



U.S. Immigration
and Customs
Enforcement

FACT SHEET

November 20, 2008

ICE Performance Based National Detention Standards

When U.S. Immigration and Customs Enforcement (ICE) was formed in 2003, the Office of Detention and Removal Operations followed a set of 38 national detention standards (NDS) that were originally issued in September 2000 to facilitate consistent conditions of confinement, access to legal representation, and safe and secure operations across the Immigration and Naturalization Service's (INS) immigration detention system.

National detention standards established consistency of program operations and management expectations, accountability for non-compliance, and a culture of professionalism. They were based on policies and procedures, and focused solely on what was to be done. ICE reviewed the INS standards and redrafted them into a performance-based format.

Performance based national detention standards (PBNDS) start with a focus on the results or outcomes the required procedures are expected to produce. Thus, the expected outcomes of successfully performing each detention standard is stated, rather than assumed, and the prescribed expected practices represent what must be done to produce those expected outcomes.

ICE announced the creation of 41 performance based national detention standards in September, 2008. The implementation of the PBNDS is a milestone in ICE's commitment to the oversight and well being of the detainees in custody while they await a determination of their removal proceedings or removal.

The change to PBNDS is consistent with ICE's desire to employ best practices and industry standards to improving the quality of life and the conditions of confinement for every individual ICE detainee.

The publication of these enhanced standards brings the detention facility oversight process into alignment with detention accreditation bodies and review agencies such as the American Correctional Association, the National Commission on Correctional Health Care and The Joint Commission. These organizations set industry standards for healthcare and correctional agencies and accredit those that meet their stringent criteria.

Training in PBNDS is planned for all facilities housing ICE detainees and assistance to those facilities during the transition will be on-going.

All facilities must meet 90% of the non-mandatory components and 100% of the mandatory components.

The link to the PBNDS on ICE's Website is www.ice.gov/partners/dro/pbnds/index.htm.

ICE

U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.