

Demand for Civil Rights Investigation into Inadequate Mental Health Care and Use of Solitary Confinement in ICE Detention

The National Immigrant Justice Center (NIJC) and three previously detained individuals filed a [civil rights complaint with DHS's Office of Civil Rights and Civil Liberties \(CRCL\) regarding U.S. Immigration and Customs Enforcement's \(ICE\) pervasive mistreatment and abuse of people with mental health challenges in ICE custody](#). The complaint requests a system-wide investigation into the provision of mental health care and treatment and ICE's abusive use of solitary confinement. Three doctors with years of experience working across the immigration detention system offer their expert testimony regarding ICE's failures in mental health care. Despite years of documentation of ICE's abusive and negligent treatment of people with mental health challenges, ICE has failed to take steps to remedy the deficient mental health care provided to the people it detains, resulting in egregious consequences.

Key findings in NIJC's complaint:

- **People in detention experience significant delays in mental health care and unanswered requests for care.**
 - Mr. Edwin Silva waited up to a month before getting a mental health appointment even though he suffered from bipolar disorder and was in urgent need of medication. He did not receive *any* treatment during the four months he was in ICE custody.
 - Ms. Angela Osorio waited two months before seeing a mental health provider despite worsening symptoms of clinical depression.
- **ICE provides poor and neglectful treatment when responding to requests for mental health care resulting in egregious consequences like self-harm.**
 - Expert doctors describe the case of a man who thrived in his life prior to detention while taking medication for his schizophrenia diagnosis. In detention, ICE failed to provide him any medication for two weeks and then offered him only an ineffective substitute medication. He suffered hallucinations and four suicide attempts as a result.
 - A sergeant physically assaulted Mr. Jefferson Estime, who suffers from bipolar disorder and depression, upon his arrival in ICE custody at the Clay County Jail. ICE failed to provide him with any emergency medical services for his injuries or adequate treatment for his mental illnesses.
- **ICE regularly uses solitary confinement across the detention system in response to minor incidents and disproportionately against individuals suffering from mental health challenges—putting lives at risk.**
 - According to expert doctors in the complaint, "solitary confinement is being used both as a short- and long-term approach to managing mental illness within detention facilities."
 - Detention staff repeatedly placed Mr. Edwin Silva in solitary confinement for incidents as minor as forgetting to wear a T-shirt. He describes solitary confinement as follows: "I came to feel in a way that I'd never felt before. I thought about having to return to Nicaragua, where I would be in danger... I felt depressed. I cried whenever I was in solitary. I could not sleep. We didn't have the right to do anything. I felt like I didn't want to live."
 - Ms. Angela Osorio intentionally hid her self-harm from the detention staff out of fear of being sent to solitary confinement.

According to expert doctors, "detained individuals at the El Paso Processing Center reported that when they sought help for medical problems, the medical staff sometimes simply performed internet searches of their symptoms, and provided them with 'advice' such as 'drink more water.'"

Detention staff repeatedly placed Mr. Edwin Silva in solitary confinement for incidents as minor as forgetting to wear a T-shirt during a detainee count.

- **ICE's system-wide failures regarding mental health treatment and care violate its own standards.**
 - ICE's treatment of Mr. Jefferson Estime, Ms. Angela Osorio, and Mr. Edwin Silva violated the 2019 National Detention Standards for Non-Dedicated Facilities and the 2008 Performance Based National Detention Standards.

The testimonies and findings in the complaint are emblematic of system-wide deficiencies in the immigration detention system and demonstrate that detention itself is harmful to the mental well-being of the people in custody.

NIJC reiterates its call to policy makers and elected officials to take immediate and dramatic steps toward ending immigrant detention.

Read NIJC's CRCL complaint: immigrantjustice.org/NIJCDemandsCivilRightsInvestigation