

# INS DETENTION STANDARDS

## SPECIAL MANAGEMENT UNIT (Disciplinary Segregation)

### I. POLICY

Each facility will establish a Special Management Unit that will isolate certain detainees from the general population. The Special Management Unit will have two sections, one for detainees being segregated for disciplinary reasons; the other for detainees being segregated for administrative reasons (see “Special Management Unit [Administrative Segregation]” Standard).

### II. APPLICABILITY

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

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

Within the document additional implementing procedures are identified for SPCs and CDFs. Those procedures appear in italics. 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. Placement in Disciplinary Segregation

To provide detainees in the general population a safe and orderly living environment, facility authorities shall discipline anyone whose behavior does not comply with facility rules and regulations. This may involve temporary confinement apart from the general population, in the Special Management Unit (SMU). A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.

The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.

A maximum sanction of 60 days in disciplinary segregation shall apply to violations associated with a single incident. After the first 30 days, the OIC shall send a written justification to the Assistant District Director for Detention and Removal (ADD/DRO). Considering the grounds for the OIC's disciplinary action, the ADD/DRO may decide to transfer the detainee to a facility where security is such that he/she could be placed in the general population.

**B. Disciplinary Segregation Order**

A written order shall be completed and signed by the chair of the Institutional Disciplinary Committee panel before a detainee is placed in disciplinary segregation. A copy of the order shall be given to the detainee within 24 hours, unless delivery would jeopardize safety, security, or the orderly operation of the facility.

*In SPCs/CDFs:*

1. *The Institutional Disciplinary Panel's chairman shall prepare the Disciplinary Segregation Order (I-883 attached), detailing the reasons for placing a detainee in disciplinary segregation, before actual placement. All relevant documentation must be attached to the order.*
2. *A copy of the completed Disciplinary Segregation Order will be given to the detainee within 24 hours of placement in disciplinary segregation, unless delivery would jeopardize the safe, secure, or orderly operation of the facility.*
3. *The order will be maintained on file with the Special Management Unit (SMU) until the detainee is released from the SMU.*
4. *When the detainee is released from the SMU, the releasing officer will indicate date and time of release on the Disciplinary Segregation Order, then forward the completed order to the Chief Detention Enforcement Officer for insertion into the detainee's detention file.*

**C. Review of Detainee Status in Disciplinary Segregation**

All facilities shall implement written procedures for the regular review of all disciplinary-segregation cases, consistent with the procedures specified below.

*In SPCs/CDFs:*

1. *The Supervisory Detention Enforcement Officer (SDEO) shall review the status of a detainee in disciplinary segregation every seven days to determine whether the detainee:*

- a. *abides by all rules and regulations; and,*
- b. *is provided showers, meals, recreation, and other basic living standards, in accordance with section III.D., below.*

*The weekly review(s) will include an interview with the detainee. The SDEO shall document his/her findings after every review, by completing a Disciplinary Segregation Review Form (I-887).*

2. *The SDEO may recommend the detainee's early release from the SMU upon finding that time in disciplinary segregation is no longer necessary to regulate the detainee's behavior.*
3. *An early-release recommendation must have OIC approval before the detainee can be returned to the general population.*
4. *The SDEO may shorten, but not extend, the original sanction.*
5. *All review documents shall be placed in the detainee's detention file.*
6. *Provided institutional security is not compromised, the detainee shall receive at each formal review, a written copy of the reviewing officer's decision and the basis for this finding.*

**D. Conditions of Segregation (Basic Living Standards)**

1. The conditions of confinement will depend on the amount of supervision required to control the individual and safeguard other detainees and staff.
2. Detainees housed in disciplinary segregation generally have fewer privileges than those housed in administrative segregation. These detainees are subject to more stringent personal property control, restricted reading material, and limitations imposed on television viewing, commissary/vending machine privileges, etc.
3. Standard living conditions shall not be modified for detainees in the SMU for disciplinary purposes.
4. The OIC shall maintain the same living levels of decency and humane treatment for each detainee in disciplinary segregation, regardless of the purpose for which the detainee has been segregated. When different treatment is required for security concerns presented by an individual detainee, staff shall prepare written documentation justifying this action. This document will be signed by the OIC, indicating his/her approval.

5. Dry cells may not be a part of the disciplinary segregation unit. Dry cells will be a part of the medical facility and under the supervision and control of the medical staff.
6. The quarters used for segregation must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times. All cells must be equipped with beds. The beds shall be securely fastened to the cell floor or wall.
7. The number of detainees confined to each cell or room in disciplinary segregation should not exceed the capacity for which it was designed. The OIC may approve excess occupancy, on a temporary basis, if the OIC finds that the other basic living standards can still be maintained.

The American Correctional Association Standards for Adult Local Detention Facilities, 3-ALDF-2C-01, 3rd Edition, requires 35 square feet of unencumbered space for a single cell occupant; if confinement exceeds 10 hours per day, the required space doubles to at least 70 square feet.

8. Clothing and bedding shall be issued to detainees in disciplinary segregation in accordance with the "Issuance and Exchange of Clothing, Bedding, Linen and Towels" standard. Detainees in disciplinary segregation will be provided the same opportunity for the exchange of clothing, bedding, and linen, and for laundry as detainees in the general population. If, for security purposes, the OIC authorizes an exception, the exception, and its justification, shall be documented in the SMU log.
9. A detainee may be deprived of clothing, mattress, blanket, pillow, etc., for medical or psychiatric reasons only, as determined by the medical officer.

If a detainee is so seriously disturbed that he/she is likely to destroy clothing or bedding or create a disturbance risking harm to self or others, the medical department shall be notified immediately and a regimen of treatment and control shall be instituted by the medical officer.

10. Detainees shall receive their meals according to the schedule used by the general population. Detainees in segregation will be provided nutritionally adequate meals, ordinarily from the menu served to the general population.

Detainees in the SMU shall, for security reasons, eat with disposable utensils. Food shall not be used as punishment

11. Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene. Staff shall provide toilet tissue, a wash basin, tooth brush, shaving utensils, etc., as needed, and may issue retrievable kits of toilet articles.

Each segregated detainee shall have the opportunity to shower and shave at least three times a week, unless these procedures would present an undue security hazard.

- a. The security hazard will be documented and signed by the OIC, indicating his/her review and approval.
  - b. Denial of showers will be temporary and situational, and will continue only as long as justified by the security threat.
12. Detainees in the SMU will be provided barbering services. Exceptions to this procedure may be permitted only when authorized by the OIC.
  13. Recreation shall be provided to detainees in disciplinary segregation in accordance with the "Recreation" standard. The standard provisions shall be carried out, absent compelling security or safety reasons documented by the OIC. A detainee's recreation privileges may be withheld temporarily after a severely disruptive incident.

Staff shall document by memorandum and logbook(s) notation every instance when a detainee is denied recreation. The memorandum shall be placed in the detainee's detention file.

14. As a rule, detainees in disciplinary segregation will have significantly fewer items of personal property than other detainees. With the exception of items of personal hygiene, detainees in disciplinary segregation may lose the privilege of making commissary or vending machine purchases.
15. Access to legal and non-legal reading material shall be as follows:
  - a. Detainees may retain personal legal material upon admittance to disciplinary segregation, provided such material does not create a safety, security and/or sanitation hazard.
  - b. Detainees with a large amount of legal material may be required to place a portion of the material in their personal property, with access permitted during scheduled hours.
  - c. Requests for access to legal material shall be accommodated as soon as possible, but in no case more than 24 hours after receipt of the initial detainee request to retrieve documents, except for documented security reasons.
  - d. The Recreation Specialist (RS) shall offer each detainee soft-bound, non-legal books on a rotating basis, provided no detainee has more than two books (excluding religious material) at any one time.

- e. When developing the schedule for law library-access, the OIC will set aside blocks of time for the detainees in disciplinary segregation. These detainees will be afforded legal access comparable to, but not the same as, that of the general population. Security constraints may impose limits on law-library access.
- The facility may choose to provide segregated detainees upon-request access only.
  - Violent and/or uncooperative detainees may be temporarily denied access to the law library, until such time as their behavior and attitude warrants resumed access.
  - On a case-by-case basis, legal material may be brought to individuals in disciplinary segregation. Denial of access to the law library must be justified by compelling security concerns, be fully documented in the SMU logbook, and last no longer than necessary for security purposes.
16. A medical professional shall visit every detainee in administrative segregation at least three times a week. In addition to the direct supervision afforded by the unit officer, the shift supervisor shall see each segregated detainee daily, including weekends and holidays.
- In SPCs/CDFs, the OIC may designate other staff officers to visit each detainee daily. nurse, doctor or other appropriate health care professional shall visit every detainee placed in disciplinary segregation at least once every workday. The medical visit shall be recorded on the SMU Housing Record (Form I-888). The medical professional will question each detainee to identify medical problems or requests. Any action taken will be documented in a separate logbook.*
17. The facility shall follow the “Visitation” standard in setting visitation rules for detainees in disciplinary segregation.
- As a rule, a detainee retains visiting privileges while in disciplinary segregation. The determining factor is the reason for which the detainee is being disciplined.
- Detainees in disciplinary segregation may not be denied legal visitation. However, the OIC will implement security precautions when necessary. In such cases, legal service providers and assistants will be notified of any security concerns prior to visitation.
18. Detainees in disciplinary segregation shall have the same correspondence privileges as detainees in the general population.

19. In accordance with the "Telephone Access" standard, detainees in disciplinary segregation shall be restricted to telephone calls for the following purposes:
  - a. calls relating to the detainee's immigration case or other legal matters, including consultation calls;
  - b. calls to consular/embassy officials; and
  - c. family emergencies, as determined by the OIC.
  
20. Segregated detainees shall be allowed visits by members of the clergy, upon request, unless the supervisor determines the visit presents a security risk or will interfere with the orderly operation of the facility.
  - a. The clergy member shall be told the detainees present state of behavior.
  - b. The clergy member must agree to meet the segregated detainee.
  - c. Violent and uncooperative detainees may be temporarily denied access to religious services until such time as their behavior and attitude warrants.

**E. Forms and Reviews**

1. A permanent log will be maintained in the SMU. The log will not all activities concerning the SMU detainees, e.g., meals served, recreation, visitors, etc.

*In SPCs/CDFs, the SMU log will record the detainee's name, A-number, housing location, admitted, reasons for admission, tentative release date (for detainees in disciplinary segregation), and the authorizing official. All releases from the unit will be similarly recorded. All persons visiting the unit will sign a separate log, giving time and date of visit. Unusual activity or behavior of individual detainees will be recorded in the log, with a follow-up memorandum sent through the OIC to the detainee's file.*

2. *In SPCs the attached I-888 shall be prepared immediately upon the detainee's placement in the SMU. The form will be filled out at the end of each shift. CDFs and IGSA facilities shall use the I-888 or equivalent for the same purpose.*

*The special housing officer for each shift will record whether the detainee ate, showered, exercised and took any medication. The I-888 will also be used to record additional information, e.g., if the detainee has a medical condition, has exhibited suicidal/assaultive behavior, etc.*

*The facility medical officer will be required to sign each individual's record when he/she visits the detainee in disciplinary segregation. The housing officer will initial the record either after the medical visits are completed or at the end of the shift.*

*A new record must be created for each week the detainee is in disciplinary segregation. The completed weekly Special Housing Unit Records will be retained at the SMU until the detainee is released from SMU.*


*The detainee's release from the SMU, the releasing officer will insure that the entire housing unit record relating to the detainee is attached to the Disciplinary Segregation Order and forwarded to the CDEO for inclusion in the detainee's detention file.*

3. *The attached I-887 shall be used for formal status reviews (see section III.C., above).*



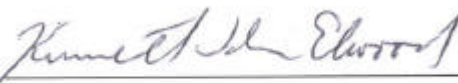
**IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED**  
American Correctional Association 3rd Edition Standards for Adult Local Detention  
Facilities: 3-ALDF-3D-01, 3D-04, 3D-07, 3D-09, 3D-11, 3D-12, 3D-13, 3D-14, 3D-15, 3D-  
16, 3D-17, 3D-18, 3D-19, 3D-20, 3D-21, 3D-23.

**Approval of Standard**

  
\_\_\_\_\_  
Michael D. Cronin  
Acting Executive Associate Commissioner  
Office of Programs

SEP 20 2000

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael A. Pearson  
Executive Associate Commissioner  
Office of Field Operations

SEP 20 2000

\_\_\_\_\_  
Date

To: **SPECIAL MANAGEMENT UNIT**

Date/Time of \_\_\_\_\_

From: \_\_\_\_\_  
(Officer In Charge or designee)

Subject: Placement of \_\_\_\_\_ A-Number \_\_\_\_\_  
(Detainee Name)

**An Institutional Disciplinary Panel Hearing Was Conducted on \_\_\_\_\_ . The Above  
Date  
Named Detainee Was Found to Have Committed the Specified Prohibited Act(s) listed below.**

PROHIBITED ACT(S) _____	CODE: _____
_____	CODE: _____
_____	CODE: _____
_____	CODE: _____
_____	CODE: _____

**DAYS IMPOSED:** \_\_\_\_\_

**BELOW IS A BRIEF OUTLINE OF SPECIAL INSTRUCTIONS AND/OR INFORMATION:**

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Admitted: Date: \_\_\_\_\_

Time: \_\_\_\_\_

Released: Date: \_\_\_\_\_

Time: \_\_\_\_\_

Released by: \_\_\_\_\_  
(Officer & Title)

On \_\_\_\_\_ Supervisory Detention Enforcement Officer (SDEO) or contract equivalent \_\_\_\_\_,  
(Officer)  
conducted a formal review of the Disciplinary Segregation status of \_\_\_\_\_ A# \_\_\_\_\_.

Date Disciplinary Segregation began: \_\_\_\_\_

Date Disciplinary Segregation ends: \_\_\_\_\_

Detainee has been in Disciplinary Segregation for \_\_\_\_\_ days.

**The following factors were reviewed with the results as indicated:**

	<b>YES</b>	<b>NO</b>
1. Does the reason for initial placement remain valid?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the detainee pose a threat to himself?	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the detainee pose a threat to others?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the detainee pose a threat to property?	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the detainee pose a threat to security?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the detainee defiant towards authority?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the detainee unwilling or unable to live in the general population?	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the detainee's habitual conduct, language, or behavior of a type which may provoke or instigate stressful/violent situations amongst the general population?	<input type="checkbox"/>	<input type="checkbox"/>

If any of the above factors are marked "YES", the detainee must continue his/her existing status, unless the OIC determines otherwise. If all factors are marked "NO", the detainee may be released.

**DOCUMENT REVIEW**

1. Is the detainee bathing at least twice weekly?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the detainee exercising at least one hour daily, 5 days a week?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the detainee consuming at least one meal daily?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the detainee receiving daily visits from medical staff?	<input type="checkbox"/>	<input type="checkbox"/>
5. Are the special housing officers signing and properly filling out the special housing unit record?	<input type="checkbox"/>	<input type="checkbox"/>

A "NO" answer to any of the above questions will require notification of the Detention Operations Supervisor or officer of equal or greater rank.

**For the reasons above, I recommend  do not recommend  removal from DS status.**

SDEO signature: \_\_\_\_\_ Date/Time: \_\_\_\_\_

- Concur with Recommendation
- Release
- Continue Status

\_\_\_\_\_  
Officer in Charge                      Date

Name of Detainee: \_\_\_\_\_ A#: \_\_\_\_\_ Room#: \_\_\_\_\_

Violation or Reason: \_\_\_\_\_ Received Date: \_\_\_\_\_ Time: \_\_\_\_\_

Admittance Authorized by: \_\_\_\_\_ Release Date: \_\_\_\_\_ Time: \_\_\_\_\_

Pertinent Information: \_\_\_\_\_

Date	Shift	B	L	D	Sh	Rec	Medical *	Housing Officer	Comments
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								
	1st								
	2nd								
	3rd								

**Pertinent Information** - Epileptic, Diabetic, Suicidal, Assaultive, etc.

**B** (Breakfast)    **L** (Lunch)    **(D)** Dinner    **(Sh)** Showers -- **Indicate Yes or No**  
**Rec** (Recreation) -- log in actual time, i.e., 0900/1000

\* Medical representative will initial in the medical block on the special housing unit record daily.

**U.S. Immigration and Naturalization Service  
NATIONAL DETENTION STANDARDS  
MONITORING INSTRUMENT**

**Policy:** Each facility will establish a Special Management Unit in which to isolate certain detainees from the general population. The Special Management Unit will have two sections, one for detainees in Administrative Segregation; the other for detainees being segregated for disciplinary reasons.

<b>SPECIAL MANAGEMENT UNIT (Disciplinary Segregation)</b>			
<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
1. Do officers placing detainees in disciplinary segregation follow written procedures? a. By disciplinary panel?			
2. Does the sanction for violations committed during one incident ever exceed 60 days? a. After 30 days, is the ADD notified, in writing, of the reasons?			
3. Does a completed Disciplinary Segregation Order accompany the detainee into the SMU? a. Does the detainee receive a copy of the order within 24 hours of placement in disciplinary segregation?			
3. Do standard procedures include reviewing the cases of individual detainees housed in disciplinary detention at set intervals? a. Who conducts the review? b. What is reviewed? c. How is the review documented? d. Does the reviewer interview the detainee? e. Can the reviewing officer recommend an early release from the SMU? f. If yes, under what circumstances? g. After each formal review, does the detainee receive a written copy of the decision and reason(s) for it?			
4. Are the conditions of confinement in the SMU proportional to the amount of control necessary to protect detainees and staff?			

**SPECIAL MANAGEMENT UNIT  
(Disciplinary Segregation)**

Components	Yes	No	Remarks
5. Do detainees in disciplinary segregation have fewer privileges than those housed in administrative segregation?			
6. Are living conditions in disciplinary SMUs modified to reinforce acceptable behavior? a. If yes, does staff prepare written documentation for this action? b. Does the OIC sign to indicate approval?			
7. Does every detainee in disciplinary segregation receive the same humane treatment, regardless of offense?			
8. Are the quarters used for segregation: a. Well-ventilated? b. Adequately lighted? c. Appropriately heated? d. Maintained in a sanitary condition?			
9. Are all cells equipped with beds? a. If yes, are beds securely fastened to the floor or wall of the cell?			
10. Does the number of detainees confined to each cell or room exceed the number for which the space was designate? a. Does the OIC approve excess occupancy on a temporary basis?			
11. Is a dry cell part of the disciplinary SMU?			
12. Under what circumstances are detainees segregated without clothing, mattress, blanket, or pillow? a. Do detainees in the SMU wear special clothing?			
13. Do detainees in the SMU have the same opportunities to exchange clothing, bedding, etc., as other detainees?			
14. Do detainees in the SMU receive three nutritious meals/days? a. Selected from the Food Service's menu of the day? b. Do detainees eat with disposable utensils only? c. Is food used as punishment?			

**SPECIAL MANAGEMENT UNIT  
(Disciplinary Segregation)**

Components	Yes	No	Remarks
15. Are detainees allowed to maintain a normal level of personal hygiene, including the opportunity to shower and shave at least three times/week?			
16. Do the detainees receive: a. Barbering services? b. Recreation privileges? c. Other-than-legal reading material? d. Religious material? e. The same correspondence privileges as other detainees? f. Personal legal material?			
17. Is phone access limited by number or type of calls? Do limits apply to the following: a. Calls about the detainee's immigration case or other legal matters? b. Calls to consular/embassy officials? c. Calls during family emergencies (as determined by the OIC)?			
18. Does a health care professional visit every detainee in disciplinary segregation every day, Monday through Friday? a. Does the shift supervisor visit each segregated detainee daily? b. Weekends and holidays?			
19. Are SMU detainees allowed visitors, in accordance with the "Visitation" standard? a. Are they allowed to use of the visiting room during normal visiting hours? b. Do detainees participate in general visitation while in restraints?			
20. Do SMU detainees receive legal visits, as provided in the "Visitation" standard? a. In certain circumstances only? b. Are legal service providers notified of security concerns arising before a visit?			

**SPECIAL MANAGEMENT UNIT  
(Disciplinary Segregation)**

<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Remarks</b>
21. Are visits from clergy allowed? a. If yes, does staff disclose the reason for the detainee's disciplinary segregation? b. Is the clergy member given the option of visiting/not visiting the segregated detainee? c. Are violent/uncooperative detainees denied access to religious services until their behavior improves?			
22. Do SMU detainees have the same law library access as others? a. If yes, only upon request? b. Do violent/uncooperative detainees retain access to the law library? c. Is legal material brought to individuals in the SMU on a case-by-case basis? d. Does staff document every incident of denied access to the law library? e. Where?			
23. Are all detainee-related occurrences documented, e.g., meals served, recreation activities, visitors, etc.?			
24. Is the SPC's Special Management Housing Unit Record (I-888) prepared as soon as the detainee is placed in the SMU? a. Are all I-888s filled out by the end of each shift? b. Does the CDF/IGSA facility use the I-888 (or equivalent local form)?			



**SPECIAL MANAGEMENT UNIT  
(Disciplinary Segregation)**

Components	Yes	No	Remarks
<p>25. Does SMU staff record whether the detainee ate, showered, exercised, took medication, etc.?</p> <p>a. Are details about the detainee logged, e.g., a medical condition, suicidal/violent behavior, etc.?</p> <p>b. Does the health care official sign individual records after each visit?</p> <p>c. Does the housing officer initial the record when all detainee services are completed or at the end of the shift?</p> <p>d. Is a new record created weekly for each detainee in the SMU?</p> <p>e. Does the SMU retain these records until the detainee leaves the SMU?</p>			

**U.S. Immigration and Naturalization Service  
NATIONAL DETENTION STANDARDS  
MONITORING INSTRUMENT**

**SPECIAL MANAGEMENT UNIT  
(Disciplinary Segregation)**

**Verification Sources:**

The following may serve as sources of information for auditors verifying the facility's compliance with this detention standard:

SOURCE	TIME	DATE	LOCATION
A. Detainee Detention Files			
B. SMU Logs			
C. Facility Policy and Procedures			
D. Detainee and staff interviews			
E. Observations of SMU			

Facilities must complete the attached Plan of Action for bringing operations into compliance. For each element found out of compliance, the plan of action will specify remedial action and the estimated timetable for compliance.

**Remarks:** *(Record significant facts, observations, other sources used, etc.)*

\_\_\_\_\_  
Auditor's Signature

\_\_\_\_\_  
Date