

ICE/DRO DETENTION STANDARD

DETENTION FILES

I. PURPOSE AND SCOPE. This Detention Standard contributes to efficient and responsible facility management by maintaining, for each detainee booked into a facility for more than 24 hours, a file of all significant information about that person. It also addresses security for electronic files.

The Detention File is separate from the detainee's A-File, which is the administrative file maintained by ICE/DRO for each detainee. The contents of the A-File include such documents as the detainee's identification documents (passport, driver's license, etc.), photographs, immigration history, prior record, and all documents and transactions relating to the detainee's immigration case.

This Detention Standard applies to the following types of facilities housing ICE/DRO detainees:

- Service Processing Centers (SPCs);
- Contract Detention Facilities (CDFs); and
- State or local government facilities used by DRO through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours.

Procedures in italics are specifically required for SPCs and CDFs. IGSAs must conform to these procedures or adopt, adapt or establish alternatives, provided they meet or exceed the intent represented by these procedures.

Some terms used in this document may be defined in the separate **Definitions** Standard.

II. EXPECTED OUTCOMES. The expected outcomes of this Detention Standard are:

1. A Detention File will be maintained on each detainee admitted to a detention facility for more than 24 hours.
2. Each Detention File will include all documents, forms, and other information specified herein.
3. The security of each Detention File and its contents will be maintained.
4. Staff will have access to Detention Files, as needed, for official purposes.
5. Information from a Detention File will be released to an outside third party only with the detainee's signed consent.
6. Release of information on detainees will be in accordance with applicable federal and state regulations.
7. Electronic record-keeping systems and data will be protected from unauthorized access.
8. Field Offices will maintain files necessary to carry out their responsibilities and will maintain them for a minimum of 18 months for auditing purposes.

9. Inactive, closed Detention Files will be properly archived.

III. DIRECTIVES AFFECTED. This Detention Standard replaces **Detention Files** dated 2/11/2002.

IV. REFERENCES

American Correctional Association 4th Edition Standards for Adult Detention Facilities: 4-ALDF-7D-19, 7D-20, 7D-21. 7D-22.

Privacy Policy Guidance Memorandum Number 2007-1 “DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Information on Non-U.S. Persons” from the DHS Chief Privacy Officer (1/19/2007).

Funds and Personal Property National Detention Standard

V. EXPECTED PRACTICES

A. Creation of a Detainee Detention File

When a detainee is admitted to a facility, staff shall create a detainee Detention File as part of admissions processing.

1. For every new arrival whose stay will exceed 24 hours, a designated officer shall create a detainee Detention File.
2. The officer completing the admissions portion of the Detention File shall note that the file has been activated. The note may take the form of a generic statement in the Acknowledgment form described below.
3. *In SPCs and CDFs, a standard, green file folder with paper-attachment clips is acceptable; however, considering the number of Detention Files generated each year, the standard brown folder may prove more economical.*
4. *The facility administrator shall develop procedures to ensure the admissions processing unit always has on hand all necessary supplies and that equipment is maintained in good working order, including photocopier(s) and paper. The equipment shall have the capacity to handle the volume of work generated.*

B. Required Contents of File

1. The detainee Detention File shall contain either originals or copies of forms and other documents generated during the admissions process. If necessary, the Detention File may include copies of material contained in the detainee’s A-File.

The file shall, at a minimum, contain:

- I-385, Alien Booking Record, with one or more original photograph(s) attached,
- Classification Work Sheet,

- Personal Property Inventory Sheet,
- Housing Identification Card,
- G-589, Property Receipt or facility equivalent, and
- I-77, Baggage Check(s).

The file shall also contain the following original documents, if used in the facility:

- Acknowledgment form, documenting receipt of handbook, orientation, locker key, etc.,
- Work assignment sheet,
- Identifying marks form, and
- The original detainee summary form.

2. The detainee's Detention File shall also contain documents generated during the detainee's time in the facility.

C. Additions to File

During the course of the detainee's stay at the facility, staff shall add documents associated with normal operations to the detainee's Detention File, for example:

- Special requests,
- Any G-589s or facility equivalent, or I-77s closed-out during the detainee's stay,
- Disciplinary forms,
- Grievances, except medical grievances which are maintained in the medical file, complaints, and their disposition(s),
- All forms associated with disciplinary or administrative segregation,
- Strip search forms,
- Other approved documents, e.g., staff reports about the detainee's behavior, attitude, etc.
- Any privacy waivers

D. Location of Files

Detainee Detention Files shall be located and maintained in a secured area.

In SPCs/CDFs:

- *Active detainee Detention Files shall be maintained in the admissions processing area, unless the facility administrator designates another area.*
- *The cabinet containing the files does not need to be securable if located in a controlled access area; however, if the cabinet is located in a congested work area or in a high traffic area, it must be locked.*

- *The chief of security (or equivalent) shall determine the key distribution for file cabinets that lock.*
- *Archived files shall be placed in storage boxes, with the dates covered clearly marked (from [mm/dd/yy] to [mm/dd/yy]). The facility administrator shall designate a restricted access storage space.*

E. Archiving Files

Each Detention File remains active during the detainee's stay at a facility and is closed and archived upon the detainee's transfer, release, or removal. IGSA facilities shall retain inactive Detention Files no differently from SPCs and CDFs and shall, when requested, make them available to ICE/DRO personnel.

1. Upon the detainee's release from the facility, staff shall add final documents to the file before closing and archiving it after inserting:
 - Detention file copies of completed release documents,
 - The original closed-out receipts for property and valuables, and
 - The original I-385 and other documentation.
2. The officer closing the Detention File shall make a notation (on the Acknowledgement form, if applicable) that the file is complete and ready for archiving.
3. The closed Detention File shall not be transferred with the detainee to another facility. However, staff may forward copies of file documents at the request of supervisory personnel at the receiving facility or office. When forwarding requested documents, staff at the sending office shall update the archived file, noting the document request, and the name and title of the requester.
4. Archived files may be purged after six years, and the material preferably burned, if possible, and at least shredded.

F. Access to File

1. Detention file contents are subject to the same Privacy Act regulations as A-file contents. Unless release of information is required by statute or regulation, a detainee must sign a release-of-information consent form prior to the release of any information, and a copy of the form shall be maintained in the detainee's Detention File. This information contained in the form will explained to the detainee in a language or manner which they understand.

The Privacy Act of 1974 provided statutory privacy rights to U.S. citizens and Legal Permanent Residents (LPRs), but the law does not cover aliens who are not legal permanent residents. As a matter of policy, however, DHS treats any personally identifiable information that is collected, used, maintained, and/or disseminated in a DHS records system as being subject to the Privacy Act regardless of whether the information pertains to a U.S. citizen, LPR, or

any alien. Treating such records systems as covered by the Privacy Act establishes efficient and uniform business practices for handling personally identifiable information without having to maintain two parallel records systems serving much the same purpose.

2. Appropriate staff may have access to the Detention File for official purposes.
3. Staff shall accommodate all requests for detainee Detention Files from other departments that require the material for official purposes, such as disciplinary hearings.

Unless the chief of security (or equivalent) determines otherwise, each borrowed file must be returned by the end of the administrative workday.

A representative of the department requesting the file is responsible for obtaining the file, logging it out, and ensuring its return.

At a minimum, a logbook entry recording the file's removal from the cabinet shall include:

- The detainee's name and A-File number;
- Date and time removed;
- Reason for removal;
- Signature of person removing the file, including title and department;
- Date and time returned; and
- Signature of person returning the file.

4. Upon request by the detainee, the detention file shall be provided to the detainee or his or her designated attorney of record.

G. Electronic Files

Electronic record-keeping systems and data shall be protected from unauthorized access. All electronic data on individual detainees is subject to the same Privacy Act regulations as the contents of traditional paper Detention Files and A-files.

Unless release of information is required by statute or regulation, a detainee must sign a release-of-information consent form prior to the release of any information, and a copy of the form shall be maintained in the detainee's Detention File.

H. Field Office Responsibilities

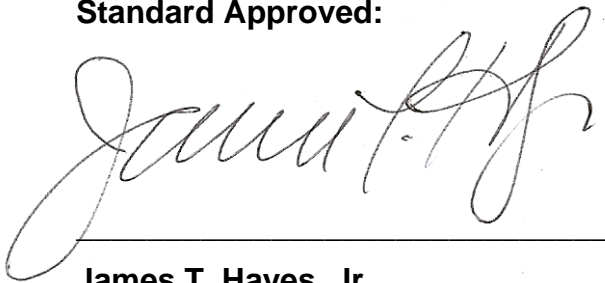
Field Offices shall maintain files as needed to carry out their responsibilities and shall retain them (as inactive files) for a minimum of 18 months for auditing purposes. Generally, such records often contain information about more than one detainee, and they are most easily retrieved by process or subject, rather than by individual detainee.

For some purposes, records are most easily retrieved by the detainee's name. While some such material may duplicate material maintained in the facility Detention Files, there is no intention to create a duplicate file for IGSA contract facilities.

Some Detention Standards require that copies of certain documents on individual

detainees be sent to Field Offices. Especially where approval of the Field Office Director (or designee) is required, records of correspondence and approvals or denials are to be maintained in the A-file. As another example, if the Field Office takes and holds detainee property, the A-file shall contain such forms as the G-589 and I-77 and copies of forms I-203 and G-385.

Standard Approved:

A handwritten signature in black ink, appearing to read "James T. Hayes, Jr.", written over a horizontal line.

**James T. Hayes, Jr.
Acting Director
Office of Detention and Removal Operations**

September 12, 2008

Date