

ICE/DRO DETENTION STANDARD

STAFF-DETAINEE COMMUNICATION

I. PURPOSE AND SCOPE. This Detention Standard enhances security, safety, and orderly facility operations by encouraging and requiring informal direct and written contact among staff and detainees, as well as informal supervisory observation of living and working conditions.

It also requires the posting of Hotline informational posters from the Department of Homeland Security Office of the Inspector General.

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. Detainees will have frequent opportunities for informal contact with facility managerial and supervisory staff and with ICE/DRO Field Office staff.
2. Facility managerial and supervisory staff and ICE/DRO Field Office staff will frequently and directly observe facility operations and conditions of confinement.
3. Detainees will be able to submit written questions, requests, and concerns to ICE/DRO staff and receive timely responses.
4. Detainees will be informed about how to directly contact the Department of Homeland Security Office of the Inspector General.
5. Detainee telephone serviceability will be monitored and documented by ICE staff and any problems immediately reported.
6. The applicable content and procedures in this Standard will be communicated to the detainee in a language or manner which the detainee can understand.

III. DIRECTIVES AFFECTED

This Detention Standard replaces the Detention Standard on **Staff-Detainee Communication** dated 7/15/2003.

This Detention Standard incorporates the requirements for the posting of OIG Hotline posters originally communicated in an e-mail dated 11/17/2004 from the Acting Deputy Assistant Director of the Detention Management Division.

This Detention Standard incorporates the requirements for monitoring of detainee telephone serviceability detailed in a memorandum dated 4/7/2007 on "Detainee Telephone Services" from the Assistant Director for Management of the Office of Detention and Removal Operations.

This Detention Standard incorporates the requirements of a Change Notice to the former Detention Standard on **Staff-Detainee Communications** that provided a Model Protocol for DRO Officer Facility Liaison Visits, as detailed in a memorandum to Field Officer Directors dated 6/16/2007 from the Director, Office of Detention and Removal Operations.

IV. REFERENCES

American Correctional Association 4th Edition, Standards for Adult Detention Facilities: 4-ALDF-2A-05, 2A-06, 2A-12, 5A-03.

V. EXPECTED PRACTICES

A. Staff and Detainee Contact

ICE/DRO detainees shall have frequent informal access to and interaction with key facility staff members, as well as key ICE/DRO staff, in a language they can understand. As detailed below, Field Office Directors shall assign Deportation Officers, Immigration Enforcement Agents (IEAs), and Supervisory Immigration Enforcement Agents (SIEAs) to visit detention facilities. Detainees will be advised how to contact local ICE personnel.

Often detainees in ICE/DRO custody are unaware of or do not comprehend the immigration removal process, and staff should explain the general process without providing specific legal advice on individual cases. Staff should provide general information to detainees pertaining to the immigration court process. At a minimum, this information should include the types of hearings such as master calendar and merits hearings. Legal advice will not be provided by ICE/DRO staff.

1. Unannounced Contact With Detainees

Each field office shall have policy and procedures to ensure and document that the ICE/DRO assigned supervisory staff conduct frequent unannounced, unscheduled visits to the SPC, CDF, and IGSA facility's living and activity areas to informally observe living and working conditions and encourage informal communication among staff and detainees. Such unannounced visits shall include but not be limited to:

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

Staff visiting Special Management Units shall talk with detainees, observe living conditions, and review detainee housing records.

These unannounced visits shall be conducted at least weekly.

Each facility shall develop a method to document the unannounced visits and ICE/DRO staff shall document their visits to IGSAAs.

2. Scheduled Contact with Detainees

Facility or Field Office ICE/DRO staff shall conduct scheduled visits to address detainees' personal concerns and monitor living conditions. Visiting staff shall be knowledgeable about the ICE/DRO Detention Standards and report any violations to the Field Officer Director.

a. In SPCs, CDFs, and IGSAAs with On-Site ICE/DRO Presence

The facility administrator or Supervisory Detention and Deportation Officer (SDDO) shall develop written schedules of weekly visits and ensure they are posted in detainee living and other appropriate areas. Each facility shall have specific procedures for documenting each visit.

b. In IGSAAs without On-Site ICE/DRO Presence

The Field Office Director shall develop written schedules and procedures for weekly contact visits by ICE/DRO Field Office staff and ensure the schedules are posted in detainee living and other appropriate areas. During such contact visits, ICE/DRO staff shall:

- Visit every housing unit where there are ICE/DRO detainees, including Special Management Units.
- Record the visit in the log.
- Announce their presence so ICE/DRO detainees know they are there.
- Interview detainees.
- Monitor housing conditions,
- Review all records, and
- Review grievance logs.

Each Field Office Director shall have specific written procedures for documenting each visit.

c. In Bureau of Prison Facilities with ICE/DRO Detainees

The Field Office Director shall devise a written schedule and procedure for weekly detainee visits by Field Office staff. (This requirement is not applicable to BOP facilities exclusively housing Mariel Cubans, since communication with them is handled through a separate process.)

While ICE/DRO Detention Standards are not specifically applicable to BOP facilities, ICE employees conducting such visits shall:

- Provide ICE/DRO detainees opportunities to informally interact with ICE/DRO staff, and
- Review the conditions under which ICE/DRO detainees are being held,

including classification, basis for placement in the SMU, access to counsel, legal telephone calls, law libraries and legal materials, visitation privileges, and correspondence.

B. Written Detainee Requests to Staff

Detainees may submit written questions, requests, or concerns to ICE/DRO staff, using the detainee request form, a local IGSA form, or a sheet of paper.

Such informal written requests are not intended as a substitute for the more formal process specified in the Detention Standard on **Grievance System**. However, informal written requests may be used to resolve informal grievances, as described in that Standard.

To prepare a written request, a detainee may obtain assistance from another detainee, the housing officer, or other facility staff and may, if he or she chooses, seal the request in an envelope that is clearly addressed with name, title, and/or office to which the request is to be forwarded.

Each facility administrator shall:

- Ensure that adequate supplies of detainee requests forms, envelopes, and writing implements are available.
- Have written procedures to promptly route and deliver detainee requests to the appropriate ICE/DRO officials by authorized personnel (not detainees) without reading, altering, or delaying.
- Ensure that the standard operating procedures accommodate detainees with special assistance needs based on for example disability, illiteracy, or limited use of English.
- The facility shall provide a secure dropbox for ICE detainees to correspond directly with ICE management. Only ICE personnel shall have access to the dropbox.

1. Response Times

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

The staff member receiving the request shall normally respond in person or in writing as soon as possible and practicable, but no longer than within 72 hours of receipt.

b. In IGSA facilities without ICE/DRO on-site presence

Each detainee request shall be forwarded to the ICE/DRO office of jurisdiction within two business days and answered as soon as possible and practicable, in person or in writing, but no longer than within three business days of receipt.

2. Record Keeping and File Maintenance

All requests shall be recorded in a logbook (or electronic logbook) specifically designed for that purpose. At a minimum, the log shall record:

- Date of receipt;
- Detainee's name;
- Detainee's A-number;
- Detainee's nationality;
- Name of the staff member who logged the request;
- Date the request, with staff response and action, was returned to the detainee; and
- Any other pertinent site-specific information.

In IGSA's, the date the request was forwarded to ICE/DRO and the date it was returned shall also be recorded.

A copy of each completed Detainee Request shall be filed in the detainee's detention file and be retained there for at least three years. Copies of confidential requests shall be maintained in the A-file.

3. Detainee Handbook

As required by the ICE/DRO Detention Standard on **Detainee Handbook**, each facility's handbook (or supplement) shall advise detainees of the procedures to submit written questions, requests, or concerns to ICE/DRO staff, as well as the availability of assistance to prepare such requests.

C. Monitoring Detainee Telephone Services

Field Office Directors shall ensure that all phones for detainee use are tested at least weekly. To verify the serviceability of all telephones in detainee housing units, ICE/DRO staff shall:

- Make random calls to pre-programmed numbers for attorney and consulate services,
- Interview a sampling of detainees regarding telephone services, and
- Review written detainee complaints regarding telephone services.
- Check that TTY or other reasonable accommodation (e.g., Federal Relay Service) is working and available for hearing-impaired detainees.

Staff shall report any telephone serviceability problem within 24 hours to the appropriate ICE point of contact.

Staff shall document each serviceability test on a form that has been provided by DRO, and each field office shall maintain those forms, organized by month, for three years. The Detention Standards Compliance Unit shall conduct random audits of field office compliance.

D. OIG Hotline Informational Posters

The Department of Homeland Security Office of the Inspector General (OIG) periodically revises a "DHS OIG Hotline" poster to be posted in facilities that house

ICE/DRO detainees.

1. The Chief of the Detention Standards Compliance Unit in the DRO HQ Detention Management Division is designated as the contact point for coordination with OIG and is responsible for distribution of Hotline posters to Field Officer Directors.
2. Field Office Directors shall distribute sufficient numbers of the posters to all facilities that house ICE/DRO detainees. It is recommended that each Field Office maintain a master copy from which additional copies can be duplicated when needed.
3. In each SPC and CDF, the facility administrator shall ensure that posters are mounted in every housing unit and in appropriate common areas (recreation areas, dining areas, processing areas, etc.).
In each IGSA and ICE staging area, the facility administrator shall ensure that posters are mounted in appropriate common areas (recreation areas, dining areas, processing areas, etc.).
4. During staff-detainee communication visits, ICE/DRO staff shall verify the presence of posters at designated locations and shall ensure that any missing posters are replaced as soon as possible.

E. Model Protocol for DRO Officer Facility Liaison Visits

A **Model Protocol for DRO Officer Facility Liaison Visits**, along with associated documentation forms, are accessible via the website of the Headquarters Detention Standards Compliance Unit. The Model Protocol is designed to standardize an approach to conducting and documenting facility liaison visits, observing living and working conditions, and engaging in staff-detainee communications.

In accordance with the required frequency of liaison visits described above in the section on ***Scheduled Contact with Detainees***, Model Program forms shall be:

- Completed weekly for SPCs, CDFs, and regularly used IGSA facilities, and for each visit to intermittently used IGSA facilities.
- Submitted annually with the required Annual Detention Reviews.

Standard Approved:

James T. Hayes, Jr. /s/

12/5/2008

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

Date