

NATIONAL DETENTION STANDARDS // NDS 2000 STANDARDS

MEDICAL CARE

- Sec. III(A) Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care.
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- Sec. III(B) Adequate space and equipment will be furnished in all facilities so that all detainees may be provided basic health examinations and treatment in private.
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- Sec. III (C) The health care staff will have a valid professional licensure and or certification.
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- Sec. III (D) 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.
- 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.
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- Sec. III (E) An initial dental screening exam should be performed within 14 days of the detainee's arrival.
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- Sec. III (E)(1) Detainees shall be afforded 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.
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- Sec. III (E)(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.
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- Sec. III (F) 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.
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- Sec. III (G) 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.
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- Sec. III (H) In each detention facility, the designated health authority and the OIC [officer in charge] 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.
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- Sec. III (I) 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.
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Sec. III (J)	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 . . .
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Sec. III (I)	As a rule, medical treatment will not be administered against the detainee’s will.
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Sec. III (M)	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.
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Sec. III (N)	INS shall be notified when detainees are to be transferred or released.
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ACCESS TO LEGAL MATERIAL

Sec. I	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.
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Sec. III (A)	The facility shall provide a law library in a designated room with sufficient space to facilitate detainees’ legal research and writing.
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Sec. III (B)	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.
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Sec. III (E)	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.
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Sec. III (G)	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.
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Sec. III (M)	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.
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Sec. III (N)	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.
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Sec. III (P)	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.
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Sec. III (R)	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.
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ADMISSION AND RELEASE

- Sec. III (A) 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.).
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- Sec. III (G) Staff shall provide male and female detainees with the items of personal hygiene appropriate for, respectively, men and women.
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- Sec. III (K) Upon admission every detainee will receive a detainee handbook.
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DETAINEE GRIEVANCE PROCEDURES

- Sec. I Every facility will develop and implement standard operating procedures (SOP) that address detainee grievances.
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- Sec. III(A)(1) 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.
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- Sec. III(A)(2) 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.
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- Sec. III(C) If the detainee does not accept the grievance committee's decision, he/she may appeal it to the OIC.
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- Sec. III(F) 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.
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- Sec. III(G) 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. 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.
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FOOD SERVICE

- Sec. III(C) 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.
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Sec. III(D)(1)	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.
Sec. III(D)(2)	A registered dietitian shall conduct a complete nutritional analysis of every mastercycle menu planned by the FSA [Food Service Administrator].
Sec. III(E)(1)	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.
Sec. III(F)(1)	Detainees with certain conditions-chronic or temporary; medical, dental, and/or psychological-will be prescribed special diets as appropriate.
Sec. III(F)(2)	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.
Sec. III(G)(5)	Detainees in segregation shall receive sack meals only with the OIC's written authorization. The medical department will be consulted when necessary.
Sec. III(G)(6)	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 [Special Management Unit], as provided above.
Sec. III(G)(6)(c)	Each sack shall contain at least two sandwiches per meal, of which at least one will be meat (non-pork). . . . 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.

GROUP PRESENTATION ON LEGAL RIGHTS

Sec. III(A)	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.
Sec. III(C)	At least 48 hours before a scheduled presentation, informational posters . . . shall be prominently displayed in the housing units, and each housing unit control officer will hold a sign-up sheet. . . . 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.

Sec. III(H) 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.

ISSUANCE AND EXCHANGE OF CLOTHING, BEDDING AND TOWELS

Sec. III(B) All new detainees shall be issued clean, temperature-appropriate, presentable clothing during in-processing.

Sec. III(C) All new detainees shall be issued clean bedding, linens and towel. Detainees shall be held accountable for these items.

Sec. III(D) 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.

Sec. III(E) 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.

RECREATION

Sec. III(A)(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).

Sec. III(A)(2) In exceptional circumstances, a facility lacking any recreation area may be used to provide short-term housing for detainees.

Sec. III(A)(3) All new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area.

Sec. III(A)(4) All facilities shall provide recreational opportunities for detainees with disabilities.

Sec. III(B)(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.

Sec. III(B)(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.

Sec. III(B) Under no circumstances will the facility require detainees to forgo basic law library privileges for recreation privileges (see "Access to Legal Materials" standard).

Sec. III(G)(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.

Sec. III(G)(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.

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- Sec. III(G)(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.
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- Sec. III(G)(4) All detainees participating in outdoor recreation shall have access to drinking water and toilet facilities.
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- Sec. III(H) Detainees housed in the SMU shall recreate apart from the general population.
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- Sec. III(H)(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.
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- Sec. III(H)(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.
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- Sec. III(H)(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.
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- Sec. III(H)(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.
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RELIGIOUS PRACTICES

- Sec. III(A) 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.
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- Sec. III(D) The Chaplain or designated individual is responsible for managing religious activities in the facility.
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- Sec. III(E) All facilities shall designate space for religious activities.
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- Sec. III(F) 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.
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- Sec. III(G) Detainees may request the introduction of new or unfamiliar religious components to the Religious Services program.
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- Sec. III(H) Detainees will have the opportunity to engage in-group religious activities, consistent with the safe, secure and orderly operation of the facility.
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- Sec. III(I) 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."
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- Sec. III(J) 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.
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- Sec. III(K) Detainees shall have access to personal religious property, consistent with facility security.
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- Sec. III(M) The food service department will implement procedures for accommodating, within reason, detainees' religious dietary requirements.
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- Sec. III(O) 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.
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STAFF-DETAINEE COMMUNICATION

- Sec. III(A) 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.
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- Sec. III(A)(1) 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 communications between staff and detainees and informally observing living and working conditions.
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- Sec. III(A)(2) The purpose for these scheduled weekly visits is to address detainees' personal concerns and to monitor living conditions.
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- Sec. III(B) 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.
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TELEPHONE ACCESS

- Sec. III(A) The facility shall provide detainees with reasonable and equitable access to telephones during established facility waking hours, limited only by the restrictions below.
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- Sec. III(C) To ensure sufficient access, the facility shall provide at least one telephone for detainee use for every 25 detainees held.
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- Sec. III(D) The facility shall maintain detainee telephones in proper working order.
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- Sec. III(E) 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).
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Sec. III(F)	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. . . . 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.
Sec. III(G)	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.
Sec. III(H)	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.
Sec. III(I)	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.
Sec. III(J)	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.
Sec. III(K)	The facility shall have a written policy on the monitoring of detainee telephone calls.

VISITATION

Sec. III(A)	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.
Sec. III(G)	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.
Sec. III(H)(1)	The facility shall establish a visiting schedule based on the detainee population and the demand for visits.
Sec. III(I)(1)	In visits referred to as "legal visitation," each detainee may meet privately with current or prospective legal representatives and their legal assistants.
Sec. III(I)(2)	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.
Sec. III(I)(12)	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.
Sec. III(I)(13)	Detainees in either administrative or disciplinary segregation shall be allowed legal visitation.
Sec. III(L)	All efforts will be made to accommodate NGO requests for facility tours in a timely manner.

Sec. III(M) 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.

Sec. III(M) The OIC may approve visits to one or more detainees by representatives of community service organizations, including civic, religious, cultural, therapeutic, and other groups.

VOLUNTARY WORK PROGRAM

Sec. III(A) 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.

Sec. III(C) Work assignments are voluntary.

Sec. III(F) 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.

Sec. III(G) 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.

Sec. III(H) Detainees participating in the volunteer work program are required to work according to a fixed schedule.

Sec. III(N) 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.

Sec. III(O) The OIC shall implement procedures for immediately and appropriately responding to on-the job injuries, including immediate notification of INS.

DISCIPLINARY POLICY

Sec. III(A)(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.

Sec. III(A)(2) Disciplinary action may not be capricious or retaliatory.

Sec. III(A)(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.

Sec. III(A)(4) The facility shall not hold a detainee accountable for his/her conduct if a medical authority finds him/her mentally incompetent.

Sec. III(B) Officers who witness a prohibited act or have reason to suspect one has been committed shall prepare and submit an incident report.

Sec. III(C)	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.
Sec. III(F)	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.
Sec. III(F)	The duration of punishment shall be within established limits.
Sec. III(J)	All documents relevant to the incident, subsequent investigation, hearing(s), etc., will be completed and distributed in accordance with facility procedures.
Sec. III(L)	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.

HOLD ROOMS IN DETENTION FACILITIES

Sec. I	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.
Sec. III(B)	The maximum aggregate time an individual may be held in a hold room is 12 hours.
Sec. III(B)(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.
Sec. III(B)(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.
Sec. III(C)(1)	An officer will look at every individual before placing them in the hold room, checking for obvious mental or physical conditions.
Sec. III(C)(3)	Officers shall provide a meal to any adult in the hold room for more than six hours.
Sec. III(C)(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).

POPULATION COUNTS

Sec. III(A)	Formal counts are conducted at specific times of the day or night in a predetermined manner.
Sec. III(C)	Each officer will make irregular but frequent checks to verify the presence of all detainees in his/her charge.
Sec. III(E)	The control officer shall maintain an out-count record of the number and destination of all detainees who temporarily leave the facility.

SPECIAL MANAGEMENT UNIT (ADMINISTRATIVE SEGREGATION)

Sec. III(A)	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.
Sec. III(B)	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.
Sec. III(C)	All facilities shall implement written procedures for the regular review of all administrative detention cases, consistent with the procedures specified below.
Sec. III(D)(1)	Detainees in administrative segregation shall receive the same general privileges as detainees in the general population, consistent with available resources and security considerations.
Sec. III(D)(2)	The quarters used for segregation shall be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(D)(5)	Detainees in administrative segregation shall receive three nutritionally adequate meals per day, from the menu served to the general population.
Sec. III(D)(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.
Sec. III(D)(7)	Detainees in administrative segregation will be provided, where practicable, barbering services.

Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(D)(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. . . . 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.
Sec. III(D)(15)	Detainees in administrative segregation shall have the same correspondence privileges as detainees in the general population.
Sec. III(D)(16)	The facility shall follow the "Telephone Access" standard that provides guidelines for detainees in administrative segregation.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(E)(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.

SPECIAL MANAGEMENT UNIT (DISCIPLINARY SEGREGATION)

Sec. III(A)	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.
Sec. III(B)	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.
Sec. III(D)(1)	The conditions of confinement will depend on the amount of supervision required to control the individual and safeguard other detainees and staff.
Sec. III(D)(2)	Detainees housed in disciplinary segregation generally have fewer privileges than those housed in administrative segregation.
Sec. III(D)(3)	Standard living conditions shall not be modified for detainees in the SMU for disciplinary purposes.
Sec. III(D)(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.
Sec. III(D)(6)	The quarters used for segregation must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times.
Sec. III(D)(7)	The number of detainees confined to each cell or room in disciplinary segregation should not exceed the capacity for which it was designed.
Sec. III(D)(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.
Sec. III(D)(9)	A detainee may be deprived of clothing, mattress, blanket, pillow, etc., for medical or psychiatric reasons only, as determined by the medical officer.
Sec. III(D)(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
Sec. III(D)(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.
Sec. III(D)(12)	Detainees in the SMU will be provided barbering services. Exceptions to this procedure may be permitted only when authorized by the OIC.
Sec. III(D)(13)	Recreation shall be provided to detainees in disciplinary segregation in accordance with the "Recreation" standard.

Sec. III(D)(14)	As a rule, detainees in disciplinary segregation will have significantly fewer items of personal property than other detainees.
Sec. III(D)(15) (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.
Sec. III(D)(15) (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.
Sec. III(D)(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.
Sec. III(D)(17)	The facility shall follow the "Visitation" standard in setting visitation rules for detainees in disciplinary segregation.
Sec. III(D)(18)	Detainees in disciplinary segregation shall have the same correspondence privileges as detainees in the general population.
Sec. III(D)(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.
Sec. III(D)(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.
Sec. III(E)(1)	A permanent log will be maintained in the SMU.

TRANSPORTATION (LAND TRANSPORTATION)

Sec. I	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.
Sec. III(Q)	The vehicle crew will provide meals and snacks during any long-distance transfer that exceeds six hours.
Sec. III(AA)	Officers shall use authorized techniques and common sense when applying restraints. (See the "Use of Force" standard.)

USE OF FORCE

- Sec. I 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.
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- Sec. III(A) 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.
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- Sec. III(A)(1) 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.
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- Sec. III(A)(2) 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.
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- Sec. III(A)(2)(a) The calculated use of force is feasible in most cases.
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- Sec. III(A)(2)(b) 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 [sic] is required.
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- Sec. III(A)(3) 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.
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- Sec. III(A)(4) When a detainee must be forcibly moved and/or restrained during a calculated use of force, the use-of-force team technique shall apply.
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- Sec. III(A)(4)(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.
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- Sec. III(A)(4)(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.
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- Sec. III(A)(4)(c) 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.
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- Sec. III(A)(4)(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.
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- Sec. III(A)(4)(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.
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Sec. III(A)(4)(f)	When restraints are necessary, the team's [sic] will choose ambulatory or progressive models. They shall resort to four-point restraints only if the less restrictive devices prove ineffective.
Sec. III(B)(1)	Under no circumstances shall force be used to punish a detainee.
Sec. III(B)(2)	Staff shall attempt to gain the detainee's willing cooperation before using force.
Sec. III(B)(3)	Staff shall use only that amount of force necessary to gain control of the detainee.
Sec. III(B)(4)	Immediate use of restraints is warranted to prevent the detainee from harming self or others, or from causing serious property damage.
Sec. III(B)(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.
Sec. III(B)(6)	Staff may not remove the restraints until the detainee has regained self-control.
Sec. III(B)(7)	<p>The following uses of restraint equipment or devices (e.g., handcuffs) are prohibited:</p> <ul style="list-style-type: none"> · 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. <p>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.</p>
Sec. III(B)(8)	Medication shall not be used to subdue an uncooperative detainee for staff convenience.
Sec. III(B)(9)	The documenting, reporting, and investigating of use-of-force incidents both protects staff from unfounded allegations and eliminates the unwarranted use of force.
Sec. III(F)(3)	<p>Staff shall follow the specified four-point-restraint procedures:</p> <p>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</p>
Sec. III(F)(4)	<p>Staff shall follow the specified four-point-restraint procedures:</p> <p>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.</p>
Sec. III(F)(5)	Use of four-point restraints beyond eight hours requires medical supervision.

Sec. III(F)(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 [sic] 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.
Sec. III(F)(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.
Sec. III(G)	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.
Sec. III(I)	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.
Sec. III(J)	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.
Sec. III(K)	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.

DETAINEE CLASSIFICATION SYSTEM

Sec. III(A)	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.
Sec. III(A)(1)	All detainees are classified upon arrival, before being admitted into the general population.
Sec. III(A)(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.
Sec. III(A)(3)	The first-line supervisor will review and approve each detainee's classification.
Sec. III(A)(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.

Sec. III(C)	<p>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:</p> <ol style="list-style-type: none"> 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.
Sec. III(D)	<p>Staff shall use the most reliable, objective information from the detainee's A-file or work folder during the classification process.</p>
Sec. III(E)	<p>All facilities shall ensure that detainees are housed according to their classification level. . . . 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.</p>
Sec. III(F)	<p>The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security.</p>
Sec. III(G)	<p>All facility classification systems shall ensure that a detainee may be reclassified any time and the classification level redetermined.</p>
Sec. III(H)	<p>All facility classification systems shall include procedures by which new arrivals can appeal their classification levels.</p>

DETAINEE HANDBOOK

Sec. III(A)	<p>Every facility will develop a detainee handbook. ... Service Processing Center/Contract Detention Facilities [SPCs/CDFs] will use the attached handbook as a template or model.</p>
Sec. III(B)	<p>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.</p>
Sec. III(C)	<p>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.</p>
Sec. III(D)	<p>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.</p>
Sec. III(E)	<p>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.</p>

DETAINEE TRANSFER

Sec. III(D)(6)(1) 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.

Sec. III(D)(6)(2) When a detainee is transferred within the Division of Immigration Health Services (DIHS) System, a Transfer Summary and the detainee's official health records will accompany the detainee.

Sec. III(D)(6)(C) 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.

Sec. III(D)(6)(D) Prior to transfer, medical personnel will provide the transporting officers with instructions and, if applicable, medication(s) for the detainee's care in transit.

Sec. III(G) Indigent detainees being transferred will be authorized a **single domestic phone call at the Government's expense** upon arrival at their final destination.

Sec. III(H)(2) During transfers, food shall be provided to detainees in accordance with the "Meals" section of the Detention Standard "Transportation (Land Transportation)."

CORRESPONDENCE AND OTHER MAIL

Sec. I 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.

HUNGER STRIKES

Sec. I 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.

Sec. III(A) 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.

Sec. III(B) 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.

Sec. III(C) After consultation with the CD, the OIC may require staff to measure and record food and water intake and output.

Sec. III(D) 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.

Sec. III(E) 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.

Sec. III(F) 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.

SUICIDE PREVENTION AND INTERVENTION

Sec. I 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.

Sec. III(A) 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.

Sec. III(B) 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.

Sec. III(C) The OIC may allow a potentially suicidal detainee who presents no imminent danger to life or property . . . 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. . . . 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.

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PART 1: SAFETY

PART 1.2 ENVIRONMENTAL HEALTH AND SAFETY

Sec. 1.2(V)(A) The Health Services Department or IGSA equivalent shall assist in the identification and correction of conditions that could adversely impact the health of detainees, employees, and visitors.

Sec. 1.2(V)(C) The facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness. When possible, the use of non-toxic cleaning supplies is recommended.

Sec. 1.2(V)(D) The facility administrator shall contract with licensed pest-control professionals to perform monthly inspections to identify and eradicate rodents, insects, and vermin.

Sec. 1.2(V)(E) At least annually, a state laboratory shall test samples of drinking and wastewater to ensure compliance with applicable standards.

PART 1.3 TRANSPORTATION (BY LAND)

Sec. 1.3(V)(E) Equipment recommended for each trip includes, among other things, the following: • Flashlights; • Extra handcuffs; • Flexcuffs and cutter; • Oleoresin capsicum (OC) spray; • ICE/DRO approved batons; and • Other authorized intermediate force (“non-lethal,” “non-deadly”) weapons

Sec. 1.3(V)(J)(1) Armed officers shall be posted whenever detainees enter or exit a vehicle outside a secure area.

Sec. 1.3(V)(J)(2) Ordinarily, detainees in transport may keep the following in their possession: jewelry, cash, eyeglasses, prescription medicines, and receipts for property and money.

Sec. 1.3(V)(L) The vehicle crew shall provide meals and snacks during any transfer that exceeds six hours. Officers shall consider when the detainees last ate before serving meals and snacks. ...Special dietary needs should be identified to the food service department before departure, so suitable meals can be arranged...

Sec. 1.3(V)(O) 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.

Sec. 1.3(V)(R) In accordance with the Detention Standard on Use of Physical Force and Restraints, and this Detention Standard, officers shall use authorized techniques and common sense when applying restraints. To ensure safe and humane treatment, the officers shall 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. . . .

As a rule, transporting officers shall not handcuff women or minors.

PART 2: SECURITY

PART 2.5 CLASSIFICATION SYSTEM

- Sec. 2.4(V)(A) Each facility shall develop and implement a system for classifying detainees in accordance with this Detention Standard.
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- Sec. 2.4(V)(B) An Initial Assessment Scale is to be used for all detainees after completion of the In-Processing Health Screening form (DIHS-794 or equivalent). Detainees shall be processed for housing assignments within twelve (12) hours of arrival at the facility.
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- Sec. 2.4(V)(C) The classification officer assigned to intake processing will review the detainee's A-file, work-folder and information provided by ICE/DRO to identify and classify each new arrival according to the Detention Classification System (DCS).
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- Sec. 2.4(V)(D) The designated classification supervisor (if the facility has one) or first-line supervisor shall review the intake processing officer's classification files for accuracy and completeness. Among other things, the supervisor shall ensure that each detainee has been assigned to the appropriate housing unit.
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- Sec. 2.4(V)(E) Staff shall use facts and other objective, credible evidence documented in the detainee's A-file, criminal history checks, or work-folder during the classification process.
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- Sec. 2.4(V)(F) All facilities shall ensure that detainees are housed according to their classification level.
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- Sec. 2.4(V)(G) The facility classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security.
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- Sec. 2.4(V)(H) All facility classification systems shall ensure that a detainee may be reassessed and/or reclassified.
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- Sec. 2.4(V)(I) All facility classification systems shall include procedures for detainees to appeal their classification levels through the grievance system.
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PART 2.9 HOLD ROOMS IN DETENTION FACILITIES

- Sec. 2.9(I) The maximum aggregate time an individual may be confined in a facility's Hold Room is 12 hours.
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- Sec. 2.9(V)(D) Officers shall offer a meal to any adult in a Hold Room for more than six hours. (Officers should (3) question the individual to determine when he or she last ate, and, if appropriate, provide a meal.)
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PART 2.11 POPULATION COUNTS

- Sec. 2.11(V)(A) Formal counts are conducted at specific times of the day and night in a predetermined manner. A formal count shall be conducted at least once every eight hours, with a shift supervisor verifying its accuracy. Additional counts are encouraged at the discretion of the facility.
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PART 2.14 SEXUAL ABUSE AND ASSAULT PREVENTION AND INTERVENTION

Sec. 2.14(V)(F) Training on the facility's Sexual Abuse and Assault Prevention and Intervention Program shall be included in training for employees, volunteers, and contract personnel and shall also be included in annual refresher training thereafter.

Sec. 2.14(V)(J) Designated staff shall provide services to victims and shall conduct investigations of sexual abuse or assault incidents.

Sec. 2.14(V)(K) Based on such factors as availability of in-house expertise and general security considerations, the facility administrator will arrange for the victim to undergo a forensic medical examination. The results of the physical examination and all collected physical evidence are to be provided to the Field Office Director.

Sec. 2.14(V)(L) When possible and feasible, victims of sexual assault should be referred, under appropriate security provisions, to a community facility for treatment and gathering of evidence.

PART 2.15 SPECIAL MANAGEMENT UNITS

Sec. 2.15(V)(A) At times, a detainee must be isolated from the general population of ICE detainees for the protection of the detainee, other detainees, and facility staff. Such isolation is generically termed "segregation" and takes two different forms, depending on its intended purpose: 1. Administrative Segregation (also referred to as "Administrative Detention" by the Federal Bureau of Prisons), and 2. Disciplinary Segregation (also referred to as "Disciplinary Detention" by the ACA Standards).

A detainee may be placed in Disciplinary Segregation only after being found guilty, through a formal disciplinary process, of a facility rule violation. Therefore, detainees in Disciplinary Segregation generally have fewer privileges than those in non-punitive Administrative Segregation. In particular, they are subject to more stringent controls, for example, in regard to personal property and reading material. Additional limitations may also be imposed upon their television viewing, commissary/vending machine privileges . . .

Sec. 2.15(V)(B) Conditions of confinement are based on the amount of supervision required to control a detainee and safeguard the detainee, other detainees, and facility staff. Therefore, the standard SMU living conditions specified below may not be modified for either disciplinary or punitive purposes. Staff shall treat each detainee in an SMU in a decent and humane manner, regardless of the purpose for which the detainee is segregated.

Sec. 2.15(C) 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 good order of the facility.

Sec. 2.15(D) 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. Such discipline may involve temporary confinement in the SMU apart from the general population. A detainee may be placed in Disciplinary Segregation only by order of the Institutional Disciplinary Panel (IDP), or its equivalent, after a hearing in which the detainee has been found to have committed a prohibited act.

PART 2.16 STAFF-DETAINEE COMMUNICATION

- Sec. 2.16(V)(A) ICE/DRO detainees shall have frequent informal access to and interaction with key facility staff members, as well as key ICE/DRO staff, in a language they can understand. As detailed below, Field Office Directors shall assign Deportation Officers, Immigration Enforcement Agents (IEAs), and Supervisory Immigration Enforcement Agents (SIEAs) to visit detention facilities. Detainees will be advised how to contact local ICE personnel. Often detainees in ICE/DRO custody are unaware of or do not comprehend the immigration removal process, and staff should explain the general process without providing specific legal advice on individual cases. Staff should provide general information to detainees pertaining to the immigration court process.
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- Sec. 2.16(V)(A) (1) Each field office shall have policy and procedures to ensure and document that the ICE/DRO assigned supervisory staff conduct frequent unannounced, unscheduled visits to the SPC, CDF, and IGSA facility's living and activity areas to informally observe living and working conditions and encourage informal communication among staff and detainees.
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- Sec. 2.16(V)(A) (2) Facility or Field Office ICE/DRO staff shall conduct scheduled visits to address detainees' personal concerns and monitor living conditions.
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- Sec. 2.16(V)(B) Detainees may submit written questions, requests, or concerns to ICE/DRO staff, using the detainee request form, a local IGSA form, or a sheet of paper.
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- Sec. 2.16(V)(C) Field Office Directors shall ensure that all phones for detainee use are tested at least weekly.
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- Sec. 2.16(V)(D) The Department of Homeland Security Office of the Inspector General (OIG) periodically revises a "DHS OIG Hotline" poster to be posted in facilities that house ICE/DRO detainees.
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- Sec. 2.16(V)(E) Model Protocol for DRO Officer Facility Liaison Visits, along with associated documentation forms, are accessible via the website of the Headquarters Detention Standards Compliance Unit. The Model Protocol is designed to standardize an approach to conducting and documenting facility liaison visits, observing living and working conditions, and engaging in staff-detainee communications.
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PART 2.18 USE OF FORCE AND RESTRAINTS

- Sec. 2.18(V)(A)
- Use of force in detention facilities is never used as punishment, is minimized by staff attempts to first gain a detainee's cooperation, is executed only through approved techniques and devices, and involves only the degree necessary and reasonable to gain control of a detainee.
 - Various levels of force may be necessary and reasonable, depending on the totality of the circumstances.
 - Generally, use of force is either immediate or calculated, the latter being preferable in most cases as the most likely to minimize harm to detainees or staff.
 - Use of force may involve physical control and placement of a detainee in secure housing and/or the application of various types and degrees of restraint devices.
 - Follow-up (medical attention, for example), documentation (including audiovisual taping for calculated use of force), reporting, and After-Action Review are required for each incident involving a use of force.
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Sec. 2.18(V)(B) Instruments of restraint shall be used only as a precaution against escape during transfer; for (1) medical reasons, when directed of the medical officer; or to prevent self-injury, injury to others, or property damage. Restraints should be applied for the least amount of time necessary to achieve the desired behavioral objectives.

Sec. 2.18(V)(B) Staff shall use only that amount of force necessary and reasonable to gain control of a detainee. (4)

Sec. 2.18(V)(B) Staff may not use restraint equipment or devices (for example, handcuffs): (10)

To cause physical pain or extreme discomfort. While some discomfort may be unavoidable even when restraints are applied properly, examples of prohibited applications include: improperly applied restraints, unnecessarily tight restraints, “hog-tying,” and fetal restraints.

Sec. 2.18(V)(B) During a use of force, hard restraints . . . shall be used only after soft restraints prove (or have (12) previously proven) ineffective with a particular detainee.

Sec. 2.18(V)(C) The Use-of-Force Continuum is a five-level model used to illustrate the levels of force staff may use to gain control of a detainee. The levels are:

- Staff presence without action.
 - Verbal commands.
 - Soft techniques. Techniques from which there is minimal chance of injury (for example, grasping, empty-hand, “come-along” holds, using impact weapons for holds, pressure to pressure points, chemical agents).
 - Hard techniques. Techniques where there is a greater possibility of injury (for example, strikes, throws, “take-downs,” striking using impact weapons (such as deploying chemical agents, expandable batons, straight batons, authorized less lethal devices, specialty impact weapons).
 - Deadly force is the use of any force that is reasonably likely to cause death or serious physical injury. Deadly force does not include force that is not reasonably likely to cause death or serious physical injury, but unexpectedly results in such death or injury.
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Sec. 2.18(V)(H) 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.

Sec. 2.18(V)(I) If a detainee is in a location where there is no immediate threat to the detainee or others (for (1) example, a locked cell or range), staff shall take the time to assess the possibility of resolving the situation without resorting to force.

A calculated use of force needs to be authorized in advance by the facility administrator (or designee).

Sec. 2.18(V)(I) Before authorizing the calculated use of force, the ranking detention official, a designated health (1) professional, and others as appropriate shall assess the situation.

Sec. 2.18(V)(I) While ICE/DRO requires that **all** use-of-force incidents be documented and forwarded to ICE/ (2) DRO for review, for **calculated use of force**, it is required that the **entire incident** be **audio visually recorded**. The facility administrator or designee is responsible to insure that use of force incidents are audio visually recorded.

Sec. 2.18(V)(I) (3) When a detainee must be forcibly moved and/or restrained during a calculated use of force, staff shall use the use-of-force team technique to prevent or diminish injury to staff and detainees and exposure to communicable disease.

Sec. 2.18(V)(M) When sufficient for protection and control of a detainee, staff shall apply **ambulatory restraints**, which are soft and hard equipment that provides freedom of movement sufficient for eating, drinking, and other basic needs without staff assistance or intervention;

If ambulatory restraints are insufficient to protect and control a detainee, staff may apply **progressive restraints**, which are more secure or restrictive.

Sec. 2.18(V)(N) (1) **General Requirements.** When four/five-point restraints are necessary, staff shall:

Use soft restraints (for example, vinyl), unless they:

Were previously ineffective with this detainee, or

Proved ineffective in the current instance.

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 deemed necessary by qualified health personnel.

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.

All facilities shall document all checks of detainees in four/five point restraints every 15 minutes.

Sec. 2.18(V)(N) (2) A health professional shall test the detainee's breathing, other vital signs, and physical and verbal responses. If the detainee is bed-restrained, the health professional shall determine how the detainee should be placed. Qualified health personnel are required to visit the detainee at least twice per eight-hour shift.

Sec. 2.18(V)(O) Staff shall prepare detailed documentation of all incidents involving use of force, including chemical agents, or intermediate force weapons. Staff shall also 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.

Sec. 2.18(V)(P) (1) **All** facilities shall have ICE/DRO-approved written procedures for After-Action Review of use-of-force incidents (immediate or calculated) and applications of restraints. The primary purpose of an After-Action Review is to assess the reasonableness of the actions taken and determine whether the force used was proportional to the detainee's actions.

PART 2.15 SPECIAL MANAGEMENT UNITS

Sec. 2.15(V)(A) At times, a detainee must be isolated from the general population of ICE detainees for the protection of the detainee, other detainees, and facility staff. Such isolation is generically termed “segregation” and takes two different forms, depending on its intended purpose: 1. Administrative Segregation (also referred to as “Administrative Detention” by the Federal Bureau of Prisons), and 2. Disciplinary Segregation (also referred to as “Disciplinary Detention” by the ACA Standards).

A detainee may be placed in Disciplinary Segregation only after being found guilty, through a formal disciplinary process, of a facility rule violation. Therefore, detainees in Disciplinary Segregation generally have fewer privileges than those in non-punitive Administrative Segregation. In particular, they are subject to more stringent controls, for example, in regard to personal property and reading material. Additional limitations may also be imposed upon their television viewing, commissary/vending machine privileges, etc. Detainees in Administrative Segregation generally will be housed separately from those in Disciplinary Segregation.

2.15(V)(B) Conditions of confinement are based on the amount of supervision required to control a detainee and safeguard the detainee, other detainees, and facility staff. Therefore, the standard SMU living conditions specified below may not be modified for either disciplinary or punitive purposes. Staff shall treat each detainee in an SMU in a decent and humane manner, regardless of the purpose for which the detainee is segregated.

2.15(V)(B)(6)(a) **Administrative Segregation** — Generally, these detainees shall receive the same privileges as are available to detainees in the general population, depending on any safety and security considerations for detainees, facility staff and security. When space and resources are available, detainees in **Administrative Segregation** may be provided opportunities to spend time outside their cells (in addition to the required recreation periods), for such activities as socializing, watching TV, and playing board games and may be assigned to work details (for example, as orderlies in the SMU).

2.15(V)(A)(6)(b) **Disciplinary Segregation** — Generally, these detainees shall have fewer privileges than other detainees in either the general population or in Administrative Segregation. More specifically, they are subject to more stringent personal property control including, but not limited to, limitations on their reading material and television viewing (which may be completely terminated), and restricted commissary or vending machine purchases.

2.15(V)(B)(7) Detainees in SMUs shall be personally observed at least every 30 minutes on an irregular schedule. For cases that warrant increased observation, the SMU personnel will personally observe them accordingly.

2.15(V)(B)(9) A health care provider shall visit every detainee in an SMU at least once daily. Detainees shall be provided medications as prescribed for them. Detainees will have access to regularly scheduled sick call regardless of housing assignment.

2.15(V)(B)(13) In accordance with the Detention Standard on **Visitation**, while in an SMU, a detainee ordinarily retains visiting privileges.

2.15(V)(B)(14) In accordance with the Detention Standard on **Visitation**, detainees in SMUs may not be denied legal visitation. However, the facility administrator, or designee, may implement whatever security precautions are necessary to protect the detainee and visitors and maintain good order.

2.15(V)(B)(15) Detainees in SMUs shall be allowed visits by members of the clergy, upon request, unless the supervisor determines such a visit presents a safety or security risk, or would interfere with the orderly operation of the facility. Violent and uncooperative detainees may be temporarily denied access to religious guidance.

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- 2.15(V)(B)(16) Detainees in SMUs shall have access to reading materials, including religious materials.
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- 2.15(V)(B)(17) Detainees in SMUs shall have access to legal materials, in accordance with the Detention Standard on **Law Libraries and Legal Material**.
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- 2.15(V)(B)(18) In accordance with the Detention Standard on **Law Libraries and Legal Material**, 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.
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- 2.15(V)(B)(19) Recreation for detainees housed in the SMU shall be separate from the general population.
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- 2.15(V)(B)(20) As detailed in the Detention Standard on **Telephone Access**, detainees in SMUs shall have access to telephones in a manner that is consistent with the special safety and security requirements of such units. Telephone access for legal calls will be provided, including calls to attorneys, other legal representatives, courts, government offices (including the Office of the Inspector General, Office for Civil rights, and Civil Liberties, DHS Joint Intake Center, and DHS Office of Internal Audit), and embassies or consulates, according to the facility schedule.
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- 2.15(V)(B)(21) Detainees will be provided translation or interpretation services while in the Special Management Unit to assist with their understanding of conditions of confinement as well as their rights and responsibilities.
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- 2.15(V)(B)(22) Detainees in the SMU will be provided appropriate accommodations and professional assistance such as medical, therapeutic, or mental health treatment for special needs, as necessary.
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- 2.15(V)(C)(1) 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 and orderly operation of the facility, for medical reasons, or other circumstances as set forth below.
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- 2.15(V)(C)(2) A written order shall be completed and approved by a security supervisor before a detainee is placed in Administrative Segregation, except when exigent circumstances make this impracticable.
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- 2.15(V)(C)(3) All facilities shall implement written procedures for the regular review of all detainees held in Administrative Segregation, consistent with the procedures specified below.
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- 2.15(V)(D) 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. Such discipline may involve temporary confinement in the SMU apart from the general population. A detainee may be placed in Disciplinary Segregation only by order of the Institutional Disciplinary Panel (IDP), or its equivalent, after a hearing in which the detainee has been found to have committed a prohibited act. Ultimately, the IDP may order the detainee's placement into Disciplinary Segregation, but only when alternative dispositions would inadequately regulate the detainee's behavior.
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- 2.15(V)(D)(1) A maximum sanction of 60 days in Disciplinary Segregation shall apply to violations related to a single prohibited incident. After the first 30 days, and each 30 days thereafter, the facility administrator shall send a written justification to the FOD (Field Officer Director), who may decide to transfer the detainee to a facility where security is such that he or she could be placed in the general population.
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2.15(V)(D)(2) A written order shall be completed and signed by the chair of the IDP (or disciplinary hearing officer) before a detainee is placed into Disciplinary Segregation. A copy of the order shall be given to the detainee within 24 hours, unless delivery would jeopardize the safety, security, or the orderly operation of the facility or the safety of another detainee.

2.15(V)(E)(1) A permanent log shall be maintained in the SMU to record all activities concerning the SMU detainees, such as the meals served, recreational time, and visitors.

PART 3.19 DISCIPLINARY SYSTEM

Sec. 3.19(V)(A)(1) Detainees will receive translation or interpretation services throughout the investigative, disciplinary, and appeal process, including accommodation for the hearing impaired.

Sec. 3.19(V)(A)(2) Each facility holding ICE/DRO detainees in custody shall have a detainee disciplinary system with progressive levels of reviews, appeals, procedures, and documentation procedures.

Sec. 3.19(V)(A)(3) Disciplinary action may not be capricious or retaliatory nor based on race, religion, national origin, sex, sexual orientation, disability, or political beliefs.

Sec. 3.19(V)(A)(4) Staff may not impose or allow imposition of the following sanctions: corporal punishment; deprivation of food services to include use of Nutraloaf or “food loaf”; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; deprivation of legal access and legal materials; or deprivation of physical exercise unless such activity creates a documented unsafe condition.

Sec. 3.19(V)(A)(5) The facility shall not hold a detainee accountable for his or her conduct if a medical authority finds him or her mentally incompetent.

Sec. 3.19(V)(B) The Detainee Handbook, or supplement, issued to each detainee upon admittance, shall provide notice of the facility’s rules of conduct and prohibited acts, the sanctions imposed for violations of the rules, the disciplinary severity scale, the disciplinary process and the procedure for appealing disciplinary findings.

Sec. 3.19(V)(C) All facilities shall have graduated scales of offenses and disciplinary consequences as provided in this section.

Sec. 3.19(V)(D) 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 shall identify the officer(s), the detainee(s), and all witnesses to the incident.

Sec. 3.19(V)(E) IGSA 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 . . . 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 or her report(s) for accuracy and completeness and sign them.

Sec. 3.19(V)(K) The duration of sanctions shall be within established limits. Neither the panel recommending sanctions nor the facility administrator making the final decision shall impose sanctions arbitrarily, beyond these limits.

SECTION 4.20 FOOD SERVICE

Sec. 4.20(V)(E)(1) The FSA shall base menu selections on the best nutritional program the facility can afford meeting U.S. minimum daily allowances. The ICE/DRO standard menu cycle is 35 days. . . . The overall goal of a quality food service program is to provide nutritious and appetizing meals efficiently and within the existing budget, personnel resources, equipment, and physical layout of the facility. Nutritional needs are diverse because of differences in age, activity, physical condition, gender, religious preference and medical considerations. The FSA shall consider the ethnic diversity of the facility's detainee population when developing menu cycles.

Sec. 4.20(V)(E)(2) A registered dietitian shall conduct a complete nutritional analysis that meets U.S. Recommended Daily Allowances (RDA), at least annually, of every master-cycle menu planned by the FSA.

Sec. 4.20(G)(1) AICE/DRO requires all facilities to provide detainees requesting a religious diet a 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 by offering a Common Fare Menu. The detainee shall provide a written statement articulating the religious motivation for participation in the common fare program.

Sec. 4.20(G)(2) Common Fare is intended to accommodate detainees whose religious dietary needs cannot be met on the mainline. 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 and meeting daily allowances (RDAs).

Sec. 4.20(G)(5) 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

Sec. 4.20(G)(9) The facility administrator, in consultation with the chaplain, shall be the approving official for a detainee's removal from the Common Fare program.

Sec. 4.20(G)(10) The chaplain, in consultation with local religious leaders if necessary, shall develop the ceremonial meal schedule for the following calendar year and provide it to the facility administrator.

Sec. 4.20(G)(11) The Common Fare program shall accommodate detainees abstaining from particular foods or fasting for religious purposes at prescribed times of year.

Sec. 4.20(H)(2) The physician may order snacks or supplemental meals for such reasons as:

- Insulin-dependent diabetes.
- A need to increase protein or calories for pregnancy, cancer, AIDS, etc.
- Prescribed medication must be taken with food.

Sec. 4.20(I)(6) All meals shall 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 or departing between scheduled meal hours, and detainees in the SMU.

SECTION 4.21 HUNGER STRIKES

Sec. 4.21(V)(A) All staff shall be initially and annually trained to recognize the signs of a hunger strike and on the procedures for referral for medical assessment, and on the correct procedures for managing a detainee on a hunger strike.

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- Sec. 4.21(V)(B) Staff shall consider any detainee observed to have not eaten for 72 hours to be on a hunger strike, (1) and shall refer him or her to the clinical medical authority for evaluation and management.
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- Sec. 4.21(V)(B) Medical personnel shall isolate the detainee in a single-occupancy observation room when medi- (2) cally advisable and taking into consideration the detainee’s mental health needs. 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.
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- Sec. 4.21(V)(B) The detainee may remain in the Special Management Unit, based on the detainee’s medical condi- (3) tion, until medical personnel determine that a move is advisable.
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- Sec. 4.21(V)(B) The facility administrator shall immediately report the hunger strike to the respective ICE/DRO (4) Field Office Director, who shall follow standard policy for reporting significant incidents to head- quarters.
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SECTION 4.22 MEDICAL CARE

- Sec. 4.22(V)(B) A designated administrative health authority shall have overall responsibility for health care services pursuant to a written agreement, contract, or job description. The administrative health authority is a physician, health services administrator, or health agency. When the administrative health authority is other than a physician, final clinical judgment shall rest with the facility’s designated clinical medical authority. In no event should clinical decisions be made by non-clinicians. The administrative health authority shall be authorized and responsible for making decisions about the deployment of health resources and the day-to-day operations of the health services program. A designated clinical medical authority shall have overall responsibility for medical clinical care pursuant to a written agreement, contract, or job description. ... In the event that the clinical medical authority is not a licensed physician, the clinical medical authority must establish a physician-level collaboration for purposes of medical management and professional collaboration. The clinical medical authority together with the administrative health authority establishes the processes and procedures necessary to meet the medical standards outlined herein. All facilities shall provide a medical staff and sufficient support personnel to meet these Standards. A staffing plan, which is reviewed at least annually by the administrative health authority, identifies the positions needed to perform the required services. Health care personnel perform duties for which they are credentialed by training, licensure, certification, job descriptions, and/or written standing or direct orders by personnel authorized by law to give such orders. The facility administrator, in collaboration with the clinical medical authority and administrative health authority, negotiates and maintains arrangements with nearby medical facilities or health care providers to provide required health care not available within the facility, as well as identifying custodial officers to transport and remain with detainees for the duration of any off-site treatment or hospital admission.
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- Sec. 4.22(V)(H) All health care staff must be verifiably licensed, certified, credentialed, and/or registered in compliance with applicable state and federal requirements.
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- Sec. 4.22(V)(I) Initial medical, dental, and mental health screening shall be done within 12 hours of arrival by a (1) health care provider or a detention officer specially trained to perform this function. If screening is performed by a detention officer, the facility shall maintain documentation of the officer’s special training, and the officer shall have available for reference the training syllabus, to include education on patient confidentiality of disclosed information.
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Sec. 4.22(V)(J)	Each facility's health care provider shall conduct a health appraisal including a physical examination on each detainee within 14 days of the detainee's arrival unless more immediate attention is required due to an acute or identifiable chronic condition, in accordance with the most recent ACA Adult Local Detention Facility standards for Health Appraisals. ... Medical, dental, and mental health interviews, examinations, and procedures shall be conducted in settings that respect detainees' privacy. Detainees will be provided same sex chaperones as appropriate or as requested.
Sec. 4.22 (V)(K)(1)	Each facility shall have an in-house or contractual mental health program, approved by the appropriate medical authority.
Sec. 4.22 (V)(K)(3)	Based on intake screening, medical documentation or subsequent observations by detention staff or medical personnel, the administrative health authority shall immediately refer any detainee with mental health needs to a mental health provider for a mental health evaluation.
Sec. 4.22 (V)(K)(4)	Any detainee referred for mental health treatment shall receive a comprehensive evaluation by a licensed mental health provider as clinically necessary, but no later than 14 days of the referral.
Sec. 4.22 (V)(K)(5)	The clinical medical authority may place in medical isolation a detainee who is at high risk for violent behavior because of a mental health condition. The clinical medical authority must provide for reassessment on a daily basis the need for continued medical isolation for the health and safety of the detainee.
Sec. 4.22 (V)(M)	<p>An initial dental screening exam shall 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 assistant, nurse practitioner, registered dental hygienist, or registered nurse.</p> <ul style="list-style-type: none"> • Emergency dental treatment shall be provided for immediate relief of pain, trauma and acute oral infection. • Routine dental treatment may be provided to detainees in ICE custody for whom dental treatment is inaccessible for prolonged periods because of detention for over six (6) months, including 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.
Sec. 4.22 (V)(N)	Each facility shall have a sick call procedure that allows detainees the unrestricted opportunity to freely request health care services (including mental health and dental services) provided by a physician or other qualified medical staff in a clinical setting.
Sec. 4.22 (V)(O)	Each facility shall have a written emergency services plan for the delivery of 24-hour emergency health care. ... Medical and safety equipment shall be available and maintained, and staff shall be trained in proper use of the equipment.
Sec. 4.22 (V)(P)	Distribution of medication shall be in accordance with specific instructions and procedures established by the administrative health authority.
Sec. 4.22 (V)(R)	The health administrative authority for each facility must have a plan to notify ICE for any detainee with special needs. ... Female detainees shall have access to pregnancy testing and pregnancy management services that include routine prenatal care, addiction management, comprehensive counseling and assistance, nutrition, and postpartum follow-up.

Sec. 4.22 (V)(S) The facility administrative health authority must ensure that a plan is developed that provides for continuity of medical care in the event of a change in detention placement or status. The detainee's medical needs shall be taken into account prior to any transfer of the detainee to another facility and alternatives to transfer shall be considered, taking into account the disruption that a transfer will cause to a detainee receiving medical care.

SECTION 4.23 PERSONAL HYGIENE

Sec. 4.23(V)(A) Each detention facility shall have a written policy and procedures for the regular issuance and exchange of clothing, bedding, linens, towels, and personal hygiene items.

Sec. 4.23(V)(B) All new detainees shall be issued clean, indoor/outdoor temperature-appropriate, size appropriate, presentable clothing during in-processing at no cost to the detainee.

Sec. 4.23(V)(C) Each detainee assigned to a special work area shall be clothed in accordance with the requirements of the job and, when appropriate, provided protective clothing and equipment.

Sec. 4.23(V)(D) Staff shall provide male and female detainees personal hygiene items appropriate for their gender and shall replenish supplies as needed. The distribution of hygiene items shall not be used as reward or punishment. ... Female detainees shall be issued and may retain feminine hygiene items as needed and may be permitted unbreakable brushes with soft, synthetic bristles to replace combs.

Sec. 4.23(V)(G) All detainees shall be issued clean bedding, linens, and a towel and be held accountable for those items.

SECTION 4.24 SUICIDE PREVENTION AND INTERVENTION

Sec. 4.22(V)(B) A designated administrative health authority shall have overall responsibility for health care services pursuant to a written agreement, contract, or job description. The administrative health authority is a physician, health services administrator, or health agency. When the administrative health authority is other than a physician, final clinical judgment shall rest with the facility's designated clinical medical authority. In no event should clinical decisions be made by non-clinicians. The administrative health authority shall be authorized and responsible for making decisions about the deployment of health resources and the day-to-day operations of the health services program. A designated clinical medical authority shall have overall responsibility for medical clinical care pursuant to a written agreement, contract, or job description. ... In the event that the clinical medical authority is not a licensed physician, the clinical medical authority must establish a physician-level collaboration for purposes of medical management and professional collaboration. The clinical medical authority together with the administrative health authority establishes the processes and procedures necessary to meet the medical standards outlined herein. All facilities shall provide a medical staff and sufficient support personnel to meet these Standards. A staffing plan, which is reviewed at least annually by the administrative health authority, identifies the positions needed to perform the required services. Health care personnel perform duties for which they are credentialed by training, licensure, certification, job descriptions, and/or written standing or direct orders by personnel authorized by law to give such orders. The facility administrator, in collaboration with the clinical medical authority and administrative health authority, negotiates and maintains arrangements with nearby medical facilities or health care providers to provide required health care not available within the facility, as well as identifying custodial officers to transport and remain with detainees for the duration of any off-site treatment or hospital admission.

Sec. 4.22(V)(C) Detainees who are identified as being "at risk" for suicide shall immediately be referred to the mental health provider or other appropriately trained medical staff member for evaluation. The evaluation will take place within 24 hours. Until this evaluation takes place, security staff will place the detainee in a secure environment on a constant one-to-one visual observation.

Sec. 4.22(V)(D) Appropriately trained and qualified medical staff shall evaluate the detainee within 24 hours of the referral.

Sec. 4.22(V)(F) Constant Observation Suicidal detainees should be housed in a room that has been made as suicide-resistant as possible. ...When standard-issue clothing presents a security or medical risk, the detainee is to be provided an alternative garment that promotes detainee and staff safety, while preventing the humiliation and degradation of the detainee. ... Suicidal detainees will be monitored by assigned security officers who maintain constant one-to-one visual observation, 24 hours a day, until the detainee is released from suicide watch. The assigned security officer makes a notation every 15 minutes on the behavioral observation checklist.

Sec. 4.22(V)(I) In the event of a suicide attempt or a completed suicide, all appropriate ICE and DIHS officials shall be notified through the chain of command.

SECTION 5.26 CORRESPONDENCE AND OTHER MAIL

Sec. 5.26(V)(B) Indigent detainees will be permitted to mail a reasonable amount of mail each week at government expense, as determined by the Facility Administrator, including the following: • At least five pieces of Special Correspondence or Legal Mail. • Three pieces of general correspondence. • Packages as deemed necessary by ICE.

Sec. 5.26(V)(C) The facility shall notify detainees of its rules on correspondence and other mail through the Detainee Handbook, or supplement, provided to each detainee upon admittance.

Sec. 5.26(V)(F) Staff shall neither read nor copy Special Correspondence and Legal Mail. The inspection shall be limited to the purposes of detecting physical contraband and confirming that any enclosures qualify as Special Correspondence or Legal Mail.
(2)

Sec. 5.26(V)(G)(1) Outgoing general correspondence and other mail may be inspected or read if: • The addressee is another detainee, • 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 facilitate criminal activity.

Sec. 5.26(V)(G)(2) Outgoing Special Correspondence and Legal Mail shall not be opened, inspected, or read.

Sec. 5.26(V)(M) A detainee may use Special Correspondence to communicate with representatives of the news media.

Sec. 5.26(V)(N) If a detainee without legal representation requests certain services in connection with a legal matter, such as notary public or certified mail, and has no family member, friend, or community organization to provide assistance, the facility shall assist the detainee in a timely manner.

SECTION 5.29 RECREATION

Sec. 5.29(V)(A) It is expected that every ICE/DRO detainee will be placed in a facility that provides indoor and outdoor recreation. However, in exceptional circumstances, a facility lacking outdoor recreation or any recreation area may be used to provide short-term housing. If a facility does not have an outdoor area, a large recreation room with exercise equipment and access to sunlight shall be provided. If a detainee is housed for more than 45 days in a facility that provides neither indoor nor outdoor recreation, he or she may be eligible for a voluntary transfer to a facility that does provide recreation. Likewise, if a detainee is housed for more than six months in a facility that provides only indoor recreation, he or she may be eligible for a voluntary transfer to a facility that also provides outdoor recreation.

Sec. 5.26(V)(B) 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, weather permitting. . . . Under no circumstances shall the facility require detainees to forgo basic law library privileges for recreation privileges.

Sec. 5.26(V)(D)(1) All facilities shall provide recreational opportunities for detainees with disabilities.

Sec. 5.26(V)(D)(2) Exercise areas shall offer a variety of equipment.

Sec. 5.26(V)(E) Recreation for detainees housed in the SMU shall be separate from the general population.

SECTION 5.30 RELIGIOUS PRACTICES

Sec. 5.30(V)(A) Detainees shall have opportunities to engage in practices of their religious faith that are deemed essential by that faith consistent with safety, security and the orderly operation of the facility. . . . Religious activities shall be open to the entire detainee population, without discrimination based on a detainee's race, ethnicity, religion, national origin, gender, sexual orientation, or disability.

Sec. 5.30(V)(B) Each detainee shall designate any or no religious preference during in-processing. Staff, contractors, and volunteers may not disparage the religious beliefs of a detainee, nor coerce or harass a detainee to change religious affiliation.

Sec. 5.30(V)(C) The facility administrator shall designate a staff member, contractor, or volunteer to manage and coordinate religious activities for detainees.

Sec. 5.3-0(V) All facilities shall designate space for religious activities.
(D)

Sec. 5.30(V)(E) Detainees in a 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.

Sec. 5.30(V)(F) All facilities shall have procedures so that clergy, contractors, volunteers and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program.

Sec. 5.30(V)(G) If requested by a detainee, the chaplain or designee shall facilitate arrangements for pastoral visits by a clergy person or representative of the detainee's faith.

Sec. 5.30(V)(I) Each facility shall have written policy and procedures to facilitate detainee observance of important holy days, consistent with maintaining safety, security and orderly operations, and the chaplain shall work with detainees to accommodate proper observances.

Sec. 5.30(V)(J) Each facility administrator shall allow detainees access to personal religious property, as is consistent with safety, security and orderly operation of the facility. To comply with the Religious Freedom Restoration Act, IGSA's should also adhere to these guidelines.

Sec. 5.30(V)(K) When a detainee's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements.

SECTION 5.31 TELEPHONE ACCESS

Sec. 5.31(V)(A) To ensure sufficient access, each facility shall provide at least one operable telephone for every 25
(1) detainees.

Sec. 5.31(V)(A) Each facility shall maintain detainee telephones in proper working order.
(3)

Sec. 5.31(V)(B) Each facility shall have a written policy on the monitoring of detainee telephone calls. If telephone calls are monitored, the facility shall:

- Include a recorded message on its phone system stating that all telephone calls are subject to monitoring;
- Notify detainees in the Detainee Handbook or equivalent provided upon admission;
- At each monitored telephone, place a notice that states:

That detainee calls are subject to monitoring; and

The procedure for obtaining an unmonitored call to a court, a legal representative, or for the purposes of obtaining legal representation.

The notice will be in English, Spanish, and next most prevalent language at the facility.

A detainee's call to a court, a legal representative, OIG, or CRCL (Civil Rights and Civil Liberties), or for the purposes of obtaining legal representation, may not be electronically monitored without a court order

Sec. 5.31(V)(C) Each facility shall provide telephone access rules in writing to each detainee upon admission, and also shall post these rules where detainees may easily see them in a language they can understand. Updated telephone and consulate lists shall be posted in the detainee housing units. Translation and interpretation services shall be provided as needed.

Sec. 5.31(V)(D) Each facility administrator shall establish and oversee rules and procedures that provide detainees reasonable and equitable access to telephones during established facility "waking hours."

Sec. 5.31(V)(E) (3) A facility may not require indigent detainees to pay for the types of calls listed in this section and indigent detainees are afforded the same telephone access and privileges as detainees in the general population. Each facility shall enable all detainees to make calls to the ICE/DRO-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party. The indigent detainee may request a call to immediate family or others in personal or family emergencies or for a compelling need (to be interpreted liberally).

Sec. 5.31(V)(F) (1) A facility may neither 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.

Sec. 5.31(V)(F) (2) For detainee telephone calls regarding legal matters, each facility shall ensure privacy by providing a reasonable number of telephones on which detainees can make such calls without being overheard by staff or other detainees. Absent a court order, staff may not electronically monitor those calls.

Sec. 5.31(V)(G) The facility shall provide a TTY device or Accessible Telephone (telephones equipped with volume control and telephones that are hearing-aid compatible for detainees who are deaf or hard of hearing). Detainees who are hard of hearing will be provided access to the TTY on the same terms as hearing detainees.

Sec. 5.31(V)(H) (1) Generally, detainees in administrative segregation should receive the same privileges that are available to detainees in the general population, subject to any safety and security considerations that may exist.

Sec. 5.31(V)(H) Detainees in Disciplinary Segregation may be restricted from using telephones to make general
(2) calls as part of the disciplinary process. Even in Disciplinary Segregation, however, detainees shall have some access for special purposes.

Sec. 5.31(V)(I) Upon a detainee's request, facility staff shall make special arrangements to permit the detainee to speak by telephone with an immediate family member detained in another facility.

Sec. 5.31(V)(J) The facility shall take and deliver telephone messages to detainees as promptly as possible.

SECTION 5.32 VISITATION

Sec. 5.32(V)(A) Facilities that house ICE/DRO detainees shall provide visiting facilities and procedures for detainees to maintain communication with persons in the community.

Sec. 5.32(V)(B) Each facility shall establish written visiting procedures, including a schedule and hours of visitation. Each facility administrator shall decide whether to permit contact visits, as is appropriate for the facility's physical plant and detainee population. Exceptions to this policy can be made by the facility administrator on a case-by-case basis when compelling circumstances or individual needs or conduct warrant it.

Sec. 5.32(V)(C) Each facility shall: Provide written notification of visitation rules and hours in the Detainee Handbook or local supplement given each detainee upon admission, and post those rules and hours where detainees can easily see them.

Sec. 5.32(V)(D) Exercise areas shall offer a variety of equipment.
(2)

Sec. 5.32(V) In visits referred to as "legal visitation," each detainee may meet privately with current or
(J)(1) prospective legal representatives and their legal assistants. Legal visits may not be terminated for routine official counts.

Sec. 5.32(V)(J) Each facility shall permit legal visitation seven days a week, including holidays, for a mini-
(2) mum of eight hours per day on regular business days (Monday through Friday), and a minimum of four hours per day on weekends and holidays.

Sec. 5.32(V)(J) During the regular hours for legal visitation, the facility shall permit detainees to meet with
(7) prospective legal representatives or legal assistants.

Sec. 5.32(V)(J) Attorneys representing detainees on legal matters unrelated to immigration are not required
(8) to complete a Form G-28.

Sec. 5.32(V)(J) Detainees in administrative or disciplinary segregation shall be allowed legal visitation.
(12)

Sec. 5.32(V)(M) All requests by NGOs and other organizations to send representatives to visit detainees must be submitted in advance and in writing to the ICE/DRO facility administrator or ICE/DRO Field Office supervising the contract, state or local facility. The written request must state the number of visitors, exact reason for the visit and issues to be discussed. All efforts shall be made to accommodate NGO requests for facility tours in a timely manner.

Sec. 5.32(V)(N) The facility administrator may approve visits to one or more detainees by individuals or groups representing community service organizations, including civic, religious, cultural, therapeutic, and other groups. Volunteers may provide a special religious, educational, therapeutic, or recreational activity.

SECTION 5.33 VOLUNTARY WORK PROGRAM

Sec. 5.33(V)(A) Detainees who are physically and mentally able to work shall be provided the opportunity to participate in any voluntary work program. The detainee's classification level shall determine the type of work assignment for which he/she is eligible. Level 3 detainees shall not be given work opportunities outside their housing units/living areas.

Sec. 5.33(V)(C) Work assignments are voluntary; however, all detainees are responsible for personal house-keeping.

Sec. 5.26(V)(F) Detainees shall not be denied voluntary work opportunities on the basis of such factors as a detainee's race, religion, national origin, gender, sexual orientation or disability.

Sec. 5.26(V)(G) While medical or mental health restrictions may prevent some physically or mentally challenged detainees from working, those with less severe disabilities shall have the opportunity to participate in the voluntary work program in appropriate work assignments.

Sec. 5.26(V)(K) Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.

Sec. 5.26(V)(N) The facility shall provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.
(4)

SECTION 6.34 DETAINEE HANDBOOK

Sec. 6.34(V)(1) The facility administrator shall distribute the ICE National Detainee Handbook and develop a local written supplement to the ICE National Detainee Handbook.

Sec. 6.34(V)(3) The ICE National Detainee Handbook will be provided in English, Spanish, and other languages as determined necessary by the FOD. The facility administrator shall ensure that the local supplement is translated into Spanish and any other language spoken by significant numbers of detainees in that facility.

Sec. 6.34(V)(4) Upon admission to a facility, as part of the orientation program, each detainee shall be provided a copy of the ICE National Detainee Handbook and that facility's local supplement to the handbook. The Detention Standard on Admission and Release requires that all facilities provide ICE/DRO detainees an orientation to the facility and details requirements for an orientation video to be shown as part of the orientation process in SPCs and CDFs.

Sec. 6.34(V)(6) If a detainee cannot read or does not understand the language of the handbook, the facility administrator shall arrange for the orientation materials to be read to the detainee, provide the material using audio or video tapes in a language the detainee does understand, or provide a translator.

Sec. 6.34(V)(9) The ICE National Detainee Handbook shall explicitly address how detainees report allegations of abuse and civil rights violations, along with violations of officer misconduct, directly to ICE management or the DHS Office of Inspector General and shall require detention facilities to provide appropriate written guidance to correctional officers to ensure that treatment of immigration detainees is consistent with these Standards.

SECTION 6.35 GRIEVANCE SYSTEM

Sec. 6.35(V)(A) Each facility shall have written policy and procedures for a detainee grievance system.

Sec. 6.35(V)(C)(1) The facility administrator, or designee, shall establish written procedures for detainees to orally present the issue of concern informally . . . Illiterate, disabled, or non-English speaking detainees shall be provided additional assistance, upon request

Sec. 6.35(V)(C)(2) Each facility shall implement written procedures for identifying and handling a time sensitive emergency grievance that involves an immediate threat to a detainee's health, safety or welfare.

Sec. 6.35(V)(C)(3) The facility administrator, or designee, shall allow a detainee to submit a formal, written grievance to a single designated grievance officer or the facility's grievance committee and shall be given the opportunity to obtain preparation assistance from another detainee or facility staff. Illiterate, disabled, or non-English speaking detainees shall be provided additional assistance, upon request.

Sec. 6.35(V)(D) Every facility shall implement procedures that provide detainees at least one level of appeal and ensure that they receive written decisions about their appeals within reasonable and specified time limits.

Sec. 6.35(V)(G) Staff must forward all detainee grievances containing allegations of staff misconduct to a supervisor or higher-level official in the chain of command.

Sec. 6.35(V)(H) Staff shall not harass, discipline, punish, or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the Inspector General or the Office for Civil Rights and Civil Liberties.

SECTION 6.36 LAW LIBRARIES AND LEGAL MATERIAL

Sec. 6.36(V)(A) Each facility shall provide a properly equipped law library in a designated, well-lit room that is reasonably isolated from noisy areas and large enough to provide reasonable access to all detainees who request its use.

Sec. 6.36(V)(C) Each detainee shall be permitted to use the law library for a minimum of five hours per week and may not be forced to forego his or her minimal recreation time to use the law library, consistent with the security needs of the institution and the detainee. . . . Staff shall accommodate detainee requests for additional law library time to the extent that is consistent with the orderly and secure operation of the facility, with special priority given to such requests from a detainee who is facing a court deadline.

Sec. 6.36(V)(D) The law library shall provide an adequate number of computers with printers, access to one or more photocopiers and sufficient writing implements, paper, and related office supplies to enable detainees to prepare documents for legal proceedings.

Sec. 6.36(V)(E)(1) At ICE/DRO Headquarters, the Detention Standards Compliance Unit (DSCU) in the Detention Management Division is designated as the coordinator to assist facilities and field offices in maintaining up-to-date law library materials.

Sec. 6.36(V)(E)(2) Each facility administrator shall designate a facility law library coordinator to be responsible for updating legal materials, inspecting them weekly, maintaining them in good condition and replacing them promptly as needed.

Sec. 6.36(V)(H) 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.

Sec. 6.36(V)(J) Unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention, and who indicate difficulty with the legal materials, must be provided with more than access to a set of English Language law books. To the extent practicable and consistent with the good order and security of the facility, all efforts will be made to assist disabled persons in using the law library.

Sec. 6.36(V)(L) 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.

Sec. 6.36(V)(M) The facility shall provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, a potential legal representative or any court.

Sec. 6.36(V)(N) 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, if the detainee is unable to do so through a family member, friend, or community organization.

SECTION 6.37 LEGAL RIGHTS GROUP PRESENTATIONS

Sec. 6.37(V)(A) Attorneys or legal representatives interested in making a group presentation on legal rights must submit a written request to the ICE/DRO Field Office Director and include a copy of the request addressed to the respective ICE Chief Counsel.

Sec. 6.37(V)(K) Following a group presentation, the facility shall permit presenters to meet with small groups of detainees to discuss their cases as long as meetings do not interfere with facility security and orderly operations. ICE/DRO and facility staff shall not be present during these meetings

SECTION 7.41 TRANSFER OF DETAINEES

Sec. 7.41(V)(A) The determining factor in deciding whether or not to transfer a detainee is whether the transfer is required for operational needs, for example, to eliminate overcrowding. In addition, a specific detainee may be transferred to meet the specialized needs of that detainee.

Sec. 7.41(V)(B) ICE/DRO shall make all necessary notifications when a detainee is transferred.

Sec. 7.41(V)(D) The facility health care provider shall be notified sufficiently in advance of the transfer that medical staff may determine and provide for any associated medical needs.
(6)(a)

Sec. 7.41(V)(D) Prior to transfer, medical personnel shall provide the transporting officers instructions and, if applicable, medication(s) for the detainee's care in transit. Detainees shall be transferred with, at a minimum, 7 days' worth of prescription medications (TB medications, a 15 day supply) to ensure continuity of care throughout the transfer and subsequent intake process.
(7)(e)

Sec. 7.41(V)(E) Within 24 hours of arrival at the final transfer destination all detainees should be given the opportunity to make a phone call. Any indigent detainee shall be permitted a single domestic phone call at the Governments expense, ordinarily using a PCS Emergency Card or equivalent. Where a PCS Emergency card is not available, the Field Office shall make arrangements for such phone calls.
(1)

PBNDS 2011 STANDARDS

SECTION 2.6 HOLD ROOMS IN DETENTION FACILITIES

Section	Requirements
Sec. 2.6(I)	An individual cannot be confined in a hold room for more than 12 hours.
Sec. 2.6(II)(5)	Detainees with disabilities should be housed in a way that provide for his or her safety, comfort, and security.
Sec. 2.6(II)(6)	Detainees who are awaiting a medical visit shall be seen within two hours.
Sec. 2.6(V)(A) (3)	Hold rooms should be well ventilated and well lit.
Sec. 2.6(V)(A) (5)	Exceptions to ban on bunks, cots, beds, and other sleeping apparatuses should be made for detainees who are ill, and for minors and pregnant women.
Sec. 2.6(V)(A) (13)	Detainees should have access to potable water in the hold rooms.
Sec. 2.6(V)(B) (2)	Persons exempt from placement in a hold room due to obvious illness, special medical, physical and or psychological needs, or other documented reasons shall be seated in an appropriate area designated by the facility administrator outside the hold room, under direct supervision and control, barring an emergency.
Sec. 2.6(V)(B) (6)	Detainees should have basic personal hygiene items.
Sec. 2.6(V)(B) (7)	Where there are no restroom facilities, an officer should be within sight or earshot to provide detainees regular access to toilet facilities.
Sec. 2.6(V)(D) (3)(a)	Meals should be offered to any adult held in a hold room for more than six hours. When adults arrive they should be questioned about the time that they last ate.
Sec. 2.6(V)(D) (3)(c)	Minors, pregnant women, and others with evident medical needs shall have access to snacks, milk and juice. Minors, pregnant women, and others with evident medical needs should have temporary access to temperature appropriate clothing and blankets.

SECTION 2.11 SEXUAL ABUSE AND ASSAULT PREVENTION AND INTERVENTION

Sec. 2.11(II)(5)	Any allegation of sexual abuse or assault should be immediately and effectively reported to ICE/ERO.
Sec. 2.11(II)(7)	Staff that are suspected of perpetrating sexual abuse or assault should be removed from all duties requiring detainee contact pending the outcome of the investigation.
Sec. 2.11(II)(8)	Detainees should be encouraged to report sexual harassment, abuse or signs of abuse observed and should not be punished for doing so.

Sec. 2.11(II)(9) If a detainee is sexually abused or assaulted, the medical, psychological, safety, and legal needs of those detainees should be promptly and effectively addressed.

Sec. 2.11(II)(15) Staff of the opposite gender should announce their presence upon entering detainee living areas.

Sec. 2.11(V)(H) Staff should take seriously all statements from detainees claiming to be victims of sexual assaults and should respond supportively and non-judgmentally.

SECTION 2.12 SPECIAL MANAGEMENT UNITS

Sec. 2.12(II)(4) Detainees placed in administrative segregation should be immediately provided a copy of the administrative segregation order.

Sec. 2.12(II)(5) A detainee should only be placed in “protective custody” when there is documentation and supervisory approval.

Sec. 2.12(II)(6) A detainee should only be placed in disciplinary segregation after a finding by a disciplinary hearing panel that the detainee is guilty of a prohibited act or rule violation classified at a “greatest,” “high,” or “high-moderate” level.

Sec. 2.12(II)(7) When a detainee is admitted to an SMU (Special Management Unit), health care personnel should be immediately informed so that the detainee can be admitted to an SMU and an assessment can be conducted to review the detainees medical and mental health status and care needs.

Sec. 2.12(II)(10) A detainee should not be held in disciplinary segregation for more than 30 days per violation.

Sec. 2.12(II)(11) Detainees in SMU should be afforded basic living conditions that approximate those provided to the general population.

Sec. 2.12(II)(14) Detainees in SMU should still be offered recreation.

Sec. 2.12(II)(15) Detainees in SMU should be able to write, send, and receive mail and correspondence as they would otherwise be able to do while detained within the general population.

Sec. 2.12(II)(16) Detainees should be provided with opportunities for general visitation, including legal visitation unless there are substantial, documented reasons for withholding those privileges.

Sec. 2.12(II)(17) Detainees should have access to personal legal materials.

Sec. 2.12(II)(18) Detainees should have telephone access.

Sec. 2.12(II)(19) Detainees should have access to programs and services.

Sec. 2.12(V)(C) All detainees must be evaluated by a medical professional before they can be placed in an SMU.
(3)

Sec. 2.12(V)(I) Cells must be well ventilated, adequately lit, appropriately heated/cooled and maintained in a sanitary condition at all times.

Sec. 2.12(V)(K) Generally detainees in administrative segregation should receive the same privileges available to detainees in the general population, consistent with any safety and security considerations for weekends and holidays.
(1)

Sec. 2.12(V)(P) Detainees should be permitted to shave and shower at least three times per week. They should receive other basic services such as laundry, hair care, barbering, clothing, bedding, and linen.

Sec. 2.12(V)(P) The detainees should be provided with toilet tissue, a wash basin, tooth brush, and shaving utensils.
(1)

Sec. 2.12(V)(X) When recreation privileges are suspended, the disciplinary panel or facility administrator shall
(3) provide the detainee written notification, including the reason(s) for the suspension, any conditions that must be met before restoration of privileges, and the duration of the suspension.

Denial of recreation privileges for more than seven days requires the concurrence of the facility administrator and a health care professional.

SECTION 2.13 STAFF-DETAINEE COMMUNICATION

Sec. 2.13(II)(4) Detainees shall be informed how to directly contact DHS/OIG.

Sec. 2.13(V)(A) ICE/ERO staff members shall announce their presence when entering a housing unit.

The local supplement to the detainee handbook shall include contact information for the ICE/ERO Field Office and the scheduled hours and days that ICE/ERO (Enforcement and Removal Operations) staff is available to be contacted by detainees at the facility.

The same information shall be posted in the living areas (or “pods”) of the facilities.

Sec. 2.13(V)(B) Facilities must also allow any ICE/ERO detainee dissatisfied with the facility’s response to file a grievance appeal and communicate directly with ICE/ERO.

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

Facility administrators should ensure that adequate supplies of detainee requests forms, envelopes and writing implements are available.

Facility administrators should have written procedures to promptly route and deliver detainee requests to the appropriate ICE/ERO officials by authorized personnel (not detainees) without reading, altering, or delaying such requests.

Facility administrators should ensure that the standard operating procedures accommodate detainees with special assistance needs based on, for example, disability, illiteracy, or limited use of English.

The facility shall provide a secure drop-box for ICE detainees to correspond directly with ICE management.

Sec. 2.13(V)(B) In facilities with ICE/ERO Onsite Presence, the ICE/ERO staff member receiving the request shall
(1)(a) normally respond in person or in writing as soon as possible and practicable, but no later than within three (3) business days of receipt.

Sec. 2.13(V)(B) In facilities without ICE/ERO Onsite Presence, each detainee request shall be forwarded to the
(1)(b) ICE/ERO office of jurisdiction within two business days and answered as soon as practicable, in person or in writing, but no later than within three business days of receipt.

Sec. 2.13(V)(D) DHS/OIG periodically revises a “DHS OIG Hotline” poster which is to be posted in facilities that house ICE/ERO detainees.

SECTION 2.15 USE OF FORCE AND RESTRAINTS

Sec. 2.15(V)(A) Use of force in detention facilities is never used as punishment, is minimized by staff attempts to first gain detainee cooperation, is executed only through approved techniques and devices, and involves only the degree necessary and reasonable to gain control of a detainee or provide for self-defense or defense of a third person.
(1)

Sec. 2.15(V)(B) Instruments of restraint shall be used only as a precaution against escape during transfer; for medical reasons, when directed by the medical officer; or to prevent self-injury, injury to others, or property damage.
(1)

Restraints shall be applied for the least amount of time necessary to achieve the desired behavioral objectives.

Sec. 2.15(V)(B) Staff shall attempt to gain a detainee’s willing cooperation before using force.
(3)

Sec. 2.15(V)(B) Detainees subjected to use of force shall be seen by medical staff as soon as possible. If the use of force results in an injury or claim of injury, medical evaluation shall be obtained and appropriate care provided.
(6)

Sec. 2.15(V)(E) The following acts and techniques are specifically prohibited, unless deadly force would be authorized:

Choke holds, carotid control holds and other neck restraints;

Using a baton to apply choke or “come along” holds to the neck area;

Intentional baton strikes to the head, face, groin, solar plexus, neck, kidneys, or spinal column;

The following acts and techniques are generally prohibited, unless both necessary and reasonable in the circumstances:

Striking a detainee when grasping or pushing him/her would achieve the desired result;

Restraining detainees to fixed objects not designed for restraint.

Sec. 2.15(V)(G) The facility administrator may authorize the use of intermediate force weapons if a detainee: is armed and/or barricaded; or cannot be approached without danger to self or others; and a delay in controlling the situation would seriously endanger the detainee or others, or would result in a major disturbance or serious property damage. When possible, medical staff shall review the detainee’s medical file for a disease or condition that an intermediate force weapon could seriously exacerbate.
(3)

Sec. 2.15(V)(L) Deviations from the list of permitted restraint equipment provided in this section are strictly prohibited.

SECTION 3.1 DISCIPLINARY SYSTEMS

Sec. 3.1(V)(A) Detainees shall receive translation or interpretation services, including accommodation for the hearing impaired, throughout the investigative, disciplinary and appeal process.
(1)

Sec. 3.1(V)(A)
(3) Disciplinary action may not be capricious or retaliatory nor based on race, religion, national origin, gender, sexual orientation, disability or political beliefs.

Sec. 3.1(V)(A)
(4) Staff may not impose or allow imposition of the following sanctions: corporal punishment; deprivation of food services, to include use of Nutraloaf or “food loaf”; deprivation of clothing, bedding or items of personal hygiene; deprivation of correspondence privileges; deprivation of legal access and legal materials; or deprivation of indoor or outdoor recreation, unless such activity would create a documented unsafe condition within the facility.

Sec. 3.1(V)(E) IGSA's shall have procedures in place to ensure that all Incident Reports are investigated within 24 hours of the incident.

Investigating officers should have no prior involvement in the incident.

Sec. 3.1(V)(E)
(3) The investigating officer should provide the detainee a copy of the Incident Report and notice of charges at least 24 hours before the start of any disciplinary proceedings.

Sec. 3.1(V)(E)
(5) The investigating officer should advise the detainee in writing of the detainee's right, if applicable, to an initial hearing before the Unit Disciplinary Committee (UDC) within 24 hours of his/her notification of charges.

Sec. 3.1(V)(F) All facilities shall establish an intermediate level of investigation/adjudication process to adjudicate low or moderate infractions.

The detainee has the right to remain silent, to due process, to present statements and evidence including witness testimony on his or her own behalf, and to appeal the committee's determination through the detainee grievance process.

Sec. 3.1(V)(G) The facility administrator shall upon the detainee's request, assign a staff representative to help prepare a defense prior to the commencement of the IDP (Institution Disciplinary Panel).

This help shall be automatically provided for detainees who are illiterate, have limited English-language skills, or who are without means of collecting and presenting essential evidence.

Detainees shall also have the option of receiving assistance from another detainee of their selection rather than a staff representative, subject to approval from the facility administrator.

Sec. 3.1(V)(H) All facilities that house ICE/ERO (Enforcement and Removal Operations) detainees shall have a disciplinary panel to adjudicate detainee Incident Reports.

Only the disciplinary panel may place a detainee in disciplinary segregation.

The detainee has the same rights in an IDP as they would in a UDC.

SECTION 4.1 FOOD SERVICE

Sec. 4.1(V)(D)(1) Ordinarily detainees shall be served three meals every day, at least two of which shall be hot meals.

The dining room schedule must allow no more than 14 hours between the evening meal and breakfast. Clean, potable drinking water must be available.

Sec. 4.1(V)(E)(1)	The FSA shall accommodate the ethnic and religious diversity of the facility's detainee population when developing menu cycles.
Sec. 4.1(G)(1)	All facilities shall provide detainees requesting a religious diet a reasonable and equitable opportunity to observe their religious dietary practice.
Sec. 4.1(G)(5)	With the exception of fresh fruits and vegetables, the facility's kosher-food frozen entrees shall be purchased precooked in a sealed container, heated and served hot.
Sec. 4.1(G)(11)	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.
Sec. 4.1(G)(11)(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.
Sec. 4.1(G)(13)	The common fare program shall accommodate detainees abstaining from particular foods or fasting for religious purposes at prescribed times of year. The facility shall have the standard Kosher-for-Passover foods available for Jewish detainees during the eight-day holiday. During the Christian season of Lent, a meatless meal (lunch and dinner) shall be served on the food service line on Fridays and on Ash Wednesday.
Sec. 4.1(H)(1)	Detainees with certain conditions—chronic or temporary; medical, dental, and/or psychological—shall be prescribed special diets as appropriate.
Sec. 4.1(H)(2)	The physician can order snacks or supplemental meals for various medical purposes.

SECTION 4.2 HUNGER STRIKES

Sec. 4.2(V)(B)(1)	Staff shall consider any detainee observed to have not eaten for 72 hours to be on a hunger strike, and shall refer him/her to the CMA (Clinical Medical Authority) for evaluation and management.
Sec. 4.2(V)(C)(2)	Medical staff shall measure and record weight and vital signs at least once every 24 hours during the hunger strike and repeat other procedures as medically indicated.
Sec. 4.2(V)(C)(7)	If medically necessary, the detainee may be transferred to a community hospital or a detention facility appropriately equipped for treatment.
Sec. 4.2(V)(E)(1)	Medical staff shall explain to the detainee the medical risks associated with refusal of treatment.
Sec. 4.2(V)(E)(2)	The physician may recommend involuntary treatment when clinical assessment and laboratory results indicate the detainee's weakening condition threatens the life or long-term health of the detainee.

SECTION 4.3 MEDICAL CARE

Sec. 4.3(V)(A)(8)	Staff or professional language services necessary for detainees with limited English proficiency (LEP) during any medical or mental health appointment, sick call, treatment, or consultation.
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Sec. 4.3(V)(A) (8)	Staff or professional language services necessary for detainees with limited English proficiency (LEP) during any medical or mental health appointment, sick call, treatment, or consultation.
Sec. 4.3(V)(B)	All facilities shall provide medical staff and sufficient support personnel to meet these standards.
Sec. 4.3(V)(E)	Facilities shall provide appropriate interpretation and language services for LEP detainees related to medical and mental health care.
Sec. 4.3 (V)(J)	<p>Within 12 hours of arrival, all detainees shall receive, by a health care provider or a specially trained detention officer, an initial medical, dental and mental health screening and be asked for information regarding any known acute or emergent medical conditions.</p> <p>Any detainee responding in the affirmative shall be sent for evaluation to a qualified, licensed health care provider as quickly as possible, but in no later than two working days.</p>
Sec. 4.3(V)(N) (4)	Any detainee prescribed psychiatric medications must be regularly evaluated by a duly-licensed and appropriate medical professional, at least once a month, to ensure proper treatment and dosage.
Sec. 4.3(V)(O)	Any detainee prescribed psychiatric medications must be regularly evaluated by a duly-licensed and appropriate medical professional, at least once a month, to ensure proper treatment and dosage.
Sec. 4.3(V)(P) (1)	Emergency dental treatment shall be provided for immediate relief of pain, trauma, and acute oral infection.
Sec. 4.3(V)(P) (2)	Routine dental treatment may be provided to detainees in ICE custody for whom dental treatment is inaccessible for prolonged periods because of detention for over six months.
Sec. 4.3(V)(Q)	Each facility shall have a sick call procedure that allows detainees the unrestricted opportunity to freely request health care services.
Sec. 4.3(V)(S) (4)	All prescribed medications and medically necessary treatments shall be provided to detainees on schedule and without interruption, absent exigent circumstances.
Sec. 4.3(V)(U)	Detainees will be provided medical prosthetic devices or other impairment aids, such as eyeglasses, hearing aids, or wheelchairs, except when such provisions would impact the security or safety of the facility. Transgender detainees who were already receiving hormone therapy when taken into ICE custody shall have continued access.
Sec. 4.3(V)(Y) (2)	Detainees who indicate they wish to obtain copies of their medical records shall be provided with the appropriate request form.

SECTION 4.4 MEDICAL CARE (WOMEN)

Sec. 4.4(V)(A) (1)	Female detainees should receive pregnancy services, including pregnancy testing, routine or specialized prenatal care, postpartum follow up, lactation services and abortion services.
Sec. 4.4(V)(A) (3)	Female detainees should receive routine, age-appropriate, gynecological health care services, including offering women's specific preventive care.
Sec. 4.4(V)(D)	Preventative services specific to women shall be offered for routine age appropriate screenings, to include breast examinations, pap smear, STD testing and mammograms.

Sec. 4.4(V)(E) Pregnant detainees shall have access to prenatal and specialized care, and comprehensive counseling. If a pregnant detainee has been identified as high risk, the detainee shall be referred, as appropriate, to a physician specializing in high risk pregnancies.

SECTION 4.5 PERSONAL HYGIENE

Sec. 4.5(V)(D) Staff shall directly supervise the issuance of personal hygiene items to male and female detainees appropriate for their gender and shall replenish supplies as needed.

Distribution of hygiene items shall not be used as reward or punishment.

Female detainees shall be issued and may retain sufficient feminine hygiene items, including sanitary pads or tampons, for use during the menstrual cycle.

Sec. 4.5(V)(E) Detainees should be provided an adequate number of toilets, 24 hours per day, which can be used (1) without staff assistance when detainees are confined to their cells or sleeping areas.

Sec. 4.5(V)(E) Detainees should be provided an adequate number of wash basins with temperature controlled (2) hot and cold running water 24 hours per day.

Sec. 4.5(V)(E) Detainees should be provided operable showers that are thermostatically controlled to tempera- (3) tures between 100 and 120 F degrees.

Detainees shall be provided with a reasonably private environment for showering in accordance with safety and security needs.

Detainees with disabilities shall be provided the facilities and support needed for self-care and personal hygiene in a reasonably private environment in which the individual can maintain dignity.

Sec. 4.5(V)(H) Detainees should be provided a daily change of socks and undergarments; an additional exchange (1) of undergarments shall be made available to detainees if necessary for health or sanitation reasons.

Sec. 4.5(V)(H) Detainees should be provided at least twice weekly exchange of outer garments (with a maximum (2) of 72 hours between changes) at a minimum.

Sec. 4.5(V)(H) Detainees should be provided weekly exchange of sheets, towels and pillowcases at a minimum. (3)

Sec. 4.5(V)(H) Detainees should be provided an additional exchange of bedding, linens, towels or outer garments (4) shall be made available to detainees if necessary for health or sanitation reasons, and more frequent exchanges of outer garments may be appropriate, especially in hot and humid climates.

SECTION 5.5 RELIGIOUS PRACTICES

Detainees shall have opportunities to engage in practices of their religious faith consistent with safety, security and the orderly operation of the facility.

Sec. 5.5(V)(A) Religious practices to be accommodated are not limited to practices that are compulsory, central (1) or essential to a particular faith tradition, but cover all sincerely held religious beliefs.

Efforts shall be made to allow for religious practice in a manner that does not adversely affect detainees not participating in the practice.

Sec. 5.5(V)(D) All facilities shall designate adequate space for religious activities. Religious service areas shall be maintained in a neutral fashion suitable for use by various faith groups.

Sec. 5.5(V)(E) All facilities shall have procedures so that clergy, contractors, volunteers and community groups may provide individual and group assembly religious services and counseling that augment and enhance the religious program. Visits from religious personnel shall not count against a detainee's visitor quota.

Sec. 5.5(V)(F) Pastoral visits shall ordinarily take place in a private visiting room during regular visiting hours.

Sec. 5.5(V)(I) The facility administrator shall facilitate the observance of important religious holy days that involve special fasts, dietary regulations, worship or work proscription.

Sec. 5.5(V)(J) Each facility administrator shall allow detainees to have access to personal religious property.

Sec. 5.5(V)(K) When a detainee's religion requires special food services, daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff shall make all reasonable efforts to accommodate those requirements.

Sec. 5.5(V)(L) When detainees observe a public fast that is mandated by law or custom for all the faith adherents (e.g., Ramadan, Lent, Yom Kippur), the facility shall provide a meal nutritionally equivalent to the meal(s) missed.

SECTION 5.6 TELEPHONE ACCESS

Sec. 5.6(V)(A) (1) To ensure sufficient access, each facility shall provide at least one operable telephone for every 25 detainees.

Sec. 5.6(V)(A) (2) Each facility shall provide detainees with access to reasonably priced telephone services. Facilities shall post a list of card and calling rates in each housing unit.

Sec. 5.6(V)(A) (3) Each facility shall maintain detainee telephones in proper working order. Designated facility staff shall inspect the telephones daily, promptly report out-of-order telephones to the repair service so that required repairs are completed quickly.

ICE/ERO headquarters shall maintain and provide Field Offices a list of telephone numbers for current free legal service providers, consulates and the Department of Homeland Security's (DHS) Office of the Inspector General (OIG). All Field Offices are responsible for ensuring facilities which house ICE detainees under their jurisdiction are provided with current pro bono legal service information.

Sec. 5.6(V)(B) If facilities are monitoring phone calls, detainees should be informed via the detainee handbook and a notice posted at each telephone. There should be a recorded message on the phone system stating that the phone calls are recorded.

A detainee's call to a court, a legal representative, DHS OIG, DHS Civil Rights and Civil Liberties (CRCL) or for the purposes of obtaining legal representation, may not be electronically monitored without a court order.

Sec. 5.6(V)(C) Each facility shall provide telephone access rules in writing to each detainee upon admission, and also shall post these rules where detainees may easily see them. Telephone access hours shall also be posted.

Updated telephone and consulate lists shall be posted in detainee housing units.

Translation and interpretation services shall be provided as needed.

Sec. 5.6(V)(D) Telephones shall be located in parts of the facility that are accessible to detainees. Telephone access hours shall be posted near the telephones. Each facility shall provide detainees access to international telephone service.

Sec. 5.6(V)(E) Even if telephone service is generally limited to collect calls, each facility shall permit detainees to make direct or free calls to certain offices and individuals detailed in the section. Indigent detainees are afforded the same telephone access and privileges as other detainees.

Sec. 5.6(V)(F) (1) A facility may neither 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.

Sec. 5.6(V)(F) (2) For detainee telephone calls regarding legal matters, each facility shall ensure privacy by providing a reasonable number of telephones on which detainees can make such calls without being overheard by staff.

Sec. 5.6(V)(G) The facility shall provide a TTY device or Accessible Telephone (telephones equipped with volume control and telephones that are hearing-aid compatible for detainees who are deaf or hard of hearing). Detainees who are deaf or hard of hearing shall be provided access to the TTY on the same terms as hearing detainees are provided access to telephones.

Sec. 5.6(V)(I) Upon a detainee's request, facility staff shall make special arrangements to permit the detainee to speak by telephone with an immediate family member detained in another facility.

Sec. 5.6(V)(J) The facility shall take and deliver telephone messages to detainees as promptly as possible.

SECTION 6.2 GRIEVANCE SYSTEM

Sec. 6.2(V)(A) (3) There should be reasonable time limits for processing, investigating, and responding to grievances.

Sec. 6.2(V)(A) (4) Medical grievances should be received by the administrative health authority within 24 hours or the next business day. The medical staff should respond within five working days.

Sec. 6.2(V)(A) (5) A special procedure should be established for emergency grievances.

Sec. 6.2(V)(C) (2) Each facility shall establish procedures for identifying and handling a time-sensitive emergency grievance that involves an immediate threat to health, safety or welfare. Written procedures shall also cover urgent access to legal counsel and the law library.

Sec. 6.2(V)(C)
(3) The detainee may file a formal grievance at any time during, after, or in lieu of lodging an informal complaint.

In preparing and pursuing a grievance, the facility administrator, or designee, shall ensure procedures are in place to provide the assistance to detainees with impairments or disabilities.

Staff shall provide the number of forms and envelopes requested by the detainee. Within reason, detainees are not limited in the number of forms and envelopes they may request.

Sec. 6.2(V)(C)
(3)(a) To prepare a grievance, a detainee may obtain assistance from another detainee, the housing officer or other facility staff, family members or legal representatives.

Another detainee, facility staff, family member, legal representative or nongovernmental organization may assist in the preparation of a grievance with a detainee's consent.

Each grievance form shall be delivered by authorized facility personnel (not detainees) without being read, altered or delayed.

Sec. 6.2(V)(C)
(3)(b) Detainee shall be provided with a written or oral response within five days of receipt of the grievance.

Sec. 6.2(V)(F) Upon receipt, facility staff must forward all detainee grievances containing allegations of staff misconduct to a supervisor or higher-level official in the chain of command.

Sec. 6.2(V)(G) Staff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance or who contacts the DHS Office of the Inspector General.

SECTION 6.3 LAW LIBRARIES AND LEGAL MATERIAL

Sec. 6.3(V)(A) Each facility shall provide a properly equipped law library in a designated, well-lit room that is reasonably isolated from noisy areas and large enough to provide reasonable access to all detainees who request its use. It shall be furnished with a sufficient number of tables and chairs to accommodate detainees' legal research and writing needs.

Sec. 6.3(V)(B) Supervision shall not be used to intimidate or otherwise impede detainees' lawful use of the law library.

Sec. 6.3(V)(C) The schedule should permit all detainees, regardless of housing or classification, to use the law library on a regular basis and should permit the maximum possible use. Each detainee shall be permitted to use the law library for a minimum of five hours per week. Detainees may not be forced to forego their minimum recreation time in order to use the law library.

Sec. 6.3(V)(D)	<p>The law library shall have an adequate number of computers and printers to support the detainee population.</p> <p>Sufficient writing implements, paper, photocopiers and related office supplies shall be provided to detainees to prepare documents for legal proceedings, special correspondence or legal mail.</p> <p>The law library shall also provide access to two-hole punches, folders, and, where appropriate, computer disk containers.</p> <p>Consistent with the safety and security of the facility, detainees shall be provided with a means of saving any legal work in a secure and private electronic format, password protected, so they may return at a later date to access previously saved legal work products.</p> <p>The equipment should be inspected daily to ensure it is in good working order and supplies are sufficiently stocked.</p>
Sec. 6.3(V)(E)	<p>Each facility administrator shall designate a facility law library coordinator to be responsible for inspecting legal materials weekly, updating them, maintaining them in good condition and replacing them promptly as needed.</p>
Sec. 6.3(V)(F)	<p>Outside persons and organizations may submit published or unpublished legal material for inclusion in a facility's law library.</p>
Sec. 6.3(V)(H)	<p>The facility shall ensure that detainees can obtain at no cost to the detainee photocopies of legal material and special correspondence when such copies are reasonable and necessary for a legal proceeding involving the detainee.</p>
Sec. 6.3(V)(I) (2)	<p>The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request.</p>
Sec. 6.3(V)(J)	<p>The facility shall permit a detainee to retain all personal legal material upon admittance to the general population.</p>
Sec. 6.3(V)(K)	<p>Detainees housed in Administrative Segregation or Disciplinary Segregation units shall have the same law library access as the general population.</p> <p>Detainees segregated for protection must be provided access to legal materials.</p>
Sec. 6.3(V)(L)	<p>The facility shall provide indigent detainees with free envelopes and stamps for domestic mail related to a legal matter, including correspondence to a legal representative, a potential legal representative, or any court. Indigent detainees may receive assistance from local consular officials with international mail.</p>
Sec. 6.3(V)(M)	<p>The facility shall provide assistance in a timely manner to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal matter.</p>
Sec. 6.3(V)(O)	<p>Staff shall not permit a detainee to be subjected to reprisals, retaliation or penalties because of a decision to seek judicial or administrative relief or investigation of any matter.</p> <p>A detainee may be denied access to the law library or to legal material only in the event that the safety or security of the facility or detainee is a concern.</p> <p>A detainee shall not be denied access to law libraries and legal materials as a disciplinary measure, reprisal, retaliation or penalty.</p>

SECTION 7.4 DETAINEE TRANSFERS

Sec. 7.4(V)(B) (3) The facility health care provider shall be notified sufficiently in advance of the transfer that medical staff may determine and provide for any associated medical needs.

Sec. 7.4(V)(C) (3) Upon receiving notification that a detainee is to be transferred, appropriate medical staff at the sending facility shall notify the facility administrator of any medical/psychiatric alerts or holds that have been assigned to the detainee, as reflected in the detainee's medical records.

Sec. 7.4(V)(C) (6) Prior to transfer, medical staff shall provide the transporting officers instructions and, if applicable, medication(s) for the detainee's care in transit.

Medical staff shall ensure that the detainee is transferred with, at a minimum, seven (7) days worth of prescription medications.

LGBT-SPECIFIC STANDARDS

Sec. 2.2(V)(C) When making classification and housing decisions, special consideration should be given to factors including risk of victimization, including persons who are transgender. Staff must consider a detainee's gender self-identification and effects of placement on detainee's mental health and well-being. Placement decisions should not be based solely on identity documents or physical anatomy; a detainee's self-identification shall be taken into consideration.

Sec. 2.10(V)(D) (2)(c) Special care should be taken to ensure that transgender detainees are searched in private.

Sec. 2.10(V)(D) (3)(g) Whenever possible, transgender detainees shall be permitted to choose the gender of the staff member conducting a body-cavity search.

Sec. 4.3(V)(U) Transgender detainees who were already receiving hormone therapy when taken into ICE custody shall have continued access. All transgender detainees shall have access to mental health care, and other transgender related health care and medication based on medical need.
