

# **ICE/DRO RESIDENTIAL STANDARD**

## **STAFF-RESIDENT COMMUNICATION**

**I. PURPOSE AND SCOPE.** Informal direct and written contact among staff and residents, as well as informal supervisory observation of living and working conditions, is encouraged thereby enhancing security, safety, and orderly facility operations.

Also required is the posting of Hotline informational posters from the Department of Homeland Security Office of the Inspector General.

**II. EXPECTED OUTCOMES.** The expected outcomes of this Standard are:

1. Residents will have daily 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 living and working conditions.
3. Residents will be able to submit written questions, requests, and concerns to ICE/DRO staff and receive timely responses.
4. Residents will be informed about how to directly contact the Department of Homeland Security Office of the Inspector General.
5. Resident telephone serviceability will be monitored and documented by ICE staff and any problems immediately reported.
6. Where required, residents have regular access to translation services and/or are provided information in a language that they understand.
7. The standard complies with federal laws and with DHS regulations regarding residents with special needs.

**III. DIRECTIVES AFFECTED** None

### **IV. REFERENCES**

The First Edition National Residential Standards were written using a variety of methodologies including previous and current practices, review and comment from various subject matter experts, review and comment from various government and non-government organizations, and a review of current state codes in Pennsylvania and Texas. Each standard is written in a manner that affords each resident admission and continuous housing to a family residential facility in a dignified and respectful manner. There are no specific codes, certifications, or accreditations that deal specifically with unique management requirements of families awaiting the outcome of their immigration proceeding in a non-secure custodial environment.

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

## **V. EXPECTED PRACTICES**

### **1. Staff and Resident Contact**

ICE/DRO residents must have opportunities to have frequent informal access to and interaction with key facility staff members, as well as key ICE/DRO staff. As detailed below, Field Office Directors shall assign Deportation Staff, Immigration Enforcement Agents (IEAs), and Supervisory Immigration Enforcement Agents (SIEAs) to visit Residential facilities.

Often residents 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.

Instructions for staff –resident communication shall be posted in each housing area and identified in the resident handbook.

#### **a. Unannounced Contacts With Residents**

Each facility shall have policy and procedures to ensure and document that the ICE/DRO department heads conduct frequent unannounced, unscheduled visits to the facility's living and activity areas to informally observe living and working conditions and encourage informal communication among staff and residents. Such unannounced visits shall include but not be limited to:

- Housing Units;
- Food Service preferably during the lunch meal;
- Recreation Area;
- Infirmary rooms.

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 Facilities.

#### **b. Staff Observation of Residents**

Staff shall observe, on a daily basis, all residents for negative indicators, such as injuries, signs of illness, depression, excessive bruising, and changes in overall demeanor.

Staff shall document and report such changes to the medical/mental health unit for follow-up.

#### **c. Scheduled Contact with Residents**

Facility or ICE/DRO staff shall conduct scheduled visits to address residents' personal concerns and monitor living conditions. Visiting staff shall be knowledgeable with the ICE/DRO Residential Standards and report any violations to ICE management.

The facility administrator or ICE management shall develop written schedules of weekly visits and ensure they are posted in resident living and other appropriate areas. Each facility shall have specific procedures for documenting each visit.

**d. Written Resident Requests to Staff**

Residents may submit written questions, requests, or concerns to ICE/DRO staff, using the attached resident request form, a local Facility form, or a sheet of paper.

Such informal written requests are not intended as a substitute for the more formal process specified in the Residential Standard on "Resident Grievance Procedure"; however, informal written requests may be used to resolve informal grievances, as described in that Standard.

To prepare a written request, a resident may obtain assistance from another resident, the housing staff, 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 resident request forms and writing implements are available.
- Have written procedures to promptly route and deliver resident requests to the appropriate ICE/DRO officials by authorized personnel (not residents) without reading, altering, or delaying.
- Ensure that the standard operating procedures accommodate residents with special assistance needs because they are disabled, illiterate, or limited in their use of English.

**d. Response Times**

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

**e. 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;
- Resident's name;
- Resident's A-number;
- Resident's nationality;
- Name of the staff member who logged the request;
- Date the request, with staff response and action, was returned to the resident; and

- Any other pertinent site-specific information.

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

A copy of each completed Resident Request shall be filed in the resident's Residential file and be retained there for at least three years.

#### **f. Resident Handbook**

Each facility's handbook shall advise residents 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.

## **2. Monitoring Resident Telephone Services**

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

- Make random calls to pre-programmed numbers for attorney and consulate services,
- Interview a sampling of residents regarding telephone services, and
- Review written resident complaints regarding telephone services.

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 Residential Standards Compliance Unit shall conduct random audits of field office compliance.

## **3. OIG Hotline Informational Posters**

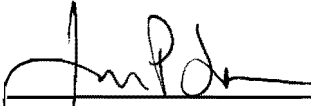
The Department of Homeland Security Office of the Inspector General (OIG) periodically revises a "DHS OIG Hotline" poster to be posted in facilities that house ICE/DRO residents.

- a. The Chief of the Detention Standards Compliance Unit in the Detention Management Division is designated as the contact point for coordination with OIG and is responsible for distribution of Hotline posters to Field Office Directors.
- b. Field Office Directors shall distribute sufficient numbers of the posters to facilities that house ICE/DRO residents. It is recommended that each Field Office maintain a master copy from which additional copies can be duplicated when needed.
- c. Facility administrator shall ensure that posters are posted in every housing unit and in appropriate common areas (recreation areas, dining areas, processing areas, etc.).

In each Facility and ICE staging area, the facility administrator shall ensure that posters are mounted in appropriate common areas (recreation areas, dining areas, processing areas, etc.).

- d. During staff-resident 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.

**Standard Approved:**

  
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**John P. Torres**  
**Director**  
**Office of Detention and Removal**

DEC 21 2007

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**Date**

# **Model Protocol**

## **Residential Staff Facility Contact Visits**

**A. Purpose and Scope.** This protocol is intended as a model that may be adopted or adapted by Field Office Directors for residential staff facility liaison visits and staff-resident communication.

While the Residential Standard on **Staff-Resident Communication** broadly addresses informal direct and written contact among facility and ICE/DRO staff and residents, as well as informal supervisory observation of living and working conditions, this **Model Protocol** more narrowly addresses facility liaison visits by deportation staffs.

In particular, this protocol presents a model for documenting liaison visits.

### **B. Objectives**

1. Residents will have opportunities for informal contact with deportation staffs.
2. Deportation staffs will directly observe facility operations and resident living and working conditions.
3. Residents will be deterred from activities that threaten the safety of other residents.
4. ICE/DRO will have clear and consistent documentation of staff-resident contacts and of professional staff observations about facility safety and security.
5. ICE/DRO will continually verify the accuracy of DETS in regard to the number of residents at the facility.

### **C. Observation and Communication.** The deportation staff shall:

1. Verify that the number of residents in the facility agrees with the number shown in DETS. (Expecting to find the 10 aliens listed in DETS but encountering 50 sets the stage for inaccurate and untimely case processing.)
2. Enter all units in which residents are housed and document observations of the general living conditions:
  - a. General population housing units,
  - b. Medical units (infirmaries, hospitals).
3. Verify that basic living conditions meet standards and that fixtures are in good working order (lights, plumbing fixtures, etc.).
4. Speak informally with residents, in addition to any "scheduled contacts" (as required by the **Staff-Resident Communication Residential Standard**).
5. Look for any physical signs of resident abuse (such as facial bruises).

6. Look for any signs of resident intimidation, such as hoarding of clothing, bedding, towels, personal hygiene items, or other personal items by some residents while others go without.
7. Speak with housing staff and gather information about any residents who are dominating other residents.
8. Inquire about any other staff concerns.
9. Document visits in the unit housing logs.
10. Review resident grievances to determine if they are answered in accordance with time frames required by the **Grievance System Residential Standard**, as well as whether there is any discernible pattern to those grievances.

**D. Immediate Reporting to Higher Authorities.** The deportation staff shall:

1. Immediately report any immediate concern about safety, security, or operations to a higher authority (or authorities) as is appropriate to remedy the circumstances (Assistant Facility Administrator for Operations, OIC, facility administrator, field office director, etc.).
2. Document those circumstances and the resolution in the liaison visit report.

**E. Documentation.** The deportation staff shall:

1. Document each visit, in the following Deportation Staff Facility Liaison Visit format.
2. Scan and e-mail the forms to the Field Office Director or Assistant Field Staff Director on the last Friday of each month.
3. Highlight in the e-mail itself any particularly notable problems encountered and the status of solutions to those problems.

## Deportation Staff Facility Liaison Visit

Facility: Pine Ridge Correctional Institution  
Conducted By: J. Banks and A. Torres  
Arrival Time: 08:45 am  
Departure Time: 11:30 am  
Total Facility Count: 1030  
ICE Count: 176  
ICE Residents in Infirmary: 0  
General Sanitation: Good  
Staff: Very helpful and reported no concerns.  
Medical Staff: Reported no problems.  
Housing Units Visited: B Dorm  
C Cell House (segregation)

### 1. Verification of DETS Count

One resident was not in DETS, but has now been added:

THORNBERG, Raphael                      A78 754 122

### 2. Scheduled Interviews

The following were processed for fingerprints, photos, and or document service:

VEGA-Amaro, Carlos                      A98 256 788

VELASQUEZ, David                      A82 223 086

### 3. Informal Contacts/Unscheduled Interviews

I spoke with several residents in B dorm, who voiced no special complaints. The unit was orderly, and staff voiced no particular concerns. I observed that some resident clothing was hanging from beds and window frames, and the unit staff instructed those residents to remove those articles and properly store them.

A66 324 346                      AGUILERA, Angel Miguel                      Guatemala

Claims to have lost his property and cash receipts during. I spoke with the Associate Warden, who said copies of the receipts would be provided to him that afternoon. He also wants a job, and I explained how he should apply through facility channels.

A74 112 840                      CORTEZ, Alvaro                      Columbia

Claims to be a prior deport who just wants his IJ order reinstated so he can go back home. Actually a B&B case, whose file is in travel.



#### **4. Grievances**

A review of nine grievances filed for the last 90 days (four by one residents) indicates they were answered within time limits, and that, in four instances, relief was granted the resident.

Two resident grievances are pending – both relating to lost property from a unit shakedown last week.

#### **5. General Observations and Comments**

The facility was very clean and well staffed. I observed about 20 residents playing soccer on the recreation field. The staff was cooperative, and no other issues were raised by any resident. Since the Warden was on vacation, I met with the Associate Warden who was acting.