

ICE DETENTION STANDARD

STAFF-DETAINEE COMMUNICATION

I. POLICY

Procedures must be in place to allow for formal and informal contact between key facility staff and 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.

II APPLICABILITY

The standards provided in this Detention Standard shall apply to the following facilities housing ICE detainees:

1. Service Processing Centers (SPCs);
2. Contract Detention Facilities (CDFs); and
3. State or local government facilities used by ICE through Intergovernmental Service Agreements (IGSAs) to hold detainees for more than 72 hours; referred to as "IGSA facilities."

Within the document there are additional implementing procedures that are identified for SPCs and CDFs. IGSA facilities may find such procedures useful as guidelines. IGSAs may adopt, adapt or establish alternatives to, the procedures specified for SPCs/CDFs, provided they meet or exceed the objective represented by each standard.

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. STAFF AND DETAINEE CONTACT

ICE detainees should have the opportunity to have informal access to and interaction with key facility staff members on a regular basis. In addition to informal contact with facility staff, detainees often require regular access to key ICE staff. Often detainees in ICE custody are unaware of or do not comprehend the immigration removal process, and staff should explain the general process to detainees without providing specific legal advice on their individual cases.

1. Unannounced Contacts With Detainees

Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the Assistant Officer in Charge (AOIC) and designated department heads conduct regular unannounced (not scheduled) visits to the

facility's living and activity areas to encourage informal communication between staff and detainees and informally observing living and working conditions. These unannounced visits shall include but not be limited to:

- a. Housing Units;
- b. Food Service preferably during the lunch meal;
- c. Recreation Area;
- d. Special Management Units (Administrative and Disciplinary Segregation); and Infirmary rooms

While visiting the Special Management Unit, the detainees shall be interviewed, living conditions will be observed and detainee-housing records will be reviewed.

In SPC's and CDFs:

These unannounced visits to the facility's living areas will be conducted weekly at SPCs and CDFs.

Each facility shall develop a method to document the unannounced visits, and ICE will document visits to IGSA's.

2. Scheduled Contact with Detainees

The purpose for these scheduled weekly visits is to address detainees' personal concerns and to monitor living conditions. Facility or District deportation staff in the jurisdiction where these facilities are located shall conduct these scheduled visits. The visiting officer should be familiar with the ICE detention standards and report all violations to the Field Director.

a. In SPCs:

These scheduled weekly visits are to be determined by the ICE OIC or the Supervisory Deportation Officer. Written schedules shall be developed and posted in the detainee living areas and other areas with detainee access. Each facility shall have specific procedures for documenting the visit.

b. In CDFs and IGSA's:

The ICE Field Office Director shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff. The ICE officer will also visit the facility's Special Management Units (SMU) to interview any ICE detainees housed there, monitor housing conditions, review detainees' classification and basis for placement in the SMU, and review all records in this regard. Written schedules shall be developed and posted in the detainee living areas and other areas with detainee access. The ICE Field Office Director shall have specific procedures for documenting the visit. IGSA's with larger populations should be visited more often if necessary.

c. In Bureau of Prison Facilities:

When ICE detainees are held at Bureau of Prison (BOP) facilities, the ICE Field Office Director shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff. While ICE National Detention Standards are not applicable to BOP facilities, the visits shall be for the purpose of providing ICE detainees held at those facilities with the opportunity to informally access and interact with ICE staff. This requirement is not applicable to BOP facilities exclusively housing Mariel Cubans, since communication with Mariel Cubans is handled through a separate process.

In addition, the visiting officer will review the conditions under which ICE detainees are being held, Particularly for those held in SMUs, including the detainees' classification, basis for placement in the SMU (where applicable), access to counsel, legal telephone calls, and visitation privileges. Deficiencies in these areas shall be reported to a supervisory ICE officer.

B. REQUEST TO STAFF FROM ICE DETAINEES

All detainees shall have the opportunity to submit written questions, requests, or concerns to ICE staff using the attached detainee request form, local IGSA form or a sheet of paper. The OIC must ensure that adequate supplies of detainee requests and writing implements are available.

All facilities that house ICE detainees must have written procedures to route detainee requests to the appropriate ICE official.

The detainee request form shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay. The detainee may, if he or she chooses, seal the request in an envelope and clearly mark the envelope with the name, title or office the request is to be forwarded to.

A detainee may obtain assistance from another detainee, housing officer, or other facility staff in preparing a request form. The OIC shall ensure that the standard operating procedures cover detainees with special requirements, including those who are disabled, illiterate, or know little or no English. Each facility will accommodate the special assistance needs of such detainees in making a request.

This procedure is not to be used for submitting formal grievances. Formal grievances shall be submitted according to the procedures specified in the "Detainee Grievance" standard. However, the procedures outlined here may be used to resolve *informal* grievances as described in that standard.

1. **Response Times**

a. **In SPCs/CDFs and in IGSAs with ICE on-site presence:**

The officer receiving the request shall normally respond in person or in writing as soon as possible and practicable, not later than within 72 hours from receiving the request.

b. **In IGSA facilities without ICE on-site presence**

The detainee requests shall be forwarded to the ICE office of jurisdiction within 72 hours and answered as soon as possible and practicable, but not later than within 72 hours from receiving the request. If it is apparent that the request is serious in nature, procedures shall be in place for an expedited review and response to the detainee's request.

2. **Record keeping and File Maintenance**

All requests shall be recorded in a logbook specifically designed for that purpose. The log, at a minimum, shall contain:

- a. The date the detainee request was received;
- b. Detainee's name;
- c. A-number;
- d. Nationality;
- e. Officer logging the request;
- f. The date that the request, with staff response and action, is returned to the detainee; and
- g. Any other site-specific pertinent information.

In IGSAs, the date the request was forwarded to ICE and the date it was returned shall also be recorded.

All completed Detainee Requests will be filed in the detainee's detention file and will remain in the detainee's detention file for at least three years.

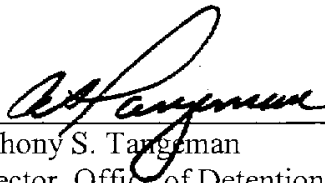
3. **Detainee Handbook**

The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request. See the "Detainee Handbook" standard.

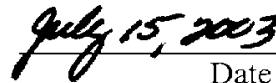
V. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3A-11, 3A-12.

Approval of Standard



Anthony S. Tangeman
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Date