Advocacy groups are asking the state of California to take away a psychologist's license to practice after a dozen people held in immigration custody at Otay Mesa Detention Center complained that she mistreated them in ways that led to the deterioration of their mental health. In an advance copy of a complaint obtained by the Union-Tribune, filed with the California Board of Psychology on Tuesday, 12 men said that Dr. Hyrsso Fernbach spoke to them in a hateful and mocking way, dismissed their concerns and accused them of making up symptoms. Several people named in the complaint contemplated or attempted suicide after trying to get treatment from Fernbach, the document says. Some of the men said that they requested to see someone else for their mental health care but were told that Fernbach was the only psychologist at the detention center. Prior to working at the facility, Fernbach was accused of demonstrating hostility toward patients during a court martial of an Army sergeant who shot and killed several servicemembers in Iraq in 2009, days after seeing her for the mental health conditions he was experiencing. Dr. Jim Recht, a psychiatrist at Harvard Medical School who reviewed one man's medical records from Otay Mesa Detention Center, including Fernbach's clinical notes, called the care he received "outrageously inadequate." "The consequences of this kind of substandard professional care can be serious and can be dangerous," Recht said. Immigration and Customs Enforcement, the agency responsible for immigration detention, did not respond to a request for comment. CoreCivic, the private prison company in charge of Otay Mesa Detention Center, has been responsible for medical care at the facility since September 2020. Ryan Gustin, spokesman for CoreCivic, said the facility has a psychiatrist, psychologist, mental health registered nurse and a mental health specialist. "It would be wholly inaccurate to state or imply that our psychologist is the only mental health professional at OMDC who is working to address the mental health needs for those in our care," Gustin said. Gustin said CoreCivic hasn't found any issues with Fernbach's approach or documentation. "We have the utmost confidence that Dr. Fernbach is providing high-quality mental health care," Gustin said. Messages sent to a cell phone number believed to belong to Fernbach were not returned. The California Board of Psychology said that there are no previous disciplinary actions against her. The board did not answer questions about whether it has received prior complaints about Fernbach. The complaint - signed by nine organizations including SOLACE (Souls Offering Loving And Compassionate Ears) and Freedom for Immigrants - notes that this is not the first time that someone has told ICE and CoreCivic about concerns with Fernbach's treatment of her patients. Three of the organizations - SOLACE, Civil Rights Education and Enforcement Center and Freedom for Immigrants - each filed complaints in 2021 with the Department of Homeland Security Office of Civil Rights and Civil Liberties on behalf of people held at Otay Mesa Detention Center who were seeing Fernbach for conditions including schizophrenia, PTSD, anxiety and depression.

**Dismissed symptoms**

Otay Mesa Detention Center holds people in immigration custody while they wait for their court cases if ICE decides that they are a flight risk or dangerous. Some at the facility are asylum seekers who came to the border to request protection. Others are undocumented immigrants who are trying to stay in the country. Still others have green cards and are fighting to keep them after criminal convictions. Among them, trauma symptoms are common, especially for asylum seekers. Less common but still present are more severe diagnoses like schizophrenia. As with other medical concerns, people in custody at the facility can sign up for sick call to be seen and treated by the detention center's medical staff. But at Otay Mesa, according to the men in the complaint, signing up for mental health care meant seeing a psychologist who ignored evidence of their symptoms and accused them of faking conditions in order to get better treatment in court. The first time Junior Jerome told someone about the voices he'd heard in his head for decades, he was in custody at Otay Mesa Detention Center. Born in the Bahamas to Haitian parents, he'd come to the United States as a child. His parents were busy with work, and mental health conversations were not normal or comfortable in their culture. "I didn't have no one to talk to about my mental health issues," Jerome recalled. "The voice would tell me nobody loved me. I feel like nobody did love me. I didn't know what to do." He spent most of his life suffering silently, using alcohol and drugs to try to quiet the intensity of his symptoms. That was how he ended up in prison after pleading guilty to a charge of conspiracy to possess with intent to distribute cocaine, putting him at risk of losing his green card. His attorney, Lillian Boctor, who previously specialized in immigration cases for detainees with severe mental health conditions, asked him during a visit if he was hearing voices. Yes, he told her. She suggested that he try to get help, and he eventually found himself in front of Fernbach. "She told me
there's nothing wrong with me. The only thing she asked was when's my next court date," Jerome recalled. "She told me personally she's not going to give me mental health medicine at all." Fernbach's notes from that visit in February 2021, obtained by the Union-Tribune, do not mention Jerome's concern about hearing voices. She wrote that he "has difficulty with sleep." She also noted that he said he had a history of mental health concerns, but she dismissed that, writing that when he went through intake he didn't report any such history. While Fernbach, as a psychologist, wouldn't have been able to prescribe the medication that Jerome needed, she could have referred him to a psychiatrist who would've determined what, if any, medicine to give him. In a March appointment, Jerome told Fernbach about the nightmares that woke him up frequently. Fernbach dismissed that concern as well. "His descriptions are vague and do not conform to an expected presentation and pattern of actual nightmare," she wrote after their visit. That, Recht said after reviewing Jerome's file, was a clinical error. "That's either an intentional error made by the psychologist or it's an error based on the psychologist's ignorance because any competent psychiatric professional knows that nightmares vary extremely widely," Recht said. "There is no 'actual' or 'standard' presentation of a nightmare and certainly vagueness does not rule out nightmares when considering trauma-related symptoms."

Prejudiced against patients?
Recht also noticed a tone in Fernbach's documentation that concerned him. She sounded prejudiced and biased against Jerome, he said. In her notes from a March visit, she wrote that, "[Jerome] was incarcerated for an aggravated felony." An aggravated felony is an immigration legal term that refers to certain crimes that Congress decided should bar immigrants from most means of staying in the United States. "It struck me as objectively irrelevant," Recht said of this part of Fernbach's note. "It was not relevant to the patient's presenting complaints. It was not relevant to their current clinical condition. Taken together with the other errors and omissions that I saw, it suggested that there was prejudice against this patient on the part of this clinician." Gustin, the CoreCivic spokesman, said suggesting that Fernbach was more concerned with her patients' immigration cases than mental conditions was "false" and "inflammatory." "When mental health professionals evaluate whether an individual has a diagnosable mental, behavioral or emotional disorder, they are tasked with making an overall assessment of the individual and documenting their findings," Gustin said. "To the uninformed, these assessments and their related documentation can include items that might be construed as being outside the scope of their role."

The Union-Tribune found that Fernbach frequently referred to Jerome as "detainee" rather than "patient" in her clinical notes. "The first time in my life I asked for help, they wouldn't help me, and the voices in my head said, 'I told you nobody loves you, and nobody cares for you,'" Jerome said. He ended up in solitary confinement and on suicide watch. Other men shared similar stories in the complaint about the way Fernbach spoke with them. One man said in the complaint that Fernbach questioned him with hostility when he went to see her for flashbacks from trauma he'd experienced. She accused him of trying to get access to an attorney because of his mental health condition. Because of a class-action lawsuit known as the Franco case, people with severe mental health concerns are the only ones who are given government-appointed attorneys in immigration court. The man noted that he already had an attorney and just wanted some help with the symptoms he was experiencing. Another man told the organizations that put together the complaint that Fernbach was abrasive with him when he went to her for PTSD symptoms. "When I asked how I could deal with some of the intense post-traumatic stress disorder symptoms that I was experiencing, I was told to 'just suck it up' and 'stop complaining;' that 'I was lucky to even be here;' and that 'I should be happy with that,'" the complaint quotes him as saying.

A history of hostility
A similar pattern of mistreatment was alleged back in 2009 when Fernbach worked as an Army Reserve psychologist in Iraq. She criticized the nurse who helped her for being "too nice" to patients, the nurse, identified in news reports as Capt. Blaine Ropson, testified in a court martial. "She felt I needed to be a little sterner. And I think her comment was, 'I'm going to show you how we should be doing this,'" Ropson is quoted in the Los Angeles Times as saying. The court martial was to determine the fate of John Russell, who was a sergeant in the Army at the time, after he killed five fellow service members at a combat stress clinic. The defense argued that poor mental health treatment had caused Russell's mind to deteriorate to the point that he committed the murders. Ropson testified that Fernbach questioned Russell a few days before in a "pretty hostile and aggressive" manner. "I felt very uncomfortable," Ropson said,
according to the Los Angeles Times. Russell was sentenced to life in prison without the possibility of parole.

**Extreme example**

Several clinicians told the Union-Tribune they believe Fernbach's behavior is part of a larger systemic issue in prisons and detention centers. "We see this also in the criminal justice system," said Sonya Gabrielian, a psychiatrist and mentor with Physicians for Human Rights. "There is a real sort of lack of training of individuals with regards to interaction with people with psychotic disorders and appropriate times to seek consultation for individuals with serious mental illness." Jerome's attorney Lillian Boctor said she's seen systemic mistreatment of detainees throughout her career. To her, Fernbach was an extreme example. Boctor repeatedly raised concerns about the mental health care Jerome was receiving with the immigration judge in his case, who put in place certain safeguard measures to help him through the court proceedings given his condition. The judge said it wasn't the first time the issue had been brought up in court, Boctor said. ICE decided to release Jerome on a bond after repeatedly denying his requests to get out as someone at high risk for severe effects of the COVID-19 virus. Out of custody, he's been able to get the care - and medication - that he needed. He is working and able to visit with his daughter. The voices have quieted, he said, but he's worried about the people still held inside Otay Mesa. "How many people with mental health issues in that facility are not getting treated right?" Jerome said. "I thought a psychologist is somebody you could come to for help, and you could talk with them about your problems. What she's doing is not helping us - she's destroying us."