

Episode: Ethics Talk Videocast Transcript - Blowing the Whistle on ICE or US Immigration and Customs Enforcement

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TIM HOFF: Welcome to *Ethics Talk*, the *American Medical Association Journal of Ethics* podcast on ethics in health and health care. I'm your host, Tim Hoff. This episode is an audio version of a video interview conducted by the Journal's editor in chief, Dr Audiey Kao, with Azadeh Shahshahani, Legal & Advocacy Director at Project South, which recently filed a whistleblower complaint with the Department of Homeland Security Office of Inspector General documenting serious health and safety violations at a U.S. Immigration and Customs Enforcement detention center. She joined us to talk about health ethics breaches in U.S. detention centers and how health professionals should respond to them. To watch the full video interview, head to our site JournalofEthics.org, or visit our [YouTube channel](#).

DR AUDIEY KAO: Miss Shahshahani, thank you for being a guest on *Ethics Talk* today.
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AZADEH SHAHSHAHANI: Thank you very much for having me.

KAO: So, maybe to start, can you tell our audience a little bit about the mission of Project South?

SHAHSHAHANI: Sure. We are a social justice organization based in Atlanta. We work with grassroots organizations and directly-impacted communities in the U.S. South as well as the global South, and we support social justice movements.

KAO: So, given that, Project South recently filed a complaint to the Inspector General at the Department of Homeland Security, among others, on behalf of people detained at the Irwin County Detention Center, which is operated by a private prison firm contracted by the U.S. Immigration and Customs Enforcement, or ICE. What response have you received from the U.S. government to this complaint that documented serious harms to the health and bodily integrity of detained individuals at this ICE detention camp?

SHAHSHAHANI: So, the Department of Homeland Security Office of Inspector General has opened an investigation. And I think the pressure from Congress, which was due to the public outrage around the revelations, was very helpful in pushing them to open this investigation. You know, what we have heard from ICE has been not helpful. Generally, their response is defensive, not really hearing the concerns. And that has always been an issue.

KAO: So, as you were saying about the revelations, the complaint that was filed documented many violations of CDC's COVID-19 guidelines in a wide variety of areas, including basic sanitation, diagnostic testing, quarantining, and physical distancing. Given that places where many people are housed in close quarters can easily become COVID

hotspots, what can public health agencies, both at the local and state and the federal level, do to address these violations of public health guidelines?

SHAHSHAHANI: One thing that organizations can do is to demand release of people. There is no reason that folks should be detained in immigration detention centers, as they are currently, in the midst of a deadly pandemic. So, just at the Stewart Detention Center, which is another corporate-run immigration detention center in Georgia, we have had three deaths just in the past few months as a result of COVID or complications related to COVID. Two of the individuals were elderly, and one of them was a younger man but had diabetes.

KAO: Hmm.

SHAHSHAHANI: So, the question is, why is ICE continuing to hold the elderly and people with pre-existing conditions in a facility that we already know is deadly? There have been seven deaths at this facility in the past, almost about three years or so. It is unconscionable for the U.S. government to continue to hold people in a jail, in a prison where there is no social distancing possible, and people are using the same equipment, the same phones, etc., etc. People should be released.

KAO: So, to your point about deaths have been documented in these detention centers, both releasing the individuals, but I've also heard that then deporting individuals back to their quote-unquote "home country" who are infected with COVID-19. Can you speak to any of that?

SHAHSHAHANI: Well, that is also problematic. I've heard about the conflicts in Guatemala, for example, where individuals who are infected were then deported, and that is a serious issue.

KAO: Yeah.

SHAHSHAHANI: You're talking about pandemic with an international scope, and it is really lack of attention to what is happening. And so, yeah, there really needs to be a lot more pressure by the public health organizations and individuals who just have humanitarian concerns about the situation to put pressure on the U.S. government to put a stop to this.

KAO: Yeah. So, if we can turn our attention to one of the, probably one of the more serious among many serious complaints documented in your filing. It speaks of the concern about respecting bodily integrity as being a cornerstone of medical ethics and human rights. And that is a physician unnamed in the complaint is alleged to have performed hysterectomies on women without their informed consent. Given the specter of medicine's role in the history of forced sterilization in this country and also during Nazi Germany, how should health professionals and organizations respond to these allegations of unethical behavior towards patient detainees?

SHAHSHAHANI: It is very problematic. So, you're talking about a context where extremely vulnerable individuals, immigrant women, Black and brown women, many of them not necessarily proficient in English, are held at a prison at the mercy of ICE and the private prison corporation, in this case, LaSalle. And they are sent to this doctor for various issues, and then the next thing they know, they're subjected to medical procedures without their consent. So, in a case that has been widely reported in the media, Pauline Binam, she went to the doctor for minor issue, and then her Fallopian tube was removed, which

left her sterilized. And so, you have a situation where medical procedures are being performed, then resulting in long-term damage to women's bodies. This is violence that is being committed on the bodies of immigrant women. And we've been able to track down several of the women who are now in different parts of the world.

But the issue also that keeps going through my mind is that how many other women are there out there who have been subjected to some type of a procedure are now living with the long-term consequences of it without their consent. And we will never hear from them because they have already been deported. And it is just so wrong, you know? Yeah. I mean, we're talking about a woman's right to control her own body. So, there needs to be a stop to this, and there needs to be accountability, not just for the doctor. But also at the end of the day, these women were in the custody of the U.S. government. So, the U.S. government and the private prison corporation that is running this facility also need to be held accountable.

KAO: Yeah. So, but if I can just follow up. How do you think health professionals, like doctors and health organizations, how should they respond to these specific allegations of physicians violating the bodily integrity of women in ICE detention? If I can have you expand on that a little bit more.

SHAHSHAHANI: Well, I think they, I mean, first of all, just the broader picture, we need a thorough and independent congressional investigation in addition to the DHS OIG investigation.

KAO: Yeah.

SHAHSHAHANI: So, thankfully, that has already begun. There were 12 members of Congress who came to the Irwin County Detention Center this past weekend. And thankfully, it seems that Congress is on it, and hopefully they will investigate what was happening at this facility.

In terms of the actions of this particular doctor, I think health care professionals need to figure out what violations took place, perhaps issue statements. That would be helpful. But more broadly, thinking about what needs to be happening in order to prevent this from happening. I mean, one thing that has since come to light is that this physician was not even a board certified. Which raises the question and the serious issue that ICE does not even care for the health and well-being of the women in its custody. That it's basically sending women, has been sending them, to this physician for a long time who's not even board certified! And this individual, according to the media, had lawsuits and other, and was involved in legal proceedings against him.

KAO: Yeah.

SHAHSHAHANI: That is problematic, and that is something that health care professionals need to be paying attention to.

KAO: Yeah.

SHAHSHAHANI: What type of regulations, what type of oversight is needed that was lacking in this case?

KAO: Yeah. No, I certainly appreciate your points about the need for a thorough, independent investigation into these serious allegations and also how to look at the system as a whole to prevent these harms, potential harms, from happening. And then I think there are some who've even raised the issue of how one can even secure truly informed consent, especially with procedures like this, while you're incarcerated and detained. That's raising another serious set of matters.

SHAHSHAHANI: Exactly. And again, you're talking about an immigrant population. Many of them are not proficient in English. There is always the question in terms of how and whether the procedures were clearly explained to the women. I mean, one woman who we talked to and whose account is in the report was told three different things by three different people. So, that is a problem, that the information that is being conveyed, the risk for exploitation of women's bodies, again, violence on women's bodies is huge. And so, again, what type of oversight exists in order to prevent this from happening? From our standpoint, this facility needs to be shut down. And really, all corporate-run detention centers need to be shut down. Because if you have a private prison corporation involved in running a facility, you have that much less accountability and transparency.

KAO: Yeah. So, to your point about these private prison firms, many of the health ethics violations documented in the complaint came from a nurse who was employed or worked at the Irwin County Detention Center. So, how should nurses and physicians uphold their ethic of caring while working and being employed under conditions that can undermine their ability to do so?

SHAHSHAHANI: Well, yes. So, Project South and the Government Accountability Project are representing Miss Wooten, the courageous nurse who came forward. We are truly honored to do so. And I think she sets an example for health care professionals who are in these settings where people's rights are being violated, who are not being provided care, and people are actively being subjected to abuse as we saw in this case. And so, I believe all medical professionals take an oath before starting their practice. So, people really need to be thinking about whether the practices that are happening at these prisons correspond with their oath and whether being a part of this system makes them complicit in the abuses that are happening. If they are staying silent, if they're not raising their voices, does that mean that they're still abiding by the oath that they took before they started their practice? So hopefully, Miss Wooten stepping forward and talking about what she saw is paving the way for others to do so.

KAO: So, on that note for health care professionals to honor their oath, I want to thank Azadeh Shahshahani for offering her expertise and insights on this very important topic. Azadeh, thank you again for being a guest on *Ethics Talk*.

SHAHSHAHANI: Thank you very much for having me. It was a pleasure.

KAO: For more COVID ethics resources, please visit the *AMA Journal of Ethics* at JournalofEthics.org. And to our viewing audience out there, be safe and well. We'll see you next time on *Ethics Talk*. [bright theme music plays]