

September 22, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, DC 20528

Tony H. Pham, JD
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Dear Acting Secretary Wolf and Mr. Pham:

On behalf of the physicians and medical students represented by the combined memberships of the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American College of Physicians, and American Psychiatric Association, we write today regarding a complaint filed with the Department of Homeland Security Office of the Inspector General (OIG) on September 14, 2020 concerning "Lack of Medical Care, Unsafe Work Practices, and Absence of Adequate Protection Against COVID-19 for Detained Immigrants and Employees Alike at the Irwin County Detention Center." The concerns raised in the complaint, if substantiated, would represent an alarming violation of patient autonomy and ethical standards governing informed consent, appropriate access to health care and appropriate protection against COVID-19, causing great harm. We call on U.S. Immigration and Customs Enforcement (ICE) to conduct an immediate internal investigation followed by swift and decisive corrective action as warranted should the complaint be substantiated. We urge ICE to investigate whether similar incidents of alleged medical abuse and neglect are occurring at other detention facilities.

Our organizations represent the nation's frontline physicians who provide the majority of care to our nation's children, pregnant women, adults, and elderly for a full range of physical, mental health and substance use conditions. We support access to high quality, evidence-based care to all individuals, regardless of immigration or incarceration status. We are guided by standards of ethical conduct that value autonomy and fully informed medical decision making without coercion. These standards remain integral during a global pandemic and when caring for individuals in immigration detention. Key to the ethical practice of medicine is informed consent, which involves discussion of risks, benefits, and alternative treatments and ideally, solicits a person's values that may be informing their decision-making process.^{i,ii} Adequate documentation of the consent is also an important aspect of informed consent. Additionally, medical care including obtaining consent should occur in the patient's preferred language. Trained medical interpreters, via phone or tablet or in-person, facilitate mutual understanding and a high quality of communication. This is absolutely essential in the informed consent process and throughout the continuum of care.^{iii,iv}

We are therefore concerned by allegations in the OIG complaint which allege high rates of hysterectomy procedures on detained persons held in ICE custody, as well as unsafe and unsanitary conditions, failure to follow necessary COVID-19 prevention measures, and denial of access to medical care.^v

Hysterectomies result in sterilization, or the permanent loss of the ability to have children. Clinical guidance from the American College of Obstetricians and Gynecologists maintains that only rarely should incarcerated women undergo sterilization, and only after access to alternative methods has been made available and clear documentation of prior (pre-incarceration) request for sterilization is available.^{vi} Coercive or forcible sterilization practices are unethical and should never be performed.^{vii} The mental health sequelae associated with these practices cause lifelong trauma, as well as an increased risk of other mental illnesses, such as depression, anxiety, and posttraumatic stress disorder.

Our organizations have previously raised concerns with conditions in immigration detention facilities that too often fail to ensure access to health care, including mental health care, that meets guideline-based standards, treatment that mitigates harm or traumatization, and services that support immigrants' health and well-being.^{viii} The details in the OIG report reinforce that there are systemic issues within ICE detention facilities. As experts in medical and mental health care, we urge you to swiftly and fully investigate the allegations in the whistleblower's complaint, assess the evidence, and if substantiated, take action to ensure that unethical, harmful, coercive and unsafe practices are not allowed to occur in this and other ICE facilities, and work with us to develop enforceable policies that ensure the health and safety of those in ICE custody are protected throughout the immigration process.

Sincerely,

American Academy of Pediatrics
American College of Obstetricians and Gynecologists
American College of Physicians
American Psychiatric Association

ⁱ American Medical Association. Informed Consent. Code of Medical Ethics Opinion 2.1.1. Retrieved from <https://www.ama-assn.org/delivering-care/ethics/informed-consent>.

ⁱⁱ Partnering with patients to improve safety. Committee Opinion No. 490. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2011;117:1247–9.

ⁱⁱⁱ Health literacy to promote quality of care. Committee Opinion No. 676. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2016;128:e183–6.

^{iv} Linton JM, Green A, AAP COUNCIL ON COMMUNITY PEDIATRICS. Providing Care for Children in Immigrant Families. *Pediatrics*. 2019;144(3):e20192077.

^v Letter to Office of the Inspector General, Department of Homeland Security, et. al. "Re: Lack of Medical Care, Unsafe Work Practices, and Absence of Adequate Protection Against COVID-19 for Detained Immigrants and Employees Alike at the Irwin County Detention Center." September 14, 2020. Retrieved from https://www.scribd.com/document/476013004/OIG-Complaint#fullscreen&from_embed.

^{vi} Sterilization of women: ethical issues and considerations. Committee Opinion No. 695. American College of Obstetricians and Gynecologists. *Obstet Gynecol* 2017;129:e109–16.

^{vii} Ibid.

^{viii} American Academy of Family Physicians, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American College of Physicians, American Psychiatric Association. (2019, August 28). *Joint Statement of America's Frontline Physicians Opposing Final Rule Rolling Back Protections in Flores Settlement Agreement* [Press release]. Retrieved from <http://www.groupof6.org/content/dam/AAFP/documents/advocacy/prevention/equality/ST-G6-FloresSettlement-082819.pdf>.