

September 21, 2020

**BY EMAIL:** [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov)

U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street, S.W., Stop 5009  
Washington, D.C. 20536-5009

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records to U.S. Immigration and Customs Enforcement (“ICE”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and U.S. Department of Homeland Security (“DHS”) regulations.

Specifically, CREW requests:

1. All records from January 1, 2017 to the date this request is processed reflecting any complaints, grievances, requests for investigation, incident reports, referrals, allegations, tips, findings, or observations that any immigrant detained at Irwin County Detention Center (“ICDC”) was subjected to a medical procedure involuntarily, unknowingly, unnecessarily, without informed consent, or under any other circumstances where the immigrant did not fully comprehend the nature of the procedure prior to it being performed.

This request includes without limitation any such records submitted to, or documented in, the following:

- a. Office of Professional Responsibility
  - b. Office of Detention Oversight (“ODO”)
  - c. Enforcement and Removal Operations (“ERO”)
  - d. ERO Atlanta Field Office and Atlanta Field Office Director
  - e. ERO Detention Reporting and Information Line
  - f. Health Service Corps
  - g. Joint Intake Center
  - h. Significant Incident Reports
  - i. Significant Event Notification System
  - j. Detention Monitoring Reports prepared by Nakamoto Group, Inc., ODO, or Detention Service Managers
2. All records mentioning, referring, or relating to Dr. Mahendra Amin, including without limitation the following:

- a. All records relating to medical procedures or services performed by Dr. Amin on any immigrant detained at ICDC
  - b. All complaints, grievances, requests for investigation, incident reports, referrals, allegations, or tips relating to Dr. Amin
  - c. All communications between ICE and Dr. Amin or his staff
  - d. All communications between ICE and ICDC or LaSalle Corrections relating to Dr. Amin
3. All records relating to obstetrical and gynecological medical procedures performed on any immigrant detained at ICDC, including without limitation:
  - a. All records reflecting any complaints, grievances, requests for investigation, incident reports, referrals, allegations, or tips relating to such procedures
  - b. All records reflecting requests for approval to perform such procedures and any approval or denial thereof
  - c. All records reflecting requests to pay, reimburse, or otherwise make expenditures to cover the costs of performing such procedures and any approval or denial thereof
  - d. Records sufficient to show the total amount of government funds expended on such procedures, and the recipients of those funds
4. All Detention Monitoring Reports from January 1, 2019 to the date this request is processed concerning ICDC, including without limitation any such reports prepared by Nakamoto Group, Inc., Detention Service Managers, ODO, or any other entity.
5. All records reflecting policies, procedures, protocols, guidelines, or directives relating to securing the consent of immigrants detained at ICDC to perform medical procedures, including without limitation obstetrical and gynecological procedures that could result in sterilization.
6. All records reflecting policies, procedures, protocols, guidelines, or directives regarding the use of translation services to non-English-speaking immigrants detained at ICDC for purposes of securing consent to perform medical procedures, including without limitation obstetrical and gynecological procedures that could result in sterilization.
7. All records reflecting policies, procedures, protocols, guidelines, or directives by which obstetrical and gynecological medical procedures are determined to be medically necessary or appropriate for immigrants detained at ICDC.
8. All records reflecting policies, procedures, protocols, guidelines, or criteria for identifying and selecting contractors to provide obstetrical and gynecological medical care to immigrants detained at ICDC, including without limitation any background check, audit, or verification procedures utilized in identifying and selecting such contractors.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

In a whistleblower complaint filed on September 14, 2020, an ICDC nurse provided a horrific account of a doctor performing “mass hysterectomies” on women detained at ICDC without their informed consent, prompting 173 Members of Congress to demand an Inspector General investigation into possible forced “sterilization” practices at the facility.<sup>1</sup> Two days later, Rep. Pramila Jayapal released “new details” about “forced unnecessary medical procedures—including hysterectomies—being performed on at least 17 immigrant women” at ICDC.<sup>2</sup> Press reports have linked these claims to Dr. Mahendra Amin, an OB-GYN based in Douglas, Georgia.<sup>3</sup>

These reports raise grave concerns about violations of bodily autonomy and reproductive rights of people detained in ICE custody. They also harken back to the shameful history of forced sterilization in the United States, particularly the sterilization of people of color and

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<sup>1</sup> Letter from Rep. Pramila Jayapal et al. to DHS OIG, Sept. 15, 2020, <https://bit.ly/35Lkypq>.

<sup>2</sup> Rep. Pramila Jayapal, Statement of September 16, 2020, <https://bit.ly/33NzssH>.

<sup>3</sup> Nomaan Merchant, More migrant women say they didn't OK surgery in detention, *Associated Press*, Sept. 18, 2020, <https://bit.ly/3kEYBMS>.

incarcerated people. The requested records would shed light on these and other issues of compelling public concern.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes a blog that reports on and analyzes newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website, and that site has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact Nikhel Sus at [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) or 202-408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org). Thank you for your assistance.

Sincerely,

Nikhel Sus  
Senior Counsel

FOIA Officer  
September 21, 2020  
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Jenna Grande  
Press Secretary

Rachel Feldman  
Staff Assistant