



Protecting the Homeland

U.S. Immigration and Customs Enforcement
Office of Detention and Removal Operations

**Semiannual Report on Compliance with
ICE National Detention Standards
January – June 2007**



U.S. Immigration
and Customs
Enforcement



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Executive Summary

In 2007, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) enacted a multi-year strategy of improving immigration enforcement. This strategy targets criminal aliens, fugitive aliens, and the criminal infrastructure that supports illegal immigration, and has an enhanced focus on worksite enforcement and elimination of the jobs magnet that draw illegal workers to the United States. A key component in executing this strategy is providing safe, secure and compliant detention facilities for all ICE detainees, once a determination has been made to assume custody. Essential to ensuring that these facilities provide appropriate conditions of confinement is the ICE Detention Facility Inspection Program.

In order to facilitate transparency of the ICE Detention Facility Inspection Program, the Assistant Secretary of ICE directed that the Office of Detention and Removal Operations (DRO) report semi-annually on agency-wide adherence with the ICE National Detention Standards (NDS). ICE, with the assistance of law enforcement professionals and non-governmental organizations (NGOs), has carefully crafted 38 National Detention Standards, which are explained in detail in Appendix A.

This is the first such report issued under this directive and covers the period of January through June 2007. It explains the standards that ICE uses to rate the performance of detention facilities, and shows results for the six months covered by this report. ICE will release a new report semi-annually covering the review and remediation activities, if any, for the respective time period. These semi-annual reports will also be posted on the ICE website at <http://www.ice.gov>.

ICE uses several different kinds of detention facilities to house people detained for immigration-related violations, including Service Processing Centers (SPCs), which are owned and operated by ICE; Contract Detention Facilities (CDFs), which are owned and operated by private-sector businesses on behalf of ICE; and facilities operated by government entities under Intergovernmental Service Agreements (IGSAs).

The results of 176 detention facility inspection reviews completed in the first half of calendar year 2007 are represented in this report. Facilities that hold detainees for longer than 72 hours receive individual Detention Standard Ratings on all 38 Detention Standards. Facilities that hold detainees for 72 hours or less get evaluated on 27 of the 38 Detention Standards. These ratings are scored as: *Acceptable*, *Deficient*, *At-Risk*, or *Not Applicable*. In addition, each facility receives a Final Rating to represent an overall performance score. Final Ratings are scored as: *Superior*, *Good*, *Acceptable*, *Deficient*, or *At-Risk*. The highest rating that can be achieved by an under 72 hour facility is Acceptable.

Final Ratings

- Superior
- Good
- Acceptable
- Deficient
- At Risk

Individual Ratings

- Acceptable
- Deficient
- At Risk
- Not Applicable

The summary of **individual standard ratings** for the 176 completed reviews January 2007 through June 2007 is as follows:

- Service Processing Centers (SPCs): 95% of Individual Ratings were *Acceptable*, 5% were *Deficient* or *At-Risk*.
- Contract Detention Facilities (CDFs): 100% of Individual Ratings were *Acceptable*.
- Intergovernmental Service Agreements (IGSAs): 99% of Individual Ratings were *Acceptable*, 1% were *Deficient* or *At-Risk*.

Where specific deficiencies have been noted, ICE directs that corrective action be taken. Corrective actions taken as a result of reviews conducted during this time period will be covered in the next semi-annual report. Definitions of SPCs, CDFs, and IGSAs, can be found on Page 6; more details can be found in the analysis following *Figure 7*.

The overall **final ratings** for the 176 facilities reviewed are set forth below:

- SPCs: 100% (7 of 7) received a Final Rating of *Acceptable* or above.
- CDFs: 100% (4 of 4) received a Final Rating of *Acceptable* or above.
- IGSAs: 87% (144 of 165) received a Final Rating of *Acceptable* or above.

Any facility receiving a rating of *Deficient* as a final overall rating or for any individual standard must follow the DRO formal Plan of Action process, which requires the facilities to submit a remediation plan to DRO Headquarters within 30 days of notification. Any deficiency that poses a threat to the health or safety of the detained population must be corrected immediately.

Once approved, the facility has 90 days to execute the plan of action and correct the deficiency. If a facility fails to correct the noted deficiencies, penalties may be imposed, as outlined in the existing contract and based on the recommendation of the ICE Contracting Officer. When facilities are unable or unwilling to comply, ICE may discontinue use of the facility by terminating the contract/agreement or by simply transferring detainees to another facility.

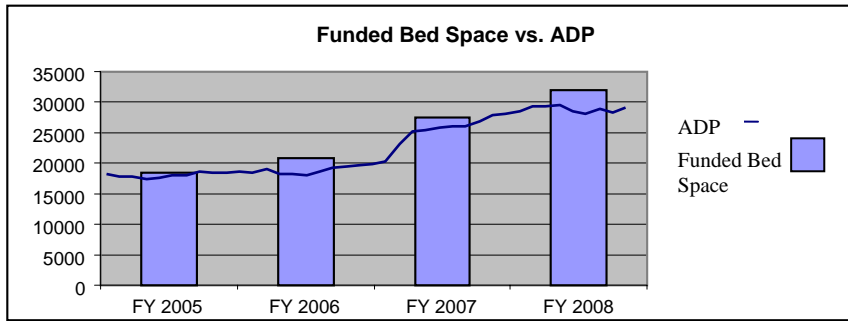
Immigration and Customs Enforcement
Office of Detention and Removal Operations (DRO)

The ICE Office of Detention and Removal Operations promotes public safety and national security by enforcing the nation's immigration laws, managing and overseeing the detention, transportation and removal from the United States of immigration violators, and locating and arresting fugitive aliens against whom outstanding final orders of removal have been issued. In order to effectively discharge its duties under the law, DRO has developed and implemented the ICE National Detention Standards (NDS). Originally developed in 2000 under the former Immigration and Naturalization Service (INS), the current 38 Detention Standards cover such critical areas as facility security, environmental safety, religious and medical services, access to visitation, telephones, legal information and representation, and group presentations on legal rights.

DRO is currently undertaking a thorough revision of the NDS resulting in a new performance-based approach to implementing the NDS. By using performance metrics to supplement subject matter expert ratings in tracking progress and adherence to standards, ICE can more accurately measure whether goals are being met. The draft version of the Performance-Based National Detention Standards (PBNDS) contains four new standards and consolidation of two standards dealing with related issues. The four new proposed standards are News Media Interviews and Tours (formerly part of Visitation), Searches of Detainees, Sexual Abuse and Assault Prevention and Intervention, and Staff Training. These revised standards have been developed to reflect current American Correctional Association (ACA) standards, which are the national benchmark for all varieties of detention operations.

Since Fiscal Year (FY) 2005, the number of aliens in ICE custody has dramatically increased, requiring more resources to house them. In FY 2005, ICE was funded for 18,500 bed spaces, which increased by 49 percent in the following two years, to reach 27,500 bed spaces by the end of FY 2007. In FY 2008, ICE will be funded for 32,000 bed spaces, representing a 73 percent increase over FY 2005. The growth in both detention space and average daily (detained) population is illustrated in Figure 1.

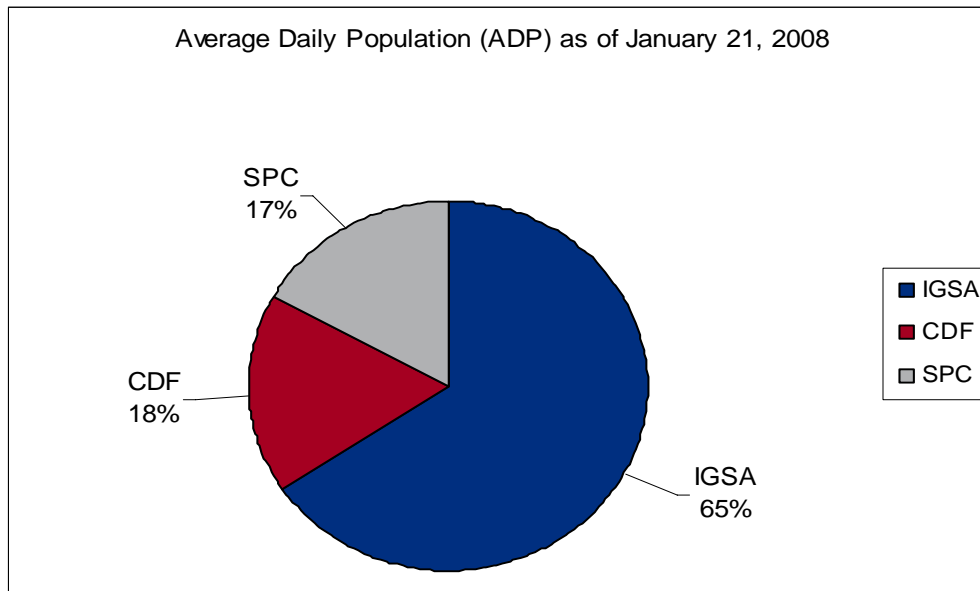
Figure 1: Funded Bed Space vs. Average Daily Population (ADP) FY 05 to FY 08



ICE owns and operates eight detention facilities, called Service Processing Centers (SPCs), and augments its detention capacity with seven Contract Detention Facilities (CDFs), operated by contractors, and houses only those detained for immigration violations. See Appendix B for list of SPCs and CDFs.

In addition, ICE uses over 300 state and local jails, which are paid for through reimbursement agreements called Intergovernmental Service Agreements (IGSAs).

Figure 2: Current Occupancy by Facility Type



Detention Standards Compliance

To improve performance and the delivery of services to ICE's detained population, DRO developed, implemented, and managed a national facilities inspections program called the Detention Management Control Program (DMCP). The DMCP was created to provide reasonable assurance that detention facilities utilized by ICE operate in a manner consistent with the ICE National Detention Standards (NDS).

The Detention Facility Inspection Program has been conducted by ICE staff and Division of Immigration Health Services staff that have received specialized Detention Standards Reviewer training. Service Processing Centers (SPCs), Contract Detention Facilities (CDFs) and certain dedicated Intergovernmental Service Agreements (IGSAs) receive reviews coordinated by Headquarters Detention Management Division/Detention Standards Compliance Unit staff and conducted by HQ and field staff. All other facilities receive reviews conducted by ICE field staff.

In 2007, to achieve an increased level of compliance ICE hired two contractors. Both Creative Corrections and the Nakamoto Group will bring considerable subject matter expertise to the contract compliance oversight program. Creative Corrections Corporation will conduct all annual facility reviews. Creative Corrections staff possesses expertise in the correctional field and will be trained to conduct detention facility inspections in accordance with the DMCP and the ICE National Detention Standards. The Nakamoto Group (Nakamoto) was hired to provide on-site monitoring of compliance with detention standards and quality of life issues. Nakamoto will assist DRO in identifying areas of non-compliance on a continuous basis, without having to wait for detection during an annual review, thereby enabling facilities to address and correct those deficiencies immediately. Nakamoto staff also possess subject matter expertise in the correctional field, and will be trained to conduct on-site compliance monitoring in accordance with the DMCP and the ICE National Detention Standards. Nakamoto is scheduled to be on site at 40 facilities, including all SPCs and CDFs, and in selected larger state and local detention facilities operating under IGSAs.

Also in 2007, ICE created the Detention Facilities Inspection Group (DFIG) within the ICE Office of Professional Responsibility (OPR). OPR is better defined as the ICE "Internal Affairs" branch, whose purpose, among other duties, is to independently validate detention inspections for non-compliance with the NDS. DFIG performs quality assurance reviews of the facility inspection process, helping to ensure consistency in how reviews are conducted, and verifying that needed corrections have occurred.

As of June 30, 2007, the Detention Standards Compliance Unit has tracked a total of 176 reviews that were conducted from January 2007 to June 2007. These inspections covered 7 SPCs, 4 CDFs, 101 facilities falling under IGSAs that can house detainees for periods of confinement over 72 hours, and 64 IGSAs that house detainees for periods of confinement 72 hours or less.

Ratings and Findings

The Detention Management Control Program provides the criteria for determining the rating of a facility. It is a system that enables all managers throughout the program to assess facility performance; determine the degree of risk; test the adequacy of internal controls and adjust operations to conform to requirements and achieve desired results. In conducting the review, information is gathered that will reflect the conclusions contained in the final report. Evidence must be sufficient, competent, reliable and relevant to be considered in the findings. Although the standards are not weighted, some are considered to be more critical, such as those that deal with Life Safety issues, and will have more of an influence on the final rating. Standards that are evaluated as critical in terms of potential impact on the overall rating include Medical Standards, Classification, Food Service, Hunger Strikes, Emergency Plans, Environmental Health and Safety and Tool Control Standards. Life safety issues require immediate action to resolve and at times result in a lower rating. The rating is determined by a careful evaluation of how well the detention functions identified in the guidelines are being carried out. Further, the rating is a measure of the program's overall performance; it is not contingent upon exception reporting, which is issue or incident dependent. The rating scale follows:

Superior – Performing all functions in an exceptional manner; excellent internal controls and exceeding expectations. Deficiencies are limited in number and not serious in nature. The facility cannot receive a Superior rating if any standard is rated deficient or at-risk.

Good – Performing all functions and internal controls are such that there are few deficient procedures within any function. Overall performance is above an acceptable level. The facility cannot receive a good rating if any standard is rated at-risk or is a repeat deficiency.

Acceptable – This is the “baseline” for the rating system. The detention functions are being adequately performed. Any deficiencies that may exist are not deemed serious so that they do not affect acceptable accomplishment of the vital functions. Internal controls are such that there are no performance breakdowns that would keep the program from continuing to accomplish its mission.

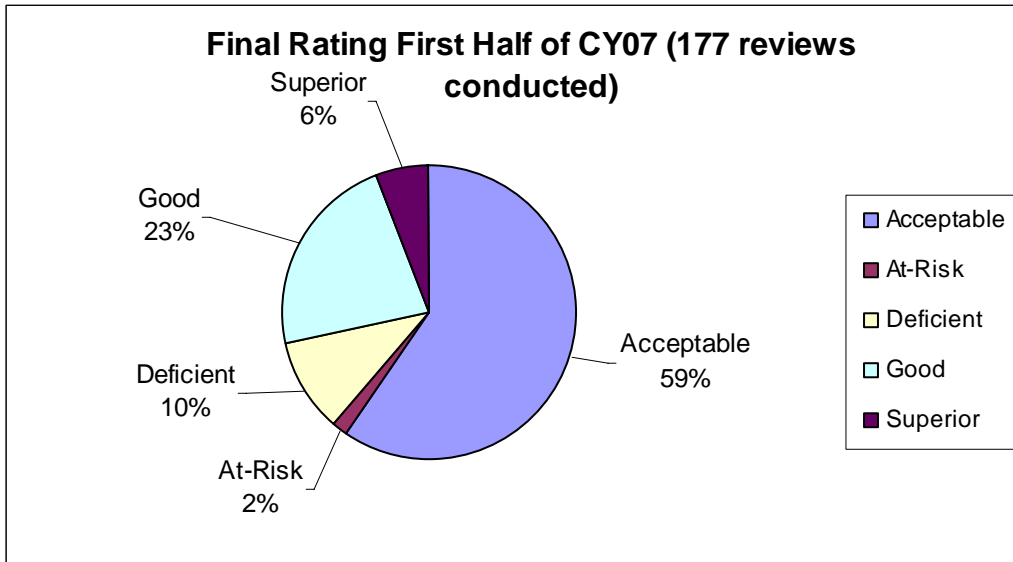
Deficient – One or more detention functions are not being performed at an acceptable level. Internal controls are weak, thus allowing for serious deficiencies in one or more program areas.

At-Risk – The detention operations are impaired to the point that it is not presently accomplishing its overall mission. Internal controls are not sufficient to reasonably assure acceptable performance in the future.

As of June 30, 2007, a total of 176 reviews were conducted during the first half of the 2007 calendar year. See the breakdown below of completion status by facility type.

FINAL RATINGS

Figure 3: Facility Rating CY07



SPCs (Service Processing Centers) – Seven out of eight SPC facilities were reviewed in the first six months of 2007:

Two facilities received a *Superior* rating.

Two facilities received a *Good* rating.

Three facilities received an *Acceptable* rating.

CDFs (Contract Detention Facilities) – Four out of seven CDF facilities were reviewed in the first six months of 2007:

Two of these facilities received a *Superior* rating.

One was rated as *Good*.

One was rated as *Acceptable*.

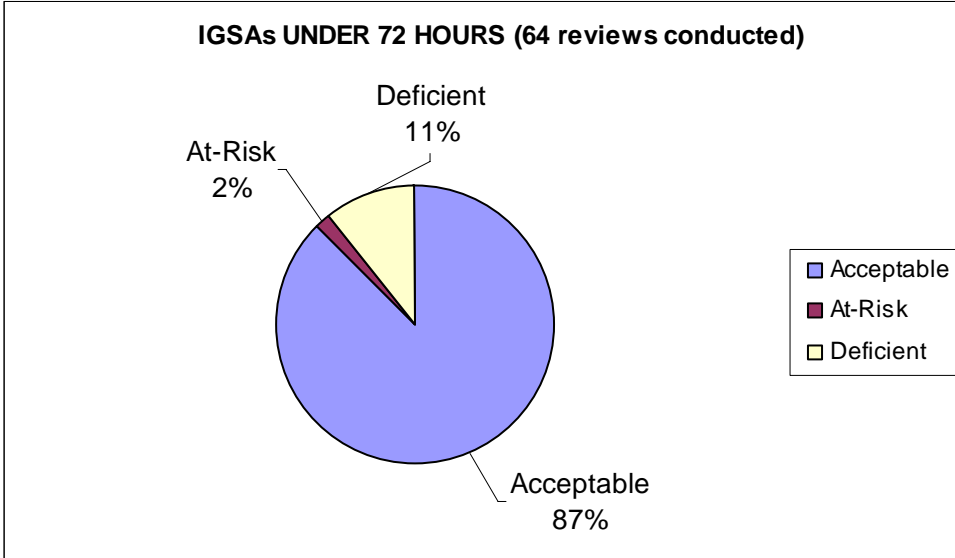
IGSAs Under 72 Hours– Sixty-four facilities were reviewed for the first half of the 2007 calendar year:

Fifty-six facilities received an *Acceptable* rating.

Seven facilities received a *Deficient* rating.

One facility received an *At-Risk* rating.

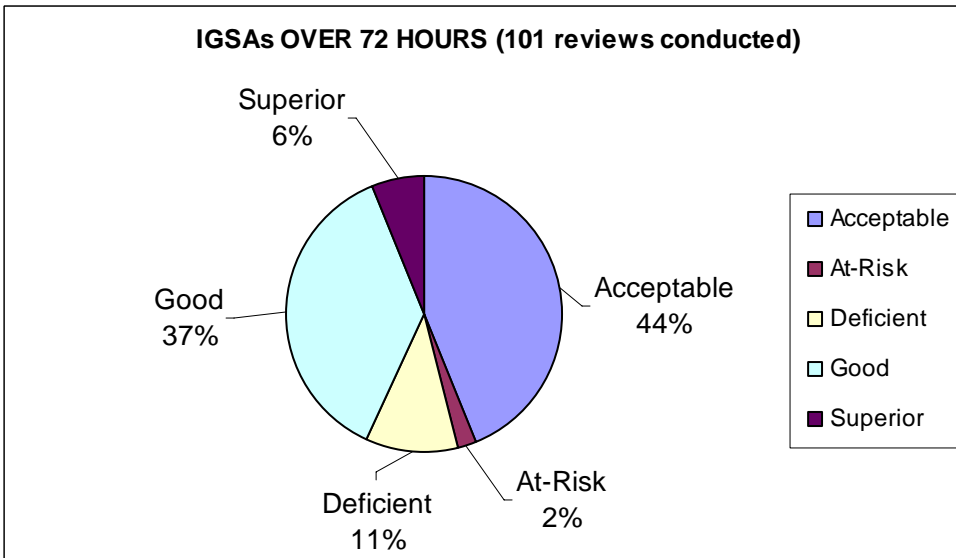
Figure 4: Final Ratings for ICE Facilities – IGSA's Under 72 Hours



IGSAs Over 72 Hours – One hundred one facilities were reviewed for the first half of the 2007 calendar year:

- Six facilities received a *Superior* rating.
- Thirty-seven facilities received a *Good* rating.
- Forty-five facilities received an *Acceptable* rating.
- Two facilities received an *At-Risk* rating.
- Eleven facilities received a *Deficient* rating.

Figure 5: Final Ratings for ICE Facilities – IGSA's Over 72 Hours



Remediation, Corrective Action and Progress Reports

Since this is the first semi-annual report, facility inspection results are reported without discussion of remediation and corrective action details. The next semi-annual report will include additional detail on the results of the Detention Facility Inspection program will be provided along with discussion of the implementation of the Contract Compliance Oversight program, development of the performance-based National Detention Standards and an update on the reworking of the Detention Management Control Program.

INDIVIDUAL STANDARD RATINGS

The following four tables compare the first six months of the 2006 calendar year with the first six months of 2007. Individual ratings are grouped into two categories, *Acceptable* (A) and *Deficient or At-Risk* (D). Certain ICE detention standards might not be applicable at an ISGA facility if the evaluated area is not provided by the detention facility. For example, the Land Transportation standard for an IGSA facility would not be reviewed if all ICE Transportation is handled only the ICE Field Office in control of the detainee case. Individual ratings scored as *Not Applicable* are not included in the percentages

Figure 6: Detention Reviews – First half of CY07 (All Facilities)

1. National Standards - Summary Report of Compliance			
Jan - Jun '07 Detention Reviews conducted for All Facilities (IGSAs, CDFs, SPCs):			
	A - Acceptable; D - Deficient, At-Risk, Repeat Finding	Jan-Jun 2007	
		A%	D%
1	Access to Legal Materials	94%	6%
2	Group Presentation on Legal Rights	99%	1%
3	Visitation	99%	1%
4	Telephone Access	98%	2%
5	Admissions and release	99%	1%
6	Classification System	99%	1%
7	Correspondance and Other Mail	100%	0%
8	Detainee Handbook	94%	6%
9	Food Services	97%	3%
10	Funds and Personal Property	99%	1%
11	Detainee Grievance Procedures	99%	1%
12	Issuance and Exchange of Clothing, Bedding and Towels	99%	1%
13	Marriage Requests	100%	0%
14	Non Medical Emergency Escort Trip	100%	0%
15	Recreation	99%	1%
16	Religious Practices	99%	1%
17	Voluntary Work Program	100%	0%
18	Hunger Strike	98%	2%
19	Medical Care	98%	2%
20	Suicide Prevention and Intervention	98%	2%
21	Terminal Illness, Advanced Directives and Death	97%	3%
22	Contraband	99%	1%
23	Detention Files	100%	0%
24	Disciplinary Policy	99%	1%
25	Emergency Plan	99%	1%
26	Enviormental Health and Safety	94%	6%
27	Hold Rooms in Detention Facilities	100%	0%
28	Key and Lock Control	98%	2%
29	Population Counts	99%	1%
30	Post Orders	98%	2%
31	Security Inspections	99%	1%
32	Special Management units (ADM)	98%	2%
33	Special Management units (DSC)	98%	2%
34	Tool Control	95%	5%
35	Transportation	100%	0%
36	Use of Force	98%	2%
37	Staff/ Detainee Communication	98%	2%
38	Detainee Transfer	100%	0%
	Average	98%	2%

Figure 7: Detention Reviews – First half of CY07 (All IGSA's)

2. National Standards - Summary Report of Compliance Jan - Jun '07 Detention Reviews conducted for IGSA's:			
	A - Acceptable; D - Deficient, At-Risk, Repeat Finding	CY 2007	
		A%	D%
1	Access to Legal Materials	93%	7%
2	Group Presentation on Legal Rights	99%	1%
3	Visitation	99%	1%
4	Telephone Access	98%	2%
5	Admissions and release	99%	1%
6	Classification System	99%	1%
7	Correspondance and Other Mail	100%	0%
8	Detainee Handbook	94%	6%
9	Food Services	98%	2%
10	Funds and Personal Property	98%	2%
11	Detainee Grievance Procedures	99%	1%
12	Issuance and Exchange of Clothing, Bedding and Towels	98%	1%
13	Marriage Requests	100%	0%
14	Non Medical Emergency Escort Trip	100%	0%
15	Recreation	99%	1%
16	Religious Practices	99%	1%
17	Voluntary Work Program	100%	0%
18	Hunger Strike	98%	2%
19	Medical Care	99%	1%
20	Suicide Prevention and Intervention	98%	2%
21	Terminal Illness, Advanced Directives and Death	97%	3%
22	Contraband	99%	1%
23	Detention Files	100%	0%
24	Disciplinary Policy	99%	1%
25	Emergency Plan	99%	1%
26	Enviormental Health and Safety	94%	6%
27	Hold Rooms in Detention Facilities	100%	0%
28	Key and Lock Control	98%	2%
29	Population Counts	99%	1%
30	Post Orders	98%	2%
31	Security Inspections	99%	1%
32	Special Management units (ADM)	98%	2%
33	Special Management units (DSC)	98%	2%
34	Tool Control	95%	5%
36	Use of Force	100%	0%
37	Staff/ Detainee Communication	98%	2%
38	Detainee Transfer	99%	1%
	Average	98%	2%

Figure 8: Detention Reviews –First half of CY07 (SPCs)

3. National Standards - Summary Report of Compliance			
Jan - Jun '07 Detention Reviews conducted for SPCs:			
	A - Acceptable; D - Deficient, At-Risk, Repeat Finding	CY 2007	
		A%	D%
1	Access to Legal Materials	100%	0%
2	Group Presentation on Legal Rights	100%	0%
3	Visitation	100%	0%
4	Telephone Access	100%	0%
5	Admissions and release	100%	0%
6	Classification System	100%	0%
7	Correspondance and Other Mail	100%	0%
8	Detainee Handbook	100%	0%
9	Food Services	80%	20%
10	Funds and Personal Property	100%	0%
11	Detainee Grievance Procedures	100%	0%
12	Issuance and Exchange of Clothing, Bedding and Towels	100%	0%
13	Marriage Requests	100%	0%
14	Non Medical Emergency Escort Trip	100%	0%
15	Recreation	100%	0%
16	Religious Practices	100%	0%
17	Voluntary Work Program	100%	0%
18	Hunger Strike	100%	0%
19	Medical Care	80%	20%
20	Suicide Prevention and Intervention	100%	0%
21	Terminal Illness, Advanced Directives and Death	100%	0%
22	Contraband	100%	0%
23	Detention Files	100%	0%
24	Disciplinary Policy	100%	0%
25	Emergency Plan	100%	0%
26	Enviormental Health and Safety	80%	20%
27	Hold Rooms in Detention Facilities	100%	0%
28	Key and Lock Control	100%	0%
29	Population Counts	100%	0%
30	Post Orders	100%	0%
31	Security Inspections	100%	0%
32	Special Management units (ADM)	100%	0%
33	Special Management units (DSC)	100%	0%
34	Tool Control	100%	0%
35	Transportation	100%	0%
36	Use of Force	100%	0%
37	Staff/ Detainee Communication	60%	40%
38	Detainee Transfer	100%	0%
	Average	97%	3%

Figure 9: Detention Reviews –First half of CY07 (CDFs)

4. National Standards - Summary Report of Compliance			
Jan - Jun '07 Detention Reviews conducted for CDFs:			
	A - Acceptable; D - Deficient, At-Risk, Repeat Finding	CY 2007	
		A%	D%
1	Access to Legal Materials	100%	0%
2	Group Presentation on Legal Rights	100%	0%
3	Visitation	100%	0%
4	Telephone Access	100%	0%
5	Admissions and release	100%	0%
6	Classification System	100%	0%
7	Correspondance and Other Mail	100%	0%
8	Detainee Handbook	100%	0%
9	Food Services	100%	0%
10	Funds and Personal Property	100%	0%
11	Detainee Grievance Procedures	100%	0%
12	Issuance and Exchange of Clothing, Bedding and Towels	100%	0%
13	Marriage Requests	100%	0%
14	Non Medical Emergency Escort Trip	100%	0%
15	Recreation	100%	0%
16	Religious Practices	100%	0%
17	Voluntary Work Program	100%	0%
18	Hunger Strike	100%	0%
19	Medical Care	100%	0%
20	Suicide Prevention and Intervention	100%	0%
21	Terminal Illness, Advanced Directives and Death	100%	0%
22	Contraband	100%	0%
23	Detention Files	100%	0%
24	Disciplinary Policy	100%	0%
25	Emergency Plan	100%	0%
26	Enviormental Health and Safety	100%	0%
27	Hold Rooms in Detention Facilities	100%	0%
28	Key and Lock Control	100%	0%
29	Population Counts	100%	0%
30	Post Orders	100%	0%
31	Security Inspections	100%	0%
32	Special Management units (ADM)	100%	0%
33	Special Management units (DSC)	100%	0%
34	Tool Control	100%	0%
35	Transportation	100%	0%
36	Use of Force	100%	0%
37	Staff/ Detainee Communication	100%	0%
38	Detainee Transfer	100%	0%
	Average	100.00%	0.00%

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The following two tables show the evaluation results for individual standards. The first table provides information concerning 38 criteria that are applied to SPCs, CDFs, and IGSA (Over 72 hours). The second table presents information about 28 criteria, which apply only to IGSA (Under 72 hours).

Figure 10: Detention Reviews – First half of CY07 (SPCs, CDFs, and IGSA Over 72 hours)

FACILITIES OVER 72 HOURS - IGSA CDFs SPCs						
	Acceptable	Deficient	Repeat Finding	At Risk	Not Applicable	Total
Access to legal Materials	105	7	0	0	0	112
Group presentation on Legal Rights	110	1	0	0	1	112
Visitation	111	1	0	0	0	112
Telephone Access	109	3	0	0	0	112
Admissions and release	111	0	0	1	0	112
Classification System	111	1	0	0	0	112
Correspondance and Other Mail	112	0	0	0	0	112
Detainee Handbook	106	6	0	0	0	112
Food Services	108	4	0	0	0	112
Funds and Personal Property	89	1	0	1	21	112
Detainee Grievance Procedures	111	0	0	1	0	112
Issuance and Exchange of Clothing, Bedding and Towels	110	2	0	0	0	112
Marriage Requests	94	0	0	0	18	112
Non Medical Emergency Escort Trip	45	0	0	0	67	112
Recreation	111	1	0	0	0	112
Religious Practices	109	2	0	0	1	112
Voluntary Work Program	58	0	0	0	54	112
Hunger Strike	110	2	0	0	0	112
Medical Care	110	1	0	1	0	112
Suicide Prevention and Intervention	109	3	0	0	0	112
Terminal Illness, Advanced Directives and Death	108	2	1	0	1	112
Contraband	111	1	0	0	0	112
Detention Files	107	0	0	0	5	112
Disciplinary Policy	112	0	0	0	0	112
Emergency Plan	112	0	0	0	0	112
Enviornmental Health and Safety	107	4	0	0	1	112
Hold Rooms in Detention Facilities	112	0	0	0	0	112
Key and Lock Control	110	2	0	0	0	112
Population Counts	112	0	0	0	0	112
Post Orders	110	2	0	0	0	112
Security Inspections	111	1	0	0	0	112
Special Management units (ADM)	112	0	0	0	0	112
Special Management units (DSC)	112	0	0	0	0	112
Tool Control	109	1	0	1	1	112
Transportation	59	0	0	0	53	112
Use of Force	110	2	0	0	0	112
Staff/ Detainee Communication	107	4	0	0	1	112
Detainee Transfer	112	0	0	0	0	112

Department of Homeland Security
U.S. Immigration and Customs Enforcement

Figure 11: Detention Reviews – First half of CY07 (IGSAs only Under 72 hours)

IGSAs Under 72 Hours							
		Acceptable	Deficient	Repeat Finding	At Risk	Not Applicable	Total
1	Visitation	64	0	0	0	0	64
2	Telephone Access	63	1	0	0	0	64
3	Admissions and release	63	1	0	0	0	64
4	Classification System	63	1	0	0	0	64
5	Detainee Handbook	60	1	3	0	0	64
6	Food Services	63	0	0	1	0	64
7	Funds and Personal Property	49	0	0	0	15	64
8	Detainee Grievance Procedures	63	1	0	0	0	64
9	Issuance and Exchange of Clothing, Bedding and Towels	64	0	0	0	0	64
10	Recreation	64	0	0	0	0	64
11	Religious Practices	64	0	0	0	0	64
12	Medical Care	63	1	0	0	0	64
13	Suicide Prevention and Intervention	64	0	0	0	0	64
14	Contraband	63	1	0	0	0	64
15	Detention Files	39	0	0	0	25	64
16	Disciplinary Policy	63	1	0	0	0	64
17	Emergency Plan	62	1	0	1	0	64
18	Environmental Health and Safety	57	4	1	2	0	64
19	Hold Rooms in Detention Facilities	64	0	0	0	0	64
20	Key and Lock Control	62	2	0	0	0	64
21	Population Counts	63	1	0	0	0	64
22	Security Inspections	64	0	0	0	0	64
23	Special Management units (ADM)	61	2	0	1	0	64
24	Special Management units (DSC)	61	2	0	1	0	64
25	Tool Control	57	4	0	2	1	64
26	Use of Force	63	1	0	0	0	64
27	Staff/ Detainee Communication	64	0	0	0	0	64
28	Detainee Transfer	64	0	0	0	0	64

APPENDIX A: ICE NATIONAL DETENTION STANDARDS

The current 38 National Detention Standards serve as the basis for the facility reviews conducted for this report. The following synopsis of each standard sets the context for understanding the results of the facility compliance evaluations.

1	Access to Legal Materials	Facilities holding ICE detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.
2	Group Presentation on Legal Rights	Facilities holding ICE detainees shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility. ICE encourages such presentations, which instruct detainees about the immigration system and their rights and options within it. All facilities shall fully cooperate with authorized persons seeking to make such presentations.
3	Visitation	Facilities holding ICE detainees shall permit authorized persons to visit detainees, within security and operational constraints. To maintain detainee morale and family relationships, ICE encourages visits from family and friends. Facilities shall allow detainees to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials. To better inform the public about ICE detention operations, facilities shall permit representatives of the news media and non-governmental organizations to have access to non-classified and non-confidential information about their operation; given appropriate notice, to tour facilities; and, with permission from ICE and the detainees, to interview individual detainees.
4	Telephone Access	Facilities holding ICE detainees shall permit them to have reasonable and equitable access to telephones, including telephone access to legal representatives and consular officials without charge.

5	Admissions and Release	<p>The procedures a facility follows in admitting and releasing detainees protect the health, safety, and welfare of each person. During the admissions process, detainees undergo screening for medical purposes; have their files reviewed for classification purposes; submit to a standard body search¹; and personally observe and certify the examination, categorization, inventorying, and safeguarding of all personal belongings. During the release process, detainees return clothing, bedding, and other facility-issued items; participate in identity-verification procedures; and complete documents in accordance with facility procedures, including certifying receipt of all inventoried personal property, including funds and valuables.</p>
6	Classification System	<p>All ICE detention facilities will implement this Detainee Classification System (DCS). CDFs and IGSA facilities may continue using the systems established locally, if the classification criteria are objective and all procedures meet ICE requirements. The classification system created through these standards will ensure that each detained alien is placed in the appropriate category and physically separated from detainees in other categories.</p>
7	Correspondence and Other Mail	<p>All facilities will ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will widely distribute its guidelines concerning correspondence and other mail.</p>

¹ The September 20, 2000 DMCP Detention Standard on Admission and Release on the Search of Detainee and Property states that each new arrival will be strip-searched, in accordance with the “Detainee Search” Standard. On October 15, 2007 the DRO Director signed a memorandum amending the Admission and Release Standards. The memorandum states “all facilities housing Immigration and Customs Enforcement (ICE) detainees shall permit detainees to change clothing and shower in private room without being visually observed by a staff member, unless there is reasonable suspicion that the individual possesses contraband. It goes on to state that facilities are reminded that strip searches, cavity searches, monitored changes of clothing, monitoring showering... for the purpose of searching for contraband are prohibited, absent reasonable suspicion of contraband possession. Facilities may use less intrusive means to detect contraband, such as clothed pat searches, intake questioning, x-rays and metal detectors.

8	Detainee Handbook	<p>Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility, ICE, private organizations, etc. Every detainee will receive a copy of this handbook upon admission to the facility. Detainees are expected to behave in accordance with the rules set down in the handbook, and will be held accountable for violations. Therefore, the facility staff will advise every detainee to become familiar with the material in the handbook.</p>
9	Food Services	<p>It is ICE policy to provide detainees with nutritious, attractively presented meals, prepared in a sanitary manner while identifying, developing and managing resources to meet the operational needs of the food service program.</p>
10	Funds and Personal Property	<p>All facilities will provide for the control and safeguarding of detainees' personal property. This will include the secure storage of funds, valuables, baggage and other personnel property; a procedure for documentation and receipting of surrendered property; and the initial and regularly scheduled inventories of all funds, valuables and other property.</p>
11	Detainee Grievance Procedures	<p>Every facility will develop and implement standard operating procedures (SOP) that address detainee grievances. Among other things, each SOP must establish a reasonable time limit for: (i) processing, investigating, and responding to grievances; (ii) convening a grievance committee to review formal complaints; and (iii) providing written responses to detainees who file formal grievances, including the basis for the decision. The SOP must also prescribe procedures applicable to emergency grievances. All grievances will receive supervisory review, and include guarantees against reprisals.</p>

12	Issuance and Exchange of Clothing, Bedding and Towels	Basic hygiene is essential to the well-being of detainees in the custody of the U.S. Immigration and Customs Enforcement (ICE). Therefore, ICE policy requires that all facilities housing ICE detainees in accordance with this standard provide clean clothing, bedding, linens and towels to every ICE detainee upon arrival. Further, facilities shall provide ICE detainees with regular exchanges of clothing, linens, and towels for as long as they remain in detention.
13	Marriage Requests	All marriage requests from ICE detainees receive a case-by-case review.
14	Non Medical Emergency Escort Trip	The U.S. Immigration and Customs Enforcement (ICE) provides detainees with approved staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending their funerals. This Standard applies to ICE only (SPCs/CDFs). All facilities shall refer all such requests to the Field Office Director.
15	Recreation	All facilities shall provide ICE detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.
16	Religious Practices	Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist equally for all, regardless of the number of practitioners of a given religion, whether the religion is "mainstream", whether the religion is "Western" or "Eastern", or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.
17	Voluntary Work Program	Every facility with a work program will provide detainees the opportunity to work and earn money. While not legally required to do so, ICE affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

18	Hunger Strike	All facilities will follow accepted standards of care in the medical and administrative management of hunger-striking detainees. Facilities will do everything within their means to monitor and protect the health and welfare of a hunger-striking detainee, consistent with legal authority and standard medical and psychiatric practice. Facilities will make every effort to obtain the hunger striker's informed consent for treatment, especially when the hunger strike is threatening his/her life or long-term health.
19	Medical Care	All detainees shall have access to medical services that promote detainee health and general well-being. Medical facilities in service processing centers and contract detention facilities will maintain current accreditation by the National Commission on Correctional Health Care.
20	Suicide Prevention and Intervention	All staff working with ICE detainees in detention facilities will be trained to recognize signs and situations potentially indicating a suicide risk. Staff will act to prevent suicides with appropriate sensitivity, supervision, and referrals. Any clinically suicidal detainee will receive preventive supervision and treatment.
21	Terminal Illness, Advanced Directives and Death	All facilities shall have policies and procedures addressing the issues of terminal illness, fatal injury, advance directives, and detainee death. Each will address notification of all concerned, from family to ICE. In the cases of Terminal Illness, Advance Directive requests and detainee death, IGSA's and CDFs shall contact ICE immediately. ICE shall implement the necessary procedures specified in this standard.
22	Contraband	Detention staff will handle and properly dispose of contraband in accordance with the standard operating procedures of the facility. Contraband will be destroyed in the presence of at least one official observer, and those involved will document every instance of contraband-destruction.

23	Detention Files	All facilities will create a detention file for each ICE detainee booked into the facility for more than 24 hours. The detention file will contain copies and, in some cases, the originals of documents including, among other things, the classification sheet, medical questionnaire, property inventory sheet, disciplinary records, etc.
24	Disciplinary Policy	To provide a safe and orderly living environment, facility authorities will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures.
25	Emergency Plan	Every facility will develop plans and procedures for handling emergency situations reasonably likely to occur. The goal of these "contingency plans" is to control the situation without endangering lives or property.
26	Environmental Health and Safety	Each facility will establish a hazardous materials program for the control, handling, storage, and use of flammable, toxic, and caustic materials. This will protect detainees, staff, and visitors, preventing breaches in safety and security. Among other things, the facility will include the identification and labeling of hazardous materials in accordance with applicable regulations, standards and codes (Occupational Safety and Health Administration (OSHA), National Fire Protection Association, etc.); will provide warnings of incompatible materials, etc.
27	Hold Rooms in Detention Facilities	Hold rooms will be used for the temporary detention of individuals awaiting removal, transfer, EOIR hearings, medical treatment, intra-facility movement, or other processing into or out of the facility.
28	Key and Lock Control	Every facility will maintain an efficient system for the use, accountability, and maintenance of keys and locks.
29	Population Counts	All facilities shall implement an effective system for counting detainees. Formal and informal counts will be conducted as necessary to ensure around-the-clock accountability for all detainees.

30	Post Orders	<p>Each officer will have written post orders that specifically apply to his/her current duties. The post orders will specify the duties of the post officer, along with instructions on how to perform those duties. The step-by-step procedures will include enough detail to guide a novice assigned to the post. The OIC will also develop post orders for non-permanent assignments (details, temporary housing units, emergency changes, etc.). If events preclude advance planning, the OIC will issue a post order as soon as possible after the need arises.</p>
31	Security Inspections	<p>In an area with heightened security requirements, the post officer must thoroughly understand all aspects of facility operations. Specially trained officers only will be assigned to these security-inspection posts.</p>
32	Special Management Units (ADM)	<p>Administrative segregation is a non-punitive form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to self, staff, other detainees, property or the security or orderly operation of the facility. Examples include a detainee awaiting an investigation or hearing for a violation of facility rules, a detainee requires protection or a detainee is scheduled for release, removal, or transfer with 24 hours.</p> <p>Each facility will establish a Special Management Unit that will isolate certain detainees from the general population. The Special Management Unit will have two sections, one for detainees in Administrative Segregation; the other for detainees being segregated for disciplinary reasons (see the “Special Management Unit [Disciplinary Segregation]” Standard).</p>
33	Special Management Units (DSC)	<p>Each facility will establish a Special Management Unit that will isolate certain detainees from the general population. The Special Management Unit will have two sections, one for detainees being segregated for disciplinary reasons; the other for detainees being segregated for administrative reasons (see “Special Management Unit [Administrative Segregation]” Standard).</p>

34	Tool Control	Every facility will establish a tool-control policy with which all employees shall comply. The Maintenance Supervisor shall maintain a computer-generated or typewritten inventory of tools and equipment, and storage locations. These inventories shall be current, filed, and readily available during an audit.
35	Transportation	The U.S Immigration and Customs Enforcement (ICE) will take all reasonable precautions to protect the lives, safety, and welfare of officers, other personnel, the general public, and the detainees themselves involved in the ground transportation of detainees. Detainees in transit from the facility to another institution or one jurisdiction to another will be transported in a safe and humane manner, under the supervision of trained and experienced personnel.
36	Use of Force	The use of force is authorized only after all reasonable efforts to resolve a situation have failed. Officers shall use as little force as necessary to gain control of the detainee; to protect and ensure the safety of detainees, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility. Physical restraints shall be used to gain control of an apparently dangerous detainee only under specified conditions.
37	Staff-Detainee Communication	Procedures must be in place to allow for formal and informal contact between key facility staff, ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.

38	Detainee Transfer	<p>Immigration and Customs Enforcement (ICE) often transfers detainees from one facility to another for a variety of reasons. This standard prescribes the procedures and notification requirements to be followed when transferring a detainee. ICE will make all necessary notifications when a detainee(s) is transferred. If the detainee(s) is being transported by Justice Prisoner Alien Transportation System (JPATS), ICE will adhere to JPATS protocols. In deciding whether to transfer a detainee, ICE will take into consideration whether the detainee is represented before the immigration court. In such cases, Field Office Directors will consider the detainee's stage within the removal process, whether the attorney of record is located within reasonable driving distance of the detention facility and where immigration court proceedings are taking place.</p>
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APPENDIX B : SPC and CDF LOCATIONS

The eight ICE SPCs are located in:

- Aguadilla, PR;
- El Paso, TX;
- Miami, FL;
- Batavia, NY;
- El Centro, CA;
- Florence, AZ;
- San Pedro, CA
- Port Isabel, TX

The seven CDFs are located in:

- Pompano Beach, FL;
- Elizabeth, NJ;
- Tacoma, WA;
- Denver, CO;
- Houston, TX;
- San Diego CA
- Pearsall, TX