

SENATE RESOLUTION NO.145

Senators Chang, Brinks, Wojno, Santana, Geiss, Bullock, McMorrow, Alexander, Bayer, Irwin, Hertel and Hollier offered the following resolution:

1 A resolution to urge the Department of Homeland Security to
2 conduct a swift investigation into allegations of invasive medical
3 procedures or hysterectomies performed on immigrant detainees
4 without informed consent, ensure impacted individuals may freely
5 participate in the investigation, and provide immediate medical
6 treatment to any affected individuals, and to memorialize the
7 Congress of the United States to pass measures requiring greater
8 oversight of immigration detention centers and increased
9 protections for detainees.

10 Whereas, The number of individuals detained by Immigration and
11 Customs Enforcement (ICE) has increased significantly in recent

1 years. In fiscal year 2015, the average daily population of
2 immigrant detention centers was approximately 28,000. As of fiscal
3 year 2019, the daily population grew to more than 50,000 in
4 detention centers across the United States; and

5 Whereas, On March 7, 2017, the Office of Detention Oversight,
6 a division within the Department of Homeland Security (DHS), and
7 ICE conducted a compliance inspection of the Irwin County Detention
8 Center (ICDC) in Ocilla, Georgia and reported 26 deficiencies at
9 the facility, including severe deficiencies in medical care.

10 Inspectors noted missing informed consent documentation for any
11 treatments outside of general medical treatment. Informed consent
12 documentation is required by ICE's Performance-Based National
13 Detention Standards (PBNDs). According to the report, the facility
14 has demonstrated a pattern of inadequate medical care, mistreatment
15 of detainees, and an inability to produce supporting documentation
16 of informed consent for medical procedures; and

17 Whereas, On September 14, 2020, a whistleblower complaint was
18 filed by a nurse, Dawn Wooten, alleging that detainees at ICDC have
19 been subjected to unwanted medical procedures and poor medical care
20 at the privately-owned facility. According to the complaint, Ms.
21 Wooten spoke with multiple women detained at ICDC that have
22 undergone hysterectomies that stated they were confused afterwards
23 about why they had undergone the procedure. Other detained women
24 reported that they felt misled about the nature of the medical
25 procedures or did not fully understand what was being done to them.
26 Ms. Wooten also stated that one surgeon was referred to as "the
27 uterus collector" because of the high number of hysterectomies he
28 performed. The details of the complaint suggest that many of these
29 procedures occurred without informed consent; and

1 Whereas, In September 2020, Mexican authorities reported that
2 at least six women have potentially been subjected to the
3 procedure, and they have opened their own investigation as a
4 result. The Mexican government has threatened to impose sanctions
5 against the United States if the claims are confirmed. The exact
6 number of forced sterilizations performed without informed consent
7 at ICDC or other ICE facilities is unknown. Such a determination
8 requires an extensive investigation into the claims reported by
9 multiple parties; and

10 Whereas, Sterilization without informed consent or medical
11 necessity is unacceptable by medical standards, American legal
12 standards, international law, and is a gross violation of basic
13 human rights that women in the United States should be guaranteed.
14 The American College of Obstetricians and Gynecologists (ACOG) has
15 provided guidance stating that, "only rarely should incarcerated
16 women undergo sterilization," and the procedure should only occur
17 when "excellent documentation of prior (pre-incarceration) request
18 for sterilization is available." The ACOG prescribes procedural
19 safeguards and oversight of the procedure due to "the likelihood
20 that the coercive environment impedes true informed consent"; and

21 Whereas, A thorough and immediate investigation by the Office
22 of Inspector General at DHS, as well as stronger congressional
23 oversight, is critical to address the serious whistleblower
24 complaints regarding forced hysterectomies performed on women at
25 the ICDC. If federal action is not taken, the health and lives of
26 women detained at ICE facilities across the United States will be
27 at risk of irreparable harm; now, therefore, be it

28 Resolved by the Senate, That we urge the Department of
29 Homeland Security to conduct a swift investigation into allegations

1 of forced hysterectomies performed on immigrant detainees without
2 informed consent; ensure impacted individuals are able to freely
3 participate in any investigation and share their stories without
4 fear or reprisal; and immediately allow individuals who may have
5 experienced an unnecessary or nonconsensual procedure to have
6 access to adequate, safe, and consensual medical treatment or to
7 seek a second opinion from an independent medical professional; and
8 be it further

9 Resolved, That we memorialize the Congress of the United
10 States to pass measures requiring greater oversight of immigration
11 detention centers and increased protections for detainees; and be
12 it further

13 Resolved, That copies of this resolution be transmitted to the
14 United States Secretary of Homeland Security, the President of the
15 United States Senate, the Speaker of the United States House of
16 Representatives, and the members of the Michigan congressional
17 delegation.