the inquiry in the Atlanta Field Office at Stewart Detention Center beginning on Tuesday, August 11, 2009, and your presence is required to provide information and answer questions. Your interview is scheduled to begin on Tuesday, August 11, 2009 at TBD hours at the Stewart Detention Center.

I look forward to meeting with you. If you have any questions, please contact me at (229) 838-  
(b)(6) (b)(7)(c)

Sincerely

(b)(6) (b)(7)(c)

Supervisory Detention & Deportation Officer  
Detention and Removal Operations  
Atlanta Field Office

Certificate of Service:

This notice was served on (b)(6) (b)(7)(c) 08/11/09 at Stewart Detention Center

(Employee's Title)

Lumpkin, GA

by

(b)(6) (b)(7)(c)

I acknowledge that I have received this Administrative Inquiry Notice

(b)(6) (b)(7)(c)

(Employee's Name, Signature and Title)

08/11/09

(Date)



Administrative Inquiry Affidavit

State of Georgia

County of Stewart

I, Supervisory Immigration Enforcement Agent, Dennis Hartsfield, being duly sworn, hereby depose and state:

Question: What is your full name, title, series, grade, and duty location?

Answer: [redacted] Stewart Detention Center  
Lumpkin, GA.

Question: I am investigating a report of lost property belonging to detainee [redacted] who arrived at the Stewart Detention Center on February 24, 2009 with 3 yellow metal necklaces that were misplaced after his arrival and never found. Do you have any information about this property?

Answer: On June 17, 2009 I was told a Mexican Detainee was removed from a flight due to missing property. I discovered this detainee was missing some jewelry that was lost while in CCA custody. Detainee [redacted] was scheduled for a flight on 6-16-2009 and when he had his property returned he was missing three yellow chains and medallions. I had the detainee fill out a Form I-387 for the missing property and completed a sworn statement with the assistance of Deportation Officer [redacted] as a translator. I spoke with [redacted] of CCA who was assigned to investigate this incident for them and he stated the property in question was missing from the property room. I sent an email to the Joint Intake Center on June 17, 2009 informing them of this case. On July 27, 2009 I returned from LDC in Dallas and found that the detainee returned to Mexico on July 6, 2009.

Question: Do you have anything you wish to add to the statement?

Answer: .NO

[redacted]

8-13-09

(Affiant's initials and date)

I have read the foregoing statement consisting of 2 pages, of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact the Fact Finder and provide such information. I made this statement freely and voluntarily without any threats or promises of reward having been made to me in return for it.

(b)(6) (b)(7)(c)

Signature of Affiant

Subscribed and sworn to before me this 13<sup>th</sup> day of August, 2009  
at Stewart Detention Center, Lumpkin, GA.

Signature of Fact Finder

Printed name of witness

Signature of witness:

(b)(6) (b)(7)(c)



**Attachment I Administrative Data**

NAME	(b)(6) (b)(7)(c)	MI:
POSITION TITLE:	(b)(6) (b)(7)(c)	
JOB SERIES/GRADE	(b)(6) (b)(7)(c)	Series: (b)(6) (b)(7)(c) Grade: (b)(6) (b)(7)(c)
ICE DIVISION	DRO	
DUTY STATION	STEWART DETENTION CENTER	
SOCIAL SECURITY NUMBER:	(b)(6) (b)(7)(c)	
ENTER ON DUTY DATE:	(b)(6) (b)(7)(c)	
DATE OF BIRTH:	(b)(6) (b)(7)(c)	
GENDER (circle one)	<input checked="" type="radio"/> M - Male	<input type="radio"/> F - Female
BUSINESS ADDRESS	Street Address: 146 CCA ROAD	
City:	Lumpkin	State: GA Zipcode: 31815
BUSINESS TELEPHONE	229-838 (b)(6) (b)(7)(c)	
RESIDENCE ADDRESS	Street Address: (b)(6) (b)(7)(c)	
City:	(b)(6) (b)(7)(c)	
RESIDENCE TELEPHONE	334-370 (b)(6) (b)(7)(c)	
RACE (circle one)	<input checked="" type="radio"/> A	American Indian or Alaskan Indian
	<input type="radio"/> B	Asian or Pacific Islander
	<input type="radio"/> C	Black, Not of Hispanic Origin
	<input type="radio"/> D	Hispanic
	<input checked="" type="radio"/> E	White, Not of Hispanic Origin
	<input type="radio"/> F	Asian Indian
	<input type="radio"/> G	Unknown

COMMENTS:

**IMMIGRATION & CUSTOMS ENFORCEMENT**

Office of Professional Responsibility

Management Inquiry Checklist for WITNESS Interviews

START 9:40AM. STOP 9:47AM. START \_\_\_\_\_ STOP \_\_\_\_\_ START \_\_\_\_\_ STOP \_\_\_\_\_

(b)(7)e



# EXHIBIT 3



U.S. Immigration  
and Customs  
Enforcement

**COPY**

REPORT OF DETAINEES MISSING PROPERTY		1. FILE NUMBER	(b)(6) (b)(7)(c)
2. NAME OF ALIEN	(b)(6) (b)(7)(c)	3. DATE	6/17/09
4. DATE OF BIRTH	(b)(6) (b)(7)(c)	5. PLACE OF BIRTH	MEXICO
6. NATIONALITY	MEXICO		
7. DATE OF DETENTION:	8. DATE AND PLACE OF APPREHENSION 2-17-09 Robeson County Jail Lumberton, N.C.		
9. REPORTING OFFICER AND OFFICE: ATLANTA	(b)(6) (b)(7)(c)	10. DATE AND TIME PROPERTY REPORTED MISSING	6/17/09
11. DESCRIPTION OF MISSING PROPERTY: Three gold chains. One has a virgin mary medallion \$1,000.00 one large chain has a large eagle, \$2,600.00 one has no medallion \$800.00			
12. SUPERVISOR RECEIVING REPORT: (b)(6) (b)(7)(c)		13. ESTIMATED VALUE OF PROPERTY: \$4,400.00	
14. ACTION TAKEN: <input type="checkbox"/> PROPERTY LOCATED <input type="checkbox"/> PROPERTY NOT LOCATED & REFERRED TO DFOD ON _____ (Date)			
15. DATE ALIEN: <input type="checkbox"/> RELEASED <input type="checkbox"/> TRANSFERRED		16. DATE ALIEN: <input type="checkbox"/> REMOVED <input type="checkbox"/> VD	
17. FORWARDING ADDRESS OF ALIEN:		(b)(6) (b)(7)(c)	
18. REMARKS: Detainee stated he paid for the large chain \$2,000.00 and eagle pendant \$600.00. The other two chains were gifts from family. The family is sending photos of the chains. Detainee does not wish to depart until resolution of this case.			
19. CLOSING ACTION			
20. SIGNATURE:			



UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION AND CUSTOMS ENFORCEMENT

RECORD OF SWORN STATEMENT

**EX-103**  
**COPY**

Office: US DHS ICE Stewart Detention Center 146 CCA Road, Lumpkin, Ga. 31815

Statement by: (b)(6) (b)(7)(c)

File No: (b)(6) (b)(7)(c)

In the case of: Missing Property  
At: Stewart Detention Center

Date: 6/17/09

Before Agent: (b)(6) (b)(7)(c)

What is your true and correct name?  
(b)(6) (b)(7)(c)

What is your date of birth?  
(b)(6) (b)(7)(c)

What Country are you a citizen of?  
Mexico

What property are you missing?  
3 gold chains

When did you notice it was missing?

What is your estimated value of this property?  
\$4,400.00

If you depart or are released from custody before property is found or case resolution is reached what address can you be reached at?  
(b)(6) (b)(7)(c)

Signature of person giving statement: (b)(6) (b)(7)(c)

Witnessed by: (b)(6) (b)(7)(c)

# EXHIBIT 4



U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

April 8, 2009

(b)(6) (b)(7)(c)

CCA  
Stewart Detention Center  
146 CCA Rd.  
Lumpkin, GA 31815

**Management Inquiry Notice**

This letter is to notify you that CCA employees will be interviewed this week in the Atlanta Field Office area at the Stewart Detention Center. Please let this notice serve as the official agency notification of the interviews you and Corrections Corporation of America.

The interview is directly related to a Management Inquiry and will be conducted in the Atlanta Field Office located at the Stewart Detention Center, 146 CCA Road, Lumpkin, GA 31815 on Tuesday, August 11, 2009 at 10:30 a.m.

Sincerely,

(b)(6) (b)(7)(c)

Supervisory Detention & Deportation Officer  
Detention and Removal Operations  
Atlanta Field Office

Certificate of Service:

This notice was served on (b)(6) (b)(7)(c) on 08/10/09 at Stewart Detention

Center, Lumpkin, GA. by (b)(6) (b)(7)(c)  
(Supervisor's Name, Signature and Title)

I acknowledge that I have received this Administrative Inquiry Notice

(b)(6) (b)(7)(c)  
(Employee's Name, Signature and Title)

8-10-09  
(Date)

# EXHIBIT 5



Stewart Detention Center  
INMATE/DETAINEE PROPERTY RECEIPT

**REC-100** COPV

NAME:  
AGENCY ID#:

(b)(6) (b)(7)(c)

SEIZED PROPERTY:

Property ID:  
Location:

QTY	CATEGORY	DESCRIPTION	STYLE	COLOR	ORIGINAL CONDITION
1	MISC	BELT			USED
1	MISC	BELT		BLACK	USED
1	CLOTHE	JACKET		BEIGE	USED
1	MISC	KEYS			USED
3	JEWELR	NECKLACE		YELLOW	USED
1	CLOTHE	SHIRT		WHITE/BLACK	USED
1	SHOES	SHOES		BLACK	USED
1	CLOTHE	TROUSERS/SLACKS	JEAN	BLUE	USED

PROPERTY IN INMATE CUSTODY:

Property ID:  
Location:

QTY	CATEGORY	DESCRIPTION	STYLE	COLOR	ORIGINAL CONDITION
1		ATHLETIC SHOES			
1		BLANKET			
1		DEODORANT			
2		FLAT/FITTED SHEETS			
1		LAUNDRY BAG			
1		PILLOW CASE			
1		SHAMPOO/CONDITIONER			
1		SHAVING CREAM/DEPILATORY			
1		SHOWER SHOES			
3		SOCKS (PAIR)			
1		TOILET PAPER (ROLL)			
1		TOOTHBRUSH (NON-ELECTRIC)			
1		TOOTHPASTE			
2		TOWELS			
3		UNDERWEAR			
3		UNIFORM SHIRT			
3		UNIFORM TROUSERS			
1		WASHCLOTHS			

2/24/09 1845

I understand that Corrections Corporation of America is not responsible for items I keep and will only compensate up to \$50.00 total for damage to or loss of property they store.

Por este medio entiendo que Corrections Corporation of America no es responsable por articulos que yo tenga en mi

(b)(6) (b)(7)(c)

Receiving Officer Signature

06/16/09

Date

*J*  
Inmate/Detainee Signature

06/16/09

Date

Discharge Officer Signature

Date Returned

Inmate/Detainee Signature

Date Returned

*) Detainee refused to sign*

(b)(6) (b)(7)(c)

*Re*  
*turn*  
(b)(6) (b)(7)(c)



# INCIDENT STATEMENT

5-1C

Facility: Stewart Detention Center Incident Number: \_\_\_\_\_

Incident Date: 2-24-09 Incident Time (HRS): \_\_\_\_\_

Person Name: \_\_\_\_\_  
(b)(6) (b)(7)(c)

Person Type	Person Role
<u>Employee</u>	

Housing Location (For Inmates/Residents Only): \_\_\_\_\_

Based on your own knowledge, what did you see, hear, and do?  
On June 17/2009 I (b)(6) (b)(7)(c) wrote a 5-1C due to the February 24 2009 incident of detainee (b)(6) (b)(7)(c) jewelry. I can't specifically say the types of jewelry items the detainee had on that date. But I can honestly say if (b)(6) (b)(7)(c) had and medallions, I would have entered it into the safe box necklace w/charm system as "necklace w/charm" if any were connected. On days were Intake receive many incoming detainees, I may process up to 10 people daily. But I always indicate detainees jewelry: color, style or if any have medallions attached. All property that we receive is sealed in envelopes and dropped into the Intake Blue Mailbox Safe.

Did you receive any injuries? YES or NO (If YES, Explain Below): \_\_\_\_\_

Were you evaluated by medical? YES or NO: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ (b)(6) (b)(7)(c)  
Typed By: \_\_\_\_\_  
Date: 8/14/09

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/>	Inmate/Resident refused to complete this 5-1C
<input type="checkbox"/>	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Employee/Witness Signature: \_\_\_\_\_

Employee/Witness Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Employee/Witness Signature: \_\_\_\_\_



5. *The circumstances under which the person(s) discovered the loss or damage;*
6. *Names and statements of all witnesses;*
7. *Place, date, and time the property was last seen (before reported missing or damaged);*
8. *The circumstances under which the property was last seen (before reported missing or damaged); and*
9. *Sworn statements from the detainee and all witnesses.*

*A detainee being transferred, released, or removed from the country with a property claim shall be allowed to initiate the claim before leaving the facility. The facility administrator shall forward the result of the claim to the claimant's forwarding address (provided upon admission or in conjunction with the claim).*

**2. Lost or Damaged Property in SPCs**

*In addition to all procedures specified above, SPC staff must complete Form I-387, "Report of Detainees Missing Property" for missing property (not damaged property). The original copy of this form shall be placed in the detainee's A-file, with a copy retained by the facility.*

*The facility administrator shall report allegations of impropriety against staff in the handling of detainee funds or valuables in accordance with the Administrative Manual.*

**3. Lost and Damaged Property in CDFs and IGSA's**

All CDFs and IGSA facilities shall have and follow a policy for loss of or damage to properly received detainee property, as follows:

- All procedures for investigating and reporting property loss or damage shall be implemented as specified in this Standard;
- Supervisory staff shall conduct the investigation;
- The senior facility contract officer shall process all detainee claims for lost or damaged property promptly;
- The official deciding the claim shall be at least one level higher in the chain of command than the official investigating the claim;
- The facility shall promptly reimburse detainees for all validated property losses caused by facility negligence;
- The facility may not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim; and
- The senior contract officer shall immediately notify the designated ICE/DRO officer of all claims and outcomes.

**M. Abandoned Property**

All CDFs and IGSA facilities shall report and turn over to ICE/DRO all detainee abandoned property.



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

March 2, 2012

**MEMORANDUM FOR:**

(b)(6) (b)(7)(c)

**Administrative Inquiry Unit**

**THROUGH:**

(b)(6) (b)(7)(c)

**ICE Health Service Corps**

**FROM:**

(b)(6) (b)(7)(c)

**Compliance Program Administrator  
ICE Health Service Corps**

**SUBJECT:**

**Management Referral - Findings  
OPR Case No.**

(b)(6) (b)(7)(c)

**Executive Summary:**

On September 20, 2011, and October 19, 2011, the Joint Intake Center (JIC), Washington, DC, processed U.S. Department of Homeland Security (DHS), Office of the Inspector General (OIG) declination of investigation memorandums dated August 23, 2011, and August 19, 2011, respectively. These referrals contained allegations from (b)(6) (b)(7)(c) a detainee housed at the Stewart Detention Center (SDC) in Lumpkin, GA. (b)(6) (b)(7)(c) alleged that he was losing weight, had a lot of bleeding, repeatedly complained about his health issues, remained sick and was still refused medical care.

On September 26, 2011 (b)(6) (b)(7)(c) was assigned the above Management Referral.

**Allegation One:** The medical staff at the Stewart Detention Center did not provide (b)(6) (b)(7)(c) with adequate medical care for gastrointestinal tract problems.

**Finding:** **Not Referred:** The allegation will not be referred for Agency action because the allegation is not supported by available evidence and no disciplinary action will be taken.

**Details of Inquiry:**

On August 23, 2011, the JIC, Washington, DC, processed a DHS OIG declination of investigation memorandum dated August 23, 2011. The referral contained an allegation from (b)(6) (b)(7)(c) a detainee housed at the SDC in Lumpkin, GA. (b)(6) (b)(7)(c) complained that he had been in the detention center for about a year and complained repeatedly about his health issues. He still had not received help and had a serious virus that required medical attention. Since August 5, 2010, he has been sick. (b)(6) (b)(7)(c) was the medical practitioner assigned to him. He was rushed to the emergency room and given antibiotics and then the complaint reoccurred. He has been ignored afterwards for more medical help. (Exhibit 1)

On September 26, 2011, (b)(6) (b)(7)(c) ICE Health Service Corps (IHSC) Compliance Program Administrator, was assigned the above Management Referral by IHSC (b)(6) (b)(7)(c)

On October 20, 2011, (b)(6) (b)(7)(c) received a copy of (b)(6) (b)(7)(c) SDC medical record for the time period including August 5, 2010, to September 27, 2011. (Exhibit 2)

On October 19, 2011, the JIC, Washington, DC, processed a DHS OIG declination of investigation memorandum dated August 23, 2011. The referral contained an allegation from (b)(6) (b)(7)(c) a detainee housed at the SDC in Lumpkin, GA. On August 2, 2011, (b)(6) (b)(7)(c) telephoned a complaint into the OIG complaint hotline. (b)(6) (b)(7)(c) stated he was being refused medical care at the SDC. The officers were refusing to bring him to medical for care. If they did bring him to the clinic, the nurse ignored his requests and sent him back. He tried to see the nurse again, but the nurse refused to listen that his problem was reoccurring. (b)(6) (b)(7)(c) claimed he was losing weight and had a lot of bleeding. (Exhibit 3)

On December 21, 2011, (b)(6) (b)(7)(c) requested additional records that were missing from the initial set of records received. These records were received on December 28, 2011. (Exhibit 2)

On February 15, 2012, (b)(6) (b)(7)(c) interviewed (b)(6) (b)(7)(c) via telephone. (b)(6) (b)(7)(c) was in an office in the Monroe County Jail, FL. (b)(6) (b)(7)(c) was asked to clarify what his concerns were in the two complaints he submitted. (b)(6) (b)(7)(c) stated he was concerned about (b)(6) (b)(7)(C). These problems were resolved approximately a year ago after an emergency room physician prescribed "a double dose of antibiotics that cleared out my system." His symptoms returned and his main concern was that he did not receive appropriate care for a (b)(6) (b)(7)(C). (b)(6) (b)(7)(C) He also complained that he did not receive appropriate care for (b)(6) (b)(7)(C) even though his appetite was not diminished.

On February 15, 2012, (b)(6) (b)(7)(c) requested additional records that were missing from the initial set of records received. This request was responded to on February 17, 2012; however, the specific records requested were not received.

Management Referral - (b)(6) (b)(7)(c)

On February 21, 2012, (b)(6) (b)(7)(c) requested these records again. This request was responded to on February 22, 2012; however, the specific records requested were not received.

On February 23, 2012, (b)(6) (b)(7)(c) requested these records again. The requested records were received on February 28, 2012. (Exhibit 2)

On February 29, 2012, (b)(6) (b)(7)(c) completed a preliminary "IHSC Report of Medical Record Review/Investigation" and forwarded a copy with redacted personal identifying, and facility identifying, information to (b)(6) (b)(7)(c) for medical expert review and opinion. (Exhibit 4)

On March 1, 2012, (b)(6) (b)(7)(c) received (b)(6) (b)(7)(c) opinion and completed an "IHSC Report of Medical Record Review/Investigation." (Exhibit 5)

On March 1, 2012, (b)(6) (b)(7)(c) completed an "IHSC Summary of Medical Record Review/Investigation." (Exhibit 6)

**Findings:**

IHSC does not recommend referring this inquiry for Agency action because the allegation is not supported by available evidence and no disciplinary action will be taken. A review of (b)(6) (b)(7)(c) SDC medical records demonstrates that he received adequate medical care for his complaints (b)(6), (b)(7)(C). From August 5, 2010, to September 27, 2011, (b)(6) (b)(7)(c) was evaluated over 200 times by SDC nursing and medical staff in response to his complaints of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6) (b)(7)(c) He was prescribed appropriate medications, a special diet and provided with health education; however, he was frequently non-compliant with these recommendations.

Due to (b)(6) (b)(7)(c) almost daily complaints of medical problems, and frequent non-compliance with medical and (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

During the course of this inquiry a couple of minor issues related to prescribing an iron supplement and radiology reports were identified. These concerns will be forwarded to

the SDC medical clinic and IHSC leadership for review, comment and corrective action as indicated.


**EXHIBITS:**

1. JIC report of allegation, dated September 20, 2011.
2. Exhibit 2 memo, dated March 2, 2012.
3. JIC report of allegation, dated October 19, 2011.
4. Exhibit 3 memo, dated March 2, 2012.
5. Exhibit 4 memo, dated March 2, 2012.
6. IHSC Summary of Medical Record Review/Investigation, dated March 1, 2012.

# EXHIBIT

1



 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>		<p><b>1. CASE NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p>
		<p><b>PREPARED BY</b></p> <p>(b)(6) (b)(7)(c)</p>
		<p><b>2. REPORT NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p>
<p><b>3. TITLE</b></p> <p>EMPLOYEE, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b></p> <p>Initial Report</p>	<p><b>6. TYPE OF REPORT</b></p> <p>Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b></p> <p>Detainee complained repeatedly about his health issues. GA</p>		
<p><b>9. SYNOPSIS</b></p> <p>On September 20, 2011, the Joint Intake Center (JIC) Washington, D.C., processed U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated August 23, 2011: The referral contained an allegation from (b)(6) (b)(7)(c) a detainee housed at the Stewart Detention Center in Lumpkin GA. Detainee (b)(6) (b)(7)(c) has repeatedly complained about his health issues and remains sick.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b></p> <p>(b)(6) (b)(7)(c)</p>	<p><b>11. COMPLETION DATE</b></p> <p>20-SEP-2011</p>	<p><b>14. ORIGIN OFFICE</b></p> <p>XXCM CMG View Case</p>
<p><b>12. APPROVED BY(Print Name &amp; Title)</b></p> <p>(b)(6) (b)(7)(c)</p>	<p><b>13. APPROVED DATE</b></p> <p>20-SEP-2011</p>	<p><b>15. TELEPHONE NUMBER</b></p> <p>No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		



DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6) (b)(7)(c)

PREPARED BY

(b)(6) (b)(7)(c)

2. REPORT NUMBER

(b)(6) (b)(7)(c)

10. NARRATIVE

On August 23, 2011, the Joint Intake Center, Washington, DC, received a referral from the Department of Homeland Security, Office of the Inspector General. The referral contained an allegation from (b)(6) (b)(7)(c) Alien Number: (none provided) a detainee housed at the Stewart Detention Center in Lumpkin GA. Detainee (b)(6) (b)(7)(c) has repeatedly complained about his health issues and remains sick.


This is a verbatim recreation of the RIG sent to the JIC. No spelling or grammatical corrections have been made.

<VERBATIM BEGIN>

DETAILS

The complainant has been in the detention center for about a year and has complained repeatedly about his health issues. He still has not received help and has a serious virus that requires medical attention. Since August 5, 2010 he has been sick. (b)(6) (b)(7)(c) was his medical practitioner assigned to him. He was rushed to ER and was given antibiotics and then the complaint reoccurred. He has been ignored afterwards for more medical help.

<VERBATIM END>

<p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p>  <p style="text-align: center;"><b>REPORT OF INVESTIGATION Exhibit List</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p><b>1. CASE NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p>
	<p><b>PREPARED BY</b></p> <p>(b)(6) (b)(7)(c)</p>
	<p><b>2. REPORT NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p>
<p>None</p>	

**WARD, FREDERICK A (IA)**

**From:** (b)(6) (b)(7)(c)  
**Sent:** Thursday, September 01, 2011 1:07 PM  
**To:** JOINT INTAKE  
**Cc:** CRCLCompliance  
**Subject:** (b)(6) (b)(7)(c)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** (b)(6) (b)(7)(c)

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

9/12/2011



COMPLAINT INTAKE FORM

Department of Homeland Security-Office of Inspector General
Office of Investigations

Complaint Number: (b)(6) (b)(7)(c)

Date: 8/31/2011

Time: 11:30am

Complaint Received By: (TELEPHONE, WRITTEN, FAX, OTHER)

Telephone

COMPLAINANT: (NAME, TITLE, AGENCY, CONTACT INFORMATION, ADDRESS OR DUTY LOCATION, PAY GRADE, CITY, STATE)

(b)(6) (b)(7)(c) A; Alien Detainee; Stewart Detention Center; Lumpkin, GA

SUBJECT(s) of Complaint: (REQUIRES SAME INFORMATION AS COMPLAINANT)

LNU, FNU; Medical Staff; ICE; Stewart Detention Center; Lumpkin, GA

DETAILS

The complainant has been in the detention center for about a year and has complained repeatedly about his health issues. He still has not received help and has a serious virus that requires medical attention. Since August 5, 2010 he has been sick. (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) was his medical practitioner assigned to him. He was rushed to ER and was given antibiotics and then the complaint reoccurred. He has been ignored afterwards for more medical help.

WITNESSES/VICTIMS

Information received by: (NAME/TITLE OF PERSON TAKING REPORT, AGENCY? COMPANY, CONTACT INFORMATION)

Law Enforcement Sensitive
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

DHS OIG Hotline

**COMPLAINT IS:**

Civil Rights  
Matter

Privacy Incident

**CONSENT TO DISCLOSURE OF COMPLAINT OR ALLEGATION**

The Hotline Call Center Operators must inform each caller that it is the policy of the DHS OIG to carefully review each complaint or allegation received by the DHS OIG Hotline. Callers should be aware that the DHS OIG does not investigate, or inquire into each complaint received, but will often forward such information for action by the appropriate DHS management official, internal affairs office, or Office of Professional Responsibility within DHS.

**DHS employees, family members of DHS employees, and DHS contract personnel are automatically entitled to confidentiality in their complaints. Any other complainant who specifically requests confidentiality is also entitled to it.**

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality gives consent to forward it, the DHS OIG will forward the matter to the appropriate DHS office or official for the action deemed necessary by that office or official.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality does not give consent to forward it, the DHS OIG will administratively close the matter.

The DHS OIG will not forward complaints from persons who are automatically entitled or who request confidentiality without the expressed consent of the complainant, unless the complaint involves a specific danger to health or safety, or is a national security issue.

The Call Center Operator has described the above policy to the caller and certifies that:

(X) The Complainant *Consented* to the disclosure of their identity and complaint information outside the DHS OIG.

( ) The Complainant *Did Not Consent* to the disclosure of their identity and complaint information outside the DHS OIG.

**COMPLAINT IS:**

Anonymous

Confidential

Open Source

~~This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~



# EXHIBIT

2

*Office of Enforcement and Removal Operations  
ICE Health Service Corps*

**U.S. Department of Homeland Security**  
500 12th Street, SW  
Washington, DC 20536



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

March 2, 2012

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

**Administrative Inquiry Unit**

FROM:

(b)(6) (b)(7)(c)

SUBJECT:

**Management Referral – Exhibit 2**


**OPR Case No.**

(b)(6) (b)(7)(c)

Exhibit 2 records are maintained in a secure file by ICE Health Service Corps and are available for review upon a need to know basis.

# EXHIBIT

3

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b>
		(b)(6) (b)(7)(c)
		<b>PREPARED BY</b>
		(b)(6) (b)(7)(c)
		<b>2. REPORT NUMBER</b>
		(b)(6) (b)(7)(c)
<b>3. TITLE</b>		
EMPLOYEE, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b>	<b>6. TYPE OF REPORT</b>	<b>7. RELATED CASES</b>
Initial Report	Allegation	
<b>8. TOPIC</b>		
Detainee claims inadequate medical care; and the food is contaminated. GA		
<b>9. SYNOPSIS</b>		
<p>On October 19, 2011, the Joint Intake Center (JIC) Washington, D.C., processed U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated August 19, 2011: The referral contained an allegation from (b)(6) (b)(7)(e) (b)(6) (b)(7)(c) a detainee housed at the Stewart Detention Center in Lumpkin, GA. Detainee (b)(6) (b)(7)(c) alleges he is (b)(6), (b)(7)(C) and is still refused medical care.</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b>	<b>11. COMPLETION DATE</b>	<b>14. ORIGIN OFFICE</b>
(b)(6) (b)(7)(c)	19-OCT-2011	XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b>	<b>13. APPROVED DATE</b>	<b>15. TELEPHONE NUMBER</b>
(b)(6) (b)(7)(c)	19-OCT-2011	No Phone Number
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DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6) (b)(7)(c)

PREPARED BY

(b)(6) (b)(7)(c)

2. REPORT NUMBER

(b)(6) (b)(7)(c)

10. NARRATIVE

On August 19, 2011, the Joint Intake Center, Washington, DC, received a referral from the Department of Homeland Security, Office of the Inspector General. The referral contained an allegation from (b)(6) (b)(7)(c) Alien Number: (none provided) a detainee housed at the Stewart Detention Center in Lumpkin, GA.

This is a verbatim recreation of the RIG sent to the JIC. No spelling or grammatical corrections have been made.


<VERBATIM BEGIN>

DETAILS

The complainant, (b)(6) (b)(7)(c) feels that he is being refused medical care. The officers are refusing to bring him to medical care. If they do bring him to the clinic the nurse ignores his requests and sends him back. He has been trying to see the nurse again but the nurse is refusing to listen that the problem is reoccurring. (b)(6) (b)(7)(c) He also feels that his food is being contaminated.

<VERBATIM END>



 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b>
	(b)(6) (b)(7)(c)
	<b>PREPARED BY</b>
	(b)(6) (b)(7)(c)
	<b>2. REPORT NUMBER</b>
	001
<p>None</p>	

(b)(6) (b)(7)(c)

**From:** (b)(6) (b)(7)(c)  
**Sent:** Friday, August 19, 2011 11:16 AM  
**To:** JOINT INTAKE  
**Cc:** CRCLCompliance  
**Subject:** (b)(6) (b)(7)(c)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** (b)(6) (b)(7)(c)

*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

10/18/2011

ICE 2013FOIA00445.000134



COMPLAINT INTAKE FORM

Department of Homeland Security-Office of Inspector General
Office of Investigations

Complaint Number: (b)(6) (b)(7)(c)

Date: 8/2/2011

Time: 9:11am

Complaint Received By: (TELEPHONE, WRITTEN, FAX, OTHER)
Telephone

COMPLAINANT: (NAME, TITLE, AGENCY, CONTACT INFORMATION, ADDRESS OR DUTY LOCATION, PAY GRADE, CITY, STATE)
(b)(6) (b)(7)(c) Alien Detainee; Stewart Detention Center; Lumpkin, GA

SUBJECT(s) of Complaint: (REQUIRES SAME INFORMATION AS COMPLAINANT)
LNU, FNU; Medical Center; ICE; Stewart Detention Center; Lumpkin, GA

DETAILS

The complainant, (b)(6) (b)(7)(c) feels that he is being refused medical care. The officers are refusing to bring him to medical care. If they do bring him to the clinic the nurse ignores his requests and sends him back. He has been trying to see the nurse again but the nurse is refusing to listen that the problem is reoccurring. (b)(6) (b)(7)(c) is (b)(6), (b)(7)(C) He also feels that his food is being contaminated.

WITNESSES/VICTIMS

Information received by: (NAME/TITLE OF PERSON TAKING REPORT, AGENCY? COMPANY, CONTACT INFORMATION)

DHS OIG Hotline

Law Enforcement Sensitive
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.

**COMPLAINT IS:**

Civil Rights  
Matter

Privacy Incident

**CONSENT TO DISCLOSURE OF COMPLAINT OR ALLEGATION**

The Hotline Call Center Operators must inform each caller that it is the policy of the DHS OIG to carefully review each complaint or allegation received by the DHS OIG Hotline. Callers should be aware that the DHS OIG does not investigate, or inquire into each complaint received, but will often forward such information for action by the appropriate DHS management official, internal affairs office, or Office of Professional Responsibility within DHS.

DHS employees, family members of DHS employees, and DHS contract personnel are automatically entitled to confidentiality in their complaints. Any other complainant who specifically requests confidentiality is also entitled to it.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality gives consent to forward it, the DHS OIG will forward the matter to the appropriate DHS office or official for the action deemed necessary by that office or official.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality does not give consent to forward it, the DHS OIG will administratively close the matter.

The DHS OIG will not forward complaints from persons who are automatically entitled or who request confidentiality without the expressed consent of the complainant, unless the complaint involves a specific danger to health or safety, or is a national security issue.

The Call Center Operator has described the above policy to the caller and certifies that:

(X) The Complainant *Consented* to the disclosure of their identity and complaint information outside the DHS OIG.

( ) The Complainant *Did Not Consent* to the disclosure of their identity and complaint information outside the DHS OIG.

**COMPLAINT IS:**

Anonymous

Confidential

Open Source

~~Law Enforcement Sensitive~~  
~~This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~

From: (b)(6) (b)(7)(c)  
To:  
Subject:  
Date: Friday, October 21, 2011 1:05:43 PM

The detainee (b)(6) (b)(7)(c) is currently detained at Krome Detention Center.



(b)(6) (b)(7)(c), (b)(7)e

From: (b)(6) (b)(7)(c)  
Sent: Friday, October 21, 2011 12:55 PM  
To: (b)(6) (b)(7)(c)  
Subject:

(b)(6) (b)(7)(c)  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility  
Office of Detention Oversight  
950 L'Enfant Plaza SW  
Cube 132 (Mail Stop 5501)  
Washington, D.C. 20536  
(202) 732- (desk)  
(202) 732- (b) (7)(b)  
(202) 732- (fax)



# EXHIBIT

4

*Office of Enforcement and Removal Operations  
ICE Health Service Corps*

**U.S. Department of Homeland Security**  
500 12th Street, SW  
Washington, DC 20536



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

March 2, 2012

**MEMORANDUM FOR:**

(b)(6) (b)(7)(c)

**Administrative Inquiry Unit**

**FROM:**

(b)(6) (b)(7)(c)

**ICE Health Service Corps**

**SUBJECT:**

**Management Referral – Exhibit 4**

**OPR Case No.**

(b)(6) (b)(7)(c)

Exhibit 4 records are maintained in a secure file by ICE Health Service Corps and are available for review upon a need to know basis.

# EXHIBIT

5

*Office of Enforcement and Removal Operations  
ICE Health Service Corps*

**U.S. Department of Homeland Security**  
500 12th Street, SW  
Washington, DC 20536



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

March 2, 2012

**MEMORANDUM FOR:**

(b)(6) (b)(7)(c)

**Administrative Inquiry Unit**

**FROM:**

(b)(6) (b)(7)(c)

**ICE Health Service Corps**

**SUBJECT:**

**Management Referral – Exhibit 5**

**OPR Case No.** (b)(6) (b)(7)(c)

Exhibit 5 records are maintained in a secure file by ICE Health Service Corps and are available for review upon a need to know basis.

# EXHIBIT

6



U.S. Immigration and Customs Enforcement

IHSC SUMMARY OF MEDICAL RECORD REVIEW/INVESTIGATION

Detainee: (b)(6) (b)(7)(c)

Alien Number: (b)(6) (b)(7)(c)

DOB: (b)(6) (b)(7)(c)

EXECUTIVE SUMMARY

On 09-26-2011 and 10-24-2011, U.S. Immigration and Customs Enforcement (ICE), Health Service Corps (IHSC), received a Management Referral case from the ICE Office of Professional Responsibility (OPR) for review and action. ICE detainee (b)(6) (b)(7)(c) submitted multiple complaints to the Joint Intake Center (JIC), Washington, DC, alleging he was not receiving adequate medical care for (b)(6), (b)(7)(C) problems at the Stewart Detention Center (SDC), GA.

Allegation: The Stewart Detention Center did not provide (b)(6) (b)(7)(c) with adequate medical care for (b)(6), (b)(7)(C) problems.

Finding: Not Referred

Summary: IHSC does not recommend referring this inquiry for Agency action because the allegation is not supported by available evidence. A review of (b)(6) (b)(7)(c) SDC medical records demonstrates that he received adequate medical care for his complaints of (b)(6), (b)(7)(C) problems. From 08-05-2010 to 09-27-2011, (b)(6) (b)(7)(c) was evaluated over 200 times by SDC nursing and medical staff in response to his complaints of (b)(6), (b)(7)(C) problems such as (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) He was sent out to the emergency department for evaluation of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) problems six times. (b)(6), (b)(7)(C)

(b)(6) (b)(7)(c) (b)(6), (b)(7)(C) (b)(6) (b)(7)(c)

(b)(6), (b)(7)(C) He was prescribed appropriate medications, a special diet and provided with health education; however, he was frequently non-compliant with these recommendations. Due to (b)(6) (b)(7)(c) almost daily complaints of medical



problems, and frequent non-compliance with medical and (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

During the course of this inquiry a couple of minor issues related to prescribing an iron supplement and radiology reports were identified. IHSC recommends forwarding these concerns to the SDC medical clinic and IHSC leadership for review, comment and corrective action as indicated.

### DETAILS OF INQUIRY

#### ISSUE

On 09-26-2011, IHSC received a Management Referral case from ICE OPR for review and action. On 08-23-2011, the JIC received a complaint from (b)(6) (b)(7)(c) a detainee housed at the Stewart Detention Center in Lumpkin, GA. The specifics of his complaint follow:

Prior to 08-23-2011, (b)(6) (b)(7)(c) telephoned a complaint into the Department of Homeland Security (DHS), Office of the Inspector General (OIG), complaint hotline. He stated that he has been in the Stewart Detention Center for about a year and has repeatedly complained about his health issues. He still has not received help and has a serious virus that requires medical attention. Since 08-05-2010, he has been sick. He was rushed to the emergency room and given antibiotics and then the problem reoccurred. His requests for more medical help have been ignored.

On 10-24-2011, IHSC received an additional Management Referral case from ICE OPR for review and action. On 10-19-2011, the JIC received another complaint from (b)(6) (b)(7)(c) The specifics of his complaint follow:

On 08-02-2011, (b)(6) (b)(7)(c) telephoned a complaint into the OIG complaint hotline. (b)(6) (b)(7)(c) stated he was being refused medical care at the Stewart Detention Center. The officers were refusing to bring him to medical for care. If they did bring him to the clinic, the nurse ignored his requests and sent him back. He tried to see the nurse again, but the nurse refused to listen that his problem was reoccurring. (b)(6) (b)(7)(c) claimed he was (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

On 02-15-2012, (b)(6) (b)(7)(c) was interviewed to clarify what his concerns were in the two complaints he submitted. (b)(6) (b)(7)(c) stated he was concerned about (b)(6), (b)(7)(C) problems. These problems were resolved approximately a year ago after an emergency room physician prescribed "a double dose of antibiotics that cleared out my system." His symptoms returned and his main concern was that he did not receive appropriate care for a (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) He also complained that he did not receive appropriate care for (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

(b)(6) (b)(7)(c)

**PURPOSE**

Review (b)(6) (b)(7)(c) medical records and prepare a formal statement regarding the standard of health care received relevant to the stated issues.

**BACKGROUND**

(b)(6) (b)(7)(c)

**ICE Custody History:**

- 06-30-2010 to 07-22-2010 Norfolk County Jail, MA
- 07-22-2010 to 08-05-2010 York County Jail, PA
- 08-05-2010 to 09-27-2011 Stewart Detention Center, GA
- 09-27-2011 to 11-02-2011 Krome Service Processing Center, FL
- 11-02-2011 to 11-16-2011 Baker County Jail, FL
- 11-16-2011 to 12-09-2011 Wakulla County Jail, FL
- 12-10-2011 to 12-12-2011 Krome Service Processing Center, FL
- 12-13-2011 to 02-16-2012 Monroe County Jail, FL
- 12-16-2012 to present Krome Service Processing Center, FL

**Medical and Mental Health Conditions:**

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(b)(6), (b)(7)(C)

**CONCERNS**

- On intake, (b)(6) (b)(7)(c) reported a history of (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)
- On 09-02-2010, abdominal x-rays were performed at the Stewart Detention Center (SDC). The report for this procedure was printed on a standard Tuberculosis Screening Chest X-Ray report form. There was handwriting on the report indicating that the procedures performed were actually bilateral knees and an abdominal series. The radiologist only reported “abnormal” findings related to (b)(6) (b)(7)(c)(b)(6), (b)(7) and did not comment about abdominal x-rays.

**CONCLUSIONS**

IHSC does not recommend referring this inquiry for Agency action because the allegation is not supported by available evidence. A review of (b)(6) (b)(7)(c) SDC medical records demonstrates that he received adequate medical care for his complaints of (b)(6), (b)(7)(C) problems. From 08-05-2010 to 09-27-2011, (b)(6) (b)(7)(c) was evaluated over 200 times by SDC nursing and medical staff in response to his complaints of (b)(6), (b)(7)(C) problems such as (b)(6), (b)(7)(C)

(b)(6) (b)(7)(c) (b)(6), (b)(7)(C)  
 (b)(6) (b)(7)(c)

(b)(6), (b)(7)(C) He was prescribed appropriate medications, a special diet and provided with health education; however, he was frequently non-compliant with these recommendations. Due to (b)(6) (b)(7)(c) almost daily complaints of medical problems, and frequent non-compliance with medical and (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**RECOMMENDATIONS**

- The concerns noted above should be forwarded to the Stewart Detention Center medical clinic leadership and IHSC leadership for review, comment and corrective action plan as indicated.

**RECORDS REVIEWED**

**Medical Records:**

(b)(6) (b)(7)(c)

- 08-05-2010 to 09-27-2011 Stewart Detention Center, GA

Other Information Received/Reviewed:

- 02-15-2012 Telephonic interview between (b)(6) (b)(7)(c)

Note: The information and conclusions conveyed in this report are based upon the medical records and other sources of information made available to the reviewers as of 02-28-2012.

Date of Report: 03-01-2012

End of report

Reviewers:

(b)(6) (b)(7)(c)

ICE Health Service Corps  
500 12 ST SW, Room 11079  
Washington, DC 20536

(b)(6) (b)(7)(c)

Medical Quality Management Branch  
ICE Health Service Corps  
300 N. Los Angeles St., Room 7631  
Los Angeles, CA 90012


U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

September 21, 2009

MEMORANDUM FOR: (b)(6), (b)(7)c  
(b)(6), (b)(7)c Administrative Inquiry Unit  
Headquarters

FROM: Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia 

SUBJECT: OPR case number (b)(6), (b)(7)c

The Atlanta Field Office received the above OPR case for review and action. I have reviewed the completed Management Inquiry (MI) for the above OPR case conducted by (b)(6), (b)(7)c in its entirety. The allegation for this case is misconduct of a contract security guard, (b)(6), (b)(7)c (first name unknown), at the Stewart Detention Center in Lumpkin, GA. The MI was unable to determine the correct identity of the unknown contract guard with CCA. Thus, the allegation of forging a detainee's signature on a disciplinary report is unsubstantiated. There will be no further action taken and the Atlanta Field Office has closed this case.

If you have any further questions regarding this investigation, please contact Field Office Director Felicia S. Skinner (404) 892 (b)(6), (b)(7)c

Attachment



U.S. Immigration  
and Customs  
Enforcement

August 19, 2009

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH

Felicia S. Skinner  
Field Office Director

FROM:

(b)(6), (b)(7)c

Stewart Detention Center

SUBJECT:

Management Referral: RE: (b)(6), (b)(7)c OPR Case

(b)(6), (b)(7)c

**Management Referral Executive Summary:**

**Discussion**

On June 19, 2009, the Joint Intake Center (JIC) received telephonic notification from detainee (b)(6), (b)(7)c reporting the alleged misconduct of an Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO), Contract Guard (CG) at the Stewart County Detention Center (SCDC).

(b)(6), (b)(7)c stated that on June 3, 2009, a showerhead and his towel became entangled and the showerhead was accidentally pulled off. (b)(6), (b)(7)c

(b)(6), (b)(7)c reported that he appealed his fine and disciplinary time, but was unsuccessful.

(b)(6), (b)(7)c claimed that during his appeal hearing, he notified the hearing panel that the signature on the initial inmate disciplinary report was not his, but they allegedly ignored his accusation and found him guilty of purposely damaging facility property. (b)(6), (b)(7)c claims that the showerhead was in need of repair and he should not be punished because the facility is poorly maintained.



This administrative inquiry was unable to identify the contract guard with Corrections Corporation of America, who allegedly forged (b)(6), (b)(7)c. The questionable signature is in the signature block on a form that explains detainee rights as part of notification of Incident of Prohibited Acts and Notice of Charges packet. The OPR Report of Investigation lists (b)(6), (b)(7)c as the subject of the investigation. However, the contract guard who read (b)(6), (b)(7)c his rights was (b)(6), (b)(7)c who no longer works at the Stewart Detention Center.

**ALLEGATION ONE: Contract Guard forged a detainee's signature on a disciplinary report.**  
**UNSUBSTANTIATED**

#### **DETAILS OF MANAGEMENT REFERRAL ADMINISTRATIVE INQUIRY:**

On June 19, 2009, the Joint Intake Center (JIC) received telephonic notification from detainee (b)(6), (b)(7)c reporting the alleged misconduct of an Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO), Contract Guard (CG) at the Stewart County Detention Center (SCDC). (b)(6), (b)(7)c stated that on June 3, 2009, a showerhead and his towel became entangled and the showerhead was accidentally pulled off. (b)(6), (b)(7)c reported that he appealed his fine and disciplinary time, but was unsuccessful. (b)(6), (b)(7)c claimed that during his appeal hearing, he notified the hearing panel that the signature on the initial inmate disciplinary report was not his, but they allegedly ignored his accusation and found him guilty of purposely damaging facility property. (b)(6), (b)(7)c claims that the showerhead was in need of repair and he should not be punished because the facility is poorly maintained (EXHIBIT 1).

On July 27, 2009, (b)(6), (b)(7)c was assigned as fact finder to conduct the administrative inquiry of the allegation described.

On August 12, 2009, (b)(6), (b)(7)c interviewed (b)(6), (b)(7)c at the Stewart Detention Center. (b)(6), (b)(7)c is the ICE representative to the Stewart Detention Center disciplinary review panel and was a panel member for this disciplinary hearing. (b)(6), (b)(7)c provided an affidavit documenting his knowledge of the allegation (EXHIBIT 2) which is attached to this report. In his statement, he stated he did not witness the serving of the rights form. He did state that the signature on the rights form did not look like (b)(6), (b)(7)c signature on other forms. (b)(6), (b)(7)c provided (b)(6), (b)(7)c with copies of the following documents from (b)(6), (b)(7)c disciplinary hearing (EXHIBIT 3):

**DOJ Form I-884, Incident of Prohibited Acts and Notice of Charges  
Detainee Rights Form for Institution Disciplinary Panel Hearing in Spanish**

DOJ Form I-890, Investigation Report  
DOJ Form I-893, Notice of Institution Disciplinary Panel Hearing  
DOJ Form I-894, Institution Disciplinary Panel Report (2 pages)  
CCA Form 5-1C, Incident Statement (2 copies, 1 with signature)

Page one, section one, part C of DOJ Form I-894, Institution Disciplinary Panel Report, indicates that (b)(6), (b)(7)c was advised of his rights before the Institution Disciplinary Panel (IDP) by (b)(6), (b)(7)c with a copy of the advisement of rights form attached. A comparison was made of the signature on the rights form with (b)(6), (b)(7)c (b)(6), (b)(7)c signature on other documents. The signature on the rights form did not appear to match any other form of signature used by (b)(6), (b)(7)c on other forms.

As stated above, (b)(6), (b)(7)c no longer works at this facility so a statement could not be obtained from him. (b)(6), (b)(7)c was removed back to his native country on June 23, 2009. Under these circumstances, it is not possible to make a definitive statement regarding the origin of the signature

In the context of the disciplinary hearing, whether or not (b)(6), (b)(7)c signed his name on the form or someone else signed his name, this form would not have affected the outcome of the disciplinary hearing that was afforded (b)(6), (b)(7)c

At the hearing, (b)(6), (b)(7)c admitted that he placed his towel on top of a sprinkler head, not a shower head as stated in the allegation. He said during the disciplinary panel that he pulled the towel off the sprinkler head which then activated the sprinkler. His sole penalty was to pay for the cost of the sprinkler head, which was collected upon his departure from the facility. His assertion that the sprinkler head was in need of repair is not credible. According to (b)(6), (b)(7)c contract compliance officer with the Nakamoto Group, all of the facility sprinklers were inspected and certified by the Georgia State Fire Marshall on May 22, 2009, twelve days before the incident. According to (b)(6), (b)(7)c (b)(6), (b)(7)c appealed the results of the hearing to (b)(6), (b)(7)c The results of the hearing were not overturned, and the original judgment was left intact.

There are no witnesses available to sustain (b)(6), (b)(7)c allegation concerning a forged signature. Additionally, the form with the questionable signature had no affect on the outcome of the hearing. Therefore, based on the totality of the circumstances, the original allegation is unfounded.

The exhibits list is on the following page.

List of Exhibits

- Exhibit 1. Referral for Management Action/Report of Investigation.
- Exhibit 2. Sworn Affidavit of (b)(6), (b)(7)c dated 08/12/2009 consisting of 4 pages (Includes Rights/Warnings & Advisements).
- Exhibit 3. Disciplinary Hearing Record of (b)(6), (b)(7)c consisting of six pages
- Exhibit 4. Management Inquiry Notice to (b)(6), (b)(7)c dated 08/10/2009.
- Exhibit 5. CCA Property Disclaimer form with (b)(6), (b)(7)c signature.
- Exhibit 6. Back page of Form I-205, Warrant of Removal/Deportation with (b)(6), (b)(7)c signature.
- Exhibit 7. Copy of email from CCA (b)(6), (b)(7)c to CCA (b)(6), (b)(7)c indicating that money to pay for the sprinkler head was withdrawn from (b)(6), (b)(7)c account.

# EXHIBIT 1



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

June 25, 2009

MEMORANDUM FOR: Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM:

(b)(6), (b)(7)c *for*

Administrative Inquiry Unit

SUBJECT:

Referral for Management Action  
RE: OPR Case No (b)(6), (b)(7)c

The attached management referral case is for your review and action. The OPR file relating to the above case will remain open pending receipt of a written response from your office. The DRO Headquarters Point Of Contact (POC) for this management referral is (b)(6), (b)(7)c

(b)(6), (b)(7)c The response is due by **August 25, 2009**. Should you require any additional time for the completion of this case, please notify (b)(6), (b)(7)c at least 5 days prior to the response due date. Please attach a copy of the investigative report to your response. If there are substantiated allegations, please send a copy of your proposal for disciplinary action and a copy of the final decision when they are served. Please maintain the original investigative report and any other documents pertaining to this case at your local office.

The written response must be in ICE/DRO memo format with the signature of the Field Office Director or his/her designee. The memo and investigative documentation should be forwarded electronically to the (b)(6), (b)(7)c with a copy to (b)(6), (b)(7)c. If sent via DHL, please send two copies. Please include the OPR case number, subject, allegation(s), findings of the investigation (substantiated, not substantiated, or unfounded) and any proposed disciplinary action to be taken in your response.

If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c

Attachment

~~OFFICIAL USE ONLY~~

~~SENSITIVE~~



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

(b)(6), (b)(7)c FNU/Unknown/Non-Criminal Misconduct/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee in Lumpkin, GA claims that a CG forged his signature on a disciplinary report.

**9. SYNOPSIS**

On June 19, 2009, the JIC, Washington, D.C., received telephonic notification from detainee (b)(6), (b)(7)c reporting the alleged misconduct of an Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO), Contract Guard (CG) at the Stewart County Detention Center (SCDC). (b)(6), (b)(7)c stated that on June 3, 2009, a showerhead and his towel became entangled and the showerhead was accidentally pulled off. (b)(6), (b)(7)c reported that he appealed his fine and disciplinary time, but was unsuccessful. (b)(6), (b)(7)c claimed that during his appeal hearing, he notified the hearing's panel that the signature on the initial inmate disciplinary report was not his, but they allegedly ignored his accusation and found him guilty of purposely damaging facility property. (b)(6), (b)(7)c claims that the showerhead was in need of repair and he should not be punished because the facility is poorly maintained.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

22-JUN-2009

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**

22-JUN-2009

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**10. NARRATIVE**

None



**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**2. REPORT NUMBER**

001

None

# EXHIBIT 2

Administrative Inquiry Affidavit

State of Georgia

County of Stewart

I, (b)(6), (b)(7)c being duly sworn, hereby  
depose and state:

Question: What is your full name, title, series, grade, and duty location?

Answer: (b)(6), (b)(7)c Stewart Detention center.

Question: I am investigating an allegation that a contract guard employed by Corrections Corporations of America (CCA) forged the signature of a detainee on a disciplinary report. Do you have any knowledge or information about this allegation?

Answer: I did not witness CCA or said detainee sign this form. I am not a signature expert however the signature on this form does not look like his past signature on previous forms.

Question: Do you have anything you wish to add to the statement?

Answer: I have nothing more to add..

I have read the foregoing statement consisting of 1 pages, of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact the Fact Finder and provide such information. I made this statement freely and voluntarily without any threats or promises of reward having been made to me in return for it.

(b)(6), (b)(7)c

Subscribed and sworn to before me this 12<sup>th</sup> day of August, 2009  
at Stewart Detention Center Lumpkin, GA

Signature of Fact Finder: \_\_\_\_\_

Printed name of witness: (b)(6), (b)(7)c \_\_\_\_\_

Signature of witness: \_\_\_\_\_

U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, Georgia 30303



U.S. Immigration and Customs Enforcement

August 11, 2009

(b)(6), (b)(7)c

United States Immigration and Customs Enforcement, Detention and Removal Operations  
Stewart Detention Center  
146 CCA Road, Lumpkin, GA 31815

Management Inquiry Notice

Immigration Enforcement Agent (b)(6), (b)(7)(C)

This letter is to notify you that you have been identified as a witness in a Management Inquiry. I will be conducting interviews related to the inquiry in the Atlanta Field Office at Stewart Detention Center beginning on Wednesday, August 12, 2009, and your presence is required to provide information and answer questions. Your interview is scheduled to begin on Wednesday, August 12, 2009 at TBD hours at the Stewart Detention Center.

I look forward to meeting with you. If you have any questions, please contact me at (229) 838-(b)(6), (b)(7)c

(b)(6), (b)(7)c

Detention and Removal Operations  
Atlanta Field Office

Certificate of Service:

This notice was served on (b)(6), (b)(7)c on 08/12/09 at Stewart Detention Center, Lumpkin, GA by (b)(6), (b)(7)c  
(Employee's Name, Signature and Title)  
(Supervisor's Name, Signature and Title)

I acknowledge that I have received this Administrative Inquiry Notice

(b)(6), (b)(7)c

08/12/09  
(Date)

**Attachment I Administrative Data**

NAME	(b)(6), (b)(7)c	First	(b)(6), (b)(7)c	M	(b)(6), (b)(7)c
POSITION TITLE:	(b)(6), (b)(7)c				
JOB SERIES/GRADE	(b)(6), (b)(7)c	Series:	(b)(6), (b)(7)c	Grade:	(b)(6), (b)(7)c
ICE DIVISION	DFO				
DUTY STATION	STEWART Detention Center				
SOCIAL SECURITY NUMBER	(b)(6), (b)(7)c				
ENTER ON DUTY DATE:	(b)(6), (b)(7)c				
DATE OF BIRTH:	(b)(6), (b)(7)c				
GENDER (circle one)	<input checked="" type="radio"/> M - Male		<input type="radio"/> F - Female		
BUSINESS ADDRESS	Street Address: 146 CCA RD				
City:	Lumpkin	State:	GA	Zipcode:	31815
BUSINESS TELEPHONE	229-321-	(b)(6), (b)(7)c			
RESIDENCE ADDRESS	Street Address: (b)(6), (b)(7)c				
City:	Columbus	State:	GA	Zip Code:	31909
RESIDENCE TELEPHONE	618-367-	(b)(6), (b)(7)c			
RACE (circle one)	<input checked="" type="radio"/> A		American Indian or Alaskan Indian		
	<input type="radio"/> B		Asian or Pacific Islander		
	<input type="radio"/> C		Black, Not of Hispanic Origin		
	<input type="radio"/> D		Hispanic		
	<input checked="" type="radio"/> E		White, Not of Hispanic Origin		
	<input type="radio"/> F		Asian Indian		
	<input type="radio"/> G		Unknown		

COMMENTS:



**IMMIGRATION & CUSTOMS ENFORCEMENT**

Office of Professional Responsibility

Management Inquiry Checklist for WITNESS Interviews

START 1620 STOP 1625 START \_\_\_\_\_ STOP \_\_\_\_\_ START \_\_\_\_\_ STOP \_\_\_\_\_

(b)(7)e

# EXHIBIT 3

Detainee Name (b)(6), (b)(7)c A-Num (b)(6), (b)(7)c

Nationality: Hispanic Date & Time of Incident: 3 June 2009 @ 1455

Incident Location: Unit 7A-104 Work Assignment: Sec. Control

Classification Level: level 3 Quarters: Unit 7

PROHIBITED ACTS:

- 1. Destroying property worth more than \$100 Code: 382
- 2. Interfering with staff members duties Code: 398
- 3. Conduct that disrupts security operation Code: 399
- 4. Of the facility bond Code: 1941H

Description of Incident: On the above date and time I was buzzed by detainee 104 in Unit 7A. I responded to his call but I could not hear anything at that moment I looked in the direction of his cell and seen water flooding from under his door, that's when called the code grey on the radio. After code grey was clear maintenance advised that detainee had tampered with the sprinkler head by unscrewing the screws before busting the sprinkler head.

Staff Witnesses?  Y  N Evidence Attached?  Y  N  NA

Supporting Memoranda  Y  N  NA

Name of Reporting Officer (b)(6), (b)(7)c Date & Time 6-3-09, 1737 (b)(6), (b)(7)c

Reviewed for accuracy prior to investigation (b)(6), (b)(7)c supervisor (b)(6), (b)(7)c Date & Time 6/3/09 2235  
Served By: (b)(6), (b)(7)c DATE/TIME: 6-4-09 1436

Incident Recorded on D.C.S.?  Y  N Classification Level Change?  Y  N

Level change from \_\_\_\_\_ To \_\_\_\_\_

De [redacted] el Detenido en la Institución Panel de Audiencia Disciplinario (IDP)

Cuando un detenido para la disposición

[redacted] de un acto (s) prohibido, usted ha sido mandado a la Institución Panel Disciplinario [redacted] ras en la audiencia de IDP, usted tiene los derechos siguientes:

1. El derecho a comparecer: [redacted] r una copia escrita de los cargo (s) contra usted al menos 24 horas antes de su [redacted] tes del IDP.
2. El derecho a ser asistido por un miembro a tiempo completo del personal que está razonablemente disponible [redacted] s del IDP.
3. El derecho a seguridad: [redacted] nar a testigos y presentar pruebas documentales en su nombre, a condición de que la [redacted] ional no fuera puesta en peligro.
4. El derecho a permanecer en silencio. Su silencio puede ser usado para dibujar una inferencia [redacted] usted. Sin embargo, su silencio solo puede no ser usado para apoyar un descubrimiento [redacted] ó un acto prohibido.
5. El derecho a estar presente en todas partes de la decisión IDP, excepto durante deliberaciones del [redacted] a seguridad institucional estaría en el peligro.
6. El derecho a ser informado de la decisión IDP por escrito y los hechos que apoyan la decisión del [redacted] onde la seguridad institucional sería puesta en peligro.
7. El derecho a apelar la decisión del IDP por medio del Procedimiento de Agravio de Detenido al [redacted] ble, 15 días después del aviso de la decisión del panel y disposición.

Signature

(b)(6), (b)(7)c

alleged was forged

Por este medio rec [redacted] que he sido informado de los derechos que se me permitan en la Institución [redacted] audiencia de Panel Disciplinary

Firm [redacted] (b)(6), (b)(7)c

Número [redacted] (b)(6), (b)(7)c

6-4-09

Aviso de Derechos dados al detenido por [redacted] (b)(6), (b)(7)c  
Empleado y fecha

Rehusa a firmar [redacted] He informado personalmente que [redacted] de los derechos se permitió al detenido [redacted] en la Audiencia de Panel Disciplinaria Instition. El detenido rechazó firmar el reconocimiento.

10/10/2013

10/10/2013

10/10/2013

10/10/2013

10/10/2013

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10/10/2013

10/10/2013

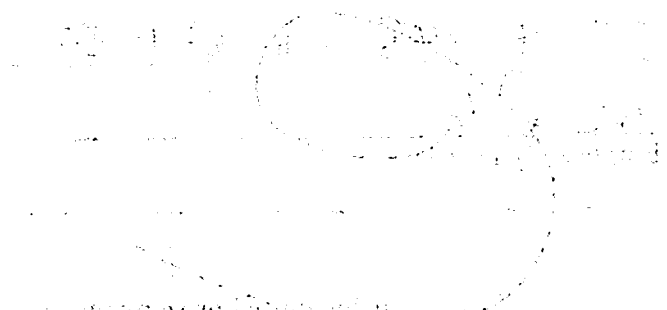
10/10/2013

10/10/2013

10/10/2013

10/10/2013

10/10/2013



10/10/2013

(b)(6), (b)(7)c

Name of Detainee

(b)(6), (b)(7)c

A-Number

June 3, 2009  
Date of Incident

Unit 7A-104  
Place of Incident

Unit 7  
Quarters

June 5, 2009  
Date/Investigation

322  
Code(s)

Name of Investigating Officer :

(b)(6), (b)(7)c

has advised

(b)(6), (b)(7)c

Detainee

that he/she has the right to remain silent at stages of the disciplinary process, but, that silence may be used to draw an adverse inference against him/her at any stage of the disciplinary process. However, silence alone may not be used to support a finding that he/she committed a prohibited act.

Detainee Statement and Attitude During the Interview: Detainee

(b)(6), (b)(7)c

was very respectable answered questions with no problems. Also explain what happen with the sprinkler.

Other Facts about the Incident: Detainee stated that he placed his towel on sprinkle head. After washing his face he grabbed towel from sprinkle head which he believe was already loosn the water came out

Investigator's Comments and Conclusions: The statement that I

(b)(6), (b)(7)c

heard from detainee [redacted] was not done on purpose it was and accident.

Date and Time Investigation Began: 1350

Date and Time Investigation Ended: 1357

(b)(6), (b)(7)c

Signature of Investigating Officer

Reviewed for Accuracy by: (SDEO/DOS)



Notice of Institution  
Disciplinary Panel Hearing

(b)(6), (b)(7)c

Name of Detainee

(b)(6), (b)(7)c

A-Number

10-5-09

Date

Alleged Disciplinary Code Violation(s):

502, 318, 319

Date of Offense:

10-5-09

You are being referred to the Institution Disciplinary panel for the above mentioned charge(s).

The hearing will be held on 10-8-09, at 1100 (time) at the following location 7B.

You are entitled to have a full time staff member represent you at the hearing. Please indicate below if you desire to have a staff member assist you, and if so, his or her name.

I (do) \_\_\_\_\_ (do not)  wish to have a staff representative.

If so, the staff representative's name is \_\_\_\_\_.

You also have the right to call witnesses at the hearing and to present documentary evidence in your behalf; provided, that calling your witnesses will not jeopardize facility security. Names of witnesses you wish to call should be listed below. State below what each proposed witness would be able to testify to:

Name: N/A Can testify to: \_\_\_\_\_

Name: N/A Can testify to: \_\_\_\_\_

Name: N/A Can testify to: \_\_\_\_\_

The chairperson of the Institution Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available, and who are determined by the chairperson to be necessary for an appreciation of all of the circumstances surround the charge(s). Repetitive witnesses need not be called. Unavailable witnesses may be asked to submit written statements. If additional space is required, use the reverse side of the form.

Copy to detainee

(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Name of Detainee:

A-Number:

Date of Incident:

6-3-09

Code(s)

3012, 3018, 3019

I. Nature of Charge(s):

A. Advance written notice of charge(s) (copy of Incident Report) was given to the detainee on

6-4-09 at 1430

B. The IDP hearing was held on 6-8-09 at 1100

C. The detainee was advised of his/her rights before this IDP by (b)(6), (b)(7)c

on 6-4-09 and a copy of the advisement of rights form is attached. officer

II. Staff Representative:

A. Detainee waived his/her right to staff representative:

B. Detainee requested staff representative and N/A appeared.

C. Requested staff representative declined or could not appear but detainee was advised of option to postpone hearing to obtain an alternative staff representative with the result:

III. Presentation of Evidence:

A. Detainee has been advised of his/her right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear on his/her behalf.

B. Summary of detainee's statement: Detainee stated he had his towel hanging on sprinkler head. He didn't think about it, and pulled the towel down.

C. Witnesses:

1. The following persons were called as witnesses at this hearing and appeared: N/A

2. A summary of testimony of each witness is attached

3. The following persons requested were not called for the reason(s) given N/A

4. Unavailable witnesses were requested to submit written statements and those statements received were considered (statements attached)

5. Documentary evidence: In addition to the incident report and investigation, the panel considered the following documents: N/A

6. Confidential information was considered by the IDP and was not provided to the detainee on \_\_\_\_\_ date

- a. The Act Was Committed as Charged
- B. The Following Act Was Committed: 322
- C. No Prohibited Act Was Committed.

V. Specific Evidence Relied on to Support Findings:  
Detainee Testimony

VI. Sanctions or Action Taken: Offense Severity:  
Sanctions taken: Monetary restitution for damages, Time served.

VII. Reason for Sanction or Action Taken:  
Violation of prohibited act 322 - destroying property worth more than \$100

(b)(6), (b)(7)c	(b)(6), (b)(7)c	(b)(6), (b)(7)c
Chairperson	Member	

VIII. Review and Concur:

- A. Concur with findings: \_\_\_\_\_
- B. Proceedings terminated: \_\_\_\_\_
- C. Discipline Imposed: \_\_\_\_\_

(b)(6), (b)(7)c

Signature \_\_\_\_\_ Officer i (b)(6), (b)(7)c Date: 6-8-09 Time: 1330hrs

Copy delivered to detainee by: \_\_\_\_\_ (b)(6), (b)(7)c \_\_\_\_\_ on 6-8-09  
signature and title date

# INCIDENT STATEMENT

<b>Facility</b>	Stewart Detention Center	<b>Incident Number</b>	
-----------------	--------------------------	------------------------	--

<b>Incident Date</b>	6/3/2009	<b>Incident Time</b>	1455
----------------------	----------	----------------------	------

Person Name	ID Number <small>(Employee #/Inmate #/Civilian ID)</small>	Person Type <small>(Employee/Inmate/Civilian)</small>	Person Role <small>(Witness or Participant)</small>
(b)(6), (b)(7)c	Employee	Employee	Witness

<b>Housing Location (For Inmates/Residents Only)</b>	
--	--

**Based on your own knowledge, what did you see, hear, and do?**

On 6/3/2009 at approx. 1455 I (b)(6), (b)(7)c was conducting reviews in Segregation when I see water flowing from room 7A 104 were detainee (b)(6), (b)(7)c was housed. I conducted a security check and notice that the water sprinkler had been broken. I called a code gray ERT members responded and maintenance was notified. (b)(6), (b)(7)c was removed from room 104 and placed in room 118. End of Statement

<b>Did you receive any injuries? YES or NO (If YES, Explain Below)</b>	
--	--

<b>Were you evaluated by medical? YES or NO</b>	
---	--

<b>Printed Name:</b>		<b>Date:</b>	
<b>Signature:</b>	(b)(6), (b)(7)c	<b>Date:</b>	
<b>Typed By:</b>		<b>Date:</b>	6/3/2009

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

	Inmate/Resident refused to complete this 5-1C
	Civilian/Other refused to complete this 5-1C

<b>Employee/Witness Printed Name</b>	<b>Date:</b>	
<b>Employee/Witness Signature</b>		

<b>Employee/Witness Printed Name</b>	<b>Date:</b>	
<b>Employee/Witness Signature</b>		

# INCIDENT STATEMENT

<b>Facility:</b>	Stewart Detention Center	<b>Incident Number:</b>	
------------------	--------------------------	-------------------------	--

<b>Incident Date:</b>	6/3/2009	<b>Incident Time:</b>	1455
-----------------------	----------	-----------------------	------

Person Name	ID Number <small>(Employee #/Inmate #/Civilian ID)</small>	Person Type <small>(Employee/Inmate/Civilian)</small>	Person Role <small>(Witness or Participant)</small>
(b)(6), (b)(7)c	Employee	Employee	Witness

<b>Housing Location (For Inmates/Residents Only)</b>	
--	--

**Based on your own knowledge, what did you see, hear, and do?**

On 6/3/2009 at approx. 1455 I (b)(6), (b)(7)c was conducting reviews in Segregation, when I see water flowing from room 7A 104 were detainee (b)(6), (b)(7)c was housed. I conducted a security check and notice that the water sprinkler had been broken. I called a code gray ERT members responded and maintenance was notified. Detainee (b)(6), (b)(7)c was removed from room 104 and placed in room 118. End of Statement

<b>Did you receive any injuries? YES or NO (If YES, Explain Below)</b>	
--	--

<b>Were you evaluated by medical? YES or NO</b>	
---	--

<b>Printed Name:</b>	(b)(6), (b)(7)c		<b>Date:</b>	6-3-09
<b>Signature:</b>			<b>Date:</b>	6/3/2009
<b>Typed By:</b>				

This section to be completed by the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

	Inmate/Resident refused to complete this 5-1C
	Civilian/Other refused to complete this 5-1C

<b>Employee/Witness Printed Name</b>		<b>Date:</b>	
<b>Employee/Witness Signature</b>			

<b>Employee/Witness Printed Name</b>		<b>Date:</b>	
<b>Employee/Witness Signature</b>			

# EXHIBIT 4



U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

April 8, 2009

(b)(6), (b)(7)c

CCA  
Stewart Detention Center  
146 CCA Rd.  
Lumpkin, GA 31815

**Management Inquiry Notice**

This letter is to notify you that CCA employees will be interviewed this week in the Atlanta Field Office area at the Stewart Detention Center. Please let this notice serve as the official agency notification of the interviews you and Corrections Corporation of America.

The interview is directly related to a Management Inquiry and will be conducted in the Atlanta Field Office located at the Stewart Detention Center, 146 CCA Road, Lumpkin, GA 31815 on Wednesday, August 12, 2009 at 10:30 a.m.

Sincerely,

(b)(6), (b)(7)c

Detention and Removal Operations  
Atlanta Field Office

**Certificate of Service:**

This notice was served on (b)(6), (b)(7)c on 08/10/09 at Stewart Detention Center, Lumpkin, GA.  
(Employee's Name, Signature and Title) by (b)(6), (b)(7)c

(b)(6), (b)(7)c  
(Employee's Name, Signature and Title)

Administrative Inquiry Notice

8-10-09  
(Date)

# EXHIBIT 5

PROPERTY DISCLAIMER

Having been allowed to have in my possession certain articles of my own personal property, I am aware that I am responsible for such articles. I hereby relieve Corrections Corporation of America of any responsibility for my personal property and will not hold them responsible for any loss or damage sustained that cannot be directly attributed to CCA.

To minimize the chance of damage or theft of my personal property, I am aware that I should notify the pod officer to lock my room door when I leave the pod. If I reside in a dorm, I will keep my property locker/closet secured at all times.

If I choose to acquire personal property valued above the maximum reimbursable amount designated by the Warden/Administrator, then I do so at my own risk. I understand that a claim for such property, if found valid, will still only result in the maximum reimbursable amount set by the Warden/Administrator for reimbursement.

I am also fully aware that should I ever abandon any of my personal property, CCA will have full authority to dispose of that property in a manner of their choosing.

Should CCA elect to have my property mailed out or picked up by a friend or family member, I am designating that the following individual be contacted:

Name: (b)(6), (b)(7)c \_\_\_\_\_

Address: (b)(6), (b)(7)c \_\_\_\_\_

COL. ESPERANZA, MEXICO

City: (b)(6), (b)(7)c \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: XXXXX-XXXX

Telephone Number: XXX-XXX-XXXX \_\_\_\_\_

-----  
Inmate/Resident Signature: (b)(6), (b)(7)c

ID Number: (b)(6), (b)(7)c \_\_\_\_\_ Date: 5/29/2009

Staff Witness: (b)(6), (b)(7)c \_\_\_\_\_ Date: 5/29/2009

Signature

(b)(6), (b)(7)c

**RECEIVING & DISCHARGE CHECKLIST**

Inmate/Resident Name: Nombre del Detenido:	(b)(6), (b)(7)c	Inmate/Resident #: Numero del Detenido:	(b)(6), (b)(7)c
---	-----------------	--	-----------------

**RECEIVING CHECKLIST:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Verification of Commitment Papers                             | <input checked="" type="checkbox"/> Assignment to a Housing unit     |
| <input checked="" type="checkbox"/> Searched at intake  | <input checked="" type="checkbox"/> Photograph/I.D. Card             |
| <input checked="" type="checkbox"/> Shower at Intake  | <input type="checkbox"/> Classification Booking Sheet                |
| <input checked="" type="checkbox"/> Issue of Clean, laundered clothing                            | <input type="checkbox"/> Hygiene items Issued                        |
| <input checked="" type="checkbox"/> Disposition of all monies at intake                           | <input type="checkbox"/> Explanation of Mail and Visiting Procedures |
| <input checked="" type="checkbox"/> Medical, dental, mental health screening                      | <input type="checkbox"/> Issue of Lock (if applicable)               |
| <input checked="" type="checkbox"/> Assignment of CCA Number                                      | <input checked="" type="checkbox"/> Telephone Calls                  |
| <input checked="" type="checkbox"/> Personal Property Inventoried (copy given to inmate/resident) | <input type="checkbox"/> Other: <u>HAB</u>                           |

**INMATE/RESIDENT HANDBOOK ACKNOWLEDGMENT: BY SIGNING BELOW, I ACKNOWLEDGE RECEIVING AN**

**D RECIBO UN MANUAL POR DETENIDOS EN**

(b)(6), (b)(7)c	<u>5/29/09</u> Date/Fecha
-----------------	------------------------------

Receiving Officer (Signature)

**VOLUNTARY WORK REQUEST**

As a pre-trial or un-sentenced inmate, I understand that I may not be compelled to work other than to perform housekeeping tasks in my own cell and the common living area. I would like to volunteer for work assignments in addition to my housekeeping tasks. I am aware that I will be working with inmates/residents who are serving a sentence for convictions of crimes. By signing below I am volunteering to participate in work assignments.

**LIBERACION VOLUNTARIA DE TRABAJO**

Como un detenido pre-trial o sin sentencia, yo entiendo que no puedo ser obligado a trabajar en ninguna area nada mas que en mi propia celda y el area comun. Me gustaria ser voluntario para asignaciones de trabajo junto de mi tarea de limpieza. Yo estara trabajado con presos que estan cumpliendo su sentencia por convicciones de crimen. Por mi firma quiero participar en asignaciones de trabajo.

Signature/Firma del Detenido

Date/Fecha

(b)(6), (b)(7)c

**CHECKLIST:**

- |   |   |
|---|---|
| <input type="checkbox"/> Verification of identity of inmate/resident          | <input type="checkbox"/> Verification of proper release authority       |
| <input type="checkbox"/> Return of inmate/resident personal property (if any) | <input type="checkbox"/> Return of all CCA issued property              |
| <input type="checkbox"/> Return of all pending actions with CCA (if any)      | <input type="checkbox"/> Inmate/resident received all release paperwork |
|   | Other: _____  |

6/23/09  
Date/Fecha

(b)(6), (b)(7)c

(b)(6), (b)(7)c

# EXHIBIT 6



To be completed by immigration officer executing the warrant:

Name of alien being removed:

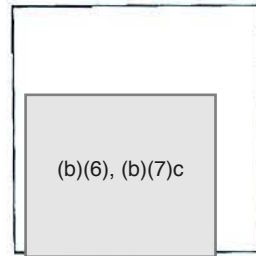
(b)(6), (b)(7)c

Port, date, and manner of removal:

Hidalgo, TX 6/23/09 A foot



Photograph of alien removed



Right index fingerprint of alien removed

(b)(6), (b)(7)c

(Signature and title of immigration officer)

(Signature and title of immigration officer taking print)

Departure with:

by:

(b)(6), (b)(7)c

If actual departure is not witnessed, fully identify source or means of verification of departure:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b)(6), (b)(7)c  
byal (self-deportation), pursuant to 8 CFR 241.7, check here.

(b)(6), (b)(7)c

Verified by:

(Signature and title of immigration officer)

Form I-205 (Rev. 08/01/07)





# EXHIBIT 7

(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, June 05, 2009 2:14 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c

**Subject:** RE: Broken Sprinkler Head in Segregation

This money has been withdrawn. The detainee only had \$22.00 on his account. He has a cost recovery balance of \$78.00.

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, June 05, 2009 1:11 PM  
**To:** (b)(6), (b)(7)c  
**Cc:** (b)(6), (b)(7)c

**Subject:** Broken Sprinkler Head in Segregation

(b)(6), (b)(7)c please charge this detainee account for broken sprinkler head. Disciplinary report in your box. Thank you.

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

September 21, 2009

MEMORANDUM FOR: [REDACTED] (b)(6), (b)(7)c  
Headquarters

FROM: Felicia S. Skinner [Signature]  
Field Office Director  
Atlanta, Georgia

SUBJECT: OPR case number [REDACTED] (b)(6), (b)(7)c

The Atlanta Field Office received the above OPR case for review and action. I have reviewed the completed Management Inquiry (MI) for the above OPR case conducted by [REDACTED] (b)(6), (b)(7)c in its entirety. The allegation for this case is misconduct of an unknown IEA at the Stewart Detention Center in Lumpkin, GA... The MI was unable to determine the identity of the unknown IEA. Thus, the allegation of denying an immigration bond to [REDACTED] (b)(6), (b)(7)c and misconduct of an unknown IEA is unsubstantiated. There will be no further action taken and the Atlanta Field Office has closed this case.

If you have any further questions regarding this investigation, please contact Field Office Director Felicia S. Skinner (404) 89[REDACTED] (b)(6), (b)(7)c

Attachment



U.S. Immigration  
and Customs  
Enforcement

August 12, 2009

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit (AIU)

THROUGH:

Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM:

(b)(6), (b)(7)c

Lumpkin, GA

SUBJECT:

Management Referral: RE: UNKNOWN IEA/MR # (b)(6), (b)(7)c

On June 30, 2009, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from (b)(6), (b)(7)c reporting the alleged misconduct of an Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO), Immigration Enforcement Agent (IEA) in Lumpkin, GA. (b)(6), (b)(7)c reported that his brother, (b)(6), (b)(7)c was being detained at the Stewart County Detention Center (SDC) and has been denied bond by the IEA who arrested him. (b)(6), (b)(7)c stated the UNKNOWN IEA reportedly has a deep-rooted hatred for Hispanics and refuses to approve bond requests from them.

This administrative inquiry was unable to identify any UNKNOWN IEA who was the subject of this allegation.

ALLEGATION ONE: (b)(6), (b)(7)c was improperly denied an immigration bond by an UNKNOWN IEA who arrested him.

UNFOUNDED

Management Referral: RE: UNKNOWN IEA / (b)(6), (b)(7)c

**ALLEGATION TWO:** (b)(6), (b)(7)c was denied an immigration bond by an UNKNOWN IEA who has a deep-rooted hatred for Hispanics and refuses to approve bond request from them.  
UNFOUNDED

**DETAILS OF MANAGEMENT REFERRAL ADMINISTRATIVE INQUIRY:**

On June 30, 2009, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification that (b)(6), (b)(7)c was being detained at the Stewart County Detention Center (SDC) by the IEA who arrested him. The report alleged that an UNKNOWN IEA reportedly has a deep-rooted hatred for Hispanics and refuses to approve bond requests from them (EXHIBIT 1).

A review of the arrest, detention and subsequent proceedings of the subject (b)(6), (b)(7)c revealed that he was not arrested by an Immigration Enforcement Agent at the Stewart County Detention Facility. (b)(6), (b)(7)c was arrested by Immigration and Customs Enforcement Special Agent (b)(6), (b)(7)c of the Raleigh, NC Office of Investigations. (b)(6), (b)(7)c Warrant of Arrest and initial Custody Determination were issued by (b)(6), (b)(7)c (b)(6), (b)(7)c

No contact information was provided for the complainant, (b)(6), (b)(7)c in the initial Report of Investigation (ROI). (b)(6), (b)(7)c was interviewed to determine if he could provide contact information for his brother, the complainant. (b)(6), (b)(7)c stated that his brother was presently deployed with the United States Army in Korea making the process of obtaining a statement unfeasible; however, a statement was obtained from (b)(6), (b)(7)c concerning his treatment by ICE Officers since his arrival at the Stewart County Detention Facility. In his statement (EXHIBIT 2) (b)(6), (b)(7)c attested that he did not feel that he had been treated unfairly based upon his race or origin.

Immigration Enforcement Agents (IEAs) are not authorized to determine or re-determine immigration bonds per 8 CFR § 236.1 (c)(8) (EXHIBIT 3). In addition, (b)(6), (b)(7)c request for a change in custody status was denied by an Immigration Judge with the Executive Office of Immigration Review (EOIR) on July 21, 2009. A copy of said order has been placed into this report (EXHIBIT 4).

**CONCLUSION:**

(b)(6), (b)(7)c initial custody determination appears to have been properly made and has been reviewed by an Immigration Judge who decided that a change in custody status be denied. IEAs are not authorized to make bond custody determinations, and (b)(6), (b)(7)c by virtue of his own statements does not believe that he has been treated unfairly or unjustly because of his race or origin. Therefore the allegations contained within the original report made to the Joint Intake Center (JIC) are unfounded.



Management Referral: RE: UNKNOWN IEA / (b)(6), (b)(7)c

**EXHIBITS 1-4 ATTACHED:**

**1 JIC report of allegation dated July 16, 2009**

**2 Affidavit of subject (b)(6), (b)(7)c**

**3 Copy of current Code of Federal Regulation 8 CFR § 236.1 (c)(8)**

**4 Copy of the Immigration Judge's decision denying a change in custody status dated July 21, 2009**

# **EXHIBITS 1-4**

(b)(6), (b)(7)c



U.S. Immigration  
and Customs  
Enforcement

July 16, 2009

MEMORANDUM FOR: Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM:

(b)(6), (b)(7)c

Administrative Inquiry Unit

SUBJECT:

Referral for Management Action  
RE: OPR Case No (b)(6), (b)(7)c

The attached management referral case is for your review and action. The OPR file relating to the above case will remain open pending receipt of a written response from your office. The DRO Headquarters Point Of Contact (POC) for this management referral is (b)(6), (b)(7)c. The response is due by **September 16, 2009**. Should you require any additional time for the completion of this case, please notify (b)(6), (b)(7)c at least 5 days prior to the response due date. Please attach a copy of the investigative report to your response. If there are substantiated allegations, please send a copy of your proposal for disciplinary action and a copy of the final decision when they are served. Please maintain the original investigative report and any other documents pertaining to this case at your local office.

The written response must be in ICE/DRO memo format with the signature of the Field Office Director or his/her designee. The memo and investigative documentation should be forwarded electronically to the (b)(6), (b)(7)c with a copy to (b)(6), (b)(7)c. If sent via DHL, please send two copies. Please include the OPR case number, subject, allegation(s), findings of the investigation (substantiated, not substantiated, or unfounded) and any proposed disciplinary action to be taken in your response.

If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c

Attachment



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

EMPLOYEE, UNKNOWN/Unknown/Non-Criminal Misconduct/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee in Lumpkin, GA is allegedly being denied bond by a racist IEA.

**9. SYNOPSIS**

On June 30, 2009, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from (b)(6), (b)(7)c reporting the alleged misconduct of an Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO), Immigration Enforcement Agent (IEA) in Lumpkin, GA. (b)(6), (b)(7)c reported that his brother (b)(6), (b)(7)c was being detained at the Stewart Detention Center (SDC) and has been denied bond by the IEA who arrested him. (b)(6), (b)(7)c stated that the UNKNOWN IEA reportedly has a deep-rooted hatred for Hispanics and refuses to approve bond requests from them.

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

07-JUL-2009

**14. ORIGIN OFFICE**

Joint Intake Center

**12. APPROVED BY(Print Name & Title)**

(b)(6), (b)(7)c

**13. APPROVED DATE**


07-JUL-2009


**15. TELEPHONE NUMBER**

No Phone Number

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.

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<p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p>  <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p><b>1. CASE NUMBER</b></p> <p>(b)(6), (b)(7)c</p> <p><b>PREPARED BY</b></p> <p>(b)(6), (b)(7)c</p> <p><b>2. REPORT NUMBER</b></p> <p>001</p>
<p><b>10. NARRATIVE</b></p> <p>None</p>	

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b> HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001
<b>None</b>	



**Administrative Inquiry Affidavit**

**State of Georgia**

**County of Stewart**

I, (b)(6), (b)(7)c being duly sworn, hereby depose and state:

**Question:** What is your full name?

**Answer:** (b)(6), (b)(7)c

**Question:** Do you remember the day that you arrived here at Stewart Detention Facility?

**Answer:** "Yes". "I got here on June 26, 2009".

**Question:** Do you have a brother named (b)(6), (b)(7)c

**Answer:** "Yes"

**Question:** Where is he presently?

**Answer:** (b)(6), (b)(7)(C)

**Question:** Who is your Deportation Officer?

**Answer:** (b)(6), (b)(7)c

**Question:** Do you feel that you have been treated unfairly by ICE Officers since your arrest?

**Answer:** "No"

**Question:** Do you feel that any ICE Officers have treated unfairly based upon your race or origin.

**Answer:** "No"

**Question:** Is there anything else you would like to add to your statement at this time.

**Answer:** "No"

I have read the foregoing statement consisting of 2 pages, of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact the Fact Finder and provide such information. I made this statement freely and voluntarily without any threats or promises of reward having been made to me in return for it.

(b)(6), (b)(7)c

Signature of Affiant

Subscribed and sworn to before me this 11 day of August 2009, \_\_\_\_\_

At the Stewart County Detention Facility

(b)(6), (b)(7)c

Signature of Management Inquirer: \_\_\_\_\_

Printed name of witness: \_\_\_\_\_

(b)(6), (b)(7)c

Signature of witness: \_\_\_\_\_

(b)(6), (b)(7)c

(b)(6), (b)(7)c

## Electronic Code of Federal Regulations

e-CFR  
TM

e-CFR Data is current as of July 31, 2009

**Title 8: Aliens and Nationality****PART 236—APPREHENSION AND DETENTION OF INADMISSIBLE AND DEPORTABLE ALIENS;  
REMOVAL OF ALIENS ORDERED REMOVED****Subpart A—Detention of Aliens Prior to Order of Removal**[Browse Next](#)**§ 236.1 Apprehension, custody, and detention.**

(a) *Detainers.* The issuance of a detainer under this section shall be governed by the provisions of §287.7 of this chapter.

(b) *Warrant of arrest* —(1) *In general.* At the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in §287.5(e)(2) of this chapter and may be served only by those immigration officers listed in §287.5(e)(3) of this chapter.

(2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation.

(c) *Custody issues and release procedures* —(1) *In general.* (i) After the expiration of the Transition Period Custody Rules (TPCR) set forth in section 303(b)(3) of Div. C of Pub. L. 104-208, no alien described in section 236(c)(1) of the Act may be released from custody during removal proceedings except pursuant to section 236(c)(2) of the Act.

(ii) Paragraph (c)(2) through (c)(8) of this section shall govern custody determinations for aliens subject to the TPCR while they remain in effect. For purposes of this section, an alien "subject to the TPCR" is an alien described in section 303(b)(3)(A) of Div. C of Pub. L. 104-208 who is in deportation proceedings, subject to a final order of deportation, or in removal proceedings. The TPCR do not apply to aliens in exclusion proceedings under former section 236 of the Act, aliens in expedited removal proceedings under section 235(b)(1) of the Act, or aliens subject to a final order of removal.

(2) *Aliens not lawfully admitted.* Subject to paragraph (c)(6)(i) of this section, but notwithstanding any other provision within this section, an alien subject to the TPCR who is not lawfully admitted is not eligible to be considered for release from custody.

(i) An alien who remains in status as an alien lawfully admitted for permanent residence, conditionally admitted for permanent residence, or lawfully admitted for temporary residence is "lawfully admitted" for purposes of this section.

(ii) An alien in removal proceedings, in deportation proceedings, or subject to a final order of deportation, and not described in paragraph (c)(2)(i) of this section, is not "lawfully admitted" for purposes of this section unless the alien last entered the United States lawfully and is not presently an applicant for admission to the United States.

(3) *Criminal aliens eligible to be considered for release.* Except as provided in this section, or otherwise provided by law, an alien subject to the TPCR may be considered for release from custody if lawfully admitted. Such an alien must first demonstrate, by clear and convincing evidence, that release would not pose a danger to the safety of other persons or of property. If an alien meets this burden, the alien must further demonstrate, by clear and convincing evidence, that the alien is likely to appear for any

## Electronic Code of Federal Regulations:

scheduled proceeding (including any appearance required by the Service or EOIR) in order to be considered for release in the exercise of discretion.

(4) *Criminal aliens ineligible to be considered for release except in certain special circumstances.* An alien, other than an alien lawfully admitted for permanent residence, subject to section 303(b)(3)(A) (ii) or (iii) of Div. C. of Pub. L. 104-208 is ineligible to be considered for release if the alien:

(i) Is described in section 241(a)(2)(C) of the Act (as in effect prior to April 1, 1997), or has been convicted of a crime described in section 101(a)(43)(B), (E)(ii) or (F) of the Act (as in effect on April 1, 1997);

(ii) Has been convicted of a crime described in section 101(a)(43)(G) of the Act (as in effect on April 1, 1997) or a crime or crimes involving moral turpitude related to property, and sentenced therefor (including in the aggregate) to at least 3 years' imprisonment;

(iii) Has failed to appear for an immigration proceeding without reasonable cause or has been subject to a bench warrant or similar legal process (unless quashed, withdrawn, or cancelled as improvidently issued);

(iv) Has been convicted of a crime described in section 101(a)(43)(Q) or (T) of the Act (as in effect on April 1, 1997);

(v) Has been convicted in a criminal proceeding of a violation of section 273, 274, 274C, 276, or 277 of the Act, or has admitted the factual elements of such a violation;

(vi) Has overstayed a period granted for voluntary departure;

(vii) Has failed to surrender or report for removal pursuant to an order of exclusion, deportation, or removal;

(viii) Does not wish to pursue, or is statutorily ineligible for, any form of relief from exclusion, deportation, or removal under this chapter or the Act; or

(ix) Is described in paragraphs (c)(5)(i)(A), (B), or (C) of this section but has not been sentenced, including in the aggregate but not including any portions suspended, to at least 2 years' imprisonment, unless the alien was lawfully admitted and has not, since the commencement of proceedings and within the 10 years prior thereto, been convicted of a crime, failed to comply with an order to surrender or a period of voluntary departure, or been subject to a bench warrant or similar legal process (unless quashed, withdrawn, or cancelled as improvidently issued). An alien eligible to be considered for release under this paragraph must meet the burdens described in paragraph (c)(3) of this section in order to be released from custody in the exercise of discretion.

(5) *Criminal aliens ineligible to be considered for release.* (i) A criminal alien subject to section 303(b)(3)(A)(ii) or (iii) of Div. C of Pub. L. 104-208 is ineligible to be considered for release if the alien has been sentenced, including in the aggregate but not including any portions suspended, to at least 2 years' imprisonment, and the alien

(A) Is described in section 237(a)(2)(D)(i) or (ii) of the Act (as in effect on April 1, 1997), or has been convicted of a crime described in section 101(a)(43)(A), (C), (E)(i), (H), (I), (K)(iii), or (L) of the Act (as in effect on April 1, 1997);

(B) Is described in section 237(a)(2)(A)(iv) of the Act; or

(C) Has escaped or attempted to escape from the lawful custody of a local, State, or Federal prison, agency, or officer within the United States.

(ii) Notwithstanding paragraph (c)(5)(i) of this section, a permanent resident alien who has not, since the commencement of proceedings and within the 15 years prior thereto, been convicted of a crime, failed to comply with an order to surrender or a period of voluntary departure, or been subject to a bench warrant or similar legal process (unless quashed, withdrawn, or cancelled as improvidently issued), may be considered for release under paragraph (c)(3) of this section.

(6) *Unremovable aliens and certain long-term detainees.* (i) If the district director determines that an alien subject to section 303(b)(3)(A)(ii) or (iii) of Div. C of Pub. L. 104-208 cannot be removed from the

United States because the designated country of removal or deportation will not accept the alien's return, the district director may, in the exercise of discretion, consider release of the alien from custody upon such terms and conditions as the district director may prescribe, without regard to paragraphs (c)(2), (c)(4), and (c)(5) of this section.

(ii) The district director may also, notwithstanding paragraph (c)(5) of this section, consider release from custody, upon such terms and conditions as the district director may prescribe, of any alien described in paragraph (c)(2)(ii) of this section who has been in the Service's custody for six months pursuant to a final order of deportation terminating the alien's status as a lawful permanent resident.

(iii) The district director may release an alien from custody under this paragraph only in accordance with the standards set forth in paragraph (c)(3) of this section and any other applicable provisions of law.

(iv) The district director's custody decision under this paragraph shall not be subject to redetermination by an immigration judge, but, in the case of a custody decision under paragraph (c)(6)(ii) of this section, may be appealed to the Board of Immigration Appeals pursuant to paragraph (d)(3)(iii) of this section.

(7) *Construction.* A reference in this section to a provision in section 241 of the Act as in effect prior to April 1, 1997, shall be deemed to include a reference to the corresponding provision in section 237 of the Act as in effect on April 1, 1997. A reference in this section to a "crime" shall be considered to include a reference to a conspiracy or attempt to commit such a crime. In calculating the 10-year period specified in paragraph (c)(4) of this section and the 15-year period specified in paragraph (c)(5) of this section, no period during which the alien was detained or incarcerated shall count toward the total. References in paragraph (c)(6)(i) of this section to the "district director" shall be deemed to include a reference to any official designated by the Commissioner to exercise custody authority over aliens covered by that paragraph. Nothing in this part shall be construed as prohibiting an alien from seeking reconsideration of the Service's determination that the alien is within a category barred from release under this part.

(8) Any officer authorized to issue a warrant of arrest may, in the officer's discretion, release an alien not described in section 236(c)(1) of the Act, under the conditions at section 236(a)(2) and (3) of the Act, provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding. Such an officer may also, in the exercise of discretion, release an alien in deportation proceedings pursuant to the authority in section 242 of the Act (as designated prior to April 1, 1997), except as otherwise provided by law.

(9) When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign), in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled.

(10) The provisions of §103.6 of this chapter shall apply to any bonds authorized. Subject to the provisions of this section, the provisions of §3.19 of this chapter shall govern availability to the respondent of recourse to other administrative authority for release from custody.

(11) An immigration judge may not exercise the authority provided in this section, and the review process described in paragraph (d) of this section shall not apply, with respect to any alien beyond the custody jurisdiction of the immigration judge as provided in §3.19(h) of this chapter.

(d) *Appeals from custody decisions* —(1) *Application to immigration judge.* After an initial custody determination by the district director, including the setting of a bond, the respondent may, at any time before an order under 8 CFR part 240 becomes final, request amelioration of the conditions under which he or she may be released. Prior to such final order, and except as otherwise provided in this chapter, the immigration judge is authorized to exercise the authority in section 236 of the Act (or section 242(a)(1) of the Act as designated prior to April 1, 1997 in the case of an alien in deportation proceedings) to detain the alien in custody, release the alien, and determine the amount of bond, if any, under which the respondent may be released, as provided in §3.19 of this chapter. If the alien has been released from custody, an application for amelioration of the terms of release must be filed within 7 days of release.

(2) *Application to the district director.* After expiration of the 7-day period in paragraph (d)(1) of this section, the respondent may request review by the district director of the conditions of his or her release.

(3) *Appeal to the Board of Immigration Appeals.* An appeal relating to bond and custody determinations

may be filed to the Board of Immigration Appeals in the following circumstances:

(j) In accordance with §3.38 of this chapter, the alien or the Service may appeal the decision of an immigration judge pursuant to paragraph (d)(1) of this section.

(l) The alien, within 10 days, may appeal from the district director's decision under paragraph (d)(2)(l) of this section.

(4) *Effect of filing an appeal.* The filing of an appeal from a determination of an immigration judge or district director under this paragraph shall not operate to delay compliance with the order (except as provided in §3.19(i)), nor stay the administrative proceedings or removal.

(e) *Privilege of communication.* Every detained alien shall be notified that he or she may communicate with the consular or diplomatic officers of the country of his or her nationality in the United States. Existing treaties with the following countries require immediate communication with appropriate consular or diplomatic officers whenever nationals of the following countries are detained in removal proceedings, whether or not requested by the alien and even if the alien requests that no communication be undertaken in his or her behalf. When notifying consular or diplomatic officials, Service officers shall not reveal the fact that any detained alien has applied for asylum or withholding of removal.

#### Algeria<sup>1</sup>

<sup>1</sup> Arrangements with the countries listed in 8 CFR 236.1(e) provide that U.S. authorities shall notify responsible representatives within 72 hours of the arrest or detention of one of their nationals.

#### Antigua and Barbuda

#### Armenia

#### Azerbaijan

#### Bahamas, The

#### Barbados

#### Belarus

#### Belize

#### Brunei

#### Bulgaria

#### China (People's Republic of)<sup>2</sup>

<sup>2</sup> Notification is not mandatory in the case of any person who carries a "Republic of China" passport issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

#### Costa Rica

#### Cyprus

#### Czech Republic

#### Dominica

Fiji

Gambia, The

Georgia

Ghana

Grenada

Guyana

Hong Kong<sup>3</sup>

<sup>3</sup> Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "S.A.R." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports—i.e., immediately, and in any event, within four days of the arrest or detention.

Hungary

Jamaica

Kazakhstan

Kiribati

Kuwait

Kyrgyzstan

Malaysia

Malta

Mauritius

Moldova

Mongolia

Nigeria

Philippines

Poland<sup>4</sup>

<sup>4</sup> Consular communication is not mandatory for any Polish national who has been admitted for permanent residence in the United States. Such notification should only be provided upon request by a Polish national with permanent residency in the United States.

Romania

Russian Federation



St. Kitts and Nevis

St. Lucia

St. Vincent/Grenadines

Seychelles

Sierra Leone

Singapore

Slovak Republic

Tajikistan

Tanzania

Tonga

Trinidad and Tobago

Tunisia

Turkmenistan

Tuvalu

Ukraine

United Kingdom<sup>5</sup>

<sup>5</sup> United Kingdom includes England, Scotland, Wales, Northern Ireland and Islands and the British dependencies of Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

U.S.S.R.<sup>6</sup>

<sup>6</sup> All U.S.S.R. successor states are covered by this agreement. They are: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. Although the U.S.S.R. no longer exists, the U.S.S.R. is listed here, because some nationals of its successor states may still be traveling on a U.S.S.R. passport. Mandatory consular notification applies to any national of such a state, including one traveling on a U.S.S.R. passport.

Uzbekistan

Zambia

Zimbabwe

(f) *Notification to Executive Office for Immigration Review of change in custody status.* The Service shall notify the Immigration Court having administrative control over the Record of Proceeding of any change in custody location or of release from, or subsequent taking into, Service custody of a respondent/applicant pursuant to §3.19(g) of this chapter.

(g) *Notice of custody determination* —(1) *In general.* At the time of issuance of the notice to appear, or at

any time thereafter and up to the time removal proceedings are completed, an immigration official may issue a Form I-286, Notice of Custody Determination. A notice of custody determination may be issued by those immigration officials listed in 8 CFR 287.5(e)(2) and may be served by those immigration officials listed in 8 CFR 287.5(e)(3), or other officers or employees of the Department or the United States who are delegated the authority to do so pursuant to 8 CFR 2.1.

(2) *Cancellation.* If after the issuance of a notice of custody determination, a determination is made not to serve it, any official authorized to issue such notice may authorize its cancellation.

[62 FR 10360, Mar. 6, 1997; 62 FR 15363, Apr. 1, 1997, as amended at 63 FR 27449, May 19, 1998; 65 FR 80294, Dec. 21, 2000; 70 FR 67088, Nov. 4, 2005; 72 FR 1924, Jan. 17, 2007]

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[Section 508 / Accessibility](#)

§287.5

8 CFR Ch. I (1-1-08 Edition)

(2) *Proceedings other than naturalization proceedings.* Every subpoena issued under the provisions of this section shall state the title of the proceeding and shall command the person to whom it is directed to attend and to give testimony at a time and place specified. A subpoena shall also command the person to whom it is directed to produce the books, papers, or documents specified in the subpoena. A subpoena may direct the taking of a deposition before an immigration officer of the Department.

(c) *Service.* A subpoena issued under this section may be served by any person, over 18 years of age not a party to the case, designated to make such service by the District Director; Deputy District Director; Chief Patrol Agent; Deputy Chief Patrol Agent; Assistant Chief Patrol Agent; Patrol Agent in Charge; Officer in Charge; Assistant District Director, Investigations; Supervisory Criminal Investigator, Anti-Smuggling; Regional Director; Special Agent in Charge; Deputy Special Agent in Charge; Resident Agent in Charge; District Field Officer; Field Office Director; Deputy Field Office Director; Supervisory Deportation Officer; Supervisory Detention and Deportation Officer; and Port Director having administrative jurisdiction over the office in which the subpoena is issued. The Director, Detention and Removal, shall also have the authority to make such designation. Service of the subpoena shall be made by delivering a copy thereof to the person named therein and by tendering to him/her the fee for one day's attendance and the mileage allowed by law by the United States District Court for the district in which the testimony is to be taken. When the subpoena is issued on behalf of the Department, fee and mileage need not be tendered at the time of service. A record of such service shall be made and attached to the original copy of the subpoena.

(d) *Invoking aid of court.* If a witness neglects or refuses to appear and testify as directed by the subpoena served upon him or her in accordance with the provisions of this section, the officer or immigration judge issuing the subpoena shall request the United States Attorney for the district in which the

subpoena was issued to report such neglect or refusal to the United States District Court and to request such court to issue an order requiring the witness to appear and testify and to produce the books, papers, or documents designated in the subpoena.

[50 FR 30134, July 24, 1985; 50 FR 47205, Nov. 15, 1985, as amended at 60 FR 56937, Nov. 13, 1995; 62 FR 10390, Mar. 6, 1997; 67 FR 39260, June 7, 2002; 68 FR 35276, June 13, 2003]

§287.5 Exercise of power by immigration officers.

(a) *Power and authority to interrogate and administer oaths.* Any immigration officer as defined in 8 CFR 103.1(b) is hereby authorized and designated to exercise anywhere in or outside the United States the power conferred by:

(1) Section 287(a)(1) of the Act to interrogate, without warrant, any alien or person believed to be an alien concerning his or her right to be, or to remain, in the United States, and

(2) Section 287(b) of the Act to administer oaths and to take and consider evidence concerning the privilege of any person to enter, reenter, pass through, or reside in the United States; or concerning any matter which is material or relevant to the enforcement of the Act and the administration of the immigration and naturalization functions of the Department.

(b) *Power and authority to patrol the border.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to patrol the border conferred by section 287(a)(3) of the Act:

(1) Border patrol agents, including aircraft pilots;

(2) Special agents;

(3) Immigration Inspectors (seaport operations only);

(4) Adjudications officers and deportation officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections (seaport operations only);

(5) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

Department of Homeland Security

§ 287.5

(6) Immigration officers who need the authority to patrol the border under section 287(a)(3) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, or the Assistant Secretary for ICE.

(c) *Power and authority to arrest*—(1) Arrests of aliens under section 287(a)(2) of the Act for immigration violations. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(2) of the Act and in accordance with 8 CFR 287.8(c):

- (i) Border patrol agents, including aircraft pilots;
- (ii) Special agents;
- (iii) Deportation officers;
- (iv) Immigration inspectors;
- (v) Adjudications officers;
- (vi) Immigration enforcement agents;
- (vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(viii) Immigration officers who need the authority to arrest aliens under section 287(a)(2) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(2) Arrests of persons under section 287(a)(4) of the Act for felonies regulating the admission or removal of aliens. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(4) of the Act and in accordance with 8 CFR 287.8(c):

- (i) Border patrol agents, including aircraft pilots;
- (ii) Special agents;
- (iii) Deportation officers;
- (iv) Immigration inspectors;
- (v) Adjudications officers;
- (vi) Immigration enforcement agents;
- (vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(viii) Immigration officers who need the authority to arrest persons under section 287(a)(4) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(3) Arrests of persons under section 287(a)(5)(A) of the Act for any offense against the United States. The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(5)(A) of the Act and in accordance with 8 CFR 287.8(c):

- (i) Border patrol agents, including aircraft pilots;
- (ii) Special agents;
- (iii) Deportation officers;
- (iv) Immigration inspectors (permanent full-time immigration inspectors only);
- (v) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;

(vi) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(vii) Immigration officers who need the authority to arrest persons under section 287(a)(5)(A) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, or the Assistant Secretary for ICE.

(4) Arrests of persons under section 287(a)(5)(B) of the Act for any felony. (i) Section 287(a)(5)(B) of the Act authorizes designated immigration officers, as listed in paragraph (c)(4)(iii) of this section, to arrest persons, without warrant, for any felony cognizable under the laws of the United States if:

(A) The immigration officer has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

(B) The immigration officer is performing duties relating to the enforcement of the immigration laws at the time of the arrest;

§ 287.5

8 CFR Ch. I (1-1-08 Edition)

(C) There is a likelihood of the person escaping before a warrant can be obtained for his or her arrest; and

(D) The immigration officer has been certified as successfully completing a training program that covers such arrests and the standards with respect to the immigration enforcement activities of the Department as defined in 8 CFR 287.8.

(ii) The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the arrest power conferred by section 287(a)(5)(B) of the Act and in accordance with 8 CFR 287.8(c):

(A) Border patrol agents, including aircraft pilots;

(B) Special agents;

(C) Deportation officers;

(D) Immigration inspectors (permanent full-time immigration inspectors only);

(E) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;

(F) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(G) Immigration officers who need the authority to arrest persons under section 287(a)(5)(B) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(iii) Notwithstanding the authorization and designation set forth in paragraph (c)(4)(ii) of this section, no immigration officer is authorized to make an arrest for any felony under the authority of section 287(a)(5)(B) of the Act until such time as he or she has been certified by the Director of Training as successfully completing a training course encompassing such arrests and the standards for enforcement activities as defined in 8 CFR 287.8. Such certification shall be valid for the duration of the immigration officer's continuous employment, unless it is suspended or revoked by the Commissioner of CBP or the Assistant Sec-

retary for ICE, or their respective designees, for just cause.

(5) Arrests of persons under section 274(a) of the Act who bring in, transport, or harbor certain aliens, or induce them to enter.

(i) Section 274(a) of the Act authorizes designated immigration officers, as listed in paragraph (c)(5)(ii) of this section, to arrest persons who bring in, transport, or harbor aliens, or induce them to enter the United States in violation of law. When making an arrest, the designated immigration officer shall adhere to the provisions of the enforcement standard governing the conduct of arrests in 8 CFR 287.8(c).

(ii) The following immigration officers who have successfully completed basic immigration law enforcement training are authorized and designated to exercise the arrest power conferred by section 274(a) of the Act:

(A) Border patrol agents, including aircraft pilots;

(B) Special agents;

(C) Deportation officers;

(D) Immigration inspectors;

(E) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;

(F) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(G) Immigration officers who need the authority to arrest persons under section 274(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(6) Custody and transportation of previously arrested persons. In addition to the authority to arrest pursuant to a warrant of arrest in paragraph (e)(3)(iv) of this section, detention enforcement officers and immigration enforcement agents who have successfully completed basic immigration law enforcement training are hereby authorized and designated to take and maintain custody of and transport any

person who has been arrested by an immigration officer pursuant to paragraphs (c)(1) through (c)(5) of this section.

(d) *Power and authority to conduct searches.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to conduct searches conferred by section 287(c) of the Act:

- (1) Border patrol agents, including aircraft pilots;
- (2) Special agents;
- (3) Deportation officers;
- (4) Immigration inspectors;
- (5) Adjudications officers;
- (6) Immigration enforcement agents;
- (7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and
- (8) Immigration officers who need the authority to conduct searches under section 287(c) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP, the Assistant Secretary for ICE, or the Director of the BCIS.

(e) *Power and authority to execute warrants—(1) Search warrants.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power conferred by section 287(a) of the Act to execute a search warrant:

- (i) Border patrol agents, including aircraft pilots;
  - (ii) Special agents;
  - (iii) Deportation officers;
  - (iv) Immigration enforcement agents;
  - (v) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph, and
  - (vi) Immigration officers who need the authority to execute search warrants under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(2) *Issuance of arrest warrants for immigration violations.* A warrant of arrest

may be issued by any of the following immigration officials who have been authorized or delegated such authority:

- (i) District directors (except foreign);
- (ii) Deputy district directors (except foreign);
- (iii) Assistant district directors for investigations;
- (iv) Deputy assistant district directors for investigations;
- (v) Assistant district directors for deportation;
- (vi) Deputy assistant district directors for deportation;
- (vii) Assistant district directors for examinations;
- (viii) Deputy assistant district directors for examinations;
- (ix) Officers in charge (except foreign);
- (x) Assistant officers in charge (except foreign);
- (xi) Chief patrol agents;
- (xii) Deputy chief patrol agents;
- (xiii) Assistant chief patrol agents;
- (xiv) Patrol agents in charge;
- (xv) Assistant patrol agents in charge;
- (xvi) Field operations supervisors;
- (xvii) Special operations supervisors;
- (xviii) Supervisory border patrol agents;
- (xix) The Assistant Commissioner, Investigations;
- (xx) Institutional Hearing Program directors;
- (xxi) Area port directors;
- (xxii) Port directors;
- (xxiii) Deputy port directors;
- (xxiv) Assistant Area port directors;
- (xxv) Supervisory deportation officers;
- (xxvi) Supervisory detention and deportation officers;
- (xxvii) Group Supervisors;
- (xxviii) Director, Office of Detention and Removal Operations;
- (xxix) Special Agents in Charge;
- (xxx) Deputy Special Agents in Charge;
- (xxxi) Associate Special Agents in Charge;
- (xxxii) Assistant Special Agents in Charge;
- (xxxiii) Resident Agents in Charge;
- (xxxiv) Field Office Directors;
- (xxxv) Deputy Field Office Directors;
- (xxxvi) District Field Officers;
- (xxxvii) Supervisory district adjudications officers;

(xxxviii) Supervisory asylum officers;  
 (xxxix) Supervisory special agents;  
 (xl) Director of investigations;  
 (xli) Directors or officers in charge of detention facilities;  
 (xlii) Directors of field operations;  
 (xliii) Deputy or assistant directors of field operations;  
 (xliv) Unit Chief, Law Enforcement Support Center;  
 (xlv) Section Chief, Law Enforcement Support Center;  
 (xlvi) Director, Field Operations;  
 (xlvii) Deputy Director, Field Operations;  
 (xlviii) Assistant Director, Field Operations;  
 (xlix) Immigration Enforcement Agents; or

(l) Other officers or employees of the Department or the United States who are delegated the authority as provided in 8 CFR 2.1 to issue warrants of arrest.

(3) *Service of warrant of arrests for immigration violations.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power pursuant to section 287(a) of the Act to execute warrants of arrest for administrative immigration violations issued under section 236 of the Act or to execute warrants of criminal arrest issued under the authority of the United States:

(i) Border patrol agents, including aircraft pilots;  
 (ii) Special agents;  
 (iii) Deportation officers;  
 (iv) Detention enforcement officers or immigration enforcement agents (warrants of arrest for administrative immigration violations only);  
 (v) Immigration inspectors;  
 (vi) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;  
 (vii) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and  
 (viii) Immigration officers who need the authority to execute arrest warrants for immigration violations under section 287(a) of the Act in order to effectively accomplish their individual

missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(4) *Service of warrant of arrests for non-immigration violations.* The following immigration officers who have successfully completed basic immigration law enforcement training are hereby authorized and designated to exercise the power to execute warrants of criminal arrest for non-immigration violations issued under the authority of the United States:

(i) Border patrol agents, including aircraft pilots;  
 (ii) Special agents;  
 (iii) Deportation officers;  
 (iv) Immigration enforcement agents;  
 (v) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(vi) Immigration officers who need the authority to execute warrants of arrest for non-immigration violations under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

(5) *Power and authority to carry firearms.* The following immigration officers who have successfully completed basic immigration enforcement training are hereby authorized and designated to exercise the power conferred by section 287(a) of the Act to carry firearms provided that they are individually qualified by training and experience to handle and safely operate the firearms they are permitted to carry, maintain proficiency in the use of such firearms, and adhere to the provisions of the enforcement standard governing the use of force in 8 CFR 287.8(a):

(1) Border patrol agents, including aircraft pilots;  
 (2) Special agents;  
 (3) Deportation officers;  
 (4) Detention enforcement officers or immigration enforcement agents;  
 (5) Immigration inspectors;  
 (6) Adjudications officers when in the uniform of an immigration inspector and performing inspections or supervising other immigration inspectors performing inspections;



Department of Homeland Security

§ 287.6

(7) Supervisory and managerial personnel who are responsible for supervising the activities of those officers listed in this paragraph; and

(8) Immigration officers who need the authority to carry firearms under section 287(a) of the Act in order to effectively accomplish their individual missions and who are designated, individually or as a class, by the Commissioner of CBP or the Assistant Secretary for ICE.

[68 FR 35277, June 13, 2003, as amended at 70 FR 67089, Nov. 4, 2005]

§ 287.6 Proof of official records.

(a) *Domestic.* In any proceeding under this chapter, an official record or entry therein, when admissible for any purpose, shall be evidenced by an official publication thereof, or by a copy attested by the official having legal custody of the record or by an authorized deputy.

(b) *Foreign: Countries not Signatories to Convention.* (1) In any proceeding under this chapter, an official record or entry therein, when admissible for any purpose, shall be evidenced by an official publication thereof, or by a copy attested by an officer so authorized. This attested copy in turn may but need not be certified by any authorized foreign officer both as to the genuineness of the signature of the attesting officer and as to his/her official position. The signature and official position of this certifying foreign officer may then likewise be certified by any other foreign officer so authorized, thereby creating a chain of certificates.

(2) The attested copy, with the additional foreign certificates if any, must be certified by an officer in the Foreign Service of the United States, stationed in the foreign country where the record is kept. This officer must certify the genuineness of the signature and the official position either of (i) the attesting officer; or (ii) any foreign officer whose certification of genuineness of signature and official position relates directly to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation.

(c) *Foreign: Countries Signatory to Convention Abolishing the Requirement of*

*Legislation for Foreign Public Document.*

(1) In any proceeding under this chapter, a public document or entry therein, when admissible for any purpose, may be evidenced by an official publication, or by a copy properly certified under the Convention. To be properly certified, the copy must be accompanied by a certificate in the form dictated by the Convention. This certificate must be signed by a foreign officer so authorized by the signatory country, and it must certify (i) the authenticity of the signature of the person signing the document; (ii) the capacity in which that person acted, and (iii) where appropriate, the identity of the seal or stamp which the document bears.

(2) No certification is needed from an officer in the Foreign Service of public documents.

(3) In accordance with the Convention, the following are deemed to be public documents:

(i) Documents emanating from an authority or an official connected with the courts of tribunals of the state, including those emanating from a public prosecutor, a clerk of a court or a process server;

(ii) Administrative documents;

(iii) Notarial acts; and

(iv) Official certificates which are placed on documents signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date, and official and notarial authentication of signatures.

(4) In accordance with the Convention, the following are deemed not to be public documents, and thus are subject to the more stringent requirements of § 287.6(b) above:

(i) Documents executed by diplomatic or consular agents; and

(ii) Administrative documents dealing directly with commercial or customs operations.

(d) *Canada.* In any proceedings under this chapter, an official record or entry therein, issued by a Canadian governmental entity within the geographical boundaries of Canada, when admissible for any purpose, shall be evidenced by a certified copy of the original record attested by the official having legal

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
ATLANTA, GA

FILE: (b)(6), (b)(7)c

IN THE MATTER OF:

(b)(6), (b)(7)c

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE  
WITH RESPECT TO CUSTODY

Request having been made for a change in the custody status of respondent pursuant to 8 CFR 236.1(c), and full consideration having been given to the representations of the Department of Homeland Security and the respondent, it is hereby

~~ORDERED~~ that the request for a change in custody status be denied.

ORDERED that the request be granted and that respondent be:

released from custody on his own recognizance

released from custody under bond of \$ \_\_\_\_\_

OTHER \_\_\_\_\_

Copy of this decision has been served on the respondent and the Department of Homeland Security.

APPEAL: waived -- reserved

ATLANTA -- ATLANTA - STEWART TELEVIDEO HEARING

Date: Jul 21, 2009

*[Handwritten Signature]*  
WILLIAM A. CASSEY  
Immigration Judge

XS

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

December 16, 2009

MEMORANDUM FOR: [redacted] (b)(6), (b)(7)c  
Administrative Inquiry Unit

FROM: Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia

A handwritten signature in black ink, appearing to read "F. Skinner", written over the typed name and title.

SUBJECT: OPR case number [redacted] (b)(6), (b)(7)c

The Atlanta Field Office received the above OPR case for review and action. I have reviewed the completed MI conducted by [redacted] (b)(6), (b)(7)c in its entirety. Detainee [redacted] (b)(6), (b)(7)c alleged that he was not receiving the physician prescribed diet. This allegation is unfounded. The Atlanta Field Office has closed this case and no further action will be taken.

If you have any further questions regarding this investigation, please contact [redacted] (b)(6), (b)(7)c at (404) 899-[redacted] (b)(6), (b)(7)c

Attachment



U.S. Immigration  
and Customs  
Enforcement

Date: December 16, 2009

INTEROFFICE

MEMORANDUM FOR: [redacted] (b)(6), (b)(7)c  
Detention and Removal  
Atlanta, Georgia

FROM: [redacted] (b)(6), (b)(7)c  
Lumpkin, Georgia

SUBJECT: Management Inquiry – OPR Case [redacted] (b)(6), (b)(7)c

**Allegations: Misconduct**

On October 7, 2009 the Joint Intake Center received a telephonic notification from a detainee named [redacted] (b)(6), (b)(7)c who is detained at the Stewart Detention Center in Lumpkin, Georgia. [redacted] (b)(6), (b)(7)c alleges misconduct charges against the CCA staff stating that he has not been receiving his physician prescribed diet for almost three weeks now.

On December 3, 2009 this writer interviewed Dept of Immigration Health Services [redacted] (b)(6), (b)(7)c who stated that [redacted] (b)(6), (b)(7)c saw the medical provider on October 7, 2009 at 6:32 pm that evening. The Medical Provider [redacted] (b)(6), (b)(7)c did prescribe to [redacted] (b)(6), (b)(7)c a special diet where he would receive a Nutrition Support WHS snack and extra protein after the evening meal.

[redacted] (b)(6), (b)(7)c issued [redacted] (b)(6), (b)(7)c a letter stating that he was to receive this special diet and that he needed to show this letter to the Kitchen Manager. This writer has acquired a copy of this letter for this report.

This writer asked [redacted] (b)(6), (b)(7)c if this order was issued on that evening when would the order go into affect. [redacted] (b)(6), (b)(7)c stated that the kitchen would receive the order the next morning which was October 8, 2009.

On December 8, 2009 this writer interviewed CCA [redacted] (b)(6), (b)(7)c and asked him about the allegation that [redacted] (b)(6), (b)(7)c had made against him. [redacted] (b)(6), (b)(7)c stated that he had been giving [redacted] (b)(6), (b)(7)c his prescribed diet daily and that [redacted] (b)(6), (b)(7)c complaint was that he was not receiving double portions of meat

According to (b)(6), (b)(7)c he stated that they do not give double portions of meat for this type of diet.

I asked (b)(6), (b)(7)c what was the contents of a nutrition support w/HS snack and extra protein.

(b)(6), (b)(7)c stated that it consisted of milk, peanut butter and jelly or two ounces of meat with two slices of bread and a piece of fruit.

On December 11, 2009 this writer interviewed the complainant (b)(6), (b)(7)c

(b)(6), (b)(7)c stated to me that he was suppose to be receiving his extra protein in meat and that (b)(6), (b)(7)c was giving him the wrong diet when he first started his diet.

According to (b)(6), (b)(7)c he stated that there is no problem now and everything has been taken care of.

(b)(6), (b)(7)c stated to me that he has been receiving his extra protein and nutrition support diet daily without any problems.

**Conclusion:** This writer believes that (b)(6), (b)(7)c did not understand that the diet could consist of peanut butter and jelly as a replacement for the two ounces of meat. And that this alleged complaint was reported before the diet went into affect.

**Recommendation of plan of Action:** That the alleged charge of misconduct by the CCA (b)(6), (b)(7)c is unfounded and that this case should be closed.

1. Camp Location: SDC

To: Kitchen

From: ICE Medical

2. The detainee whose name appears below has been diagnosed as having a medical condition that requires special attention. The following is therefore recommended:  
**SPECIAL NEEDS TYPE: Nutrition Support w/HS snack and extra protein.**

EFFECTIVE: 10/7/09

UNTIL: 1/7/10

\_\_\_\_\_  
*Provider's Signature*

(b)(6), (b)(7)c  
\_\_\_\_\_  
*Provider's Name*

IMPRINT OF DETAINEE ID PLATE, COMPUTER LABEL OR COMPLETE BELOW:	
1. Name: (Last) (b)(6), (b)(7)c	(First) (b)(6), (b)(7)c
2. DOB: (b)(6), (b)(7)c	3. A (b)(6), (b)(7)c
4. Nationality: BELIZ	5. Facility: Stewart SPC



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

October 27, 2009

**MEMORANDUM FOR:** Felicia S. Skinner  
Field Office Director

**FROM:** (b)(6), (b)(7)c  
Administrative Inquiry Unit

**SUBJECT:** Referral for Management Action  
RE: OPR Case No. (b)(6), (b)(7)c

The attached management referral case is for your review and action. The OPR file relating to the above case will remain open pending receipt of a written response from your office. The DRO Headquarters Point Of Contact (POC) for this management referral is (b)(6), (b)(7)c (b)(6), (b)(7)c. The response is due by **January 27, 2010**. Should you require any additional time for the completion of this case, please notify (b)(6), (b)(7)c at least 5 days prior to the response due date. Please attach a copy of the investigative report to your response. If there are substantiated allegations, please send a copy of your proposal for disciplinary action and a copy of the final decision when they are served. Please maintain the original investigative report and any other documents pertaining to this case at your local office.


The written response must be in ICE/DRO memo format with the signature of the Field Office Director or his/her designee. The memo and investigative documentation should be forwarded electronically to the (b)(6), (b)(7)c with a copy to (b)(6), (b)(7)c. If sent via FedEx, please send two copies. Please include the OPR case number, subject, allegation(s), findings of the investigation (substantiated, not substantiated, or unfounded) and any proposed disciplinary action to be taken in your response.


If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c.


Attachment



MR

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/General Misconduct-Other Non-criminal/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Detainee in Lumpkin, GA claims his special diet needs are being ignored by SDC personnel.		
<b>9. SYNOPSIS</b> On October 7, 2009, the Joint Intake Center (JIC) Washington, D.C., received telephonic notification from detainee (b)(6), (b)(7)c reporting the alleged misconduct of Immigration and Customs Enforcement (ICE), Detention and Removal Office (DRO) officials in Lumpkin, GA. (b)(6), (b)(7)c claims (b)(6), (b)(7)(C) and he is not receiving his physician prescribed meals. (b)(6), (b)(7)c states that he has not received his physician prescribed meal, labeled, "nutritional support with extra protein" for almost three (3) weeks. (b)(6), (b)(7)c is currently detained at the Stewart Detention Center in Lumpkin, GA.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>11. COMPLETION DATE</b> 09-OCT-2009	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>13. APPROVED DATE</b> 09-OCT-2009	<b>15. TELEPHONE NUMBER</b> No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION CONTINUATION</b> HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001
<b>10. NARRATIVE</b> None	

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

May 10, 2011

MEMORANDUM FOR: [redacted] (b)(6), (b)(7)c

Headquarters

FROM: Felicia S. Skinner [signature]  
Field Office Director  
Atlanta, Georgia

SUBJECT: OPR Case Number [redacted] (b)(6), (b)(7)c

After reviewing the completed management review conducted by [redacted] (b)(6), (b)(7)c  
[redacted] (b)(6), (b)(7)c it is determined that the allegation made by detainee [redacted] (b)(6), (b)(7)c is unfounded.  
The Atlanta Field Office has closed the above case.

If you have any further questions regarding this investigation, please contact [redacted] (b)(6), (b)(7)c  
[redacted] (b)(6), (b)(7)c at (404) 899-[redacted] (b)(6), (b)(7)c

www.dhs.gov



# Homeland Security

APR 25 2011

MEMORANDUM FOR: Felicia Skinner  
Field Office Director  
Atlanta Field Office

THROUGH: Officials Channels

FROM: [REDACTED]  
Lumpkin, Georgia

SUBJECT: Management Referral - Findings  
RE: OPR Case No. [REDACTED]

### Executive Summary:

On February 24, 2010, the Joint Intake Center (JIC) Washington, DC received a US Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of Investigation memorandum dated February 14, 2010. Detainee [REDACTED] alleges that Stewart Detention [REDACTED] is rude and condescending. On March 21, 2011, [REDACTED] was assigned the above Management Referral by [REDACTED] related to detainee treated with disrespect by detention officer, GA.

**Allegation One:** Detainee treated with disrespect by detention officer, GA

**Findings:** Unfounded.

### Details of Inquiry:

On April 21, 2011, [REDACTED] spoke to [REDACTED]. [REDACTED] was also present during the interview both, are employees with Corrections Corporation of America, (CCA). [REDACTED] stated that he never heard [REDACTED] speak to complainant [REDACTED] in a rude or condescending manner. He also stated that he never heard nor does he remember [REDACTED] using profanity towards complainant [REDACTED]. [REDACTED] also stated that the officers are not allowed to use profanity.

On April 22, 2011, [REDACTED] spoke to [REDACTED]. [REDACTED] was also present during the interview both are employees with CCA. [REDACTED] stated that she remembers [REDACTED] and is unaware of [REDACTED] speaking to him in a condescending manner. [REDACTED] also stated that she does not recall [REDACTED]

officers and being very outspoken. (b)(6), (b)(7)c also remembers (b)(6), (b)(7)c always having extra uniforms in his cell which she would remove. (b)(6), (b)(7)c also stated that (b)(6), (b)(7)c would always get very upset when the officers would check his cell.

On April 22, 2011, (b)(6), (b)(7)c spoke to (b)(6), (b)(7)c was also present during the interview, both are employees with CCA. (b)(6), (b)(7)c said she does remember (b)(6), (b)(7)c stated that (b)(6), (b)(7)c was part of a work detail. She stated that complainant (b)(6), (b)(7)c was very lazy in that he would not show up at times for his work detail. (b)(6), (b)(7)c stated that she does not remember nor did she hear (b)(6), (b)(7)c speak to detainee (b)(6), (b)(7)c in a rude and condescending manner.

On April 22, 2011, (b)(6), (b)(7)c spoke to (b)(6), (b)(7)c was also present during the interview, both are employees with CCA. (b)(6), (b)(7)c stated that she did not remember (b)(6), (b)(7)c by name but by photo when presented with a photo of complainant. (b)(6), (b)(7)c stated that she is sure she never spoke to the complainant in a rude and condescending manner. (b)(6), (b)(7)c also stated that she would never cross the line with any detainee in that fashion. (b)(6), (b)(7)c also stated that she is very firm with the detainees but never speak to them in a rude and condescending.

**Findings:**

(b)(6), (b)(7)c was removed to Trinidad and Tabago from the United States on March 15, 2010. (b)(6), (b)(7)c did not treat (b)(6), (b)(7)c with disrespect nor was she rude and condescending. The allegation for the detainee being treated with disrespect by a detention officer is unfounded.



COMPLAINT INTAKE FORM

Department of Homeland Security-Office of Inspector General
Office of Investigations

Complaint Number: (b)(6), (b)(7)c

Date: February 14, 2010
Time: 12:21 p.m.

Complaint Received By: (TELEPHONE, WRITTEN, FAX, OTHER)
Telephone

COMPLAINANT: (NAME, TITLE, AGENCY, CONTACT INFORMATION, ADDRESS OR DUTY LOCATION, PAY GRADE, CITY, STATE)
(b)(6), (b)(7)c detainee at Stewart Detention Center in Lumpkin, Georgia

COMPLAINT IS:

Anonymous [ ] Confidential [ ] Open Source [X]

SUBJECT(s) of Complaint: (REQUIRES SAME INFORMATION AS COMPLAINANT)
(b)(6), (b)(7)c - Stewart Detention Center in Lumpkin, Georgia

DETAILS

Since January 2010 (exact day unknown), (b)(6), (b)(7)c has spoken to the identified complainant in a rude and condescending manner, and (b)(6), (b)(7)c has called the complainant names. (b)(6), (b)(7)c referred to the complainant as a "bitch" and told the complainant she could "fuck [him/her] up." The complainant said he/she does not understand the motivation for (b)(6), (b)(7)c behavior because he/she has never been involved in an incident with (b)(6), (b)(7)c. The complainant reported the situation to (first name unknown) (b)(6), (b)(7)c (first name unknown) (b)(6), (b)(7)c and (first name unknown) (b)(6), (b)(7)c but the situation remains unresolved and ongoing.


WITNESSES/VICTIMS

(first name unknown) (b)(6), (b)(7)c - Stewart Detention Center in Lumpkin, Georgia
(first name unknown) (b)(6), (b)(7)c - Stewart Detention Center in Lumpkin, Georgia
(first name unknown) (b)(6), (b)(7)c - Stewart Detention Center in Lumpkin, Georgia

Information received by: (NAME/TITLE OF PERSON TAKING REPORT, AGENCY/ COMPANY, CONTACT INFORMATION)
Communication Specialist: (b)(6), (b)(7)c

~~Low Enforcement Sensitive
This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~



 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>PREPARED BY</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> (b)(6), (b)(7)c (FNU)/Unknown/General Misconduct-Rude or Discourteous Conduct/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Detainee treated with disrespect by detention officer, GA.		
<b>9. SYNOPSIS</b> On February 24, 2010, the Joint Intake Center (JIC) Washington, D.C., received a US Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated February 14, 2010. Detainee (b)(6), (b)(7)c alleges that Stewart Detention (b)(6), (b)(7)c is rude an condescending.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>11. COMPLETION DATE</b> 24-FEB-2010	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>13. APPROVED DATE</b> 28-FEB-2010	<b>15. TELEPHONE NUMBER</b> No Phone Number
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**DEPARTMENT OF HOMELAND SECURITY**

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**REPORT OF INVESTIGATION  
CONTINUATION**

**2. REPORT NUMBER**

001

HB 4200-01 (37), Special Agent Handbook

**10. NARRATIVE**


On February 24, 2010, the Joint Intake Center (JIC) Washington, D.C., received a US Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated February 14, 2010. The narrative of the allegation is as follows:

**DETAILS**

Since January 2010 (exact day unknown), (b)(6), (b)(7)c has spoken to the identified complainant in a rude and condescending manner, and (b)(6), (b)(7)c has called the complainant names. (b)(6), (b)(7)c referred to the complainant as a "bitch" and told the complainant she could "fuck [him/her] up." The complainant said he/she does not understand the motivation for (b)(6), (b)(7)c behavior because he/she has never been involved in an incident with (b)(6), (b)(7)c. The complainant reported the situation to (first name unknown) (b)(6), (b)(7)c (first name unknown) (b)(6), (b)(7)c and (first name unknown) (b)(6), (b)(7)c but the situation remains unresolved and ongoing.

**WITNESSES / VICTIMS**

(first name unknown) (b)(6), (b)(7)c unit manager - Stewart Detention Center in Lumpkin, Georgia (first name unknown) (b)(6), (b)(7)c - Stewart Detention Center in Lumpkin, Georgia (first name unknown) (b)(6), (b)(7)c Stewart Detention Center in Lumpkin, Georgia

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b> <b>HB 4200-01 (37), Special Agent Handbook</b>	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001
None	

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

January 26, 2011

MEMORANDUM FOR: (b)(6), (b)(7)c  
Administrative Inquiry Unit

FROM: Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia

A handwritten signature in blue ink, appearing to read "Felicia S. Skinner", written over the typed name.

SUBJECT: OPR case number (b)(6), (b)(7)c

The Atlanta Field Office received the above OPR case for review and action. This case was assigned to (b)(6), (b)(7)c to conduct a management review (MR). Former detainee (b)(6), (b)(7)c was removed on November 08, 2010 and not available for interview. (b)(6), (b)(7)c attempted to contact (b)(6), (b)(7)c (b)(6), (b)(7)c who submitted the fax complaint on behalf of (b)(6), (b)(7)c. He was not able to reach her because her contact telephone number had been disconnected. Since neither of the subjects was able to be reached for interview, the Atlanta Field Office has closed this case and no further action will be taken.

If you have any further questions regarding this investigation, please contact (b)(6), (b)(7)c (b)(6), (b)(7)c (404) 899- (b)(6), (b)(7)c

Attachment

U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, Georgia 30303



U.S. Immigration  
and Customs  
Enforcement

January 26, 2011

MEMORANDUM FOR: FELICIA S. SKINNER  
FIELD OFFICE DIRECTOR

FROM: [REDACTED] (b)(6), (b)(7)c

SUBJ: Management Referral: OPR Case No [REDACTED] (b)(6), (b)(7)c

**Management Referral Executive Summary:**

On September 15, 2009, the Joint Intake Center (JIC), Washington, D.C. received a fax from complainant [REDACTED] (b)(6), (b)(7)c regarding an allegation presented by [REDACTED] (b)(6), (b)(7)c in reference to her Fiancé, Detainee [REDACTED] (b)(6), (b)(7)c who was previously detained at Stewart Detention Center, Lumpkin, GA.

ALLEGATION ONE: Discrimination  
UNFOUNDED

**DETAILS OF MANAGEMENT REFERRAL ADMINISTRATIVE INQUIRY:**

On September 15, 2009, the Joint Intake Center (JIC), Washington, D.C. received a fax from complainant [REDACTED] (b)(6), (b)(7)c regarding an allegation presented by [REDACTED] (b)(6), (b)(7)c in reference to her fiancé Detainee [REDACTED] (b)(6), (b)(7)c who was previously detained at Stewart County Detention Center, Lumpkin, GA.

On September 25, 2010 [REDACTED] (b)(6), (b)(7)c was assigned as a fact finder to conduct the administrative inquiry of the allegation described.

On January 4, 2011, 2010 [REDACTED] (b)(6), (b)(7)c did a preliminary investigation of legacy databases to ascertain subject's status with ICE. At that time it was determined that [REDACTED] (b)(6), (b)(7)c was removed on 11/08/2010.

Due to [REDACTED] (b)(6), (b)(7)c being removed prior to this case being investigated by [REDACTED] (b)(6), (b)(7)c he was not available to be interviewed.


(b)(6), (b)(7)c attempted to reach (b)(6), (b)(7)c at her given contact telephone number to make inquiries about the allegation but it was disconnected.

As (b)(6), (b)(7)c was unable to contact either the Detainee or (b)(6), (b)(7)c to have a basis to which to continue the investigation no further interviews were conducted.

Allegation one found to be unfounded.

**EXHIBIT 1 ATTACHED:**

1. JIC Report of Allegations dated September 20, 2010

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		<p><b>1. CASE NUMBER</b></p> <p>(b)(6), (b)(7)c</p>
		<p><b>PREPARED BY</b></p> <p>(b)(6), (b)(7)c</p>
		<p><b>2. REPORT NUMBER</b></p> <p>001</p>
<p><b>3. TITLE</b></p> <p>(b)(6), (b)(7)c DEPRTN OFFCR/Unknown/LUMPKIN, STEWART, GA</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b></p> <p>Initial Report</p>	<p><b>6. TYPE OF REPORT</b></p> <p>Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b></p> <p>Allegation of Discrimination</p>		
<p><b>9. SYNOPSIS</b></p> <p>On September 15, 2010, the Joint Intake Center (JIC), Washington, DC, received a fax from (b)(6), (b)(7)c Civilian, Greensboro, NC, regarding an allegation presented by (b)(6), (b)(7)c Civilian, Greensboro, NC. (b)(6), (b)(7)c reported that her fiancé (b)(6), (b)(7)c Detainee, Stewart Detention Center (SDC), Lumpkin, GA, and other Spanish detainees are being discriminated against and treated like animals by referring to them as "wet backs". (b)(6), (b)(7)c also alleged that SDC Correctional Officers (CO) announce that it is time to eat by saying "come and get your chow wetbacks". (b)(6), (b)(7)c asserted that (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), SDC, Lumpkin, GA, was the former DO assigned to Detainee (b)(6), (b)(7)c and referred to detainees as "wet backs".</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b></p> <p>(b)(6), (b)(7)c</p>	<p><b>11. COMPLETION DATE</b></p> <p>20-SEP-2010</p>	<p><b>14. ORIGIN OFFICE</b></p> <p>Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b></p> <p>(b)(6), (b)(7)c</p>	<p><b>13. APPROVED DATE</b></p> <p>20-SEP-2010</p>	<p><b>15. TELEPHONE NUMBER</b></p> <p>No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
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DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c


2. REPORT NUMBER

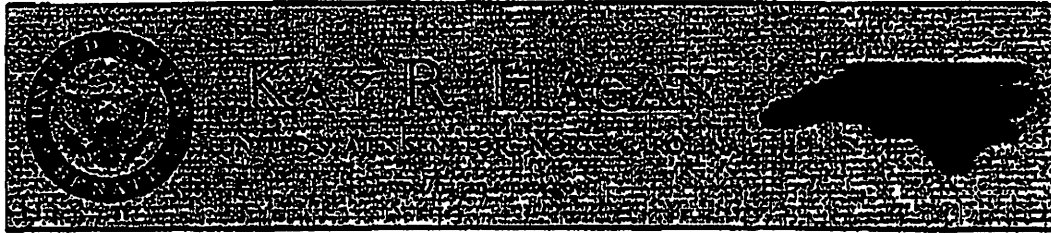
001

10. NARRATIVE

On September 15, 2010, the Joint Intake Center (JIC), Washington, DC, received a fax from (b)(6), (b)(7)c Civilian, Greensboro, NC, regarding an allegation presented by (b)(6), (b)(7)c Civilian, Greensboro, NC. (b)(6), (b)(7)c reported that her fiancé (b)(6), (b)(7)c Detainee, Stewart Detention Center (SDC), Lumpkin, GA, and other Spanish detainees are being discriminated against and treated like animals by referring to them as "wet backs". (b)(6), (b)(7)c also alleged that SDC Correctional Officers (CO) announce that it is time to eat by saying "come and get your chow wetbacks". (b)(6), (b)(7)c asserted that (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), SDC, Lumpkin, GA, was the former DO assigned to Detainee (b)(6), (b)(7)c and referred to detainees as "wet backs".

(b)(6), (b)(7)c reported that she is also treated like a criminal when she visits Detainee (b)(6), (b)(7)c (b)(6), (b)(7)c also reported that the SDC facility is not hygienically maintained and Detainee (b)(6), (b)(7)c is constantly getting sick. (b)(6), (b)(7)c also complained that Detainee (b)(6), (b)(7)c asked for a new razor and was given a used razor. It was reported that Detainee (b)(6), (b)(7)c also requested new boxers and was told that the SDC facility did not have anymore, but it was noticed that the African American detainees were issued new boxers each week. (b)(6), (b)(7)c claimed that Detainee's have phone privileges on Friday's and Sunday's up until 1:00 AM, but an UNKNOWN female SDC CO constantly turns off the phone systems early on those specific days between 10:50- 11:50 PM in order to prevent detainee's from accessing the phones.

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001
None	



Date: [REDACTED]

Time: 12:15pm

TOTAL PAGES FAXED (including this sheet): 4

From:

[REDACTED]  
(b)(6), (b)(7)c

701 Green Valley Road, Suite 201  
Greensboro, NC 27408  
Phone: (336) 333-[REDACTED]  
Fax: (336) 333-5331

ICE OESIM  
SEP 17 2010

TO: ICE Attention: [REDACTED]  
(b)(6), (b)(7)c

Regarding: Stewart Detention Center

Fax: 202-732-4269

COMMENTS: We would appreciate if you could respond to the letter enclosed. The letter is written by [REDACTED] on behalf of her fiance [REDACTED]

Thanks!

[REDACTED]  
(b)(6), (b)(7)c

Hi my name is [REDACTED] I am making a few complaints on [REDACTED]  
My fiancé is currently being held there. I am emailing you because I want to tell you about the way they are running that place [REDACTED] and as one I want to say our tax money goes to places like this and for them to be [REDACTED]  
[REDACTED] I feel that it is wrong and discriminating for them to call those PEOPLE that and I understand that they are there because of paper work, felony, even simple traffic charges but, I do not feel that it gives them a right to be talked to in such a way they are human beings no matter what color of their skin it is racism. I have visited there twice now and [REDACTED] the staff there is NOT very polite and they talk to visitors like dog's they act in a smart manner when you ask simple questions. I feel like something needs to be done I have watched many of the protest videos and read a lot about that place and it seems that people's actions and request are being ignored and I'm not just making a complaint because of someone I know is there. When I went to visit I saw many people there and so many children crying for their father's it is completely wrong what is going on there [REDACTED]  
[REDACTED] he cries for his father every night so I feel those people's pain but, this is not about my problem this is about yours. I also want to note how nasty [REDACTED] and I have been told by my fiancé and several other inmates there I help by calling their family's and letting them know how they are doing. They told me that the [REDACTED] and that it [REDACTED] and things around the top of the cell's. I just don't see that as a healthy living environment and my fiancé keeps getting [REDACTED]  
[REDACTED] instead of doing something about the real problem is your home dusty ??? another issue I have is that the [REDACTED] and there is a certain officer there she is female I do not have her name just yet but, they are working on it. she comes in and [REDACTED] just her none of the others do it. For example tonight at 10:50 I was disconnected from our call so I thought maybe something was wrong so I waited about 10 min for him to call back and he never did so I decided to call and ask someone there what time did they turn the phones off the lady who answered replied "I think they are already off" this was at 11:05pm so I stated to her that I was going to make a complaint because they are suppose to be on till 1am and it was very ironic that not even 3 min after I had hung up with her he called so I asked him was the phones turned off he said yes and that he had attempted to use them many times after we was disconnected and they was off until now. The reason this upset's me is because I have spent well over \$800.00 on just phone calls I understand that in an emergency they will turn them off but, this has not been the case several times our calls have been turned off. And another issue is [REDACTED] his first one was (b)(6), (b)(7)c who is one of the ones that call them wetbacks he now has a new one (b)(6), (b)(7)c he keeps talking to him in a ill manner and telling him not to even ask because she does not have a case file on him it has been 1 month 2 weeks since he has been there and for him not to have a case file after this long I would also like to know what is going on with that I am no lawyer or anything but, I have done hired 2 and I am the one that has done most of the work I went to the court house and picked up records for them faxed

them and everything how long does it take for ICE a government agency to receive paper's ??? And also I guess for them to save on money they are [REDACTED] and [REDACTED] that is just nasty and un sanitary he has also asked for boxers and they tell him they do not have any but, he and [REDACTED] [REDACTED] [REDACTED] not meaning anything but, I feel that everyone should be created equal and that is not what is going on . I have talked with [REDACTED] and act as if they don't have to answer any questions I may have I have also left several messages for the deportation officers to call me and it has been 4 days and I have not received a return call . The only employee that has was the chaplain and he is very nice did not hesitate to discuss anything with me and he also stated to me that not many deportation officers do their jobs like they should. My question to you is what is going to be done about this ?????????? Is anything going to be done ?????? or will this be another letter that is just discarded ???????? How many complaint's will it take for the inmates to be heard so to speak some of which are just being held there for traffic violations some being held there for months that are voluntarily wanting to return to their country's I want to know what is going to be done me and many family's of these inmates want to know what is going to be done?????????Do we have to protest do we have to talk with news stations or is it just that you are the government and you do no wrong and anything you do can be covered up like it was never reported never said don't people have right's anymore or are we just here to be over heard or taken for granted can you sleep at night knowing that there are many children crying for their father ,mother's ?????? I as a human regardless of the situation could not why is it okay to take kid's who have homes ,mother's , father's ,FAMILY away make them suffer .Ask your self this also WHAT WOULD JESUS DO????????? Is this how GOD intended us to treat one another NO we are to love one another love thy neighbor . How many American's commit crimes and just walk away with out as much as a slap on the wrist ?????? Now this is about us... He has a son to get home to and me as well we are currently out of a place to stay we are sleeping on my mother's floor we have lost everything my son knows who his daddy is and like I said before he ask's and cries for him every night . He was taking care of his family very well until this happened and no one has answered me about the real reason he is there the charge that him and I both are being accused of have not even been proven in court and according to my lawyer they have no case do to lack of evidence . his mother is a US Citizen he has been here since 1995 he was brought here as a young child by his mother with his brother's and sister he has prior charges from 10 years ago of breaking or entering a motor vehicle when he was 18 he is now 27 and we have been together 4 1/2 years our son is 3 he has worked his job for 7 1/2 years he worked everyday 6 days a week and the current accusations have not been proven right from my understanding the [REDACTED] [REDACTED] my fiance has never ever missed a court date and has always paid his restitution and fines on time if not before and done everything he was told to do 10 yrs ago while on probation . Our court date was the following morning and they held him did not even take him to court instead they sent him to Charlotte ,NC and the following morning to Georgia ?????????????? I think that there is allot of [REDACTED] going on and I am not going to stop until I find out and if so there will be law suites not just with me but many of the other family's I am helping . No offense but , when a African American says this thing's get done why not for other's years of slavery are

over been over for years but, they scream racism and the government jumps on it well I will not give up until my heart stops beating He need's to be home with his family even if he goes to trial and they send him back to his country god forblid but, until his trial he need's to be home taking care of his family with out him home and working we have no choice but, to apply for government assistance because of lack of job's and the recession that is going on but he is someone who has a good job and was doing the right thing now his son is with out insurance with out a home my worries are not for myself but for my son he has a father that shows him attention and takes good care of him and for him to be taken away what kind of world are we living in ??? This is suppose to be land of the free and to be shipping people off left and right who have kids and family's here that have been here since they were young and do not know the place they were born I have sat in the immigration court and watched children being sent to a place they have never lived what is this world coming to ??? What gives Americans the right to go anywhere we want when we want and it's wrong for others to do the same ??? August 22,2010

THANK YOU FOR YOUR TIME

(b)(6), (b)(7)c

1-229-321 (b)(6), (b)(7)c mobile number

*NO LONGER IN SERVICE.*

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

June 22, 2011

MEMORANDUM FOR: (b)(6), (b)(7)c  
(b)(6), (b)(7)c Administrative Inquiry Unit  
Headquarters

FROM: Felicia S. Skinner (b)(6), (b)(7)c  
Field Office Director  
Atlanta, Georgia

SUBJECT: OPR Case Number (b)(6), (b)(7)c

After reviewing the completed management review conducted by (b)(6), (b)(7)c (b)(6), (b)(7)c it is determined that allegation (1) Restriction of telephone service to OPR is substantiated and allegation (2) Abusive environmental conditions is unsubstantiated. Corrective action for allegation number one has been addressed by Correction Corporation of America who operates Stewart Detention Center; therefore no further action will be taken and the Atlanta Field Office has closed the above case.

If you have any further questions regarding this investigation, please contact (b)(6), (b)(7)c (b)(6), (b)(7)c at (404) 899-1600 (b)(6), (b)(7)c





U.S. Immigration  
and Customs  
Enforcement

June 10, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH:

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office Director

(b)(6), (b)(7)c

June 13, 2011

FROM:

(b)(6), (b)(7)c

Stewart Detention Center

SUBJECT:

Management Referral - Findings  
OPR Case Number (b)(6), (b)(7)c

**Executive Summary:**

On December 28, 2010, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6), (b)(7)c Detainee, Stewart Detention Center (SDC) Lumpkin, GA; a Correction Corporation of America (CCA) operated facility. Detainee (b)(6), (b)(7)c reported that he has been mistreated, discriminated against and deprived of clean living accommodation while detained at Stewart Detention Center.

Detainee (b)(6), (b)(7)c reported that he had made several attempts to contact Immigration and Customs Enforcement (ICE), Office of Professional Responsibilities (OPR), telephonically and alleged that the telephone services are restricted from SDC (b)(6), (b)(7)c further explained that it is very cold at the Stewart Detention Center and there is no hot water. (b)(6), (b)(7)c reported that he is being discriminated against because of his sexual orientation and that he is banned from having a two person cell because he had other Detainee visiting his cell, but other detainees are allowed to have visitors. (exhibit A).

On January 11, 2011, (b)(6), (b)(7)c was assigned as Management Official to conduct a Management Referral of aforementioned allegation. Based on the extensive list of allegations made by Detainee, this Management Official has addressed each item contained within the allegations on its own merit and investigated as such.

**Allegation One: Restriction of Telephone Service to OPR.**

- **Substantiated** inquiry shows that the preponderance of evidence supports the allegation.

**Allegation Two: Abusive Environmental Conditions.**

- **Unsubstantiated** inquiry does not provide sufficient evidence to reasonably support or disprove the allegation.

Management Referral (b)(6), (b)(7)c

**ALLEGATION #3: Discrimination due to Sexual Orientation**

- **Unfounded** inquiry indicates that the allegation is not true.

**Details of Inquiry:**

**Detainee (b)(6), (b)(7)c alleges Restricted Telephone Service to OPR**

On March 7, 2011, this Management Official visited Detainee (b)(6), (b)(7)c housing Unit 3/A and attempted to telephonically contact Office of the Inspector General or OPR via the housing unit telephones. Management Official discovered that there were two separate sets of dialing instructions posted in the housing unit.

One set of instructions (exhibit B) listed a prefix of #421 followed by 1 for English and 2 for Spanish followed by alien number, followed by 3 digit speed dial followed by the “#” sign.

The second set of instructions (exhibit C) listed 0 for collect, 1 for Spanish or 2 for English, then \* and 3 digit speed dial. Attempts made using both of the posted dialing instructions were in fact restricted.

This Management Official inquired regarding (b)(6), (b)(7)c calls with CCA (b)(6), (b)(7)c who is charged with SDC’s telephone records; specifically, if Detainee (b)(6), (b)(7)c ever dialed the OPR number. CCA telephone system revealed that Detainee (b)(6), (b)(7)c had attempted to call OIG/OPR on two separate occasions (exhibit D) but number dialed yielded negative results as alleged by Detainee (b)(6), (b)(7)c

CCA (b)(6), (b)(7)c explained that the phone system was revamped on 12/07/2010 and that the new system required the prefix of \*421 followed by the rest of the instructions. This Management Official relayed to CCA (b)(6), (b)(7)c that the posted instructions had a typographical error as the prefix posted in the housing units was #451. CCA has since fixed the typographical error and posted the corrected instructions in each Unit (exhibit E). Based on the aforementioned, the telephone service available to detainees at the Stewart Detention Center was not in compliance with the PBNDS telephone standards due to said error.

**Detainee (b)(6), (b)(7)c alleges that he had pneumonia attributed to Freezing Cold Temperatures and Cold Water**

This Management Official has made numerous visits to the housing units since the inception of this allegation but has not noted any freezing temperatures in any housing unit. This Management Official procured a laser thermometer and noted that the temperature in the (b)(6), (b)(7)c housing unit is within the Performance Based National Detention Standards (PBNDS).

Water temperatures were also taken but could only be ascertained from 3 of the 5 showers in the housing unit due to 2 showers being inoperable. The water temperature was below the PBNDS:

- Operable showers that are thermostatically controlled to temperatures between 100 and 120 degrees Fahrenheit, to ensure safety and promote hygienic practices.

ACA Expected Practice 4-ALDF-4B-09 requires a minimum ratio of one shower for every 12 detainees.

**Management Referral** (b)(6), (b)(7)c

The three operable showers ranged in temperature from 77 to 88 degrees Fahrenheit, thus these showers were well outside the acceptable standard.

This Management Official inquired with Immigration Health Services Corps (IHSC) regarding any cases of pneumonia for Detainee (b)(6), (b)(7)c. IHSC advised that Detainee (b)(6), (b)(7)c never had a case of pneumonia while detained at Stewart Detention Center (exhibit F).

**Detainee (b)(6), (b)(7)c Alleges that he was discriminated against due to his sexual orientation**

On March 14, 2011, this Management Official swore-in and interviewed Detainee (b)(6), (b)(7)c who stated that he is being discriminated against as homosexual. Detainee (b)(6), (b)(7)c stated that his former CCA (b)(6), (b)(7)c aka (b)(6), (b)(7)c made the remark "that is disgusting" as Detainee (b)(6), (b)(7)c and other homosexual detainee were returning from the cafeteria. (exhibit G).

On March 16, 2011, this Management Official swore-in and interviewed CCA (b)(6), (b)(7)c (b)(6), (b)(7)c who stated that she has never made any derogatory remarks toward Detainee (b)(6), (b)(7)c (exhibit H). She further advised that it was reported by other detainees that (b)(6), (b)(7)c was having sexual endeavor with other detainees while housed in Unit 5, comprised of two man cells.

Furthermore, Detainee (b)(6), (b)(7)c alleges sexual discrimination due to his denial for a transfer back to a two man cell housing unit rather than his current open bay housing unit. Review of Detainee (b)(6), (b)(7)c detention file containing a segregation report in which Detainee (b)(6), (b)(7)c was possibly having sex while housed in the two man cell (exhibit I) warrants precautionary measures and is consistent with ERO Field Guidance (exhibit J).

**Findings:**

Based on the totality of aforementioned this Management Official concludes that several PBNDS areas were out of compliance at Stewart Detention Center, none of which rise to the level alleged by Detainee (b)(6), (b)(7)c

**EXHIBITS:**

- A Letter from Detainee (b)(6), (b)(7)c to OPR
- B Telephone Dialing Instructions
- C Telephone Dialing Instructions
- D Detainee (b)(6), (b)(7)c phone records for attempts to dial OPR.
- E Newly posted Telephone dialing instructions
- F Detainee (b)(6), (b)(7)c medical history records
- G Detainee (b)(6), (b)(7)c affidavit
- H CCA (b)(6), (b)(7)c affidavit
- I Detainee (b)(6), (b)(7)c Administrative Detention Order
- J ERO Guidance

# **EXHIBIT A**

(b)(6), (b)(7)c

Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815

Rec'd  
12-28-2010

(b)(6), (b)(7)c

December 13, 2010

DHS, ICE Office of Professional Responsibility  
P.O. Box 14475  
Pennsylvania Avenue, NW  
Washington, D.C. 20044

To whom it may concern:

My name is (b)(6), (b)(7)c identified with (b)(6), (b)(7)c I am currently detained at Stewart Detention Center undergoing removal proceedings with the Immigration and Customs Enforcement. Currently my case is pending before the Board of Immigration Appeals. The reason I am writing is to file a complaint against CCA, Stewart Detention Center. While detained at Stewart Detention Center, I have been mistreated and am subjected to oppressively harsh conditions of detention which forms a clear patten and practice. This has created an overall atmosphere in which I am effectively deprived of my statutory and constitutional rights.

First of all, it was to my understanding that I as a detainee had the right to use the phone or internet to make a complaint. The phone numbers 800-323-(b)(6), (b)(7)c for the Inspector General and 877-246-(b)(6), (b)(7)c for the ICE Office of Professional Responsibility, are listed, but when I try to make a collect, it says that the phone numbers are restricted. With the numbers being restricted there is no way to make that call.

Secondly, I have the right to not be subject to abusive conditions and to an environment that provides for my safety, care and well-being. The showers in the open-dorms are freezing cold. There is no hot water in the showers and we the detainees have to heat up water in the microwave to take a hot shower. Also in the dorms, in the hallways and in the chow-hall, it is very cold. They might as well just leave us outside in the cold. They give us jackets to wear but it does not help much. This is a very uncomfortable situation and has lead to me becoming sick with the flu every month, pneumonia and difficulty breathing.

Thirdly, I have the right to not be discriminated against because of my sexual orientation and to be treated fairly. While incarcerated at Stewart Detention Center, I am being discriminated against by CCA officers because of his sexual orientation (homosexual). I am being called humiliating, degrading and racist names, and has to endure other humiliating comments and threats. I have been flagged with a housing restriction, forcing me to stay in the open dorms rather than the assigned two man cells, or risk being locked up in segregation for the duration of my indefinite detention. (*See attached request form*). I have been denied housing in the two man cells and was told it was because I was having other detainee's in his room. Every single detainee has other detainee's in there rooms. It is something that is very common at Stewart Detention Center. I had requested to be placed in a two man cell because of the cruel and inhumane treatment in the open dorms, such as:

(1) The detainees in the open dorms sleep in the day time and stay up all thru the night making noise and talking, causing me not get a good nights rest, so that I could go to work in the law library at 8a.m. CCA officials do nothing about it.

With no sleep it causes me to hyperventilate and difficulty breathing. I have to use an (b)(6), (b)(7)(C)

(2) There is a long line in the morning whenever anyone wants to shave or brush their teeth, then just a feet away others are using the toilet. The open dorms only have 5 sinks that are shared by 62 detainees.

(3) There were only 3 toilets that are also shared by the 62 detainees every day. Other detainees leave feces in the toilet without flushing, and caught up flem and blow there noses in the sinks. It brings cause for cleanliness and sanitation since the bathroom area is only cleaned once a day.

(4) There is no where to place wet towels or clothing to dry. You have to do your own laundry because sometimes it takes three days for the detention facility to take up the laundry to wash. The chemicals in the water immediately stain the white clothing a blue green color. This same water is used for drinking.

I hope that some type of action is taken in regards to these complaints that I have filed with you. Please let me know if you have any further questions in regards to his matter. Thanks very much.

Respectfully submitted,

(b)(6), (b)(7)c



# **EXHIBIT B**



# STEWART, DETENTION CENTER

The following numbers are provided as free calls to all ICE detainees

To place a Pro Bono call, lift the handset and follow the prompts to place a collect call to \*451. These calls will remain free. Once connected to the platform:

- Press 1 for English, marque 2 para Español.
- Enter your 9-digit Alien Number. If your A-number is less than 9 digits, put a "0" before your A-number
- Enter the Speed Dial number from the list below followed by the # Key.
- Then Stay on the line.


Los números siguientes se ofrecen como llamadas gratuitas a todos los detenidos del ICE

Para hacer una llamada Pro Bono, levante el telefono y siga las instrucciones para hacer una llamada por cobrar a \*451. Estas llamadas permaneceran gratis

Una vez conectado a la plataforma:

- Press 1 for English, marque 2 para Español.
- Marque su número de identificación extranjero. Si su número es inferior a 9 dígitos, poner un "0" antes de su número
- Marque el número de marcación rápida seguido por el signo de número.
- Manténgase en la línea.

*ACLU of Alabama. Ask for EXT 202	1794 #
*Asian Immigration Attorney	1548 #
*Boat People, S.O.S, Inc in Virginia	377 #
*Catholic Charities - Louisiana - Kenneth Mayeaux	1979 #
*District Court of Connecticut	1655 #
*Families for Freedom	1707 #
*Immigration and Customs Enforcement Service (ICE) - Oakdale, LA	1941 #
*IMMIGRATION COURT INFORMATION HOTLINE	111 #

 *American Bar Association	2150 #
*Board of Immigrations Appeals Clerks Office	571 #
*Catholic Charities - Atlanta	2058 #
*Dept. of Homeland Security - Office of Inspector General Hotline	518 #
*EOIR Oakdale, LA (Immigration Court Oakdale, La)	1942 #
*Federal Building and Courthouse, RI	2237 #
*Immigration Court in New Orleans	509 #
*Louisiana Eastern District Court	1771 #

# EXHIBIT C

- Occasionally, you may wish to send money to your family. To send money, send a Request for Information form to the Unit Manager and arrangements will be made to purchase a money order for you to send. The actual cost charged for the money order will be charged to your account.

**ACCESS TO TELEPHONES**

- The dormitories and SHU have all been equipped with telephones. These telephones have been provided so you can communicate essential business and contact friends and/or relatives.
- The telephone calls can be made collect or you may elect to participate in the calling card system. This system allows you to purchase debit calling cards through the commissary.
- To increase the volume on the telephones, press the star (\*) button while you are talking.
- Incoming calls will not be received on these telephones, nor is three (3)-way calling available.
- To respect the privacy of others, we ask that you quietly wait your turn, as the telephones will be used on a first-come-first-serve basis. If you need assistance, ask the officer assigned to your area.
- In the event that you are unable to contact your attorney or consulate using the dorm phones, you may submit a Request for Information form to the Unit Manager for alternative telephone access.
- TTY telephone machines are available for the hearing impaired.
- When telephone demand is high, you are expected to limit your telephone calls to twenty (20) minutes to permit others the same telephone privileges.
- The telephones are available for your use from wake-up at 6:00am until bedtime.
- In case of an emergency, such as an illness or death in your family, your Housing Officer can assist you in making telephone calls when access to telephones would not normally be available. Routine telephone calls to attorneys are not considered to be emergencies.
- If the facility receives any emergency calls from family members, we will notify you of the message, upon verification of the caller's identity.
- The telephone numbers to inquire about the status of your case as well as the numbers to a majority of consulates have been made available to you at no charge. (Consult your living area bulletin board or see below for a list of current numbers and specific instructions on how to dial them).

<p><b>For Speed Dial calls press 0 for collect, then press 1 for English or 2 for Spanish, then press the *(star) and the 3 digit speed dial number</b></p>			<p><b>ICE NUMBERS</b></p> <p><b>UNHCR - 801</b>  <b>Immigration Court Hotline - 802</b>  <b>Board of Immigration Appeals Hotline - 803</b>  <b>Inspector General Hotline - 804</b></p>		
			Speed Dial	Phone Number	Country
*621	2129722277	AFGHANISTAN	*639	2026670501	MACEDONIA
*622	2022234942	ALBANIA	*558	2022655525	MADAGASCAR
*501	2022652800	ALGERIA	*640	2025729700	MALAYSIA
*502	2127508064	ANDORRA	*559	2027210274	MALAWI
*503	2027851156	ANGOLA	*560	2023322249	MALI
*623	2023625122	ANTIGUA AND BARBUDA	*561	2024623611	MALTA
*624	4048800805	ARGENTINA	*641	2022345414	MARSHALL ISLANDS
*504	3106576102	ARMENIA	*562	2022325700	MAURITANIA

# EXHIBIT D

# Call Detail Report

Date: 3/7/2011

Time: 4:53:47 PM

Date Range 03/07/2010 - 03/07/2011 00:00 - 24:00

PIN: (b)(6), (b)(7)c

Phone#: 877246 (b)(6), (b)(7)c

Call Completion Type(s): Complete, Incomplete

Location	Dest. Number	PIN	CCard	Date/Time	Dur	Call Type	Stop Code
UNIT 3 POD D PH 1	877246 (b)(6), (b)(7)c	(b)(6), (b)(7)c		12/13/2010 12:45	0:00	Collect	Invision Block

Total Calls: 1 Total Minutes: 0:00

# Call Detail Report

Date: 3/7/2011

Time: 4:52:01 PM

Date Range 03/07/2010 - 03/07/2011 00:00 - 24:00

PIN: (b)(6), (b)(7)c

Phone#: 800323 (b)(6), (b)(7)c

Call Completion Type(s): Complete, Incomplete

Location	Dest. Number	PIN	C Card	Date/Time	Dur	Call Type	Stop Code
UNIT 3 POD D PH 4	800323 (b)(6), (b)(7)c	(b)(6), (b)(7)c		12/13/2010 12:55	0:00	Collect	Invision Block

Total Calls: 1 Total Minutes: 0:00



# **EXHIBIT E**

# NOTICE TO INMATES

## Pro Bono Telephone Calls

Effective, Monday, April 26, 2010 this facility will be changing the instructions for placing all Pro Bono telephone calls.

These are free telephone calls for all detainees to reach consulates.

### Instructions:

- Lift the handset and follow the voice prompts to place a collect call to speed dial \*451
- Once connected to the Pro Bono platform:
  - Press '1' for English or '2' for Spanish
  - Enter your 9-digit Alien Number. If your A-number is less than 9 digits, put a '0' before your A-number
  - Enter the Speed Dial number from the speed dial list provided followed by the # (pound) key
  - Stay on the line and you will be connected

**\*\*\*Please be advised the previous speed dial or direct telephone numbers used to access Pro Bono calls will be eliminated. This will be the only process to place Pro Bono calls.**

# **EXHIBIT F**



# Patient Summary

(b)(6), (b)(7)c

## Patient Demographics

**DOB**

(b)(6), (b)(7)c

**Alien #**

(b)(6), (b)(7)c

**Sex**

Male

**FIN Number**

**Nationality**

BELIZ

**Border Patrol Number**

**ICE Status**

**BOP Number**

**Classification**

Blue

**Address Block**

(b)(6), (b)(7)c

## Distinguishing Characteristics Identified

**Date**

**Title of Document**

(b)(6), (b)(7)c	
(b)(6), (b)(7)(C)	
	(b)(6), (b)(7)c



(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Standing Orders

[Show All](#)

**Description**

**Status**

# EXHIBIT G



**Administrative Inquiry Affidavit**

**State of Georgia**

**County of Stewart, Georgia**

I, (b)(6), (b)(7)c being duly sworn, hereby depose and state:

**Question:** What is your full name?

**Answer:** (b)(6), (b)(7)c

**Question:** Where are currently detained?

**Answer:** At Stewart Detention Center Lumkin, GA.

**Question:** How long have you been here at Stewart Detention Center?

**Answer:** Since May of 2010 and I was here before that also from April 2009 to February 2010.

**Question:** Have you made attempt to telephonically contact Office of the Inspector General?

**Answer:** Yes, I dialed the 0 and put in the complete phone number and it told me that the number was restricted.

**Question:** Did you ask you Unit manager for assistance?

**Answer:** No I did not.

**Question:** Who has mistreated you while detained at Stewart Detention Center?

**Answer:** (b)(6), (b)(7)c

**Question:** How has (b)(6), (b)(7)c mistreated you?

**Answer:** While returning from the cafeteria, I was in the company of another detainee who is also Homosexual as I, and (b)(6), (b)(7)c made a comment "that is nasty"

**Question:** What was nasty?

**Answer:** I suppose that she made comment because of our sexual orientation.

the

**Question:** Did you and this other detainee make any overt sexual references or acts in her presence.

**Answer:** No.

**Question:** Who else has mistreated you at Stewart Detention Center?

**Answer:** Management as a whole.

**Question:** Have you filed a grievance regarding this mistreatment?

**Answer:** Not for this particular instance but did file a grievance against (b)(6), (b)(7)c  
(b)(6), (b)(7)c

**Question:** Was that grievance based on mistreatment and if so how you were then mistreated?

**Answer:** I was in Unit 4 and got transferred to Unit 3 and asked the office to see if I could be transferred to back to Unit 4 because I prefer the 2 man cells. (b)(6), (b)(7)c took me into his office and told me that he was going to transfer me back to unit 3. I was transferred back and forth from Unit 3 and 4 several times and every time (b)(6), (b)(7)c would see me he would transfer me back to Unit 3.

**Question:** Has anyone else mistreated you?

**Answer:** (b)(6), (b)(7)c placed a housing restriction on me stating the he is going to keep me in Unit 3 because it is safer due to my sexual orientation, but I don't feel that it is any safer that the two room cell because I have seen fights before the CCA officers did not notice what was going on. And also they told me that I could go work in the kitchen for Unit 6 and those are 2 man Unit cell there. I don't see where I can work in the kitchen and be housed in Unit 6. At one point when I was in Unit 5, I was taken to Segregation based on an accusation that I was having sexual acts with a detainee. If that was the case why did they not also take the other detainee to segregation? The other day they released me from Segregation because they said there was no proof but they placed me in Unit 3.

**Question:** You allege that you have been deprived of clean living accommodations, how?

**Answer:** The open dorms like Unit 3, have a total of 72 detainees in close quarters and it was built for short term stay and since I arrived at Stewart there is cause for sanitation because there are only 3 toilets that have to be shared by 72 detainees and there is only 5 sinks that that also have to be shared. The two man cells offers more space. It is important as it has space to place your personal items

Question: Is there anything else you wish to state.

Answer: No.

I have read the foregoing statement consisting of 3 pages, of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact the Fact Finder and provide such information. I made this statement freely and voluntarily without any threats or promises of reward having been made to me in return for it.

(b)(6), (b)(7)c

Signature of Affiant

Subscribed and sworn to before me this 24<sup>th</sup> day of March 2011  
at Stewart Detention Center, Lumpkin, GA 31815

Signature of Management

Printed name of witness

Signature of witness:

(b)(6), (b)(7)c

# **EXHIBIT H**

**Administrative Inquiry Affidavit**

**State of Georgia**

**County of Stewart County**

I, (b)(6), (b)(7)c being duly sworn, hereby depose and state:

**Question:** What is your full name and by whom are you employed?

**Answer:** (b)(6), (b)(7)c m employed by Stewart Detention Center, CCA.

**Question:** What is your title and position responsibility?

**Answer:** My title is (b)(6), (b)(7)c

**Question:** How long have you been in this position?

**Answer:** I think 3 years and with CCA a total of 5.

**Question:** Have you a detainee by the name of (b)(6), (b)(7)c

**Answer:** Yes.

**Question:** Have you had incidents with detainee (b)(6), (b)(7)c

**Answer:** No. I never had any problems with (b)(6), (b)(7)c

**Question:** Have you made any derogatory remarks toward Detainee (b)(6), (b)(7)c

**Answer:** No, he worked in the law library. He is not is the Unit.

**Question:** Has (b)(6), (b)(7)c ever been assigned to your Unit?

**Answer:** Yes, but he is always at the law library.

**Question:** Did (b)(6), (b)(7)c ever ask you to assist him in dialing out for toll free numbers?

**Answer:** Never.

**Question:** Do you have anything else to state?

**Answer:** I never had any confrontation or derogatory remark towards (b)(6), (b)(7)c

I have read the foregoing statement consisting of 2 pages, of which I have signed. I fully understand this statement and it is true, accurate and complete to the best of my knowledge and belief. I made the corrections shown and placed my initials opposite each. Should I become aware of any additional information regarding this matter for which I provided this statement, I will promptly contact the Fact Finder and provide such information. I made this statement freely and voluntarily without any threats or promises of reward having been made to me in return for it.

(b)(6), (b)(7)c

Signature of Affiant

Subscribed and sworn to before me this 16 day of March, 2011  
at Stewart Denton Center Longue CA

Signature of Management Inquirer: \_\_\_\_\_  
(b)(6), (b)(7)c

Printed name of witness \_\_\_\_\_

Signature of witness: \_\_\_\_\_  
(b)(6), (b)(7)c

*Nothing Follows*

(b)(6), (b)(7)c

# **EXHIBIT I**



# Administrative Detention Order / 72 Hour Pre-Hearing Review

DETAINEE NAME (b)(6), (b)(7)c DETAINEE NUMBER (b)(6), (b)(7)c  
 UNIT MANAGER (b)(6), (b)(7)c DATE: 11-16-10  
 ORIGINAL HOUSING unit 5 TO 7B 106

Status:  AS (Administrative Seg.)  PC (Protective Custody)  DS (Discip. Seg.)  
 PHD (Pre-Hearing Detention)  PI (Pending Investigation)

Reason:  Detainee's conduct poses serious threat to security of facility.  
 To prevent imminent injury to a detainee(s) or to an employee.  
 To contain / prevent / quell a riot.  
 Detainee pending hearing for violation of regulations.  
 Other, (specify) \_\_\_\_\_

Justification: Pending Investigation for possible sexual act.

**SPECIAL CONDITIONS:** and/or precautions (add additional sheets, if necessary. each line must be filled in. If no conditions apply write none.)

Recreation/Exercise: per policy 10-100  
 Property Restrictions: per policy 10-100  
 Assault Risk: unknown  
 Known Enemies: unknown  
 Gang Affiliations: unknown  
 Restraints Required: per policy 10-100  
 Other Special Conditions: none

SEGREGATION ORDERED BY: (b)(6), (b)(7)c Date/Time 11-16-10 1325hrs

PRE SEG. HEALTH EVALUATION COMPLETED:  YES DATE: 11-16-10 TIME: 1320hrs  
 DETAINEE PROPERTY INVENTORIED:  YES  NO

**INITIAL PLACEMENT INTO SEGREGATION - DO NOT WRITE BELOW THE LINE**

Status Change from:	<u>GP</u> to <u>PI</u>	Date <u>11/16/10</u>
	<u>PI</u> to <u>GP</u>	Date <u>11-19-10</u>
	_____ to _____	Date _____

Removal from population: The detainee is being removed from population and is being segregated, or moved to a more secure facility, pending an ongoing investigation, which may lead to either disciplinary charges or Administration Segregation.

SEGREGATION RELEASE ORDERED BY (b)(6), (b)(7)c  
 Date/Time 0915 11-19-10  
 SPECIAL RELEASE ORDERS: Investigation Complete Released to GP

Initial Review (72 hours)	Administrator/Designee	Approved	Disapproved
Signature	<u>(b)(6), (b)(7)c</u>	<u>[Signature]</u>	<u>[Signature]</u>
		Date	<u>11/16/2010</u>

# EXHIBIT J

**Subject: FW: ERO Field Guidance Ensuring the Consistent Admission, Classification and Housing of Vulnerable, and Special Needs Detainees**

*The following message is sent on behalf of Tae D. Johnson, Assistant Director for Detention Management; and approved by David J. Venturella, Assistant Director for Field Operations:*

**To: Field Office Directors, Deputy Field Office Directors, and Assistant Field Office Directors**

**Subject: ERO Field Guidance Ensuring the Consistent Admission, Classification and Housing of Vulnerable, and Special Needs Detainees**

This guidance is to remind facility staff performing classification duties of the applicable ICE detention standards for each detainee's admission, classification and housing placement.

In compliance with the Standard on Classification System in the National Detention Standards (NDS) and the 2008 Performance-Based National Detention Standards (2008 PBNDS), detainees will be assigned to the least restrictive housing unit consistent with facility safety and security. ERO and facility staff must follow the protocols and procedures outlined in the applicable Standard, particularly when assigning housing to vulnerable and/or special needs populations, including Lesbian, Gay, Bisexual, and Transgender (LGBT) detainees. Field Office Directors (FODs) must ensure that vulnerable, special needs and LGBT detainees are not placed in segregated housing solely because of their affiliation and identification.

In accordance with the Standard on Admission and Release, each newly admitted detainee will be separated from the general population until health and custody classifications are complete. FODs will ensure procedures are in place so each detainee receives screening interviews and completes questionnaires and other forms. ERO Field Offices must process newly admitted detainees in accordance with the Standard to identify requirements for medical care, special needs and housing, and to protect the detainee or the health and safety of others in the facility.

The Standard on Special Management Units specifies the restrictions of Disciplinary Segregation and the privileges of Administrative Segregation which afford detainees the same privileges available to the general population such as access to counsel, visitation, telephones, recreation and other facility programming/services.

As with any detainee, vulnerable, special needs and LGBT detainees may be placed in Administrative Segregation only when documentation and supervisory approval indicates the detainee is deemed at risk, and that no other reasonable housing alternatives are available. An Administrative Segregation Order must include detailed explanation for a detainee's placement in "Protective Custody" and a copy of the order must be provided to the detainee. Conversely, those detainees who intimidate threaten, or prey on the vulnerable should be evaluated for placement in Disciplinary Segregation. In essence, segregation in general may provide an equally appropriate mechanism to remove detainees who pose a threat, in lieu of placing the victim into segregated housing.

When it is determined that Administrative Segregation is necessary, access to counsel, visitation, telephones, recreation, religious access and facility programming shall not be limited. In accordance with applicable standards, facility staff must also conduct periodic reviews of each detainee's segregated status to determine whether segregation remains warranted.

In the event that a facility determines that Administrative Segregation is the only housing assignment available for

a vulnerable detainee, the FOD, considering factors such as the detainee's anticipated length of stay, will make arrangements to transfer the detainee to a facility that can provide more suitable housing accommodations.

Please contact (b)(6), (b)(7)c Detention Standards and Compliance Unit (b)(6), (b)(7)c with questions or concerns.

**Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO).** It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

May 31, 2011

MEMORANDUM FOR (b)(6), (b)(7)c  
(b)(6), (b)(7)c Administrative Inquiry Unit  
Headquarters

FROM: Felicia S. Skinner (b)(6), (b)(7)c  
Field Office Director  
Atlanta, Georgia

SUBJECT: OPR Case Number (b)(6), (b)(7)c

After reviewing the completed management review conducted by (b)(6), (b)(7)c  
(b)(6), (b)(7)c it is determined that the allegations made by (b)(6), (b)(7)c an ICE detainee at  
Stewart Detention Center is unsubstantiated. The Atlanta Field Office has closed the above case.

If you have any further questions regarding this investigation, please contact (b)(6), (b)(7)c  
(b)(6), (b)(7)c at (404) 893 (b)(6), (b)(7)c



U.S. Immigration  
and Customs  
Enforcement

May 19, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

(b)(6), (b)(7)c

THROUGH:

Felicia Skinner, Field Office Director  
Atlanta Field Office

FROM:

(b)(6), (b)(7)c

SUBJECT:

Management Referral - Findings  
OPR Case Number (b)(6), (b)(7)c

**Executive Summary:**

On January 7, 2011, the Joint Intake Center (JIC) received an allegation from (b)(6), (b)(7)c an ICE detainee at Stewart Detention Center (SDC) located in Lumpkin, GA under the Atlanta Field Office. Detainee (b)(6), (b)(7)c alleged that that he was mistreated and subjected to oppressively harsh conditions, deprived of statutory and constitutional rights to include; discrimination due to his sexual orientation, called humiliating, degrading and racist names. On January 26, 2011, (b)(6), (b)(7)c was assigned the above Management Referral by (b)(6), (b)(7)c.

Allegation One: Detainee (b)(6), (b)(7)c alleged he was mistreated

Finding **Unsubstantiated**

Allegation Two: Detainee (b)(6), (b)(7)c alleged he was subjected to oppressively harsh conditions

Finding **Unsubstantiated**

Allegation Three: Detainee (b)(6), (b)(7)c alleges he has been deprived of his statutory and constitutional rights

Finding **Unsubstantiated**

Allegation Four: Detainee (b)(6), (b)(7)c alleges he was discriminated against because of his sexual orientation

Finding **Unsubstantiated**

Allegation Five: Detainee (b)(6), (b)(7)c alleges he was called humiliating, degrading and racist names by CCA Officers who referred to him as a "sissy."

Finding **Unsubstantiated**

Management Referral (b)(6), (b)(7)c

**Details of Inquiry:**

On May 12, 2011 (b)(6), (b)(7)c spoke to Corrections Corporation of America (CCA) (b)(6), (b)(7)c who is assigned to Stewart Detention Center located in Lumpkin, GA in an effort to locate the CCA Officer(s) who may have been involved with Detainee (b)(6), (b)(7)c

CCA (b)(6), (b)(7)c (b)(6), (b)(7)c was shown the Stewart Detention Center ICE Notification Form, Exhibit #4, in order to refresh her memory of the transportation of detainee, (b)(6), (b)(7)c (b)(6), (b)(7)c The interview of (b)(6), (b)(7)c occurred on May 12, 2011 at 1530 hours and concluded at 1545 hours before CCA (b)(6), (b)(7)c (b)(6), (b)(7)c and ICE (b)(6), (b)(7)c

(b)(6), (b)(7)c advised she recalled the medical transport of two detainees, one of whom (b)(6), (b)(7)c with three other CCA Officers some time ago. (b)(6), (b)(7)c advised at no time did she hear any officer refer to the detainee as a "sissy," or use humiliating, degrading and racist language.

(b)(6), (b)(7)c provided a written statement to support her statements and actions, see Exhibit #7.

**Follow-up interview conducted with** (b)(6), (b)(7)c  
On May 13, 2011 (b)(6), (b)(7)c was called for a follow-up interview. The interview of (b)(6), (b)(7)c occurred on May 13, 2011 at 0900 hours and concluded at 0915 hours before (b)(6), (b)(7)c and (b)(6), (b)(7)c

(b)(6), (b)(7)c stated she recalled that she was not a driver during this transport. (b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c, (b)(7)e (b)(6), (b)(7)c recalled detainee (b)(6), (b)(7)c did not wish to undress before (b)(6), (b)(7)c but preferred to undress before a female officer.

(b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c provided a written statement to support her statements and actions, see Exhibit #7.

CCA (b)(6), (b)(7)c (b)(6), (b)(7)c was shown the Stewart Detention Center ICE Notification Form, Exhibit #4, in order to refresh her memory of the transportation of detainee, (b)(6), (b)(7)c The interview of (b)(6), (b)(7)c occurred on May 12, 2011 at 1600 hours and concluded at 1630 hours before CCA (b)(6), (b)(7)c (b)(6), (b)(7)c and ICE (b)(6), (b)(7)c



Management Referral (b)(6), (b)(7)c

(b)(6), (b)(7)c advised she recalled being part of a transport team of four CCA (b)(6), (b)(7)c and two ICE detainees some time ago. (b)(6), (b)(7)c recited the roles as follows;

(b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c advised (b)(6), (b)(7)c was not in the same immediate area as detainee, (b)(6), (b)(7)c while at the Doctor's office but was in an adjacent area with detainee (b)(6), (b)(7)c recalled that detainee (b)(6), (b)(7)c was required to disrobe prior to seeing the doctor. Apparently, detainee (b)(6), (b)(7)c was uncomfortable disrobing before the two male CCA Officers.

(b)(6), (b)(7)c subsequently advised she heard a conversation between (b)(6), (b)(7)c (b)(6), (b)(7)c who were speaking to one another through a slightly open door where the following was stated; (b)(6), (b)(7)c stated to (b)(6), (b)(7)c 'the faggot will undress in front of 62 other detainees but won't undress in front of me.' (b)(6), (b)(7)c replied to (b)(6), (b)(7)c 'yeah he must be a sissy.'

(b)(6), (b)(7)c, (b)(7)e and just outside the open door, stated that (b)(6), (b)(7)c came to get her in order to facilitate detainee (b)(6), (b)(7)c request that a female officer be present. (b)(6), (b)(7)c, (b)(7)e (b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c provided a written statement to support her statements and actions, see Exhibit #8.

**CCA** (b)(6), (b)(7)c was shown a CCA booking photo of detainee (b)(6), (b)(7)c Exhibit #5, in order to refresh his memory of the transportation of detainee, (b)(6), (b)(7)c (b)(6), (b)(7)c The interview of (b)(6), (b)(7)c occurred on May 13, 2011 at 0825 hours and concluded at 0855 hours before CCA (b)(6), (b)(7)c and ICE (b)(6), (b)(7)c

(b)(6), (b)(7)c advised he recalled the medical transport of detainee (b)(6), (b)(7)c along with another detainee and CCA (b)(6), (b)(7)c (b)(6), (b)(7)c recalled that he (b)(7)e

(b)(6), (b)(7)c advised that (b)(6), (b)(7)c was in an exam room at the Doctor's Office with detainee (b)(6), (b)(7)c recalled that (b)(6), (b)(7)c stating that detainee (b)(6), (b)(7)c did not wish to undress before a male officer and preferred to have a female officer present. (b)(6), (b)(7)c recalled a female officer going into the examination room with detainee (b)(6), (b)(7)c did not recall any humiliating, discriminatory, degrading or racist comments directed toward detainee (b)(6), (b)(7)c or said about detainee (b)(6), (b)(7)c was told he may have been

Management Referral (b)(6), (b)(7)c

the officer who referred to detainee (b)(6), (b)(7)c in a degrading manner by calling him a "sissy." (b)(6), (b)(7)c sat back in his seat as astonished but denied using any degrading language. (b)(6), (b)(7)c advised that had he heard detainee (b)(6), (b)(7)c called a degrading name he would not have done anything as he has heard degrading names several times before.

(b)(6), (b)(7)c provided a written statement to support his statements and actions, see Exhibit #9.

CCA (b)(6), (b)(7)c

(b)(6), (b)(7)c was shown a CCA booking photo of detainee (b)(6), (b)(7)c Exhibit #5 in order to refresh his memory of the transportation of detainee, (b)(6), (b)(7)c

(b)(6), (b)(7)c The interview of (b)(6), (b)(7)c occurred on May 13, 2011 at 0945 hours and concluded at 1005 hours before CCA (b)(6), (b)(7)c and ICE (b)(6), (b)(7)c

(b)(6), (b)(7)c advised he recalled the medical transport of detainee (b)(6), (b)(7)c along with CCA (b)(6), (b)(7)c could not recall if another detainee was transported but advised that must have been the case as there were (b)(7)e CCA officers.

(b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c, (b)(7)e (b)(6), (b)(7)c then advised that the Doctor told him that detainee (b)(6), (b)(7)c preferred to undress before a female officer. (b)(6), (b)(7)c recalled stepping

out of the examination room to advise the group, (b)(6), (b)(7)c

(b)(6), (b)(7)c that the doctor said the detainee prefers to have a female officer present.

(b)(6), (b)(7)c did not recall any humiliating, discriminatory, degrading or racist comments directed toward detainee (b)(6), (b)(7)c or said about detainee (b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c, (b)(7)e

(b)(6), (b)(7)c provided a written statement to support his statements and actions, see Exhibit #9.

**Findings:**

As Detainee (b)(6), (b)(7)c was removed to Mexico on February 3, 2011, it was not possible to interview him concerning his reported allegations. However, with the information Detainee (b)(6), (b)(7)c provided to the JIC, CCA (b)(6), (b)(7)c (b)(6), (b)(7)c were identified as medical transport officers who appear to be the target of Detainee (b)(6), (b)(7)c allegations.

CCA (b)(6), (b)(7)c supported Detainee (b)(6), (b)(7)c claim that he was called a sissy; however this account was not corroborated by (b)(6), (b)(7)c. With the conflicting statements it is not possible to substantiate Detainee (b)(6), (b)(7)c allegations.

ICE-ERO makes every effort to ensure all of its' employees and stakeholders not only abide by the National Detention Standards but that all foster an environment that is safe, humane and without discrimination for our detainees.

I find that due to the fact that Detainee (b)(6), (b)(7)c was removed to Mexico and is unavailable and due the conflicting statements from the CCA Officers who transported Detainee (b)(6), (b)(7)c it is not possible to substantiate any of the allegations made by Detainee (b)(6), (b)(7)c (b)(6), (b)(7)c

**Exhibits 1-10**

1. Immigration and Customs Enforcement, Office of Professional Responsibility, Report of Investigation, 4 pages.
2. Written allegation from Detainee (b)(6), (b)(7)c 2 pages.
3. Event Listing and Stewart Detention Center Inmate Information Sheet detailing date and time of medical transport or Detainee (b)(6), (b)(7)c 4 pages,
4. Immigration and Customs Enforcement form G-391 identifying CCA Officers who conducted a medical transport of Detainee (b)(6), (b)(7)c 1 page. Corrections Corporation of America, Stewart Detention Center, ICE Notification Form identifying CCA Officers who conducted a medical transport of Detainee (b)(6), (b)(7)c 2 pages.
5. CCA booking photo and biographic information of Detainee (b)(6), (b)(7)c 1 page.
6. CCA Stewart Detention Center (b)(7)e 1 page.
7. CCA Stewart Detention Center Confidentiality Form and Incident Statement from CCA (b)(6), (b)(7)c 3 pages.
8. CCA Stewart Detention Center Confidentiality Form and Incident Statement from CCA (b)(6), (b)(7)c 2 pages.
9. CCA Stewart Detention Center Confidentiality Form and Incident Statement from CCA (b)(6), (b)(7)c 3 pages.
10. CCA Stewart Detention Center Confidentiality Form and Incident Statement from CCA (b)(6), (b)(7)c 2 pages.

# Exhibit #1



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

January 24, 2011

MEMORANDUM FOR: Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM: (b)(6), (b)(7)c  
Chief, Administrative Inquiry Unit

SUBJECT: Management Referral for Action  
RE: OPR Case No (b)(6), (b)(7)c

The attached management referral case is for your review and action. The OPR file relating to the above case will remain open pending receipt of a written response from your office. The ERO Headquarters Point of Contact (POC) for this management referral is (b)(6), (b)(7)c

(b)(6), (b)(7)c The response is due by **March 24, 2011**. Should you require any additional time for the completion of this case, please notify (b)(6), (b)(7)c at least 5 days prior to the response due date. Please attach a copy of the investigative report and all supporting documentation to your response. **If there are substantiated allegations, please send a copy of your proposal for disciplinary action and a copy of the final decision when they are served.** Please maintain the original investigative report and any other documents pertaining to this case at your local office.

The written response must be in ICE/ERO memo format with the signature of the Field Office Director or his/her designee. **The memo and investigative documentation should be forwarded electronically to th** (b)(6), (b)(7)c **with a copy to** (b)(6), (b)(7)c **If sent via UPS, please send two copies. Please include the OPR case number, subject, allegation(s), findings of the investigation (substantiated, not substantiated, or unfounded) and any proposed disciplinary action to be taken in your response.**

If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c

Attachment



**DEPARTMENT OF HOMELAND SECURITY**

**Immigration and Customs Enforcement  
Office of Professional Responsibility**

**REPORT OF INVESTIGATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**3. TITLE**

UNKNOWN, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA

**4. FINAL RESOLUTION**

**5. STATUS**

Initial Report

**6. TYPE OF REPORT**

Allegation

**7. RELATED CASES**

**8. TOPIC**

Detainee complaint of discrimination and racial comments

**9. SYNOPSIS**

On January 7, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6), (b)(7)c Detainee, Stewart Detention Center (SDC), Lumpkin, GA. Detainee (b)(6), (b)(7)c reported that he has been mistreated and subjected to oppressively harsh conditions by SDC Correctional Officers. Detainee (b)(6), (b)(7)c reported that these conditions have created an overall atmosphere in which he is deprived of his statutory and constitutional rights. Detainee (b)(6), (b)(7)c reported that he is being discriminated against because of his sexual orientation (transsexual). Detainee (b)(6), (b)(7)c reported that he is being called humiliating, degrading and racist names. Detainee (b)(6), (b)(7)c also alleged that he has to endure other humiliating comments and threats. It was reported that a Correctional Officer referred to Detainee (b)(6), (b)(7)c as a "sissy".

**10. CASE OFFICER (Print Name & Title)**

(b)(6), (b)(7)c

**11. COMPLETION DATE**

13-JAN-2011

**14. ORIGIN OFFICE**

Joint Intake Center

**13. APPROVED DATE**

13-JAN-2011

**15. TELEPHONE NUMBER**

No Phone Number

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**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**10. NARRATIVE**

This is a copy of the allegation reported. No spelling or grammatical errors have been corrected.

<BEGIN>

(b)(6), (b)(7)c

Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815  
December 20, 2010  
DHS, ICE Office of Professional Responsibility P.O. Box 14475  
Pennsylvania Avenue, NW Washington, D.C. 20044

**To whom it may concern:**

My name is (b)(6), (b)(7)c identified with A# (b)(6), (b)(7)c. I am a Transsexual, currently detained at Stewart Detention Center undergoing removal proceedings with the Immigration and Customs Enforcement. The reason I am writing is to file a complaint against CCA, Stewart Detention Center. While detained at Stewart Detention Center, I have been mistreated and am subjected to oppressively harsh conditions of detention which forms a clear patten and practice. This has created an overall atmosphere in which I am effectively deprived of my statutory and constitutional rights.

I have the right to not be discriminated against because of my sexual orientation and to be treated fairly. While incarcerated at Stewart Detention Center, I am being discriminated against by CCA officers because of his sexual orientation (transsexual). I am being called humillating, degrading and racist names, and has to endure other humillating comments and threats. On October 25, 2010, I was taken to the Hospital in Columbus, Georgia to see an attending medical physcian to undergo clinical hormonal treatment as I am in the process of gender transition. While at the hospital the CCA officials started arguing with the (b)(6), (b)(7)c that they should refer to me as a male because I am a male. (b)(6), (b)(7)c then told the CCA officer that for them in the hospital, I am not a male, that I am a female.

When I was inside the clinical room, I was told by the doctor that I have to take off my cloths, the male CCA officer then said that I should not be ashamed of taking off my cloths because I shower



**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**10. NARRATIVE**


with 62 other detainees in the unit. That is not true for I shower when it is count time and no other detainee is in the shower and a female CCA officer is there to make sure that no one enters. When we left the hospital I heard the CCA officer said, "we only came to have them give an injection to the sissy?"

CCA officers know that I am afraid of the panic that I have of being locked in segregation and they abuse of that power and use it to taunt me and make fun of me as a transsexual.

**Respectfully submitted,**

(b)(6), (b)(7)c



 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION Exhibit List</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001

None

# Exhibit #2

(b)(6), (b)(7)c

Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815

December 20, 2010

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To whom it may concern:

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I have the right to not be discriminated against because of my sexual orientation and to be treated fairly. While incarcerated at Stewart Detention Center, I am being discriminated against by CCA officers because of his sexual orientation (transsexual). I am being called humiliating, degrading and racist names, and has to endure other humiliating comments and threats. On October 25, 2010, I was taken to the Hospital in Columbus, Georgia to see an attending medical physician to undergo clinical hormonal

treatment as I am in the process of gender transition. While at the hospital the CCA officials started arguing with the (b)(6), (b)(7)c, that they should refer to me as a male because I am a male. (b)(6), (b)(7)c then told the CCA officer that for them in the hospital, I am not a male, that I am a female.

When I was inside the clinical room, I was told by the doctor that I have to take off my cloths, the male CCA officer then said that I should not be ashamed of taking off my cloths because I shower with 62 other detainees in the unit. That is not true for I shower when it is count time and no other detainee is in the shower and a female CCA officer is there to make sure that no one enters. When we left the hospital I heard the CCA officer said, "we only came to have them give an injection to the sissy?"

CCA officers know that I am afraid of the panic that I have of being locked in segregation and they abuse of that power and use it to taunt me and make fun of me as a transsexual.

Respectfully submitted,

(b)(6), (b)(7)c

# Exhibit #3

## Event Listing

<b>Related Case</b>	(b)(6), (b)(7)c				
<b>Event Type</b>	<b>Encounter</b>				
<b>Create Date</b>	<b>10/25/2010</b>				
<b>Author</b>	(b)(6), (b)(7)c				
<b>Signed</b>	(b)(6), (b)(7)c on 10/25/2010				
<b>Patient</b>	(b)(6), (b)(7)c at Stewart SPC				
<b>Alien#</b>	(b)(6), (b)(7)c				
<b>Address</b>	(b)(6), (b)(7)c				
<b>Birthdate</b>	(b)(6), (b)(7)c				
<b>Classification</b>	<b>Blue</b>	<b>Sex</b>	<b>Male</b>	<b>Nationality</b>	<b>MEXICO</b>
		<b>ICE Status</b>			
<b>Status</b>	<b>Complete</b>	<b>Description</b>	<b>Medical</b>		

### Event Codes and Related Parties

**Invisible**

<b>Encounter Type</b>	<b>Medical</b>	
<b>Scheduled Date</b>	<b>10/25/2010</b>	
<b>Encounter Date</b>	<b>10/25/2010</b>	
<b>New Allergies?</b>	<b>No</b>	
<b>Med/Psych Alerts?</b>	<b>No</b>	
<b>Alert Warning</b>	<b>Medical Clearance</b>	<b>Medical Clearance before removal</b>
<b>CXR Required?</b>	<b>No</b>	<b>No CXR Encounter or Results</b>
<b>PPD Required?</b>	<b>No</b>	

**Labs**

<b>Order ID</b>	(b)(6), (b)(7)c	
<b>Lab Performed Date/Time</b>	<b>10/25/2010</b>	<b>01:51 PM</b>
<b>Next Encounter</b>		
<b>Chart Review Required?</b>	<b>No</b>	
<b>Chart Review Type</b>	<b>Standard</b>	

**Workflow**

<b>Completed When</b>	<b>10/25/2010</b>	<b>02:17 pm</b>
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**Invisible**

<b>Assigned To</b>	(b)(6), (b)(7)c	<b>DIHS</b>	<b>(229) 838 (b)(6), (b)(7)c</b>
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**Event Text**  
 S: Pt is a transgender and went to (b)(6), (b)(7)c in order to get hormone therapy. Pt denies h/a, dizziness, SOB, chest discomfort, n/v, d/c

O 118/71 P 72 T 96.8 R 18 Wt 188  
 NAD  
 heart RRR  
 lungs bbs CTA

A transgender

P: start (b)(6), (b)(7)c IM q month  
 F/U Nov 22

*Event Listing*

---

labs Nov 15 CMP, CBC, Estradiol, FSH, LH, testosterone free and total

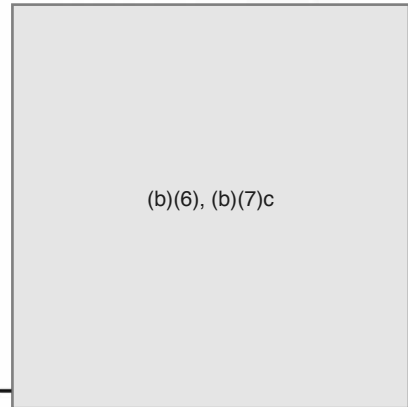
(b)(6), (b)(7)C  
12/8/2010 06:36:49 PM

- Page 2 -  
Report Revision v1.95

STEWART DETENTION CENTER  
INMATE INFORMATION SHEET

Print Date: 10/25/2010  
Print Time: 6:09:08AM

<b>FULL NAME</b>	<b>AGENCY ID #</b>
(b)(6), (b)(7)c	(b)(6), (b)(7)c
<b>COMMITTED BY / JURISDICTION</b>	<b>CCA#</b>
IMMIGRATION AND CUSTOMS ENFORCEMENT	(b)(6), (b)(7)c



**Birth Date:** (b)(6), (b)(7)c  
**Current Age:** 26  
**Gender:** M  
**Race:** HISPANIC  
**Citizen of:** MEXICO  
**SSN:** XXX-XX-XXXX  
**Height:**  
**Weight:**  
**Eye Color:** (b)(6), (b)(7)c  
**Hair Color:**  
**Complexion:**  
**Build:**  
**Marital Status:** MARRIED

**Admission Type:** ICE - LEVEL 2 DETAINEE  
**Booking Date:** 08/03/2010  
**Booking Time:** 10:35PM  
**Custody Level:** MODERATE  
**Housing:** 3/A/11B  
**Population Status:** GENERAL POPULATION  
**Home Address:**

**Emergency Contact**

**Secondary Emergency Contact**

(b)(6), (b)(7)c

**PHONE #:** 678-458-(b)(6), (b)(7)c

**STG Affiliation:**

**Alerts**

NONE

**Scars / Tattoos**

NONE

**Known Aliases**

**Name:** NONE  
**SSN:** NONE

**Charge Description**

IMMIGRATION

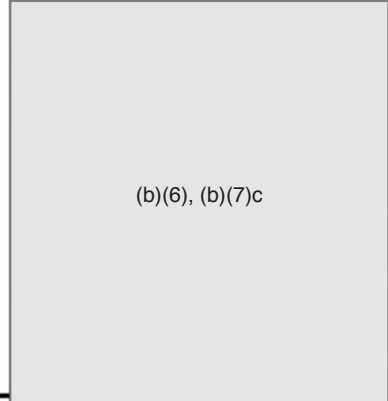
**Brief Notes**



STEWART DETENTION CENTER  
INMATE INFORMATION SHEET

Print Date: 11/22/2010  
Print Time: 5:06:28AM

<b>FULL NAME</b>	<b>AGENCY ID #</b>
(b)(6), (b)(7)c	(b)(6), (b)(7)c
<b>COMMITTED BY / JURISDICTION</b>	<b>CCA#</b>
IMMIGRATION AND CUSTOMS ENFORCEMEI	(b)(6), (b)(7)c



Birth Date: (b)(6), (b)(7)c  
Current Age: 28  
Gender: M  
Race: HISPANIC  
Citizen of: MEXICO  
SSN: XXX-XX-XXXX  
Height: [Redacted]  
Weight: [Redacted]  
Eye Color: (b)(6), (b)(7)c  
Hair Color: [Redacted]  
Complexion: [Redacted]  
Build: [Redacted]  
Marital Status: MARRIED

Admission Type: ICE - LEVEL 2 DETAINEE  
Booking Date: 08/03/2010  
Booking Time: 10:35PM  
Custody Level: MODERATE  
Housing: 3/A/11B

Population Status: GENERAL POPULATION  
Home Address:

Emergency Contact

Secondary Emergency Contact

(b)(6), (b)(7)c

PHONE #: 678-436 (b)(6), (b)(7)c

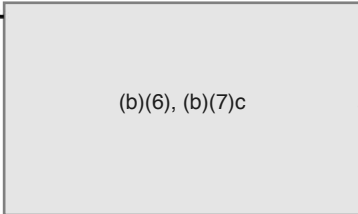
STG Affiliation:

Alerts

NONE

Scars / Tattoos

NONE



11/22/10  
07:45

Known Aliases

Name: NONE  
SSN: NONE

Charge Description

IMMIGRATION

# **Exhibit #4**



UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
BUREAU OF IMMIGRATION & CUSTOMS ENFORCEMENT

OFFICIAL DETAIL

Date: 10-25-10

TO: Immigration Enforcement Agent

CCA TRANSPORTATION OFFICERS

(b)(6), (b)(7)c

SUBJECT: Order to Escort Alien

Beginning at 0700 P.M. 10-25-10 directed to perform escort duty in the case of the above named alien as follows

Pick up at: Stewart Detention Center  
Deliver to: (b)(6), (b)(7)c Phenix City, AL  
Other instructions: Take into Custody with Medical  
Total Aliens: 02

Upon conclusion of this detail you will complete your report in the space provided and account for all time which is chargeable to it, returning this Order to

(b)(6), (b)(7)c

229 838-1110 SUPERVISOR IMMIGRATION ENFORCEMENT AGENT

REPORT I hereby certify I have complied with the above Order exactly as directed. (If not explain exceptions below)	Date: 10-25-10	TIME ACCOUNTING	
		REPORT FOR THIS DETAIL AT	(b)(7)e
		RETURNED FROM DETAIL AT	(b)(7)e
		Time charge to	(b)(7)e
		CONFERENCE Time	(b)(7)e
		CONFERENCE Lost Time	(b)(7)e
		TOTAL HOURS THIS DETAIL	(b)(7)e

(b)(6), (b)(7)c

(b)(6), (b)(7)c

COPY

# STEWART DETENTION CENTER

## I.C.E. NOTIFICATION FORM

Incident Number:	N/A	Date Notified:	10-25-10	Time Notified:	1255 hrs	
Location of Incident:	Stewart Detention Center, 4/A/112B, 3/A/11B					
Date of Incident:	10-25-10	Time of Incident:	0818 hrs	Notified By:	(b)(6), (b)(7)c	
Transport Vehicle #	911	Transport Officer(s)	(b)(6), (b)(7)c			
Nature of the Incident:	Scheduled Medical Appointment					
Staff / Detainee / Civilian Injuries:		No	<input checked="" type="checkbox"/>	Outside Medical Care:	Yes <input checked="" type="checkbox"/> No	
<b>If yes; Name, Title, Nature of Injuries, Medical Facility and Treatment Provided:</b>						
On October 25, 2010 at approximately 0818 hrs detainee (b)(6), (b)(7)c and detainee (b)(6), (b)(7)c were transported to (b)(6), (b)(7)c in Phenix City for a Medical Appointment.						
Both detainees have returned to the facility						
<b>Brief Description of the Incident to include Participants and Witnesses:</b>						
Contract Monitor Notified:	Yes	<input checked="" type="checkbox"/>	No	Date:	10-25-10	
ADO Notified	Yes	<input checked="" type="checkbox"/>	No	Date:	10-25-10	
Shift Supervisor Name:	Marrero, L.		Signature:	Signature on File		
Distribution (Check)	(b)(6), (b)(7)c	<input checked="" type="checkbox"/>	(b)(6), (b)(7)c	<input checked="" type="checkbox"/>	ICE (b)(6), (b)(7)c	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	ICE OIC	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	ACOS (b)(6), (b)(7)c	<input checked="" type="checkbox"/>
Revised: 3/19/09						

# Exhibit #5

Page 290 redacted for the following reason:

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(b)(6), (b)(7)c, (b)(7)e

# Exhibit #6

Page 292 redacted for the following reason:

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(b)(6), (b)(7)c, (b)(7)e



# **Exhibit #7**

**Stewart Detention Center  
Confidentiality Form**

(b)(6), (b)(7)c

(Print, title and name)

\_\_\_\_\_ have been informed and instructed that all subject matter related to the topic which is discussed here today, and during the time that this remains an open Investigation, will not be disclosed or discussed with personnel not directly involved in the " Investigation". I further understand that if I violate this directive, I will be in violation of CCA, Policy and Procedures. Chapter 3, Policy 3-3, Code of Conduct, Guidelines and Standard Procedures, which clearly and specifically states,

*"Any employee who violates the Code of Conduct is subject to corrective action ranging from warnings and reprimands up to and including termination of employment".*

(b)(6), (b)(7)c

(Print, title and name)

clearly and fully understand this

directive and it has been explained to me by

(b)(6), (b)(7)c  
(Print, title and name)

Employee acknowledging directive

(b)(6), (b)(7)c  
(Signature and date)

Employee authorized to implement directive

(b)(6), (b)(7)c  
(Signature and date) 5/14/11

# INCIDENT STATEMENT

5-1C

<b>Facility</b>	Stewart Detention Center	<b>Incident Number</b>	
-----------------	--------------------------	------------------------	--

<b>Incident Date</b>	<b>Incident Time (HRS)</b>
----------------------	----------------------------

Person Name	ID Number	Person Type (Employee/Inmate/Civilian)	Person Role (Witness or Participant)
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Inmate	

**Housing Location (For Inmates/Residents Only)**

Based on your own knowledge, what did you see, hear, and do? (b)(6), (b)(7)c

I, (b)(6), (b)(7)c, at an unrecalled time + date went on transport with 03 other officers and 02 detainees to Phoenix City to a (b)(6), (b)(7)c. At no time did I hear or would I have tolerated any type unprofessional language from any officer during this or after of statement - End

**Did you receive any injuries? YES or NO (If YES, Explain Below)**

YES  NO

(b)(6), (b)(7)c

**Were you evaluated by medical? YES or NO**

YES  NO

<b>Printed Name</b>	(b)(6), (b)(7)c	<b>Signature:</b>	
<b>Typed By:</b>		<b>Date:</b>	5/12/11
		<b>Date:</b>	

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

	Inmate/Resident refused to complete this 5-1C
	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name	Date:
Employee/Witness Signature	
Employee/Witness Printed Name	Date:
Employee/Witness Signature	

# INCIDENT STATEMENT

5-1C

Facility	Stewart Detention Center	Incident Number	
----------	--------------------------	-----------------	--

Incident Date	5.13.11	Incident Time (HRS)	1000
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Person Name	ID Number (Employee #/Inmate #/Civilian ID)	Person Type (Employee/Inmate/Civilian)	Person Role (Witness or Participant)
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Employee	

Housing Location (For Inmates/Residents Only)	
---	--

Based on your own knowledge, what did you see, hear and do?

On 5.13.11 I, (b)(6), (b)(7)c observed to

(b)(6), (b)(7)c, (b)(7)e

Did you receive any injuries? YES or NO (If YES, Explain Below)	
---	--

Were you evaluated by medical? YES or NO	
--	--

Printed Name:	(b)(6), (b)(7)c	Date:	5.13.11
Signature:		Date:	5.13.11
Typed By:			

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/>	Inmate/Resident refused to complete this 5-1C
<input type="checkbox"/>	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

# Exhibit #8

**Stewart Detention Center  
Confidentiality Form**

I (b)(6), (b)(7)c have been informed and instructed that  
(Print, title and name)

all subject matter related to the topic which is discussed here today,  
and during the time that this remains an open Investigation, will not  
be disclosed or discussed with personnel not directly involved in  
the " Investigation". I further understand that if I violate  
this directive, I will be in violation of CCA, Policy and Procedures.  
Chapter 3, Policy 3-3, Code of Conduct, Guidelines and Standard  
Procedures, which clearly and specifically states,

*"Any employee who violates the Code of Conduct is subject to  
corrective action ranging from warnings and reprimands up to and  
including termination of employment".*

I (b)(6), (b)(7)c clearly and fully understand this  
(Print, title and name)

directive and it has been explained to me by (b)(6), (b)(7)c  
(Print, title and name)

Employee acknowledging directive (b)(6), (b)(7)c 5-12-14.  
(Signature)

Employee authorized to implement directive (b)(6), (b)(7)c 2/11

# INCIDENT STATEMENT

5-1C

<b>Facility</b>   Stewart Detention Center	<b>Incident Number</b>
--	------------------------

<b>Incident Date</b>   10-25-10	<b>Incident Time (HRS)</b>   0818 hrs
---------------------------------	---------------------------------------

Person Name	ID Number (Employee #/Inmate #/Civilian ID)	Person Type (Employee/Inmate/Civilian)	Person Role (Witness or Participant)
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Employee	Witness

**Housing Location (For Inmates/Residents Only)** |

**Based on your own knowledge, what did you see, hear, and do?**

On the above date & time, I (b)(6), (b)(7)c was on a medical escort at (b)(6), (b)(7)c office. I (b)(6), (b)(7)c never heard of (b)(6), (b)(7)c talking about detainee (b)(6), (b)(7)c reported talking to (b)(6), (b)(7)c of me. But he will in front of 62 detainee. (b)(6), (b)(7)c said, he must be a sissy. The following day, came to get me to go into the room with the detainee. I told the officer you don't need to be talking like in front of the detainee. I was given the Ice Notification form for a Refresh. (Tommy) (b)(6), (b)(7)c

End of Statement

**Did you receive any injuries? YES or NO (If YES, Explain Below)** | NO

**Were you evaluated by medical? YES or NO** | NO

<b>Printed Name:</b>	(b)(6), (b)(7)c		<b>Date:</b>
<b>Signature:</b>			<b>Date:</b>
<b>Typed By:</b>			

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/> Inmate/Resident refused to complete this 5-1C	<input type="checkbox"/> Civilian/Other refused to complete this 5-1C
--	---

Employee/Witness Printed Name		Date:
Employee/Witness Signature		
Employee/Witness Printed Name		Date:
Employee/Witness Signature		

# Exhibit #9



**Stewart Detention Center  
Confidentiality Form**

I, (b)(6), (b)(7)c have been informed and instructed that  
(Print, title and name)

all subject matter related to the topic which is discussed here today, and during the time that this remains an open Investigation, will not be disclosed or discussed with personnel not directly involved in the " Investigation". I further understand that if I violate this directive, I will be in violation of CCA, Policy and Procedures. Chapter 3, Policy 3-3, Code of Conduct, Guidelines and Standard Procedures, which clearly and specifically states,

*"Any employee who violates the Code of Conduct is subject to corrective action ranging from warnings and reprimands up to and including termination of employment" .*

(b)(6), (b)(7)c clearly and fully understand this  
(Print, title and name)

directive and it has been explained to me by (b)(6), (b)(7)c  
(Print, title and name)

Employee acknowledging directive: (b)(6), (b)(7)c 5/13/11

Employee authorized to implement directive (b)(6), (b)(7)c 5-13-11  
(Signature and date)

# INCIDENT STATEMENT

5-1C

<b>Facility:</b> Stewart Detention Center	<b>Incident Number:</b>
---	-------------------------

<b>Incident Date:</b> (b)(6), (b)(7)c	<b>Incident Time (HRS):</b>
---------------------------------------	-----------------------------

Person Name	ID Number <small>(Employee #/Inmate #/Civilian ID)</small>	Person Type <small>(Employee/Inmate/Civilian)</small>	Person Role <small>(Witness or Participant)</small>
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Employee	

**Housing Location (For Inmates/Residents Only)**

Based on your own knowledge, what did you see, hear, and do? I (b)(6), (b)(7)c  
 Some time in the past was acc. (b)(6), (b)(7)c  
 run along with (b)(6), (b)(7)c  
 (b)(6), (b)(7)c 02 de (b)(6), (b)(7)c  
 doctors office (b)(6), (b)(7)c was escorted to the  
 It was time for (b)(6), (b)(7)c and (b)(6), (b)(7)c when  
 the doctor to the best of my knowledge (b)(6), (b)(7)c  
 (b)(6), (b)(7)c went into the Exam room with (b)(6), (b)(7)c  
 but returned to the waiting area and (b)(6), (b)(7)c  
 (b)(6), (b)(7)c refused to undress because she wanted a female  
 orc present, at that time (b)(6), (b)(7)c and (b)(6), (b)(7)c  
 Exchanged places. — Continue next Page

**Did you receive any injuries? YES or NO (If YES, Explain Below)**

**Were you evaluated by medical? YES or NO**

<b>Printed Name:</b>	(b)(6), (b)(7)c	<b>Date:</b>	5-13-11
<b>Signature:</b>		<b>Date:</b>	5-13-11
<b>Typed By:</b>			

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.  
 Place an "X" in the appropriate box:

<input type="checkbox"/> Inmate/Resident refused to complete this 5-1C	<input type="checkbox"/> Civilian/Other refused to complete this 5-1C
--	---

Employee/Witness Printed Name	Date:	
Employee/Witness Signature		
Employee/Witness Printed Name	Date:	
Employee/Witness Signature		

# INCIDENT STATEMENT

Facility	Stewart Detention Center	Incident Number	
----------	--------------------------	-----------------	--

Incident Date		Incident Time (HRS)	
---------------	--	---------------------	--

Person Name	ID Number <small>(Employee #/Inmate #/Civilian ID)</small>	Person Type <small>(Employee/Inmate/Civilian)</small>	Person Role <small>(Witness or Participant)</small>
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Employee	

Housing Location (For Inmates/Residents Only)	
---	--

Based on your own knowledge, what did you see, hear, and do? At any time to the best of my knowledge do I recall any OFC calling (b)(6), (b)(7)c anything except his name or detainee. Nothing concerning his wanting to be male or female, gay or straight.

End of Statement

Did you receive any injuries? YES or <input checked="" type="radio"/> NO (If YES, Explain Below)	
--	--

Were you evaluated by medical? YES or <input checked="" type="radio"/> NO	
---	--

Printed Name:	(b)(6), (b)(7)c	Date:	5-13-11
Signature:	(b)(6), (b)(7)c	Date:	5-13-11
Typed By:			

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/>	Inmate/Resident refused to complete this 5-1C
<input type="checkbox"/>	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			
Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

# **Exhibit #10**

**Stewart Detention Center  
Confidentiality Form**

**(b)(6), (b)(7)c**  
**(Print, title and name)** have been informed and instructed that

**all subject matter related to the topic which is discussed here today, and during the time that this remains an open Investigation, will not be disclosed or discussed with personnel not directly involved in the " Investigation". I further understand that if I violate this directive, I will be in violation of CCA, Policy and Procedures.**

**Chapter 3, Policy 3-3, Code of Conduct, Guidelines and Standard Procedures, which clearly and specifically states,**

***"Any employee who violates the Code of Conduct is subject to corrective action ranging from warnings and reprimands up to and including termination of employment"*.**

**(b)(6), (b)(7)c**  
**(Print, title and name)** clearly and fully understand this

**directive and it has been explained to me by**

**(b)(6), (b)(7)c**  
**(Print, title and name)**

**Employee acknowledging directive:**

**(b)(6), (b)(7)c**  
**5/13/11**  
**(Signature and date)**

**Employee authorized to implement directive**

**(b)(6), (b)(7)c**  
**(Signature and date)**

# INCIDENT STATEMENT

Facility	Stewart Detention Center	Incident Number	
----------	--------------------------	-----------------	--

Incident Date		Incident Time (HRS)	
---------------	--	---------------------	--

Person Name	ID Number	Person Type	Person Role
(b)(6), (b)(7)c	(b)(6), (b)(7)c	Employee	Witness

Housing Location (For Inmates/Residents Only)	TRANSPORTATION
---	----------------

Based on your own knowledge, what did you see, hear, and do?

Sometime in the past I (b)(6), (b)(7)c along with (b)(6), (b)(7)c  
 (b)(6), (b)(7)c went to Columbus  
 to the doctor with 02 detainees I remember one of  
 the detainees name (b)(6), (b)(7)c I was with (b)(6), (b)(7)c  
 (b)(7)e so as the doctor were  
 talking to the detainees the doctor came over to me  
 and said that the detainee (b)(6), (b)(7)c said he wish to  
 have a female officer in the room while he undress  
 so I didn't ask the doctor why I went out the  
 room and told (b)(6), (b)(7)c what the doctor said so  
 (b)(6), (b)(7)c said she would go in. so at no time did I hear  
 anyone call (b)(6), (b)(7)c a sissy etc.

Did you receive any injuries? YES or NO (If YES, Explain Below)

NO

Were you evaluated by medical? YES or NO

NO

Printed Name:	(b)(6), (b)(7)c	Date:	5-13-11
Signature:	(b)(6), (b)(7)c	Date:	
Typed By:		Date:	

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/>	Inmate/Resident refused to complete this 5-1C
<input type="checkbox"/>	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

U.S. Department of Homeland Security  
180 Spring St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

May 11, 2011

MEMORANDUM FOR: (b)(6), (b)(7)c  
(b)(6), (b)(7)c Administrative Inquiry Unit  
Headquarters

FROM: Felicia S. Skinner  
Field Office Director  
Atlanta, Georgia

A handwritten signature in black ink, appearing to read "F. Skinner", written over the printed name of Felicia S. Skinner.

SUBJECT: OPR Case Number (b)(6), (b)(7)c

After reviewing the completed management review conducted by (b)(6), (b)(7)c  
(b)(6), (b)(7)c it is determined that the allegation made by detainee, (b)(6), (b)(7)c is  
unsubstantiated. The Atlanta Field Office has closed the above case.

If you have any further questions regarding this investigation, please contact (b)(6), (b)(7)c  
(b)(6), (b)(7)c at (404) 899 (b)(6), (b)(7)c

[www.dhs.gov](http://www.dhs.gov)



# Homeland Security

April 26, 2011

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH:

Felicia Skinner  
Field Office Director  
Atlanta, Georgia

FROM:

(b)(6), (b)(7)c

Lumpkin, Georgia

SUBJECT:

Management Referral - Findings

RE: OPR Case No. (b)(6), (b)(7)c

### Executive Summary:

On March 17, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6), (b)(7)c Immigration and Customs Enforcement (ICE), Lumpkin, GA. It was reported that (b)(6), (b)(7)c Detainee, Stewart Detention Center, Lumpkin, GA, alleged that ICE lost his property. On March 28, 2011, (b)(6), (b)(7)c was assigned the above Management Referral by (b)(6), (b)(7)c related to Detainee alleged that ICE lost his property.

**Allegation One:** Detainee alleged that ICE lost his property

**Findings:** Unsubstantiated

### Details of Inquiry:

On April 26, 2011, (b)(6), (b)(7)c spoke to (b)(6), (b)(7)c who was assigned as the case officer of detainee (b)(6), (b)(7)c (b)(6), (b)(7)c stated that (b)(6), (b)(7)c sent numerous request stating that ICE had lost his property. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c informed him that he provide receipt for said missing property to the property Immigration and Enforcement Agent (IEA) in charge of missing property. On April 26, 2011, (b)(6), (b)(7)c obtained a copy of the receipt from (b)(6), (b)(7)c (b)(6), (b)(7)c in charge of Operations at the Stewart Detention Center. The receipt (I-77) dated October 20, 2008, that (b)(6), (b)(7)c provided listed; blue mesh bag, shampoo, toothbrush/tooth paste, lock-combination, soap, and papers. The receipt has a notation on it stated the property was destroyed on June 3, 2010.



**Findings:**

(b)(6), (b)(7)c was apprehended by Immigration in Jacksonville, FL, where the property listed on the I-77 was recorded and stored. (b)(6), (b)(7)c was turned over to the United States Marshals and prosecuted for reentry. (b)(6), (b)(7)c property was destroyed on June 3, 2010. (b)(6), (b)(7)c came back into Immigration custody after serving his sentence for reentry on January 20, 2011. (b)(6), (b)(7)c was deported from the United States to Jamaica on March 31, 2011. The items listed on the I-77 were standard jail issued supplies. The Jacksonville office held the property beyond the required thirty days, after which the property was destroyed in compliance with Detention and Removal Operations Policy and Procedure Manual (DROPPM), (Chapter 30.5). The allegation that ICE lost (b)(6), (b)(7)c property is unsubstantiated.

**Exhibits:**

1. Detainee request submitted by (b)(6), (b)(7)c
2. I-77 receipt for property.
3. DROPPM memo from John Torres on property policy.

# **EXHIBIT 1**



Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

(b)(6), (b)(7)c

(b)(6), (b)(7)c

ICE

### Detainee Request Work Sheet

Name/Nombre:

(b)(6), (b)(7)c

A-Number/Numero de Inmigracion:

(b)(6), (b)(7)c

Country/Pais:

Jamaica

Date of Birth/Fecha de nacimiento:

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Deportation Officer/Deportador

(b)(6), (b)(7)c

Question/Pregunta:

I am requesting a Tact form for my property that has been lost or misplace by ICE (b)(6), (b)(7)c told me to write this request so that I can be compensated for said property

Thank YOU!

(b)(6), (b)(7)c

3-9-11  
Date/Fecha

SA 109B  
Dorm/Dormitorio

THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!

An ICE officer will come and see you with the forms.





(b)(6), (b)(7)c

Property  
(b)(6), (b)(7)c

Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

### ICE Detainee Request Work Sheet

Name/Nombre: (b)(6), (b)(7)c

A-Number/Numero de inmigracion: (b)(6), (b)(7)c

Country/Pais: JAMAICA

Date of Birth/Fecha de nacimiento: (b)(6), (b)(7)c

Deportation Officer/Deportador (b)(6), (b)(7)c

Question/Pregunta:

I have been here for over a month now since I got here. I have been ~~asking~~ asking about my property. I have been told by ICE officer (b)(6), (b)(7)c that she would come see me and let me know what is going on with my property. No one is seeing me as yet. I would like to know what if anything is going to be done about my property. Even when I get deported I will still be trying to find out if something is going to be done. I have my receipt and will get a lawyer if necessary.  
Please help!  
Thank you!

(b)(6), (b)(7)c

3-9-11  
Date/Fecha

5A 109B  
Dorm/Dormitorio

THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
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An ICE officer will come and see you with the forms.





Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

# ICE Detainee Request Work Sheet

Name/Nombre: (b)(6), (b)(7)c

A-Number/Numero de Inmigracion: (b)(6), (b)(7)c

Country/Pais: JAMAICA

Date of Birth/Fecha de nacimiento: (b)(6), (b)(7)c

Deportation Officer/Deportador (b)(6), (b)(7)c

Question/Pregunta:

I have sent you request for my property, you ask me for receipt and location of property which I provided for you and sent back to you. I have not ~~received~~ got back any answer about property or if I will be reimbursed for property please answer!

My property was taken in Jacksonville FL from me by ICE in Jacksonville. They gave me a property receipt which I have and I have sent you a copy of already with no response

*Please Answer  
Thank you*

(b)(6), (b)(7)c

2-16-11  
Date/Fecha

5A 109 B  
Dorm/Dormitorio

**THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!**

I have read your request. Please note the response below:  
He leído su pedido. Por Favor lea la respuesta abajo:

1. You have been identified as an alien amenable to Voluntary Return (form I-826) to your native country. ICE will process your case as soon as possible for your removal.  
*Usted a sido identificado como un extranjero que califica para un Regreso Voluntario (forma I-826). Su caso va a ser procesado lo mas pronto posible para su salida de Los Estados Unidos.*
2. You are an alien Claiming Fear of returning to your country. You will be interviewed by an Asylum Officer as soon as possible. Only an Asylum Officer or Immigration Judge can cancel your fear claim. If an Asylum Officer determines that your fear is credible, and/or refer your case to an Immigration Judge. Only an Immigration Judge can issue or lower a bond.  
*Usted esta para ser Examinado afirma por regresar a su país. Usted va a ser entrevistado por un oficial de asilo lo mas pronto posible. Unicamente la oficina de asilo o el Juez De Inmigración puede cancelar su petición. Si un oficial de asilo determina que el miedo de regresar a su país es creíble, podrá ver a un juez de inmigración. Solamente un Juez de Inmigración puede dar o reducir una fianza.*
3. You have been issued a Notice to Appear, form (I-862) before an Immigration Judge. Your file will before been sent to the Trial Litigation Unit at Stewart Detention Center for review and to be calendared for court. Your hearing will "GENERALLY" be held within 1-2 months from when you entered the Stewart Detention Center. You can call the Immigration Court Information telephone number for your hearing date. The number is 1-800- 898-7190 (toll-free) and you must use nine digits for your "A" number. Only an Immigration Judge can issue or lower a bond.  
*Su caso esta en las manos de la corte. A usted le han dado una cita para presentarse frente a un Juez de Inmigración (Noticia lo Appear forma I-862) Su expediente va a ser enviado a la Corte de Litigaciones en Atlanta para su revisión y podrá dar una fecha de corte. Sus audiencias podrán tardar de 1-2 meses, después de que haya llegado al Centro de detención de Stewart CCA. Para información de las avances en su caso, usted puede llamar gratuitamente a la Corte de Inmigración al numero 1-800-898-7190, Ingrese 9 números de su identificación (A-number). Solamente un Juez de Inmigración puede dar o reducir una fianza.*
4. You have been Ordered REMOVED OR DEPORTED from the United States (forms I-871, I851 or Immigration Judge Order (I-800-888-7180)). You will be deported as soon as possible; contingent on your cooperation see form I-228. Your case will be reviewed if you are not removed within 90 days. You are not allowed to pay for your removal. The U.S. Government will remove you from the United States. You are not eligible for a bond or special permit.  
*A usted le han ordenado REMOVED o DEPORTADO de los Estados Unidos (formas I-871, I851 or Immigration Judge Order (I-800-888-7180)). Usted va a ser deportado lo mas pronto posible; dependiendo en su cooperación vea forma I-228. Su caso va a ser revisado, si usted no ha sido expulsado durante 90 días. Usted no pague por su salida del país. El Gobierno de Estados Unidos se encargara de su salida del país. Usted no califica para fianza o permiso especial.*
5. You have asked that your bond be reduced. Only an Immigration Judge can reduce your bond.  
*Usted ha preguntado si su fianza puede ser reducida. Solamente un Juez de Inmigración puede reducir su fianza.*
6. You have filed an Appeal with the Board of Immigration Appeals (BIA). The normal processing time is 9 - 12 months from receipt of your appeal. If you wish to cancel your appeal it must be written in English and mailed to the BIA.  
*Usted ha Apelado su caso ante la Junta de Apelación de Inmigración (BIA). El tiempo aproximado para procesar su petición es de 9 a 12 meses a partir de que se recibe su apelación. Si usted desea cancelar su apelación, debe enviar por correo regular y escrito en inglés a la Junta del BIA.*
7. You have asked to be removed as soon as possible because you have sick family members in your country. I need proof of such illness either by the International Red Cross or your Consulate in order to process your request.  
*Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar muy enfermo en su país de origen. Necesitamos pruebas de la enfermedad y gravedad de su paciente, ya sea por medio de la Cruz Roja Internacional o su Consulado para poder procesar su petición.*
8. You have asked to be removed as soon as possible because you have members in your country that depend on your financiality. You will be removed as soon as possible.  
*Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar que se encuentra en su país de origen que depende económicamente de usted. Usted será expulsado del país lo más pronto posible.*
9. You have asked for help with missing property. I need a custodial receipt to assist you in this matter.  
*Usted ha preguntado si se le puede ayudar a recuperar sus pertenencias perdidas. Para poder ayudarte en este caso necesitamos los recibos custodiales de las pertenencias.*
10. Your Immigration Special Correspondence is not legible. You need to resubmit a new request.  
*Su Correspondencia Especial de Inmigración no es legible. Necesite enviar nuevamente su pregunta.*
11. You did not ask a question. You need to write your question on a new request.  
*Usted no ha hecho preguntas. Necesita escribir su pregunta de nuevo.*
12. Other/Otra:

\_\_\_\_\_  
Official's Signature/Firma del Oficial

\_\_\_\_\_  
Date/Fecha

\_\_\_\_\_  
Date Received





Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

# DETENTION

## ICE

### ~~Detainee Request Worksheet~~

Name/Nombre: (b)(6), (b)(7)c

A-Number/Numero de Inmigracion: (b)(6), (b)(7)c

Country/Pais: Jamaica

Date of Birth/Fecha de nacimiento: (b)(6), (b)(7)c

Deportation Officer/Deportador (b)(6), (b)(7)c

Question/Pregunta:

I had some propert that was taken from me  
 by ICE in Jacksonville Florida ~~and~~ I would like  
 my property back please or to be reinberst for said  
 property I have my receipt for property

Thank you

please help

(b)(6), (b)(7)c      2-16-11      5A 109 B  
 Date/Fecha      Dorm/Dormitorio

**THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!**

I have read your request. Please note the response below:  
He leído su pedido. Por Favor lea la respuesta abajo:

1. You have been identified as an alien amenable to Voluntary Return (form I-824) to your native country. ICE will process you soon as possible for your removal.  
*Usted a sido identificado como un extranjero que califica para un Regreso Voluntario (forma I-824). Su caso va a ser procesado lo mas pronto posible para su salida de Los Estados Unidos.*
2. You are an alien Claiming Fear of returning to your country. You will be interviewed by an Asylum Officer as soon as possible. Only an Asylum Officer or Immigration Judge can cancel your fear claim. If an Asylum Officer determines that your fear is credible, and/or refer your case to an Immigration Judge. Only an Immigration Judge can issue or lower a bond.  
*Usted esta para ser Reconocido Miedo por regresar a su país. Usted va a ser entrevistado por un oficial de asilo lo mas pronto posible. Unicamente la oficina de asilo o el Juez De Inmigracion puede cancelar su petición. Si un oficial de asilo determina que el miedo de regresar a su país es credibile, podrá ver a un juez de inmigración. Solamente un Juez de Inmigración puede dar o reducir una fianza.*
3. You have been issued a Notice to Appear, form (I-862) before an Immigration Judge. Your file will be/has been sent to the Trial Litigation Unit at Stewart Detention Center for review and to be calendared for court. Your hearing will "GENERALLY" be held within 1-3 months from when you entered the Stewart Detention Center. You can call the Immigration Court Information telephone number for your hearing date. The number is 1-800- 898-7180 (toll-free) and you must use nine digits for your "A" number. Only an Immigration Judge can issue or lower a bond.  
*Su caso esta en las manos de la corte. A usted le han dado una cita para presentarse frente a un Juez de Inmigración Noticia de Aparente forma (I-862) Su expediente va ser/a sido enviado a la Corte de Litigaciones en Atlanta para su revisión y podría dar una fecha de corte. Sus audiencias podrán tardar de 1-3 meses, después de que haya llegado al Centro de detención de Stewart OCA. Para información de los avances en su caso, usted puede llamar gratuitamente a la Corte de Inmigración al numero 1-800-898-7180, ingrese 9 números de su identificación (A-number). Solamente un Juez de Inmigración puede dar o reducir una fianza.*
4. You have been Ordered REMOVED OR DEPORTED from the United States (forms I-871, 881 or Immigration Judge Order (I-800-818-7180)). You will be deported as soon as possible; contingent on your cooperation see form I-229. Your case will be reviewed if you are not removed within 90 days. You are not allowed to pay for your removal. The U.S. Government will remove you from the United States. You are not eligible for a bond or special permit.  
*A usted le han ordenado REMOVED O DEPORTADO de los Estados Unidos (formas I-871, 881 or Immigration Judge Order (I-800-818-7180)). Usted va a ser deportado lo mas pronto posible; dependiendo en su cooperacion ver forma I-229. Su caso va a ser revisado, si usted no ha sido expulsado durante 90 días. Usted no pagara por su salida del país. El Gobierno de Estados Unidos se encargara de su salida del país. Usted no califica para fianza o permiso especial.*
5. You have asked that your bond be reduced. Only an Immigration Judge can reduce your bond.  
*Usted ha preguntado si su fianza puede ser reducida. Solamente un Juez de Inmigración puede reducir su fianza.*
6. You have filed an Appeal with the Board of Immigration Appeals (BIA). The normal processing time is 9 - 12 months from receipt of your appeal. If you wish to cancel your appeal it must be written in English and mailed to the BIA.  
*Usted ha Apelado su caso ante la Junta de Apelación de Inmigración (BIA). El tiempo aproximado para procesar su petición es de 9 a 12 meses a partir de que se recibe su apelación. Si usted desea cancelar su apelación, debe enviar por correo regular y escrito en ingles a la Junta del BIA.*
7. You have asked to be removed as soon as possible because you have sick family members in your country. I need proof of such illness either by the International Red Cross or your Consulate in order to process your request.  
*Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar muy enfermo en su país de origen. Necesitamos pruebas de la enfermedad y gravedad de su pariente, ya sea por medio de la Cruz Roja Internacional o su Consulado para poder procesar su petición.*
8. You have asked to be removed as soon as possible because you have members in your country that depend on your financiality. You will be removed as soon as possible.  
*Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar que se encuentra en su país de origen que depende económicamente de usted. Usted será expulsado del país lo más pronto posible.*
9. You have asked for help with missing property. I need a custodial receipt to assist you in this matter.  
*Usted ha preguntado si se le puede ayudar a recuperar sus pertenencias perdidas. Para poder ayudarlo en este caso necesitamos los recibos custodiales de las pertenencias.*
10. Your Immigration Special Correspondence is not legible. You need to resubmit a new request.  
*Su Correspondencia Especial de Inmigración no es legible. Necesita enviar nuevamente su pregunta.*
11. You did not ask a question. You need to write your question on a new request.  
*Usted no ha hecho preguntas. Necesita escribir su pregunta de nueva.*
12. Other/Otra:

Official's Signature/Firma del Oficial

Date/Fecha

Date Received



(b)(6), (b)(7)c

Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

Attention

(b)(6), (b)(7)c

ICE CTR

### Detainee Request Work Sheet

Name/Nombre: (b)(6), (b)(7)c

A-Number/Numero de Inmigracion: (b)(6), (b)(7)c

Country/Pais: Jamaica

Date of Birth/Fecha de nacimiento: (b)(6), (b)(7)c

Deportation Officer/Deportador: (b)(6), (b)(7)c

FEB 18 2011

Question/Pregunta:

I have some property that was taken from me by ICE in Jacksonville Florida I would like my property back please or ~~to be reimbursed~~ to be reimbursed for my property I have receipt for my property

Please help

Thank you

(b)(6), (b)(7)c

2-16-11  
Date/Fecha

SA 109 B  
Dorm/Dormitorio

**THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!**

I have read your request. Please note the response below:  
 He leído su pedido. Por Favor lea la respuesta abajo:

1. You have been identified as an alien amenable to Voluntary Return (form I-826) to your native country. ICE will process your case as soon as possible for your removal.  
 Usted a sido identificado como un extranjero que califica para un Regreso Voluntario (forma I-826). Su caso va a ser procesado lo mas pronto posible para su salida de Los Estados Unidos.
2. You are an alien Claiming Fear of returning to your country. You will be interviewed by an Asylum Officer as soon as possible. Only an Asylum Officer or Immigration Judge can cancel your fear claim. If an Asylum Officer determines that your fear is credible, and/or refer your case to an Immigration Judge. Only an Immigration Judge can issue or lower a bond.  
 Usted esta para ser Examinado Miedo por regresar a su país. Usted va a ser entrevistado por un official de asilo lo mas pronto posible. Únicamente la oficina de asilo o el Juez De Inmigración puede cancelar su petición. Si un official de asilo determina que el miedo de regresar a su país es creíble, podrá ver a un juez de inmigración. Solamente un Juez de Inmigración puede dar o reducir una fianza.
3. You have been issued a Notice to Appear, form (I-862) before an Immigration Judge. Your file will be/has been sent to the Trial Litigation Unit at Stewart Detention Center for review and to be calendared for court. Your hearing will "GENERALLY" be held within 1-3 months from when you entered the Stewart Detention Center. You can call the Immigration Court information telephone number for your hearing date. The number is 1-800- 898-7188 (toll-free) and you must use nine digits for your "A" number. Only an Immigration Judge can issue or lower a bond.  
 Su caso esta en las manos de la corte. A usted le han dado una cita para presentarse frente a un Juez de Inmigración Mediante la Appear forma (I-862) Su expediente va a ser enviado a la Corte de Litigaciones en Atlanta para su revisión y poderle dar una fecha de corte. Sus audiencias podrán tardar de 1-3 meses, después de que haya llegado al Centro de detención de Stewart CCA. Para información de los avances en su caso, usted puede llamar gratuitamente a la Corte de Inmigración al numero 1-800-898-7188, ingrese 9 números de su identificación (A-number). Solamente un Juez de Inmigración puede dar o reducir una fianza.
4. You have been Ordered REMOVED OR DEPORTED from the United States (forms I-871, I851 or Immigration Judge Order [1-800-898-7188]). You will be deported as soon as possible; contingent on your cooperation see form I-329. Your case will be reviewed if you are not removed within 90 days. You are not allowed to pay for your removal. The U.S. Government will remove you from the United States. You are not eligible for a bond or special permit.  
 A usted le han ordenado REMOVED o DEPORTADO de los Estrado Unidos (formas I-871, I851 or Immigration Judge Order [1-800-898-7188]). Usted va a ser deportado lo mas pronto posible; dependiente en su cooperación vea forma I-329. Su caso va a ser revisado, si usted no ha sido expulsado durante 90 días. Usted no pagara por su salida del país. El Gobierno de Estrado Unidos se encargara de su salida del país. Usted no califica para fianza o permiso especial.
5. You have asked that your bond be reduced. Only an Immigration Judge can reduce your bond.  
 Usted ha preguntado si su fianza puede ser reducida. Solamente un Juez de Inmigración puede reducir su fianza.
6. You have filed an Appeal with the Board of Immigration Appeals (BIA). The normal processing time is 9 - 12 months from receipt of your appeal. If you wish to cancel your appeal it must be written in English and mailed to the BIA.  
 Usted ha Apelado su caso ante la Junta de Apelación de Inmigración (BIA). El tiempo aproximado para procesar su petición es de 9 a 12 meses a partir de que se recibe su apelación. Si usted desea cancelar su apelación, debe enviar por correo regular y escrito en ingles a la Junta del BIA.
7. You have asked to be removed as soon as possible because you have sick family members in your country. I need proof of such illness either by the International Red Cross or your Consulate in order to process your request.  
 Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar muy enfermo en su país de origen. Necesitamos pruebas de la enfermedad y gravedad de su pariente, ya sea por medio de la Cruz Roja Internacional o su Consulado para poder procesar su petición.
8. You have asked to be removed as soon as possible because you have members in your country that depend on your financialy. You will be removed as soon as possible.  
 Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar que se encuentra en su país de origen que depende económicamente de usted. Usted será expulsado del país lo más pronto posible.
9. You have asked for help with missing property. I need a custodial receipt to assist you in this matter.  
 Usted ha preguntado si se le puede ayudar a recuperar sus pertenencias perdidas. Para poder ayudarlo en este caso necesitamos los recibos custodiales de las pertenencias.
10. Your Immigration Special Correspondence is not legible. You need to resubmit a new request.  
 Su Correspondencia Especial de Inmigración no es legible. Necesita enviar nuevamente su pregunta.
11. You did not ask a question. You need to write your question on a new request.  
 Usted no ha hecho preguntas. Necesita escribir su pregunta de nuevo.
12. Other/Otra:

Official's Signature/Firma del Oficial

Date/Fecha

Date Received

# **EXHIBIT 2**

Part I



Jamaica  
Reinst

Date: 10/24/08

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**BAGGAGE CHECK**

Aros

(b)(6), (b)(7)c

Owner's Signature	(b)(6), (b)(7)c
From	(b)(6), (b)(7)c
To -	
Transportation Company	
File Number	(b)(6), (b)(7)c

ICE Form 12-1-77(12/08)



Blue mesh bag

Shampoo

tooth brush / tooth paste

lock comb

Soap

Papers

From Dore AL

reinstated 10/24/08

(b)(6), (b)(7)c

# **EXHIBIT 3**

Office of Detention and Removal Operations

U.S. Department of Homeland Security  
801 I Street, NW  
Washington, DC 20536



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

**JAN 25 2007**

**MEMORANDUM FOR:** Field Office Directors  
**FROM:** John P. Torres  
Director  
**SUBJECT:** Detention and Removal Operations Policy and Procedure  
Manual (DROPPM) Update: Chapter 30: Detainee Property  
Management

The new chapter on managing detainee property, including disposing of abandoned property, falls under Part III. Property Management: Materials, Tools and Equipment. It reads as follows:

**Chapter 30 Detainee Property Management**

- 30.1 -- Receipt of Detainee Property
- 30.2 -- Inventory Storage and Control
- 30.3 -- Release of Property
- 30.4 -- Lost or Damaged Property
- 30.5 -- Abandoned Property
- 30.6 -- Abandoned Funds

**30.1 RECEIPT OF DETAINEE PROPERTY**

Follow the procedures provided in the Funds and Personal Property Detention Standard. To process detainee funds and valuables, see Section III.D of the standard; to process baggage and personal property other than funds and valuables, see Section III.E.

To dispose of contraband confiscated from a detainee, see the Contraband Detention Standard, Section III.

**30.2 INVENTORY STORAGE AND CONTROL**

See the Funds and Personal Property Detention Standard, Section III.

The Property Custodian will organize items in the property room or locker in the manner most efficient for the officers conducting inventory and audit.

Supervisors will follow the inventory and audit procedures established in the Funds and Personal Property Detention Standard, Section III.F. In addition, they will organize each property room or locker in the manner most efficient for purposes of inventory and audit.

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The Key and Lock Control (Security, Accountability, and Maintenance) Detention Standard establishes the procedures controlling access to the property room or locker.

### 30.3 RELEASE OF PROPERTY

You will find the procedures for releasing inventoried property to a detainee upon release, see the Funds and Personal Property Detention Standard, Section III.G. For a detainee being transferred to another facility, follow the procedures in the Detainee Transfer Detention Standard, Section III.E.

In the case of a detainee being transferred to an agency that will not accept custody of detainee property, such as prosecution cases going to the U. S. Marshall Service or Bureau of Prisons, the detainee will make private arrangements to have his/her property picked up or the Property Custodian will send it by certified mail to the address designated by the detainee.

### 30.4 LOST OR DAMAGED PROPERTY

Follow the procedures in the Funds and Personal Property Detention Standard, Section III.H, using Form I-387, Report of Detainee Missing Property, or SF-95 (Appendix 30-1), Claim for Damage, Injury, or Death, whichever is applicable.

[http://contacts.gsa.gov/web/forms.nsf/0/630588D718E338F385256B1B007FBE64/\\$file/af95.pdf](http://contacts.gsa.gov/web/forms.nsf/0/630588D718E338F385256B1B007FBE64/$file/af95.pdf)  
<http://www.gsa.gov/Portal/gsa/ep/formallibrary.do?view/Type=DETAIL&formId=630588D718E338F385256B1B007FBE64>

### 30.5 ABANDONED PROPERTY

The Property Custodian will inspect the detainee property locker/room and safe for abandoned detainee property. The Property Custodian will also examine the detainee property logbook and reconcile it with the inventory in the locker/room and safe (see the Funds and Personal Property Detention Standard, Section III.D).

All Contract Detention Facilities (CDF) and Inter-Governmental Service Agreement (IGSA) facilities will report and turn over to Detention and Removal Operations (DRO) all detainee-abandoned property.

Once the abandoned property notification process is complete, with the detainee failing to claim his/her property within the requisite 30 days, the title is vested to the government.

The Property Custodian will dispose of abandoned detainee property in accordance with the procedures provided in Chapter 11 of the Personal Property Operations Handbook <http://onlineplus.ins/lnbinplus/lnext.dll/infobase/m429/m429-1/m429-22597f-templates&fn=document-frame.htm#m429-ch11>. The property's condition will help the Property Custodian determine how to dispose of the property, i.e., whether to reuse, auction, or destroy it. Jewelry and other (personal-use) valuables, however, are not subject to the Property Custodian's discretion. Instead, they must go directly to the General Services Administration (GSA) for auction. The Property Custodian must document all action taken on abandoned detainee property, and maintain records in the local property office.

Restrictions on property obtained through non-appropriated funds prohibit DRO from donating abandoned property to charitable organizations (41 CFR 101-44.001-3).

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**Subject: Detention and Removal Operations Policy and Procedure Manual (DROPPM) Update:  
Chapter 30: Detainee Property Management  
Page 3**

(a) **Reuse.** Abandoned detainee property may be received into the property system for official use by the agency or processed as excess property for use by other agencies (41 CFR 101-48.101-4).

(b) **Auction.** The GSA will handle the sale of abandoned detainee property.

- Complete the SF-126, Report of Personal Property for Sale (Appendix 30-2).
- List all items on the "inventory spreadsheet" (see sample in Appendix 30-3).
- Provide a detailed description of each piece of jewelry (watches, rings, necklaces, etc.). For an example of an appropriate description, see the Funds and Personal Property Detention Standard, Section III.D.g.
- Attach the inventory spreadsheet to the SF-126.
- Mail the SF-126 and attached spreadsheet along with all items for sale to GSA (for GSA contact information, see Appendix 30-4).
- The Property Custodian will track the shipment until GSA receives it.

All proceeds from sales, less cost of care and handling, will be deposited in a special fund to reimburse former owners if they file a proper claim within three years.

(c) **Destruction.** When abandoned detainee property has not been claimed after 30 days, the United States assumes title (see Personal Property Operations Handbook, Chapter 11, Section 11.2.14.1). Often that property is in scrap or salvage condition. In those cases, when the known or estimated value is less than \$500, the Property Custodian may dispose of the property. Two individuals must witness the property's destruction, and must attest to that fact on the Certificate of Disposal (Appendix 30-5). The Property Custodian will forward the Certificate of Disposal to the Field Office's Accountable Property Officer.

### **30.6 ABANDONED FUNDS**

All abandoned funds must be converted to a U.S. Postal Money Order. The Property Custodian will send abandoned detainee funds to the Debt Management Center (DMC) for deposit into a general account, as follows:

- If the funds amount to or exceed \$25 and the name or A-file number of the detainee is known, deposit the funds into the Payment of Unclaimed Moneys Fund, #20X6133.
- If the funds are less than \$25 dollars or the name and/or A-file number is unknown, regardless of the dollar amount, deposit the funds into the Forfeitures of Unclaimed Money and Property Fund, #701060.
- Use Form G-254 (Appendix 30-6), Schedule of Collections, to document the abandoned or unclaimed funds. In the "Comments" section, include, to the extent known, the name and A-number of the detainee, the dollar amount of the abandoned funds; the date the detainee left the facility without the property, thereby "abandoning" the funds; the date of the letter notifying the detainee (at last known address); and the property-receipt number. Also attach copies of property receipts and any other pertinent documentation.

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Subject: Detention and Removal Operations Policy and Procedure Manual (DROPPM) Update:  
Chapter 30: Detainee Property Management  
Page 4

- Send the G-254 along with the abandoned detainee funds and back-up documentation to the DMC (see Appendix 1-1 for contact information). Use certified mail with return receipt.
- If your location makes a deposit with the DMC (e.g. bond deposits), you may include your G-254 and funds with the local deposit.
- Include your name and phone number for DMC to contact with any questions.

insert into Appendix 1-1:

### Debt Management Center 30-5

Department of Homeland Security  
Debt Management Center  
166 Sycamore Street, Suite 200  
Williston, VT 05495

ATTN: (b)(6), (b)(7)c

#### Contacts:

(b)(6), (b)(7)c

Email: (b)(6), (b)(7)c

Phone: 802-288-(b)(6), (b)(7)c

Fax: 802-288-1229

(b)(6), (b)(7)c

Email: (b)(6), (b)(7)c

Phone: 802-288-(b)(6), (b)(7)c

Fax: 802-288-1229

See e-copies of Appendices 30-1 through 30-6

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DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**REPORT OF DETAINEE MISSING PROPERTY**

1. A-Number		
2. Name of Alien	3. Date	
4. Date of Birth	5. Place of Birth	6. Nationality
7. Date of Detention	8. Date and Place of Arrest	
9. Reporting Officer and Office		10. Date and Time Property Reported Missing
11. Description of Missing Property		
12. Supervisor Receiving Report		13. Estimated Value of Property
14. Action Taken <input type="checkbox"/> Property Located <input type="checkbox"/> Property Not Located & Reported to FOD on _____ (Date)		
15. Date Alien Released or Transferred _____		16. Date Alien Departed or Voluntarily Departed _____
17. Forwarding Address of Alien		
18. Remarks		
19. Closing Action		
20. Signature		

ICE Form I-387 (02/10)



U.S. Immigration  
and Customs  
Enforcement

FEB 27 2012

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH:

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office Director

(b)(6), (b)(7)c

2-28-2012

FROM:

(b)(6), (b)(7)c

Stewart Detention Center

SUBJECT:

Management Referral - Findings  
OPR Case Number (b)(6), (b)(7)c

**Executive Summary:**

On July 01, 2011, the Joint Intake Center (JIC) Washington, D.C. processed a U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated June 30, 2011. The referral contained an allegation from (b)(6), (b)(7)c

(b)(6), (b)(7)c a detainee housed at the Stewart Detention Center in Lumpkin, GA. Detainee alleges he has yet to talk to his detention officer. Also detainee (b)(6), (b)(7)c wants to report an incident where an ICE Officer made comments about him being a Jewish black man. (EXHIBIT 1)

On October 26, 2011, (b)(6), (b)(7)c was assigned the above Management Referral by (b)(6), (b)(7)c (EXHIBIT 2)

**Allegation One: ICE Officer made comment about detainee is a Jewish Black Man.**  
**Finding: Unsubstantiated**

**Details of Inquiry:**

The referral contains an allegation from Detainee (b)(6), (b)(7)c who was housed at the Stewart Detention Center in Lumpkin, GA. On November 18, 2011, at 1327 hours EST, (b)(6), (b)(7)c (b)(6), (b)(7)c spoke with (b)(6), (b)(7)c who is presently assigned to the North Georgia Detention Center within the Atlanta Field Office.

(b)(6), (b)(7)c stated that he recalled detainee (b)(6), (b)(7)c case and that during the time of this allegation he was attending Deportation Officer Transition Training Program, (DOTTP) during the time in question. In addition, he stated that he had also taken approved annual leave during

Management Referral (b)(6), (b)(7)c

the time in question. (b)(6), (b)(7)c also stated that his docket was being handled by other officers on his team. (b)(6), (b)(7)c stated he never made a comment to detainee (b)(6), (b)(7)c about being a Jewish black man or to any other officer. (b)(6), (b)(7)c further stated that upon his return from DOTTP he spoke to detainee (b)(6), (b)(7)c. Detainee (b)(6), (b)(7)c never mention to (b)(6), (b)(7)c that he was upset or that someone made the statement to him about being a Jewish black man. (b)(6), (b)(7)c stated that detainee (b)(6), (b)(7)c was happy to see him and wanted to know when he would be departing the United States.

**Findings:**

This writer believes that detainee (b)(6), (b)(7)c was upset that he was not able to see his assigned Deportation Officer and was not satisfied with seeing other Deportation Officers. (b)(6), (b)(7)c contacted the Embassy of Ethiopia for assistance with locating (b)(6), (b)(7)c. The Ethiopian Embassy was unable to provide any information pertaining to a phone number of (b)(6), (b)(7)c whereabouts in Ethiopia. Additionally, there is nothing to indicate (b)(6), (b)(7)c and or any other officer stated to detainee (b)(6), (b)(7)c that he was a Jewish black man.

On October 5, 2011, detainee (b)(6), (b)(7)c was removed from the United States.


The allegation made by detainee (b)(6), (b)(7)c stating that an ICE officer made a comment about the detainee being a Jewish black man is unsubstantiated.

**EXHIBIT LIST**

**EXHIBIT 1: Report of Investigation for OPR Case (b)(6), (b)(7)c, dated July 1, 2011**

**EXHIBIT 2: E-Mail from (b)(6), (b)(7)c assigning the case to (b)(6), (b)(7)c**

**EXHIBIT 1**

 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
		<b>PREPARED BY</b> (b)(6), (b)(7)c
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/Unknown/ATLANTA, FULTON, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> RIG: (b)(6), (b)(7)c ICE Officer made comment about detainee is a Jewish black man. GA.		
<b>9. SYNOPSIS</b> On July 01, 2011, the Joint Intake Center (JIC) Washington, D.C., processed U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) declination of investigation memorandum dated June 30, 2011: The referral contained an allegation from (b)(6), (b)(7)c a detainee housed at Stewart Detention Center in Atlanta GA. Detainee (b)(6), (b)(7)c alleges he has yet to talk to his detention officer. Also detainee (b)(6), (b)(7)c wants to report an incident where a an ICE Officer made comments about him being a Jewish black man.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>11. COMPLETION DATE</b> 01-JUL-2011	<b>14. ORIGIN OFFICE</b> XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6), (b)(7)c	<b>13. APPROVED DATE</b> 01-JUL-2011	<b>15. TELEPHONE NUMBER</b> No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		



DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION  
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

001

10. NARRATIVE

On June 30, 2011, the Joint Intake Center, Washington, DC, received a referral from the Department of Homeland Security, Office of the Inspector General. The referral contained an allegation from (b)(6), (b)(7)c a detainee housed at the Stewart Detention Center in Atlanta GA. Detainee (b)(6), (b)(7)c alleges he has yet to talk to his detention officer. Also detainee (b)(6), (b)(7)c wants to report an incident where an ICE Officer made comments about him being a Jewish black man. Details are contained herein.

This is a verbatim recreation of the e-mail sent to the JIC. No spelling or grammatical corrections have been made.

<VERBATIM BEGIN>

Complainant, (b)(6), (b)(7)c said that the following weekend after he was arrested on June 7, he went to court and the judge ruled that he be deported. (b)(6), (b)(7)c has gotten everything he needs for deportation including all his travel documents but has not yet talked to his deportation officer about his actual leaving. (b)(6), (b)(7)c just wants to be able to talk with his deportation officer and be deported. (b)(6), (b)(7)c also wanted to report an incident where an ICE Officer made a comment about the fact that he is a Jewish black man.

<VERBATIM END>

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION  
Exhibit List

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

001

None

(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Thursday, June 30, 2011 10:00 AM  
**To:** JOINT INTAKE; CRCLCompliance  
**Subject:** DHS OIG (b)(6), (b)(7)c  
**Attachments:** (b)(6), (b)(7)c

*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810:1, you are required to notify this office of that information before any additional investigative steps are taken.

**COMPLAINT IS:**

Civil Rights  
Matter

Privacy Incident

**CONSENT TO DISCLOSURE OF COMPLAINT OR ALLEGATION**

The Hotline Call Center Operators must inform each caller that it is the policy of the DHS OIG to carefully review each complaint or allegation received by the DHS OIG Hotline. Callers should be aware that the DHS OIG does not investigate, or inquire into each complaint received, but will often forward such information for action by the appropriate DHS management official, internal affairs office, or Office of Professional Responsibility within DHS.

DHS employees, family members of DHS employees, and DHS contract personnel are automatically entitled to confidentiality in their complaints. Any other complainant who specifically requests confidentiality is also entitled to it.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality gives consent to forward it, the DHS OIG will forward the matter to the appropriate DHS office or official for the action deemed necessary by that office or official.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality does not give consent to forward it, the DHS OIG will administratively close the matter.

The DHS OIG will not forward complaints from persons who are automatically entitled or who request confidentiality without the expressed consent of the complainant, unless the complaint involves a specific danger to health or safety, or is a national security issue.

The Call Center Operator has described the above policy to the caller and certifies that:

(X) The Complainant *Consented* to the disclosure of their identity and complaint information outside the DHS OIG.

( ) The Complainant *Did Not Consent* to the disclosure of their identity and complaint information outside the DHS OIG.

**COMPLAINT IS:**

Anonymous

Confidential

Open Source

~~Law Enforcement Sensitive~~  
~~This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~

**EXHIBIT 2**

(b)(6), (b)(7)c

**From:**

(b)(6), (b)(7)c

**Sent:**

**Wednesday, October 26, 2011 12:45 PM**

**To:**

(b)(6), (b)(7)c

**Cc:**

**Subject:**

(b)(6), (b)(7)c

**Attachments:**

**The above management referral case is attached for your review and action. The deadline for your response is November 26, 2011. Upon completion of your investigation, please forward to my attention.**

**Thanks**

(b)(6), (b)(7)c

**ICE-ERO, Atlanta, GA**

**Telephone: 404-893-**(b)(6), (b)(7)c

**Fax: 404-893-1227**



U.S. Immigration  
and Customs  
Enforcement

December 15, 2011

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

THROUGH:

Atlanta, GA

FROM:

(b)(6) (b)(7)(c)

Supervisory Detention and Deportation Officer, Atlanta, GA

SUBJECT:

Management Referral - Findings

OPR Case No. (b)(6) (b)(7)(c)

**Executive Summary:**

On November 08, 2011, the Joint Intake Center (JIC), Washington DC received an allegation from (b)(6) (b)(7)(c), a Detainee at the Stewart Detention Center (SDC) in Lumpkin, GA. Detainee (b)(6) (b)(7)(c) alleged that (b)(6) (b)(7)(c), (b)(6) (b)(7)(c) at SDC denied him a copy of a grievance form that caused him to not be able to file an appeal in a timely manner. He also alleged that he was being retaliated against for making complaints. The JIC provided a synopsis outlining the allegations as reported (EXHIBIT 1). The JIC referral contained a handwritten complaint written by Detainee (b)(6) (b)(7)(c) outlining the grievance form to which he was referring (EXHIBIT 2).

On November 17, 2011, (b)(6) (b)(7)(c) was assigned the above Management Referral by Special Assistant to the (b)(6) (b)(7)(c) for action.

Allegation One: Detainee Complaint

Finding: Unsubstantiated

**Details of Inquiry:**

On December 07, 2011, (b)(6) (b)(7)(c) traveled to the Stewart Detention Center in Lumpkin, GA to interview Detainee (b)(6) (b)(7)(c) and (b)(6) (b)(7)(c)

Upon arrival at SDC, (b)(6) (b)(7)(c) reviewed Detainee (b)(6) (b)(7)(c) detention file. Detainee (b)(6) (b)(7)(c) had a substantial detention file which contained copies of detainee complaint forms with SDC responses, disciplinary reports, and findings reports from the Institutional Disciplinary Panel (IDP).

(b)(6) (b)(7)(c) interviewed Detainee (b)(6) (b)(7)(c) in the Segregation Unit where he is being housed at his own request (EXHIBIT 3). (b)(6) (b)(7)(c) introduced herself and explained the purpose of the interview. Detainee (b)(6) (b)(7)(c) stated that he did not remember which grievance he had contacted the JIC about. (b)(6) (b)(7)(c) showed Detainee (b)(6) (b)(7)(c) a grievance that appeared to have been written on or about August 16, 2011 (the grievance was not signed or dated by the detainee) and Detainee (b)(6) (b)(7)(c) stated that he believed that it was the grievance in question. Detainee (b)(6) (b)(7)(c) stated that on August 16, 2011, he submitted the Inmate/Resident Grievance (Grievance No. (b)(6) (b)(7)(c)). Detainee (b)(6) (b)(7)(c) confirmed the date receipt stamp on the top of the form was August 17, 2011. (b)(6) (b)(7)(c) showed Detainee (b)(6) (b)(7)(c) a Grievance Extension Notice dated August 19, 2011, that stated that due to a facility audit, the institution required 5 additional days to respond to the grievance and that a response would be provided by August 22, 2011. (b)(6) (b)(7)(c) asked Detainee (b)(6) (b)(7)(c) if the signature on the Inmate/Resident Signature line was his signature. Detainee (b)(6) (b)(7)(c) confirmed that he had signed the Grievance Extension Notice on August 19, 2011. (b)(6) (b)(7)(c) then showed Detainee (b)(6) (b)(7)(c) page 2 of the grievance form which contained the response from (b)(6) (b)(7)(c) the Grievance Response Supervisor and was signed by (b)(6) (b)(7)(c) and dated August 22, 2011. (b)(6) (b)(7)(c) asked Detainee (b)(6) (b)(7)(c) if the signature on the Inmate/Resident Signature (Upon Receipt) line was his signature. Detainee (b)(6) (b)(7)(c) confirmed that he had signed for the grievance response on August 22, 2011. (b)(6) (b)(7)(c) asked Detainee (b)(6) (b)(7)(c) why he had not written the date next to his signature as the form required. Detainee (b)(6) (b)(7)(c) stated that he did not remember why he had not dated the form. (b)(6) (b)(7)(c) pointed out that Detainee (b)(6) (b)(7)(c) admitted to signing the grievance response form which specifically says it is signed by the Inmate/Resident upon receipt of the response. Detainee (b)(6) (b)(7)(c) stated that it was the practice of SDC to have the detainee sign the grievance response and then later that same day provide a copy of the signed form to the detainee. Detainee (b)(6) (b)(7)(c) stated that he did not receive a copy of the grievance response until September 22, 2011. Detainee (b)(6) (b)(7)(c) stated that by that date the five day appeal period had passed and he could not file an appeal.

(b)(6) (b)(7)(c) asked Detainee (b)(6) (b)(7)(c) to provide examples of the alleged retaliation against him for filing grievances. Detainee (b)(6) (b)(7)(c) stated that he had often been written up for disciplinary actions based on false allegations; however, he did not provide any specific examples of alleged retaliation.

After completion of the interview with Detainee (b)(6) (b)(7)(c) interviewed (b)(6) (b)(7)(c) inquired about the grievance process in general. (b)(6) (b)(7)(c) stated that the policy was for him to respond to grievances within 5 days, excluding holidays and weekends, and confirmed that the appeal period was also 5 days from the detainee's receipt of the grievance response. (b)(6) (b)(7)(c) if it was the normal practice to have a detainee sign the grievance response and then later provide them with a copy of the grievance response. (b)(6) (b)(7)(c) stated that his practice every day was to go to all of the housing units with



the grievance responses to speak with the detainees about the response he was providing to their grievance, have the detainee sign the grievance response, and then return later that same day and deliver the signed copies of the grievance response to each detainee.

(b)(6) (b)(7)(c) explained that the reason for the copies being provided separately was because the grievance policy stated that if the detainee didn't sign the grievance response form he was not entitled to a copy of the response. (b)(6) (b)(7)(c) then stated that the policy had been changed approximately 2 months ago. The new policy is that if a detainee refuses to sign the grievance response, the form is notated with "refused to sign" and a witness signs the form. A copy of the grievance response annotated with "refused to sign" and the witnesses' signature is then provided to the detainee.

(b)(6) (b)(7)(c) grievance form (b)(6) (b)(7)(c) and asked if he recognized the grievance. (b)(6) (b)(7)(c) stated that he did recognize the grievance and confirmed that he had written the response, completed and signed the lines for "Responding Staff Member's Printed Name", "Responding Staff Member's Signature", Title, and Date. (b)(6) (b)(7)(c) if he remembered giving Detainee (b)(6) (b)(7)(c) a copy of the grievance response. (b)(6) (b)(7)(c) stated that since Detainee (b)(6) (b)(7)(c) had signed the grievance response form he believed that he must have provided him a response because his normal practice was to provide a copy of the signed grievance form to the detainee the same day that it was signed. (b)(6) (b)(7)(c) stated that he did not remember this specific instance; however, he repeated the above discussed procedure and stated that there would have been no reason for him to vary from his normal practice.

### Findings:


Based on all reports, analysis, and interviews conducted by (b)(6) (b)(7)(c) there is insufficient evidence to substantiate the allegation that (b)(6) (b)(7)(c) did not provide a copy of the grievance response to (b)(6) (b)(7)(c). In regards to the alleged retaliation against (b)(6) (b)(7)(c) there is insufficient evidence to substantiate that allegation. In fact, Detainee (b)(6) (b)(7)(c) detention file includes copies of many disciplinary reports documenting his infractions, examples of which have been included with this report (EXHIBITS 4, 5, 6, 7).

### List of Exhibits-


1. Report of Investigation number (b)(6) (b)(7)(c) issued by the JIC
2. Grievance No. (b)(6) (b)(7)(c) w/response, and extension of response time
3. Detainee Information Request Form requesting permanent housing in the segregation unit
4. Classification Action Notice/Disciplinary Report dated November 24, 2011
5. Classification Action Notice/Disciplinary Report dated September 12, 2011
6. Incident of Prohibited Acts and Notice of Charges dated July 21, 2011
7. Incident of Prohibited Acts and Notice of Charges dated December 01, 2011


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Page 1 of 3

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b> (b)(6) (b)(7)(c)
		<b>PREPARED BY</b> (b)(6) (b)(7)(c)
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> Howard, Robert/Unknown/Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Detainee Complaint		
<b>9. SYNOPSIS</b> On November 8, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6) (b)(7)(c) Detainee, Stewart Detention Center (SDC), Lumpkin, GA. Detainee (b)(6) (b)(7)(c) alleged that he is being retaliated against for making complaints. Detainee (b)(6) (b)(7)(c) also alleged that (b)(6) (b)(7)(c) SDC, Lumpkin, GA, denied him a copy of his grievance form that caused him not to be able to file an appeal in a timely manner.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6) (b)(7)(c) Joint Intake Specialist	<b>11. COMPLETION DATE</b> 10-NOV-2011	<b>14. ORIGIN OFFICE</b> XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6) (b)(7)(c) JIC Supervisor	<b>13. APPROVED DATE</b> 10-NOV-2011	<b>15. TELEPHONE NUMBER</b> No Phone Number
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.		

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 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p><b>1. CASE NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p>
	<p><b>PREPARED BY</b></p> <p>(b)(6) (b)(7)(c)</p>
	<p><b>2. REPORT NUMBER</b></p> <p>001</p>
<p><b>10. NARRATIVE</b></p> <p>On November 8, 2011, the Joint Intake Center (JIC), Washington, DC, received an allegation from (b)(6) (b)(7)(c) Detainee, Stewart Detention Center (SDC), Lumpkin, GA. Detainee (b)(6) (b)(7)(c) alleged that he is being retaliated against for making complaints. Detainee (b)(6) (b)(7)(c) also alleged that (b)(6) (b)(7)(c) SDC, Lumpkin, GA, denied him a copy of his grievance form that caused him not to be able to file an appeal in a timely manner.</p>	

<p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p>  <p style="text-align: center;"><b>REPORT OF INVESTIGATION Exhibit List</b></p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p><b>1. CASE NUMBER</b></p> <p>(b)(6) (b)(7)(c)</p> <p><b>PREPARED BY</b></p> <p>(b)(6) (b)(7)(c)</p> <p><b>2. REPORT NUMBER</b></p> <p>001</p>
<p>None</p>	

(b)(6) (b)(7)(c)

Stewart detention center  
146 cca road Lumbkin C.A.  
31815

10/15/11

This is a complaint against unit manager  
(b)(6) (b)(7)(c) at facility S.D.C. Stewart detention Center 146 cca road Lumbkin  
C.A. 31815

(b)(6) (b)(7)(c)

On the 8/16/11 a Grievance/Complaint, was filed by (b)(6) (b)(7)(c) who  
is an I.C.E. Immigration detainee, at S.D.C.

This complaint was filed and received by (b)(6) (b)(7)(c) were

This complaint wasn't found in favor of (b)(6) (b)(7)(c)

around the 8/22/11 (b)(6) (b)(7)(c) made (b)(6) (b)(7)(c) sign for a copy  
with his responses, (b)(6) (b)(7)(c) denied (b)(6) (b)(7)(c) a copy of his

complaint/grievance, in so doing inmate could not file an appeal with  
the administrator/warden in a timely manner,

A copy of this complaint/grievance was given to inmates on the  
9/27/11 were the case aired past for an appeal.

On several occasion inmates and other detainees complaint/grievance  
was signed for but never given a copy with (b)(6) (b)(7)(c)

denying due process of law under the fifth amendment.

These actions are being purposely done to prevent detainees from  
their rights, with the warden as a witness for all these activities/actions.

There is no justice at Stewart detention center were problems were  
not resolved because of unit manager Robert Howard and others in concert  
with corruption and misconduct of officers are not corrected.

On several other occasion I was placed in segregation by officer and  
Captains with out a reason, were now I am a targeted individual  
at this facility

I have been in segregation ten time and with documents to prove  
my case, for just asking a question or asking for legal help by  
officer in this facility, were my safety is at risk by officer and  
night officials.

There should an investigation at this facility because this matter  
is getting worse day by days could you please help me find justice

(b)(6) (b)(7)(c)

10/15/11

(b)(6) (b)(7)(c)



Grievance No. (b)(6) (b)(7)(c)

14-5B

**INMATE/RESIDENT GRIEVANCE**

FULL NAME: (b)(6) (b)(7)(c)

NUMBER: (b)(6) (b)(7)(c)

HOUSING ASSIGNMENT: (b)(6) (b)(7)(c)

INFORMAL RESOLUTION ATTACHED (Not required for an emergency grievance)?  YES  NO

**GRIEVANCE CATEGORY (CIRCLE ONE):**

1. Facility Staff	8. Dental Services	15. Housing
2. Access to Legal Materials	9. Mental Health Services	16. Laundry
3. Denied Access to Informal Resolution/Grievance Process	10. Trust Account	17. Recreation
4. Reprisal for Using Informal Resolution/Grievance Process	11. Commissary	18. Visitation
5. Safety/Security	12. Food Service	19. Programs-education, work, religious, etc.
6. Sanitation	13. Mail	20. Violations of federal or state regulations, laws, court decisions (i.e. ADA or Constitutional rights)
7. Medical Services	14. Intake	21. Other

**STATE GRIEVANCE:** (Include documentation, witnesses, date of incident, and any other information pertaining to the grievance subject. Attach additional pages if necessary).

On the 15th of August around 10pm Officer (b)(6) (b)(7)(c) of (b)(6) (b)(7)(c) arrived at (b)(6) (b)(7)(c) where he was assigned to work, were inmate (b)(6) (b)(7)(c) was currently located in the same unit. Officer (b)(6) (b)(7)(c) and Officer (b)(6) (b)(7)(c) access to all points of (b)(6) (b)(7)(c) in violation of security and safety and constitutional rights with violations of eca's policy, inmate (b)(6) (b)(7)(c) was afraid that he would be attacked again, an request of assistance from Captain were the matter was not resolved.

**Requested Action:** (Attach additional pages if necessary)

because inmate (b)(6) (b)(7)(c) rights was violated, were his safety was not priority leaving inmate defenseless and constitutional right was violated this matter should be investigated with suspensions with this matter sent to the highest legal enforcement and monetary compensation should be requested.

Inmate/Resident's Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

**RESPONDING STAFF MEMBER'S REPORT: (Attach additional pages if necessary. All pages must include the grievance number.)**

*Detainee grievance is pre-maturely written, also upper complaint was looked into (investigated) with no findings.*

**RESPONDING STAFF MEMBER'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

*Not In Favor of Detainee*

Responding Staff Member's Printed Name	(b)(6) (b)(7)(c)	Title:	(b)(6) (b)(7)(c)
Responding Staff Member's Signature:	(b)(6) (b)(7)(c)	Date:	8/28/11
Inmate/Resident's Signature (upon receipt)		Date:	

**INMATE/RESIDENT APPEAL (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lines for inmate/resident appeal]

**WARDEN/ADMINISTRATOR'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lines for warden/administrator's decision]

Warden/Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inmate/Resident's Signature (upon receipt) \_\_\_\_\_ Date: \_\_\_\_\_





03/07

Date: \_\_\_\_\_

14-5C

DETAINEE INFORMATION REQUEST  
SOLICITUD DE INFORMACION

To/Para: (b)(6) (b)(7)(c)

A# (b)(6) (b)(7)(c)

Subject/Asunto: This is a request to stay in segregation, Administrative seg or PC seg, This request is for the safety being that I had more than one altercation with the Spanish population and is afraid of my wellbeing and would like to stay in seg

Resident's Name (print)  
Nombre del Residente

(b)(6) (b)(7)(c)  
Dorm#

12/5/11  
Date/Fecha

Response/Contestación:

Request for Review of PC Status  
Denies weekly SMO Reviews.

(b)(6) (b)(7)(c)

Official's Signature/Firma de Oficiales

12-6-11  
Date/Fecha

If response is unsatisfactory, check below and resubmit this form for review by the Facility Administrator. Si la respuesta no es satisfactoria ponga una cruz abajo y vuelva a someter esta forma para que el administrador de esta institucion lo revise.

Please review/Revise por favor.

Signature/Firma

Response/Contestación:

Administrator's Signature/Firma Del Administrator

Date/Fecha

CCA – Facility STEWART

18-1D

**CLASSIFICATION ACTION NOTICE**

**48 Hour Notice**

**MEMORANDUM**

**DATE: 11/22/2011**

**TO: Inmate/Resident's Name:** (b)(6) (b)(7)(c)

**Number:** (b)(6) (b)(7)(c)

**FROM: Unit Staff Member:** (b)(6) (b)(7)(c)

This notice is to advise you that you have been scheduled for the following type of classification review on: **NOVEMBER 24, 2011.**

\_\_\_\_\_ Initial Classification

\_\_\_\_\_ Re-Assessment

  X   **Re-Classification**

Unless otherwise notified by a unit staff member, you have been given forty-eight (48) hours advance notice of this action. Classification actions require mandatory attendance unless security restrictions and/or considerations preclude attendance.

I hereby waive my right to 48 hr. notice of classification action:   ✓           
Yes No

Refused 11-22-11  
Inmate/Resident Signature Date

(b)(6) (b)(7)(c) 11/22/2011  
Staff Witness Date

107

Detainee Name: (b)(6) (b)(7)(c) A-Number (b)(6) (b)(7)(c)  
 Nationality: Trinidad Date & Time of Incident: 11/18/11 @ 1330  
 Incident Location: (b)(6) (b)(7)(c) Work Assignment: None  
 Classification Level: High Quarters: (b)(6) (b)(7)(c)

PROHIBITED ACTS:

1. Conduct That disrupts Code: (b)(7)(e)
2. \_\_\_\_\_ Code: \_\_\_\_\_
3. \_\_\_\_\_ Code: \_\_\_\_\_
4. \_\_\_\_\_ Code: \_\_\_\_\_

Description of Incident: On the above date and time while on questing showers. When detainee (b)(6) (b)(7)(c) was asked if he was taking a shower, detainee stated no he wasn't. A few minutes after the fact detainee wanted to change his mind and take a shower, detainee was again advised that when he was asked he said no, and there was no changing of mind. Detainee then began to kick and beat on the door repeatedly. End of statement.

Staff Witnesses?  Y  N Evidence Attached? Y  N  NA  
 Supporting Memoranda Y  N  NA (b)(6) (b)(7)(c)  
 Name of Reporting Officer (b)(6) (b)(7)(c) Date & Time 11/18/11 @ 1350 Signature (b)(6) (b)(7)(c)

Reviewed for accuracy prior to investigation by (b)(6) (b)(7)(c) Supervisor Date & Time 11/18/11 18:52  
 Served by (b)(6) (b)(7)(c) Date + Time 11/21/11 1207

Incident Recorded on D.C.S.? Y  N  Classification Level Change? Y  N  
 Level change from \_\_\_\_\_ To \_\_\_\_\_

**Disciplinary Segregation Order**

To: SPECIAL MANAGEMENT UNIT  
From: (b)(6) (b)(7)(c)  
(Officer In Charge or designee)

Date/Time of  
11/22/11  
1246

Subject: Placement of (b)(6) (b)(7)(c) A-Number (b)(6) (b)(7)(c)  
(Detainee Name)

An Institutional Disciplinary Panel Hearing Was Conducted on 11/22/11. The Above  
Named Detainee Was Found to Have Committed the Specified Prohibited Act(s) listed below.  
Date

PROHIBITED ACT(S) Conduct that disrupts CODE: (b)(7)(e)  
CODE: \_\_\_\_\_  
CODE: \_\_\_\_\_  
CODE: \_\_\_\_\_  
CODE: \_\_\_\_\_

DAYS IMPOSED: 20 days  
Seg time

BELOW IS A BRIEF OUTLINE OF SPECIAL INSTRUCTIONS AND/OR INFORMATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Admitted: Date: 11/25/11

Time: \_\_\_\_\_

Released: Date: 12/14/11

Time: \_\_\_\_\_

Released by: \_\_\_\_\_  
(Officer & Title)

231

CCA - Facility Stewart

18-1D

**CLASSIFICATION ACTION NOTICE**

**48 Hour Notice**

**MEMORANDUM**

DATE: 9/9/11

(b)(6) (b)(7)(c)

TO: Inmate/Resident's Name

Number:

(b)(6) (b)(7)(c)

FROM: Unit Staff Member

(b)(6) (b)(7)(c)

This notice is to advise you that you have been scheduled for the following type of classification review on 9/12/11.

\_\_\_\_\_

Initial Classification

\_\_\_\_\_

Re-Assessment

✓

Re-Classification

Unless otherwise notified by a unit staff member, you have been given forty-eight (48) hours advance notice of this action. Classification actions require mandatory attendance unless security restrictions and/or considerations preclude attendance.

I hereby waive my right to 48 hr. notice of classification action:

✓  
Yes      No

(b)(6) (b)(7)(c)

9/9/11  
Date

9/9/11

**Disciplinary Segregation Order**

To: **SPECIAL MANAGEMENT UNIT**

Date/Time of  
*9-9-11 10:32*

From: (b)(6) (b)(7)(c)

Subject: Placement of (b)(6) (b)(7)(c)

-Number (b)(6) (b)(7)(c)

An Institutional Disciplinary Panel Hearing Was Conducted on *9-9-11*. The Above  
Date  
Named Detainee Was Found to Have Committed the Specified Prohibited Act(s) listed below.

PROHIBITED ACT(S)

*Conduct that disrupts*

CODE:  
CODE:  
CODE:  
CODE:

(b)(7)(e)

DAYS IMPOSED:

*29 days  
on time*

BELOW IS A BRIEF OUTLINE OF SPECIAL INSTRUCTIONS AND/OR INFORMATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Admitted: Date: *9-8-11*

Time: *1:45*

Released: Date: *10-10-11*

Time: \_\_\_\_\_

Released by: \_\_\_\_\_  
(Officer & Title)

208

U.S. Department of Justice  
Immigration and Naturalization Services

Incident of Prohibited Acts  
and Notice of Charges

Detainee Name: (b)(6) (b)(7)(c) A-Number: (b)(6) (b)(7)(c)

Nationality: Unknown Date & Time of Incident 9-8-11@1245hrs

Incident Location: (b)(6) (b)(7)(c) Work Assignment: N/A

Classification Level: High Quarters: (b)(6) (b)(7)(c)

PROHIBITED ACTS: Disruptive conduct --- Code (b)(7)(e)

Description of Incident:

On 9-8-11 at approximately 1245hrs, while in the (b)(6) (b)(7) unit Manager's office, detainee (b)(6) (b)(7)(c) was advised he would be placed in SEG pending investigation for an incident that took place earlier in (b)(6) (b)(7)(c). At that time (b)(6) (b)(7)(c) began stating I'm not going to SEG for this ya'll are not going to lock me up (b)(6) (b)(7)(c). (b)(6) (b)(7) then instructed (b)(6) (b)(7)(c) to step out to the Sally port area. Once in the sally port (b)(6) (b)(7) became argumentative and began yelling out statements such as I'm not going to SEG. (b)(6) (b)(7)(c) also began walking around the unit control room and knocked on the doors and windows to the pods while walking and yelling I'm not going to SEG.

As well as the above disruption, when the (b)(6) (b)(7)(c) stepped out of the Unit (b)(6) (b)(7)(c) approached the camera in an aggressive manner yelling out several statements regarding not going to SEG. (b)(6) (b)(7)(c) observed his actions as aggressive and gave orders for him to step back away from the camera. (b)(6) (b)(7)(c) eventual stopped his advance but continued to yell out statements regarding not going to SEG. Unit Manager (b)(6) (b)(7) requested the (b)(6) (b)(7)(c) to report to the unit who spoke with (b)(6) (b)(7)(c) but was unable to get his cooperation with instructions to go to SEG. At that time (b)(6) (b)(7)(c) was called to the unit and spoke with (b)(6) (b)(7)(c) several minutes before he agreed to be placed in restraints and escorted to Medical for Pre-SEG evaluation.

Staff Witnesses? Y [X] N [ ] Evidence Attached? Y [X] N [ ] N/A [ ]

Supporting Memoranda Y [X] N [ ] NA [ ]

(b)(6) (b)(7)(c) 9-8-2011@1445hrs (b)(6) (b)(7)(c)  
Name of Reporting Officer Date & Signature

Reviewed for accuracy prior to investigation by (b)(6) (b)(7)(c) 9/8/11 1552hrs  
Supervisor Date & Time

Served (b)(6) (b)(7)(c) Date & Time: 9-8-11 1327U

Incident Recorded on D.C.S.? Y [X] N [ ] Classification Level Change? Y [ ] N [ ]

Level change from \_\_\_\_\_ To \_\_\_\_\_

(02/08/00)

Form No I-884



Detainee Name: (b)(6) (b)(7)(c) A-Number (b)(6) (b)(7)(c)

Nationality: Jamaican Date & Time of Incident: 7/21/11 @ 1330

Incident Location: (b)(6) (b)(7)(c) Work Assignment: N/A

Classification Level: 3' Quarters: (b)(6) (b)(7)(c)

PROHIBITED ACTS:

- 1. interfering with staff duty Code: (b)(7)(e)
- 2. \_\_\_\_\_ Code: \_\_\_\_\_
- 3. \_\_\_\_\_ Code: \_\_\_\_\_
- 4. \_\_\_\_\_ Code: \_\_\_\_\_

Description of Incident: On 7/21/11 @ approx. 1330 a missing legal information book were recovered from the detainee cell after he were advised on 7/20/11 he could not keep the book. Upon noticing the book were missing I were forced to request another staff to cover my post and search for the missing book, which was recovered in Unit (b)(6) (b)(7)(c) which is detainee (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) the same individual who request the book on 5/20/11 and were advised NO.

Staff Witnesses? Y  Evidence Attached? Y  NA

Supporting Memoranda  N NA (b)(6) (b)(7)(c)

Name of Reporting Officer: (b)(6) (b)(7)(c) Date & Time: 7/21/11 - 1430 Signature: (b)(6) (b)(7)(c)

Reviewed for accuracy prior to investigation by (b)(6) (b)(7)(c) Date & Time: 7/21/11 18100

(b)(6) (b)(7)(c) 7/25/11 0931

Incident Recorded on D.C.S.? Y N Classification Level Change? Y N

Level change from \_\_\_\_\_ To \_\_\_\_\_

**Detainee Rights at The Institution Disciplinary Panel Hearing (IDP)**

As a detainee charged with a prohibited act(s), you have been referred to the Institution Disciplinary Panel for disposition. While at the IDP hearing, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the IDP.
2. The right to have a full time member of staff who is reasonably available to assist you before the IDP.
3. The right to call witnesses and present documentary evidence in your behalf, provided institutional safety would not be jeopardized.
4. The right to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act.
5. The right to be present throughout the IDP decision, except during committee deliberations and where institutional safety would be in jeopardy.
6. The right to be advised of the IDP decision in writing and the facts supporting the panel's decision, except where institutional safety would be jeopardized.
7. The right to appeal the decision of the IDP by means of the Detainee Grievance Procedure to the Officer in Charge, within 15 days of the notice of the panel's decision and disposition.

I hereby acknowledge that I have been advised of the rights afforded me at the Institution Disciplinary Panel hearing.

Signed: \_\_\_\_\_ A-Number \_\_\_\_\_ Date: \_\_\_\_\_

Notice of Rights given to the detainee by \_\_\_\_\_  
Staff Member & Date

**Refusal to Sign**

I have personally advised \_\_\_\_\_ (b)(6) (b)(7)(c) \_\_\_\_\_ the rights afforded detainees at the Institution Disciplinary Panel hearing. The detainee refused to sign the acknowledgement.

Staff member and date: CIA (b)(6) (b)(7)(c) 7-21-11 \_\_\_\_\_ (b)(6) (b)(7)(c) \_\_\_\_\_

**Waiver of 24 hours Notice:**

I have been advised that I have at least a 24 hour notice prior to appearing before the IDP. At this time, I wish to waive this right and proceed with the IDP hearing

Detainee Signature, Date and Time: \_\_\_\_\_

(b)(6) (b)(7)(c) 7-21-11  
Name of Detainee A-Number Date of Incident

(b)(6) (b)(7)(c) 7 107 7-21-11 (b)(7)(e)  
Place of Incident Quarters Date/Investigation Code(s)

Name of Investigating Officer: c/c (b)(6) (b)(7)(c) has advised (b)(6) (b)(7)(c) Detainee

that he/she has the right to remain silent at stages of the disciplinary process, but, that silence may be used to draw an adverse inference against him/her at any stage of the disciplinary process. However, silence alone may not be used to support a finding that he/she committed a prohibited act.

Detainee Statement and Attitude During the Interview: Detainee was calm  
Detainee state he didn't have anything to say. And he wasn't  
going to sign anything.

Other Facts about the Incident: \_\_\_\_\_  
N/A

Investigator's Comments and Conclusions: \_\_\_\_\_  
Referred to IDP

Date and Time Investigation Began: 7-21-11 2120

Date and Time Investigation Ended: 7-21-11 2124

(b)(6) (b)(7)(c)  
Signature of Investigating Officer

Reviewed for Accuracy by: (SDEO/DOS)



Notice of Institution  
Disciplinary Panel Hearing

(b)(6) (b)(7)(c)  
Name of Detainee

(b)(6) (b)(7)(c)  
A-Number

July  
Date

Alleged Disciplinary Code Violation(s):

(b)(7)(e)

Date of Offense: 7/21/11

You are being referred to the Institution Disciplinary panel for the above mentioned charge(s).

The hearing will be held on 7/26/11, at 1100 (time) at the following location Seg.

You are entitled to have a full time staff member represent you at the hearing. Please indicate below if you desire to have a staff member assist you, and if so, his or her name.

I (do) \_\_\_\_\_ (do not)  wish to have a staff representative.

If so, the staff representative's name is N/A.

You also have the right to call witnesses at the hearing and to present documentary evidence in your behalf, provided, that calling your witnesses will not jeopardize facility security. Names of witnesses you wish to call should be listed below. State below what each proposed witness would be able to testify to:

Name: N/A Can testify to : \_\_\_\_\_

Name: N/A Can testify to : \_\_\_\_\_

Name: N/A Can testify to : \_\_\_\_\_

The chairperson of the Institution Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available, and who are determined by the chairperson to be necessary for an appreciation of all of the circumstances surround the charge(s). Repetitive witnesses need not be called. Unavailable witnesses may be asked to submit written statements. If additional space is required, use the reverse side of the form.

Copy given to detainee

(b)(6) (b)(7)(c)

Name of Detainee: (b)(6) (b)(7)(c) A-Number (b)(6) (b)(7)(c)  
Date of Incident: 7/21/11 Code(s) (b)(7)(e)

I. Notice of Charge(s):

- A. Advance written notice of charge(s) (copy of Incident Report) was given to the detainee on 7/25/11 at 0931.  
date time
- B. The IDP hearing was held on 7/26/11 at 1437.  
date
- C. The detainee was advised of his/her rights before this IDP by C/C (b)(6) (b)(7)(c) officer on 7/21/11 and a copy of the advisement of rights form is attached.

II Staff Representative:

- A. Detainee waived his/her right to staff representative: ✓ C/C
- B. Detainee requested staff representative and N/A appeared.  
staff representative
- C. Requested staff representative declined or could not appear but detainee was advised of option to postpone hearing to obtain an alternative staff representative with the result: N/A

III. Presentation of Evidence:

- A. Detainee has been advised of his/her right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear on his/her behalf.
- B. Summary of detainee's statement: Detainee states he did take the book from the law library.
- C. Witnesses:
  - 1. The following persons were called as witnesses at this hearing and appeared: N/A
  - 2. A summary of testimony of each witness is attached
  - 3. The following persons requested were not called for the reason(s) given N/A
  - 4. Unavailable witnesses were requested to submit written statements and those statements received were considered (statements attached)
  - 5. Documentary evidence: In addition to the incident report and investigation, the panel considered the following documents: N/A
  - 6. Confidential information was considered by the IDP and was not provided to the detainee on N/A date

IV. Findings:

- a. The Act Was Committed as Charged
- B. The Following Act Was Committed: (b)(7)(e)
- C. No Prohibited Act Was Committed.

V. Specific Evidence Relied on to Support Findings:

*Detainee charges were modified to a lesser charge to fit supporting evidence written by Decision of the IOP.* (b)(6) (b)(7)(c)

VI. Sanctions or Action Taken: Offense Severity:

*3 days Seg Tur*

VII. Reason for Sanction or Action Taken:

(b)(7)(e)

(b)(6) (b)(7)(c)

VIII. Review and Concur:

- A. Concur with findings: \_\_\_\_\_
- B. Proceedings terminated: \_\_\_\_\_
- C. Discipline Imposed: \_\_\_\_\_

Signature: (b)(6) (b)(7)(c) Date: *7-26-11* Time: *1529*  
Officer in Charge

Copy delivered to detainee by: (b)(6) (b)(7)(c) on *7-26-11*  
signature and title date

## INCIDENT STATEMENT

Facility	Stewart Detention Center	Incident Number	
----------	--------------------------	-----------------	--

Incident Date	7/21/11	Incident Time (HRS)	1345Hrs
---------------	---------	---------------------	---------

Person Name	ID Number (Employee #/Inmate #/Civilian ID)	Person Type (Employee/Inmate/Civilian)	Person Role (Witness or Participant)
(b)(6) (b)(7)(c)	(b)(6) (b)(7)(c)	Employee	Participant

Housing Location (For Inmates/Residents Only)	
---	--

**Based on your own knowledge, what did you see, hear, and do?**

On the above time and date I was advised by (b)(6) (b)(7)(c) that she was missing a book from the Law Library and that she had a suspicion of who may have taken it. She advised that it may have been detainee (b)(6) (b)(7)(c). At that time (b)(6) (b)(7)(c) and I went to his housing cell. I opened the cell door and asked both detainees in the cell to step out and stand against the wall. (b)(6) (b)(7)(c) did a search in the cell and during the search they found the book that was missing from the Law Library. I asked (b)(6) (b)(7)(c) if the other detainee had ever been to the Law Library and she stated that he hasn't. We then escorted detainee (b)(6) (b)(7)(c) to the UM office and waited for ERT to come to the unit.

Did you receive any injuries? YES or NO (If YES, Explain Below)	no
---	----

Were you evaluated by medical? YES or NO	no
--	----

Printed Name:	(b)(6) (b)(7)(c)	Date:	7/21/11
Signature:		Date:	7/21/11
Typed By:			

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

<input type="checkbox"/>	Inmate/Resident refused to complete this 5-1C
<input type="checkbox"/>	Civilian/Other refused to complete this 5-1C

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			

Employee/Witness Printed Name		Date:	
Employee/Witness Signature			



### INCIDENT STATEMENT

Facility: <u>Stewart Detention Center</u>	Incident Number: _____
---	------------------------

Incident Date: <u>7/21/11</u>	Incident Time (HRS): <u>1345</u>
-------------------------------	----------------------------------

Person Name	ID Number <small>(Employee #/Inmate #/Civilian ID)</small>	Person Type <small>(Employee/Inmate/Civilian)</small>	Person Role <small>(Witness or Participant)</small>
(b)(6) (b)(7)(c)	(b)(6) (b)(7)(c)	Employee	

Housing Location (For Inmates/Residents Only): _____
--

**Based on your own knowledge, what did you see, hear, and do?**

On the above date and time, I notice a book were missing from the law library after being ask about it from another detainee. He then remembered on 7/20/11 detainee (b)(6) (b)(7)(c) ask if he could keep the book. Until his next appointment and were advised NO. yet here if the detainee had the book, I went to Unit 6 and advised the Unit Staff. (b)(6) (b)(7)(c) and myself searched the detainee cell and upon searching his cell we recovered the book in his cell mates property.

Did you receive any injuries? YES or NO (If YES, Explain Below)	<u>N/A</u>
---	------------

Were you evaluated by medical? YES or NO	<u>N/A</u>
--	------------

Printed Name: _____	Date: <u>7/21/11</u>
Signature: _____	Date: _____
Typed By: _____	Date: _____

This section to be completed by CCA staff if the civilian/other or inmate/resident refused to complete the 5-1C.

Place an "X" in the appropriate box:

Inmate/Resident refused to complete this 5-1C	
Civilian/Other refused to complete this 5-1C	

Employee/Witness Printed Name	Date:	
Employee/Witness Signature		

Employee/Witness Printed Name	Date:	
Employee/Witness Signature		

107

101125050021

U.S. Department of Justice  
Immigration and Naturalization Service

Incident of Prohibited Acts  
And Notice of Charges

Detainee Name: (b)(6) (b)(7)(c)

A-Number (b)(6) (b)(7)(c)

Nationality: Trinidad

Date & Time of Incident: 12-1-11 1300

Incident Location: (b)(6) (b)(7)(c)

Work Assignment: None

Classification Level: III

Quarters: (b)(6) (b)(7)(c)

PROHIBITED ACTS:

- 1. Found guilty of three or more high moderate or low moderate offenses within 90 days. Code: (b)(7)(e)
- 2. more high moderate or low moderate offenses within 90 days. Code: (b)(7)(e)
- 3. low moderate offenses within 90 days. Code: (b)(7)(e)
- 4. within 90 days. Code: (b)(7)(e)

Description of Incident: Detainee (b)(6) (b)(7)(c)

has been found guilty of three or more high moderate or low moderate offenses within 90 days. There are three copies of the disciplinarys attached.

Staff Witnesses?  Y  N

Evidence Attached?  Y  N  NA

Supporting Memoranda

Y  N  NA

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

Name of Reporting Officer

12-1-11 1508  
Date & Time

Signature

Reviewed for accuracy prior to investigation

(b)(6) (b)(7)(c)

Served by

(b)(6) (b)(7)(c)

Supervisor

12/1/11 1605  
Date & Time

Incident Recorded on D.C.S.?

Y  N

Classification Level Change?  Y  N

Level change from \_\_\_\_\_ To \_\_\_\_\_

**Detainee Rights at The Institution Disciplinary Panel Hearing (IDP)**

As a detainee charged with a prohibited act(s), you have been referred to the Institution Disciplinary Panel for disposition. While at the IDP hearing, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the IDP.
2. The right to have a full time member of staff who is reasonably available to assist you before the IDP.
3. The right to call witnesses and present documentary evidence in your behalf, provided institutional safety would not be jeopardized.
4. The right to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act.
5. The right to be present throughout the IDP decision, except during committee deliberations and where institutional safety would be in jeopardy.
6. The right to be advised of the IDP decision in writing and the facts supporting the panel's decision, except where institutional safety would be jeopardized.
7. The right to appeal the decision of the IDP by means of the Detainee Grievance Procedure to the Officer in Charge, within 15 days of the notice of the panel's decision and disposition.

I hereby acknowledge that I have been advised of the rights afforded me at the Institution Disciplinary Panel hearing.

Signed: \_\_\_\_\_ A-Number \_\_\_\_\_ Date: \_\_\_\_\_

Notice of Rights given to the detainee by \_\_\_\_\_  
Staff Member & Date

**Refusal to Sign**

I have personally advised [redacted] (b)(6) (b)(7)(c) of the rights afforded detainees at the Institution Disciplinary Panel hearing. The detainee refused to sign the acknowledgment.

Staff member and date: [redacted] (b)(6) (b)(7)(c) 12-1-11

**Waiver of 24 hours Notice:**

I have been advised that I have at least a 24 hour notice prior to appearing before the IDP. At this time, I wish to waive this right and proceed with the IDP hearing.

Detainee Signature, Date and Time: \_\_\_\_\_

Derechos de Detenido en la Institución Panel de Audiencia Disciplinario (IDP)

Cuando un detenido acusó de un acto (s) prohibido, usted ha sido mandado a la Institución Panel Disciplinario para la disposición. Mientras en la audiencia de IDP, usted tiene los derechos siguientes:

1. El derecho de tener una copia escrita de los cargo (s) contra usted al menos 24 horas antes de su comparecencia antes del IDP.
2. El derecho de tener a un miembro a tiempo completo del personal que está razonablemente disponible para asistirle antes del IDP.
3. El derecho de llamar a testigos y presentar pruebas documentales en su nombre, a condición de que la seguridad institucional no fuera puesta en peligro.
4. El derecho de permanecer en silencioso. Su silencio puede ser usado para dibujar una inferencia adversa contra usted. Sin embargo, su silencio solo puede no ser usado para apoyar un descubrimiento que usted cometió un acto prohibido.
5. El derecho de estar presente en todas partes de la decisión IDP, excepto durante deliberaciones del comité y donde la seguridad institucional estaría en el peligro.
6. El derecho para ser informado de la decisión IDP por escrito y los hechos que apoyan la decisión del panel, excepto donde la seguridad institucional sería puesta en peligro.
7. El derecho de apelar la decisión del IDP por medio del Procedimiento de Agravio de Detenido al Oficial responsable, 15 días después del aviso de la decisión del panel y disposición.

Por este medio reconozco que he sido informado de los derechos que se me permitan en la Institución audiencia de Panel Disciplinaria.

Firma: \_\_\_\_\_ A número \_\_\_\_\_ Fecha \_\_\_\_\_

Aviso de Derechos dados al detenido por \_\_\_\_\_  
Empleado y Fecha

Rehusa a firmar  
He informado personalmente que \_\_\_\_\_ de los derechos se permitió al detenido en la Audiencia de Panel Disciplinaria Institión. El detenido rechazó firmar el reconocimiento.

(b)(6) (b)(7)(c)

Name of Detainee

A-Number

12-1-11  
Date of Incident

(b)(6) (b)(7)(c)

Place of Incident

Quarters

12-1-11  
Date/Investigation

220  
Code(s)

Name of Investigating Officer :

(b)(6) (b)(7)(c)

vised

(b)(6) (b)(7)(c)

Detainee

that he/she has the right to remain silent at stages of the disciplinary process, but, that silence may be used to draw an adverse inference against him/her at any stage of the disciplinary process. However, silence alone may not be used to support a finding that he/she committed a prohibited act.

Detainee Statement and Attitude During the Interview: The detainee was calm during the interview. (b)(6) (b)(7)(c) was advised on the new charges and he understood everything that I explained to him. He stated that everything is fine and he is

Other Facts about the Incident: OK with being in segregation. The detainee stated that he will be going home soon and staff we writing him DR's for no real reason.

Investigator's Comments and Conclusions: Refer to IIP

Date and Time Investigation Began: 12/1/11 1525 hrs

Date and Time Investigation Ended: 12/1/11 1535 hrs

(b)(6) (b)(7)(c)

Reviewed for Accuracy by: (SDEO/DOS)

Notice of Institution  
Disciplinary Panel Hearing

(b)(6) (b)(7)(c)

Name of Detainee

(b)(6) (b)(7)(c)

Number

12-2-11

Date

Alleged Disciplinary Code Violation(s):

(b)(7)(e)

Date of Offense: 12-1-11

You are being referred to the Institution Disciplinary panel for the above mentioned charge(s).

The hearing will be held on 12/5/11 at 10:00 (time) at the following location Seg.

You are entitled to have a full time staff member represent you at the hearing. Please indicate below if you desire to have a staff member assist you, and if so, his or her name.

I (do)  (do not)  wish to have a staff representative.

If so, the staff representative's name is N/A

You also have the right to call witnesses at the hearing and to present documentary evidence in your behalf; provided, that calling your witnesses will not jeopardize facility security. Names of witnesses you wish to call should be listed below. State below what each proposed witness would be able to testify to:

Name: N/A Can testify to : \_\_\_\_\_

Name: N/A Can testify to : \_\_\_\_\_

Name: N/A Can testify to : \_\_\_\_\_

The chairperson of the Institution Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available, and who are determined by the chairperson to be necessary for an appreciation of all of the circumstances surround the charge(s). Repetitive witnesses need not be called. Unavailable witnesses may be asked to submit written statements. If additional space is required, use the reverse side of the form.

The detainee stated that he don't want no witness. Copy given to detainee

(b)(6) (b)(7)(c)

Unit Disciplinary Committee  
Report of Findings & Actions

(b)(6) (b)(7)(c)

Name of Detainee

(b)(6) (b)(7)(c)

A-Number

12/1/11  
Date of Incident

Place of Incident (b)(6) (b)(7)(c)

Prohibited Act(s) Code: (b)(7)(e)

Committee Action: Comments to Committee from Detainee Regarding the above Incident: None

It is the Finding of the Unit Disciplinary Committee That: (b)(7)(e)

1. You Committed the Prohibited Act as Charged: Code(s)
2. You Committed the Following Prohibited-Act : Codes(s)
3. You Did Not Commit a Prohibited Act as Charged:

Committee Findings Are Based on the Following Information:

Committee Action:

- Waives IDP Hearing and Accepts the UDC's Sanction:
- Refer to IDP
- Loss of Privileges
- Restrict to Dorm
- Warning
- Loss of Job
- Remove from Program
- Confiscate Contraband
- Quarter Changes
- Reprimand
- Impound Personal Property

Date & Time: 12/1/11 1650 Name of Detainee

Comments: None

UDC Chairpersons Signa (b)(6) (b)(7)(c)

UDC Member's Signature

UDC Time and Date: 12/1/11 1650

Institution Disciplinary Panel Report

Name of Detainee: (b)(6) (b)(7)(c) A-Number: (b)(6) (b)(7)(c)  
Date of Incident: 12-1-11 Code(s): (b)(7)(e)

- I. Notice of Charge(s):
- A. Advance written notice of charge(s) (copy of Incident Report) was given to the detainee on 12-2-11 at 1015  
date time
  - B. The IDP hearing was held on 10-5-11 at 1259  
date time
  - C. The detainee was advised of his/her rights before this IDP by (b)(6), (b)(7)(C) on 12/1/11 and a copy of the advisement of rights form is attached.

- II Staff Representative:
- A. Detainee waived his/her right to staff representative:
  - B. Detainee requested staff representative and N/A appeared.  
staff representative
  - C. Requested staff representative declined or could not appear but detainee was advised of option to postpone hearing to obtain an alternative staff representative with the result: N/A

- III. Presentation of Evidence:
- A. Detainee has been advised of his/her right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear on his/her behalf.
  - B. Summary of detainee's statement: Detainee stated he would like to stay on separation
  - C. Witnesses:
    - 1. The following persons were called as witnesses at this hearing and appeared: N/A
    - 2. A summary of testimony of each witness is attached
    - 3. The following persons requested were not called for the reason(s) given N/A
    - 4. Unavailable witnesses were requested to submit written statements and those statements received were considered (statements attached)
    - 5. Documentary evidence: In addition to the incident report and investigation, the panel considered the following documents: N/A
    - 6. Confidential information was considered by the IDP and was not provided to the detainee on N/A date



IV. Findings:

- a. The Act Was Committed as Charged
- b. The Following Act Was Committed:
- c. No Prohibited Act Was Committed.

V. Specific Evidence Relied on to Support Findings:

Detainee found guilty based on incident report written by [redacted] disciplinary report history on detainee file & disciplinary panel decision

VI. Sanctions or Action Taken; Offense Severity:

30 days of time

VII. Reason for Sanction or Action Taken:

for violation prohibited act 1110

[redacted] (b)(6) (b)(7)(c)

VIII. Review and Concur:

- A. Concur with findings:
- B. Proceedings terminated:
- C. Discipline Imposed:

Signature

[redacted] (b)(6) (b)(7)(c)

Officer in Charge

Date: 12-5-11

Time: 1432 hrs

Copy delivered to detainee by:

[redacted] (b)(6) (b)(7)(c)

signature and title

on 12-5-11 date



U.S. Immigration  
and Customs  
Enforcement

FEB 27 2012

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

THROUGH:

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office Director

(b)(6) (b)(7)(c)

2-28-2012

FROM:

(b)(6) (b)(7)(c)

Stewart Detention Center

SUBJECT:

Management Referral - Findings  
OPR Case Number (b)(6) (b)(7)(c)

**Executive Summary:**

On October 25, 2011, the Joint Intake Center (JIC) Washington, D.C. received a referral from the Department of Homeland Security, Office of Inspector General, (DHS/OIG) regarding an allegation received from (b)(6) (b)(7)(c), a detainee at the Stewart Detention Center in Lumpkin, GA (b)(6) (b)(7)(c) alleged he has written numerous letters to (b)(6) (b)(7)(c) and other ICE Offices for information on deportation. (EXHIBIT 1)

On December 21, 2011, (b)(6) (b)(7)(c) was assigned the above Management Referral by (b)(6) (b)(7)(c) (EXHIBIT 2)

Allegation One: Detainee has written numerous letters in order to get in touch with DO for deportation information.

Finding: **Unfounded**

**Details of Inquiry:**

The referral contains an allegation from Detainee (b)(6) (b)(7)(c) who was housed at the Stewart Detention Center in Lumpkin, GA. On January 19, 2012, at 1245 hours EST, (b)(6) (b)(7)(c) spoke with (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) stated that he recalled detainee (b)(6) (b)(7)(c) and that he communicated with detainee (b)(6) (b)(7)(c) very frequently. (b)(6) (b)(7)(c) stated that he would go to different units daily and while in the hallway going to the units he would see detainee (b)(6) (b)(7)(c) in the hallway. (b)(6) (b)(7)(c) communicated with detainee (b)(6) (b)(7)(c) whenever he was in the hallway as detainee (b)(6) (b)(7)(c) would always approach (b)(6) (b)(7)(c) about the status of his deportation case and not wanting to be at the

Management Referral (b)(6) (b)(7)(c)

Stewart Detention Center. (b)(6) (b)(7)(c) further stated that detainee (b)(6) (b)(7) sent several detainee request to (b)(6) (b)(7)(c) in reference to the status of his case. All detainee request were answered by (b)(6) (b)(7)(c) his supervisor and documented in EARM with the detainee request number and a comment.. (EXHIBIT 3)

**Findings:**

This writer believes that detainee (b)(6) (b)(7) was upset that he was detained and his travel document was not issued quickly by his consulate. (b)(6) (b)(7) did write numerous letters to (b)(6) (b)(7)(c). All detainee request sent to (b)(6) (b)(7)(c) by detainee (b)(6) (b)(7) were answered. (b)(6) (b)(7)(c) contacted the Embassy of Jamaica for assistance with locating a phone number for (b)(6) (b)(7)(c). The Embassy of Jamaica was unable to provide any information pertaining to (b)(6) (b)(7) whereabouts or a phone number in Jamaica.

On December 22, 2011, detainee (b)(6) (b)(7) was removed from the United States.

The allegation made by detainee (b)(6) (b)(7) stating that he had written numerous letters in order to get in touch with DO for deportation information is unfounded.


**EXHIBIT LIST**


**EXHIBIT 1: Report of Investigation for OPR Case (b)(6) (b)(7)(c) dated December 21, 2011**

**EXHIBIT 2: E-Mail from (b)(6) (b)(7)(c) assigning the case to (b)(6) (b)(7)(c)**

**EXHIBIT 3 Copy of EARM Comments stating detainee request have been answered or responded to.**

**EXHIBIT 1**

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b>
		(b)(6) (b)(7)(c)
		<b>PREPARED BY</b>
		(b)(6) (b)(7)(c)
		<b>2. REPORT NUMBER</b>
		001
<b>3. TITLE</b>		
(b)(6) (b)(7)(c)		Unknown/LUMPKIN, STEWART, GA
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b>	<b>6. TYPE OF REPORT</b>	<b>7. RELATED CASES</b>
Initial Report	Allegation	
<b>8. TOPIC</b>		
Detainee has written numerous letters in order to get in touch with DO for deportation information.		
<b>9. SYNOPSIS</b>		
<p>On October 25, 2011, the Joint Intake Center (JIC) received a referral from the Department of Homeland Security, Office of Inspector General (DHS/OIG) regarding an allegation received from (b)(6) (b)(7)(c) a detainee at the Stewart Detention Center in Lumpkin, GA. (b)(6) (b)(7) alleged he has written numerous letters to Detention Officer (DO) (b)(6) (b)(7)(c) and other ICE Offices for information on deportation.</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b>	<b>11. COMPLETION DATE</b>	<b>14. ORIGIN OFFICE</b>
(b)(6) (b)(7)(c)	18-NOV-2011	XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b>	<b>13. APPROVED DATE</b>	<b>15. TELEPHONE NUMBER</b>
(b)(6) (b)(7)(c)	17-NOV-2011	No Phone Number
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p> <p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION CONTINUATION</b> <small>HB 4200-01 (37), Special Agent Handbook</small>	<b>1. CASE NUMBER</b> (b)(6) (b)(7)(c)
	<b>PREPARED BY</b> (b)(6) (b)(7)(c)
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

On October 25, 2011, the JIC received a referral from DHS/OIG regarding an allegation received from (b)(6) (b)(7)(c) a detainee at the Stewart Detention Center in Lumpkin, GA. (b)(6) (b)(7)(c) alleged he has written numerous letters to Detention Officer (DO), (b)(6) (b)(7)(c), and other ICE Offices for information on deportation.

An alien registration number was not provided for (b)(6) (b)(7)(c)

The complaint letter is attached to the case file.



**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001

None

(b)(6) (b)(7)(c)

**From:** (b)(6) (b)(7)(c)  
**Sent:** Tuesday, October 25, 2011 10:18 AM  
**To:** JOINT INTAKE  
**Cc:** CRCLCompliance  
**Subject:** (b)(6) (b)(7)(c)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** (b)(6) (b)(7)(c).docx

*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

11/16/2011





Homeland Security

**COMPLAINT INTAKE FORM**

Department of Homeland Security-Office of Inspector General  
Office of Investigations

Complaint Number: (b)(6) (b)(7)(c)

Date: 10/24/2011

Time: 8:40am

Complaint Received By: (TELEPHONE, WRITTEN, FAX, OTHER) Telephone

**COMPLAINANT:** (NAME, TITLE, AGENCY, CONTACT INFORMATION, ADDRESS OR DUTY LOCATION, PAY GRADE, CITY, STATE)

(b)(6) (b)(7)(c) Alien Detainee; Stewart Detention Center; Lumpkin, GA

**SUBJECT(s) of Complaint:** (REQUIRES SAME INFORMATION AS COMPLAINANT)

(b)(6) (b)(7)(c) ICE; Stewart Detention Center; Lumpkin, GA

**DETAILS**

The complainant has been in the detention center since August 25th and has not seen an ICE Officer for deportation reasons. He was supposed to see (b)(6) (b)(7)(c) within the first two weeks of being transferred. He has written numerous letters to Officer (b)(6) (b)(7)(c) and ICE offices trying to get in touch with an officer.

**WITNESSES/VICTIMS**

**Information received by:** (NAME/TITLE OF PERSON TAKING REPORT, AGENCY/ COMPANY, CONTACT INFORMATION)

DHS/OIG hotline operator

~~This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~

**COMPLAINT IS:**

Civil Rights  
Matter

Privacy Incident

**CONSENT TO DISCLOSURE OF COMPLAINT OR ALLEGATION**

The Hotline Call Center Operators must inform each caller that it is the policy of the DHS OIG to carefully review each complaint or allegation received by the DHS OIG Hotline. Callers should be aware that the DHS OIG does not investigate, or inquire into each complaint received, but will often forward such information for action by the appropriate DHS management official, internal affairs office, or Office of Professional Responsibility within DHS.

DHS employees, family members of DHS employees, and DHS contract personnel are automatically entitled to confidentiality in their complaints. Any other complainant who specifically requests confidentiality is also entitled to it.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality gives consent to forward it, the DHS OIG will forward the matter to the appropriate DHS office or official for the action deemed necessary by that office or official.

If the DHS OIG does not directly investigate a complaint and a complainant who has confidentiality does not give consent to forward it, the DHS OIG will administratively close the matter.

The DHS OIG will not forward complaints from persons who are automatically entitled or who request confidentiality without the expressed consent of the complainant, unless the complaint involves a specific danger to health or safety, or is a national security issue.

The Call Center Operator has described the above policy to the caller and certifies that:

- (X) The Complainant *Consented* to the disclosure of their identity and complaint information outside the DHS OIG.
- ( ) The Complainant *Did Not Consent* to the disclosure of their identity and complaint information outside the DHS OIG.

**COMPLAINT IS:**

Anonymous

Confidential

Open Source

~~This report is intended solely for the official use of the Department of Homeland Security, or any entity receiving a copy directly from the Office of Inspector General. This report remains the property of the Office of Inspector General, and no secondary distribution may be made, in whole or in part, outside the Department of Homeland Security, without prior authorization by the Office of Inspector General. Public availability of the report will be determined by the Office of Inspector General under 5 U.S.C. 552. Unauthorized disclosure of this report may result in criminal, civil, or administrative penalties.~~

**EXHIBIT 2**

(b)(6) (b)(7)(c)

---

**From:** (b)(6) (b)(7)(c)  
**Sent:** Wednesday, December 21, 2011 1:44 PM  
**To:** (b)(6) (b)(7)(c)  
**Subject:** (b)(6) (b)(7)(c)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** OPR Case No (b)(6) (b)(7)(c) ATL.pdf

Attached is (b)(6) (b)(7)(c) for your review and action; the due date is January 21, 2012.

Thanks

(b)(6) (b)(7)(c)

ICE-ERO, Atlanta, GA  
Telephone: 404-893-(b)(6) (b)(7)(c)  
Fax: 404-893-1227

**EXHIBIT 3**

Period: (b)(6) (b)(7)(e) M DOB: (b)(6) (b)(7)(c) Current Age: 32 COB: JAMAICOC JAMAIC  
 Subject: (b)(6) (b)(7)(c) Processing Disposition: REINSTATEMENT OF DEPORT ORDER I-871  
 Case #: (b)(7)(e) Case Category: [16] Docket: 8TG - 828 EXOC FOU  
 Final Order of Removal: Yes Time in Custody: N/A Special Class:  
 Final Order Date: 09/18/1999 Depart / Cleared Status: ACTIVE  
 Proceed With Removal: Yes  
 Days Final Order in Effect: 4608

Aggravated Felon  
 Detention History  
 Final Order of Removal  
 Criminal

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

Comments

*Detainee WAS very Demanding*

FILTER BY COMMENT TYPE

SHOW / HIDE DELETED COMMENTS

EARM  
 EADM  
 ATD

*Made threats*

Show Deleted Comments

FILTER BY ENTERED DATE

-- All Dates

*SO I had him come to my safe*

*SPOKE to IN TWICE*  
*IN-TAKE 3 times*

All of the following comments are related to Case # (b)(7)(e)  
 Results: 27 total

*Allowed to make call as well.*

Date Entered	Entered By	Type	Comments
12/22/2011 10:52 AM		ADM	n
12/15/2011 11:18 PM		ADM	
12/15/2011 03:17 PM		ADM	
11/18/2011 11:28 AM		ARM	Alien served imminent removal letter
10/24/2011 05:19 PM		ARM	A-file reviewed. TD packet to flight operations. A-file routed to docket pending return of executed I-205.
10/24/2011 12:14 PM		ARM	Forwarding Travel Packet to ICE FOU at SDC, records checks made (b)(7)(e) and (b)(7)(e) no wants or warrants. BIA and CIS checks made. File sent to SDDO for review pending the issuance of a TD from the Jamaica Consulate.
10/21/2011 12:27 PM		EARM ✓	responded to ICE detainee request (b)(6) (b)(7)(c)
10/17/2011 11:00 AM		EARM	Called the Jamaican POC in Miami for Deportations. Vice Consul (b)(6) (b)(7)(c) (b)(7)(e) and left a detailed message requesting status of Travel Document Request that was received by his office on 09/14/2011.
10/17/2011 10:51 AM		EARM	Still pending TD from Consulate located in Miami, UPS tracking number (b)(6) (b)(7)(c) was received by the Consulate on 09/14/2011.
10/13/2011 12:56 PM		EARM ✓	10/13/2011, answering detainee request (b)(6) (b)(7)(c)
10/08/2011 09:25 AM	(b)(6) (b)(7)(c)	EARM ✓	responded to Detainee Request Work Sheet (b)(6) (b)(7)(c)
10/04/2011 01:20 PM	(b)(6) (b)(7)(c)	EARM ✓	responded to Detainee Request Work Sheet (b)(6) (b)(7)(c)
09/26/2011 07:38 AM		EARM	Still Pending Consulate response to TD request.
09/21/2011 12:08 PM		EARM ✓	responded to Detainee Request Work Sheet (b)(6) (b)(7)(c)
09/12/2011 11:46 AM	(b)(6) (b)(7)(c)	EARM ✓	Responding to Detainee request (b)(6) (b)(7)(c)
09/12/2011 07:36 AM		EARM	Travel Doc request mailed to Consulate on 09/12/2011. (b)(6) (b)(7)(c)
09/02/2011 03:51 PM		EARM ✓	Responding to Detainee request (b)(6) (b)(7)(c)
08/30/2011 09:45 AM		EARM ✓	responded to ICE detainee request worksheet # 30816
08/29/2011 02:12 PM		EARM	File to DO for review prior to eTD
08/29/2011 01:58 PM		EARM	responded to ICE Detainee Request Work Sheet (b)(6) (b)(7)(c)
08/26/2011 05:16 PM		EADM	Subject made a 3 min phone call.
08/09/2008 02:58 PM		EARM	1100 CENTRE PKWY, EAST POINT GA, 30344. 404 (b)(6) (b)(7)(c)
08/09/2008 02:57 PM		EARM	STATED THAT HE NEEDED IT BACK. SENDING CASE BACK TO OI FOR PROSECUTION. BRUCE'S LOCATION IS DHB/ICE
08/09/2008 02:37 PM		EARM	

TRANSFERRED TO OAK, NEEDS TO BE PUT ON 12/22/2011 ICE AIR CHARTER FLIGHT TO JAMAICA

*Left SDC*

*Came to SDC*

Date Entered	Entered By	Type	Comments
08/09/2008 02:35 PM	(b)(6) (b)(7)(c)	EARM	CENF: 05/28/2008. SPOKE WITH OI (b)(6) (b)(7)(c) PREVIOUSLY STARTED WORKING ON THE PROSECUTION CASE AND
08/08/2008 02:32 PM		EARM	STATED THAT HE WAS AWARE OF THIS CASE AND WANTS TO PROSECUTE. (MAG)
08/08/2008 01:54 PM		EARM	FILE LOCATION: STWRTGA

(b)(7)(e)



U.S. Immigration  
and Customs  
Enforcement

March 7, 2012

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

THROUGH:

Felicia Skinner  
Field Office Director  
Atlanta, Georgia

(b)(6), (b)(7)(c)

3-23-2012

FROM:

(b)(6), (b)(7)(c)

Lumpkin, Georgia

SUBJECT:

Management Referral - Findings

OPR Case Number (b)(6) (b)(7)(c) (Related to (b)(6) (b)(7)(c) and  
(b)(6) (b)(7)(c))

**Executive Summary:**

On November 29, 2011, the Joint Intake Center received an email from (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Immigration and Customs Enforcement, Enforcement and Removal Operation, Lumpkin, Georgia, who reported that (b)(6) (b)(7)(c) a detainee at the Stewart Detention Center, Lumpkin, Georgia, alleged that he was mistreated by CCA staff while in segregation. On February 8, 2012 (b)(6) (b)(7)(c) was assigned the above Management Referral by (b)(6) (b)(7)(c)

**Allegation:** Detainee alleges mistreatment by Corrections Corporations of America (CCA) staff.

**Finding:** Not Referred: The allegation will not be referred to ELR because the allegation is not supported by available evidence and no disciplinary action will be taken.

**Details of Inquiry:**

On February 8, 2012, (b)(6) (b)(7)(c) received a copy of the CCA inmate grievance No: 000025 and findings. (b)(6) (b)(7)(c) claimed to be verbally abused, in the investigation he could not provide any witnesses to support this claim. (b)(6) (b)(7)(c) claimed that he was denied legal phone calls, phone records revealed that (b)(6) (b)(7)(c) did place a call to his attorney (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) was removed to Trinidad on December 19, 2011 prior to (b)(6) (b)(7)(c) receiving this Management Referral and could not be contacted for interview.



**Findings:**

(b)(6) (b)(7)(c) could not substantiate by any witnesses his claim that (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) mistreated him, therefore is a case of his word versus the CCA staff (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) claimed to be denied access to the phone to make legal phone calls, phone records showed that (b)(6) (b)(7)(c) did make a call to his attorney attesting this allegation to be false. (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) was deported to Trinidad prior to this Management Referral being received therefore could not be directly interviewed. (b)(6) (b)(7)(c) did not provide a contact address in Trinidad and system checks does not list any contact phone numbers in the United States or Trinidad. Called Trinidad Consulate in Miami and left message to see if they could assist to locate (b)(6) (b)(7)(c) for interview, no call back. This case should not be referred to management for disciplinary action.

**Exhibit:**

1. JIC report number (b)(6) (b)(7)(c)
2. (b)(6) (b)(7)(c) letter
3. Grievance number (b)(6) (b)(7)(c)

~~Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.~~

# EXHIBIT 1

Enforcement and Removal Operations  
Administrative Inquiry Unit  
500 12th Street, SW  
Washington, D.C. 20536



## U.S. Immigration and Customs Enforcement

January 24, 2012

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

FROM:

Administrative Inquiry Unit

SUBJECT:

**Management Referral:** (b)(6) (b)(7)(c)

**(Related to** (b)(6) (b)(7)(c)


The attached Management Referral (MR) case is for your review and action. A written response must be in the "Management Referral – Findings" format to include the signature of the Field Office Director (FOD) or FOD designee. An example of the format has also been attached to this notice. When completed, please electronically forward all case documents, including labeled exhibits, to the ICE DRO-AIU mailbox and to (b)(6) (b)(7)(c)


The response is due by **March 26, 2012**. Should you require additional time for your response, please notify the Administrative Inquiry Unit (AIU) at least five (5) days prior to the due date. All original MR case documents, including exhibits, notes, and any other written material pertaining to this case will be retained by your local office.

The Office of Professional Responsibility (OPR) file related to this case will remain open pending the written response from your office.

If you have any questions, please contact (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c) or (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c)

Attachments


 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b>
		(b)(6) (b)(7)(c)
		<b>PREPARED BY</b>
		(b)(6) (b)(7)(c)
		<b>2. REPORT NUMBER</b>
		001
<b>3. TITLE</b>		
EMPLOYEE, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b>	<b>6. TYPE OF REPORT</b>	<b>7. RELATED CASES</b>
Initial Report	Allegation	
<b>8. TOPIC</b>		
Detainee alleges mistreatment by Corrections Corporation of America (CCA) staff.		
<b>9. SYNOPSIS</b>		
November 29, 2011, the Joint Intake Center (JIC) received an email from (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations, Lumpkin, GA (ERO/Lumpkin), who reported that (b)(6) (b)(7)(c) a detainee at the Stewart Detention Center, Lumpkin, GA, alleged that he was mistreated by CCA staff while in segregation.		
<b>10. CASE OFFICER (Print Name &amp; Title)</b>	<b>11. COMPLETION DATE</b>	<b>14. ORIGIN OFFICE</b>
(b)(6) (b)(7)(c) Joint Intake Specialist	01-DEC-2011	XXCM CMG View Case
<b>12. APPROVED BY(Print Name &amp; Title)</b>	<b>13. APPROVED DATE</b>	<b>15. TELEPHONE NUMBER</b>
(b)(6) (b)(7)(c) JIC Supervisor	01-DEC-2011	No Phone Number
<small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small>		
<small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small>		

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION CONTINUATION</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6) (b)(7)(c)
	<b>PREPARED BY</b> (b)(6) (b)(7)(c)
	<b>2. REPORT NUMBER</b> 001

**10. NARRATIVE**

On November 29, 2011, the JIC received an email from (b)(6) (b)(7)(c) who reported that detainee (b)(6) (b)(7)(c) alleged that he was mistreated by CCA staff while he was in segregation. The mistreatment allegedly included being denied access to legal resources and the telephone, being verbally abused and having his food tampered with.

Originating email is attached to case file.

 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION Exhibit List</b></p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<b>1. CASE NUMBER</b> (b)(6) (b)(7)(c)
	<b>PREPARED BY</b> (b)(6) (b)(7)(c)
	<b>2. REPORT NUMBER</b> 001

None

(b)(6) (b)(7)(c)

**From:** (b)(6) (b)(7)(c)  
**Sent:** Tuesday, November 29, 2011 10:29 AM  
**To:** JOINT INTAKE  
**Subject:** Complaint of (b)(6) (b)(7)(c)  
**Importance:** High  
**Attachments:** Complaint from (b)(6) (b)(7)(c).pdf

Please see the attached from (b)(6) (b)(7)(c) who is a detainee at the Stewart Detention Center. In his letter he cites numerous issues with CCA staff assigned to the Special Housing Unit (i.e. segregation). (b)(6) (b)(7)(c) has been involved with other allegations while detained here that have also been reported to Joint Intake and investigated.

Thanks

(b)(6) (b)(7)(c)

Stewart Detention Center  
Lumpkin, GA  
229-838-(b)(6) (b)(7)(c)

11/29/2011

11/19/11

(b)(6) (b)(7)(c)

Stewart detention center  
146 cca road Lumpkin  
G.A. 31815

This letter/complaint is to inform all parties of interest that there is an ongoing problem at segregation were on the 17th, 18th, 19th of november, staff (b)(6) (b)(7)(c) Staff (b)(6) (b)(7)(c) and staff (b)(6) (b)(7)(c) appeared to be in a gang against inmate (b)(6) (b)(7)(c) were all staff member were provoking inmate (b)(6) (b)(7)(c) from taking a show, inmate ask all officers several times for permission to take a show

were all answer's were not in favor of detainee After getting denied permission/access, Staff member were very abusive in the manner in which they spoke stating that they disliked inmate (b)(6) (b)(7)(c) further making comments on way's to keep inmate in segregation and by mishandling his food when it comes to segregation This cruel behavior grow in numbers were officer daniel was told by officer (b)(6) (b)(7)(c) and officer (b)(6) (b)(7)(c) to give inmate a hard time while he is in segregation.

Officer (b)(6) (b)(7)(c) daniel on the 18th and the 19th of november has been very disrespectful with hated comments against immigrants with abusive language and constant denial of legal access phone time with officer/daniel tampering with inmate (b)(6) (b)(7)(c) food.

As a result of this inmate (b)(6) (b)(7)(c) is afraid for his life being in a harmful environment and Requesting help on this matter.

(b)(6) (b)(7)(c)



# EXHIBIT 2

11/19/0

(b)(6) (b)(7)(c)

Stewart detentia center  
146 002 road Lumphon  
C.A. 31815

This letter/complaint is to inform all parties of interest that there is an ongoing problem at segregation were on the 17th, 18th, 19th of november, staff (b)(6) (b)(7)(c), staff (b)(6) (b)(7)(c) and staff (b)(6) (b)(7)(c) appeared to be in a gang against inmate (b)(6) (b)(7)(c) were all staff member were provoking inmate (b)(6) (b)(7)(c) from taking a show, inmate ask all officers several times for permission to take a show were all answers were not in favor of detainee After getting denied permission/access, staff member were very abusive in the manner in which they spoke stating that they disliked inmate (b)(6) (b)(7)(c) further making comments on ways to keep inmate in segregation and by mishandling his food when it comes to segregation This cruel behavior grow in numbers were officer daniel was told by officer (b)(6) (b)(7)(c) and officer (b)(6) (b)(7)(c) to give inmate a hard time while he is in segregation. Officer (b)(6) (b)(7)(c) daniel on the 18th and the 19th of november has been very disrespectful with hateful comments against immigrants with abusive language and constant denial of legal access phone time with officer/daniel tampering with inmate (b)(6) (b)(7)(c) As a result of this inmate (b)(6) (b)(7)(c) is afraid for his life being in a harmful environment and requesting help on this matter.

(b)(6) (b)(7)(c)

# EXHIBIT 3

**INMATE/RESIDENT GRIEVANCE**

<b>FULL NAME:</b>	(b)(6) (b)(7)(c)
<b>NUMBER:</b>	(b)(6) (b)(7)(c)
<b>HOUSING ASSIGNMENT:</b>	(b)(6) (b)(7)(c)

INFORMAL RESOLUTION ATTACHED (Not required for an emergency grievance)?  YES  NO

**GRIEVANCE CATEGORY (CIRCLE ONE):**

1. Facility Staff ✓	8. Dental Services	15. Housing
2. Access to Legal Materials	9. Mental Health Services	16. Laundry
3. Denied Access to Informal Resolution/Grievance Process	10. Trust Account	17. Recreation
4. Reprisal for Using Informal Resolution/Grievance Process	11. Commissary	18. Visitation
5. Safety/Security	12. Food Service	19. Programs-education, work, religious, etc.
6. Sanitation	13. Mail	20. Violations of federal or state regulations, laws, court decisions (i.e. ADA or Constitutional rights)
7. Medical Services	14. Intake	21. Other ✓

**STATE GRIEVANCE:** (Include documentation, witnesses, date of incident, and any other information pertaining to the grievance subject. Attach additional pages if necessary).

On the 19th of November at around 8:25 pm staff (b)(6) (b)(7)(c) deprived Inmate (b)(6) (b)(7)(c) access to make a legal call to his attorney. Inmate (b)(6) (b)(7)(c) stated to staff (b)(6) (b)(7)(c) that the phone was not in a proper working order and was not able to make a phone call. Staff (b)(6) (b)(7)(c) told inmate (b)(6) (b)(7)(c) that he didn't care and then stated that illegal immigrants should not have access to any phone's because they have no right and he's not giving the access to the phone. Staff (b)(6) (b)(7)(c) then proceeded to unplug the phone so inmate (b)(6) (b)(7)(c) couldn't have access to make a legal phone call. and continued to make bias comments about illegal immigrants by telling inmate (b)(6) (b)(7)(c) they should ~~be~~ kill us as soon as we enter the united states.

**Requested Action:** (Attach additional pages if necessary)

These comments made by staff daniel made inmate (b)(6) (b)(7)(c) depressed and stress and from further aggravation I would like to be moved away from staff daniel and his comments on immigrants.

Inmate/Resident's Signature: (b)(6) (b)(7)(c) Date Submitted: 11/19/11

**RESPONDING STAFF MEMBER'S REPORT: (Attach additional pages if necessary. All pages must include the grievance number.)**

On 11-18-11, Khones, was checked by Detention Officer (b)(6) (b)(7)(c) with no discrepancies. A phone call was made to his attorney with Mr. Hoxworth from the phone. Mr. Hoxworth, although you stated in your alleged statement that you made a call, it was unrecorded that the named staff member in the alleged complaint made inappropriate comments. You named NO witness nor did I

**RESPONDING STAFF MEMBER'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lined area for decision]

Responding Staff Member's Printed Name: (b)(6) (b)(7)(c) Title: (b)(6) (b)(7)(c)  
Responding Staff Member's Signature: (b)(6) (b)(7)(c) Date: 11-28-11  
Inmate/Resident's Signature (upon receipt) [Signature] Date: 11-28-11

**INMATE/RESIDENT APPEAL (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lined area for appeal]

**WARDEN/ADMINISTRATOR'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lined area for decision]

Warden/Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inmate/Resident's Signature (upon receipt) \_\_\_\_\_ Date: \_\_\_\_\_

**RESPONDING STAFF MEMBER'S REPORT:** (Attach additional pages if necessary. All pages must include the grievance number.)

Find any witness, you stated the detainee in cell (b)(6) (b)(7)(c) had the same problem. (b)(6) (b)(7)(c) conducted a test on the detainee, number you stated in prior verbal conversation, and there was no finding of anything wrong with the phone or phone duty procedures, therefore my decision

**RESPONDING STAFF MEMBER'S DECISION:** (Attach additional pages if necessary. All pages must include the grievance number.)

Not Found In Favor of Detainee

Responding Staff Member's Printed Name:	(b)(6) (b)(7)(c)	le:	(b)(6) (b)(7)(c)
Responding Staff Member's Signature:	(b)(6) (b)(7)(c)	Date:	11-28-11
Inmate/Resident's Signature (upon receipt)		Date:	11-29-11

**INMATE/RESIDENT APPEAL** (Attach additional pages if necessary. All pages must include the grievance number.)

**WARDEN/ADMINISTRATOR'S DECISION:** (Attach additional pages if necessary. All pages must include the grievance number.)

Warden/Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inmate/Resident's Signature (upon receipt) \_\_\_\_\_ Date: \_\_\_\_\_



U.S. Immigration  
and Customs  
Enforcement

March 7, 2012

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH:

Felicia Skinner  
Field Office Director  
Atlanta, Georgia

(b)(6), (b)(7)c

FROM:

(b)(6), (b)(7)c

Lumpkin, Georgia

SUBJECT:

Management Referral - Findings

OPR Case Number (b)(6), (b)(7)c Related to (b)(6), (b)(7)c and  
(b)(6), (b)(7)c

**Executive Summary:**

On November 29, 2011, the Joint Intake Center received an email from (b)(6), (b)(7)c (b)(6), (b)(7)c, Immigration and Customs Enforcement, Enforcement and Removal Operation, Lumpkin, Georgia, who reported that (b)(6), (b)(7)c a detainee at the Stewart Detention Center, Lumpkin, Georgia, alleged that he was mistreated by CCA staff while in segregation. On February 8, 2012 (b)(6), (b)(7)c was assigned the above Management Referral by (b)(6), (b)(7)c

**Allegation:** Detainee alleges mistreatment by Corrections Corporations of America (CCA) staff.

**Finding:** Not Referred: The allegation will not be referred to ELR because the allegation is not supported by available evidence and no disciplinary action will be taken.

**Details of Inquiry:**

On February 8, 2012, (b)(6), (b)(7)c received a copy of the CCA inmate grievance (b)(6), (b)(7)c and findings. (b)(6), (b)(7)c claimed to be verbally abused, in the investigation he could not provide any witnesses to support this claim. (b)(6), (b)(7)c claimed that he was denied legal phone calls, phone records revealed that (b)(6), (b)(7)c did place a call to his attorney. (b)(6), (b)(7)c (b)(6), (b)(7)c was removed to Trinidad on December 19, 2011 prior to (b)(6), (b)(7)c receiving this Management Referral and could not be contacted for interview.

**Findings:**

(b)(6), (b)(7)c could not substantiate by any witnesses therefore is a claim of his word verses the CCA staff that denied any verbal abuse. (b)(6), (b)(7)c claimed to be denied access to the phone to make legal phone calls, phone records showed that (b)(6), (b)(7)c did make a call to his attorney attesting this allegation to be false. (b)(6), (b)(7)c was deported to Trinidad prior to this Management Referral being received therefore could not be directly interviewed. (b)(6), (b)(7)c did not provide a contact address in Trinidad and system checks does not list any contact phone numbers in the United States or Trinidad. Called Trinidad Consulate in Miami and left message to see if they could assist to locate (b)(6), (b)(7)c for interview, no call back. This case should not be referred to management for disciplinary action.

**Exhibit:**

1. JIC report number (b)(6), (b)(7)c
2. (b)(6), (b)(7)c letter
3. Grievance number (b)(6), (b)(7)c

~~Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.~~



# EXHIBIT 1



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

January 24, 2012

**MEMORANDUM FOR:** Felicia S. Skinner  
Field Office Director

**FROM:** (b)(6), (b)(7)c

**SUBJECT:** Management Referral (b)(6), (b)(7)c  
(Related to (b)(6), (b)(7)c and (b)(6), (b)(7)c)

The attached Management Referral (MR) case is for your review and action. A written response must be in the "Management Referral – Findings" format to include the signature of the Field Office Director (FOD) or FOD designee. An example of the format has also been attached to this notice. When completed, please electronically forward all case documents, including labeled exhibits, to the (b)(6), (b)(7)c mailbox and to (b)(6), (b)(7)c

The response is due by **March 26, 2012**. Should you require additional time for your response, please notify the Administrative Inquiry Unit (AIU) at least five (5) days prior to the due date. All original MR case documents, including exhibits, notes, and any other written material pertaining to this case will be retained by your local office.

The Office of Professional Responsibility (OPR) file related to this case will remain open pending the written response from your office.

If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c

Attachments



DEPARTMENT OF HOMELAND SECURITY

Immigration and Customs Enforcement  
Office of Professional Responsibility

REPORT OF INVESTIGATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

(b)(6), (b)(7)c

PREPARED BY

(b)(6), (b)(7)c

2. REPORT NUMBER

001

3. TITLE

(b)(6), (b)(7)c Unknown/Unknown/LUMPKIN, STEWART, GA

4. FINAL RESOLUTION

5. STATUS

Initial Report

6. TYPE OF REPORT

Allegation

7. RELATED CASES

(b)(6), (b)(7)c

8. TOPIC

Detainee alleges mistreatment by Corrections Corporation of America (CCA) officers. Lumpkin, GA.

9. SYNOPSIS

November 29, 2011, the Joint Intake Center (JIC) received an email from Immigration and Customs Enforcement (ICE), (b)(6), (b)(7)c Enforcement Removal Operations, Lumpkin, GA (ERO/Lumpkin), who reported that (b)(6), (b)(7)c a detainee at the Stewart Detention Center, Lumpkin, GA, alleged that he was mistreated by CCA Officers (b)(6), (b)(7)c while in segregation.

10. CASE OFFICER (Print Name & Title)

(b)(6), (b)(7)c

11. COMPLETION DATE

20-JAN-2012

14. ORIGIN OFFICE

Joint Intake Center

12. APPROVED BY (Print Name & Title)

(b)(6), (b)(7)c

13. APPROVED DATE

20-JAN-2012

15. TELEPHONE NUMBER

No Phone Number

THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.

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**DEPARTMENT OF HOMELAND SECURITY**



**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

**10. NARRATIVE**

On November 29, 2011, the JIC received an email from ICE (b)(6), (b)(7)c ERO/Lumpkin, who reported that detainee (b)(6), (b)(7)c alleged that he was mistreated by CCA (b)(6), (b)(7)c (b)(6), (b)(7)c while he was in segregation. The mistreatment allegedly included being denied access to legal resources and the telephone, being verbally abused and having his food tampered with.

Originating email is attached to case file.

**DEPARTMENT OF HOMELAND SECURITY**



**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6), (b)(7)c

**PREPARED BY**

(b)(6), (b)(7)c

**2. REPORT NUMBER**

001

None

(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Tuesday, November 29, 2011 10:28 AM  
**To:** JOINT INTAKE  
**Subject:** Complaint of (b)(6), (b)(7)c  
**Importance:** High

**Attachments:** Complaint from (b)(6), (b)(7)c.pdf

Please see the attached from (b)(6), (b)(7)c who is a detainee at the Stewart Detention Center. In his letter he cites numerous issues with CCA staff assigned to the Special Housing Unit (i.e. segregation). (b)(6), (b)(7)c has been involved with other allegations while detained here that have also been reported to Joint Intake and investigated.

Thanks

(b)(6), (b)(7)c

Lumpkin, GA  
229-838-(b)(6), (b)(7)c

11/29/2011

# EXHIBIT 2

11/19/0

(b)(6), (b)(7)c

Stewart detention center  
145 cca road Lumpkin  
G.A. 31915

This letter/complaint is to inform all parties of interest that there is an ongoing problem at segregation were on the 17th, 18th, 19th of november

(b)(6), (b)(7)c

and (b)(6), (b)(7)c appeared to be in a gang against inmate (b)(6), (b)(7)c were all staff member were preventing inmate (b)(6), (b)(7)c from taking a show, inmate ask all officers several times for permission to take a show were all answer's were not in favor of detainee

After getting denied permission/access, staff member were very abusive in the manner in which they spoke stating that they disliked inmate (b)(6), (b)(7)c, further making comments on way's to keep inmate in segregation and by mis-handling his food when it comes to segregation this cruel behavior grow in numbers were officer denied was told by officer (b)(6), (b)(7)c and officer (b)(6), (b)(7)c to give inmate a hard time while he is in segregation.

Officer (b)(6), (b)(7)c on the 18th and the 19th of november has been very disrespectful with hateful comments against immigrants with abusive language and constant denial of legal access phone time with tampering with inmate (b)(6), (b)(7)c food.

(b)(6), (b)(7)c

As a result of this inmate (b)(6), (b)(7)c is afraid for his life being in a harmful environment and requesting help on this

(b)(6), (b)(7)c



# EXHIBIT 3

**INMATE/RESIDENT GRIEVANCE**

**FULL NAME:** (b)(6), (b)(7)c

**NUMBER:** (b)(6), (b)(7)c **HOUSING ASSIGNMENT:** 7A

INFORMAL RESOLUTION ATTACHED (Not required for an emergency grievance)?  YES  NO

**GRIEVANCE CATEGORY (CIRCLE ONE):**

1. Facility Staff	8. Dental Services	15. Housing
2. Access to Legal Materials	9. Mental Health Services	16. Laundry
3. Denied Access to Informal Resolution/Grievance Process	10. Trust Account	17. Recreation
4. Reprisal for Using Informal Resolution/Grievance Process	11. Commissary	18. Visitation
5. Safety/Security	12. Food Service	19. Programs-education, work, religious, etc.
6. Sanitation	13. Mail	20. Violations of federal or state regulations, laws, court decisions (i.e. ADA or Constitutional rights)
7. Medical Services	14. Intake	21. Other

**STATE GRIEVANCE:** (Include documentation, witnesses, date of incident, and any other information pertaining to the grievance subject. Attach additional pages if necessary).

On the 19th of November at around 8:25 pm (b)(6), (b)(7)c deprived Inmate (b)(6), (b)(7)c access to make a legal call to his attorney. Inmate (b)(6), (b)(7)c stated to (b)(6), (b)(7)c that the phone was not in a proper working order and was not able to make a phone call. (b)(6), (b)(7)c told inmate (b)(6), (b)(7)c that he didn't care and then stated that illegal immigrants shouldn't have access to any phone's because they have no right and he's not giving them access to the phone. (b)(6), (b)(7)c then proceeded to unplug the phone so inmate (b)(6), (b)(7)c couldn't have access to make a legal phone call. and continued to make bias comments about illegal immigrants by telling inmate (b)(6), (b)(7)c they should ~~as soon~~ kill us as soon as we enter the United States.

**Requested Action:** (Attach additional pages if necessary)

These comments made by (b)(6), (b)(7)c made inmate (b)(6), (b)(7)c depressed and stressed and from further aggravation I would like to be moved away from (b)(6), (b)(7)c and his comments on immigrants.

Inmate/Resident's Signature: (b)(6), (b)(7)c

Date Submitted: 11/19/11

**RESPONDING STAFF MEMBER'S REPORT: (Attach additional pages if necessary. All pages must include the grievance number.)**

On 11-18-11 phones, was checked by (b)(6), (b)(7)c with no discrepancies. A phone call was made to his attorney with your acceptance from your attorney, although you stated in your alleged statement made by call, it was understood that the named staff member in the alleged complaint, made inappropriate comments. You named NO witness nor did I

**RESPONDING STAFF MEMBER'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lined area for decision]

Responding Staff Member's Printed Name: (b)(6), (b)(7)c Title: W/M (b)(6), (b)(7)c  
Responding Staff Member's Signature: \_\_\_\_\_ Date: 11-28-11  
Inmate/Resident's Signature (upon receipt): MANAGED TO SIGN! Date: 11-28-11

**INMATE/RESIDENT APPEAL (Attach (b)(6), (b)(7)c if necessary. All pages must include the grievance number.)**

[Empty lined area for appeal]

**WARDEN/ADMINISTRATOR'S DECISION: (Attach additional pages if necessary. All pages must include the grievance number.)**

[Empty lined area for warden/administrator decision]

Warden/Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inmate/Resident's Signature (upon receipt) \_\_\_\_\_ Date: \_\_\_\_\_

**RESPONDING STAFF MEMBER'S REPORT:** (Attach additional pages if necessary. All pages must include the grievance number.)

*Find and witness, you stated the detainee in cell #1118 had the same problem. Off. Z, checked conducted a test on the detainee number you stated in prior verbal conversation, and there was no findings of anything wrong with the phone or phone dialing procedures. Therefore my decision*

**RESPONDING STAFF MEMBER'S DECISION:** (Attach additional pages if necessary. All pages must include the grievance number.)

*Not Found In Favor of Detainee*

Responding Staff Member's Printed Name: (b)(6), (b)(7)c Title: (b)(6), (b)(7)c  
Responding Staff Member's Signature: \_\_\_\_\_ Date: 11-28-11  
Inmate/Resident's Signature (upon receipt): *Refused To Sign* Date: 11-29-11

**INMATE/RESIDENT APPEAL** (Attach additional pages if necessary. All pages must include the grievance number.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WARDEN/ADMINISTRATOR'S DECISION:** (Attach additional pages if necessary. All pages must include the grievance number.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Warden/Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inmate/Resident's Signature (upon receipt) \_\_\_\_\_ Date: \_\_\_\_\_



U.S. Immigration  
and Customs  
Enforcement

May 31, 2012

MEMORANDUM FOR:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

THROUGH:

Felicia Skinner  
Field Office Director  
Atlanta, GA

(b)(6) (b)(7)(c)

FROM:

(b)(6) (b)(7)(c)

RE:

Management Referral - Findings  
OPR (b)(6) (b)(7)(c)

**Executive Summary:**

On April 25, 2012 the Joint Intake Center received a telephonic complaint from (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) stated that he was missing property after being released from the Stewart Detention Center (SDC), Lumpkin, GA. During the case findings no facts were found to support the claim made by (b)(6) (b)(7)(c). All facts lead to the conclusion that all property has been returned to the complainant.

**Allegation:** Failure to follow applicable policy in the performance of duties, ICE Table of Offenses, I, Neglect of Duty, 2.  
**Finding: Not Referred**

**Details of Inquiry:**

On May 1, 2012 (b)(6) (b)(7)(c) was assigned OPR case (b)(6) (b)(7)(c) by (b)(6) (b)(7)(c) (Exhibit 1). (b)(6) (b)(7)(c) conducted a records check of Enforce/EARM and CIS by the listed number (b)(6) (b)(7)(c). Enforce provided a telephone number and CIS provided the last listed address upon release from the Stewart Detention Center. (Exhibit 2)

On May 3, 2012 (b)(6) (b)(7)(c) called the listed number which was answered by automated answering machine. (b)(6) (b)(7)(c) provided a return telephone number and requested (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) to return his call in reference to his claim. (b)(6) (b)(7)(c) did not receive a return phone call from (b)(6) (b)(7)(c)

On May 3, 2012 (b)(6) (b)(7)(c) sent a UPS letter parcel containing a marked letter correspondence requesting (b)(6) (b)(7)(c) contact him at the list his phone number or by mail at the listed address. The letter was confirmed delivered by UPS tracking number (b)(6) (b)(7)(c)

SUBJECT: Management Kierrel - Findings

OPR (b)(6) (b)(7)(c)

Page 2

On May 3, 2012 (b)(6) (b)(7)(c) contacted Clayton County Detention Center in reference to property released to (b)(6) (b)(7)(c) the property sheet verified a watch was seized at intake and returned to (b)(6) (b)(7)(c) upon release to ICE custody. No green card was listed as property seized or returned. (Exhibit 3)

May 4th through May 13th, 2012 (b)(6) (b)(7)(c) received no response from (b)(6) (b)(7)(c)

On May 14, 2012 (b)(6) (b)(7)(c) sent another UPS parcel containing a marked letterhead correspondence to (b)(6) (b)(7)(c) requesting him to contact (b)(6) (b)(7)(c) by May 18, 2012. The letter was confirmed delivered by UPS tracking number.

On May 21, 2012 (b)(6) (b)(7)(c) contacted (b)(6) (b)(7)(c) via voicemail and left the following contact number 404-379-4670. Due to scheduled leave (b)(6) (b)(7)(c) returned the call May 29, 2012. During the interview (b)(6) (b)(7)(c) stated the following:  
(b)(6) (b)(7)(c) stated he did not receive his watch during the discharge process even though he signed the property receipt. (b)(6) (b)(7)(c) stated that he had applied for a green card while incarcerated and was told it was mailed to Stewart Detention Center (SDC). (b)(6) (b)(7)(c) stated he did not receive the green card while at the SDC. (b)(6) (b)(7)(c) stated after he was discharged from the SDC he contacted Citizenship and Immigration Services who informed him that a Resident Alien Card had been mailed to him at his last known address which was at the SDC. (b)(6) (b)(7)(c) stated he was never contacted by the Stewart Detention Center to claim his card nor did the SDC forward any mail to him after he was discharged.

On May 29, 2012 (b)(6) (b)(7)(c) contacted the Stewart Detention Center and spoke with (b)(6) (b)(7)(c) Administrative Assistant, She forwarded a copy of (b)(6) (b)(7)(c) property card during intake and discharge. (Exhibit 4)

The Property card lists the return of all inmate personal property seized during intake which is signed (illegibly but matches other signatures for (b)(6) (b)(7)(c) and dated 10/24/2012. (b)(6) (b)(7)(c) left no forwarding address on file at SDC. (Exhibit 5) A Seiko watch is listed on the property sheet as seized at intake but returned at discharge. No Resident Alien Card is listed as property seized or returned.

#### Findings:

During the case findings facts were found that show (b)(6) (b)(7)(c) applied via I-485 for change of status. Central Index System (CIS) does not show that (b)(6) (b)(7)(c) application was approved, only that U.S. Citizenship and Immigration Services (USCIS) attempted a mail delivery to (b)(6) (b)(7)(c) but it was undeliverable. No records indicate that a Resident Alien Card has ever been approved, issued or mailed to (b)(6) (b)(7)(c)

Facts were found that (b)(6) (b)(7)(c) was in possession of a watch during his incarceration but there are no facts to show it was not returned to him. By reviewing all discharge paperwork it appears that all property, to include a watch, was returned to (b)(6) (b)(7)(c) upon his discharge. All paperwork has signatures to indicate the return receipt of all personal property upon discharge from the SDC.

There are no facts to support the allegation of Failure to follow policy in the performance of duties by failure to return personnel property. The case should be "Not Referred" and no further action taken.

SUBJECT: Management Referral - Findings

OPR (b)(6) (b)(7)(c)

Page 3

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**Exhibit 1**



Enforcement and Removal Operations  
Administrative Inquiry Unit  
500 12th Street, SW  
Washington, D.C. 20536



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

May 1, 2012

MEMORANDUM FOR: Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM:

(b)(6) (b)(7)(c)

Administrative Inquiry Unit

SUBJECT:

Management Referral: (b)(6) (b)(7)(c)


The attached Management Referral (MR) case is for your review and action. A written response must be in the "Management Referral -- Findings" format to include the signature of the Field Office Director (FOD) or FOD designee. An example of the format has also been attached to this notice. When completed, please electronically forward all case documents, including labeled exhibits, to the (b)(6), (b)(7)(c) and to (b)(6) (b)(7)(c)

The response is due by **June 30, 2012**. All original MR case documents, including exhibits, notes, and any other written material pertaining to this case will be retained by your local office.

The Office of Professional Responsibility (OPR) file related to this case will remain open pending the written response from your office.

If you have any questions, please contact (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c) or (b)(6) (b)(7)(c) at 202-732-(b)(6) (b)(7)(c)

Attachments

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>Immigration and Customs Enforcement Office of Professional Responsibility</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p> <p align="center">HB 4200-01 (37), Special Agent Handbook</p>		<b>1. CASE NUMBER</b>
		(b)(6) (b)(7)(c)
		<b>PREPARED BY</b>
		(b)(6) (b)(7)(c)
		<b>2. REPORT NUMBER</b>
		001
<b>3. TITLE</b>		
EMPLOYEE, UNKNOWN/Unknown/Unknown/LUMPKIN, STEWART, GA		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b>	<b>6. TYPE OF REPORT</b>	<b>7. RELATED CASES</b>
Initial Report	Allegation	
<b>8. TOPIC</b>		
Former Detainee's missing property.		
<b>9. SYNOPSIS</b>		
On April 25, 2012, the Joint Intake Center (JIC) received a telephonic complaint from (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) a former detainee housed at Stewart Detention Center, Lumpkin, GA, who reported his property missing while in the custody of Immigration and Customs Enforcement (ICE).		
<b>10. CASE OFFICER (Print Name &amp; Title)</b>	<b>11. COMPLETION DATE</b>	<b>14. ORIGIN OFFICE</b>
(b)(6) (b)(7)(c)	25-APR-2012	Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b>	<b>13. APPROVED DATE</b>	<b>15. TELEPHONE NUMBER</b>
(b)(6) (b)(7)(c)	25-APR-2012	No Phone Number
THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.		
THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.		



**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001

**10. NARRATIVE**

On April 25, 2012, the JIC received a telephonic complaint from (b)(6) (b)(7)(c) a former detainee housed at Stewart Detention Center, Lumpkin, GA, who reported his property missing while in the custody of ICE.

(b)(6) (b)(7)(c) stated that he is missing his watch and green card.



**DEPARTMENT OF HOMELAND SECURITY**

**REPORT OF INVESTIGATION  
Exhibit List**

HB 4200-01 (37), Special Agent Handbook

**1. CASE NUMBER**

(b)(6) (b)(7)(c)

**PREPARED BY**

(b)(6) (b)(7)(c)

**2. REPORT NUMBER**

001

None

**Exhibit 2**

(b)(7)(e)

CLAIMS MAINFRAME SYSTEM  
ADJUST STATUS UPDATE PROCESSING

05/30/2012

13:19

(b)(6) (b)(7)(c)

FORM NBR: I485 RCPT NBR: (b)(6) (b)(7)(c) REF NBR:

OWNER: (b)(6) (b)(7)(c)

A-NBR: (b)(6) (b)(7)(c) APP TYPE: RECEIVED DATE: 06/09/2011

NAME: (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) NOE

C/O: EOIR 42B

STREET: (b)(6) (b)(7)(c) CITY: (b)(6) (b)(7)(c)

STATE: (b)(6) (b)(7)(c) CNTRY: ZIP/POST: 30238

DOB: (b)(6) (b)(7)(c) COB: HONDU SOC SEC NBR: PRIORITY DT: 00000000

OCCUPATN: MARITAL STATUS:

CURR STAT: X LAST ENTRY STATUS: LAST ENTRY PLACE:

CARD TYPE: 1 TRANSACT CODE: 1 REASON FOR APPL: SEX:

MOTHER'S FIRST NAME: FATHER'S FIRST NAME:

CLS GRNTD: CR EXPIRES: ADM/ADJ DATE:

POE: SRC AMC: I-89 EXEC LOC:

OTHR FNGPR: RI FNGPRNT WVR: N I-89 EXEC DATE: 07202011

SIG WAIVR: N PHOTO WVR: N VIEW SPONSORS: N

VIEW ADDITIONAL I-485 INFORMATION(Y/N): N

ACTION: KEA ADDRESS CHANGE

(b)(7)(e)

(b)(7)(e)

CLAIMS MAINFRAME SYSTEM  
CARD PRODUCTION UPDATE PROCESSING

05/30/2012

13:18

(b)(6) (b)(7)(c)

FORM NBR: I90 RCPT NBR: (b)(6) (b)(7)(c) REF NBR: (b)(6) (b)(7)(c) OWNER: (b)(6) (b)(7)(c)

A-NBR: (b)(6) (b)(7)(c) PART 2: A RECEIVED DATE: 11/23/2011

NAME: (b)(6) (b)(7)(c) (b)(6) (b)(7)(c) NOE

C/O:

STREET: (b)(6) (b)(7)(c) CITY: JONESBORO

STATE: (b)(6) (b)(7)(c) CNTRY: ZIP/POST: 30238

DOB: (b)(6) (b)(7)(c) COB: HONDU SOC SEC NBR: PRIORITY DT:

CARD TYPE: 1 TRANSPORT CODE: 2 REASON FOR APPL: B SEX: M

MOTHER'S FIRST NAME: (b)(6) (b)(7)(c)  
FATHER'S FIRST NAME: (b)(6) (b)(7)(c)

CLASS: CR EXPIRES: ADM/ADJ DATE:

POE: LIN AMC: I-89 EXEC LOC:

OTHER FP: TEMP RES DATE: I-89 EXEC DATE:

SIG WVR: N PHOTO WVR: N FNGPRNT WVR: N

VIEW SPONSORS: N

ACTION: KBA CLEAR SUPV HOLD - CONFIRM ACTION

INTERVIEW REASONS:

(b)(7)(e)

(b)(7)(e)

CLAIMS MAINFRAME SYSTEM  
I-485 ADDITIONAL INFORMATION

05/30/2012

13:20

(b)(6) (b)(7)(c)

RECEIPT: SRC-11-172-51129

A-NUMBER:

(b)(6) (b)(7)(c)

NAME: (b)(6) (b)(7)(c)

PREVIOUS LPR APPL: N

PREV LPR DISP DATE:

0

PREV LPR APPL PLACE:

PREVIOUS LPR DISP:

GENERIC ADJ: N

CNTRY TO CHRGE:

I-94 ATTACHED: N

REFUGEE ADJ: N

FIANCE PET APPR: N

I-693 ATTACHED: N

CHINESE ADJ: N

ASYLUM APPR: N

I-551 ATTACHED: N

CUBAN CITIZEN: N

I-797 APPR NOTICE: N

G-325A ATTACHED: N

FINGERPRINT CARD: N

MARRIAGE CERT: N

EMP LETTER/I-134: N

ADIT PHOTOS: N

LABOR CERT: N

BIRTH RECS/ENG TRANS: N

SECTION OF LAW:

IN CLASS (LIFE ACT): N

CNTRY OF CITZ:

CNTRY OF RES:

LATE LEGAL (LIFE ACT): N

CONCUR. FILED PET: N

ASSOC RECEIPT NBR:

VISA AVAILABLE:

EVIDENCE SPOUSE/PARENT IS AN I-485 APPLICANT: N

EVIDENCE SPOUSE/PARENT IS A LEGAL PERMANENT RESIDENT BASED ON IMMIGRATION: N

----- IRS 9003 -----

SELF-EMPLOYED: N

IN US > 183 DAYS: N

INCOME FROM US SOURCE: N

US TAX FILED: N

YEAR OF LAST US TAX RETURN:

(b)(7)(e)



**Exhibit 3**



# Inmate Receipt

Print Date: 2/23/2011 10:19:45PM

Number:

Name:

(b)(6) (b)(7)(c)



Tran Type: Intake Property

Tran Date: 2/23/2011 10:21:45PM

Inmate ID:

(b)(6) (b)(7)(c)

Item Name	Quantity	Condition	Type	Color	Description
PAPERS	1.00				CITATION
WATCH	1.00			YELLOW	
WALLET	1.00			BLACK	W/ITEMS
BANK CARD	1.00				2025 WACHOVIA
BANK CARD	1.00		VISA		(b)(6), (b)(7)(c)
BANK CARD	1.00				
SHIRT	1.00			BLUE	
PANTS	1.00		JEANS	BLUE	
SHOES	1.00			BROWN	

The above property was taken from my person and is being kept by the Clayton County Sheriff's Department / ARAMARK

Inmate Signature:

(b)(6) (b)(7)(c)

Date: 2/23/11

Officer: \_\_\_\_\_

I processed the above listed property. (ARAMARK - Intake Station)

Processed By:

(b)(6) (b)(7)(c)

Date: \_\_\_\_\_

I have verified the contents of this bag. (ARAMARK - Property Room)

Verified By: \_\_\_\_\_

Date: \_\_\_\_\_

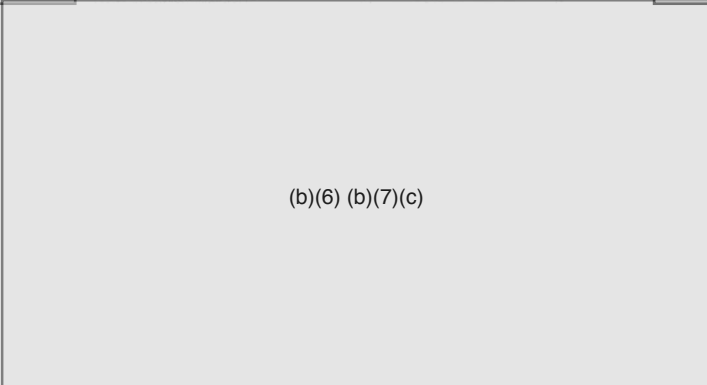
I have received all listed property from the Clayton County Sheriff's Department. / ARAMARK

Inmate Signature:

(b)(6) (b)(7)(c)

Date: J-2-11

Officer: (b)(6) (b)(7)(c) 21660



(b)(6) (b)(7)(c)

**Exhibit 4**

RECEIVING & DISCHARGE CHECKLIST

Inmate/Resident Name: Nombre del Detenido:	(b)(6) (b)(7)(c)	Inmate/Resident #: Numero del Detenido:	(b)(6) (b)(7)(c)
---	------------------	--	------------------

RECEIVING CHECKLIST:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Verification of Commitment Papers                             | <input checked="" type="checkbox"/> Assignment to a Housing unit     |
| <input checked="" type="checkbox"/> Searched at intake  | <input checked="" type="checkbox"/> Photograph/I.D. Card             |
| <input checked="" type="checkbox"/> Shower at Intake  | <input checked="" type="checkbox"/> Classification Booking Sheet     |
| <input checked="" type="checkbox"/> Issue of Clean, laundered clothing                            | <input checked="" type="checkbox"/> Hygiene items Issued             |
| <input checked="" type="checkbox"/> Disposition of all monies at intake                           | <input type="checkbox"/> Explanation of Mail and Visiting Procedures |
| <input checked="" type="checkbox"/> Medical, dental, mental health screening                      | <input type="checkbox"/> Issue of Lock (if applicable)               |
| <input checked="" type="checkbox"/> Assignment of CCA Number                                      | <input type="checkbox"/> Telephone Calls                             |
| <input checked="" type="checkbox"/> Personal Property Inventoried (copy given to inmate/resident) | <input checked="" type="checkbox"/> Other: <b>IHB</b>                |

**INMATE/RESIDENT HANDBOOK ACKNOWLEDGEMENT:** BY SIGNING BELOW, I ACKNOWLEDGE RECEIVING AN INMATE/RESIDENT HANDBOOK ON THIS DATE.

**ACUSE DE RECIBO MANUAL POR DETENIDOS:** POR MI FIRMA, YO RECIBO UN MANUAL POR DETENIDOS EN ESTE DIA

(b)(6) (b)(7)(c)

\_\_\_\_\_  
Inmate/Resident Signature/Firma del Detenido

(b)(6) (b)(7)(c)

\_\_\_\_\_  
Receiving Officer (Signature)

**3/3/11**  
\_\_\_\_\_  
Date/Fecha

**VOLUNTARY WORK RELEASE**

As a pre-trial or un-sentenced detainee, I understand that I may not be compelled to work other than to perform housekeeping tasks in my own cell and the community living area. I would like to volunteer for work assignments in addition to my housekeeping tasks. I am aware that I will be working with inmates/residents who are serving a sentence for convictions of crimes. By signing below I am volunteering to participate in work assignments.

**LIBERACION VOLUNTARIA DE TRABAJO**

Como un detenido antes de prueba o sin sentencia, yo entiendo que no puedo ser obligado a trabajar en ninguna area nada mas que sea la limpieza de mi propia celda y el area comun. Me gustaria ser voluntario para asignaciones de trabajo junto de mi tarea de limpieza de mi celda. Yo estara trabajado con presos que estan cumpliendo su sentencia por convicciones de crimen. Por mi firma abajo yo de voluntario quiero participar en asignaciones de trabajo.

\_\_\_\_\_  
Inmate/Resident Signature/Firma del Detenido

\_\_\_\_\_  
Date/Fecha

**DISCHARGE CHECKLIST:**

(b)(6) (b)(7)(c)

\_\_\_\_\_  
Inmate/Resident Signature/Firma del Detenido

- Verification of proper release authority
- Return of all CCA issued property
- Inmate/resident received all release paperwork
- Other: \_\_\_\_\_
- 10/24/11**  
\_\_\_\_\_  
Date/Fecha

I understand that Corrections Corporation of America is not responsible for items I keep and will only compensate up to \$50.00 total for damage to or loss of property they store.

Por este medio entiendo que Corrections Corporation of America no es responsable por articulos que yo tenga en mi propiedad y solamente compensara \$50.00 en suma total por dano o perdida de propiedad que ellos guardan o depositan.

(b)(6) (b)(7)(c)

03/03/11

Date

03/03/11

Date

(b)(6) (b)(7)(c)

Inmate/Detailnee Signature

10/24/11

Date Returned

10/24/11

Date Returned

**Stewart Detention Center  
INMATE/DETAINEE PROPERTY RECEIPT**

**NAME:**  
**AGENCY ID#:**

(b)(6) (b)(7)(c)

**SEIZED PROPERTY:**

**Property ID:**

**Location:** TEMP R+D/TEMP R+D

QTY	CATEGORY	DESCRIPTION	STYLE	COLOR	ORIGINAL CONDITION
1	SHOES	CASUAL	COVINGTON	BROWN	USED
1	CLOTHE	PANTS	JEANS WRANGLERS	BLUE	USED
1	CLOTHE	SHIRT	BRUNO SHORT SLEEVES	BLUE	USED
1	CLOTHE	UNDERWEAR	BRIEFS	BLUE	USED
1	MISC	WATCH	SEIKO	SIVER/YELLOW	USED

**PROPERTY IN INMATE CUSTODY:**

**Property ID:**

**Location:**

QTY	CATEGORY	DESCRIPTION	STYLE	COLOR	ORIGINAL CONDITION
1		ATHLETIC SHOES			
1		BLANKET			
1		DEODORANT			
2		FLAT/FITTED SHEETS			
1		LAUNDRY BAG			
1		PILLOW CASE			
1		SHAMPOO/CONDITIONER			
1		SHAVING CREAM/DEPILATORY			
1		SHOWER SHOES			
3		SOCKS (PAIR)			
1		TOILET PAPER (ROLL)			
1		TOOTHBRUSH (NON-ELECTRIC)			
1		TOOTHPASTE			
2		TOWELS			
3		UNDERWEAR			
3		UNIFORM SHIRT			
3		UNIFORM TROUSERS			
1		WASHCLOTHS			

**Exhibit 5**

**Detainee Forwarding Address Form**  
**Forma Requiriendo Direction Para Envio de Fondos Monetarios**

I \_\_\_\_\_ A# \_\_\_\_\_  
Do hereby authorize Corrections Corporation of America to forward all funds in my account that is awaiting due process and not cleared upon my departure to the following address.

Yo \_\_\_\_\_ A# \_\_\_\_\_  
Autorizo a Corrections Corporation of America para que envíe todo los fondos monetarios en mi cuenta que estan en proceso de pago y no han sido reclamados en tiempo con mi salida a-la direction siguiente:

Name (Nombre) \_\_\_\_\_  
Address \_\_\_\_\_  
(Direction): \_\_\_\_\_

Country \_\_\_\_\_  
(Pais): \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Telepone (Telephono): \_\_\_\_\_  
( ) \_\_\_\_\_

I understand that failure to provide a forwarding address will result in the monies being automatically transferred to the Department of Homeland Security for appropriate disposal.

Yo entiendo que al no notificar una direction corriente resultara en que estos fondos monetarios sean automaticamente transferidos al Department de Homeland Security.

Date: 3/2/11

(b)(6) (b)(7)(c)

3/2/11





U.S. Immigration  
and Customs  
Enforcement

July 31, 2012

MEMORANDUM FOR:

(b)(6), (b)(7)c

Administrative Inquiry Unit

THROUGH:

Felicia S. Skinner  
Field Office Director  
Atlanta Field Office

(b)(6), (b)(7)c

FROM:

(b)(6), (b)(7)c

Atlanta Field Office

SUBJECT:

Management Referral - Findings

(b)(6), (b)(7)c

**Executive Summary:**

On April 13, 2012, the Joint Intake Center received a letter from (b)(6), (b)(7)c (b)(6), (b)(7)c alleging that Immigration Officers (b)(6), (b)(7)c had falsely claimed that he had refused to speak with the Jamaican Consulate on the telephone. On June 15, 2012, (b)(6), (b)(7)c was assigned the above Management Referral by (b)(6), (b)(7)c

**Allegation:** Deportation Officers (b)(6), (b)(7)c provided false claims that (b)(6), (b)(7)c refused to speak with the Jamaican Consulate on the telephone.

**Finding: Referred:** The allegation will be referred to ELR for additional processing. ELR will determine if the inquiry shows that the preponderance of the evidence supports the allegation for disciplinary action.

**Details of Inquiry:**

On July 17<sup>th</sup>, 2012, (b)(6), (b)(7)c was released from the SDC pursuant to a Release Notification letter signed by the Unit Chief of the Post Order Custody Review Unit at headquarters ERO. (b)(6), (b)(7)c attempted to contact (b)(6), (b)(7)c on numerous occasions in order to interview him regarding this allegation. Voicemail messages were left at the contact telephone number (b)(6), (b)(7)c gave officers at the Stewart Detention Center (SDC) upon his release, but the calls were never returned. (b)(6), (b)(7)c was unable to interview (b)(6), (b)(7)c regarding this allegation.

Management Referral (b)(6), (b)(7)c

On July 18, 2012, (b)(6), (b)(7)c spoke to (b)(6), (b)(7)c via telephone from the Fugitive Operations Support Center (FOSC) in Williston, VT. (b)(6), (b)(7)c stated that on either February 9<sup>th</sup> or 10<sup>th</sup> of 2012, (b)(6), (b)(7)c was assigned to facilitate the telephone interviews between the Consulate of Jamaica and a group of Jamaican detainees at the SDC. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c told him that (b)(6), (b)(7)c was uncooperative and refused to speak with the consulate. Based on this information, (b)(6), (b)(7)c proceeded with a Failure to Comply (FTC) Post Order Custody Review (POCR).

On July 18, 2012, (b)(6), (b)(7)c spoke with (b)(6), (b)(7)c at the SDC in Lumpkin, GA. (b)(6), (b)(7)c stated that he did not recall if the interviews with the Jamaican consulate occurred on February 9<sup>th</sup> or 10<sup>th</sup> of 2012. (b)(6), (b)(7)c further stated that he remembered (b)(6), (b)(7)c state, "I don't want to talk to the consulate; I'm from Cuba, not Jamaica. They issued me a fraudulent travel document the first time". This statement was immediately relayed to (b)(6), (b)(7)c case officer, (b)(6), (b)(7)c also stated that it was possible that (b)(6), (b)(7)c did in fact get on the phone with the Jamaican Consulate after all the other Jamaican citizens had completed their interviews, but was uncooperative with the consular officer conducting the interview. (b)(6), (b)(7)c could not recall if he relayed to (b)(6), (b)(7)c the possibility that (b)(6), (b)(7)c did comply with the consulate interview after all the other detainees had been interviewed.

On July 30, 2012, (b)(6), (b)(7)c spoke with (b)(6), (b)(7)c Consular officer for the Jamaican Consulate in Miami, FL, via the telephone. (b)(6), (b)(7)c stated that he remembered speaking with (b)(6), (b)(7)c on more than one occasion while (b)(6), (b)(7)c was detained at the SDC, but could not remember the dates of these conversations.

### Findings:

A Failure to Comply (FTC) letter was served on (b)(6), (b)(7)c on February 27, 2012, based on (b)(6), (b)(7)c refusal to sign two form I-229s and his alleged refusal to speak with the Jamaican Consulate. This FTC letter effectively stopped the POCR clock in his case. It wasn't until April 27, 2012 that the clock was restarted and a Decision to Continue Detention was served on (b)(6), (b)(7)c For approximately two months, (b)(6), (b)(7)c case was that of a FTC due to the false information that he had refused to speak with his consulate. Based on my investigation into this allegation and the interviews I conducted, this case is Referred to management for disciplinary action.

### List of exhibits-

1. Report of Investigation from the JIC dated June 13, 2012.
2. Email from (b)(6), (b)(7)c dated June 15, 2012, assigning Management Referral, case (b)(6), (b)(7)c for review and action to (b)(6), (b)(7)c (b)(6), (b)(7)c

# EXHIBIT 1

Enforcement and Removal Operations  
Administrative Inquiry Unit  
500 12th Street, SW  
Washington, D.C. 20536



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

June 13, 2012

MEMORANDUM FOR: Felicia S. Skinner  
Field Office Director  
Atlanta, GA

FROM:

(b)(6), (b)(7)c

Administrative Inquiry Unit

SUBJECT:

**Management Referral** (b)(6), (b)(7)c  
**Related to** (b)(6), (b)(7)c


The attached Management Referral (MR) case is for your review and action. A written response must be in the "Management Referral – Findings" format to include the signature of the Field Office Director (FOD) or FOD designee. An example of the format has also been attached to this notice. When completed, please electronically forward all case documents, including labeled exhibits, to the (b)(6), (b)(7)c mailbox and to (b)(6), (b)(7)c


The response is due by **August 14, 2012**. All original MR case documents, including exhibits, notes, and any other written material pertaining to this case will be retained by your local office.


The Office of Professional Responsibility (OPR) file related to this case will remain open pending the written response from your office.

If you have any questions, please contact (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c or (b)(6), (b)(7)c at 202-732-(b)(6), (b)(7)c

Attachments

 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b> HB 4200-01 (37), Special Agent Handbook</p>		<p><b>1. CASE NUMBER</b> (b)(6), (b)(7)c</p>
		<p><b>PREPARED BY</b> (b)(6), (b)(7)c</p>
		<p><b>2. REPORT NUMBER</b> 001</p>
<p><b>3. TITLE</b> (b)(6), (b)(7)c /Unknown/Unknown/LUMPKIN, STEWART, GA</p>		
<p><b>4. FINAL RESOLUTION</b></p>		
<p><b>5. STATUS</b> Initial Report</p>	<p><b>6. TYPE OF REPORT</b> Allegation</p>	<p><b>7. RELATED CASES</b></p>
<p><b>8. TOPIC</b> Detainee alleged DOs provided false claims that he refused to speak with his consulate on the teleph</p>		
<p><b>9. SYNOPSIS</b> On April 13, 2012, the Joint Intake Center (JIC) received a letter from (b)(6), (b)(7)c (b)(6), (b)(7)c a detainee at the Stewart Detention Center in Lumpkin, GA. who alleged (b)(6), (b)(7)c (b)(6), (b)(7)c provided false claims that he refused to speak with his consulate on the telephone.</p>		
<p><b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6), (b)(7)c</p>	<p><b>11. COMPLETION DATE</b> 30-MAY-2012</p>	<p><b>14. ORIGIN OFFICE</b> Joint Intake Center</p>
<p><b>12. APPROVED BY (Print Name &amp; Title)</b> (b)(6), (b)(7)c</p>	<p><b>13. APPROVED DATE</b> 30-MAY-2012</p>	<p><b>16. TELEPHONE NUMBER</b> No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION CONTINUATION</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b> (b)(6), (b)(7)c
	<b>PREPARED BY</b> (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b> 001
<b>10. NARRATIVE</b> On April 13, 2012, the JIC received a letter from (b)(6), (b)(7)c a detainee at the Stewart Detention Center in Lumpkin, GA. who alleged (b)(6), (b)(7)c (b)(6), (b)(7)c provided false claims that he refused to speak with his consulate on the telephone.  Originating referral is attached to the case file.	

 <b>DEPARTMENT OF HOMELAND SECURITY</b>  <b>REPORT OF INVESTIGATION Exhibit List</b>  HB 4200-01 (37), Special Agent Handbook	<b>1. CASE NUMBER</b>  (b)(6), (b)(7)c
	<b>PREPARED BY</b>  (b)(6), (b)(7)c
	<b>2. REPORT NUMBER</b>  001
<b>None</b>	

RECEIVED  
OFC OF INVESTIGATIONS

2012 MAR 13 PM 3:19

(b)(6), (b)(7)c

Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815

GENERAL

March 20, 2012

DHS OIG HOTLINE  
245 Murray Drive, SE  
Building 410  
Washington, DC 20538

IN THE MATTER OF:

(b)(6), (b)(7)c

To Whom It May Concern:

Enclosed, please find a copy of my grievance filed in this matter, associated ICB Requests (2) and my supporting affidavit in my complaint against ICB (b)(6), (b)(7)c

(b)(6), (b)(7)c

Enclosed also is the Notice of Failure to Comply issued to me on February 27, 2012, just 2 days shy of my scheduled File Custody Review, which is also enclosed. This affidavit demonstrates, unequivocally, my assertion of misconduct against the above-named officers, the violation of my constitutional rights and the ICB Request show my immediate attention to the matter. I imagine that the formal grievance process is being undertaken at Stewart Detention Center, however I have not received any official response at the institutional level.

Please see to it that this matter is addressed appropriately. Thanking you in advance, I am,

Respectfully yours,

(b)(6), (b)(7)c

CC: Personal file  
Enclosures (4)



## AFFIDAVIT

I, (b)(6), (b)(7)c being duly sworn according to law, depose and do make this Affidavit challenging the accuracy or legitimacy of reasons for the February 27<sup>th</sup>, 2012 issuance of a Notice of Failure to Comply Pursuant to 8 CFR 241.4(g), as given to me by (b)(6), (b)(7)c at Stewart Detention Center and aver that its claims are falsified, erroneous and unlawful. Paramount among the factors given is the statement that on "February 9<sup>th</sup>, 2012, you refused to speak with your consulate on the telephone." The reality is that on Friday, February 10<sup>th</sup>, 2012, and not the 9<sup>th</sup>, to the best of my recollection, I, along with eight (8) other detainees were taken to room C117, Stewart Detention Center, at approximately 2 PM. We all spoke to (b)(6), (b)(7)c at that time. The conversations were provided and monitored by (b)(6), (b)(7)c as per other detainees present. In fact, I was the last person to speak with (b)(6), (b)(7)c, though (b)(6), (b)(7)c stated that (b)(6), (b)(7)c did not need to speak with me. I, however, demanded that I have the opportunity to speak with him regarding my status and (b)(6), (b)(7)c himself, then handed me the telephone. Now, for (b)(6), (b)(7)c to make the unfounded claim, by an unidentified ICE Officer, whom he refused to name [Note: (b)(6), (b)(7)c later named him as (b)(6), (b)(7)c See ICE Request (b)(6), (b)(7)c] and as to an incident he did not personally witness or attempt to confirm, and to compound the error by including such claim as part of a *Notice of Failure to Comply Pursuant to 8 CFR 241.4(g)*, is totally without merit and appears disingenuous. How the precise scenario, detailed above, can ever be misconstrued as a "*refusal to speak to your consulate on the telephone*," is unfathomable, unless (b)(6), (b)(7)c aim in making such a claim was solely designed to deny me the statutory 90-Day Custody Review, previously scheduled within 48 hours (February 29<sup>th</sup>, 2012) of his issuance of "Notice" on Monday, February 27<sup>th</sup>, 2012. Outside of the, now implicated (b)(6), (b)(7)c who failed to issue travel documents, there are eight (8) other detainees, who were present in that room and whom all can corroborate my assertion of what transpired, therein, and/or did not, on the day of the prearranged consulate-call. It is apparent that the decision to advance a falsified claim that I refused to speak with the Jamaican Consulate is (b)(6), (b)(7)c ICE's attempt to, under Section 241(a)(1)(C), impose an extension of the statutory removal period "if alien refuses to make an application in good faith, for travel documents..." when it is clearly not the case in this instance. (b)(6), (b)(7)c failed to speak with either (b)(6), (b)(7)c of the Consulate or with detainee (b)(6), (b)(7)c, nor did he ever attempt to bring the two parties together himself—it was always another Deportation Officer put in charge of coordinating the consulate-call between (b)(6), (b)(7)c and the detainees (Jan. 10, 2012 & Feb. 10, 2012).

Further support of (b)(6), (b)(7)c assertion of the above misconduct can be exemplified in ICE's attempt to remove him from the institution, in route to Jamaica, that Thursday following the consulate-call (February 16, 2012), albeit without its required possession of valid travel documents—still yet to be issued by the Jamaican Consulate. At 2 AM that morning, (b)(6), (b)(7)c was removed with all his personal and institutional effects to Stewart Detention Center's Intake along with four (4) Jamaica-bound detainees, including (b)(6), (b)(7)c. Respectively, they were all among the nine (9) of us detainees present, who all spoke to (b)(6), (b)(7)c (2/10/12) and eight (8) of whom were issued travel documents—all eight (8) have since been removed to Jamaica or transferred from Stewart. It wasn't until after approximately five (5) hours of sitting in an extremely cold holding cell, when (b)(6), (b)(7)c arrived around 7AM and I asked him if I could see my travel documents, that he reluctantly divulged that there were none issued on my behalf. It was only then that the CCA staff officer indicated that I could return to my former housing unit. Had I not inquired into the existence of the necessary travel documents, I'm certain that I would've been removed along with the others—a scenario reminiscent of the unlawful actions taking place at JFK in 2006. Additional proof of this occurrence exists in the fact that my CCA account was closed-out in accordance with the institution's removal procedures and the balance wasn't re-deposited into my CCA account on Feb. 16, 2012 until 11:55 AM (See Receipt (b)(6), (b)(7)c). When my assigned (b)(6), (b)(7)c came to issue the I-229 the following day, Feb. 17, 2012, he purported not to have any knowledge of the removal attempt that had taken place only the day before, yet he claims, on Feb. 27<sup>th</sup>, 2012, to have been told by (b)(6), (b)(7)c that I refused to speak to the consulate on "February 9,

2012" and thus has chosen to advance such harmful claim in his recommendation for the issuance of the "Failure to Comply," without otherwise having firsthand knowledge or proof of the alleged refusal. It is obvious, from our conversation, that he, (b)(6), (b)(7)c wrote the actual Notice of Failure to Comply Pursuant to 8 CFR 241.4(g), yet he refused to reveal the name of the Deportation Officer making the falsified claim in the Notice, or even verbally, upon the issuance, thereof. Instead, he advised me to file for the information under the Freedom of Information Act (FOIA). His refusal to provide the name of my accuser, upon issuance of the Notice, was an attempt to circumvent any challenge I might demand in investigating the matter, directly violates my constitutional rights and further implicates (b)(6), (b)(7)c squarely into the conspiracy to deny such inalienable rights. On March 5<sup>th</sup>, 2012, I received the attached "ICE: Detainee Request Work Sheet" from (b)(6), (b)(7)c naming (b)(6), (b)(7)c as the officer making the 'falsified' claim that I "refused to speak to [the] consulate by telephones." [See enclosed 'Worksheet,' file No. (b)(6), (b)(7)c Feb. 29, 2012]. Whether or not the officer conducting the consulate-call between (b)(6), (b)(7)c and the detainees, on the day in question, is named (b)(6), (b)(7)c only one thing is certain—the characterization of what (b)(6), (b)(7)c has put into his report is entirely false and misleading. I surmise that this is simply a case of (b)(6), (b)(7)c falsification of the 'means to justify an end'—denial of detainee (b)(6), (b)(7)c 90-day Statutory Custody Review and to toll his time, as he has indicated would become effective immediately. (b)(6), (b)(7)c must now come forward, as well as, obtaining an account from (b)(6), (b)(7)c (b)(6), (b)(7)c of the Consulate General of Jamaica, to verify that such refusal did indeed take place on my part, in order to impose any punitive measures against me. I, unequivocally, aver that (b)(6), (b)(7)c and/or (b)(6), (b)(7)c have committed official misconduct by advancing a falsified claim that would allow ICE to impose punitive measures regarding my detention and thus deny me due process, which is a violation of my constitutional rights.

Aside from the above-named misconduct, there exists other evidence that there's no legal basis for issuance of the Notice of Failure to Comply, such as:

1. (b)(6), (b)(7)c of the Consulate General's Office, can attest to the fact that we spoke on two (2) well-documented occasions, including the time of the alleged refusal on Feb. 10, 2012, as well as on Jan. 10, 2012. On February 10<sup>th</sup>, 2012, we also discussed my January 26<sup>th</sup>, 2012 correspondence that he acknowledged receiving in regards to obtaining travel documents. A simple consultation with Consulate official (b)(6), (b)(7)c could've avoided this unnecessarily malicious allegation of (b)(6), (b)(7)c non-compliance, as put forth by (b)(6), (b)(7)c
2. I've obtained contact information for detainees/witnesses, such as (b)(6), (b)(7)c (b)(6), (b)(7)c as well as the others who were present at one or both of the prearranged consulate-calls in the event that their testimony should ever be required as to what did or did not occur at such consulate-call with (b)(6), (b)(7)c Conveniently, all of eight (8) detainees have either been removed to Jamaica or transferred from Stewart Detention Center, as of March 2, 2012;
3. Issuance of a Notice of Failure to Comply Pursuant to 8 CFR 241.4(g), which relies on blatantly falsified and/or ill-placed and unsubstantiated claims, violates my 5<sup>th</sup> Amendment constitutional right to due process and 14<sup>th</sup> Amendment right to equal protection or the laws.
4. The I-229(a) and accompanying Instruction Sheet, as claimed to be issued on January 20, 2012 was not timely, as the statute requires that they must be served within 30 days of the final order. My Final Order is dated February 14, 1995. That notwithstanding, my current ICE detention began on December 1, 2011, which makes service of an I-229 on January 20<sup>th</sup>, 2012, approximately 51 days after commencement of such detention or 21 days beyond the statutory requirements of service "no later than 30 days" beyond commencement of ICE custody;
5. On both occasions that (b)(6), (b)(7)c claims presenting the I-229 to Detainee Harrison (Jan. 20, 2012 and Feb. 17, 2012) he neglects to reveal that he told (b)(6), (b)(7)c "it doesn't matter whether you sign the I-229 or not. It only matters that I have given it to you!" To now list that as ample evidence of (b)(6), (b)(7)c (b)(6), (b)(7)c noncompliance with enough weight to form the basis, without other valid reason, for issuance of ICE's Failure to Comply Pursuant to 8 CFR 241.4(g), which also relies on a blatantly falsified allegation of his refusal to speak with the consulate, duly violates his constitutional right to due process and equal protection of the laws; and,

6. A Warning for Failure to Depart (I-229) is improperly served when a detainee has no control over his departure. Specifically, since (b)(6), (b)(7) is in ICE custody and relies upon the issuance of valid travel documents from the Consulate General of Jamaica before he can be removed, he is currently prevented from departing on his own accords, which makes his signature on such document ill-placed or moot and in violation of Due Process to punish him for refusing to sign. Likewise, there is nothing in the INA Section regarding a detainee's compulsory signing of the I-229, nor is there any indication given on the document itself or the Accompanying Worksheet to suggest that a Notice of Failure to Comply Pursuant to 8 CFR 241.4(g) can or may be issued for the want of a detainee's signature. It is therefore obvious, heretofore that (b)(6), (b)(7)c has knowingly and willfully lead detainees astray, in what amounts to be an inescapable catch-22 on the issue of "refusal to sign the I-229", and now intends to make a federal case of the issue. Combined with the obvious falsity of (b)(6), (b)(7)c refusal to speak with the consulate, there remains not a single valid reason made for the issuance of a Failure to Comply.

What remains after peeling away this thinly veiled façade, is a conspiracy by (b)(6), (b)(7)c and ICE authorities to unlawfully deny (b)(6), (b)(7)c the opportunity to be statutorily reviewed fairly for Supervised Release that, if not addressed by The Department of Homeland Security, will necessarily need to be addressed by the federal court. Incidentally, (b)(6), (b)(7)c has suggested that the federal court, via a Writ of Habeas Corpus, would be in my best interests. I have also reached out to (b)(6), (b)(7)c by letter, for the 2<sup>nd</sup> time, regarding the issuance of travel documents, as well as towards clarifying the alleged instance of any refusal on my part to speak with him on the telephone at the time in question or in any instance, whatsoever, [See enclosed letter dated Mar. 5, 2012]. I have, therefore, attached a copy of the February 27<sup>th</sup>, 2012 issuance of Notice of Failure to Comply. A copy of that letter was also forwarded to (b)(6), (b)(7)c Consulate General of Jamaica.

Wherefore, (b)(6), (b)(7)c hereby, seeks rescission or reversal of the Notice of Failure to Comply Pursuant to 8 CFR 241.4(g) as issued on February 27, 2012, which was knowingly and willfully based upon falsified information provided by (b)(6), (b)(7)c and then authorized by Felicia S. Skinner, Field Office Director. The claims of (b)(6), (b)(7)c alleged refusal does not withstand investigative scrutiny and charges of misconduct against both ICE officers making such claims, in a blatant attempt to deny his constitutional rights and to unlawfully subject him to criminal prosecution, under 8 USC Section 1253(a), must now be brought against them. Their actions fall outside the duties subscribed to in the official capacities of their ICE employment and thus makes them personally, as well as professionally liable for misconduct. Likewise, (b)(6), (b)(7)c requests fair consideration of his appeal for Release on Supervision based upon the Custody Review that was consequently denied him due solely to the misconduct of ICE (b)(6), (b)(7)c

I certify under the penalty of perjury that my foregoing assertions are true and correct.

Signed on this, 20 day of March 20, 2012.

(b)(6), (b)(7)c

(b)(6), (b)(7)c

Stewart Detention Center  
148 CCA Road  
Lumpkin, GA 31815

Sworn and subscribed to  
before me on this 20 day  
of March, 2012

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

**NOTARY PUBLIC**  
Stewart County  
State of Georgia  
My Comm. Expires October 1, 2015

(A grievance must be filed within 5 days of original incident or issue)

Grievance # \_\_\_\_\_

Detainee Name: (b)(6), (b)(7)c A# (b)(6), (b)(7)c Housing Unit: 68-1178

Complaint / Comments: (b)(6), (b)(7)c *has unlawfully caused the denial of my 2/29/12 File, Certify, Review for consideration of release and Order of Supervision by intentionally making the fabricated claim that "on February 9, 2012 you refused to speak with your consulate on the telephone," with his issuance of Notice of Failure to Comply (2-27-12).*

Action requested by detainee: *A written reprimand of Alberto S. Sant'Agustin "once proven that they've conspired to deny my 5<sup>th</sup> & 14<sup>th</sup> Amendment Rights and to secure my release upon an Order of Supervision, which was denied due their misconduct/fabricated claim.*

Detainee Signature: (b)(6), (b)(7)c Date / time: 3/15/12 @ 8:20P

Housing Unit Officer: (b)(6), (b)(7)c Date / time: 3/12/12 20:20

INFORMAL  Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Detainee Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Staff Member: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Supervisory Review: \_\_\_\_\_ Date / time: \_\_\_\_\_

FORMAL  Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution:  Deportation  Detention  Administration  
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: \_\_\_\_\_

Dep. Head: \_\_\_\_\_

Dep. Staff: \_\_\_\_\_ Dep. Staff: \_\_\_\_\_

Date of Findings: \_\_\_\_\_ Date Returned to Detainee: \_\_\_\_\_

*(Detainee return within five days of receipt and check the appropriate box)*

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Housing Unit Officer: \_\_\_\_\_ Date / time: \_\_\_\_\_

**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**

American Correctional Association Standards for Adult Local Detention Facilities, 3rd Edition: 3-ALDF-3E-11.

**Approval of Standard**

(b)(6), (b)(7)c

**Office of Programs**

**Date**

(b)(6), (b)(7)c

**Executive Associate Commissioner  
Office of Field Operations**

**Date**



Response on Reverse

Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

(b)(6), (b)(7)c

FEB 29 2012

DIV-1

# ICE Detainee Request Work Sheet

Name/Nombre: (b)(6), (b)(7)c

A-Number/Numero de Inmigracion: (b)(6), (b)(7)c

Country/Pais: Jamaica?

Date of Birth/Fecha de nacimiento: (b)(6), (b)(7)c

Deportation Officer/Deportador: (b)(6), (b)(7)c *(Supervisor)* (b)(6), (b)(7)c

Question/Pregunta:

*I plan to challenge, very vigorously, the Notice of Failure To Comply Pursuant to 8 CFR 241.4(g). What is the name of the officer who claims to have witnessed my refusal to talk to the Consulate, Mr. Vance Carter.*

*Before making your decision to recommend issuance and indeed issuing the Notice of Failure To Comply Pursuant to 8 CFR 241.4(g) did you speak with (b)(6), (b)(7)c to independently determine whether the most serious allegation made in the Notice of my refusal to speak with him by telephone on the alleged occasion or any other occasion, for that matter, have any merit? Or do you not think it an important measure to take before having made the recommendation to, as you've said "toll" my time or "stop the clock?"*

(b)(6), (b)(7)c 02/29/12 6B 117B

Signature/Firma Date/Fecha Dormi/Dormitorio

THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!





Response  
on  
Reverse

Department of Homeland Security  
Immigration and Customs Enforcement  
Detention and Removal

(b)(6), (b)(7)c

NAK 012012

DIV-1

# ICE Detainee Request Work Sheet

Name/Nombre:

(b)(6), (b)(7)c

A-Number/Numero de inmigracion:

(b)(6), (b)(7)c

Country/Pais: Jamaica

Date of Birth/Fecha de nacimiento:

(b)(6), (b)(7)c

Deportation Officer/Deportador

(b)(6), (b)(7)c

Question/Pregunta:

On 2-27-12 you served me with the Notice of Failure to Comply Pursuant to 8 CFR 241.4(a), based primarily on the allegation that I refused to speak with my consulate by telephone on 2/8/12, which is a total misrepresentation of the facts. It was only two days shy of my 02/20/12 File Custody Review or the statutory 90-day review period as set forth in INA 241(a). It is obvious that your actions herein were entirely ~~unwarranted~~ without merit and solely to preempt the ~~legitimate~~ ~~required~~ ~~process~~ ~~complaint~~ ~~subsequent~~ ~~to~~ ~~be~~ ~~filed~~ ~~in~~ ~~a~~ ~~U.S.~~ ~~District~~ ~~Court~~, that you have both violated the law and my constitutional rights under the 5<sup>th</sup> & 14<sup>th</sup> Amendments of the US Constitution. I will have been vindicated. You will have to provide both the name of the Officer providing you with info that he witnessed my "refusal" and verification from (b)(6), (b)(7)c to substantiate this fabricated claim, aimed solely at ~~obscuring~~ ~~my~~ ~~rights~~ ~~and~~ ~~to~~ ~~keep~~ ~~me~~ ~~in~~ ~~custody~~. She will be named, as well as the two law enforcement ICE Officers.

Signature/Firma: (b)(6), (b)(7)c  
Date/Fecha: February 29, 2012  
Dorm/Dormitorio: 6B/217B

THIS FORM FOR ICE/IMMIGRATION QUESTIONS ONLY!  
ESTA FORMA ES PARA PREGUNTAS DE ICE/INMIGRACION SOLAMENTE!

P.S. Notice to Alien of File Custody Review reveals nothing regarding the "30-DAY" time-frame for submitting documentation for review purposes. Another lie to add to the federal complaint!



I have read your request. Please note the response below:  
 He leído su pedido. Por Favor lea la respuesta abajo:

1. You have been identified as an alien amenable to Voluntary Return (form I-826) to your native country. ICE will process your case as soon as possible for your removal.  
 Usted a sido identificado como un extranjero que califica para un Regreso Voluntario (forma I-826). Su caso va a ser procesado lo mas pronto posible para su salida de Los Estados Unidos.
2. You are an alien Claiming Fear of returning to your country. You will be interviewed by an Asylum Officer as soon as possible. Only an Asylum Officer or Immigration Judge can cancel your fear claim. If an Asylum Officer determines that your fear is credible, and/or refer your case to an Immigration Judge. Only an Immigration Judge can issue or lower a bond.  
 Usted esta para ser Examinado Antes por regresar a su país. Usted va a ser entrevistado por un oficial de asilo lo mas pronto posible. (únicamente la oficina de asilo o el Juez de Inmigración puede cancelar su petición. Si un oficial de asilo determina que el miedo de regresar a su país es creíble, podrá ver a un juez de Inmigración. Solamente un Juez de Inmigración puede dar o reducir una fianza.
3. You have been issued a Notice to Appear (form I-862) before an Immigration Judge. Your file will be/has been sent to the Trial Litigation Unit at Stewart Detention Center for review and to be calendared for court. Your hearing will "GENERALLY" be held within 1-2 months from when you entered the Stewart Detention Center. You can call the Immigration Court Information telephone number for your hearing date. The number is 1-800-898-7180 (toll-free) and you must use nine digits for your "A" number. Only an Immigration Judge can issue or lower a bond.  
 Su caso esta en las manos de la corte. A usted le han dado una cita para presentarse frente a un Juez de Inmigración Notice to Appear forma (I-862). Su expediente va a ser enviado a la Corte de Litigaciones en Atlanta para su revisión y poderlo dar una fecha de corte. Sus audiencias podrán tardar de 1-2 meses, después de que haya llegado al Centro de detención de Stewart OCA. Para información de los avances en su caso, usted puede llamar gratuitamente a la Corte de Inmigración al numero 1-800-898-7180, Ingrese 9 números de su identificación (A-number). Solamente un Juez de Inmigración puede dar o reducir una fianza.
4. You have been Ordered REMOVED OR DEPORTED from the United States (forms I-871, 1851 or Immigration Judge Order (I-800-898-7180)). You will be deported as soon as possible contingent on your cooperation see form I-223. Your case will be reviewed if you are not removed within 90 days. You are not allowed to pay for your removal. The U.S. Government will remove you from the United States. You are not eligible for a bond or special permit.  
 A usted le han ordenado REMOVED o DEPORTADO de los Estados Unidos (formas I-671, 1851 or Immigration Judge Order (I-800-898-7180)). Usted va a ser deportado lo mas pronto posible, dependiendo en su cooperación ver forma I-223. Su caso va a ser revisado, si usted no ha sido expulsado durante 90 días. Usted no pagara por su salida del país. El Gobierno de Estados Unidos se encargara de su salida del país. Usted no califica para fianza o permiso especial.
5. You have asked that your bond be reduced. Only an Immigration Judge can reduce your bond.  
 Usted ha preguntado si su fianza puede ser reducida. Solamente un Juez de Inmigración puede reducir su fianza.
6. You have filed an Appeal with the Board of Immigration Appeals (BIA). The normal processing time is 9-12 months from receipt of your appeal. If you wish to cancel your appeal it must be written in English and mailed to the BIA.  
 Usted ha Apelado su caso ante la Junta de Apelación de Inmigración (BIA). El tiempo aproximado para procesar su petición es de 9 a 12 meses a partir de que se recibe su apelación. Si usted desea cancelar su apelación, debe enviar por correo regular y escrito en inglés a la Junta del BIA.
7. You have asked to be removed as soon as possible because you have sick family members in your country. I need proof of such illness either by the International Red Cross or your Consulate in order to process your request.  
 Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar muy enfermo en su país de origen. Necesitamos pruebas de la enfermedad y gravedad de su pariente, ya sea por medio de la Cruz Roja Internacional o su Consulado para poder procesar su petición.
8. You have asked to be removed as soon as possible because you have members in your country that depend on your financially. You will be removed as soon as possible.  
 Usted ha preguntado si puede ser expulsado del país lo más pronto posible, por que tiene un familiar que se encuentra en su país de origen que depende económicamente de usted. Usted será expulsado del país lo más pronto posible.
9. You have asked for help with missing property. I need a custodial receipt to assist you in this matter.  
 Usted ha preguntado si se le puede ayudar a recuperar sus pertenencias perdidas. Para poder ayudarlo en este caso necesitamos los recibos custodiales de las pertenencias.
10. Your Immigration Special Correspondence is not legible. You need to resubmit a new request.  
 Su Correspondencia Especial de Inmigración no es legible. Necesita enviar nuevamente su pregunta.
11. You did not ask a question. You need to write your question on a new request.  
 Usted no ha hecho preguntas. Necesita escribir su pregunta de nuevo.
12. Other/Otra:

Your information was placed in your service file

Official's Signature/ (b)(6), (b)(7) Oficial

3/1/2012  
 Date/Fecha

3/1/2012  
 Date Received

Office of Enforcement and Removal Operations  
Atlanta Field Office  
U.S. Department of Homeland Security  
180 Spring Street, SW  
Atlanta, Georgia 30303



## U.S. Immigration and Customs Enforcement

(b)(6), (b)(7)c

C/O Stewart Detention Center  
146 GCA Road  
Lumpkin, Georgia 31815

(b)(6), (b)(7)c

### Notice to Alien of File Custody Review

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody), ICE's Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you will not pose a danger to the community and will not present a flight risk.

Your custody status will be reviewed on or about: 02/29/2012. The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

U.S. Department of Homeland Security

Immigration and Customs Enforcement  
Attn: (b)(6), (b)(7)c Deportation Officer  
146 CCA Road  
Lumpkin, Georgia 31815

**METHOD OF SERVICE**

I certify that this form was provided to the alien by:

Hand

Institution Mail

CC: Attorney of Record or Designated Representative

(b)(6), (b)(7)c

Signature of Officer

(b)(6), (b)(7)c

Print Name of Officer

01/20/12  
Date

Office of Enforcement and Removal Operations  
Atlanta Field Office

U.S. Department of Homeland Security  
190 Spring Street, S.W.  
Atlanta, Georgia 30303



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

(b)(6), (b)(7)c

C/O Stewart Detention Center  
Detainee No. 18103201  
146 CCA Road  
Lumpkin, GA 31815

(b)(6), (b)(7)c

**Notice of Failure to Comply Pursuant to 8 CFR 241.4(g)**

This letter is to inform you that your custody status has been reviewed and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file and/or your personal interview and consideration of any information you submitted to ICE's reviewing officials.

On January 20, 2012, you were advised, via form I-229(a) and Instruction Sheet to Detainee, of specific requirements to complete and were given 30 days to comply with your obligation to assist in obtaining a travel document. The burden to obtain a travel document for your removal does not solely rest with ICE. Pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA), you are required to make timely and good faith efforts to obtain travel or other documents necessary for your removal from the United States. If you fail to make these efforts, Section 241(a)(1)(C) allows for the extension of the removal period. On January 20, 2012, you failed to acknowledge receipt of form I-229 and Instruction Sheet. On February 9, 2012, you refused to speak with your consulate on the telephone. On February 17, 2012, you failed to acknowledge receipt of form I-229 and Instruction Sheet. Based on the aforementioned you have failed to comply with your obligation and are acting to prevent your removal from the United States. The removal period is therefore extended in your case.

As you are still within the removal period, you are to remain in ICE custody until you demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you.

You are also advised that continued willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions or obstruct the issuance of a travel document, may subject you to criminal C Section 1253(a).

(b)(6), (b)(7)c

Felicia S. Skinner, Field Office Director

2-27-12  
Date

(b)(6), (b)(7)c

Stewart Detention Center  
P.O. Box 248  
Lumpkin, GA 31815

Consulate General of Jamaica

Attn: (b)(6), (b)(7)c

Ingram Building  
25 S.E., 2<sup>nd</sup> Ave. (Suite 609)  
Miami, FL 33131

March 5, 2012  
(Revised from 3/2/12)

Re: Issuance of Travel Documents

(b)(6), (b)(7)c

(b)(6), (b)(7)c

I'm writing to you in earnest that you may immediately resolve issues that are completely within your knowledge and/or authority to put an end to. The two most pressing issues surrounding your issuance of Travel Documents are two-fold: 1) Whether the Consular General of Jamaica intends to issue Travel Documents and, if not, to please state that in writing as soon as possible; and 2) I'm requesting that you clear up the issue regarding allegations that I, on February 9, 2012, refused to speak with you by telephone [please see underlined portion of the enclosed Notice of Failure to Comply].

With regards to the latter claim, punitive measures have already been imposed, which allows me to be held *indefinitely* in ICE custody or even *prosecuted* for the alleged refusal to speak with you, as claimed. Your office should have a record of the detainees with whom you've spoken on January 10, 2012 and February 10, 2012 and I should be listed on both. In fact, regarding Feb. 10<sup>th</sup>, I was the last detainee you spoke with of the 9 present, *sight* (8) for whom your office has issued travel documents and who've since been removed to Jamaica [incl. (b)(6), (b)(7)c Sligoville, St. Catherine]. Also, with regards to the alleged refusal to speak with you, were you ever made aware of any such refusal or has any inquiry been made by ICE in an attempt to confirm or dispute any such refusal on my part? This is very important, as I must challenge ICE's version, as well as its Notice of Failure to Comply, which is based on the alleged refusal. Coincidentally, were you aware that my removal was attempted on February 16<sup>th</sup>, 2012, from Stewart, along with (b)(6), (b)(7)c and the (3) others without my necessary travel documents being issued by you or your office?

Likewise, as it pertains to issue number 1, i.e., the Issuance of Travel Documents, this is my 4<sup>th</sup> contact with you regarding the same [See Jan 26, 2012 letter]. Again, if you have been able to verify the document—(b)(6), (b)(7)c as provided to you by ICE, as a legitimately filed document with Jamaica's Registrar or can demonstrate independently that I am a citizen of Jamaica, through said Registrar or Jamaica's Ministry of National Security, then I encourage you to please issue Travel Documents immediately or to issue a written statement that you will not. ICE Officer (b)(6), (b)(7)c (b)(6), (b)(7)c who has issued the enclosed Notice, has stated that this is what must occur or I will be adversely affected by your inaction, though this is totally out of my control. Either way, can you please make your documented findings available to myself and ICE.

It is not now, nor has it ever been, my desire to impede removal to the rightful country of my birth, but only to obtain independent validation that I am proven to be a lawfully documented and recognized citizen of Jamaica, which would eliminate any future difficulties that I may be presented with in the event that I'm removed, thereto. Copies of such documents would allow me to pursue available avenues of reintegration, such as obtaining licensing, bank accounts, birth certificates, etc.

Thank you,

(b)(6), (b)(7)c

**Cc: Personal records**

(b)(6), (b)(7)c

**Consulate General  
ICE Deportation Officer**

**Enclosure: Notice of Failure to Comply Pursuant to 8CFR 241.4(g)**

# EXHIBIT 2

(b)(6), (b)(7)c

**From:** (b)(6), (b)(7)c  
**Sent:** Friday, June 15, 2012 5:19 PM  
**To:** (b)(6), (b)(7)c  
**Subject:** OPR Case Numbers (b)(6), (b)(7)c  
**Attachments:** OPR (b)(6), (b)(7)c

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

The above management referral cases are attached for your review and action. Please note these two cases are related. The deadline for your response is July 31, 2012. Upon completion of our investigation, please forward to my attention.

Thank you

(b)(6), (b)(7)c

Mission Support/287g  
Atlanta Field Office  
(404) 893 (b)(6), (b)(7)c



U.S. Department of Homeland Security  
77 Forsyth St. SW  
Atlanta, GA 30303



U.S. Immigration  
and Customs  
Enforcement

April 16, 2008

MEMORANDUM FOR

(b)(6), (b)(7)c

FROM:

(b)(6), (b)(7)c

Atlanta, Georgia

SUBJECT:

OPR case number (b)(6), (b)(7)c

The Atlanta Field Office has closed the above case without action. Upon review of the completed management inquiry conducted by (b)(6), (b)(7)c it was determined that Detained (b)(6), (b)(7)c (b)(6), (b)(7)c did receive the \$200.00 while at the Krome Processing Center and documentation is provided to verify receipt.

If you have any further questions regarding this investigation, please contact

(b)(6), (b)(7)c

(b)(6), (b)(7)c at (404) 891-(b)(6), (b)(7)c

Attachment



U.S. Immigration  
and Customs  
Enforcement

April 14, 2008

MEMORANDUM FOR:

(b)(6), (b)(7)c

FROM:

SUBJECT:

Management Inquiry – OPR Case No (b)(6), (b)(7)c

Purpose

The purpose of this memorandum is to provide facts, evidence, and a clear factual response to a detainee's (b)(6), (b)(7)c allegation of missing money (\$200) from his property. This memorandum will show that there were no funds missing and that the detainee was actually given all of his funds upon removal from the United States. The detainee was also given a G-589 receipt (b)(6), (b)(7)c which shows a balance of \$207.53.

It was also discovered that the information regarding the detainee's name and A-number was erroneously submitted to the Joint Intake Center (JIC). The name and A-number that was erroneously submitted in the allegation is (b)(6), (b)(7)c the correct name and A-number is (b)(6), (b)(7)c from the Dominican Republic.

Background

On February 19, 2008 (b)(6), (b)(7)c submitted an allegation against the Immigration and Customs Enforcement/Detention and Removal Operations (ICE/DRO) in which he stated that there was \$200.00 missing from his personal property. The allegation submitted by (b)(6), (b)(7)d reads as follows:

*On January 28, 2008, the Joint Intake Center (JIC), Washington, D.C., received telephonic notification from (b)(6), (b)(7)c alleging that \$200 was missing from his personal effects. Detainee (b)(6), (b)(7)e was recently transferred from Stewart Detention Center (SDC) to the Wakulla County Jail (WCJ). Detainee (b)(6), (b)(7)c alleges that he was given a property receipt from SDC documenting his \$255 (US currency), but once he checked into WDC his new receipt read \$55 (US currency).*

I have been assigned to provide an objective investigation into this allegation. As such I have tracked down exactly what occurred in this situation and will provide supporting documentation to show that (b)(6), (b)(7)c did in fact received his \$200.00 prior to being removed from the United States.

SUBJECT: Management Inquiry – OPR Case No. (b)(6), (b)(7)c

Date: 2/14/08

Page 2

### Discussion

On 2/19/08 I received notification from the Field Office Director (FOD) to commence a Management Inquiry (MI) into (b)(6), (b)(7)c allegation of missing \$200 from his property.

On 3/17/08 I contacted (b)(6), (b)(7)c as he also conducted an MI on (b)(6), (b)(7)c regarding a claim he made that he did not receive payment for working at the SDC dining facility. At the conclusion of the MI the claims were unfounded as (b)(6), (b)(7)c refused to accept his payment of \$21.00 when he was transferred to Wakulla County Jail (WCJ). While interviewing (b)(6), (b)(7)c he referred me to Corrections Corporation of America (CCA) business manager (b)(6), (b)(7)c

On 3/17/08 I contacted CCA business manager (b)(6), (b)(7)c with regards to (b)(6), (b)(7)c allegation of the missing \$200 from his property. She then provided me a complete transaction record of (b)(6), (b)(7)c financial account while detained at SDC (included as exhibit A). The report states that on 1/22/08 at 22:09 a withdrawal from his account was made in the amount of \$207.53 and the funds were transferred to (b)(6), (b)(7)c location at the Krome Processing Center.

On 1/24/08 (b)(6), (b)(7)c received a check from CCA business office at the Krome Processing Center in the amount of \$207.53 (check# (b)(6), (b)(7)c as annotated on the G-589 receipt No. (b)(6), (b)(7)c and signed my (b)(6), (b)(7)c as well.

On 1/28/08 (b)(6), (b)(7)c submits an allegation to the JIC as stated in the previous page, where he claims to have missing funds in the amount of \$200.00 from his personal property.

On 4/1/08 I contacted the Krome Processing Center and spoke with (b)(6), (b)(7)c and he provided me with a copy of the G-589 (included as exhibit B) which clearly shows that (b)(6), (b)(7)c received \$207.53 and the funds were returned to him prior to his departure from Krome back to his country of birth; the Dominican Republic on 3/18/08. (b)(6), (b)(7)c ending balance at Krome prior to leaving was \$147.53 as a result of a withdrawal he made in the amount of \$60.00 on 2/6/08. I have included the receipt (exhibit C) to show (b)(6), (b)(7)c last transaction while at the Krome Processing Center.

### Conclusion

The above MI delineates a chronologic order of events that indicates that (b)(6), (b)(7)c did in fact receive his \$200.00 while at the Krome Processing Center and that when he left Krome the balance in his detainee account was \$147.53 after a cash withdrawal of \$60.00 on 2/6/08. Furthermore if (b)(6), (b)(7)c would have accepted his pay when he was being out-processed at SDC, he would have not had any basis for submitting that allegation, as the money was in his inmate account. Currently (b)(6), (b)(7)c has been removed from the United States and all monies have been returned to him, and all of his inmate accounts are clear with a zero balance.

Inmate: (b)(6), (b)(7)c

Booking #: (b)(6), (b)(7)c

Permanent ID: (b)(6), (b)(7)c

Booking #	Date	Code	Shift	Rate	Description	Category	Amount
03/03/2008 17:44		RK	2	228.53	Roberto Mateo Cuevas	(b)(6), (b)(7)c	
03/03/2008 16:24		CK	1	207.53	REPLAGE LOST RECRF CK/2370		
01/24/2008 16:39		CS	1	18.00	Detainee refused to take money		
01/23/2008 16:38	01/22/2008 13:58	JN	1	3.00	DETAINEE PAY 01/21/08	OTHER	
01/23/2008 08:24		BA	2	18.00	MATEO CHEVAS ROBERTO		
01/23/2008 09:22		JN	1	12.00	detainee payroll 1/19 19:21 21	OTHER	
01/23/2008 09:01	01/22/2008 13:48	JN	1	3.00	Detainee Pay Kt 2nd Shift 1/22	OTHER	
01/23/2008 08:18	01/22/2008 20:41	JN	1	3.00	DETAINEE PAY 01-22-2008	OTHER	
01/22/2008 22:09		CA	2	207.53	ROBERTO MATEO CUEVAS		
01/18/2008 16:49	01/17/2008 18:17	JN	1	3.00	DETAINEE PAY 01-17-08	OTHER	
01/18/2008 16:33		JN	1	3.00	Detainee Pay Kt 2nd SR 1/18	OTHER	
01/18/2008 11:57	01/17/2008 11:23	JN	1	3.00	DETAINEE PAY 01-17-08	OTHER	
01/18/2008 09:18	01/17/2008 10:28	JN	1	3.00	DETAINEE PAY 01-16-08	OTHER	
01/18/2008 08:56	01/16/2008 13:08	JN	1	3.00	DETAINEE PAYROLL 01/16/2008	OTHER	
01/18/2008 12:28		JN	1	3.00	DETAINEE PAY 01-15-08	OTHER	
01/16/2008 10:49		OO	2	19.38	COMMISSARY SUMMARY POSTIN	(b)(6), (b)(7)	
01/16/2008 08:48	01/15/2008 08:54	JN	1	3.00	DETAINEE PAY 01-14-08	OTHER	
01/16/2008 08:32	01/15/2008 11:59	JN	2	3.00	Detainee Pay Kt 2nd Shift 1-15	OTHER	
01/15/2008 09:50	01/14/2008 11:43	JN	1	3.00	DETAINEE PAYROLL 01-13-08	OTHER	
01/15/2008 09:21	01/14/2008 11:31	JN	1	3.00	Detainee Payroll Kt 2nd Sft 1/14	OTHER	
01/14/2008 18:56	01/10/2008 13:18	JN	1	3.00	Detainee Payroll Kt 2nd Sft 1-9-08	OTHER	
01/14/2008 18:22	01/10/2008 12:46	JN	1	3.00	Detainee Pay Kt 2nd Sft 01-10	OTHER	
01/13/2008 10:17	01/12/2008 18:28	JN	1	3.00	detainee pay 1-12-08	OTHER	
01/11/2008 14:21		JN	1	3.00	DETAINEE PAYROLL 01-11-08	OTHER	
01/09/2008 15:42		JN	1	3.00	Detainee Pay Kitchen 3rd Shift 1/08	OTHER	
01/09/2008 09:04	01/08/2008 13:38	JN	1	3.00	Detainee Pay Kitchen 2nd Shift 1/7/08	OTHER	
01/08/2008 15:42		JN	1	3.00	detainee payroll 1/7/08	OTHER	
01/08/2008 15:41		JN	1	3.00	detainee payroll 1/6/08	OTHER	
01/07/2008 10:39		JN	1	3.00	detainee payroll 1/2/08	OTHER	
01/07/2008 10:32		JN	1	3.00	detainee payroll 1/6/08	OTHER	
01/07/2008 10:19		JN	1	3.00	detainee payroll 1/4/08	OTHER	
01/07/2008 10:18		JN	1	3.00	detainee payroll 1/5/08	OTHER	

Exhibit A



\*\*\* FILE COPY \*\*\*  
Krome Svce Processing  
Withdrawal Receipt

2

Exhibit C

<u>Inmate ID</u>	<u>Name</u>	<u>Cell Block</u>
(b)(6), (b)(7)c	(b)(6), (b)(7)c	

<u>Withdrawal Type</u>	<u>Withdrawal Amt</u>	<u>Ending Balance</u>
Cash	\$-60.00	\$147.53

<u>Date</u>	<u>Time</u>	<u>Receipt #</u>	<u>Batch #</u>	<u>Drw #</u>	<u>Stat #</u>	<u>User</u>
02/06/2008	10:57:26	(b)(6), (b)(7)c	(b)(6), (b)(7)c	1	2	(b)(6), (b)(7)c

Comment: CR P 0

Signature: (b)(6), (b)(7)c