

# ICE/DRO DETENTION STANDARD

## NEWS MEDIA INTERVIEWS AND TOURS

**I. PURPOSE AND SCOPE.** This Detention Standard ensures that the public and the media are informed of events within the facility's areas of responsibility through interviews and tours.

It applies to the following types of facilities housing 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

1. The public and the media will be informed of operations and events within the facility's areas of responsibility.
2. The privacy of detainees and staff will be protected, including the right of a detainee to not be photographed or recorded.

**III. DIRECTIVES AFFECTED.** This **new** Detention Standard replaces provisions on new media visits and tours that were removed from the former Detention Standard on **Visitation** dated 9/20/2000.

## IV. REFERENCES

American Correctional Association Standards for Adult Local Detention Facilities, 4th Edition: 4-ADLF-7D-21, 7F-01.

## V. EXPECTED PRACTICES

### A. News Media Interviews of Detainees

#### 1. General

ICE/DRO supports the provision of public access to non-classified and non-confidential information about its operations in the interest of informing the public.

ICE/DRO also has a responsibility to protect the privacy and other rights of detainees, including the right of a detainee to not be photographed or recorded.

By regulating interviews in the detention setting, the facility administrator ensures the secure, orderly and safe operation of the facility. Interviews by reporters, other news media representatives, academics and parties not included in other

visitation categories in the Detention Standard on **Visitation** shall be permitted access to facilities only by special arrangement and with prior approval of the respective ICE/DRO Field Office Director.

## **2. Media Representatives**

“Media representatives” refers to persons whose principle employment is to gather, document or report news for:

- A newspaper that circulates among the general public and publishes news of a general interest such as political, religious, commercial, or social affairs. A key criterion is whether the paper qualifies to publish legal notices in the community in which it is located.
- A news magazine with a national circulation sold to the general public by newsstands and mail subscription.
- A national or international news service.
- A radio or television news program of a station licensed by the Federal Communications Commission.
- Other representatives or entities that gather information in accordance with the definition of ‘representative of the news media’ contained in the Freedom of Information Act (5 U.S.C. 552(a)(4)(A)(ii)) as amended by section 3 of P.L.110-175. In addition to those persons listed above, such representatives may include, but are not limited to, individuals reporting for certain electronic media outlets, online publications, and freelance journalists or bloggers affiliated with news media.

## **3. Detention Facility Visits and Tours**

Media representatives may make advance appointments to tour facilities that house ICE/DRO detainees to prepare reports about those facilities.

- *To tour an SPC or CDF, media representatives shall contact the ICE/DRO facility administrator. The Chief of Security is responsible for implementing the necessary security procedures. The facility administrator shall coordinate approval through the Field Officer coordinator of public affairs.*
- To tour an IGSA facility, media representatives shall contact the Field Office Director, who shall notify the facility. Local facilities policies and procedures shall govern.

The Field Office Director may suspend visits for an appropriate period during and after an emergency, or when there are indications that extra security measures may be needed due to a possible disturbance in the facility.

News media organizations shall abide by the policies and procedures of the facility being visited or toured.

Media representatives must obtain advance permission from the facility administrator and FOD before taking photographs in or of any facility.

The facility administrator shall advise both media representatives and detainees that use of any detainee's name, identifiable photo, or recorded voice requires his

or her prior permission. Media representatives shall obtain a signed release from the detainee before photographing or recording his or her voice. The original of the form is to be filed in the detainee's A-file with a copy in the facility's Detention File.

Detainees have the right not to be photographed (still, movie, or video), and not to have their voice recorded by the media. If it will threaten or disrupt the safety or security of the facility, its staff or its immigration detainees, the Field Office Director may limit or prohibit the presence of video, film, or audio equipment or related personnel. For example, the Field Office Director may limit the equipment to hand-held cameras or recorders.

#### **4. Personal Interviews**

A media representative planning to conduct a personal interview at a facility shall submit a written request to the responsible Field Office Director, preferably 48 hours and no less than 24 hours prior to the time slot requested. The Field Office Director may waive the 24-hour rule if convinced of the need for urgency.

Through facility staff, the Field Office Director shall inform the detainee of the interview request. The detainee must then indicate his or her willingness to be interviewed by signing a consent form before the Field Office Director considers the interview request. The original written consent is to be filed in the detainee's A-file with a copy in the facility's Detention File.

Attachment A provides a sample *News Interview Authorization Form* that may be used. The original of the form is to be filed in the detainee's A-file with a copy in the facility's Detention File.

When the alien is the center of a controversy or of a special interest or high profile case, the Field Office Director shall consult with the Headquarters Deputy Assistant Director, Detention Management Division, before deciding whether to allow the interview.

ICE shall normally act on the request, in writing, within 48 hours of the written request. Possible reasons for disapproval may include, but are not limited to:

- The news media representative or news organization he/she represents do not agree to the conditions established by this policy or previously failed to abide by them.
- The detainee is physically or mentally unable to participate, as indicated by the statement of a medical officer. A mental health specialist may verify mental incapacity, substantiating the reason for disapproval.
- The Field Office Director finds it probable that the proposed interview would endanger the health or safety of the interviewer, cause serious unrest within the facility, or disturb the orderly and secure operation of the facility.

Interviews shall take place during normal business hours in a location determined by the facility administrator. The facility administrator shall provide a location conducive to the interviewing activity, consistent with security and good order. The Field Office Director may limit the number of interviews with a particular

detainee to a reasonable number per month. Further, if interviews are imposing a serious strain on staff or facility resources, the Field Office Director may restrict the time allotted for interviews.

For facility safety and security, ICE/DRO reserves the right to monitor, but not participate in, detainee interviews.

A media representative interested in touring the facility and photographing or recording any other detainees in conjunction with an individual interview must follow all applicable requirements and procedures and indicate this interest at the time of his/her request for an interview.

## **5. Press Pools**

A press pool may be established when the Field Office Director and facility administrator determine that the volume of interview requests warrants such action.

The facility administrator shall notify all media representatives with pending or requested interviews, tours, or visits that, effective immediately and until further notice, all media representatives must comply with the press pool guidelines established by the Field Office Director.

All material generated from such a press pool must be made available to all news media, without right of first publication or broadcast.

The press pool shall comprise one member each from the following groups:

- The national and international news services;
- The television and radio networks and outlets;
- The newsmagazines and newspapers; and
- All local media serving the locality where the facility is located.

Each group shall choose the member who will represent it in the press pool. The Field Office Director shall, upon request, provide the media information about a detainee, provided it is a matter of public record and not protected by privacy laws, Department of Homeland Security policy, or ICE/DRO policy. Security and safety concerns for staff and detainee(s) require that specific removal-related data remain confidential.

## **6. Special Conditions for Media Representatives**

To be approved to interview a detainee or visit, or tour an ICE facility, the media representative must certify that he or she is familiar with, and accepts the rules and regulations governing media conduct. He or she must then comply with those rules and regulations.

Media representatives shall collect information only from the primary source and shall neither solicit nor use personal information from one detainee about another who is unwilling to be interviewed.

Media representatives may discuss objections, suggestions, exceptions, and general issues concerning the applicability of any rule, regulation, or order with the facility administrator.

A media request may not delay or otherwise interfere with the admission in-processing or departure of any detainee. Consequently, the routine processing of ICE detainees shall take precedence over media interviews.

**Standard Approved:**

**James T. Hayes, Jr. /s/**

**12/5/2008**

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

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**Date**

**U.S. Immigration and Customs Enforcement – Office of Detention and Removal  
NEWS INTERVIEW AUTHORIZATION**

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Date \_\_\_\_\_

Detainee's Name \_\_\_\_\_ Detainee's A-Number \_\_\_\_\_

Facility/Location \_\_\_\_\_

Name of News Media Representative \_\_\_\_\_

Address of Media Represented \_\_\_\_\_

**Consent for Interview:** I, the above-named detainee, do hereby freely give permission to the above-named news media representative to interview me on or about (Date) \_\_\_\_\_ and hereby authorize the news media represented by this person to use any information gathered about me during this interview for any legitimate purpose. I further authorize U.S. Immigration and Customs Enforcement and its authorized representatives to release to representatives of the news media any documents or information relating to allegations or comments made by me in this interview.

Detainee's Signature \_\_\_\_\_

Witness \_\_\_\_\_ Title \_\_\_\_\_

**Refusal for Interview:** I, the above-named detainee, refuse permission to the above-named news media representative to interview me.

Detainee's Signature \_\_\_\_\_

Witness \_\_\_\_\_ Title \_\_\_\_\_

**Consent for Recordings and Photos:** I, the above-named detainee, do further freely give permission to the above-named news media representative to make recordings of my voice during this interview and to make photos of me (still, movie, or video) and authorize the use of such pictures or recordings by the news media represented by this person for any legitimate purpose.

Detainee's Signature \_\_\_\_\_

Witness \_\_\_\_\_ Title \_\_\_\_\_