



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

August 21, 2007

The Honorable Julie L. Myers
Assistant Secretary
U.S. Immigrations and Customs Enforcement
Department of Homeland Security
Washington, D.C. 20528

Dear Assistant Secretary Myers:

As I am sure you are aware, recent news reports suggest that U.S. Public Health Service (USPHS) medical personnel assigned to U.S. Immigration and Customs Enforcement's (ICE) San Pedro California Processing Center sedated two individuals during or in preparation for removal from this country without the consent and possibly over the objection of those individuals.¹

According to the press accounts, neither individual requested sedation, had medical or psychological histories to suggest a valid medical need for sedation, or posed a threat to the safety of ICE personnel, the public or themselves. Nonetheless, these individuals were allegedly sedated against their will by USPHS medical personnel who provide medical care to undocumented aliens in the custody of ICE through an interagency agreement between the Department of Health and Human Services and the Department of Homeland Security.

While I understand that sedation may be necessary in extraordinary instances, I am concerned about these allegations of nonconsensual and unnecessary sedation used as a means to gain physical control over nonviolent individuals.

Therefore, I am requesting that you provide answers to the following questions concerning ICE's policies regarding the sedation of individuals during the removal process:

¹ Hernandez, Sandra. (2007, May 8). U.S. Agents Forcibly Drug Immigrants to Deport: Two Los Angeles Detainees Recount Harrowing Stories of Involuntary Sedation. *Los Angeles Daily Journal*; Geis, Sonya. (2007, June 20). ACLU Suit Alleges Deportees Were Drugged. *The Washington Post*, page A04.

1. What policies has ICE established governing the sedation and involuntary sedation of detainees during removal? How does ICE ensure that medical personnel from the U.S. Public Health Service comply with these policies?
2. Under what circumstances is ICE required to obtain a court order to sedate a detainee subject to removal? Under what circumstances, if any, does ICE seek a court order to sedate a detainee without the detainee's consent?
3. If ICE policies do not require the approval of a court prior to the sedation of a detained individual, who approves the sedation?
4. Who administers sedation during removal? What type of training must the persons who administer the sedation generally undergo? If sedation is not safe for a detainee subject to removal, what alternatives does ICE pursue?
5. What ICE policies and procedures, if any, prevent the removal of immigrant detainees prior to the entry of a Final Order of Removal?
6. How many immigrant detainees have died, per fiscal year, while in the administrative custody of ICE?

Thank you, in advance, for taking the time to answer this request by September 12, 2007. If you have any questions, please do not hesitate to contact Cherri Branson, Chief Oversight Counsel, at 202-226-2616. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive, flowing style.

Bennie G. Thompson
Chairman

cc: Peter T. King, Ranking Member

BGT/srv