

**ICE**Report Crimes: [Email](#) or Call 1-866-DHS-2-ICE

2000 Detention Operations Manual

ERO

When U.S. Immigration and Customs Enforcement was formed, the agency operated its detention system under a set of National Detention Standards (NDS) that had been issued in September 2000. NDS established consistent conditions of confinement, program operations and management expectations within the agency's detention system.

Click on a heading below to view specific information for each topic.

Detainee Services

- [Access to Legal Material](#)
- [Admission and Release](#)
- [Correspondence and Other Mail](#)
- [Detainee Classification System](#)
- [Detainee Grievance Procedures](#)
- [Detainee Handbook](#)
- [Food Service](#)
- [Funds and Personal Property](#)
- [Group Presentations on Legal Rights \(Revised 2/11/02\)](#)
- [Issuance and Exchange of Clothing, Bedding and Towels](#)
- [Marriage Requests \(Revised 2/11/02\)](#)
- [Non-Medical Emergency Escorted Trips](#)
- [Recreation](#)
- [Religious Practices](#)
- [Staff-Detainee Communication](#)
- [Telephone Access](#)
- [Visitation](#)
- [Voluntary Work Program](#)

Security and Control

- [Contraband](#)
- [Detention Files](#)
- [Detainee Searches \[Reserved\]](#)
- [Detainee Transfers](#)
- [Disciplinary Policy](#)

- [Emergency Plans](#)
- [Environmental Health and Safety](#)
- [Hold Rooms in Detention Facilities](#)
- [Key and Lock Control \(Security, Accountability, and Maintenance\)](#)
- [Population Counts](#)
- [Post Orders](#)
- [Security Inspections](#)
- [Special Management Unit \(Administrative Segregation\)](#)
- [Special Management Unit \(Disciplinary Segregation\)](#)
- [Tool Control](#)
- [Transportation \(Land Transportation\)](#)
- [Use of Force](#)

Health Services

- [Hunger Strikes](#)
- [Medical Care](#)
- [Suicide Prevention and Intervention](#)
- [Terminal Illness, Advanced Directives and Death](#)
[See ICE Directive 7-9.0 01 Oct 09](#)

Terminology

- [Definitions](#)

INS DETENTION STANDARD

ACCESS TO LEGAL MATERIAL

I. POLICY

Facilities holding INS detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.

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 below 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. Law Library

The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.

B. Equipment

The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.

The facility shall designate an employee with responsibility to inspect the equipment at least weekly and ensure that it is in good working order, and to stock sufficient supplies.

Equipment and office supplies shall generally include:

1. Typewriters with replacement typewriter ribbon and correction tape. Computers may also be provided for detainee use.
2. Carbon paper (unless a copier is available)
3. Writing implements
4. Writing tablets
5. Non-toxic liquid paper

C. Holdings

The law library shall contain the materials listed in Attachment A. INS shall provide an initial set of these materials. The facility shall post a list of its holdings in the law library. (See Section E., “Updating Legal Materials;” below)

D. Materials from Outside Persons or Organizations:

Outside persons and organizations may submit published or unpublished legal material for inclusion in a facility's law library. If the material is in a language other than English, an English translation must be provided.

If the facility receives published material for the law library, the OIC may accept or decline the material based on considerations of usefulness and space limitations. The OIC shall notify the submitter and the INS in writing of the reasons, if published materials related to immigration law or procedure are declined.

If the facility receives unpublished immigration-related material for inclusion in the law library, it must immediately forward the material to the INS for review and approval.

Unpublished material must have a cover page that:

1. identifies the submitter and the preparer of the material;
2. states clearly that INS did not prepare, and is not responsible for, the contents of the material; and
3. contains the date of preparation.

The INS may object in whole or in part, to such materials likely to pose a threat to the security or good order of the facility, or misstating immigration law, procedure, or INS policy. The District Director will consult with District Counsel and the appropriate INS and facility officials to determine acceptability. If the materials are accepted, the INS will notify the OIC and the submitter. The INS will inform the submitter of any INS objections in writing. Ordinarily, the INS will make a decision regarding materials offered for placement in the law library within 45 days, or as soon as possible.

E. Updating Legal Materials

The INS Office of General Counsel (OGC) will be asked to review the contents of Attachment A at least annually, and update the list as needed. INS will add information on significant statutory and regulatory changes regarding detention and removal of aliens in a timely manner, and provide initial copies to the facility.

INS will arrange a subscription to the updating service, if available, for each publication on the list.

The facility shall designate an employee with responsibility for updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed. The facility shall notify the designated contact person at INS Headquarters if anticipated updates are not received or if subscriptions lapse. The facility shall dispose of outdated supplements and other materials when it receives new materials. (Information regarding updating can be obtained directly from the publishers listed in Attachment C. The OGC Law Librarian can also provide updating information.)

F. Replacing Materials

Damaged or stolen materials shall be promptly replaced. In addition to its own inspections, the facility shall encourage detainees to report missing or damaged materials. The facility may obtain replacements by contacting the designated coordinator at INS Headquarters.

If materials submitted by outside organizations need to be replaced, the facility will contact INS, which will obtain replacements from the submitting organization.

G. Hours of Access

The facility shall devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. Detainee requests for additional time in the law library shall be accommodated to the extent possible, consistent with the orderly and secure operation of the facility. Special priority should be given to requests for additional library time when a detainee is facing a court deadline.

The OIC will determine the number of detainees permitted to use the law library at any given time. The schedule shall enable the maximum use possible, without interfering with the orderly operation of the facility. When devising the schedule, the OIC will take into consideration any rules and regulations that prohibit or regulate the intermingling of differently classified detainee. Law library hours of operation will be scheduled between official counts, meals, and other official detention functions.

H. Supervision

The facility shall develop procedures that effectively prevent detainees from damaging, destroying or removing equipment, materials or supplies from the law library.

Facilities are encouraged to monitor detainees’ use of legal materials to prevent vandalism.

I. Requests for Additional Legal Material

Detainees who require additional legal material not available in the facility law library shall make a written request to the employee responsible for maintaining and updating library materials. The facility shall inform the INS contact person of the request as quickly as possible.

The INS will, with the assistance of District Counsel, answer all requests in a timely manner. Requests from detainees who are facing imminent deadlines will receive priority. Requests for copies of court decisions will normally be available within three business days, which should guide responses to other requests.

J. Photocopying legal documents

The facility shall ensure that detainees can obtain photocopies of legal material, when such copies are reasonable and necessary for a legal proceeding involving the detainee. This may be accomplished by providing detainees with access to a copier or by making copies upon request.

The number of copies of documents to be filed with a particular court, combined with the number required for INS records and at least one copy for the detainee's personal use will determine the number of photocopies required. Requests for photocopies of legal material shall be denied only if:

1. the document(s) might pose a risk to the security and orderly operation of the detention facility;
2. there are other legitimate security reasons;
3. copying would constitute a violation of any law or regulation; or
4. the request is clearly abusive or excessive.

Facility staff shall inspect documents offered for photocopying to ensure that they comply with these rules. However, staff may not read a document that on its face is clearly related to a legal proceeding involving the detainee.

K. Assistance from Other Detainees

The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk. Such assistance is voluntary; no detainee shall be allowed to charge a fee or accept anything of value for assistance.

The OIC will not pay compensation to a detainee for researching or preparing legal documents on behalf of another detainee.

L. Assistance to Illiterate and Non-English Speaking Detainees

Unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books.

Facilities shall establish procedures to meet this obligation, such as:

1. helping the detainee obtain assistance in using the law library and drafting legal documents from detainees with appropriate language and reading-writing abilities; and
2. assisting in contacting *pro bono* legal-assistance organizations from the INS-provided list.

If such methods prove unsuccessful in providing a particular non-English-speaking or illiterate detainee with sufficient assistance, the facility shall contact the INS to determine appropriate further action.

K. Personal Legal Materials

The facility shall permit detainees to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security, and-or sanitation hazard. The facility may require detainees with a large amount of personal legal material to place some of the material in a personal property storage area, with access permitted during designated hours. The facility shall grant requests for access to such stored legal material as soon as possible, but not later than 24 hours after receipt of the detainee request, unless documented security concerns preclude action within this time frame.

M. Law Library Access for Detainees in Special Management Units

Detainees housed in Administrative Segregation or Disciplinary Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations.

Facilities may supervise the library use by a detainee housed in a special management units as warranted, by the individual's behavior and attitude. Detainees segregated for protection may be required to use the law library separately or, if feasible, have legal material brought to them. Violent or uncooperative detainees may be temporarily denied access to the law library if necessary to maintain security, until such time as their behavior and attitude warrants resumed access. In some circumstances, legal material may be brought to individuals in disciplinary segregation.

Denial of access to the law library must be supported by compelling security concerns, must be for the shortest period required by security, and must be fully documented in the special management housing logbook. INS must be notified every time access is denied.

N. Envelopes and Stamps for Legal Documents

The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential legal representative, or any court.

P. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters

The facility shall provide assistance to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal matter, and if the detainee is unable to meet the need through a family member, friend, or community organization. If it is unclear whether the requested service is necessary for pursuit of a legal matter, the District Counsel should be consulted.

Q. Notice to Detainees

The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information:

1. that a law library is available for detainee use;
2. the scheduled hours of access to the law library;
3. the procedure for requesting access to the law library;
4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum);
5. the procedure for requesting legal reference materials not maintained in the law library; and
6. the procedure for notifying a designated employee that library material is missing or damaged.

These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.

R. Retaliation Prohibited


Detainees may not be subjected to reprisals, retaliation, or penalties because of a decision to seek judicial relief on any matter, including:

1. the legality of their confinement;
2. the legality of conditions or treatment while under detention;
3. an issue relating to their immigration proceedings; or
4. any allegation that the Government is denying rights protected by law.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3E-03, 3D-18.


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

Attachment A

List of Legal Reference Materials for Detention Facilities

The information in Attachments A, B, and C was updated as of January 17, 1997. All costs are approximate and need to be verified before purchase. Further information can be obtained from the publishers, whose names and addresses are provided in Attachment C. Ordering and updating information can also be obtained from the INS Office of the General Counsel Librarian, Mary Ellen Daffron, at (202) 616-2642.

1. *Constitution of the United States of America; Analysis and Interpretation.*
Prepared by the Congressional Research Service Library of Congress, 1996.
One hardbound volume.
Order from: Superintendent of Documents
GPO Stock #052-071-01157-9
Cost: \$148.00
Updated: Supplements and revised editions are published irregularly
 2. *United States Code, Title 8, Aliens and Nationality.*
Individual Titles of the United States Code Annotated are available from West Publishing. Title 8 is in three books.
Order from: West Publishing Corporation
Cost: \$36.87 per book, 3 volume set \$110.61.
Annual updates \$7.07 per book, \$21.21 for the set
Updated: Annual pocket parts
 3. *Code of Federal Regulations, Title 8, Aliens and Nationality.*
Codification of general and permanent rules published in the Federal Register.
One paperback volume.
Order from: Superintendent of Documents
GPO Stock #869-026-00026-3
Cost: \$23.00
Updated: Published annually
- The preferred procedure in ordering multiple copies of the CFR is to ride the Federal Register's requisition. Individual copy cost is approximately \$6.00. Contact Glenn Brown, INS Printing Officer.*
4. *Bender's Immigration and Nationality Act Service.*
Immigration and Nationality Act updated monthly.
One loose-leaf volume.
Order from: Mathew Bender
Cost: \$75.00 Annual Subscription
Updated: Monthly

5. *Bender's INS Regulations Service*.
Immigration and Nationality Regulations updated monthly.
Two loose-leaf volumes.
Order from: Mathew Bender
Cost: \$175.00 Annual Subscription
Updated: Monthly
6. *Administrative Decisions Under Immigration & Nationality Laws*. Board of Immigration Appeals (BIA) decisions consisting of 20 bound volumes and loose-leaf Interim decisions.

Bound Volumes:

Order from: William S. Hein & Co.
Cost: \$1,095.00 for complete set Volumes 1-20.
\$60.00 per volume

Interim Decisions:

#3243 through and including decisions issued in 1996:
Order from: William S. Hein & Co.
Cost: \$95.00
\$65.00 annual subscription

Future decisions:

Order from: Letter to the Chairman, Board of Immigration Appeals
requesting inclusion in their distribution list.
Cost: Gratis to Government Agencies

7. *Immigration Law and Defense*, by the National Lawyers Guild.
Third edition, Includes INS and EOIR Forms.
Two loose-leaf volumes published 1988.
Order from: Clark Boardman Callaghan
Cost: \$292.11
Updated: Annual subscription
8. *Immigration Law and Crimes*, by the National Immigration Project of the National Lawyers Guild.
One loose-leaf volume published 1984.
Order from: Clark Boardman Callaghan
Cost: \$197.42
Updated: Annual subscription
9. *Guide for Immigration Advocates*.
A manual covering the basics of immigration law and researching immigration law.
Written as a simple, practical guide for paralegals.
One loose-leaf volume. Published November 1996.
Order from: Immigrant Legal Resource Center
Cost: \$85.00-non-profit organization
Updated: Published irregularly
- 10 *Country Reports on Human Rights Practices*. Submitted by the Department of State to the Committee on Foreign Affairs of the U.S. House of Representatives and the Committee on Foreign Relations of the U.S. Senate. One paperbound volume. Order from:
Superintendent of Documents
Cost: \$41.00 approximately
Updated: Published annually in February

The preferred procedure in ordering multiple copies of the *Country Reports* is to ride the annual GPO Printing Jacket. The jacket number must be obtained from one of the Congressional Committees in January of each year. The approximate cost is \$20.00.

11. *Human Rights Watch - World Report*. One bound volume.
Order from: Human Rights Watch, Publication Department
Cost: \$30.00
Updated: Annually
12. *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*. One bound pamphlet, 93 pages. Re-edited January 1992.
Order from: United Nations High Commissioner for Refugees (UNHCR)
Cost: Free to INS Detention
Updated: Irregularly
13. *Considerations For Asylum Officers Adjudicating Asylum Claims From Women*. Immigration and Naturalization Service Memorandum dated May 26, 1995.
Order from: Immigration and Naturalization Service, Office of the General Counsel, Asylum Division
Cost: Free
Updated: Irregularly
14. *Immigration and Naturalization Service Basic Law Manual*.
3-ring binder. Immigration and Naturalization Service guide to asylum law.
Order from: Immigration and Naturalization Service, Office of the General Counsel, Asylum Division
Cost: Free
Updated: Irregularly
15. *Lawyer's Committee Handbook on Representing Asylum Applicants*.
Soft bound guide. Approximately 200 pages.
Order from: Lawyer's Committee for Human Rights
Cost: \$50.00
Updated: Irregularly
16. *Rights of Prisoners*. 2nd edition by Michael B. Mushlin
Two volumes, published 1993
Order from: Clark Boardman Callaghan
Cost: \$250.00
\$55.00 - 1995 supplement
Updated: Annual pocket parts
17. *Federal Habeas Corpus, Practice & Procedure*. 2nd Edition by James S. Liebman
Two volumes published 1994.
Order from: The Michie Company
Cost: \$180.00
\$35.00 - 1995 supplement
Updated: Annual pocket parts
18. *Federal Civil Judicial Procedure and Rules*. Paperback volume.
Order from: West Publishing Corporation
Cost: \$15.15
Updated: Published annually

19. *United States Code, Title 28, Rules, Appellate Procedure Pamphlets I+II.*
Only the two softbound volumes contain the U.S. Court of Appeals Rules.
Order From: West Publishing Corporation
Cost: \$22.00
Updated: Annually
20. *Federal Criminal Code and Rules.* Paperback volume.
Order from: West Publishing Corporation
Cost: \$15.15
Updated: Published annually
21. *Criminal Procedure (Hornbook).* By LaFave.
One volume.
Order From: West Publishing Corporation
Cost: \$42.50
Updated: Published Irregularly
22. *Legal Research in a Nutshell.* 5th edition by Morris L. Cohen, published 1992.
Order from: West Publishing Corporation
Cost: \$17.50
Updated: Published irregularly
23. *Legal Research & Writing: Some Starting Points.* 4th edition by William P. Statsky,
Edited by Hannan, published 1993.
Order from: West Publishing Corporation
Cost \$32.25
Updated: Published irregularly
24. *Black's Law Dictionary.* 1990, latest standard edition, one hardbound volume.
Order from: West Publications
Cost: \$31.00
Updated: Published irregularly
25. *Spanish-English Law Dictionary,* By Solis. 1992.
Order from: West Publishing Corporation
Cost: \$53.00
Updated: Published irregularly
26. *Directory of Nonprofit Agencies that Assist Persons in Immigration Matters.*
Perfect-bound booklet.
Order from: National Immigration Law Center
Cost: \$12.00
Updated: Irregularly
27. *Other Translation Dictionaries Depending on the Most Common Languages Spoken by the Detainee Population.*
28. *Detainee Handbook and Detainee Orientation Materials.*
- 29 *Self-Help Materials.* Materials provided by outside organizations after clearance by District Counsel.

30. *Telephone books (Yellow pages) for local areas and nearby metropolitan areas where counsel may be located.*

Total Startup Cost Estimate: \$ 3,100

Attachment B

Optional Legal Reference Materials

1. *Bender's Immigration Case Reporter*. Decisions from Federal Court, BIA, AAU, and BALCA from 1984 forward.
Thirteen loose-leaf volumes.
Order from: Matthew Bender
Cost: \$900.00 Volumes 1 through 11
\$490.00 1 year subscription of updates for the current volume and index
Updated: Annual subscription

Attachment C
Publishers' Addresses and Phone Numbers

AILA Publications
P.O. Box 1603
Cranberry Twp., PA 16066-0603
Phone: 1-800-982-2839

Clark Boardman Callaghan
155 Pfingsten Road
Deerfield, IL 60015-4998
Phone: 1-800-323-1336

Human Rights Watch
Publications Department
485 5th Avenue
New York, New York 10017
Phone: 212-986-1980

Immigrant Legal Resource Center
1663 Mission Street, Suite 602
San Francisco, CA 94103
Phone: 415-255-9499

Immigration and Naturalization Service
Office of the General Counsel, Asylum Division
425 I Street, NW, Rm. 6100
Washington, DC 20536
Contact: Janice McKutchin
Phone: 202-616-7942

International Learning Systems
1753 Connecticut Ave., NW
Washington, DC 20009
Phone: 202-332-2894

Lawyer's Committee for Human Rights
330 7th Avenue, 13th Floor
New York, New York 10001-1050
Phone: 212-845-5200

Matthew Bender & Co., Inc.
1275 Broadway
Albany, NY 12204-2694
Phone: 1-800-533-1637

Michie Company
P.O. Box 7587
Charlottesville, VA 22906-7587
Phone: 1-800-542-0957

National Immigration Law Center
NILC Publications
1102 S. Crenshaw Blvd., Suite 101
Los Angeles, CA 90019
Phone: 213-938-6452

National Immigration Project
14 Beacon Street, Suite 506
Boston, MA 02108
Phone: 617-227-9727

Shepard's-McGraw-Hill Inc.
136 Carlin Road
Conkoin, NY 13748
Phone: 1-800-899-6000

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
Phone: 202-512-1800 (Order desk)

United Nations High Commissioner for Refugees (UNHCR)
1775 K Street, NW, Suite 300
Washington, DC 20006
Phone: 202-296-5191

West Publishing Corporation
Federal Government Sales and Service
620 Opperman Drive
P.O. Box 64779
St. Paul, MN 55164-0779
Phone: 1-800-333-9378

William S. Hein & Co.
1285 Main Street
Buffalo, NY 14209
Phone: 1-800-828-7571

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

Policy Facilities holding INS detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.

ACCESS TO LEGAL MATERIALS			
Components	Yes	No	Remarks
1. Does the facility provide a law library in a designated room?			
2. Does the law library contain tables and chairs? How many? a. Is the room well-lit? b. Is the lighting conducive to unstrained reading throughout? c. Does the room have flickering, missing or burnt-out bulbs? d. Is the room reasonably isolated from noisy areas? i. How far from noisy common area?			
3. Does the law library provide an adequate number of typewriters and/or computers? If yes, how many? a. Writing implements? b. Paper and office supplies? c. Backup supplies for commonly replaced items (standard office supplies, e.g., disks, cartridges, typewriter ribbons, toner)?			
4. Is a designated employee responsible for inspecting the equipment? Whom? a. Equipment maintained in good working; supplies checked and restocked at least weekly? Inspection/supply schedule?			
5. Are outside persons and organizations permitted to submit published legal material for inclusion in law library? a. Is unpublished material forwarded to INS for review and approval? When? b. For material in a language other than English, is an English translation provided?			

ACCESS TO LEGAL MATERIALS			
Components	Yes	No	Remarks
<ul style="list-style-type: none"> c. If the material is accepted, does INS notify the OIC and the submitter within 45 days? d. Does the OIC notify the submitter and INS, in writing, when declining material? 			
6. Does the law library contain the materials listed in the "Access to Legal Materials" Standard, Attachment A? <ul style="list-style-type: none"> a. Is the list of library holdings posted? Where? 			
7. Does the facility subscribe to updating services for listed publications? [see <i>contract</i>] <ul style="list-style-type: none"> a. Does library have copies of latest statutory and regulatory changes? <ul style="list-style-type: none"> i. Catalogued? ii. Filed/shelved? 			
8. Does a designated employee inspect weekly, update, and maintain/replace legal material? If yes, does employee: <ul style="list-style-type: none"> a. Dispose of outdated supplements, etc., when replacements arrive? b. Replace damaged or stolen material promptly? What is the average time it takes to replace material? c. Does OIC encourage detainees to report missing/ damaged material? 			
9. If material submitted by outside organizations need to be replaced, does the facility contact INS?			
10. Is each detainee allowed to use the law library at least 5 hours per week? <ul style="list-style-type: none"> a. Are detainees required to forgo allotted recreation time to use the law library? b. Are requests for additional time in the law library accommodated? c. Do requests from detainees facing a court deadline receive special priority? 			
11. To obtain legal material not held by the library, does a detainee's written request to the designated employee start the acquisition-review process? <ul style="list-style-type: none"> a. Does INS provide timely responses to all such requests? 			

ACCESS TO LEGAL MATERIALS			
Components	Yes	No	Remarks
b. Do requests from detainees facing urgent deadlines receive priority? c. Are requests for copies of court decisions normally available within three (3) business days? d. Are photocopying requests denied for any reasons not stated in the detention standard?			
12. Does the facility permit detainees to assist other detainees in researching and preparing legal documents, consistent with security? a. Do detainees provide assistance voluntarily and free of charge?			
13. Do illiterate or non-English-speaking detainees without legal representation receive more than access to English-language law books after indicating their need for help? a. If the on-site resources prove unsuccessful, does the facility contact the INS for assistance?			
14. Can detainees retain all personal legal material in the general population and in the special management unit? a. If not, must excess material be placed in a personal-property storage area? b. Does the detainee have access during designated hours? i. Within 24 hours of staff receipt of the access request?			
15. Do detainees housed in Administrative Segregation and Disciplinary Segregation units have the same law library access as the general population, barring security concerns? a. Does the facility temporarily deny law library access to violent or uncooperative detainees? Under what circumstances? b. Does staff bring legal material to disciplinary segregation units? c. Do detainees in protective custody have separate use of the law library or have legal material brought to them?			

ACCESS TO LEGAL MATERIALS			
Components	Yes	No	Remarks
16. Are all denials of access to the law library fully documented? a. Are SPC/CDF denials documented in the special management unit's housing logbook?			
17. Does staff notify INS of every denial?			
18. Are indigent detainees provided with free envelopes and stamps for mail related to legal matters? a. Do unrepresented detainees without access to other resources receive notary public, certified mail, and other services to pursue a legal matter free of charge?			
19. Are detainees who seek judicial relief on any matter subjected to reprisals, retaliation, or penalties?			
20. Does detainee handbook or equivalent include all rules and procedures governing access to legal materials?			

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

ACCESS TO LEGAL MATERIALS

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. Inspection of Law Library			
B. Inspection of Living Units			
C. Detainee Handbook			
D. Review of Written Facility Policy			
E. Detainee and Staff Interviews			
F. Other (specify)			

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, alternate source used for verification, etc.)*

Auditor's Signature

Date

INS DETENTION STANDARD

ADMISSION AND RELEASE

I. POLICY

The procedures a facility follows in admitting and releasing detainees protect the health, safety, and welfare of each person. During the admissions process, detainees undergo screening for medical purposes; have their files reviewed for classification purposes; submit to a standard body search; and personally observe and certify the examination, categorization, inventorying, and safeguarding of all personal belongings.

During the release process, detainees return clothing, bedding, and other facility-issued items; participate in identity-verification procedures; and complete documents in accordance with facility procedures, including certifying receipt of all inventoried personal property, including funds and valuables.

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. New Arrivals

Every new arrival shall undergo screening interviews, complete questionnaires and other forms, attend the facility's site-specific orientation program, and comply with other admission procedures (issuance of clothing, towels, bedclothes, etc.).

1. The orientation process supported by a video (INS) and handbook shall inform new arrivals about facility operations, programs, and services. Subjects covered will include prohibited activities and unacceptable and the associated sanctions (see the "Disciplinary Policy" Standard).
2. Staff will issue every arriving detainee personal-hygiene items, clothing, sheets and blankets appropriate for local weather conditions (see the "Issuance of Clothing, Bedding, and Towels" Standard).
3. Medical screening protects the health of the detainee and others in the facility (see the "Detainee Access to Medical Care" Standard).

Staff will open a detainee detention file as part of the admissions process. This file will contain all paperwork generated by the detainee's stay at the facility.

B. Classification

Admission staff will use the documentation accompanying each new arrival (see section III.I., below) for identification and classification purposes. If the classification officers are not INS employees, INS will provide only the information needed for classification-processing. Under no circumstances shall non-INS personnel have access to the detainee's A-file. (See the "Detainee Classification System" Standard.)

C. Search of Detainee and Property

The classification process determines the appropriate level of custody for each detainee. Once this is established, staff can issue the detainee clothing/wristband in the appropriate color for his/her classification level.

Each new arrival will be strip-searched, in accordance with the "Detainee Search" Standard. Among other things, search procedures require an officer of the same sex as the detainee to conduct the search, in an area of Processing that affords as much privacy as possible. All items discovered during the strip search will be identified as funds, valuables, or other personal property, to be kept in the detainee's possession or inventoried, receipted, and stored; or as contraband. (See the "Funds and Personal Property," and "Contraband" standards.)

1. Officers will focus search efforts on commonly used hiding and smuggling places, such as pockets, waistbands, seams, collars, zipper areas, cuffs, and shoe exteriors and interiors, including under the inner soles.
2. Officers will inspect all open containers. They will inventory and store factory-sealed durable goods in accordance with facility procedures.

In SPCs/CDFs, to maintain standards of personal hygiene and to prevent the spread of communicable diseases and other unhealthy conditions within the housing units, every detainee must shower before entering his/her assigned unit. During the detainee's shower, an officer of the same sex will remain in the immediate area.

D. Funds and Valuables (other than baggage and personal property)

Each facility shall institute procedures for inventory and receipt of detainee funds and valuables (other than baggage and personal property) in accordance with the "Funds and Personal Property" Standard.

E. Baggage and Personal Property (other than funds and valuables)

Each facility shall have a procedure for inventory and receipt of detainee baggage and personal property (other than funds and valuables) in accordance with the "Funds and Personal Property" Standard.

In SPCs/CDFs, staff will prepare an itemized list of the detainee's baggage and personal property, using the Personal Property Inventory Form. If a detainee has no baggage, staff will use a facility container to store his/her personal property.

Identity documents, such as passports, birth certificates, etc., will be inventoried, then given to a deportation officer/INS for placement in the detainee's A-file.

F. Clothing and Bedding Issued to New Arrivals

Among other things, staff shall issue detainees clothing and bedding in quantities and weights appropriate for the facility environment and local weather conditions. (See the "Issuance of Clothing, Bedding, and Towels" Standard.)

G. Personal Hygiene Items

Staff shall provide male and female detainees with the items of personal hygiene appropriate for, respectively, men and women. They will replenish supplies as needed.

In SPCs/CDFs, each detainee will receive, at a minimum, the following items:

- 1. one bar of bath soap, or equivalent;*
- 2. one comb;*
- 3. one tube of toothpaste;*
- 4. one toothbrush;*
- 5. one bottle of shampoo, or equivalent; and*
- 6. one container of skin lotion.*

The OIC may modify this list, e.g., to accommodate use of bulk liquid-soap and shampoo dispensers.

The responsible housing unit officer will replenish personal-hygiene items on an as-needed basis, in accordance with written facility procedures. The OIC may establish an empty-container exchange system.

If the facility has no detainee commissary, personal-hygiene items from sources other than the issuing officer(s) will be permitted into the housing units only with the approval of the health services staff and the Chief Detention Enforcement Officer or contract equivalent.

The same procedures will govern issuance of bedding, towels, and facility uniforms for male and female detainees. However, the following rules specifically affect female detainees:

- 1. Institutional clothing only, including undergarments; no items of personal clothing permitted;*
- 2. Feminine-hygiene items issued as needed;*
- 3. Unbreakable brushes with soft, synthetic bristles allowed to replace combs;*
- 4. Cosmetics prohibited; and*
- 5. Electric rollers, curling irons, hair dryers, and similar appliances prohibited.*

H. Admissions Documentation

An order to detain or release (Form I-203 or I-203a) bearing the appropriate official signature shall accompany the newly arriving detainee. IGSA facilities shall forward the detainee's A-file or temporary work file to the INS office with jurisdiction. Staff shall prepare specific documents in conjunction with each new arrival to facilitate timely processing, classification, medical screening, accounting of personal effects, and reporting of statistical data.

In SPCs/CDFs:

The A-File or temporary work file must accompany the arriving detainee, unless INS and facility officials have authorized other arrangements.

Forms requiring completion include, but are not limited to, the Alien Booking Record (Form I-385); the medical questionnaire; the housing assignment card, and any others used by the booking SPC/CDF.

The I-385, Alien Booking Record or booking card, contains blocks in which the Processing Officer will enter information during the admissions process. In some circumstances, the arresting or delivering office will enter biographical

information, including name, sex; age, date of birth, birthplace, country of citizenship, alien(es), A-number; medical alert, date apprehended, booking office, date of transfer, and places involved in transfer (from which, to which).

Other blocks shall be completed as specified below:

1. *Block 16 - Admitted By - initials and ID number of the officer accepting the detainee, usually the processing officer or shift supervisor)*
2. *Block 17 - Searched By - initials and ID number(s) of the officer(s) conducting the search of the detainee and his/her possessions. If one officer conducts the search of the detainee's person and another officer conducts the search of the detainee's possessions, include initials and ID numbers of each.*
3. *Block 18 - Date Admitted - date and time, recorded by the admitting officer (identified in block 16); time should match that in the detention logbook.*
4. *Block 22 - Rt. Index Print IN - print of detainee's right index finger; initials and ID number of fingerprinting officer placed above the print. If the right index finger cannot be used, the officer will print the right middle finger, noting the substitution in the block.*
5. *Block 24 - Remarks - arresting or booking officer identifies behavior problems, etc. that could prove helpful to the receiving office.*

If the arresting/delivering office has not initiated an I-385, the processing officer is responsible for its completion, excluding the release information.

Based on a one-on-one interview with the newly arrived detainee, the processing officer will complete the U.S. Public Health Service In-Processing Health Screening Form (I-794) or equivalent, as follows:

1. *Circle or write the name of the facility receiving the detainee.*
2. *Complete the biographical information in blocks 1, 2, 3, 4, 5 and 6 with information provided in the detainee's A-file or I-385 (presence of detainee not required).*
3. *Attach the detainee's photograph to the right of the biographical data.*
4. *Record detainee responses (checking yes or no) to Section I interview questions covering recent doctor visits, hospital stays, drug and alcohol abuse; and other physical and mental health conditions and concerns. Strike the pregnancy question and enter "N/A" on the forms of male detainees.*

5. *Mark the diagrams of the human anatomy printed to the right of Section I, to indicate the approximate locations of any bruises, scars, cuts, and other marks and distinguishing characteristics observed on the detainee. If the officer who searches the detainee is not the officer completing the questionnaire, he/she will likewise mark the diagram.*
6. *Respond "yes" or "no" to the questions in Section II, based on general observations of the detainee during the admissions process so far (compliance with orders, responsiveness, demeanor, etc.).*
7. *Circle the appropriate action of the above questioning in Section III, below:*
 - a. *#1 - "General Population" – Applicable when 100% of responses to questions in sections I and II are negative ("no" circled). This authorizes the detainee's release into the facility's general population, once the classification level is established.*
 - b. *#2 - "General Population with Referral to Medical Care" - Applicable when one or more responses to questions in sections I and II is positive ("yes" circled) and, while this could indicate any of several conditions, none causes immediate concern. The detainee's release into the facility's general population is authorized, with probable follow-up by the Medical Department.*
 - c. *#3 - "Referral for Immediate Medical Attention" – Applicable when one or more positive responses in sections I and II cause immediate concern for the detainee's physical or mental health. The officer informs the shift supervisor of the need for immediate medical attention; the shift supervisor then contacts the Medical Department, describes the situation, and does as instructed.*
 - d. *#4 - "Isolation until Medically Evaluated" - Applicable when a positive response in section I or II suggests a contagious disease, or when the detainee's behavior during questioning seems abnormal or bizarre enough to pose a threat to self or others. The officer prepares an Administrative Segregation Order and, in accordance with facility procedures, the detainee is placed in the Special Management Unit pending medical review. The medical review will take place as soon as practical, but no later than 24 hours after isolation, even if this means involving on-call medical staff.*
8. *After completing the form, provide signature and ID number in the signature block and, if the signature is illegible, neatly print name above it.*

9. *Print onto a color-coded wristband information that includes, but is not limited to, the following: detainee's name and A-number; housing and bunk assignment; and I-77 number.*
10. *Strap the color-coded wristband around the detainee's wrist in a way that will not cause circulation problems. Advise the detainee that the wristband must remain on his/her wrist until removed by an officer, and that disregarding this requirement could lead to disciplinary action.*

I. Missing Detainee Property

The officer shall complete a Form I-387, "Report of Detainee's Missing Property" when any newly arrived detainee claims his/her property has been lost or left behind. IGSA facilities shall forward the completed I-387s to INS.

J. Orientation

All facilities shall have a medium to provide INS detainees an orientation to the facility. In IGSA's the INS office of jurisdiction shall approve all orientation procedures.

In SPCs/CDFs, the OIC shall screen the facility's orientation video for every detainee as part of the admissions process. The video shall contain:

- a. *Produced with either professional or local resources, the orientation video shall meet the standards of quality established by the INS District Office.*
- b. *The video will be in English and Spanish or English and the most prevalent language(s) spoken by detainees at the facility. The OIC will establish procedures ensuring the availability of an interpreter for a detainee who does not speak the language(s) used in the video. The interpreter will be available for orientation and scheduled meetings with the detainee. Outside sources may be used in pressing circumstances.*
- c. *The video will present an overview of the facility operations that most affect the detainees. The OIC may supplement the required information, with explanations of particular policies, rules, and procedures. At a minimum, each video must provide the following:*
 1. *OIC's introduction;*
 2. *Typical detention-case chronology (what most detainees can expect);*
 3. *Authority, responsibilities, and duties of security officers (INS and contract);*

4. *How the detainee can contact the deportation officer handling his/her docket;*
5. *Availability of pro bono legal services, and how to pursue such services in the facility (location of current listing, etc.);*
6. *Standards of conduct, including acceptable and unacceptable detainee behavior, with an overview of other rules and requirements;*
7. *Disciplinary procedures, including criminal prosecution; grievance procedures; appeals process;*
8. *Introduction to the individual departments (recreation, medical, etc.); the various housing units; and food services.*
9. *Schedule of programs, services, daily activities, including visitation, telephone usage, mail service, religious programs, count procedures, access to and use of the law library and the general library; sick-call procedures, etc; and*
10. *Voluntary work program, with specifics, including how to volunteer.*

The material may appear in any order, but must be coherently organized and edited, with smooth transitions between subjects

A question-and-answer session between detainees and officers will follow the video. Officers shall respond to the best of their ability. However, under no circumstances will an officer give advice about a legal matter or recommend a professional service.

The new detainees will remain segregated from the general population during the orientation period.

K. Detainee Handbook

Upon admission every detainee will receive a detainee handbook. It will fully describe all policies, procedures, and rules in effect at the facility, in accordance with the "Detainee Handbook" standard.

In SPCs/CDFs the handbook will provide a more detailed discussion of the material covered in the video overview.

1. *As part of the admissions process, the detainee will acknowledge receipt of the handbook by signing where indicated on the back of the I-385 (or on a separate form). The designated spot on the back of the I-385 may be*

a stamped entry containing the date of issue; handbook number, if applicable; initials and ID number of the issuing officer; detainee-signature line; and space for date of return and the receiving officer's initials and ID number. The stamp used for the handbook issuance may contain an identical section for locker-key issuance. If a form is used instead of a stamp or comparable notation on the back of the I-385, the officer must record the detainee's name and A-number in addition to the above-required information.

The form will be maintained in the detainee's detention file.

2. *The handbook will be in English and Spanish or English and the most prevalent language(s) spoken by detainees at the facility.*
3. *If a detainee does not understand the language of the handbook, the OIC will provide a translator for orientation and scheduled meetings. Under pressing circumstances, the OIC may contact an outside source for this purpose.*

J. Releases

Staff must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include completing and processing forms, closing files, fingerprinting; returning personal property; and reclaiming facility-issued clothing, bedding, etc. INS will approved the IGSA release procedures.

In SPCs/CDFs:

1. *A detainee's out-processing begins when Processing receives the Form I-203, "Order To Detain or Release," signed by an authorizing official. Generally other paperwork accompanies the I-203, such as the I-205, "Warrant of Removal," the I-286, "Notice of Custody Determination," the I-220A, "Order of Release on Recognizance," the I-220B, "Order of Supervision," the EOIR Order of the Immigration Judge, etc.*
2. *Responsibility for having all documentation required for the detainee's release or transfer complete and ready for use by out-processing officers rests with the Deportation Officer. The Deportation Officer will organize documents that must be completed with fingerprints, witness signatures, date stamps, receipt numbers, etc., during out-processing.*
3. *The Deportation Officer will present the appropriate documents to the Control Officer or contract equivalent responsible for the I-385s. Using the detainee's name and A-number as they appear on those documents, the Control Officer will locate and remove the detainee's I-385 from the booking-card file.*

Having removed the I-385, the Control Officer will compare the detainee's name and A-number on the I-385 with the name and A-number on the other documents to verify the identification.

The I-385 is the detainee's identity document that is used to verify all documents associated with the release or transfer.

- 4. After verifying the documents, the Control Officer will use the most expeditious communication system (e.g., public address system) to instruct the detainee to report to the nearest officer.*
- 5. The officer will check the wristband of the detainee who reports as instructed to verify his/her identity.*
- 6. The officer will advise the detainee to remove all facility-issued items and personal property from the housing unit and, after doing so, to return to the officer for further instruction.*
- 7. The officer will remove the detainee's housing-identification card from the file system and turn it over to the detainee, then instruct the detainee to report to Processing. The officer will use the radio to notify Processing and other officers that the detainee is en route to Processing.*
- 8. At this stage of the detainee's out-processing, the Control Officer will remove any G-589 receipts from the detainee's detention file. The Control Officer will give the G-589(s) to the shift supervisor for further action, and send the remaining documents to Processing.*
 - a. The shift supervisor will compare the information on the blue portion of the G-589 with that on the pink triplicate portion and, if they match in all particulars, remove the pink copy from its safeguards.*
 - b. After verifying the information on each portion of the G-589, the shift supervisor will remove the funds and valuables from safeguards, attach the two portions of the G-589, make the necessary log entries, place the items in a secure container, and deliver the container to the Processing Officer.*
- 9. When the detainee arrives in Processing, the Processing Officer will verify his/her identity, and take physical possession of the housing-identification card, detainee handbook, and locker key (if issued) handed back by the detainee. The officer will then date and sign the back of the I-385 or specified form (see paragraph III.K.1., above), and remove the bottom portion(s) of the detainee's I-77(s).*
 - a. The I-77 authorizes the removal from storage of the detainee's personal property, as inventoried on the form.*

- b. Before returning the property to the detainee, the officer will require the detainee to sign his/her name on the bottom of the I-77 or on a separate piece of paper. The officer will compare this signature with the signature on the back of the top portion of the I-77 that is attached to the property. If the signatures appear the same, the officer will return the items to the detainee.*
 - c. The detainee will check his/her property against the original personal property inventory sheet (G-589). If all property is correctly accounted-for, the detainee will sign the inventory sheet, which the officer will then to the copy in the detainee's detention file. The detainee will be provided a copy of the signed form upon request.*
- 10. After placing the detainee in a private area of Processing, the Processing Officer will:*
 - a. Instruct the detainee to remove all facility-issued clothing, and to dress in his/her personal clothing.*
 - b. Inspect the condition and quantity of facility-issued clothing, bedding, etc., surrendered by the detainee.*
 - c. Place the returned clothing and bedding, excluding the mattress, in the bin designated for soiled items. These will be laundered and sanitized as appropriate before reuse.*
 - d. Set aside the plastic-covered or -sheathed mattress for rinse and wipe- down with disinfectant or other solution prescribed by the Medical Department.*
- 11. The Supervisory Detention Enforcement Officer (SDEO) will compare the blue and pink copies of the G-589 with the white copy presented by the detainee. If the detainee's documentation is in order, the SDEO will return his/her funds and secure the detainee's signature confirming receipt of the inventoried property on the blue copy of the G-589. The facility will retain all three copies (blue, pink, and white) of the closed-out G-589 in the detainee's detention file.*
 - If the detainee claims to have lost the white portion of the G-589, the SDEO will note this on the blue copy, which he/she and the detainee will certify by signing immediately below.*

12. *Forms associated with detainee releases or removals from SPCs/CDFs include, but are not limited to, the following:*

<i>I-205</i>	<i>Warrant of Removal/Deportation</i>
<i>I-210</i>	<i>Notice of Action--Voluntary Departure</i>
<i>I-220A</i>	<i>Order of Release on Recognizance</i>
<i>I-220B</i>	<i>Order of Supervision</i>
<i>I-296</i>	<i>Notice to Alien Ordered Excluded by Immigration Judge</i>
<i>I-352</i>	<i>Immigration Bond</i>
<i>I-860</i>	<i>Notice and Order of Expedited Removal</i>

The transfer of a detainee from one facility to another requires additional paperwork, such as duplication of existing forms, tracking mechanisms, and order to escort, as follows:

- I-216*** *Record of Persons and Property Transferred--a manifest, completed in triplicate, providing the following information about one or more detainees per page:*

*Status (removal, transfer, deportation, etc.)
Afflicted or Dangerous (criminal, diseased, epileptic, mentally ill, likely to attempt escape, etc.)
From Service [INS] Detention
Expense of Deportation (who pays: INS or carrier)
Money and Hand Luggage (amounts in transit with detainee)
Checked Baggage (yes or no)
Baggage Check Number (receipt number [I-77] for checked baggage)*

The receiving officer will insert, where indicated, his/her signature, title, and the date and place of transfer. The delivering officer will receive the signed original.

- I-385*** *Booking card (blocks 1 through 15: biographical data, transfer-from and transfer-to points)*

- I-77*** *Baggage receipts for property, including funds and small valuables (issued for transfer; includes transfer-from and -to points). Top and bottom portions distributed as above; middle attached to the I-216 or the new I-385. Note: the*

G-589 (facility receipt for funds and small valuables) is not used for transfers.

G-391 *Official Escort forms*


A-file *Detainee records (transferred with detainee). A work/temporary file, not an A-file, accompanies a detainee designated "room and board."*

13. *When the detainee(s) depart(s), the Processing Officer will, among other things, advise the Control Officer of the actual count.*
14. *The Processing Officer will enter specified book-out information into the computerized Deportable Alien Control System (DACS). The officer will then initial and place his/her ID number next to the booking-card mark that indicates completion of DACS data-entry. (the mark is a red line drawn with a felt marker down the front right side of the booking card). The closed-out booking card will be placed in the detainee's detention file and archived for at least three years.*

IV AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF: 1B-04, 1B-06, 1B-16, 1B-19; 1E-01, 1E-02; 2B-02, 2B-11; 2E-01; 3A-08, 3A-14, 3A-16, 3A-19, 3A-20; 3C-01, 3C-03, 3D-07, 4A-01, 4A-03, 4A-04, 4B-01, 4D-11, 4D-12, 4G-07.

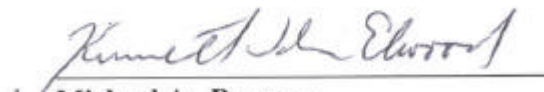
Approval of Standard



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

U.S. Immigration & Naturalization Service

Detainee Personal Property Receipt

Date: _____

Name: _____ A# _____ Country _____

<u>Qty</u>	<u>Article</u>	<u>Disp</u>	<u>Qty</u>	<u>Article</u>	<u>Disp</u>	<u>Qty</u>	<u>Article</u>	<u>Disp</u>
_____	Belts	_____	_____		_____	_____	Books/Mags	_____
_____	Caps/Hats	_____	_____		_____	_____		_____
_____	Trousers	_____	_____		_____	_____		_____
_____	Shoes/Tennis	_____	_____		_____	_____		_____
_____	Boots/Other	_____	_____		_____	_____	Radios	_____
_____	Dress Shirts	_____	_____		_____	_____	Televisions	_____
_____	Blue Jeans	_____	_____		_____	_____	Musical Instruments	_____
_____	Underwear	_____	_____		_____	_____		_____
_____	T-Shirts	_____	_____		_____	_____		_____
_____	Jacket/Coat	_____	_____		_____	_____		_____
_____	Sweater	_____	_____		_____	_____		_____
_____	Socks	_____	_____		_____	_____		_____
_____	Shorts	_____	_____		_____	_____	Other	_____
_____	Wallet	_____		Baggage/Luggage		_____	Sunglasses	_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____
_____		_____	_____		_____	_____		_____

Disposition

S - Retained by INS
R - Retained by detainee
D - Damaged

The above property was recieved for storage by:

Officer: _____

Officer: _____

Detainee's signature

I-77 Numbers

All of the above property was returned to me:

Detainee's Signature

Date

Original to Detainee

Copy to Detention File.

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

Policy: All detainees will be admitted and released in a manner that ensures their health, safety, and welfare. The admissions procedure will, among other things include: medical screening; a file-based assessment and classification process; a body search; and a search of personal belongings, which will be inventoried, documented, and safeguarded as necessary.

ADMISSION AND RELEASE			
Components	Yes	No	Remarks
1. Does in processing include an orientation session? If yes, does it address: a. Unacceptable activities and behavior, and corresponding sanctions? b. How to contact his/her deportation officer? c. The availability of <i>pro bono</i> legal services, and how to pursue such services? d. Schedule of programs, services, daily activities, including visitation, telephone usage, mail service, religious programs, court procedures, access to and use of the law library and the general library; sick-call procedures, etc? e. The Detainee Handbook?			
2. Who conducts the medical screening?			
3. Is the accompanying documentation used to identify and classify each new arrival?			
4. Are all new arrivals strip-searched in accordance with the "Detainee Search" standard? a. Does an officer of the same sex as the detainee conduct the search? b. Is the search conducted in an area that affords as much privacy as possible?			
5. Does the "Contraband" standard govern all personal property searches? a. Does staff prepare a complete inventory of each detainee's possessions? b. Does the detainee receive a copy?			

ADMISSION AND RELEASE			
Components	Yes	No	Remarks
6. Are excess funds and valuables accounted for and safeguarded in accordance with the Funds and Personal Property"standard? a. Does the detainee receive a receipt?			
7. During detainee in-processing does staff inventory every item of personal property and baggage (except funds/valuables)? a. Using personal property inventory forms? b. Does each detainee receive a receipt?			
8. Does staff complete Form I-387 for every lost or missing property claim? a. Do IGSA facilities forward all I-387 claims to INS?			
9. Are detainees issued appropriate and sufficient clothing and bedding for the climatic conditions? a. Are clothes and wristband color-coded?			
10. Does the facility provide and replenish personal hygiene items as needed? a. Are gender-specific items available? b. Are detainees charged for these items?			
11. Does the admissions process include the following components: a. Classification? b. Medical screening? c. Inventory of personal effects? d. Reporting of statistical data?			
12. Does the IGSA facility coordinate detainee releases with the INS office of jurisdiction?			
13. Does staff complete paperwork/forms for release as required?			
14. Does staff enter all information on detainees admitted, released, or transferred into the Deportable Alien Control System (DACS)?			

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

ADMISSIONS AND RELEASE

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. Observing admissions procedures			
B. Observing release procedures			
C. Check of forms and documents			
D. Checking property logbook			
E. Facility's written policy and procedures			
F. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

CORRESPONDENCE AND OTHER MAIL

I. POLICY

All facilities will ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will widely distribute its guidelines concerning correspondence and other mail.

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. General

The OIC shall ensure that staff members apply facility policy and procedures concerning detainee correspondence and other mail. The quantity of correspondence a detainee may receive or send at his/her own expense will not be limited. However, for reasons of safety, security, and the orderly operation of the facility, non-correspondence mail (such as packages and publications) will be subject to certain restrictions.

B. Detainee Notification

The facility shall notify detainees of its policy on correspondence and other mail through the detainee handbook or equivalent provided to each detainee upon admittance.

At a minimum, the notification shall specify:

1. That a detainee may receive mail, the mailing address of the facility and instructions on how envelopes should be addressed;
2. That a detainee may send mail, the procedure for sending mail, and instructions on how outgoing mail must be addressed;
3. That general correspondence and other mail addressed to detainees shall be opened and inspected in the detainee's presence, unless the OIC authorizes inspection without the detainee's presence for security reasons
4. That special correspondence may only be opened in the detainee's presence, and may be inspected for contraband, but not read;
5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail. The notification shall clearly state that it is the detainee's responsibility to inform senders of special mail of the labeling requirement;
6. That packages may not be sent or received without advance arrangements approved by the OIC and provide the procedure for obtaining such approval;
7. A description of mail which may be rejected by the facility and which the detainee will not be permitted to keep in his/her possession (for additional information refer to Section III.G., below). The notification will state that identity documents, such as passports, birth certificates, etc., are contraband and may be used by the INS as evidence or as otherwise appropriate. The notification will state that if detainees are not allowed to keep an identity document in their possession, they will be provided with a copy of the document, certified by an INS officer to be a true and correct copy;
8. How to obtain writing implements, paper, and envelopes; and
9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.

The facility will make all reasonable efforts to provide key information to detainees in languages spoken by any significant portion of the facility's population.

In addition, in SPCs/CDFs, the rules will be posted in each housing area.

C. Processing

Detainee correspondence and other mail shall be delivered to the detainee and to the postal service on regular schedules.

Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility. Outgoing correspondence shall be delivered to the postal service no later than the day after it is received by facility staff or placed by the detainee in a designated mail depository, excluding weekends and holidays. An exception may be made for correspondence or other mail that requires special handling for security purposes. For example, in exceptional circumstances, special correspondence may be held for 48 hours, to verify the status the addressee or sender.

In SPCs/CDFs, as a routine matter, incoming mail will be distributed to detainees on the day received by the facility. Incoming priority, overnight, certified mail and deliveries from a private package delivery service, etc. will be recorded in a logbook maintained by the facility.

D. Packages

Each facility shall implement policies and procedures concerning detainee packages.

In SPCs/CDFs, detainees will not be allowed to receive or send packages without advance arrangements approved by the OIC. The detainee will pay postage for packages and oversized or overweight mail.

E. Inspection of Incoming Correspondence and Other Mail

1. General Correspondence and Other Mail

All facilities shall implement procedures for the inspection of all incoming general correspondence and other mail (including packages and publications) for contraband.

In SPCs/CDFs, staff shall open and inspect incoming general correspondence and other mail (including packages and publications) in the presence of the detainee. Incoming general correspondence may be read to the extent necessary to maintain security, as authorized by the OIC.

Inspection is generally for the purpose of detecting contraband. The reading of mail, which requires approval of the OIC, may be conducted at random. Mail may also be read when a specific security concern arises with respect to an individual detainee, to reveal such information as escape plots, plans to commit illegal acts, plans to violate institution rules, etc.

2. Special Correspondence

“Special correspondence” is the term for detainees’ written communications to or from private attorneys and other legal representatives; government attorneys; judges, courts; embassies and consulates; the president and vice president of the United States, members of Congress, the Department of Justice (including INS and the Office of the Inspector General); the U.S. Public Health Service; administrators of grievance systems; and representatives of the news media. Correspondence will only be treated

as special correspondence if the title and office of the sender (for incoming correspondence) or addressee (for outgoing correspondence) are unambiguously identified on the envelope, clearly indicating that the correspondence is special.

All facilities shall implement procedures for inspecting special correspondence for contraband. Any such inspection shall be in the presence of the detainee.

Staff shall neither read nor copy special correspondence. The inspection shall be limited to the purposes of detecting physical contraband and confirming that any enclosures qualify as special correspondence

F. Inspection of Outgoing Correspondence and Other Mail

1. General Correspondence and Other Mail

Outgoing general correspondence and other mail may be inspected and/or read if the addressee is another detainee or if there is reason to believe the item might present a threat to the facility's secure or orderly operation, endanger the recipient or the public, or might facilitate criminal activity.

In SPCs/CDF, the detainee must be present when the correspondence or other mail, including packages, is inspected, unless otherwise authorized by the OIC.

2. Special Correspondence

Outgoing special correspondence will not be opened, inspected, or read.

Staff will not treat outgoing correspondence as special if the name, title, and office of the recipient are not clearly identified on the envelope to provide a clear indication that the mail is special.

G. Rejection of Incoming and Outgoing Mail

All facilities shall implement policies and procedures addressing the issue of acceptable and non-acceptable mail. Procedures shall cover the rejection of incoming and outgoing mail rejected for reasons of facility order and security. Incoming and outgoing general correspondence and other mail may be rejected by the OIC to protect the security, good order, or discipline of the institution; to protect the public; or to deter criminal activity.

The affected detainees shall be notified when incoming or outgoing mail is confiscated or withheld (in whole or in part). The detainee shall receive a receipt for the confiscated or withheld item(s).

In SPCs/CDFs, correspondence and publications that may be rejected include, but are not limited to, items with the following contents:

- 1. Material that depicts, describes, or encourages activities that could lead to physical violence or group disruption, e.g., material dealing with the subjects of self-defense or survival, weaponry, armaments, explosives, or incendiary devices;*
- 2. Information regarding escape plots, plans to commit illegal activities or to violate INS rules or facility guidelines;*
- 3. Information regarding the production of drugs or alcohol;*
- 4. Sexually explicit material;*
- 5. Threats, extortion, obscenity, or gratuitous profanity;*
- 6. A code; or*
- 7. Other contraband. A package received without the OIC's prior authorization is considered contraband.*

Rejected mail will be considered contraband and handled in accordance with Section III.H., below.

Both sender and addressee will be provided written notice, with explanation, when the facility rejects incoming or outgoing mail; it will be signed by the authorizing official.

H. Contraband Recording and Handling

When an officer finds an item that must be removed from a detainee's mail, he/she shall make a written record. This shall included:

1. The detainee's name and A-number;
2. The name of the sender and recipient;
3. A description of the mail in question;
4. A description of the action taken and the reason for it (including significant dates);
5. The disposition of the item and the date of disposition; and
6. The signature of the officer.

Prohibited items discovered in the mail will be handled in the following manner:

1. A receipt will be issued to the detainee for all cash, which will be safeguarded and credited to the detainee's account (see "Accountability and Safeguarding of Detainee Funds and Personal Property" standard, section III.C);
2. Identity documents (passports, birth certificates, etc.) will be placed in the detainee's A-file. Upon request, the detainee will be provided with a copy of the document, certified by an INS officer to be a true and correct copy; and
3. Other prohibited items found in the mail will be handled in accordance with the "Control and Disposition of Contraband" standard. However, at the discretion of the OIC, soft contraband may be returned to the sender.

The OIC will ensure that facility records of the discovery and disposition of contraband are accurate and current.

I. Postage Allowance

The OIC shall establish procedures to provide indigent detainees the postage allowance that is available at government expense. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence.

Indigent detainees will be permitted to mail the following at government expense:

1. All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court,
2. Packages containing personal property, when the OIC determines that storage space is limited and that mailing the property is in the government's best interest (see the "Control and Disposition of Contraband" standard).

If the facility does not have a system for detainees to purchase stamps, the facility will permit all detainees to mail, at government expense: (1) all special correspondence; and (2) a reasonable amount of general correspondence (at least five items per week).

The facility will generally not limit the amount of correspondence detainees may send at their own expense, except to protect public safety or facility security and order.

Free postage is generally limited to letters weighing one ounce or less, with exceptions allowed for special correspondence. In compelling circumstances, the facility may grant exceptions for general correspondence and other mail.

J. Writing Implements, Paper, and Envelopes

The facility shall provide writing paper, writing implements and envelopes at no cost to detainees.

K. Detainees in Special Management Units

All facilities shall have a written policy and procedures for detainee mail privileges while being housed in a Special Management Unit.

In SPCs/CDFs, detainees in administrative or disciplinary segregation shall have the same correspondence privileges as detainees in the general population.

L. Correspondence with Representative of the News Media

A detainee may use special mail/correspondence to communicate with representatives of the news media.

A detainee may not receive compensation or anything of value for correspondence with the news media. A detainee may not act as a reporter or publish under a byline.

Representatives of the news media may initiate correspondence with a detainee. However, this will be treated as special correspondence only if the envelope is properly labeled with the name, title, and office of the media representative, clearly indicating its “special” nature.

M. Notaries, Certified Mail, and Miscellaneous Needs Associated With Legal Matters


If a detainee without legal representation requests certain services in connection with a legal matter (notary public, certified mail, etc.) and has no family member, friend, or community organization able to provide assistance, the facility shall assist the detainee.

If it is unclear whether the requested service is necessary in pursuit of a legal matter, the District Counsel should be consulted.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-5D-01, 5D-02, 5D-03, 5D-04, 5D-05, 5D-06, 5D-07, 5D-08.


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

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

Policy: All facilities will ensure that detainees send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility. Other mail will be permitted, subject to the same limitations. Each facility will widely distribute its guidelines concerning correspondence and other mail.

CORRESPONDENCE AND OTHER MAIL			
Components	Yes	No	Remarks
1. Does the admission process include informing detainees of the facility's correspondence/other mail policy?			
2. Is notification of the policy made in the detainee handbook? a. If yes, in the detail required to comply with the INS standard?			
3. Does each detainee receive a detainee handbook upon admittance?			
4. Are the rules for correspondence and other mail posted in each housing area?			
5. Does the facility provide key information in languages other than English? a. In the language(s) spoken by significant numbers of detainees? b. Exceptions?			
6. Is incoming mail distributed to detainees on the day received by the facility?			
7. Is outgoing mail routinely delivered to the postal service within one day of its entering the internal mail system (excluding weekends and holidays)?			
8. Does staff record all priority, overnight, and certified mail delivered by the U.S.P.S.? a. All deliveries from commercial alternatives to the U.S.P.S.?			
9. Does staff ever open and inspect incoming general correspondence and other mail (including packages and publications) without the detainee present?			

CORRESPONDENCE AND OTHER MAIL			
Components	Yes	No	Remarks
10. Does staff ever read incoming general correspondence without the OIC's prior approval?			
11. Does staff inspect incoming special Correspondence for physical contraband or to verify the "special" status of enclosures without the detainee present?			
12. Does staff read or copy incoming special correspondence?			
13. Does staff inspect outgoing correspondence or other mail without the detainee present? a. Does staff ever open, inspect, or read outgoing special correspondence?			
14. Does staff process the following as special correspondence: a. Correspondence to a politician? b. Correspondence to the media?			
15. Does the official authorizing the rejection of incoming mail send written notice to the sender and the addressee?			
16. Does the official authorizing censorship or rejection of outgoing mail provide the detainee with signed written notice?			
17. Does staff maintain a written record of every item removed from detainee mail? a. In accordance with the INS standard?			
18. Does the OIC monitor staff handling of discovered contraband and its disposition? a. Are records accurate and up to date? b. If yes, without exception?			
19. Is the procedure for safeguarding cash removed from a detainee effective? a. Is the amount of cash credited to detainee accounts accurate? b. If not, about how often do discrepancies occur? c. Does standard procedure include issuing a receipt to the detainee?			

CORRESPONDENCE AND OTHER MAIL			
Components	Yes	No	Remarks
20. Does staff keep certain identity documents (e.g., passports, birth certificates) in places other than detainee A-files? a. If yes, where? b. Under what circumstances?			
21. Does staff provide the detainee an INS-certified copy of his/her identity document(s) upon request?			
22. Does staff dispose of prohibited items found in detainee mail in accordance with the "Control and Disposition of Contraband" Standard?			
23. Does every indigent detainee have the opportunity to mail, at government expense: a. Correspondence about a legal matter? b. At least three other letters per week? c. Packages?			
24. Does the facility have a system for detainees to purchase stamps? a. If not, are all detainees allowed mailing privileges at government expense? b. For all special correspondence? c. For at least 5 pieces of general correspondence per week?			
25. Does the facility provide writing paper, envelopes, and pencils at no cost to detainees?			

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

CORRESPONDENCE AND OTHER MAIL

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 handbook			
B. Housing unit inspection			
C. A-file/Detention file			
D. Observing intake procedures			
E. Inspecting mail processing			
F. Detainee and staff interviews			

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

INS DETENTION STANDARD

DETAINEE CLASSIFICATION SYSTEM

I. POLICY

All INS detention facilities will implement this Detainee Classification System (DCS). CDFs and IGSA facilities may continue using the systems established locally, if the classification criteria are objective and all procedures meet INS requirements.

The classification system created through these standards will ensure that each detained alien is placed in the appropriate category and physically separated from detainees in other categories.

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. Standards

The facility shall abide by INS policy, rules, and guidelines as set forth in this Standard and implement the attached Detainee Classification system for classifying detainees. CDFs and IGSA facilities may continue using the systems established locally, if the classification criteria are objective and all procedures meet INS requirements.

The classification system ensures:

1. All detainees are classified upon arrival, before being admitted into the general population. INS will provide CDFs and IGSA facilities with the data they need from each detainee's file to complete the classification process.
All officers assigned to classification duties shall be trained in the facility's classification process.

In SPCs/CDFs, every Detention Enforcement Officer (DEO) and contract security officer with detainee-intake/processing responsibilities will receive on-site training at the facility. The training will teach techniques for identifying and recording data the data from A-files and related records needed for classification purposes. The training will include procedures for preparing and filing classification forms.

2. If the detainee cannot be classified without certain information that is missing at the time of processing (e.g., results of criminal-record check), the detainee will be kept apart from the general population pending arrival of those data. Upon completion of the classification process possible, the detainee shall be housed in the general population.
3. The first-line supervisor will review and approve each detainee's classification.
4. Detainees shall be assigned housing, offered recreational activities, assigned work (at the detainee's request), and provided food service according to their classification levels.

In SPCs/CDFs, upon completion of the classification process, staff will assign individual detainee's color-coded uniforms and wristbands. The assigned uniform will correspond to the detainee's classification level, as follows:

Dark Red	-	Level 3 (highest threat)
Bright Orange	-	Level 2 (medium)
Dark Blue	-	Level 1 (lowest)

Uniformity of color-codes in SPCs and CDFs are required. This single system of color-coding permits staff to readily identify a detainee's classification on sight thus eliminating confusion, preventing miscommunication with potentially serious consequences, and facilitating consistency throughout the service.

B. Intake/Processing Officer Duties (Initial Classification)

The officer assigned to intake/processing will review the detainee's A-file, work-folder and/or information provided by INS, to identify and classify each new arrival according to the Detention Classification System (DCS).

Pending receipt and processing of critical information (see paragraph III.A.2, above), the officer will segregate the detainee from the general population.

The officer will place all original paperwork relating to the detainee's assessment and classification in his/her A-file (right side), with a copy placed in the detention file.

In SPCs/CDFs, upon completion of the classification process, staff will assign each detainee a color-coded uniform and wristband based on his/her classification level. The officer will place all original paperwork relating to the detainee's assessment and classification in his/her A-file (right side), with a copy in the detention file

C. Classification Review

In all detention facilities, a supervisor will review the intake/processing officer's classification files for accuracy and completeness. Among other things, the reviewing officer shall ensure that each detainee has been assigned to the appropriate housing unit.

In addition, the reviewing officer will recommend changes in classification due to:

1. incidents while in custody;
2. a classification appeal by a detainee or recognized representative (see below); or
3. specific, articulable facts that surface after the detainee's in-processing.

D. Classification Information

Staff shall use the most reliable, objective information from the detainee's A-file or work-folder during the classification process. "Objective" information refers to facts, e.g., current offense, past offenses, escapes, institutional disciplinary history, violent episodes/incidents, etc. Opinion, even informed opinion (based on profiling, familiarity, personal experience, etc.) is different from fact, and therefore irrelevant for detainee classification.

INS offices shall provide non-INS facilities with the necessary information for the facility to classify INS detainees. Because INS selectively releases material from the detainee's record to persons who are not INS employees (e.g., CDF or IGSA facility personnel), non-INS officers must rely on the judgment of the INS staff who select material from the files for facility use.

Examples of Acceptable Forms and Information

1. I-221 - Order to Show Cause (OSC/WA) and Notice of Hearing, with bond conditions (charging documents for aliens in deportation proceedings);
2. I-862 - Notice to Appear (charging document for aliens in removal proceedings);

3. I-110 and I-122 - Notice to Applicant for Admission, Detained for Hearing before Immigration Judge (charging documents for aliens in exclusion proceedings);
4. Form I-213 - Record of Deportable Alien;
5. All conviction documents relating to charges on Form I-221, I-862, I-110/122, or I-213 above;
6. Criminal History (Rap Sheet) - NCIC/CII/TII, etc.; and
7. Any other official record or observation that is verifiable and can be justified under review by official means.

Unacceptable sources of information include:

1. A written or oral account from an interested party, whether the detainee himself/herself, an NGO, an officer, other personnel involved in law enforcement/detention, or some other person, unless and until it has been officially confirmed;
2. Unconfirmed and unverified information provided by the new arrival; and
3. The unverified opinion of officers and other personnel;
4. Physical characteristics of the detainee, such as tattoos, descriptive clothing, recent needle puncture marks, and digital amputations. These physical characteristics may be used to investigate further but may not be used in the completion of the DCS form unless verified.

E. Classification Levels and Housing Assignments

All facilities shall ensure that detainees are housed according to their classification level.

In SPCs/CDFs, the point total from the DCS form will decide the classification level of each detainee. All housing, work assignments, and available activities will be decided by the level of classification received by a detainee.

All classification levels are decided by the general makeup of the total population of the facility. Under no circumstances will issues of facility management or other factors external to the detainee classification system influence a detainee's classification level. All classification levels are decided by the general makeup of the total population of the facility.

New arrivals are generally classified by convictions when assessing the criminal record reports. Use of convictions for classification will be limited, as suggested by the following guidelines.

1. **Level 1 Classification**

- a. May not be housed with Level 3 Detainees.
- b. May not include any detainee with a felony conviction that included an act of physical violence.
- c. May not include any detainee with an aggravated felony conviction.
- d. May include detainees with minor criminal records and nonviolent felonies.

2. **Level 2 Classification**

- a. May not include any detainee whose most recent conviction was for any offense listed under the "HIGHEST" section of the severity of offense guideline (APPENDIX 1).
- b. May not include any detainee with a pattern or history of violent assaults, whether convicted or not. A pattern is considered established for purposes of this guideline when an arrest record reveals two or more arrests in a five year period for assault where force was used against another person with the intent to commit bodily injury.
- c. May not include any detainee convicted for assault on a correctional officer while in custody or where a previous institutional record suggests a pattern of assaults while in custody.

3. **Level 3 Classification**

- a. May include those detainees reclassified from level one and level two due to institutional incidents or changes in classification information.
- b. May be reclassified to Level two only based on institutional behavior, provided number 2.a. through 2.d. above do not apply (detainee must be in custody for a minimum of 60 days before reclassification).

Level three detainees are considered a high-risk category requiring medium to maximum security housing. Level three detainees are always monitored and escorted.

F. Housing Assignments

The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. By grouping detainees with comparable records together, and isolating those at one classification level from all others, the system reduces noncriminal and nonviolent detainees' exposure to physical and psychological danger.

This system identifies and isolates the detainees whose histories indicate the characteristics of the hardened criminal, the category most likely to intimidate, threaten, or prey on the vulnerable.

When it becomes necessary to house detainees of different classification levels the following guidelines shall be followed:

1. Level three detainees will not be housed with level one detainees.
2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity.
3. Under no circumstance will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.
4. In facilities that have single cell living arrangements, detainees that pose an immediate and serious threat of violence to staff or other detainees shall be housed there.

G. Reclassification

All facility classification systems shall ensure that a detainee may be reclassified any time and the classification level redetermined.

In SPCs/CDFs, the first reassessment is completed 45 to 60 days after the date of the primary assessment. Subsequent reassessments are completed at 60 to 90 day intervals. A special reassessment is completed within 24 hours before detainee leaves disciplinary segregation. Reclassification shall also be conducted when new information or the addition of points due to institutional incidents while in custody. The officer assigned to classification will respond to requests for reclassification within 72 hours. Any reclassification shall require the approval of the office of the CDEO or INS or contract equivalent, prior to carrying out.

Any detainee may be reclassified to level three if the behavior and threat to the facility, other detainees, and personnel are articulable. Any reclassification to Level 3 that is not validated by the DCS Primary Assessment Form must receive approval by the CDEO within 72 hours.

All detainees placed in disciplinary segregation due to violation of facility rules will be reclassified and assigned housing accordingly, prior being returned to the general population.

Detainees classified at level two who exhibit acceptable institutional behavior may be reviewed and reclassified to level one, provided that items 1 through 4, above do not apply (detainee must be in custody for a minimum of 60 days before reclassification).

Level 2 detainees may be reclassified to Level 1 based on institutional behavior. (Detainee must be in custody for a minimum of 60 days before reclassification.)

H. Classification Appeal

All facility classification systems shall include procedures by which new arrivals can appeal their classification levels.

In SPCs/CDFs, all new arrivals classified as level two or three may appeal, as they will be informed during orientation, orally and in writing. All such appeals will be directed to, investigated, and reconsidered by the reviewing officer, who will forward a recommendation to the Chief Detention Enforcement Officer (CDEO) or contract equivalent.

The CDEO has the authority to reduce a classification level on appeal.

Appeals will be resolved within five business days, with notification of the outcome due to the detainee within 10 business days. The notification will include the date and time of review, reason(s) for deciding to grant or deny the appeal, and note the detainee's right to appeal the CDEO's decision to the OIC. The OIC will notify the detainee of his/her decision within 10 business days. The OIC's decision is not appealable.

I. Notice to Detainees

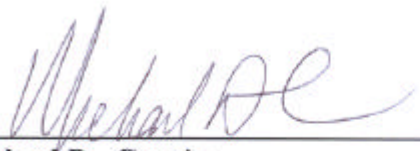
The detainee handbook's section on classification will include the following:

1. An explanation of the classification levels, with the conditions and restrictions applicable to each.
2. The procedures by which a detainee may appeal his/her classification.

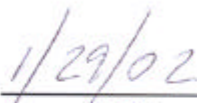
IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4B-01, 4B-02, 4B-05.

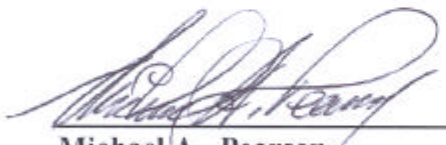
Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs



Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations



Date

DETAINEE CLASSIFICATION SYSTEM

Introduction and User Manual

This manual is intended for use in all INS Service Processing Centers (SPCs) and INS Contract Detention Facilities (CDFs) provided research data and other material used in developing this classification system.

The classification system presented in this document represents a 30-month research project performed by the National Institute of Corrections (NIC) and various jails throughout the United States. This project entailed a comprehensive review of jail-classification literature and a national survey of jail classification practices, both of which played a role in the design of the classification system presented herein.

The classification system presented in this document is representative of what has been called "the new generation of classification systems." These are approaches that strive to base classification decision-making on objective measures of behavior; hence the term **"objective classification system."** Unlike previous approaches to detainee classification, objective classification relies on a narrow set of well-defined legal characteristics (e.g. severity of most recent charge or conviction, prior convictions, and prior incarcerations) to guide decision making. These characteristics are incorporated into a standardized form or checklist used by staff to assess each detainee's custody needs. Emphasizing fairness and explicitness in decision-making, objective classification is characterized by the following elements:

- ▶ Use of classification instruments that have been validated for detainee populations
- ▶ Use of the same classification approach for all detainees
- ▶ Promotion of similar decision-making among classification staff on comparable issues
- ▶ Assignment of detainees to custody levels consistent with their background

During the past decade, objective classification systems have been developed for and carried out by correctional institutions throughout the nation. Those facilities have found appropriate classification to be a cornerstone of effective detainee management. Jails, SPCs, and CDFs, however, have lagged behind prisons in the use of objective classification. This delay is a result of many factors unique to jail operations. Among the most salient of these are the diversity of persons confined in jails, the high volume of admissions to jails, and the rapid turnover of the jail population. Since these characteristics closely relate to the INS detained population, INS is focusing on the classification system developed by NIC.

The objective classification system developed for NIC was designed to address these special concerns. Additionally, it was constructed to fit a variety of jail settings so that the system could be tailored to work in jails of all sizes.

Finally, the system was implemented by NIC and field tested for eight months at jails in three sites: Hillsborough County, Florida; Johnson County, Kansas; and Marion County, Oregon.

The objective classification system for INS has three components:

- Detainee Classification System - Primary Assessment Form
- Detainee Classification System - Reassessment Form
- PHS J-794 Medical Screening Form

The INS objective classification system uses three instead of five components as suggested by NIC. In the INS version of objective classification, the "Initial Inmate Needs Assessment Form" and "Inmate Needs Reassessment Forms" are not used. This is due to the fact INS does not provide special services such as education, vocation, or substance abuse programs. Aliens in INS custody in need of special treatment will be referred to an appropriate facility as identified and necessary for treatment and care of special needs detainees. The primary purposes for detention of aliens are to guarantee their presence in an administrative court proceeding to determine their right to remain in or be removed from the United States and to ensure their removal from the U.S. when removal is ordered. INS has no current obligation to provide rehabilitative, educational or vocational programs.

This assessment system is designed to function as a detainee management tool for Officers in Charge, detention management staff and Detention Enforcement Officers. The objective jail classification system described in the following pages is intended to enhance Facility operations and environment, making conditions safer for all who work or live there.

DETAINEE CLASSIFICATION SYSTEM

Primary Assessment Form Instructions

The Primary Assessment Scale is used during initial classification to establish each detainee's recommended custody rating. This custody rating is based upon the classification officer's assessment of seven items, each of which is to be assigned a numerical score. These items have been found to be associated with future conduct, and thus help identify the types of risk likely to be presented by the detainee. The custody rating recommendation derived from these items is used, in combination with other specified information, when making decisions relating to the detainee's housing assignment and supervision requirements. The custody rating recommendation may be altered due to management considerations that warrant special attention or interview by staff.

COMPLETION POLICY:

The Primary Assessment Scale is to be used on all detainees remaining in confinement after completion of the detainee medical screening form (PHS Form J-794). The assessment is completed before a detainee is removed from the facility's processing area and given a housing assignment. Detainees will be processed for housing assignments in a timely manner.

Biographical Data Section:

- Detainee Name:** Enter detainee's full name, last name followed by first name and middle initial or addition surname.
- Detainee ID#:** Enter detainee's A-number. This should be the same number entered on the INS charging document, I-385, or A-file.
- Date of Birth (DOB):** Enter detainee's date of birth.
- Country of Citizenship:** Enter detainee's country of citizenship or nationality.
- Classified By:** Enter name of classification officer, last name followed by first name and middle initial.
- Identification Number** Enter ID number of classification officer. (Also known as Star #, a badge number may be substituted).
- Date:** Date of assessment and classification, using numbers to represent day, month, and year.
- District/SPC:** Enter 3-letter code of district and 3-letter code of facility where detainee is in custody.
- Language:** Circle either "Y" or "N" to indicate whether the detainee is an English speaker.

Other: Identify any other language spoken by the detainee that is known at time of assessment.

SECTION I INITIAL SECURITY ASSESSMENT:

Items A through C are intended to identify the detainee who presents a serious risk to the safety, security, and orderly operation of the facility. **Detainees who score seven or above on the first three items are assigned to level 3** without consideration of the scores for the remaining items.

A. Severity of Most Recent Charge/Conviction

Determine the most recent charge or conviction for each detainee, using the Severity of Offense Scale. If detainee was last booked and returned to custody for a parole or probation violation, the severity of the current charge/conviction will be based on offense(s) for which parole or probation was granted. Enter the number of points associated with severity category into which detainee's most serious offense falls.

B. Serious Offense History

Exclude current or most recent offense(s). Determine most serious prior conviction and rank it on Severity of Offense Scale. Enter number of points associated with severity category into which detainees most serious conviction falls. If detainee has no record of prior convictions, enter 0.

C. Escape History

Consider any escapes or attempted escapes. Do not consider any escapes or attempts scored in item A. Enter number of points corresponding to detainee's most serious escape attempt. Escapes from correctional settings or programs are to be recognized if the detainee was found guilty of the escape or attempt by an institutional disciplinary committee, regardless of court prosecution and conviction status.

MAXIMUM CUSTODY SCORE:

Add points for items A-C, and enter total in box designated "MAXIMUM CUSTODY SCORE". **If this score is 7 or higher, assign the detainee to Level 3 custody.** Complete items D-G. Scores for items D-G do not need to be totaled unless maximum custody score is 6 or lower.

Items D-G are designed to establish a custody score for the detainee who is not immediately identified as a Level 3 maximum custody risk on the first three items.

D. Immigration Violations History

Consider detainee's entire immigration history including current admission. If detainee has no record of entry without inspection or is charged only with entry without inspection (misd), enter 0.

E. Prior Felony Convictions

Excluding current offense, consider detainee's entire history of convictions. Enter number of points associated with number of felony convictions.

F. Disciplinary Convictions/Institutional History

Enter the number of disciplinary convictions received during previous institution history.

G. History/Pattern of Assaults

Using available information from conviction history documents (NCIC, state records, etc.), assess and assign most recent score applicable. Assaultive history will include most recent charge whether convicted or not

COMPREHENSIVE CUSTODY SCORE:

Enter total score of items A-G in box if MAXIMUM CUSTODY SCORE is 6 or lower.

SECTION II: SCALE SUMMARY AND RECOMMENDATIONS

A. Custody Level

Enter custody level.

B. Special Management Concerns

This section is designed to address management issues that warrant attention and possible intervention by staff in the form of special housing and/or supervision. The following special management considerations are to be checked on the form if they exist (check all that apply):

1. Protective Custody

Detainee requires protective custody to ensure his/ her safety and well-being; detainee may, for example, be a witness, known informant, homosexual, have known enemies in the facility, or have a thin/frail appearance (victim potential), an unresolvable language barrier, or charge(s) for heinous/notorious crime(s).

2. Psychological Impairment

Detainee has been examined by mental health staff and found to be incapable of functioning in any housing area other than a highly structured treatment environment because he or she constitutes a danger to self and/or others.

3. Mental Deficiency

Detainee has been examined by mental health staff and found to have difficulty interacting with others due to limited comprehension and communication skills.

4. Escape Threat

Detainee has made significant threats to escape or has a documented history of escape(s) and/or attempted escape(s).

5. Serious Violence Threat

Detainee has a documented history of violent conduct, such as murder, rape, assault, intimidation involving a weapon, and arson.

6. Known Gang Affiliation

Detainee is known to be a member of a racial, political, terroristic, or religious group that uses violence to achieve its goals within a correctional setting and/or in the community and this affiliation is considered to be a management issue in the facility.

7. Substance Abuse Problem

Detainee was found to show characteristic signs of withdrawal or was under the influence of alcohol and/or drugs at the time of admission, has a reported history of substance abuse, or a criminal history of substance abuse, or has a criminal history indicating a substance abuse problem.

8. Known Management Problem

Detainee has a documented history of management problems while confined and/or disruptive behavior while in the community. Detainee is known to have incited provoked, and/or agitated peers; disrupted facility operations; and/or to have demonstrated a substantial lack of cooperation with authority figures.

9. Suspected Drug Trafficker

Detainee has repeatedly been charged and/or convicted of offenses related to sale and/or manufacture of illegal drugs; has been found guilty of introducing illicit drugs into a correctional setting; or has substantial financial resources that may be used to bribe staff, other detainees, or visitors in order to facilitate drug trafficking.

10. Suicide Risk

Detainee has been examined by mental health staff and is considered to be at risk for attempting to take his or her own life.

11. Medical Problem

Detainee has a medical problem that may require special housing or supervision.

12. Physical Impairment

Detainee has physical impairment that may require special housing or supervision.

13. Terrorist Threats/Terrorist

Any detainee documented as being a part of a terrorist group, suspected of making terrorist threats, or convicted of defined terroristic activity or crimes will be housed in a Maximum security area and classified Level three regardless of custody scale evaluation scores. Detainees identified in this category will remain in a lock-down status in an approved and recognized Administrative Segregation Unit.

14. Other

Describe other management considerations that may involve special housing and/or supervision requirements

C. Override Recommendation:

If the classification officer believes there are factors that warrant a custody classification which is different from that which is indicated, by the scale (II.A. above), enter "1" for yes and provide rationale. Otherwise, enter "2" (No). Overrides may be recommended to higher or lower custody levels, depending on the circumstances.

D. Recommended Custody Level

After reviewing the scale score and all other information which may justify an override, enter code indicating recommended custody level. This will be the same code as II.A. above, if no override is recommended.

* This section must be signed and dated by the classification officer.

SECTION III. SUPERVISOR APPROVAL OF OVERRIDE:

Supervisor approval is required if the classification officer recommends a scale override.

A. Recommended Custody Level

If the classification officer recommends an override of the custody level indicated by the Initial Custody Assessment Scale, enter code for approval or disapproval of the recommended custody level. If the custody level is disapproved, supervisor must complete III.B. below.

B. Final Custody Level

Enter the custody level approved by the supervisor. Written rationale must be provided if this level is different from that recommended in II.D. above.

- * Section III must be signed and dated by the supervisor if an override has been recommended.

SECTION IV. HOUSING ASSIGNMENT

Recommended Housing Assignment:

Enter the final classification level and housing assignment level.

- * Supervisor must sign approval of Section III. above and final housing assignment

<p>UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE DETAINEE CLASSIFICATION SYSTEM Classification Reassessment Form Instructions</p>

The Classification Reassessment Scale is used to update and review an detainee's initial custody assessment. The reassessment scale is completed each 60 to 90 days and when new information affecting the detainee's management is received. Custody reassessment does not necessarily result in a change of custody rating or housing assignment. Its primary function is to monitor the detainee's adjustment and bring attention to problems that may arise.

Custody reassessment is similar to initial custody assessment, but places greater emphasis on institutional conduct to reflect the detainee's actual behavior while confined. It is important that detainee's with long lengths of stay have the opportunity for reduced custody levels based on compliance with institutional requirements.

COMPLETION POLICY

The first reassessment is completed 45 to 60 days after the date of the primary assessment. Subsequent reassessments are completed at 60 to 90 day intervals. A special reassessment is completed within 24 hours before a detainee leaves disciplinary segregation.

Biographical Data Section

Detainee Name:	Enter detainee's full name, last name followed by first name and middle initial or addition surname.
Detainee ID Number:	Enter detainee's "A" number. This should be the same number entered on the INS charging document, I-385, or "A" file.
Date of Birth (D.O.B.):	Enter detainee's date of birth.
Country of Citizenship:	Enter detainee's country of citizenship or nationality.
Classified By:	Enter name of classification officer, last name followed by first name and middle initial.
Ident. Number (ID #)	Enter ID number of classification officer. (Also known as Star #)(A badge number may be substituted)
Date:	Date of reassessment and classification, using numbers to represent day, month, and year.
District/SPC:	Enter 3 digit code of district and 3 digit code of SPC where detainee is in custody.

REASSESSMENT REASON: Circle reason that best describes why reassessment is being done. "Routine" means it is being conducted per time frames specified by policy. "Disciplinary" is to be circled if reassessment results from an infraction. Use "other" code to indicate any special circumstances that require a reassessment.

SECTION I: INITIAL SECURITY ASSESSMENT:

Items A through C are intended to identify the detainee who presents a serious risk to the safety, security, and orderly operation of the facility. **Detainees who score seven or above on the first three items are recommended for maximum custody** without consideration of the scores for the remaining items.

A. Severity of Most Recent Charge/Conviction

Determine the most serious charge or conviction for detainee, using the Severity of Offense Scale. If detainee was last booked and returned to custody for a parole or probation violation, the severity of the current charge/conviction will be based on offense(s) for which parole or probation was granted. Enter number of points associated with severity category into which detainee's most serious offense falls.

B. Serious Offense History

Exclude current or most recent offense(s). Determine most serious prior conviction and rank it on Severity of Offense Scale. Enter number of points associated with severity category into which detainees most serious conviction falls. If detainee has no record of prior convictions, enter 0.

C. Escape History

Consider any escapes or attempted escapes including current admission. **Do not consider any escapes or attempts scored in item A.** Enter number of points corresponding to detainee's most serious escape attempt. Escapes from correctional settings or programs are to be recognized if the detainee was found guilty of the escape or attempt by an institutional disciplinary committee, regardless of court prosecution and conviction status.

MAXIMUM CUSTODY SCORE:

Add points for items A-C, and enter total in box designated "MAXIMUM CUSTODY SCORE". **If this score is 7 or higher, assign the detainee to Level 3 custody.** Complete items D-G. Scores for items D-G do not need to be totaled unless maximum custody score is 6 or lower.

Items D-G are designed to establish a custody score for the detainee who is not immediately identified as a Level 3 maximum custody risk on the first three items.

D. Number of Disciplinary Sanctions

Enter number of points associated with number of disciplinary sanctions since last reassessment date.

E. Most Serious Disciplinary Sanction

Determine most serious disciplinary conviction, using Disciplinary Severity Scale. Enter number of points associated with severity category for detainee's most serious sanction during this period of confinement.

F. Prior Felony Convictions

Excluding current offense consider detainee's entire history of convictions. Enter number of points associated with number of felony convictions.

COMPREHENSIVE CUSTODY SCORE: Enter total score of items A-F in box if
MAXIMUM CUSTODY SCORE is 6 or lower.

SECTION II: SCALE SUMMARY AND RECOMMENDATIONS

A. CUSTODY LEVEL INDICATED BY SCALE

Using custody classification chart, enter code that indicated custody level designated by the scale.

B. SPECIAL MANAGEMENT CONCERNS

This section is designed to address management issues that warrant attention and possible intervention by staff in the form of special housing/or supervision. The following special management considerations are to be checked on the form if they exist (check all that apply):

Protective Custody

Detainee requires protective custody to ensure his or her safety and well-being ; detainee may, for example, be a witness, known informant, or homosexual or have known enemies in the facility, a thin/frail appearance (victim potential), an unresolvable language barrier, or charge(s) for heinous/notorious crime(s).

Psychological Impairment

Detainee has been examined by mental health staff and found to be incapable of functioning in any housing area other than a highly structured treatment environment because he or she constitutes a danger to self and/or others.

Mental Deficiency

Detainee has been examined by mental health staff and found to have difficulty interacting with others due to limited comprehension and communication skills, apart from English language ability.

Escape Threat

Detainee has made significant threats to escape or has a documented history of escape(s) and/or attempted escape(s).

Serious Violence Threat

Detainee has a documented history of violent conduct, such as murder, rape, assault, intimidation involving a weapon, and arson. This conduct must have occurred while confined or while in the community.

Known Gang Affiliation

Detainee is known to be a member of a racial, political, terroristic, or religious group that uses violence to achieve its goals within a correctional setting and/or in the community and this affiliation is considered to be a management issue in the facility.

Substance Abuse Problem

Detainee was found to be showing signs of withdrawal or was under the influence of alcohol and/or drugs at the time of admission, has a reported history of substance abuse, or a criminal history of substance abuse, or has a criminal history indicating a substance abuse problem.

Known Management Problem

Detainee has a documented history of management problems while confined and/or disruptive behavior while in the community. Detainee is known to have incited, provoked, and/or agitated peers; disrupted facility operations; and/or to have demonstrated a substantial lack of cooperation with authority figures.

Suspected Drug Trafficker

Detainee has repeatedly been charged and/or convicted of offenses related to sale and/or manufacture of illegal drugs; has been found guilty of introducing illicit drugs into a correctional setting; or has substantial financial resources that may be used to bribe staff, other detainees, or visitors in order to facilitate drug trafficking.

Suicide Risk

Detainee has been examined by mental health staff and is considered to be at risk for attempting to take his or her own life.

Medical Problem

Detainee has a medical problem that may require special housing or supervision.

Physical Impairment

Detainee has physical impairment that may require special housing or supervision.

Terrorist Threats/Terrorist

Any detainee documented or reasonably suspected of making terrorist threats, or convicted of defined terrorist activity or crimes will be housed in a maximum security area and classified Level three regardless of custody scale evaluation scores. Detainees identified in this category will remain in a lock-down status in an approved and recognized Administrative Segregation Unit.

Other

Describe other management considerations that may involve special housing and/or supervision requirements

C. OVERRIDE RECOMMENDATION

If the classification officer believes there are factors that warrant a custody classification which is different from that which is indicated, by the scale (II.A. above), enter "1" for yes and provide rationale. Otherwise, enter "2" (No). Overrides may be recommended to higher or lower custody levels, depending on the circumstances.

D. RECOMMENDED CUSTODY LEVEL

After reviewing the scale score and all other information which may justify an override, enter code indicating recommended custody level. This will be the same code as II.A. above, if no override is recommended.

This section must be signed and dated by the classification officer.

SECTION III. SUPERVISOR APPROVAL OF OVERRIDE:

Supervisor approval is required if the classification officer recommends a scale override.

A. RECOMMENDED CUSTODY LEVEL

If the classification officer recommends an override of the custody level indicated by the Custody Reassessment Scale, enter code for approval or disapproval of the recommended custody level. If the custody level is disapproved, supervisor must complete III.B. below.

B. FINAL CUSTODY LEVEL

Enter the custody level approved by the supervisor. Written rationale must be provided if this level is different from that recommended in II.D. above. **This section must be signed and dated by the supervisor if an override has been recommended.**

SECTION IV. HOUSING ASSIGNMENT

RECOMMENDED HOUSING ASSIGNMENT: Enter the final classification level and housing assignment level.

* Supervisor must sign approval of Section III. above and final housing assignment.

U. S. IMMIGRATION & NATURALIZATION SERVICE
Detainee Classification System - Primary Assessment Form

NAME: _____ A# _____

D.O.B: ____ / ____ / ____ Country of Citizenship: _____

CLASSIFIED BY: _____ (ID #) _____ DATE: ____ / ____ / ____

DIST/SPC: _____ LANGUAGE: (ENGLISH Y/N) OTHER: _____

INITIAL SECURITY EVALUATION :

- A. Severity of Most Recent Charge / Conviction: (Use severity of offense scale; rate most serious charge / conviction) **SCORE: _____**
LOW..... 0 []
MODERATE..... 2 []
HIGH..... 5 []
HIGHEST..... 7 []
- B. Serious Offense History: (Use severity of offense Scale; rate most serious prior conviction) **SCORE: _____**
NONE OR LOW..... 0 []
MODERATE..... 1 []
HIGH..... 4 []
HIGHEST..... 7 []
- C. Escape History: (Excluding current charges). **SCORE: _____**
NONE (No escapes or attempts)..... 0 []
WALKAWAY OR ATTEMPTED ESCAPE from minimum security facility or
failure to return from authorized absence..... 4 []
ESCAPE OR ATTEMPTED ESCAPE FROM SECURE FACILITY 7 []

MAXIMUM CUSTODY SCORE (Add items A, B, and C)..... TOTAL SCORE: _____

SCORE OF 7 OR HIGHER ASSIGN TO LEVEL 3 CUSTODY:

(Always complete remaining items, but do not total score if detainee has already been assigned to Level 3 custody)

- D. Immigration Violations History: **SCORE: _____**
NONE or single entry without inspection (misd) 0 []
Re-Entry after deport or other Immigration charge (Felony) 2 []
3 or more previous immigration violations 4 []
- E. Prior Convictions: (Excluding last conviction) **SCORE: _____**
NONE..... 0 []
One to four misdemeanors or One Felony 2 []
Five or more misdemeanors or Two or More Felonies 4 []
- F. Number of Disciplinary Convictions: (Previous Institution) **SCORE: _____**
NONE..... 0 []
ONE..... 1 []
TWO..... 3 []
THREE..... 5 []
- G. History / Pattern of Assaults **SCORE: _____**
Assault (Within one year) 4 []
Assault (Over 1 Year/Less than 10) 2 []
Assault (Over 10 Years) 0 []

COMPREHENSIVE CUSTODY SCORE (Add items A-G)..... TOTAL SCORE: _____

SCALE SUMMARY AND RECOMMENDATIONS:

1. CUSTODY LEVEL INDICTED BY SCALE CODE: _____
1 = Level 1 2 = Level 2 3 = Level 3

CUSTODY CLASSIFICATION

- 7 or more points on items A through C Section I LEVEL 3
4 or fewer points on items A through G Section I LEVEL 1
4 or fewer points on items A through G Section 1 w/ detainer or warrant LEVEL 2
5 to 10 points on items A through G Section I LEVEL 2
11 or more points on items A through G Section I LEVEL 3

2. CHECK [X] ALL THE SPECIAL MANAGEMENT CONCERNS WHICH APPLY TO THIS DETAINEE:

- | | |
|---|--|
| <input type="checkbox"/> Protective Custody | <input type="checkbox"/> Known Management Problem |
| <input type="checkbox"/> Psychological Impairment | <input type="checkbox"/> Suspected Drug/Alien Trafficker |
| <input type="checkbox"/> Mental Deficiency | <input type="checkbox"/> Suicide Risk |
| <input type="checkbox"/> Suicide Risk | <input type="checkbox"/> Medical Problem (PHS Form J-794) |
| <input type="checkbox"/> Serious Violence Threat | <input type="checkbox"/> Physical Impairment (PHS Form J-794) |
| <input type="checkbox"/> Known Gang Affiliation | <input type="checkbox"/> Other (Specify): |
| <input type="checkbox"/> Substance Abuse Program | <input type="checkbox"/> Terrorist Threat/Terrorist (Auto. L-3) |

3. OVERRIDE OF SCALE CUSTODY IS RECOMMENDED: ☐ YES ☐ NO

IF YES, GIVE RATIONALE (REQUIRED): _____

4. RECOMMENDED CUSTODY LEVEL:

☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3

Classification Officer Signature : _____ Date: ____ / ____ / ____

SUPERVISORY APPROVAL OF OVERRIDE:

1. RECOMMENDED CUSTODY LEVEL: ☐ APPROVED ☐ DISAPPROVED
2. FINAL CUSTODY LEVEL (If override disapproved)

☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3

Rationale (required if different from recommendation): _____

HOUSING ASSIGNMENT:

☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3 ☐ ADMIN. SEGREGATION (Memo req.)

SDEO SIGNATURE: _____ DATE: ____ / ____ / ____

U. S. IMMIGRATION & NATURALIZATION SERVICE
Detainee Classification System - Secondary Assessment Form

NAME: _____ A# _____
DOB: ____/____/____ Country of Citizenship: _____
CLASSIFIED BY (Print): _____ (ID #) _____ DATE: ____/____/____

DIST/SPC: _____ LANGUAGE: (ENGLISH Y/N) OTHER: _____

INITIAL SECURITY EVALUATION:

- A. Severity of Most Recent Charge / Conviction: (Use severity of offense scale; rate most serious charge / conviction) **SCORE: _____**
LOW..... 0 []
MODERATE..... 2 []
HIGH..... 5 []
HIGHEST..... 7 []
- B. Serious Offense History: (Use severity of offense Scale; rate most serious prior conviction) **SCORE: _____**
NONE OR LOW 0 []
MODERATE..... 1 []
HIGH..... 4 []
HIGHEST 7 []
- C. Escape History (Excluding current charges) **SCORE: _____**
NONE (No escapes or attempts)..... 0 []
WALKAWAY OR ATTEMPTED ESCAPE from minimum security facility or
failure to return from authorized absence..... 4 []
ESCAPE OR ATTEMPTED ESCAPE FROM SECURE FACILITY 7 []

MAXIMUM CUSTODY SCORE (Add items A, B, and C)..... TOTAL SCORE: _____

SCORE OF 7 OR HIGHER ASSIGN TO LEVEL 3 CUSTODY:

(Always complete remaining items, but do not total score if detainee has already been assigned to Level 3 custody)

- D. Number of Disciplinary Convictions: (Since last classification) **SCORE: _____**
NONE..... 0 []
ONE..... 2 []
TWO..... 4 []
THREE..... 6 []
- E. Most Serious Disciplinary Charge Sustained: (Use disciplinary Severity of Offense Scale; rate during this period of confinement) **SCORE: _____**
NONE..... 0 []
LOW..... 1 []
MODERATE..... 2 []
HIGH..... 5 []
HIGHEST..... 7 []
- F. Prior Felony Convictions: **SCORE: _____**
NONE..... 0 []
ONE..... 1 []
TWO OR MORE..... 2 []

COMPREHENSIVE CUSTODY SCORE (Items A-F).....TOTAL SCORE: _____

SCALE SUMMARY AND RECOMMENDATIONS:

1. CUSTODY LEVEL INDICTED BY SCALE CODE:_____

1 = Level 1 2 = Level 2 3 = Level 3

CUSTODY CLASSIFICATION CHART

7 or more points on items A through C Section I	LEVEL 3
4 or fewer points on items A through F Section I	LEVEL 1
4 or fewer points on items A through F Section 1 w/ detainer or warrant...	LEVEL 2
5 to 10 points on items A through F Section I	LEVEL 2
11 or more points on items A through F Section I	LEVEL 3

2. CHECK [X] ALL THE SPECIAL MANAGEMENT CONCERNS WHICH APPLY TO THIS DETAINEE:

<input type="checkbox"/> Protective Custody	<input type="checkbox"/> Known Management Problem
<input type="checkbox"/> Psychological Impairment	<input type="checkbox"/> Suspected Drug Trafficker
<input type="checkbox"/> Mental Deficiency	<input type="checkbox"/> Suicide Risk
<input type="checkbox"/> Suicide Risk	<input type="checkbox"/> Medical Problem (PHS Form J-794)
<input type="checkbox"/> Serious Violence Threat	<input type="checkbox"/> Physical Impairment (PHS Form J-794)
<input type="checkbox"/> Known Gang Affiliation	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Substance Abuse Program	<input type="checkbox"/> Terrorist Activity/Terrorist (Auto. L-3)

3. OVERRIDE OF SCALE CUSTODY IS RECOMMENDED ☐ YES ☐ NO

IF YES, GIVE RATIONALE (REQUIRED): _____

4. RECOMMENDED CUSTODY LEVEL: ☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3

Classification Officer Signature : _____ Date: ____/____/____

SUPERVISORY APPROVAL OF OVERRIDE:

1. RECOMMENDED CUSTODY LEVEL: ☐ APPROVED ☐ DISAPPROVED
(Complete B if disapproved)

2. FINAL CUSTODY LEVEL (If override disapproved)

☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3

Rationale (required if different from recommendation): _____

FINAL APPROVAL/HOUSING ASSIGNMENT:

HOUSING ASSIGNMENT:

☐ LEVEL 1 ☐ LEVEL 2 ☐ LEVEL 3 ☐ ADMIN. SEGREGATION (Memo req.)

SDEO SIGNATURE: _____ **DATE:** ____/____/____

U. S. IMMIGRATION & NATURALIZATION SERVICE
Detainee Classification System

SEVERITY OF OFFENSE SCALE

HIGHEST:

Aiding Escape
Aggravated Battery with Deadly Weapon
Armed Robbery (Multiple with injury)
Burglary with Assault
Escape (Secure Facility)
Inciting Riot
Kidnapping
Murder (1st, 2nd degree)
Sexual Battery (with violence upon a minor)

HIGH:

Aggravated Assault
Aggravated Battery
Aggravated Child Abuse
Arson
Battery Law Enforcement Officer
Burglary (Armed)
Extortion
False Imprisonment
False Report of Bombings
Controlled Substances (Importation, Trafficking)
Introduction of Contraband into Detention Facility
Manufacture of Explosives
Robbery (armed, strong armed)
Sexual Battery (other than capital or life felony)

MODERATE:

Armed Trespass
Burglary
Carrying Concealed Firearm
Forgery

Grand Theft
Manslaughter
Sale, Delivery, Possession of Controlled Substance
Tampering with Witness
Worthless Checks (felony)
Welfare Fraud (felony)
Escape (Non-secure Facility)

LOW:

Driving under the Influence
Leaving the scene of Accident
Battery (Simple Assault)
Carrying Concealed Weapon (other than firearm)
Disorderly Conduct
Gambling
Offering to Commit Prostitution
Possession Marijuana (misdemeanor)
Possession Drug Paraphernalia
Petit Theft
Trespass
Worthless Check (misdemeanor)

U. S. IMMIGRATION & NATURALIZATION SERVICE
Detainee Classification System

DISCIPLINARY SEVERITY SCALE

HIGHEST:

Assaulting any Person
Fighting with Another Person
Threatening another with Bodily Harm
Extortion, Blackmail, Protection, demanding or receiving money or anything of value in return for protection
Engaging in sexual acts with others
Making sexual propositions or threats to another
Escape
Attempting or Planning Escape
Setting a Fire
Adulteration of any food or drink
Possession or Introduction of any explosive or ammunition
Possession of Contraband
Rioting
Encouraging others to riot
Engaging in, or encouraging, a group demonstration
Giving or Offering any official or staff member a bribe or anything of value

HIGH:

Destroying, Altering, or Damaging government property or the property of another
Stealing
Misuse of authorized medication
Loaning of Property or anything of value for profit or increased return.
Possession of anything not authorized or authorized for retention
Encouraging others to refuse to work
Refusing to obey a staff order
Insolence toward a staff member
Lying or providing false statement to a staff member
Conduct that interrupts or disrupts the normal operation of the facility.
Counterfeiting, Forging, or Unauthorized Reproduction of any document, article, identification, money, security, or official paper.

Participating in unauthorized meeting or gathering

Failure to stand count

Interfering with taking of count

Making intoxicants or being intoxicated

Tattooing or Self-Mutilation

MODERATE:

Indecent Exposure

Mutilating or altering issued clothing

Refusing to work

Unexcused absence from work or any assignment

Failure to perform work as instructed by supervisor

Being in an unauthorized area

Using abusive or obscene language

Unauthorized use of mail or telephone

Unauthorized contacts with the public

Correspondence or conduct with a visitor in violation of posted regulations

LOW:

Wearing a disguise or mask

Failure to follow safety or sanitation guidelines

Using any equipment/machinery contrary to instructions or posted safety standards

Smoking where prohibited

Gambling, preparing or conducting a gambling pool, possession of gambling paraphernalia

Being unsanitary or untidy, failure to keep one's person and quarters in accordance with posted standards

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

Policy: All facilities will develop and implement a system according to which INS detainees are classified. The classification system will ensure that each detainee is placed in the appropriate category, physically separated from detainees in other categories

CLASSIFICATION SYSTEM			
Components	Yes	No	Remarks
1. Does the facility have a system for classifying INS detainees?			
2. If so, does standard procedure include: a. Classifying detainees upon arrival? b. Separating individuals who cannot be classified upon arrival from the general population? c. The first-line supervisor reviewing every classification decision?			
3. Does the intake/processing officer review work-folder, A-file, etc., to identify and classify each new arrival?			
4. Does staff assign each detainee a color-coded uniform and wristband based on his/her classification level?			
5. Does every A-file include original paperwork supporting the classification? a. On the right side? b. Does the detention file contain a copy?			
6. On what source material do officers base classification decisions? 7. How are opinions and unsubstantiated/unconfirmed reports used?			
7. Are housing assignments based on classification-level? a. Are detainees assigned to the least restrictive housing unit? Are detainees of different classification levels housed together? b. If so, what are the selection criteria?			
8. Are the detainees fed according to their classification level?			

CLASSIFICATION SYSTEM			
Components	Yes	No	Remarks
9. Does a detainee's classification-level affect his/her recreation opportunities? a. Does a detainee participate in recreation activities with detainees with different classification-levels?			
10. Does his/her classification-level determine a detainee's work assignment?			
11. Does the classification process include reassessment/reclassification? If yes: a. Do procedures include a reassessment between 45 and 60 days after arrival? b. Are subsequent reassessments completed every 60 to 90 days?			
12. Does the classification system include standard procedures for processing new arrivals' appeals? a. Who has the authority to reduce a classification-level on appeal? b. Are appeals resolved within five business days? c. Is the detainee notified of the outcome within 10 business days? d. Is the decision appealable? If so, to whom?			
13. Does the Detainee Handbook explain the classification levels, with the conditions and restrictions applicable to each?			
14. Does the Detainee Handbook specify the procedures a detainee must follow to appeal his/her classification or request reclassification?			

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

CLASSIFICATION SYSTEM

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. Observing In-processing			
B. Review of M-482			
C. Inspecting detainee housing units/recreation/work assignments			
D. Review of Detention Files			
E. Review of written policy and procedures			
F. Detainee and staff interviews *			

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

INS DETENTION STANDARDS

DETAINEE GRIEVANCE PROCEDURES

I. POLICY

Every facility will develop and implement standard operating procedures (SOP) that address detainee grievances. Among other things, each SOP must establish a reasonable time limit for: (i) processing, investigating, and responding to grievances; (ii) convening a grievance committee to review formal complaints; and (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision. The SOP must also prescribe procedures applicable to emergency grievances. All grievances will receive supervisory review, and include guarantees against reprisal.

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. Grievance Procedure

1. Informal/Oral Grievance

The facility shall make every effort to resolve the detainee's complaint or grievance at the lowest level possible, in an orderly and timely manner. Each facility will institute procedures for informal resolution of oral grievances. The OIC will establish procedures for detainees to orally present the issue of concern informally to any staff member at any time within *five days* of the event that is precipitating the grievance.

Translating assistance shall be provided upon request.

The informal grievance procedure offers the detainee the opportunity to resolve his/her cause for complaint before resorting to the more time-consuming and bureaucratic formal procedure, which requires that all communication between the detainee and the facility be in written form.

In SPCs/CDFs, staff members receiving a detainee's oral grievance will, if the issue falls within his/her scope of responsibility, attempt to resolve the issue informally. If the grievance is beyond the scope of that employee's authority, he/she will notify the Supervisory Detention Enforcement Officer (SDEO) or contract equivalent of the grievance as soon as practical. The SDEO may try to resolve the matter at that point, or may have the detainee initiate a written grievance. The grievance procedures established by the OIC will address specific steps in the informal resolution of detainee complaints.

The detainee is free to bypass or terminate the informal grievance process, and proceed directly to the formal grievance stage. If an oral grievance is resolved to the detainee's satisfaction at any level of review, the staff member need not provide the detainee written confirmation of the outcome, however the staff member will document the results for the record and place his/her report in the detainee's detention file.

2. Formal/Written Grievance

The OIC must allow the detainee to submit a formal, written grievance to the facility's grievance committee. The detainee may take this step because he/she is not satisfied with the outcome of the informal process, or because he/she decides to forgo the informal procedures. The detainee shall be given the opportunity to obtain assistance from another detainee or facility staff in preparing a grievance.

Illiterate, disabled, or non-English speaking detainees shall be given the opportunity to receive additional assistance upon request.

In SPCs/CDFs, the detainee may file a formal grievance, no later than five days after the event or after the unsuccessful conclusion of an informal grievance.

The grievance procedures follow:

- 1. SPC/CDF staff will provide the detainee a grievance form upon request.*
- 2. Staff will advise the detainee that the grievance form can cover a single complaint, or a cluster of closely related issues. Each grievance form filed by the detainee must contain only one subject or the form will be rejected without review. Staff will provide the number of forms the detainee requests when informed of this policy.*
- 3. The grievance form shall be delivered by authorized personnel (not detainees) without reading, altering, or delay. The shift supervisor or staff member designated to receive grievances will accept the grievance form signed and dated by the*

detainee. If the detainee claims that the issue is sensitive or the detainee's safety or well-being would be jeopardized if others in the facility learned of the grievance, the detainee may seal the grievance in an envelope, clearly mark the envelope "Sensitive" and submit it directly to the OIC. In that case, the grievance must include the reason for circumventing the chain of command.

- 4. A detainee may obtain assistance from another detainee, housing officer or other facility staff in preparing a grievance. Outside sources, such as family members or legal representatives, may also provide assistance. Staff will not accept the detainee's need to obtain assistance as justification for exceeding the time limit on submissions unless staff caused the delay.*
- 5. No detainee may submit a grievance on another detainee's behalf.*
- 6. The OIC shall ensure that the standard operating procedures cover detainees with special requirements, including those who are disabled, illiterate, or know little or no English. Each facility will accommodate the special assistance needs of such detainees in preparing and pursuing a grievance.*

When the first-line supervisor receives a formal grievance, he/she will officially meet with the detainee to attempt to resolve the issue. If the grievance cannot be resolved to the satisfaction of the detainee, the supervisor will notate the detainee grievance form and refer the written grievance to the next level of supervision in his/her chain of command or to the appropriate department head. The responsible department head or staff officer will act on the grievance within five working days through informal or formal resolution. The responsible department head will provide the detainee with a written response consisting of both the decision and the reasons for that decision. When the detainee is illiterate, disabled or non-English speaking, the decision will be read to him/her or attempts will be made to translate it into his/her language.

If the detainee does not accept the department head's solution, a Detainee Grievance Committee (DGC) will convene to study the grievance within five working days of the detainee's "appeal." In an SPC facility, the Assistant Officer-In-Charge (AOIC) will chair the DGC, to include two department heads or their representatives. In CDFs, at least one member of the grievance committee will be an INS employee.

No one named in the complaint, involved with earlier resolution attempts or with helping prepare the written grievance; may participate in the grievance committee.

The DGC may call witnesses, inspect evidence or otherwise gather facts essential to an impartial decision. The committee will offer the detainee the opportunity to appear before it to present his/her case, answer questions and respond to conflicting evidence or testimony. Within five working days of reaching a decision, the DGC will provide the detainee with its response to the grievance, in writing. The written response will state the decision and the reasons for it.

B. Emergency Grievances

Each facility shall implement procedures for identifying and handling an emergency grievance. An emergency grievance involves an immediate threat to a detainee's safety or welfare. Once the receiving staff member approached by a detainee determines that he/she is in fact raising an issue requiring urgent attention, emergency grievance procedures will apply.

In SPCs/CDFs, the detainee may elect to present his/her emergency grievance directly to the SDEO or contract equivalent.

If the SDEO or contract equivalent concurs that the grievance represents an emergency, it will receive immediate attention.

If the matter is resolved at the shift level, the supervisor involved will prepare a report for the OIC, describing the problem and its resolution. Emergency grievances not resolved at the shift level will be sent up the chain of command until the matter is resolved.

If the SDEO or contract equivalent determines the matter is not an emergency, standard procedures will apply.

C. Appeal

If the detainee does not accept the grievance committee's decision, he/she may appeal it to the OIC. All facilities shall implement procedures for addressing detainee appeals.

In SPCs/CDFs, after reviewing the DGC's finding with the AOIC, the OIC may uphold, modify or reverse it. The OIC will provide the detainee a written decision within five days of receiving the appeal. The decision will be in writing and will contain a discussion of the decision and the facts upon which it is based. When the detainee is illiterate, disabled or non-English speaking, the decision will be read to him/her or attempts will be made to translate it into his/her language. The OIC will use the normal routing system of the facility to send the written decision to the detainee.

The OIC's decision is final; it cannot be appealed. However, depending on the nature of the grievance, the OIC may choose to forward the grievance file to the Assistant District Director for Detention and Removal (ADD/DRO) for notification and review.

CDFs and IGSA facilities must allow any INS detainee dissatisfied with the facility's response to his/her grievance to communicate directly with INS.

D. Retaliation

Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. However, if an individual establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system, staff may refuse to process subsequent complaints.

E. Recordkeeping and File Maintenance

Each facility will devise a method for documenting detainee grievances. At a minimum, the facility will maintain a Detainee Grievance Log.

In SPCs/CDFs, staff will assign each grievance a log number, enter it in the space provided on the Detainee Grievance Form, and record it in the Detainee Grievance Log. The log entry number and the detainee grievance number must match. Documentation will include the receipt date of the grievance and the date and disposition of the grievance. Staff will enter grievances into the Detainee Grievance Log in chronological order. Nuisance or petty grievances and grievances rejected on procedural grounds, e.g., filed after the deadline, must also be entered into the grievance log with the appropriate notation, e.g., "late."

A copy of the grievance will remain in the detainee's detention file for at least three years. The facility will maintain that record for a minimum of three years and subsequently, until the detainee leaves INS custody.

F. Allegations of Officer Misconduct

Staff must forward all detainee grievances containing allegations of officer misconduct to a supervisor or higher-level official in the chain of command. CDFs and IGSA facilities must forward detainee grievances alleging officer misconduct to INS. INS will investigate every allegation of officer misconduct.

INS staff must comply with the OI 287.10 requirement to report allegations of officer misconduct to a supervisor or higher-level official in his/her chain of command, and/or to INS Office of Internal Audit and/or the DOJ Office of the Inspector General. This reporting requirement applies without exception to all detainee allegations of officer misconduct, whether formally or informally submitted.

G. Detainee Handbook

The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The grievance section of the detainee handbook will provide notice of the following:

1. The opportunity to file a grievance, both informal and formal.
2. The procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance.
3. The procedures for resolving a grievance or appeal, including the right to have the grievance referred to higher levels if the detainee is not satisfied that the grievance has been adequately resolved. The level above the CDF-OIC is the INS-OIC.
4. The procedures for contacting the INS to appeal the decision of the OIC of a CDF or an IGSA facility.


5. The policy prohibiting staff from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance.
6. The opportunity to file a complaint about officer misconduct directly with the Justice Department by calling 1-800-869-4499 or by writing to:

Department of Justice
P.O. Box 27606
Washington, DC 20038-7606

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:


American Correctional Association Standards for Adult Local Detention Facilities, 3rd Edition: 3-ALDF-3E-11.

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

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: _____ A# _____ Housing Unit: _____

Complaint / Comments: _____

Action requested by detainee: _____

Detainee Signature: _____ Date / time: _____

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____	Date / time: _____
Staff Member: _____	Date / time: _____
Supervisory Review: _____	Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____

Dep. Staff: _____ Dep. Staff _____

Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- ☐ Referred to the Detainee Grievance Committee (DGC).
☐ I agree with the resolution.

Detainee Signature: _____	Date / time: _____
Housing Unit Officer: _____	Date / time: _____

DETAINEE GRIEVANCE FORM

DGC Members: _____
Assistant Officer-In-Charge, or Designee

Dep. Head: _____ Dep. Head: _____

Other: _____ Other: _____
(name, title) (name, title)

Response: _____

Date Returned to Detainee: _____

Detainee - Return within (5) days of receipt and check appropriate box:

- ☐ I agree with the DGC response.
- ☐ I disagree with DGC response and I wish to appeal to the Officer-In-Charge.

Detainee Signature: _____ Date: _____

Housing Unit Officer: _____ Date: _____

(To be completed by Detention Operations Supervisor or equivalent)

Grievance appealed to the Officer-In-Charge: _____
(Date)

Grievance forwarded to the Officer-In-Charge for action: _____
(Date)

Office-In-Charge's Findings/Actions Taken: _____

Date Returned to Detainee: _____

Grievance # _____

Detainee Name: _____ ID# _____ Housing Unit: _____

Complaint / Comments : _____

Response : _____

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

Policy: Every facility will develop and implement standard operating procedures (SOPs) for addressing detainee grievances in timely fashion. Each step in the process will occur within the prescribed time frame. Among other things, a grievance will be processed, investigated, and decided (subject to appeal) in accordance with the SOPs; a grievance committee will convene as provided in the SOPs. Standard procedure will include providing the detainee with a written response to any formal grievance, which will include the basis for the decision. The facility will also establish standard procedures for handling emergency grievances. All grievances will receive supervisory review. Reprisal against the filer of a grievance will not be tolerated.

DETAINEE GRIEVANCE PROCEDURES			
Components	Yes	No	Remarks
1. Do written procedures provide for the informal resolution of oral grievances? a. If yes, does the detainee have up to five days within which to make his/her concern known to a member of the staff?			
2. If the detainee objects to the outcome of, or entirely forgoes, the informal procedures, does the detainee have access to the grievance committee, using formal procedures? a. Can the detainee seek help from other detainees or facility staff when preparing a grievance? b. Does an illiterate, disabled, or non-English-speaking detainee receive special assistance?			
3. In SPCs/CDFs, does the detainee have five days after the incident or informal-grievance outcome to file a formal grievance?			

DETAINEE GRIEVANCE PROCEDURES			
Components	Yes	No	Remarks
4. Does every member of the staff know how to identify emergency grievances? a. If yes, do they all know and follow procedures for expediting them? b. Do emergency procedures apply whenever a detainee raises an issue requiring urgent attention?			
5. If the detainee does not accept the grievance committee's decision, can he/she file an appeal with the OIC? a. Do written procedures cover detainee appeals? b. Are they included in the detainee handbook?			
6. Have there been cases when staff has harassed, disciplined, penalized, or otherwise retaliated against a detainee who lodged a complaint? a. If yes, explain.			
7. Must staff process every complaint from a detainee who has established a pattern of filing nuisance complaints? a. Is "nuisance complaint" defined in writing? If so, where? b. What procedure, if any, ensures fairness and objectivity in the dismissal of such complaints?			
8. Do procedures include maintaining a Detainee Grievance Log? a. If not, what is the recordkeeping system? b. Are "nuisance complains" so-identified in the records? c. For quality control purposes, does staff document the nuisance complaints received but not filed? d. What happens to those non-processed complaints?			

DETAINEE GRIEVANCE PROCEDURES			
Components	Yes	No	Remarks
9. Does staff forward any grievance that includes officer misconduct to a higher official or, in a CDF/IGSA facility, to INS? a. Is this a matter of procedure? b. If yes, how monitored? By whom? • Randomly or systematically?			
10. Does the admissions process include providing each new arrival with a copy of the detainee handbook (or equivalent)?			
11. Does the grievance section of the handbook explain all steps in the grievance process? Including: a. Informal and formal grievance procedures; b. The appeals process and step-by-step procedures; c. In CDFs/IGSA facilities: procedures for filing an appeal with INS? d. Staff/detainee availability to help during the grievance process e. Guarantee against staff retaliation for filing/pursuing a grievance? f. How to file a complaint about officer misconduct with the Department of Justice?			

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

DETAINEE GRIEVANCE PROCEDURES

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. Grievance log			
B. Facility's written policy and procedures			
C. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

DETAINEE HANDBOOK

I. POLICY

Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility, INS, private organizations, etc. Every detainee will receive a copy of this handbook upon admission to the facility.

Detainees are expected to behave in accordance with the rules set down in the handbook, and will be held accountable for violations. Therefore, the facility staff will advise every detainee to become familiar with the material in the handbook.

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. Every facility will develop a detainee handbook (see example, attached). SPCs/CDFs will use the attached handbook as a template or model. At a minimum, it will provide IGSA facilities with useful guidance.

While every detention handbook will conform to the format used in the attached example, every OIC will customize the contents as shown.

- B. The overview will briefly describe individual programs and services and associated rules. Among others, these include recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/commissary. The overview will also cover medical policy (sick-cell); facility-issued items, e.g., clothing, bedding, etc.; access to personal property; and meal service.
- C. The handbook will specify in greater detail the rules, regulations, policies, and procedures with which every detainee must comply, including, but not limited to: smoking policy, restricted areas, contraband, and so forth.
- D. The handbook will list detainee rights and responsibilities. It will also list and classify prohibited actions/behavior, along with disciplinary procedures and sanctions. This section will include grievance and appeals procedures.
- E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees.

The OIC will provide translation assistance to detainees exhibiting literacy or language problems and those who request it. This may involve translators from the private sector or from the detainee population.

- F. The facility's orientation video may embellish or supplement the information provided in the handbook., at the OIC's discretion. However, the comprehensiveness of the video has no bearing on the development, production, or distribution of the detainee handbook.
- G. The OIC will provide a copy of the handbook to every staff member who has contact with detainees. These staff members will also receive training focused on its contents.
- H. The handbook will not be immediately reprinted to incorporate every revision. The OIC will instead establish procedures for immediately communicating such revisions to staff and detainees: posting copies of the changes on bulletin boards in housing units and other prominent areas; informing new arrivals during orientation process; distributing a memorandum to staff, and so forth.

The handbook will be revised on this piecemeal basis only to effect site-specific changes or changes directed by Headquarters.


- I. An appointed committee will conduct annual reviews of the handbook, after the annual reviews and revisions by facility department heads and the OIC.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd. Edition, Standards for Adult Local Detention Facilities 3-ALDF: 1E-01, 05, 06; 1F-05, 07, 08; 2B-02; 3A-18; Sections 3C & D; 3E-01, 02, 03, 07, 10, 11; 4A-01; 4B-01; 4C-07; 4D-05, 07, 08, 11, 12, 13; 4F-01; 5A-01, 18; 5C-01, 02; 5D-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 15; 5E-01; 5F-06.

(See sample handbook, attached)


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

**IMMIGRATION AND NATURALIZATION SERVICE
SERVICE PROCESSING CENTER/INS CONTRACT DETENTION FACILITY
DETAINEE HANDBOOK**

TABLE OF CONTENTS

Introduction/Mission/Purpose	Law Library
Mailing Address	Typewriter and/or Computers
Basic Detainee Responsibilities	Visitation
Initial Admission	Attorney Visitation
Classification	Group Legal Presentations
Living Conditions	Inspection of Persons and Property (Shakedowns)
Evacuation Drills	Correspondence (Mail)
Official Counts	Detainee Discipline/Prohibited Acts
Meals	Grievance Procedures
Smoking Policy	Sick Call
Medical Care	Recreation
Clothing Exchange	Dress Code
Personal Hygiene	Clothing
Barbering Services	Notice To Those Persons Under Exclusion Or Removal Proceedings
Sleeping Area/Sanitation	Contraband
Finances	Unauthorized Property
Telephones Access	A-File
Religious Services	Detainee Detention File
Vending Machines	Detainee Rights and Responsibilities
Detainee Work Program (Voluntary)	
Library	

INTRODUCTION/MISSION

This Service Processing Center or INS contract facility at *[Insert Facility Location]* is a detention facility of the United States Immigration & Naturalization Service. The mission of the Service Processing Center or INS contract facility is to provide a facility that is safe, clean, and sanitary for detainees waiting processing of their administrative hearing.

PURPOSE

The purpose of this handbook is to explain to detainees the specific rules, regulations, policies and procedures that must be followed while in custody at this facility. The handbook will also help provide you with a general overview of the programs, rules and regulations and services of the Facility and Service. You will be held accountable for their actions while in custody at this facility. Therefore, it is each detainee's responsibility to become familiar with the contents of this handbook.

A copy of this handbook will be issued to each detainee upon intake and certain sections are posted on the bulletin boards in each housing unit and other bulletin boards throughout the facility. All detainees are required to acknowledge, by signature, receipt of the handbook.

MAILING ADDRESS

Your name: _____

Your A-No.: _____

[Insert Facility Address]

BASIC DETAINEE RESPONSIBILITIES

It is the policy of Immigration & Naturalization Service to treat detainees with dignity and respect while maintaining a safe, secure, and sanitary detention facility. It is expected that staff will receive your full cooperation while you are waiting the processing of your case. In the simplest terms, you are expected to:

1. Follow and obey rules, laws, policies, and procedures.
2. Obey **all** orders as given by staff members and contract security personnel.
3. Respect staff and other detainees at all times.
4. Respect government property and the property of others.
5. Keep yourself, your clothing, and living area clean at all times.
6. Obey **all** safety, security, and sanitation rules, policies, and procedures.

If you observe and comply with the above guidelines, you should have no problems while living at this facility awaiting the outcome of your hearing. When addressing staff, you should not refer to them by first name, or a nickname created by others, refer to uniformed staff by their rank and last name (i.e., Officer Cohen, Lt. Shaver, etc.).

Refer to non-uniformed staff by title and last name (i.e., Dr. Jones, Nurse Clark) or by Mr., Mrs., Ms., followed by their last name. Staff members will address you in the same manner if they know your name. It is unreasonable to expect an officer to know all detainees within a facility by name. However, the officer or staff member will address you in an appropriate manner.

INITIAL ADMISSION

- A. Upon arrival, your clothes, personal property, valuables and funds will be retained by the processing officer for safekeeping. Itemized receipts will be issued to you for all clothing, personal property, valuables and funds. It is important that you retain these receipts to claim your property, funds and valuables, when you are released.

Identity documents, such as passports, birth certificates, etc., will be inventoried, then given to a deportation officer for placement in your A-file.

- B. While at this facility you are permitted to retain:

[Insert items detainees are permitted to retain]

The personal items retained must be stored in your locker. No item is to be attached to the bunk, wall, windows or left on windowsills. Detainees are responsible for the loss of personal items not safeguarded or stored by the Service.

- C. Your initial issue of clothes shall be limited to:

[Insert Facility Initial Clothing Issue]

- E. Your issue of personal hygiene items are:

[Insert Facility Initial Personal Hygiene Items]

- F. Your housing officer will provide writing material, pencils and envelopes for your personal use. Ink pens are not authorized.

- G. Ordinarily, a medical examination will be conducted by a member of the US Public Health Service, within 14 days of your arrival.

- H. To have service issued personal hygiene items replaced, you must request replacement items from your housing officer.

CLASSIFICATION

All detainees are classified upon arrival, before being admitted into the general population. . The classification system will ensure that you are placed in the appropriate category and physically separated from detainees in other categories. You will be housed, recreated and fed according to other detainees in your classification.

[Insert Classification Process and Appeal Procedures]

LIVING CONDITIONS

Detainees are required to keep their assigned living areas clean at all times. Your bed must be made immediately upon waking and remain made when not in use. You are not permitted to lie on you bunk with shoes on or while fully clothed. It is in your best interest to maintain a clean living area and avoid many of the problems associated with unsanitary living conditions.

[Insert Description of the Facility to Include Housing Units/Day Rooms In-Dorm Activities, Special Management Units].

Administrative Detention is intended for detainees with special housing requirements, such as:

1. Pending investigation/hearing of prohibited act(s);
2. Medical observation;
3. Pending a transfer or release within 24 hours;
4. Security risk; or,
5. Protective custody.

Disciplinary Segregation is a special housing unit for detainees who:

1. Is a serious disruption in general population;
2. Require additional physical confines; or,
3. Have received a sanction by the Institutional Disciplinary Panel.

[Insert Special Conditions of Segregation And Recreation Minimum]

EVACUATION DRILLS

Per local, state and federal laws, we are required to perform evacuation drills. At this facility, we perform no less than one drill _____per_____. These drills are not designed to inconvenience you, but rather to insure that you know where the exits are located in case of an actual danger such as; a fire, gas leak, civil disaster or other dangers. In your housing unit is a diagram showing you the location of all fire exits and which exits to use. Study this diagram, located in your housing unit, carefully, your life may depend on it.

OFFICIAL COUNTS

In order to maintain proper accountability of detainees at this facility, official counts are conducted at the following times:

[Insert Official Count Times and Count Procedures]

During all formal counts no movement or talking is permitted. Disruptions during counts may result in a lock-down being initiated.

MEALS

All meals are nutritionally balanced, dietician approved, properly prepared and attractively served in wholesome, clean and safe surroundings. *[Insert Pork Usage Policy]*. The use of food, i.e., withholding of, or variation from the standard menu, as a disciplinary measure or reward is prohibited. Special diets as required for medical reasons or adherence to religious dietary law are provided by the Food Service Department upon receipt of a special diet card. You will be issued an appropriate eating utensil(s) and napkin. The utensil(s) must be accounted for at meals end. Meal times and menus are posted on the bulletin board in your unit.

[Insert Procedures For feeding times and procedures, Medical Or Religious Diets]

SMOKING POLICY

Smoking is prohibited in all buildings, including detainee-housing units, at this facility. If permitted, the only designated smoking areas are outside of all buildings.

[Insert Facility Smoking Policy for Detainees]

MEDICAL CARE

The United States Public Health Service or contract medical staff provides medical care. If you are ill or in need of medical attention you must first sign up for Sick Call. (See Sick Call Section). If it is after Sick Call hours, you must notify your Housing Unit Officer, who will contact the on-call medical staff member.

CLOTHING EXCHANGE

Clothing exchange, for male and female detainees, will be made on a one for one basis according to the following schedule:

1. Outer garments shall be exchanged twice a week, one for one with maximum time between changes being 72 hours.
2. Socks, underwear and towels shall be exchanged daily on a one for one basis.
3. Sheets and pillowcases shall be exchanged weekly.
4. All Food Service detainee volunteer workers shall be required to exchange outer garments (whites) daily.
5. All other volunteer workers may exchange outer garments when necessary.

In order to insure an adequate supply of clothing for all detainees, the hoarding of clothing is prohibited. Generally, detainees are not permitted to wash clothing, bedding or tennis shoes or other items in their living unit, unless washing machines and clothes dryers are available.

[Insert Clothing Exchange Schedules And If Authorized, Insert Clothes Washing And Drying Procedures]

PERSONAL HYGIENE

You will be living in a dormitory with other individuals, so personal hygiene is essential. You are expected to bathe regularly and to keep your hair clean. Personal hygiene items for both male and female detainees, such as, soap, toothpaste, toothbrushes, combs, hairbrushes, and other items will be issued to you upon admission. If you should run out of an item, see your housing officer. Special personal and hygienic items for female detainees will be available upon request to the housing officer.

Disposable razors will be provided on a daily basis. Razors will be checked out on an as needed basis and returned when you have finished shaving. Disposable razors will not be used by more than one (1) detainee; this is for health and safety reasons meant to protect the detainees and staff.

Detainees attending court will be afforded the opportunity to shave before reporting to court.

[Insert Times and Procedures]

BARBERING SERVICE

Free barbering services will be located in the Recreation Center or other designated area and will be available during the hours of operation of the Recreation Center. For sanitary reasons, the cutting of hair in the dormitory is strictly prohibited. It is also prohibited to possess cut hair or clippings, either your own or others.

[Insert Barber Hours and Requirements]

SLEEPING AREA/SANITATION

You are required to keep your bed and immediate area clean and neat. You are also required to make your bed daily before reporting for your work assignment or when you begin your daily routine. When your bed is not in use it **has to be made!** The hanging of sheets, towels, blankets or clothing from sashbars, overhead lights or beds is not permitted. Special considerations or devices will be made to provide for wet towels.

Personal effects, to include hygiene items are to be stored in your locker. Do not place items on windowsills, windows, bunks, lockers, under a mattress, etc. These items will be confiscated and removed from the area when left in unauthorized areas. It will be your responsibility to identify and reclaim the items through the appropriate shift supervisor.

FINANCES

Occasionally you may wish to send money to your family. You are cautioned not to send cash through the mail. To send money; contact the Supervisory Detention Enforcement Officer or shift supervisor and he/she will make arrangements to purchase a money order

that you can send. If you receive monies or property in the mail, the officer, in your presence, will receipt the money or property for you and it will be placed in your account.

[Insert Funds and Valuables Procedures]

ACCESS TO TELEPHONE

[Insert Telephone Policy, Debit Card Procedures, Direct And Free Calls, Etc.]

Telephones are provided in the following areas for your use:

[Insert locations]

When telephone demand is high you are expected to limit your phone calls to _____minutes to permit others the same telephone privileges. The telephones are available for your use from:

[Insert Facility Policy]

In case of an emergency, such as illness or death in your family, your Unit Housing Officer can assist you in making telephone calls when access to telephones would not normally be available. Routine telephone calls to attorneys are not considered to be emergencies.

[Insert Information about the Detainee Message System.]

RELIGIOUS SERVICES

All detainees shall have access to religious resources, services, instruction and counseling on a voluntary basis. All detainees shall be extended the greatest amount of freedom and opportunity for pursuing any legitimate religious belief or practice within the constraints of security and safety considerations. The religious schedule is posted in your housing unit.

[Insert facility Chaplains name, religious programs, times, sign up procedures etc.]

VENDING MACHINES OR COMMISSARY

[Insert Times and Procedures for Commissary or Vending Machine Usage.]

VOLUNTARY WORK PROGRAM

Every effort will be made to provide you an opportunity to participate in the voluntary work program. Wages are \$1.00 per day, this does not mean per work assignment. Ordinarily you will not be permitted to work in excess of eight (8) hours daily, or 40 hours weekly unless a request is made to and approved by the Chief Detention Enforcement Officer. In addition, you shall be required to sign a voluntary work program statement and receive necessary training.

Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and unexcused absences from work or unsatisfactory work performance could result in removal from the voluntary work program.

[Insert Detainee Voluntary Work Program Procedures, Pay Procedures, Opportunities Etc.]

LIBRARY

The library at this facility contains standard library materials found in a school or community library. The needs, interests and abilities of the majority of detainees is carefully considered and the library collection developed accordingly. You are permitted to checkout books during library hours. The Recreation Specialist or detainee librarian can assist you. It is important that you take care of the books and return them timely so other detainees have the opportunity to read and enjoy them.

[Insert Library Location and Hours of Operation].

LAW LIBRARY

The schedule for use is posted in all housing units. Self-help material will be provided and made available to all detainees for their use for research or preparation of their defense. Due to the number of detainees housed here you are not permitted to use the Law Library for the purpose of assisting other detainees in their case.

[Insert Facility Law Library Procedures and Schedules]

TYPEWRITER AND COMPUTERS

Typewriters and/or computers are available in the Law Library for preparation of legal documents **ONLY**. The typewriter **is not to be used** for personal correspondence.

VISITATION

Any disruptive conduct by either party will result in the termination of the visit and may have an adverse affect on future visits. If your visitor(s) bring children [17 years of age or under] they are expected to remain under the direct supervision of the adult visitor(s) so they will not disturb others who have visitor(s). Visitors must be in appropriate and socially accepted attire. If there are more visitors than can be accommodated in the visiting room, it may be necessary to limit visits to lesser periods of time. You are not allowed to accept any item from a visitor unless approved by appropriate supervisory personnel before hand.

You should discourage your visitors from bringing large quantities of hand carried parcels or other items, to include packages. The visitor(s) may be required to leave such items in a locker or their vehicle. All of your visitors and any hand held item(s) are subject to a search.

[Insert Facility Visiting Hours and Schedule and Requirements.]

ATTORNEY VISITS

Legal representatives or paralegals may visit detainees between the hours established by the OIC, seven (7) days a week. If necessary, you will be given the option to meet with your legal representative during meal hours and you will be provided with a menu tray or sack meal.

[List Attorney Visitation Hours]

A list of *pro bono* (free) legal organizations will be posted in all detainee housing areas and other appropriate areas. This list shall be updated quarterly. If you wish to see a representative or paralegal from that organization, it is your responsibility to contact them for an appointment.

[Insert Locations of Pro Bono Postings]

If you have made an appointment to meet with an attorney, legal representative or paralegal from an organization, legal firm, or other association or company, it is your responsibility to cancel the appointment if you do not intend to keep the appointment. Appointment cancellations will not be accomplished on your behalf by, or through an officer or another detainee.

GROUP LEGAL RIGHTS PRESENTATIONS

At times, notifications will be posted to announce Group Legal Rights presentations. A sign-up sheet will be made available in each housing unit and you will be given the opportunity to attend. Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk.

Detainees in segregation will be allowed to attend if security is not compromised. If it becomes necessary, presentations may be made to individuals in segregation, pending agreement with the presenter and security can be maintained. If a detainee in segregation cannot attend for this reason, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

[Insert Group Legal Rights Presentations Schedule and Sign up Procedures]

INSPECTIONS OF PERSONS AND PROPERTY

You are subject to a search upon admission into the facility and when there is reasonable cause to believe you may have contraband concealed on your person. Searches are routine requirements when entering the housing units or when leaving the visiting area after a visit. Routine unscheduled searches of the facility, detainee's persons and property will be conducted as deemed necessary. There are occasions when random searches will be conducted as they enter or leave a building or area.

All searches are used as a means of interdicting contraband and ensuring safe and sanitary conditions exist within the facility. Searches are not punitive in nature.

[Insert Facility Search Procedures]

CORRESPONDENCE

You may send or receive mail to or from anyone you know personally. You may seal your outgoing letters and give them to your housing officer or place it in a provided receptacle. Drawing on the front of your outgoing envelopes is prohibited due to postal regulation. If you receive incoming social and legal mail it will be opened in your presence to inspect for contraband.

If you do not accept the letter or permit the letter to be inspected, in your presence, it will be returned to the sender. **Your letter will not be read, it will only be inspected for contraband.**

You will not be allowed to receive or send packages without advance arrangements, approved by the Officer in Charge or his designee. The postage for sending packages and oversized or overweight mail will be paid by you. The contents of all incoming or outgoing packages will be inspected in the detainee's presence.

When you depart the facility, your incoming mail will be sent to your forwarding address. If you do not provide a forwarding address, your mail will be endorsed, "No Forwarding Address, Return to Sender". All such mail will be returned to the Post Office.

[Insert Local Correspondence Policy And Procedures, To Include The Proper Addressing Of Mail, Inspection Of Incoming Mail, Special Correspondence, Packages, Delivery And Pick Up Schedules, etc.]

DETAINEE DISCIPLINE:

In a facility where many individuals live together in a relatively small amount of space, it is extremely important that order and discipline be maintained. Discipline and order are not only for the benefit of the staff, but also for the safety and welfare of you and all other detainees. While many problems can be solved informally through counseling, disciplinary measures must occasionally be imposed.

[Insert Facility Disciplinary Policy and the Disciplinary Severity Scale and Prohibited Acts]

GRIEVANCE PROCEDURE

No harassment, punishment, or disciplinary action will result to a detainee who seeks resolution of legitimate complaints in good faith. However, if you demonstrate a pattern of abuse of the grievance system, resulting in unnecessary burdens at the expense of legitimate complaints, such grievances will be returned unprocessed. Continued abuse may result in an adverse action initiated against you.

A copy of your grievance will be maintained in your detention file for a period of three years.

[Insert grievance procedures to include procedures and time lines for informal, formal grievances and for appeals.]

SICK CALL

Sick call at this facility is provided to all detainees from the time of admission to the time of release in order to provide continuous medical care.

[Insert sick call procedures for general population and segregation.]

RECREATION FACILITIES

A. In-dorm recreational facilities

The following rules apply for television viewing:

1. Channel selections are mandated and monitored according to a posted schedule. Television programming is the responsibility of the Recreation Specialist. To ensure fairness to all detainees, the Recreation Specialist will post a sports viewing and a special programming schedule on a regular basis. **No deviations will be permitted.**
2. Televisions will be turned off during official counts, cleaning of housing areas and when it will interfere with other facility operations.
3. Volume of television shall be kept at a reasonable level so as to not disturb other detainees or other facility operations.

As previously stated, the schedule shall be strictly adhered to and no deviation is permitted unless authorized by the Recreation Specialist. Any requests for special scheduling shall be forwarded to the Recreation Specialist's office for consideration. Recording of special programming or programs may be accomplished by submitting a written request to the Recreation Specialist for consideration.

You are cautioned not to begin viewing a program that will end after the designated viewing hours, because the television will be turned off at the designated time (usually 10:00 pm but will be established by the Chief Detention Enforcement Officer).

[Insert description and hours of operation for recreational activities available in housing unit, i.e., day room.]

B. Access To Outside Recreation

All detainees, weather and physical layout permitting will be provided, at a minimum, one hour of outdoor recreation per day, five (5) days per week.

[Insert procedures, schedule, activities and rules and regulations for outdoor recreation.]

DETAINEE DRESS CODE

Detainees are required to keep themselves clean, wear proper clothing/footwear during all activities. Detainees are reminded that poor hygiene, poor sanitation and not wearing proper clothing and footwear can cause potential conflict with your peers and others and can have negative impact upon the health and safety of yourself and others. Failure to comply with the dress code and grooming standards will ultimately become an issue that requires staff intervention in the form of appropriate disciplinary action to correct the situation.

A. Ordinarily, detainees may wear any hairstyle with the following exceptions:

1. For safety and hygiene reasons, kitchen workers and detainee workers operating machinery will keep their hair in a neat, clean and commonly acceptable style.
2. The hairstyle will not interfere with the safety and hygiene requirements.
3. ALL kitchen workers will wear a hairnet when working in the kitchen.

B. Ordinarily, facial hair may be grown without restriction with the following exceptions;

1. For safety reasons detainee workers operating machinery may not be authorized to wear facial hair and are expected to be clean shaven at all times while performing the above described functions.
2. These restrictions are a requirement for employment in the above described work assignments and acceptance of the job denotes acceptance of the grooming standards for the above described work assignments.
3. **There will be no exceptions to this requirement including medical reasons.**

CLOTHING

The basic uniform for detainees shall be distinctive in appearance as to identify the detainee according to his/her security level. In INS and contract facilities, the basic uniform is Blue, Red and Orange.

1. **Blue** uniforms and wristbands - Level 1 detainees.
2. **Orange** uniforms and wristbands - Level 2 detainees.
3. **Red** uniforms and wristbands - Level 3 detainees.
4. **White** uniforms will be the work uniform for kitchen workers only. In the housing units the kitchen workers will wear the appropriate color uniform.

All issued clothing shall be worn as specified in the following instructions and in no other manner. These requirements are essential to ensure compliance of Security, Hygiene, and Conduct within the realm of propriety for all people.

1. Clothing must be clean and not torn when worn.
2. Only kitchen workers will be authorized to wear white uniforms.
3. The wearing of mixed colors is not authorized for outer garments.

In addition:

1. Undergarments may be worn without outer garments only while inside the sleeping quarters or the restrooms. **NO EXCEPTIONS!**
2. Shower shoes may be worn only inside the housing unit.
3. Shoes will be worn at all times when outside the housing units.
4. Hats or other head covers will not be authorized for the general population. Workers will be issued the proper head cover when required and will be worn only while performing work related duties.
5. Detainees will wear a complete uniform (shirt, pants, shoes) at all times while in the dining hall, medical, court, and during religious services and all visitations.
6. Pants will be worn at a point about the waist that prevents the crease of the buttocks from showing, despite the length of the shirt.
7. Detainees are not to walk about the facility with their hands inside waistband of pants regardless of weather conditions.

8. No article of clothing will be worn in a manner not normally intended for that item (using a shirt as a head band or head cover, etc.).

CONTRABAND

Items, which are considered to be a detriment to the safe and orderly operation of the facility, are prohibited. Contraband items include but are not limited to:

- a. Any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapons, dangerous instruments, explosives or any other article that, if used or possessed, would endanger the preservation of order in the facility.
- b. Any item which could be used as an aide to escape.
- c. Any item which could be used to disguise or alter the appearance of a detainee.
- d. Any article of clothing or item for personal use or consumption which has not been cleared first through the OIC or purchased by a detainee from the vending machines.
- e. Cameras, video, audio, or related equipment that can be used to make unauthorized photographs or audio, or audio/video recordings of detainees, staff, or government property.

UNAUTHORIZED PROPERTY

Items not inherently illegal, which are considered contraband when, possessed by a detainee or visitor within the facility including but not limited to: Any approved item which, though approved, is in excess of the quantity allowed.

LEGAL FILE

An Immigration legal record commonly called an "A" file maintained by the Deportation Department for each individual. This "A" file contains your legal transactions and documentation pertaining to your case; including but not limited to identification cards, photos, passports and immigration history.

DETENTION FILE

A detention record is maintained for each individual. This detention record shall include no less than the following:

1. Facility Disciplinary Action
2. Behavior Reports
3. Funds, Valuables and Property Receipts
4. Detainee's Written Request, Complaints and Issues
5. Immigration Responses to the aforementioned
6. Special Housing Unit Records

RIGHTS AND RESPONSIBILITIES

1. You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility.

You have the responsibility to know and abide by them

2. You have the right to freedom of religious affiliation, and voluntary religious worship.

You have the responsibility to recognize and respect the rights of others in this regard.

3. You have the right to health care which includes nutritious meals, proper bedding And clothing, a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical treatment.

It is your responsibility not to waste food, to follow the laundry and shower schedule, to maintain neat and clean living quarters, and to seek medical care as needed.

4. You have the right to have family members and friends visit with you in keeping with the facility rules and schedules.

It is your responsibility to conduct yourself properly during visits, and to not accept or pass contraband.

5. You have the right to unrestricted and confidential access to the courts by correspondence.

You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.

6. You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence at no cost to the United States Government.

It is your responsibility to obtain the services of an attorney honestly and fairly.

7. You have the right to have access to reading material for your own enjoyment. These materials may include approved magazines.

It is your responsibility to seek and utilize such material for your personal benefit, without depriving others of the same benefit.

8. You have the right to participate in the use of law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.

It is your responsibility to use those resources in keeping with the procedures and schedule prescribed and to respect the rights of other detainees to the use of the material.

9. You have the right to a wide range of reading material for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the publishers.

It is your responsibility to seek and utilize such material for personal benefit, without depriving others of their equal rights to the use of this material.

10. You have the right to participate in a work program, as far as resources are available, and in keeping with your interests, needs and abilities.

You have the responsibility to take advantage of activities which may help you live a successful and abiding life within the Facility and in the community. You will be expected to abide by the regulations governing the use of such activities.

11. You have the right to an administrative hearing before an Immigration Judge to determine your status in the United States.

It is your responsibility to seek and provide evidence for your defense

12. If you are not an exclusion case and eligible, you have the right to be released on bond until your scheduled administrative hearing.

It is your responsibility to seek methods of payment for your bond.

13. You have the right to apply for political asylum if you believe that you will be persecuted because of your race, religion, nationality, membership in a social group or political opinion.

It is your responsibility to prepare and submit the proper forms accurately

14. You have the right to request voluntary departure, if statutorily eligible, prior to a hearing but if you request voluntary departure you waive that right to a hearing.

It is your responsibility to inform an INS Officer that you request voluntary departure.

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

Policy: Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility, INS, private organizations, etc. Every detainee will receive a copy of this handbook upon admission to the facility.

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
1. Does each SPC/CDF have a detainee handbook? a. IGSA?			
2. Is the handbook written in English? a. translated into Spanish b. Into the next most-prevalent Language(s)?			
3. To ensure accountability, are the detainees required to sign for them?			
4. Does the handbook embellish or supplement the orientation video?			
5. Does each staff members receive a handbook? a. Do staff members receive training?			
7. Is the handbook revised as necessary? a. Are procedures in place for immediately communicating any revisions to staff and detainees?			
8. Is there an annual review of the handbook? a. By whom?			
9. Does the handbook address the following issues: a. Personal Items permitted to be retained by the detainee? b. Initial issue of clothes? c. Personal hygiene items issued?			
10. Does the handbook state in clear language basic detainee responsibilities?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
11. Does the handbook state: a. Initial issue of clothing and bedding? b. Initial issue of personal hygiene items?			
12. Does the handbook state when a medical examination will be conducted?			
13. Does the handbook describe the facility, including the housing units? a. Day rooms? b. In-dorm activities? c. Special management units?			
14. Does the handbook describe a. Official count times and count procedures? b. Meal times, feeding procedures, procedures for medical or religious diets, additional information? c. Smoking policy? d. Clothing exchange schedules and if authorized, clothes washing and drying procedures? e. Expected personal hygiene practices?			
15. Does the handbook describe times and procedures for obtaining disposable razors? a. Does it state detainees attending court will be afforded the opportunity to shave first?			
16. Does the handbook describe a. Barber hours and hair cutting restrictions?			
17. Does the handbook describe a. The telephone policy, debit card procedures, directs and frees calls? b. Locations of telephones? c. Policy when telephone demand is high? d. Policy and procedures for emergency phonecalls? e. The Detainee Message System?			
18. Does the handbook address the religious program?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
19. Does the handbook state times and procedures for commissary or vending machine usage?			
20. Does the handbook describe the detainee voluntary work program procedures, pay procedures?			
21. Does the handbook describe a. Library location and hours of operation? b. Law library procedures and schedules?			
22. Does the handbook describe a. attorney visitation hours b. Location of the list of pro bono legal organizations? c. Group legal rights presentations schedule and sign up procedures?			
23. Does the handbook describe the facility search procedures? a. Contraband policy?			
24. Does the handbook describe a. Facility visiting hours and schedule? b. Rules and regulations?			
25. Does the handbook describe the correspondence policy and procedures?			
26. Does the handbook describe in detail the detainee disciplinary policy and procedures? a. Prohibited acts and severity scale? b. Sanctions? c. Time limits in the Disciplinary Process? d. Summary of Disciplinary Process?			
27. Does the handbook describe the detainee grievance procedures to include appeals in depth?			
28. Are the sick call procedures for general population and segregation included?			

DETAINEE HANDBOOK			
Components	Yes	No	Remarks
29. Does the handbook describe the facility recreation policy? a. Outdoor recreation hours? b. Indoor recreation hours? c. In dorm leisure activities? d. Rules for television viewing?			
30. Does the handbook describe a. The detainee dress code for daily living? b. Work assignments? c. The proper way to wear issued clothing? d. The meaning of color-coded uniforms?			
31. Does the handbook specify the rights and responsibilities of all detainees?			

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

DETAINEE HANDBOOK

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 handbook			
B. Observation of daily living			
C. Facility log books			
D. Written policy and procedures			
E. Detainee and staff interviews			

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

INS DETENTION STANDARD

FOOD SERVICE

I. POLICY

It is INS policy to provide detainees with nutritious, attractively presented meals, prepared in a sanitary manner while identifying, developing and managing resources to meet the operational needs of the food service program.

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. ADMINISTRATION

1. Food Service Administrator (FSA) or IGSA Equivalent

The food service program shall be under the direct supervision of a professional food service administrator. The FSA is responsible for planning, controlling, directing, and evaluating food service; training and developing the cook foremen; managing budget resources; establishing standards of sanitation, safety, and security; developing nutritionally adequate menus and evaluating detainee acceptance; developing specifications for the procurement of food, equipment, and supplies; and establishing a training program which ensures operational efficiency and a quality food service program.

2. Cook Supervisor (CS) or Equivalent

The CS or equivalent is responsible for assisting the FSA in the daily management of food service operations, especially the sanitation program and proper food preparation and presentation. The CS is also responsible for developing the food service work force, including staff and detainees.

3. Cook Foremen (CF) or IGSA Equivalent

The FSA/CS or equivalent shall establish, in writing, the major areas of responsibility of the cook foremen. The CS shall provide a copy of the job responsibilities to everyone who assumes the position of cook foreman.

To ensure that all cook foremen have working knowledge of all food service posts within the department, the FSA/CS shall rotate their assignments.

4. Work Schedules

All work schedules shall be posted in accordance with the union agreement. The schedule will rotate all cooks to ensure equitable job assignments. Either the FSA or the CS, representing management, shall be on duty daily. On days when both have duty hours, they should coordinate schedules to maximize coverage throughout the day.

B. GENERAL POLICY

1. Custody and Security

The facility's custody and security policy and procedures shall address the buildings or portions of buildings housing the food service department; all types of detainee traffic in and out of the department; detainee behavior; control of repairs or utensils with a custodial hazard potential (knives, cleavers, saws, tableware, etc.); official counts and/or census; shakedowns; and any other matters having a direct or indirect bearing on custody and security.

The facility training officer will devise and provide appropriate training to all food service personnel in detainee custodial issues. Among other things, this training will cover INS's detention standards.

In SPCs/CDFs custody and security within the department is the responsibility of food service personnel, even if INS/CDF detention personnel are present. The facility shall make site-specific modifications to the custody and security provisions of the Detention Operations Manual.

2. Knife Control

The knife cabinet must be equipped with an approved locking device. The on-duty cook foreman, under direct supervision of the CS, shall maintain control of the key that locks the device.

Knives must be physically secured to workstations for use outside a secure cutting room. Any detainee using a knife outside a secure area must receive direct staff supervision.

To be authorized for use in the food service department, a knife must have a steel shank through which a metal cable can be mounted. The facility's tool control officer is responsible for mounting the cable to the knife through the steel shank.

The FSA/CS shall monitor the condition of knives and other food service utensils, disposing of items not in good working order and ordering replacements. If a knife is misplaced or lost, staff shall notify the FSA and CDEO, and shall hold detainees who may have had access to the missing knife in the area until after a thorough search. The responsible CS shall provide the details of the loss in a written report to the CDEO.

3. Key Control

The knife cabinet shall meet the tool-control standards of the Occupational Safety and Health Administration, as well as any site-specific standards developed by the facility.

The control room officer will issue keys only in exchange for a name chit from receiving staff. Under no circumstances shall detainees have access to facility keys.

The cook supervisor shall return the keys to the control room before going off duty. At no time shall anyone carry facility keys outside the facility.

4. Controlled Food Items/Hot Items

All facilities shall have procedures for the handling of food items that pose a security threat.

Yeast represents a security threat. Until the yeast is thoroughly incorporated as an ingredient in the item being prepared, only one member of the food service staff closely supervised, may handle and dispense it. All yeast must be stored in an area with no detainee access, preferably in a locked metal yeast cabinet for which the food service department has only one key. The locked yeast cabinet should be kept in a locked area.

Staff will keep a record of the yeast inventory, indicating quantity of receipt and issue, balance on hand, and the record-keeper's initials. The employee shall enter amounts in pounds and ounces for optimum accuracy.

Mace, nutmeg, cloves, and alcohol-based flavorings also require special handling and storage. The purchase order for any of these items will specify the special-handling requirements for delivery. Staff shall store and inventory these items in a secure area in the food service department. Staff shall directly supervise use of these items.

5. Shakedowns

All facilities must establish daily searches (shakedowns) of detainee work areas (trash, etc.) as standard operating procedures, paying particular attention to trash receptacles. Also required are searches of detainees leaving certain work areas (e.g., bakery, vegetable preparation, dining room, warehouse). These searches reduce the possibility that hot food or contraband will leave the restricted area. Unless directed otherwise by facility policy or special instructions, staff shall prevent detainees from leaving the food service department with any food item.

Food service personnel as well as facility detention staff will conduct shakedowns.

6. Counts

The FSA shall establish procedures for informing staff of the local counting procedures, and for ensuring that the procedures are followed.

Detainees should assemble in one section of the dining room, where they must remain seated until their names are called. They may then move to another section of the dining room.

No detainee may remain in a work area during a count.

Staff must be able to account for detainees at all times. The counting officer must have a staff observer/backup during each count.

7. Meals for Food Service Workers

The FSA shall establish the meal schedules for detainee food service workers.

Detainee workers will receive the same fare as other detainees. Cook supervisors shall not allow detainees to prepare "special" dishes or condiments for their own (or other detainees') consumption. Cook supervisors shall also ensure that detainee workers do not eat between meals.

Detainee workers assigned to the staff dining room may be allowed to eat in that area; all others will eat in the main dining room. If the facility has no main dining room, the FSA shall designate an area where workers to eat.

8. Detainee Clothing

Detainees assigned to the food service department shall have a neat and clean appearance.

Unless the OIC establishes other policy, the detainee uniform will consist of the following: white, short-sleeved, summer-type uniform shirts and pants; safety work shoes; and a white paper hat or white "baseball" cap. White aprons or smocks of either cloth or disposable plastic may be part of the uniform.

Any detainees with hair shoulder-length or longer must wear a hair net under his/her hat or cap. Detainees with facial hair shall be required to wear beard guards when working in the food preparation or food serving areas. Detainees working in the garbage room, dish machine room, pan-washing area, etc., shall wear rubber or plastic aprons suited to the task and, if required for sanitation or safety, rubber boots.

Detainees working in refrigerated and freezer areas will wear appropriately insulated clothing.

9. Use of Tobacco

Tobacco in all its forms is prohibited from the food service department.

10. Detainee Workforce

The number of detainees assigned to the food service department will be based on a quote developed by the FSA and approved by the OIC. The quota will provide staffing according to actual needs, eliminating any bias toward over- or understaffing.

11. Detainee Job Descriptions

The FSA shall review detainee job descriptions annually to ensure they are accurate and up-to-date. Before starting work in the department, the detainee will sign for receipt of the applicable job description. A copy of the detainee's job description shall remain on file for as long as the detainee remains assigned to the food service department.

12. Detainee Orientation and Training

To ensure a quality food service program and instill good work habits, each CS shall instruct newly assigned detainee workers in the rules and procedures of the food service department. During the orientation and training session(s), the CS will explain and demonstrate safe work practices and methods, and will identify the safety features of individual products/pieces of equipment.

Training will also include workplace-hazard recognition and deterrence, including the safe handling of hazardous materials. Detainees will learn to use and understand protective devices and clothing, and to report any malfunctions or other safety-related problems to their supervisors.

The CS must document all training in each detainee's detention file (see also the "Detainee Voluntary Work Program" Standard).

13. Detainee Work Hours and Pay

Detainees shall work and be paid in accordance with the "Voluntary Work Program" Standard.

C. Food Service Dining Room/Satellite Feeding Operations

1. General Policy

In the interest of efficiency, security, and economy in operations, detainee dining room hours will not exceed the time required to serve all meals. The dining room schedule must allow no more than 14 hours between the evening meal and breakfast. The OIC may approve variations in the food service schedule during religious and civic holidays, provided basic nutritional goals are met.

Detainees shall be served at least two hot meals every day.

Meals will be served in as unregimented a manner as possible. To this end, the FSA's table arrangement must facilitate free seating, ease of movement, and ready supervision. The dining room will have the capacity to accommodate all detainees in no more than three sittings.

2. Display and Service

The following procedures apply to the display, service, and transportation of food to mainline and satellite food service areas:

- a. Before and during the meal, the CS in charge shall inspect the line to ensure:
 1. All menu items are fit for consumption;
 2. Food is appropriately presented;
 3. Sanitary guidelines are observed, with hot foods maintained at a temperature of at least 140 degrees F and foods that require refrigeration maintained at 41 degrees F or below.

- b. Every open food item and beverage shall be protected from contaminants by easily cleaned sneeze-guards, cabinets, display cases, or other such equipment.
- c. Servers must wear plastic gloves whenever direct contact with a food or beverage is possible. They must use tongs, forks, spoons, ladles, or other such utensils to serve any food or beverage; serving with hands alone, with no utensil, is strictly prohibited.
- d. Servers shall use scoops, tongs, or other approved utensils when handling or dispensing ice for consumption. The FSA should consider the practicability of purchasing automatic ice-dispensing equipment.
- e. Utensils shall be sanitized as often as necessary to prevent cross-contamination and other food-handling hazards during food preparation and service. They will be sanitized after every food preparation/service session and again, if necessary, immediately before being used.
- f. Sugar, condiments, seasonings, and dressings available for self-service shall be provided in individual packages, closed dispensers, or automated condiment-dispensing systems. Salad dressings may be served in open containers if the serving ladle extends beyond the top edge of the container.
- g. If the facility does not have enough equipment to maintain the minimum or maximum temperature required for food safety, the affected items (e.g., salad bar staples such as lettuce, meat, eggs, cheese) must be removed and discarded after two hours at room temperature.

Food will be delivered from one place to another in covered containers. These may be individual containers, such as pots with lids, or larger conveyances that can move objects in bulk, such as enclosed, satellite-feeding carts. Food carts must have locking devices.

All food safety provisions (sanitation, safe-handling, storage, etc.) apply without exception to food in transit.

- h. Soiled equipment and utensils must be transported to the appropriate receptacles in closed containers.
- i. A member of the food service staff will oversee the loading of satellite-feeding carts. Staff shall inspect and secure all food carts before allowing their removal from the food service area.

3. Dining Room Supervision

All facilities shall have the proper personnel to supervise feeding.

The INS detention supervisor on duty or contract or IGSA equivalent shall be responsible for supervision of the dining room. In facilities employing contract security guards, the contract project manager will retain responsibility for overall security. In facilities with both contract and INS officers ("mixed facilities"), the INS supervisor on duty will ensure that INS Detention Enforcement Officers participate in dining room supervision.

4. Dining Room Workers

The CF in charge shall teach dining room workers about the requirements of the job, including how to perform specific tasks. A basic task common to all dining room workers is to keep the tables and floors clean during the meal service. Once the meal service is over and the detainees have left the room, the workers can undertake major cleaning tasks.

5. Serving Lines

The serving counter will be designed and constructed to separate and insulate the hot foods on the one hand and the cold foods on the other. A transparent "sneeze guard" is required.

6. Salad Bars and Hot Bars

Food items at salad bars and hot bars will be arranged for logical and efficient service. A transparent "sneeze guard" is required.

7. Beverage Counter/Bar

Self-service beverage-and-ice stations will be designed for quick and easy access. These stations will be designed for sanitary and efficient service, including traffic flow.

8. Staff Dining Room

The FSA shall have jurisdiction over the staff dining room. The staff dining room will offer the same food items as the detainee dining room.

9. Meal Ticket Program

The facility may establish a meal ticket program for employees and guests.

a. Employees

All INS staff and CDF staff, including medical and security personnel, may participate in the facility's meal ticket program as "employees."

If the facility adopts a meal-ticket system, employees must use meal tickets to eat facility-prepared food. Each meal will cost one meal ticket. While each OIC will establish site-specific rules and procedures for meal-ticket use, as a matter of policy each facility will limit meal service to individuals paying with meal tickets.

The purchasing of meal with cash or on credit (IOUs, etc.) is prohibited in all facilities. The employee shall mark the date and time of day on a meal ticket, sign it in ink, and deposit it into the ticket-collection box before every meal. Employees will eat in the food service staff dining room unless otherwise authorized. Employees who bring their own meals may eat in the staff dining room, but may drink no food service-supplied beverages unless purchased with a meal ticket.

b. Guests

The OIC may authorize the serving of meals without charge to persons rendering a special service to the facility and to certain other guests by issuing them guest meal tickets. When practicable, the OIC shall notify the FSA, in writing, before the appearance of an authorized guest in the dining room. Examples of persons who may receive meals gratis include advisors, guest speakers, technicians/others rendering a service without charge, equipment demonstrators, athletic teams, entertainers, foreign visitors, volunteers and others whose service to the facility is in the best interest of the government.

The guest will receive meal service only after presenting his/her OIC-approved meal ticket. When feasible, a single ticket may be issued to cover a group of guests.

Individuals receiving government reimbursement for their services (contract employees, per-diem-status personnel, etc.) are ineligible for guest meals provided free of charge.

D. MENU PLANNING

1. General Policy

The FSA shall base menu selections on the best nutritional program the facility can afford. *The INS standard menu cycle is 35 days.*

The food service program significantly influences morale and attitudes of detainees and staff, and creates a climate for good public relations between the facility and the community.

The overall goal of a quality food service program is to provide nutritious and appetizing meals, efficiently and within the budgetary restrictions, manpower resources, equipment, and physical layout. Nutritional needs are diverse because of differences in age, activity, physical condition, sex, and medical considerations.

The FSA shall consider the ethnic diversity of the facility's detainee population when developing menu cycles. While each facility must meet all INS standards and follow required procedures, individuality in menu planning is encouraged. Institutions geographically near one another should consider the benefits of coordinating their menus, and the cost-reductions to be achieved through joint purchasing.

The FSA is solely responsible for food service program planning and resource allocation and use.

2. Nutritional Analysis

A registered dietitian shall conduct a complete nutritional analysis of every master-cycle menu planned by the FSA. Menus must be certified by the dietitian before implementation. If necessary, the FSA shall modify the menu in light of the nutritional analysis, to ensure nutritional adequacy.

If the master-cycle menus change significantly during the year, the cycle should be reevaluated, to maintain the integrity of the nutritional analysis.

FOOD PREPARATION

1. General Policy

The CS or equivalent is responsible for ensuring that all items on the master-cycle menu are prepared and presented according to approved recipes. This includes assessing the availability and condition of ingredients required by particular recipes, and communicating supply needs to the FSA. Therefore, the CS shall review upcoming menu items as much in advance as possible.

The CS or equivalent has the authority to change menu items when necessary. Every such change/substitution must be documented and forwarded to the FSA. The CS shall exercise this menu-changing authority as infrequently as possible. Detainee cooks, bakers and vegetable-preparers can prepare the same items with consistency only by repeatedly following the approved recipes.

Knowledge of ingredients, quantities, and food-preparation techniques and procedures is essential for producing quality products. The Armed Forces Recipe Cards are recommended for use in the food service department.

2. Preparation Guidelines

Food shall be prepared with minimal manual contact. Food service workers shall thoroughly wash fruits and vegetables with fresh water before cooking or serving raw.

A worker shall test-taste with a clean fork or spoon only; using a food-preparation utensil awaiting washing is prohibited. Test-tasting utensils, unless disposable, must be washed after every use.

Any food cooked at a lower temperature than provided below constitutes a food safety hazard, and will not be served. Food service staff and detainee workers involved in cooking shall ensure that foods are cooked at the required temperatures, as follows:

- a. Raw eggs, fish, meat, and foods containing these items--145 degrees F, or higher.
- b. Game animals, comminuted (ground) fish and meats, injected meats, and eggs not intended for immediate consumption--155 degrees F, or higher.
- c. Stuffing containing fish, meat or poultry—165 degrees F, or higher.
- d. Roast beef and corned beef—145 degrees F, or higher.
- e. Potentially hazardous foods that have been cooked and then refrigerated should be quickly and thoroughly reheated at a minimum of 165 degrees F before being served. Steam tables, warmers, and similar hot food holding equipment are prohibited for the rapid reheating of these foods.
- f. After being reheated at 165 degrees, the food may be maintained at 140 degrees F on a heated steam line or equivalent warming equipment.

The facility shall obtain pasteurized milk and milk products from approved facilities only. Manufactured milk products shall meet federal standards for quality.

The facility may use reconstituted dry milk and dry milk products for cooking and baking purposes, in instant desserts, and in whipped items. If reconstituted in-house, the dry milk and milk products shall be used for cooking purposes only. Powdered milk reconstituted in an approved milk dispensing machine, or “mechanical cow,” may be used for drinking purposes. To ensure wholesomeness, an approved laboratory shall test milk produced in the mechanical cow for presence of bacteria twice monthly. The mechanical cow shall be disassembled, cleaned, and sanitized before and after each use.

Powdered milkshake or ice cream mix reconstituted in an approved ice cream machine may be used. An approved laboratory shall test dairy-based products produced in the machine for the presence of bacteria monthly. The ice cream machine shall be disassembled, cleaned, and sanitized before and after each use.

Liquid, frozen, and dry eggs and egg products are pasteurized at temperatures high enough to destroy pathogenic organisms that might be present. However, because of the possibility of (re) contamination after opening, thawing, or reconstitution, these products should be primarily used in cooking and baking.

Nondairy creaming, whitening, or whipping agents may be reconstituted in-house only if immediately stored in sanitized, covered containers not larger than one gallon and cooled to 41 degrees F or lower within four hours of preparation.

The CF shall use thermometers to ensure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

To prevent cross-contamination, separate cutting boards must be used for raw and cooked foods. The cutting boards must be washed, rinsed, and sanitized between every use.

The FSA may require use of color-coded cutting boards, which reduce the risk of cross-contamination during food preparation.

3. Food Cooling

Potentially hazardous food must be cooled from 140 to 70 degrees F within two hours of cooking, and from 70 to 41 degrees F or below within four hours. Foods prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna, must be cooled to 41 degrees F within two hours of cooking.

The food service department can meet time-and-temperature requirements for cooling by using any or all of the following techniques, which expedite cooling:

- a. Placing the food in shallow pans
- b. Separating food into smaller or thinner portions
- c. Using rapid cooling equipment

- d. Stirring the food in a container placed in an ice water bath
- e. Using containers that facilitate heat transfer
- f. Adding ice as an ingredient
- g. Using a commercial blast-chiller.

During the cooling process, the food containers will be arranged in cooling or cold-holding equipment in a way that maximizes heat transfer through the walls of the containers.

Food protected from overhead contamination should be left uncovered during the cooling period. If the risk of overhead contamination exists, the food must be covered. However, the cover should be loose. These measures facilitate heat transfer from the surface of the food.

4. Food Thawing

Potentially hazardous food shall be thawed:

- a. Under refrigeration that maintains the food at 41 degrees F or below.
- b. Submerged in running water:
 - 1. At a water temperature of 70 degrees F or below.
 - 2. With sufficient water velocity to agitate and float off loose particles in an overflow.
 - 3. For a period that does not allow thawed portions of ready-to-eat food to rise above 41 degrees F.
 - 4. For period that does not allow thawed portions of a raw animal food requiring cooking for more than four hours.
 - 5. The allowed periods for thawing include the time the food is exposed to the running water, the time to prepare food for cooking, or the time it takes under refrigeration to cool the food to 41 degrees F.
- c. As part of a cooking process, provided there is continuous (uninterrupted) cooking throughout the process.

5. Food Protection - General Requirements

Food and ice will be protected from dust, insects and rodents, unclean utensils and work surfaces, unnecessary handling, coughs and sneezes, flooding, drainage, overhead leakage, and other sources of contamination. Protection will be continuous, whether the food is in storage, in preparation/on display, or in transit.

All food storage units must be equipped with accurate easy-to-read thermometers. New heating and/or refrigeration equipment purchases should include a zone-type thermometer with temperature graduations. Refrigeration equipment shall be designed and operated to maintain temperature of 41 degrees F or below.

6. Hermetically Sealed Foods

Canned food that has abnormal color, taste, or appearance or which is contained in cans that show abnormalities such as bulging at ends, swelling, or leakage shall not be served. Unsuitable canned food shall be surveyed and destroyed.

7. Potential Hazardous Foods

Potentially hazardous foods are those foods that provide a good medium for bacteria growth. They include any perishable food that consists in whole or part of milk, milk products, eggs, meat, poultry, fish or shellfish, i.e., high protein foods.

Potentially hazardous foods shall be prepared with a minimum of manual contact. Such products will be prepared from chilled ingredients whenever feasible.

The surfaces of equipment, containers, cutting boards, and utensils used for preparation and subsequent storage of potentially hazardous food shall be effectively cleaned after each use.

Potentially hazardous food should be prepared as close to serving time as practical. Potentially hazardous raw frozen food should be cooked from the frozen state whenever practical. Tempering shall be accomplished by refrigeration at 40 degrees F or below; or, with potable (safe-to-drink) running water, at 70 degrees F or below. The potable water technique may be used only if the product is sealed in its original container. At no time shall potentially hazardous food thaw at room temperature.

All precooked, potentially hazardous, refrigerated, or frozen food intended for reheating shall be heated rapidly to a temperature above 165 degrees F.

8. Leftovers

Prepared food items which have not been placed on the serving line may be retained for no more than 24 hours. Leftovers offered for service a second time shall not be retained for later use, but shall be discarded immediately after offering. All leftovers shall be labeled to identify the product, preparation date, and time.

E. RELIGIOUS/SPECIAL DIETS

1. General Policy

The INS requires all facilities to provide detainees requesting a religious diet reasonable and equitable opportunity to observe their religious dietary practice within

the constraints of budget limitations and the security and orderly running of the facility through a common fare menu. The detainee will provide a written statement articulating the religious motivation for participation in the common fare program.

Detainees whose religious beliefs require adherence to particular dietary laws will be referred to the Chaplain. After verifying the religious dietary requirement by reviewing files and/or consulting with local religious representatives, the Chaplain will issue specific written instructions. Special diets will be kept simple, as much like the food served on the main line as possible.

In SPCs/CDFs, once a religious diet has been approved, the FSA will issue, in duplicate, a special- diet identification card.

This diet-identification card shall contain the following:

1. *Detainee name and A-number*
2. *The type of religious diet prescribed*
3. *The expiration date, within 30 days*
4. *Signature of the FSA*

The FSA will contact the appropriate individual or department to obtain a photo of the detainee and attach the photo to the identification card. The FSA will issue that the food service department receives one copy of the identification card. The second identification card will be issued to the detainee, who at every meal must present the card to the cook on duty. The second copy of the consultation sheet will be filed in the detainee's file.

At any time a detainee on a religious diet refuses a meal and/or accepts the regular main-line meal, the cook on duty shall notify the FSA in writing.

2. Common-Fare Menu

Common fare is intended to accommodate detainees whose religious dietary needs cannot be met on the main line. The common-fare menu is based on a 14-day cycle, with special menus for the 10 Federal holidays. The menus must be certified as exceeding minimum daily nutritional requirements.

3. Changes to the Standard Common-Fare Menu

Modifications of the standard common-fare menu may be made at the local level. Seasonal variations, for example, affect the availability of fresh produce in different locations, making menu modifications inevitable.

With the OIC's concurrence, therefore, the FSA may make temporary, nutritionally equal substitutions for fresh seasonal produce that violates no religious dietary laws. The Chaplain or local religious representatives will be consulted if technical questions arise.

4. Hot Entree Availability

To the extent practicable, a hot entree shall be available to accommodate detainees' religious dietary needs, e.g., kosher and/or halal products. Hot entrees shall be offered three times a week and shall be purchased precooked, heated in their sealed containers, and served hot. Other cooking is not permitted in the common-fare program.

5. Religious Requirements

With the exception of fresh fruits and vegetables, the facility's kosher-food purchases shall be fully prepared, ready-to-use, and bearing the symbol of a recognized kosher-certification agency. Any item containing pork or a pork product is prohibited. Only bread and margarine labeled "pareve" or "parve" shall be purchased for the common-fare tray.

6. Nutritional Requirements

Common-fare menus meet U.S. recommended daily allowances (RDAs). A detainee who chooses the common-fare menu shall select only beverages from the regular menu.

7. Instant Food and Beverages

The food service shall provide a hot-water urn for reconstituting instant beverages and foods, for use by detainees eating main-line fare.

8. Plates and Utensils

Common-fare meals shall be served with disposable plates and utensils, except when a supply of reusable plates and utensils has been set aside for common-fare service only. Separate cutting boards, knives, food scoops, food inserts, and other such tools, appliances, and utensils shall be used to prepare common-fare foods, and shall be identified accordingly. Meat and dairy food items and the service utensils used with each group shall be stored in areas separate from each other. A separate dishpan shall be provided for cleaning these items, if a separate or three-compartment sink is not available.

The chaplain will escort other clergy to the common-fare preparation area for frequent, irregular monitoring of compliance with religious dietary requirements.

9. Application and Removal

The OIC, in consultation with the Chaplain, shall be the approving official for a detainee's removal from the common-fare program.

Food service staff shall refer to the daily roster to identify detainees in the common-fare program. Staff shall not use this information to disparage a detainee's religion or religious views, or to attempt to dissuade him/her from participating in the program.

- a. The FSA shall monitor the food selections of all detainees participating in the common-fare program, to ensure the legitimacy of their participation.
- b. Staff shall train and supervise all detainees with common-fare assignments.
- c. A detainee's temporary adoption of a medically prescribed diet or placement in a Special Management Unit (SMU) shall not affect his/her access to common-fare meals, which both the SMU and the facility hospital provide. However, if a prescribed medical diet conflicts with the common-fare diet, the medical diet takes precedence.
- d. A detainee who has been approved for a common fare menu must notify the chaplain, in writing if he/she wishes to withdraw from the religious diet.

The chaplain may recommend withdraw approval for a detainee's religious diet if the detainee is documented as being in violation of the terms of the religious diet program to which the detainee has agreed in writing. If a detainee misses three consecutive common-fare meals, the Chaplain shall recommend in writing that the OIC remove the detainee from the program)

In order to preserve the integrity and orderly operation of the religious diet program and to prevent fraud, detainees who withdraw (or are removed) may not be immediately reestablished back into the program.

The process of reapproving a religious diet for a detainee who voluntarily withdraws or who is removed ordinarily may extend up to ten days. Repeated withdrawals (voluntary or otherwise), however, may result in detainee being subjected to a waiting period of up to one-month. The decision to remove a detainee rests with the OIC, in consultation with the Chaplain and/or local religious representatives, if necessary.

Although the OIC has authority to remove and reinstate detainees to participation in the program. Ordinarily, this authority is delegated to the chaplains. Detainees wishing to participate in the Common Fare program shall complete an authorization form which the chaplain or FSA shall review and sign. The chaplain or FSA shall forward a copy of the authorization form to staff for inclusion in the detainees detention file (see the Authorization for Common Fare Participation Attachment.)

10. Annual Ceremonial Meals

The Chaplain, in consultation with the local religious leaders, if necessary, shall develop the ceremonial-meal schedule for the next calendar year, providing it to the OIC. This schedule shall include the date, religious group, estimated number of participants, and special foods required. Ceremonial and commemorative meals shall be served in the food service facility unless otherwise approved by the OIC.

The food service department shall be the only source of procurement for food items. To maintain equity in menu design, all meals shall be limited to food items on the facility's master-cycle menu. To facilitate food preparation, consultations between the FSA and local religious representative(s) concerning appropriate menus shall occur six-to-eight weeks in advance of the scheduled observance. The religious provider may, through the food service department, procure the ritual-observance food items (in minimal quantities). Such items will not generally constitute the main entree for the ceremonial meal.

11. Religious Fasts and Seasonal Observances

The common-fare program shall accommodate detainees abstaining from particular foods or fasting for religious purposes at prescribed times of year.

a. Ramadan

1. During Ramadan, Muslims participating in the fast shall receive the approved meals after sundown, for consumption in the food service department or SMU.
2. During the December fast, vegetarian or hot fish dishes shall replace meat entrees. Fasters shall receive both noon and evening meals after sundown.
3. Detainees not participating in the common-fare program but electing to observe Ramadan or the December fast shall be served the main line meal after sundown. If the main-line menu does not meet religious requirements, the detainee may participate in the common-fare program during the period in question.

Each facility may provide a bag breakfast or allow detainees to go to the food service department for breakfast before dawn. Bag breakfasts should contain nonperishable items, such as ultra-high pasteurized milk, fresh fruit, peanut butter, dry cereal, etc. The menu for the common-fare program cannot be used for a bag breakfast.

b. Passover

The facility shall have the standard Kosher-for-Passover foods available for Jewish detainees during the eight-day holiday. The food service shall be prepared to provide Passover meals to new arrivals.

All Jewish detainees observing Passover shall be served the same Kosher-for-Passover meals, whether or not participating in the common-fare program.

c. Lent

During the Christian season of Lent, a meatless meal (lunch or dinner) shall be served on the main line on Fridays and on Ash Wednesday.

12. Recordkeeping/Costs

The FSA shall estimate quarterly costs for the common-fare program, including this figure in the quarterly budget. The FSA shall maintain a record of the actual costs of both edible and non-edible items.

F. MEDICAL DIETS

1. Therapeutic Diets

Detainees with certain conditions—chronic or temporary; medical, dental, and/or psychological—will be prescribed special diets as appropriate.

Special (therapeutic) diets will be authorized by the Clinical Director (CD) on form I-819, "Detainee Special Need(s)." The form will specify the type of diet, its duration, and any special instructions.

Therapeutic diets shall be prescribed and, if necessary, renewed, in 30-day increments.

Once a medical diet has been prescribed, the medical department shall issue in duplicate, a special diet identification card.

The special diet identification card shall contain the following:

- a. Detainee name and A-number*
- b. Type of diet*
- c. Duration (up to 30 days)*
- d. CD signature*

The CD will contact the appropriate individual or department to obtain a photo of the detainee and attach the photo to the identification card. The CD will ensure that the food service department receives one copy of the identification card. The second identification card will be issued to the detainee, who must present the card at each meal to the cook on duty.

The cook on duty shall notify the FSA and/or CS in writing any time a detainee on a therapeutic diet refuses the special meal and/or accepts the regular main-line meal.

2. Snacks or Supplemental Feedings

The physician may order snacks or supplemental feedings for such reasons as:

- a. Insulin-dependent diabetes.
- b. Pregnancy-, cancer-, AIDS-related need to increase protein, calories, etc.
- c. Prescribed medication must be taken with food.

G. SPECIALIZED FOOD SERVICE PROGRAMS

1. Satellite Feeding

"Satellite feeding" refers to food prepared in one location for consumption elsewhere, e.g., general housing units, the SMUs, remote housing area(s), etc. The sanitary standards applicable in the food service department apply during the entire satellite-feeding process, from preparation to actual delivery (see section III.C, above, and III.H., below). Satellite-feeding and microwave instructions (if applicable) shall be posted in satellite-feeding areas.

Foods shall be kept hot enough or cold enough to destroy or arrest the growth of infectious organisms. The FSA shall ensure that staff understand the special handling required by potentially hazardous foods, e.g., meat, cream, or egg dishes. Staff must understand the critical importance of time and temperature in delivering safe food.

To prevent bacteria growth, food must be prepared and held at the proper temperatures until plated. Satellite tray meals must be delivered and served within two hours of food being plated.

Foods in the potentially hazardous category should remain under refrigeration until cooking time and, after cooking, maintained at or above 140 degrees F. Hot foods must be placed in a heated serving line during tray assembly. Thermal bags and carts, refrigerated carts, thermal compartment trays, etc. shall be used for satellite feeding.

Outside foods prepared in bulk for transportation to a remote housing unit or other location shall be transported in thermal containers that maintain cold items at temperatures below 41 degrees F, hot items at temperatures above 140 degrees F, excluding items served within the two-hour window for food safety.

2. Weekend and Holiday Meal Schedule

When weekend and/or holiday meal schedules differ from the weekday schedule, detainees in the SMU shall receive continental breakfast or regular main-line items. Brunch service will conform to the breakfast meal-pattern; dinner, to the noon or evening meal-pattern.

3. Selection of Menu Courses

Care must be taken to ensure that meals are provided in such portions as to be nutritionally adequate.

4. Segregation Food Rations

Food items in excess of the normal prescribed ration shall not be given to detainees in segregation units as a reward for good behavior, nor shall food rations be reduced or changed and used as a disciplinary tool.

5. Segregation Sack Lunches

Detainees in segregation shall receive sack meals only with the OIC's written authorization. The medical department will be consulted when necessary. For the sack lunch contents refer to paragraph G.7.c., below.

6. Sack Meals

All meals will be served from established menus in the dining room or housing units. In some circumstances detainees may be provided sack meals.

Sack meals shall be provided for: detainees being transported from the facility; detainees arriving/departing between scheduled meal hours; and detainees in the SMU, as provided above.

a. Quality

Sack meals shall be of the same quality as other meals prepared by the food service.

b. Preparation

Members of the food service staff shall prepare sack meals for bus or air service. While detainee volunteers assigned to the food service shall not be involved in preparing meals for transportation, they may prepare sack meals for on-site consumption.

A designated member of the bus or plane crew shall pick up from the food service all sack meals prepared for detainee transportation. Before departing, this crewmember shall inspect the sacks for:

1. quality of contents;
2. proper wrapping; and
3. correct individual counts.

c. Contents

Each sack shall contain at least two sandwiches per meal, of which at least one will be meat (non-pork). Commercial bread or rolls may be preferable because they include preservatives. To ensure freshness, fresh, facility-made bread may be used only if made on the day of lunch preparation. Sandwiches should be individually wrapped or bagged in a secure fashion, to prevent the food from deteriorating. Meats, cheeses, etc., should be freshly sliced the day of sandwich preparation. Leftover cooked meats shall not be used after 24 hours.

In addition, each sack shall include:

1. One piece of fresh fruit or properly packaged canned fruit (paper cup with lid), complete with a plastic spoon; and
2. One ration of a dessert item, e.g., cookies, doughnuts, fruit bars. Extremely perishable items, e.g., fruit pie, cream pie, other items made with milk, cream, or other dairy ingredients shall be excluded; and
3. Such extras as properly packaged fresh vegetables, e.g., celery sticks, carrot sticks, and commercially packaged "snack foods," e.g., peanut butter crackers, cheese crackers, individual bags of potato chips. These items enhance the overall acceptance of the lunches.

d. Packaging

Preferably, the food service will pack sack meals intended for bus/air service in disposable "snack boxes," which are designed for proper placement of contents and to afford maximum protection during handling, packaging and transporting. These boxed lunches shall be stacked and stored in a secured, refrigerated area until pickup. If necessary, paper bags may be used.

H. SAFETY AND SANITATION

1. General Policy

All food service employees are responsible for maintaining a high level of sanitation in the food service department. Food service staff shall teach detainee workers personal cleanliness and hygiene; sanitary methods of preparing, storing, and serving food; and the sanitary operation, care and maintenance of equipment, including automatic dishwashers and pot-and-pan washers.

An effective food sanitation program both prevents health problems and creates a positive environment. This leads to a feeling of pride and cooperation among detainees, as evidenced in the wearing of uniforms by food service staff and detainees, including hats/hair nets, plastic gloves, etc.

Head coverings, gloves, and beard guards are encouraged, but not required, when staff are distributing covered serving trays.

2. Personal Hygiene of Staff and Detainees

- a. All food service personnel shall wear clean garments, maintain a high level of personal cleanliness, and practice good hygienic while on duty. They shall wash hands thoroughly with soap or detergent before starting work, and as often as necessary during the shift to remove soil or other contaminants. Staff and detainees shall not resume work after visiting the toilet facility without first washing their hands with soap or detergent. The FSA shall post signs to this effect.
- b. Neither staff nor detainees shall use tobacco in a food service work area. If they use tobacco in a smoking-permitted area, they shall wash their hands before resuming work.
- c. All staff and detainees working in the food preparation and service area(s) shall use effective hair restraints. Personnel with hair that cannot be adequately restrained shall be prohibited from food service operations.
- d. Detainee food service workers shall be provided with and use clean white uniforms while working in a food preparation area or on the serving line.
- e. Approved rubber soled safety shoes shall be provided and used by all food service personnel working in food service.
- f. Staff and detainees who prepare or serve food shall not be used to clean latrines, garbage cans, sewers, drains, grease traps, or for other duties during the period of food preparation. This is to prevent cross-contamination. For instance, persons just finishing cleaning garbage cans would not go directly to preparing food without bathing and changing clothes.

- g. Only authorized food service personnel shall be used to prepare and serve food. Authorization is based on approval from the facility's Health Services Department.
- h. Only authorized personnel shall be allowed in the food preparation, storage, or utensil cleaning areas of the food service facility.

3. Medical Examination

- a. All food service personnel (both staff and detainee) shall receive a pre-employment medical examination. The purpose of this examination is to exclude those who have a communicable disease in any transmissible stage or condition. Detainees who have been absent from work for any length of time for reasons of communicable illness (including diarrhea) shall be referred to Health Services for a determination as to fitness for duty prior to resuming work.
- b. The food service workers' examination shall be conducted in sufficient detail to determine absence of:
 - 1. Acute or chronic inflammatory condition of the respiratory system.
 - 2. Acute or chronic infectious skin disease.
 - 3. Communicable disease.
 - 4. Acute or chronic intestinal infection.

4. Daily Health Checks

The CF or equivalent will inspect all detainee food service workers daily at the start of each work period. Detainees who exhibit signs of illness, skin disease, diarrhea (admitted or suspected), or infected cuts or boils shall be removed from the work assignment and immediately referred to Health Services for determination of duty fitness. The detainees shall return to work only after the FSA has received written clearance from Health Services staff.

5. Environmental Sanitation and Safety

All facilities shall meet the following environmental standards:

- a. Clean, well-lit, and orderly work and storage areas.
- b. Overhead pipes removed or covered, to eliminate the food-safety hazard posed by leaking or dusty pipes.
- c. Routinely cleaned walls, floors, and ceilings in all areas.

- d. Ventilation hoods, to prevent grease buildup and wall/ceiling condensation that can drip into food or onto food-contact surfaces. Filters or other grease-extracting equipment shall be readily removable for cleaning and replacement.
- e. Eighteen-inch clearance (minimum) underneath sprinkler deflectors.
- f. Hazard-free storage areas:
 - bags, containers, bundles, etc., stored in tiers; stacked, blocked, interlocked, and limited in height for stability/security against sliding or collapsing
 - no flammable material; no loose cords, debris, or other obvious accident-causers (stumbling, tripping, falling, etc.); no pest-harborage.
- g. Aisles and passageways shall be kept clear and in good repair, with no obstruction that could create a hazard or hamper egress.
- h. To prevent cross-contamination, kitchenware and food-contact surfaces should be washed, rinsed, and sanitized after each use and after any interruption of operations during which contamination could occur.
- i. A ready supply of hot water (105-120 degrees F).
- j. Garbage and other trash shall be collected and removed as often as possible. The garbage/refuse containers shall have sufficient capacity for the volume, and shall be kept covered, cleaned frequently, and insect- and rodentproof. The facility shall comply with all applicable regulations (local, state, and federal) on refuse-handling and disposal.
- k. The premises shall be maintained in a condition that precludes the harboring or feeding of insects and rodents. Outside openings will be protected by tight-fitting screens, windows, and doors that are self-closing, controlled air curtains, etc.

6. Equipment Sanitation

Information about the operation, cleaning, and care of equipment will be obtained from manufacturers or local distributors. A file of such reference material should be maintained in the food service department and used in developing equipment- cleaning procedures for training. In the purchase and placement of equipment, sanitation shall be a primary consideration.

Equipment shall be installed for ease of cleaning, including the removal of soil, food materials, and other debris that collects between pieces of equipment or between the equipment and walls or floor. Although older facilities may not have the advantage of the latest designs and equipment, they can meet sanitation standards through careful planning, training, and supervising.

The FSA shall develop a schedule for the routine cleaning of equipment.

7. Equipment and Utensils

a. Information

All food service equipment and utensils shall meet the National Sanitation Foundation (NSF) standards (or equivalent standards of other agencies.).

b. Materials

1. Materials used in the construction or repair of multi-use equipment and utensils shall be nontoxic, corrosion-resistant, nonabsorbent, durable under normal use, smooth, and easily cleanable. These materials shall impart no odors, color, or taste. They shall retain their original properties under repeated use, creating no risk of food-adulteration as they deteriorate. Paint on any surface that could come into contact with food is prohibited.
2. Milk-dispensing tubes shall be cut diagonally about two inches from the cutoff valve. Bulk milk dispensers shall be equipped with thermometers.

c. Design and Fabrication

1. All food service equipment and utensils (including plasticware) shall be designed and fabricated for durability under normal use.

Such equipment shall be readily accessible, easily cleanable, and resistant to denting, buckling, pitting, chipping, and cracking.

2. Equipment surfaces not intended for contact with food, but located in places exposed to splatters, spills, etc., require frequent cleaning. Therefore, they shall be reasonably smooth, washable, free of unnecessary, ridges, ledges, projections, and crevices, with upkeep that contributes to cleanliness and sanitation.

d. Installation

1. Equipment shall be installed in accordance with the manufacturer's instructions and good engineering practices.
2. Installers shall allow enough space between pieces of equipment and/or between equipment and walls to facilitate routine cleaning. Adjacent pieces may be butted together if the gap between them is sealed.

e. General Cleaning Procedures

1. Moist cloths for wiping food spills on kitchenware and food-contact surfaces on equipment shall be clean, rinsed frequently in sanitizing solution, and used solely for this purpose. They shall soak in the sanitizing solution between uses.
2. Moist cloths used for non-food-contact surfaces, such as counters, dining-table tops and shelves, shall be cleaned, rinsed, and stored in the same way as the moist cloths used on food-contact surfaces. They shall be used on non-food-contact surfaces only.
3. Detergents and sanitizers must have Food and Drug Administration approval for food-service uses.

f. Manual Cleaning and Sanitizing

1. A sink with at least three labeled compartments is required for manually washing, rinsing, and sanitizing utensils and equipment. Each compartment shall have the capacity to accommodate the items to be cleaned. Each shall be supplied with hot and cold water..
2. Drain-boards and/or easily movable dish-tables shall be provided for utensils and equipment both before and after cleaning.
3. Equipment and utensils shall be pre-flushed, pre-scraped and, when necessary, presoaked to remove gross food particles. A fourth sink compartment, with garbage-disposer, is useful for these purposes, and shall be included in plans for facilities being built or renovated.
4. Except for fixed equipment and utensils too large to be cleaned in sink compartments, the following procedures apply:
 - a. Wash in the first sink compartment, using a hot detergent solution changed frequently to keep it free from soil and grease.
 - b. Rinse in/under hot water in the second compartment, changing the rinse water frequently. This compartment should be kept empty, and a sprayer used for rinsing, to prevent rinse water from becoming soapy or contaminated.

- c. Sanitize in the third compartment using one of the following methods:
1. Immerse for at least 30 seconds in clean water at a constant temperature of 170 degrees F that is maintained with a heating device and frequently checked with a thermometer. Use dish baskets to immerse items completely.
 2. Immerse for at least 60 seconds in a sanitizing solution containing at least 50 parts per million (ppm) chlorine at a temperature of at least 75 degrees F.
 3. Immerse for at least 60 seconds in a sanitizing solution containing at least 12.5 ppm iodine, with a pH not higher than 5.0 and a temperature of at least 75 degrees F.
 4. Immerse in a sanitizing solution containing an equivalent sanitizing chemical at strengths recommended by the Public Health Service.
 5. Periodically check and adjust as necessary the chemical concentrations in a sanitizing solution, using a test kit
 6. Air-dry utensils and equipment after sanitizing.
 7. Steam-clean oversized equipment, provided the steam can be confined to the piece of equipment. Alternatively, rinse, spray, or swab with a chemical sanitizing solution mixed to at least twice the strength required for immersion-sanitizing.

g. Mechanical Cleaning and Sanitizing

Spray- or immersion-dishwashers or devices, including automatic dispensers for detergents, wetting agents, and liquid sanitizer, shall be maintained in good repair. Utensils and equipment placed in the machine must be exposed to all cycles. Procedures for cleaning and sanitizing follow:

1. The pressure of the final-rinse water must be between 15 and 25 pounds per square inch (psi) in the water line immediately adjacent to the final-rinse control valve.
2. Install machine- or water line-mounted thermometers to check water temperature in each dishwasher tank, including the final-rinse water.

3. Use baffles, curtains, etc., to prevent wash water from entering the rinse-water tank(s). Time conveyors to ensure adequate exposure during each cycle.
4. Place equipment and utensils on conveyors or in racks, trays, baskets to expose all food-contact surfaces to detergent and wash and clean-rinse waters without obstruction and to facilitate free draining.
5. Maintain the following temperatures for hot-water sanitizing:
 - a. Single-tank, stationary rack, dual-temperature machine: wash temperature of 150 degrees F; final rinse, 180 degrees F.
 - b. Single-tank, stationary rack, single-temperature machine: wash and rinse temperature of 165 degrees F.
 - c. Multi-tank, conveyor machine: wash temperature of 150 degrees F; pumped rinse, 160 degrees F; final rinse, 180 degrees F.
 - d. Single-tank, pot/pan/utensil washer (stationary or moving rack): wash temperature of 140 degrees F; final rinse, 180 degrees F.
 1. When using a chemical spray in a single-tank, stationary rack, glass-washer, maintain a wash temperature of at least 120 degrees F unless otherwise specified by the manufacturer.
 2. Air-dry all equipment and utensils after sanitizing, by means of drain- boards, mobile dish-tables and/or carts.

h. Equipment and Utensil Storage

1. Eating utensils should be picked up by their bases or handles only. Utensils shall be stored in perforated pans only.
2. Glasses, tumblers, and cups shall be inverted before storing; other tableware and utensils may be either covered or inverted.

8. Storage of Clothing and Personal Belongings

Clothes and other personal belongings, e.g., jackets, shoes, etc. shall be stored in designated areas apart from food-preparation, -storage, -serving areas and utensil-washing and -storage areas. The FSA shall identify space for storing detainees' belongings.

9. Lavatories

- a. Adequate and conveniently located toilet facilities shall be provided for all food service staff and detainee workers. Toilet fixtures shall be of sanitary design and readily cleanable.

Toilet facilities, including rooms and fixtures, shall be kept clean and in good repair. Signs shall be prominently displayed directing all personnel to wash hands after using the toilet.

- b. Lavatories shall have readily available hot and cold water.
- c. Soap or detergent and paper towels or a hand-drying device providing heated air shall be available at all times in each lavatory. Waste receptacles shall be conveniently placed near the hand-washing facilities.

10. Pest Control

Good sanitation practices are essential to an effective pest control program. The FSA is responsible for pest control in the food service department. This responsibility includes contracting the services of an outside exterminator.

Air curtains or comparable devices shall be used on outside doors where food is prepared, stored, or served to protect against insects and other rodents.

11. Hazardous Materials

- a. Only those toxic and caustic materials required for sanitary maintenance of the facility, equipment, and utensils shall be used in the food service department.
- b. All staff members shall know where and how much toxic, flammable, or caustic material is on hand, aware that their use must be controlled and accounted-for daily. Detainee-type combination locks shall not be used to secure such material.
- c. All containers of toxic, flammable, or caustic materials shall be prominently and distinctively labeled for easy content identification.

- 1. All toxic, flammable, and caustic materials shall be segregated from food products and stored in a locked and labeled cabinet or room.

Cleaning and sanitizing compounds shall be stored apart from food products.

2. Toxic, flammable, and caustic materials shall not be used in a manner that could contaminate food, equipment, or utensils, or could pose a hazard to personnel or detainees working with or consuming food service products.
3. A system for intermediate storage of received hazardous substances shall secure the materials from time of receipt to time of issue
4. The FSA shall obtain and file for reference Material Safety Data Sheets (MSDSs) on all flammable, toxic, and caustic substances used in the facility. Food service staff and detainee workers shall be informed of the hazards associated with these items. The FSA shall forward copies of all MSDSs to the health services department, with a set available in each food service work area.

12. General Safety Guidelines

- a. Extension cords shall be UL-listed and UL-labeled. They may not be used in tandem.
- b. All steam lines within seven feet of the floor or working surface, and with which a worker may come in contact, shall be insulated or covered with a heat-resistant material, or be otherwise guarded from contact. Inaccessible steam lines (guarded by location) need not be protected from contact.
- c. Machines shall be guarded in compliance with OSHA standards:
 1. Fans within seven feet of the floor or work surface will have blade-guard openings no larger than two inches.
 2. Protective eye and face equipment shall be used, as appropriate, to avert risk of injury. Dangerous areas presenting such risks shall be conspicuously marked with eye-hazard warning signs.
 3. Safety shoes will be worn in FSA-designated foot-hazard areas.
 4. Meat saws, slicers, and grinders shall be equipped with anti-restart devices.
 5. The maintenance manager shall provide ground-fault protection wherever needed in the food service department, and shall document same for the FSA.
- d. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment and materials attached to walls or ceilings shall be maintained in good repair,

- e. Lights in food-production areas, utensil- and equipment-washing areas, and other areas displaying or storing food, equipment, or utensils shall be equipped with protective shielding.
- f. An approved, fixed, fire-suppression system shall be installed in ventilation hoods over all grills, deep fryers and open flame devices. A qualified contractor shall inspect the system every six months. The fire-suppression system shall be equipped with a locally audible alarm and connected to the control room's annunciator panel.

Hood systems shall be cleaned after each use to prevent grease build-ups, which constitute fire risks. All deep-fryers and grills shall be equipped with automatic fuel or energy shut-off controls.

13. Mandatory Inspections

- a. The facility shall implement written procedures for the administrative, medical, and/or dietary personnel conducting the weekly inspections of all food service areas, including dining, storage, equipment, and food-preparation areas. All components of the food service department, (ranges, ovens, refrigerators, mixers, dishwashers, garbage disposal, etc.) require frequent inspection to ensure their sanitary and operable condition. Staff shall check refrigerator and water temperatures daily, recording the results.

The FSA or CS of food service shall inspect food service areas weekly.

An independent, external source shall conduct annual inspections to ensure that the food service facilities and equipment meet governmental health and safety codes.

- b. Personnel inspecting the food service department shall note needed corrective action(s), if any, in a written report to the OIC. The OIC shall establish the date(s) by which identified problems shall be corrected.
- c. Daily checks of equipment temperatures shall follow this schedule:
 - Dishwashers: every meal;
 - pot- and pan-washers: daily, if water in the third compartment of a three-compartment sink is used for sanitation and the required minimum temperature is 80 degrees F;
 - refrigeration/freezer equipment (walk-in units): site-specific schedule, established by the FSA.

All temperature-check documentation shall be filed and accessible.

- d. The FSA shall develop a cleaning schedule for each food service area, and post it for easy reference. All areas (walls, windows, vent hoods, etc.) and equipment (chairs, tables, fryers, ovens, etc.) will be grouped by frequency of cleaning, e.g., After Every Use, Daily, Weekly, Monthly, Semiannually, or Annually.

J. FOOD STORAGE, RECEIVING AND INVENTORY

1. General Policy

Since control and location of subsistence supplies are site-specific, each FSA shall establish procedures for storing, receiving, and inventorying food.

On the purchase request for potentially dangerous items (knives, mace, yeast, nutmeg, cloves and other items considered contraband if found in a detainee's possession), the FSA shall mark them "hot," signaling the need for special handling.

2. Receiving

The first step in receiving is matching incoming items with vendor, purchase order, and control specifications. Receiving staff shall examine deliveries promptly to determine acceptability both for quantity and quality, consistent with the contract. If immediate examination is not practical upon delivery because the inspection will involve time-consuming tests, the vendor shall receive a receipt confirming delivery of a particular number/gross weight of containers in good condition (or, if not, noting exceptions). Weekly deliveries of fresh produce, meats, and other perishable items shall be inspected for freshness, quality, and general appearance. Staff shall supplement their inspections of perishables with random checks of weight, count, size, etc.

3. Food Receipt and Storage

The following procedures apply when receiving or storing food:

- a. Inspect the incoming shipment for damage, contamination, and pest infestation. Rats, mice, or insects may be hiding in the middle of a pallet.
- b. Promptly remove damaged pallets and broken containers of food. Separate damaged food containers from other food and store separately for disposal. Take special care in handling flour, cereal, nuts, sugar, chocolate, and other such products highly susceptible to contamination.
- c. Contact the FSA/CS for instructions on the next course of action upon finding an incoming food shipment contaminated.

- d. Store all products at least six inches from the floor and sufficiently far from walls to facilitate pest-control measures. A painted line may guide pallet placement.
- e. Store food items at least two inches from the walls and at least six inches above the floor. Wooden pallets may be used to store canned goods and other non-absorbent containers, but not to store dairy products or fresh produce.
- f. Store perishables at 35-40 degrees F to prevent spoilage and other bacterial action; maintain frozen foods at or below zero degrees F.
- g. Prevent cross-contamination by storing foods requiring washing or cooking separately from those that do not.
- h. For rapid cooling, use shallow pans (depth not exceeding four inches). Cover or otherwise shield refrigerated food from contamination.
- I. Do not store food in locker rooms, toilet rooms, dressing rooms, garbage rooms, mechanical rooms, or under sewer lines, potentially leaking water lines, open stairwells, or other sources of contamination.

4. Inventory

Determining inventory levels and properly receiving, storing, and issuing goods are critical to controlling costs and maintaining quality. While the FSA shall base inventory levels on facility needs, each facility will at all times stock a 15-day-minimum food supply.

Procedures for checking the quality and quantity of food and other supplies, and distribution to point of use shall comply with industry established policies and financial management practices.

Food service inventory represents significant financial resources converted into goods in the form of food, supplies, and equipment. All food service personnel must be aware of the value of the inventory and of his/her responsibility for the security of these goods upon receipt.

The master-cycle menus offer guidance to managers planning inventory levels.

Inventory levels are established, monitored, and periodically adjusted to correct excesses or shortages.

5. Stock Rotation

Each facility shall establish a written stock-rotation schedule.

6. Perpetual Inventory

The process of recording all purchases and food issues is called keeping a perpetual inventory. Although details may vary, the information recorded always includes the quantity on hand, quantity received, quantity issued, and unit cost for each food and supply item.

Perpetual inventory records are important because they provide the FSA with up-to-date information on product usage and give direction for further purchases.

For accurate accounting of all food and supplies, a perpetual inventory record is insufficient. An official inventory of stores on hand must be taken annually with a food service staff member and a member of the financial management staff.

All food service departments shall complete a physical inventory of the warehouse quarterly.

7. Housekeeping: Storeroom/Refrigerator

a. The Dry Storeroom

Proper care and control of the dry storeroom involves the following

1. Keeping it dry and cool (45-80 degrees F) to prevent swelling of canned goods from swelling and general spoilage.
2. Sealing or otherwise making impenetrable all wall-, ceiling-, and floor-openings, to prevent entry of dirt, water, pests, etc.
3. Vigilant housekeeping, to keep the room clean and free from rodents and vermin. A drain for flushing is desirable.
4. Securing it under lock and key to prevent pilferage, with the FSA responsible for key distribution.

b. Housekeeping in Refrigerators

Butter, milk, eggs, and cream shall be separated from foods having strong odors. Eggs shall not be subjected to freezing temperatures.

Refrigeration units shall be kept under lock and key when not in use. Walk-in boxes shall be equipped with safety locks that require no more than 15 pounds of pressure to open easily from the inside. If latches and locks are incorporated in the door's design and operation incorporates, the interior


release-mechanism must open the door with the same amount of pressure even when locks or bars are in place.

Whether new or after-market, the inside lever of a hasp-type lock must be able to disengage locking devices and provide egress. The FSA, along with the Safety Manager, will review the walk-in freezer(s) and refrigerator(s) to ensure they operate properly.

IV AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association Standards for Adult Local Detention Facilities, 3rd Edition: 3-ADLF-4C-01, 4C-02, 4C-03, 4C-04, 4C-05, 4C-06, 4C-07, 4C-08, 4C-09, 4C-10, 4C-11, 4C-12, 4C-13, 4C-14, 4C-15, 4C-16.


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

AUTHORIZATION FOR COMMON FARE PARTICIPATION

Name of Detainee _____ **A-Number** _____

I hereby request authorization to participate in the Common Fare Program. I agree to comply with the program requirements. I understand that, if I am observed consuming mainline foods or violating other program requirements, I may be temporarily removed from program participation and will not be eligible for immediate reinstatement. Repeated program violations may result in removal from the program for up to one year. I further understand that the same conditions for reinstatement may apply if I voluntarily withdraw from the program for any reason.

I understand that I must have a recorded religious preference in order to be eligible for the program, and that I must provide a written reason for requesting to participate in the religious diet program.

Religious Preference:

Specific Motivation for participating in the Religious Diet Program:

Signature of Detainee _____ **A-Number** _____

Signature of Chaplain _____ **Date** _____

Record Copy – Detainee Detention File; Copy - Chaplaincy File; Copy – Detainee

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

Policy: Every facility will provide detainees in its care with nutritious and appetizing meals, prepared in accordance with the highest sanitary standards.

FOOD SERVICE			
Components	Yes	No	Remarks
1. Is the food service program under the direct supervision of a professionally trained and certified service administrator (FSA)?			
2. Does the Cook Supervisor (CS) assist the FSA in day-to-day management of food service operations?			
3. Who determines the responsibilities of the cook foremen? a. Are these provided in writing?			
4. Are work schedules posted in accordance with the union agreement? a. Do all cooks work on a rotating schedule? b. Is the CS on duty on days when the FSA is off duty? c. Is the FSA on duty on days when the CS is off duty?			
5. Does the FSA provide food service employees with training that specifically addresses detainee-related issues? a. Including a review of the INS "Food Service" standard?			
6. Does the knife cabinet close with an approved locking device? a. Does the on-duty cook foreman maintain control of the key that locks the device? b. Under the CS's direct supervision?			
7. Are all knives not in a secure cutting room physically secured to the workstation? a. Does staff directly supervise detainees using knives at these workstations?			

FOOD SERVICE			
Components	Yes	No	Remarks
8. Does the FSA/CS monitor the condition of knives and dining utensils?			
9. Do special procedures govern the handling of food items that pose a security threat?			
10. Do standard operating procedures include daily searches (shakedowns) of detainee work areas?			
11. Do food service personnel conduct shakedowns along with detention staff?			
12. Does the FSA monitor staff implementation of the facility's counting procedures? a. Are these procedures in written form? b. Does the FSA train and routinely check staff in counting procedures? c. Has a single employee been designated responsible for ensuring compliance with procedures?			
13. Do the detainees assigned to the food service department look neat and clean? a. Does their clothing and grooming comply with the "Food Service" standard?			
14. Does the FSA annually review detainee-volunteer job descriptions to ensure they are accurate and up-to-date?			
15. Does the CS instruct newly assigned detainee workers in the rules and procedures of the food service department?			
16. Does training include workplace-hazard recognition and deterrence? a. Does training cover the safe handling of every hazardous material the detainee are likely to encounter in their work?			
17. During orientation and training session(s), does the CS explain and demonstrate: a. Safe work practices and methods? b. Safety features of individual products/pieces of equipment?			
18. Does the CS document enter all training in individual detainee detention files?			

FOOD SERVICE			
Components	Yes	No	Remarks
19. Are detainees paid in accordance with the "Voluntary Work Program" standard? a. How much?			
20. How many hours after the evening meal is breakfast scheduled? a. Is this maximum ever exceeded?			
21. Are detainees served at least two hot meals every day?			
22. Does the table arrangement facilitate free seating, ease of movement, and ready supervision?			
23. Does staff routinely follow procedures when displaying and serving food?			
24. Does the INS supervisor on duty ensure that INS officers (Detention Enforcement Officers, Deportation Officers and other law enforcement officers) participate in dining room supervision?			
25. Does a transparent "sneeze guard" protect both the serving line and salad bar line?			
26. Does the staff dining room offer the same food items as the detainee dining room?			
27. Does the facility have an established meal ticket program for employees and guests?			
28. Does the facility have a standard 35-day menu cycle?			
29. Does the FSA consider the ethnic diversity of the facility's detainee population when developing menu cycles? a. How? b. Examples?			
30. Does a registered dietitian conduct a complete nutritional analysis of every master-cycle menu planned?			
31. Are menus sometimes adopted without the dietitian's certification? a. If yes, under what circumstances?			
32. Has the CS established procedures to ensure that items on the master-cycle menu are prepared and presented according to approved recipes?			

FOOD SERVICE			
Components	Yes	No	Remarks
33. Does the CS have the authority to change menu items if necessary? a. If yes, documenting each substitution, along with its justification? b. With copy to FSA?			
34. Do all staff and volunteers know and adhere to written "food preparation" procedures?			
35. Are detainees whose religious beliefs require the adherence to particular religious dietary laws referred to the Chaplain or FSA?			
36. Is a common-fare menu available to detainees whose dietary requirements cannot be met on the main? a. Can changes to the planned common-fare menu be made at the facility level? b. Are hot entrees offered three times a week? c. Do the common-fare menus satisfy nutritional recommended daily allowances (RDAs)? d. Can detainees select items from both the common-fare and regular menus? e. Does staff routinely provide hot water for instant beverages and foods? f. Are common-fare meals served with: i. Disposable plates and utensils? ii. Reusable plates and utensils? g. Does staff use separate cutting boards, knives, spoons, scoops, etc., to prepare the common-fare diet items?			
37. Who must approve a detainee's removal from the Common-Fare Program? a. Under what circumstances?			

FOOD SERVICE			
Components	Yes	No	Remarks
38. Does the OIC, in conjunction with the Chaplain and/or local religious leaders, provide the FSA a schedule of the ceremonial meals for the following calendar year? If so does it include a. The date, religious group, estimated number of participants, and any required special food purchases?			
39. Does the common-fare program accommodate detainees abstaining from particular foods or fasting for religious purposes at prescribed times of the year? a. Do Muslims fasting during Ramadan receive their meals after sundown? i. If yes, does this include individuals in the SMU? b. Do Jews who observe Passover but do not participate in the Common-Fare Program receive the same Kosher-for-Passover meals as those who do participate? c. Do main-line offerings include one meatless meal (lunch or dinner) on Ash Wednesday and Fridays during Lent?			
40. Does the FSA prepare quarterly cost estimates for the Common Fare Program? a. Is this quarterly estimate factored into the quarterly budget?			
41. Does a food service program address medical diets?			
42. Does the satellite-feeding program follow the guidelines for proper sanitation?			
43. Are hot and cold foods maintained at the prescribed, "safe" temperature(s) after two hours?			
44. Are all meals provided in nutritionally adequate portions?			
45. Is food used to reward good behavior? a. To punish bad behavior?			

FOOD SERVICE			
Components	Yes	No	Remarks
46. Does a member of the food service staff prepare the sack lunches for detainee transportation?			
47. Does the food service staff instruct detainee volunteers on: a. Personal cleanliness and hygiene? b. Sanitary techniques for preparing, storing, and serving food? c. The sanitary operation, care, and maintenance of equipment?			
48. Does everyone working in the food service department comply with food safety and sanitation requirements? a. If not, explain non-compliance.			
49. Do standard operating procedures include weekly inspection of all food service areas, including dining and food-preparation areas and equipment? a. If yes, who conducts the inspections?			
50. Does either the FSA or the CS inspect all food service areas once every week? a. According to a fixed schedule?			
51. Does an independent outside source inspect Food Service facilities and equipment for compliance with health and safety codes and regulations? a. If yes, how often? b. When was the most recent inspection? c. Which agency conducted the inspection?			
52. Does every inspection yield a written report of discrepancies? a. For submission to the AOIC? b. Is corrective action always completed by the deadline established by the AOIC?			
53. Does standard procedure include checking temperatures of all dishwashing machines during each meal? a. Do procedures include documenting each temperature check?			

FOOD SERVICE			
Components	Yes	No	Remarks
54. Does staff document the results of every refrigerator/ freezer temperature check?			
55. Is the cleaning schedule for each food service area conspicuously posted?			
56. Do written procedures cover: a. Requisitioning supplies? b. Nutrition reports?			
57. Do procedures include inspecting all incoming food shipments for damage, contamination, and pest infestation?			
58. Does staff comply with the INS requirements for "food receipt and storage?"			
59. Are stock inventory levels periodically monitored and adjusted to correct overage and shortage problems?			
60. Does staff keep storage areas locked? a. Does a designated person issue goods?			
61. Does staff comply with all INS "Housekeeping, Storeroom/Refrigerator" requirements? a. If not, identify shortcomings. b. Explain.			

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

FOOD SERVICE

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. Observing dining room activities			
B. Observing detainee workers			
C. Inspecting storage areas			
D. Inspecting refrigeration areas			
E. Inspecting washer areas			
F. Reviewing written policy and procedures.			
G. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

FUNDS AND PERSONAL PROPERTY

I. POLICY

All facilities will provide for the control and safeguarding of detainees' personal property. This will include the secure storage of funds, valuables, baggage and other personnel property; a procedure for documentation and receipting of surrendered property; and the initial and regularly scheduled inventories of all funds, valuables and other property.

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. General

Any unauthorized personal property is contraband, and will be surrendered to staff for securing and inventorying. (See the "Control and Disposition of Contraband" standard.)

Each facility, without a commissary, will have the following:

1. A cash box for currently held detainee funds, accessible to designated supervisor(s) only;
2. Valuable-property envelopes, accessible to designated supervisor(s) only;

3. A dedicated safe for the cash box and property envelopes;
4. A secured locker for holding large valuables, accessible to designated supervisor(s) only; and
5. A baggage storage area secured when not attended by assigned processing staff.

Both the safe and the large-valuables locker should be kept in the shift supervisor's office.

The baggage storage area will be maintained in a clean and orderly manner, and inspected as often as necessary to protect detainee property. To prevent overcrowding and related storage problems, staff will encourage detainees to send extra suitcases, television, and other soft contraband to a third party of his/her choosing.

The facility may make shipping arrangements for the excess personal property of detainees requiring such help; the facility will assume the cost if the detainee cannot afford postage. If the detainee refuses to cooperate by providing an appropriate mailing address, or is financially able but unwilling to pay the postage, the OIC may dispose of the property after providing the detainee with written notice (see the "Control and Disposition of Contraband" Detention Standard). If, however, the detainee's failure to specify a shipping address is because an appropriate mailing address does not exist, the facility will store the property for the detainee.

Staff shall inventory, and maintain a record of, detainee personal property being shipped from the facility, with a copy of the record placed in the detainee's detention file.

B. Limitations on Possession of Detainee Personal Property

1. The OIC will establish whether and, if so, how much cash detainees may keep in their possession while in the facility.
2. Detainees may keep a reasonable amount of personal property in their possession, provided the property poses no threat to facility security. Detainees shall have the opportunity to store excess property with a third party or, with the OIC's permission, in the facility's personal property storage area.
3. Identity documents, such as passports, birth certificates, etc., will be held in the detainee's A-file. Upon request, staff will provide the detainee with a copy of the document, certified by an INS official to be a true and correct copy.
4. Each housing area will designate an area for storing detainees' personal property.

In SPCs/CDFs without commissary, detainees may keep up to \$40.00 in their possession.

SPCs/CDFs that provide for the non-cash purchase of commissary items may prohibit cash altogether.

Each detainee will be permitted to keep in his/her possession reasonable quantities of the following, if the particular item does not pose a threat to the security or good order of the facility:

- 1. Small religious items;*
- 2. Religious and secular reading material (softbound), and correspondence;*
- 3. Legal documents and papers, including property receipts;*
- 4. Pictures (not more than 10) measuring 5" x 7" or smaller;*
- 5. Prescription glasses;*
- 6. Dentures;*
- 7. Personal address book or pages;*
- 8. Wedding ring;*
- 9. Other items approved by the Chief Detention Enforcement Officer/Chief of Security.*

Examples of items detainees shall not retain include the following:

- 1. Cash in excess of the established facility limit;*
- 2. All negotiable instruments;*
- 3. Jewelry other than small religious items and wedding rings;*
- 4. Other item of value, e.g., cameras, radios, stereos;*
- 5. Personal clothing and hygiene items when the facility provides them;*
- 6. Prohibited publications, including (but not limited to) publications depicting, describing or encouraging activities that could lead to physical violence or group disruption, such as material dealing with self-defense or survival, weaponry, armaments, explosives, or incendiary devices; containing sexually explicit material; or describing the production of drugs or alcohol.*
- 7. Drugs and medications not prescribed or authorized by facility medical staff.*

Every housing area will include a designated storage area. This area will contain a locker or other securable space for storing detainees' authorized personal property. The amount of storage space will correspond to the number of detainees assigned to that housing area. Space constraints may cause the OIC to limit the number of newspapers, magazines, etc., allowed per detainee.

C. Admission

All detention facilities shall have policies and procedures to account for and safeguard detainee property at time of admission. (For search protocols, see the "Detainee Search" Detention Standard.

Staff will search all arriving detainees and accompanying personal property for contraband.

Staff will search and inventory detainee property only in the presence of the affected detainee(s), unless instructed otherwise by the OIC.

Medical staff will determine the disposition of all medicine accompanying an arriving detainee.

Standard operating procedure will include obtaining a forwarding address from every detainee who has personal property that could be lost or forgotten in the facility after the detainee's release, transfer, or removal.

D. Officer Processing of Funds and Valuables

Each facility shall have a written standard procedure for inventory and receipt of detainee funds and valuables.

SPCs/CDFs lacking an automated detainee-funds system must process detainee funds and valuables as follows:

Funds. *Two officers must be present both to remove funds from a detainee's possession and to inventory the property on the property-receipt form, G-589. (For recordkeeping and accounting purposes, use of the G-589 is mandatory.) This inventory will be conducted in the detainees presence. The officers must complete a separate G-589 for each kind of negotiable instrument, and for each kind of foreign currency. Every G-589 the officers complete shall include:*

- a. The detainee's A-number or facility detainee number in the center area, just above the biographic information;*
- b. The three-letter facility designation;*
- b. The current date;*
- d. The complete name of the detainee, printed legibly;*
- e. In the "Quantity" column, the number of checks, money orders, or other negotiable instruments;*
- f. In the "Description" column:*
 - 1. The amount and type of currency; the kind of check, money order, or other negotiable instrument;*
 - 2. The name of the issuing bank, the register or check number, and the account name.*
 - 3. For U.S. currency, the dollar sign (\$) followed by the dollar amount, e.g. \$100.*

For foreign currency, the currency amount followed by the type, e.g., 140 Japanese Yen; 300 German Marks; 4,000 Mexican Pesos.

- g. *For a detainee with more than one kind of negotiable instrument, the officers will prepare as many G-589s as necessary to list separately, by category, all checks; all money orders; each additional category of negotiable instrument; each foreign currency.*

If cash is returned to the detainee for possession inside the facility, staff will record the transaction in the "Description" column of the affected G-589.

After all required information is recorded on the G-589, the carbon paper between the white original copy and the blue duplicate copy will be removed. The two officers and the detainee will sign the white copy and the pink copy, after which the copies will be distributed as follows:

- 1. White original to the detainee (property receipt);*
- 2. Blue copy to detainee's I-385 booking card or detention file (attachment);*
- 3. Pink copy to funds envelope (insert).*

The processing officer will record each G-589/property receipt issued, and will enter initials and star numbers of receipting officers in the facility's property receipt logbook. The officer will then deposit an envelope containing the currency, checks, money orders, other negotiable items, and G-589 receipt(s) in the drop safe.

Small valuables, including jewelry. *The G-589 will describe each item of value. Jewelry will be described in general terms (e.g., ring-yellow/white metal with red/white stone), with no mention of brand name or monetary value. The detainee and two processing officers will sign the G-589, with copies distributed as above. The officers will then place the valuables (and pink copy of G-589) in a clear envelope, which they will secure by heat-sealing or other approved techniques for tamper-proofing.*

The processing officer will record the issuance of this G-589 in the property receipt logbook. The officer will then deposit the heat-sealed valuables envelope and G-589 receipts will be deposited in the drop safe provided. Zippered nylon bags are not authorized

Large valuables *(including items that do not fit into property envelopes, e.g., televisions, musical instruments). The G-589, which will include a description of each item, will be prepared and distributed as above. The large valuables will then be tagged with a copy of the G-589 and a baggage check (Form I-77). The officers will attach a copy of the G-589 and the center portion of the I-77 to the detainee's booking card or detention file. The processing officer will record the G-589 issuance in the facility's property receipt logbook, then secure the item(s) in the designated storage area.*

Supervisor Processing of Funds and Valuables

The Supervisory Detention Enforcement Officer (SDEO) or equivalent will remove the contents of the drop safe during his/her shift and initial the G-589 accountability log. The supervisor will:

- 1. Verify the correctness of all G-589s;*
- 2. Record the amount of cash and describe each item in the supervisors' property log.*
- 3. Verify the proper disposition of funds and valuables by checking the sealed envelopes in the cash box, the property envelopes in the safe, and the safekeeping of all large valuables in the secured locked area.*

E. Officer Processing of Baggage and Personal Property Other Than Funds and Valuables

Each facility shall have a written procedure for inventory and receipt of detainee baggage and personal property (other than funds and valuables).

In SPCs/CDFs, the following procedures apply:

An itemized inventory of all detainee baggage and personal property (separate from funds and valuables) will be completed during in-processing using the personal property inventory form. If a detainee has no baggage, a facility container will be provided to store his/her personal property.

Identity documents are handled under different procedures (see section III.B., above).

The personal property inventory form must contain the following information at a minimum:

- a. Date and time of admission;*
- b. Detainee's complete name and A-number or facility detainee number;*
- c. Description, quantity and disposition of articles (disposition may be indicated as either S or R. "S" stands for "Safekeeping" (by the facility) and "R" stands for "Retained" (by the detainee);*
- d. General condition of the property; and*
- e. Signatures of the officer completing the inventory and the detainee.*

After being properly inventoried and inspected for contraband, all baggage and facility containers will be tagged as follows:

1. *A pre-numbered, three-part Baggage Check/I-77 will be issued for each separate item of baggage or container;*
2. *Each I-77 will bear the detainee's full name and A-number/facility detainee number, and the date;*
3. *The detainee's signature must appear on both parts of the I-77;*
4. *The top portion of the I-77 will be attached to the detainee's property and the center portion to the detainee's booking card or detention file. A brief description of the property container is to be made on this portion of the I-77, e.g., black suitcase, paper bag, etc.; and*
5. *The detainee will be given the bottom portion of the I-77. The back portion of the I-77 shall also contain a brief description of the property container.*

All facility containers used for storing detainee personal property will be secured with a tamperproof numbered tie strap and will only be opened in the presence of the detainee.

A logbook will be maintained listing detainee name, A-number or facility detainee number, Baggage Check/I-77 number, security tie-strap number, property description, date issued and date returned.

Tagged baggage and other property tagged only with an I-77 will then be stored in the facility baggage storage area.

F. Inventory and Audit

Each facility shall have a written procedure for inventory and audit of detainee funds, valuables, and personal property.

Where physical custody of, or access to, detainee funds, property envelopes, and large valuables changes with facility shift changes, both on-coming and off-going supervisors will simultaneously conduct an audit of these items. The property and valuables logbook will record the date, time, and the name of the officer(s) conducting the inventory. Any discrepancies will be immediately reported to the CDEO or Chief of Security. The CDEO will follow facility procedure to ensure that all detainee funds and valuables are accounted for.

For each audit, SPCs will use Form G-786/Alien Funds Audit Sheet and CDFs will use an audit sheet reflecting, at a minimum, the following information:

1. ***Funds Held by Officers Other than the On-Duty Supervisor*** - *At no time will funds be held by officers other than the on-duty supervisor.*

2. **Cash on Hand** - The count is to be made by the incoming processing supervisor who will fill in the appropriate blanks with the amount of each denomination (U.S. currency).
3. **Checks, Money Orders or Other Negotiable Items** - The count is to be made by the incoming supervisor and the appropriate blanks filled in reflecting the amount of checks, money orders and other negotiable items.
4. **Total of Property Receipts/G-589s** - This is the total amount of funds, checks, money orders and other negotiable items as reflected by the copies of the Property Receipt/G-589s in the cash box.
5. **Disbursed During Shift** - The total amount of funds disbursed during the shift. The out-going processing supervisor will enter disbursement information.
6. **Received During Shift** - The total amount of funds collected during the shift. The out-going processing supervisor will complete this information.
7. **Cash on Hand at End of Shift** - The amount on hand as counted by the out-going processing supervisor. (If this doesn't match with the cash on a new audit will be conducted.) The CDEO or CDF equivalent will follow facility procedures to ensure that all detainee funds and valuables are accounted for.
8. **Number of sealed property bags.**

In SPCs and CDFs without commissaries, a comprehensive weekly audit is to be completed jointly by the Detention Operations Supervisor or CDF equivalent and a detention staff member. The audit will be logged in the property and valuables logbook. Discrepancies will be reported to the CDEO or CDF equivalent. The CDEO or equivalent will take the necessary steps, according to facility policy, to ensure that all detainee funds and valuables are accounted for.

An inventory of detainee baggage and other non-valuable property will be conducted by the OIC's designee at least once each quarter.

The facility's daily log will indicate the date, time and name of the officer(s) conducting the inventory. Any discrepancies will be reported immediately to the OIC.

G. Release or Transfer

Each facility shall have a written procedure for returning funds, valuables, and personal property to a detainee being transferred or released.

After checking the I-385 card, wristbands, and property receipts to positively identify the detainee being released or transferred, the detainee will present the white copy of the G-589(s) and I-77(s) for all receipted property.

For each I-77 presented, staff shall compare the signature on the detainee's portion with the portion on the stored item and the portion on the booking card. Depending on the size and kind of funds/valuables listed on the G-589, staff shall conduct checks as follows:

1. ***Small Valuables*** – Match the contents of the property envelope against the itemized list on all three copies of the G-589.
2. ***Large Valuables*** – Match the tagged against with the description on all three copies of the G-589.
2. ***Negotiable Instruments*** – Match the negotiable instruments against the description on all three copies of the G-589.
4. ***Cash Funds*** – Compare the property description(s) on the white, pink, and blue copies of the G-589.

After the property check, the property will be returned to the detainee. The detainee will then sign the blue copy of the G-589, indicating his/her receipt of all funds and personal property due him/her. The property log and inventory sheets will reflect the transaction.

H. Lost/Damaged Property – General

Each facility shall have a written policy and procedures for detainee property reported missing or damaged.

In SPCs/CDFs, supervisory personnel will be notified when properly receipted detainee property is reported missing or damaged. Supervisory staff will investigate and, if necessary, take prompt action to prevent further loss. If the property is not recovered or is recovered, but in damaged condition, staff will prepare a report for the OIC, providing:

1. *Name and A-number/facility detainee number of the detainee claiming ownership;*
2. *Description of the property and, if applicable, damage;*
3. *Date and time the loss or damage was discovered;*
4. *Name(s) of person(s) discovering the loss or damage;*
5. *The circumstances under which the person(s) discovered the loss or damage;*
6. *Names and statements of all witnesses;*
7. *Place, date, and time the property was last seen (before reported missing or damaged);*

8. *The circumstances under which the property was last seen (before reported missing or damaged); and*
9. *Sworn statements from the detainee and all witnesses.*

A detainee being transferred, released, or removed from the country with a property claim will be allowed to initiate the claim before leaving the facility. The OIC will forward the result of the claim to the claimant's forwarding address (provided upon admission or in conjunction with the claim).

Lost/Damaged Property in SPCs

In addition to all procedures specified above, SPC staff must complete Form I-387, "Report of Detainee Missing Property" for missing property (not damaged property). The original copy of this form will be placed in the detainees A-file, with a copy retained by the facility.

Form SF-95 must be completed for a lost or damaged property claim against the U.S. government. After the claimant signs and submits the SF-95, it will be processed in accordance with AM 2412.24. A copy of Form I-387 will be attached to a lost-property claim. The completed form(s) will be forwarded to the district office for determination.

The OIC will report allegations of impropriety against staff in the handling of detainee funds or valuables in accordance with O.I. 287.10.

Lost/Damaged Property in CDFs and IGSAAs

All CDFs and IGSA facilities will have and follow a policy for loss of or damage to properly receipted detainee property, as follows:

1. All procedures for investigating and reporting property loss or damage will be implemented as specified in this standard;
2. Supervisory staff will conduct the investigation;
3. The senior facility contract officer will process all detainee claims for lost or damaged property promptly;
4. The official deciding the claim will be at least one level higher in the chain of command than the official investigating the claim;
5. The will promptly reimburse detainees for all validated property losses caused by facility negligence;
6. The will not arbitrarily impose a ceiling on the amount to be reimbursed for a validated claim; and

7. The senior contract officer will immediately notify the designated INS officer of all claims and outcomes.

I. Abandoned Property

All CDFs and IGSA facilities shall report and turn over to INS all detainee abandoned property.

INS will handle abandoned property in accordance with INS' "Personal Property Operations Handbook" (chapters 10 & 17), as follows:

1. *Notification will be sent by certified mail to the last known address of the detainee, advising him/her that the property has been declared abandoned, and that he/she has 30 days during which to contact INS to arrange to claim the property;*
2. *If the detainee does not respond or expresses no interest in claiming the property, the OIC shall have the property "vested" into the ownership of the government;*
3. *After the property has been vested in the government, INS shall:*
 - a. *Use the property;*
 - b. *Destroy the property; or*
 - c. *Sell the property at auction and deposit the proceeds into a general account.*
4. *Contraband will be handled in accordance with INS' "Control and Disposition of Contraband" standard.*
5. *Property that is of minimal value, broken, or clearly abandoned shall be discarded*

Because property obtained through non-appropriated funds cannot be donated, donations of abandoned property to charitable organizations are prohibited.

J. Notice to Detainees


The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including:

1. Which items they may retain in their possession;
2. That, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
3. The rules for storing or mailing property not allowed in their possession;
4. The procedure for claiming property upon release, transfer, or removal;
5. The procedures for filing a claim for lost or damaged property.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-2E-11, 4A-04


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

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

Policy: All facilities will implement procedures to control and safeguard detainees' personal property. Procedures will provide for the secure storage of funds, valuables, baggage and other personal property; the documentation and receipting of surrendered property; and the initial and regularly scheduled inventorying of all funds, valuables, and other property.

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
1. Has a safe been designated exclusively for storing detainee funds and valuable-property envelopes? If yes: a. Accessible to designated supervisor(s) only? b. With a cash box for currently held detainee funds?			
2. Has a locker been designated exclusively for securing detainees' large valuables? a. Accessible to designated supervisor(s) only?			
3. Does staff itemize the baggage and personal property of arriving detainees? a. If yes, as a routine part of in processing? b. Including funds and valuables)? c. Using a personal property inventory form that meets the INS standard?			
4. Does staff give the detainee the original inventory form, filing copies in the detainee's detention file and the personal property container?			
5. Does staff forward an arriving detainee's Medicine to the medical staff?			
6. Does staff search arriving detainees and their personal property for contraband?			
7. Does staff obtain a forwarding address from each detainee?			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
8. Does the facility have a written policy for returning forgotten property to detainees? a. If yes, does staff routinely follow procedures?			
9. Is it standard procedure for two officers to be present when removing/documenting the removal of funds from a detainee's possession?			
10. Does staff issue maintain and issue property receipts (G-589s) in numerical order?			
11. Does staff complete and distribute the G-589 in accordance with the INS standard?			
12. Does the processing officer record each G-589 issuance in a G-589 logbook? a. Does record include the initials and star numbers of receipting officers?			
13. Does staff tag large valuables with both a G-589 and an I-77?			
14. Once every shift, does the SDEO/CDF equivalent: a. Remove the drop-safe contents? b. Initial the G-589 log?			
15. Does the supervisor verify the accuracy of every G-589?			
16. Does the supervisor ensure that: a. Detainee funds are, without exception, deposited into the cash box? b. Every property envelope is sealed? c. All sealed property envelopes are placed in the safe? d. Large, valuable property is kept in the secured locked area?			
17. Does staff tag every baggage/facility container with an I-77, completed in accordance with the INS standard?			
18. Does staff secure every container used to store property with a tamper-proof numbered strap? a. Has staff ever opened a detainee's baggage/facility container in the detainee's absence?			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
19. Does a logbook record detainee name, A-number/detainee-number, baggage-check/I-77 number, security tie-strap number, property description, date issued and date returned?			
20. Does the incoming supervisor's schedule overlap with the supervisor whose shift is ending? a. If yes, do they conduct a joint audit of detainee funds, property envelopes, and large valuables? b. Completing a G-786 or other audit sheet that meets the INS standard?			
21. Does staff record the date, time, and officer(s) conducting the inventory in the property and valuables logbook? a. Is this standard procedure?			
22. Are discrepancies immediately reported to the CDEO or Chief of Security?			
23. Does the DOS (or equivalent) accompanied by a detention staff member conduct a comprehensive weekly audit? a. Is every such audit recorded in the property and valuables logbook?			
24. Has the OIC established quarterly audits of baggage and non-valuable property as facility policy? a. If yes, do the audits occur each quarter? b. Is the quarterly audit entered in the daily log?			
25. Does the facility positively identify every detainee being released or transferred? a. In accordance with the INS standard?			
26. Does staff follow written procedures when returning property to detainees?			
27. Does staff routinely inform supervisors of lost/damaged property claims? a. Is every claim investigated? b. With follow-up action, including a missing/damaged property report?			
28. Is every lost/damaged property report completed in accordance with the INS			

FUNDS AND PERSONAL PROPERTY			
Components	Yes	No	Remarks
standard? a. Is missing property reported on an I-387 (or equivalent)? b. Does the OIC receive a copy? c. Does staff place the original in the detainee's A-file, retaining a copy in facility files?			
29. Does the SPC use the SF-95 for all detainee missing/damaged property claims against the government? a. Does the claimant sign every SF-95? b. Forwarded to the District Director? c. In accordance with written procedures?			
30. Are CDF/IGSA facility procedures for handling detainee property claims consistent with the INS standard?			
31. Does the OIC attempt to notify an out-processed detainee that he/she left property in the facility, if that detainee provided no forwarding address? a. If yes, by sending written notice to the detainee's last known address? b. Via certified mail? c. Does the notice state that the detainee has 30 days in which to claim the property, after which it will be considered abandoned?			
32. Does the facility dispose of abandoned property in accordance with written procedures? a. If an SPC, in accordance with the INS standard (based on INS' "Personal Property Operations Handbook")? b. If a CDF/IGSA facility, does written procedure require the prompt forwarding of abandoned property to INS?			

U.S. Immigration and Naturalization Service

**NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

FUNDS AND PERSONAL PROPERTY

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 handbook			
B. Inspecting detainee property			
C. Inspecting detainee property room			
D. Observing detainee intake procedure			
E. Observing staff handling and documenting receipt of detainee funds/property			
F. Funds and valuables logbook			
G. Daily logbook			
H. Observing shift changes			
I. A-files/Detention files			
J. Facility's written policy and procedures			
K. Detainee and staff interviews			

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

INS DETENTION STANDARD

GROUP PRESENTATIONS ON LEGAL RIGHTS

I. POLICY

Facilities holding INS detainees shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility. INS encourages such presentations, which instruct detainees about the immigration system and their rights and options within it. All facilities shall fully cooperate with authorized persons seeking to make such presentations.

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. Requests to Make Group Presentations on Legal Rights

Attorneys and legal representatives (including accredited representatives) interested in making a group presentation on legal rights must submit a written request to INS, in accordance with Attachment A.

Legal assistants/paralegals may conduct a group presentation on legal rights, if the supervising attorney/legal representative is present or he/she prepares a letter identifying the presenter(s) and affirming that the supervisory relationship directly relates to the presentation. The authorizing letter must be presented to INS before the presentation can take place.

B. Scheduling Presentations

The District Director will notify the OIC upon approving a group presentation. The OIC will contact the designated party to arrange a mutually acceptable date and time for the presentation.

Presentations will be scheduled during normal legal visiting hours, excluding weekends and holidays. If feasible, group presentations may be conducted daily, immediately before the detainee's first Immigration Court appearance.

If attorneys or other legal representatives make no requests, or INS does not approve the requests, the facility is not required to arrange presentations.

C. Detainee Notification and Attendance

At least 48 hours before a scheduled presentation, informational posters (see Attachment A) shall be prominently displayed in the housing units, and each housing unit control officer will hold a sign-up sheet. Detainees planning to attend may register on the sign-up sheet kept by a designated employee.

Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk. If a detainee in segregation cannot attend for this reason, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

The OIC may limit the number of detainees at a single session. Therefore, the presenter must be prepared to conduct several presentations, depending on the number of interested detainees or the need to separate groups of detainees for safety and security. The presenter may contact the OIC the day before the presentation to determine the number of sessions required.

D. Entering the Facility

The facility shall require all persons seeking entry to present an official form of picture identification (such as a driver's license or state identification card). Attorneys must also present state-issued bar cards or, in states where these are not available, other proof of bar membership. If such documentation is not readily available to attorneys licensed in a particular state, they must indicate where they are licensed as an attorney and how that fact may be verified.

The facility shall admit interpreters to assist attorneys and other legal representatives. INS will not be responsible for providing interpreters for presenters. For admission criteria and procedures refer to the Visitation Standard.

SPCs/CDFs shall require presenters to arrive at least 30 minutes before the presentation's scheduled start. As a general rule, the parties of the presenters' will not exceed four persons (including interpreters and legal assistants). The facility may waive this rule upon advance receipt of a written request.

After check-in, presenters will be escorted to the site of the presentation. Facility staff will escort the detainees to that location.

E. Presentation Guidelines

The facility shall select and provide an environment conducive to the presentation, consistent with security. Once the detainees have been assembled, the presenters will have one hour to make the presentation and to conduct a question-and-answer session. The OIC may extend this time period on a case-by-case basis.

The facility may require presenters to abide by all rules and regulations for visitors to the facility. Presentations will be conducted in a manner consistent with the security and orderly operation of the facility. Presenters shall not charge a fee nor solicit business during any presentation.

At their discretion, INS and/or facility officials may observe and monitor presentations, assisted by interpreters as necessary. INS and facility personnel will not interrupt a presentation, except for security purposes or if the allotted time has expired.

F. Written Materials

Presenters may distribute brief written materials to detainees and to INS/facility staff at the same time. These materials must have been approved in advance by INS, as described in Attachment A. Distribution of unapproved materials will constitute grounds for discontinuation of presentation privileges.

The volume of materials to be distributed must be kept to a minimum. If the OIC determines that the written materials are too voluminous for distribution at the presentation, they shall be made available to detainees in the facility's law library.

G. Individual Counseling Following a Group Presentation

The facility shall permit presenters to meet with small groups of detainees to discuss their cases following a group presentation, consistent with security and the orderly operation of the facility. INS and facility staff shall not be present during these meetings. The "Visitation" standard sets forth the rules and procedures governing one-on-one counseling.

H. Suspension or Termination

The facility may discontinue or temporarily suspend group presentations by any or all presenters, if:

1. they pose an unreasonable security risk;
2. they interfere substantially with the facility's orderly operation;
3. they deviate from approved material, procedures or presenters; or
4. the facility is operating under emergency conditions

The OIC shall notify the affected presenters, in writing, of the reasons for termination or suspension, send a copy of the notice to the respective INS District Director. (The presenters may appeal this decision, as described in Attachment A.)

I. Videotaped Presentations

The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. If not technically feasible, the facility shall contact INS for equipment options. (The procedures for submitting videotaped presentations for INS approval are described in Attachment A.)

The facility shall provide regular opportunities for detainees in the general population to view the videotape. The facility shall provide at least one opportunity to view the videotape to detainees in administrative or disciplinary segregation, unless precluded by security concerns regarding a particular detainee.

The facility shall maintain tapes in good condition. In the event that a tape is stolen, destroyed, or otherwise becomes unusable, the facility shall promptly notify INS. INS will obtain a replacement from the originating person or organization.

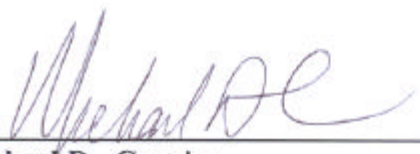
J. Availability of Policy

A copy of this policy, including the attachments, shall be available upon request.


IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention
Facilities: 3-ALDF-3E-02

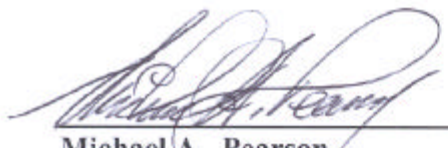
Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs



Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations



Date

Attachment A

INS Requirements for Presenters for Group Presentations on Legal Rights

A. Requests for Initial Presentations

Attorneys and legal representatives (including accredited representatives) who wish to make a group presentation on legal rights for their first time in a particular facility must submit a written request to INS, as follows: to the INS OIC, for an SPC presentation; to the supervising INS officer, for a CDF presentation; to the appropriate District Director for an IGSA facility. (See Attachment B for addresses of SPCs and CDFs.) In addition, the requestor must send a copy of the group-presentation request to the appropriate INS District Counsel.

The request must reach INS at least 10 days in advance of the proposed presentation. The INS official may allow an initial presentation to take place on shorter notice, at his/her discretion.

The written request must contain the following information:

1. A general description of the intended audience, e.g., Chinese exclusion cases, Spanish-speaking deportation cases;
2. A syllabus or outline of the presentation;
3. An informational poster as described in Section III.B, below;
4. A statement of the languages in which the presentation will be conducted;
5. The name, profession, and specific function of each person requesting permission to enter the facility;
6. A representation that each person making the presentation is an attorney, legal representative (including accredited representative), or legal assistant;
7. A proposed date (or range of dates) for the presentation; and
8. A telephone number and contact person.

B. Informational Poster

The requestor must provide a one-page poster to inform detainees of the general nature of the presentation. The poster should indicate the intended audience, briefly describe the contents of the presentation, and state the languages in which the presentation will be conducted.

The poster should instruct detainees to contact the housing officer if they wish to attend. English translations must be provided for poster text in other languages. Posters may not exceed 8.5 by 11 inches.

An INS representative will review the poster within three business days, to ensure that it meets the requirements above and that its posting will not endanger the security or orderly operation of the facility. INS will contact the person listed in the request if additional information is required.

If INS finds the leaflet objectionable, the District Counsel will inform the contact person of the INS objections. INS will make a good faith effort to work with the requestor to develop mutually acceptable materials.

C. Written Materials

Presenters may distribute brief written materials designed to inform detainees of U.S. immigration law and procedure, if approved by INS. The request must list any materials proposed for distribution. The list may include published and unpublished literature. If the material is in a language other than English, an English translation must be provided. The requestor must provide a copy of any unpublished material. Unpublished material must have a cover page that:

1. identifies the submitter and the preparer of the material;
2. states clearly that INS did not prepare, and is not responsible for, the contents of the material; and
3. contains the date of preparation.

The INS may object to materials in whole or in part, if they pose a threat to the security or good order of the facility, or if they contain misstatements of immigration law, procedure, or INS policy. The District Counsel will consult with the appropriate INS officials to determine if the material is acceptable. The District Counsel will inform the contact person of any INS objections. INS will make a good faith effort to work with the requestor to determine mutually acceptable materials.

The presenter must simultaneously provide facility staff with a copy of all materials distributed to detainees. Distribution of any materials that have not been approved will constitute grounds for discontinuation of presentation privileges.

D. Grant/Denial of Requests

If the request is granted, the INS will notify the facility's Officer-in-Charge. The OIC will telephone the contact person listed in the request and arrange a mutually acceptable date and time for the presentation.

If the request is denied after consultation with District Counsel, INS will provide a written explanation to the requestor. A copy of the written denial will be sent to the appropriate INS Headquarters division(s), through official channels.

E. Requests for Subsequent or Recurring Presentations

To request INS permission to conduct additional presentations or access on a continuing basis, the requestor may submit a brief letter referring to previously submitted materials, noting any proposed changes in the content or personnel, and identifying the proposed dates or continuing period. Those presenters granted recurring access must notify INS in writing in advance of any subsequent proposed changes.

F. Suspension or Termination

As described in Section III.H. of the standard, a facility may temporarily suspend or discontinue group presentations by presenters for specific reasons. The OIC shall notify the affected presenters in writing of the reasons for termination or suspension, and send a copy of the notice to the respective INS District Director. The District Director shall send a copy of the notice to the District Counsel and to the appropriate INS Headquarters division(s), through official channels.

The presenters may appeal this decision to the District Director in writing. The District Director shall consider this appeal promptly, and shall consult with the District Counsel and the OIC. The District Director shall follow-up with the facility, discussing the security or other concerns that caused the suspension or termination and means of addressing them so that the discontinued presentations may resume. In his/her written response, the District Director shall provide the presenters with the reasons for his/her decision on the appeal, and inform them of the means, if any, to rectify the situation.

G. Videotaped Presentations

INS encourages qualified individuals and organizations to submit videotaped presentations on legal rights for INS review. If INS accepts a tape, presenters may provide it to individual detention facilities for viewing by detainees as specified in Section III.I of the standard.

The requestor shall submit the videotape, along with a transcript in English and in the language(s) used on the tape, to the INS District Director and also to the INS District Counsel. The videotaped presentation must clearly identify its preparer, and it must clearly state that the INS did not prepare, and is not responsible for, the contents.

INS will decide whether to accept the videotape within 45 days of the District Director's receipt. INS will notify the submitter as to the decision.

INS may object to all or part of the videotape, if:

1. the material would present a threat to the security or good order of a facility;
2. it contains misstatements of INS policy, immigration procedure, or law; or
3. any part of the videotape is inconsistent with this Detention Standard.

If INS objects to the videotape, it will promptly inform the submitter in writing of the objections and their basis. The INS and the presenter will then discuss the objections in order to come to an agreement on mutually acceptable material. If agreement cannot be reached at the District level, the issues in dispute will be raised with the Region, and, if necessary, with INS Headquarters.

Once INS has accepted a tape, the submitter may modify or revise it at any time by submitting a new tape and transcripts. If INS believes that aspects of the presentation have become dated or inaccurate, INS may discontinue showing the videotape and promptly send written notice to the submitter.

Written and videotaped material intended for national presentation may be sent to the Headquarters Office of Field Operations and Headquarters Office of General Counsel. Material will be processed within the above-established time frames. Headquarters-approved material may be used in any facility housing INS detainees.

Attachment B

Addresses of Detention Facilities

Service Processing Centers

INS Owned and Operated

Aguadilla SPC
(Former Ramey Base)
Corner Belt and Gun Street
Aguadilla, PR 00604
787-890-3611 (AGU)

Batavia Federal Detention Center
4250 Federal Drive
Batavia, NY 14020
716-344-5101

El Centro SPC
1115 North Imperial Avenue
El Centro, CA 92243
619-353-2170 (ECC)

El Paso SPC
8915 Montana Street
El Paso, TX 79925
915-540-7342 (EPC)

Florence SPC
3250 North Pinal Parkway Ave.
Florence, AZ 85232
520-868-5862 (FLO)

Krome North SPC
18201 SW 12th Street
Miami, FL 33194
305-552-7022 (KRO)

Port Isabel SPC
Buena Vista Road
Route 3, Box 341
Los Fresnos, TX 78566
210-233-4431 (PIC)

San Pedro SPC
2001 Seaside Avenue
Terminal Island
San Pedro, CA 90731
310-732-0777 (SPP)

Varick Street SPC
201 Varick Street
New York, NY 10014
212-620-3449 (VRK)

Contract Detention Facilities

Contractor Owned and Operated

Wackenhut Corrections Corp.
11901 E. 30th Avenue
Aurora (Denver), CO 80010
303-361-0701 (DEN)

Wackenhut Corrections Corp.
182-22 150th St
Jamaica (Queens), NY 11413
718-244-7956

Corrections Corp. of America
15850 Export Plaza
Houston, TX 77032
713-987-0358 (HOU)

Corrections Corp. of America
R.R. 4, Box 125-A
Highway 59 East
Laredo, TX 78041
210-727-4772 (LAR)

Corrections Corp. of America
625 Evans Street
Elizabeth, NJ 07201
201-622-7165 (ELZ)

Joint Federal Facilities

Federally Owned and Operated (With Bureau of Prisons)

Oakdale II Federal Detention Center
P. O. Box 960
Oakdale, LA 71463
318-335-0713 (OAK)

Contractor Owned and Operated (With Bureau of Prisons)

Corrections Corp. of America
4465 East Hanna Road
Eloy, AZ 85231 (EAZ)
520-466-2000

INS Owned/Contractor-Operated

CSC Inc.
815 Airport Way, South
Seattle, WA 98134
206-467-6030 (SEA)

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

Policy: Facilities housing INS detainees shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility. INS encourages such presentations, which instruct detainees about the immigration system and their rights and options within it

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
1. Do attorneys/accredited representatives submit written requests to make group legal rights presentations? a. If yes, do they submit requests to facility OIC? b. Do they submit requests to INS? c. If submitted to OIC, does OIC forward to INS/notify submitter of proper procedure?			
2. After OIC receives DD' s goahead for a group presentation, does a designated staff member contact group rep. to arrange date and time? a. If yes, which staff member? b. If yes, how many days (average) before staff contacts group rep?			
3. Do group rights presentations take place weekdays? a. During "legal visitation" hours?			
4. How often does INS reviewer object to presenter' s informational poster? a. When does INS notify presenter of the objection(s)? b. Who contacts presenter to discuss objections? c. Does INS/contract staff monitor presentations after requiring changes to information provided on poster, to ensure compliance w/approved content?			

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
5. Do posters announcing presentations appear in common areas at least 48 hours in advance? a. Are posters up in all housing units? b. Are sign-up sheets available and accessible?			
6. If the OIC denies a detainee permission to attend a presentation, does he/she document the reason(s)? a. For what reasons, other than security, is permission denied?			
7. Does the OIC limit the number of detainees at a single session? a. If yes, are presenters prepared to conduct several presentations to reach all interested detainees?			
8. Have detainees in segregation and unable to attend for security reasons requested separate sessions with presenters? a. If presenters are willing, does OIC facilitate alternative arrangements in every case? b. If the presenters are not willing are the reasons documented? Where?			
9. Does the OIC require presenters to repeat a presentation for different groups? a. Average number of groups per presentation? b. Average presentation length?			
10. Does the facility require all persons seeking entry to present an official form of picture identification (such as a driver's license or state identification card). a. Does facility ever waive rule that persons seeking entry provide photo-ID? b. If yes, who makes decision?			

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
11. Does facility ever waive rule that attorneys seeking entry provide photo-ID and state-issued bar cards or, in states not issuing bar cards, other proof of bar membership? a. If yes, who makes the decision? b. If no, does staff offer the attorney the opportunity to name licensing entity and provide means of verifying this fact?			
12. Does facility permit legal assistants or paralegals to conduct legal presentations without the supervising attorney/legal representative being present? a. Is a letter from the supervising attorney/legal representative required?			
13. Does the facility admit interpreters to assist attorneys and other legal representatives? a. Any special procedures for admitting interpreters/translators?			
14. Are presenters required to arrive at least 30 min. in advance of the presentation?			
15. Do the presenters have one hour to make the presentation and to conduct a question-and-answer session?			
16. Does the OIC have the authority to extend this time period on a case-by-case basis?			
17. Does facility enforce policy prohibiting presenters from charging fees or soliciting business during a presentation?			
18. How often do staff members interrupt group presentations for a reason other than security or time limit? a. For what reasons?			
19. Does staff permit presenters to distribute INS-approved materials? a. Standard procedure for verifying INS approval before distribution? b. Any instances of staff preventing distribution of approved material?			

GROUP LEGAL RIGHTS PRESENTATION			
Components	Yes	No	Remarks
20. Does the facility permit presenters to meet with small groups of detainees to discuss their cases after the group presentation? a. If yes, is INS/facility staff present during these meetings?			
21. Has OIC suspended any group's presentation privileges? a. If yes, did OIC provide presenters with written notification, including reasons for suspension? b. Did OIC send copy of notice to DD?			
22. Does the facility play INS-approved videotaped presentations on legal rights, at regular opportunities, at the request of outside organizations? a. If no for technical reasons, does OIC contact INS for equipment options? b. If yes, does the facility provide a viewing opportunity to detainees in administrative or disciplinary segregation? c. Does the facility maintain tapes in good condition? d. If videotape warrants replacement, does OIC promptly notify INS to obtain a replacement from the originating person or organization?			
23. Is a copy of the Group Legal Rights Presentation policy, including attachments, available upon request?			

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

GROUP LEGAL RIGHTS PRESENTATIONS

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. Reviewing written request(s) to make Group Legal Presentation(s)			
B. Observing a Group Legal Presentation			
C. Observing a Video Presentation			
D. Reviewing the facility' s Group Legal Presentation Policy and Procedures			
E. Detainee and Staff Interviews			
F. Other (specify)			

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, alternate source used for verification, etc.)

Auditor' s Signature

Date

INS DETENTION STANDARD

ISSUANCE AND EXCHANGE OF CLOTHING, BEDDING, AND TOWELS

I. POLICY

Basic hygiene is essential to the well-being of detainees in the custody of the Immigration and Naturalization Service (INS). Therefore, INS policy requires that all facilities housing INS detainees in accordance with this standard provide clean clothing, bedding, linens and towels to every INS detainee upon arrival. Further, facilities shall provide INS detainees with regular exchanges of clothing, linens, and towels for as long as they remain in detention.

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. Clothing, Bedding, Linen and Towel Supply

Each detention facility shall have a policy and procedure for the regular issuance and exchange of clothing, bedding, linens and towels. The supply of these items shall exceed the minimum required for the number of detainees to prevent delay in replacing the items.

Each SPC/CDF shall have available, at all times, more clothing, bedding, linen and towels than needed to supply the maximum funded detainee capacity. This excess will allow for the immediate replacement of items that are lost, destroyed or worn out.

The excess-clothing inventory should meet or exceed 200 percent of the maximum funded detainee capacity. This will allow for adequate clothing exchanges and will ensure adequate clothing in case of unforeseen circumstances.

B. Issuance of Clothing

All new detainees shall be issued clean, temperature-appropriate, presentable clothing during in-processing.

In SPCs/CDFs, the standard issue of clothing is one uniform shirt and one pair of uniform pants or one jumpsuit; one pair of socks; one pair of underwear; and one pair of facility-issued footwear. (For security reasons, the wearing of personal footwear is prohibited.) The color of the uniform/jumpsuit will depend on the detainee's classification level. Additional clothing will be issued as necessary for changing weather conditions or as seasonally appropriate.

C. Issuance of Bedding, Linen and Towels

All new detainees shall be issued clean bedding, linens and towel. Detainees shall be held accountable for these items.

In SPCs/CDFs the standard issue of bedding is one mattress, one blanket and one pillow. The standard issue of linen is two sheets and one pillowcase. Additional blankets shall be issued based on local weather conditions. The standard issue of towels is one towel.

D. Special Uniforms and Protective Equipment for Detainees

Detainees assigned to special work areas shall be clothed in accordance with the requirements of the job and, when appropriate, provided with protective clothing and equipment.

In SPCs/CDFS, detainees employed as food service workers will be issued white uniforms. Detainees working in other capacities may be issued color-coded uniforms unless permitted to wear their housing unit uniforms.

E. Exchange Requirements

Detainees shall be provided with clean clothing, linen and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.

More frequent exchanges of outer garments may be appropriate, especially in hot and humid climates. Individual facilities may institute their own clothing, linen, and towel exchange policy and procedures, provided the standards in this policy are met.

In SPCs/CDFs, detainees shall be provided with clean clothing, linen and towels as follows:

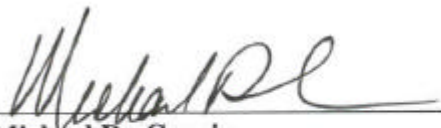
- 1. Socks and underwear shall be exchanged daily.*
- 2. Outer garments shall be exchanged at least twice a week, with a maximum of 72 hours between changes. More frequent changes may be appropriate, especially in hot and humid climates.*
- 3. Volunteer detainee workers may require exchanges of outer garments more frequently than every 72 hours.*
- 4. Food service detainee volunteer workers shall exchange outer garments daily.*
- 5. Sheets, pillowcases and towels shall be exchanged at least weekly.*

Clothing exchanges will generally be on a one-for-one basis to prevent hoarding and otherwise ensure an adequate supply of clothing. Detainees are not permitted to wash clothing, bedding, linens, tennis shoes or other items in the living unit, unless proper washing and drying equipment are available and the policy and procedures for their use are in place. Any washing and drying policies and procedures shall be posted in the washing area and shall be included in the detainee handbook.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-4D-06, 4D-07, 4D-08, 4D-09, 4D-11

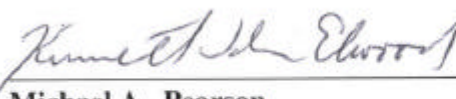
Approval of Standard



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

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

Policy: INS requires that all facilities housing INS detainees provide clean clothing, bedding, linens and towels to every INS detainee upon arrival. Further, facilities shall provide INS detainees with regular exchanges of clothing, linens, and towels for as long as they remain in detention.

ISSUANCE AND EXCHANGE OF CLOTHING, BEDDING, AND TOWELS			
Components	Yes	No	Remarks
1. Does the facility have a policy and procedure for the regular issuance and exchange of clothing, bedding, linens and towels? a. Does the supply of these items exceed the minimum required for the number of detainees?			
2. Are all new detainees issued clean, temperature-appropriate, presentable clothing during in-processing? Do the detainees receive a. One uniform shirt and one pair of uniform pants or one jumpsuit? b. One pair of socks? c. One pair of underwear? d. One pair of facility-issued footwear?			
3. Is the uniform/jumpsuit color-coded to reflect the detainee's classification level?			
4. Is additional clothing available for changing weather conditions or seasonally appropriate?			
5. Are new detainees issued clean bedding, linens and towel? Do they receive a. One mattress? b. One blanket? c. One pillow? d. Two sheets? e. One pillowcase? f. One towel? g. Are additional blankets issued based on local weather conditions?.			
6. Are Detainees assigned to special work areas clothed in accordance with the requirements of the job			

ISSUANCE AND EXCHANGE OF CLOTHING, BEDDING, AND TOWELS			
Components	Yes	No	Remarks
7. Are detainees provided clean clothing, linen and towels? a. Are socks and undergarments exchanged daily? b. Outer garments at least twice weekly? c. Sheets at least weekly? d. Towels at least weekly? e. Pillowcases at least weekly?			
8. Are food service detainee volunteer workers permitted to exchange outer garments daily? a. Are volunteer detainee workers permitted to exchanges of outer garments more frequently?			

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

ISSUANCE AND EXCHANGE OF CLOTHING, BEDDING, AND TOWELS

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. laundry logbooks			
B. Observation of laundry distribution			
C. Facility's written policy and procedures			
D. Detainee and staff interviews *			

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

INS DETENTION STANDARD

MARRIAGE REQUESTS

I. POLICY

All marriage requests from INS detainees receive a case-by-case review.

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. Guidelines

All facilities shall have in place policy and procedures to enable eligible INS detainees to marry.

When a detainee in an IGSA facility submits a marriage request, INS shall be notified and consulted regarding approval or denial. In such a case, INS shall use the guidelines in paragraph III.A.3, below and the decision shall not be delegated below the level of the Assistant District Director for Detention and Removal (ADD/DDP). Where necessary, INS shall assume temporary custody of a detainee to allow a marriage. If the request is denied, INS shall notify the detainee, in writing, of the reasons for the denial.

In SPCs/CDFs, the OIC may approve a marriage request. The ADD/DRO must review any marriage requests denied by the OIC. The ADD/DRO may uphold or reverse the OIC's denial.

The following guidelines apply when a detainee requests permission to marry:

1. The ADD/DRO or the OIC shall consider detainee marriage requests on a case-by-case basis.
2. A detainee's request for permission to marry will be granted unless:
 - a. He/she is not legally eligible to be married;
 - b. He/she is not mentally competent, as determined by a qualified medical practitioner;
 - c. The intended spouse has not affirmed, in writing, his/her intent to marry the detainee;
 - d. The marriage would present a threat to the security or orderly operation of the SPC/CDF; or
 - e. Compelling government interests exist for denying the request. For example, INS will generally deny a marriage request if a final order of exclusion, deportation, or removal has been served and performance of the marriage ceremony would require postponement of the detainee's physical removal from the United States. (Compelling interests could also include the fact that a newly arrived detainee, or one in exclusion proceedings, has limited constitutional rights.) "Compelling interests" ordinarily do not include administrative inconvenience or the possibility that the marriage may allow the detainee to pursue a new avenue of relief from deportation. An OIC uncertain about "compelling interests" in a given case should consult the District Counsel.
3. The request for permission to marry must be submitted to the ADD/DRO or the OIC, in writing, by the detainee or his/her legal representative. All requests must specifically address items 2, a through c, above, and be accompanied by the intended spouse's written affirmation of intent to marry.
4. The ADD/DRO or the OIC's decision to deny a request and the reason(s) for the decision shall be provided in writing to the detainee and his/her legal representative, if applicable. A copy of the written denial will be sent to appropriate INS headquarters divisions, through appropriate channels.
5. When a request is approved, the detainee, legal representative, or other individual(s) acting on his/her behalf must make all arrangements for the marriage. Arrangements include, but are not limited to, taking a blood test, obtaining a marriage license, and retaining an official to perform the marriage ceremony. INS personnel shall not participate in making marriage arrangements.

6. The ADD/DRO or the OIC shall provide the detainee with a time and place during which he/she may make marriage arrangements. Arrangements made by the detainee or persons acting in his/her behalf shall be accommodated, consistent with the security and orderly operation of the facility. The ADD/DRO or the OIC reserves the right of final approval concerning the time, place, and manner of all arrangements.
7. A detainee will not be allowed to leave the facility for the purpose of making marriage arrangements.
8. The detainee or person(s) acting on his/her behalf shall bear all expenses relating to the marriage.
9. The marriage will take place inside the facility.
10. Only individuals essential for the marriage ceremony may attend.
11. Marriage ceremonies will be private, with no media publicity.
12. The ADD/DDP may revoke approval of a marriage request for good cause, in writing.
13. A marriage request will have no effect on regular or scheduled processing or action in a detainee's legal case. That is, the marriage request will neither interrupt nor stay any hearing, transfer to another facility, or removal from the United States.

The foregoing are internal guidelines for detention facilities. They are not to be construed as creating rights for detainees or other persons, and they do not prevent the OIC from exercising discretion in conducting his/her case-by-case review.

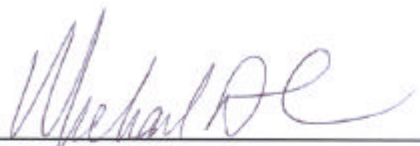
B. Detainee Notification

The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. Among other things, the handbook will advise detainees of the facility's marriage request procedures.


IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

N/A


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs



Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations



Date

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

Policy: All detainee marriage requests will receive case-by-case consideration from INS management.

MARRIAGE REQUESTS			
Components	Yes	No	Remarks
1. Does the OIC or ADD consider detainee marriage requests on a case-by-case basis?			
2. Is the OIC or highest-ranking INS official on-site the only officer authorized to approve a request to marry?			
3. Of the marriage requests received during the past two months, how many (what percent) were approved?			
4. Does the ADD review every marriage request rejected by the OIC? a. If yes, in accordance with a written procedure? b. Documented? c. Approximately how often does the ADD overturn the OIC's decision?			
5. Is it standard practice to require a written request for permission to marry?			
6. Does the written request include a signed statement or comparable documentation from the intended spouse, confirming marital intent?			
7. Does the OIC or ADD provide a written copy of his/her decision to the detainee and his/her legal representative?			
8. If permission is denied, does the OIC or ADD state the basis for his/her decision?			
9. Do INS personnel participate in making marriage arrangements for the detainee?			
10. Does the OIC provide the detainee with a place and time to make wedding arrangements?			
11. Does the detainee handbook (or equivalent) explain the marriage request process?			

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

MARRIAGE REQUESTS

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 handbook			
B. Detainee housing-unit inspection			
C. A-files/Detention files			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

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

INS DETENTION STANDARD

NON-MEDICAL EMERGENCY ESCORTED TRIPS

I. POLICY

The Immigration and Naturalization Service (INS) provides detainees with approved staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending their funerals. This Standard applies to INS only. All facilities shall refer all such requests to the District Director of jurisdiction.

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 below 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. Non-Medical Emergency Trip Requests

The District Director (DD) may, on a case-by-case basis, allow a detainee's visit to a critically ill member of his/her immediate family. The DD may likewise allow a detainee to attend an immediate-family member's funeral. "Immediate family member" refers to a parent (including stepparent and foster parent), child, spouse, sister, or brother. If approved, the non-medical emergency travel will take place under INS escort.

The DD is the approving official for non-medical emergency escorted trips from SPCs, CDFs, and IGSAs. The DD may delegate this authority, but not below the Assistant District Director level.

The DD may not delegate this authority when approving a request from a detainee determined to require a high degree of control and supervision.

The OIC of the facility will designate staff to help detainees prepare non-medical emergency trip requests.

The designated staff member will forward the completed request to the detainee's Deportation Officer.

To make an informed recommendation to the DD, the requesting detainee's Deportation Officer will review the merits of the request. The Deportation Officer's review will include consultations with detention enforcement officers, medical staff, the detainee's family, and other persons in positions to provide informed advice. On the basis of the information collected, the Deportation Officer will report on the appropriateness of the detainee's travel plan and the amount of supervision it would entail.

1. Local Trips

Any trip that does not involve more than 10 hours' absence from the facility qualifies as "local." INS will assume the costs associated with local trips, with one exception. If any part of the trip requires transportation by commercial carrier (plane, train, etc.), the detainee must pay his/her own transportation costs.

2. Extended Trips

Any trip that does not qualify as "local" is considered "extended." An extended trip involves more than 10 hours' absence from the facility, and may involve an overnight stay. The detainee, the detainee's family, or some other DD-approved source will finance the detainee's round-trip transportation on a commercial carrier.

3. Travel Arrangements; Ticket Procurement; Allocation of Costs

INS will make all travel arrangements. Travel involving a commercial carrier cannot commence, however, until the detainee or person acting in his/her behalf has submitted an open ticket or electronic-ticket voucher in the detainee's name, paid in full.

INS will provide overnight housing, as needed, in an SPC/CDF, or IGSA facility. If none are available, suitable arrangements shall be made.

INS will assume the travel costs incurred by the transporting officers.

B. Supervision and Restraint Requirements

The transporting officers will follow the policy and procedures provided in the "Transportation (Land Transportation)" standard; the "Escorts" and "Use of Restraints" Enforcement Standards; and all labor-management contracts in effect.

Any detainee under escort will be under the constant and immediate visual supervision of the transporting officers, except when in detention facility lodgings.

C. Selection of Escorts

The OIC of a SPC/CDF or the ADD/DRO of jurisdiction of an IGSA facility, will select and assign the roles of the transporting officers (escorts). The officer designated responsible for the trip will exercise decision-making authority.

D. Training

Escort officers and others, as appropriate, will receive training in accordance with the "Transportation (Land Transportation)" and "Use of Force" standards, along with any other training needed to comply with the requirements of this standard.

E. Escort Instructions

1. Routes, meals, and lodgings (if necessary) will be arranged prior to departure. Escorts will follow the schedule included in the trip authorization, arriving at and departing from the place(s)/event(s) listed at the specified time(s).
2. For security reasons, the trip route and schedule will be classified as confidential.
3. The responsible transporting officer will report unexpected developments to the Control Center at the originating facility. This information will be relayed to the highest-ranking supervisor on duty, who will issue instructions for completion of the trip.
4. Escorts will deny the detainee access to any intoxicant, narcotic, paraphernalia, or drug not prescribed for his/her use by the medical staff.
5. If necessary, the transporting officers may increase the minimum restraints placed on the detainee at the outset of the trip. However, the officers shall at no time reduce the minimum restraints applied in accordance with INS policy (see the "Transportation [Land Transportation]" standard). This means the detainee will attend the sickbed or funeral in restraints. Escorts can exercise no discretion in this matter: they are prohibited from removing the detainee's restraints.
6. Escorts who carry weapons will comply with the INS Firearms Policy (see section 20.012).
7. Officers will not accept gifts or gratuities from the detainee or any other person in appreciation for performing escort duties or for any other reason.

8. Additionally, the escorts will advise the detainee of the rules effective during the trip.

a. Among other things, the escorted detainee shall:

- bring no discredit to INS;
- violate no Federal, State, or local law;
- make no unauthorized phone call(s); and
- arrange no visit(s) without the express permission of the OIC.


If the detainee breaches any of these rules, the responsible officer may decide to abort the trip for an immediate return to the facility.

9. Officers will also remind the detainee that he/she is subject to any or all of the following upon return to the facility: bodily search, urinalysis, breathalyzer, and/or other, comparable tests.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-4G-06.


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

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

Policy: The Immigration and Naturalization Service (INS) may provide detainees with staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending funerals.

NON-MEDICAL EMERGENCY ESCORTED TRIPS			
Components	Yes	No	Remarks
1. Does the District Director approve, case-by-case, trips to immediate family member's: a. Funeral? b. Deathbed?			
2. Does the facility recognize mother, father, brother, sister, spouse, child, stepparent, and foster parent as "immediate family"?			
3. Does the IGSA facility notify INS of all detainee requests for non-medical escorts?			
4. Is the District Director the approving official for non-medical escorted trips? a. Is that authority delegated? b. If yes, to whom?			
5. Does the detainee's Deportation Officer review the file before forwarding a detainee's request, with recommendation, to the approving official? a. Does such recommendation address the individual's suitability for travel, e.g., the kind of supervision required?			
6. Does the facility pay for local trips that do not involve public transportation, e.g., airplane, train, etc.? a. What criteria define a "local" trip?			
7. Does INS pay officer costs for overnight trips involving public transportation? a. Does INS pay detainee costs? b. Do procedures prohibit travel until INS receives an open, paid ticket or electronic open-ticket voucher for the detainee? c. If yes, are exceptions ever made?			

NON-MEDICAL EMERGENCY ESCORTED TRIPS			
Components	Yes	No	Remarks
d. Does INS make all travel arrangements? e. Are detainees who require overnight housing placed in IGSA facilities?			
8. Do facility procedures comply with the following INS documents: a. Non-Medical Emergency Escorted Trips Detention Standard? b. Transportation (Land Transportation) Detention Standard? c. Labor-management contracts?			
9. Does each escort include at least two officers? a. Is the detainee under constant, direct visual supervision of escorting staff? b. Are restraints applied strictly in accordance with the Use of Force Detention Standard?			
10. Does the OIC/ADD select escorting staff? a. Does the OIC name the escorting officer the trip's official-in-charge?			
11. Is the Chief Detention Enforcement Officer responsible for training escort officers to follow written procedures ?			
12. Do escorting officers report unexpected situations to the originating facility as a matter of procedure? a. Does the ranking supervisor on duty have the authority to issue instructions for completion of the trip?			
13. Do escorting officers have the discretion to: a. Increase minimum restraints? b. Decrease minimum restraints? c. Do escorting officers remove restraints during bedside visits? d. During funerals?			

NON-MEDICAL EMERGENCY ESCORTED TRIPS			
Components	Yes	No	Remarks
14. Under certain circumstances are detainees housed in holdover points that have not been pre-arranged? a. If yes, when? b. Do written procedures address such contingencies? c. Are prior arrangements made for meals and housing?			
15. Does escort officer training include INS Firearms Policy, Section 20.012?			
16. Do escort officers accept gifts/gratuities from a detainee, detainee's relative or friend for any reason? a. Under what circumstances?			
17. Do escort officers ensure that detainees: a. Conduct themselves in a manner that does not bring discredit to the INS? b. Do not violate federal, state, or local laws? c. Do not purchase, possess, use, consume, or administer narcotics, other drugs, or intoxicants? d. Do not arrange to visit family or friends unless approved before the trip? e. Make no unauthorized phone calls? f. Know they are subject to search, urinalysis, breathalyzer, or comparable test upon return to the facility?			
18. Does standard procedure require the immediate return to the facility of any detainee who violates trip rules?			

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

NON MEDICAL EMERGENCY ESCORT

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. Written policy and procedures			
B. Review of past escorts			
C. Detainee and staff interviews			

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

INS DETENTION STANDARD

RECREATION

I. POLICY:

All facilities shall provide INS detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.

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. Requirements for Recreation

1. Every effort shall be made to place a detainee in a facility that provides outdoor recreation. If a facility does not have an outdoor area, a large recreation room with exercise equipment and access to sunlight will be provided. (This does not meet the requirement for outdoor recreation).
2. In exceptional circumstances, a facility lacking any recreation area may be used to provide short-term housing for detainees.
3. All new or renegotiated contracts and IGSAs will stipulate that INS detainees have access to an outdoor recreation area.
4. All facilities shall provide recreational opportunities for detainees with disabilities.

B. Recreation Schedule

1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting.
2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light.

Under no circumstances will the facility require detainees to forgo basic law library privileges for recreation privileges (see “Access to Legal Materials” standard).

In SPCs/CDFs, if practical considerations permit, detainees will have access to outdoor recreation every day, including weekends.

C. Transfer Option Where Only Indoor Recreation Is Available

1. The case officer shall review the case of any detainee without the required access to outdoor recreation for a period of six months. This review will determine the detainee’s eligibility to transfer to a facility where the required outdoor recreation is available. The case officer will use the following criteria, all three of which must be met, to determine transfer eligibility:
 - a. The detainee has been in custody for six months without regular access to outdoor recreation (for reasons other than inclement weather);
 - b. The detainee has completed proceedings before the Immigration Judge (IJ), and the IJ has issued a decision concerning deportability or excludability; and
 - c. The detainee will likely have been in custody for a total of nine months before removal or release without regular access to outdoor recreation.

These criteria will apply in cases where an appeal has been filed, where obtaining a travel document in the foreseeable future is unlikely, where the detainee’s status as an aggravated felon precludes his/her release; or under other circumstances likely to cause the detainee to remain in INS custody for an indeterminate amount of time.

A detainee whose departure or release is imminent is ineligible for transfer. Examples include detainees awaiting travel or other documents from a third party (bureaucracy, relative, friend, or other source) in a position to produce them expeditiously, upon request (before the period without outdoor recreation exceeds nine months); and detainees with the reasonable expectation of securing a bond or other legal means of release from custody within the nine-month window.

The OIC shall base his/her decision, in writing, on the case officer’s written determination. This decision supporting or denying eligibility for transfer will be consistent with the criteria listed above.

Where a detainee is not eligible for transfer, it is the case officer's responsibility to monitor the case for changes affecting the detainee's eligibility.

A detainee's stay in a facility providing no regular opportunities for outdoor recreation will exceed nine months only if the detainee has read and signed a voluntary waiver, as described below.

2. If the OIC determines in favor of eligibility, the detainee shall have the choice of remaining in the facility or transferring to another facility (selected by INS) as soon as appropriate space becomes available. The case officer shall provide the detainee with this choice in written form. The detainee will, in turn, in writing, accept or waive the voluntary transfer.

Documentation concerning the transfer decision shall remain in the detainee's A-file.

3. When a detainee is represented by legal counsel or a legal representative, and a G-28 or EOIR-28 has been filed, the representative of record shall be notified in writing of the intent to transfer the detainee. The legal representative shall also be notified of the detainee's option to waive a voluntary transfer when offered by the INS.
4. Should a detainee's case be remanded to the IJ for further proceedings after the detainee's transfer, the detainee shall be returned at the expense of the District where case venue is established for the continuation of proceedings.

All transfers shall be made in a way that ensures sufficient time for the detainee to meet with his/her legal representative, if any, to prepare for the hearing.

5. This policy does not in any way address or limit the right of the INS to transfer a detainee involuntarily when, in the judgment of INS, it is in the best interest of the government or the detainee; nor does it preclude INS from seeking a change of venue if recommended by the District Counsel.

D. Transfer Option When No Recreation Opportunities Are Available

1. When neither the required indoor or outdoor recreational opportunities is available at a facility, a detainee will be eligible for a transfer to a facility providing recreational opportunities after 45 days. A 45-day period affords the detainee time to contact legal representation, if necessary; request a bond redetermination; or request an expeditious deportation or exclusion hearing.

In exceptional circumstances, the 45-day time limit may be extended by 15 days. This may occur, for example, when the detainee's removal or release is imminent, or to conclude a deportation or exclusion hearing.

In no case will the total time in detention exceed 60 days in a detention facility where no recreational opportunities are available, unless the detainee has been declined the opportunity of transferring to a facility that provides recreation.

2. As in section III.C, above, any detainee eligible for a transfer shall have the option of voluntarily transferring to another detention facility (selected by INS) as soon as appropriate space becomes available.
3. The case officer shall provide the opportunity of accepting or waiving a voluntary transfer in written form to the detainee. The detainee will accept or waive the transfer in writing. The detainee's written decision will be placed in his/her A-file. When a detainee has legal representation, and a G-28 or EOIR-28 has been filed, the facility shall notify the representative of record, in writing, of the intent to transfer the detainee. The legal representative shall also be notified of the detainee's option of waiving the transfer opportunity.
4. When a detainee has retained legal representation, the District shall consult with District Counsel to minimize interference with the detainee's legal representation. The detainee will be transferred to the nearest facility with suitable space available, and returned as needed for administrative hearings before the IJ if venue has not been changed. If the detainee must be returned for administrative hearings, sufficient time will be allowed for the detainee to meet with his/her legal representative before the hearing.
5. The District where venue was originally established shall be responsible for costs incurred in returning the detainee to that venue for continuation of proceedings.
6. This policy does not in any way address or limits the right of INS to transfer a detainee involuntarily when, in the judgment of INS, it is in the best interest of the government or the detainee. Nor does this policy preclude the INS from seeking a change of venue, if appropriate, after review by the District Counsel.

E. Access to Outdoor Recreation Available

Recreation considerations will not affect detention time in a facility where access to outdoor recreation is available at least one hour per day, five days per week, weather permitting.

F Recreation Specialist

All facilities shall have an individual responsible for the development and oversight of the recreation program.

In SPCs/CDFs:

1. *Every facility housing more than 350 detainees shall employ a full-time Recreation Specialist. The Recreation Specialist must have special training in implementation and oversight of a recreation program.*
2. *Every facility with a rated capacity of 500 or more detainees shall maintain a minimum of one Recreation Specialist and one Recreation Assistant.*

3. *The Recreation Specialist shall be responsible for development and oversight of the recreational program.*
4. *The Recreation Specialist shall assess the needs and interests of the detainees.*

G. Program Content

1. Exercise areas will offer a variety of fixed and movable equipment. Weight training, if offered, will be limited to fixed equipment; free weights are prohibited.
2. Cardiovascular exercise shall be available to detainees for whom outdoor recreation is unavailable. The indoor recreation area may, therefore, be equipped with stationary bicycles, stair climbers, treadmills, and/or other cardiovascular exercise machines.
3. Recreational activities shall be based on the facility's size and location. With the OIC's approval, recreational activities may include limited-contact sports, such as soccer, basketball, volleyball, table game, and may extend to competitions between units.

Dayrooms in general-population housing units will offer board games, television, and other sedentary activities. Detention personnel shall supervise dayroom activities, distributing games and other recreation materials once daily.

4. All detainees participating in outdoor recreation shall have access to drinking water and toilet facilities.
5. Detention or recreation staff shall issue all portable equipment items, and shall check each item for damage and general condition upon its return. Staff shall also conduct searches of recreation areas before and after their use to detect altered or damaged equipment, hidden contraband, and security breaches.
6. Programs and activities are subject to the facility's security and operational guidelines and may be restricted at the OIC's discretion.
7. Recreation areas shall be under continuous supervision by staff. Staff supervising these areas shall be equipped with radios to maintain contact with the control center.
8. Contraband-searches of detainees moving from locked cells or housing units to recreation shall be conducted in accordance with the "Detainee Search" standard.
9. Detainees may engage in independent recreation activities, such as board games and small-group activities, consistent with the safety, security, and orderly operation of the facility.
10. The OIC shall establish facility policy concerning television-viewing in dayrooms. All television-viewing schedules shall be subject to the OIC's approval.

H. Recreation for Special Management Unit (SMU)

Detainees housed in the SMU shall recreate apart from the general population. The OIC shall develop and implement procedures to ensure that detainees who must be kept apart never participate in activities in the same location at the same time. Detainees in protective custody, for example, shall recreate separately from other detainees. Individual recreation shall be used as necessary to prevent assaults and reduce management problems.

Detainees in the SMU shall be offered at least one hour of recreation per day, scheduled at a reasonable time, at least five days per week. This privilege shall be waived only if the detainee's recreational activity would unreasonably endanger safety or security, as follows:

1. A detainee segregated for administrative purposes, a special-needs detainee, or a detainee in protective custody may be denied access to recreation when fulfillment of the requirement would create an immediate and serious threat to the safety or security of the detainee, other detainees, or staff. A detainee may be denied recreation privileges only with the OIC's written authorization. The written authorization must indicate why the detainee poses an unreasonable risk even when recreating alone.

NOTE: A special-needs detainee is one who's mental and/or physical condition requires special handling and treatment by staff. Special-needs detainees include, but are not limited to: drug or alcohol addicts or abusers, the emotionally disturbed, mentally retarded, suspected mentally ill, and disabled or infirm.)

2. A detainee in the SMU for disciplinary purposes may temporarily lose recreation privileges upon a disciplinary panel's written determination that he/she poses an unreasonable risk to the facility, him/herself, or others.
3. The disciplinary panel or OIC shall provide the detainee with written notification of the suspension of recreation privileges, the reason for the suspension, any conditions that must be met before restoration of privileges, and the duration of the suspension, provided the requisite conditions are met
4. The case of a detainee denied recreation privileges shall be reviewed at least once each week. The reviewer(s) will state, in writing, whether the detainee continues to pose a threat to self, others, or the facility security and, if so, why. Denial of recreation privileges for more than 15 days requires the concurrence of the OIC and health care professional. It is expected that such denials will rarely occur, and only in extreme circumstances.

The facility shall notify INS when a detainee's denied recreation privileges exceeds 15 days.

I. Volunteer Program Involvement

A volunteer group may provide a special recreational or educational program or religious activity consistent with security considerations, availability of detention personnel to supervise participating detainees, and sufficient advance notification to the OIC. (For religious programs/activities, see the "Religious Practices" standard.)

In SPCs/CDFs:

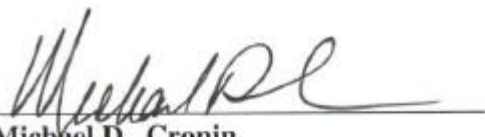
All volunteers, regardless of title or position, are subject to a minimal background check that includes, but is not limited to, the following: criminal history check; verification of identity and occupation; and verification of credentials for the type of activity involved.

Each approved volunteer shall receive the standard orientation to the facility, and shall acknowledge understanding the rules and procedures by signing an agreement to comply, particularly with respect to rules addressing permissible behavior and relationships with detainees. Each volunteer must sign a waiver of liability before being admitted to any secure portion of the facility or location where detainees are present. Visitors, relatives, and friends of detainees shall not serve as volunteers.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities. 3-ALDF-2E-01, 2E-02, 5C-01, 5C-02


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

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

Policy: It is INS policy to provide access to recreational programs and activities to all INS detainees, to the extent possible, under conditions of security and supervision that protect their safety and welfare.

RECREATION			
Components	Yes	No	Remarks
1. Does the facility provide: a. An indoor recreation program? b. An outdoor recreation program?			
2. Does the facility have a full-time: recreational specialist and recreational assistant?			
3. Does the recreational specialist tailor the program activities and offerings to the particular detainee population? If so, how?			
4. Does regular maintenance keep recreational facilities and equipment in good condition?			
5. Does the recreational specialist supervise approved recreation activities?			
6. Does the recreational specialist supervise detainee recreation workers?			
7. Does the recreational specialist oversee recreation programs for Special Management Unit and special-needs detainees?			
8. Do dayrooms offer sedentary activities, e.g., board games, cards, television?			
9. Are outside activities restricted to limited- contact sports?			
10. Does each detainee have the opportunity to participate in daily recreation? If yes: a. Indoor? b. Outdoor?			

RECREATION			
Components	Yes	No	Remarks
11. Do detainees have access to recreation activities outside the housing units for at least one hour daily, 5 days a week? If yes, including weekends?			
12. Does staff check all items for damage and condition when equipment is returned?			
13. Does staff conduct searches of recreation areas before and after use?			
14. Are all recreation areas under constant staff supervision?			
15. Is supervising staff equipped with radios?			
16. Does the facility provide detainees in the SMU at least one hour of recreation time daily? If yes, including weekends?			
17. Does a detainee in disciplinary segregation receive a written explanation when a panel revokes his/her recreation privileges?			
18. Does the OIC review the panel's decision before it becomes effective? If yes, in every case?			
19. Does a detainee in administrative segregation receive a written explanation for denied recreational privileges?			
20. Do volunteer groups present special programs or religious activities?			
21. Are volunteers required to sign a waiver of liability before entering a secure portion of the facility where detainees are present?			
22. Are visitors, relatives or friends allowed to serve as volunteers?			
23. If the facility has no outside recreation, are detainees considered for transfer after six months? a. If yes, does written procedure ensure timely review of all eligible detainees? b. Of those eligible (held more than six months) how many are transferred each year? (<i>actual number or percent</i>)			

RECREATION			
Components	Yes	No	Remarks
24. Do case officers make written transfer recommendations about every six-month detainee to the OIC?			
25. Does the OIC document all detainee-transfer decisions, whether yes or no?			
26. Is a detainee free to accept/decline a transfer approved by the OIC?			
27. Is the detainee's written decision for or against an offered transfer documented in his/her A-file?			
28. Does staff notify the detainee's legal representative of his/her decision to accept/decline a transfer?			
29. How many detainees now present have remained nine months or longer? a. Is this about average?			
30. If neither indoor nor outdoor recreation is available, does the facility routinely review transfer eligibility for all detainees after 60 days? a. How many detainees now present have remained more than 60 days? b. How many were offered transfers?			
31. Does the A-file of every detainee held more than 60 days without access to recreation contain either a transfer-waiver signed by the detainee or the OIC's written determination of the detainee's ineligibility for transfer?			
32. Is the detainee's legal representative notified of the detainee's/OIC's decision?			

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

RECREATION

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. Observation of general population recreation time			
B. Observation of Special Management Unit recreation time			
C. Inspection of facility recreation areas and equipment			
D. A-file/detention file			
E. Review of facility policy and procedure for alien recreation			
F. Detainee and staff interviews			

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

INS DETENTION STANDARD

RELIGIOUS PRACTICES

I. POLICY

Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is "mainstream," whether the religion is "Western" or "Eastern," or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.

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. General

Detainees shall have the opportunity to engage in practices of their religious faith that are deemed essential by the faith's judicatory, consistent with the safety, security, and the orderly operation of the facility.

No one may disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation. Attendance at all religious activities are voluntary and, unless otherwise specified by the OIC, open to all.

B. Religious Opportunities and Limitations

When necessary for the security or good order of the facility, the OIC may limit attendance at or discontinue a religious activity. Opportunities for religious activities are open to the entire detainee population, without regard to race, color, nationality, or creed. The OIC may limit participation in a particular religious activity or practice to the members of that religious group. Ordinarily, when the nature of the activity or practice (fasts, ceremonial meals, headwear requirements, work proscriptions, etc.) indicates a need for such a limitation, only those detainees whose files reflect the pertinent religious preference will be included.

C. Religious Preferences

INS does not require a detainee to profess a religious belief. A detainee may designate any or no religious preference during in processing. By notifying the chaplain or other designated individual, in writing, a detainee may request to change this designation at any time, and the change will be effected in a timely fashion.

In the interest of maintaining the security and orderly running of the facility and to prevent abuse or disrespect by detainees of religious practice or observance, the chaplain shall monitor patterns of changes in declarations of religious preference.

In determining whether to allow a detainee to participate in specific religious activities, as described in Section B below, staff may wish to refer to the information contained both on the initial classification and the detainee's religious designation. Detainees showing "No Preference" may be restricted from participation in those activities deemed appropriate for members only.

In processing staff shall enter the detainee's religious designation into DACS at the detainee's initial in processing. When the chaplain approves a request for change of religious preference, the chaplain is responsible for making the necessary change in the detainee's DACS.

D. Chaplains

The Chaplain or designated individual is responsible for managing religious activities in the facility.

He/she is available to provide pastoral care and counseling to detainees who request it, both through group programs and individual services. Detainees, who belong to a religious faith different from the Chaplain's will, if they prefer, have access to pastoral care and counseling from external clergy and religious service providers. The Chaplain may, for the purpose of informed decision making, ask the detainee(s) to explain special or unfamiliar requests.

The term "individual services" includes counseling services provided to individual detainees and/or members of their families in personal crisis and family emergency situations.

E. Schedules and Facilities

All facilities shall designate space for religious activities.

In SPCs/CDFs, this designated space must be sufficient to accommodate the needs of all religious groups in the detainee population fairly and equitably. Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups. The general area shall include office space for the chaplain, storage space for items used in religious programs, and proximity to lavatory facilities for staff and volunteers.

The Chaplain shall schedule and direct the facility's religious activities.

Current program schedules shall be posted on all unit and detainee bulletin boards.

In scheduling approved religious activities, chaplains must consider both the availability of staff supervision and the need to allot time and space equitably among the different groups.

F. Community Involvement (Volunteers, Contractors)

All facilities shall have resources available for the community groups that provide the religious services not provided by the Chaplain.

The particular needs of women and special-needs detainees may require the contracting of spiritual counselors or advisers for religious needs other than those of a specific faith tradition.

In SPCs, the Chaplain may contract with representatives of faith groups in the community to provide specific religious services that he/she cannot personally deliver.

The Chaplain may secure the services of volunteers to assist detainees in observing their religious beliefs.

The OIC or the OIC's designee (ordinarily the chaplain) may require a recognized representative of the faith group to verify a volunteer's or contractor's religious credentials prior to approving his or her entry into the facility.

The term "representatives of faith groups" includes both clergy and spiritual advisors. All contractual representatives of detainee faith groups shall be afforded the same status and treatment to assist detainees in observing their religious beliefs, unless the security and good order of the facility warrants otherwise.

Detainees of any faith tradition will ordinarily have access to official representatives of their faith group while housed in special housing or hospital units. Detainees in special housing shall make the request for a visit with their faith representative through the chaplain, and requests will be accommodated consistent with the terms of the representative's contract and the security and good order of the facility.

If the representative of the faith group is a volunteer, he/she shall always be escorted in special housing units.

G. Introduction of New and Unfamiliar Religious Components

Detainees may request the introduction of new or unfamiliar religious components to the Religious Services program. In those instances when information is required regarding a specific practice, the chaplain may ask the detainee to provide additional data in order to further inform the decision to include or exclude the practice from the Religious Services program.

Detainee requests shall be made by completing the Questionnaire regarding New Religious Components (Attachment A) and submitting it to the chaplain. Upon completing the review the chaplain shall make recommendations to the OIC regarding the appropriateness of the request. The chaplain's and OIC's recommendation to be routed through channels to the District Director (DD). The DD's decision will be forwarded to the Regional Director for concurrence. The final decision shall be forward to the OIC. The decision will be forwarded to the OIC. The chaplain will communicate the decision to the detainee.

Decisions regarding the expansion of the Religious Services program are subject to the facility's parameters for maintaining a safe and secure facility and availability of staff for supervision.

H. Religious Group Assemblies

Detainees will have the opportunity to engage in-group religious activities, consistent with the safe, secure and orderly operation of the facility.

I. Religious Holy Days

A policy consistent with maintaining safety, security and the orderly operation of the facility shall be in place to facilitate the observance of important "holy days."

The Chaplain will work with requesting detainees to accommodate a proper observance of the holy day.

In SPCs, the OIC shall endeavor to facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship, or work proscription. The OIC may request the chaplain to consult with community representatives of the detainee's faith group and/or other appropriate sources to verify the religious significance of the requested observance.

J. Pastoral Visits

If requested by a detainee, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.

- a. The chaplain may request an NCIC check and documentation of such clergyperson's or faith group representative's credentials.
- b. Pastoral visits will ordinarily take place in the visiting room during regular visiting hours.

Accommodation should be made for privacy through use of the attorney/client area, if either party requests this.

K. Religious Property

Detainees shall have access to personal religious property, consistent with facility security.

Detainee religious property includes but is not limited to rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches, and religious medallions. Such items, which become part of a detainee's personal property, are subject to normal considerations of safety and security. If necessary, their religious significance shall be verified by the chaplain prior to the OIC's approval.

A detainee ordinarily shall be allowed to wear or use personal religious items during religious services, ceremonies, and meetings in the chapel, unless the OIC determines that the wearing or use of such items would threaten facility security, safety, or good order. Upon request of the detainee, the OIC may allow the wearing or use of certain religious items throughout the facility, consistent with considerations of security, safety, or good order.

The OIC may request the chaplain to obtain direction from representatives of the detainee's faith group or other appropriate sources concerning the religious significance of the items.

Items of religious wearing apparel include, but are not limited to:

*Prayer shawls and robes;
Kurda or ribbon shirts;
Medals and pendants;
Beads; and
Various types of headwear.*

Religious headwear, notably kufis, yarmulkes, turbans, crowns, and headbands, as well as scarves and head wraps for orthodox Muslim and Jewish women, is permitted in all areas of the facility, subject to the normal considerations of security and good order, including inspection by staff. Staff will ordinarily use DACS religious preference data to verify the legitimacy of the detainee's claim to wear religious headwear.

A detainee who wishes to have religious books, magazines, or periodicals must comply with the facility's general rules for ordering, purchasing, retaining, and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications. Distribution to detainees of religious literature purchased by or donated to the INS is contingent on approval from the Chaplain.

L. Community Religious Volunteers

Local community religious groups and individuals may provide detainees with religious services and counseling.

The Chaplain may require a recognized representative of the faith to verify the credentials of a volunteer prior to approving his/her entry into the facility. Security arrangements will be made to allow clergy or other spiritual advisors facility access for sanctioned religious activities; these arrangements will include a staff escort. Members of faiths not represented by clergy may conduct their own services, provided they do not interfere with facility operations.

In SPCs/CDFs, religious groups and individuals may be compensated for assisting volunteer clergy or spiritual advisors with religious services and programs, and/or for providing religious publications and religiously symbolic items without charge to the detainees

M. Dietary Requirements

The food service department will implement procedures for accommodating, within reason, detainees' religious dietary requirements.

When a detainee's religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.

Before approving a special diet, the Chaplain will consult with the medical department to ensure the diet is nutritious and does not pose a threat to the detainee's health. (see the "Food Service" standard).

O. Detainees in Special Management Units

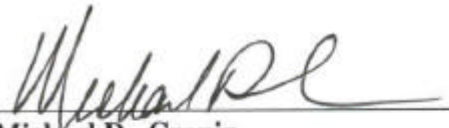
Detainees in the Special Management Unit (administrative, disciplinary, or protective custody) shall be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.

In SPCs/CDFs, detainees in special housing shall have regular access to the Chaplain or other religious service provider. The Chaplain shall provide pastoral care in special housing and hospital units weekly.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-5F-06, 5F-09

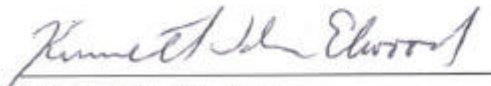
Approval of Standard



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

Questionnaire Regarding New Or Unfamiliar Religious Components

Detainees requesting the introduction of a new component to the Religious Services program (schedule, meeting time and space, religious items and attire) shall provide to the chaplain a comprehensive response to each of the following questions for consideration at the facility and the district level. Because of the necessary review at these levels, the process may require up to 120 days for completion. The committee recommendation will be forwarded to the OIC and copied to the regional director. Committee recommendations will be communicated to the detainee by the senior chaplain.

1. What is the official name of the faith group?
2. Who is the head of the faith group in the United States?
3. What is the address and telephone number of the faith group headquarters in the United States?
4. What are the basic teachings of the faith group? Please provide titles or attach particular reference material that would be useful for researching this group.
5. Does the faith group have ministers or teachers?
6. Are ministers available to visit incarcerated members of the faith group?
7. Are there religious holidays to be observed by members? If so, when are the holidays and what religious practices are necessary for the observance?
8. Are there any necessary religious items and what is the religious significance of each?
9. Are there time and space requirements for the group?
10. Are you aware of related faith groups or other groups with similar practices?
11. Is the religion open to all detainees?

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

Policy: Facilities will provide INS detainees of all faiths with reasonable and equitable opportunities to participate in the practices of their faith, limited only by the constraints of safety, security, the orderly operations of the facility and budgetary considerations.

RELIGIOUS PRACTICES			
Components	Yes	No	Remarks
1. Are detainees allowed to engage in religious services?			
2. Is space available for detainees to conduct religious services?			
3. Does the facility allow detainees to observe the major "holy days" of their religious faith? a. Any exceptions?			
4. Does the facility accommodate holy-day observances by: a. Providing special meals, consistent with dietary restrictions? b. Honoring fasting requirements? c. Facilitating religious services? d. Allowing activity restrictions?			
5. Is each detainee allowed religious items in his/her immediate possession?			
6. Does the OIC check every potential volunteer's credentials before letting him/her participate in detainee programs? a. If yes, does the OIC check with a recognized representative of the faith? b. Does the OIC have any other way of checking an individual's credentials?			
7. Can members of faiths not represented by clergy conduct their own services?			
8. Does the OIC allow detainees in the Special Management Unit to participate in religious practices?			

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

RELIGIOUS PRACTICES

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. Observing Religious Services			
B. Observing Intake Procedures			
C. Observing Designated Space for Religious Practices			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

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

ICE DETENTION STANDARD

STAFF-DETAINEE COMMUNICATION

I. POLICY

Procedures must be in place to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.

II APPLICABILITY

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

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

Within the document there are additional implementing procedures that are identified for SPCs and CDFs. 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. STAFF AND DETAINEE CONTACT

ICE detainees should have the opportunity to have informal access to and interaction with key facility staff members on a regular basis. In addition to informal contact with facility staff, detainees often require regular access to key ICE staff. Often detainees in ICE custody are unaware of or do not comprehend the immigration removal process, and staff should explain the general process to detainees without providing specific legal advice on their individual cases.

1. Unannounced Contacts With Detainees

Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the Assistant Officer in Charge (AOIC) and designated department heads conduct regular unannounced (not scheduled) visits to the

facility's living and activity areas to encourage informal communication between staff and detainees and informally observing living and working conditions. These unannounced visits shall include but not be limited to:

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

While visiting the Special Management Unit, the detainees shall be interviewed, living conditions will be observed and detainee-housing records will be reviewed.

In SPC's and CDFs:

These unannounced visits to the facility's living areas will be conducted weekly at SPCs and CDFs.

Each facility shall develop a method to document the unannounced visits, and ICE will document visits to IGSAs.

2. Scheduled Contact with Detainees

The purpose for these scheduled weekly visits is to address detainees' personal concerns and to monitor living conditions. Facility or District deportation staff in the jurisdiction where these facilities are located shall conduct these scheduled visits. The visiting officer should be familiar with the ICE detention standards and report all violations to the Field Director.

a. In SPCs:

These scheduled weekly visits are to be determined by the ICE OIC or the Supervisory Deportation Officer. Written schedules shall be developed and posted in the detainee living areas and other areas with detainee access. Each facility shall have specific procedures for documenting the visit.

b. In CDFs and IGSAs:

The ICE Field Office Director shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff. The ICE officer will also visit the facility's Special Management Units (SMU) to interview any ICE detainees housed there, monitor housing conditions, review detainees' classification and basis for placement in the SMU, and review all records in this regard. Written schedules shall be developed and posted in the detainee living areas and other areas with detainee access. The ICE Field Office Director shall have specific procedures for documenting the visit. IGSAs with larger populations should be visited more often if necessary.

c. In Bureau of Prison Facilities:

When ICE detainees are held at Bureau of Prison (BOP) facilities, the ICE Field Office Director shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff. While ICE National Detention Standards are not applicable to BOP facilities, the visits shall be for the purpose of providing ICE detainees held at those facilities with the opportunity to informally access and interact with ICE staff. This requirement is not applicable to BOP facilities exclusively housing Mariel Cubans, since communication with Mariel Cubans is handled through a separate process.

In addition, the visiting officer will review the conditions under which ICE detainees are being held, Particularly for those held in SMUs, including the detainees' classification, basis for placement in the SMU (where applicable), access to counsel, legal telephone calls, and visitation privileges. Deficiencies in these areas shall be reported to a supervisory ICE officer.

B. REQUEST TO STAFF FROM ICE DETAINEES

All detainees shall have the opportunity to submit written questions, requests, or concerns to ICE staff using the attached detainee request form, local IGSA form or a sheet of paper. The OIC must ensure that adequate supplies of detainee requests and writing implements are available.

All facilities that house ICE detainees must have written procedures to route detainee requests to the appropriate ICE official.

The detainee request form shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay. The detainee may, if he or she chooses, seal the request in an envelope and clearly mark the envelope with the name, title or office the request is to be forwarded to.

A detainee may obtain assistance from another detainee, housing officer, or other facility staff in preparing a request form. The OIC shall ensure that the standard operating procedures cover detainees with special requirements, including those who are disabled, illiterate, or know little or no English. Each facility will accommodate the special assistance needs of such detainees in making a request.

This procedure is not to be used for submitting formal grievances. Formal grievances shall be submitted according to the procedures specified in the "Detainee Grievance" standard. However, the procedures outlined here may be used to resolve *informal* grievances as described in that standard.

1. **Response Times**

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

The officer receiving the request shall normally respond in person or in writing as soon as possible and practicable, not later than within 72 hours from receiving the request.

b. **In IGSA facilities without ICE on-site presence**

The detainee requests shall be forwarded to the ICE office of jurisdiction within 72 hours and answered as soon as possible and practicable, but not later than within 72 hours from receiving the request. If it is apparent that the request is serious in nature, procedures shall be in place for an expedited review and response to the detainee's request.

2. **Record keeping and File Maintenance**

All requests shall be recorded in a logbook specifically designed for that purpose. The log, at a minimum, shall contain:

- a. The date the detainee request was received;
- b. Detainee's name;
- c. A-number;
- d. Nationality;
- e. Officer logging the request;
- f. The date that the request, with staff response and action, is returned to the detainee; and
- g. Any other site-specific pertinent information.

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

All completed Detainee Requests will be filed in the detainee's detention file and will remain in the detainee's detention file for at least three years.

3. **Detainee Handbook**

The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request. See the "Detainee Handbook" standard.

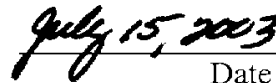
V. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3A-11, 3A-12.

Approval of Standard



Anthony S. Tangeman
Director, Office of Detention and Removal
Bureau of Customs and Immigration Enforcement
Department of Homeland Security



Date

INS DETENTION STANDARD

TELEPHONE ACCESS

I. POLICY

Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.

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 below 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. Detainee Access to Telephones

The facility shall provide detainees with reasonable and equitable access to telephones during established facility waking hours, limited only by the restrictions below.

B. Detainee Notification

As described in the "General Provisions" standard, the facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them.

C. Number of Telephones

To ensure sufficient access, the facility shall provide at least one telephone for detainee use for every 25 detainees held.

SPC/CDF telephones will permit outgoing calls only.

D. Telephone Maintenance

The facility shall maintain detainee telephones in proper working order. Appropriate facility staff shall inspect the telephones regularly (*daily in SPCs/CDFs*), promptly report out-of-order telephones to the repair service, and ensure that required repairs are completed quickly.

E. Direct Calls and Free Calls

Even if telephone service is generally limited to collect calls, the facility shall permit the detainee to make direct calls:

1. to the local immigration court and the Board of Immigration Appeals;
2. to Federal and State courts where the detainee is or may become involved in a legal proceeding;
3. to consular officials;
4. to legal service providers, in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case;
5. to a government office, to obtain documents relevant to his/her immigration case; and
6. in a personal or family emergency, or when the detainee can otherwise demonstrate a compelling need (to be interpreted liberally).

If the limitations of its existing phone system will initially preclude the facility from meeting these requirements, the OIC must report this to INS. INS will respond by providing some means of access, e.g., cell phones into which facility staff can pre-program authorized numbers (in the above categories) with all other numbers blocked. These phones will be maintained by on-site INS liaison officers or local officials, and must be provided in an environment that meets privacy standards.

Staff will allow detainees to make such calls as soon as possible after the request, factoring in the urgency expressed by the detainee. Generally, access will be granted within eight (facility-established) waking hours of the detainee's request, excluding the hours between lights-out and morning resumption of scheduled activities. The detainee will always be granted access within 24 hours of his/her request.

Incidents of delays extending beyond eight (waking) hours must be documented and reported to the INS.

The facility shall not require indigent detainees to pay for the types of calls listed above if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.

If the facility requires detainees to complete a request form to make direct or free calls, it must assist them as needed, especially for illiterate or non-English speaking detainees.

In SPCs/CDFs, INS has required its telephone service provider to program the telephone system to permit detainees free calls to numbers on the official pro bono legal representation list and to consulates, and to permit detainees to make direct calls by use of debit cards. INS encourages and will work with IGSA facilities toward adopting similar procedures, and share INS' knowledge and experience in this area.

F. Telephone Usage Restrictions

The facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes, and the detainee shall be allowed to continue the call if desired, at the first available opportunity.

The facility may place reasonable restrictions on the hours, frequency and duration of the other direct and/or free calls listed above, but these must not unduly limit a detainee attempting to obtain legal representation.

The facility may restrict the number and duration of other types of telephone calls for the following reasons only:

1. availability (i.e., the usage demands of other detainees);
2. orderly operation of the facility (e.g., scheduled detainee movements, court schedules, meals, counts, etc.); and
3. emergencies (e.g., escapes, escape attempts, disturbances, fires, power outages, etc.).

Telephone privileges may be suspended entirely during an emergency, but only with the authorization of the OIC or his/her designee, and only for the briefest period necessary under the circumstances.

The OIC will establish and oversee local institutional rules for the equitable allocation of telephone time. When required by detainee telephone-usage demands, such measures may include, but are not limited to, reasonable limitations on the duration and the number of calls per detainee, the use of predetermined time-blocks, and advance sign-up procedures.

G. Telephone Privileges in Special Management Unit

Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls as described above, except under compelling security conditions. These conditions shall be documented.

Staff shall permit detainees in the Special Management Unit for other than disciplinary reasons (e.g., protective custody, suicide risk) to have telephone access similar to detainees' in the general population, but in a manner consistent with the special security and safety requirements of detainees in these units.

H. Inter-facility Telephone Calls

Upon a detainee's request, the facility shall make special arrangements permitting the detainee to speak by telephone with an immediate family member detained in another facility. (Immediate family members include the detainee's spouse, mother, father, stepparents, foster parents, brothers and sisters, and natural or adopted children.) Reasonable limitations may be placed on the frequency and duration of such calls.

The facility shall liberally grant requests for inter-facility family calls to discuss legal matters. For such calls, the detainee's conversation shall be afforded privacy to the extent possible, while maintaining adequate security.

I. Incoming Calls

The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller's name and telephone number will be obtained and given to the detainee as soon as possible. The detainee shall be permitted to return the emergency call as soon as reasonably possible within the constraints of security and safety. The facility shall enable indigent detainees to make a free return emergency call.

In SPCs/CDFs, messages shall be delivered to detainees no less than three times a day.

J. Privacy for Telephone Calls on Legal Matters

The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees.

Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.

The facility shall inform detainees to contact an officer if they have difficulty making a confidential call relating to a legal proceeding. If notified of such a difficulty, the officer shall take measures to ensure that the call can be made confidentially.

Privacy may be provided in a number of ways, including:

1. telephones with privacy panels (side partitions) that extend at least 18 inches to prevent conversations from being overheard;

2. placing telephones where conversations may not be readily overheard by other detainees or facility staff; or
3. allowing detainees to use an office telephone to make confidential calls regarding their legal proceedings.

K. Monitoring of Detainee Telephone Calls

The facility shall have a written policy on the monitoring of detainee telephone calls. If telephone calls are monitored, the facility shall notify detainees in the detainee handbook or equivalent provided upon admission. It shall also place a notice at each monitored telephone stating:

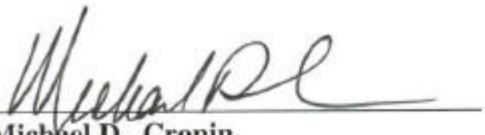
1. that detainee calls are subject to monitoring; and
2. the procedure for obtaining an unmonitored call to a court, legal representative, or for the purposes of obtaining legal representation.

A detainee's call to a court, a legal representative, or for the purposes of obtaining legal representation will not be aurally monitored absent a court order. The OIC retains the discretion to have other calls monitored for security purposes.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition, Standards for Adult Detention
Facilities: 3-ALDF-5D-09, 3D-21, 3D-22, 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

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

Policy: All facilities housing INS detainees will permit detainees' reasonable and equitable access to telephones.

DETAINEE TELEPHONE ACCESS			
Components	Yes	No	Remarks
1. Are all detainees allowed access to telephones during established facility waking hours?			
2. Upon admittance, are detainees made aware of the facility's telephone access policy?			
3. Is notification of this policy in the detainee handbook?			
4. Are the telephone access rules posted in each housing area?			
5. Does the facility make a reasonable effort to provide key information to detainees in languages spoken by any significant portion of the facility's population?			
6. Are telephones provided at a ratio of at least one telephone per 25 detainees in the facility population?			
7. Are telephones inspected regularly (daily in SPCs/CDFs), by appropriate facility staff, to ensure that they are in good working order?			
8. Does the facility administration promptly report out-of-order telephones to the facility's telephone service provider?			
9. Does the facility administration monitor repair progress and take appropriate measures to ensure that the required repairs are begun and completed within a reasonable time?			
10. Are detainees afforded a reasonable degree of privacy for legal phone calls? *How?			

DETAINEE TELEPHONE ACCESS			
Components	Yes	No	Remarks
11. When a detainee is having trouble placing a confidential call, is there a procedure in place for an officer to assist them?			
12. Does the facility provide the detainees with the ability to make non-collect (special access) calls?			
13. Is this ability provided by having the telephone company program special access call numbers into the collect-call telephones so that detainees may dial these numbers directly?			
14. Is this ability provided by access to a telephone that will allow such calls to be made at a detainee's expense?			
15. Is this ability provided by access to a telephone that permits calls at no expense to the detainee or the receiving party?			
16. If a facility is unable to fully meet this requirement initially because of limitations of its telephone service, will INS make interim arrangements to provide required access? a. Are cell phones available? b. Pre-programmed with the appropriate numbers? c. Other numbers blocked.			
17. Are cell phones maintained on site by INS liaison or by the local officials? If so a. Are the detainees permitted to use the cell phones within 8 hours or a max of 24 hours of the request? b. In an environment that meets privacy standards?			
18. Is the detainee required to request this access by using a Detainee Request Form?			
19. Does the on-duty supervisor adjudicate the request?			
20. Is the request form placed into the detainee's detention file?			
21. When granted, is access routinely provided within twenty-four hours?			

DETAINEE TELEPHONE ACCESS			
Components	Yes	No	Remarks
22. If restrictions are placed on these calls, do they unduly limit the alien in attempting to obtain legal services?			
23. Are there any restrictions on time or number of calls to legal representation? If yes what?			
24. Are special arrangements made to allow detainees to speak by telephone with an immediate family member detained in another SPC or CDF?			
25. Is the use of general access phones restricted?			
26. Does the restriction(s) fall within one of the categories in paragraph VIII section G?			
27. Does the facility have a system for taking and delivering detainee telephone messages?			
28. Is the message system structured to ensure detainee messages are delivered to the detainees no less than three times a day?			
29. Are emergency phone call messages immediately given to detainees?			
30. Are detainees allowed to return emergency phone calls as soon as possible?			
31. Are detainees in disciplinary segregation allowed phone calls relating to the detainee's immigration case or other legal matters, including consultation calls?			
32. Are detainees in disciplinary segregation allowed phone calls to consular/embassy officials?			
33. Are detainees in disciplinary segregation allowed phone calls for family emergencies			
34. Are detainees in administrative segregation and protective custody afforded the same telephoning privileges as those in general population?			
35. Are detainee phone calls monitored?			
36. Is notification posted by detainee telephones that phone calls made by the			

DETAINEE TELEPHONE ACCESS			
Components	Yes	No	Remarks
detainees may be monitored?			
37. Does the notification contain the procedure for requesting an unmonitored phone call?			

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

DETAINEE TELEPHONE ACCESS

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. Review of Detainee Handbook			
B. Review of Phone Maintenance Log			
C. Review of Phone Inspection Log			
D. Review of Facility Policy and Procedures for Detainee Telephone Access			
E. Inspection of Telephone Areas			
F. Inspection of Detainee Housing Units			
G. Detainee and Staff Interviews			

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, alternate source used for verification, etc.)*

Auditor's Signature

Date

INS DETENTION STANDARD

VISITATION

I. POLICY

Facilities holding INS detainees shall permit authorized persons to visit detainees, within security and operational constraints. To maintain detainee morale and family relationships, INS encourages visits from family and friends. Facilities shall allow detainees to meet privately with their current or prospective legal representatives and legal assistants, and also with their consular officials.

To better inform the public about INS detention operations, facilities shall permit representatives of the news media and non-governmental organizations to have access to non-classified and non-confidential information about their operation; given appropriate notice, to tour facilities; and, with permission from INS and the detainees, to interview individual detainees.

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. General

The facility shall establish written visiting procedures, including a schedule and hours of visitation, taking into account the visitation requirements of family (including minors), friends, legal representatives, consular officials, interested non-governmental organizations, and the news media.

The Officer in Charge (OIC) may temporarily restrict visiting when necessary to ensure the security and good order of the facility. The OIC will decide whether to permit contact visits according to the facility's detainee population and its physical conditions.

B. Notification

The facility shall provide written notification of visitation rules and hours in the detainee handbook, or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them. *In SPCs/CDFs, the information shall be posted in each housing unit.*

Each facility shall make the schedule and procedures available to the public, both in written form and telephonically. A live voice or recording shall provide telephone-callers with the hours for all categories of visitation. The information shall also be posted in the visitors' waiting area.

C. Visitors' Log

The facility shall maintain a log of all general visitors, and a separate log of legal visitors as described below.

In SPCs/CDFs, the general-visitors log will record the name and alien-registration number (A-number) of the detainee visited; the visitor's name and address; the visitor's immigration status; the visitor's relationship to the detainee; and the date and time-in and -out.

D. Incoming Property and Money for Detainees

The facility shall have written procedures regarding incoming property and money for detainees. The OIC shall allow a visitor to leave money with a designated staff member for deposit in a detainee's account. The visitor will receive a receipt for all money or property left at the facility. Under no circumstances shall visitors give property or money directly to a detainee.

In SPCs/CDFs, the shift supervisor must approve all items that visitors bring for detainees. The visiting room officer will not accept articles or gifts of any kind for a detainee, unless the OIC has approved them in advance.

Due to the relatively short length of stay and the fact that INS provides all necessities, detainees may receive only minimal amounts of personal property, including:

1. *Small religious items*
2. *Religious and secular reading material (soft cover)*
3. *Legal documents and papers (in IGSA facilities and SPC/CDFs)*
4. *Pictures (10 maximum), measuring 5" x 7" or smaller*
5. *Prescription glasses*
6. *Dentures*
7. *Personal address book or pages (in IGSA facilities and SPC/CDFs)*

8. *Correspondence*
9. *Wedding ring*
10. *Other items approved by the Chief Detention Enforcement Officer.*

E. Sanctions for Violation of Visitation Rules

Any violation of the visitation rules may result in disciplinary action against the detainee, which may entail loss of visitation privileges. However, visiting privileges can be revoked only through the formal detainee disciplinary process.

Cases of contraband introduction or criminal violations may lead to criminal prosecution of the visitor, detainee, or both.

F. Dress Codes for Visitors

If the facility establishes and maintains a dress code for visitors, it shall be freely available to the public.

The minimum dress code for SPCs/CDFs follows.

1. *Female Visitors Age 12 And Older*

- a. *Shorts shall cover customarily covered areas of the anatomy, including the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.*
- b. *Skirts and dresses shall extend to mid-thigh, seated.*
- c. *Slits in skirts and dresses shall rise no higher than mid-thigh, seated.*
- d. *Sheer (see-through) clothing is prohibited.*
- e. *The top of clothing shall be no lower than the underarm in the front and back. Bare midriffs and strapless tops, tube tops, and swimsuits are prohibited.*
- f. *Shoes shall be worn at all times.*
- g. *Gang "colors" and other gang displays are prohibited.*

2. *Male Visitors Age 12 and Older*

- a. *Shorts shall cover customarily covered areas of the anatomy, including*

the buttocks and crotch area, both when standing and sitting. Shorts no higher than mid-thigh comply. Short-shorts, jogging shorts, cut-offs, and other obviously inappropriate short garments are prohibited.

- b. Shirts shall be worn at all times. Muscle shirts, bare midriff shirts and sleeveless shirts are prohibited.*
- c. Shoes shall be worn at all times*
- d. Gang "colors" and other gang displays are prohibited.*

G. Visiting Room Conditions

The facility's visiting area shall be appropriately furnished and arranged, and as comfortable and pleasant as practicable. The visiting room officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner. The OIC shall provide adequate supervision of the visiting rooms.

H. Visits by Family and Friends

1. Hours and Time Limits

The facility shall establish a visiting schedule based on the detainee population and the demand for visits. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. To the extent practicable, the facility shall accommodate the scheduling needs of visitors for whom weekends and holidays pose a hardship. The facility may, for example, authorize special visits for family visitors unable to visit during regular hours. Where staff resources permit, the facility may establish evening visiting hours.

To accommodate the volume of visitors within the limits of space and staff availability, and to ensure adequate security, the OIC may restrict visits. For example, some or all detainees and visitors may be limited to visiting on Saturday or on Sunday, but not on both days. INS does not require the facility to permit every visitor to visit on both days of a weekend, nor to permit every detainee to have visits on both days of a weekend. However, to the extent practicable, INS encourages the OIC to establish visiting hours for each detainee on both days of the weekend, and to try to accommodate visitors who can only visit on a specific weekend day.

The facility's written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. INS encourages more generous limits when possible, especially for family members traveling significant distances to visit. In unforeseen circumstances, such as the number of visitors exceeding visiting room capacity, the OIC may modify visiting periods.

2. Persons Allowed to Visit

Individuals from the following categories may visit:

a. Immediate Family

Mothers, fathers, stepparents, foster parents, brothers, sisters, children and spouses, including common-law spouses.

b. Immediate Family Members Detained at the Same Facility

Immediate family members (see paragraph III.2.a., above) detained at the same facility may visit with each other during normal visiting hours.

c. Other Relatives, Friends and Associates

Grandparents, uncles, aunts, in-laws, cousins, non-relatives and friends, unless posing a threat to the security and good order of the institution.

d. Minor Visitors

At facilities where there is no provision for visits by minors, INS will arrange for a visit by children and stepchildren, on request, within the first 30 days. After that time, on request, INS will consider a transfer, when possible, to a facility that will allow such visitation. Monthly visits will be continued on request, if transfer is not, approved, available or until effected.

INS will not normally use institutions that do not allow minor visitation for Long Term Detainees. In the rare cases that this is not possible, INS will arrange monthly visits, on request, for individuals held over 90 days after final order and for all individuals in removal cases, before departure.

In SPCs/CDFs, staff will contact the supervisor on duty when a visitor's identity is in question. At the supervisor's discretion, a minor without positive identification may be admitted if the accompanying adult visitor vouches for his/her identity. Minors will remain under the direct supervision of an adult visitor, so not to disturb other visitors. Disruptive conduct by minors, accompanying adults or detainees may cause termination of the visit.

3. Visitor Identification and Search

Staff shall verify each visitor's identity before admitting him/her to the facility. No adult visitor shall be admitted without positive identification, such as a driver's license or other photo identification.

Staff shall escort visitors to the visiting room only after completing identification and inspection as provided in the facility's written procedures. All visitors are subject to

a personal search. This may include a pat-down search as well as a visual inspection of purses, briefcases, packages and other containers. No one refusing to be searched shall be permitted to visit. The OIC shall prevent or terminate any visit appearing to pose a threat to facility security.

In SPCs/CDFs, the inspecting officer may ask the visitor to open a container for visual inspection of its contents. If warranted, the officer may ask the visitor to remove the contents and place them on a table. The officer shall not place his/her hands inside the container. SPCs/CDFs shall provide and promote visitors' use of lockers or the secure area for safekeeping of personal belongings during visits.

Only an officer with the rank of supervisor or above may deny or cancel a visit. In those cases, the officer shall justify his/her action in a memorandum sent, through official channels, to the OIC. The visiting room officer, with concurrence from the shift supervisor, may terminate visits involving inappropriate behavior.

SPCS/CDFs shall not require approved visitor lists from INS detainees.

4. Contact Visits

Written procedures shall detail the limits and conditions of contact visits in facilities permitting them. Ordinarily, within the bounds of propriety, handshaking, embracing, and kissing are permitted only at the beginning and end of the visit. Staff may limit physical contact to minimize opportunities for contraband introduction and otherwise maintain the orderly operation of the visiting area.

In SPCs/CDFs, detainees receiving contact visits will be thoroughly pat-searched prior to entering, and strip-searched upon exiting, the visiting room. An officer of the same sex should always conduct a strip search. For further information see the "Detainee Search" standard.

5. Visits for Administrative and Disciplinary Segregation Detainees

A detainee shall ordinarily retain visiting privileges while in administrative or disciplinary segregation status. In a facility that allows contact visits, segregated detainees may use the visiting room during normal visiting hours.

Under no circumstances are detainees to participate in general visitation while in restraints. If the detainee's behavior warrants restraints, the visit will not be granted.

The facility may restrict or disallow general visits for a detainee in segregation status who violates the visiting guidelines or whose behavior indicates that he/she threatens the order or security of the visiting room.

In SPCs/CDFs, detainees in protective custody and violent and disruptive detainees shall not use the visitation room during normal visitation hours. Violent and disruptive detainees may be limited to non-contact visits. In extreme cases, where

a visit would present an unreasonable security risk, even non-contact general visits may be disallowed for a particular detainee.

I. Visits by Legal Representatives and Legal Assistants

1. General

In visits referred to as "legal visitation," each detainee may meet privately with current or prospective legal representatives and their legal assistants

2. Hours

The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays.

The facility shall provide notification of the rules and hours for legal visitation, as specified in Section III.B., above. *SPCs/CDFs shall prominently post this information in the waiting areas and visiting areas for general and legal visitors, in the recreation area and in the housing units.*

On regular business days, legal visitations may proceed through a scheduled meal period. In such cases, the detainee shall receive a tray or sack meal after the visit.

3. Persons Allowed to Visit

Subject to the restrictions stated below, individuals in the following categories may visit detainees to discuss legal matters:

a. Attorneys and Other Legal Representatives

See the "Definitions" Standard.

b. Legal Assistants

Upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working, an unaccompanied legal assistant may meet with a detainee during legal visitation hours. The letter shall state that the named legal assistant is working on behalf of the supervising legal representative for purposes of meeting with the INS detainee(s).

c. Interpreters

The facility shall permit interpreters to accompany legal representatives and legal assistants on legal visits. Interpreters shall undergo the security clearance process.

d. Messengers

The facility shall permit messengers (who are not legal representatives or legal assistants) to deliver documents to and from the facility, but not to visit detainees.

4. Identification of Legal Representatives and Assistants

Prior to each visit, all legal service providers and assistants shall be required to provide identification. State bar cards are the preferred forms of identification. Attorneys who are members of state bars that do not provide a bar card will be required to present other available documentation demonstrating bar membership.

If such documentation is not readily available to attorneys licensed in a particular state, they will be required to indicate where they are licensed as an attorney and how that fact may be verified.

Legal representative and legal assistant may not be asked to state the legal subject matter of the meeting.

A legal representative or legal assistant shall be subject to a search of his/her person and belongings for the purpose of ascertaining the presence of contraband at any time.

5. Identification of Detainee To Be Visited

The facility may not require legal service providers to submit a detainee's A-number as a condition of visiting. The facility shall make a good-faith effort to locate a detainee if provided with other information about the detainee.

6. Call-Ahead Inquiries

Each facility shall establish a written procedure to allow legal service providers and legal assistants to telephone the facility in advance of a visit to determine whether a particular individual is detained in that facility. The request must be made to the on-site INS staff or, where there is no resident staff, to the INS office with jurisdiction over the facility. If the person seeking the information states that he/she already represents the detainee, INS staff should confirm that the caller's name corresponds with the name on a Form G-28 (Notice of Appearance) on file. To protect confidentiality, where the Form G-28 is not yet on file, INS staff must be satisfied that the person making the inquiry is, in fact, a legal service provider or legal assistant who is considering representing the subject detainee in legal proceedings.

When unfamiliar with the person making the inquiry, INS staff should request documentary evidence, such as a letter of request on identifying letterhead. The INS staff will accept such evidence by fax. Alternatively, at the request of the caller, staff will seek the consent of the detainee for the disclosure of detention information. In either case, INS staff will respond to the caller as soon as possible, but in no case more than 24 hours after the call was made.

Notwithstanding the general policy set forth in the previous paragraph, the INS retains the discretion to withhold this telephonic information on a case-by-case basis if it has clear and compelling articulable facts to support the belief that disclosure would endanger the national security, facility security, or the detainee. In such circumstances, INS staff may request further information to allay the security concerns raised and may seek the detainee's consent to the disclosure.

7. Pre-Representation Meetings

During the regular hours for legal visitation, the facility shall permit detainees to meet with prospective legal representatives or legal assistants. The facility shall document such "pre-representation meetings" in the logbook for legal visitation. In addition, SPCs/CDFs shall record the visit in the detainee's A-file.

At the "pre-representation" stage no attorney-client relationship exists. Therefore, legal service providers need not complete a Form G-28 (stating that they are the legal representatives of the detainee) to meet with a detainee.

8. Form G-28 Required for Attorney/Client Meetings

Once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, available in the legal visitors' reception area. Staff shall collect completed forms and forward them to INS.

The completed Form G-28 will become a permanent part of the detainee's A-file. It will remain valid until INS receives written notice of the relationship's termination from either the detainee or the legal representative. Staff will place these documents in the A-file, on top of the Form G-28.

Attorneys representing detainees on legal matters unrelated to immigration are not required to complete a Form G-28.

9. Private Meeting Room and Interruption for Head Counts

Visits between legal service providers (or legal assistants) and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.

Officers may terminate attorney visits at the end of the allotted time or to maintain security. Routine official counts shall not terminate attorney visits.

Staff shall not be present in the confidential area during the attorney-detainee meeting unless the attorney requests the presence of an officer. However, officers may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as the officer cannot overhear the conversation.

On occasion, a situation may arise where private conference rooms are in use and the attorney wishes to meet in a regular or alternate visiting room. Such requests should be accommodated to the extent practicable, and such meetings should be afforded the greatest degree of privacy possible under the circumstances.

10. Materials Provided to Detainees by Legal Representatives

The facility's written legal visitation procedures must provide for the exchange of documents between detainee and legal representative (or legal assistant) even when contact visitation rooms are unavailable.

Documents or other written material provided to a detainee during a visit with a legal representative shall be inspected, but not read. Detainees are entitled to retain legal material received for their personal use. Quantities of blank forms or self-help legal material in excess of that required for personal use may be held for the detainee in their property. The detainee will be permitted access to these documents utilizing the established avenues of communication.

11. Detainee Search

Written procedures will govern detainee searches. Each detainee will receive a copy of these search procedures in the detainee handbook or equivalent provided upon admission to the facility. An IGSA facility's general-population search procedures will also apply to INS detainees.

If standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives in an environment that allows confidentiality. In that case, the OIC will establish a mechanism for the detainee and his/her representative to exchange documents.

SPCs/CDFs should normally subject detainees returning from legal visitation to pat-down searches. Officers may, however, strip-search a detainee reasonably suspected of concealing contraband of any kind.

12. Legal Visitation for Detainees in Administrative and Disciplinary Segregation

Detainees in either administrative or disciplinary segregation shall be allowed legal visitation. If the OIC considers special security measures necessary, he/she will notify legal service providers of the security concerns prior to the meeting.

13. Group Legal Meetings

Upon the request of a legal service provider (or assistant), the OIC may permit a confidential meeting (with no officer present) involving the requester and two or more detainees. This may be for various purposes: pre-representational, representational, removal-related, etc. The facility should grant such requests to the greatest extent

practicable, i.e., if it has the physical capacity; if the meeting would not unduly interfere with security and good order, etc. Each OIC will limit detainee attendance according to the practical concerns of the particular facility or the security concerns associated with the meeting in question.

See also the "Group Presentations on Legal Rights" Standard.

14. Pro Bono List and Detainee Sign-Up

INS shall provide the facility with the official list of *pro bono* legal organizations, which is updated quarterly by the Executive Office for Immigration Review. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.

Any legal organization or individual on the current list may write the OIC to request the posting/general circulation of his/her sign-up sheet. The OIC will then notify detainees of the sign-up sheet's availability and, according to established procedures, ensure coordination with the *pro bono* organization.

15. Legal Visitation Log

A separate log shall record all legal visitors, including those denied access to the detainee. The log shall include the reason(s) for denying access.

At SPCs/CDFs, the log entries shall include: the date; time of arrival; visitor's name; visitor's address; supervising attorney's name (if applicable); detainee's name and A-number; purpose of visit (e.g., pre-representation, representational, expedited-removal consultation); time visit began; time visit ended. It will record important comments about the visit

16. Availability of Legal Visitation Policy

The facility's written legal visitation policy shall be available upon request. The site-specific policy shall specify visitation hours, procedures and standards, including, but not limited to, telephone inquiries; dress code; legal assistants working under the supervision of an attorney; pre-representational meetings; Form G-28 requirements; identification and search of legal representatives; identification of visitors; materials provided to detainees by legal representatives; confidential group legal meetings; and detainee sign-up.

J. Consultation Visits for Detainees Subject to Expedited Removal

1. General

Detainees subject to expedited removal who have been referred to an Asylum Officer are entitled by statute and regulation to consult with any persons of the detainee's

choosing, both prior to the interview and while the Asylum Officer's decision is under review.

"Consultation visitation" shall not incur Government expense, and shall not unduly delay the removal process. Consultation visitation is for the general purpose of discussing immigration matters, not socializing. Purely social visits are covered under III.A., above.

Because expedited removal procedures occur within short time frames, each facility shall develop procedures that liberally allow the opportunity for consultation visitation in accordance with this Standard.

This will ensure compliance with statutory and regulatory requirements and prevent delay in the expedited removal process.

2. Method of Consultation

The facility shall facilitate consultation visitation, both by telephone and face-to-face.

Consultation by mail will generally not prove viable, given time constraints. Detention officials shall remain sensitive to individual circumstances when resolving consultation-related issues.

3. Persons Allowed To Visit for Consultation Purposes

Detainees subject to expedited removal may consult whomever they choose, in person or by phone, at any time, during the first 48 hours. Consultants might include, but are not limited to, attorneys and other legal representatives, prospective legal representatives, legal assistants, members of non-governmental organizations (NGOs) and friends and family.

All consultation visitors are subject to the same identification and security screening procedures as general visitors. If documented security concerns preclude an in-person visit with a particular individual, the OIC shall arrange for consultation by telephone. If security reasons also preclude consultation by telephone, the OIC shall consult the District Counsel.

4. Privacy

Consultation visits, in person or by telephone, receive the same privacy as communications between legal representatives and detainees.

5. Hours

Consultation visitation shall be allowed during legal visitation hours and during general visitation hours. However, confidentiality is ensured during legal visitation hours only.

If necessary to meet demand, the OIC will increase consultation visiting hours.

6. Duration of Consultation Period

As stated above, the consultation visitation period begins before any interview with an Asylum Officer, and continues while the Asylum Officer's determination undergoes review by the Supervisory Asylum Officer or Immigration Judge.

The consultation visitation period ends with the issuance of a Notice to Appear, and the detainee placed in removal proceedings before an Immigration Judge. However, the detainee retains legal and other visitation privileges, in accordance with this Detention Standard.

7. Admittance for Asylum Officer Interview

Detainees subject to Expedited Removal may bring and consult advisors during the Asylum Officer interview. The presence of persons to consult is also allowed during the Immigration Judge's review of a negative credible fear determination, at the judge's discretion.

8. Log

The legal visitation log shall record consultation visits.

In SPCs/CDFs, the purpose of the visit shall be noted as "ER consultation." The facility shall create a separate record of the visit that is placed in the detainee's A-file, or place a copy of the visitation log page in the detainee's A-file.

9. Form G-28

Visitors are not required to file a Form G-28 as a condition of participating in a consultation visit or providing consultation during an Asylum Officer interview or Immigration Judge review of a negative credible fear determination. This applies even if the visitor is an attorney or legal representative.

10. Group Consultations, Call-Ahead Inquiries, Searches, Identification of Detainee, Materials Provided to Detainees by the Visitor, Consultation Visits for Detainees in Administrative and Disciplinary Segregation, Pro-Bono List and Detainee Sign-Up, and Availability of Consultation Visitation Policy

See Section III.I., "Visits by Legal Representatives and Legal Assistants," above. The specified standards apply.

K. Consular Protection

According to international agreements, detainees must be advised of their right to consular access, and the INS must facilitate this access. Therefore, it is INS policy and practice that all detained individuals are provided with notice of their right to contact their consular representatives and receive visits from their consulate officers.

The OIC shall ensure that all detainees are notified of and afforded the right to contact and receive visits from their consular officers. The same hours, privacy, and conditions that govern legal visitation guide consular visitation. Consular visits may be permitted at additional times with the OIC's prior authorization. Consular officers shall present Department of State identification.

L. Non-Government Organization Visitation with Detainees and Tours of Facilities

All requests by NGOs and other organizations to send representatives to visit detainees must be submitted in writing to the INS OIC or INS District Office supervising the contract, state or local facility. The written request will state the exact reason for the visit and issues to be discussed.

All efforts will be made to accommodate NGO requests for facility tours in a timely manner. All tours shall be limited to a reasonable number of participants, who must timely submit the personal information needed to conduct a background check. Tours will be scheduled at the convenience of the detention facility so as not to disrupt normal operations and be in compliance with facility security requirements.

SPCs/CDFs will submit written requests from domestic or international organizations and associated with detention issues to the appropriate District Director. The District Director will immediately forward copies of such requests to each Assistant Regional Director. When practicable, INS District Counsel will review the NGO's written request and respond to specific issues raised.

SPCs/CDFs will find further guidance in the attached instruction from INS Commissioner Doris Meissner, entitled "Public Affairs Policy and Guidance on Briefings, Visits and Tours of INS Facilities and Operations," dated July 31, 1995.

M. Visits from Representatives of Community Service Organizations

The OIC may approve visits to one or more detainees by representatives of community service organizations, including civic, religious, cultural, therapeutic, and other groups. To inform the OIC's decision, facility staff shall verify the organization's bona fide interests and qualifications for this kind of service.

In SPCs/CDFs, groups must comply with the following guidelines:

1. *Provide the facility with advance notification of the names, dates of birth, and social security numbers of the group members who will be visiting.*
2. *Provide identification for individual members of the group upon arrival at the facility.*
3. *Comply with visitation rules, to be explained by facility staff.*
4. *Read and sign a disclaimer releasing INS of all responsibility in case of injury during the visit.*

N. News Media Interviews of Detainees

1. General

INS supports public access to non-classified and non-confidential information about its operations, not to provide publicity for undocumented aliens or afford special privileges to the news media, but in the interest of an informed public.

By regulating interviews in the detention setting, the OIC ensures the orderly and safe operation of the facility. Interviews by reporters, academics and others not included in other visitation categories shall be permitted only by special arrangement, with approval of the District Director.

2. Detention Facility Visits/Tours

Media representatives may tour facilities that house INS detainees for the purpose of preparing reports about the facilities. *Media representatives who wish to tour a SPC/CDF shall contact the INS OIC of the facility.* For IGSA facility tours, they shall contact the INS Assistant District Director (ADD). The ADD shall notify the local facility of the request, at which time, local policies and procedures will govern.

In SPCs/CDFs, the Chief Detention Enforcement Officer/Chief of Security is responsible for implementing the necessary security procedures.

Media representatives shall make advance appointments for visits/tours. The District Director responsible for the detention facility may, however, suspend these visits for an appropriate period during and after an emergency.

The District Director may also suspend visits when there are indications of possible unrest or disturbance within the facility. (See "A Public Affairs Policy and Guidance on Briefings, Visits and Tours of INS Facilities and Operations," attached.)

Media representatives must obtain advance permission from the OIC and District Director before taking photographs in or of an SPC.

News organizations interested in INS detainee issues shall abide by the policies and procedures of the facility being visited or toured.

The OIC shall advise both media representatives and detainees that use of any detainee's name, identifiable photo, or recorded voices requires his/her prior permission. Media representatives shall obtain a signed release from the detainee before photographing or recording his/her voice. The facility shall retain the signed release(s) in the detainee's A-file.

Detainees have the right not to be photographed (still, movie, or video), and not to have their voices recorded by the media. If the presence of video, film, or audio equipment or personnel would likely cause a disruption within the facility, the District Director may limit or prohibit such equipment or personnel. For example, the District Director might limit the equipment to hand-held cameras or recorders.

3. Personal Interviews

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

The District Director will inform the detainee of the interview request, who must indicate his/her willingness to be interviewed by signing a consent form before the District Director begins to consider the request. The written consent shall be retained in the detainee's detention file.

When the alien is the center of a controversy or is a special interest or high profile case, the District Director will consult with the Regional Director and/or Headquarters Operations before deciding whether to allow the interview.

The District Director will normally approve/disapprove, in writing, within 24 to 48 hours of the request. Possible reasons for disapproval include:

- a. The news media representative or news organization he/she represents does not agree to the conditions established by this policy or previously failed to abide by them (see paragraph.5 of this section);
- b. The detainee is physically or mentally unable to participate, as indicated by the statement of a medical officer statement. A psychologist may verify mental incapacity, substantiating the reason for disapproval.
- c. The detainee is a minor whose parent or legal guardian has not provided the required written consent. If the juvenile detainee's parents or guardians are not known or cannot be located, the detainee's legal representative may provide consent. If there is no legal representative, the District Director shall notify the representative of the news media of the detainee's status as a minor, and shall then consider the authorization in consultation with the District Counsel.
- d. The District Director finds it probable that the proposed interview would endanger the health or safety of the interviewer, cause serious unrest, or disturb the orderly operation of the facility.
- e. The detainee is involved in a pending investigation/court action and the court with jurisdiction over the matter has issued a gag rule or the District Director, after consultation with the District Counsel, thinks the proposed interview could affect the outcome of the court case.
- f. The detainee is likely to criticize his/her government publicly, creating grounds for an asylum case. The District Director will consult the Regional Director and/or Headquarters Operations before making this decision.

Interviews will take place during normal business hours in a location determined by the OIC. The OIC will provide a location conducive to the interviewing activity, consistent with security and good order. The District 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 District Director may restrict the time allotted to interviews

INS reserves the right to monitor and/or supervise, but not participate in, detainee interviews.

A media representative interested in touring the facility and photographing or recording other detainees in conjunction with an individual interview must follow all applicable procedures (see paragraphs III.L.1. and 2, above).

4. Press Pools

When the District Director and the OIC determine the volume of interview requests warrants such action, a press pool may be established. All material generated from

such a press pool shall be available to all news media, without right of first publication or broadcast.

The OIC will notify all media representatives with pending interviews, tours/visits, or requests that representatives that, effective immediately and until further notice, all media representatives must comply with the press pool guidelines established by the District Director.

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

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

Each group will choose the member who will represent it in the press pool.

The District Director will, 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 Justice policy, or INS policy. Security and safety concerns for staff and detainee(s) require that removal-related data remain confidential.

5. Special Conditions

The media representative shall certify that he/she is familiar with, and accepts, the rules and regulations governing media conduct during facility interviews and visits

Media representatives shall exercise professional judgment in investigating allegations involving a detainee, staff member or detention facility. Professional ethics require that the party(ies) involved have an opportunity to respond before any allegation is published or broadcast.

The media representative shall limit information-gathering to one primary source, and shall neither solicit nor use personal information provided by one detainee about another who is unwilling to be interviewed.

Media representatives must comply with the facility's rules and regulations. They may discuss objections, suggestions, exceptions, and general issues concerning the applicability of any rule, regulation, or order with the supervisor of the facility.

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

O. Other Special Visits

1. Law Enforcement Officials' Visits

Facility visitation procedures shall cover law enforcement officials requesting interviews with detainees.

2. Visitation by Former Detainees or Aliens in Proceedings

Former INS-detainees, individuals with criminal records, and individuals in deportation proceedings shall not be automatically excluded from visiting. Individuals in any of these categories must so notify the OIC before registering for visitation privileges. The OIC shall weigh the nature and extent of an individual's criminal record and/or prior conduct against the benefits of visitation in determining visitation privileges.

3. Business Visitors

A detainee shall not actively engage in business or professional interests or activities. A detainee engaged in a business or profession prior to detention should assign authority for its daily operation to a person in the community. However, in the event that a detainee must make a decision that will substantially affect the assets or prospects of a business, the OIC may permit a special visit.

INS does not recognize or sanction any kind of work-release program.

4. Visiting Rules for Pets

Each facility shall establish and disseminate a policy and implementing procedures governing whether and, if so, under what circumstances animals may accompany human visitors onto or into facility property.

SPC/CDF visitors shall not bring animals onto facility grounds, except for service animals accompanying persons with disabilities.

5. Examinations by Independent Medical Service Providers and Experts

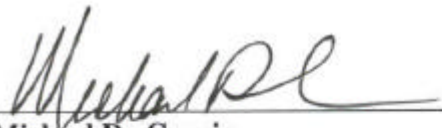
Medical and/or psychological examination by a practitioner or expert not associated with INS or the facility can provide a detainee with information useful in administrative proceedings before the Executive Office for Immigration Reform and INS. Therefore, the Deputy Director will generally approve examinations for such purposes, if the requested examination would not present an unreasonable security risk.

If a detainee seeks an independent medical or physical examination, he/she (or legal representative) shall submit a written request to the District Director. The request must provide the reason(s) for requesting such an examination.

The facility shall provide a location for an independent examination approved by the Deputy Director, but will not provide medical equipment or supplies. Neither INS nor the facility shall assume the costs of the examination, which shall be at the detainee's expense. The examination will be arranged and conducted in a manner consistent with security and good order. The District Director will advise the requester, in writings, of the reasons for denying a request.

IV. **AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED**
American Correctional Association 3rd Edition Standards for Adult Local Detention
Facilities: 3-ALDF: 3D-17, 4A-01, 5D-10, 5D-11, 5D-12, 5D-15, 5D-16.


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

Detainee Consent to Media Interview

Date: ____ / ____ / ____

Detainee's name and Alien Number: _____ #: _____

Name of facility/location where detained: _____

Name[s] of news media representative: _____

Name[s] of the media represented: _____

Address of media represented: _____

I, the above-named, do hereby freely give permission to the specified news media representative to interview me on or about ____ / ____ / ____ (date) and I 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 the Immigration and Naturalization Service and the Department of Justice, and their 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: _____ Date: ____ / ____ / ____

Witness: _____ Title: _____

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

Detainee's signature: _____ Date: ____ / ____ / ____

Witness: _____ Title: _____ Date: ____ / ____ / ____

I, the above-named, do not grant permission to the above-named news media representative to interview me.

Detainee's signature: _____ Date: ____ / ____ / ____

Witness: _____ Title: _____ Date: ____ / ____ / ____

Name of Detainee: _____

Alien File Number: _____

I, _____, state that I am primarily employed in the business of gathering or reporting news for a newspaper qualifying as a general circulation newspaper in the community to which it publishes; or a magazine or periodical having a national circulation; or national or international news service; or radio or television news programs holding a Federal Communications Commission license.

My employer is _____ (business name), my immediate superior is _____ who may be reached at (____) _____ - _____ (phone number).

I hereby fully and completely waive my personal right to be free from search of my person or property so long as I remain within the boundaries of the detention facility grounds.

I agree to provide no compensation, either direct or indirect, to the detainee or his\her family for any interviews or correspondence. I further agree to respect the rights of privacy of all detainees and to obtain a release from any detainee before any photos, recordings, or videos are utilized or personal information derived from any interview or correspondence is used in any publication or broadcast.

I recognize a visit to a detention facility presents certain hazards, and I agree to assume all ordinary and usual risks to my personal safety inherent in a visit to a facility of this type.

(Signature)

(Date)

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

Policy: INS shall permit detainees to visit with family, friends, legal representatives, special interest groups and the news media.

VISITATION			
Components	Yes	No	Remarks
1. Is there a written visitation schedule and hours for general visitation?			
2. Are the visitation hours tailored to the detainee population and the demand for visitation?			
3. Upon admittance are detainees made aware of the facility's visitation policy and the hours of visitation for the following categories: general visitation (including visitation by minors), legal visitation, consultation visitation for expedited removal, consular visitation, and special family visits, in the detainee handbook?			
4. Is the visitation schedule and rules available to the public?			
5. Are the hours for all categories of visitation posted in the visitation waiting area?			
6. Is a written copy of the rules regulating visitation and the hours of visitation available to visitors?			
7. Is a general visitation log maintained?			
8. Are the detainees permitted to retain personal property item specified in the standard?			
9. Is the visitor dress code available to the public?			
10. Are visitors searched and identified according to standard requirements?			
11. Does the facility require detainees to maintain an approved list of visitors?			

VISITATION			
Components	Yes	No	Remarks
12. Is the requirement on visitation by minors complied with?			
13. At facilities where there is no provision for visits by minors, does INS arrange for a visit by children and stepchildren, on request, within the first 30 days?			
14. After that time, on request, will INS consider a transfer, when possible, to a facility that will allow minor visitation? a. Are monthly visits made available on request, if transfer is not, approved, available or until effected?			
15. Are detainees in special housing afforded visitation?			
16. Is legal visitation available seven (7) days a week, including holidays?			
17. On regular business days are legal visitation hours at a minimum of eight (8) hours per day?			
18. On weekends and holidays, are legal visitation hours, at a minimum of four (4) hours per day?			
19. On regular business days, are detainees given the option of continuing a meeting with a legal representative through a scheduled meal?			

VISITATION			
Components	Yes	No	Remarks
<p>20. Does the facility have a written procedure allowing legal service providers and assistants to telephone the facility in advance of a visit to determine whether a particular detainee is detained in that facility?</p> <p>a. Is the request made to the on-site INS staff or the INS office with jurisdiction over the facility?</p> <p>b. Is a Form G-28, "Notice of Appearance," or equivalent (such as letterhead notice) required to be on file for release of this information?</p> <p>c. If no Form G-28 is on file does staff request documentary evidence, such as a letter of request on identifying letterhead?</p> <p>i. Will staff accept such evidence by fax?</p> <p>d. At the request of the caller, does staff seek the consent of the detainee before disclosing any detention information?</p> <p>e. Is a response given to the caller within 24 hours?</p>			
21. Is the call ahead inquiry policy available to legal service providers?			
22. Are private consultation rooms available for attorney meetings?			
<p>23. Are their written procedures governing detainee searches?</p> <p>a. Is this search procedure in the detainee handbook or equivalent?</p>			
<p>24. If strip searches are required after every contact visit with a legal representative, does the facility provide an option for non-contact visits with legal representatives in an environment that allows confidentiality?</p> <p>a. Is there a mechanism for the detainee and his/her representative to exchange documents?</p>			

VISITATION			
Components	Yes	No	Remarks
25. Prior to each visit, are legal service providers and assistants identified per standard?			
24. Is the current list of <i>pro bono</i> legal organizations posted in the detainee housing areas and other appropriate areas?			
25. Is the decision to permit or deny a tour delegated below the level of District Director?			
26. Are the provisions for NGO visitation stated in the Detention Standards complied with?			
27. Are law enforcement officials, requesting to visit with a detainee, referred to the OIC for approval?			
28. Are former detainees or aliens in proceeding, requesting to visit with a detainee, referred to the OIC?			
29. Are procedures in place, consistent with the detention standard, in place for examinations by independent medical service providers and experts?			

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

VISITATION

Verification Sources:

In order to ensure that the facility is in compliance with this detention standard the following sources should be utilized for verification:

SOURCE	TIME	DATE	LOCATION
A. Observation of Intake Procedures			
B. Inspection of Visitation Room			
C. Inspection of Visitation Waiting Room			
D. Review of Visitation Hours and Schedule			
E. Review of Facility Policy			
F. Detainee and Staff Interviews			

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

INS DETENTION STANDARD

VOLUNTARY WORK PROGRAM

I. POLICY

Every facility with a work program will provide detainees the opportunity to work and earn money. While not legally required to do so, INS affords working detainees basic Occupational Safety and Health Administration (OSHA) protections.

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. Voluntary Work Program

Detainees who are physically and mentally able to work will be provided the opportunity to participate in any voluntary work program.

The detainee's classification level will determine the type of work assignment for which he/she is eligible.

General work assignments at SPCs/CDFs do not require specific skills. A sample of work assignments and corresponding classification levels follows:

Work Assignment

Level

1. Kitchen worker (either shift)	1-2 (and 3, if screened for violence)
2. Recreation/Library/Barber	1-2 (and 3, if screened for violence)
3. Living area clean-up/janitorial	1-3
4. Area cleaning (inside facility)	1-3
5. Area cleaning (outside facility)	1
6. Evening workers (unit janitorial)	1-2
7. Evening workers (building janitorial)	1-2
8. Processing	1-2
9. Bus detail	1-3
10. Maintenance	1-2
11. Lawn care	1-3
12. Laundry	1-2

B. Voluntary Work Program Objectives

Through the voluntary work program:

1. Physically and mentally able detainees are gainfully employed while contributing to the orderly operation of the facility;
2. Essential operations and services improve through the productivity of detainees; and
3. Inactivity-induced idleness and disciplinary-code violations will decline.

C. Required Work Assignments

Work assignments are voluntary. However, all detainees are responsible for personal housekeeping.

In SPCs/CDFs, detainees are required to maintain their immediate living areas in a neat and orderly manner. This involves making their bunk beds daily, stacking loose papers, keeping the floor free of debris and dividers free of clutter, and hanging/draping no articles of clothing, pictures, keepsakes, or other objects from beds, overhead lighting fixtures, or other furniture.

D. Voluntary Special Details

Detainees may volunteer for the temporary work details that occasionally arise. The work, which generally last from several hours to several days, can involve digging trenches, removing topsoil, and other labor-intensive work. Level-3 detainees will not, under any circumstances, work outside the secure outer perimeter. With immediate supervision, lower categories of level-3 detainees may participate in special details.

E. Detainee Selection

The OIC shall develop site-specific rules for selecting work detail volunteers.

In SPCs/CDFs, these general procedures apply:

- a. Staff will present the detainee's name and A-number to the shift supervisor or the requesting department head.*
- b. The shift supervisor/department head will review the detainee's detention file and/or A-file for classification purpose, scanning documents that might provide relevant information.*
- c. Inquiries to staff members about the detainee's attitude and behavior may affect the supervisor's selection.*
- d. Staff will explain the rules and regulations as well as privileges relating to the detainee worker's status.*

The primary factors in hiring a detainee as a worker will be his/her classification level and the specific requirements of the job.

F. Discrimination in Hiring Detainee Workers

Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.

G. Physically and Mentally Challenged Detainees

INS maintains custody of physically and mentally challenged detainees whose disabilities range from minor to debilitating. While some of these individuals' medical restrictions will prevent them from working, those with less severe disabilities will have the opportunity to participate in the voluntary work program, in appropriate work projects.

The selecting official must consider the precise limitations of a disabled individual before rejecting certain work assignments. Expediency or convenience will not justify the rejection or pigeonholing of a detainee who, with reasonable accommodation, can perform the essential function of the work involved. In disputed cases, the official will consult medical personnel to ascertain the detainee's assignability with regard to a given project.

H. Hours of Work

Detainees participating in the volunteer work program are required to work according to a fixed schedule.

In SPCs/CDFs, the normal scheduled workday for a detainee employed full-time is a maximum of 8 hours. Detainees who wish to participate in the work program will not be permitted to work in excess of 8 hours daily, 40 hours weekly.

Unexcused absences from work or unsatisfactory work performance may result in removal from the voluntary work program

I. Work Restrictions

The OIC may restrict the number of work details permitted a detainee during one day.

In SPCs/CDFs, a detainee may participate in only one work detail per day. Also, the detainee is required to sign a voluntary work program agreement before every new assignment. Completed agreements will be filed in the detainee's detention file. (Sample agreement attached).

J. Facilities That Detain Criminal Aliens

If the facility cannot establish the classification level in which the detainee belongs, the detainee shall be ineligible for the voluntary work program.

K. Compensation

Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

In SPCs/CDFs, the stipend is \$1.00 per day, to be paid daily.

L. Removal of Detainee from Work Detail

A detainee may be removed from a work detail for cause. Upon removing a detainee from a work detail, the OIC shall place a written justification in the detainee's detention file.

A non-exhaustive list of reasons for removal follows:

1. Unsatisfactory performance.
2. Disruptive behavior, threats to security, etc.
3. Infraction of a facility rule, regulation or policy, leading to removal from a work details as a sanction imposed by the Institutional Disciplinary Panel.
4. Physical inability to perform all functions required by the job, whether because of a lack of strength or a medical condition. Such detainees may be removed from a work detail to prevent future injuries.

M. Detainee Responsibility

The OIC will establish procedures for informing detainee volunteers about on-the-job responsibilities and reporting procedures.

In SPCs/CDFs, the detainee is expected to be ready to report for work at the required time. The detainee may not leave an assignment without permission.

The detainee will perform all assigned tasks diligently and conscientiously. Removal from the work detail and/or disciplinary action may result when a detainee evades attendance and performance standards in assigned activities, or encourages others to do so.

The detainee will exercise care in performing assigned work, using safety equipment and other precautions in accordance with the work supervisor's instructions. In the event of a work-related injury, the detainee shall notify the work supervisor, who will immediately implement injury-response procedures (see section III. O., below).

N. Detainee Training and Safety

All detention facilities shall comply with all applicable health and safety regulations and standards.

The OIC shall ensure that all department heads develop and institutes, in conjunction with the facility's training officer, appropriate training for all detainee workers.

1. *In all SPCs/CDFs the Voluntary Work Program shall operate in compliance with the following:*
 - a. *Occupational Safety and Health Administration (OSHA) regulations set forth in 29 CFR Parts 1910, 1926, and 1960 (current indexes attached);*
 - b. *National Fire Protection Association 101 Life Safety Code (current index attached);*
 - c. *American Correctional Association Standards for Adult Local Detention Facilities (see section IV., below);*
 - d. *INS Environmental Occupational Safety and Health Program Handbook.*
2. Upon the detainee's assignment to a job or detail, the supervisor shall provide thorough instructions regarding safe work methods and, if relevant, hazardous materials. The supervisor shall demonstrate safety features and practices. Workers will learn to recognize hazards in the workplace, to understand the protective devices and clothing provided, and to report deficiencies to their supervisors. INS will not tolerate "lack of knowledge or skill" as an accident's cause. Therefore, the detainee shall undertake no assignment before signing a voluntary work program agreement. Among other things, by signing the agreement the detainee confirms he/she has received and understood training about the assigned job from the supervisor. This agreement will be placed in the detainee's detention file.

3. Medical staff, working with the Public Health Service, will ensure detainees are medically screened and certified before undertaking a food service assignment.
4. The facility will provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
5. *Each Regional Safety and Health Officer (RSHO) shall be responsible for providing every SPC/CDF in his/her region with complete and current copies of the documents listed in III.N.1., above, including 29 CFR Parts 1910, 1926 and 1960. The OIC shall ensure that the facility operates in compliance with all currently applicable standards.*

0. Detainee Injury and Reporting Procedures

The OIC shall implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of INS.


In SPCs/CDFs, if a detainee is injured while performing his/her work assignment, the following procedures apply:

1. *The work supervisor will immediately notify the facility medical staff. In the event that the accident occurs in a facility that does not provide 24-hour medical coverage, the supervisor will contact the on-call medical officer for instructions.*
2. *First aid will be administered when necessary.*
3. *Medical staff will determine what treatment is necessary and where that treatment will take place.*
4. *The work supervisor will complete a detainee accident report and submit it to the OIC for review and processing. A copy of this report will be placed in the detainee's A-file.*

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3E-04, 5A-01, 5A-03, 5A-04, 5A-05, 5A-06, 5A-08, 5A-13.


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

Detainee Voluntary Work Program Agreement
Service Processing Center/Contract Detention Facility
[Insert Facility Name]

Detainee Voluntary Work Program Agreement:

Detainees that participate in the volunteer work program will not be permitted to work in excess of 8 hours daily or 40 hours weekly.

Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and to participate in all work-related training. Unexcused absence from work or unsatisfactory work performance could result in removal from the voluntary work program. Detainees must adhere to all safety regulations and to all medical and grooming standards associated with the work assignment. Compensation shall be \$1.00 per day.

I, _____, A# _____, have read, understand, and agree
(Detainee name)
to comply with the above. I have received and understand relevant safety training regarding my work assignment:

Work Assignment

Detainee Signature

Date

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

Policy: In every facility offering a voluntary work program, INS detainees will have the opportunity to work and earn money by participating. While not legally required, INS affords detainee workers basic Occupational Safety and Health Administration (OSHA) protections.

VOLUNTARY WORK PROGRAM			
Components	Yes	No	Remarks
1. Does the facility have a voluntary work program? If yes, do detainees participate?			
2. Does staff maintain a written chart with work assignments and the corresponding classification levels?			
3. Does the Voluntary Work Program: a. Contribute to detainee morale and the orderly operation of the facility? b. Improve operations and services? c. Reduce restlessness and disciplinary code violations?			
4. Does detainee housekeeping meet neatness and cleanliness standards?			
5. Do low level-three detainees have the opportunity to participate in special details? a. If yes, do they ever work outside the outer perimeter?			
6. Do written procedures govern selection of detainees for the Voluntary Work Program? a. Do the same procedures apply for replacement workers as for "new" workers? b. Does staff always follow written procedures? c. Is merit the sole selection criterion?			
7. Do physically and mentally challenged detainees participate in the program? a. If yes, how many physically challenged are currently employed? b. How many mentally challenged?			

VOLUNTARY WORK PROGRAM			
Components	Yes	No	Remarks
8. Does the facility comply with work-hour requirements for detainees, not exceeding: a. Eight hours a day? b. Forty hours a week?			
9. Do exceptions occur regularly? a. If yes, certain times of the month? b. Certain times of year?			
10. Do detainee volunteers work according to a. Fixed schedule?			
11. Do volunteers receive the \$1/day stipend?			
12. Has every participating detainee signed the Voluntary Work Program agreement?			
13. If the OIC removes a detainee from a work detail, does staff place the written justification for the action in the detainee's detention file? a. Is this a matter of written procedure?			
14. Does staff ensure that detainee volunteers understand their responsibilities as workers before they join the work program? a. In accordance with written procedure?			
15. Does the voluntary work program meet: a. OSHA standards? b. NFPA standards? c. ACA standards? d. EOSH standards?			
16. Does medical staff screen and formally certify detainee food service volunteers? a. If yes, before the assignment begins? b. Is this a matter of written procedure?			
17. Do detainees receive safety equipment/ training sufficient for the assignment?			
18. Does the OIC have the latest OSHA standards? NFPA? ACA? EOSH?			
19. Is the proper procedure followed when an alien is injured on the job?			

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

VOLUNTARY WORK PROGRAM

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. Facility's written work program policies and procedures			
B. Observing on-the-job volunteers			
C. A-files/detention files			
D. OSHA standards			
E. NFPA standards			
F. ACA standards			
G. EOSH standards			
H. Detainee and staff interviews			

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

INS DETENTION STANDARD

CONTRABAND

I. POLICY

Detention staff will handle and properly dispose of contraband in accordance with the standard operating procedures of the facility. Contraband will be destroyed in the presence of at least one official observer, and those involved will document every instance of contraband-destruction.

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. "Hard" and "Soft" Contraband

"Contraband" refers to all items that pose a threat to the security of people or property. A contraband item fits into either the category of "hard" contraband or the category of "soft" contraband.

Hard contraband includes any item that is inherently dangerous as a weapon or tool of violence, e.g., a knife, explosives, a "zipgun," brass knuckles, etc. Because hard contraband presents an immediate physical threat in or to the facility, a detainee found in possession of hard contraband could face disciplinary action or criminal prosecution.

Soft contraband, on the other hand, comprises “nuisance” items that do not pose a direct and immediate threat to individual safety. Nonetheless, soft contraband has the potential to create dangerous or unsanitary conditions in the facility, such as excess papers that create a fire hazard, food items that are spoiled or retained beyond the point of safe consumption, etc.

B. Procedures for Handling Contraband

All facilities shall have a written policy and procedures for the handling of contraband.

In SPCs/CDFs:

1. *The OIC shall establish a procedure for handling contraband items.*
2. *Staff shall seize any item identified as contraband, whether found in the physical possession or living area of a detainee, in a common area, or in incoming or outgoing mail.*
3. *Staff shall inventory, receipt, and store in a secure area with the detainee’s other (stored) personal property any soft contraband and/or hard contraband that is not illegal under criminal statutes possession. This property shall be held until the detainee’s release when, unless it is illegal under criminal statutes or could pose a threat to security, it will be returned to the detainee. (See the “Accountability and Safeguarding of Detainee Funds and Personal Property” standard.)*

Contraband includes material prohibited by law or regulation, or material that can reasonably be expected to cause physical injury or adversely affect the security, safety, or good order of the facility. For example, the operational manual for INS's Deportable Alien Control System would, in a detainee's possession, constitute contraband. It would be contraband in those circumstances because of the inherent threat to the security, safety, and good order of the facility.

Staff shall handle items seized as contraband in accordance with the following procedures.

The procedures apply to contraband found in the physical possession or living area of a detainee, in common areas, or in incoming or outgoing mail. They also apply to contraband discovered during in-processing and in the possession of a detainee awaiting voluntary return. Exceptions to these procedures may occur only upon written authorization of the OIC.

1. *Contraband that is illegal (under criminal statutes) will be inventoried, held, and reported to the appropriate law enforcement authority for action and possible seizure. Many types of hard contraband are illegal under 18 U.S.C. Section 1791.*
2. *Contraband that is government property will be retained as evidence for possible disciplinary action or criminal prosecution. If appropriate, the property will be returned to the issuing authority if not needed as evidence or, if needed, after its use.*

Alternatively, staff may return the property to normal stock for reuse or, if the property has been altered, the OIC may order it destroyed.

3. *The OIC shall generally consult a religious authority about the handling of religious items prior to confiscation. Such consultation is not required before confiscation of religious items categorized as hard contraband.*
4. *Hard contraband that is illegal under criminal statutes may be destroyed when no longer needed for possible disciplinary action or criminal prosecution, in accordance with section III.F., below. It may also be kept for official use, e.g. as a training tool. In such cases, the items will be secured in the facility armory when not in use.*

Examples of hard contraband include:

- a. *Tools that could aid in an escape (e.g., rope);*
- b. *Ammunition or explosives;*
- c. *Combustible or flammable liquids;*
- d. *Hazardous or poisonous chemicals and gases.*
- e. *Weapons;*
- f. *Intoxicants;*
- g. *Currency (where prohibited).*

Narcotics and other controlled substances not dispensed or approved by the facility medical department constitute hard contraband. Medicine dispensed or approved by the medical department is hard contraband if found in the possession of a detainee for whom it was not prescribed, or if not used as prescribed.

Staff shall consult the facility pharmacist or other health services staff when uncertain about whether a prescribed medication represents contraband.

Medicine the detainee brings into the facility upon arrival will be forwarded to the facility medical staff for disposition. Duly approved medicine will be returned to the detainee.

5. *If the personal property of detainees exceeds storage capacity, the OIC will determine which items are excess, and arrange to ship them to the third party chosen by the affected detainee(s). The facility will pay shipping costs for a detainee who cannot afford the postage. If, however, the detainee chooses not to provide an appropriate mailing address, or is financially able but unwilling to pay the postage, the OIC may dispose of the property in accordance with section III.C., below, after providing the detainee with written notice of the intent to destroy the property and how to prevent that outcome.*

When it is clear that an appropriate mailing address does not exist, the facility will store the property for the detainee.

- 6 *The following procedures will be followed when a detainee's claimed ownership of potentially contraband material is in question:*
- a. Inventory and store item pending verification of ownership;*
 - b. Provide detainee(s) claiming ownership with a copy of the inventory as soon as practicable, and place a second copy in the detainee detention file(s);*
 - c. The detainee(s) shall have seven days following receipt of the inventory to prove ownership of the listed items. Staff shall deny claims arising from the unauthorized use of government property. Staff will similarly deny a detainee's claim of ownership for an item acquired without authorization from another detainee;*
 - d. If the detainee cannot establish ownership, staff shall attempt to resolve the question before any decision is made regarding appropriate handling. If ownership cannot be reasonably established, the property may be destroyed (see section III.C., below).*

C. Destruction of Contraband

The OIC shall establish a procedure for the destruction of contraband items.

In SPCs/CDFs, destruction shall proceed as follows:

- 1. The Chief Detention Enforcement Officer (CDEO), or CDF equivalent, determines whether an item will be destroyed.*
- 2. The CDEO sends the OIC a memorandum through official channels, describing what is to be destroyed, and why.*
- 3. The OIC will generally hold an item of questionable ownership for 120 days before considering its destruction. This practice affords the detainee ample opportunity to obtain proof of ownership and/or appeal the decision through the detainee grievance process (see the "Detainee Grievance Procedure" standard). Where disciplinary action is appropriate, the OIC shall defer his/her decision about the property until the disciplinary case (including appeals) is resolved.*
- 4. The officer who physically destroys the property and at least one official observer shall attest, in writing, to having witnessed the property's destruction.*

5. *A copy of the property disposal record shall be placed in the detainee's detention file. Records of property disposal shall remain on file for at least two years. This ensures the availability of information critical to any subsequent investigation of a tort claim*

D Notice to Detainees


The detainee handbook, or equivalent, shall notify detainees of the following:

1. The facility's rules and procedures governing contraband.
2. The applicability of the "Accountability and Safeguarding of Detainee Property and Valuables" standard, as it relates to contraband.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-2E-11, 3A-18, 4A-04.


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

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

Policy: All detention facilities will ensure the proper handling and disposal of all contraband. Documentation of contraband destruction is required.

CONTRABAND			
Components	Yes	No	Remarks
1. Does the facility follow a procedure for handling illegal contraband? a. If yes, does staff inventory, hold, and report it to the proper authority for action/possible seizure?			
2. Is contraband that is government property retained as evidence for potential: a. Disciplinary action? b. Criminal prosecution?			
3. Does staff return property not needed as evidence to the proper authority?			
4. Do written procedures cover the return of such property?			
5. Does property go into normal stock for reuse?			
6. Is altered property destroyed?			
7. Before confiscating religious items, does OIC contact a religious authority?			
8. Does staff follow written procedures when destroying hard contraband that is illegal?			
9. Is hard contraband that is illegal (under criminal statutes) retained and used for official use, e.g. training purposes? If yes, under specific circumstances? a. Specified in written procedures? b. Secured in facility armory when not in use?			

CONTRABAND			
Components	Yes	No	Remarks
10. Are all identity documents (birth certificates, passports, etc.) held in A-files? a. Do detainees receive copies upon request? b. Does the detainee handbook (or equivalent) tell detainees that a copy of each identity document is available upon request?			
11. When ownership of a contraband item is in question, does staff attempt to resolve it? a. If yes, in accordance with written procedures?			
12. Upon admittance, do detainees receive notice of items they can and cannot keep in their possession?			
13. Do new arrivals receive copies of the rules regarding contraband?			
14. Do detainees receive notification of contraband rules and procedures in the detainee handbook (or equivalent)?			

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

CONTRABAND

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 Handbook			
B. Contraband Logbook			
C. A-File/Detention file			
D. Review of facility policy and procedure for control and disposition of contraband			
E. Observation of contraband confiscation			
F. Detainee and staff interviews			

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

INS DETENTION STANDARD

DETENTION FILES

I. POLICY

All facilities will create a detention file for each INS detainee booked into the facility for more than 24 hours. The detention file will contain copies and, in some cases, the originals of documents including, among other things, the classification sheet, medical questionnaire, property inventory sheet, disciplinary records, etc.

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

The creation of a detainee detention file is essential to maintaining a complete record of a detainee's time in facility custody. The file will contain the classification level and any copies of receipts for items issued to/surrendered by the detainee. It will also document adverse behavior, special requests and complaints, and other information considered appropriate for the record facility officials.

A. Creation of a Detainee Detention File

When a detainee is admitted into a facility, staff will create a detainee detention file as part of in-processing (admissions) procedures.

1. For every new arrival whose stay will exceed 24 hours, a designated officer will create a detainee detention file.

2. The officer completing the admissions portion of the detention file will note that the file has been activated. The note may take the form of a generic statement in the Acknowledgment Form (see section III.B.1.h, below).
3. *In SPCs/CDFs, a standard, green file folder with paper-attachment clips is acceptable. However, considering the number of detention files generated each year, the standard brown folder may prove more economical*
4. *The OIC will develop procedures to ensure that Processing has all necessary equipment and supplies, including photocopier(s) and paper, on hand at all times, and that all equipment is maintained in good working order. The equipment shall have the capacity to handle the volume of work generated in the Processing unit.*

B. Required Contents of File

1. The detainee detention file will contain either originals or copies of forms and other documents generated during the admissions process. If necessary, the detention file may include copies of material contained in the detainee's A-File.

The file will, at a minimum, contain the following:

- a. I-385, Alien Booking Record; one or more original photograph(s) attached;
- b. Classification Work Sheet;
- c. Personal Property Inventory Sheet;
- d. Housing Identification Card;
- e. G-589, Property Receipt; and
- f. I-77, Baggage Check(s).

The file will also contain the following original documents, if used in the facility:

- g. Acknowledgment form, documenting receipt of handbook, orientation, locker key, etc.;
 - h. Work assignment sheet;
 - i. Identifying marks form;
 - j. The original detainee summary form.
2. The detainee's detention file shall also contain documents generated during the detainee's time in the facility. The Chief Detention Enforcement Officer (CDEO) or equivalent may direct that certain documents be added to the detention file.
3. Detention file contents A-File contents are subject to the same Privacy Act regulations.

C. Additions to File

1. During the course of the detainee's stay at the facility, staff will add documents associated with normal operations to the detainee's detention file without prior approval, e.g.:
 - a. Special requests;
 - b. Any G-589s and/or I-77s closed-out during the detainee's stay;
 - c. Disciplinary forms;
 - d. Grievances, complaints, and the disposition(s) of same;
 - e. All forms associated with disciplinary and/or administrative segregation.
 - f. Strip search forms
 - g. Other approved documents, e.g., staff reports about the detainee's behavior, attitude, etc.;

D. Location of File

Detainee detention files will be located and maintained in a secured area.

In SPCs/CDFs:

1. *Active detainee detention files shall be maintained in the Processing area, unless the OIC designates another area.*
2. *The cabinet containing the files does not need to be securable if located in a controlled access area. However, if the cabinet is located in a congested work area or in a high traffic area, it should lock.*
3. *The CDEO will determine the key distribution for file cabinets that lock.*
4. *Archived files shall be placed in storage boxes, with the dates covered clearly marked (from [xx/xx/xx] to [yy/yy/yy]). The COIC will designate storage space.*

E. Active/Archived File

1. The detention file will remain active during the detainee's stay. Upon the detainee's release from the facility, staff will add final documents to the file before closing and archiving it.
2. Staff will insert into the released detainee's detention file copies of completed release documents, the original closed-out receipts for property and valuables, the original I-385 and other documentation.
3. The officer closing the detention file will make a notation (on the acknowledgement form, if applicable) that the file is complete and ready for archiving.

4. The closed detention file shall not be transferred to another facility with the detainee. However, staff may forward copies of file documents at the request of supervisory personnel at the receiving facility/office
5. When forwarding documents, staff will accordingly update the archived file, noting the document request, and the name and title of the requester.
6. The archived files may be purged after three years, with the material either shredded or, if possible, burned.

IGSA facilities shall retain inactive detention files no differently from SPCs/CDFs and shall, when requested, make them available to INS personnel.

F. Access to File

1. All staff may have access to the detention file.
2. Staff shall accommodate all requests for detainee detention files from other departments, which may need the material for disciplinary hearings or other proceedings. A representative of the department requesting the file is responsible for obtaining the file, logging it out, and ensuring its return.

Unless the CDEO or equivalent determines otherwise, borrowed file(s) shall be returned by the end of the administrative workday.

At a minimum, a logbook entry recording the file's removal from the cabinet will include:

- a. The detainee's name and A-File number;
- b. Date and time removed;
- c. Reason for removal;
- c. Signature of person removing the file, including title and department;
- d. Date and time returned; and
- e. Signature of person returning the file.

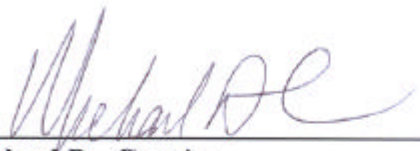
IV. FIELD OFFICE PROCEDURES

The field office with IGSA-facility jurisdiction shall create and maintain detention files on all detainees admitted to IGSA facilities. These files shall contain the same material (forms and other documents) as SPC/CDF detention files to the extent possible, given that they are created by the field office. For example, if the field office takes and holds detainee property, the detention file shall contain the G-589's and I-77's. The file shall also contain copies of all I-203's and the G-385 related to the alien. The IGSA shall forward all documents relating to the individuals detention to the INS field office of jurisdiction for inclusion into the detention file.

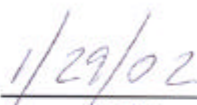
V. **AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:**

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-1E-01, 1E-04.

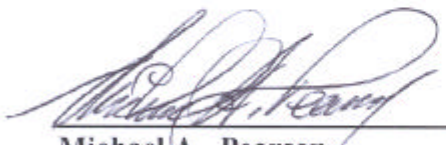
Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs



Date



Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations



Date

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

Policy: Every facility will create a detention file for every INS detainee booked into the facility, excluding only detainees scheduled to depart within 24 hours. The detention file will contain copies and, in some cases, the original of specified documents concerning the detainee's stay in the facility: classification sheet, medical questionnaire, property inventory sheet, disciplinary documents, etc.

DETENTION FILES			
Components	Yes	No	Remarks
1. Is a detention file created for every new arrival whose stay will exceed 24 hours? a. Do written procedures for in-processing cover creation of the detention file?			
2. Does the OIC ensure that : a. Necessary equipment and supplies, including copier(s) and copier paper, are available? b. All equipment is maintained in good working order. c. Equipment has the capacity to handle the volume of work generated?			
3. Does the detainee detention file contain either originals or copies of documentation and forms generated during the admissions process? a. If necessary, are copies of documents and forms contained in the detainee's A-File?			
4. Does the detainee's detention file also contain documents generated during the detainee's custody? a. Special requests? b. Any G-589s and/or I-77s closed-out during the detainee's stay? c. Disciplinary forms/Segregation forms? d. Grievances, complaints, and the disposition(s) of same?			
5. Does the Chief Detention Enforcement Officer (CDEO) or equivalent direct certain documents be added to an alien's detention file?			

DETENTION FILES			
Components	Yes	No	Remarks
6. Are the detention files located and maintained in a secured area? If not: a. Are the cabinets lockable? b. If the file cabinets are locked, who will determine the key distribution?			
7. Does the detention file remain active during the detainee's stay? a. When the detainee is released from the facility, does staff add copies of completed release documents, the original closed-out receipts for property and valuables, the original I-385 and other documentation?			
8. Does the officer closing the detention file make a notation that the file is complete and ready to be archived?			
9. Does staff make copies and send documents from the file when appropriately requested by supervisory personnel at the receiving facility or office?			
10. Are archived files purged after three (3) years? a. By shredding? b. By burning?			
11. Does the entire staff have access to the detention files? a. Are other departmental requests accommodated? b. Is a representative of the department requesting the file responsible for obtaining the file, logging it out and ensuring its return?			
12. Do field offices controlling detention in IGSA facilities create and maintain detention files on all detainees admitted to IGSA facilities? a. Do these files contain the forms and documents set forth for SPC/CDF detention files to the extent that the field office creates them or the IGSA forwards them?			

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

DETENTION FILES

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. Review of facility policy and procedures.			
B. Observation of inprocessing procedures			
C. Review of detention files			

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

ICE DETENTION STANDARD

DETAINEE TRANSFER

I. POLICY

Immigration and Customs Enforcement (ICE) often transfers detainees from one facility to another for a variety of reasons. This standard prescribes the procedures and notification requirements to be followed when transferring a detainee.

ICE will make all necessary notifications when a detainee(s) is transferred. If the detainee(s) is being transported by Justice Prisoner Alien Transportation System (JPATS), ICE will adhere to JPATS protocols. In deciding whether to transfer a detainee, ICE will take into consideration whether the detainee is represented before the immigration court. In such cases, Field Office Directors will consider the detainee's stage within the removal process, whether the attorney of record is located within reasonable driving distance of the detention facility and where immigration court proceedings are taking place.

II. APPLICABILITY

The standards provided in this Detention Standard shall apply to all field offices and sub-offices making custody determinations and of the following facilities:

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

See the separate "Definitions" Standard for the meaning of certain terms used in this document.

III. STANDARDS AND PROCEDURES

A. Notification Procedure

1. **Attorney:** When legal counsel represents a detainee, and a G-28 has been filed, ICE shall notify the detainee's representative of record that the detainee is being transferred from one detention location to another. This notification shall be recorded in the detainee's A-file, if available, or work file and the notification shall be notated in the comments screen in DACS. For security purposes, the attorney shall not be notified of the transfer until the detainee is en route to the new detention location. The notification will include the reason for the transfer and the name, address, and telephone number of the receiving facility. In the interest of safety and security, the notification will not include specific travel

details, (e.g., the day of travel, mode of travel, etc). Where special security concerns exist (e.g., the detainee has a serious criminal history) ICE has discretion to delay the notification, but only for a period of time that is justified by security concerns.

2. **Family:** It will be the responsibility of the attorney of record or the detainee to notify any family members, if so desired.
3. **Detainee:** For security purposes, specific plans and time schedules shall never be discussed with the detainee involved. The detainee shall not be notified of the transfer until immediately prior to leaving the facility. At that time, the detainee shall be notified that he/she is being moved to a new facility within the United States, and not being deported. Reasonable efforts should be made to make this communication in a language the detainee understands. Following transfer notification, the detainee shall normally not be permitted to make or receive any telephone calls or have contact with any detainee in the general population until the detainee reaches the destination facility. In certain cases, the detainee may be housed in Administrative Segregation 24 hours prior to being transferred. (Note: if the detainee is under eighteen years of age, special notification procedures may apply. Please check with the juvenile coordinator for your field office.)

At the time of the transfer, ICE will provide the detainee, in writing, with the name, address and telephone number of the facility he/she is being transferred to. The attached Detainee Transfer Notification Sheet shall be used for this purpose. The detainee will also be instructed that it is his/her responsibility to notify family members. A copy of the transfer notification sheet will be placed in the detainee's detention file.

B. Types of Transfers

The following are examples of situations in which a transfer may occur:

Medical – The Division of Immigration Health Services (DIHS) has the authority to recommend that a detainee in need of specialized or long-term medical care be transferred to a facility that can meet those needs. The DIHS Medical Director or designee must approve transfers for medical reasons in advance. Medical transfers will be coordinated through the local ICE office of jurisdiction using established procedures.

Change of Venue – A change in venue by the Executive Office of Immigration Review from one jurisdiction to another.

Recreation – When the required recreation is not available, a detainee will have the option of transferring to a facility that offers the required recreation. For specific policy and procedures, see the Recreation Standard.

Security – Security transfers are conducted, for example, when the detainee becomes a threat to the security of the facility, e.g., the detainee is violent or has

caused a major disturbance or is threatening to cause one, or a situation exists that is threatening to staff or other detainees and cannot be controlled through the use of segregation housing. In these cases, detainees may be transferred to a higher-level facility.

Other Needs of ICE – Detainees may be transferred to other facilities for various reasons, such as to eliminate overcrowding or to meet special detainee needs, etc.

C. Request for Bed/Designation

Field offices that routinely transfer cases between each other should set up a means of communication so that the “receiving field offices” will provide the “sending field offices” with information regarding available bed space on a daily basis. In addition, these field offices should provide the names and contact numbers for the staff responsible for handling the transfer of cases. Field offices are encouraged to communicate directly with each other to ascertain bed space availability. HQ Detention and Removal Operations (DRO) are available to assist a field office that has attempted to independently locate beds with no success.

Field offices seeking bed space in other field offices should phone or E-mail a request (with a follow up phone call) with sufficient details of the case to the designated field office contact. Once an office has *preliminarily* agreed to accept a case from another office, the following procedures should be followed:

1. Prepare And Fax Form I-216 To The Receiving Field Office

Form I-216 should be prepared, ensuring all boxes are completed. Please note the following with regard to completion of the I-216:

- a. If there is a question of whether or not a detainee is a juvenile, a copy of the age verification documentation shall be attached.
- b. Please clearly annotate criminal or aggravated felon status, any medical/mental problems or security risks. If there are medical/mental problems or medications, either the JPATS Form USM-553 or an I-794 (In-Processing Health Screening Form) should accompany the I-216 as an attachment. Security concerns must be outlined in detail on a separate page and be attached to the I-216.

No other forms (other than those mentioned) will be accepted for recording the persons/property transferred.

If an IGSA within the receiving field office requires that their medical unit review medical histories of transfer cases prior to acceptance, then a method of providing that documentation to the IGSA must be arranged between the receiving field office and sending field office.

2. Receiving Office Confirms Acceptance of the Case

The receiving field office will review the I-216 to insure the case(s) being accepted is consistent with what was previously discussed/e-mailed. If there are any issues that were not previously relayed to the receiving field office by the sending field office, the receiving field office will notify the sending field office that it may decline the transfer(s) unless the issue(s) are resolved.

Once the receiving field office has finally accepted the transfer, a mutually agreeable estimated time of arrival will be provided to the receiving field office either via telephone or e-mail.

The sending field offices WILL NOT SUBSTITUTE any detainees on the I-216 unless prior approval from the receiving field office has been obtained.

D. Preparation and Transfer of Records

The following records will be completed prior to any field office transferring a detainee to another field office, and the records will accompany the detainee to the receiving facility. The attached Detainee Transfer Checklist shall be filled out in order to insure that all procedures are completed, and shall be placed in the detainee's A-file or work folder. If any procedure cannot be completed prior to the transfer of the detainee, that transfer will not take place unless the authorized official at the receiving field office has expressly agreed to waive that portion of the procedure. This waiver should be noted on the checklist.

1. Alien File

Prior to transfer, the A-file will be obtained and put in good order. File consolidations will be completed prior to transfer. The sending field office will complete any necessary file jacket repairs. All documents and forms will be attached on the proper side of the A-file. If the sending field office has been unable to obtain the A-file, that detainee should not be transferred to another field office until such time as the file is located. *Exception:* If the receiving field office, before the transfer takes place, accepts a proper work folder.

The work folder should include, at minimum, certified copies of convictions, printouts of the Central Index System (CIS), Deportable Alien Control System (DACS), the FBI's National Crime Information Center (NCIC) database, copies of the EOIR's record of proceedings as well as new photographs and fingerprints. Copies of the following information should also be included if applicable: Non-Immigrant Information System (NIIS), Computer Linked Application Information Management System (CLAIMS), National Automated Immigration Lookout System (NAILS), Reengineered Naturalization Application Casework System (RNACS), and Refugee Asylum Processing System (RAPS).

Any other obtainable documents requested by the receiving field office.

The A file/work folder will include copies of the following properly executed documents which will be fastened to the top right side of the file:

- a. I-216 (appropriate copies of I-77 and G-589 attached)
- b. USM-553 or local transfer summary form
- c. Original or photocopy of I-203/203A
- d. Check list (Attached)
- e. Age verification documents (if applicable)
- f. A 3.5" disk with all previous Post Order Custody Reviews (POCRs) and travel document requests will be placed in a property envelope that is fastened to the file.
- g. Classification Sheet

The A-file or work folder will accompany the transfer. Under certain circumstances the receiving field office may request that the A-file or work folder be shipped overnight express to a particular location. If requested, the sending field office will overnight it no later than the business day following the transfer. Any significant delays in the arrival time of the detainees or their files should be communicated to the receiving field office as soon as possible.

2. Charging Documents/Record of Proceeding

Before the transfer all charging documents will be issued and signed by the authorized individual having signatory authority for the sending field office. The charging documents will be served (if applicable) on the detainee prior to transfer. This includes, but is not limited to, the Notice to Appear (I-862), Warrant of Arrest (I-200), Warrant of Removal (I-205), Notification of Custody Decision (I-286) and Notice of Rights (I-826). Copies of these documents will be provided to the detainee who should be encouraged to keep them on his/her person, unless this would otherwise present a security problem. Originals and/or copies will be included, indicating proper service, in the A-file or work folder.

Sending Offices must ensure that an I-286 has been served on aliens prior to transfer, with notation in file of document service.

3. Certified Copies of Convictions

For all aliens under removal proceedings based on their criminal convictions stated on the I-862, the certified copy of conviction will be included in the A-file prior to transfer. A detainee will not be transferred if the certified copies of conviction relating to the charging document are not included in the A-file.

Exception: If the receiving field office is notified, prior to acceptance, that the certified copies of conviction have not yet been obtained, and they elect to accept the case. In these instances, the sending field office will provide a point of

contact, including the name and phone number of the individual at their field office responsible for obtaining the conviction record.

The sending field office will further provide a point of contact, including name and phone number, of an individual at the appropriate court or clerk's office for which the record is located. Both of these points of contact will be noted on the Check List and attached to the A-file prior to transfer.

4. Fingerprint Cards

The sending field office will take the appropriate (three plus R-84) sets of fingerprints. The cards will be signed by both the alien and the official taking the prints. The cards will be completely filled out except for the address block requesting a disposition from the FBI.

The completed cards will be left in the A-file for the receiving field office to fill in the response address block and submit to the FBI and Biometrics Support Center (when appropriate), unless the case is a room and board. For Room and Board detainees, the sending field office can submit the prints to the FBI and Biometrics Support Center. One set of fingerprint card should remain in the A-file at all times.

5. Photographs

The sending field office will take four (4) new standard booking-size photographs (1 sheet of 4 photos) and include those photos not used for the transfer in the file.

6. Medical Procedures and Information Required for Transfer

1. Notification of Transfers, Releases, and Removals

The facility health care provider will be given advance notice prior to the release, transfer, or removal of a detainee, so that medical staff may determine and provide for any medical needs associated with the transfer or release of a detainee.

2. Transfer of Health Records

When a detainee is transferred within the Detainee Immigration Health Service (DIHS) System, a Transfer Summary and the detainee's official health records will accompany the detainee. The official health records will be placed in a sealed envelope or other container labeled with the detainee's name and A-number and marked "MEDICAL CONFIDENTIAL." Officers are not permitted to read the official health record.

When a detainee is transferred to an IGSA detention facility, only the transfer summary will accompany the detainee.

3. Transfer Summary

A transfer summary sheet, prepared by the sending facility's medical staff, must accompany the transferee. Either the USM 553 Form or a facility-specific form may be used, provided it shows:

- a. TB clearance, including PPD and Chest x-ray results, including test dates;
- b. Current mental and physical health status, including all significant health issues;
- c. Current medications, with specific instructions for medications that must be administered en route; and
- d. The name and contact information of the transferring medical official.

The transfer summary sheet is essential for detainee safety while in transit, and must be in the escorting officer's possession during that time. The detainee cannot be moved without the required information from the releasing institution. The transferring officer will review the information for completeness and to ensure he/she has the supplies required to provide care as indicated during the transfer process.

ICE officers must understand that medical information is on a need-to-know basis. Any officer who reviews the transfer summary shall protect the privacy of the detainee's medical information to the greatest extent possible. Such information shall not be shared with other detainees, and shall not be shared with other officers unless appropriate to fulfill program responsibilities. See the "Medical Care" standard section entitled "Confidentiality and Release of Medical Records." The transferring officer is responsible for delivering the transfer summary materials to medical personnel at the receiving facility.

C. Medical/Psychiatric Alert

When the medical staff determines that a detainee's medical or psychiatric condition requires either clearance by the medical staff prior to release or transfer, or requires medical escort during deportation or transfer, the OIC will be so notified in writing.

D. Medications

Prior to transfer, medical personnel will provide the transporting officers with instructions and, if applicable, medication(s) for the detainee's care in

transit. Medications will be placed in a property envelope with the detainee's name and A-number on it. Medications will accompany the transfer and be turned over to an officer at the receiving field office.

7. Other Transfer Paperwork

A properly executed I-203/I-203A, G-391 and I-216 will accompany the transfer. The I-203 will include the detainee's detention category on it. It will further indicate if the detainee has a criminal conviction, a history of violence, is an escape risk or has special medical problems that may require attention during the transfer. The I-203 will be annotated if the detainee is on prescription medication.

The I-203 should also indicate the time of arrival as estimated by the sending field office. The receiving field office may request that copies of the I-203/I-203A be faxed directly from the sending field office to the IGA/IGSA that will be detaining the alien.

8. G-391, "Official Detail"

No detainee shall be removed from a facility, including field office detention areas, unless a Form G-391 is furnished, authorizing the movement. The G-391 must be properly signed and shall clearly indicate the name of the detainee(s), the place or places to be escorted, the purpose of the trip and other information necessary to efficiently carry out the detail. IGSA facilities may use a local form as long as the form provides the required information.

In SPCs/CDFs, it is the responsibility of the Supervisory Immigration Enforcement Agent (SIEA) or Detention Operations Supervisor (DOS) to check records and ascertain if the alien has a criminal history, is dangerous, has an escape record or medical condition. Any information of an adverse nature shall be clearly indicated on the G-391 and the escorting officers shall be warned to institute the necessary precautions. Before beginning the detail, the escorting and transportation officers shall read their instructions and clearly understand the purpose the detainee is being removed from the facility. The officers will also discuss emergency and alternate plans with the SIEA and/or DOS beforehand.

All completed G-391's shall be filed in order (monthly) and the forms for the previous month shall be readily available for review. All G-391's shall be retained for a minimum of 3 years.

E. Property

1. Checkout of Funds and Small Valuables.

The following items shall always accompany a detainee to the receiving SPC, CDF, or IGSA facility: cash, and small valuables such as jewelry, address books, phone lists, correspondence, dentures, prescription glasses, small religious items, pictures, etc.

A detainee's legal material relating to Immigration proceedings shall always accompany them to the receiving SPC, CDF, or IGSA facility. This includes items such as Notice to Appear, hearing evidence and hearing transcripts.

The detainee should ordinarily have these items in his/her possession during transport. Items that might present a security risk or are particularly bulky shall be separated from the detainee during transport.

Before a detainee is transferred, the sending facility shall return all funds and small valuables to the detainee. All G-589s or local IGSA funds and valuable receipts shall be closed in accordance with the "Funds and Personal Property" standard (section III.G.) The receiving facility shall create a new G-589 or local funds and valuable receipts during in processing according to procedures established in the "Funds and Personal Property" standard (section III.D.).

2. Large Valuables, Excess Luggage, and Other Bulky Items.

All items stored at the sending facility will accompany the transferee to the receiving SPC, CDF, or, in most cases, the receiving IGSA facility. If the IGSA facility will not accept detainees' excess, oversized, or bulky belongings (including, but not limited to, suitcases, cartons, televisions, etc.), the sending facility will retain it, arrange to store it elsewhere, or may follow the procedures for disposing of excess property specified in the "Funds and Personal Property" detention standard (Section III.A.). This retention should not apply to materials pertaining to the alien's immigration proceedings. Under these procedures, the facility may send excess property to an address of the detainee's choosing. However, the detainee shall not be asked for this address information until after the detainee has been notified of the impending transfer. The sending facility will make shipping arrangements and, if the detainee cannot afford postage, pay for shipping.

If the detainee refuses to cooperate by providing an appropriate mailing address, or is financially able but unwilling to pay for shipping, the OIC may dispose of the property after providing the detainee with written notice in accordance with the "Control and Disposition of Contraband" standard. If, however, the detainee's failure to specify a shipping address is because an appropriate mailing address does not exist, the facility will store the property for the detainee.

In cases where the sending facility continues to store the transferee's property, the transferee will keep in his/her possession the property receipts for these items. The sending facility will notify the receiving facility, in writing, that it is holding property for the detainee, and that it requires notice before the detainee's release or transfer. This communication will ensure the detainee's receipt of the stored property at the appropriate time.

Detainee access to large items of personal property shall be prohibited during transportation.

3. Checkout of Luggage, Large Valuables, and Other Bulky Items

If the property accompanies the detainee, the sending facility shall close out the existing G-589, or local funds and valuable receipts, in accordance with the "Funds and Personal Property" standard (section III.G.). The receiving facility shall create a new I-77 or local funds and valuable receipts during in processing according to procedures established in the "Funds and Personal Property" standard (section III.D.).

F. Room and Board Cases

A complete work folder shall accompany or be sent in advance of all Room and Board Cases. The work folder should include new photographs (four) and fingerprints (three plus R-84) of the detainee. It should also include a copy of the entire record of proceeding, as well as all pertinent case documentation. The items mentioned above, under Section D.1. "Alien File" will be attached to the right side of the work folder.

Interviews conducted by the receiving field office under the Post Order Custody Review process will be saved on the computer disk and attached to the file. If the R&B is accepted for short term, staging only, the receiving and sending field offices may agree to reduce or modify documentation requirements.

G. Phone Calls

Indigent detainees being transferred will be authorized a **single domestic phone call at the Government's expense** upon arrival at their final destination. Generally the PCS Emergency card will be utilized to make these calls. Local field offices will make necessary arrangements for these calls with facilities that have not been provided a PCS Emergency Card. Non-indigent detainees shall have access to make calls at their own expense pursuant to the Telephone Access Detention Standard.

H. Miscellaneous

1. DACS

The sending field office shall ensure that all screens in DACS are completely updated and accurate. The appropriate database transfers will be made immediately (DACS/DETS/CIS) by the sending field office and accepted by the receiving field office once the detainee reaches his/her destination.

2. Food During Transfer

During transfers, food shall be provided to detainees in accordance with the "Meals" section of the Detention Standard "Transportation (Land Transportation)." This standard requires, among other things, that the transporting officers will provide meals and snacks during any long-distance transfer that exceeds six hours. In addition, if the transfer takes place over normally scheduled meal times, detainees shall not forgo meals during transfer. It is the responsibility of the transporting officers to ensure that a sufficient number of sack or box lunches are available for consumption during the planned transfer.

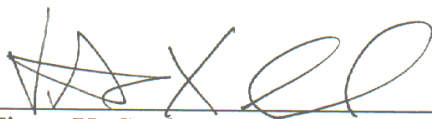
In field offices and/or IGSA facilities, the sending facility or field office is responsible for the delivery of proper meals prior to the departure.

In SPCs/CDFs, the Food Service Administrator is responsible for the preparation of sack or box lunches according to the Food Service Standard.

V. **AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED**

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-1E-02, 3A-16, 4E-30, 4E-31, 4E-38, 4E-48

Approval of Standard



Victor X. Cerda
Acting Director
Office of Detention and Removal

9/9/04

Date



U.S. Immigration
and Customs
Enforcement

DETAINEE TRANSFER NOTIFICATION

This Form To Be Completed And Given To The Detainee

DETAINEE NAME: _____ A# _____

NATIONALITY: _____

TRANSFER INFORMATION

NAME OF NEW FACILITY: _____

ADDRESS OF NEW FACILITY: _____

TELEPHONE NUMBER _____
OF NEW FACILITY: _____

I hereby acknowledge that I have received the transfer information. I have also been notified that it is my responsibility to notify family members or others, if I so desire.

Detainee Signature: _____ A# _____ Date: _____

Officer Signature: _____ Date: _____

Check List for Detainee Transfer

Name

A Number

Detainee transferred from _____ to _____ on _____
Office 3 letter codes Date

- ____ Detainee's attorney notified
- ____ Detainee Transfer Notification form completed
- ____ I-216 faxed to receiving district
- ____ USM-553 or local transfer summary form attached
- ____ Age verification documentation attached
- ____ POCR / Security risk attachment



A File



Work Folder

The following items have been attached to the right side of the file:

- ____ I-216
- ____ I-77 attached
- ____ G-589 attached
- ____ USM-553 or local transfer summary form
- ____ Photocopy of I-203/I-203A
- ____ Property Form
- ____ Age verification documentation
- ____ I-259 and/or manifest
- ____ POCR / Travel document request computer disk envelope
- ____ Fingerprints and photographs
- ____ All charging documents have been served on the alien, and copies provided to them
- ____ The file contains certified copies of conviction records substantiating the charging document
- ____ Certified copies of convictions were unobtainable prior to transfer

Name and telephone number of the point of contact for conviction records.

Name and telephone number of court clerks office point of contact for conviction records.

- ____ All DACS screens are accurate and complete
- ____ Case transferred in DACS/DETS
- ____ If the transfer is taking place during a mealtime, feeding arrangements have been made
- ____ File accompanying transfer
- ____ File will be federal expressed to receiving district within one business day
- ____ If the detainee is on medication, medications will accompany transfer

The above-named officer from the receiving district waived parts of this transfer policy as circled above

Printed name and signature of officer responsible for compliance of transfer policy

**Immigration and Customs Enforcement
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

Policy: ICE often transfers detainees from one facility to another for a variety of reasons. Except for security reasons, extenuating circumstances, e.g., court venue, attorney representation, family, religion etc. will be taken into consideration before a detainee is approved for transfer. However, the needs of the Bureau shall take precedence. Transfers will not be retaliatory.

DETAINEE TRANSFER			
Components	Yes	No	Remarks
1. When a detainee is represented by legal counsel or a legal representative, and a G-28 has been filed, is the representative of record notified by the detainee's Deportation Officer that the detainee is being transferred? a. Is the notification recorded in the detainee's A file? b. If the A file is not available, is the notification notated in the comments screen in DACS?			
2. Does the notification include the reason for the transfer and the location of the new facility? a. Does the notification include specific travel details, i.e., the day of travel, mode of travel etc?			
3. Is the Deportation Officer permitted to use discretion in the timing of the notification when extenuating circumstances are involved, i.e., the detainee's criminal history?			
4. Is the attorney and detainee notified that it is their responsibility to notify any family members?			

DETAINEE TRANSFER			
Components	Yes	No	Remarks
5. Is it facility policy that: a. Specific plans and time schedules shall never be discussed with the detainee involved? b. The detainee shall not be notified of the transfer until immediately prior to leaving the facility? c. Following transfer notification, the detainee normally shall not be permitted to make or receive any telephone calls or have contact with any detainee in the general population?			
6. Is the detainee provided with a completed Detainee Transfer Notification form?			
7. a. Is form G-391 authorizing the removal of a detainee from an ICE facility, including district detention areas, used? b. Are IGSA facilities permitted to use a local form as long as the form provides the required information?			
8. For medical transfers: a. Does the Detainee Immigration Health Service (DIHS) Medical Director or designee approve transfers in advance? b. Are medical transfers coordinated through the local ICE office? c. Is a medical transfer summary completed and accompany the detainee?			
9. When the required recreation is not available does the detainee have the option of transferring to a facility that offers the required recreation?			

DETAINEE TRANSFER			
Components	Yes	No	Remarks
10. When a detainee is transferred within the Detainee Immigration Health Service (DIHS) System, does a Transfer Summary and the detainee's official health records accompany the detainee? a. Is the official health records placed in a sealed envelope or other container labeled with the detainee's name and A-number and marked MEDICAL CONFIDENTIAL?			
11. When a detainee is transferred to an IGSA detention facility, does only the transfer summary accompany the detainee?			
12. Prior to transfer, does medical personnel provide the transporting officers with Instructions? a. Are medication(s) for the detainee's care in transit provided?			
13. Is the detainee permitted to retain cash, valuables, and small personal items such as legal papers, address books, phone lists, correspondence, dentures, prescription glasses, small religious items, pictures, etc in their possession?			
14. Before the detainee is transferred, does the facility return all funds and valuables to the detainee? a. Are all G-589s or local IGSA funds and valuable receipts closed in accordance with the "Funds and Personal Property" standard?			
15. Does the detainee's personal property accompany the detainee?			

DETAINEE TRANSFER			
Components	Yes	No	Remarks
16. If an IGSA facility will not accept the property, does the facility retain it, arrange to store it elsewhere, or send it to an address of the detainee's choosing after the detainee has been notified of the impending transfer? a. Does the facility make shipping arrangements and, if the detainee cannot afford postage, pay for shipping?			
17. Are the transfer and documentary procedures outlined in Section C, <u>Request for Bed/Designation</u> adhered to? a. If not list discrepancies.			
18. Are the transfer and documentary procedures outlined in Section D, <u>Preparation and Transfer of Records</u> adhered to? a. If not list discrepancies			
19. Are all screens in DACS completely updated and accurate?			
20. If the transfer takes place over meal times, are there sufficient numbers of sack or box lunches available?			
21. Does the A file or work folder accompany the detainee?			
22. If the receiving district requests that the A File be overnight expressed to a particular location, is it sent no later than the business day following the transfer?			

**Immigration and Customs Enforcement
NATIONAL DETENTION STANDARDS
MONITORING INSTRUMENT**

DETAINEE TRANSFER

Verification Sources:

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

SOURCE
Facility's written policy and procedures.
Detainee and staff interviews
Review DACs

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

DISCIPLINARY POLICY

I. POLICY

To provide a safe and orderly living environment, facility authorities will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures.

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. Guidelines

1. Each facility holding INS detainees in custody will have a detainee disciplinary system. This disciplinary system shall have progressive levels of reviews, appeals, procedures, and documentation procedures. The disciplinary policy and procedures shall clearly define detainee rights and responsibilities
2. Disciplinary action may not be capricious or retaliatory.
3. Staff may not impose or allow imposition of the following sanctions: corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.

4. The facility shall not hold a detainee accountable for his/her conduct if a medical authority finds him/her mentally incompetent.

A mentally incompetent individual unable to appreciate the difference between appropriate and inappropriate behavior— between “right” and “wrong”—is not capable of acting in accordance with those norms. Therefore, he/she is not responsible for his/her “wrongful” actions.

Also, a person who lacks the ability to understand the nature of the disciplinary proceedings against him/her, or to assist in his/her own defense, is considered incompetent. Disciplinary proceedings against such a detainee shall be postponed until such time as the detainee is able to understand the nature of the disciplinary proceedings and to assist in his/her own defense. If the detainee’s mental status does not improve within a reasonable amount of time, the Incident Report shall “find” the detainee incompetent to assist in his/her own defense. Under that circumstance, disciplinary proceedings cannot move forward.

5. The detainee handbook or equivalent, issued to each detainee upon admittance, shall provide notice of the facility’s rules of conduct, and of the sanctions imposed for violations of the rules. Among other things, the handbook shall advise detainees of the following:
 - a. The right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment;
 - b. The right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs;
 - c. The right to pursue a grievance in accordance with written procedures (provided in the handbook);
 - d. The right to correspond with persons or organizations, consistent with safety, security, and the orderly operation of the facility; and
 - e. The right to due process, including the prompt resolution of a disciplinary matter (in accordance with the rules, procedures, and sanctions provided. in the handbook).

In SPCs/CDFs, copies of the rules of conduct and disciplinary sanctions will be posted in English, Spanish, and/or other languages spoken by significant numbers of detainees, as follows:

- a. *Disciplinary Severity Scale*
- b. *Prohibited Acts*
- c. *Sanctions*

B. Incident Reports

Officers who witness a prohibited act or have reason to suspect one has been committed shall prepare and submit an incident report. All incident reports must state the facts clearly, precisely, and concisely, omitting no details that could prove significant. Reports also will identify the officer(s), the detainee(s), and all witness(es) to the incident.

INS approval is required for the incident-report forms used in CDFs and IGSA facilities.

In SPCs/CDFs, minor transgressions will be settled informally, by mutual consent, whenever possible. If, however, the officer involved thinks an informal resolution inappropriate or unachievable, he/she shall prepare an Incident Report and Notice of Charges, forwarding it to the appropriate supervisor before the end of the assigned shift.

The incident report shall cite the relevant rule or standard without quoting it in its entirety. For example, for destruction of government property, the report would cite, briefly, "Code 218-Destroying Government Property."

If the officer observes anything unusual in the detainee's behavior or demeanor, he/she shall so note in the report. The reporting officer shall also list all staff, contract officers or detainee witnesses to the incident, and the disposition of any physical evidence (weapons, property, etc.) relating to the incident. The reporting officer will sign the report and include title, date and time the report was signed. The shift supervisor shall review all incident reports before going off duty.

C. Investigations

IGSAs shall have procedures in place to ensure that all incident reports are investigated within 24 hours of the incident.

The investigating officer shall have supervisory rank, or higher (unless prevented by personnel shortages) and shall have had no prior involvement in the incident, either as witness or officer at the scene. If an officer below supervisory rank conducts the investigation, the shift supervisor shall review his/her report(s) for accuracy and completeness, and sign them.

In SPCs/CDFs, the officer designated to investigate the incident is responsible for completing the necessary interviews, collecting evidence, and submitting written reports.

The investigating officer shall:

- 1. Commence the investigation within 24 hrs. of receipt of the incident report.*
- 2. Advise the detainee of the right to remain silent at every stage of the disciplinary process, and ensure he/she has a complete listing of detainee rights*
- 3. Advise the detainee that, although silence may not be used to support a finding of guilt, silence is rarely interpreted in the detainee's favor.*

4. *Provide the detainee(s) with a copy of the incident report/notice of charges at least 24 hours before the start of disciplinary proceedings.*
5. *Advise the detainee of his/her right, if applicable, to an initial hearing before the Unit Disciplinary Committee (UDC) within 24 hours of his/her notification of charges.*
6. *Terminate the investigation if the incident is under investigation elsewhere, e.g., on criminal grounds, unless and until the agency with primary jurisdiction concludes its investigation or indicates that it will not pursue the matter.*
7. *Record personal observances and other potentially material information.*
8. *Prepare a factual report of the investigation, including the location or disposition of any physical evidence.*
9. *Forward to the UDC all reports relevant to the disciplinary hearing. NOTE: policy expressly prohibits providing a copy of any such report(s) to the detainee at this stage of the disciplinary process.*

Unit Disciplinary Committee (UDC)

All facilities shall establish an intermediate level of investigation/adjudication is present to adjudicate low or moderate infractions. They shall also ensure that the detainee is afforded all the rights listed under "Detainee Rights in UDC Proceedings," below.

In SPCs/CDFs:

The UDC administering unit discipline shall comprise from one to three members, at least one of whom is a supervisor.

The UDC shall not include the reporting officer, the investigating officer, or an officer who witnessed or was directly involved in the incident. Only if virtually every available officer witnessed or was directly involved in the incident shall an exception to this rule occur

The UDC will conduct hearings and, to the extent possible, informally resolve cases involving "high moderate" or "low moderate" charges, in accordance with the list of charges and related sanctions (see III., I., below). Unresolved cases and cases involving serious charges are forwarded to the Institutional Disciplinary Panel.

The UDC shall have authority to:

1. *Conduct hearing and informally resolve incidents involving High Moderate or Low Moderate charges.*
2. *Consider written reports, statements, and physical evidence.*

3. *Hear pleadings on the part of the detainee.*
4. *Make findings that a detainee did or did not commit the rule violation(s) or prohibited act(s) as charged, based on the preponderance of evidence.*
5. *Impose minor sanctions "E" through "M" in accordance with the table of prohibited acts and associated sanctions (see section III.I., below).*

The detainee in UDC proceedings shall have the right to:

1. *Remain silent at any stage of the disciplinary process.*
2. *Due process, including a UDC hearing within 24 hours of the end of the investigation, and:*
 - a. *To attend the entire hearing (excluding committee deliberations); or*
 - b. *To waive the right to appear.*

If security considerations prevent the detainee's attendance, the committee must document the security considerations.

3. *Present statements and evidence in his/her own behalf.*
4. *Appeal the committee's determination through the detainee appeal process.*

The UDC shall:

1. *Advise the detainee of above-listed rights before the hearing.*
2. *Refer to the IDP any incident involving a serious violation, i.e., associated with an A-through-D-range sanction. This includes code violations in the "Greatest" and "High" categories (100s and 200s).*
3. *Serve the detainee with:*
 - a. *A copy of the UDC decision and sanctions imposed; or*
 - b. *Written notification of charges and hearing before the IDP.*
4. *If the detainee's case is being referred to the IDP, advise the detainee, in writing, of*
 - a. *The right to call witnesses and present evidence before the IDP; and*
 - b. *The right to a staff representative before the IDP.*

E. Staff Representation

In SPCs/CDFs, the Officer in Charge (OIC) shall, upon the detainee's request, assign a staff representative to help prepare a defense. This help will be automatically provided for illiterate detainees, detainees with limited English-language skills; detainees without means of collecting and presenting essential evidence and detainees in administrative or disciplinary segregation.

- 1. A staff representative must be a full-time employee.*
- 2. Because of the potential conflict of interest, the OIC, members of the IDP and of the UDC initially involved in the case, eyewitnesses, the reporting and investigating officers, and anyone else with a stake in the outcome shall not act as staff representative.*
- 3. The detainee may select his/her staff representative, barring anyone identified in #2, above.*
- 4. The IDP shall arrange for the presence of the staff representative selected by the detainee. If that staff member declines or is unavailable, the detainee has three choices. He/she may select a different representative; wait for the unavailable staff member to become available (within a reasonable period); or proceed without a staff representative.*
- 5. A staff member declining to serve as a detainee's representative must state the reason on the staff representative form.*
- 6. If several officers decline, the OIC shall assign a staff member to serve as that detainee's staff representative.*
- 7. The staff representative shall be free to speak to witnesses and to present evidence in the detainee's behalf, including any mitigating circumstances.*
- 8. The IDP shall allow the staff representative enough time to speak with the detainee and interview witnesses. The standard pre-hearing preparation time will suit most cases. However, the IDP may grant a delay if required for an adequate defense.*
- 9. The IDP shall establish the reliability of information provided by a confidential informant before considering it in the disciplinary proceedings.*
- 10. The IDP may withhold the confidential informant's identity from the staff representative. While the staff representative may challenge the substance of any confidential information the IDP discloses, he/she may not question its reliability (pre-established by the IDP).*
- 11. When the detainee cannot effectively present his/her own case, the OIC shall appoint a staff representative, even if not requested by the detainee.*

F. Institutional Disciplinary Panel

All facilities that house INS detainees shall have a disciplinary panel to adjudicate detainee incident reports. Only the disciplinary panel can place a detainee in disciplinary segregation.

In SPCs and CDFs

1. *The IDP will consist of three members, including the chairperson.*
2. *The OIC shall appoint the three members of the panel..*

Members will be appointed by the OIC. The panel shall not include the reporting officer, the investigating officer, any member of the referring UDC, or anyone who witnessed or was directly involved in the incident. Only if virtually every available officer witnessed or was directly involved in the incident shall an exception to this rule occur

The IDP shall have authority to:

1. *Conduct hearings on all charges and allegations referred by the UDC.*
2. *Call witnesses to testify.*
3. *Consider written reports, statements, physical evidence, and oral testimony.*
4. *Hear pleadings by detainee and staff representative.*
5. *Make findings that the detainee did or did not commit the rule violation(s) or prohibited act(s) as charged, based on the preponderance of evidence.*
6. *Impose sanctions as listed and authorized in each category.*

The IDP shall:

1. *Verify that the detainee has been advised of, and afforded, his/her rights, as provided above.*
2. *Remind the detainee of his/her right to a staff representative, providing one if requested.*
3. *Advise the detainee of his/her right to waive the hearing and admit having committed the offense.*

4. *Conduct the hearing on the first business day after receiving the UDC's referral, unless the detainee waives the 24-hour notification provision, requesting an immediate hearing. In cases where a hearing is delayed, the reason(s) must be documented (e.g., a continuing investigation of facts, their unavailability of one or more essential witnesses, etc.) and approved by the OIC. If the detainee is being held in segregation, the delay shall not exceed 72 hours, barring an emergency.*
5. *Prepare a written record of its proceedings. This record must show that the detainee was advised of his/her rights. It must also document the evidence considered by the Panel and subsequent findings; the decision and sanctions imposed, along with a brief explanation.*
6. *Forward the entire record to the OIC, who may (a) concur; (b) terminate the proceedings; or (c) impose stiffer or lesser sanctions.*
7. *Serve the detainee with written notification of the decision.*

G. Postponement of Disciplinary Proceedings

All facilities shall permit hearing postponements or continuances under certain circumstances.

In SPCs/CDFs, circumstances justifying the postponement or continuance of a hearing might include: defense preparation, physical or mental illness, security, escape, disciplinary transfer, removal or pending criminal prosecution.

An uncooperative detainee may also cause a delay in the proceedings, either because of inappropriate behavior during the hearing process or a refusal to participate in a productive manner.

H. Duration of Punishment

The duration of punishment shall be within established limits. Neither the panel recommending sanctions nor the OIC making the final decision shall impose sanctions arbitrarily, outside these limits.

1. Punishments range from the withholding of privilege(s) to segregation. Time in segregation after a hearing will generally not exceed 60 days.
2. Time served in segregation pending the outcome of the proceedings may be credited to the number of days to be spent in the segregation unit after the decision is announced.
3. The disciplinary report and accompanying documents are not placed in the file of a detainee who is found not guilty. However, the facility may retain the material in its own files for institutional uses (statistical, historical, etc.).

I. Disciplinary Severity Scale and Prohibited Acts

All facilities shall have graduated scales of offenses and disciplinary consequences, as provided in this section.

SPCs/CDFs shall adopt, without changing, the offense categories and disciplinary sanctions set forth in this section.

Prohibited acts are divided into four categories: "Greatest," "High," "Moderate," and "Low Moderate." The sanctions authorized for each category (see table of sanctions, below) will be imposed only if the detainee is found to have committed a prohibited act.

- a. **"Greatest" offenses:** The IDP shall impose and execute at least one sanction in the A through E range. Additional sanctions (A through G) may be imposed and either executed or suspended, at the discretion of the panel. The IDP may impose and execute sanctions F and G only in conjunction with sanction A, B, C, D, and/or E.*
- b. **"High" offenses:** The IDP shall impose and execute at least one sanction in the A through M range. Additional sanctions (A through M) may be imposed, and, either executed or suspended, at the discretion of the panel.*
- c. **"High Moderate" offenses:** The IDP shall impose at least one sanction in the A through M range, but may suspend any or all, once imposed. Similarly, the UDC shall impose at least one sanction in the G through M range, but may suspend any or all, once imposed.*
- d. **"Low Moderate" offenses:** The IDP shall impose at least one sanction in the E through M range, but may suspend any or all, once imposed. Similarly, the UDC shall impose at least one sanction in the G through M range, but may suspend any or all, once imposed.*

J. Documents

All documents relevant to the incident, subsequent investigation, hearing(s), etc., will be completed and distributed in accordance with facility procedures.

In SPCs/CDFs, documents will be prepared and distributed as follows:

Incident Report/Notice of Charges

The officer shall prepare a report and submit it to the INS or CDF supervisor immediately after the incident takes place. If the incident is resolved informally, the officer will so note on the original report, which will then be forwarded to the Chief Detention Enforcement Officer or Chief of Security.

If the UDC is to be involved, the supervisor shall serve the detainee with a copy of the Notice of Charges upon completion of the investigation, no less than 24 hours before the UDC hearing.

The UDC receives the original copy.

If the UDC hears the matter, the ranking member of that committee shall serve the detainee with a copy of the Incident Report/Notice of Charges indicating their decision. The UDC, upon conclusion of its proceedings, will forward the entire record to either the Chief of Detention or the IDP, as appropriate.

Investigation Report

*Original-submitted to the UDC.
Detainee does not receive a copy*

UDC Report of Findings and Action

*Original-served on the detainee after the committee issues its findings
Copy-to the detainee detention file (guilty finding only)*

Notice of IDP Hearing

*Original-served on detainee
Copy-detainee detention file*

Detainee Rights at IDP Hearing

*Original-served on detainee
Copy-facility detention file*

IDP Report

*Original-detainee detention file
Copy-detainee*

K. Confidential Information

When a decision relies on information from a confidential informant, the UDC or IDP shall include in the hearing record the factual basis for finding the information reliable.

L. Notice to Detainees

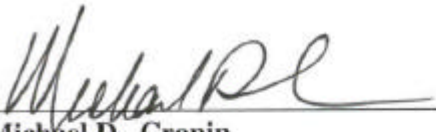
The detainee handbook, or equivalent, shall notify detainees of the following:

1. The disciplinary process.
2. The prohibited acts and disciplinary severity scale:
3. The procedure for appealing disciplinary findings.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3C-01, 3C-02, 3C-03, 3C-04, 3C-05, 3C-06, 3C-07, 3C-08, 3C-09, 3C-10, 3C-11, 3C-12, 3C-13, 3C-14, 3C-15, 3C-16, 3C-17, 3C-18, 3C-19, 3C-20, 3C-21, 3C-22


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

"GREATEST" OFFENSE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
100	Killing	A. Initiate criminal proceedings
101	Assaulting any person (includes sexual assault)	B. Disciplinary transfer (recommend)
102	Escape from escort; escape from a secure facility	C. Disciplinary segregation (up to 60 days)
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity, e.g., a riot or an escape; otherwise the charge is classified as Code 218 or 321)	D. Make monetary restitution, if funds are available.
104	Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, escape tool, device, or ammunition.	
105	Rioting	
106	Inciting others to riot	
107	Hostage-taking	
108	Assaulting a staff member or any law enforcement officer	
109	Threatening a staff member or any law enforcement office with bodily harm.	
*198	Interfering with a staff member in the performance of duties (conduct must be of the greatest severity). This charge is to be used only if another charge of greatest severity is not applicable.	
*199	Conduct that disrupts or interferes with the security or orderly running of the facility (conduct must be of the greatest severity). This charge is to be used only if another charge of greatest severity is not applicable.	

"HIGH" OFFENSE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted activities, open or secure facility, without violence	A. Initiate criminal proceedings
201	Fighting, boxing, wrestling, sparring, and any other form of physical encounter, including horseplay, that causes or could cause injury to another person; except when part of an approved recreational or athletic activity	B. Disciplinary transfer (recommend) C. Disciplinary segregation (up to 60 days) D. Make monetary restitution, if funds are available
202	Possession or introduction of an unauthorized tool	E. Loss of privileges: commissary, movies, recreation, etc.
203	Loss, misplacement, or damage of any restricted tool	F. Change housing
204	Threatening another with bodily harm	G. Remove from program and/or group activity
205	Extortion, blackmail, protection: demanding or receiving money or anything of value in return for protection against others, avoiding bodily harm, or avoiding a threat being informed against	H. Loss of job I. Impound and store detainee's personal property J. Confiscate contraband
206	Engaging in sexual acts	K. Restrict to housing unit
207	Making sexual proposals or threats	
208	Wearing a disguise or mask	
209	Tampering with or blocking any lock device	
210	Adulteration of food or drink	

"HIGH" OFFENSE CATEGORY, cont'd

CODE	PROHIBITED ACTS	SANCTIONS
211	Possession, introduction, or use of narcotics, narcotic paraphernalia, or drugs not prescribed for the individual by the medical staff	A. Initiate criminal proceedings B. Disciplinary transfer (recommend)
212	Possessing an officer's or staff member's clothing	C. Disciplinary segregation (up to 60 days)
213	Engaging in or inciting a group demonstration	D. Make monetary restitution, if funds are available
214	Encouraging others to participate in a work stoppage or to refuse to work	E. Loss of privileges: commissary, movies, recreation, etc.
215	Refusing to provide a urine sample or otherwise cooperate in a drug test	
216	Introducing alcohol into the facility	F. Change housing
217	Giving or offering an official or staff member a bribe or anything of value	G. Remove from program and/or group activity
218	Giving money to, or receiving money from, any person for an illegal or prohibited purpose, such as introducing/conveying contraband	H. Loss of job I. Impound and store detainee's property
219	Destroying, altering, or damaging property (government or another person's) worth more than \$100	J. Confiscate contraband K. Restrict to housing unit
220	Being found guilty of any combination of three or more high moderate or low moderate offenses within 90 days	

"HIGH" OFFENSE CATEGORY, cont'd

CODE	PROHIBITED ACTS	SANCTIONS
221	Signing, preparing, circulating, or soliciting support for prohibited group petitions	A. Initiate criminal proceedings
222	Possessing or introducing an incendiary device, e.g., matches, a lighter, etc.	B. Disciplinary segregation (recommend) C. Disciplinary segregation
223	Any act that could endanger person(s) and/or property	D. Make monetary restitution, if funds are available
*298	Interfering with a staff member in the performance of duties (conduct must be of highest severity). This charge is to be used only when no other charge of highest severity is applicable.	E. Loss of privileges, e.g., commissary, movies, recreation, etc. F. Change housing G. Remove from program and/or group activity
*299	Conduct that disrupts or interferes with the security or orderly operation of the facility (conduct must be of highest severity). This charge is to be used only when no other charge of highest severity is applicable.	H. Loss of job I. Impound and store detainee's personal property J. Confiscate contraband K. Restrict to housing unit

*When the prohibited act is interfering with a staff member in the performance of duties (Code 198, 298, 398 or 498) or conduct that disrupts (Code 199, 299, 399 or 499), the Disciplinary Committee should specify in its findings the severity-level of the conduct, citing a comparable offense in that category. For example, "We find the act of to be of high severity, most comparable to Code 213, "engaging in a group demonstration."

“HIGH MODERATE” OFFENSE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent exposure	A. Initiate criminal proceedings
301	Stealing (theft)	B. Disciplinary transfer (recommend)
302	Misuse of authorized medication	
303	Loss, misplacement, or damage of a less restricted tool	C. Disciplinary segregation (up to 72 hours)
304	Lending property or other item of value for profit/increased return	D. Make monetary restitution
305	Possession of item(s) not authorized for receipt or retention; not issued through regular channels	E. Loss of privileges, e.g., vending machines, recreation, etc.
		F. Change housing
306	Refusal to clean assigned living area	G. Remove from program
307	Refusing to obey a staff member/ officer's order (may be categorized and charged as a greater or lesser offense, depending on the kind of disobedience: continuing to riot is Code 105--Rioting; continuing to fight, Code 201--Fighting; refusing to provide a urine sample, Code 215	H. Loss of job
		I. Impound and store detainee's personal property
		J. Confiscate contraband
		K. Restrict to housing unit
308	Insolence toward a staff member	L. Reprimand
309	Lying or providing false statement to staff	M. Warning

“HIGH MODERATE” OFFENSE CATEGORY,

CODE	PROHIBITED ACTS	SANCTIONS
310	Counterfeiting, forging, or other unauthorized reproduction of money or other official document or item, e.g. security document, identification card, etc. (may be categorized as greater or lesser offense, depending on the nature and purpose of the reproduction, e.g., counterfeiting release papers to effect escape--Code 102 or 200)	A. Initiate criminal proceedings B. Disciplinary transfer (recommend) C. Disciplinary segregation (up to 72 hours) D. Make monetary restitution
311	Participating in an unauthorized meeting or gathering	E. Loss of privileges, e.g., vending machines, recreation, etc.
312	Being in an unauthorized area	F. Change housing
313	Failure to stand count	G. Remove from program and/or group activity
314	Interfering with count	H. Loss of job
315	Making, possessing, or using intoxicant(s)	I. Impound and store detainee's personal property
316	Refusing a breathalyzer test or other test of alcohol consumption	J. Confiscate contraband
317	Gambling	K. Restrict to housing unit
318	Preparing or conducting a gambling pool	L. Reprimand
319	Possession of gambling paraphernalia	M. Warning
320	Unauthorized contact with public.	

HIGH MODERATE" OFFENSE CATEGORY,

CODE	PROHIBITED ACTS	SANCTIONS
321	Giving money or another item of value to, or accepting money or another item of value from anyone, including another detainee, without staff authorization	A. Initiate criminal proceedings B. Disciplinary transfer (recommend)
322	Destroying, altering, or damaging property (government or another person's) person's) worth more than \$100	C. Disciplinary (up to 72 hours) D. Make monetary restitution
*398	Interfering with a staff member in the performance of duties (offense must be of high moderate severity). This charge is to be used only when no other charge in this category is applicable.	E. Loss of privileges; vending machines, recreation, etc. F. Change housing
*399	Conduct that disrupts or interferes with the security or orderly running (offense must be of high moderate severity). This charge is to be used only when no other charge in this category is applicable.	G. Remove from program and/or group activity H. Loss of job I. Impound and store detainee's personal property J. Confiscate contraband K. Restrict to housing unit L. Reprimand

NOTE: Any combination of high moderate and low moderate offenses during a 90-day period shall constitute a high offense.

“LOW MODERATE” OFFENSE CATEGORY

CODE	PROHIBITED ACTS	SANCTIONS
400	Possession of property belonging to another person	D. Make monetary restitution
401	Possessing unauthorized clothing	E. Loss of privileges, e.g., commissary, vending machines, recreation
402	Malingering, feigning illness	
403	Smoking where prohibited	F. Change housing
404	Using abusive or obscene language	G. Remove from program and/or group activity
405	Tattooing, body piercing, or self-mutilation	H. Loss of job
406	Unauthorized use of mail or telephone (with restriction or temporary suspension of the abused privileges often the appropriate sanction)	I. Impound, store detainee's personal property
		J. Confiscate contraband
407	Conduct with a visitor in violation of rules and regulations (with restriction or temporary suspension of visiting privileges often the appropriate sanction)	K. Restrict to housing unit
		L. Reprimand
408	Conducting a business	M. Warning
409	Possession of money or currency, unless specifically authorized	
410	Failure to follow safety or sanitation regulations	
411	Unauthorized use of equipment or machinery	
412	Using equipment or machinery contrary to posted safety standards	

“LOW MODERATE” OFFENSE CATEGORY, cont’d

CODE	PROHIBITED ACTS	SANCTIONS
413	Being unsanitary or untidy, failing to keep self and living area in accordance with posted standards	D. Make monetary restitution
498	Interfering with a staff member in the performance of duties (offense must be of low moderate severity). This charge is to be used only when no other charge in this category is applicable.	E. Loss of privileges. e.g., commissary, vending machines, recreation F. Change housing G. Remove from program and/or group activity H. Loss of job
*499	Conduct that disrupts or interferes with the security or orderly running of the facility (offense must be of low moderate severity). This charge is to be used only when no other charge in this category is applicable.	I. Impound and store detainee's personal property J. Confiscate contraband K. Restrict to housing unit L. Reprimand M. Warning

Detainee Name: _____ A-Number _____

Nationality: _____ Date & Time of Incident: _____

Incident Location: _____ Work Assignment: _____

Classification Level: _____ Quarters: _____

PROHIBITED ACTS:

1. _____	Code: _____
2. _____	Code: _____
3. _____	Code: _____
4. _____	Code: _____

Description of Incident: _____

Staff Witnesses? **Y** **N** Evidence Attached? **Y** **N** **NA**

Supporting Memoranda **Y** **N** **NA**

Name of Reporting Officer

Date & Time

Signature

Reviewed for accuracy prior to investigation by : _____

Supervisor

Date & Time

Incident Recorded on D.C.S.? **Y** **N**

Classification Level Change? **Y** **N**

Level change from _____ To _____

Detainee Rights at The Institution Disciplinary Panel Hearing (IDP)

As a detainee charged with a prohibited act(s), you have been referred to the Institution Disciplinary Panel for disposition. While at the IDP hearing, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the IDP.
2. The right to have a full time member of staff who is reasonably available to assist you before the IDP.
3. The right to call witnesses and present documentary evidence in your behalf, provided institutional safety would not be jeopardized.
4. The right to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act.
5. The right to be present throughout the IDP decision, except during committee deliberations and where institutional safety would be in jeopardy.
6. The right to be advised of the IDP decision in writing and the facts supporting the panel's decision, except where institutional safety would be jeopardized.
7. The right to appeal the decision of the IDP by means of the Detainee Grievance Procedure to the Officer in Charge, within 15 days of the notice of the panel's decision and disposition.

I hereby acknowledge that I have been advised of the rights afforded me at the Institution Disciplinary Panel hearing.

Signed:_____A-Number_____Date:_____

Notice of Rights given to the detainee by_____Staff Member & Date

Refusal to Sign

I have personally advised_____of the rights afforded detainees at the Institution Disciplinary Panel hearing. The detainee refused to sign the acknowledgment.

Staff member and date:_____

Waiver of 24 hours Notice:

I have been advised that I have at least a 24 hour notice prior to appearing before the IDP. At this time, I wish to waive this right and proceed with the IDP hearing

Detainee Signature, Date and Time:_____

Name of Detainee

A-Number

Date of Incident

Place of Incident

Quarters

Date/Investigation

Code(s)

Name of Investigating Officer : _____ has advised _____
Detainee

that he/she has the right to remain silent at stages of the disciplinary process, but, that silence may be used to draw an adverse inference against him/her at any stage of the disciplinary process. However, silence alone may not be used to support a finding that he/she committed a prohibited act.

Detainee Statement and Attitude During the Interview: _____

Other Facts about the Incident: _____

Investigator's Comments and Conclusions: _____

Date and Time Investigation Began: _____

Date and Time Investigation Ended: _____

Signature of Investigating Officer

Reviewed for Accuracy by: (SDEO/DOS)

Name of Detainee

A-Number

Date of Incident

Place of Incident: _____ Prohibited Act(s) Code: _____

Committee Action: Comments to Committee from Detainee Regarding the above Incident: _____

It Is the Finding of the Unit Disciplinary Committee That:

1. You Committed the Prohibited Act as Charged: Code(s) _____
2. You Committed the Following Prohibited Act : Codes(s) _____
3. You Did Not Commit a Prohibited Act as Charged: _____

Committee Findings Are Based on the Following Information: _____

Committee Action:

☐ Waives IDP Hearing and Accepts the UDC's Sanction: _____

Name of Detainee

☐ Refer to IDP Date & Time: _____/_____/_____

☐ Loss of Privileges ☐ Loss of Job ☐ Quarter Changes

☐ Restrict to Dorm ☐ Remove from Program ☐ Reprimand

☐ Warning ☐ Confiscate Contraband ☐ Impound Personal Property

Comments: _____

UDC Chairpersons Signature: _____

UDC Member's Signature: _____

UDC Time and Date: _____/_____/_____

**Notice of Institution
Disciplinary Panel Hearing**

Name of Detainee

A-Number

Date

Alleged Disciplinary Code Violation(s): _____

Date of Offense: _____

You are being referred to the Institution Disciplinary panel for the above mentioned charge(s).

The hearing will be held on _____, at _____ (time) at the following location _____.

You are entitled to have a full time staff member represent you at the hearing. Please indicate below if you desire to have a staff member assist you, and if so, his or her name.

I (do) _____ (do not) _____ wish to have a staff representative.

If so, the staff representative's name is _____.

You also have the right to call witnesses at the hearing and to present documentary evidence in your behalf; provided, that calling your witnesses will not jeopardize facility security. Names of witnesses you wish to call should be listed below. State below what each proposed witness would be able to testify to:

Name: _____ Can testify to : _____

Name: _____ Can testify to : _____

Name: _____ Can testify to : _____

The chairperson of the Institution Disciplinary Panel will call those listed above as witnesses (staff or detainee) who are reasonably available, and who are determined by the chairperson to be necessary for an appreciation of all of the circumstances surround the charge(s). Repetitive witnesses need not be called. Unavailable witnesses may be asked to submit written statements. If additional space is required, use the reverse side of the form.

Name of Detainee: _____ A-Number: _____

Date of Incident: _____ Code(s) _____

I. Notice of Charge(s):

- A. Advance written notice of charge(s) (copy of Incident Report) was given to the detainee on _____ at _____
date time
- B. The IDP hearing was held on _____ at _____
date time
- C. The detainee was advised of his/her rights before this IDP by _____
officer
on _____ and a copy of the advisement of rights form is attached.

II Staff Representative:

- A. Detainee waived his/her right to staff representative: _____
- B. Detainee requested staff representative and _____ appeared.
staff representative
- C. Requested staff representative declined or could not appear but detainee was advised of option to postpone hearing to obtain an alternative staff representative with the result: _____

III. Presentation of Evidence:

- A. Detainee has been advised of his/her right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear on his/her behalf.
- B. Summary of detainee's statement: _____

- C. Witnesses:
- The following persons were called as witnesses at this hearing and appeared: _____

 - A summary of testimony of each witness is attached
 - The following persons requested were not called for the reason(s) given _____

 - Unavailable witnesses were requested to submit written statements and those statements received were considered (statements attached)
 - Documentary evidence: In addition to the incident report and investigation, the panel considered the following documents: _____

 - Confidential information was considered by the IDP and was not provided to the detainee on _____
date

IV. Findings:

- _____ a. The Act Was Committed as Charged
_____ B. The Following Act Was Committed: _____
_____ C. No Prohibited Act Was Committed.
-

V. Specific Evidence Relied on to Support Findings:

VI. Sanctions or Action Taken: Offense Severity:

VII. Reason for Sanction or Action Taken:

Chairperson

Member

Member

VIII. Review and Concur:

- _____
- A. Concur with findings:
B. Proceedings terminated: _____
C. Discipline Imposed: _____
-

Signature _____ Date: _____ Time: _____
Officer in Charge

Copy delivered to detainee by: _____ on _____
signature and title date

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

Policy: All facilities housing INS detainees are authorized to impose discipline on detainees whose behavior is not in compliance with facility rules and regulations.

DISCIPLINARY POLICY			
Components	Yes	No	Remarks
1. Does the facility have a disciplinary system? If so, does it have: a. Progressive levels of reviews? b. Appeals? c. Procedures, including documentary procedures?			
2. Do the facility rules state that disciplinary action shall not be capricious or retaliatory?			
3. Do rules prohibit staff from imposing or permitting the following sanctions: a. corporal punishment b. deviations from normal food service c. clothing deprivation d. bedding deprivation e. denial of personal hygiene items f. loss of correspondence privileges g. deprivation of physical exercise?			
4. Are the rules of conduct, sanctions, and procedures for violations defined in writing and communicated to all detainees? a. How?			
5. Are the following conspicuously posted in Spanish and English or other languages? a. Rights and Responsibilities? b. Prohibited Acts? c. Disciplinary Severity Scale? d. Sanctions? e. If so, where posted?			
6. When minor rule violations or prohibited acts occur, are informal resolutions encouraged?			

DISCIPLINARY POLICY			
Components	Yes	No	Remarks
7. If informal resolutions are not appropriate, are incident reports and Notice of Charges promptly forwarded to the INS/CDF supervisor?			
8. Are incident reports investigated within 24 hrs of the incident report? a. Does the Unit Disciplinary Committee (UDC) or equivalent convene before investigations have ended?			
9. Is an intermediate disciplinary process used to adjudicate minor infractions?			
10. Does a disciplinary panel adjudicate infractions? If so does the panel: a. Conduct hearings on all charges and allegations referred by the UDC? b. Consider written reports, statements, physical evidence, and oral testimony? c. Hear pleadings by detainee and staff representative? d. Base its findings on the preponderance of evidence? e. Impose authorized sanctions?			
11. Is a staff representative available, if requested for a detainee facing a disciplinary hearing?			
12. Does the facility permit hearing postponements or continuances? a. Under specified conditions? b. Which?			
13. Does the duration of punishment set by the OIC/recommended by the disciplinary panel ever exceed established sanctions? a. Does the maximum time in segregation after the exceed 60 days?			

DISCIPLINARY POLICY			
Components	Yes	No	Remarks
14. Do written procedures govern the handling of confidential-informant information? a. Do standards include criteria for recognizing "substantial evidence"?			
15. Are forms relevant to the incident, investigation, committee/panel reports, etc., completed and distributed as required?			

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

DISCIPLINARY POLICY

Verification Sources:

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

SOURCE	TIME	DATE	LOCATION
A. Observing posted notices of rights			
B. Observing disciplinary hearings			
C. Review of written disciplinary actions			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARDS

EMERGENCY PLANS

I. POLICY

Every facility will develop plans and procedures for handling emergency situations reasonably likely to occur. The goal of these "contingency plans" is to control the situation without endangering lives or property.

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. Preventive Action

1. Climate Monitoring

Staff will watch for signs of mounting tension among the detainee population. Signs of trouble include the following: a spike in the number of detainee requests, incident reports, etc.; sullen, restless, and short-tempered detainees avoiding contact with staff (including eye contact).

Staff alertness to changes in facility "climate," promptly reported, can be of critical importance in defusing a potentially explosive situation.

Factors known to exacerbate tensions culminating in group disturbances include, but are not limited to:

- a. Racism;
- b. Heightened complaints about food;
- c. Dissatisfaction with the performance or attitude of the post officer;
- d. Increasing complaints about recreation, medical care, visiting, mail, etc.;
- e. Gang activity;
- f. Homosexual activity;
- g. Inaccurate or incomplete information about detainee cases or facility policies.

These are predictable and controllable. Alert staff can prevent these issues from festering until they erupt.

2. Staff Actions

Staff members will improve their chances of deflecting detainee unrest by:

- a. Discussing plans, programs, and procedures among themselves, and communicating as much as possible to detainees;
- b. Treating detainees fairly and impartially;
- c. Reducing opportunities for/causes of misunderstandings among detainees, e.g., by enforcing and explaining rules that prevent any individual or group from imposing its will on the rest of the population;
- d. Resolving misunderstandings/conflicts as they arise;
- e. Encouraging participation in work and recreational programs;
- f. Routinely reporting on facility climate and detainee attitudes to the Officer in Charge (OIC), who will follow-up as necessary; and
- g. Alerting supervisors at the first sign(s) of trouble, gang activity, group hostilities, etc.

Quick, decisive staff action can prevent the start or spread of a disturbance.

3. Pre-Incident Considerations

When all attempts to defuse a volatile situation have failed, the OIC will determine how to proceed, based on considerations of safety (detainees, personnel, general public); property protection; and, if applicable, the safety and welfare of hostages.

B. Contingency Plan Development

1. Basic Planning

- a. Every facility will designate the individual(s) responsible for developing and implementing plans for the contingencies/emergencies the facility could face (see section III.D., below). All plans will comply with the INS standards for confidentiality, accountability, review, and revision included in this section.

Each plan will include procedures for rendering emergency assistance to another INS facility. Assistance could take the form of supplies, transportation, temporary housing (for detainees, personnel, and/or TDY staff), etc.

In SPC/CDFs, the Chief Detention Enforcement Officer (CDEO) or Chief of Security is the individual responsible for developing each contingency plan and implementing it when an emergency situation occurs. He/she will tap the expertise of all department heads during the plan development process. Among other things, this inclusive process will ensure all departments have ownership of the plan.

- b. *Every SPC/CDF will develop cooperative contingency plans with local, State, and Federal law enforcement agencies, with a Memorandum of Understanding (MOU) documenting the terms of the cooperative agreements. District or facility legal staff should review references to arrest authority, use of force (both non-lethal and deadly), jurisdiction, outside-agency involvement, etc. The OIC and representatives from the affected agencies will cosign the MOUs. Simulated exercises testing the plans will occur on a regular basis. The plans will undergo annual reviews.*

If certain local, State, or Federal agencies decline to participate, the OIC will make periodic contact to revisit the issue.

2. Keeping Plans Current: Reviews, Revisions

Each facility shall designate an individual(s) to be responsible for scheduling and keeping the emergency plans current.

- a. *The CDEO/Chief of Security will plan and schedule the annual reviews.*
- b. *Every Department Head will participate in the facility's annual review of contingency plans.*
- c. *The CDEO/Chief of Security will update the plans as often as necessary to keep them current, forwarding all such revision(s) for OIC approval. If the OIC request changes, the CDEO/Chief of Security will incorporate the changes and resubmit the contingency plan(s) within 30 days. If the annual review results in no changes, the CDEO/Chief of Security will record this in the master file(s).*

3. Plan Organization

Policy and procedures common to most emergency situations will appear in the Contingency Plans' general section (see section III.D., below). Contingency-specific procedures will appear in contingency-specific sections immediately following the general section (see section III.E., below). These sections will not repeat policy and procedures stated in the general section. They will contain only the exceptions and/or additions to the general rules applicable to the particular contingency. preparing for and responding to emergencies, as required in the emergency situation(s).

4. Confidentiality

Every plan will include a statement prohibiting unauthorized plan disclosure. This applies equally to developmental stages and to the finished plans.

Staff will not discuss any aspect of a plan anywhere within earshot of a detainee or visitor.

The CDEO/Chief of Security will determine where copies of the various plans will be stored, and in what quantity. A master copy will be kept outside the secure perimeter, along with an itemized list of plans and where to find them. The CDEO/Chief of Security will implement a checkout system accounting for all plans at all times and equipped with safeguards against detainee access. The District Director's written approval is required to release contingency plan details to non-INS personnel.

The CDEO/Chief of Security will send a disk containing the facility's contingency plans to the District Director and Headquarters Detention and Removal, Operations (referred to below as "Headquarters"). The packages containing the disks will be marked "confidential."

C. Contingency Plan Implementation: General Requirements

The facility will establish written policy and procedures addressing, at a minimum: chain of command, command post/center, staff recall, staff assembly, emergency response team (ERT), use of force, videotaping, records and logs, employee conduct and responsibility, public relations, facility security, etc. (1-19 below)

The Regional Director will maintain constantly updated data on the physical capacities of individual facilities' in the Region. Among other things, this current and instantly accessible information about every detention facility in the Region will facilitate identification of the best source(s) of emergency assistance for a given facility at a particular time (see section III.B.1.a., above)

In SPCs/CDFs:

1. Chain of Command

The OIC will identify the chain of command for directing operations in an emergency.

2. Command Post/Center

The facility will set up a primary command post outside the secure perimeter. Command post equipment will, at a minimum, include the following:

- a. Internal/external phone capabilities. Of the two private outside lines recommended, one will be a speakerphone for back-and-forth conference calls among facility, District, and Regional command posts. The second line will handle all other calls. A separate line will handle internal communications;*
- b. Radio equipment (equipped for facility frequencies, local law enforcement communications and, if possible, other Federal law enforcement agencies);*
- c. Facility plot plan (including property maps, up-to-date blueprints of buildings, local maps, and overhead photographs);*
- d. Videotapes of building interiors within the secure perimeter (showing doors, windows, closets, ceilings, floors, etc.);*
- e. Escape-post kits, including maps, directions, etc. (see section III.D.4.b., below);*
- f. At least one copy of the contingency plans;*
- g. Hostage Negotiation Team equipment;*
- h. Videotape player/television;*
- i. Voice-activated recorder or conventional tape recorder;*
- j. Assault/breaching plans; and*
- k. Kit containing logbooks, blank rosters, purchase orders writing utensils, etc.*

To control incoming and outgoing Command Post traffic, the CDEO/Chief of Security may implement a pass system.

Command Post staffing will include, but is not limited to, the following:

- a. OIC or Incident Commander;*
- b. Assistant OIC;*
- c. CDEO/Chief of Security;*
- d. Person to log activities in chronological order;*
- e. Person to handle communications with the Regional and District Offices, maintaining open lines of communication throughout the situation; and, if available,*
- f. Person to control traffic in and out of the Command Post.*

To ensure alertness, Command Post staff must rotate shifts with personnel from the relief roster. Relief personnel will take over from the Command Post staff after each shift. They will also relieve staff for short breaks during each shift to avert the mistakes and misjudgments that fatigue or stress can cause.

The OIC will control the decision making process, at the discretion of the Regional or District Director.

The CDEO/Chief of Security will activate the Command Post at the OIC's direction. The activated Command Post will immediately open the conference-call line to the Regional and District Offices. Those offices will not necessarily open control centers at the same time, however; in conference-call consultation with the OIC, the Regional and District Directors may wait until the dimensions of the unfolding incident are known.

The facility's Command Post will remain activated 24 hours a day until the situation is resolved or the OIC determines it is no longer useful.

Ongoing emergency preparedness activities will include activating the Command Post phone lines and other logistical support systems, both to test equipment and to familiarize staff with the Command Post and its equipment.

3. Emergency-Recall List

The Control Officer will maintain the current home and/or cell-phone number of officers, administrative/support services staff, law enforcement agencies, ERTs, and Hostage Negotiation Teams; if inaccessible by phone, beeper/pager number, e-mail address, or other means of off-duty contact (approved by the OIC).

The SDEO/CDEO or contract equivalent will ensure the recall list is maintained as follows:

- a. On file in both Control Center and shift supervisor's office;*
- b. Maintained in a secure file;*
- c. Privacy Act-compliant;*
- d. For emergency recall or urgent business only; and*
- e. Updated quarterly.*

The file containing the recall list will prominently feature the following notice:

This information must be safeguarded. Use is restricted to those needing the information in the performance of their official duties. Misuse will subject the user to criminal liability. This agency will view any misuse of this information as a serious violation of the employee code of conduct, which may result in disciplinary action, including removal.

The OIC will develop and provide the Control Officer procedures for executing an all-staff recall. The Control Officer will also maintain the latest District and Regional Office numbers.

4. Assembly of Staff

The OIC will designate primary and secondary areas for staff assembly. The OIC will also designate backup areas for each, and specify exceptions, if any, for a particular contingency. Primary and secondary areas should be outside the detainee population's range of vision.

5. Emergency Response Teams (ERTs)

The OIC will establish one or more emergency response teams, as warranted by the detainee population. Establishing an ERT commits the OIC to providing the training and equipment without which the team cannot perform effectively.

If the facility does not have the capacity to form or maintain an ERT, the OIC will develop agreements (MOUs) or liaisons with local, State, or Federal agencies, as appropriate.

6. Use of Force

See the "Use of Force" standard.

Situations that might warrant the use of force include, but are not limited to, defense or protection of self or others, enforcement of facility regulations, prevention of a crime, and apprehension of a person who has committed a crime. In such situations, staff (use-of-force teams) will use no more force than necessary to gain control of the detainee(s).

Use of a chemical dispenser, stun gun, or baton is prohibited except in cases involving an armed, barricaded, or otherwise dangerous detainee, when the OIC may determine such action is warranted.

7. Use of Video Equipment

See the "Use of Force" standard.

The OIC will designate the staff member responsible for monitoring the quantity and freshness of batteries in the inventory, periodically replenishing the supply to ensure batteries will function during an extended emergency. Responsibilities include the recharging of video camera batteries, in accordance with the manufacturer's instructions. The Control Center will maintain at least one camera.

In SPCs/CDFs, the SDEOs/shift supervisors will be trained to use video equipment, along with designated staff. Training will include technical issues, such as how to identify tapes and photographs by date and location.

8. Records and Logs

The OIC will designate the Command Post staff member who will keep a chronological record of events during the emergency. This logbook will record, by date and time, all command-related decisions and discussions, including phone calls and radio transmissions.

9. News Media/Public Relations

The OIC will establish policy and direct staff on procedures for news media and public contact during emergency situations. Policy and procedures may vary from contingency to contingency; also from incident to incident. However, to the extent possible, the OIC will set forth-general policy, procedures, and contingency considerations or variables. (See also paragraph III.D.5.g., below.)

10. Facility Security

The OIC will provide written procedures for:

- a. Detainee recall and lockdown;*
- b. Counts (see "Population Counts" standard);*
- c. Intensifying security;*
- d. Security key access (issuance and accountability, drop chute, etc.); and*
- e. Evidence preservation.*

11. Health Services Responsibilities

The plan will specify procedures for providing immediate and follow-up medical care to detainees and staff under every emergency scenario.

12. Food Service Responsibilities

The plan will specify procedures for updating the Food Service Administrator on such issues as the number of people who will be on duty, requiring meals.

The Food Service Administrator (FSA) will make contingency plans for providing detainee and staff meals during an emergency. Among other things, these plans will include access to community resources, which the FSA will negotiate during the planning phase.

13. Maintenance Department Responsibilities

The plan will provide for emergency utility control, including plot plans identifying water and gas shut-off valves and electricity on-off switches.

14. Employee Conduct and Responsibility

The OIC will provide a statement of professional conduct and responsibility for inclusion in the plan. Among other things:

- a. The conduct and responsibility section will also instruct personnel on what to do if taken hostage, including:*
 - 1. Control emotions;*
 - 2. Stay calm; think before speaking or acting;*
 - 3. Accept reality of situation;*
 - 4. Use a mild tone when speaking with captors;*
 - 5. Observe captors, mentally noting their distinguishing characteristics, e.g., physical features, weapons, clothing, etc..*
- b. The OIC will supplement this general advice with site-specific instructions including, but not limited to, the following:*
 - 1. Responding to captors' orders;*
 - 2. Eye contact and other interactions with captor(s);*
 - 3. Telephone communications;*
 - 4. Escape attempts.*

15. Facility Access Routes

The plan will specify alternative means of reaching the facility for emergency staff if the main approach becomes dangerous or inaccessible (e.g. during a civil disturbance, adverse weather conditions, fire, etc.).

16. Nearby Residents

The plan will specify how and when staff will notify nearby residences of the situation, including type of emergency, actions being taken, evacuation routes, if applicable, and special precautions.

17. Reporting Procedures

The OIC will develop written procedures for staff to follow when reporting an emergency.

18. Communications Equipment/Radio

The plan will specify whether the remote battery-charging units will be maintained in the Control Center or outside the secure perimeter (see Section III.C.2., above).

19. Post-Emergency Procedures

The post-emergency part of the plan will include, among other things, the following action items:

- a. Segregating the detainees involved in the incident;*
- b. Collecting written reports;*
- c. Preserving evidence;*
- d. Accountability (equipment, staff, etc.);*
- e. Damage assessment and repair;*
- f. Injury documentation;*
- g. Coordinating legal actions/prosecutions;*
- h. Staff debriefing and follow-up;*
- i. General review and critique of the emergency operations/management, with follow-up agenda, including, but not limited to:*
 - 1. monitoring the detainee climate;*
 - 2. revising the Contingency Plan.*

D. Contingency Plans

All facilities will compile INS approved individual contingency plans, as needed, in the following order:

- | | |
|------------------------|--|
| 1. Fire | 8. Adverse Weather |
| 2. Work/Food Strike | 9. Civil Disturbance |
| 3. Disturbance | 10. Environmental Hazard |
| 4. Escape | 11. Detainee Transportation System Emergency |
| 5. Hostages (Internal) | 12. Evacuation |
| 6. Search (Internal) | 13. Service wide Lockdown |
| 7. Bomb Threat | # Site-specific concerns, if any |

These mini-plans will specify only contingency-specific divergences from the general plan (section III.D, above) for INS and CDF and IGSA guidance. IGSA facilities will use the following as guidance. Examples follow.

1. Fire: Chain of Command

The Safety or Maintenance Foreman will develop a comprehensive Fire Control Plan.

The CDEO/Chief of Security will develop a procedural outline for the SDEO/shift supervisor to follow in the event a fire occurs during non-duty hours.

2. Work/Food Strike: Appraising the situation

The OIC will consider the following before determining which course of action to pursue:

- a. Whether strikers have announced when the strike will end;*
- b. Violence;*
- c. The number of detainees involved;*
- d. The prospects for neutralizing the problem.*

3. Disturbance (Internal): Command Post

After determining the course of action to pursue, the OIC will direct staff to implement the action plan, which will cover, at a minimum:

- a. Controlling utilities;*
- b. Available emergency entrances, e.g., Food Service, housing areas, etc.;*
- c. ERT/other staff and equipment;*
- d. Dispensing chemical agents in specific areas;*
- e. Perimeter security, including crowd, traffic, and media control;*
- f. Shutting down detainee telephone systems;*
- g. Notification of outside agencies;*
- h. Remove controlled substances from pharmacy area.*

4. Escape: Staff Deployment; Equipment; Air Escape

- a. The OIC will deploy staff to primary, secondary, and directional escape posts, designating a timekeeper/recorder for each:*
 - 1. Primary-fixed and mobile posts near the facility;*
 - 2. Secondary-fixed and mobile posts beyond the immediate facility area;*
 - 3. Directional Posts-no fixed location based on situational intelligence, which should produce a direction for the search.*

The OIC will immediately notify local, State, and Federal law enforcement agencies of the escape.

b. Escape-post equipment kits will be stored in the Command Center. Each kit will include, at a minimum:

- 1. Flashlight;*
- 2. Restraints (handcuffs and/or flexcuffs);*
- 3. Packet containing post location, map(s), fact sheet highlighting arrest authority, search procedures, apprehension techniques, etc.;*
- 4. Radio;*
- 5. Binoculars, if applicable.*

c. Procedures applicable to an escape by aircraft:

- 1. Obtain aircraft description: colors, registration or tail number, direction of flight, etc.;*
- 2. Notify local law enforcement and Federal Aviation Administration;*
- 3. Firing on aircraft is prohibited, with one exception. Staff may return fire originating from the aircraft. Even in that case, however, the usual deadly-force considerations apply. Staff must weigh the consequences of any such action, e.g., the aircraft may crash into a building, the pilot may be under duress, etc.*

5. Hostage Situations: Regional Plan, Team Formation and Preparations, Chain of Command, Negotiations, Status of Certain Involved Officials and Staff

a. INS Regional Hostage Situation Management Plan

The Regional Hostage Situation Management Plan will make available the essential logistical support, local and/or backup resources (equipment, expertise, personnel) to any affected facility in the Region.

- 1. The Regional Office and Headquarters will jointly provide designated facilities with well-trained and -equipped hostage negotiators/Hostage Negotiation Teams.*
- 2. The Regional Office's plan will identify, for each facility, the backup personnel, mental health professionals, and others as needed during a prolonged crisis. The Regional Office will maintain a list of all INS hostage-negotiation trainers/consultants and trained negotiators in the Region.*

3. *The Regional Director, in consultation with the District Director and the OIC, will ensure the availability of Victim Assistance Teams, consisting of trained counselors/therapists. The Victim Assistance Team will provide post-crisis services to staff and families. Upon request, the Teams will assist facilities develop site-specific emergency plans for victims and their families.*

b. Hostage Negotiation Teams: Formation and Preparations

1. *The core negotiation group (generally the team leader, primary negotiator, and mental health expert) for every facility will attend Hostage Negotiation Training.*
 - a. *Requirements for the team leader include: experience and skill applying hostage negotiation principles and strategies, working effectively under stress, and proven leadership ability. The OIC will generally select a department head the team leader.*
 - b. *Negotiators must possess strong verbal/interpersonal skills, personal maturity, a commitment to negotiation as the key to conflict resolution, flexibility, and a history of working well under pressure.*
2. *Headquarters will maintain a roster of INS personnel trained in hostage negotiation, qualified and available for work on a Hostage Negotiation Team in any INS facility. Regional Offices will receive copies of the roster, including all updates and revisions.*
3. *Hostage Negotiation Team members will convene for no less than eight hours of duty time every quarter to plan, practice negotiation scenarios, consult with other law enforcement agencies, etc. To solidify working relations and complementary strategies and techniques/tactics, an ERT member will serve as team liaison. As such, he/she will routinely attend the negotiation team's monthly sessions.*
4. *Whenever possible, the negotiation team will conduct joint training sessions with negotiators from other law enforcement agencies. In addition to such sessions, which should take place annually, the team will maintain contact with counterparts in other agencies.*
5. *Training exercises integrating the activities of the Command Post, Hostage Negotiation Team, and ERT will occur every six months. These training exercises will underscore the importance of a total facility response to a hostage situation. As participants collaborate and interact, they will experience how the other operational teams think and function, and what each can contribute in a crisis.*

6. *Every negotiation team will require access to portable communication equipment, or "throw phones." To operate the equipment when needed, in an emergency, team members will need also need access to throw phones for routine practice sessions, to familiarize themselves with the equipment and master its use. A communications equipment expert, thoroughly familiar with the operation of the "throw phone", should be available to each negotiation team during practical exercises.*

c. Chain of Command

As a general rule, the District Director (DD) has the authority to resolve a hostage situation. However, the Regional Director may assume control of a large-scale operation involving coordination with other INS components and law enforcement agencies.

1. *The OIC will immediately phone the District Director, who will in turn notify the Regional Director, to report a hostage situation. The OIC will assign a senior manager to serve as liaison with the Region and Headquarters.*
2. *The OIC will notify the FBI and other agencies, as appropriate, of the situation.*
3. *Under no circumstances will external law enforcement agencies have/assume command authority.*

d. Contain Disturbance; Secure Facility

1. *Prevent movement into or out of the scene of the hostage area;.*
2. *Add exterior, armed patrols;*
3. *Terminate detainee telephone usage;*
4. *Curtail staff radio usage;*
5. *Remove visitors and civilians, including contract employees and volunteers;*
6. *Recall detainees for immediate official count;*
7. *Remove detainees from the hostage area; if in a housing unit, move detainees into temporary housing, in accordance with written, site-specific procedures;*
8. *Conduct staff roll call, in accordance with written procedures, to determine the number and identity of hostages.*

e. Negotiations

The OIC will have no hands-on involvement in the negotiation process. Once the emergency response team has contained and stabilized the immediate situation, the trained Hostage Negotiation Team will take over.

1. *Hostage negotiators act as intermediaries between the Command Post and the hostage-takers. They keep the lines of communication with the captors open, maintaining calm while working toward a nonviolent resolution.*

2. *The Hostage Negotiation Team will generally include:*

- a. Team leader (manages negotiations; Command Post liaison);*
- b. Primary negotiator (communicates directly with hostage takers);*
- c. Secondary negotiator (advises/assists/spells primary negotiator);*
- d. Mental health professional (observes, provides psychological analyses/assessments and advice; monitors stress levels/emotional climate; and*
- e. Note taker (documents every communication to/from hostage taker(s)).*

The team may expand to include BORTAC liaison, intelligence gathering, and communications-equipment expertise.

Detention staff, psychologists, and chaplains will perform their usual duties during a hostage situation. They will not serve as negotiators.

- 3. *Hostage negotiators will have no decision-making authority. Negotiators will maintain close contact with the decision-makers and persons in charge of tactical assault teams via periodic briefings on the status of the negotiations.*
- 4. *Certain issues are not open to negotiation, such as releasing the hostage-taker(s) from custody, providing weapons, arranging a hostage exchange, and immunity from prosecution.*
- 5. *Third party participation in negotiations will be consultative only.*
- 6. *Unless formally involved in the negotiations, staff will have no contact with the hostage-takers.*

f. Status of Certain Involved Officials and Staff During and After Hostage-Taking

- 1. *Regardless of the individual's rank or authority under normal conditions, facility personnel will discount instructions/orders/suggestions from any superior or other staff member in hostage status.*
- 2. *A staff member with a relative or close associate among the hostages will be relieved from duty, responsibility, and authority pending resolution of the incident.*
- 3. *Emergency plans will specify the procedures for screening freed hostages for medical and psychological problems. The U.S. Public Health Service (USPHS) will coordinate and conduct the screenings and debriefings of all hostages and other employees involved in the disturbance. Psychological screenings will take place within 36-48 hours of the hostages' release. The psychological sessions will guide decisions about counseling/therapy and work reentry.*
- 4. *The USPHS will advise the senior official in charge of any employees who may be unfit for duty.*

5. *The OIC will debrief the hostages after their psychological and medical screenings, unless the USPHS advises postponement.*
6. *Emergency plans will also provide for the debriefing of personnel not taken hostage, but significantly involved in the operation to free the hostages.*

g. Hostage-Family Services

1. *The OIC will notify the hostages' families of the situation as early as possible.*
2. *If the situation is not resolved quickly, the Assistant District Director/DD will identify the members of the Victim Assistance Team, directing them to establish a family service center at the facility. The Victim Assistance Team will be distinct from the Hostage Negotiation Team. The two teams will have no members in common.*
3. *At the family service center, the Victim Assistance Team will provide members of affected families with accurate information, updates and breaking news, and professional advice and help. Among other things, the families may form mutual support groups.*
4. *The Victim Assistance Team will directly address children's stress and stress-generated behavior. The Employee Assistance Program may assist with the family's stress management.*

h. Media

The staff member handling press releases and inquiries will comply with the "Visitation" standard. Among other things, his/her responsibilities during a hostage situation will include:

1. *Situating media representatives in an area where their presence will not interfere with emergency operations;*
2. *Arranging regular briefings; and*
3. *Liaising with the Victim Assistance Team, if necessary.*

6. Search (Internal): Teams, Equipment

a. Search Teams

1. *The SDEO/shift supervisor will serve as search coordinator, dispatching a separate search team for every missing detainee.*
2. *Every search team will consist of at least two officers.*

3. *At least one member of the team will be thoroughly familiar with the assigned search area.*
4. *Before sending out the search teams, the SDEO instruct them on which keys to draw, which search method to use, areas with nonstandard construction features (temporary or permanent); and the designated radio frequency.*

b. Equipment

1. *Master blueprint or schematic for search coordinator;*
2. *Separate blueprints for each search area;*
3. *Radios (one per team);*
4. *Flashlights;*
5. *Restraints;*
6. *Ladders;*
7. *Tools as needed;*
8. *Riot batons.*

7. Bomb Threat: Immediate Response, Procedures, Explosion, Investigation

a. Immediate Response

1. *The OIC will develop a "script" for staff to follow upon receiving a telephoned bomb threat. Personnel will have instant access to the scripted questions at every staff telephone. The goal is to secure the following information from/about the caller:*
 - a. *Bomb location*
 - b. *Time set for detonate*
 - c. *Type of explosive*
 - d. *Caller's affiliation/self-identification (credibility of threat)*
 - e. *Caller's gender, accent, tone, other characteristics.*
2. *The OIC will instruct staff to consider suspect any letter or package with:*
 - a. *oily/greasy stains/discoloration;*
 - b. *an incorrect title/honorific/department for the addressee;*
 - c. *the addressee's name misspelled;*
 - d. *disproportionate weight relative to the size of the envelope or box;*
 - and/or:*
 - e. *without a return address.*
3. *Upon receipt of a written threat, staff will treat the paper or other means of communication as they would any other evidence. This means preventing unauthorized handling of the material, and saving all material associated with the delivery (e.g., envelope, wrapping).*

4. *Staff will elicit as much information as possible from the person who has delivered an in-person threat before escorting him/her to the SDEO/shift supervisor.*

b. Search Procedures

1. *The SDEO/shift supervisor will notify the local fire department and hospital, in addition to the OIC, Safety/Maintenance Foreman, Chief of Security, and other facility officials.*
2. *Teams will report any suspicious object immediately upon discovery. At least one member of each search team will know the assigned area well enough to spot changes, e.g., unusual objects, items moved from their normal locations, etc.*
3. *If appropriate, the OIC will order a power shutdown.*

c. Finding a Bomb: Procedures

1. *Team members will keep as still as possible, turning off lights, radios, body alarms, etc. They will touch nothing.*
2. *Incoming traffic will cease.*
3. *The SDEO/shift supervisor will notify the bomb removal agency listed in the written procedures.*
4. *Officers will clear the surrounding area.*

d. After an Explosion

1. *The Safety/Maintenance Foreman will implement precautionary measures, in accordance with written procedures, assuming:*
 - a. *structural damage*
 - b. *additional bomb(s).*
2. *The Bureau of Alcohol, Tobacco, and Firearms, the Federal Bureau of Investigations, the Fire Chief or other explosive expert will conduct the investigation.*
3. *Among other things, investigators will attempt to determine the target of the explosion: individual(s), object, activity, or escape.*

8. Adverse weather: Control Center

After defining and mapping the interior- and perimeter-post areas, the OIC will:

- a. Prepare a separate map showing locations of all unarmed, interior posts. Set up and equip fog-patrol posts; establish procedures and assign responsibility for ensuring equipment is available and in working order at all times.*
- b. Prepare another map showing locations of all perimeter/exterior posts. Identify each as armed or unarmed. List the weapons to be used at armed posts, and where they can be drawn.*

Store multiple copies of the interior- and perimeter-post maps in the Control Center.

9. Civil Disturbance: Scenarios; Procedures

a. Scenarios

The plan will address various scenarios, for example, a single event (small/large); several coordinated events at one or more locations, at one or time or staggered times; type of event and individuals involved; other law enforcement agency involvement. Depending on the scenario, the plan will specify procedures for multiple deployments involving the same and/or different kinds of equipment and teams, in the event of simultaneous demonstrations.

b. Basic Procedures

The plan will specify procedures for standard activities, including, but not limited to, the following:

- 1. Denying access to facility property (barricades, roadblocks, etc.);*
- 2. Using riot equipment with the general public;*
- 3. Notifying/involving other law enforcement agencies;*
- 4. Establishing detention areas;*
- 5. Marking unmarked property lines;*
- 6. Medical care.*

10. Detainee Transportation System

If an emergency occurs while detainees are being transported, the OIC will, upon request, provide any or all of the following:

- a. vehicular escort*
- b. personnel.*
- c. mechanical assistance*
- d. medical assistance*
- e. transportation (if vehicle disabled)*

- f. notification to other law enforcement agencies
- g. holdover lodging.

11. Environmental Hazard: Safe Harbors; Procedures

a. *Safe Harbors*

The OIC will identify and equip "safe harbor" area(s) in the facility. These designated areas will have the capacity to house a large number of detainees safely and securely for two or three days (gym, auditorium, food service area, etc). Every designated safe harbor will maintain supplies of, among other things, duct tape, plastic, and other items intended for use during an environmental hazard.

Every department (food service, medical, maintenance, recreation, administration, etc.) will have written procedures, and at least three days' provisions, for use in temporary quarters. The objective is to disrupt the daily routine as little as possible.

b. *Procedures*

1. *The OIC will designate an officer to supervise a detainee crew to seal off the specified area(s) in a timely manner. Staff and detainees will receive the necessary training as part of the facility's emergency-preparedness training program. The plan will specify how often and where the specialized training will occur. It will also specify the number of employees and detainees to receive the training.*
2. *The Safety/Maintenance Foreman will, if necessary, shut down ventilation units (cooling/heating systems, fans, etc.).*
3. *The SDEO/shift supervisor will direct the detainees' orderly transfer to the safe harbor area(s).*
4. *Staff will transport detainee identification cards to the safe harbor area(s), to ensure accountability.*
5. *Detainees may take no personal property into safe harbor areas, with the exception of life-sustaining, prescribed medicine.*
6. *When the danger has passed, the SDEO/shift supervisor will direct the detainees' return to their housing areas. Staff will conduct a population count upon the return to the housing units.*
7. *If environmental conditions worsen or fail to improve within an acceptable time frame, the OIC will implement the facility's Evacuation Plan.*

12. **Evacuation**

The OIC will have emergency contracting authority during the officially approved evacuation.

- a. The facility's plan will factor in all variables, and combinations of variables, that may precipitate or affect a mass evacuation, such as the following contingencies, and their repercussions:*
 - 1. minimal warning/preparation time;*
 - 2. weather-related complications e.g., tornadoes, hurricanes, blizzards, etc.*
 - 3. an area-wide disaster would limit facility access to State and local emergency services (police, fire department, hospitals, military) and transportation provider;*
 - 4. at least 10 percent of the staff will fail to respond when recalled (the type and scope of the emergency will determine whether and by how much that percentage will increase).*
- b. For every evacuation scenario prepared in accordance with paragraph III.D.12.a., above), the plan will:*
 - 1. Identify and prepare a list of suppliers to provide essentials during the emergency;*
 - 2. Prepare an alternative list, identifying product substitutions and alternative suppliers;*
 - 3. Assign priorities among the essentials listed, recognizing the likelihood of shortages occurring during an area-wide emergency*
- c. The OIC will secure as many signed contracts, agreements, and commitments for transportation and supplies when all Federal and other public-sector resources are unavailable (see also paragraph III.B.1.b., above).*
- d. Pre-Evacuation Procedures*
 - 1. Emergency staff recall (time permitting);*
 - 2. Implement procedures to retrieve/pack detainees' personal property, central files, medical records, etc.;*
 - 3. Department by department, implement procedures to transport material needed to conduct daily operations at the temporary site: personnel files, blank rosters, forms, etc.;*
 - 4. Deploy emergency equipment;*
 - 5. Notify State and local authorities; and*
 - 6. Conduct (exit) emergency count.*

e. Facility Shutdown

- 1. Verify count;*
- 2. Implement internal search plan, if appropriate;*
- 3. Apply emergency utility controls (see section III.C.13., above); and*
- 4. Secure site, to extent possible.*

f. Transition to Temporary Site

- 1. Confirm the previously projected number of vehicles needed for:*
 - a. detainees*
 - b. supplies.*
- 2. Record vehicular data, including number and source(s);*
- 3. Reconfirm security arrangements with other INS components, the Bureau of Prisons, U.S. Marshals Service, local and State agencies, and the military;*
- 4. Separate Special Management Unit detainees before moving, individually or as a group, to another such unit or to a local detention facility equipped to accommodate SMU detainees' security needs;*
- 5. Confirm staffing/assignments, including TDY arrangements.*

13. Service-wide Lockdown

Headquarters will notify District Directors; District Directors will notify OICs.

a. The OIC will implement the following lockdown procedures:

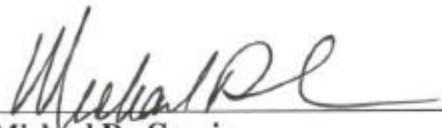
- 1. Emergency count;*
- 2. Conduct staff briefing (may include interim increase to 12-hour shifts);*
- 3. Suspend detainee access to telephones and televisions;*
- 4. Suspend visitation (staff will attempt to contact individuals with visits planned). Detainees may notify interested persons of the lockdown/suspension of visits by mail;*
- 5. Redirect meal service from Food Service area to housing units;*
- 6. Activate the Command Post;*
- 7. Contact specialized personnel/teams, as appropriate (TIAC, ERT, etc.);*
- 8. Enforce professional dress code.*

- b. The OIC will inform the detainees, in writing, why the lock-down is necessary, what to expect, and how long it is likely to last. The OIC will provide this detainee notification as soon as possible after implementing the immediately necessary procedures (as provided in preceding paragraph).*
- c. Health Services staff will make their regularly scheduled rounds.*
- d. The OIC will relax the lockdown systematically, according to written procedures.*
- e. Normal operations-meals, recreation activities, showers, etc.-will resume one unit at a time.*

IV AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3ALDF-3B-10, 3B-11,


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

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

Policy All facilities holding INS detainees will respond to emergencies with a predetermined standardized plan to minimize the harming of human life and the destruction of property. It is recommended that SPCs and CDFs enter into agreement, via Memorandum of Understanding (MOU), with federal, local and state agencies to assist in times of emergency.

EMERGENCY (CONTINGENCY) PLANS			
Components	Yes	No	Remarks
1. Does any detainee or detainee group exercise control or authority over other detainees?			
2. Are detainees protected from: a. Personal abuse? b. Corporal punishment? c. Personal injury? d. Disease? e. Property damage? f. Harassment from other detainees?			
3. Is staff trained to identify signs of detainee unrest? a. What type of training and how often?			
4. Does staff effectively disseminates information on facility climate, detainee attitudes, and moods to the Officer In Charge (OIC)? a. From the OIC to line staff?			
5. How many persons are responsible for emergency plans? a. For plan implementation?			
6. Does the plan address the following issues: a. Confidentiality? b. Accountability (copies and storage locations)? c. Annual review procedures and schedule? d. Revisions?			
7. Does every contingency plan include the comprehensive general section with procedures applicable to all emergency situations? a. Do individual plans repeat material from the general section or only contingency-specific instructions? b. Are the plans brief, focused on immediate action?			

EMERGENCY (CONTINGENCY) PLANS			
Components	Yes	No	Remarks
8. Has the facility worked out cooperative contingency plans with: a. Local law enforcement agencies? b. State agencies? c. Federal agencies?			
9. Do all staff receive copies of Hostage Situation Management policy and procedures? If yes: a. Who makes decisions about/resolves a hostage situation? b. Who exercises authority in a large-scale incident involving coordination of resources with other INS facilities and law enforcement agencies? c. Does the facility have/have access to trained hostage negotiators?			
10. Is staff trained to disregard instructions from hostages, regardless of rank? a. How soon after release are hostages screened for medical and psychological effects? b. Who coordinates this screening process?			
11. Do procedures ensure facility support services for hostages' families? a. What are those procedures?			
12. Does a review team visit the facility after every hostage-taking?			
13. Does the Region have a Hostage Situation Management Plan? a. If yes, does it function effectively when needed? b. Who monitors the quality of Emergency Response Teams' training and equipment? c. Who monitors the quality of Hostage Negotiation Teams' training and equipment? d. Is an up-to-date list of negotiations-trainers and trained negotiators/consultants always available from the Region?			
14. Does plans include emergency medical treatment for staff and detainees during and after an incident?			
15. Does the food service maintain at least 3-days' worth of emergency meals for staff and detainees? a. Who monitors/replaces supplies?			

EMERGENCY (CONTINGENCY) PLANS			
Components	Yes	No	Remarks
16. Do written plans locate shut-off valves and switches for all utilities (water, gas, electric)?			
17. Do plans describe alternative routes to the facility?			
18. Do emergency procedures include notification of neighbors?			
19. Do plans specify procedures for post-emergency debriefings and discussion?			
20. Does the OIC periodically schedule emergency "drills" to test the facility's emergency preparedness (readiness to implement contingency plan(s)) ? a. Are the plans reviewed annually?			
21. Do written procedures cover: a. Work/Food Strike? b. Disturbances? c. Escapes? d. Bomb Threats? e. Adverse Weather? f. Internal Searches? g. Facility Evacuation? h. Detainee Transportation System Plan? i. Internal Hostages? j. Civil Disturbances?			

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

EMERGENCY (CONTINGENCY) PLANS

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. Facility's written policy and procedures			
B. Reviewing facility records			
C. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

ENVIRONMENTAL HEALTH AND SAFETY

I. POLICY

Each facility will establish a hazardous materials program for the control, handling, storage, and use of flammable, toxic, and caustic materials. This will protect detainees, staff, and visitors, preventing breaches in safety and security. Among other things, the facility will include the identification and labeling of hazardous materials in accordance with applicable regulations, standards and codes (Occupational Safety and Health Administration (OSHA), National Fire Protection Association, etc.); will provide warnings of incompatible materials, etc.

II. APPLICABILITY

The standards provided in this Detention Standard will 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

Every facility will establish a system for storing, issuing, and maintaining inventories of and accountability for hazardous materials. Adopting such a system may require changes in facility storage methods, inventory maintenance, and recordkeeping. The system's effectiveness will depend on staff and detainees following instructions precisely and taking prescribed precautions, including using safety equipment.

A. Inventories

Every area will maintain a running inventory of the hazardous (flammable, toxic, or caustic) substances used and stored in that area. Inventory records will be maintained separately for

each substance, with entries for each logged on a separate card (or equivalent). That is, the account keeping will not be chronological, but filed alphabetically, by substance (dates, quantities, etc.).

B. Material Safety Data Sheets (MSDSs); Files

Every area using hazardous substances will maintain a self-contained file of the corresponding Material Safety Data Sheets (MSDSs). The MSDSs provide vital information on individual hazardous substances, including instructions on safe handling, storage, and disposal, prohibited interactions, etc. Staff and detainees will have ready and continuous access to the MSDSs for the substances with which they are working while in the work area.

Because changes in MSDSs occur often and without broad notice, staff must review the latest issuance from the manufacturers of the relevant substances, updating the MSDS files as necessary.

The MSDS file in each area should include a list of all areas where hazardous substances are stored, along with a plant diagram and legend. Staff will provide a copy of this information and all MSDSs contained in the file, forwarding updates upon receipt, to the Maintenance Supervisor or designate.

C. Master Index

The Maintenance Supervisor or designate will compile a master index of all hazardous substances in the facility, including locations, along with a master file of MSDSs. He/she will maintain this information in the safety office (or equivalent), with a copy to the local fire department. Documentation of the semi-annual reviews will be maintained in the MSDS master file.

The master index will also include a comprehensive, up-to-date list of emergency phone numbers (fire department, poison control center, etc.).

D. Personal Responsibility

Every individual using a hazardous substance in the facility must be familiar with and follow all prescribed precautions, wear personal protective equipment when necessary, and report hazards or spills to the designated authority.

E. General Guidelines

1. Issuance: Flammable, caustic, and toxic substances (hazardous substances) will be issued (i.e., drawn from supply points to canisters or dispensed) only under the supervision of the designated officer.
2. Amounts: A hazardous substances will be issued in single-day increments, i.e., the amount needed for one day's work.

3. Supervision: Qualified staff will closely monitor detainees working with hazardous substances.
4. Accountability: Inventory records for a hazardous substance must be kept current before, during, and after each use.

F. Specific Guidelines for Storage, Use, and Disposal of Flammable and Combustible Liquids

1. Any liquid or aerosol labeled “Flammable” or “Combustible” must be stored and used as prescribed on the label, in accordance with the Federal Hazardous Substances Labeling Act, to protect both life and property.
2. Lighting fixtures and electrical equipment installed in flammable-liquid storage rooms must meet National Electrical Code requirements for same in hazardous locations.
3. Every hazardous-material storage room will:
 - a. Be of fire-resistant construction and properly secured;
 - b. Have self-closing fire doors at each opening;
 - c. Be constructed with either a four-inch sill or a four-inch depressed floor; and
 - d. Have a ventilation system (mechanical or gravity flow) within 12 inches of the floor, which provides at least six air changes per hour.
4. Every storage cabinet will:
 - a. Be constructed according to code and securely locked at all times;
 - b. Stand clear of open passageways, stairways, and other emergency exit areas;
 - c. Be conspicuously labeled: “Flammable—Keep Fire Away”; and
 - d. Contain either 60 gallons, maximum, of Class I and/or Class II liquids or 120 gallons, maximum, of Class III liquids.
5. Storage rooms and cabinets cannot be entered except under secure conditions, under the supervision of authorized staff.
6. A portable container that is not the original shipping containers must be an approved safety can, listed or labeled by a nationally recognized testing laboratory. Each will bear a legible label that identifies its contents.
7. Excess liquids will remain in original containers, tightly closed, in the storage room or cabinet.

8. The MSDS will govern use of a particular flammable or combustible liquid.
9. Only authorized staff will dispense flammable and combustible liquids dispensed only by an authorized staff member, using acceptable methods for drawing from or transferring these liquids.

Drawing from or transferring any of these liquids into containers indoors is prohibited unless:

- a. Through a closed piping system;
- b. From a safety can;
- c. By a device drawing through the top; or
- d. By gravity, through an approved self-closing system.

An approved grounding and bonding system must be used when liquids are dispensed from drums.

10. Without exception, cleaning liquids must have a flash point at or above 100° F (e.g., Stoddard solvents, kerosene). Cleaning operations must be in an approved parts-cleaner or dip tank fitted with a fusible link lid with a 160° F melting-temperature link.
11. Staff will follow MSDS directions in disposing of excess flammable or combustible liquids.
12. Likewise, staff will follow the method provided in the MSDS in case of a chemical spill.

G. Toxic and Caustic Substances

1. All toxic and caustic materials must be stored in secure areas, in their original containers, with the manufacturer's label intact on each container.
2. Authorized staff only will draw/dispense these substances, in accordance with the applicable Material Safety Data Sheet(s).
3. Staff will either return unused amounts to the original container(s) or, under certain circumstances, to another suitable, clearly labeled container in the storage area..
4. MSDS directions will determine the disposal and spill procedures for toxic and caustic materials used in the facility.

H. Poisonous Substances

1. Poisonous substances or chemicals pose a very high (Class I) caustic hazard due to their toxicity, e.g., methyl alcohol, sulfuric acid, muriatic acid, caustic soda, tannic acid, etc.

2. Methyl alcohol, variously referred to as wood alcohol and methanol, is commonly found in industrial applications (e.g., shellac thinner, paint solvent, duplicating fluid, solvents for leather cements and dyes, flushing fluid for hydraulic brake systems). If ingested, methyl alcohol can cause permanent blindness or death.
3. Staff must directly supervise the use of any product containing methyl alcohol. Products containing methyl alcohol in a diluted state, such as shoe dye, may be issued to detainees, but only in the smallest workable quantities.
4. Immediate medical attention is vital any time methyl alcohol poisoning is suspected.

I. Other Toxic Substances

1. Permanent antifreeze containing ethylene glycol will be stored in a locked area and dispensed only by authorized staff.
2. Typewriter cleaner containing carbon tetrachloride or trichloroethane will be dispensed in small quantities and used under direct supervision by staff.
3. Cleaning fluids containing carbon tetrachloride or trichloroethylene must be strictly controlled.
4. Glues of every type may contain hazardous chemicals. When use of a nontoxic product is not possible, staff must closely supervise all stages of handling. The toxic glues must be stored in a locked location.
5. The use of dyes and cements for leather requires close supervision. Nonflammable types will be used whenever possible.
6. Ethyl alcohol, isopropyl alcohol, and other antiseptic products will be stored and used in the medical department only, under close supervision. To the extent practicable, such chemicals will be diluted and issued only in small quantities so as to prevent any injuries or lethal accumulation.
7. Pesticides not currently approved by the Environmental Protection Agency, such as DDT and 1080 (sodium fluoracetate), are prohibited. The Maintenance Supervisor or designate is responsible for purchasing, storing (in a locked area), and dispensing all the pesticides used in the facility.
8. The Maintenance Supervisor or designate or other staff member responsible for herbicides must hold a current state license as a Certified Private Applicator. Persons applying herbicides must wear proper clothing and protective gear.
9. Lyes may be used only in dye solutions and only under the direct supervision of staff.

J. Labeling of Chemicals, Solvents, and Other Hazardous Materials

The OIC will individually assign the following responsibilities associated with the labeling procedure:

1. Identifying the hazardous nature of materials adopted for use;
2. Requiring use of properly labeled containers for hazardous materials, including any and all miscellaneous containers into which employees might transfer the material;
3. Teaching staff the meaning of the classification code and the MSDS, including the safe handling procedures for each material,; and impressing on staff the need to ensure containers are properly labeled; and
4. Placing correct labels on all smaller containers when only the larger shipping container bears the manufacturer-affixed label;

K. Controlled Hazardous Materials

Certain substances require special treatment, including careful planning before use, which goes beyond attention to the warning label. These controlled materials are classified according to the type of hazard and the nature of the restrictions imposed for their safe use, as specified in OSHA regulations.

Class I: Industrial Solvents. Includes industrial solvents and chemicals used as paint thinners, degreasers, and cleaning agents that may have toxic properties and low flash points, making them dangerous fire hazards.

Class II: Restricted Materials. Beryllium, its alloys and compounds, and silver solder containing cadmium pose a danger to workers, for whom special precautions must be taken.

Class III: Recognized Carcinogens. OSHA-listed carcinogens are governed by the OSHA regulations provided in 29 CFR 1910.1000. Although asbestos appears on the OSHA list, it is exempt from the regulation under the following circumstances: (i) when no asbestos fibers will be released into the air during handling and use; and (ii) when the asbestos in question consists of firmly bound asbestos fibers contained in a product, e.g., a transit pipe, wallboard, or tile, except when being sawed or otherwise handled in a way that releases fibers into the air.

Class IV: Suspected Carcinogenic, Teratogenic, and Mutagenic Materials: Chemical agents, substances, mixtures, and exposures listed in the biennial *Report on Carcinogens* issued by the U.S. Public Health Service, in accordance with the Public Health Service Act; the Maintenance Supervisor or designate will ensure the facility has and complies with the provisions of the latest edition.

L. FIRE PREVENTION AND CONTROL

1. Fire Safety Codes

Every facility will comply with standards and regulations issued by the Environmental Protection Agency (EPA) and OSHA, the American Correctional Association's "mandatory" standards, local and national fire safety codes, and the applicable standards of the American Society for Testing and Materials, American National Standards Institute, and Underwriters' Laboratories or Factory Mutual Engineering Corporation.

New construction, alterations, and renovations, will comply with the latest revision or update of the BOCA National Building Code (issued by Building Officials and Code Administrators International); the Uniform Building Code, or the Standard Building Code, in accordance with 40 USC Title 619 and local law. If the local government does not mandate adherence to a particular code, the construction must conform to the BOCA National Building Code.

In addition, the construction will comply with the latest edition of the National Fire Protection Association's *NFPA 101, Life Safety Code* and *National Fire Codes*. If the fire protection and life safety requirements of a building code differ from the *NFPA 101* or the *National Fire Codes*, the requirements of NFPA 101 and the NFCs will take precedence, recognized as equivalent to the specifications of any local building code.

2. Inspections

A qualified departmental staff member will conduct weekly fire and safety inspections; the maintenance (safety) staff will conduct monthly inspections. Written reports of the inspections will be forwarded to the OIC for review and, if necessary, corrective action determinations. The Maintenance Supervisor or designate will maintain inspection reports and records of corrective action in the safety office.

3. Fire Prevention, Control, and Evacuation Plan

Every institution will develop a fire prevention, control, and evacuation plan to include, among other thing, the following:

- a. Control of ignition sources;
- b. Control of combustible and flammable fuel load sources;
- c. Provisions for occupant protection from fire and smoke;
- d. Inspection, testing, and maintenance of fire protection equipment, in accordance with NFPA codes, etc.;

- e. Monthly fire inspections;
- f. Installing fire protection equipment throughout the facility, in accordance with *NFPA 10, Standard for Portable Fire Extinguishers*;
- g. Accessible, current floor plans (buildings and rooms); prominently posted evacuation maps/plans; exit signs and directional arrows for traffic flow; with a copy of each revision filed with the local fire department;
- h. Conspicuously posted exit diagram conspicuously posted for and in each area.

4. Fire Drills

Monthly fire drills will be conducted and documented separately in each department.

- a. Fire drills in housing units, medical clinics, and other areas occupied or staffed during non-working hours will be timed so that employees on each shift participate in an annual drill.
- b. Detainees will be evacuated during fire drills, except in areas where security would be jeopardized or in medical areas where patient health could be jeopardized or, in individual cases when evacuation of patients is logistically not feasible. Staff- simulated drills will take place instead in the areas where detainees are not evacuated.
- c. Emergency-key drills will be included in each fire drill, and timed. Emergency keys will be drawn and used by the appropriate staff to unlock one set of emergency exit doors not in daily use. NFPA recommends a limit of four and one-half minutes for drawing keys and unlocking emergency doors.

5. Exit Diagram

In addition to a general area diagram, the following information must be provided on existing signs:

- a. English and Spanish instructions;
- b. "You Are Here" markers;
- c. Emergency equipment locations.

New signs and sign replacements will also identify and explain "Areas of Safe Refuge."

M. Pests and Vermin

The OIC will contract with licensed pest-control professionals to perform monthly inspections. During these routine inspections, they will identify and eradicate rodents, insects, and vermin. The contract will include a preventative spraying program for indigenous insects.

N. Certification of Facility Water Supply

A state laboratory will test samples of drinking and wastewater to ensure compliance with applicable standards.

O. Emergency Electrical Power Generator

Power generators will be tested at least every two weeks. Other emergency equipment and systems will undergo quarterly testing, with follow-up repairs or replacement as necessary.

The biweekly test of the emergency electrical generator will last one hour. During that time, the oil, water, hoses and belts will be inspected for mechanical readiness to perform in an emergency situation. The emergency generator will also receive quarterly testing and servicing from an external generator-service company. Among other things, the technicians will check starting battery voltage, generator voltage and amperage output.

P. Guidelines for Specific Areas of the Facility; Barber Operations

Sanitation of barber operations is of the utmost concern because of the possible transfer of diseases through direct contact or by towels, combs and clippers. Towels must not be reused after use on one person. Instruments such as combs and clippers will not be used successively on detainees without proper cleaning and disinfecting. The following standards will be adhered to:

1. The operation will be located in a separate room not used for any other purpose. The floor will be smooth, nonabsorbent and easily cleaned. Walls and ceiling will be in good repair and painted a light color. Artificial lighting of at least 50-foot candles will be provided. Mechanical ventilation of 5 air changes per hour will be provided if there are no operable windows to provide fresh air. At least one lavatory will be provided. Both hot and cold water will be available, and the hot water will be capable of maintaining a constant flow of water between 105 degrees and 120 degrees.
2. Each barbershop will be provided with all equipment and facilities necessary for maintaining sanitary procedures of hair care. Each shop will be provided with appropriate cabinets, covered metal containers for waste, disinfectants, dispensable headrest covers, laundered towels and haircloths.

3. Between detainees, all hair care tools coming in contact with the detainees will be cleaned and effectively disinfected. Hair care tools come into intimate contact with the detainees' scalp and skin, and when reused without disinfection, provide excellent means for transfer of ringworm or other skin and scalp diseases. Clippers may be treated for pathogenic organisms and fungi by an approved bactericidal and fungicidal process. Ultraviolet lights may only be used for maintaining tools after sterilization.
4. Each barbershop will have detailed hair care sanitation regulations posted in a conspicuous location for the use of all hair care personnel and detainees
 - a. All scissors, combs or other tools (except clippers) will be thoroughly washed with soap and hot water to remove film and debris and effectively disinfected immediately after use on each detainee and before being used for the service of any other detainee.
 - b. After cleaning, the clipper blades will be immersed in the disinfectant solution and agitated for a period of not less than 15 seconds before use on any other detainee. The solution will be replaced as often as necessary.
 - c. No hair care specialist will use for the service of a detainee any headrest cover, neck strap, towel, or washcloth that has been used for any other detainee, unless the same will have been properly laundered since its last use.
 - d. Clean hair cloths may be reused; however, when a hair cloth is used in servicing a detainee, a neck strip, a freshly laundered towel, or other suitable protection will be placed between the hair cloth and the neck of the detainee. Soiled or unclean hair clothes may not be used.
 - e. Cotton pads, absorbent cotton and other single or dispensable toilette articles may not be reused, and will be placed in a proper waste receptacle immediately after use.
 - f. The common use of brushes, neck duster, shaving mugs and shaving brushes will be prohibited.
 - g. The making of shaving lather in a wash basin or lavatory for use in serving a detainee is prohibited.
 - h. The use of powder puffs, sponges, lump alum, styptic pencils, and similar items is prohibited.
 - I. The removal or treatment of blackheads, carbuncles, infected hairs, or any sores or lesions is prohibited.

- j. The pulling of hair from ears, nostrils, eyebrows, and moustaches is prohibited.
- k. No barber or beautician will serve any detainee when the skin of the detainee's face, neck, or scalp is inflamed, scaling, contains pus, or is erupted, unless service of such detainee is performed in accordance with the specific authorization of the Chief Medical Officer.
- i. No person will be served when infested with head lice.

Q. Guidelines for Specific Areas of the Facility, Medical Operations

An established uniform procedure will be provided for the safe handling and disposal of used needles and other potentially sharp objects to prevent both mechanical injury and the percutaneous transmission of infectious disease organisms, especially the hepatitis B virus (HBV) and the human immunodeficiency virus (HIV).

A uniform procedure for used needles and other disposable sharps is necessary to reduce the number of such injuries by preventing the secondary handling of needles and other dangerous sharp objects used in the delivery of medical care. Accidental injuries from sharp objects (sharps) are common in health care programs, mostly from needle sticks caused by attempting to recap hypodermic needles.

Sharps will be defined as all disposable or discarded items derived from detainee care that could potentially transmit disease via direct subdermal inoculation. Items included under this policy are: hypodermic needles and syringes, scalpel blades, glass vials or ampules containing materials deemed to be infectious, burrs, glass cartridges, lancets. The following procedures will be observed when handling and disposing of needles and other hazardous sharp items.

1. Inventory

An inventory will be kept of those items that pose a security risk, such as sharp instruments, syringes, needles, and scissors. This inventory will be checked weekly by an individual designated by the medical facility Health Service Administrator (HSA) or equivalent.

2. Handling

Without removing the needles or replacing the needle covers, staff will place used (disposable) syringes in a plastic disposal box or container.

a. Disposal Containers

Use only commercially available, biohazardous-waste sharps containers approved by the National Institute of Safety and Health. An example of an approved brand is "Winfield Sharps Container." Do not use milk cartons or plastic milk jugs as they have been found to puncture easily.

Likewise do not use other plastic containers of similar thickness.

Containers will be of approximately two-gallon capacity in order to be of sufficient size to receive various types of sharps. Under no circumstances will an item be removed from the container.

b. Location

Containers will be located on top of counters or, if on the wall, at least five feet above ground. Containers will not sit on the floor.

c. Disposal

When the disposal box is $\frac{1}{2}$ to $\frac{2}{3}$ full, the lid will be closed and locked, tape will be placed over the top of the lid to indicate that it is ready for disposal. The container will be labeled with the words "infectious waste" or with the universal biohazard symbol, and placed in the proper area for removal and disposal. Sharps will be considered as infectious waste and final disposal of the container and contents will be through a commercial contractor that handles disposal of infectious waste in accordance with all local and federal regulations.

The HSA will make arrangements for disposal with an approved contractor and is responsible for validating that the contractor's disposal methods are in accordance with all infectious and hazardous waste disposal laws and regulations. Arrangements will be made with local hospitals, if possible, for disposal with the hospitals' own infectious waste.

3. Accidental Needle Sticks

Should an individual receive a needle stick or be cut while handling potentially contaminated sharps, the individual will be counseled regarding baseline testing for HBV and HIV and referred to their usual source of health care. If the injury also involves a person who is a known source of possible infection, that person will also be tested for HBV and HIV. The incident will be reported as an occupational injury and documented in accordance with applicable regulations for commissioned officers and civil service employees, respectively.

The leading health service provider's exposure-control plan will be followed in the event of a needle stick.

R. General Environmental Health Guidelines

1. Environmental health conditions will be maintained at a level that meets recognized standards of hygiene. The standards include those from the American Correctional Association, the Occupational Safety and Health Administration, the Environmental Protection Agency, the Food and Drug Administration, the National Fire Protection Association's Life Safety Code, and the National Center for Disease Control and Prevention.

The INS HSD or IGSA equivalent activities are designed to assist in the identification and correction of conditions that could adversely impact the health of detainees, employees, and visitors. The INS sanitarian consultant is responsible for developing and implementing policies, procedures, and guidelines pertaining to activities of the environmental health program. These elements are intended to evaluate, and eliminate or control as necessary, both sources and modes of transmission of agents or vectors of communicable disease and of injuries.

The sanitation consultant will conduct special investigations and comprehensive surveys of environmental health conditions. Advisory, consultative, inspection and training services regarding environmental health conditions will also be provided through the sanitarian consultant.

The medical facility HSA is responsible for implementing a program that will assist in maintaining a high level of environmental sanitation. In consultation with the sanitarian consultant, they will provide recommendations to the INS OIC concerning environmental health conditions.

2. Housekeeping

The key to the prevention and control of nosocomial infections due to contaminated environmental surfaces is environmental cleanliness. Responsibility for ensuring the cleanliness of the medical facility lies with the HSA or with an individual designated by the HSA or other health care provider utilized. The HSA or designee will make a daily visual inspection of the medical facility noting the condition of floors, walls, windows, horizontal surfaces, and equipment.

Methods of cleaning; cleaning equipment; cleansers; disinfectants and detergents to be used; plus, the frequency of cleaning and inspections will be established using an acceptable health agency standard as the model.

Proper housekeeping procedures include the cleaning of surfaces touched by detainees or staff with fresh solutions of appropriate disinfectant products, applied with clean cloths, mops, or wipes. Cleaned surfaces need not be monitored microbiologically since the results of such tests have been shown not to correlate with infection risk. Floors, walls, beds, tables, and other surfaces that usually come in contact with intact skin require low-level disinfection.

Since these surfaces are rarely associated with the transmission of infections to patients or personnel, extraordinary attempts to disinfect or sterilize these surfaces are not indicated.

Horizontal surfaces in detainee care areas are cleaned on a regular basis, when soiling or spills occur and in short-stay units when a detainee is discharged. Cleaning of walls, blinds, or curtains is indicated only when visibly soiled. The Chief Nurse is responsible for training all staff and detainees in using proper housekeeping procedures and proper handling of hazardous materials and chemicals.

a. General Cleaning Procedures

1. All horizontal surfaces will be damp-dusted daily with an approved germicidal solution.
2. Windows, window frames, and windowsills will be cleaned on a regular schedule, but do not require daily cleaning.
3. Furniture and fixtures will be cleaned daily.
4. Floors will be mopped daily and when soiled using the double-bucket mopping technique, and with a hospital disinfectant-detergent solution mixed according to the manufacturers directions. A clean mop head will be used each time the floors are mopped.
5. Waste containers will be lined with plastic bags and the liner will be changed daily. The container itself will be washed at least weekly, or as needed when it becomes soiled.
6. Cubicle curtains will be laundered monthly or during terminal cleaning following treatment of an infectious patient.

b. Procedures for Isolation Cleaning

1. An approved germicidal detergent solution will be freshly prepared in accordance with the manufacturer's specifications for each cleaning.
2. After cleaning the isolation room, mops and cleaning cloths will be laundered before being reused.
3. Dirty water and used disinfecting solutions will be discarded and the buckets and basins disinfected before being refilled. Items used in cleaning an isolation (contaminated) room will never be taken into another area.

4. Linens will be carefully removed from the bed and double bagged for transport.
5. All waste materials will be double bagged and disposed of as contaminated waste.

c. Procedures for Terminal Cleaning

1. Every item in the room must be cleaned with an approved hospital germicidal solution.
2. When applicable, linen will be stripped from the bed, with care taken not to shake linen. Linen will be folded away from the person and folded inward into a bundle, then removed with minimal agitation.
3. When applicable, all reusable receptacles such as drainage bottles, urinals, bedpans, water pitchers will be emptied and rinsed with germicidal solutions.
4. All equipment that is not to be discarded, such as IV poles, respirators and suction machines, will be washed with an approved germicidal solution following manufacturer's guidelines for cleaning the specific piece of equipment.
5. When applicable, mattresses and pillows covered with durable plastic covers will be thoroughly washed with the approved germicidal solution.
6. When applicable, beds will be washed thoroughly using a small brush soaked in the germicidal solution to gain access to small holes and crevices, to areas between the springs, and the casters.
7. All furniture will be washed with a germicidal detergent solution. Use a small brush if necessary. Outside and underside as well as legs and casters must also be washed.
8. Wastebaskets will be thoroughly washed with a germicidal solution after trash has been removed.
9. Telephones will be thoroughly cleaned with a clean cloth soaked in the germicidal solution. The earpiece and mouthpiece will be unscrewed, scrubbed, dried and replaced.
10. Walls and ceilings need not be washed entirely, but areas that are obviously soiled will be washed with germicidal solution.

d. **Choice of Disinfecting Materials**

Hospital grade disinfectant-detergent formulations registered by the Environmental Protection Agency may be used for environmental surface cleaning, but the physical removal of microorganisms by scrubbing is probably as important as any antimicrobial effect of the cleaning agent used.

Therefore cost, safety, and acceptance by staff can be the criteria for selecting any such registered agent. *The manufacturer's instructions for use will be followed exactly.*

3. **Blood and Body Fluid Clean-up**

Spills of blood and body fluids will be cleaned up and the surface decontaminated in such a manner as to minimize the possibility of workers becoming exposed to infectious organisms, including HIV and HBV. A suitable cleanup kit will be maintained for use in cases of spills of blood and body fluids. Cleanup kits may be obtained from commercial sources, or kits may be put together by INS HSD staff or leading health care provider.

a. **Making a Clean-up Kit**

To prepare a cleanup kit for blood and body fluid spills, package the following materials in a 12" x 15" clear" Ziplock" bag.

Gloves, rubber or vinyl, household type, (2 pair)

Clean absorbent rags (4)

Absorbent paper towels (15)

Disposable bag marked "Contaminated" size 23"x10"x39", minimum thickness 1.5 mils.

Clear plastic bag 13"x10"x39", minimum thickness 1.5 mils.

Bottle of "hospital disinfectant" (containing quaternary ammonium chlorides in at least 0.8% dilution), or a bottle of household bleach such as "Clorox" or "Purex" (5.25 % sodium hypochlorite).

b. **Selection of Disinfectants**

Quaternary disinfectants are less effective against Hepatitis B, while dilute solutions of sodium hypochlorite are reported extremely effective against both HIV and the Hepatitis B virus, and therefore have been recommended for use in environmental decontamination procedures rather than quaternary

ammonium compounds. Chlorine in solution inactivates virus quickly and efficiently, but must reach the virus particles to do so. Proteinaceous materials may interfere with the ability of the appropriate disinfectant solution to reach the virus particles. Since quaternary disinfecting compounds may act as a detergent as well as a disinfectant, their use may help in the cleaning and removal of proteinaceous materials from surfaces. A facility may wish to use one of these compounds to help clean the surface, then follow with the use of chlorine solution for final disinfection. Using one disinfectant compound rather than two would keep the procedure as simple as possible. By following the mechanical procedure listed in the article, most blood or fluids would be removed from the surface before application of the disinfectant, so the use of sodium hypochlorite solution will be sufficient.

c. Selection of Gloves

Household or industrial rubber gloves have been recommended for use rather than surgical rubber gloves. Surgical gloves are somewhat porous and are less resistant to mechanical damage and punctures during cleanup procedures.

d. Use of Detainees as Housekeeping Workers

Detainee workers may be used to assist in cleaning the medical facility. Detainees will be allowed to clean floors, walls, and to remove trash, but will not be allowed to clean medical equipment.

4. Instructions for Use of Clean-Up Kit

- a. Obtain a Cleanup Kit.
- b. Open the bag.
- c. Remove supplies.
- d. Depending on the type of disinfectant you have included in your kit, take out bottle of "hospital disinfectant", or prepare a dilute solution of sodium hypochlorite. To prepare a 1:10 dilution of 5.25% sodium hypochlorite, mix 1 part of 5.25 % sodium hypochlorite (common household bleach) with 10 parts water.
- e. Open the large clear plastic bag and the large bag marked "Contaminated". Place them next to each other.
- f. Put on one pair of gloves.
- g. Use paper towels to absorb as much of the fluid as possible; then place paper towels in the large clear plastic bag.
- h. Pour solution carefully onto the spill area. Dispose of the empty bottle in the large, clear plastic bag. Leave disinfectant in place for 15 minutes.
- I. Use the rags to clean the area. Place rags in the large clear plastic bag.
- j. Tie off the clear plastic bag and place inside the large plastic bag marked "Contaminated".
- k. Remove gloves carefully and place in the plastic bag marked "Contaminated".

- l. Put on the second pair of gloves and tie the "Contaminated" trash bag closed.
- m. Dispose of the "Contaminated" trash bag properly in a contaminated-waste receptacle.
- n. Dispose of the second pair of gloves in the contaminated-waste receptacle.
- o. Wash your hands.
- p. Prepare a new clean-up kit.

NOTE: Do not place linen or non-disposable articles in the "Contaminated" trash bag.

5. Hazardous and Infectious Waste Disposal

Infectious and hazardous waste generated at a medical facility will be stored and disposed of safely and in accordance with all applicable federal and state regulations.

For identified wastes that represent sufficient risk of causing infection or injury during handling and disposal some special precautions appear prudent.

a. Definitions

Hazardous or infectious waste is defined as: microbiology laboratory waste; human blood and blood products; sharps (all discarded items derived from patient care in medical facilities which could potentially transmit disease via direct subdermal inoculation or present a risk of injury & skin penetration); laboratory and other chemicals; certain drugs such as neoplastic.

Miscellaneous biomedical waste is defined as waste materials that are not specifically defined as infectious waste. Such waste includes bandages, dressings, casts, catheters, and disposable pads.

Waste from detainees in isolation is not considered to be infectious waste unless it falls within the specific definition of infectious waste as stated above.

b. Collection and Storage

Infectious waste must be separated from the general waste stream and clearly labeled as infectious. Infectious waste will be double-bagged and tied and marked with a label reading "Infectious Waste". The bags must be impermeable, commercially supplied red bags, sold specifically for biohazardous waste storage. Miscellaneous biomedical waste will be double-bagged and tied, but need not be labeled as infectious.

c. **Treatment and Disposal**

Blood products and designated body fluids will be poured slowly and carefully down the toilet to prevent splash. Compacting of untreated infectious waste is prohibited. The waste disposal contractor must meet all state or and local requirements for transportation and disposal.

S. **Universal Precautions**

1. Staff will routinely take precautions to prevent contact with blood or other body fluids, using these guidelines:
 - a. Gloves will be worn for touching blood and body fluids, mucous membranes, or non-intact skin of all patients, for handling items or surfaces soiled with blood or body fluids, and for performing venipuncture and other vascular access procedures. Gloves will be changed after contact with each detainee.
 - b. Masks and protective eye wear or face shields will be worn during procedures that are likely to generate droplets of blood or other body fluids, to prevent exposure of mucous membranes of the mouth nose or eyes.
 - c. Gowns or aprons will be worn during procedures that are likely to generate splashes of blood or other body fluids.
 - d. Hands and other skin surfaces will be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands will be washed immediately after gloves are removed.
 - e. All health-care workers will take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during procedures; when cleaning used instruments; during disposal of used needles; and when handling sharp instruments after procedures.
 - f. To prevent needle stick injuries, needles will not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand. After use, disposable syringes and needles, scalpel blades, and other sharp items will be placed in puncture-resistant containers for disposal.
 - g. Large-bore reusable needles will be placed in a puncture resistant container for transport to the reprocessing area.
 - h. Although saliva has not been implicated in HIV transmission, to minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags or other ventilation devices will be available for use in areas in which the need for resuscitation is predictable.

- I. Health-care workers who have exudative lesions or weeping dermatitis will refrain from all direct patient care and from handling patient-care equipment until the condition resolves.
- j. Pregnant health-care workers are not known to be at greater risk of contracting HIV infection than health-care workers who are not pregnant; however, if a health care worker develops HIV infection during pregnancy, the infant is at risk of infection from perinatal transmission. Because of this risk, pregnant health care workers will be especially familiar with and strictly adhere to precautions to minimize the risk of HIV transmission.
- k. Implementation of universal blood and body fluid precautions for all detainees eliminates the need for the use of isolation category of "Blood and Body Fluid Precautions" previously recommended by the Centers for Disease Control for individuals known or suspected to be infected with blood-borne pathogens. Isolation precautions will be used as necessary if associated conditions, such as infectious diarrhea or tuberculosis, are diagnosed or suspected.

T. Protective Equipment

- 1. Protective eye and face equipment will be required where there is a reasonable probability of injury that can be prevented by such equipment. These areas of the facility will be conspicuously marked with eye hazard warning signs.
- 2. OSHA-approved eyewash stations will be installed in designated areas throughout the facility. All employees and detainees in those areas will be instructed in their use.


U. Garbage and Refuse

- 1. Refuse includes all garbage, rubbish, and other putrescible and non-putrescible solid waste, except the solid and liquid waste discharged into the sanitary sewer system of the facility.
- 2. Garbage and refuse will be collected and removed as often as necessary to maintain sanitary conditions and to avoid creating health hazards.
- 3. Methods for handling and disposing of refuse affects the local environment, compliance with the requirements of local and federal agencies is essential.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3B-01, 3B-02, 3B-05, 3B-10, 3B-11, 3B-12.4D-01, 4D-03, 4D-13


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

TABLE A
Common Flammable, Toxic, and Caustic Substances

Class I Liquids

Gasoline
Benzine (Petroleum ether)
Acetone
Hexane
Lacquer
Lacquer thinner
Denatured alcohol
Ethyl alcohol
Xylene (Xylol)
Contact cement (flammable)
Toluene (Toluene)
Methyl ethyl ether
Methyl ethyl ketone
Naphtha Y, M, and P

Toxic Substances

Ammonia
Chlorine
Antifreeze
Duplicating fluid
Methyl alcohol
Defoliants
Herbicides
Pesticides

Class II Liquids

Diesel fuel
Motor fuel
Kerosene
Cleaning solvents
Mineral spirits
Acetone

Caustic Substances

Lye
Muriatic acid
Caustic soda
Sulfuric acid
Tannic acid

Class III Liquids

Paint (oil base)
Linseed oil
Mineral oil
Neatsfoot oil
Sunray conditioner
Guardian fluid

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

Policy: Every facility will control flammable, toxic, and caustic materials through a hazardous materials program. The program will include, among other things, the identification and labeling of hazardous materials in accordance with applicable standards (e.g., National Fire Protection Association [NFPA]); identification of incompatible materials, and safe-handling procedures

ENVIRONMENTAL HEALTH AND SAFETY			
Components	Yes	No	Remarks
1. Does the facility have a system for storing, issuing, and maintaining inventories of hazardous materials?			
2. Are constant inventories maintained for all flammable, toxic, and caustic substances used/stored in each section of the facility?			
3. Is the manufacturer's Material Safety Data Sheet (MSDS) file up-to-date for every hazardous substance used? a. Do the files list all storage areas, and include a plant diagram and legend? b. Are the MSDSs and other information in the files available to personnel managing the facility's safety program?			
4. Do all personnel using flammable, toxic, and/or caustic substances follow the prescribed procedures? Do they: a. Wear personal protective equipment? b. Report hazards and spills to the designated official?			
5. Are the MSDSs readily accessible to staff and detainees in the work areas?			
6. Are hazardous materials always issued under supervision? a. Who supervises issuance of caustic, flammable, and toxic substances? b. Are quantities limited? c. Does staff always supervise detainees using these substances?			

ENVIRONMENTAL HEALTH AND SAFETY			
Components	Yes	No	Remarks
7. Are "flammable" and "combustible" materials (liquid and aerosol) stored and used according to label recommendations?			
8. Do lighting fixtures and electrical equipment installed in storage rooms and other hazardous areas meet National Electrical Code requirements?			
9. Do the storage rooms meet the security and structural requirements specified in the standard? a. Do storage cabinets meet the physical requirements specified in the standard?			
10. Are all toxic and caustic materials stored in their original containers? a. In a secure area?			
11. Are excess flammables, combustibles, and toxic liquids disposed of properly? a. Are they disposed only in accordance with MSDSs?			
12. Does staff directly supervise and account for products with methyl alcohol? a. Does staff receive a list of products containing diluted methyl alcohol, e.g., shoe dye? b. Are such products clearly labeled as such? c. Does "accountability" include issuing such products to detainees in the smallest workable quantities?			
13. Does every employee and detainee using flammable, toxic, or caustic materials receive advance training in their use, storage, and disposal?			
14. Does the facility comply with the most current edition of applicable codes, standards, and regulations of the National Fire Protection Association and the Occupational Safety and Health Administration (OSHA)?			

ENVIRONMENTAL HEALTH AND SAFETY			
Components	Yes	No	Remarks
15. Does a technically qualified officer conduct the fire and safety inspections? a. Weekly? b. Monthly? c. Is every written inspection report forwarded to the OIC?			
16. Does the Safety Office maintain files of inspection reports? a. Do files record corrective actions taken?			
17. Does the facility have a fire prevention, control, and evacuation plan? a. Reviewed and approved by the fire marshal?			
18. Does the plan require: a. Monthly fire inspections? b. Fire protection equipment strategically located throughout the facility? c. Public posting of emergency plan with accessible building/room floor plans? d. Exit signs and directional arrows? e. An area-specific exit diagram conspicuously posted in the diagrammed area?			
19. Are fire drills conducted monthly? a. Who conducts and documents?			
20. Does a sanitation program cover barbering operations?			
21. Does the barbershop have the facilities and equipment necessary to meet sanitation requirements?			
22. Are the sanitation standards conspicuously posted in the barbershop?			
23. Do written procedures regulate the handling and disposal of used needles and other sharp objects?			
24. Are all items representing potential safety or security risks inventoried? a. Does a designated individual check this inventory weekly?			

ENVIRONMENTAL HEALTH AND SAFETY			
Components	Yes	No	Remarks
25. Has the Health Services Administrator (HSA) implemented a program supporting a high level of environmental sanitation?			
26. Does the HSA conduct medical-facility inspections every day? a. Does each inspection include noting the condition of floors, walls, windows, horizontal surfaces, and equipment?			
27. Do standard cleaning practices include: a. Using specified equipment; cleansers; disinfectants and detergents? b. An established schedule of cleaning and follow-up inspections?			
28. Does the Chief Nurse teach staff and detainees proper "housekeeping" procedures, including the safe-handling of hazardous materials/chemicals?			
29. Does the facility follow standard cleaning procedures? a. List discrepancies between INS standard and facility procedures. b. Have isolation-cleaning procedures been implemented as required?			
30. Are spill kits readily available?			
31. Does a licensed medical waste contractor dispose of infectious/bio-hazardous waste?			
32. Is staff trained to prevent contact with blood and other body fluids? a. Are written procedures followed?			
33. Do the methods for handling/disposing of refuse meet all regulatory requirements?			
34. Does a licensed pest-control professional inspect for rodents, insects, and vermin? a. At least monthly? b. Does the pest-control program include preventive spraying for indigenous insects?			

ENVIRONMENTAL HEALTH AND SAFETY			
Components	Yes	No	Remarks
35. Are drinking water and wastewater routinely tested? a. According to a fixed schedule? b. How often? c. By whom?			
36. Are emergency power generators tested at least every two weeks? a. Do other emergency systems and equipment receive testing at least quarterly? b. Followed-up with timely corrective actions (repairs and replacements)?			

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

ENVIRONMENTAL HEALTH AND SAFETY

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. Observe maintenance crews			
B. Observe detainee work crews			
C. Inspect storage facilities			
D. Facility's written policy and procedures			
E. Inspect inspection reports			
F. Inspect medical facilities			
G. Review waste removal contracts			
H. Review evacuation routes/maps			
I. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

HOLD ROOMS IN DETENTION FACILITIES

I. POLICY

Hold rooms will be used for the temporary detention of individuals awaiting removal, transfer, EOIR hearings, medical treatment, intra-facility movement, or other processing into or out of the facility.

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. Physical Conditions/Time Limit

The following hold-room specifications are based on the forthcoming INS Hold Room Design Guide. These standards emerged from the Hold Room Design Standards Workshop held in 1999 in Fort Worth, Texas. Effective immediately, hold rooms shall be designed and constructed to comply with the following criteria:

1. *Hold rooms will be situated in a location within the secure perimeter.*
2. *Single-occupant hold rooms shall contain a minimum of 37 square feet (seven unencumbered square feet for the detainee, five square feet for a combination lavatory/toilet fixture, and 25 square feet for wheelchair turnaround). Multiple-occupant hold rooms shall provide an additional seven square feet of unencumbered space for each additional detainee.*

Note: unencumbered space does not include space taken up by benches and tables.

3. *Hold rooms shall be well ventilated and well lit. All activating switches/controls shall be located outside the room, in places accessible to staff only.*
4. *Hold rooms will contain sufficient seating for the maximum room-capacity. The hold room will contain no moveable furniture. Benches may be bolted to the floor or attached to the wall if the wall is of suitable construction. The benches shall provide 18" of seat space per detainee.*
5. *Bunks/cots/beds and other makeshift sleeping apparatus are not permitted inside holdrooms.*
6. *All hold rooms shall be equipped with stainless steel, combination lavatory/toilet fixtures with modesty panels, in compliance with the Americans with Disabilities Act of 1990. Consistent with the International Plumbing Code, small hold rooms (up to 14 detainees) will have one combi-unit; large hold rooms (15 to 49 detainees), at least two. (The Hold Room Design Standards A-E, HDR Architecture, recommends a third combi-unit for hold rooms with 30 or more detainees, or one combi-unit for every 15 detainees).*
7. *Each hold room shall be provided with floor drain(s).*
8. *Hold-room walls shall be escape- and tamperproof, e.g., 8-inch, reinforced concrete masonry unit wall. Impact-resistant, steel-studded surfaces will also meet this standard, especially in existing buildings that cannot support reinforced concrete. The walls shall extend and be tied into the floor/room structure above. Ceilings shall also be escape- and tamperproof, preferably 10-16' high but no less than nine feet, except in currently existing facilities with lower floor-to-floor heights.*
9. *Each hold room shall have two-inch thick, detention-grade, 14-gauge steel doors that swing outward. The 14-gauge steel doorframes of shall also be grouted into the surrounding wall. Requirements include tamper-resistant bolt locks, door-mounted with paracentric keys; jamb-mounted, with mogul keys.*
10. *The solid doors shall be equipped with security-glass or barred windows, 12"x12", installed at eye level for convenient visual checks. Security bars or mesh doors will be of appropriately sturdy construction to prevent escape*
11. *Primary surveillance will be through observation windows to the side of the hold-room doors. Observation windows will start about three feet from the floor and extend no higher than the top of the door.*
12. *The glazing shall meet or exceed the impact-resistant standard of glass-clad polycarbonate laminate. Window jambs shall be 14-gauge steel.*

B. Unprocessed Detainees

The maximum aggregate time an individual may be held in a hold room is 12 hours. The following procedures shall be adhered to:

1. Unaccompanied minors (under 18 years), persons over the age of 70, females with children, and family groups will not be placed in hold rooms, unless they have shown or threatened violent behavior, have a history of criminal activity, or have given staff articulable grounds to expect an escape attempt.

Persons exempt from placement in hold-room shall be seated in an OIC-designated area outside the hold room, under direct supervision and control, barring an emergency. If the physical layout precludes holding these individuals outside the hold room, they may be held in separate rooms, if available.

2. Males shall be segregated from females at all times (even if married).
3. Minors (under 18) will be held apart from adults, unless the adult is an immediate relative or recognized guardian and no other adult detainees are present in the hold room. (For more information regarding juveniles, see *Flores v. Reno.*)
4. Detainees shall be provided with basic personal-hygiene items, e.g., water, disposable cups, soap, toilet paper, feminine-hygiene items, diapers, and sanitary wipes.

If the hold room is not equipped with restroom facilities, the shift supervisor shall position an officer within sight or earshot of the hold room, to provide detainees with regular access to toilet facilities. The facilities will be as close as possible, within the facility's security perimeter. Detainees using the restroom shall be closely monitored, under direct supervision.

C. Detainee Search

Officers shall inspect parcels, suitcases, bags, bundles, boxes, and other property before accepting any item of property.

Every detainee shall undergo a patdown search for weapons or contraband before being placed in a room. Sharp objects, including pens, pencils, knives, nail files, and other objects that could be used as weapons or to deface property shall be removed from the detainee's possession.

Where operationally feasible, an officer of the same sex as the detainee shall perform the patdown search. A patdown search shall be performed even if another section or agency claims to have completed one. If the patdown search indicates the need for a more thorough search is needed, an extended search (i.e., strip search) shall be conducted. This must be performed by an officer of the same sex as the detainee, in the presence of another officer of the same sex (see the "Search" standard).

C. **Basic Operational Procedures**

1. An officer will look at every individual before placing them in the hold room, checking for obvious mental or physical conditions. If any are apparent, common sense will prevail when dealing with the individual.
2. Each facility shall maintain a detention log (manually or electronically) for every detainee placed in a hold cell. The log records custodial information about new arrivals (e.g., a "voluntary return" waiting for a scheduled transportation run); detainees awaiting legal visitation; and detainees awaiting interviews with supervisory staff or other officials.

The designated hold-room officer will enter specified information into the log immediately upon the detainees' placement in a hold room. However, the log will not record information about detainees in the hold room pending release, in-house medical services, or awaiting court.

In SPCs/CDFs, the detention log shall record:

- a. *Detainee's name;*
- b. *Sex;*
- c. *Age;*
- d. *A-Number;*
- e. *Nationality;*
- f. *Reason for placement;*
- g. *Time in;*
- h. *Time out; and*
- i. *Final disposition.*

The log shall also provide space for meal times, visual checks, and comments.

3. Officers shall provide a meal to any adult in the hold room for more than six hours. Officers should question the individual to determine when the last time he/she has eaten and use common sense when offering a meal. Juveniles will receive meal service regardless of time in custody. Juveniles, babies, and pregnant women shall have regular access to snacks, milk, juice, etc.

Officers should be sensitive to the cultural/religious culinary restrictions and/or differences of all detainees whenever possible.

4. Officers shall closely supervise the detention hold rooms through direct supervision, which involves "irregular" visual monitoring every 15 minutes (each time recording the time and officer's star number in the detention log). When the hold room is not in the officer's direct line of sight, he/she shall maintain continuous auditory monitoring.

Any unusual behavior or complaints shall be noted under "comments." Officers shall keep under constant surveillance any detainee exhibiting signs of hostility, depression, or other symptomatic behavior. In such cases, they shall notify the shift supervisor. (See the "Suicide Prevention and Intervention" standard.)

5. Detainees are not permitted to smoke in the hold room.
6. No officer shall enter a hold room unless another officer is stationed outside the door, ready to respond as needed. Officers shall not carry firearms, OC spray, baton or other non-lethally force devices into the hold room.
7. When the last detainee has been removed from the hold room, it shall be given a thorough cleaning and inspection. Any evidence of tampering with doors, locks, windows, grills, plumbing or electrical fixtures must be reported to the shift supervisor for corrective action or repair.

E. Fire, Building Evacuations, and Medical Emergencies

1. The OIC shall develop and distribute a written evacuation plan and procedures applicable in medical emergencies.


In SPCs/CDFs, evacuation procedures shall include posting the evacuation map and advance designation of the officer responsible for removing detainees from the hold room(s) in case of fire and/or building evacuation.

2. Staff shall immediately call the emergency service immediately when a detainee is determined to need urgent medical treatment. Staff shall notify the supervisor immediately of all such emergencies.
3. If the detainee is removed from the hold room for treatment, an officer-detail shall accompany and remain with the detainee until doctors determine whether the condition will require hospitalization. If the detainee is not hospitalized, the officer detail shall remain with the detainee until treatment is complete and then escort the detainee back to the facility. If the detainee is hospitalized, the officer detail shall notify the supervisor and await further instructions.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

N/A


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

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

Policy: Hold rooms will be used only for temporary detention for detainees awaiting removal, transfer, EOIR hearings, medical treatment, intra-facility movement, or other processing into or out of the facility.

HOLD ROOMS IN DETENTION FACILITIES			
Components	Yes	No	Remarks
1. Is the hold room situated in a location within the secure perimeter?			
2. Do the single occupant hold rooms contain a minimum of 37 square feet (7 unencumbered square feet for the detainee, 5 square feet for a combination lavatory/toilet fixture, and 25 square feet for a wheelchair turn-around area)? b. If multiple-occupant hold rooms are used, is there an additional 7 unencumbered square feet for each additional detainee?			
3. Are the hold rooms well ventilated? a. Well lighted? b. All activating switches located outside the room?			
4. Do the hold rooms contain sufficient seating for the number of detainees held? a. Do the hold rooms contain moveable furniture? b. Are the benches bolted to the floor or attached to the wall? c. Do the benches shall provide 18 inches sitting room per detainee?			
5. Are bunks/cots/beds or other related make shift sleeping apparatuses permitted inside holdrooms?			
6. Are the hold rooms equipped with stainless steel combination lavatory/toilet fixtures with modesty panels? If so a. Are they compliant with the American Disabilities Act? b. Do small hold rooms (1 to 14			

HOLD ROOMS IN DETENTION FACILITIES			
Components	Yes	No	Remarks
<p>detainees) have one combi-unit?</p> <p>c. Large hold rooms (15 to 49 detainees) would be provided with two combi-units?</p>			
7. Do the hold room have floor drain(s)?			
<p>8. Are the walls of the hold rooms escape proof?</p> <p>a. Are the hold room ceilings escape and tamper resistant?</p> <p>b. Minimum height of 9 feet?</p>			
<p>9. Does the door to the hold room swing outward?</p> <p>a. Does the door comply with the specifications outlined in the standard?</p>			
10. Are Individuals held in hold rooms for more than 12 hours?			
11. Are family units, persons of advanced age (over 70), females with children, and unaccompanied juvenile detainees (under the age of 18) placed in hold rooms?			
<p>12. Are male and females segregated from each other at all times?</p> <p>a. If they claim to be married?</p>			
<p>13. Is every effort made to ensure that detained detainees under the age of 18 are not held with adult detainees?</p> <p>a. Under what circumstances are minors held with adults?</p> <p>b. If not immediately possible, is an unaccompanied minor detained with an unrelated adult for more than 24 hours?</p>			
14. Are detainees provided with basic personal hygiene items such as water, soap, toilet paper, cups for water, feminine hygiene items, diapers and wipes?			
<p>15. If necessary, are officers within visual or audible range to allow detainees access to toilet facilities on a regular basis?</p> <p>a. Are detainees using the restroom under direct supervision and monitored closely</p>			

HOLD ROOMS IN DETENTION FACILITIES			
Components	Yes	No	Remarks
16. Do officers inspect all property, including parcels, suitcases, bags, bundles, boxes, before accepting the property?			
17. Are all detainees given a patdown search for weapons or contraband before being placed in the room?			
18. Does each detention facility maintain a detention log (manually or by computer) for each detainee placed in a hold cell? a. Does the log include the required information specified in the standard?			
19. Do officers provide a meal to any detainee detained more than six hours? a. Do juveniles, babies and pregnant women have access to snacks, milk or juice? b. Are meal served to juveniles regardless of time in custody			
20. Do officers closely supervise the detention hold rooms using direct supervision (Irregular visual monitoring.)? a. Are the hold rooms irregularly monitored every 15 minutes? b. Are unusual behavior or complaints noted? c. If anyone exhibits unusual behavior, such as hostility or depression is constant direct supervision used?			
21. Are detainees permitted to smoke in the holdroom?			
22. Does policy prevent an officer to enter an occupied detention hold room unless another officer is stationed outside the door? a. Are officers permitted to enter the detention hold room with a weapon.			
23. When the last detainee has been removed from the hold room, is it given a thorough inspection. a. Cleaning? b. Is evidence of tampering with doors, locks, windows, grills, plumbing or			

HOLD ROOMS IN DETENTION FACILITIES			
Components	Yes	No	Remarks
electrical fixtures reported to the shift supervisor for corrective action or repair?			
24. Is there a written evacuation plan? a. Is it posted? b. Is there a designated officer to remove detainees from the holdrooms in case of fire and/or building evacuation?			
25. Is an appropriate emergency service called immediately upon a determination that a medical emergency may exist?			

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

HOLD ROOMS IN DETENTION FACILITIES

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. Hold room logbook review			
B. Observation of hold rooms			
C. Review of facility policy and procedure for control and disposition of contraband			
D. Detainee and staff interviews			

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

INS DETENTION STANDARD

KEY AND LOCK CONTROL (SECURITY, ACCOUNTABILITY, AND MAINTENANCE)

I. POLICY

Every facility will maintain an efficient system for the use, accountability, and maintenance of keys and locks.

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. Security Officer (Key-Control Officer)

Each facility should establish the position of Security Officer. If this is impracticable, the OIC shall assign a staff member the collateral duties of Security Officer.

1. Major Duties and Responsibilities of the Security Officer

The Security Officer shall have a written position description that includes duties, responsibilities, and chain of command.

In SPCs/CDFs, the Security Officer reports directly to the Chief Detention Enforcement Officer (CDEO) and conducts physical security surveys of all buildings to determine security needs. The Security Officer submits written recommendations addressing deficiencies and corrective action(s) to the CDEO. The Security Officer plans and practices preventive maintenance/replacement for locks and other

security-devices identifies technical problems or malfunctions in electronic/automated and manually operated security systems, immediately performs repair work or coordinates with the Maintenance Supervisor to complete repairs promptly. The Security Officer overhauls, adjusts, and replaces the worn parts on locking devices and systems; and, with the Maintenance Supervisor, reviews all major work orders and in-house designs (plans and specifications) for compliance with security requirements.

The Maintenance Supervisor will consult with the CDEO and Security Officer before proceeding with new construction and renovation projects involving door hardware.

The Security Officer maintains, adjusts, and services machines used in the lock-shop; knows how to operate gas/oxygen-cutting tools and end-saw equipment in an emergency; and conducts routine tests on emergency-exit doors. The Security Officer also checks the keys to all emergency-exits every 30 days; all other keys needed in emergencies, quarterly. The results of every key-testing shall be documented.

2. Required Locksmith Training

All security officers shall successfully complete an approved locksmith-training program.

The Security Officer in an SPC/CDF shall attend the locksmith-training course offered by the Bureau of Prisons. This should be supplemented with training in Occupational Safety and Health Administration standards and the National Fire Prevention Association's life safety codes. Manufacturers' instructions/user manuals/product orientations/demonstrations can also provide useful guidance.

3. Administrative Responsibilities

The Security Officer is responsible for all administrative duties, including recordkeeping, concerning keys, locks, etc.

In SPCs/CDFs, the Security Officer maintains a recordkeeping system that cross-references keys in the Control Center and lock-shop, alphabetically and numerically. This facilitates quick identification of the key or key ring needed for a particular lock.

The administrative duties shall include maintaining accurate inventories of padlocks in use, master keys for cabinets, key blanks, and all keys currently in use.

For the historical record, the Security Officer shall maintain a collection of reference material on locking devices and systems, including devices and systems previously used in the facility.

4. Supervision

The Security Officer shall train and direct employees in key control.

In SPCs/CDFs, the Security Officer is responsible for training an Assistant Security Officer in all duties related to this position. The Security Officer must be proficient in all phases of security, and able to demonstrate proper equipment use to other employees.

B. Lock Shop Operation (Keys, Locks, and Locking Mechanisms)

1. Inventories

The Security Officer shall maintain inventories of all keys, locks and locking devices in the Lock Shop.

In SPCs/CDFs, Lock Shop inventories shall include, among other things:

- a. A secure master-key cabinet containing at least one pattern key (never issued), and one or more spare keys; always locked; with all contents itemized on an inventory form.*
- b. All key blanks, identified by model number and manufacturer's name, inventoried in a bound ledger or electronic database.*
- c. All unassigned padlocks.*
- d. An inventory of assigned padlocks, with locations identified alphabetically or numerically.*

2. Compromised Keys and Locks

The OIC shall establish procedures for handling compromised keys and locks.

In SPCs/CDFs, compromised keys shall be cut into pieces until irremediably destroyed. The facility shall document the type of key or lock; the number of keys/locks compromised; and the date, time, and method of destruction.

3. Safe Combinations

The Security Officer shall implement procedures for protecting the integrity of all safe combination(s).

In SPCs/CDFs, the combination for each safe will be changed at least every 12 months and any time staff with access to the combination(s) is assigned to another post. The combination to a safe shall be sealed in an envelope bearing the date and signature, across the flap, of the person who deposited and sealed the combination inside the envelope.

Any person(s) authorized to open the envelope shall be listed, by title, on the front of the envelope. Envelopes containing safe combinations shall be stored in the lock-shop.

4. Keying, Authorized, and Non-Authorized Locks

- a. Either deadbolts or deadlocks shall be used in detainee-accessible areas.
- b. Locks not authorized for use in detainee-accessible areas include, but are not limited to: snap-, key-in-knob, thumb-turn, push-button, rim-latch, barrel or slide bolt, and removable-core-type locks (including padlocks). Any such locks in current use shall be phased-out and replaced with mortise lock sets and standard cylinders.
- c. Grand masterkeying systems are not authorized.
- d. A masterkeying system may be used only in housing units where detainees have individual room keys. The number of doors will be kept to a minimum and the Unit Officer's key must override all functions of this lock.
- e. After removing the facility number and key cuts, the Security Officer shall cut up and dispose of worn or discarded keys and locks.
- f. Entrance/exit door locks of housing units, work areas, chapels, gyms, and other areas with room capacity of 50 or more people shall meet the standards specified in the Occupational Safety and Environmental Health Manual (Chapter 3) and in the National Fire Protection Association Life Safety Code (#101). Specifically, the doors shall be equipped with prison-type locking devices modified to function when pressure is applied from inside the room. Panic-hardware is an acceptable alternative to the prison-type-locking device.

Individual doors to large-capacity areas (50 people or more) shall have no more than one lock each. Padlocks shall not be used on exit doors or intermediate doors along the exit route

Padlocks and/or chains shall not be used on cell doors.

In SPCs/CDFs:

- a. *Padlocks and hasps may be used only where specified:*
 - 1. *Fence-gates in areas without ceilings;*
 - 2. *Freezer-door interiors whose lock-release systems include panic-release device(s);*
 - 3. *Vehicle roll-up door walk-through exit(s).*

- b. *Entrances and exits from the secured perimeter will be sally ported, with all doors and gates interlocking electronically. (Only one door can unlock at a time, canceling the electrical control of other doors until the unlocked door is returned to its secure position.)*
- c. *Prison-type security keys and/or blanks (active, non-active, or discarded) shall under no circumstances be used or distributed for presentation purposes.*

5. Preventive Maintenance

The Security Officer shall implement a preventive maintenance program.

In SPCs/CDFs, the Security Officer shall perform the following preventive maintenance services, among others:

- a. *Adjust and service all cellblock-locking mechanisms in the Special Management Unit and in housing units with secure rooms, at least once a year.*
- b. *Adjust and service vehicle-gates for changing (hot/cold) weather conditions twice a year, in the spring and early fall.*
- c. *Adjust and service front-entrance and other gate operations at least once a year.*
- d. *Lubricate all other locks quarterly, per manufacturer's instructions.*
- e. *Perform maintenance checks on locks and locking systems, taking corrective action as necessary.*
- f. *At least once every five years: steam-clean vehicle-gates; clean locking mechanisms of front-entrance gates, other gates, and cellblock locking mechanisms using steam or other means.*

The Maintenance Supervisor is responsible for door-hardware installation and maintenance (closures, hinges, pulls, kick plates, etc.), and for providing certain support services (welding, electrical-work) to the Security Officer, as needed.

6. Preventive Maintenance Documentation

The Security Officer will maintain all preventive-maintenance records.

In SPCs/CDFs, the Security Officer's preventive-maintenance files shall include:

1. *Date;*
2. *Location of lock or locking mechanism;*
3. *Type of maintenance;*
4. *Rationale for changing key combination(s); and*
5. *Signature of service provider.*

C. Key Cabinet

1. Location

An operational keyboard large enough to accommodate all facility key rings, including keys in use, shall be located in a secure area.

In SPCs/CDFs, this operational keyboard shall be located in the Control Center.

2. Basic Construction

In SPCs/CDFs, the key cabinet shall be constructed such that keys will be visible only when being issued. Keys shall never be seen by detainees or visitors. If small, closet-type space becomes available in the control area, staff may use it instead of the cabinet. In that case, access limitations shall be the same as for a key cabinet; other key/lock standards shall also apply; and the space shall be used solely for key control.

In the key cabinet, keys in vertical rows shall be arranged in alphabetical order; keys in horizontal rows shall be arranged in numerical order. The label identifying the letter or number of the key ring that belongs on a particular hook shall be visible even when the key ring is on the hook. Any hook without an assigned key ring shall be tagged with a metal chit indicating "hook not in use."

3. Key Rings

The Security Officer shall implement procedures for identifying every key ring and every key on each key ring; and for preventing keys from being removed from key rings, once issued.

In SPCs/CDFs, all key rings shall be heavy-gauge wire that has been welded or brazed to prevent removal of keys from the ring. Two metal tags of unequal size shall be attached to each key ring. The larger tag will identify the key ring with a number/letter corresponding to the hook number/letter; the smaller tag will identify the number of keys on the key ring.

4. Emergency Keys

Emergency keys shall be on hand for every area to or from which entry or exit might be necessary in an emergency.

In SPCs/CDFs:

- a. Emergency keys may be kept in a separate key cabinet or in a readily identified area of the regular-issue key cabinet. A separate key cabinet located in the Control Center is recommended for the emergency keys.*
- b. The emergency-key cabinet will contain a hook for each key ring. If an emergency-key ring is kept outside the main emergency-key cabinet (e.g., in a tower), a metal tag providing the key ring's location will hang on the hook intended for that key ring in the main emergency-key cabinet.*
- c. The emergency keys shall be cut precisely to manufacturer's specifications.*
- d. Emergency keys will not be rotated.*

D. Issue of Key Rings

1. Chit System

Facilities shall use a chit system or other standard system for the issuance and accountability of key rings.

In SPCs/CDFs, the metal-chit system shall apply. The chit will be labeled with the officer's first initial and last name. All key rings shall issued as needed (at the beginning of a shift, etc.) with the exchange of a chit for a key. The key chit shall hang on the vacant hook from which the key was removed.

An employee who reports to work without chits must obtain temporary chits from the Control Officer, which he/she can exchange for keys according to standard procedure. At the end of the shift, the employee shall personally return the temporary chits to the Control Officer.

The Control Officer will maintain accountability for the issued chits.

At shift rotation, to obtain keys from an officer on post, the relief officer must first exchange his/her key chit at the Control Center for the key chit of the employee being relieved. The relief officer shall take their key chit to the employee being relieved and exchange the key chit for the appropriate ring of keys. The officer shall immediately count the keys on their ring, immediately reporting any discrepancies to the shift supervisor. If the relief officer needs to gain access to any location(s) while heading from the control enter to his/her post, the Control Officer may issue him/her a second set of keys. In this case, the officer will return the extra set of keys to the Control Officer at the end of the relief shift.

2. Restricted Keys

The OIC will establish rules and procedures for authorizing use of restricted keys.

In SPCs/CDFs, the Control Officer must have authorization from the shift supervisor to issue a restricted key.

3. 24-Hour-Issue Keys

No key(s) shall be issued on a 24-hour basis without the OIC's written authorization.

In SPCS/CDFs, a key chit identifying the borrower of the key ring shall be placed on the appropriate hook in the key cabinet, along with a metal tag marked "24-hour issue."

Individual 5" x 8" cards will record the following information about each set of 24-hour-issue keys: the key-ring identifiers (number and title), the number of keys on the ring, the individual key numbers and the door each key will unlock. Each card must bear the signatures of the authorizing OIC and CDEO, and the employee to whom the keys are being issued.

4. Security Keys

Key rings used but not issued on a 24-hour basis because of the attached security keys will be kept in a dedicated, glass-front, lockable box in the Control Center. Identical boxes may be kept and used in different departments, provided staff is authorized to receive 24-hour keys. The key to every such box will be issued on a 24-hour basis.

The staff member removing keys from the box shall place his/her chit on the hook in place of the key ring, returning the keys and reclaiming the chit at the end of the shift. The individual to whom the keys were issued shall personally return the keys to the box, without exception.

Security keys may not be taken off facility property (except for bus, van and other authorized-vehicle keys). As a rule, security keys will not be issued on a 24-hour basis.

5. Gun-Locker Keys

Officers shall store their weapons in individual lockers before entering the facility.

The OIC shall develop and implement site-specific procedures for controlling gun-locker access. However, the following standards apply to all facilities:

- a. Gun lockers shall be placed in locations where officers can continuously observe them, either in person or on a video-monitor.

- b. Gun lockers store the weapons of all on-duty officers, except those whose assignments require them to carry weapons.
- c. Using the gun locker for long-term storage is prohibited. An officer in need of storage space shall arrange with the Firearms Control Officer to place the weapon in the armory for an indefinite period.
- d. Chits and logbooks are tools useful in maintaining accountability for gun-locker keys and gun-locker use.
- e. Gun lockers shall not be located in an area that has detainee or public access.

6. Key Accountability

The OIC shall establish written policy and implementing procedures to ensure key accountability.

In SPCs/CDFs, the Control Officer shall conduct a key-ring audit upon reporting for duty, accounting for each key ring in the Control-Center logbook. The officer will immediately report discrepancies in the record to the shift supervisor.

The Control Officer will also identify broken or bent keys. All keys (regular-issue and emergency) shall be checked and counted daily.

To ensure accountability, keys will be issued only on the assigned key rings.

7. Request for Key Change

Key-change requests shall be submitted, in writing, to the OIC. The Key-Control Officer alone shall add or remove a key from a ring, upon OIC approval.

8. Split Key Ring

The splitting of key rings into separate rings is not authorized.

9. Proper Care and Handling of Keys

All staff members shall be trained and held responsible for adhering to proper procedures for the care and handling of keys.


- a. *An employee who inadvertently leaves the facility with a key ring will return it immediately upon realizing his/her mistake (unauthorized possession of U.S. property, breach of procedures).*
- b. *An employee, who loses, misplaces, or otherwise cannot account for a key/key ring shall alert the shift supervisor, promptly following-up with a written report.*

- c. *Under no circumstances will staff allow a detainee to handle facility keys.*
- d. *Key rings, including those for gun lockers, shall be securely fastened to a belt with a metal clip or other approved device. Fastening keys to a holsters or belt loop is prohibited.*
- e. *Employees shall not refer to key numbers or other means of identification within earshot of a detainee.*
- f. *Employees shall neither throw nor slide keys to one another.*
- g. *Force will not be used to operate locks.*
- h. *If a key breaks inside a lock, the employee shall maintain visual oversight of the lock until its extraction. If the key breaks inside a padlock, the padlock itself will be removed and taken to the Control Center. Whatever happens, the affected employee shall submit a memorandum on the incident to the OIC.*

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3A-21


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

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

Policy It is the policy of the INS Service to maintain an efficient system for the use, accountability and maintenance of all keys and locks.

KEY AND LOCK CONTROL (SECURITY, ACCOUNTABILITY AND MAINTENANCE)			
Components	Yes	No	Remarks
1. Does each facility have the position of Security Officer? If not a. Is a staff member appointed the collateral duties of security officer?			
2. Does the security officer have a written position description?			
3. Has the security officers attended an approved locksmith training program? a. Successfully complete?			
4. Is the security officer responsibly for all administrative duties and responsibilities relating to keys, locks etc.?			
5. Does the security officer provide training to employees in key control?			
6. Does the security officer maintain inventories of all keys, locks and locking devices?			
7. Does the security officer follow a preventive maintenance program? a. Maintains all preventive maintenance documentation?			
8. Does the facility policies and procedures address the issue of compromised keys and locks?			
9. Has the security officer developed policy and procedures to ensure safe combinations integrity? a. Is that policy maintained?			
10. Are only dead bolt or dead lock functions used in detainee accessible areas?			
11. Are any of the non-authorized locks (as specified in the Detention Standard) used in detainee accessible areas?			

KEY AND LOCK CONTROL (SECURITY, ACCOUNTABILITY AND MAINTENANCE)			
Components	Yes	No	Remarks
12. Does the facility use the grand master keying systems?			
13. Are all worn or discarded keys and locks cut up and properly disposed of ? a. Are the key cuts and facility number removed?			
14. Are padlocks and/or chains used on cell doors?			
15. Do the entrance/exit door locks to detainee living quarters, or areas with an occupant load of 50 or more people, conform to a. Occupational Safety and Environmental Health Manual, Chapter 3? b. National Fire Protection Association Life Safety Code 101?			
16. Is the operational key cabinet sufficient to accommodate all the facility key rings including keys in use a. Is it located in a secure area?			
17. In SPCs/CDFs, is the key cabinet constructed so keys will not be visible except during issue?			
18. Are procedures in place to ensure that key rings are a. Identifiable? b. Numbers of keys on the ring are cited? c. Keys cannot be removed from issued key rings?			
19. Are emergency keys available for all areas of the facility?			
20. Does the facilities use a chit system for issuance and accountability of key rings? If not a. What system is used?			
21. Is authorization necessary to issue any restricted key? a. Who provides the authorization?			

KEY AND LOCK CONTROL (SECURITY, ACCOUNTABILITY AND MAINTENANCE)			
Components	Yes	No	Remarks
22. Does the OIC authorize all keys issued on a 24-hour basis, in writing? If not a. Whom? b. Are they kept in an individual lockable box with a glass front in the facility control center? c. Are they permitted to be taken off facility property?			
23. Are individual gun lockers provided? a. Are they located in an area that permits constant officer observation, b. Are gun lockers located in an area that has detainee or public access? c. Are gun lockers used as a permanent or long-term storage space for any individual officer?			
24. Does the facility have a key accountability policy and procedures to ensure key accountability? a. Are the keys physically counted daily?			
25. Are all key change requests made in writing to the OIC? a. Is the designated key control officer the only employee who is authorized to add or remove a key from a ring?			
26. Is the splitting of key rings into separate rings authorized?			
27. Are all staff members trained and held responsible for adhering to proper procedures for the handling of keys? a. Are issued keys returned immediately in the event an employee inadvertently carries a key ring home? b. When a key or key ring is lost, misplaced, or not accounted for, is the shift supervisor immediately notified? c. Is a detainee permitted to handle keys assigned to staff?			

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

**KEY AND LOCK CONTROL
(SECURITY, ACCOUNTABILITY AND MAINTENANCE)**

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. Observing key distribution			
B. Observing Officer behavior			
C. Inspection of Lockshop			
D. Facility's written policy and procedures.			
E. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

POPULATION COUNTS

I. POLICY

All facilities shall implement an effective system for counting detainees. Formal and informal counts will be conducted as necessary to ensure around-the-clock accountability for all detainees.

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. Formal Count

Formal counts are conducted at specific times of the day or night in a predetermined manner. A formal count should be conducted at least once per shift, with a shift supervisor verifying its accuracy.

In SPCs/CDFs:

1. *The formal count(s) conducted at least once per shift shall be at a time determined by the Chief Detention Enforcement Officer. Counts will be scheduled to achieve full accountability with minimal interference with daily work and activity schedules.*

2. *Count procedures must be strictly followed. If the accuracy of a count is in doubt, the officers shall do a recount and any other double-checking necessary. Officers performing the count shall never rely on a roll call.*
 - a. *An unaccompanied officer shall never perform a count in an open area (housing units, food service area, etc.). One officer shall count while a second officer observes all detainee movements, to ensure that no detainee shifts from one location to another, to be counted twice. Upon completing the first count the officers will change positions and count again.*
 - b. *The officers assigned the count, who have primary responsibility for the count accuracy, shall be familiar with possible sources of error. The officers must know the specific manner of counting detainees in different types of locations (e.g., housing units, open-type areas, or work areas). The officers shall encourage detainees to accept the count as a facility necessity.*
 - c. *Officers must make positive identification of the living body-and not mere clothing in a human shape-before counting anyone present. (Escapes have been effected by the skillful use of such dummies.) The counting officers will remain in the count area until the facility Control Center verifies and clears the count.*
 - d. *When making night counts, officers should use flashlights judiciously, with sufficient light to recognize a dummy. The officer must not count a detainee based on a part or parts of clothing, hair, shoes, or the appearance of a human form (see paragraph (c), immediately above).*
3. *Officers shall encourage detainee cooperation. However, they shall not allow detainees to perform the count, nor participate in the preparation or documentation of the count process.*
4. *There will be no movement of detainees during formal counts. All detainee movements into, out of, and within the facility must cease before the count begins. Detainee movement shall not resume anywhere in the facility until the complete facility count has been cleared. Should an emergency arise during the count that necessitates the movement of detainees, the count will restart when the movement has ended.*
5. *All detainee units/areas will be counted simultaneously; each detainee will be counted at a specific location; and all movement of detainees will cease before the count begins. Movement will not resume until the total detainee population count is verified and cleared. The counting officer from each location will radio his count to the facility control officer, who is responsible for collecting and maintaining the count. After the count is radioed in, a signed paper count slip will be delivered to the Control Center. This count slip will be used to verify the area count. Therefore, count slips must be prepared and signed in indelible ink.*

Both officers conducting the count must sign the count slip. The Control Center shall not accept an improperly prepared count slip or one that contains erasures or alterations of any kind. The control officer shall take into account the current out-count in verifying the population count against the master count.

6. *As each area reports its count, the control officer will so indicate in the control log. If any area/unit reports an incorrect count, all areas/units will be required to count again. If the count remains incorrect, the shift supervisor will be notified and additional staff will be dispatched to the count area to assist with a third count. No count shall be cleared until all counting errors have been corrected, or until the cause of error has been identified and corrective action taken. If a detainee is in the wrong count area, the detainee will be escorted to the correct count area. If this occurs, officers in all count areas/units will recount, recall the earlier counts, and deliver the new count slip to the control officer.*
7. *If all recounts fail to clear the count, the shift supervisor will conduct a face-to-photo count, matching photos on facility identification cards with detainee faces, individual by individual. When the face-to-photo count has been completed, the control officer shall report that count to the shift supervisor responsible for accepting and clearing the count.*
8. *In the event that a detainee is unaccounted for after the face-to-photo count, the supervisor on duty will institute the escape policy.*

B. Face-to-Photo Count

Face-to-photo counts (or equivalent) will be conducted as necessary.

In SPCs/CDFs, face-to-photo counting procedures are the same as the formal count procedures, except each detainee will be matched with the photo on his/her I-385 card or facility identification card.

C. Informal/Census Counts

Each officer will make irregular but frequent checks to verify the presence of all detainees in his/her charge.

In SPCs/CDFs, these informal counts or checks occur between formal counts. For work crews, a count is made when the crew assembles for work, at frequent intervals during the work period, and when the crew is dismissed at the end of the work period. An informal count is reported only if a detainee appears to be missing. In that case, an emergency (formal) count shall be taken.

D. Master Count

The facility Control Center will maintain a master count.

In SPCs/CDFs, the facility control officer maintains the master count record. He/she must be provided with up-to-the-minute information regarding detainee admissions, releases, housing changes, hospital admissions, outside work details, and any other changes that could affect detainee accountability. An up-to-the-minute count record shall at all times be maintained in the Control Center. The master count shall take into account the current out-count.

E. Out-Counts

The control officer shall maintain an out-count record of the number and destination of all detainees who temporarily leave the facility.

In SPCs/CDFs, this record must contain an accurate and up-to-the-minute listing of every temporary departure and return of a detainee. It must be updated regularly and used in any formal count.

F. Emergency Count

An emergency count will be conducted when there is reason to believe a detainee is missing, or after a major disturbance has occurred.


An emergency count is a formal count taken in addition to and at a different time from the regularly scheduled formal counts. When a detainee is unaccounted for, or a major disturbance has ended, a count shall be taken to determine that no one has escaped or is in hiding. The facility control officer must always be prepared to produce an up-to-the-minute count for such use.

In SPCs/CDFs, all detainees will be returned to their housing units during emergency counts. An emergency count is conducted in the same manner as a formal count.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED


American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities. 3-ALDF-3A-14, 1F-05

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

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

Policy: All detention facilities shall ensure around-the-clock accountability for all detainees. This requires that they conduct at least one formal count of the detainee population per shift, with additional formal and informal counts conducted as necessary.

POPULATION COUNTS			
Components	Yes	No	Remarks
1. Does staff conduct a formal count at least once each shift?			
2. Do certain activities continue while a formal count is being conducted?			
3. Do certain operations continue during formal counts?			
4. Is a certain amount of movement tolerated during a formal count?			
5. Do formal counts in all units take place simultaneously?			
6. Do at least two officers participate in the count in each area/unit? a. Always, or with some exceptions? b. If exceptions, give examples.			
7. Does the counting officer radio the count to the facility control officer? a. Is this standard procedure? b. Does the procedure include sending a count slip to the control officer after each count?			
8. Do both officers conducting the count prepare and sign the count slip? a. In indelible ink?			
9. Do officers allow detainee participation in the count? If yes, at what point? a. Preparing for the count? b. Performing the count? c. Preparing post-count documentation?			
10. Does every area/unit conduct a recount whenever an incorrect count is reported?			
11. Does a face-to-photo count follow each unsuccessful recount?			

POPULATION COUNTS			
Components	Yes	No	Remarks
12. Do the two officers conducting the area/unit count switch positions for the recount? a. Is this a matter of written policy?			
13. Do officers positively identify each detainee before counting him/her as present?			
14. Do written procedures cover informal and emergency counts? a. If yes, are they followed during informal counts? b. During emergencies?			
15. Does the control officer maintain an out - count record of all detainees temporarily leaving the facility?			
16. Does the facility train all officers to follow all requirements of INS' "Population Count Detention Standard"?			
17. Is this training documented in each officer's training folder?			

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

Population Counts

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. Observation of facility counts			
B. Observation of escort procedures (whether out counts are maintained)			
C. Facility log books			
D. Written policy and procedures			
E. Detainee and staff interviews*			

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

INS DETENTION STANDARD

POST ORDERS

I. POLICY

Each officer will have written post orders that specifically apply to his/her current duties. The post orders will specify the duties of the post officer, along with instructions on how to perform those duties. The step-by-step procedures will include enough detail to guide a novice assigned to the post. The OIC will also develop post orders for non-permanent assignments (details, temporary housing units, emergency changes, etc.). If events preclude advance planning, the OIC will issue a post order as soon as possible after the need arises.

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. Post Orders

Written orders shall specify the duties of each post in the facility, along with the procedures to be followed in carrying out those duties. Copies of the post orders shall be available to all employees.

Post orders shall be based on INS detention standards, INS policies, and facility practices, and shall specifically state the duty hours for each post.

The Chief Detention Enforcement Officer (CDEO) or CDF equivalent shall supervise the preparation of all post orders.

The CDEO will forward the post orders to the OIC for approval. The OIC will sign and date the last page of each section, initial and date all other pages, and initial and date any subsequent page changes.

The SPC positions of Chief Detention Enforcement Officer (CDEO), Supervisory Detention Enforcement Officer (SDEO), and Detention Enforcement Officer (DEO) are generally equivalent to the Chief of Security, Contract Shift Supervisor and Contract Detention Officer positions in CDFs.

B. Reading and Understanding of Post Orders

Each facility shall implement a written policy providing official time for personnel to read the applicable post orders upon assuming a new post. All facilities shall have written procedures to ensure that all officers read applicable post orders.

All officers and supervisors shall use the post orders to familiarize themselves with the duties for which they are responsible, and to stay abreast of changes that occur in the operation and duties of the post. Supervisors shall ensure that officers understand the post orders of each post they are assigned, regardless of whether the assignment is temporary, permanent, or due to an emergency.

In SPCs/CDFs, each time an officer receives a new post assignment, he/she will be required to read and understand the applicable post order. The officer will sign and date the post order to indicate having read and understood its provisions.

C. Format of Post Orders

Post orders shall contain separate sections, organized as follows:

- Section 1: Specific post orders, listing activities chronologically, with responsibilities clearly defined;*
- Section 2: Special instructions, if any, relating to the specific post;*
- Section 3: General post orders-applicable to all posts;*
- Section 4: Memoranda changing or updating the post orders;*
- Section 5: INS detention standards and policies and facility practices relevant to the post;*
- Section 6: Review and Signature Form, with the officer's name both printed and signed.*

Every post order will be issued in this six-part format, with the six-divider classification folder (stock number #7530-00-990-8884) separating each section. When a page becomes difficult to read, it will be removed and replaced by a clean copy.

D. Maintenance of Post Orders

Post orders will be kept current at all times. Post orders will be reviewed and updated yearly or sooner when deemed necessary.

In SPCs/CDFs:

1. *The CDEO or CDF equivalent will determine whether post orders need updating during the period between annual reviews.*
2. *Two weeks before the annual review, the supervisory staff will solicit written suggestions for changes or additions to post orders from INS staff, contract staff and other affected staff. The Detention Operations Supervisor (DOS) or equivalent will review and comment on all suggested changes prior to submitting them to the CDEO for review and possible inclusion in the post orders. All submissions shall remain in a historical file for two years. The CDEO will forward the updated post orders to the OIC for approval.*
3. *Post orders and logbooks are confidential. Therefore they shall be kept secure (under lock and key) at all times, and shall never be left in an area accessible to detainees.*
4. *Emergency changes will be made by memorandum, and placed in the post orders immediately, with notification to the union as soon as possible. During each review the post orders will be revised to incorporate or delete emergency changes, and all emergency memoranda will be removed.*
5. *A post orders master file will be maintained in the CDEO's office and available to all staff. Copies of the applicable post orders will remain at each post only if secure from detainee access.*
6. *The CDEO will ensure that all post orders are transcribed on a computer, and that all back-up disks are properly accounted for and maintained in a secure location.*

E. Housing Unit Post Orders

The CDEO and CDF equivalent, if applicable, shall review and the OIC shall sign all post orders and subsequent changes for housing units.

In IGSA facilities, personnel in comparable positions shall review and sign housing-unit orders.

In SPCs/CDFs, housing unit post orders will follow the event schedule format, e.g., "0515-Lights on." Among other things, these post orders will direct the assigned officer to maintain a unit log of pertinent information regarding detainee activity. The SDEO or CDF shift supervisor will visit all housing areas and initial the log each shift.

F. Armed and Perimeter-access Post Assignments

Post orders for armed and perimeter-access posts assignment will, among other things, describe and explain:

- a. The proper care and safe handling of firearms; and
- b. Circumstances and conditions when use of firearms is authorized.

In SPCs/CDFs, any officer assigned to an armed post must be qualified with the firearms assigned to that post. INS officers must be qualified in accordance with the current INS Firearms Policy (AM 20.012). Other officers must be qualified in accordance with INS Policy. With the exception of emergencies, armed employees shall be assigned only to transportation details, mobile patrols, or other posts inaccessible to detainees.

Post orders for armed posts, and for posts that control access to the institution perimeter, shall clearly state that any staff member who is taken hostage is considered to be under duress. Any order/directive issued by such a person, regardless of his or her position of authority, is to be disregarded.


Specific instructions for escape attempts will be included in the post orders for armed posts.

The post orders will be based on, and consistent with, three INS policy documents-the Firearms Policy (AM 20.012), the Deadly Force Policy, and the Non-Deadly Force Policy.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities. 3-ALDF-3A-05, 3A-06


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

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

Policy: INS provides officers all necessary guidance for carrying out their duties. This guidance includes the post orders established for every post, which are reviewed at least annually, and given to each officer upon assignment to that post.

POST ORDERS			
Components	Yes	No	Remarks
1. Does every post have a set of post orders?			
2. Does each set contain the latest inserts (emergency memoranda, etc.) and revisions?			
3. Is one individual responsible for keeping all post-orders current with revisions that take place between reviews?			
4. Does the CDEO's office or contract equivalent maintain a complete set (central file) of post orders?			
5. Is the central file accessible to all staff?			
6. Does the OIC initiate/authorize all post-order changes?			
7. Has the OIC signed and dated the last page of every section?			
8. Do the post orders contain the required six sections?			
9. Does a review/updating/reissuing of post orders occur regularly? a. Annually? b. At the same time each year? c. Does the facility follow written post-order review procedures?			
10. Does the OIC initiate the annual review by soliciting suggestions from affected staff? a. If yes, does staff have sufficient notice to prepare and submit written suggestions by the due date? b. Can staff respond anonymously?			

POST ORDERS			
Components	Yes	No	Remarks
11. Does the DOS (or contract equivalent) consider all suggestions? a. Does the OIC (or DOS) ever discuss suggestions with originating and/or affected staff?			
12. Does the OIC retain all written suggestions, whether accepted or rejected, in a historical file? a. Are the records retained for two years? b. Does the historical file include comments, if any, from the reviewing official(s)			
13. Do procedures keep post orders and logbooks secure at all times? a. Do certain posts have frequent security problems with post orders?			
14. Are emergency changes to post orders made by memorandum?			
15. Do the post orders for armed posts provide instructions for: a. Recognizing conditions when use of weapons is authorized? b. The care and safe handling of firearms?			
16. Has every armed-post officer qualified with the post weapon(s) before assuming post duty? a. Does the facility provide on-the-job weapons training?			
17. Do the armed-post post orders clearly state that if an official is taken hostage, he/she loses all authority normally associated with his/her position, regardless of rank or seniority?			
18. Do the armed-post post orders provide instructions for escape attempts?			
19. Do the post orders for housing units track the event schedule? a. If yes, in the same format?			

POST ORDERS			
Components	Yes	No	Remarks
20. Do the housing-unit post officers record all detainee activity in a log? a. If yes, does the post order include instructions on maintaining the logbook?			
21. Does the SDEO/contract supervisor visit each housing area and review the logbooks at least once per shift?			

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

POST ORDERS

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
1. Post orders in use at posts			
2. Master copy of post orders			
3. Documentation of firearms qualifications			
4. Housing unit logbooks			
5. Facility policy & procedures for post orders			
6. History file for each set of post orders			
7. Staff Interview(s)			

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

INS DETENTION STANDARD

SECURITY INSPECTIONS

I. POLICY

In an area with heightened security requirements, the post officer must thoroughly understand all aspects of facility operations. Specially trained officers only will be assigned to these security-inspection posts.

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 PROCEDURES

A. Security Inspections

Security inspections are necessary to control the introduction of contraband, ensure facility safety, security, and good order, prevent escapes, maintain sanitary standards and eliminate fire and safety hazards

B. Facility Policy

The Officer in Charge (OIC) shall establish a comprehensive security-inspection system that covers every area in the facility, including the perimeter fence-line.

The written policy will specify the posts and areas INS requires SPCs/CDFs to submit the inspection forms, along with the frequency of inspections.

IGSA facilities shall use these requirements as a guide in formulating their inspection schedules.

It will also provide guidelines for security-feature checks and for reporting security vulnerabilities, inconsistencies, etc.

In SPCs/CDFs, the officer assuming the post shall conduct a security check of the area, record the results in the post logbook, and prepare and submit maintenance work requests as required.

Documentation of all daily inspections (shift, area, or post) is required.

C. Inspection Review

The OIC will identify the officer responsible for including all areas of the facility in the daily security-inspection process.

In SPCs/CDFs the Supervisory Detention Enforcement Officer (SDEO) or contract equivalent will have this responsibility, under the Chief Detention Enforcement Officer (CDEO) or contract equivalent. The SDEO or on-duty supervisor will review all search and inspection documentation.

The SDEO will report recurrent problems with maintenance work to the department head and/or Assistant OIC (AOIC). These problems would include, e.g., unresponsiveness to work orders, failures to take corrective action and/or failed attempts to fix or solve the problem within a reasonable amount of time.

When the SDEO/AOIC advises the OIC of the need for major, security-related expenditures (mechanical, electrical, structural, or other repairs or improvements), the OIC will request funding through the INS chain of chain.

D. Search Locations and Procedures

1. Front Entrance

The facility's front entrance shall have a sally port with electronic interlocking doors or grilles to prevent unauthorized entry or exit.

Because the front-entrance post involves constant contact with the general public, those post officers must have certain public-relations skills, such as politeness, tact, and the ability to interact and communicate easily and effectively with a diversity of people, etc., as well as to enforce regulations. These officers must also dress neatly.

a. Identification

The officer assigned to this post shall check the identification documents of every visitor, employee, and other person entering or leaving the facility (see the "Visitation" standard).

b. Record

The OIC will establish procedures for tracking the arrivals and departures of contract employees

In SPCs/CDFs:

1. *The post officer will maintain the visitor logbook, the bound ledger in which all non-staff visits are recorded.*
2. *Every entry in the logbook will identify the person or department visited; date and time of visitor's arrival; purpose of visit; unusual requests; and time of departure.*
3. *The entry for a person visiting a detainee will also include the name and A-number of the detainee being visited, along with the visitor's relationship to the detainee, immigration status, and address. The post officer will require the visitor to print and sign his/her name at the designated spot.*
4. *All INS employees will carry INS-issued identification cards with photograph and signature. The main-gate/front-entrance officer will maintain a file of Personal Data Cards (Form G-74) for all staff permanently stationed at the facility. An "In/Out Box" at the main gate/front entrance will account for all staff entering and leaving the perimeter.*
5. *The OIC will establish procedures for tracking the arrivals and departures of contract employees. However, the main gate/front entrance officer will maintain a separate file of contract employee Personal Data Cards (Form G-74), laminated, with photograph, issue date, and OIC signature.*

c. Issuance of Visitor Passes

The OIC will establish procedures for issuing visitor passes to all visitors entering the facility (at the main gate/front entrance). The visitor must prominently display this pass on an outer garment, where staff can see it at a glance.

Unless the OIC grants a waiver, every visitor must present a current photo-identification card to receive a visitor pass.

In SPCs/CDFs, the post officer will check the validity of the identification. In exchange for the photo-identification card (driver's license, student ID card, etc.), the post officer will issue the visitor a color-coded pass, provided the photo resembles the visitor closely enough to identify the visitor. The visitor must leave his/her photo-identification card with the post officer until the end of the visit, marked by the time-out entry in the logbook. The photo-identification card requirement may be waived at the discretion of the OIC.

The post officer holds all visitor identification cards officer at the front entrance/main gate for a range of security reasons: in an emergency (accident, fire, hostage-taking) or other incident; as a check on logbook data; and as a disincentive for criminal or disruptive behavior (distributing drugs/other contraband; inciting an internal disturbance or riot), etc.

1. Blue Visitor Passes (or color-code equivalent)

INS employees not permanently stationed at the facility and official visitors from other Department of Justice agencies will receive "blue" passes. Visitors with blue passes do not need, but may request, escorts.

The post officer will record every official visitor's arrivals and departures in the visitor logbook, providing the standard information (see paragraph D.1.b.2., above).

To save time, all INS employees with frequent business at the facility but stationed elsewhere should complete a G-74 for the front-entrance Personal Data Card file.

2. Yellow Visitor Passes (or color-code equivalent)

Law enforcement officers not directly connected with INS, vendors, and other persons visiting in an official capacity will receive "yellow" passes. Their visits will be recorded in the visitor logbook. Escorts are required for visitors with yellow passes.

3. Red Visitor Passes (or color-code equivalent)

Persons visiting detainees or visiting the facility in a nonofficial capacity, regardless of affiliation, will receive "red" passes. The post officer will enter their visits in the visitor logbook (see paragraphs D.1.b.2. and 3, above). Escorts are required for visitors with red passes.

If a visitor leaves the facility without surrendering the visitor pass and/or retrieving his/her identification card, the post officer will photocopy the identification card and attach it to a memo to the SDEO stating:

- 1. Visitor name;*
- 2. Visitor title (if applicable);*
- 3. Person or department visited;*
- 4. Time pass was issued;*
- 5. Reason for not retrieving pass from visitor and/or not returning the identification card; and*
- 6. Anything suspicious about the visitor (if applicable).*

The main gate/front-entrance officer must account for all visitors passes when coming on duty, immediately reporting any discrepancies to the SDEO. The post officer is also responsible for monitoring the inventory of visitor passes and identification cards, and reporting unusually long visits (indicated by the unretrieved identification card and/or missing visitor pass) of to the SDEO.

2. Control Centers

In SPCS/CDFs, the OIC will establish procedures to implement the following Control Center requirements:

- 1. Round-the-clock staffing;*
- 2. Limited staff access;*
- 3. No detainee access (NOTE: cleaning duties generally assigned to detainees will, in the Control Center, be assigned to facility employees);*
- 4. Communications center:*
- 5. Current home and/or cellphone number of every officer on the recall list; if inaccessible by phone, beeper/pager number, e-mail address, or other means of off-duty contact (approved by OIC):*
 - a. Numbers on file in both Control Center and shift supervisor's office;*
 - b. Maintained in a secure file;*
 - c. Privacy Act-compliant;*
 - d. For emergency recall or urgent business only;*
 - e. Updated quarterly.*

The file containing the recall list will prominently feature the following notice:

“This information must be safeguarded. Use is restricted to those needing the information in the performance of their official duties. Misuse will subject the user to criminal liability. This agency will view any misuse of this information as a serious violation of the employee code of conduct, which may result in disciplinary action, including removal.”

6. *Round-the-clock accountability for equipment.*
7. *All staff shall normally make watch calls (officer safety checks) to the control center, every half-hour between the hours of 6:00 P.M. and 6:00 A.M. Individual facility policy may designate another post to conduct watch calls. Any exception for staff not to make watch calls must be authorized by the OIC.*

The Supervisors will carefully screen officers for the highly responsible Control Center post assignment(s). The Control Officer's responsibilities include, among other things, key control, count procedures, and public-address-system operations.

IGSA facilities shall use the above guidelines when formulating Control Center procedures.

3. Vehicle Control

1. Vehicle Entrance

a. Identification

Facilities shall have policies and procedures to control and document all vehicular traffic entering the facility.

The main-gate/front-entrance officer will control all vehicular traffic entering and leaving the facility. The officer will check the driver's license of every person driving into the facility, regardless of purpose (visit, delivery, etc.). If the license is valid, the officer will admit the vehicle. While the driver is within the facility's secure perimeter, the officer will hold the driver's license (see section D.1.c., above).

b. Vehicle Log

The post officer will log the following information on every vehicle, including tag number, driver's name, firm represented, vehicle contents, date, time in, time out, and facility employee responsible for the vehicle on-site.

b. Controls

All facilities shall have policies and procedures to ensure that effective controls are in place to monitor all vehicles that enter the secure perimeter of the facility.

In SPCs/CDFs:

1. *The main-gate/front-entrance officer will search the vehicle before it enters or leaves the facility, both to prevent the introduction/removal of contraband and to prevent the vehicle's use as a means of escape. All drivers making deliveries must submit to questioning about firearms, munitions, knives, ropes, jacks, narcotics, and other items considered contraband (see the "Contraband" Standard).*
2. *Any article posing a threat to the facility's security will be held at the gate or removed from facility grounds. The driver of a delivery vehicle may be accompanied by one or more co-worker(s), but no unauthorized passengers.*
3. *The facility employee responsible for vehicle oversight will, as escort:*
 - *walk behind the vehicle;*
 - *directly supervise loading and unloading ;*
 - *retain the ignition keys, never leaving them in the vehicle; and*
 - *close windows, lock doors and trunks, secure toolboxes, ladders, etc., before leaving the vehicle unattended.*
4. *Before the exit gate, the driver will stop at the spot designated. The gate operator will not allow the vehicle to depart until satisfied that neither the driver nor the escorting officer is under duress. With that established, officers will again search the vehicle. If a thorough search is impossible, the vehicle will be unloaded or held pending completion of the next official count. If the vehicle or vehicular equipment must remain inside the compound overnight, staff will render it inoperable.*
5. *If the post officer has doubts about a person's identity, he/she will not permit the person to exit, pending positive identification.*
6. *Staff will handle any legal or special mail deliveries for detainees in accordance with the "Detainee Correspondence and other Mail" standard.*

4. Special Management Unit (SMU)

a. SMU Security Measures

Every OIC will establish written policy and procedures to secure the SMU from contraband.

In SPCs/CDFs, items allowed to enter these special housing units will be kept to an absolute minimum. When an item is allowed into the unit, it will be thoroughly inspected and searched to prevent the introduction of contraband. This includes laundry, commissary, food carts, personal property, etc. When it becomes necessary to introduce tools into a special housing unit, special care shall be taken. All tools shall be inventoried by the special housing officer prior to entering. Tools will be identified and checked against the inventory upon departing to ensure no tools, hazardous objects, or materials are left in the unit.

Every SMU entrance in regular use will have a sally port. The officer operating the inner door and the officer operating the outer door will coordinate their movements, so that one door has closed before the other opens. Each officer will check the identification of every person going in and out, independent of the other. Each must positively confirm the individual's identify before allowing him/her through the door.

Also, in accordance with written procedures established by the OIC, these officers will take precautions to ensure that the person requesting entry or exit is not doing so under duress.

Food carts will be securely locked before delivery to the SMU. If this is not possible, a staff escort is required.

b. Key Control

Staff assigned to the SMU or visiting area will have keys to the inner door(s) of the sally port, but not to the outside doors. Conversely, staff outside the SMU or visiting area will have keys to the sally port's outer, but not inner, door(s). Under no circumstances will one individual hold keys to both the inner and outer doors of the sally port.

5. Housing Units

Every OIC will establish written policy and procedures for housing unit and personal area searches.

a. Detainee Housing Area

Staff may search a detainee's housing area and personal items without prior notice, without detainee approval, and without the detainee present (the detainee's

presence is preferred, but not necessary). Housing area searches will take place irregularly, so as not to establish a pattern.

b. Detainee Property Locker or Cell Search

Staff will remove the detainee from the cell prior to the search. During a cell search, particular attention must be paid to plumbing facilities, ventilators, beds, bedding, tables, chairs, books, etc.

Staff conducting the cell/personal-property search will be on the alert for contraband in false bottoms, hidden compartments, hollow legs, etc. After the search, the officers will restore all items to the original order.

c. Search Log

Each housing unit, including the SMU, will document cell and area searches in a search log. The log will register the date, time, and findings, including location(s) where contraband found, type(s) of contraband, and the searching officers' names.

6. Utility Area Search.

Staff will conduct irregular searches of storage and supply rooms, plumbing accesses, walls (particularly around ventilators and windows), light and plumbing fixtures, drains, etc., in the housing areas. These searches will take place at least once per shift.

7. Shops and Buildings

Officers will routinely inspect all areas of the facility, at odd hours, according to no fixed schedule. The department head will be present during searches of medical areas, recreation areas, storerooms, etc., both to ease access to locked areas and to help determine the status of questionable items. Staff will document these searches in a logbook maintained by the SDEO or shift supervisor (at the OIC's discretion).

8. Perimeter Security

Inspections will occur frequently, but at irregular times, as follows:

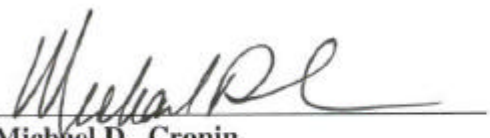
- 1 Walls, fences, and exits, including all outside windows: inspected for defects at least once per shift; perimeter alarm systems: tested daily;
2. Places on the grounds where detainee could arrange to have visitors leave contraband/unauthorized items: per shift or daily, at OIC discretion; and

3. Perimeter fence, checked daily, with the officer:
 - a. Walking the entire fence line, checking the tension wire, binding straps, and all hardware attached to the poles, to ensure tautness; examining wings for cut links; and testing the links fastening the sides of the fence bottom to the fence; and
 - b. Simulating a detainee climbing the fence by pulling on the fence. Jerking the fence back and forth does not simulate climbing, and is therefore unacceptable. The pull-test will activate the alarm, after which staff will immediately notify the Control Center of the need to reset the alarm.
4. *The Maintenance Supervisor and CDEO or Chief of Security will check the fence monthly, documenting the results of each check in the SDEO's*

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-5D-01, 5D-02, 5D-03, 5D-04, 5D-05, 5D-06, 5D-07, 5D-08


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

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

Policy: Post assignments in the facility's high-risk areas, where special security procedures must be followed, will be restricted to experienced personnel with a thorough grounding in facility operations.

SECURITY INSPECTIONS			
Components	Yes	No	Remarks
1. Does the facility have a comprehensive security inspection policy? If so does the policy specify: a. Posts to be inspected? b. Required inspection forms? c. Frequency of inspections? d. Guidelines for checking security features? e. Procedures for reporting weak spots, inconsistencies, and other areas needing improvement?			
2. Is every officer required to conduct a security check of his/her assigned area? a. Are results noted in the post logbook?			
3. Is documentation of security inspections kept on file?			
4. Has a single officer been assigned responsibility for ensuring the security inspection process covers all areas of the facility ?			
5. Do procedures ensure that recurring problems and a failure to take corrective action are reported to the appropriate manager?			
6. Does the front entrance have a sallyport-type entrance, with interlocking electronic doors or grilles?			
7. Does the front-entrance officer check the ID of everyone entering or exiting the facility?			
8. Are all visits officially recorded in a visitor logbook? a. If yes, what information is recorded?			

SECURITY INSPECTIONS			
Components	Yes	No	Remarks
9. Does the Control Center maintain employee Personal Data Cards (Form G-74)?			
10. What information does the detainee-visitation log include?			
11. Does the facility have a visitor pass system? a. Color-coded?			
12. Does every Control Center officer receive specialized training?			
13. Is the Control Center staffed around the clock?			
14. Does policy restrict staff access to the Control Center?			
15. When do detainees have access to the Control Center? a. Are detainees assigned cleaning duties in the control center?			
16. Are communications centralized in the Control Center?			
17. Does the recall list include the current home telephone number of each employee? a. How often are phone numbers updated?			
18. Is it required that all staff make watch calls every half-hour between 6 PM and 6 AM? a. Who receives the watch calls?			
19. Does an officer monitor all vehicular traffic entering and leaving the facility?			
20. Does the facility maintain a log of all incoming and departing vehicles? If so, does each entry contain: a. The driver's name? b. Company represented? c. Vehicle contents? d. Delivery date and time? e. Date and time out? f. Vehicle license number? g. Name of employee responsible for the vehicle during the facility visit?			
21. Do officers thoroughly search each vehicle entering and leaving the facility?			

SECURITY INSPECTIONS			
Components	Yes	No	Remarks
22. Is one individual responsible for vehicle supervision at the facility? a. If yes, is this assignment included in his/her post orders/job description?			
23. Does the facility have a written policy and procedures to prevent the introduction of contraband into the segregation units?			
24. Does the SMU officer inventory tools being taken into the facility?			
25. Does every regularly used SMU entrance have a sallyport?			
26. Does a staff member escort all food carts? a. Is a lock used to secure each food cart?			
27. Do written procedures govern searches of detainee housing units and personal areas?			
28. Do housing area searches occur at irregular times?			
29. Is every search of the SMU and other housing units documented?			
30. Do storage and supply rooms; walls, light and plumbing fixtures, accesses, and drains, etc. undergo frequent, irregular searches? a. How often?			
31. Is the logbook documenting area searches kept in the SDEO/shift supervisor's office?			
32. Are walls, fences, and exits, including exterior windows, inspected for defects once each shift?			
33. Do daily procedures include: a. Perimeter alarm system tests? b. Physical checks of the perimeter fence? c. Documenting the results in the SDEO/shift supervisor's daily log?			
34. Do the maintenance supervisor and CDEO/Chief of Security make monthly fence checks?			
35. Do visitation areas receive frequent, irregular inspections?			

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

SECURITY INSPECTIONS

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. Observing inspection procedures			
B. Observing procedures at front entrance			
C. Reviewing logbooks			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

SPECIAL MANAGEMENT UNIT (Administrative 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 in Administrative Segregation; the other for detainees being segregated for disciplinary reasons (see the “Special Management Unit [Disciplinary 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 Administrative Segregation

Administrative segregation is a non-punitive form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to self, staff, other detainees, property, or the security or orderly operation of the facility. Others in this housing status includes detainees who require protective custody, those who cannot be placed in the local population because they are en route to another facility (holdovers), those who are awaiting a hearing before a disciplinary panel, and those requiring separation for medical reasons.

Administrative segregation status is a non-punitive status in which restricted conditions of confinement are required only to ensure the safety of detainees or others, the protection of property, or the security or orderly running of the facility.

The facility shall develop and follow written procedures consistent with this standard.

In SPCs/CDFs:

1. *Prior to the detainee's placement in administrative segregation, the Officer in Charge (OIC) and Supervisory Detention Enforcement Officers (SDEO) or CDF equivalent will review the case to determine whether administrative segregation is warranted.*
2. *The OIC may delegate authority to place a detainee in administrative segregation to the SDEO.*
3. *A detainee may be placed in administrative segregation when the detainee's continued presence in the general population poses a threat to life, property, self, staff, or other detainees; for the secure or orderly operation of the facility; for medical reasons, etc. Examples include, but are not limited to the following:*
 - a. *A detainee is awaiting an investigation or a hearing for a violation of facility rules. Pre-disciplinary hearing detention should be ordered only as necessary to prevent further rules violation(s) or to protect the security and orderly operation of the facility. It is not to be used as a punitive measure. Time served in pre-hearing detention may be deducted from any time ordered by the Institutional Disciplinary Panel (IDP).*
 - b. *A detainee is a threat to the security of the facility. The OIC may determine that a detainee's criminal record, past behavior at other institutions, behavior while in INS detention, or other evidence is sufficient to warrant placing the detainee in administrative segregation. Copies of records supporting this action will be attached to the Administrative Segregation Order.*
 - c. *A detainee requires protection. Protective custody (PC) may be initiated at the detainee's request or ordered to protect the detainee from harm. Examples include:*
 1. *Victims of detainee assaults;*
 2. *Detainee informants/witnesses - detainees who provide information to the institution staff or any law enforcement agency concerning improper activities by others;*
 3. *Sexual predators;*

4. *Detainees who have been pressured by other detainees to participate in sexual activity;*
 5. *Detainees who request PC;*
 6. *Detainees who refuse to enter the general population because of alleged intimidation from other detainees;*
 7. *Detainees who refuse to return to the general population, but who will not provide the reason for refusal;*
 8. *Detainees who appear to be in danger of bodily harm; or*
 9. *Detainees who seek protection, claiming to be former law enforcement officers or to have held a sensitive law enforcement position, whether or not there is official information to verify the claim.*
- d. *The IDP may order a detainee into administrative segregation following disciplinary segregation after determining that releasing the detainee into the general population would pose a threat to the security and orderly operation of the facility. A detainee transferred from disciplinary segregation to administrative segregation shall enjoy the same privileges as all others in administrative segregation.*
 - e. *A medical professional ordering a detainee removed from the general population shall complete and sign the Administrative Segregation Order, unless the detainee will stay in the medical department's isolation/segregation ward.*
 - f. *A detainee is scheduled for release, removal, or transfer within 24 hours. Such segregation may be ordered for security reasons or for the orderly operation of the facility.*

B. Administrative Segregation Order

A written order shall be completed and approved by a supervisory officer before a detainee is placed in administrative segregation, except when exigent circumstances make this impracticable. In such cases, an order shall be prepared as soon as possible. A copy of the order shall be given to the detainee within 24 hours, unless delivery would jeopardize the safety, security, or orderly operation of the facility.

In SPCs/CDFs:

1. *The OIC shall complete the Administrative Segregation Order (I-885 attached), detailing the reasons for placing a detainee in administrative segregation, before actual placement.*
2. *In an emergency, the detainee's placement in administrative segregation may precede the paperwork, which the OIC will prepare as soon as possible.*
3. *All memoranda, medical reports, and other relevant documents shall be attached to the segregation order.*
4. *A copy of the completed Administrative Segregation Order will be given to the detainee within 24 hours of placement in administrative segregation, unless delivery would jeopardize the safe, secure, or orderly operation of the facility.*
5. *The order will remain on file with the Special Management Unit (SMU) until the detainee is returned to the general population.*
6. *When the detainee is released from the SMU, the releasing officer will indicate date and time of release on the Administrative Segregation Order, then forward the completed order to the Chief Detention Enforcement Officer for insertion into the detainee's detention file.*
7. *If the segregation is ordered for PC purposes, the order shall state whether the detainee requested the segregation; also, whether the detainee requests a hearing concerning the segregation.*
8. *No Administrative Segregation Order is required for a detainee awaiting removal, release, or transfer within 24 hours.*

C. Review of Detainee Status in Administrative Segregation

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

In SPCs/CDFs, a supervisory officer shall conduct a review within 72 hours of the detainee's placement in administrative segregation to determine whether segregation is still warranted. The review shall include an interview with the detainee. A written record shall be made of the decision and the justification. The Administrative Segregation Review Form (I-885) will be used for the review. If the detainee has been segregated for the detainee's protection, but not at the detainee's request, the signature of the OIC or Assistant OIC is required on the I-885 to authorize continued detention.

A supervisory officer shall conduct the same type of review after the detainee has spent seven days in administrative segregation, and every week thereafter for the first month and at least every 30 days thereafter. The review shall include an interview with the detainee. A written record shall be made of the decision and the justification.

A copy of the decision and justification for each review shall be given to the detainee, unless, in exceptional circumstances, this provision would jeopardize security. The detainee shall be given an opportunity to appeal a review decision to a higher authority within the facility.

The Assistant District Director, Detention and Removal shall be notified when any INS detainee has been in administrative detention for more than 30 days. This notification shall be made through the on-site INS OIC, if one is posted at the facility. When a detainee is held in administrative segregation for more than 60 days, the Office of the Assistant Regional Director for Detention and Removal shall be notified by the Assistant District Director, Detention and Removal, in writing of the reasons. The Region shall then consider whether transfer of the detainee to a facility where he/she may be placed in the general population would be appropriate.

If an INS detainee has been in administrative segregation for more than 30 days and objects to this status, the OIC shall review the case to determine whether that status should continue. This review shall take into account the views of the detainee. A written record shall be made of the decision and the justification. A similar review shall take place every 30 days.

After seven consecutive days in administrative segregation, the detainee may exercise the right to appeal to the OIC the conclusions and recommendations of any review conducted. The detainee may use any standard form of written communication, e.g., detainee request, to file the appeal.

D. Conditions of Administrative Segregation (Basic Living Standards)

1. Detainees in administrative segregation shall receive the same general privileges as detainees in the general population, consistent with available resources and security considerations.
2. The quarters used for segregation shall 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.
3. The number of detainees confined to each cell or room in administrative 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.

4. Clothing and bedding shall be issued to detainees in administrative segregation in accordance with the "Issuance and Exchange of Clothing, Bedding, Linen and Towels" standard. Detainees in administrative segregation will be provided the same opportunity for the exchange of clothing, bedding, and linen, and for laundry as detainees in the general population.

In SPCs/CDFs, a detainee in administrative segregation may wear normal institutional clothing and shall be furnished a mattress and bedding. A detainee may not be segregated without clothing, mattress, blankets and pillow, except:

- a. *When prescribed by a medical professional for medical or psychiatric reasons. If a detainee is so seriously disturbed that he/she is likely to destroy clothing or bedding, or to create a disturbance putting self or others at risk, the medical department shall be consulted immediately to determine whether a regimen of treatment and control may be instituted.*
- b. *When the shift supervisor determines the detainee poses a threat to self or property.*

Exceptions shall occur only when necessary for security purposes, as determined by the OIC. Any exception, and the reasons, shall be recorded in the housing unit log.

5. Detainees in administrative segregation shall receive three nutritionally adequate meals per day, from the menu served to the general population. For security purposes, detainees in the SMU shall use disposable utensils only. Under no circumstances shall food be used as punishment.
6. 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. This security hazard will be documented and signed by the OIC, indicating his/her review and approval. Denial of showers will be temporary and situational, and will continue only as long as justified by the security threat.

7. Detainees in administrative segregation will be provided, where practicable, barbering services. Exceptions to this procedure may be permitted only when found necessary by the OIC.
8. Recreation shall be provided to detainees in administrative segregation in accordance with the "Recreation" standard.

These 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.

When space and resources are available, detainees in administrative segregation will be able to participate in TV viewing, board games, socializing and work details (e.g., an orderly in the SMU); and provided opportunities to spend time outside their cells, over and above recreation periods.

9. The OIC will issue guidelines concerning the property that detainees may retain in administrative segregation.
10. A reasonable amount of non-legal reading material will be available to detainees in administrative segregation. The detainee will also be permitted religious material, unless the religious item would pose a threat to security

In SPCs/CDFs, the Recreation Specialist (RS) shall provide a reasonable amount of softbound, non-legal reading material, not to exceed two books per detainee at any one time, on a circulating basis.

11. Detainees in administrative segregation will be permitted to retain a reasonable amount of personal legal material, unless this would create a security threat. If personal legal material is placed in storage, the detainee shall be able to access the material promptly, upon request.

In SPCs/CDFs, detainees will be permitted to retain all personal legal material upon admittance to segregation, provided such material does not create a safety, security and/or sanitation hazard. Detainees with a large amount of personal legal material may be required to place a portion of the material in their personal property, with access permitted during designated hours. Requests to access such legal material should be met as soon as possible, but in no case longer than twenty-four (24) hours after receipt of the initial detainee request to retrieve documents, unless documented security concerns preclude action within this time-frame.

12. 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. A nurse, doctor or other appropriate health care professional shall visit every detainee placed in administrative segregation at least once every workday. The medical visit shall be notated 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.

13. The facility shall follow the "Visitation" standard in setting visitation rules for detainees in administrative segregation. Ordinarily, a detainee retains visitation privileges while in administrative segregation.
14. In facilities that permit contact visits, all efforts should be made to allow the detainee to utilize the visiting room during normal visiting hours. The determining factor is the reason the detainee is in segregation. Detainees in PC will not use the visitation room during normal visitation hours. In addition, violent and disruptive detainees may be limited to non-contact visitation. In extreme cases, even non-contact general visitation may be disallowed for a particular detainee where the visit would present an unreasonable security risk.

Under no circumstances are detainees to participate in general visitation while in restraints. If the detainee's behavior warrants restraints, the visit will not be granted.

General visitation may be restricted or disallowed when a detainee, while in an administrative segregation status, is charged with, or has been found to have committed, a prohibited act having to do with visiting guidelines or has otherwise acted in a way that would reasonably indicate that he or she would be a threat to the orderliness or security of the visiting room.

Detainees in administrative segregation may not be denied legal visitation, but reasonable security precautions will be taken where necessary. Legal service providers and assistants will be notified of any security concerns prior to the meeting.

15. Detainees in administrative segregation shall have the same correspondence privileges as detainees in the general population.
16. The facility shall follow the "Telephone Access" standard that provides guidelines for detainees in administrative segregation. Detainees in administrative segregation will be permitted telephone access similar to that provided to detainees in the general population, but in a manner consistent with the special security and safety requirements of detainees in these units.

17. Members of the clergy may visit detainees in administrative segregation, unless the shift supervisor determines the visit presents a security risk or will interfere with the orderly operating of the facility.

Violent and uncooperative detainees may be temporarily denied access to religious services until such time as their behavior and attitude warrants.

18. Detainees housed in administrative segregation shall have the same law library access as the general population, consistent with security, although the facility may establish a policy of upon-request-only access. The level of supervision will depend on the individual's behavior and attitude.
19. Detainees in the SMU for protective custody will be required to use the law library separately or will have requested legal material delivered to them.
20. Detainees in administrative segregation shall have the same correspondence privileges as detainees in the general population (see the "Correspondence and Other Mail" standard).

E. Forms and Reviews

1. A permanent log will be maintained in the SMU. The log will record 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, date 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. *The attached Special Management Housing Unit Record (Form 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 a comparable form for the same purpose.*

The special housing officer for each shift will record whether the detainee ate, showered, exercised and took any medication. The record will also be used to notate 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 record when he/she visits the detainee in administrative 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 administrative segregation. The completed weekly Special Housing Unit Records will be retained at the SMU until the detainee is released from SMU.

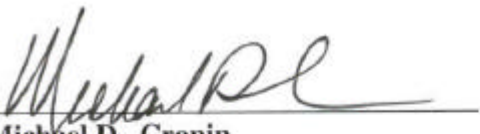
Upon release from the SMU, the releasing officer will ensure that the entire housing unit record relating to the detainee is attached to the Administrative Segregation Order and forwarded to the CDEO for inclusion in the detainee's detention file.

3. *The attached I-885 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-02, 3D-03, 3D-05, 3D-06, 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-22, 3D-24.


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: _____

From: _____ Title: _____

Detainee: _____ A#: _____

The Above Named Detainee Is to Be Admitted to Administrative Segregation For The Following Reason(s):

- _____ (A) Is pending an investigation/hearing for the commission of a prohibited act or rule violation and requires pre-hearing detention.
- _____ (B) Is under medical observation (medical staff must comment and sign this Order).
- _____ (C) Is pending a transfer or release within 24 hours.
- _____ (D) Is terminating confinement in Disciplinary Segregation and has been ordered in Administrative Segregation by the Disciplinary Panel.
- _____ (E) Is a security risk to him/herself or the security of the facility.
- _____ (F) Detainee has requested admission for Protective Custody.

I hereby request placement in the Administrative Segregation unit for my own protection. **I do** [] **do not** [] request a hearing concerning my segregation.

Detainee: _____ A-number: _____ Date: _____

Record below, a brief outline of the circumstances and the names of any witnesses to events leading to placement in Administrative Segregation.

Medical Officer: _____

Admitted by: _____

Title: _____

Admitted: (Date): _____

Time: _____

Released by: _____

Title: _____

Released: (Date): _____

Time: _____

On _____ Supervisory Detention Enforcement Officer (SDEO) or contract equivalent _____
Date _____ (Officer)
conducted a formal review of the Special housing status of _____ A# _____ who is presently in:
(detainee)

Protective Custody Status ☐ Other Administrative Segregation ☐
Medical Segregation ☐

Authorizing Supervisor: _____

Authorizing USPHS Officer (if segregation is for medical reasons): _____

Detainee has been in Administrative Segregation for _____ days.

The following factors were reviewed with the results as indicated:

	YES	NO
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 being offered three showers/week and taken showers?	<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 being offered three meals daily and 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.

I state that the initial reason for my placement in Protective Custody (PC) no longer remains valid. I am requesting removal from PC status. Translation into the Spanish or other language provided by _____.

Detainee Signature: _____ Date/Time: _____

For the reasons above, I recommend ☐ do not recommend ☐ removal from PC 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								
	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: The Special Management Unit required in every facility isolates certain detainees from the general population. The Special Management Unit will consist of two sections. One, Administrative Segregation, houses detainees isolated for their own protection; the other for detainees being disciplined for wrongdoing (see the "Special Management Unit [Disciplinary Segregation]" standard).

SPECIAL MANAGEMENT UNIT (SMU) Administrative Segregation			
Components	Yes	No	Remarks
1. Does the Administrative Segregation unit provide non-punitive protection from the general population and individuals undergoing disciplinary segregation? a. Is a detainee placed in the SMU (administrative) in accordance with written criteria?			
2. Can staff place a detainee in the SMU (administrative) before a written order has been approved? a. Is a copy of the order given to the detainee within 24 hours? b. If not, why?			
3. Does the OIC regularly review the status of detainees in administrative detention? a. Does a supervisory officer conduct a review within 72 hours of the detainee's placement in the SMU (administrative)?			
4. Does a supervisory officer conduct another review after the detainee has spent seven days in administrative segregation? a. Every week thereafter for the first month? b. Every 30 days after the first month? c. Does each review include an interview with the detainee? d. Is a written record made of the decision and the justification?			

SPECIAL MANAGEMENT UNIT (SMU) Administrative Segregation			
Components	Yes	No	Remarks
5. Is the detainee given a copy of the decision and justification for each review? a. If not, why not? b. Is the detainee given an opportunity to appeal the reviewer's decision to someone else in the facility?			
6. Does the OIC routinely notify the Assistant District Director, Detention and Removal (ADD/DRO), any time a detainee's stay in administrative detention exceeds 30 days? a. Upon notification that the detainee's administrative segregation has exceeded 60 days, does the ADD/DRO forward written notice to the Assistant Regional Director? b. How often does INS transfer detainees still in the SMU after 60 days to a facility they will not require administrative segregation?			
7. Does the OIC review the case of every detainee who objects to administrative segregation after 30 days in the SMU? a. Is a written record made of the decision and the justification? b. Does the detainee receive a copy of this record?			
8. Is the detainee given the right to appeal to the OIC the conclusions and recommendations of any review conducted after the detainee has remained in administrative segregation for seven consecutive days? a. Does the detainee use any acceptable forms of written communication to file the appeal, e.g., detainee request?			
9. Do administratively segregated detainees enjoy the same general privileges as detainees in the general population? a. If not, explain.			

SPECIAL MANAGEMENT UNIT (SMU) Administrative Segregation			
Components	Yes	No	Remarks
10. Is the SMU well ventilated? a. Adequately lighted? b. Appropriately heated? c. Maintained in a sanitary condition?			
11. Are all cells equipped with beds? a. If yes, is every bed securely fastened to the floor or wall?			
12. Does the number of detainees in any cell exceed the occupancy limit? a. Does the OIC approve excess occupancy on a case-by-case basis? b. When occupancy exceeds recommended capacity, do basic living standards decline? c. Do criteria for objectively assessing living standards exist? d. If yes, are the criteria included in the written procedures?			
13. Do the segregated detainees have fewer opportunities to exchange/laundry clothing, bedding, and linen than detainees in the general population?			
14. Do detainees receive three nutritious meals per day? a. From the general population's menu of the day? b. Do detainees eat only with disposable utensils? c. Is food ever used as punishment?			
15. Can each detainee maintain a normal level of personal hygiene in the SMU? a. Do the detainee have the opportunity to shower and shave at least three times a week? b. If not, explain.			

SPECIAL MANAGEMENT UNIT (SMU) Administrative Segregation			
Components	Yes	No	Remarks
16. Are the detainees provided: a. Barbering services? b. Recreation privileges in accordance with the "Detainee Recreation" standard? c. Non-legal reading material? d. Religious material? e. The same correspondence privileges as detainees in the general population? f. Telephone access similar to that of the general population? g. Personal legal material?			
17. Does a health care professional visit every detainee at least three times a week? a. Does the shift supervisor visit each detainee daily? b. Weekends and holidays?			
18. Do procedures comply with the "Visitation" standard? a. Does the detainee retain visiting privileges? b. Is the visiting room available during normal visiting hours?			
19. Are visits from clergy allowed?			
20. Do the detainees have less law-library access than the general population? a. Are they required to use the law library separately, as a group? b. Are legal materials brought to them?			
21. Does the SMU maintain a permanent log? a. If yes, does it register every detainee-related activity, e.g., meals served, recreation, visitors etc.?			
22. Do SPC procedures include completing the SMU Housing Record (I-888) immediately upon a detainee's placement in the SMU? a. Does staff complete the form at the end of each shift? b. Do CDFs and IGSA facilities use Form I-888 (or local equivalent)?			

SPECIAL MANAGEMENT UNIT (SMU) Administrative Segregation			
Components	Yes	No	Remarks
23. Does staff record whether the detainee ate, showered, exercised and took any medication during every shift? a. Does the log record all pertinent information, e.g., a medical condition, suicidal/assaultive behavior, etc.? b. Does the medical officer/health care professional sign each individual's record during each visit? c. Does the housing officer initial the record when all detainee services are completed or at the end of the shift?			
24. Is a new record created for each week the detainee is in Administrative Segregation? a. Are these weekly records retained in the SMU until the detainee's return to the general population?			

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

SPECIAL MANAGEMENT UNIT (SMU) Administrative 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. SMU Observation			
B. SMU logs			
C. Review of the facility's Administrative Segregation policy and procedures			
D. Detainee and staff interviews			
E. *Other			

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

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:

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:

	YES	NO
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								
	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.

SPECIAL MANAGEMENT UNIT (Disciplinary Segregation)			
Components	Yes	No	Remarks
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)			
Components	Yes	No	Remarks
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

INS DETENTION STANDARD

TOOL CONTROL

I. POLICY

Every facility will establish a tool-control policy with which all employees shall comply. The Maintenance Supervisor shall maintain a computer-generated or typewritten inventory of tools and equipment, and storage locations. These inventories shall be current, filed, and readily available during an audit.

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. Reasons for Tool Control

1. Impedes use of tools in escape attempts, weapons manufacture, or situations hazardous to facility or individual safety;
2. Improves appearance of general-shop and construction areas;
3. Ensures tools in good repair for the job at hand;
4. Reduces overall tool cost through maintenance and inventory management.
5. Teaches detainee workers principles of (tool) accountability and responsibility.

B. Tool Inventory Responsibilities

The Officer in Charge (OIC) shall designate the person responsible for developing and implementing tool-control procedures, along with an inspection system to ensure accountability. *The OIC shall, in writing, assign a member of the Maintenance Department the collateral duties of Tool Control Officer.*

The following departments shall maintain tool inventories:

1. Maintenance Department
2. Medical Department
3. Food Service Department
4. Electronics Shop
5. Recreation Department
6. Armory

In SPCs/CDFs, the OIC shall designate either the Chief Detention Enforcement Officer (CDEO) or the Chief of Security with responsibility for developing and implementing written tool-control procedures and supporting inspection/compliance procedures. The OIC shall approve these procedures before implementation.

Each department head is responsible for implementing tool-control procedures in his/her department. However, the following procedures apply to the Maintenance Department Head, Health Services Administrator (HSA), Food Service Manager, Electronics Technician, Recreation Specialist, and Senior Firearms Instructor:

1. *Prepare a computer-generated inventory of all class "R" tools in, respectively, the maintenance restricted-tool room, the medical facility, the food service department, the electronics work area, recreation areas, and armory.*
2. *Post a copy of the class "R" tool inventory with the equipment, in a prominent position.*
3. *Submit a second copy of the inventory to the CDEO.*
4. *Retain a third copy in the department.*
5. *Repeat the class "R" tool inventory on a regular schedule (at least weekly, monthly, or quarterly), as follows:*
 - *Food service department-weekly*
 - *Maintenance department, medical facility-monthly*
 - *Electronics work area, recreation area(s), armory-quarterly.*
6. *Send a copy of the inventory report to the OIC.*
7. *Report missing tools in accordance with procedures (see section III.H., below).*

C. Tool Classification

The facility shall develop and implement a tool classification system.

In SPCs/CDFs, tools belong in one of two categories: dangerous/hazardous tools fall into the restricted category (class "R"); non-hazardous tools fall into the non-restricted category.

The "restricted" category includes the following: tools too dangerous for detainees to handle without constant staff supervision; tools to which detainee access is prohibited; tools that could facilitate an escape/escape attempt; tools useful in making weapons; tools that could double as weapons; tools capable of causing serious bodily harm; and, generally, tools hazardous to facility security or personal safety. Class "R" also includes power hand tools, with or without cords.

Examples of restricted tools include:

- *Metal cutting blades*
- *Mixing chambers*
- *Bolt cutters*
- *Ramset gun and ammunition (stored in armory only)*
- *Diamond-tipped tools*
- *Core drills*
- *Drills*
- *Circular saws*

Staff shall remove restricted tools from work areas at the end of each workday for safekeeping in a secure tool room, in the armory, or in the Control Center.

Staff shall restrict the supply of acetylene entering the facility to the amount needed in a single day. At the end of each workday, staff shall store the used and unused acetylene tanks outside the secured perimeter in accordance with applicable codes, standards, and regulations (Occupational Safety and Health Administration's industrial safety regulations, etc.).

The OIC shall establish a policy document on facility tool use and storage. The document shall include separate, comprehensive, alphabetical lists of restricted tools and non-restricted tools. The lists shall indicate which of the listed tools are available on-site; describe them by type; and specify tool sizes.

The OIC shall keep the lists current by formatting them as attachments to the policy document, maintained and updated on a personal computer. The tool lists will be updated and distributed at least quarterly.

Tools included in tool sets and tools sized sequentially in standard increments can appear as a single listing. For example:

<i>Drill bits, metal/wood</i>	<i>1/32" - "</i>
<i>Drill bits, metal/wood</i>	<i>7/16" - 7/8"</i>
<i>Wrench, comb. box/open end</i>	<i>1/4" - 7/16"</i>
<i>Wrench, comb. box/open end</i>	<i>7/16" - 7/8"</i>

However, in another example, the facility has a single "wrench, combination box/open end, 1 7/8 inches" but not the smaller or larger sizes; or has several wrenches in different sizes, but the size differences are not standard. In this case, each wrench requires a separate listing.

D. Tool Identification

The OIC will establish written procedures for marking tools, making them readily identifiable.

In SPCs/CDFs:

- 1. The Tool Control Officer shall mark every tool in every work location with a symbol signifying its storage location e.g., armory, Control Center. Some tools will require "AMIS" bar-coding.*
- 2. Exceptions to the universal marking rule include surgical instruments, micrometers, small drill bits, and other tools too small, fragile, or otherwise susceptible to damage. All tools unmarkable tools will be inventoried and kept in locked storage when not in use.*

E. Storage in Work Areas

The OIC will establish written procedures for storing tools. The tool-storage system will ensure accountability. Commonly used, mounted tools shall be stored so that a tool's disappearance would not escape attention.

In SPCs/CDFs:

- 1. Shadow boards will provide storage for tools that can be mounted, as follows: one tool per shadow; tool and shadow identical in size and shape; color-coded. The color code specifies white backgrounds for all shadow boards; red shadows for restricted tools; black for non-restricted tools.*
- 2. Tools not adaptable to shadow boards shall be kept in a locked drawer or cabinet. Staff shall process, without opening, hospital "sterile packs." Staff will not open sterile packs for inventory or any other non-medical reason, except when tampering or theft is suspected. In that case, staff shall contact the health services department before opening a pack from which instruments may have been removed. To prevent such incidents, sterile packs shall be stored under lock and key at all times.*

3. *All restricted tools shall be secured in a central tool room, isolated from the housing units. Shadow boards accessible to detainees shall have expanded-metal covers, and shall be locked when not in use.*
4. *When a tool is removed from the inventory, its shadow will likewise be removed from the shadow board.*
5. *Work-detail supervisors will account for all tools at the end of every work period.*
6. *If maintenance workers are assigned personal shadow boards, the boards must be encased in expanded metal.*
7. *Individual toolboxes containing tools used on a daily basis must be secured with hasp and padlock. The individual responsible for the toolbox shall keep an inventory sheet in the toolbox. The Tool Control Officer will maintain copies of all such inventory sheets.*
8. *Infrequently used tools may be stored in individual tool cages with shadow boards, secured by hasp and padlock. However, they must be included in the regular inventory checks. A tag will indicate the tool has been removed from its cage and a sign-in/-out board will indicate area, date, times, and user. The responsible staff member will maintain an inventory sheet in the tool cage, with a copy to the Tool Control Officer.*

F. Tool Inventories

The OIC will schedule, and establish procedures for, the regular inventorying of all tools. Facilities shall use AMIS bar code labels as necessary.

In SPCs/CDFs:

1. *The warehouse will receive all tool deliveries if located outside the facility's secure perimeter. If the warehouse is located within the secure perimeter, the OIC will develop site-specific procedures, e.g., storing the tools at the rear sally port until picked up and receipted by the Tool Control Officer. The Tool Control Officer will immediately place certain tools (e.g., bandsaw blades, files, and all restricted tools) in secure storage.*
2. *The new tools shall be issued only after the Tool Control Officer has marked and inventoried them.*
3. *Inventories that include any portable power tools will provide brand name, model, size, description, and AMIS number.*
4. *The inventory schedule for tools in current use (annual, quarterly, daily) will be as follows:*

- a. *Annual: The Tool Control Officer and employees responsible for tools will together inventory all tools/equipment on-site at least once every year. Each inventory-taker shall certify the accuracy of that inventory, which must be approved by the Maintenance Supervisor and CDEO. The Tool Control Officer will provide the CDEO a complete set of the separate inventories (e.g., restricted tools, non-restricted tools), referred to as the master inventory sheet.*
- b. *Quarterly: Every three months the employees responsible for tools will conduct verification inventories, both to ensure the accuracy and completeness of current inventory listings and to check the condition of shadows and markings. The employee(s) responsible will complete the inventory/ies and initial the appropriate column on the Master Tool Inventory Sheet in the CDEO's office.*
- c. *The CDEO will assign an officer to monitor the quarterly inventories. This officer shall initial the bottom of each form certifying the records have been checked and all inventories completed, as evidenced by the employees' initials.*
- d. *The work detail supervisor or staff member assigned a toolbox will be accountable for the integrity of his/her assigned tools on a daily basis.*
5. *Inventory-maintenance at each work location is the responsibility of the detail supervisor and department head.*
6. *Any tool being permanently removed from service will be turned in to the Tool Control Officer for recordkeeping and safe disposal.*
7. *Tools purchased or acquired from surplus property will be stored in the designated, secure storage area. The responsible employee will maintain a perpetual inventory of unmarked or excess tools returned to secure storage for issue or reissue. The Tool Control Officer has sole authority to draw tools from this source. Any such tools kept in the Tool Control Officer's storage area will be registered in a perpetual inventory.*
8. *Tool inventories will be numbered and posted conspicuously on all corresponding shadow boards, toolboxes, and tool kits. While all posted inventories must be accurate, only the master inventory in the CDEO's office requires the certifiers' signatures.*
9. *The CDEO will maintain a separate file folder for each shop or area in which tools are stored. The left side of the folder will contain the Master Tool Inventory Sheet(s). When an addition or deletion is made to the master inventory, the page on which the change is made will be completely retyped or reprinted and inserted into the master inventory. Staff shall not destroy any of the original pages, which will be moved from the left to the right side of the folder for future reference.*

The right side of the folder will also contain, but is not limited to, the following: lost or missing tool reports, requests for inventory additions or deletions, survey requests and reports, storeroom requisition forms, and any other document directly related to site-specific tool-control procedures.

When the annual inventory is completed (January preferred), staff shall place the form on the left side of the folder, moving the previous year's to the right side. Each folder shall contain the materials for the current year plus the preceding two years. A divider will separate the annual records.

10. *Staff shall prepare an inventory of all tools and equipment used by contractors working inside the facility. The CDEO will establish control procedures, particularly for restricted tools. The CDEO, Maintenance Supervisor and construction foreman will maintain copies of all such inventories and control procedures.*
11. *Although not classified as tools, weapons, chemical agents, restraints, and other disturbance-control equipment; binoculars; communication equipment, and other such items require strict property-management controls. Therefore, all such equipment shall be inventoried (with serial numbers), maintained, issued, and disposed of in accordance with the procedures established for tools.*

G. Issuing Tools

Each facility shall have procedures in place for the issuance of tools to staff and detainees. The procedures shall address the security issues of restricted and unrestricted tools as well as procedures for the control of ladders, extension cords, and ropes.

In SPCs/CDFs:

1. *The CDEO shall issue a restricted tool only to the individual who will be using it. Supervisors shall exercise continuous visual oversight of employees using restricted tools.*
2. *Detainees may use non-restricted tools under intermittent supervision. However, the detail supervisor shall account for all such tools at the end of every work period.*
3. *A metal or plastic chit receipt will be taken for all tools issued. When a tool is issued from a shadow board, a receipt will be visible on the shadow board.*
4. *The OIC shall establish site-specific procedures for the control of ladders, extension cords, and ropes. Ladders will be inventoried and stored by size to facilitate inspection and handling. Extension cords must be inventoried and have a metal or plastic tag attached, indicating issue number (by location) and length of cord. Extension cords longer than 10 feet are classified and handled as Class R tools. All ladders, extension cords, and ropes will be stored in the designated location when not in use.*

Every staff member supervising the use of extension ladder and/or heavy equipment shall have at his/her disposal a portable two-way radio.

In high-rise SPCs and CDFs, electrical cords attached to buffers, vacuums, etc., will not exceed two feet.

5. *The CDEO shall approve the issuance of tools from a storage location to a specified project for extended periods.*

The Maintenance Supervisor shall conduct on-site checks of extended-use tools issued from the central tool room at least once a month; the detail officer shall conduct such inspections daily.

H. Lost Tools

The OIC shall develop and implement procedures governing lost tools, including:

1. Verbal and written notification to supervisory officials;
2. Handling detainees with prior access to the tool(s) in question;
3. Documentation and review.

In SPCs/CDFs:

1. *When a restricted or non-restricted tool is lost, staff shall send written notification to the CDEO. Staff shall orally inform the shift supervisor immediately upon discovering the loss of a restricted tool. The shift supervisor's office will maintain a lost-tool file, monitoring the individual reports for accuracy, noting unusual patterns/occurrences of loss in one or more shops, search efforts mounted, etc.*

Staff shall immediately report missing and/or lost tools in the medical facility to the HAS, as provided in the Health Services Policy Manual, section 16.4. The HSA shall make the verbal notification to the CDEO or shift supervisor and the written notification to the OIC

2. *Any detainee(s) who may have had access to the tool will be held at the work location pending completion of a thorough search.*
3. *On the day the tool is recovered, staff shall complete and send copies of the Lost or Missing Tool Report to the CDEO and shift supervisor.*
4. *The OIC will implement quarterly evaluations of lost/missing tool files, reviewing the thoroughness of investigations and efforts to recover tools. Documentation of the quarterly evaluations will be maintained on the right side of the master-inventory folder for the shop or area concerned.*

I. Disposition of Excess Tools

All broken or worn-out tools will be surveyed and destroyed in accordance with the written procedures established by the OIC.

In SPCs/CDFs:

1. *The Tool Control Officer or Security Officer will implement procedures for storing broken and/or worn-out tools in a secure area, pending survey and disposition.*
2. *Excess tools not being surveyed shall remain in a designated, secure storage area until included in a subsequent survey, or returned to use.*
3. *To maintain tool inventories at the most efficient operating level, staff in every shop/department will identify and move to a secure storage area all rarely used tools. Bin cards will account for the tools moved from shop to storage area.*
4. *Either the Tool Control Officer or Security Officer shall be responsible for destroying all surveyed tools.*
5. *The CDEO's office will maintain records of all tool surveys.*

J. Private/Contract Repair and Maintenance Workers

All visitors, including repair and maintenance workers who are not INS or facility employees, members of sports teams, etc., shall submit to an inspection and inventory of all tools, tool boxes, and equipment that could be used as weapons before entering and leaving the facility.

In SPCs/CDFs:

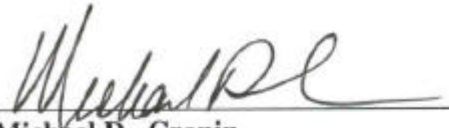
An officer shall accompany non-employee workers when in the facility, to ensure that security and safety precautions/procedures are followed at all times, including removing tools at the end of each shift.

Before a detainee or housing officer carrying tool(s) or other item(s) can enter a housing unit, everything he/she is carrying (including, but not limited to, tools) shall be inventoried by a staff member. The Housing Officer shall verify the tools' removal from the housing area in a second inventory before allowing the detainee or housing officer to exit the unit. The Housing Officer shall immediately report discrepancies to the shift supervisor.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3A-22


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

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

Policy: It is the policy of all facilities that all employees shall be responsible for complying with the tool control policy. The Maintenance Supervisor shall maintain a computer generated or typewritten Master Inventory list of tools and equipment and the location in which tools are stored. These inventories shall be current, filed and readily available for tool inventory and accountability during an audit.

TOOL CONTROL			
Components	Yes	No	Remarks
1. Is there an individual who is responsible for developing a tool control procedure and an inspection system to insure accountability?			
2. Are department heads responsible for implementing this standard in their departments?			
3. Are tool inventories required for: a. Maintenance Department b. Medial Department c. Food Service Department d. Electronics Shop e. Recreation Department f. Armory			
4. Does the facility have a facility policy for the regular inventory of all tools? a. Does the policy set minimum time lines for physical inventory and all necessary documentation? b. Do INS facilities use AMIS bar code labels when required?			
5. Are the tool inventories conducted as specified in the detention standard?			
6. In SPCs/CDFs, who is responsible for developing a tool control procedure and an inspection system to insure compliance?			

TOOL CONTROL			
Components	Yes	No	Remarks
<p>7. Does the facility have a tool classification system? If so, are the tools classified according to:</p> <p>a. Restricted (dangerous/hazardous)</p> <p>b. Non Restricted (non-hazardous).</p>			
<p>8. Are department heads responsible for implementing tool-control procedures? If so, are they required to:</p> <p>a. Prepare a computer-generated inventory of all class "R" tools?</p> <p>b. Post a copy of the class "R" tool inventory with the equipment, in a prominent position?</p> <p>c. Post a copy of the class "R" tool inventory with the equipment, in a prominent position?</p> <p>d. Submit a second copy of the inventory to the CDEO</p> <p>e. Retain a third copy in the department</p> <p>f. Repeat the class "R" tool inventory on a regular schedule (at least weekly, monthly, or quarterly), as follows: Food service department–weekly Maintenance department medical facility–monthly Electronics work area, recreation area(s), armory–quarterly</p> <p>g. Send a copy of the inventory report to the OIC.</p> <p>h. Report missing tools in accordance with procedures in the standard? (see section III.H., below).</p>			
<p>9. Does the facility have policies and procedures in place to ensure that all tools are marked and readily identifiable?</p>			

TOOL CONTROL			
Components	Yes	No	Remarks
<p>10. Does the facility have an approved tool storage system?</p> <p>a. Does the system ensure that all stored tools are accountable?</p> <p>b. Are commonly used tools (tools that can be mounted) stored in such a way that missing tool are readily notice?</p>			
<p>11. Does each facility have procedures for the issuance of tools to staff and detainees?</p> <p>a. Is the restricted tool issued only to the individual who will be using it?</p> <p>b. Are detainees permitted to use non-restricted tools under intermittent supervision?</p> <p>c. Is a metal or plastic chit receipt used to sign out tools?</p> <p>d. Has the OIC established site-specific procedures for the control of ladders, extension cords, and ropes.</p> <p>e. Does the CDEO or contract equivalent approve the issuance of tools to a specified project for extended periods.</p>			
<p>12. Does the facility have policies and procedures to address the issue of lost tools? If so:</p> <p>a. Does the policy and procedures include</p> <p>i. Verbal and written notification?</p> <p>ii. Procedures for detainee access?</p> <p>iii. Necessary documentation/review for all incidents of lost tools?</p>			
<p>12. Are broken or worn out tools surveyed and disposed of in an appropriate and secure manner?</p>			
<p>13. Do all private or contract repair and maintenance workers under contract to the INS, or other visitors, submit an inventory of all tools prior to admittance into or departure from the facility?</p>			

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

TOOL CONTROL

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. Tool inventories			
B. Review of facility policy and procedure			
C. Housing unit log books			
D. Observation of tool issuance			
E. Detainee and staff interviews			

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

INS DETENTION STANDARD

TRANSPORTATION (Land Transportation)

I. POLICY

The Immigration and Naturalization Service (INS) will take all reasonable precautions to protect the lives, safety, and welfare of officers, other personnel, the general public, and the detainees themselves involved in the ground transportation of detainees.

Detainees in transit from the facility to another institution or one jurisdiction to another will be transported in a safe and humane manner, under the supervision of trained and experienced personnel.

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. Transportation Planning

The Assistant District Director for Detention and Removal (ADD/DRO) has overall responsibility for all aspects of vehicle operations.

In SPCs/CDFs, the Officer in Charge (OIC) is responsible for setting schedules for and monitoring vehicular maintenance, making logistical arrangements to transport detainees, supervising and instructing personnel, and protecting detainee security.

Before departure, the OIC will revise plans as necessary, based on weather and road conditions and any other last-minute considerations.

When coordinating the transfer of detainees, staff shall fax the transfer-to facility a copy of Form I-216 or I-213, along with the following information about each detainee:

- Name, date of birth, and sex;
- Nationality;
- A-number;
- Case type (NTA, E/R, Inadmissible, V/R, W/D, R and B, etc.);
- Health and general condition;
- Special handling, if any (violent, escape risk, medical, etc.); include name and title of point(s) of contact at originating office; and
- Property and baggage.

Originating office staff will phone to confirm receipt of the fax.

The following applicable documents must accompany the transferee:

1. I-862, "Notice to Appear";
2. I-203, "Order to Detain or Release Alien," if required by transfer-to facility;
3. I-216, "Record of Persons and Property Transferred," with G-589 and I-77 attached (see also "Admissions and Release" Standard);
4. I-205, "Warrant of Deportation," original copy;
5. I-385, "Booking Card," with photo attached;
6. I-794, "In-Processing Health Screening Form"; supplemented by the complete medical file if the detainee has identified medical problems. In that case, the file shall be sealed and opened only by medical personnel; pre-departure, medical personnel will provide the transporting officers with instructions and, if applicable, medication(s) for the detainee's care in transit;
7. Classification Sheet;
8. "Order to Show Cause (OSC)," if applicable, with original signature and proof of service;
9. I-294, "Warning to Alien Ordered Removed or Deported";
10. I-296, "Notice to Alien Ordered Removed/Departure Verification";
11. Travel documents/personal documents;

12. A-File/temporary file, including conviction documents and rap sheets, if available, with three photos stapled onto the file's left side;
13. Airline ticket(s), if applicable; and
14. G-391, "Official Detail," one per trip.

If the above paperwork is incomplete at the time of departure, the transporting officers will attempt to complete the work before turnover at the relay point. If this proves impossible, the originating and receiving officers will report the situation to their respective supervisors. If the situation remains unresolved, the ADD/DRO(s) with jurisdiction will take corrective action; if necessary, the Assistant Regional Director for Detention and Removal will contact the District Director to resolve the problem.

B. G-391, "Official Detail"

No detainee shall be removed from a facility, to include district detention areas, unless a Form G-391 is furnished, authorizing the removal. The G-391 must be properly signed and shall clearly indicate the name of the alien(s), the place or places to be escorted, the purpose of the trip and other information necessary to efficiently carry out the detail. IGSA facilities may use local form as long as the form provides the required information. INS must approve all forms.

In SPCs/CDFs, it is the responsibility of the Supervisory Detention Enforcement Officer (SDEO) or Detention Operations Supervisor (DOS) to check records and ascertain if the alien has a criminal history, is dangerous, or has an escape record. Any information of an adverse nature shall be clearly indicated on the G-391 and the escorting officers shall be warned to institute the necessary precautions. Before beginning the detail, the escorting and transportation officers shall read their instructions and clearly understand the purpose for which the alien is being taken from the facility. The officers will also discuss emergency and alternate plans with the SDEO and/or DOS beforehand.

All completed G-391's shall be filed in order (monthly) and the previous months shall be readily available for review. All G-391s shall be retained for a minimum of 3 yrs.

C. Transportation Officers Documentary Requirements

All members of the vehicle crew operating a bus are required to be in possession of a valid Commercial Driver's License (CDL) from the State where employed. Vehicle crewmembers operating vans and other conveyances shall follow the guidelines of the State where they are employed for the specific transportation and licensing requirements.

D. Transporting Officer Responsibilities

All facilities shall maintain all vehicle-operators' files at the official duty station.

In SPCs/CDFs, each file will contain a Certificate of Completion from the INS Bus Training Program; a copy of the most current physical examination, used to obtain the commercial driver's license (CDL); and a copy of the CDL.

Every officer operating a motor vehicle shall complete forms SF-47, G-392, and G-294 for his/her official personnel folder (OPF). The officer is responsible for renewing these documents and providing copies for the OPF.

The transporting officers shall comply with all State and Federal (including Department of Transportation, Interstate Commerce Commission, Environmental Protection Agency) motor vehicle regulations including, but not limited to, the following:

1. Wearing a seat belt when the vehicle is moving;
2. If required, holding a valid state Drivers License or Commercial Driver's License (CDL) from the State where employed;
3. Inspecting the vehicle, using a checklist and noting any defect that could render the vehicle unsafe or inoperable;
4. Transported detainees in a safe and humane manner;
5. Verifying individual identities and checking documentation when transferring or receiving detainees;
6. Driving defensively, taking care to protect the vehicle and occupants; obeying traffic laws; and reporting damage or accidents immediately;
7. Reinspecting the vehicle and completing a vehicle inspection report, including an odometer reading, after each trip;
8. Returning the keys to the Control Officer or supervisor, according to facility policy;
9. Recording authorized expenses under \$50, such as fuel, emergency services, oil, etc. on the G-205, "Government-owned Vehicle Record," including the exact amount and the date; keeping all receipts and turning them in along with the G-205 at the end of each month;
10. Safeguarding credit cards assigned to the vehicle.

All officers assigned to transportation are subject to U.S. Department of Transportation (DOT) drug- and alcohol-testing (separate from the random testing used in the drug-free workplace program). Driving under the influence of drugs or alcohol is prohibited.

E. Vehicle Safety

The officers shall secure the vehicle before leaving it unattended. This includes removing the keys from the ignition immediately upon parking the vehicle.

The officers will avoid parking in a spot where the vehicle would attract undue attention or be vulnerable to vandalism or sabotage.

If they cannot locate a parking area with adequate security, they will contact the local law enforcement agency for advice or, if convenient, permission to use one of its parking places.

F. Vehicle Operation

All transportation officers must have successfully completed a recognized training program.

The bus driver shall operate the vehicle in accordance with the CDL manual or the highest prevailing standard.

Bus-driver trainees may operate the vehicle during any segment of a run when detainees are not on board, but only under the direct and constant supervision of a certified bus instructor licensed by the State in which they are driving.

Prior to departure, the vehicle crew will inspect the vehicle. In addition to checking the mechanical and electrical systems, the officers will search for hidden weapons and other contraband before every trip.

The driver must maintain complete control of the vehicle at all times, obeying all posted traffic signs and exercising extreme caution when negotiating a steep grade or driving in inclement weather. The maximum cruising speed shall be the posted speed limit. Under inclement weather or hazardous road conditions, common sense will dictate the safe, reduced speed.

In SPCs/CDFs, to be assigned to the bus crew of a vehicle transporting INS detainees, an officer must have successfully completed either the INS bus-driver-training program or a comparable training program. In addition, the driver must have the appropriate commercial driver's license issued by the State where he/she is employed.

G. Driving Hours and Number of Operators

To ensure officer and detainee safety, INS requires that all field offices transporting detainees in any conveyance abide by the following requirements: (Federal Motor Carrier Safety Administration §395.3 Maximum Driving Time)

The following apply to all INS transportation officers, whether or not driving.

1. Possess a CDL if required (see section III.C., above);
2. Off-duty for the eight hours immediately before reporting for duty;

3. Ten hours, maximum, driving time (time on the road) per trip segment; eight off-duty hours between segments; or
4. For any period after having been on duty 15 hours (10 hours driving time) following 8 consecutive hours off duty;
5. In an emergency or under unforeseen and adverse driving conditions only, the vehicle crew may drive as long as necessary to reach a safe and secure stopping area.

When vehicles without detainees travel in tandem, a single officer will be assigned to each. Unaccompanied officers may also drive empty vehicles for certain purposes, e.g., maintenance trips.

Each officer must recognize the limitations imposed by his/her own driving skills, personal distractions, environmental conditions, modifying his/her driving accordingly.

DOT regulations apply to all vehicles on U.S. highways, including those used to transport INS detainees.

H. Pre-Departure Security Check

The vehicle crew must be present to ensure a complete and thorough search. The crew may take certain precautionary measures with a detainee identified as a special-handling case (security, medical, or psychological problems) while searches are in progress.

1. The vehicle inspection required before each trip will include the driver's compartment and glove compartment, the detainee seating area, and the cargo compartment.
2. The officers will search the staging area prior to loading detainees to ensure the area is clear of any weapons or contraband.
3. The officers will thoroughly search each detainee, as he/she is about to board the vehicle.

I. Movement to Vehicles

The escorting officer/assistant driver will instruct the detainees about rules of conduct during the trip.

The main driver is responsible for managing the detainees' move from the staging area into the vehicle. The number of available officers will determine whether they move at one time, or in groups.

Armed officers will be posted whenever detainees exit the vehicle outside a secure area.

Detainees may generally keep the following in their possession during the trip: jewelry, cash, eyeglasses, prescription medicines, and receipts for property and money (G-589, I-77).

However, if the vehicle crew determines that any of these items would compromise officer or detainee safety, the item(s) will be removed and put in appropriate storage area(s).

In some instances, the vehicle crew will safeguard and dispense prescription medicines, noting the detainee's name, A-number, and date and time(s) dispensed, and by whom. These notes will be attached to the detainee's medical record or A-file.

J. Vehicle Occupancy Requirement

The number of detainees transported shall not exceed the rated occupancy level. The Regional Director will establish the rated capacity at or below the manufacturer's maximum.

K. Detainee Count and Identification

To confirm the identities of the detainees they are transporting, the vehicle crew shall:

1. Summon the detainee, by surname, to the vehicle.
2. Ask detainee to state his/her complete name.
3. Compare name and face with the Booking Card (I-385) and attached photo and the Record of Persons and Property Transferred (I-216). If necessary, refer to the I- 385 for additional biographical information.
4. Conduct a visual count once all passengers are seated on board, and every time the vehicle makes a stop (scheduled or unscheduled), before resuming the trip.

L. Seating of Detainees

The OIC will develop written policy and implementing procedures governing the seating of detainees in transportation vehicles:

1. *Detainees in restraints (whose documents or behavior in transit indicate a security risk) will occupy the first seats behind the security screen. A log maintained by the officers will record the detainee's name, the reason for using restraints, the type of restraints, and time on and time removed.*
2. *The officers will place detainees with particular medical problems in areas that can best accommodate them.*

The OIC will establish separate procedures for transporting detainees whose physical or mental conditions preclude prolonged travel.

M. Departure Scheduling and Security

The vehicle crew shall organize their driving time such that the detainees arrive at the designated meeting area according to schedule.

Before starting on a detail transferring detainees from one facility to another, a designated officer will contact the next receiving office with the following information:

1. The estimated time of departure/arrival (ETD/ETA);
2. The number of detainees in each of the following categories: new arrivals (remaining at the facility); drop-offs; and overnights;
3. The total number of detainees;
4. Special-handling cases, detailing medications, restraints, etc., about each
5. Notification of any actual or estimated delays in departure, and the accordingly revised ETA(s).

N. Responsibilities En Route

The next receiving office on the vehicle route serves as the contact point, and is responsible for monitoring the vehicle's schedule.

Upon making contact with the arriving vehicle, the receiving officers will certify that they are taking custody of the specified detainees by signing the accompanying Form I-216.

Each office will develop and post written guidelines for locating an overdue vehicle. If the vehicle does not arrive within range of the ETA, the contact point will set the tracing procedures in motion.

O. Safety

The vehicle crew will keep the cage doors locked whenever detainees are on board. Therefore, the officers will include tests of the emergency exits in their vehicle inspections. This will involve maintaining and periodically testing the key for every lock located in or on the vehicle. A complete set of these keys will travel with the vehicle at all times, in a secure place disclosed to every transporting officer.

The crew will keep bolt cutters in the forward compartment with the outer equipment for use in an emergency.

For safety purposes, all personnel will remain seated while the vehicle is in motion.

P. Stops

During stops, which the vehicle crew will keep to a minimum, detainees will not leave the vehicle until the transporting officers have secured the area. When the detainees disembark, the officers will keep them under constant observation to prevent external contact(s) and/or contraband-smuggling. At least one officer will remain in the vehicle when one or more detainees are present.

Q. Meals

The vehicle crew will provide meals and snacks during any long-distance transfer that exceeds six hours. Officers shall consider when the detainees last ate before serving meals and snacks. The requirements specified in the "Food Service" standard apply equally to food served in transit and food served in detention facilities. Meals must satisfy the nutritional requirements of the sending facility. Special dietary needs should be identified to the Food Service before departure, so suitable meals can be arranged.

In the interest of safety, detainees will have no access to eating utensils (disposable or not) while in transit.

Transporting officers will observe safe-handling procedures at all times. Their responsibilities begin with the meals awaiting pickup from the Food Service, which the vehicle crew must inspect (wrapping, portions, quality, quantity, thermos transport containers, etc.) Before accepting the meals, the vehicle crew will raise and resolve questions, concerns, or discrepancies with the food service representative.

In transit, the crew will store and serve food at the required temperatures, maintain personal hygiene, and meet all sanitation requirements. The crew will maintain a constant supply of drinking water (and ice) in the water container(s), along with paper cups. Some disposable garbage receptacles (plastic bags) will reside in the driver's compartment, with the remainder stored in the equipment box located in the forward baggage compartment.

The Food Service Administrator shall monitor the condition and routine cleansing/sterilizing of drinking-water containers, basins, latrines, etc. in vehicles to ensure compliance with the "Food Service" standard.

In an emergency, the transporting officers may purchase meals from a commercial source, obtaining receipts for later reimbursement.

R. Vehicle Supervision

The officers must maintain a clear view of the entire vehicle compartment and remain alert for behavior that could jeopardize safety and security. Detainees shall not have access to any personal baggage or packages while in transit, except as provided in Section III.G., above.

The assistant driver is responsible for detainee oversight during transport.

S. Vehicle Communication

Every vehicle will be equipped with a functioning two-way radio. Every crew will carry at least one portable, so the officers can maintain contact if one or more has to leave the vehicle.

The vehicle's communications system will include a cellular phone that can counteract certain problems associated with radio transmittals, such as dead zones, different frequencies, etc.

T. Vehicle Sanitation

Vehicles must be kept clean and sanitary at all times. The OIC will establish the procedures and schedule for sanitizing facility vehicles. Vehicle crew responsibilities include, but are not limited to, the following:

1. Dumping septic tank contents at the locations specified
2. Maintaining an adequate supply of water and chemicals in the toilet at all times, which involves monitoring the inventory of chemical supplies stored in the forward baggage compartment.

U. Officer Conduct

Recognizing the effect of personal appearance, speech, conduct, and demeanor in communicating the appropriate sense of authority, every officer shall dress, speak, and act with the utmost professionalism.

Officers assigned to vehicle operations will have contact with personnel from various District and Sector offices, other government agencies, and with the general public. In all such encounters, the officers will conduct themselves in a manner that reflects positively on INS.

The vehicle crew falls under the authority of the ADD/DRO with jurisdiction at each facility en route, whether an intermediate stop or final destination. This authority remains in effect until the vehicle's departure, and applies only to the current trip. If problems arise, the lead driver must contact the ADD/DRO in his/her chain of command.

Officers will comply with all rules and procedures governing use of government vehicles. They shall not transport any personal items other than those needed to carry out their assigned duties during the trip. Alcoholic beverages and illegal drugs are strictly prohibited.

Using INS guidelines and common sense, officers will handle the crises that occasionally arise. While treating all persons with courtesy and respect, they will not sacrifice or compromise security to do so.

V. Security

The vehicle crew is responsible for the custody, security, and control of detainees during transit. By maintaining a cool and efficient manner and exercising good judgment and common sense, the officers can generally defuse/avoid adverse situations.

W. Transfer of Funds, Valuables, and Property

The OIC shall develop written procedures for the inspection and inventory of all detainee funds, valuables and property. The "Funds and Personal Property" and "Admission and Release" standards shall be used for guidance.

In SPCs/CDFs, the personal property of a detainees transferring from one facility to another will be inspected and inventoried upon release and arrival by respective facility personnel (see the "Funds and Personal Property" and "Admission and Release" standards).

The lead driver will check the manifest against the number of packages by detainee name and A- number before signing the I-216 or placing the baggage on the bus.

In addition to the policy and procedures specified in the "Funds and Personal Property" and "Admission and Release" standards, the following procedures apply to transferring detainees:

- 1. At the originating facility, staff will ask whether the detainee has in his/her possession all funds, valuables, and other property listed on the I-216.
 - a. If the detainee answers "yes," he/she may board the vehicle.*
 - b. If the detainee claims missing property, including funds and valuables, he/she will remain at the facility until completion of the required paperwork (the SF-95 and I-387 or comparable forms). Photocopies of the completed forms are documentation sufficient for the delayed transfer to proceed.**
- 2. The I-77 number(s) in the "checked baggage" section of the I-216 will identify the baggage to be verified by the receiving officer.*

X. Baggage Check Form (I-77)

In addition to the procedures specified in the "Funds and Personal Property" standard, personnel shall comply with the following (completing a separate I-77 for each piece of baggage):

- 1. Record the detainee's name on the top, middle, and bottom portions of the I-77.*
- 2. Attach the string on the top of the I-77 to the corresponding piece of baggage. Attach the middle section to the copy of the I-385 that will accompany the detainee to the final destination. The bottom portion will serve as the detainee's receipt.*

3. *Secure the detainee's signature on the back of the I-77 attached to the baggage.*
4. *Transporting officers will record their initials, office designator, and ID number in the lower left corner of the bottom portion of the I-77.*
5. *The officers involved in the transfer will identify detainees with baggage by the I-77 attached to the I-385.*

Y. Officer Uniform and Equipment

All Officers transporting INS detainees shall wear their prescribed uniform unless other attire is authorized by the OIC.

Transporting officers will wear uniforms, including the INS-issued or -authorized personal firearms, in accordance with INS procedures. Certain transportation details will require the wearing of street or business attire; the OIC will establish a dress code for such occasions.

Every transporting officer shall be issued, and advised to wear, a protective vest while participating in the transportation program.

Equipment recommended for each trip includes, among other things, the following:

1. *Flashlights;*
2. *Extra handcuffs;*
3. *Flexcuffs and cutters;*
4. *Oleoresin capsicum (OC) spray;*
5. *INS approved batons*
6. *Other authorized non-deadly force devices*

Z. Firearms Storage

An armed officer is prohibited from entering the secure area of the vehicle. If he/she must enter that area, the officer will first leave the weapon(s) with another officer for safekeeping or, if the vehicle is equipped with weapons lockers, in a locker.

Every OIC shall ensure that the on-site supply of gun lockers can accommodate the non-resident vehicle crews during stops at the facility.

AA. Vehicle Equipment

All transportation vehicles shall have equipment on board to enable regular communication (mobile radio(s) or cellular phone) and safety/emergency equipment.

The District, in conjunction with the Region, shall provide all vehicles with the following equipment:

1. *Mobile radio(s) able to communicate on frequencies used by Border Patrol and other law enforcement agencies;*
2. *Cellular phone (backup communication system);*
3. *Portable CB radio (for emergency use only);*
4. *In the forward baggage compartment of buses, two equipment boxes containing:*
 - *Box #1: large bolt cutters, fuses, fan belts, jack, small hand tools, flashlight, lantern, rags, disposable trash bags, broom, ground cloth, two sets of coveralls, and work gloves (fleet officer/shop supervisor maintains inventory; checks written inventory quarterly)*
 - *Box #2: transmission fluid, water for radiator, oil, toilet disinfectant, extra fire extinguisher(s), road flares, and reflectors (transporting officers record amount and date used and by whom on inventory sheets kept in Box 2, likewise maintaining MSDS sheets as necessary)*
 - *Other equipment may be added as necessary (transporting officers will provide supervisors with written notification of inventory needs, including items that need replenishing or replacing);*
5. *First-aid equipment bag (disaster kit), auxiliary to the first-aid kit in the driver's compartment (officers will document each emergency requiring first-aid treatment, including whether and how quickly the injured received proper medical care);*
6. *Fifty emergency blankets;*
7. *Boarding bag containing extra forms, camera that produces instant photographs, film, batteries, emergency phone numbers: INS offices, local police, State police, etc.;*
8. *Spare tire and snow chains (if applicable);*
9. *Restraining equipment, including, at a minimum: 50 sets of waist chains; 50 sets of leg irons; 2 sets of leg irons modified for use as hand cuffs (extra-large); 2 sets of group (daisy) chains, 25-feet each, and keyed-alike padlocks (for an emergency evacuation)*

All restraining equipment must be of high quality and needs to be maintained in good operating condition and kept in the forward baggage compartment with the other supplies.

The vehicle crew will determine which safety and security equipment to use in an emergency.

The crew will maintain restraints and other equipment in good working order.

Use of Restraints

Officers shall use authorized techniques and common sense when applying restraints. (See the "Use of Force" standard.) To ensure safe and humane treatment, the officers will check the fit of restraining devices immediately after application, at every relay point, and any time the detainee complains. Properly fitting restraints do not restrict breathing or blood circulation.

The officers will double-lock the restraining device(s), and secure each handcuff cover to the waist chain at a point inaccessible to the detainees. Under no circumstances will officers attach a restraining device to an immovable object, including, but not limited to, security bars, seats, steering wheel, or any other part of a vehicle. Officers carrying firearms shall exercise caution if close contact with a detainee becomes necessary.

As a rule, transporting officers will not handcuff women or minors. If an exception arises, the officers will document the incident, recording the facts and the reasoning behind the decision.

BB. Emergency Situations

The OIC shall establish written procedures for transportation officers to follow in an en-route emergency. The written procedures shall cover the following scenarios.

If an emergency occurs within a reasonable distance of an INS office, the officers will make every effort to reach that office before taking extraordinary measures. However, if moving seems ill advised or impossible, they will contact the office, stating location and the nature of the problem so the office can provide/secure assistance as quickly as possible.

If the situation is life threatening, the vehicle crew cannot afford to wait for help from an INS office; but will take immediate action.

1. Attack

The OIC will establish written procedures for vehicle crews if the vehicle comes under attack.

If attacked, the vehicle crew should request assistance from the nearest law enforcement agency, continuing to drive until the vehicle is incapacitated. The transportation officers will do everything possible to protect the safety of everyone in the vehicle.

2. Escape

The OIC will establish written procedures for vehicle crews if a detainee(s) escape.

If a detainee escapes, the transportation officers shall not jeopardize the security and accountability of the remaining detainees by chasing the escapee. Instead, they will notify the nearest INS office, providing the escapee's name, A-number, height, weight, type of clothing and direction of flight (if known). The office shall directly relay this information to local law enforcement agencies.

The vehicle crew shall wait for assistance, under no circumstances using the vehicle to pursue the escapee. While waiting, the officers will prepare a written report of the escape and/or attempted escape, fully documented.

3. Hostages

The OIC will establish written procedures for vehicle crews if a hostage situation occurs.

If a hostage situation occurs on board the vehicle, one transporting officer will secure the vehicle perimeter, while the other notifies the closest INS office of the hostage-taking. The officers will make every effort to determine who is/are involved and whether armed, relaying the information to the INS office and the local law enforcement agencies. Under no circumstances will a transporting officer bargain with or take orders from the hostage-taker(s), regardless of the status or rank of the hostage(s).

The vehicle crew will hold all detainees on board until help arrives, assuming the hostage-taker(s) allow non-participants to disembark. Regardless of demands, the officers will not allow any hostage-taker(s) off the bus, with or without the hostages.

Transportation officers will take no action to remedy a hostage situation, especially one that would involve the use of force. The officers shall follow instructions from the jurisdictional INS office, which should include cooperating with other agencies.

A hostage situation will effectively end a transportation assignment because of the need to interview witnesses, examine the crime scene, etc. The transportation officers will receive instructions on how and where to proceed once the hostage situation is resolved.

The vehicle crew's incident report will note participants, witnesses, action taken, etc.

4. Illness

The OIC will establish written procedures for vehicle crews if a detainee becomes ill during transportation.

If a detainee becomes ill while in transit, but the illness is not serious, the transporting officers will take appropriate action and alert the receiving office so it can prepare to handle the situation.

If the illness requires immediate medical treatment, (e.g., heart attack, etc.), officers will request assistance from the nearest facility and local law enforcement agencies. The officers will initiate life-saving procedures as appropriate, proceeding if security permits. The closest INS office will prepare procurement paperwork and make arrangements for hospitalization, security, etc.

5. Death

The OIC will establish written procedures for vehicle crews if a detainee dies while in transit.

If a detainee dies while in transit, transporting officers will notify the originating or receiving office as soon as possible, and follow the procedures specified in the "Terminal Illness, Advance Directives, and Death" standard.

The closest INS office will coordinate with other agencies, including the coroner, required to be on the scene when the body is removed from the vehicle. This must take place in the State where death occurred. The "Terminal Illness, Advance Directives, and Death" standard specifies the policy and procedures with which the officers must comply.

6. Fire

The OIC will establish written procedures for vehicle crews in case a fire on or in a vehicle.

In case of fire in or on the vehicle, the driver will immediately stop the vehicle. The crew will fight the fire with the on-board equipment. If necessary, the officers will request assistance from the local fire department and law enforcement agency. If the fire forces the occupants' evacuation of the bus, the crew is responsible for maintaining accountability while removing the detainees in orderly fashion.

7. Riots

The OIC will establish written procedures for vehicle crews if a riot or disturbance occurs during transit.

If a riot, fight, or any disturbance occurs on the bus, the assistant driver will order the detainees to cease and the driver will attempt to move the bus to the side of the road. If necessary, the crew will request assistance from the local law enforcement agency. Efforts should be made to determine the instigators, number of detainees involved, names and A-numbers.

When sufficient assistance is available, the transporting officers will attempt to regain control, using only as much force as necessary (e.g., restraints, pepper spray). Officers may not enter the screened area bearing arms (see Section III.Y, above).

8. Traffic Accident

The OIC will establish written procedures for vehicle crews involved in traffic accidents.

After an accident, the officers shall secure the area, request assistance from a local law enforcement agency, and obtain medical assistance for anyone injured. Regardless of its severity, the officers must report the accident to the local law enforcement agency and the nearest INS office. They must also obtain a police report for the record, in case of future allegations or lawsuits against INS or individual officers. The driver must record witnesses' names, addresses, and phone numbers on Form SF-94.

The transporting officers will discuss the issue of responsibility for the accident only with INS investigating officers and supervisors. Upon arriving at the receiving office, the officers will report the accident to the ADD/DRO and prepare the required forms.

9. Vehicle Failure

The OIC shall develop written procedures for transportation officers to follow when the vehicle develops mechanical problems en route.

The crew in an INS-owned vehicle that develops mechanical problems en route will attempt to isolate the problem, then contact the nearest INS office. Unless the vehicle constitutes a traffic hazard in its current location, the crew will not move it until instructed to do so. If the officers fail to connect with the INS office, they will try to reach a local law enforcement agency. As always when detainees are on board, the officers' top priorities are order/control, safety, and security.

10. Natural Disasters

The OIC shall develop written procedures for transportation officers to follow in severe weather or a natural disaster.

In a flood, dust storm, ice storm, tornado, or other natural disaster, the vehicle crew will contact State authorities to assess road conditions along the planned route.

If driving conditions are unlikely to improve, the vehicle crew will look for a safe area to park the vehicle and request further instructions from the receiving office.

When contacting the office, give all available information concerning your location. This can include highway markers, buildings, unusual structures, or other identifying features. Should it become necessary to exit the vehicle, the detainees should be directed to a safe area. When this occurs, officers must maintain a heightened alertness throughout the emergency. When the emergency has passed, the officers will return all detainees to the vehicle and conduct an accurate count.

11. Transporting Females and Minors

The OIC shall develop written procedures for vehicle crews transporting women and/or minors. However, women and children will travel by means of another mode of transportation if the bus-trip to the destination would exceed six hours.

Women and children will occupy the front of the vehicle. Officers will search a detainee of the opposite sex only in extreme circumstances, in the absence of a same-sex officer.

CC. Radio Use

The officer will plan and rehearse the message intended for transmittal before making radio contact. When ready, the officer will listen to ensure his/her communication will not interfere with an in-progress transmittal., before proceeding as follows:

- 1. Holding the microphone at a 45-degree angle, about four inches from the mouth, press the microphone switch, pause, then speak (across, not directly into, the microphone). The officer will speak slowly and clearly in a normal voice.*
- 2. Keep the transmission as brief as possible. In an emergency, if the message is lengthy, break it into phrases, waiting for an acknowledgment of one phrase before continuing with the next. Do not use the radio to transmit a lengthy message under normal (non-emergency) circumstances; use the telephone instead.*
- 3. If having transmittal problems, change locations or use a telephone, if possible. Heavy concentrations of electrical power often limit radio effectiveness, especially around high-speed electrical motors, in areas surrounded by heavy steel or reinforced concrete, and in mountain valleys.*

Transmitting Numbers

Transmit numbers exactly as they appear. For example, communicate "1, 2, 3, 4" as, simply, "One. Two. Three. Four." Never attempt clarity by substituting "One thousand, two hundred, thirty-four" or "Twelve thirty-four."

Transmitting Descriptions

When transmitting descriptions of persons, give information based on the following; name (if known), sex, race, age, height, weight, hair, eyes, complexion, marks/scars, a description of clothing worn, and type of weapon if armed.

*When transmitting information about vehicles, use the acronym **C Y M B A L**:
C-Color, **Y**-Year, **M**-Make, **B**-Body style, **A**-And, **L**--License plate number, e.g.,
Black-2000-Lincoln LS-VA plate number BRAVO YANKEE ECHO 6-9-9-6.*

Phonetic Alphabet

Use the following chart when spelling or using letters in messages. Say the letter first, then its identifier, pronouncing "A: Alpha," "B: Bravo." Never say "A as in Alpha" or "B as in Bravo".

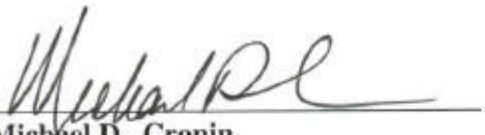
<i>A-ALPHA</i>	<i>B-BRAVO</i>	<i>C-CHARLIE</i>	<i>D-DELTA</i>
<i>E-ECHO</i>	<i>F-FOXTROT</i>	<i>G-GOLF</i>	<i>H-HOTEL</i>
<i>I-INDIA</i>	<i>J-JULIET</i>	<i>K-KILO</i>	<i>L-LIMA</i>
<i>M-MIKE</i>	<i>N-NOVEMBER</i>	<i>O-OSCAR</i>	<i>P-PAPA</i>
<i>Q-QUEBEC</i>	<i>R-ROMEO</i>	<i>S-SIERRA</i>	<i>T-TANGO</i>
<i>U-UNIFORM</i>	<i>V-VICTOR</i>	<i>W-WHISKEY</i>	<i>X-X-RAY</i>
<i>Y-YANKEE</i>	<i>Z-ZULU</i>		

All communication equipment is to be used for official government business only. Officers must monitor and censor their language at all times.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:

American Correctional Association 3rd Edition Standards for Adult Local Detention
Facilities: 3-ALDF-3E-02


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

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

Policy The Immigration and Naturalization Service will take all necessary precautions to protect the lives, safety, and welfare of our officers, the general public, and those in INS custody during the transportation of detainees. Standards have been established for professional transportation under the supervision of experienced and trained Detention Enforcement Officers or authorized contract personnel.

TRANSPORTATION (Land Transportation)			
Components	Yes	No	Remarks
1. Do transporting officers comply with applicable local, state, and federal motor vehicle laws and regulations? a. How monitored and verified?			
2. Do all bus crews have a valid Commercial Driver's License (CDL) issued by the state of employment? a. How many officers do not have a CDL?			
3. Do supervisors maintain records for each vehicle operator?			
4. Do officers use a checklist during every vehicle inspection? a. Do officers report deficiencies affecting operability? b. Are deficiencies corrected before the vehicle goes back into service?			
5. Do transporting officers: a. Limit driving time to 10 hours? b. Drive only after eight consecutive off-duty hours? c. Receive transportation assignments after having been on duty, in any capacity, for 15 hours? During emergency conditions (including bad weather), may officers drive as long as necessary to reach a safe area—exceeding the 10-hour limit?			

TRANSPORTATION (Land Transportation)			
Components	Yes	No	Remarks
6. Are two officers with valid CDLs required in any bus transporting detainees? a. When buses travel in tandem, are there two qualified officers per vehicle? b. May an unaccompanied driver transport an empty vehicle?			
7. Before the start of each detail, is the vehicle thoroughly searched?			
8. Is positive identification of all detainees being transported confirmed? a. By what method?			
9. Are all detainees searched immediately prior to boarding the vehicle? a. By whom?			
10. Does the facility ensure that the number of detainees transported does not exceed the manufacturers occupancy level?			
11. Are protective vests provided to all transporting officers?			
12. Does the vehicle crew conduct a visual count once all passengers are on board and seated? a. Are additional visual counts made whenever the vehicle makes a scheduled or unscheduled stop?			
13. Are policies and procedures are in place addressing the use of restraining equipment on transportation vehicles?			
14. Do officers ensure that no one contacts the detainees? a. Does one officer remains in the vehicle when detainees are present?			
15. Are meals provided during long distance transfers? a. Do the meals meet the minimum dietary standards, as identified by dieticians utilized by the Service?			

TRANSPORTATION (Land Transportation)			
Components	Yes	No	Remarks
16. Does the vehicle crew inspect all Food Service pickups before accepting delivery (food wrapping, portions, quality, quantity, thermos-transport containers, etc.)? a. Before accepting the meals, does vehicle crew raise and resolve questions, concerns, or discrepancies with the Food Service representative? b. Does the Food Service Administrator regularly monitor the condition of basins, latrines, and drinking-water containers/ dispensers? c. Are basins, latrines, and drinking-water containers/dispensers cleaned and sanitized on a fixed schedule?			
17. Do any vehicles lack: a. Two-way radios? b. Cellular telephones? c. Equipment boxes stocked in accordance with the Use of Force Standard?			
18. Are the vehicles clean and sanitary at all times?			
19. The personal property of a detainee transferring to another facility: a. Is inventoried? b. Is inspected? c. Accompanies the detainee?			
20. When do armed officers enter a vehicle's secured area?			

TRANSPORTATION (Land Transportation)			
Components	Yes	No	Remarks
21. Are the following contingencies included in the written procedures for vehicle crews: <ul style="list-style-type: none"> a. Attack? b. Escape? c. Hostage-taking? d. Detainee sickness? e. Detainee death? f. Vehicle fire? g. Riot? h. Traffic accident? i. Mechanical problems? j. Natural disasters? k. Severe weather? l. Passenger list is not exclusively men or women or minors 			
22. List discrepancies between contingency procedures for vehicle crew and the INS standard?			

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

TRANSPORTATION (Land Transportation)

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. Observing transportation activities			
B. Traveling with vehicle crew			
C. Observing search procedures			
D. Observing restraining procedures			
E. Facility's written policy and procedures			
F. Detainee and staff interviews			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

USE OF FORCE

I. POLICY

The use of force is authorized only after all reasonable efforts to resolve a situation have failed. Officers shall use as little force as necessary to gain control of the detainee; to protect and ensure the safety of detainees, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility. Physical restraints shall be used to gain control of an apparently dangerous detainee only under specified conditions.

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. Types of Force

When a detainee acts violently or appears on the verge of violent action(s), if necessary, staff shall use reasonable force and/or restraints to prevent him/her from harming self, others, and/or property.

1. Immediate Use of Force

An "immediate-use-of-force" situation is created when a detainee's behavior constitutes a serious and immediate threat to self, staff, another detainee, property, or the security and orderly operation of the facility. In that situation, staff may respond without a supervisor's direction or presence.

2. Calculated Use of Force and/or Application of Restraints

If a detainee is in an isolated location (e.g., a locked cell, a range) where there is no immediate threat to the detainee or others, the officer(s) shall take the time to assess the possibility of resolving the situation without resorting to force

a. Circumstances

The calculated use of force is feasible in most cases.

Calculated use of force is appropriate when the detainee is in a cell or other area with a securable the door or grill, even if the detainee is verbalizing threats or brandishing a weapon, provided staff sees no immediate danger of the detainee causing harm. The calculated use of force affords staff time to strategize, resolving situations in the least confrontational manner.

b. Documentation

INS requires that all incidents of use of force be documented and forwarded to INS for review. The videotaping of all calculated used of force is required.

The videotape and accompanying documentation shall be included in the investigation package for the "After-Action Review" (see Section III.J., below). Additionally, the Officer in Charge (OIC) shall make all videotapes available to the District Director.

In SPCs/CDFs, written documentation shall include a "Use of Force" form (sample attached) and memorandum reporting staff actions, reactions, and responses during the confrontation-avoidance process.

3. Confrontation Avoidance

Before authorizing the calculated use of force, the ranking detention official, a designated health professional, and others as appropriate shall assess the situation. Taking into account the detainee's history and the circumstances of the immediate situation, they will determine the appropriateness of using force.

The conferring officials may consider, in their assessment, the detainee's medical/mental history; recent incident reports involving the detainee, if any; and shocks or traumas that may be contributing to the detainee's state of mind (e.g., a pending criminal prosecution or sentencing, divorce, illness, death, etc.). Question-and-answer sessions with staff members familiar with the detainee might yield insight into the detainee's current agitation, even pinpointing the immediate cause.

Staff interviews will also help identify those who have established rapport with the detainee, or whose personalities suggest they might be able to reason with the detainee.

Staff selected to defuse the situation must be trained in the confrontation-avoidance procedure.

4. Use-of-Force Team Technique

When a detainee must be forcibly moved and/or restrained during a calculated use of force, the use-of-force team technique shall apply.

- a. The team technique usually involves five or more trained staff members clothed in protective gear, including helmet with face shield, jumpsuit, flack-vest or knife-resistant vest, gloves, and forearm protectors. Team members enter the detainee's area together, with coordinated responsibility for achieving immediate control of the detainee.
- b. Staff shall be trained in the use-of-force team technique in sufficient numbers for teams to be quickly convened on all shifts in different locations throughout the facility. To use human resources most effectively, the OIC will provide use-of-force team technique training for all staff members.
- c. The use-of-force team technique training will include the technique and its application, confrontation-avoidance, professionalism, and debriefing. It will also cover the use of protective clothing and handling of spilled blood and body fluids.
- d. The supervisor on duty must be on the scene before any calculated use of force. He/she shall direct the operation, continuously monitoring staff compliance with policy and procedure. The supervisor shall not participate except to prevent impending staff injury. Whenever possible, a health services professional shall be present to observe and immediately treat any injuries.
- e. The Use-of-Force Team can expand to include staff with specific skills, e.g., handling chemical agents, etc.

The supervisor on duty will exclude from the Use-of-Force Team any staff member involved in the incident precipitating the need for force.

- f. When restraints are necessary, the team's will choose ambulatory or progressive models. They shall resort to four-point restraints only if the less restrictive devices prove ineffective.

- g. Calculated-use-of-force videotape will be edited as follows:
 - 1. Introduction by Team Leader, stating facility name, location, time, date, etc.; describing the incident that led to the calculated use of force; and naming the video-camera operator and other staff present.
 - 2. Faces of all team members briefly appear (helmets removed; heads uncovered), one at a time, identified by name and title.
 - 3. Team Leader offering detainee last chance to cooperate before team action, outlining use-of-force procedures, engaging in confrontation-avoidance, and issuing use-of-force order.
 - 4. Entire tape of Use-of-Force Team operation, unedited, until detainee in restraints.
 - 5. Close-ups of detainee's body during medical exam, focusing on the presence/absence of injuries; staff injuries, if any, described but not shown.
 - 6. Debriefing, including full discussion/analysis/assessment of incident.
- h. The videotape shall be catalogued and preserved until no longer needed, but no less than 30 months after its last documented use. In the event of litigation, the facility will retain the tape a minimum of six months after its conclusion/resolution.
- i. Use-of-force tapes shall be available for supervisory, District, Regional, and Headquarters incident reviews. They may also be used for training, e.g., after-action review training. The tapes may be catalogued on 3" x 5" index cards or electronically, provided the data be searched by date or detainee name. A log shall document videotape usage.
- j. The release of use-of-force videotapes to the news media shall occur only with approval from Headquarters, in accordance with INS procedures and rules of accountability.
- k. Staff shall store use-of-force equipment in the Special Management Unit (SMU) under the same conditions as Class "A" tools. If the SMU lacks appropriate space, the equipment shall be kept in a secure location elsewhere in the facility.
- l. The OIC shall designate responsibility for maintaining the video camera(s) and other video equipment. This shall include regularly scheduled testing to ensure all parts, including batteries, are in working order; and keeping back-up supplies on hand (batteries, tapes, lens-cleaners, etc.). This responsibility shall be incorporated into one or more post orders.

B. Principles Governing the Use of Force and Application of Restraints

1. Under no circumstances shall force be used to punish a detainee.
2. Staff shall attempt to gain the detainee's willing cooperation before using force.
3. Staff shall use only that amount of force necessary to gain control of the detainee.
4. Immediate use of restraints is warranted to prevent the detainee from harming self or others, or from causing serious property damage. If, after the detainee is under control, the continuing use of restraints appears necessary, OIC approval is required.
5. Additional restraints may be applied to a detainee who continues to resist after staff achieves physical control or who has been placed under control by the Use-of-Force Team Technique. If a restrained detainee refuses to move or cannot move because of the restraints, staff may lift and carry the detainee to the appropriate destination. The restraints shall not to be used for lifting or carrying a detainee.
6. Staff may not remove the restraints until the detainee has regained self-control.
7. The following uses of restraint equipment or devices (e.g., handcuffs) are prohibited:
 - On a detainee's neck or face, or in any manner that restricts blood circulation or obstructs the detainee's airways (mouth, nose, neck, esophagus);
 - To cause physical pain or extreme discomfort.

The supervisor is responsible for staff compliance with the minimum-pressure-necessary policy when applying restraints (on the detainee's chest, back, neck, etc.).

While causing some discomfort may be unavoidable even when applying restraints properly, examples of prohibited applications include, among others: hog-tying, fetal restraints (cuffed in front with connecting restraint drawn-up to create the fetal position); unnecessarily tight restraints; and improperly applied restraints. Staff will monitor all detainees placed in restraints.

Hard restraints (e.g., steel handcuffs and leg irons) will be used only after soft restraints prove (or have previously proven) ineffective with this detainee.

8. Medication shall not be used to subdue an uncooperative detainee for staff convenience. Medication must be prescribed and administered by licensed medical personnel, for medical purposes only.

9. The documenting, reporting, and investigating of use-of-force incidents both protects staff from unfounded allegations and eliminates the unwarranted use of force.

C. Approved Restraint Equipment

Deviations from the following list of restraint equipment are prohibited:

1. Handcuffs: stainless steel, 10 oz.;
2. Leg Irons: stainless steel, meet National Institute of Justice standard;
3. Martindale Restraint Belt;
4. Waist or Belly Chain: Case-hardened chains with a minimum breaking strength of approximately 800 pounds;
5. Handcuff Cover: Highly effective cases for the security of handcuffs used on high security detainees;
6. Soft Restraints: Vinyl type with soft arm and leg cuffs containing soft belts with key locks;
7. Plastic Cuffs: disposable;
8. Ambulatory Restraints: soft and hard equipment that provides freedom of movement sufficient for eating, drink, and taking care of basic human needs without staff intervention;
9. Any other INS-approved restraint device.

D. Use-of-Force Team Safeguards

1. Compliance with the Use-of-Force Team procedures can prevent injury and exposure to communicable disease.
2. Use-of-Force Team members and others participating in calculated use of force shall:
 - a. Wear protective gear, and
 - b. Receive training on communicable diseases during orientation and scheduled annual training.
3. An individual with a skin disease or skin injury shall not participate in a calculated use-of-force action.

4. If the circumstances of an immediate use-of-force incident permit, staff will obtain and use appropriate protective equipment (helmets with face shields, gloves, pads, etc.) before intervening.
5. Staff shall use protective devices when entering a cell or area where blood or other body fluids could be present.
6. The shift supervisor shall inspect areas of blood or other body-fluid spillage after an incident. Unless he/she determines that the spillage must be preserved as evidence, staff shall immediately sanitize those areas. The medical department shall provide guidance on appropriate cleaning solutions and usage.
7. Standard sanitation procedures shall be followed in areas with blood or other body-fluid spillage. Wearing protective gloves, staff and/or detainees immediately shall apply disinfectant to cell walls, floors, etc., sanitize the cell walls or floors, etc. Articles of clothing and use-of-force equipment contaminated with body fluids, will be immediately disinfected or destroyed, as appropriate.

E. Progressive and Ambulatory Restraints

Whenever possible, staff shall apply ambulatory restraints (see III.4.e, above). If the detainee's behavior makes use of more restrictive or secure restraints necessary, the OIC shall decide on the appropriate restraint method, e.g., hard restraints with/without waist chain or belt; four-point soft restraints, with hard restraints securing the detainee to his/her bed; four-point hard restraints, etc.

In situations involving highly assaultive and aggressive detainees, progressive restraints may be used as an intermediate measure in placing the detainee into, or removing a detainee from, four-point restraints.

F. Use of Four-Point Restraints

Staff shall follow the specified four-point-restraint procedures:

1. Use soft restraints (e.g., vinyl), unless:
 - a. Previously ineffective with this detainee, or
 - b. Proving ineffective in the current instance.
2. Provide the detainee with temperature-appropriate clothing and a bed, mattress, sheet and/or blanket.

Under no circumstance shall a detainee remain naked or without cover (sheet or blanket) unless determined necessary by qualified health personnel.

3. Check and record the detainee's condition at least every 15 minutes to ensure that the restraints are not hampering circulation and to monitor the general welfare of the detainee. If the detainee is confined by bed restraints, staff shall periodically rotate the detainee's position to prevent soreness or stiffness.
4. A health professional shall test the detainee's breathing, other vital signs, and physical and verbal responses; and, if the detainee is bed-restrained, determine how he/she should be placed. Qualified health personnel ordinarily visit the detainee at least twice per eight-hour shift. When qualified health personnel are not immediately available, staff shall place the detainee in a "face-up" position until the medical evaluation.
5. Use of four-point restraints beyond eight hours requires medical supervision.
6. The shift supervisor shall review a detainee in four-point restraints every two hours. If the restraints have had a calming effect, they may be removed and, if appropriate, replaced by a less restrictive device. At every two-hour review, the detainee will be afforded the opportunity to use the toilet, unless the detainee actively resists or becomes combative when released from restraints for this purpose.

The decision to release the detainee or apply lesser restraints shall shift supervisor shall not be delegated below the shift supervisor's level. The shift supervisor may seek advice from mental or physical health professionals about when to remove the restraints.

7. When restraining a detainee for more than eight hours, the OIC shall telephonically notify the Assistant District Director for Detention and Removal with updates every eight hours until the restraints are removed.

The OIC shall provide the District Director with written documentation of the reason(s) for placing the detainee in four-point restraints, regardless of duration, on the following workday.

G. Medical Attention in Immediate Use-of-Force and Application-of-Restraints Incidents

In immediate use-of-force situations, staff shall seek the assistance of mental health or other medical personnel upon gaining physical control of the detainee.

1. When possible, staff shall seek such assistance at the onset of the violent behavior. In calculated use-of-force situations, the use-of-force team leader shall seek the guidance of qualified health personnel (based on a review of the detainee's medical record) to identify physical or mental problems. If the mental- or physical-health professional determines that the detainee requires continuing care, e.g., a pregnant detainee, he/she shall make the necessary arrangements. Continuing care may involve such measures as admission to the facility hospital, restraining a pregnant detainee in a way that does not include face-down, four-point restraints.

2. After any use of force or forcible application of restraints, medical personnel shall examine the detainee, immediately treating any injuries. The medical services provided shall be documented.

Medical staff shall immediately examine any staff member involved in a use-of-force incident who reports an injury and, if necessary, provide initial emergency treatment.

H. Use of Non-Lethal Weapons

The OIC may authorize the use of non-lethal weapons if the detainee:

1. Is armed and/or barricaded; or
2. Cannot be approached without danger to self or others; and
3. A delay in controlling the situation would seriously endanger the detainee or others, or would result in a major disturbance or serious property damage.

Staff shall consult medical staff before using pepper spray or other non-lethal weapon(s) unless escalating tension make such action unavoidable. When possible, medical staff will review the detainee's medical file for a disease or condition that a non-lethal weapon could seriously exacerbate, including, but not limited to, asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy, or congestive heart failure.

I. Use of Force in Special Circumstances

Occasionally, after the failure or impracticability of confrontation-avoidance, staff must make a judgment call as to whether to use force. In such cases, involving a pregnant detainee, for example, or an aggressive detainee with open cuts, sores, or lesions, staff shall consult with the Clinical Director before deciding the situation is grave enough to warrant the use of physical force.

1. Pregnant Detainees

Medical staff shall prescribe the precautions required to protect the fetus, including the manner in which the pregnant detainee will be restrained, the advisability of a medical professional's presence when restraints are applied, and the medical necessity of restraining the detainee in the facility hospital or a local medical facility.

2. Detainees with Wounds or Cuts

Staff shall wear protective gear when restraining aggressive detainees with open cuts or wounds. If use of force is deemed necessary, this gear will include a full-body shield.

Aggressive detainees, in restraints, shall be placed in administrative detention, segregated from all other detainees. Such detainees generally remain in the SMU until cleared to return to the general population by the Chief Detention Enforcement Officer (CDEO) and the CD, with the OIC's approval.

J. Documentation of Use of Force and Application of Restraints Incidents

Staff shall prepare detailed documentation of all incidents involving the use of force, chemical agents, or non-lethal weapons. Staff shall likewise document the use of restraints on a detainee who becomes violent or displays signs of imminent violence. A copy of the report shall be placed in the detainee's detention file.

1. Report of Incident

All facilities shall have a form to document all uses of force. INS shall approve of all use of force forms.

Staff shall prepare a "Use of Force" form (attached) for each incident involving use of chemical agents, pepper spray or other non-lethal weapons, application of progressive restraints (regardless of level of detainee cooperation), etc. The report identifies the detainee(s), staff, and others involved, and describes the incident. If non-lethal weapons are used, e.g., collapsible steel baton or 36-inch straight (riot) baton, the location of strikes must be reported on the Use of Force form. Each staff member shall complete a memorandum for the record, to be attached to the original Use of Force form. The report, accompanied by the medical report(s) must be submitted to the OIC by the end of the shift during which the incident occurred.

Within two workdays, copies of the report shall be placed in the detainee's A-File and sent to the District Director.

A report is not necessary for the general use of restraints (for example, the routine movement or transfer of detainees).

2. Four-Point Restraints Report

All facilities shall document all checks of detainees in four point restraint.

Staff shall use the SMU logbook to record each 15-minute check of detainees in four-point restraints. Documentation shall continue until the restraints' removal.

The shift supervisor shall use the bound ledger to document any negative behavior observed during his/her every-other-hour reviews.

3. Videotapes of Use-of-Force Incidents

Staff shall immediately obtain and record with a video camera any use-of-force incident, unless such a delay in bringing the situation under control would constitute

a serious hazard to the detainee, staff, or others, or would result in a major disturbance or serious property damage. Calculated use of force shall be videotaped in accordance with section III.A.4., above.

Once the OIC has reviewed the videotape (within four workdays of the incident), he/she will send the District Director a copy for review. The District Director shall forward videotapes of questionable or inappropriate cases to the Regional Director. When an immediate threat to the safety of the detainee, other persons, or property, makes a delayed response impracticable, staff shall activate a video camera and start recording the incident as quickly as possible. After regaining control of the situation, staff will follow the procedures applicable to calculated use-of-force incidents (see section III.A.4, above).

4. Record keeping

All facilities shall have a designated individual to maintain all uses of force documentation

The Chief Detention Enforcement Officer shall maintain all use-of-force documentation, including the videotape and the original after-action review form for a minimum of 30 months. A separate file shall be established on each use-of-force incident.

K. After-Action Review of Use of Force and Application of Restraints Incidents

Written procedures shall govern the use-of-force incident review, whether calculated or immediate, and the application of restraints. The review is to assess the reasonableness of the actions taken (force proportional to the detainee's actions), etc. IGSA will pattern their incident review process after INS. INS shall review and approve all After Action Review procedures.

The OIC, the Assistant OIC, the CDEO, and the Health Services Administrator shall conduct the after-action review. This four-member After-Action Review Team shall convene on the workday after the incident. The After-Action Review Team shall gather relevant information, determine whether policy was followed, and complete an after-action report, recording the nature of their review and findings. The after-action report is due within two working days of the detainee's removal from restraints.

If the incident review reveals a violation of INS policy or procedures, the After-Action Review Team shall determine whether the situation called for improvised action and, if so, whether the action taken was reasonable and appropriate.

Within two workdays of the After-Action Review Team's determination, the OIC shall report the finding of appropriate/inappropriate use of force, via memorandum, to the District Director, the outcome of the After-Action Review and that the use of force (other than firearms) was appropriate/inappropriate.

The After-Action Review Team shall also review the videotape for compliance with all provisions of this standard, including, among other things:

- a. Strict compliance with the Use-of-Force Team Technique (see section III.A.3.-4.): professionalism of shift supervisor, every team member wearing prescribed protective gear, etc.;*
- b. Absence of towels, tape, surgical masks, hosiery, and other unauthorized items, equipment or devices;*
- c. Team members applying only as much force as necessary to subdue the detainee. This includes responding appropriately to a subdued or cooperative detainee, e.g., one who discontinues his/her violent behavior;*
- d. Shift supervisor clearly in charge of team and situation. This includes intervening at first sign of one or more team members applying more force than necessary;*
- e. Detainee receives and rejects opportunity to submit to restraints voluntarily before team enters the cell/area. If he or she submits, team action should not be necessary;*
- f. Team members applying restraints exert no more pressure than necessary to the detainee's thorax (chest and back), throat, head and extremities;*
- g. Amount of time needed to restrain the detainee. If team requires more than five minutes, for example, with a detainee who is not resisting, this could indicate training problems/ inadequacies;*
- h. Protective gear worn by team members inside cell/area, until end of operation;*
- i. Continuous photographic coverage from the time the camera starts recording until the incident is over. The review team will investigate any breaks or sequences apparently missing from the videotape;*
- j. A medical professional promptly examines the detainee, with the findings reported on tape;*
- k. Appropriate use of chemical agents, pepper mace, etc., in accordance with written procedures;*
- l. Team member(s) addressing remarks that are derogatory, demeaning, taunting, or otherwise inappropriate/inflammatory to detainee or person(s) outside the cell or area.*

Report Completion

The After-Action Review Team shall complete and submit its After-Action Review Report to the OIC within two working days of the detainee's release from restraints. The OIC shall review and sign the report, acknowledging its finding that the use of force was appropriate/inappropriate.

Further Investigation

The reviewer team shall determine whether the incident requires further investigation; also, whether the incident should be referred to the Office of Internal Affairs, the Office of the Inspector General, or the Federal Bureau of Investigation.

The OIC shall forward a copy of the After-Action Review Report to the District Director.

L. Authorized Nondeadly Force Devices

The following devices are authorized (for official use only):

1. Oleoresin capsicum (OC) spray;
2. Collapsible steel baton;
3. INS-approved, electronic-defense module (includes control belt)
4. 36" straight, or riot, baton, in SPCs/CDFs only, unless the District Director or Chief Patrol Agent authorizes use in other locations.

M. Unauthorized Nondeadly Force Devices

The following nondeadly force devices are not authorized for use:

1. Saps, blackjacks, and sap gloves;
2. Mace, tear gas, or other chemical agents, except OC spray;
3. Homemade devices or tools; and
4. Any other device or tool not issued or approved by INS.

N. Nondeadly Force Prohibited Acts and Techniques

The following acts and techniques are prohibited when using nondeadly force:

1. Choke holds, carotid control holds, and other neck restraints;
2. Using a baton to apply choke or "come-along" holds to the neck area;

3. Intentional baton strikes to the head, face, groin, solar plexus, neck, kidneys, or spinal column;
4. Striking a detainee for failing to obey an order;
5. Striking a detainee when grasping or pushing him/her would achieve the desired result;
6. Using force against a detainee offering no resistance;

For further information, see the National Enforcement Standard, "Use of Nondeadly Force."

O. Training

To control a situation involving an aggressive detainee, all staff must be made aware of their responsibilities through ongoing training. All detention personnel shall also be trained in approved methods of self-defense, confrontation avoidance techniques, and the use of force to control detainees. Staff will be made aware of prohibited use-of-force acts and techniques.

Specialized training shall be required for certain non-lethal equipment e.g., OC spray/electronic devices. Staff members will receive annual training in confrontation-avoidance procedures and forced cell-move techniques. Each staff member participating in a calculated use of force cell move must have documentation of annual training in these areas.

Training should also cover use of force in special situations. Each officer must have be specifically certified to use a given device.

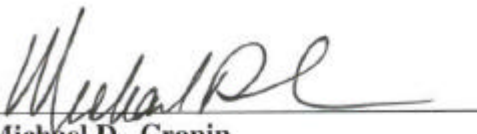
Among other things, training shall include:

1. Communication techniques;
2. Cultural diversity;
3. Dealing with the mentally ill;
4. Confrontation-avoidance procedures;
5. Application of restraints (progressive and hard); and
6. Reporting procedures.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association Standards for Adult Local Detention Facilities, 3rd
Edition: 3-ALDF: 3A-17, 3A-25, 3A-26, 3A-28, 3A-29, 3A-31


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

U.S. Department of Justice
Immigration and Naturalization Service

USE OF FORCE FORM

Name of Detainee

A-Number

Nationality

Date/Time Force Used:

Location of the Use of Force Incident

Type of Force Used: Hands: ☐ Take Down: ☐ Strikes: ☐ Restraints Used: ☐
Other ☐ _____

On the above date and time, reasonable and necessary force was used by:

Officer's Name:

Title:

Officer's Name:

Title:

Description of Incident (Force/Restraints Used and Target Area of Strikes): _____

Medical Exam: ☐ Y ☐ N Date/Time: _____

Witness: Y N

Name of Witness(s): _____

Name of Witness(s): _____

Name of Witness(s): _____

Officer Name: (Printed)

Date:

Signature:

Reviewed by: _____

Date & Time: _____

Supervisor & Title

Memorandum(s) attached: Y N

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

Policy: The U.S. Immigration & Naturalization Service authorizes the use of force only as a last alternative after all other reasonable efforts to resolve a situation have failed. Only that amount of force necessary to gain control of the detainee, to protect and ensure the safety of detainees, staff and others, to prevent serious property damage and to ensure institution security and good order may be used. Physical restraints necessary to gain control of a detainee who appears to be dangerous may be employed when the detainee:

USE OF FORCE			
Components	Yes	No	Remarks
1. Does written policy authorize staff to respond in an immediate-use-of-force situation without a supervisor's presence or direction?			
2. If the detainee is in an area that is or can be isolated (e.g., a locked cell, a range), posing no direct threat to the detainee or others, must officers try to resolve the situation without resorting to force?			
3. Does written policy assert that calculated rather than immediate use of force is feasible in most cases?			
4. Does the facility subscribe to the prescribed Confrontation Avoidance Procedures? a. Do the ranking detention official, health professional, and others confer before every calculated use of force?			
5. When a detainee must be forcibly moved and/or restrained and there is time for a calculated use of force, does staff use the Use-of-Force Team Technique? a. Under staff supervision? b. Is a Physician's Assistant present prior to and during the Use-of-Force Team Technique to observe and immediately treat any injuries?			

USE OF FORCE			
Components	Yes	No	Remarks
6. How many staff members are trained in the performance of the Use-of-Force Team Technique? a. This number represents what percentage of the staff?			
7. Are all use-of-force incidents documented and reviewed? a. Does the OIC forward the videotape of every use-of-force incident to the DD? b. If a CDF or IGSA facility, is the videotape forwarded to INS for review?			
8. Does the calculated-use-of-force video sequentially present the following: a. Team Leader's introduction? b. Face of each team member (without helmet), identified by name and title? c. Team Leader offering detainee a last chance to comply, and explaining the use-of-force results of noncompliance? d. Unedited coverage of the operation, from the use-of-force order to the end? e. Medical staff examining the detainee in restraints, with close-ups recording the presence or absence of injuries on the detainee's body? f. Staff injuries, with oral description(s)?			
9. Are all videotapes of use-of-force incidents catalogued and preserved for at least 2-1/2 years after last documented use? a. Are the videotapes available for incident review?			
10. Does staff: a. Use force as punishment? b. Attempt to gain the detainee's voluntary cooperation before resorting to force? c. Does staff use only as much force as necessary to control the detainee? d. Are restraints used only when other non-confrontational means, including verbal persuasion, have failed or are impractical?			

USE OF FORCE			
Components	Yes	No	Remarks
11. Under what circumstances can staff use medication for restraint purposes?			
12. Does the facility use INS-authorized restraint equipment? a. Supplemented by other restraint equipment?			
13. Does the Use-of-Force Team follow INS procedures to prevent injury and exposure to communicable disease(s)?			
14. Does the OIC contact the ADD before restraining a detainee beyond eight hours?			
15. Do standard procedures associated with using four-point restraints include: a. Soft restraints (e.g., vinyl) If not, what? b. Dressing the detainee appropriately for the temperature? c. A bed, mattress, and blanket/sheet? d. Checking the detainee at least every 15 minutes? Logging each check? e. Turning the bed-restrained detainee often enough to prevent soreness or stiffness? f. Medical evaluation of the restrained detainee twice per eight-hour shift? g. When qualified medical staff is not immediately available, does staff position the detainee "face-up"?			
16. Does the shift supervisor monitor the detainee's position/condition every two hours? a. Does he/she allow the detainee to use the rest room at these times?			
17. Are all detainee checks logged?			
18. In immediate-use-of-force situations, does staff contact medical staff once the detainee is under control?			

USE OF FORCE			
Components	Yes	No	Remarks
19. Does the OIC ever authorize use of non-lethal weapons? a. Is medical staff consulted before staff use pepper spray/non-lethal weapons? b. Does medical staff review the detainee's medical file before use of a non-lethal weapon is authorized? c. Why?			
20. Are special precautions taken when restraining pregnant detainees? a. Are medical personnel consulted?			
21. Is protective gear worn when restraining detainees with open cuts or wounds? a. Full-body shields?			
22. Does staff document every use of force and/or application of restraints?			
23. Is it standard practice to review any use of force and the application of restraints? a. What results from these reviews?			
24. Does the After-Action Review Team review the videotape for the following: a. Professionalism? b. Use of Force Team's protective gear? c. Appropriate/excessive use of force? d. Proper application of restraints? e. Time needed to restrain the detainee? f. Removal of protective gear before entering the cell or area? g. Prompt medical examination of the detainee after the move? h. Proper use of chemical agents or pepper mace? i. Opportunity for detainee to submit voluntarily to the placing of restraints before the team enters the cell? j. Derogatory, demeaning, taunting, or other inappropriate language between team members and the detainee, or between team members and individuals outside the cell or area?			

USE OF FORCE			
Components	Yes	No	Remarks
25. Is the After-Action Review Report completed within two working days of the detainee's release from restraints?			
26. If the reviewers decide the matter requires further investigation, who notifies the Office of Internal Affairs, the Office of the Inspector General, and/or the FBI?			
27. Do all officers receive training in self-defense, confrontation-avoidance techniques and the use of force to control detainees? a. Is specialized training given? b. Are officer certified in all devices they use?			
28. Are the officers thoroughly trained in the use of soft and hard restraints?			
29. In SPCs is the Use of Force form used? a. In other facilities is this form or its equivalent used?			

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

USE OF FORCE

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. Facility policy and procedure for Use of Force			
B. Use of Force log and forms			
C. Observation of Use of Force (actual or simulated)			
D. Detainee and staff interviews			

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

INS DETENTION STANDARD

HUNGER STRIKES

I. POLICY

All facilities will follow accepted standards of care in the medical and administrative management of hunger-striking detainees. Facilities will do everything within their means to monitor and protect the health and welfare of a hunger-striking detainee, consistent with legal authority and standard medical and psychiatric practice. Facilities will make every effort to obtain the hunger striker's informed consent for treatment, especially when the hunger strike is threatening his/her life or long-term health.

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. Initial Referral

Procedures for identifying and referring to medical staff a detainee suspected or announced to be on a hunger strike shall include obtaining from qualified medical personnel an assessment of whether the detainee's action is reasoned and deliberate or the manifestation of a mental illness.

Upon medical recommendation, the detainee may be placed in isolation. INS shall be notified of any hunger-striking detainee being housed in an IGSA facility.

In SPCs/CDFs:

1. *Staff will consider any detainee refusing food for 72 hours to be on a hunger strike, and will refer him/her to the medical department for evaluation and possible treatment.*
2. *Medical personnel will isolate the detainee in a single-occupancy observation room, denying contact with other detainees, when medically advisable. If measuring food and liquid intake/output becomes necessary, medical personnel may place the detainee in the Special Management Unit or in a locked hospital room.*
3. *The detainee may remain in the Special Management Unit, based on the detainee's medical condition, until medical personnel determine a move advisable.*
4. *The OIC will immediately report the hunger strike to the Assistant District Director for Detention & Removal (ADD/DRO) responsible for that facility. The ADD/DRO will follow standard policy for reporting significant incidents to headquarters and the regional office.*

B. Initial Medical Evaluation and Management

Medical staff shall monitor the health of a detainee on a hunger strike. If the detainee is engaging in a hunger strike due to a mental condition, appropriate medical action will be taken.

In SPCs/CDFs:

1. *During the initial evaluation of a hunger-striking detainee, medical staff will:*
 - a. *Measure and record height and weight;*
 - b. *Measure and record vital signs;*
 - c. *Perform urinalysis;*
 - d. *Conduct psychological/psychiatric evaluation;*
 - e. *Examine general physical condition; and*
 - f. *If clinically indicated, proceed with radiographs and or laboratory studies.*
2. *Medical staff will take and record weight and vital signs at least once every 24 hours during the hunger strike. Other procedures will be repeated as medically indicated.*
3. *The Clinical Director (CD) may modify or augment standard procedures when medically indicated.*

4. *Medical staff will record all examination results in the detainee's medical file. All physical and mental examinations, treatments, and other medical procedures require the informed consent of the detainee. If a detainee refuses the initial medical evaluation, medical staff must attempt to secure the detainee's signature on a "Refusal of Treatment" form. If the detainee will not cooperate by signing, staff shall note this on the "Refusal of Treatment" form.*
5. *If medically indicated, the detainee may be transferred to a community hospital or a detention facility that is appropriately equipped for treatment.*
6. *After the hunger strike, medical staff will provide follow-up medical and psychiatric care for as long as necessary. The medical officer alone may order a detainee's release from hunger strike treatment. That order will be documented in the detainee's medical record.*

C. Food and Liquid Intake and Output

After consultation with the CD, the OIC may require staff to measure and record food and water intake and output.

In SPCs/CDFs:

1. *Staff shall deliver three meals per day to the detainee's room unless otherwise directed by the medical officer. Regardless of the detainee's response to a verbally offered meal, staff will physically deliver each meal.*
2. *Staff shall provide the detainee an adequate supply of drinking water and shall offer to provide other beverages.*
3. *Staff shall remove from the hunger striker's room all food items not authorized by the medical officer. During the hunger strike, the detainee may not purchase commissary/vending machine food items but may make non-food purchases.*

After consultation with the CD, the OIC may require that food and water intake and output be measured and recorded on the Hunger Strike Monitoring Form (I-839). This measuring and monitoring will continue until ended by the CD.

D. Refusal To Accept Treatment

Before medical treatment is administered against the detainee's will, staff shall make reasonable efforts to convince the detainee to accept treatment voluntarily. Forced medical treatment shall be administered in accordance with applicable laws; and only after medical staff determines that the detainee's life or permanent health is at risk.

In SPCs/CDFs;

1. *Staff shall explain to the detainee medical risks associated with the refusal of treatment. Staff shall document their treatment efforts in the medical record of the detainee.*
2. *The CD may order involuntary treatment as follows:*
 - a. *Clinical assessment and available laboratory results indicate that the detainee's weakening condition threatens the life or long term health of the detainee.*
 - b. *The CD will notify the INS District Director in writing of the plan to force-feeding the detainee if the hunger strike continues.*
 - c. *The CD will contact the Division of Immigration Health Services (DIHS) Chief of Medical Staff, who will coordinate with the DIHS legal counsel. The CD will then contact the INS District Counsel and the U.S. Attorneys Office with jurisdiction. After discussing the case, the attorneys will recommend whether to pursue a court order.*
 - d. *If a court order will not be pursued, INS will send the CD written authorization to force-feed the detainee. At the same time, INS will notify the detainee's attorney or other legal representative and his/her consulate of this decision.*
 - e. *If a court order will be pursued, INS will ask the U.S. Attorneys Office to make the arrangements for a court hearing.*
3. *Medical staff shall document all treatment efforts in the detainee's medical record.*
4. *Medical staff shall continue clinical and laboratory monitoring as necessary until the detainee's life or permanent health is out of danger. Treatment will typically continue until adequate oral intake of food and liquid is achieved.*
5. *Medical staff shall continue medical, psychiatric, and/or psychological follow-up as necessary.*

If the detainee is housed in an IGSA facility, the OIC of the facility shall notify INS that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from INS.

E. Release from Treatment

The CD may order that a detainee be released from hunger strike evaluation and treatment. That order shall be documented in the detainee's medical record.


F. Medical Judgement

None of these standards is meant to limit or override the exercise of sound medical judgment by the CD responsible for medical care. Each case must be evaluated on its own merits, taking into account individual circumstances. Treatment shall be given in accordance with accepted medical practice.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3D-08, 4E-42


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

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

Policy: All facilities will follow standard guidelines for the medical and administrative management of INS detainees engaging in hunger strikes. By monitoring of the health and welfare of the individual detainees, facilities will strive to sustain their lives.

HUNGER STRIKES			
Components	Yes	No	Remarks
1. If a detainee has refused food for 72 hours, is it standard practice for staff to refer him/her to the medical department?			
2. Does the OIC immediately report a hunger strike to the DD?			
3. Has the OIC completed referral arrangements and established implementing procedures so the facility can immediately respond to a hunger strike?			
4. Does staff isolate a hunger-striking detainee from other detainees? a. If yes, in an observation room?			
5. Are medical personnel authorized to place a detainee in the Special Management Unit or a locked hospital room?			
6. Does medical staff record the weight and vital signs of a hunger-striking detainee at least once every 24 hours?			
7. Does the OIC obtain a hunger striker's consent before medical treatment?			
8. Is a signed Refusal of Treatment form required of every detainee who rejects medical evaluation or treatment?			
9. Does staff provide the hunger-striking detainee three meals a day?			

HUNGER STRIKES			
Components	Yes	No	Remarks
10. Does staff maintain the hunger striker's supply of drinking water/other beverages?			
11. Does staff remove all food items from the hunger striker's living area?			
12. When the OIC directs staff to record the hunger-striker's fluid intake and food consumption, does staff always use Hunger Strike Monitoring Form I-839?			
13. Does the medical staff have written procedures for treating hunger strikers?			
14. Have any hunger strikes occurred at the facility during the past year? a. How often did the OIC seek a court order for a hunger striker's medical treatment?			
15. Does staff document all treatment attempts, including attempts to persuade hunger striker of medical risks?			
16. Does the OIC ensure that medical staff receive early training in hunger-strike evaluation and treatment? a. After initial training, does the OIC/CD ensure that staff remain current in evaluation and treatment techniques?			

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

HUNGER STRIKES

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. Facility's written policy and procedures on detainee hunger strikes			
B. Detainee and staff interviews			

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

INS DETENTION STANDARD

MEDICAL CARE

I. POLICY

All detainees shall have access to medical services that promote detainee health and general well-being.

Medical facilities in service processing centers and contract detention facilities will maintain current accreditation by the National Commission on Correctional Health Care. Each medical facility will strive for accreditation with the Joint Commission on the Accreditation of Health Care Organizations.

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. General

Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. The OIC will also arrange for specialized health care, mental health care, and hospitalization within the local community.

All facilities will employ, at a minimum, a medical staff large enough to perform basic exams and treatments for all detainees. The OIC, with the cooperation of the Clinical Director, will negotiate and keep current arrangements with nearby medical facilities or health care providers to provide required health care not available within the facility. These arrangements

will include securing appropriate custodial officers to transport and remain with the detainee for the duration of any off-site treatment or hospital admission.

A health care specialist shall determine medical treatment, except when there is disagreement on the type or extent of treatment that is medically necessary. In such cases, INS will make the determination, in consultation with the Chief of Medical Staff and in accordance with the medical policies of the U.S. Public Health Service's Division of Immigration Health Services.

In SPCs/CDFs, the health care program and the medical facilities will be under the direction of a Health Services Administrator (HSA) and will be in compliance with the standards of the National Commission on Correctional Health Care (NCCHC). Each medical facility will maintain current NCCHC accreditation and strive to achieve and maintain accreditation from the Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

B. Facilities

Adequate space and equipment will be furnished in all facilities so that all detainees may be provided basic health examinations and treatment in private.

Medical records will be kept separate from detainee records and stored in a securely locked area within the medical unit.

In SPCs/CDFs, medical facilities will be located within the primary secure perimeter in an area restricted from general detainee access. The medical facility will have its own perimeter to ensure restricted access.

A holding/waiting area will be located at the entrance to the medical facility. This area will be under the direct supervision of custodial officers and not medical staff. A detainee toilet and drinking fountain will be accessible from the holding/waiting area.

All pharmaceuticals in SPCs or INS contract detention facilities will be stored in a secure area with the following features:

- 1. A secure perimeter;*
- 2. Access limited to authorized medical staff (never detainees);*
- 3. A locking pass-through window;*
- 4. Solid walls from floor to ceiling and a solid ceiling;*
- 5. A solid core entrance door with a high security lock (with no other access); and*
- 6. A secure medication storage area.*

C. Medical Personnel

The health care staff will have a valid professional licensure and or certification. The USPHS, Division of Immigration Health Services, will be consulted to determine the appropriate credentials requirements for health care providers.

In SPCs/CDFs, medical personnel credentialing and verification will comply with the standards established by the NCCHC and JCAHO.

D. Medical Screening (New Arrivals)

All new arrivals shall receive initial medical and mental health screening immediately upon their arrival by a health care provider or an officer trained to perform this function. This screening shall include observation and interview items related to the detainee's potential suicide risk and possible mental disabilities, including mental illness and mental retardation.

For further information concerning suicide intervention and prevention see the "Detainee Suicide Prevention and Intervention" Standard.

The health care provider of each facility will conduct a health appraisal and physical examination on each detainee within 14 days of arrival at the facility. If there is documented evidence of a health appraisal within the previous 90 days, the facility health care provider may determine that a new appraisal is not required.

All new arrivals shall receive TB screening by PPD (mantoux method) or chest x-ray. The PPD shall be the primary screening method unless this diagnostic test is contraindicated; then a chest x-ray is obtained.

All detainees shall be evaluated through the initial screening for their use of or dependence on mood and mind-altering substances - alcohol, opiates, hypnotics, sedatives, etc.

Detainees reporting the use of such substances shall be evaluated for their degree of reliance on and potential for withdrawal. The Clinical Director (CD) or contract equivalent, shall establish guidelines for evaluation and treatment of new arrivals who require detoxification. Treatment and supportive measures shall permit withdrawal with minimal physiological and physical discomfort.

A detainee will be hospitalized only on the order of a physician and with administrative notification. Detainees experiencing severe, life-threatening alcohol or drug withdrawal will be immediately transferred to an acute care facility.

Detoxification will be carried out only at facilities qualified to do so in accordance with local, state, and federal laws.

All non-INS facilities shall have policy and procedure to ensure the initial health screening and assessment is documented.

Health appraisals will be performed according to NCCHC and JCAHO standards.

If language difficulties prevent the health care provider/officer from sufficiently communicating with the detainee for purposes of completing the medical screening, the officer shall obtain translation assistance. Such assistance may be provided by another officer or by a professional service, such as a telephone translation service. In some cases, other

detainees may be used for translation assistance if they are proficient and reliable and the detainee being medically screened consents. If needed translation assistance cannot be obtained, medical staff will be notified or the screening form will be filled out to refer the detainee to medical personnel for immediate attention.

If a detainee requires emergency medical care, the officer will immediately take steps to contact a health care provider through established procedures. Where the officer is unsure whether emergency care is required, the officer should immediately notify the on-duty supervisor. If the on-duty supervisor has any doubt whether emergency care is required, the on-duty supervisor will immediately take steps to contact a health care provider, who will make the determination whether emergency care is required.

Detainees with symptoms suggestive of TB will be placed in an isolation room and promptly evaluated for TB disease. If the initial screening is negative, the detainee will be allowed to join the general population.

Detainees diagnosed with a communicable disease shall be isolated according to local medical operating procedures.

In SPCs/CDFs:

The health screening will be conducted during in processing and prior to the detainee's placement into a housing unit. The health care provider or officer will complete the In-Processing Health Screening Form (I-794) and all findings of the medical screening process will be recorded.

Upon completion, the In-Processing Health Screening Form will be forwarded to the facility medical staff for appropriate action. The facility health care provider will be responsible for promptly reviewing all I-794s, and deciding whether the detainee should receive prompt medical attention.

For other facilities that do not use the INS In-Processing Health Screening Form (I-794), the INS Health Services Division must approve any substitute form.

E. Dental Treatment

An initial dental screening exam should be performed within 14 days of the detainee's arrival. If no on-site dentist is available, the initial dental screening may be performed by a physician, physician's assistant or nurse practitioner.

Detainees shall be afforded only authorized dental treatment defined as follows:

1. Emergency dental treatment, which includes those procedures directed toward the immediate relief of pain, trauma and acute oral infection that endangers the health of the detainee. It also includes repair of prosthetic appliances to prevent detainee suffering.

2. Routine dental treatment may be provided to detainees for whom dental treatment is inaccessible for prolonged periods because of detention for over six months. Routine dental treatment includes amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.

F. Sick Call

Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting.

All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner. If necessary detainees will be provided with assistance in filling out the request slip, especially detainees who are illiterate or non-English speaking.

Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. Sick call will be regularly scheduled in accordance with the following minimum standards:

1. Facilities with fewer than 50 detainees - a minimum of 1 day per week;
2. Facilities with 50 to 200 detainees - a minimum of 3 days per week;
3. Facilities with over 200 detainees - a minimum of 5 days per week.

The health care provider will review the request slips and determine when the detainee will be seen.

All detainees, including those in Special Management Units, regardless of classification, will have access to sick call. In addition to sick call, all facilities will have emergency procedures for medical treatment as provided below.

In SPC/CDFs:

Request slips will be made freely available by the facility staff for detainees to request health care services on a daily basis. The request slip will be made available in English and the foreign languages most widely spoken among the detainees. The slip will be completed by the detainee and will contain the detainee's name, A-number, sex, age, country of nationality, and reason for requesting a medical visit. The slip will be dated and signed by the detainee. If necessary, detainees will be provided with assistance in filling out the request slip, especially detainees that are illiterate or non-English speaking.

G. 24-Hour Emergency Medical Treatment

Each facility will have a written plan for the delivery of 24-hour emergency health care when no medical personnel are on duty at the facility, or when immediate outside medical attention is required.

In SPCs/CDFs, a plan will be prepared in consultation with the facility's routine medical provider. The plan will include an on-call provider; a list, available to all staff, of telephone numbers for local ambulances and hospital services; and procedures for facility staff to utilize this emergency health care consistent with security and safety.

H. First Aid and Medical Emergencies

In each detention facility, the designated health authority and the OIC will determine the availability and placement of first aid kits consistent with the American Correctional Association requirements.

Detention staff will be trained to respond to health-related emergencies within a 4-minute response time. This training will be provided by a responsible medical authority in cooperation with the OIC and will include the following:

1. The recognition of signs of potential health emergencies and the required response;
2. The administration of first aid and cardiopulmonary resuscitation (CPR);
3. The facility plan and its required methods of obtaining emergency medical assistance;
4. The recognition of signs and symptoms of mental illness (including suicide risk) retardation, and chemical dependency; and
5. The facility's established plan and procedures for providing emergency medical care including, when required, the safe and secure transfer of detainees for appropriate hospital or other medical services.

Whenever an officer is unsure whether a detainee requires emergency care by a health care provider, the officer should contact a health care provider or an on-duty supervisor immediately.

I. Delivery of Medication

Distribution of medication will be according to the specific instructions and procedures established by the health care provider. Officers will keep written records of all medication given to detainees.

In SPCs/CDFs, medication will not be delivered or administered by detainees. In facilities that are medically staffed 24 hours a day, the health care provider will distribute medication. In facilities that are not medically staffed 24 hours a day, medication may be distributed by detention officers who have received proper training by the health care provider, only when medication must be delivered at a specific time when medical staff is not on duty. Distribution of medication by detention officers will be according to the specific instructions and procedures established by the health care provider. Officers will keep written records of all medication they deliver to detainees.

J. Special Needs

The medical care provider for each facility will notify the OIC in writing when a detainee has been diagnosed as having a medical or psychiatric condition requiring special attention (e.g. pregnancy, special diet, medical isolation, AIDS, etc.).

In SPCs/CDFs, the medical care provider for each facility will notify the OIC, using a Detainee Special Need Form (I-819), when a detainee has been diagnosed as having a medical or psychiatric condition requiring special attention (e.g. pregnancy, special diet, medical isolation, etc.).

K. HIV/AIDS

To the extent possible, the accurate diagnosis and medical management of HIV infection among detainees will be promoted. The diagnosis of AIDS is established only by a licensed physician based on a medical history, current clinical evaluation of signs and symptoms, and laboratory studies. HIV cannot be transmitted by normal office or household contacts with AIDS patients or persons in the high risk groups. Persons, who must feed, escort, directly supervise, interview or conduct routine office work with AIDS patients are not considered at risk of infection. However, persons regularly exposed to blood are at risk.

1. When it is determined that current symptoms are suggestive of HIV infection, the following will be implemented:

- a. Clinical evaluation will determine the medical need for isolation.

USPHS will not recommend to INS that the detainee be separated from the general population, either pending a test result or after a test report, unless clinical evaluation reveals a medical need for isolation.

- b. Following clinical evaluation if a detainee manifests symptoms requiring treatment beyond the facility's capability, the provider will recommend the detainee be transferred to a hospital, or other appropriate facility for further medical testing, final diagnosis, and acute treatment as needed, consistent with local operational procedures.
 - c. HIV positive detainees should be hospitalized until any acute treatment deemed necessary is completed.

When the attending physician determines that a detainee is in remission from his/her illness and/or no longer requires off-site care, he/she will be returned to the detention facility. The physician must make a recommendation as to whether the detainee should be housed in the general population or, in another location.

- d. An HIV positive diagnosis must be reported to government bodies according to State and Federal requirements. Please note that only reports of AIDS, and not HIV infection, are required by the CDC. State laws differ considerably. The Clinical Director is responsible for insuring that all applicable state requirements are met.
- e. Any detainee with tuberculosis (active) should be evaluated for possible HIV infection.

2. Staff Risk/Responsibility

- a. *Staff will not be excused from carrying out their regular duties and responsibilities with respect to detainees who are suspected or diagnosed as having HIV infection, unless the staff member is at high risk for infection because of compromised immune status (e.g. HIV infection or immuno-suppressive disorder).*
- b. *If a staff member believes that they are at risk, they are responsible for discussing this issue with their supervisor.*
- c. *Staff member's concerns will be evaluated and if appropriate, an attempt to adjust the individual's work responsibilities may be made.*

The HSD Director will advise the OIC if the adjusting of an individual's work responsibilities is necessary.

3. Exposure

Staff or detainee's exposure to potentially infectious body fluids, such as through needle sticks or bites shall be reported as soon as possible to the Clinical Director.

4. Precautions

Universal precautions are to be used at all times when caring for detainees. All detainees should be assumed to be infectious for blood-borne pathogens. No additional special precautions are required for the care of HIV positive detainees.

L. Informed Consent

As a rule, medical treatment will not be administered against the detainee's will. The facility health care provider will obtain signed and dated consent forms from all detainees before any medical examination or treatment, except in emergency circumstances. If a detainee refuses treatment, the INS will be consulted in determining whether forced treatment will be administered, unless the situation is an emergency. In emergency situations, the INS shall be notified as soon as possible.

In SPCs/CDFs, if the detainee refuses to consent to treatment, medical staff will make reasonable efforts to convince the detainee to voluntarily accept treatment. The medical risks faced if treatment is declined will be explained to the detainee. Medical staff will document their treatment efforts and the refusal of treatment in the detainee's medical record. The detainee refusing examination or treatment will be segregated from the general population when recommended by the medical staff. Forced treatment is a decision made only by medical staff under strict legal restrictions. (See also the "Hunger Strikes" standard.)

M. Confidentiality and Release of Medical Records

All medical providers shall protect the privacy of detainees' medical information to the extent possible while permitting the exchange of health information required to fulfill program responsibilities and to provide for the well being of detainees.

Where a detainee is covered by the Privacy Act, specific legal restrictions govern the release of medical information or records.

Copies of health records may be released by the facility health care provider directly to a detainee, or any person designated by the detainee, upon receipt by the facility health care provider of a written authorization from the detainee. (Form I-813 may be used for this purpose).

In absence of the I-813, a written request may serve as authorization for the release of health information if it includes the following (and meets any other requirements of the facility health care provider):

1. Address of the facility to release the information;
2. Name of the individual or institution that is to receive the information;
3. Detainee's full name, alien number, date of birth and nationality;
4. Purpose or need for the information to be released;
5. Nature of the information to be released with inclusive dates of treatment; and
6. Detainee's signature and date.

Following the release of health information, the written authorization will be retained in the health record, and a copy placed in the detainee's A-file. IGSA facilities shall notify INS each time a detainee medical records are released.

Detainees who indicate that they wish to obtain copies of their medical records will be provided with the appropriate form. The INS will provide the detainee with basic assistance in making the written request (if needed) and will assist in transmitting the request to the facility health care provider.

If INS receives a request for a detainee's medical records, the request should be forwarded to the facility health care provider or the requester, (if other than a detainee) should be advised to redirect their request and provided with the appropriate name and address.

N. Transfer and Release of Detainees

INS shall be notified when detainees are to be transferred or released.

Medical/Psychiatric Alert. When the medical staff determines that a detainee's medical or psychiatric condition requires either clearance by the medical staff prior to release or transfer, or requires medical escort during deportation or transfer, the OIC will be so notified in writing.

Notification of Transfers, Releases, and Removals. The facility health care provider will be given advance notice prior to the release, transfer, or removal of a detainee, so that medical staff may determine and provide for any medical needs associated with the transfer or release.

Transfer of Health Records. When a detainee is transferred to another detention facility, the detainee's medical records, or copies, will be transferred with the detainee. These records should be placed in a sealed envelope or other container labeled with the detainee's name and A-number and marked "MEDICAL CONFIDENTIAL."

O. Medical Experimentation

Detainees will not be used in medical, pharmaceutical or cosmetic experiments or research.

This will not preclude an individual detainee from receiving a medical procedure not generally available, but determined medically necessary by the primary health care provider. In IGSA facilities, USPHS' Division of Immigration Health Services shall be notified.

P. Quarterly Administrative Meetings:

Formal, documented meetings will be held at least quarterly between the OIC of each facility and the HSA of the medical facility. Other members of the facility staff and medical staff will be included as appropriate. Minutes of the meeting will be recorded and kept on file. The meeting agenda will include, but not be limited to, the following:

- 1. An account of the effectiveness of the facility health care program;*
- 2. Discussions of health environment factors that may need improvement;*
- 3. Changes effected since the previous meetings; and*
- 4. Recommended corrective actions, as necessary.*

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED:


American Correctional Association, 3rd Edition, Standards for Adult Detention Facilities:

3-ALDF-4E-01, 3-ALDF-4E-02, 3-ALDF-4E-03, 3-ALDF-4E-04,
3-ALDF-4E-06, 3-ALDF-4E-07, 3-ALDF-4E-08, 3-ALDF-4E-09,
3-ALDF-4E-10, 3-ALDF-4E-11, 3-ALDF-4E-13, 3-ALDF-4E-17,
3-ALDF-4E-19, 3-ALDF-4E-20, 3-ALDF-4E-24, 3-ALDF-4E-25,
3-ALDF-4E-26, 3-ALDF-4E-30, 3-ALDF-4E-43

United States Public Health Service (USPHS) Division of Immigration Health Services (DIHS) Policies and Procedures Manual (1996)


National Commission on Correctional Health Care, Standards for Health Services in Jails (1996)

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

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

Policy: Every facility will establish and maintain an accredited/accreditation-worthy health program for the general well-being of INS detainees.

MEDICAL CARE			
Components	Yes	No	Remarks
1. Does a Health Services Administrator (HSA) position exist? a. If yes, does this administrator direct both the health care program and medical facilities?			
2. Is the health program in compliance with NCCHC standards?			
3. Does the medical facility currently have NCCHC accreditation?			
4. Does the medical facility currently have JCAHO accreditation?			
5. Does the facility's in-processing of arriving detainees include medical screening? a. If yes, as standard procedure?			
6. Do all detainees receive medical care?			
7. Is the health program cost-effective? a. Including the emergency-care component?			
8. Has the facility made specialized health care and hospitalization arrangements in the local community?			
9. Is the medical staff large enough to provide examine and treat the facility's detainee population?			
10. Does the facility have sufficient space and equipment to afford each detainee privacy when receiving health care?			
11. Does the medical facility have its own restricted-access area? a. Within the primary secure perimeter? b. Has any detainee gained access, despite the restrictions?			

MEDICAL CARE			
Components	Yes	No	Remarks
12. Does the medical facility entrance area include a holding/waiting room?			
13. Is the medical facility's holding/waiting room under the direct supervision of : a. Medical Staff b. Custodial officers?			
14. Do detainees in the holding/waiting room have access to: a. A toilet? b. A drinking fountain?			
15. Are medical records kept apart from other files? a. Secured in a locked area within the medical unit? b. With physical access restricted to authorized medical staff? c. Procedurally, are copies made and placed in detainee files?			
16. Are pharmaceuticals stored in a secure area? a. If yes, meeting all requirements of the INS standard?			
17. Does medical screening include a Tuberculosis (TB) test? a. Does every arriving detainee receive a TB test? b. At a specified time during the admission process? c. Has a detainee's TB-screening ever occurred more than one business day after his/her arrival at the facility? d. Does the OIC house a detainee without TB-screening results with the general population, pending completion of his/her classification process?			
18. Do the position descriptions of certain staff members include TB-screening detainees? a. If yes, do written procedures provide for other staff members' providing assistance as needed?			

MEDICAL CARE			
Components	Yes	No	Remarks
19. Do all detainees receive mental-health screening upon arrival? a. Conducted by a health care provider or specially trained officer? b. Before a detainee's assignment to a housing unit?			
20. Does the screener record all findings on the in-processing health screening form (I-794)?			
21. Does the facility health care provider promptly review all I-794s to identify detainees needing medical attention?			
22. Does the health care provider physically examine/assess arriving detainees within 14 days of admission?			
23. Has the OIC granted any detainee requests for health care services in a clinical setting?			
24. Do detainees in the Special Management Unit have access to health care services?			
25. Does staff provide detainees health-services request slips daily, upon request? a. Are the request slips available in the languages other than English, including every language spoken by a sizeable number of the facility's detainee population? b. Are service-request slips delivered in timely fashion to the health care provider? c. As a matter of standard, written procedure?			
26. Is sick call scheduled in accordance with the guideline in paragraph VIII section E?			
27. Does the facility have a written plan for the delivery of 24-hour emergency health care when no medical personnel are on duty at the facility, or when immediate outside medical attention is required?			
28. Does the plan include an on-call provider?			

MEDICAL CARE			
Components	Yes	No	Remarks
29. Does the plan include a list of telephone numbers for local ambulances and hospital services?			
30. Does the plan include procedures for facility staff to utilize this emergency health care consistent with security and safety?			
31. Has the health authority approved the contents, number, location, and procedures for monthly inspection of the first-aid kit(s)?			
32. Has the health authority developed written procedure for use of the first-aid kits by non-medical staff?			
33. Is detention staff trained to respond to health-related emergencies within a 4-minute response time?			
34. Does the training contain at least the five mandated elements in paragraph VIII section G?			
35. Do detention officers distribute medication to the detainees?			
36. Does a health care provider properly train these officers?			
37. Do they keep written records of medication that is distributed?			
38. Is the I-819 used to notify the OIC of a detainee that has special medical needs?			
39. Is a signed and dated consent form obtained from a detainee before medical treatment is administered?			
40. Do detainees use the I-813 to authorize the release of confidential medical records to outside sources?			
41. If not, does the written request from the detainee contain the six elements in paragraph VIII section K?			
42. Is a copy of this request placed in the detainee's A-file?			
43. Does the INS assist the detainee in filling out this request and forwarding it to the health care provider?			

MEDICAL CARE			
Components	Yes	No	Remarks
44. Is the OIC notified, in writing, by the medical staff when a detainee needs medical clearance prior to being transferred or released?			
45. Does this notification will come from the HSA or Clinical Director of the medical facility on a Medical/Psychiatric Alert form (I-834)?			
46. When an alert has been received on a detainee, is the detainee's Booking Record (I-385) appropriately flagged to ensure appropriate consultation with medical staff before release or transfer?			
47. Is the facility health care provider given advance notice prior to the release, transfer, or removal of a detainee?			
48. Are the detainee's medical records or a copy thereof, transferred with the detainee?			
49. Are these records placed in a sealed envelope or other container labeled with the detainee's name and A-number and marked "MEDICAL CONFIDENTIAL"?			
50. Are formal, documented meetings held at least quarterly between the OIC of the facility and the HSA of the medical facility?			
51. Do the meetings cover the four mandated elements in paragraph VIII section?			

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

MEDICAL CARE

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 handbook			
B. A-file			
C. Forms			
D. Sick-call logbook			
E. Facility's written policy and procedures			
F. Inspecting medical area(s)			
F. IGSA provisions			
G. MOU(s) provisions			
H. Observing the detainee-intake process			
I. Quarterly-meeting minutes			
J. Detainee and staff Interviews			

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

INS DETENTION STANDARD

SUICIDE PREVENTION AND INTERVENTION

I. POLICY

All staff working with INS detainees in detention facilities will be trained to recognize signs and situations potentially indicating a suicide risk. Staff will act to prevent suicides with appropriate sensitivity, supervision, and referrals. Any clinically suicidal detainee will receive preventive supervision and treatment.

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. Training

All staff will receive training, during orientation and periodically, in the following: recognizing signs of suicidal thinking, including suspect behavior; facility referral procedures; suicide-prevention techniques; and responding to an in-progress suicide attempt. All training will include the identification of suicide risk factors and the psychological profile of a suicidal detainee.

B. Identification and Intervention

Suicide potential will be an element of the initial health screening of a new detainee, conducted by either the health care provider or a specially trained officer.

Detainees identified, as “at risk” for suicide will be promptly referred to medical staff for evaluation.

Upon change of custody, the staff with custody will inform the staff assuming custody about indications of suicide risk.

All staff working with detainees will keep current on the proper course of intervention and referral for a detainee who shows signs of suicide risk.

In SPCs/CDFs, this screening will be documented on the processing health form (I-794) and forwarded to the medical unit. Medical staff will immediately follow up with detainees identified as at-risk or, in facilities that are not staffed 24 hours a day, no later than the next working day. Since detainees can become suicidal at any stage of detention, all staff working with detainees shall be trained to recognize and watch for such signs among the detainees.

C. Housing/Hospitalization

The OIC may allow a potentially suicidal detainee who presents no imminent danger to life or property (as determined by medical staff), to remain in the general population, but only under close observation, and only upon the written recommendation of the Clinical Director (CD). Officers shall check on the safety of such detainees at intervals ordered by the CD. Precautions must be taken with any personal possessions that could aid in a suicide attempt.

If danger to life or property appears imminent, the medical staff has the authority, with written documentation, to segregate the detainee from the general population. A detainee segregated for this reason requires close supervision in a setting that minimizes opportunities for self-harm. The detainee may be placed in a special isolation room designed for evaluation and treatment. The isolation room will be free of objects or structural elements that could facilitate a suicide attempt. If necessary, the detainee may be placed in the Special Management Unit, provided space has been approved for this purpose by the medical staff.

Observation of imminently suicidal detainees by medical or detention staff shall occur no less than every 15 minutes. The CD may recommend constant direct supervision.

In CDFs or IGSA facilities, the OIC shall report to INS any detainee clinically diagnosed as suicidal or requiring special housing for suicide risk.


When imminent risk of bodily injury or death is determined, medical staff will make a recommendation for hospitalization for evaluation and treatment. If the detainee refuses, it may be necessary to petition the appropriate federal court to intervene against the detainee’s will for hospitalization and treatment.

A detainee formerly under a suicide watch may be returned to general population, upon written authorization from the CD.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association 3rd Edition, Standards for Adult Detention Facilities:
3-ALDF-3D-08, 4E-34

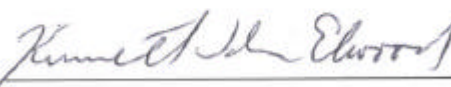
Approval of Standard



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

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

Policy: All detention staff working with INS detainees will be trained to recognize suicide-risk indicators. Staff will handle potentially suicidal individuals with sensitivity, supervision, and referrals. A clinically suicidal detainee will receive preventive supervision and treatment.

SUICIDE PREVENTION AND INTERVENTION			
Components	Yes	No	Remarks
1. Does every new staff member receive suicide-prevention training?			
2. Does suicide-prevention training occur during the employee orientation program?			
3. Does training prepare staff to: a. Recognize potentially suicidal behavior? b. Refer potentially suicidal detainees, following facility procedures? c. Understand and apply suicide-prevention techniques?			
4. Does a health-care provider or specially trained officer screen all detainees for suicide potential as part of the admission process? a. Does this screening ever occur later than one working day after the detainee's arrival?			
5. Do written procedures cover when and how to refer at-risk detainees to medical staff? a. Does the referral process vary, depending on when the detainee is identified as potentially suicidal? b. Does the referral process vary, depending on who identifies the detainee as potentially suicidal? c. Are procedures followed?			
6. Has the OIC designated an isolation room for evaluation and treatment?			
7. Does the designated isolation room contain any structures or smaller items that could be used in a suicide attempt?			

SUICIDE PREVENTION AND INTERVENTION			
Components	Yes	No	Remarks
8. Has medical staff approved the room for this purpose?			
9. Does staff observe a suicide-watch detainee at least once every 15 minutes?			

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

SUICIDE PREVENTION AND INTERVENTION

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. Special Management Unit logbook			
B. Inspection of Special Management Unit			
C. Observation of detainee intake process.			
D. Facility's written policy and procedures			
E. Detainee and staff interviews			

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

INS DETENTION STANDARD

TERMINAL ILLNESS, ADVANCE DIRECTIVES, AND DEATH

I. POLICY

All facilities shall have policies and procedures addressing the issues of terminal illness, fatal injury, advance directives, and detainee death. Each will address notification of all concerned, from family to INS. In the cases of Terminal Illness, Advance Directive requests and detainee death, IGSA's and CDFs shall contact INS immediately. *INS shall implement the necessary procedures specified in this 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. IGSA's 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. Terminal Illness

The facility's Clinical Director (CD), assisted by the Health Services Administrator (HSA), will arrange the transfer of chronically, critically, or terminally ill detainees to appropriate off-site medical facilities.

When a detainee's medical condition becomes life threatening, the following standards and procedures apply:

1. A seriously ill or dying detainee's care shall be consistent with the "Detainee Access to Medical Care" standard.

2. A detainee in a community hospital remains under INS authority. INS retains the authority to make administrative decisions affecting the detainee (visitors, movement, authorizing/limiting services, etc.). The hospital assumes medical decisionmaking authority consistent with the contract (drug regimen, lab tests, x-rays, treatments, etc.).
3. The hospital's policy for involving next of kin shall be consistent with State law. Internal rules and procedures concerning the seriously ill, injured, and dying will apply to detainees.

Authority over the detainee's treatment, once approved by INS, is exercised by the hospital's medical staff, who will keep INS informed of major developments.

4. A detention facility shall immediately notify INS when a detainee is seriously injured or ill. INS, in turn, shall immediately contact (or make reasonable efforts to contact) the next of kin, who will be notified of the medical condition/medical status, the detainee's location, and the visiting hours and rules at that location. INS will provide family members as much opportunity for visitation as possible.

The HSA shall notify the OIC of the detainee's condition by phone or in person, and the OIC shall arrange to notify the family. The HSA shall document the detainee's condition in a memorandum., briefly describing the illness and prognosis, if possible.

With respect to a serious illness, major surgery, or death of a detainee with immigration proceedings pending, the OIC shall notify the EOIR or the court of record.

B. Living Wills and Advance Directives

Each medical facility shall use the State Advance Directive Form for implementing living wills and advance directives. The guidelines for completing the form include instructions for detainees who wish to have a living will (different from the generic document available from the INS Division of Immigration Health Services (DIHS) and/or authorize or refuse permission to perform extraordinary measures to prolong his/her life. The guidelines should note that private attorneys can prepare such documents.

When the medical professional responsible for the detainee's care determine that the terms and conditions of the detainee's medical directive should be implemented, he/she shall contact the CD/HSA and the INS General Counsel, providing the name, condition, and circumstances of the detainee.

In the interest of all parties, INS may seek judicial or administrative review of a detainee's advance directive.

C. Do Not Resuscitate Orders (DNR)

Each facility holding INS detainees shall establish and implement through written procedure policy governing DNR orders.

The director and other members of the DIHS governing body shall review and approve all policies before implementation.

In addition, each facility's DNR policy will comply with the following:

1. A DNR written by a staff physician requires the CD/HSA's approval.
2. The policy shall protect basic patient rights and otherwise comply with DIHS standards.
3. The decision to withhold resuscitative services shall be considered only under specified conditions:
 - a. The detainee has requested or strongly endorsed the decision. If the detainee is unconscious or otherwise unable or incompetent to participate in the decision, staff will attempt to obtain the written concurrence of an immediate family member. The attending physician shall document these efforts in the medical record.
 - b. The detainee is diagnosed with a terminal illness or terminal injury.
 - c. A DNR is consistent with sound medical practice, not in any way associated with assisting suicide, euthanasia, or other such measures to hasten death.
4. The detainee's medical file shall include documentation validating the DNR order:
 - a. A standard stipulation at the front of the in-patient record, and explicit directions: "Do Not Resuscitate" or "DNR."
 - b. Forms and memoranda recording:
 1. Diagnosis and prognosis.
 2. Express wishes of the detainee (living will, advance directive, or other signed document).
 3. Immediate family's wishes.
 4. Consensual decisions and recommendations of medical professionals, identified by name and title.
 5. Mental competency (psychiatric evaluation), if detainee concurred in, but did not initiate, the DNR decision.
 6. Informed consent evidenced, among other things, by the legibility of the DNR order, signed by the ordering physician and CD.

6. A detainee with a DNR order may receive all therapeutic efforts short of resuscitation.
7. The facility shall follow written procedures for notifying attending medical staff of the DNR order.
8. The medical facility shall notify the DIHS medical director and governing body, and the INS General Counsel, of the name and basic circumstances of any detainee for whom a "Do Not Resuscitate" order has been filed in the medical record.

D. Organ Donation by Detainees

The following procedures govern organ donations by detainees:

1. The organ recipient must be a member of the donor's immediate family.
2. All costs associated with the organ donation (hospitalization, fees, etc.) shall be at the expense of the detainee, involving no Government funds.
3. The detainee shall sign a statement documenting his/her decision to donate the organ to the specified family member. The detainee must confirm that he/she understands and accepts the risks associated with the operation of his/her own free will; and that the Government will not be held responsible for any medical complications or financial responsibilities.
4. Resources permitting, INS shall assist in the preliminary medical evaluation.
5. The facility housing the detainee shall coordinate arrangements for transportation, custody, classification, etc.
6. The detainee is not authorized to donate blood or blood products.

E. Death Occurring in INS Custody

The facility shall follow written procedures when notifying INS officials, immediate family members, and consulate offices of a detainee's death.

1. Detention Facilities

It is the responsibility of the Assistant District Director for Detention and Removal (ADD/DRO) to contact the OIC of every facility in his/her jurisdiction, specifying the procedures for reporting a detainee death.

2. Death Occurring in Transit in a Land Vehicle Driven by INS Personnel

If a detainee dies while in transit, the transporting officers must notify the originating or receiving office as soon as possible, by any means excluding transmission by government radio (susceptible to public monitoring). The notification shall state the

detainee's name, A-number, and the date, time, place, and apparent cause of death. The closest INS office will arrange for the local coroner and the Federal Bureau of Investigation (FBI) to meet the bus. If death was caused by violence or was associated with other unusual or suspicious circumstances, the INS office will also contact the local law enforcement authority, which will coordinate bus-meeting with the FBI.

The interagency rendezvous point, where the coroner will remove the body from the bus, must be in the State where the death occurred.

The transporting officers shall obtain a coroner's receipt in exchange for the body.

3. Death Occurring in Transit via Commercial Flight

The escorting officers shall notify the ADD/DRO of the detainee's in-flight death. If the aircraft carrier makes a landing on foreign soil, the officers shall contact the nearest U.S. consulate or embassy for immediate assistance before contacting the ADD/DRO.

4. Death Occurring in Transit via JPATS

The local INS office will contact the ADD/DRO. Established JPATS protocol will be followed.

5. Vital Information

The ADD/DRO shall assemble the following information concerning the deceased detainee:

- a. Name;
- b. Alien registration number;
- c. Date of birth;
- d. Date, time, and location of death;
- e. Apparent cause of death;
- f. Investigative steps being taken, if necessary;
- g. Name and address of next of kin in the United States;
- h. Notifications made;
- i. Brief medical history related to death;
- j. Status of autopsy request, if necessary.

6. Notification of Immigration Officials

a Immediate Notifications

1. Death During or after Regular Workday

The ADD/DRO shall, on receiving the information, telephone the District Director (DD) and the ARD/DRO. The ADD/DRO shall confirm the notification electronically (via cc:Mail), sending an information copy to the Director of Field Operations, Headquarters.

The ARD/DRO shall, on receiving the information, immediately, telephone the Director of Field Operations, Headquarters (who must be notified of all deaths). During non-business hours, the ARD/DRO shall telephone the report to the Director of Field Operations, Headquarters, via the INS Command Center, (202) 616-5000.

2. Medical Reports

Within 48 hours, the ADD/DRO shall send all available medical reports to the local representative of the U.S. Public Health Service (USPHS).

b. Notification of Family

Written procedures will provide for chaplain involvement in communicating news of the serious illness or death of a detainee or member of a detainee's families. The Chaplain shall coordinate requested religious rituals at the time of a detainee's serious illness or death.

1. Immediate Telephonic Notification

The Chaplain shall telephone the person named as the next of kin in the United States to communicate the circumstances surrounding the death. If the next of kin cannot be located, the DD shall notify the consulate of the deceased

2. Letter of Condolences

As soon as practical, the ADD/DRO shall prepare a condolence letter (for DD signature) to the next of kin, which will include the circumstances of the death, as follows:

- a. If the death was by natural causes, a brief account of the medical details.

- b. If the death was accidental, with no suspicion of foul play, a brief description of the accident and cause of death.
- c. If the death occurred under suspicious circumstances or by foul play, a clinical statement of the cause of death, with the proviso that the matter is under investigation and, for that reason, details of the cause may not be provided at this time.

3. Notification of Consulate Officials

The DD shall notify, by telephone, the consulate of the deceased. An official follow-up letter shall be prepared, explaining the circumstances of the death, and sent to the consulate.

F. Disposition of Property

If after a reasonable period of investigation, next of kin cannot be identified and/or located in the United States or abroad (through the consulate; see section III.C., below), INS shall dispose of the property of the deceased in accordance with the "Personal Property Operations Handbook," chapters 10 and 17.

If the detainee dies while in an IGSA facility, the OIC shall turn his/her property to INS for processing and disposition.

G. Disposition of Remains

Within seven calendar days of the date of notification (in writing or in person), the family shall have the opportunity to claim the remains. If the family chooses to claim the body, the family shall assume responsibility for making the necessary arrangements and paying all associated costs (transportation of body, burial, etc.).

If the family wants to claim the remains, but cannot afford the transportation costs, INS may assist the family by transporting the remains to a location in the United States. As a rule, the family alone is responsible for researching and complying with airline rules and Federal regulations on transporting the body. However, INS will coordinate the logistical details involved in returning the family member's remains to the family.

If family members cannot be located or decline, orally or in writing, to claim the remains, INS will notify the consulate, in writing. The consulate shall have seven calendar days in which to claim the remains. If the consulate exercises its right to claim the body, it shall be responsible for making the necessary arrangements and paying all costs incurred (moving the body, burial, etc.)

In the event that neither family nor consulate claims the remains, the DD shall schedule an indigent's burial, consistent with local procedures. However, if the detainee's record indicates U.S. military service, the DD will contact the Department of Veterans Affairs to determine the deceased's eligibility for burial benefits before proceeding with the indigent-burial arrangements.

The Chaplain may also advise the OIC and others involved about religious considerations that could influence the decision about the disposition of remains.

Under no circumstances shall INS authorize cremation or donation of the remains for medical research.

H. Case Closure

Procedures for closing the case of a deceased detainee include the following:

1. Sending the detainee's fingerprint card to the FBI, stamped "Deceased." and identifying the place of death;
2. Placing the detainee's death certificate or medical examiner's report (original or certified copy) in the subject's A-file;
3. Placing a copy of the gravesite title in the A- file (indigent burial only); and
4. Closing the detainee's DACS file.

I. Death Certificate

The OIC shall specify in post orders the designated officer's responsibility for proper distribution of the death certificate.

When the death certificate arrives, the designated officer shall send the original to the person who claimed the body. He/she shall place a certified copy of the death certificate in the A-file of the deceased or, if the deceased received an indigent's burial, the actual death certificate (not a copy) shall be placed in the A-file.

J. Authority To Order Autopsies

With the Chaplain's assistance, the OIC shall develop and implement written procedures for making autopsy arrangements, including: contacting the local coroner; scheduling the autopsy; identifying the person who will perform the autopsy; obtaining the official death certificate, and transporting the body to the coroner's office.

The FBI, local coroner, or the USPHS may order an autopsy and related scientific or medical tests to be performed in cases involving homicide, suicide, fatal illness or accident, or unexplained death.

DIHS may order an autopsy or post-mortem operation for other cases, with the written consent of a person authorized under State law to give such consent (e.g., the coroner, next-of-kin, or, to authorize a tissue transfer, the deceased him/herself.

State laws regarding these issues vary greatly; where legal questions arise, the District Office of General Counsel should be contacted. State law provisions and guidelines on when to contact the coroner shall be incorporated into the Facility Policy and a copy forwarded to General Counsel.


Medical staff (DIHS) shall arrange for the approved autopsy to be performed. Time is a critical factor in arranging for an autopsy, as this ordinarily must be performed within 48 hours of the death. While a decision on an autopsy is pending, no action should be taken that will affect the validity of the autopsy results. Local law may also require an autopsy when death occurs and the deceased was otherwise unattended by a physician.

Before the initiation of an autopsy or embalming, determination of the detainee's religious affiliation shall be made. Religions such as Judaism and Islam forbid embalming. Additionally, there are other religious specific requirements involving autopsies and embalming. Therefore, it is critical the ADD/DRO or designate verify the detainee's religious preference prior to final authorizations for autopsies or embalming.

IV. AMERICAN CORRECTIONAL ASSOCIATION STANDARDS REFERENCED

American Correctional Association Standards for Adult Local Detention Facilities 3rd
Edition: 3-ADLF-4E-28, 4E-45.


Approval of Standard



Michael D. Cronin
Acting Executive Associate Commissioner
Office of Programs

SEP 20 2000

Date



f Michael A. Pearson
Executive Associate Commissioner
Office of Field Operations

SEP 20 2000

Date

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

Policy All facilities housing INS detainees shall have policies and procedures addressing the issues of terminal illness or injury, medical advanced directives, and detainee death, to include the procedures to ensure proper notification is provided to INS officials, family members and other interested parties in the event of a detainee becoming terminally ill or injured or death of a detainee occurs. In addition, the policy will cover procedures to be taken if the death of a detainee occurs while in transit.

TERMINAL ILLNESS, ADVANCED DIRECTIVES, AND DEATH			
Components	Yes	No	Remarks
1. Are detainees who are chronically or terminally ill, transferred to an appropriate offsite medical facility?			
2. Does the facility promptly notify the next of kin of the detainee's medical condition? a. The detainee's location? b. The limitations placed on visiting?			
3. Are there guidelines addressing State Advanced Directive Form for Implementing Living Wills and Advanced Directives? a. Do the guidelines include instructions for detainees who wish to have a living will other than the generic form the DIHS provides or who wish to appoint another to make advance decisions for him or her?			
4. Do the guidelines provide the detainee the opportunity to have a private attorney prepare the documents?			
5. Is there a policy addressing "Do Not Resuscitate Orders"?			
6. Do detainees with a "Do Not Resuscitate" order in the medical record receive maximal therapeutic efforts short of resuscitation?			
7. Does the facility notify the DIHS Medical Director and Headquarters' Legal Counsel of the name and basic circumstances of any detainee with a "Do Not Resuscitate" order in the medical record?			

TERMINAL ILLNESS, ADVANCED DIRECTIVES, AND DEATH			
Components	Yes	No	Remarks
<p>8. Does the facility have written procedures to address the issues of organ donation by detainees?</p> <p>a. Do the procedure adhere to the detention standard requirements?, if not</p> <p>b. State the difference(s)?</p>			
<p>9. Does the facility have written procedures to notify INS officials, when a detainee dies while in Service?</p> <p>a. Deceased family members?</p> <p>b. Consulate offices?</p>			
<p>10. Does the facility have a policy and procedure to address the death of a detainee while in transport?</p> <p>a. Do the procedures adhere to the requirements in the detention standard?</p>			
<p>11. Are the detainee's remains disposed of in accordance with the provisions detailed in this standard?</p> <p>a. Does the family have seven calendar days of the date of notification (in writing or in person) to claim the remains?</p> <p>b. If the family chooses to claim the body, are they told that they will assume responsibility for making the necessary arrangements and paying all associated costs (transportation of body, burial, etc.)?</p> <p>c. If the family wants to claim the remains, but cannot afford the transportation costs, are they aware that INS may assist the family by transporting the remains to a location in the United States?</p> <p>d. Is the consulate notified?</p> <p>e. If family members cannot be located or decline, orally or in writing, to claim the remains, is the consulate notified?</p>			

TERMINAL ILLNESS, ADVANCED DIRECTIVES, AND DEATH			
Components	Yes	No	Remarks
f. Is the consulate given seven calendar days to claim the remains? g. If the consulate exercises its right to claim the body, are they aware it is their responsible for making the necessary arrangements and paying all costs incurred (moving the body, burial, etc.)?			
12. In the event that neither family nor consulate claims the remains, does the DD schedule an indigent's burial, consistent with local procedures. a. If the detainee's is an U.S. military veteran is the Department of Veterans Affairs notified?			
13. Does the facility authorize the remains to be cremated or donated for medical research?			
14. Is an original or certified copy of a detainee's death certificate placed in the subject's a-file?			
15. Does the facility policy and procedures describe when to contact the local coroner regarding such issues as a. Performance of an autopsy? b. Who will perform the autopsy? c. Obtaining State approved death certificates? d. Local transportation of the body?			
16. Are there procedures for INS to properly close the case of a deceased detainee?			

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

TERMINAL ILLNESS, ADVANCED DIRECTIVES, AND DEATH

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. Reviewing facilities medical policy			
B. Interviews with OIC, medical staff and district staff			
C. Facility's written policy and procedures			
D. Review of relevant post orders			

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.)*

Auditors Signature

Date

INS DETENTION STANDARD

DEFINITIONS

This document defines certain terms used in one or more INS detention standards.

A-FILE, ALIEN FILE—The legal file maintained by INS for each detainee. Contents include, but are not limited to passport, driver's license, other identification cards, and photographs; immigration history (prior record); and all documents and transactions relating to the detainee's immigration case

ACCREDITED REPRESENTATIVE—A person representing an organization whom the Board of Immigration Appeals has found qualified to practice before INS and/or the Board, in accordance with the regulations (see 8 CFR §§ 292.1 and 292.2).

ADMINISTRATIVE SEGREGATION—A form of separation from the general population used when the continued presence of the detainee in the general population would pose a threat to life, property, self, other detainees, or staff or to the security or orderly running of the facility. This housing status also includes detainees who require protective custody, those who cannot be placed in the local population because they are en route to another facility (holdovers), those who are awaiting a hearing before a disciplinary panel, and those requiring separation for medical reasons.

ADMISSION/ADMISSIONS PROCESS—In-processing of newly arrived detainees, which includes an orientation to the policies, programs, rules, and procedures of the facility. Classification, assignment to living quarters, various inspections, medical screening, and safeguarding of funds, valuables and other personal property is completed during this process.

AMBULATORY RESTRAINTS—"Soft" or "hard" equipment used to restrict a detainee's movement but leaving him/her able to eat, drink, or attend to basic bodily functions without staff intervention.

AMMUNITION CONTROL OFFICER (ACO) – An individual who has been designated, in writing, responsibility for the physical and administrative control of ammunition in the authorizing official's area of accountability.

ATTORNEY—A member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; who is not under an order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him/her in the practice of law (see 8 CFR § 1.1.(f)).

BODY-CAVITY SEARCH—The visual inspection or physical probing of body openings (anus, vagina, ears, nose, mouth, etc) where weapons, drugs, or other contraband could be secreted. This is the most intrusive means of searching an individual, reserved for instances where other search techniques have been considered but rejected as ineffective under the particular circumstances of the case. Body-cavity search procedures govern physical probes, but not look-only inspections.

For example, the procedures would not be appropriate for a *visual* inspection of the inside of the mouth, nose, or ears, unless contraband is found during the course of that inspection. Body-search procedures apply whenever contraband is found, because retrieving/seizing the item(s) will involve physical entry into or probing within the cavity (in this example, the mouth, nose, or ear).

CAUSTIC—Capable of burning, corroding, eroding, or destroying by chemical action.

CENSUS CHECK—See **INFORMAL COUNT**.

CHAIN OF COMMAND—Order of authority (rank): executive, senior management, senior staff, etc. The on-site order of authority at a detention facility descends from the Officer-In-Charge (OIC) to the Associate OIC to the Chief Detention Enforcement Officer/Chief of Security, Detention Operations Supervisor, etc.

CHEMICAL—A substance with a distinct molecular composition produced by or used in a chemical process.

CLASS R (RESTRICTED) TOOLS—Devices to which detainees are forbidden access except in the presence and constant supervision of staff for reasons of safety or security. Class R includes devices that can be used to manufacture or serve as weapons capable of doing serious bodily harm or structural damage to the facility. All portable power tools and accessories are in this category. Class R also includes ladders and other such items that are not inherently dangerous but could prove useful in unauthorized activities, e.g., escape attempts.

CLASSIFICATION—A process for assessing detainees on the basis of objective information about past behavior, criminal records, special needs, etc.; used to make housing and program assignments.

CLINICAL DIRECTOR (CD) —Responsible for the delivery of health care services to INS detainees.

COMBUSTIBLE LIQUID—A substance with a flash point at or above 100° Fahrenheit.

COMMISSARY—An area or system where detainees may purchase approved items.

CONSULTATION VISITATION—A discussion, either in person or by telephone, between a detainee subject to expedited removal and a person of the detainee's choosing.

CONTACT VISIT—A meeting between detainee and another person authorized to take place in an area free of obstacles or barriers that prevent physical contact.

CONTAINER—Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or other vessel holding a hazardous chemical; does not include pipes or piping systems.

CONTRABAND—Any unauthorized item in the facility: illegal, prohibited by facility rules, or otherwise posing a threat to the security or orderly operation of the facility. This includes unauthorized funds.

CONTRACT DETENTION FACILITY (CDF)—Provides detention services under a competitively bid contract awarded by the INS.

CONTROL OFFICER—Directs security activities from the Control Center.

COUNT SLIP—Documentation of the number of detainees confirmed present during a population count in a specific area, signed by the officers involved in the count.

CORRESPONDENCE—Letters, postcards and other forms of written material not classified as packages or publications. Large envelopes containing papers qualify as correspondence, but boxes, sacks, and other shipping cartons do not. Books, magazines, newspapers and other incoming printed matter are not “correspondence.”

CRIMINAL ALIEN—A foreign national convicted of one or more crimes.

DETAINEE HANDBOOK—The policies and procedures governing detainee life in the facility: daily operations, rules of conduct, sanctions for rule violations, recreation and other programs, services, etc.; defined in writing and provided to each detainee upon admission to the facility.

DETENTION FILE – Contents include receipts for funds, valuables, and other personal property; documentation of disciplinary action; reports on detainee behavior; detainee's written requests, complaints, and other communications; official responses to detainee communications; records from Special Management Unit, etc.

DIETICIAN—Individual registered or eligible for registration with the American Dietetic Association or who has the documented equivalent in education, training, or experience, with evidence of relevant continuing education.

DISCIPLINARY HEARING—Non-judicial administrative procedure to determine whether substantial evidence supports finding a detainee guilty of a rule violation.

DISCIPLINARY COMMITTEE—One or more impartial staff members who conduct and/or oversee a disciplinary hearing; see also “INSTITUTIONAL DISCIPLINARY PANEL.”

DISCIPLINARY SEGREGATION—Confinement in a cell removed from the general population after a serious violation of facility rules (in accordance with written procedures).

DIVISION OF IMMIGRATION HEALTH SERVICES (DIHS)—The U.S. Public Health Service division charged with advancing global disease prevention through the delivery of primary health care to INS detainees. Through a memorandum of understanding with the INS, DIHS physicians, dentists, physician assistants, nurse practitioners, nurses, pharmacists, and health care administrators staff INS medical facilities. The health-care services they provide include disease-screening and -prevention. In addition, DIHS is responsible for all aspects of planning, policy formulation, and program direction and management, including coordination and liaison activities, for all health matters concerning INS detainees.

EMERGENCY CHANGES - Measures immediately necessary to maintain security or to protect the health and safety of staff and detainees.

EXPOSURE/EXPOSED—Subjected or potentially subjected to a hazardous substance by any means (inhalation, ingestion, skin contact, absorption, etc.).

FACE-TO-PHOTO COUNT—Verifies identity of each detainee by comparing every person present with the photographic likeness on his/her housing card.

FIREARMS CONTROL OFFICER (FCO)—Individual designated responsible for the physical and administrative control of all firearms under the jurisdiction of the authorizing official.

FLAMMABILITY HAZARD—Has a flash point below 200° Fahrenheit, closed cup, or is subject to spontaneous heating.

FLAMMABLE LIQUID—A substance with a flash point below 100° Fahrenheit (37.8° Centigrade).

FLASH POINT—The minimum temperature at which the vapor of a combustible liquid can form an ignitable mixture with air.

FOOD SERVICE ADMINISTRATOR (FSA)—Responsible for planning, controlling, directing, and evaluating Food Service Department operations.

FORMAL COUNT—Detainee population assembled at specific times for attendance check, conducted in accordance with written procedures.

FOUR-POINT RESTRAINT—Confines the individual to a bed or bunk in either a supine or prone position. Ordered by OIC when detainee's unacceptable behavior appears likely to continue, risking injury to self or others.

FULL-TIME WORK ASSIGNMENT—Employed from beginning to end of a shift.

FUNDS—Cash, checks, money orders, and other negotiable instruments.

GENERAL CORRESPONDENCE—All correspondence other than "special correspondence."

GRIEVANCE—A complaint based on a circumstance or incident perceived as unjust.

GROUP PRESENTATION ON LEGAL RIGHTS—Informational session held in a detention facility by an attorney or other legal representative to inform all interested detainees about U.S. immigration law and procedures; not a forum for providing confidential or case-specific legal advice.

HARD CONTRABAND—Poses a serious threat to the security of the facility.

HEALTH HAZARD—Includes carcinogens, toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, and other agents that act on the hemopoietic system or damage the lungs, skin, eyes, or mucous membranes.

HEALTH SCREENING—A system for preliminary assessment of the physical and mental condition of individual detainees upon arrival at the facility; conducted by health care personnel or by a health-trained detention officer. The combination of structured inquiry and observation is designed to prevent new arrivals who appear to pose a health or safety threat to themselves or others from moving into the general population..

HEALTH SERVICES ADMINISTRATOR (HSA)—Executive responsible for the facility's health care program; may also serve as Clinical Director.

HOLD ROOM—A secure area used for temporary confinement of detainees before in-processing, institutional appointments (court, medical), release, transfer to another facility, or deportation- related transportation.

HOLY DAY—A day specified for religious observance.

HUNGER STRIKE—A voluntary fast undertaken as a means of protest; medical evaluation of a hunger-striking detainee is standard after 72 hours or earlier, at the discretion of medical staff.

ILLEGAL CONTRABAND—Any item prohibited by law, the possession of which constitutes grounds for felony or misdemeanor charges.

INDIGENT—Without funds, or with nominal funds.

INDOOR RECREATION AREA—A covered and enclosed exercise space 1,000 square feet or larger, encompassing 15 square feet per detainee for the planned capacity (number using the space at one time).

INFORMAL COUNT—Population count conducted according to no fixed schedule, when detainees are working, engaged in other programs, or involved in recreational activities. Unless a detainee is missing, these counts are not reported; also called "census check" or "irregular count."

INFORMAL RESOLUTION— Brings closure to a complaint or issue of concern to a detainee, satisfactory to the detainee and staff member involved; does not require filing of a written grievance.

INSTITUTIONAL DISCIPLINARY PANEL (IDP)—Review board responsible for conducting disciplinary hearings and imposing sanctions for cases of detainee misconduct referred for disposition following the hearing. The IDP usually comprises a Hearing Officer and representatives of different departments in the facility

INTERGOVERNMENTAL SERVICE AGREEMENT (IGSA)—A cooperative agreement between INS and any State, territory or political subdivision, for the construction, renovation, or acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services. INS may enter into an IGSA with any such unit of government

guaranteeing to provide bed space for INS detainees, and to provide the clothing, medical care, food and drink, security, and other necessities specified in the INS Detention Standards; facilities providing such services are referred to as "IGSA facilities."

INVESTIGATING OFFICER—The disinterested individual of supervisory or higher rank who conducts an investigation of alleged misconduct; usually a Supervisory Detention Enforcement Officer or shift supervisor.

IRREGULAR COUNT—See **INFORMAL COUNT**.

LEGAL ASSISTANT—An individual (other than an interpreter) who, working under the direction and supervision of an attorney or other legal representative, assists with group presentations and in representing individual detainees. Legal assistants may interview detainees, assist detainees in completing forms, and deliver papers to detainees without the attorney being present.

LEGAL FILE—See **A-FILE**.

LEGAL REPRESENTATIVE – An attorney or other person representing another in a matter of law, including law students, law graduates not yet admitted to the bar; “reputable individuals”; accredited representatives; accredited officials; and attorneys outside the United States (see 8 CFR § 292.1, "Representation and Appearances").

LIFE-SUSTAINING PROCEDURE (LIFE SUPPORT) – A medical intervention or procedure that uses artificial means to sustain a vital function.

MAIL INSPECTION—Examination of incoming and outgoing letters, packages, etc., for contraband, cash, checks and money orders.

MASTER COUNT—Total number of detainees housed at a facility.

MATERIAL SAFETY DATA SHEET (MSDS)—Basic information about a hazardous chemical, prepared and issued by the manufacturer, in accordance with Occupational Safety and Health Administration regulations (see 29 CFR 1910.1200; see also OSHA Form 174); among other things, specifies precautions for normal use, handling, storage, disposal, and spill cleanup.

MESSENGER—A person (neither a legal representative nor a legal assistant) whose purpose is to deliver or convey documents, forms, etc., to and from the detainee; not afforded the visitation privileges of legal representatives and legal assistants.

MINOR—A juvenile; a person under the age of 18.

NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE—Establishes the standards for health service in correctional facilities on which accreditation is based.

NATIONAL FIRE PROTECTION ASSOCIATION—Principal source of fire protection standards and codes.

NON-CONTACT VISIT—A barrier preventing physical contact between detainee and visitor(s).

NON-MEDICAL EMERGENCY ESCORTED TRIP—Authorized detainee visit to a critically ill member of his/her immediate family, or to attend the funeral of a member of his/her immediate family. "Immediate family" member refers to a parent (including stepparent and foster parent), child, spouse, sister, or brother of the detainee.

NON-MERIT FACTOR—Any characteristic or status immaterial to a detainee's mental or physical ability to perform a given assignment.

NON-SECURITY KEY(S)—If duplicated by unauthorized persons and/or lost, would not constitute an emergency, requiring urgent action; not critical to facility safety and security.

OFFICER-IN-CHARGE (OIC)—The highest-ranking official in the on-site chain of command at a facility; the facility director. In contract and IGSA facilities, often referred to by another title, e.g., Administrator, Warden, etc.

OUT COUNTS—Detainees temporarily away from the facility, but included in the master count

OUTDOOR RECREATION AREA—Open-air space for exercise or other leisure activities, large enough to allow 15 square feet per detainee for the largest group expected to use the area at any one time; but not less than 1,500 square feet.

PAT-DOWN SEARCH—Relies on the sensitivity of the officer's hands as they tap or run over the detainee's clothed body; may require the detainee to reveal pocket contents. The least intrusive body search.

PHYSICAL EXAMINATION—A thorough evaluation of an individual's physical condition and medical history conducted by or under the supervision of a licensed professional.

PLAN OF ACTION—Describes steps the facility will take to convert a condition that has caused a determination of noncompliance with a standard.

POSSESSION—Control over an item on one's person, or in one's assigned or personal space.

POST ORDERS—Written orders that specify the duties of each position, hour-by-hour, and the procedures the post officer will follow in carrying out those duties.

PROGRESSIVE RESTRAINTS—Control the detainee in the least restrictive manner required, until and unless the detainee's behavior warrants stronger and more secure means of inhibiting movement.

PROTECTIVE CUSTODY (PC)—Administrative segregation for the detainee's own safety.

REASONABLE SUSPICION—Not intuition, but articulable facts that lead the officer(s) to suspect a particular person is concealing a weapon, contraband, or evidence of a crime.

RELIGIOUS PRACTICES—Worship, observances, services, meetings, ceremonies, etc., associated with a particular faith; access to religious publications, religious symbolic items, religious counseling and religious study classes; and adherence to dietary rules and restrictions.

REPRESENTATIVE OF THE NEWS MEDIA—Person whose principal employment is gathering or reporting news for a:

- General circulation newspaper (covering politics, society, business, sports, arts, religion, etc.) which publishes legal notices for the local distribution area; A newsmagazine with a national circulation, sold at newsstands and by subscription;
- Newsmagazine with a national circulation, sold at newsstands and by subscription;
- National or international news service; or
- News program produced for a radio or television station licensed by the Federal Communications Commission (or foreign equivalent).

SALLY PORT—An enclosure situated in the perimeter wall or fence surrounding the facility, containing double gates or doors, of which one cannot open until the other has closed, to prevent a breach in the perimeter security; handles pedestrian and/or vehicular traffic.

SANITATION—The creation and maintenance of hygienic conditions; in the context of food, involves handling, preparing, and storing items in a clean environment, eliminating sources of contamination.

SATELLITE FEEDING—Food served and consumed in a location other than where prepared.

SECURITY KEY(S)— If duplicated by unauthorized persons and/or lost, would jeopardize life, safety, property, or security; or would facilitate escape.

SEGREGATION—Confinement in an individual cell isolated from the general population; for administrative, disciplinary, or protective reasons.

SERVICE PROCESSING CENTER (SPC) - A detention facility of which the primary operator and controlling party is the INS.

SOFT CONTRABAND—Any unauthorized item that does not constitute hard contraband, i.e., does not pose a threat to human safety or facility security; includes that quantity of an item possessed in an amount exceeding the established limit.

SPECIAL CORRESPONDENCE/MAIL—Detainee correspondence to or from private attorneys or other legal representatives, government attorneys, judges, courts, embassies and consulates, the U.S. President or Vice President, members of the U.S. Congress, the U.S. Department of Justice (including the INS and the Office of the Inspector General), the U.S. Public Health Service, administrators of grievance systems, and representatives of the news media. Correspondence will only be treated as special if the sender (for incoming correspondence) or recipient (for outgoing correspondence) and his/her title and office are adequately identified on the envelope to provide a clear indication that the correspondence belongs in this category.

SPECIAL MANAGEMENT UNIT (SMU)—A housing unit for detainees in administrative or disciplinary segregation.

SPECIAL-NEED DETAINEE—A detainee whose mental and/or physical condition requires special handling and treatment by staff. Special needs detainees include, but are not limited to, those who are emotionally disturbed, mentally retarded or mentally ill, physically disabled, infirm, and drug or alcohol addicts/abusers.

STRIP SEARCH—The removal or rearrangement of some or all of an individual's clothing to enable officers to examine the clothing and surfaces of the detainee's body, including breasts, navel, exterior anal and genital areas, and the inside of the nose, ears, and mouth. To the extent possible, the officers conduct the search visually, without touching the body parts.

TERMINALLY ILL/INJURED—In critical condition, beyond medical intervention, with death imminent or expected during the course of detention or hospitalization, according to the attending physician.

TOXIC—Poisonous; capable of causing injury or death.

TRAINING—An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance personnel performance. Training may occur on site, at an academy or training center, an institution of higher learning, professional meetings, or through contract service or closely supervised on-the-job training. Training programs usually include requirements for completion, attendance records, and certification of completion. Meetings of professional associations are considered training where there is clear evidence of the direct bearing on job performance. In all cases, the activity must be part of an overall training program.

UNENCUMBERED SPACE—Open, usable space measuring at least seven feet in at least one dimension, free of plumbing fixtures, desk, locker, bed, and other furniture and fixtures (measured in operational position).

UNAUTHORIZED FUNDS—Negotiable instruments (checks, money orders, etc.) or cash in a detainee's possession exceeding the facility-established limit.

UNAUTHORIZED PROPERTY—Not inherently illegal, but against the facility's written rules.

UNIT DISCIPLINARY COMMITTEE—See **DISCIPLINARY COMMITTEE**.

VOLUNTEER GROUP—Individuals who collectively donate time and effort to enhance the activities and programs offered to detainees; selected on basis of personal qualities and skills (recreation, counseling, education, religion, etc.).

WORK ASSIGNMENT—Carpentry, plumbing, food service, and other operational activities included in the facility's Voluntary Work Program, for which a detainee may volunteer.


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