

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

11062.1: Sexual Abuse and Assault Prevention and Intervention

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1. **Purpose/Background.** This Directive establishes policy and procedures for the prevention of sexual abuse or assault of individuals in ICE custody, and provides agency-wide policy and procedures for timely notification of sexual abuse and assault allegations, prompt and coordinated response and intervention, and effective monitoring of sexual abuse and assault incidents.

This Directive is intended to complement the requirements of the 2011 Performance-Based National Detention Standard on “Sexual Abuse and Assault Prevention and Intervention” (PBNDS 2011 Standard 2.11) and other related detention standards and ICE policies that establish the responsibilities of detention facility staff and ICE personnel with respect to prevention, response and intervention, reporting, investigation, and tracking of incidents of sexual abuse or assault. This Directive ensures an integrated and comprehensive system of preventing and responding to sexual abuse or assault of individuals in ICE custody, consistent with the goals of the Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, 117 Stat. 972 (2003) (PREA).

2. **Policy.** ICE has a zero tolerance policy for all forms of sexual abuse or assault. It is ICE policy to provide effective safeguards against sexual abuse and assault of all individuals in ICE custody, including with respect to screening, staff training, detainee education, response and intervention, medical and mental health care, reporting, investigation, and monitoring and oversight, as outlined in this Directive, in the requirements of PBNDS 2011 Standard 2.11, and in related ICE policies and detention standards.
3. **Definitions.** The following definitions apply for purposes of this Directive only:
 - 3.1. **Custody.** Custody means that period of time during which a person has been arrested by ICE under its administrative and/or criminal authorities, is physically present in an ICE-owned, -leased, or -contracted detention facility pursuant to such authorities, or is being transported by ICE (including for purposes of removal from the United States) pursuant to such authorities. Custody ends when the person is released from ICE’s physical confinement or restraint, including upon transfer to another agency for detention under its own legal authorities.

3.2. Sexual Abuse and Assault. The definition of this term in PBNDS 2011 Standard 2.11 Section V.C is incorporated by reference. It includes sexual abuse or assault of a detainee by another detainee (“detainee-on-detainee”), as well as sexual abuse or assault of a detainee by any ICE employee, facility staff, contractor, or volunteer (“staff-on-detainee”). Sexual abuse and assault includes a wide range of sexually abusive behaviors, including threats and attempts to engage in coerced sexual acts. Staff-on-detainee sexual abuse or assault, as defined in PBNDS 2011 Standard 2.11 Section V.C.2, does not require the sexual conduct between a detainee and staff to have been the result of force, coercion, or intimidation.

4. Responsibilities.

4.1. The ICE Director has responsibilities under Section 5.1 (Coordinator and Supporting Officials).

4.2. Enforcement and Removal Operations (ERO) Headquarters (HQ) has responsibilities under:

- 1) Section 5.1 (Coordinator and Supporting Officials); and
- 2) Section 5.2 (Training).

4.3. The ERO Detention Management Division (DMD) has responsibilities under Section 5.8 (Incident Review and Monitoring).

4.4. The ERO Field Operations Division has responsibilities under:

- 1) Section 5.6 (Response: Intervention and Health Care Services Following an Allegation);
- 2) Section 5.7 (Investigation of Allegations); and
- 3) Section 5.8 (Incident Review and Monitoring).

4.5. ERO Field Office Directors (FODs) have responsibilities under:

- 1) Section 5.1 (Coordinator and Supporting Officials);
- 2) Section 5.4 (Facility Compliance);
- 3) Section 5.5 (Notification and Reporting Following an Allegation);
- 4) Section 5.6 (Response: Intervention and Health Care Services Following an Allegation); and
- 5) Section 5.7 (Investigation of Allegations).

- 4.6. Homeland Security Investigations (HSI) HQ** has responsibilities under:
- 1) Section 5.1 (Coordinator and Supporting Officials);
 - 2) Section 5.2 (Training); and
 - 3) Section 5.8 (Incident Review and Monitoring).
- 4.7. HSI Special Agents in Charge (SACs)** have responsibilities under:
- 1) Section 5.1 (Coordinator and Supporting Officials);
 - 2) Section 5.5 (Notification and Reporting Following an Allegation);
 - 3) Section 5.6 (Response: Intervention and Health Care Services Following an Allegation); and
 - 4) Section 5.7 (Investigation of Allegations).
- 4.8. The HSI Office of Intelligence** has responsibilities under Section 5.5 (Notification and Reporting Following an Allegation).
- 4.9. The ICE Health Service Corps (IHSC)** has responsibilities under:
- 1) Section 5.1 (Coordinator and Supporting Officials);
 - 2) Section 5.2 (Training);
 - 3) Section 5.6 (Response: Intervention and Health Care Services Following an Allegation); and
 - 4) Section 5.8 (Incident Review and Monitoring).
- 4.10. The IHSC Clinical Director (CD)** has responsibilities under Section 5.6 (Response: Intervention and Health Care Services Following an Allegation).
- 4.11. The Office of Detention Policy and Planning (ODPP)** has responsibilities under Section 5.2 (Training).
- 4.12. The Office of the Principal Legal Advisor (OPLA)** has responsibilities under:
- 1) Section 5.2 (Training); and
 - 2) Section 5.7 (Investigation of Allegations).

- 4.13. The Office of Professional Responsibility (OPR) has responsibilities under:**
- 1) Section 5.1 (Coordinator and Supporting Officials);
 - 2) Section 5.2 (Training);
 - 3) Section 5.7 (Investigation of Allegations); and
 - 4) Section 5.8 (Incident Review and Monitoring).
- 4.14. The OPR Joint Intake Center (JIC) has responsibilities under Section 5.5 (Notification and Reporting Following an Allegation).**
- 4.15. The Office of Training and Development (OTD) has responsibilities under Section 5.2 (Training).**
- 4.16. The ICE Prevention of Sexual Assault (PSA) Coordinator has responsibilities under:**
- 1) Section 5.1 (Coordinator and Supporting Officials);
 - 2) Section 5.2 (Training);
 - 3) Section 5.8 (Incident Review and Monitoring); and
 - 4) Section 5.9 (Annual Review and Reporting).
- 4.17. Victim Assistance Coordinators and Victim Assistance Specialists have responsibilities under Section 5.6 (Response: Intervention and Health Care Services Following an Allegation).**
- 4.18. The Detention Monitoring Council (DMC) has responsibilities under Section 5.8 (Incident Review and Monitoring).**
- 4.19. All ICE Employees have responsibilities under:**
- 1) Section 5.2 (Training) if they may have contact with individuals in ICE custody; and
 - 2) Section 5.3 (Obligation to Report Information and Prohibition of Retaliation).
- 5. Procedures/Requirements.**
- 5.1. Coordinator and Supporting Officials.**
- 1) The ICE Director shall designate an upper-level, agency-wide ICE PSA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to ensure compliance with this Directive and PBNDS 2011 Standard 2.11, as well as

other agency policies and detention standards related to sexual abuse and assault prevention and intervention.

- 2) ERO, HSI, and OPR shall designate specially trained headquarters staff with sufficient time and authority to assist in ensuring compliance by their respective units with this Directive and PBNDS 2011 Standard 2.11, as applicable, as well as other agency policies and detention standards related to sexual abuse and assault prevention and intervention, and to provide information and assistance to the PSA Coordinator.
- 3) IHSC shall designate specially trained supervisory or headquarters staff with sufficient time and authority to assist with addressing and responding to medical and mental health issues that arise related to sexual abuse and assault.
- 4) Each ERO FOD shall designate at least one specially trained coordinator at the supervisory level with sufficient time and authority to assist in ensuring compliance with this Directive by field office staff and detention facilities in his or her Area of Responsibility (AOR), and in communication with ERO HQ, OPR, and the PSA Coordinator.
- 5) Each HSI SAC shall designate at least one specially trained coordinator at the supervisory level with sufficient time and authority to assist in ensuring compliance with this Directive by field office staff in his or her AOR, and in communication with HSI HQ, OPR, and the PSA Coordinator.
- 6) Each OPR regional SAC shall assist in ensuring compliance with this Directive by regional staff, and in communication with OPR HQ, ERO, HSI and the PSA Coordinator.

5.2. Training.

- 1) The PSA Coordinator, in consultation with ERO, HSI, OPR, OPLA, ODPP, OTD, and the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL), shall develop training required by this Directive. All current employees required to take the training, as listed below, shall be trained as soon as practicable, but no later than one year from the effective date of this Directive, and ICE shall provide each employee with annual refresher training to ensure that all employees know ICE's current sexual abuse and assault policies and procedures. The training shall also be incorporated into the training curriculum for newly hired officers and agents.
- 2) **General Training for ICE Personnel.** All ICE personnel who may have contact with individuals in ICE custody, including all ERO officers, shall receive training on, among other items:
 - a) ICE's zero-tolerance policy for sexual abuse and assault;

- b) Definitions and examples of prohibited and illegal behavior;
 - c) Dynamics of sexual abuse and assault in confinement;
 - d) Prohibitions on retaliation against individuals who report sexual abuse or assault;
 - e) Recognition of physical, behavioral, and emotional signs of sexual abuse or assault, situations in which sexual abuse or assault may occur, and ways of preventing such occurrences, including:
 - i) Common reactions of sexual abuse and assault victims;
 - ii) How to detect and respond to signs of threatened and actual sexual abuse or assault;
 - iii) Prevention, recognition, and appropriate response to allegations or suspicions of sexual abuse and assault involving detainees with mental or physical disabilities; and
 - iv) How to communicate effectively and professionally with victims and individuals reporting sexual abuse or assault;
 - f) Accommodating limited English proficient individuals and individuals with mental or physical disabilities;
 - g) Communicating effectively and professionally with lesbian, gay, bisexual, and transgender individuals, and members of other vulnerable populations;
 - h) Procedures for fulfilling notification and reporting requirements under this Directive;
 - i) The investigation process; and
 - j) The requirement to limit reporting of sexual abuse or assault to personnel with a need-to-know in order to make decisions concerning the victim's welfare and for law enforcement or investigative purposes.
- 3) **Specialized Training for OPR Investigators.** OPR shall provide specialized training to OPR investigators who conduct investigations into allegations of sexual abuse and assault, as well as Office of Detention Oversight staff, and other OPR staff, as appropriate. The training should cover, at a minimum, interviewing sexual abuse and assault victims, sexual abuse and assault evidence collection in confinement settings, the criteria and evidence required for administrative action or prosecutorial referral, and information about effective cross-agency coordination in the investigation process.

- 4) **Specialized Training for IHSC Medical and Mental Health Staff.** IHSC shall provide specialized training to all IHSC personnel and all full- and part-time medical and mental health staff who work in facilities where IHSC provides medical and mental health care. The training should cover how to detect and assess signs of sexual abuse and assault, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and assault, and how and to whom to report allegations or suspicions of sexual abuse and assault.

5.3. Obligation to Report Information and Prohibition of Retaliation.

- 1) All ICE employees shall immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or assault of an individual in ICE custody to a supervisor or a designated official.
- 2) The supervisor or a designated official shall report the allegation to the FOD or SAC, as appropriate.
- 3) Apart from such reporting, ICE employees shall not reveal any information related to a sexual abuse or assault allegation to anyone other than those who have a need to know for purposes of treatment, investigation, and other security and management decisions.
- 4) ICE employees shall not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse or assault. However, ICE prohibits deliberately making false sexual abuse or assault allegations, as well as deliberately providing false information during an investigation, and such misconduct will be addressed through appropriate processes.

5.4. Facility Compliance. It is the responsibility of the FOD to ensure all detention facility staff in his or her AOR are aware of their obligation to report allegations of sexual abuse and assault to ICE and the appropriate law enforcement agency, as well as the other requirements of this Directive and PBNDS 2011 Standard 2.11, such as the requirements relating to response and intervention, health care services, and investigations. FODs shall review the written policy and procedures for the Sexual Abuse and Assault Prevention and Intervention Program, required by Standard 2.11, for all the detention facilities in their AORs.

5.5. Notification and Reporting Following an Allegation. Immediately following notice of an alleged sexual abuse or assault:

- 1) When the incident occurs in ERO custody, **the FOD shall:**
 - a) Ensure that the appropriate law enforcement agency having jurisdiction for the investigation has been notified by the facility administrator of the alleged sexual

abuse or assault. The FOD shall notify the appropriate law enforcement agency directly if necessary;

- b) Notify ERO's Assistant Director for Field Operations telephonically within two hours of the alleged sexual abuse or assault or as soon as practical thereafter, according to procedures outlined in the June 8, 2006 Memorandum from John P. Torres, Acting Director, Office of Detention and Removal Operations, regarding "Protocol on Reporting and Tracking of Assaults" (the Torres memo);
 - c) Notify the ICE Joint Intake Center (JIC) telephonically within two hours of the alleged sexual abuse or assault, and in writing within 24 hours via the ICE SEN Notification Database, according to procedures outlined in the Torres memo. The JIC shall notify the DHS Office of Inspector General (OIG);
 - d) When a non-ICE employee, contractor, or volunteer is alleged to be the perpetrator of the sexual abuse or assault, ensure that the facility administrator has also contacted the corporation or locality that operates the facility;
 - e) If the alleged assault occurred at a different facility from the one where it was reported, ensure that the administrator at the facility where the assault is alleged to have occurred is notified within 72 hours; and
 - f) Document his or her efforts taken under this section.
- 2) When the incident occurs in HSI custody, **the SAC shall:**
- a) Ensure that the appropriate law enforcement agency having jurisdiction over the investigation has been notified of the alleged sexual abuse or assault. The SAC shall notify the appropriate law enforcement agency directly if necessary;
 - b) Notify the HSI Assistant Director for Domestic Operations;
 - c) Notify the JIC telephonically within two hours of the alleged sexual abuse or assault, and in writing within 24 hours via the ICE SEN Notification Database, according to procedures outlined in the Torres memo. The JIC shall notify the DHS OIG; and
 - d) Document his or her efforts taken under this section.
- 3) For all alleged incidents, **the HSI Office of Intelligence shall:**
- a) Ensure that the Joint Intelligence Operations Center (the JIOC) compiles on a daily basis from the SEN Notification Database a report that includes all new allegations of sexual abuse or assault; and

- b) Ensure that the JIOC disseminates the daily report to the PSA Coordinator; the ERO Assistant Director for Field Operations; the ERO Assistant Director for Detention Management Division; the HSI Assistant Director for Domestic Operations; OPR; the Assistant Director for IHSC; the OPLA Director of Enforcement and Litigation; and DHS CRCL.

5.6. Response: Intervention and Health Care Services Following an Allegation.

- 1) When the incident occurs in ERO custody, **the FOD shall:**
 - a) Ensure that the facility complies with the response and intervention mandates established by PBNDS 2011 Standard 2.11 (Section V.H), including by:
 - i) Offering the alleged victim immediate protection from the alleged assailant;
 - ii) Using a coordinated, multidisciplinary team approach to respond to the allegation;
 - iii) Avoiding punishment of the victim for reporting abuse or for participating in sexual activity as a result of force or coercion;
 - iv) Placing the victim in a supportive environment that represents the least restrictive housing option possible;
 - v) Not placing the victim in administrative segregation for longer than five days except in highly unusual circumstances or at the request of the detainee; and
 - vi) Complying with the health care mandates of PBNDS 2011 Standard 2.11 (Section V.K);
 - b) In addition to steps taken by the facility, ensure the safety and security of the victim and adequate medical and mental health care for the victim, including by considering appropriate potential custodial options, such as placing the victim in a supportive environment that represents the least restrictive housing option at another facility (within the same jurisdiction if there is an ongoing investigation), transferring the victim to a hospital, or other appropriate custodial options;
 - c) Take the necessary steps to determine whether the alleged perpetrator is housed in such a manner so as not to jeopardize other detainees housed at the facility until an investigation is completed;
 - d) Ensure that an ICE employee, facility employee, contractor, or volunteer suspected of perpetrating sexual abuse or assault is removed from all duties requiring detainee contact pending the outcome of an investigation; and

- e) Through the ERO Assistant Director for Field Operations, provide requested information to relevant ICE entities, including other ERO components, OPR, and the PSA Coordinator.
- 2) When the incident occurs in ERO custody, **the IHSC shall:**
- a) In facilities staffed by the IHSC, the IHSC Clinical Director or designee ensure that the IHSC clinic complies with the health care services mandates of PBNDS 2011 Standard 2.11 (Section V.K), including by:
 - i) Providing emergency medical and mental health services and ongoing care, as appropriate;
 - ii) When appropriate, initiating a referral to a hospital emergency department, or to a designated specialized facility, for evaluation and forensic examination, to include testing for sexually transmitted diseases and infections, and offering prophylactic treatment, emergency contraception, follow-up examinations for sexually transmitted diseases, and referrals for counseling, as appropriate; and
 - iii) Ensuring that a mental health professional evaluates the need for crisis intervention counseling and long-term follow-up.
 - b) In facilities not staffed by the IHSC, the IHSC shall assist the FOD as needed, including by:
 - i) Helping to ensure that facility medical personnel have complied with the health care services requirements of PBNDS 2011 Standard 2.11 (Section V.K);
 - ii) Communicating with the facility regarding the victim's health care (including mental health care) needs; and
 - iii) Reporting information to the FOD or to ERO HQ officials as requested.
- 3) When the incident occurs in HSI custody, **the SAC shall:**
- a) Ensure that timely, unimpeded access to emergency medical treatment is provided. Such treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident;
 - b) Contact the local field office Victim Assistance Specialist (VAS) or Victim Assistance Coordinator (VAC) upon notification of an alleged sexual abuse or assault victimization. The VAS or VAC will provide local referrals for sexual abuse or assault victim service providers and coordinate services as necessary for medical care and examination, including sexual abuse and assault forensic exams.

As appropriate, the VAS or VAC will also coordinate with victim advocates for any local, state, or federal law enforcement agency involved in a subsequent investigation; and

- c) Offer the alleged victim immediate protection from the alleged assailant by separating the alleged victim from anyone involved in the allegation or incident and removing the alleged perpetrator from contact with any other individual in HSI custody.

5.7. Investigation of Allegations.

1) OPR shall:

- a) Coordinate with the FOD and facility staff or the HSI SAC to ensure evidence is appropriately secured and preserved pending an investigation by federal, state, or local law enforcement, DHS OIG, and/or OPR;
- b) Coordinate with DHS OIG to effect timely acceptance of the case by DHS OIG or referral to OPR;
- c) Upon referral by DHS OIG to OPR, assess the allegation to determine investigative response and assignment within OPR, in accordance with OPR policies and procedures;
- d) Coordinate investigative efforts with federal, state, or local law enforcement or facility incident review personnel, in accordance with OPR policies and procedures;
- e) Conduct either an OPR review or investigation, in accordance with OPR policies and procedures;
- f) Coordinate with appropriate ICE entities and federal, state, or local law enforcement to facilitate necessary immigration processes that ensure availability of victims, witnesses, and perpetrators for investigative interviews and administrative or criminal procedures, and provide federal, state, or local law enforcement with information about U non-immigrant visa certification;
- g) In cases where the allegation involves behavior that is criminal in nature, OPR, in coordination with the FOD and/or HSI SAC, as appropriate, will ensure any alleged victim of sexual abuse or assault who is an alien is provided access to U non-immigrant visa information by:
 - i) Providing the phone number to an appropriate national hotline; and/or
 - ii) Providing relevant informational materials printed by U.S. Citizenship and Immigration Services;

- h) Compile all documentation, to include reports by local law enforcement, the facility, OPLA, HSI, and ERO, if any, and ensure its proper processing in accordance with OPR procedures and this Directive;
 - i) Submit briefings and provide information to ICE senior management, including the PSA Coordinator and the ICE Detention Monitoring Council (DMC), as appropriate and in accordance with this Directive; and
 - j) For detainees still in ICE immigration detention and where feasible, following an investigation into a detainee's allegation of sexual abuse or assault, notify the detainee as to the result of the investigation in coordination with the FOD.
- 2) When the incident occurs in ERO custody, the FOD shall:
- a) Ensure that the facility complies with the investigation mandates established by PBNDS 2011 Standard 2.11, including by:
 - i) When feasible, securing and preserving the crime scene and safeguarding information and evidence consistent with established evidence protocols (Section V.J);
 - ii) Conducting a prompt, thorough, and objective investigation by qualified investigators (Section V.J);
 - iii) Arranging for the victim to undergo a forensic medical examination, where appropriate (Section V.J);
 - iv) Pursuing internal administrative investigations and disciplinary sanctions in coordination with the assigned criminal investigative entity to ensure non-interference with criminal investigations (Sections V.A, V.I); and
 - v) Ensuring that the facility's Sexual Abuse and Assault Prevention and Intervention Program Coordinator reviews the results of the investigation (Section V.B);
 - b) Determine the result of all facility investigations of allegations of sexual abuse or assault and any associated disciplinary proceedings instituted against detainee perpetrators, and report that information to OPR through the Assistant Director for Field Operations;
 - c) Coordinate with, and assist as necessary, law enforcement agencies and OPR; and
 - d) Coordinate with the Office of Chief Counsel and OPR as appropriate to facilitate the availability of potential witnesses.

- 3) When the incident occurs in HSI custody, the SAC shall:
 - a) When feasible, secure and preserve the crime scene and safeguard information and evidence consistent with established evidence protocols;
 - b) Continue with any ongoing investigation or enforcement action and not attempt to conduct an investigation into the alleged sexual abuse or assault incident once it has been reported as set forth in section 5.5(2) above;
 - c) Coordinate with, and assist as necessary, other law enforcement agencies and OPR; and
 - d) Coordinate with the Office of the Chief Counsel and OPR as appropriate to facilitate the availability of potential witnesses.

5.8. Incident Review and Monitoring.

- 1) **ICE PSA Coordinator.**
 - a) On an ongoing basis, the ICE PSA Coordinator shall work with other relevant ICE entities to help ensure an effective agency response to allegations of sexual abuse and assault.
 - b) On a monthly basis, the ICE PSA Coordinator shall prepare a report to the DMC compiling information received about all incidents or allegations of sexual abuse or assault of individuals in ICE custody during that period, as well as ongoing investigations and other pending cases.
 - c) On a quarterly basis, the ICE PSA Coordinator shall prepare a report to the DMC and the ICE Director, compiling information received about all incidents or allegations of sexual abuse or assault of individuals in ICE custody during that period.
 - d) The PSA Coordinator shall receive assistance in compiling monthly, quarterly and annual reports from:
 - i) OPR, which shall provide information gathered from its own investigations and inspections, and ongoing review of other investigations;
 - ii) ERO Field Operations, which shall provide information regarding facilities' responses to sexual abuse and assault allegations, and actions taken by field offices;
 - iii) ERO DMD, which shall provide information derived from its oversight activities, and received from facilities;

- iv) HSI, which shall provide information regarding sexual abuse and assault allegations and actions taken by HSI field offices;
- v) IHSC, which shall provide information and expertise regarding health related matters; and
- vi) Other relevant entities.

2) Detention Monitoring Council.

- a) In response to significant incidents of sexual abuse or assault of individuals in ICE custody, the DMC shall convene when necessary to ensure effective, timely, and comprehensive agency-wide response and investigation, and to determine any appropriate corrective actions that should be taken.
- b) On at least a monthly basis, a subcommittee of the DMC shall convene to review information received from the ICE PSA Coordinator, OPR, ERO Field Operations, field offices, and other relevant ICE entities regarding all incidents or allegations of sexual abuse or assault of individuals in ICE custody, as well as facility intervention and actions taken, the status of any administrative or criminal investigations, and any other ongoing relevant issues (e.g., medical issues, housing/custody issues, etc.). This DMC subcommittee shall ensure effective, timely, and comprehensive agency-wide response and investigation, and shall determine any appropriate corrective actions that should be taken.
- c) On at least a quarterly basis, the DMC shall convene to discuss national trends in information received about incidents of sexual abuse or assault and lessons learned from these incidents, and to develop and recommend immediate and long-term remedial plans to improve the agency's effectiveness in addressing sexual abuse and assault.

5.9. Annual Review and Reporting.

- 1) On an annual basis, the ICE PSA Coordinator shall conduct a review of all data received regarding incidents of sexual abuse or assault of individuals in ICE custody during that period, including the number of reported sexual abuse and assault allegations determined to be substantiated, unsubstantiated, or unfounded, or for which investigation is ongoing, and for each incident found to be substantiated, information concerning:
 - a) The date, time, location, and nature of the incident;
 - b) The demographic background of the victim and perpetrator (including nationality, age, and gender);

- c) The reporting timeline for the incident (including the name of individual who reported the incident, and the date and time the report was received);
 - d) Any injuries sustained by the victim;
 - e) Post-report follow up responses and action taken by the facility (e.g., housing placement/custody classification, medical examination, mental health counseling, etc.); and
 - f) Any sanctions imposed on the perpetrator.
- 2) The ICE PSA Coordinator shall prepare a report to the ICE Director identifying problem areas and recommending corrective actions for the agency as well as for each ICE detention facility, and providing an assessment of the agency's progress in addressing sexual abuse and assault based on a comparison of the current year's data and corrective actions with those from prior years.
- 3) Following approval by the ICE Director, the annual report shall be made readily available to the public including through the ICE website. The agency may redact specific material from the reports when publication would present a threat to the safety or security of a facility or violate privacy or other legally protected interests, but must indicate the nature of the material redacted.

6. Authorities/References.

- 6.1. 2011 Performance-Based National Detention Standard, "2.11 Sexual Abuse and Assault Prevention and Intervention."
- 6.2. ICE Policy 11045.1: Memorandum from John P. Torres, Acting Director, Office of Detention and Removal Operations, to Field Office Directors, "Protocol on Reporting and Tracking of Assaults" (June 8, 2006).
- 6.3. Memorandum from Alonzo Peña, Deputy Director, to All ICE Employees, "Directing Complaints Appropriately to the Joint Intake Center (JIC), the Office of Professional Responsibility (OPR), the Office of the Inspector General (OIG), or Local Management" (November 10, 2010).
- 6.4. ICE Directive 10071.1: "Victim Assistance Program" (August 25, 2011).

7. Attachments.

- 7.1. 2011 Performance-Based National Detention Standard, "2.11 Sexual Abuse and Assault Prevention and Intervention."
- 7.2. ICE Policy 11045.1: Memorandum from John P. Torres, Acting Director, Office of Detention and Removal Operations, to Field Office Directors, "Protocol on Reporting and Tracking of Assaults" (June 8, 2006).

8. **No Private Right Statement.** This document is an internal policy statement of ICE. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE.

A handwritten signature in black ink, appearing to read "John Morton", written over a horizontal line.

John Morton
Director
U.S. Immigration and Customs Enforcement