

February 1, 2018

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VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

Re: FOIA Request Regarding Deaths in Stewart Detention Center

To Whom It May Concern:

This letter constitutes a request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). See also 6 C.F.R. pt. 5 (implementing regulations of the Department of Homeland Security; 28 C.F.R. pt. 16 (implementing regulations of the Department of Justice). This FOIA request is submitted by the Southern Poverty Law Center (“SPLC”). We make this request for records due to our concern about the conditions of confinement for immigrants detained at the Stewart Detention Center (“Stewart”) in Lumpkin, GA.

In less than one year, two detainees at Stewart have died. On May 15, 2017, Jean Jimenez-Joseph, a 27 year-old Panamanian man, committed suicide by hanging himself in the cell where he had been placed in solitary

confinement.¹ On January 30, 2018, U.S. Immigration and Customs Enforcement (“ICE”) reported that Yulio Castro-Garrido, a 33-year old Cuban man, died after reportedly having been diagnosed with pneumonia while housed at Stewart, more than three weeks prior to his death.²

We seek disclosure of any and all records³ prepared, collected, maintained, or created, including the following:

1. All records concerning the confinement of, care provided to, and death of Jean Joseph Jimenez, except those exempt from disclosure under law.
2. All records concerning, the confinement of, care provided to, and death of Yulio Castro-Garrido, except those exempt from disclosure under law.
3. All records concerning policies, procedures and practices for facilitating and responding to detainees’ requests for medical and/or mental health care since April 1, 2017.
4. All records concerning policies, procedures and practices for facilitating and responding to detainee grievances or complaints about the provision of medical and/or mental health care at Stewart since April 1, 2017.
5. All detainee requests for mental and/or medical health care and all grievances, complaints, or other correspondence from detainees about the provision of medical and/or mental health care at Stewart since April 1, 2017.
6. All records, including policies, protocols and post orders, concerning medical and/or mental health emergency procedures at Stewart since April 1, 2017.
7. All records, including written correspondence, reports and data, concerning staff responses to and the outcomes of actual medical and/or mental health emergencies that have occurred at Stewart since April 1, 2017.
8. All records concerning the number and qualifications of any and all full-time, part-time and contracted medical and mental health care staff at Stewart since April 1, 2017.
9. All records containing information about facilities within Stewart designated for medical or mental health treatment. This includes but is not limited to records containing descriptions of medical equipment and housing for detainees experiencing a health or mental health crisis.
10. All records concerning policies, procedures and practices relating to deaths in ICE custody generally and at Stewart specifically since April 1, 2017.

Request for Waiver of Fees

We request a waiver or reduction of fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). The SPLC provides free legal representation immigrant detainees who have suffered violations of their civil rights. The SPLC also engages in disseminating information, regularly participating in public forums regarding civil rights and immigration.

¹ See News Release: ICE detainee passes away at Georgia Hospital, May 15, 2017 *available at* <https://www.ice.gov/news/releases/ice-detainee-passes-away-georgia-hospital-0> (last visited February 1, 2018); Jeremy Redmon, *Second ICE detainee in Georgia dies in space of two days*, Atlanta Journal-Constitution, May 17, 2017, *available at* <http://www.ajc.com/news/breaking-news/second-ice-detainee-georgia-dies-space-two-days/bMmIp9itISFFKHG4JhRXRL/> (last visited February 1, 2018).

² See News Release: ICE detainee passes away, Jan. 31, 2018 *available at* <https://www.ice.gov/news/releases/ice-detainee-passes-away> (last visited February 1, 2018).

³ The term “records” as used herein includes all records or communications maintained in any format, including but not limited to correspondence, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, training manuals, and studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications, and/or video tapes.

The information disclosed will not be used for commercial purposes. The issue of immigration detainees is “in the public interest” and has generated significant attention from advocates, policy makers, and the general public, as indicated by extensive media coverage of the issue. Your response to this request will be used to contribute to that discussion.

Further, the SPLC qualifies as a representative of the news media pursuant to the OPEN Government Act of 2007. Pursuant to the statute, a representative of the news media is “any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). The SPLC gathers information through research and FOIA requests on emerging and on-going civil rights and immigration issues. That information is used to create and publish unique reports and public education materials, which are published in print and/or on the internet at www.splcenter.org. The information SPLC seeks out and the publications it creates are to educate and inform the public of policies, events, and news that affects their civil rights. The intended audience is elected officials and policy makers, the general public, interest groups, and various stakeholders nationwide. However, if a waiver or reduction of fees is not granted, we will pay reasonable copying charges.

Thank you for your consideration of this request. If this request is denied in whole or in part, SPLC asks that the government justify all redactions by reference to specific FOIA exemptions. Please specify the search that was undertaken to locate records responsive to this request. We expect the government to release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Any payment by SPLC shall not be construed to constitute an acceptance of any decision to deny the fee waiver request. Pursuant to applicable regulations and statutes, we will anticipate your determination on our request within 20 days. *See* 5 U.S.C. § 552(a)(6)(A)(i).

Please contact me by phone at (404) 521-6700, by facsimile at (404) 221-5857 or by email at laura.rivera@splcenter.org to arrange for delivery and any payment, if necessary, or with any questions. Thank you in advance for your prompt consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Laura Rivera". The signature is fluid and cursive, with the first name "Laura" being larger and more prominent than the last name "Rivera".

Laura Rivera
Staff Attorney