

# Congress of the United States

Washington, DC 20515

December 14, 2005

The Honorable David M. Walker  
Comptroller General  
U.S. Government Accountability Office  
441 G Street, NW, Room 7125  
Washington, DC 20548

FAX: 202-512-7919

Dear Mr. Walker,

As members of the Judiciary Committee, we are very concerned about allegedly deficient medical care provided to the burgeoning population of over 200,000 immigration detainees in Department of Homeland Security (DHS) custody pending removal. On December 5, 2005, National Public Radio (NPR) aired a shocking expose entitled, *The Death of Richard Rust*, documenting how the Department has allegedly been neglecting the basic health care needs of immigration detainees.

Mr. Richard Rust, a 34-year-old immigration detainee from Jamaica, reportedly died in the Oakdale, Louisiana detention facility after, according to witnesses interviewed, no one from the medical staff came to his aid until 20 minutes after he had suffered a heart attack. Apparently, it took 40 minutes for the arrival of an ambulance.

This reportedly delayed response occurred despite DHS standards providing for staff to respond to emergencies within "a 4 minute response time". We are equally troubled by the report that detention officials subsequently retaliated against a number of detainees who were friends of Mr. Rust or upset over his death by sending them to disciplinary segregation where some were forced to remain for three months. When requested to comment on this case for NPR, DHS reportedly refused. DHS silence and refusal to be interviewed for this piece is further cause for consternation.

America should not disregard the basic health care needs of human beings in its custody and cannot afford to have its reputation as a beacon for human rights and fair and humane treatment tarnished at this critical time. Based on these concerns, we urgently request a thorough investigation and report to Congress and the public on the health care provided to immigration detainees. In carrying out this investigation, we ask that you focus on the following issues:

- 1) Description of DHS health care policies and procedures including the detention standards as applied to its own service processing centers, Contract Detention Facilities and state and local jails under Inter-Governmental Service Agreements with DHS to house detainees;

- 2) Identifiable deficiencies in DHS health care policies and procedures as compared to best practices in detainee health care promoted by the American Correctional Association (ACA), American Medical Association (AMA), and other expert organizations;
- 3) Summary analyses or conclusory observations of compliance with health care policies and procedures for all facilities used by DHS and complaints, if any, compiled by DHS, Division of Immigration Health Services, Immigration and Customs Enforcement (ICE), Contract Detention Facilities and state and local jails and other entities such as the American Bar Association, the United Nations High Commissioner for Refugees (UNHCR), or other available sources;
- 4) A statistical analysis of complaints by detainees concerning or pertinent to health care made available at DHS, Division of Immigration Health Services, contract detention facilities, state and local jails, the ABA and UNHCR;
- 5) A description of the training requirements DHS employees and contractors receive concerning health care policies and procedures;
- 6) A description of the qualifications for all health care personnel at all DHS detention facilities and any documented instances of actions taken against specific health care personnel for misconduct or malpractice by DHS, Division of Immigration Health Services and state medical boards;
- 7) Review of the medical files of all immigration detainees who have died in DHS or former Immigration and Naturalization Service custody over the last five years, in consultation with independent medical experts to evaluate whether inadequate health care was a contributing cause to their death.

This investigation into health care for detained aliens is timely and desperately needed considering that Congress is currently considering legislation to significantly expand the numbers of and classes of aliens subject to mandatory detention in DHS custody. Before such expansion, we must be certain that DHS is capable of protecting detainees in its charge against death from inadequate and sub-standard health care.

Thank you for your prompt attention to this urgent matter.

Sincerely,



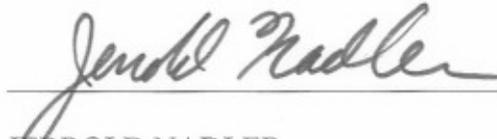
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Committee on the Judiciary



ZOE LOFGREN  
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Committee on the Judiciary and  
Committee on Homeland Security



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and Homeland Security



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Committee on the Judiciary



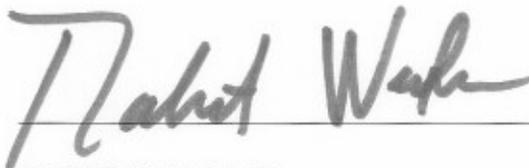
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