Office of Information Governance and Privacy

U.S. Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536

U.S. Immigration and Customs Enforcement

December 6, 2019

Daniel Alexander McGrath
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

RE: American Oversight v. ICE
ICE FOIA Case Number 2019-ICLI-00054
Third Interim Release

Dear Mr. McGrath:

This letter is the third response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated June 26, 2019. You have requested the following records in connection with 3 FOIA requests:

1. 2019-ICFO-29818, requesting, training materials and policies/directives pertaining to the processing/medical evaluation and care for transgender detainees,
2. 2019-ICFO-36401, requesting training materials and policies/directives pertaining to the processing/medical evaluation and care for pregnant detainees, those that miscarried, juveniles and also emails from Albence, Homan and Vitello & their chiefs of staff on related topics, and
3. 2019-ICFO-36404, requesting various categories of information pertaining to IHSC staffing.

ICE has considered your request under the FOIA, 5 U.S.C. § 552. A total of 501 pages of records were reviewed for this third interim production. The 501 pages of records were located pursuant to a search of the Office of Enforcement and Removal Operations (ERO). Of these, 163 pages were determined to be responsive, 254 pages were found to be duplicates or non-responsive and 84 pages were determined to contain information that requires further consultation with other agencies or components. The remaining responsive 163 pages of records are attached and have been marked 2019-ICLI-00054 729 to 2019-ICLI-00054 891. Upon review, ICE has determined that portions of the documents will be withheld pursuant to Exemptions b(6), b(7)(C), and b(7)(E) of the FOIA as described below.

ICE has applied FOIA Exemptions 6 and 7(C) to protect from disclosure the names, e-mail addresses, and phone numbers of ICE and DHS employees contained within the documents, as

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well as the names, and other personally identifiable information of other individuals contained within the records.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

ICE has applied FOIA Exemption (b)(7)(E) to protect from disclosure information compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions when such disclosure could reasonably be expected to risk circumvention of the law.

FOIA Exemption (b)(7)(E) protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. I have determined that disclosure of certain law enforcement sensitive information contained within the responsive records could reasonably be expected to risk circumvention of the law. Additionally, the techniques and procedures at issue are not well known to the public.

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If you have any questions about this letter, please contact AUSA Diana Valdivia with the United States Attorney's Office at 202 252 2545.

Sincerely,

Dexter E. Johnson/for

Fernando Pineiro Jr
(A) FOIA Officer

Enclosure(s): 163 page(s)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: 25 Feb 2019 15:56:12 +0000
To: Kovacic, Raymond;#ERO CHIEFS OF STAFF
Cc: Asher, Nathalie R;Blank, Thomas;Marin, David A;Jennings, David W;Elzea, Jennifer;Hackbarth, Sean M;(b)(6); (b)(7)(C) ;Picard, Vincent M
Subject: RE: Stillborn death
Attachments: ES - ERO SNA (b)(6); (b)(7)(C) (final).doc

ES attached. Thanks

From: Kovacic, Raymond
Sent: Monday, February 25, 2019 10:52 AM
To: (b)(6); (b)(7)(C) #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>
Cc: Asher, Nathalie R <(b)(6); (b)(7)(C) @ice.dhs.gov>; Blank, Thomas <(b)(6); (b)(7)(C) @ice.dhs.gov>; Marin, David A <(b)(6); (b)(7)(C) @ice.dhs.gov>; Jennings, David W <(b)(6); (b)(7)(C) @ice.dhs.gov>; Elzea, Jennifer <(b)(6); (b)(7)(C) @ice.dhs.gov>; Hackbarth, Sean M <(b)(6); (b)(7)(C) @ice.dhs.gov>; (b)(6); (b)(7)(C) Picard, Vincent M <(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Stillborn death

(b)(6);

Can ERO please provide a summary that we can include for AD1s prep today at 1:15p? For internal use only.

Thank you,

Ray

From: Blank, Thomas
Sent: Monday, February 25, 2019 10:00 AM
To: (b)(6); (b)(7)(C) Picard, Vincent M (b)(6); (b)(7)(C) ; #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>
Cc: Asher, Nathalie R <(b)(6); (b)(7)(C) ; Marin, David A <(b)(6); (b)(7)(C) Jennings, David W <(b)(6); (b)(7)(C) @ice.dhs.gov>; Elzea, Jennifer <(b)(6); (b)(7)(C) @ice.dhs.gov>; Kovacic, Raymond <(b)(6); (b)(7)(C) @ice.dhs.gov>; Hackbarth, Sean M <(b)(6); (b)(7)(C) @ice.dhs.gov>
Subject: RE: Stillborn death

Given that we have a meeting with Chairman Nadler this afternoon at 2 pm be advised we plan to tell him about this situation so as not to be accused of withholding later.

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732-(b)(6
Cell 202 591(b)(6)

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Monday, February 25, 2019 9:58 AM
To: Picard, Vincent M <(b)(6); (b)(7)(C)@ice.dhs.gov>; #ERO CHIEFS OF STAFF <(b)(5)@ice.dhs.gov>
Cc: Blank, Thomas <(b)(6); (b)(7)(C)@ice.dhs.gov>; Asher, Nathalie R <(b)(6); (b)(7)(C)@ice.dhs.gov>; Marin, David A <(b)(6); (b)(7)(C)@ice.dhs.gov>; Jennings, David W <(b)(6); (b)(7)(C)@ice.dhs.gov>; Elzea, Jennifer <(b)(6); (b)(7)(C)@ice.dhs.gov>; Kovacic, Raymond <(b)(6); (b)(7)(C)@ice.dhs.gov>; Hackbarth, Sean M <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: RE: Stillborn death

+ OCR. CBP's congressional shop has reached out to them as well via attached. Thanks

From: Picard, Vincent M
Sent: Monday, February 25, 2019 9:51 AM
To: #ERO CHIEFS OF STAFF <EROCHIEFSOFSTAFF@ice.dhs.gov>
Cc: Blank, Thomas <(b)(6); (b)(7)(C)@ice.dhs.gov>; Asher, Nathalie R <(b)(6); (b)(7)(C)@ice.dhs.gov>; Marin, David A <(b)(6); (b)(7)(C)@ice.dhs.gov>; Jennings, David W <(b)(6); (b)(7)(C)@ice.dhs.gov>; Elzea, Jennifer <(b)(6); (b)(7)(C)@ice.dhs.gov>
Subject: Stillborn death

ICE Public Affairs is drafting a statement for approval that we will then share with CBP to update with their information.

(b)(5)

Vincent Picard
Acting Assistant Director
ICE Public Affairs
202-732-(b)(6)
www.ice.gov

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(b)(7)(E)

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(b)(7)(E)

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From: Blank, Thomas
Sent: 1 Mar 2019 22:31:20 +0000
To: Blank, Thomas
Subject: Stillborn
Attachments: ES -(b)(6); (b)(7)(C) (final).doc

Thomas Blank
Chief of Staff
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
202 732-(b)(6)
Cell 202 591(b)(6);

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(b)(7)(E)

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(b)(7)(E)

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(b)(7)(E)

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(b)(7)(E)

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From: (b)(6); (b)(7)(C)
Sent: 29 Mar 2018 19:22:37 +0000
To:
(b)(6); (b)(7)(C)@dhs.gov; (b)(6); (b)(7)(C) @dhs.gov; (b)(6); (b)(7)(C) @ice.dhs.gov
Subject: New Policy to Detain Pregnant Women
Attachments: New Policy to Detain Pregnant Women.eml

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: Thu, 29 Mar 2018 14:22:37 -0500
To: (b)(5); (b)(6); @dhs.gov; (b)(5); (b)(6); @dhs.gov; (b)(5); (b)(6); @ice.dhs.gov
Subject: New Policy to Detain Pregnant Women
Importance: Normal

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Secretary
3801 Nebraska Avenue NW
Washington, D.C. 20528
E: (b)(5); (b)(6); @dhs.gov, (b)(5); (b)(6); @dhs.gov

Thomas Homan, ICE Director
Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536
Email: (b)(5); (b)(6); @ice.dhs.gov

Re: New Policy to Detain Pregnant Women

Dear Secretary and Director:

Condemned is a policy shift by Immigration and Customs Enforcement (ICE) that it will no longer generally release from detention pregnant women, including those seeking asylum. The agency states that it will instead determine release on a case-by-case basis, though this claim raises serious questions. Human Rights First has documented that ICE often fails to actually provide individualized assessments, as required by U.S. and international law, leaving vulnerable individuals who pose no threat in prison-like detention facilities indefinitely.

Americans should all be horrified at the thought of innocent pregnant women—many of whom fled violence and abuse in their home countries—languishing in what are essentially prisons. Detention exacerbates trauma that asylum seekers have experienced; to lock up these vulnerable women is inhumane, and an affront to our American ideals. The Trump Administration is holding women, children and men who are seeking U.S. refugee protection in jails and detention facilities for extended periods of time even though their continued detention violates U.S. human rights and refugee protection treaties as it is often unnecessary, disproportionate, or otherwise arbitrary.

Last month Human Rights First released a report on conditions in New Jersey immigration detention facilities which found that prolonged detention, coupled with inadequate and delayed medical and mental health care and often inhumane conditions, exacerbates the suffering of traumatized individuals. Detention, even for short periods of time, can lead to depression, anxiety, and increased risk of suicide. In a complaint filed to the Department of Homeland Security's Office for Civil Rights and Civil Liberties,

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pregnant women held in detention reported being "ignored by detention staff when requesting medical attention or experiencing serious delays even during health emergencies involving severe bleeding and pain."

ICE's failure to provide meaningful case-by-case assessments in detention decisions is at the heart of a new lawsuit filed by Human Rights First, along with the American Civil Liberties Union (ACLU), the Center for Gender and Refugee Studies, and Covington & Burling. In early 2017, the Trump Administration implemented a de facto policy of denying parole to asylum seekers to deter individuals from legally seeking refuge in the United States. This de facto policy directly violates ICE's own directive to release asylum seekers who verify their identity, establish that they are not a flight risk, and pose no known public safety threat. Under the new policy, ICE's field offices in Los Angeles, El Paso, Detroit, Philadelphia, and Newark have denied parole to 96 percent of asylum seekers. In response to this practice, Human Rights First and its partners filed a class action lawsuit in support of asylum seekers who languish in prisons ostensibly without any chance of parole.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,

(b)(6); (b)(7)(C)

cc: House Democratic Whip Office

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
P/F: 1 785 37(b)(6); (b)(7)(C)
E-mai(b)(6); (b)(7)(C)

(Acting) DHS Inspector General John Kelly
Office of the Inspector General
MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW Washington, DC 20528-0305
Fax: +1 202-254-4297
Email: dhsoig.officepublicaffairs@oig.dhs.gov

The Honorable Lee Francis Cissna
Director U.S. Citizenship and Immigration Services

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20 Massachusetts Avenue NW
Washington, D.C. 20529
(b)(5); (b)(6); @dhs.gov

reserved for media do not use
(b)(5); (b)(6); **@uscis.dhs.gov**

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From: Johnson, Liz
Sent: Thu, 29 Mar 2018 19:29:20 +0000
To: Homan, Thomas;Albence, Matthew;Miller, Philip T
Cc: Blank, Thomas (b)(6); (b)(7)(C)
Subject: CNN story on pregnancy directive
Importance: Normal

(b)(6);
(b)(5)

ICE Will No Longer Automatically Release Pregnant Detainees Under New Trump Administration Policy

BY CNN WIRE

The Trump administration will no longer seek to automatically release pregnant immigrants from detention — a move in line with the overall efforts by the administration to hold far more immigrants in custody than its predecessors.

The change in policy was sent by Immigrations and Customs Enforcement to Congress on Thursday morning and obtained by CNN.

According to the new directive, immigration officers will no longer default to trying to release pregnant women who fall into immigration custody, either because they are undocumented or otherwise subject to deportation. The Obama administration policy urged officers to presume a pregnant woman could be released except for extreme circumstances.

But a FAQ sent with the directive makes clear that ICE is not going to detain all pregnant immigrants. The policy will require a case-by-case evaluation, the FAQ explains, and will keep in custody "only those whose detention is necessary to effectuate removal, as well as those deemed a flight risk or danger to the community."

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ICE will also lean towards releasing pregnant women if they are in their third trimester, and will also make an effort for detention facilities to provide services to pregnant women and parents.

The move follows controversial efforts by the Department of Health and Human Services to keep unaccompanied minor immigrants in custody rather than releasing them to obtain abortions, a policy that has been the subject of intense litigation.

Liz Johnson
Assistant Director
Office of Public Affairs
U.S. Immigration and Customs Enforcement (ICE)
202.28[redacted] cell | 202.732[redacted] office

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From: Morning Consult
Sent: Fri, 30 Mar 2018 06:41:19 -0600
To: (b)(5); (b)(6); @dhs.gov
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Sessions Says He Won't Appoint a Second Special Counsel
Importance: Normal

[redacted]



By Eli Yokley

Top Stories

- Attorney General Jeff Sessions said he will not appoint a special counsel to investigate a range of allegations from congressional Republicans regarding actions at the Justice Department and the Federal Bureau of Investigation. In a letter to the chairmen of the Senate Judiciary Committee, House Judiciary Committee, and House Oversight and Government Reform Committee, Sessions said he directed Utah U.S. Attorney John Huber to continue an internal review into whether a special counsel may be needed in the future. (USA Today)

- The White House is on the defensive over President Donald Trump's choice of White House physician Dr. Ronny Jackson to lead the Department of Veterans -Affairs. Wednesday's announcement came as a surprise to veterans groups and lawmakers, and key congressional Republicans - already facing a stack of Trump nominees in the Senate - have taken a cautious approach to Jackson's nomination. (The Washington Post)

- The Environmental Protection Agency is expected to announce that

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From: (b)(6); (b)(7)(C)
Sent: Wed, 11 Apr 2018 14:33:25 -0500
To: (b)(5); (b)(6); @dhs.gov (b)(5); (b)(6); @dhs.gov (b)(5); (b)(6); @ice.dhs.gov
Subject: Discontinue Policy on Detaining Pregnant Individuals
Importance: Normal

The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Secretary
3801 Nebraska Avenue NW
Washington, D.C. 20528
E: (b)(5); (b)(6); @dhs.gov, (b)(5); (b)(6); @dhs.gov

Thomas Homan
ICE Director, Acting
Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536
Email: (b)(5); (b)(6); @ice.dhs.gov

Re: Discontinue Policy on Detaining Pregnant Individuals

Dear Secretary and Director:

More than 250 civil and human rights organizations called on U.S. Immigration and Customs Enforcement (ICE) today to reverse a recent policy change from the Trump administration regarding the detention of pregnant individuals and to reinstitute a general presumption that pregnant individuals should not be subject to detention.

Though ICE has detained pregnant women in the past, the directive issued by the Trump administration eliminates the general presumption that ICE should not detain pregnant individuals except in extraordinary circumstances and removes critical reporting requirements regarding the treatment of pregnant individuals.

ICE should discontinue its recently-announced policy of detaining pregnant individuals, instead they should be released to continue their cases outside of detention. The immigration detention system has proven itself incapable of handling the healthcare needs of vulnerable populations, and the letter provides specific examples of pregnant individuals who experienced inadequate care and mistreatment while in detention.

ICE is reminded that "No one, regardless of immigration status, should be denied necessary reproductive healthcare. Arbitrary detention of pregnant people also violates international human rights norms."

The pregnant individuals in detention have experienced"delayed access to prenatal care, threatening both the pregnant individual's health and the health of their fetus. Some

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women have tragically suffered miscarriages while being held in detention. Nursing mothers report not being given information about or supplied with breast pumps that would allow them to maintain their milk supply while separated from their children."

ICE's policy change will likely result in more pregnant individuals in detention and pregnant individuals detained for longer periods of time, thus exacerbating these problems and further endangering the lives of pregnant people.

In addition ICE should reinstitute a presumption of release for pregnant individuals in its custody, several medical and mental health organizations, including the American College of Obstetricians and Gynecologists, the Mount Sinai Human Rights Program, the American Academy of Pediatrics, and the American Academy of Family Physicians, have stated their opposition to the recent policy shift, citing the harmful effects of detention on the medical and mental health of pregnant individuals.

The full text of the letter:
https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/ICE%20sign-on%20letter%20FINAL%204.11.18.pdf

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,

(b)(6); (b)(7)(C)

cc: House Democratic Whip Office

(b)(6); (b)(7)(C)

P/F: 1 785 379 (b)(6);
E-mail (b)(6); (b)(7)(C)

(Acting) DHS Inspector General John Kelly
Office of the Inspector General
MAIL STOP 0305
Department of Homeland Security
245 Murray Lane SW Washington, DC 20528-0305

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Fax: +1 202-254-4297
Email: (b)(5); (b)(6); (b)(7)(C) @oig.dhs.gov

The Honorable Lee Francis Cissna
Director U.S. Citizenship and Immigration Services
20 Massachusetts Avenue NW
Washington, D.C. 20529
(b)(5); (b)(6); @dhs.gov

reserved for media do not use
(b)(5); (b)(6); **@uscis.dhs.gov**

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From: ICE Office of the Deputy Director
Sent: 9 Nov 2018 22:04:45 +0000
Subject: Interim Guidance Regarding Custody Procedures for Aliens Subject to Expedited Removal

A Message from Executive Associate Director for Enforcement and Removal Operations and Senior Official Performing the Duties of the Deputy Director Matthew T. Albence

To All ICE Employees
November 9, 2018

Interim Guidance Regarding Custody Procedures for Aliens Subject to Expedited Removal

Today, the President issued a proclamation under sections 212(f) and 215(a)(1) of the Immigration and Nationality Act (INA), *Addressing Mass Migration Through the Southern Border of the United States*, which, subject to certain exceptions, suspends for 90 days the "entry of any alien into the United States across the international boundary between the United States and Mexico." Most notably, the suspension of entry does **not** apply to "any alien who enters the United States at a port of entry and properly presents for inspection, or to any lawful permanent resident of the United States."

Also today, the Department of Justice and the Department of Homeland Security (DHS) published a joint interim final rule titled, *Aliens Subject to a Bar on Entry under Section 212(f); Procedures for Protection Claims* ("the IFR"), in the Federal Register. 83 Fed. Reg. 55934 (Nov. 9, 2018). The IFR, which is effective immediately, provides that aliens subject to a suspension of entry under a proclamation concerning the southern border with Mexico – such as that issued today – but who contravene such a proclamation by entering the United States unlawfully on or after the effective date of such a proclamation, are ineligible for asylum. Aliens rendered ineligible for asylum by the IFR and who are referred for a credible fear interview in the expedited removal process are still eligible to seek withholding of removal under 241(b)(3) of the INA, or protection under the regulations implementing U.S. obligations under Article 3 of the Convention Against Torture. Rather than establishing a "credible fear" of persecution or torture, however, such aliens would be permitted to pursue such claims in removal proceedings before an immigration judge under section 240 of the INA only if they establish a "reasonable fear" of persecution or torture.

The presidential proclamation and the IFR do not impact the role and responsibilities of U.S. Immigration and Customs Enforcement (ICE) immigration officers with regard to the credible fear screening process. Consistent with existing requirements, when an alien in the INA section 235(b)(1) expedited removal process indicates to an ICE immigration officer an intention to apply for asylum or expresses a fear of return, including any verbal or non-verbal indications that the alien may be afraid to return to his or her homeland, the officer must refer the alien for a

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credible fear interview before a U.S. Citizenship and Immigration Services asylum officer. The ICE immigration officer makes no qualitative determination regarding the claim of fear.

Detention and Release Authorities

In light of these legal developments, this message provides clarification of the detention and release authorities applicable to different categories of aliens in the expedited removal process, including those ineligible for asylum due to the presidential proclamation and the IFR referenced above, but who are referred for removal proceedings after establishing a reasonable fear of persecution or torture.

Arriving Aliens

Arriving aliens – aliens encountered at a port of entry or interdicted in international or U.S. waters and brought to the United States – subject to expedited removal but determined to possess a credible fear and referred for removal proceedings under section 240 of the INA are subject to mandatory detention during such removal proceedings. INA § 235(b)(1)(B)(ii); 8 C.F.R. § 235.3(c). Immigration judges lack the authority to re-determine custody of arriving aliens. 8 C.F.R. § 1003.19(h)(2)(B).

ICE, however, maintains discretion pursuant to section 212(d)(5) of the INA to parole such aliens for "urgent humanitarian reasons or significant public benefit." *See* 8 C.F.R. § 235.3(c). The regulations identify five general categories of aliens who may meet the standard on a case-by-case basis: aliens with serious medical conditions; pregnant women; juveniles; certain witnesses; and "aliens whose continued detention is not in the public interest." 8 C.F.R. § 212.5(b)(1)–(5). Pursuant to ICE Policy No. 11002.1: *Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture* (Dec. 8, 2009), absent additional factors weighing against release, where an arriving alien determined to possess a credible fear establishes to the satisfaction of the ICE immigration officer his or her identity and that he or she does not pose a flight risk or danger to the community, it is presumptively deemed "not [to be] in the public interest" for such alien to be detained.

The presidential proclamation and the IFR do not impact the detention and release authorities applicable to arriving aliens.

Certain Other Aliens

With regard to aliens subject to expedited removal, who are encountered outside a port of entry, within 14 days of entry, and within 100 air miles of the U.S. international border – referred to as "certain other aliens" – historically, the DHS took the position that those aliens, after referral for removal proceedings under section 240 of the INA, remain ineligible for bond and/or a custody redetermination before an immigration judge.

On May 4, 2005, however, the Board of Immigration Appeals (Board) issued *Matter of X-K-*, 23 I&N Dec. 731 (BIA 2005), holding that immigration judges have jurisdiction to consider bond for "certain other aliens," who were initially considered for expedited removal, but referred to

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the immigration court for removal proceedings under INA § 240. The Board relied in part upon the regulation at 8 C.F.R. § 1236.1(d)(1), which "specifically states that until there is a final removal order in the section 240 removal proceedings, Immigration Judges have jurisdiction 'to exercise the authority in section 236 of the Act . . . to detain the alien in custody, release the alien, and determine the amount of bond . . . as provided in § 1003.19.'" *Id.* at 732. The Board also considered the classes of aliens expressly excluded from the jurisdiction of immigration judges, 8 C.F.R. § 1003.19(h)(2)(i), and noted that the "list does not include aliens [] who have been placed in 240 removal proceedings after having been initially screened and detained for expedited removal as 'certain other aliens' pursuant to the authority in section 235(b)(1)(A)(iii) of the Act." *Id.* Pursuant to existing precedent, such aliens are now detained pursuant to INA § 236(a) or 236(c) depending upon the facts of the individual case.

The Board's decision in *Matter of X-K-* would apply with equal force to aliens ineligible for asylum due to the presidential proclamation and the IFR referenced above, but who are referred for removal proceedings under section 240 of the INA after having established a reasonable fear of persecution or torture.

Accordingly, upon referral for removal proceedings under section 240 of the INA, an immigration officer should conduct a custody determination, using Form I-286 (Notice of Custody Determination) in such cases. As with any other case in which an alien is detained pursuant to ICE's pre-order custody authority under INA § 236, unless that alien is subject to mandatory detention under INA § 236(c), ICE immigration officers have the discretionary authority to release an alien who demonstrates to their satisfaction that release would not pose a danger to property or persons and that he or she is likely to appear for any future proceedings. *See* 8 C.F.R. § 236.1(c)(8).

- An alien whose release would pose a danger to property or persons or a threat to national security may not be released, and bond is never appropriate for such aliens. *See Matter of Fatahi*, 26 I&N Dec. 791 (BIA 2016); *Matter of Urena*, 25 I&N Dec. 140 (BIA 2009).
- In determining whether an alien should be released on bond or his or her own recognizance, relevant factors include, but are not limited to: (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

These custody determinations will be subject to review by an immigration judge. The presidential proclamation and the IFR do not impact the detention and release authorities applicable to "certain other aliens" subject to expedited removal.

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NOTE: On October 12, 2018, the Attorney General directed the Board to refer for his review its decision in *Matter of M-S-*, to address whether the Board's decision in *Matter of X-K-*, should be overruled. *See Matter of M-S-*, 27 I&N Dec. 476 (A.G. 2018). DHS has argued that the Attorney General should overrule *Matter of X-K-* and hold that immigration judges lack authority to conduct bond hearings for aliens who DHS detains under section 235(b) of the INA following referral for INA § 240 removal proceedings. Further guidance will be forthcoming, as appropriate, when a decision is issued in that case.

Aliens Subject to a Final Expedited Removal Order

As set forth in regulations, an alien who has been issued an expedited removal order "shall be detained pending . . . removal." 8 C.F.R. § 235.3(b)(2)(iii). Aliens subject to an expedited removal order are not detained pursuant to the post-order custody provisions of section 241(a) of the INA and are not eligible for release on an order of supervision. Such aliens may only be released from custody on parole on a case-by-case basis in the limited circumstances where "parole is required to meet a medical emergency or is necessary for a legitimate law enforcement objective." *Id.*

The presidential proclamation and the IFR do not impact the detention and release authorities applicable to aliens subject to a final expedited removal order.

Any questions relating to the presidential proclamation, IFR, or detention and release authorities should be directed to OPLA.

Thank you for your continued dedication and service in support of the ICE mission.

Matthew T. Albence
Executive Associate Director for Enforcement and Removal Operations and
Senior Official Performing the Duties of the Deputy Director
U.S. Immigration and Customs Enforcement

AMERICAN OVERSIGHT

From: (b)(6); (b)(7)(C)
Sent: 19 Jul 2018 20:55:43 +0000
To: #ICE-OPA-COB
Subject: ICE OPA COB 07-19-18
Attachments: ICE OPA COB 07-19-2018.docx



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
July 19, 2018

Compiled by (b)(6); (b)(7)(C)

Enforcement and Removal Operations

ERO – Wilmington, N.C.: General enforcement activity, *NPR (Wilmington affiliate)*
Reporter asked a variety of questions about general enforcement policies and practices. PAO provided general responses using previously cleared language, and advised reporter to submit case-specific questions in writing. (b)(6); (b)(7)(C)

ERO – Pine Prairie, La.: Cuban detainee hunger strike, *Univision National News, Telemundo (Tampa Bay affiliate)*
Reporters requested ICE comment on claims surrounding a hunger strike last week at the Pine Prairie ICE Processing Center. PAO confirmed there were 18 persons on hunger strike status, but as of yesterday all 18 had resumed eating. Reporter also asked about allegations of suicide attempts by the hunger striking detainees; PAO stated there have been no reported instances of any suicide attempts. (b)(6); (b)(7)(C)

ERO – El Paso and San Antonio: Pregnant women in ICE custody, *Albuquerque (NM) Journal, USA Today Network*
Angela Kocherga, with the *Albuquerque Journal*, and Stephanie Solis, with *USA Today Network*, asked for ICE's policy regarding detention of pregnant women, and the number of pregnant detainees in the El Paso area of responsibility, and at the Port Isabel Detention Center, respectively. PAO responded with approved language to both, gave *USA Today* the number of pregnant detainees in the PIDC, and is researching stat for ELP. (b)(6); (b)(7)(C)

ERO – Leesburg, Fla.: Robbery suspect claims he was smuggled across the border, *Cox News*
A small outlet reporter is asking about a man arrested last month as a burglary suspect who claimed he was smuggled across the border and forced to commit these crimes. PAO responded

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with previously cleared statement, including that the individual had overstayed the terms of his legal non-immigrant visa. (b)(6); (b)(7)(C)

ERO – Miramar, Fla.: Protests outside facility, *Univision, CBS (affiliates)*
Local media asked requested ICE response to protestors at the Miramar location yesterday. PAO responded with standard protest language and background information. (b)(6); (b)(7)(C)

ERO – Lakeland, Fla.: Immigration scam, *Telemundo (affiliate)*
A local reporter is asking about a scam in Lakeland that targets families of those in immigration detention. PAO is working with leadership on response. (b)(6); (b)(7)(C)

ERO – Miami: Deportation status, *WSVN-TV*
A family contacted a local reporter about a relative in detention, saying they are concerned because they don't have any information about their relative. PAO is working with ERO to determine appropriate response. (b)(6); (b)(7)(C)

ERO – Tampa: Planned protests, *social media*
A group identified as the "Border Patrol Victim's Network" plans a protest this evening at the ICE ERO office in Tampa and possibly the CBP office in Ybor City. Leadership is aware and PAO is prepared with standard protest language in case of media queries. (b)(6); (b)(7)(C)

ERO – Philadelphia: Spanish-speaking staff at Berks Family Residential Center, *Philadelphia Inquirer*
Reporter requested agency comment regarding how much of the staff at Berks Family Residential Center speak Spanish. PAO provided previously cleared Statement that reads that multiple employees at the center speak fluent or conversational Spanish (b)(6); (b)(7)(C))

ERO – Philadelphia: Meeting with Philadelphia official to discuss PARS, *KYW News Radio, Philly.com*
Reporters requested agency comment regarding meeting with Philadelphia officials to discuss PARS. PAO confirmed ICE met with city representatives, and that ICE has neither abused its access to PARS nor violated the contract. (b)(6); (b)(7)(C)

ERO—New York: detention/general ERO, *The Marshals Project/New York Magazine*
PAO responded to multiple questions from *Marshals Project* reporter who was seeking information related to multiple stories being written for *New York Magazine* about multiple individuals in detention as well as about their family stories. (b)(6); (b)(7)(C)
ERO-Boston: Fugitive injured during attempted to flee from ERO officers, *Fall River Herald News, Boston Herald, Boston Globe, FOX (affiliate)*
PAO responded with an approved statement, confirming arrest of fugitive, with a previously filed detainer request, following treatment for injuries incurred in his flee attempt near the Fall River, Massachusetts, courthouse. (b)(6); (b)(7)(C)

Homeland Security Investigations

HSI – Jacksonville, Fla.: Wire fraud conspiracy indictment, *USAO news release*
The Middle District Florida USAO will issue a news release on an indictment for wire fraud

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related to federal payroll taxes, specifically FICA, Social Security, Medicare and federal income tax. HSI Tampa, ASAC Jacksonville office is credited in the investigation. (b)(6); (b)(7)(C)

HSI—New York: MS-13/OPMAT, *The Straits Times*
PAO staffed backgrounder with **ASAC** (b)(6); (b)(7)(C) *and The Straits Times* regarding HSI's OPMAT MS-13 gang enforcement on LI. This backgrounder was prompted by a POTUS statement saying whole towns in LI have been liberated. (b)(6); (b)(7)(C)
HSI-Boston: Document benefit fraud case, *"This American Life", American Public Radio*
PAO staffed interview of Boston HSI special agent who detailed successful investigative work in large scale, multi-year investigation into Worcester, Massachusetts, immigration document fraud case. (b)(6); (b)(7)(C)
HSI – Indianapolis – Worksite enforcement operations at local restaurant, *FOX, CBS (Indianapolis affiliates)*
PAO provided WSE operation holding statement to reporter Tim O'Brien, who inquired about possible DHS activity at a local restaurant. (b)(6); (b)(7)(C)

HSI– Indianapolis – Syrian national facing federal firearms charges, *USAO news release*
PAO edited and forwarded for ICE website posting a USAO (SDIN) news release announcing federal firearms charges against a Syrian national, who illegally possessed firearms and falsified citizenship in an attempt to buy more firearms. (b)(6); (b)(7)(C)

Strategic Communications
ICE

Twitter and Facebook: Acting Director Vitiello's statement on House resolution expressing support for ICE workforce News Release
Twitter and Twitter en Español: ICE consists of four directorates to accomplish the agency's mission, including Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), Office of the Principal Legal Advisor (OPLA), and Management and Administration (M&A) https://www.ice.gov/about / https://www.ice.gov/es/quienes-somos
Twitter and Twitter en Español: ICE's Management and Administration directorate includes professional managers and mission support staff who make the ICE mission possible. https://www.ice.gov/about / https://www.ice.gov/es/quienes-somos
Twitter and Twitter en Español: OPLA is the exclusive legal representative in exclusion, deportation and removal proceedings against criminal aliens, terrorists and human rights abusers in immigration courts around the country https://www.ice.gov/opla / https://www.ice.gov/es/opla
Twitter and Twitter en Español: ICE enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety. https://www.ice.gov/about / https://www.ice.gov/es/quienes-somos
Twitter: Follow @IPRCenter to learn more about #counterfeit goods and how to avoid them. If a deal is too good to be true, it probably is
ICE retweets @DHSgov, How well can you multitask? Take the #SeeSayChallenge and share with your friends! #seesay #protectyoureveryday

Homeland Security Investigations

Twitter and Twitter en Español: ICE places a high priority on investigating document & benefit fraud. These types of fraud pose a severe threat to national security & public safety b/c they

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create a vulnerability that may enable terrorists, other criminals & illegal aliens to gain entry to & remain in the US
Twitter and Facebook: ICE HSI's Counter-Proliferation Investigations (CPI) program prevents sensitive U.S. technologies and weapons from reaching terrorists, criminal organizations and foreign adversaries https://www.ice.gov/cpi
Twitter and Twitter en Español: HSI is responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within and out of the United States https://www.ice.gov/hsi / https://www.ice.gov/es/hsi

Enforcement and Removal Operations

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Twitter and Twitter en Español: Take a behind-the-scenes look at the high-profile removal process through a case involving Martires Molvan-Figeureo, a former member of the Dominican National Police wanted for murder charges. Https://www.ice.gov/features/High-profile-Removals / https://www.ice.gov/es/features/remociones-alto-perfil
Twitter and Twitter en Español: ERO enforces the nation's immigration laws in a fair and effective manner. It identifies and apprehends removable aliens, detains these individuals when necessary and removes illegal aliens from the United States https://www.ice.gov/ero / https://www.ice.gov/es/ero

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Operations Anticipated/Scheduled Interviews and Events:

Thursday, July 26 – **Boston SAC** (b)(6); (b)(7)(C) plans to join Attorney General Jeff Sessions and the U.S. Attorney for District of Massachusetts Andrew Lelling in an open-press event to announce the results of an HSI-led document and benefit fraud operation. PAO plans to staff event set for 10 a.m. (EDT) at the U.S. Attorney for the District of Massachusetts office, One Courthouse Way, Boston Massachusetts. (b)(6); (b)(7)(C)

Monday, July 30 or Friday, Aug. 3— H.E.R.O (b)(6); (b)(7)(C) ofHSI Cherry Hill has been chosen as Hometown Hero for Philadelphia Eagles and will be filmed at work July 30 or Aug. 3. (b)(6); (b)(7)(C)

#ICE#

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From: (b)(6); (b)(7)(C)
Sent: 18 Jul 2018 20:36:11 +0000
To: #ICE-OPA-COB
Subject: ICE OPA COB 07-18-2018
Attachments: ICE OPA COB 07-18-2018.docx



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
July 18, 2018

Compiled by (b)(6); (b)(7)(C)

Enforcement and Removal Operations

ERO – El Paso: Telephone lines down at El Paso Processing Center, *El Paso Times, NBC (affiliate)*
Reporters, prompted by NGOs, called to inquire about telephone lines at the EPC. PAO informed reporters that some lines are being repaired, but that operations are not being affected. The phones that the detainees use are on a separate server and they have not been affected. Repairs are underway and lines should be operational today or tomorrow. Meantime, staff is communicating using cell phones and e-mail. PAO attempted to kill the non-story. (b)(6); (b)(6); (b)(7)(C)

ERO – San Antonio: Pregnant detainees at Port Isabel Detention Center, *USA Today Network*
Reporter requesting number of pregnant detainees at PIDC, and information about the medical care provided to pregnant women in ICE custody. PAO drafting Statement for review/approval. (b)(6); (b)(7)(C)

ERO – San Antonio: ICE detainees housed at Willacy County prison, *ABC (affiliate)*
Frank McCaffrey with *KRGV* inquiring whether ICE detainees will be housed at the Willacy County prison today. PAO researching with ERO San Antonio. (b)(6); (b)(7)(C)

ERO – Atlanta: Expansion of Folkston detention capacity, *Atlanta Journal-Constitution*
Reporter Jeremy Redmon requested comment on a proposed expansion of detention capacity at the Folkston ICE Processing Center. PAO declined to comment on a pending matter given contract negotiations are ongoing and the county has not yet voted on the proposal. (b)(6);

ERO – Leesburg, Fla.: Robbery suspect claimed he was smuggled across the border, *Daily Commercial Newspaper*

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A small media outlet reporter is asking about a man arrested last month as a burglary suspect and who claimed he was smuggled across the border and forced to commit these crimes. PAO responded with previously cleared statement, which reads that the individual overstayed the terms of his legal non-immigrant visa. (b)(6); (b)(7)(C)

ERO – Milwaukee: ICE activity near Madison, Wisconsin, *NBC (Madison, WI, affiliate)*
PAO informed reporter Meghan Reistad that ICE conducts numerous operations and investigations daily nationwide. Reistad said she received a tip about ICE officers in a small city outside of Madison.

ERO-Boston: Request for reaction to immigration injured while attempting to flee from ERO, *FOX, CBS* (*Providence, Rhode Island affiliates)*
PAO responded confirming arrest of fugitive with a previously-filed detainer request on him, following treatment for injuries incurred in his flee attempt near Fall River, MA court (b)(6); (b)(7)(C)

Homeland Security Investigations

HSI – El Paso: WSE Op, *Telemundo (affiliate)*
A *Telemundo* affiliate photog, who rolled up on a group of HSI special agents serving NOIs this morning at an El Paso body shop, requested comment. PAO forwarded Holding Statement to the station. (b)(6); (b)(7)(C)

HSI – Orlando: Child predator sentence, *USAO news release*
Tampa SAC (b)(6); (b)(7)(C) quoted in a Middle District Florida USAO news release announcing the sentence of a man on repeat offender child production charges (b)(6); (b)(7)(C)

HSI – Tampa: Child pornography production sentence, *USAO news release*
Middle District Florida USAO will quote **Tampa SAC** (b)(6); (b)(7)(C) in a news release announcing the sentence of a man convicted of using an infant in his care to produce child pornography. (b)(6); (b)(7)(C)

HSI/OPLA– Orlando: Enticement of a minor, *USAO news release*
Middle District Florida USAO will quote **Tampa SAC** (b)(6); (b)(7)(C) in a news release announcing the sentence of a man who enticed a minor to travel from the Philippines to the United States to engage in unlawful sexual activity. The case was prosecuted by **SAUSAs** (b)(6); (b)(7)(C) on assignment from the Office of Principal Legal Advisor. (b)(6); (b)(7)(C)

HSI – Miami: Weapons smuggling sentence, *USAO news release*
Miami SAC (b)(6); (b)(7)(C) and partner agencies are credited in a Southern District Florida USAO news release announcing the sentence of a man for unlawfully exporting firearms, accessories and ammunition to Brazil. (b)(6); (b)(7)(C)

HSI – Miami: Producing and distro of pornography, *Miami Herald, USAO news release*
A Southern District Florida USAO news release announced the arrest of a man stemming from charges that he surreptitiously produced pornographic audio and video recordings of himself

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engaging in sexual activity with multiple men, and then caused the videos to be posted on one or more subscription-based pornography websites without their knowledge or consent. The *Miami Herald* also released a story on the arrest.(b)(6); (b)(7)(C)

HSI – Miami: Drug interdictions along Miami River, *Harper's Magazine*
A stringer for *Harper's Magazine* requested to interview someone about drug trafficking from Haiti on the Miami River. PAO is working with leadership to determine whether we are able to accommodate this interview. (b)(6); (b)(7)(C)

HSI - Indianapolis: Immigration lawyer sentenced for visa fraud, *Virginia Quarterly*
PAO continues to gather information regarding reporter's Malia Politzer request to interview agents who investigated the case of an immigration lawyer who was recently sentenced for visa fraud. Politzer says she's working a long-form piece on immigration fraud and is looking for an emblematic case. PAO will coordinate with reporter and HSI for preliminary, informational interviews.(b)(6); (b)(7)(C)

St. Paul: Request for interview on worksite enforcement, *CBS Evening News (national)*
Producer Angel Canales requested a phone interview to discuss a story involving worksite enforcement. After conferring with HSI SPM, PAO has declined this request. HSI SPM has a number of worksite operations that are either in judicial proceedings or are pending operational activity. As a result, HSI has declined the interview request.(b)(6); (b)(7)(C)

Strategic Communications
ICE

ICE retweets @IPRCenter, @IPRCenter says don't ruin your #onlineshopping experience by buying counterfeit goods that may contain real-life health risks. Cyanide, arsenic, mercury and lead have been found in some #counterfeit cosmetics. Avoid the dangers; look for authorized retailers & distributors

Homeland Security Investigations

- Twitter and Twitter en Español: We're asking for your help to find an MS-13 associate wanted on sex trafficking charges. He's at-large and wanted for his role in operating an interstate prostitution ring, which also included the trafficking of a known minor News Release / En Español
Twitter: #ICYMI: 8 MS-13 members indicted in Dallas on charges including racketeering conspiracy, attempted murder and assault with a dangerous weapon News Release
Twitter and Twitter en Español: #ICYMI: Special agents with ICE Homeland Security Investigations (HSI) and agents with @CBP #BorderPatrol arrested 18 alien smugglers and seized cash, vehicles and more than 1,000 lbs. of marijuana last month in a joint effort News Release / En Español

Operations Anticipated/Scheduled Interviews and Events:

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announce the results of an HSI-led document and benefit fraud operation. PAO plans to staff event set for 10 a.m. (EDT) at the U.S. Attorney for the District of Massachusetts office, One Courthouse Way, Boston Massachusetts. (b)(6); (b)(7)(C)

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U.S. Immigration and Customs Enforcement

Communications Plan

February 2018

OPA Rollout of ICE Policy on Pregnant Detainees

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(b)(5)

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From: (b)(6); (b)(7)(C)
Sent: Thu, 29 Mar 2018 20:30:59 +0000
To: #ICE-OPA-COB
Subject: ICE OPA COB 3-29-2018
Attachments: ICE OPA COB 3 29 18.docx
Importance: Normal



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
March 29, 2018

Compiled by: (b)(6); (b)(7)(C)

Enforcement and Removal Operations

ERO – Florida: 271 arrested across Florida; *multiple outlets*
PAOs have been supporting numerous queries related to ICE.gov news release announcing 271 arrests across Florida. (b)(6); (b)(7)(C)

ERO – Atlanta: Question about why man is facing deportation after years of stays, *CNN, Telemundo, Chicago Sun Times*
A reporter is asking about a detainee at Stewart Detention Center and why he did not receive a stay as he has for several years. PAO provided a previously cleared statement. (b)(6); (b)(7)(C)

ERO – Atlanta: Query on why man is detained and next steps, *Mundo Hispanico*
A reporter is asking about why a man is being detained Stewart Detention Center as it appears he has a special needs minor at home. PAO is working with ERO on providing a response. (b)(6); (b)(6);

ERO – Alabama: Questions regarding Baldwin County IGSA, *Lagniappe*
Reporter reached out with a couple of questions regarding the IGSA in Baldwin County. PAO provided a link on the ICE website which addressed his first question. He also wanted to obtain a copy of the IGSA between us and Baldwin County. The contract was not on the ICE website so PAO informed the reporter that he would have to file a FOIA. (N. Yglesias)

ERO – San Francisco: Advocates protesting ICE after the death of two aliens in an MVA attempting to flee officers, *Bakersfieldnow.com, Bakersfield Californian*
Reporters sought agency comment after protests ICE at the Delano City Hall. Advocates are blaming ICE for the deaths of two individuals who fled and died in a subsequent car accident

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when ERO officers encountered them on March 13. PAO provided cleared statement about the importance of cooperating with ICE officers in the interest of personal safety. (R. Rocha)

ERO - National: Pregnancy policy change, *media call with multiple national and local outlets*

ERO Deputy EAD Phil Miller and **IHSC Medical Director Ada Rivera** spoke to reporters via conference call regarding ICE's recent change in policy for pregnant women held in immigration detention centers. (HQ OPA)

ERO – Philadelphia: Father and daughter released from Berks, *Rewire.news*
Reporter requested agency comment regarding the release of Arturo Ajxup-Coxaj and his daughter from Berks Family Residential Center. PAO provided previously cleared statement regarding (b)(6); (b)(7)(C) and cleared language concerning the Berks Family Residential Center ability to accommodate both male and female residents. (A. Smith)

ERO – Philadelphia: Arrest of Mexican man, *CBS 21*
Reporters requested additional agency comment regarding the arrest of a Mexican man in Manchester, Pennsylvania, for immigration violations. PAO clarified that the subject failed to maintain or comply with the conditions of his status. (A. Smith)

ERO – El Paso: Cuban musician in ICE custody, *Miami-based Office of Cuba Broadcasting (OCB)*
Reporter seeking to confirm rumors that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) a Cuban musician, is in ICE custody. PAO referred her to the Detainee Locator. (b)(6); (b)(7)((b)(6); (b)(7)(C)

ERO – El Paso: Former Webster university student, employee removed, *Courier Journal*
A reporter with the *Courier-Journal/USA Network* is requesting case status of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) n, who was removed today on a charter flight. PAO drafting Statement for review/approval. (L. Zamarripa)

Homeland Security Investigations

HSI - West Palm Beach: Work Site enforcement criminal search warrant, *Univision News, CNN en Espanol, TC Palm, Think Progress, NBC affiliate*
HSI served a criminal search warrant at a business called Tentlogix as part of a work site case. 28-29 people were administratively arrested as part of the Op. PAO spoke on background to the media on the scene on and confirmed the information above but did not get into specifics saying we could no comment further since it was part of an ongoing investigation. (N. Yglesias)

HSI – Atlanta: Human rights violator sentenced for immigration fraud, *news release*
ICE Deputy Director Thomas D. Homan and Atlanta SAC Nick S. Annan were quoted in an ICE.gov news release flipped from a DOJ release announcing the immigration fraud sentencing of a man who concealed service in a military unit involved in Srebrenica Massacre. (T. Spicer)

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HSI – Orlando: College student arrested on immigration charges after weapons investigation, *press conference, multiple outlets*
SAC Tampa, ASAC Orlando **Group Supervisor** (b)(6); (b)(7)(C) **r** represented HSI at a University of Central Florida press conference announcing the arrest, detention and pending deportation of a Chinese student whose F1 visa was terminated after an investigation into his purchasing high-powered firearms purchases. (T. Spicer)

HSI – Philadelphia: Runaway Pennsylvania teenager, *WFMZ-TV*
Reporter requested agency comment regarding alleged stolen passport runaway teenager used to elope. PAO referred reporter to Allentown Police Department. (A. Smith)

Immigrations and Custom Enforcement

ICE – Tampa: DHS partners honor Women's History Month, *news release*
Tampa SAC James C. Spero hosted a Women's History Month DHS partner event featuring Florida State Attorney General Pam Bondi. (T. Spicer)

Strategic Communications

Homeland Security Investigations

Twitter, Twitter en Español and Facebook: ICE's Victim Assistance Program helps coordinate services such as crisis intervention, counseling and emotional support to help victims of crimes, like #humantrafficking https://www.ice.gov/features/vap / https://www.ice.gov/es/features/programa-asistencia-victimas-VAP
Twitter and Facebook: Man who concealed service in military unit involved in Srebrenica Massacre sentenced for immigration fraud News Release
Twitter and Facebook: In Fiscal Year 2017, ICE HSI seized early 2,400 pounds of fentanyl nationally. During that same time period, HSI logged 629,765 investigative hours toward fentanyl. Learn more about how ICE is combating the #OpioidCrisishttps://www.ice.gov/features/opioid-crisis
Twitter: ICE HSI Nairobi TCIU executes successful search and seizure News Release

Operations Anticipated/Scheduled Interviews and Events:

Friday, April 6 –South Jersey RAC Rich Reinhold will record an opioid PSA at the WSJO commercial radio station which covers South Jersey. PAO pitched the placement and will staff the production. (E. Dabul)

Monday, April 9 – Dallas SAC Katrina Berger will host a news conference to present the ICE IMAGE certificate to Rockwall County, Texas—the first Texas county to sign the IMAGE agreement. PAO will staff the event. (b)(6); (b)(7)(C)

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(813) 357 (b)(6); (b)(7)(C) office
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(b)(6); (b)(7)(C)

AMERICAN OVERSIGHT

From: Homan, Thomas
Sent: 29 Mar 2018 16:18:18 +0000
To: Blank, Thomas
Cc: (b)(6); (b)(7)(C)
Subject: RE: Daily Beast: ICE Now Detaining Pregnant Women, Thanks to Trump Order
Attachments: RE: Daily Beast: ICE Now Detaining Pregnant Women, Thanks to Trump Order.eml

AMERICAN OVERSIGHT

U.S. Immigration and Customs Enforcement

Communications Plan

March 2018

OPA Rollout of ICE Policy on Pregnant Detainees

Strategy and Timing

- **Thursday, March 22 at 10am: Internal Broadcast Message** to ICE employees
- **Thursday, March 22 at 10am: Congressional notifications** via OCR
- **Thursday, March 22 at 11am: Post policy document** on public facing web, www.ice.gov. OPA will also update content as needed
- **Thursday, March 22 at 12pm: OPA will provide statement and policy document** OPA will provide cleared statement and policy document (as an attachment) to any media that ask and RTQs for "if asked" questions

STATEMENT:

"To better align with the President's Executive Order, ICE has ended the presumption of release for all pregnant detainees. Instead, as with all detainees except those in cases of mandatory detention, ICE will complete a case-by-case custody determination taking any special factors into account. This does not mean that all pregnant aliens will be detained; only those whose detention is necessary to effectuate removal, as well as those deemed a flight risk or danger to the community. Generally, absent extraordinary circumstances, ICE will not detain a pregnant alien during the third trimester of pregnancy. ICE detention facilities will continue to provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody."

Q&A

Q: What is the new policy?
A: ICE has ended the presumption of release for all pregnant detainees. Instead, as with all detainees, absent the requirements of mandatory detention, ICE will complete a case-by-case custody determination taking any special factors into account. ICE detention facilities will continue to provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody. In addition, ICE ensures access to comprehensive counseling and assistance, postpartum follow up, lactation services and abortion services.

Q: Who is subject to mandatory detention?
A: The immigration laws mandate the detention of certain categories of aliens, including terrorist aliens and aliens with certain criminal convictions, arriving aliens, and aliens in the expedited removal process.

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Q: Why the change in policy?
A: The policy has been updated to better align with the President's Executive Order (EO) 13,768 *Enhancing Public Safety in the Interior of the United States,* which directs ICE to enforce the immigration laws of the United States against all removable aliens. In accordance with the EO, ICE will allow the exercise of discretion to be made on a case-by-case basis and in a manner that no longer exempts a category of aliens from enforcement of the Nation's immigration laws.

Q: Why did ICE wait so long to disclose this policy change?
A: Policy announcements occur as soon as practicable, taking into account operational considerations and implementation requirements.

Q: Who does this policy apply to? People you catch at the border? Birth tourists? Visa overstays?
A: This policy applies to any pregnant alien detained in ICE custody.

Q: What about pregnant women claiming asylum?
A: This policy would apply equally to pregnant detainees pursuing asylum and other forms of relief or protection from removal. The policy does not prohibit any pregnant detainees from seeking asylum or any other form of relief or protection from removal.

Q: Why must you detain pregnant women?
A: ICE is ending the presumption of release. All custody determinations are now made on a case-by-case basis. This does not mean that all pregnant aliens will be detained; only those whose detention is necessary to effectuate removal, as well as those deemed a flight risk or danger to the community. Generally, absent extraordinary circumstances, ICE will not detain a pregnant alien during the third trimester of pregnancy.

Q: But why detain pregnant women? Are these women really a threat to the community?
A: While ICE prioritizes its resources based on national security and public safety threats, the President's Executive Order (EO) 13,768 *Enhancing Public Safety in the Interior of the United States* directs ICE to enforce the immigration laws of the United States against all removable aliens. As a result, no class or category of removable aliens are exempt from potential enforcement, including pregnant aliens.

Q: Isn't detaining pregnant women a human rights abuse?
A: ICE exercises its civil detention authority consistent with the law, and all detainees receive necessary and appropriate health services, food, and care. ICE detention facilities will continue to provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody.

Q: What was the old policy?
A: Prior ICE policy dictated that pregnant women were generally not detained unless their detention was mandatory under the law, or when "extraordinary circumstances" warranted detention.

Q: How does ICE identify pregnant detainees?

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A: All women aged 18 to 56 are screened for pregnancy shortly after being processed into the agency's detention facilities. In cases where the intake screening results are in question, further lab tests will be ordered to confirm a negative or positive pregnancy result. In addition to pregnancy screenings at intake, ICE detention facilities provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody.

Q: How many pregnant women does ICE have in its custody? How many pregnant women have been detained since the new policy went into effect?
A: There were 35 pregnant detainees in ICE custody as of March 20, 2018 – all of which are mandatory detention as recent border crossers. Of those 35, 30 were at adult detention and 5 were at family residential centers. A total of 506 pregnant detainees came into ICE custody since the policy was signed.

Q: What happens when a detainee is determined to be pregnant?
A: ICE officers, agents, and other personnel are required to notify the Field Office Director (FOD) within 72 hours when a pregnant detainee is identified. The FOD, working with the ICE Health Service Corps (IHSC), will ensure that the pregnant detainee is appropriately housed, monitored, and has access to the appropriate medical facilities and care. IHSC will maintain medical records in accordance with all applicable policy.

Q: What types of services are provided to pregnant detainees?
A: A pregnant detainee shall have access to pregnancy services including routine or specialized prenatal care, pregnancy testing, comprehensive counseling and assistance, postpartum follow up, lactation services and abortion services.

Q: What about detainees who were victims of sexual abuse?
A: If the initial medical intake screening indicates that a detainee has experienced prior sexual victimization, staff shall, as appropriate, ensure that the detainee is immediately referred to a qualified medical or mental health practitioner for medical and/or mental health follow-up as appropriate.

Detainee victims of sexual abuse (while in custody) shall have timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care.

Q: Do pregnant detainees have access to abortion?
A: Yes. In the event continued detention is necessary and appropriate, and consistent with the practice of our federal partners, if the life of the mother would be endangered by carrying a pregnancy to term, or in the case of rape or incest, ICE will assume the costs associated with a female detainee's decision to terminate a pregnancy. Where a detainee opts to fund the termination of her pregnancy, ICE shall arrange for transportation at no cost to the detainee and, if requested by the detainee, for access to religious counseling, and nondirective (impartial) medical resources and social counseling, to include outside social services or women's community resources groups.

Pregnancy Policy FAQ – Online Content:

Q: What is the new policy?

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A: ICE has ended the presumption of release for all pregnant detainees. Instead, as with all detainees, absent the requirements of mandatory detention, ICE will complete a case-by-case custody determination taking any special factors into account. ICE detention facilities will continue to provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody. In addition, ICE ensures access to comprehensive counseling and assistance, postpartum follow up, lactation services and abortion services.

Q: What was the old policy?
A: Prior ICE policy dictated that pregnant women were generally not detained unless their detention was mandatory under the law, or when "extraordinary circumstances" warranted detention.

Q: Why the change in policy?
A: The policy has been updated to better align with the President's Executive Order (EO) 13,768 *Enhancing Public Safety in the Interior of the United States,* which directs ICE to enforce the immigration laws of the United States against all removable aliens. In accordance with the EO, ICE will allow the exercise of discretion to be made on a case-by-case basis and in a manner that no longer exempts a category of aliens from enforcement of the Nation's immigration laws.

Q: Why must you detain pregnant women?
A: ICE is ending the presumption of release. All custody determinations are now made on a case-by-case basis. This does not mean that all pregnant aliens will be detained; only those whose detention is necessary to effectuate removal, as well as those deemed a flight risk or danger to the community. Generally, absent extraordinary circumstances, ICE will not detain a pregnant alien during the third trimester of pregnancy.

Q: Isn't detaining pregnant women a human rights abuse?
A: ICE exercises its civil detention authority consistent with the law, and all detainees receive necessary and appropriate health services, food, and care. ICE detention facilities will continue to provide onsite prenatal care and education, as well as remote access to specialists for pregnant women who remain in custody.

Q: What about pregnant women claiming asylum?
A: This policy would apply equally to pregnant detainees pursuing asylum and other forms of relief or protection from removal. The policy does not prohibit any pregnant detainees from seeking asylum or any other form of relief or protection from removal.

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AMERICAN OVERSIGHT

U.S. Immigration and Customs Enforcement

OPA MONTHLY SNAPSHOT
FEBRUARY 2018

OVERVIEW

Highlights

- Major rollouts and media engagements:
  - Super Bowl 52: Great coverage and performance from each staff member. We had local and national press interviews, an IPR press conference with the NFL, 2.6 million views on social media posts (even received a retweet from POTUS), video clips and feature stories were shared on ICE.gov, ICN, insight and ICE Breaker.
  - LA Operation: supported six media ride alongs (three ERO/three HSI), captured content with an internal videographer, and provided statements and leadership interviews to highlight ongoing worksite enforcement strategy.
  - Courthouse policy changes
  - Supported significant Deputy Director media engagement with national and local outlets at HQ and at the Border Security Expo in San Antonio.
- Employee engagement:
  - Successful promotion of HQ and field recognition of African American History Month
  - Internal story highlighting HQ security personnel
- Multi-media projects:
  - HSI featured on two episodes of National Geographic documentary, *Chain of Command*, and *The Trade* documentary airing on Showtime.
- HSI Strategic Outreach:
  - Designed "Wanted for Human Trafficking" Billboards in Detroit and completely revamped the outreach materials for the Shield America and Counter Proliferation programs to include new treatments, fact sheets, and brochures.

Immediate Needs/Discussion Items

- Follow up on senior leadership participation in DHS/ICE Year of Leadership – video messaging is expected by the department.

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- Input on level of desired engagement for upcoming San Francisco Keep Safe Op and corresponding funding support.

- Timing for rollout of policy on detention of pregnant women, which is in effect now.

- Video Message and Preview of 9/11 display for 15th anniversary

- Digital media collaboration with other outreach mechanisms within ICE (CRO, SEPM, Recruiting)

Happening Now

- Employee Engagement and Support:
  - Continuing year-long ODCR campaign
  - Working with Fairfax field office for installation of ICN monitor. Actively developing ways to allow for more localized content with resources we currently have.
  - Moving forward to order cases and finalize plan for 9/11 display to be unveiled in September
  - Working with a contractor to design a series of employee self-help templates to include awards, certificate, conference book, brochure, poster, fact sheet (for use in the field)

- Multi-media Projects:
  - Continued work by the multimedia team to support the Reel Peaks filming project for an episodic reality show about ICE to be released via *Netflix.*
  - Working on solutions to staffing capacity challenges

A Look Ahead

- HSI promotion strategy:
  - HSI (EAD Benner) on-camera interview with Fox Business Network for a long-term worksite enforcement piece they are looking to air in early March.
  - Coordinating a new HSI photo/video shoot around the country and finalizing a CTCEU explainer video for outreach use

- Upcoming rollouts:
  - C-3 Training on Opioids press conference on March 16
  - National worksite op rollout—likely a press conference in early April
  - EO-related items like the Monthly Arrest Report and the VOICE quarterly report.

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U.S. Immigration and Customs Enforcement

- Employee Engagement:
  - Continual promotion of mission support personnel in addition to the LEOs.
  - Planning for ICE's 15th Anniversary on inSight, ICN and ICE Breaker.

- Strategic outreach:
  - Planning for NSA presence in exhibit hall
  - Female recruitment: Women in Law Enforcement Webinar on 2/28 and day in the life - Women in Law Enforcement videos

###

AMERICAN OVERSIGHT

Office of Policy

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

Revised ICE Directive for the Identification and Monitoring of Pregnant Detainees
January 29, 2018

(b)(5)

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(b)(5)

DRAFT

AMERICAN OVERSIGHT

FY2019 Budget Hearing – Department of Homeland Security
Senate Appropriations Committee – May 8, 2018

Overview:

Immigration was the primary focus throughout the hearing including issues regarding H1B visas, border wall infrastructure and technology, asylum and refugees, and hiring additional CBP officers. Other topics of interest included cybersecurity, election fraud and fentanyl.

Topics of interest to ERO included pregnant detainee care, UACs and family separation. Democratic senators pushed Secretary Nielsen about a variety of topics – particularly those affecting families and children. Republican senators mostly concentrated on cost efficiency of several programs, as well as cuts that would affect the workforce in their home states.

Ms. Nielsen's opening statements were centered around the Southwest Border "crisis" and quoted figures that have doubled and tripled compared to last year's border crossings. Throughout the hearing, Nielsen emphasized the dangers of crossing illegally and the criminals that are at the heart of the smuggling process.

Opening remarks:

Chairwoman Capito: Mentioned concern that the budget is predicated upon an air travel security fee hike that has not yet been passed.

Vice Chairman Leahy: Noted that while DHS says it hasn't changed policy on separating families, 100% prosecution is the same thing in practice. DHS getting its way by another means.

Ranking Member Tester: Also concerned that the budget is partially based on a fee that hasn't been passed.

Nielsen Opening: The Southwest Border is in crisis. Illegal border crossings have gone up 3xs compared to the same time last year. We'll be doubling down on prosecutions for those who enter illegally or file a fraudulent asylum claim. Asylum claims are up 200%, UAC apprehensions are up 300%, 40% of apprehensions are families. These migrant flows are dangerous (to those making the journey). Smugglers are not humanitarians.

Key Questions:

Senator Hoeven: Will DHS use Counter-Unmanned Aerial Systems (UAS) on the border? Have you sought private sector options?

- Response: Yes. DHS exploring all options.

Senator Capito: What are the components of the border wall system? How will this secure our border agents?

- A 30ft wall decreases assaults on CBP officers. Training will make CBP mission-ready and is also a critical aspect of border security. We are also requesting funding for technology and surveillance.

AMERICAN OVERSIGHT

Senator Murray: Recently, ICE changed its policy on detaining pregnant women "in secret." Detention facilities do not offer the care pregnant women need, and detaining pregnant women is a "human rights abuse." Can you honestly state that facilities offer the same sort of care as a hospital?

- Response: ICE screens women 18-56 for pregnancy, and provides appropriate care, including referrals to specialists. Better care than people receive who are in the shadows or making the journey to the U.S.
- Pregnant women are in detention because they have broken the law by crossing the border illegally, and should instead go to ports of entry.

We spend 4xs more on detainees than children in school. Why don't we expand ATD because it is cheaper than detention?

- Response: We are attempting to do both. Still, these pregnant women have broken the law. (Murray: "I understand that's your philosophy, but I don't agree with it." Nielsen: "It's not a philosophy, it's a law Congress passed.")

Senator Lankford: 2018 wall construction – progress report?

- Response: Different sections of wall require different types of construction, pricing, time frame, etc.

How many illegal border crossings per year?

- S1 could not comment on that figure, so discussed the large volume of legal crossings and resources required (316 million per year)

Senator Kennedy: What can we do to keep people from crossing illegally?

- Response: Get rid of the Flores Settlement, revise TVPRA, *Zadvydas*, Safe third country agreement with Mexico, increase penalties for asylum fraud, change way we process UACs, focus on dismantling smuggling groups.

2700 miles of walls built along interstates of America – 1.8 million per mile. Why does the wall along Mexico's border cost more?

- Response: It's not just one type of wall and it's not just the physical wall being funded, it's the entire infrastructure.

What if we want a cheaper option?

- Response: We are going with what the experts say is required for their operational needs.

Senator Shaheen: Concerned about refugees/Indonesian Christian community and states that ICE previously agreed not to prioritize their removal but is doing so now. Asked for S1's commitment to stop this practice

- Response: S1 committed to looking at the issue again, but noted DHS doesn't have final say- that is an IJ.

Some of those who reported in as they had been doing for years were then taken into ICE custody, and were told to come back with a ticket to go back to Indonesia without going before an IJ (S1 said she would look into it).

Senator Baldwin: As of March 31, more than 9,000 pending DACA renewal applications for individuals whose work authorization has expired. Will previous DACA recipients with pending applications be penalized if they have continued to work without authorization?

AMERICAN OVERSIGHT

- Response: If the application is in, no. USCIS will not be making prosecutorial decisions against them, which is above and beyond what was required by the court. They also will not be targeted for deportation. Processing all applications that are currently in under the court case. DHS has court cases telling it to start and to stop, so in a holding pattern/doing its best to comply with all court orders.

Senator Shaheen: Heard AG's announcement about taking children from their families at the southern border. Great deal of concern about impact. Do we know how many children have come across the border with their families in the past year and been taken from those families? Do we have a projection for the following year? Projections for foster families needed, and the cost?

- Response: We are working with the community to understand the science. We turn over all children to HHS. Very concerned that in many cases no checks were being completed, so DHS now making sure children are going to safe places. If you are fleeing, please come to the POEs, and we will process your claim there, but if you come across the border illegally, you have broken the law and we have to prosecute.

Are we messaging that to Central American countries?

- Working through State to get message out from embassies, as well as local radios. S1 agrees that need to do more to get the message out.

AMERICAN OVERSIGHT

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From: (b)(6); (b)(7)(C)
Sent: 3 Aug 2017 16:57:48 -0400
To: #ICE-OPA-COB
Cc: (b)(6); (b)(7)(C)
Subject: ICE OPA COB Aug. 3, 2017
Attachments: ICE OPA COB 08032017 (A).docx



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
Aug. 3, 2017

Compiled by: (b)(6); (b)(7)(C)

Enforcement and Removal Operations

ERO - Tampa: Questions regarding status of a Cuban national, *Affiliate for NBC*
PAO received a call from the NBC affiliate in Ft. Myers regarding actions taken by a Cape Coral police officer. The officer says he stopped a Cuban national who he suspected had a warrant on fraud charges out of New Jersey. The officer claims to have called ICE to verify the individual's immigration status. PAO told the reporter that they need to check with Cape Coral Police to see why the individual was released and if the officer believed that the suspect was involved in a fraud case. PAO explained the detainer process. (N. Yglesias)

ERO – Miami: Status of a Mexican national arrested for multiple charges of sexual abuse on a minor, *Telemundo and NBC affiliates*
PAO received a query from both media outlets who wanted to know if a detainer had been placed on (b)(6); (b)(7)(C) was arrested by local law enforcement for sexual battery on a minor to include lewd and lascivious molestation on a child under the age of 12 and lewd and lascivious conducts on a child under the age of 16. PAO directed the news media to the Miami Dade County corrections web page where the ICE detainer was lodged and the editor was told that the information is accurate. (N. Yglesias)

ERO – Memphis, Tenn.: Multiple media inquiries on number of arrests during OBG/OBR, *WATN local ABC affiliate, WHBQ local Fox affiliate, The Commercial Appeal*
PAO received multiple inquiries from local Memphis media requesting information on total number of arrests during OBG/OBR. PAO provided statistics for the New Orleans field office and the national release. PAO explained we do not track statistics at the local level. (T. Byrd)

AMERICAN OVERSIGHT

ERO – Johnston County, North Carolina: Breitbart request on detainer, *Breitbart*
Breitbart reporter John Binder requested information to determine if a detainer had been issued for a Mexican national wanted for attempted rape and other charges in Johnston County, North Carolina. PAO responded with the modified statement from ERO that a detainer had been issued. (T. Byrd)

ERO – Baltimore: Diego and Lizandro Claros-Saravia, *Univision, NY Daily News, CBS Affiliate, and local outlets*
OPA provided cleared background information and a statement to multiple media outlets in a response to questions about two detainees in Maryland recently removed from the U.S. The statement answered questions as to their immigration status and to why the two were in detention. (M. Bourke)

ERO – National: **Detention facilities,** *CNN*
OPA provided a cleared list of detention facilities to *CNN* reporter Ciara Frisbie upon her request. OPA directed the reporter to contact the FOIA office regarding specific business details or contracts with the facilities. (J. Elzea)

ERO – National: Declined Detainers Outcome Report, *AP*
OPA provided cleared statement to *AP* reporter Jim Anderson in response to questions about the Declined Detainer Outcome Report. (J. Elzea)

ERO – Las Vegas: Possible detention of British cyber sleuth, *Associated Press*
Reporter Mike Balsamo is asking if ICE had any role in detaining (b)(6); (b)(7)(C) a U.K. "security researcher" who helped thwart the recent WannaCry cyber-attack. The reporter says there are reports Hutchins was picked up by "federal agents" and is being held at a detention facility in Henderson, where ICE also holds cases. Wire stories indicate Hutchins was arrested by the FBI, so it's unlikely he's in ICE custody at this time, but PAO is seeking to reconfirm with local ERO. (V. Kice)

ERO – Portland: Immigration history of attempted rape suspect, *The Oregonian*
Reporter Maxine Bernstein requested ICE's statement regarding the immigration history of a man recently arrested in the Portland area for the attempted rape of a 65-year-old woman. DHS records show the man was arrested in December by local authorities on drug charges and released back into the community despite an ICE detainer. PAO provided the reporter with ICE's previously cleared statement on the case and, per her request, more detailed information about the man's prior removals and criminal immigration convictions. (L. Haley, V. Kice)

ERO – Los Angeles: Detention center tour, *Orange Coast Magazine*
Los Angeles DFOD (b)(6); (b)(7)(C) **and AFOD** (b)(6); (b)(7)(C) joined personnel from the Orange County Sheriff's Department on a tour of the Musick Detention Facility for writer Miles Corwin. Corwin is working on a profile story about the leader of the Friends of Orange County Detainees. (L. Haley)

ERO – San Diego: Detention policy for pregnant women, *Huffington Post*

AMERICAN OVERSIGHT

Reporter Planas Roque requested ICE's current policy for detaining pregnant women. Reporter received information from an attorney about a female detained at the Otay Mesa Detention Facility who alleges she suffered a miscarriage while in ICE's custody. According to the detainee's medical records, she was tested twice for pregnancy and the results were negative. PAO is coordinating response pending additional information. (L. Mack)

ERO – San Diego: Detainee interview, *CBS New*
San Diego PAO is coordinating an on-camera interview for the network with an Iranian asylum seeker who's currently in ICE custody in San Diego. PAO is currently coordinating with ERO to obtain the necessary waivers/clearances. (L. Mack)

ERO – Tucson: Salvadoran detainee allegations about medical care, *Tucson Univision affiliate*
Reporter Oscar Gomez requested ICE comment regarding (b)(6); (b)(7)(C) a Salvadoran national currently detained at the Florence Detention Center. According to the reporter, the detainee alleges he nearly died and was rushed to the hospital for bypass surgery and that his family wasn't notified. PAO issued a cleared statement. (Y. Pitts O'Keefe)

ERO – Tucson: Detainee population statistics, *Arizona Daily Star*
Reporter Perla Trveizo requested national and Arizona detention population statistics for fiscal year 2014 through the present. PAO submitted an ERO Tasking's request. (Y. Pitts O'Keefe)

ERO – Phoenix: Detention of purported DACA recipient, *KTAR Talk Radio*
Reporter Marth Maurer requested ICE comment regarding Cesar Vales Flores, a purported DACA recipient who was recently transferred to ICE custody. PAO sent the previously cleared statement on the case. (Y. Pitts O'Keefe)

ERO – Manchester, NH: Stats request and alien arrest: *Union-Leader (daily)*
Reporter Shawne Wickham requested stats on the number of individuals reporting into the ICE Manchester, NH, office. PAO directed her to FOIA for this information. She also requested comment on the arrest and detention of a Mexican national who was previously removed. PAO issued vetted statement.(S. Neudauer)

ERO – Hartford, CT: Witness Departure alien request, *Telemundo affiliate*
Local Telemundo affiliate again requested comment concerning a Guatemalan alien pending witness departure. PAO re-issued cleared statement.(S. Neudauer)

ERO – Boston: Protest at IGSA, *Anticipated media inquiries*
Supporters of (b)(6); (b)(7)(C) (MIT janitor case) are protesting ICE's continued detention of this individual at the Suffolk County House of Corrections in Boston. PAO is monitoring the situation and will respond as necessary.(S. Neudauer)

ERO – El Paso: Alleged shut down of West Texas ICE facility, *Buzzfeed*
Buzzfeed reporter is inquiring about the alleged shut down of the West Texas ICE facility. He wants to know if the ICE is moving female detainees to the Otero location. PAO is researching this for media outlet. Item is pending. (N. Pruneda)

AMERICAN OVERSIGHT

Homeland Security Investigations

HSI – Los Angeles: Bogus clinic operators charged with diverting massive amounts of prescription narcotics to black market, *news release*
The Los Angeles U.S. Attorney's Office issued a news release announcing the arrest of 12 defendants charged with operating bogus clinics that allegedly diverted more than 2 million prescription pills – including oxycodone and other addictive and dangerous narcotics – to the black market. HSI was among multiple agencies that worked on the case, including the DEA, IRS, and HHS. The release included a quote from **Los Angeles SAC Joseph Macias**. (V. Kice)

HSI– Laredo – Smuggling incident causing the drowning death of a 5-year-old, *El Manana and Laredo Morning Times*
Media is asking about the case involving 10 illegals crossing the river which among the 10 was a five-year-old who drowned. HSI Laredo is taking the lead in the case. Because the case has not yet been accepted for prosecution, PAO is not in a position to provide much detail. (N. Pruneda)

HSI– San Antonio – Tractor Trailer incident, *Local CBS*
Local CBS filed a request asking for information on the condition of five patients. Because of the Hippa Law, PAO is not in a position to provide any information. (N. Pruneda)

HSI– San Antonio – Tractor Trailer incident, *Canadian "The National"*
Producer Carmen Merrifiled, filed an email request asking if ICE could provide her a list with the names of the survivors of the trailer incident. She also wanted to know the names of the attorney's that are providing legal assistance to those involved in this incident. PAO did not provide the names of the survivors or any names of the attorney's representing the trailer survivors. (N. Pruneda)

ICE

General ICE – California: State labor commission alleges ICE interfered in employee disputes, *Los Angeles Times, Los Angeles Telemundo affiliate, Mundo Hispanico*
Reporters sought ICE comment about claims by the California Labor Commission that ICE enforcement personnel have visited the agency's offices in the Los Angeles area seeking to apprehend undocumented workers who are involved in labor dispute proceedings. PAO is coordinating with HSI and ERO in HQ to determine if there's any truth to the allegations before drafting a statement in response. (V. Kice)

Strategic Communications

Enforcement and Removal Operations

ICE.gov: ICE announces results of Operation Border Guardian/Border Resolve
inSight: ERO San Diego Hosts INS Retiree Border Tour

Homeland Security Investigations

AMERICAN OVERSIGHT

ICE.gov and Twitter: LA-area man sentenced to 17 yrs. in fed prison for enticing girl to take pics while engaged in sexually explicit acts
Twitter: RT @EVerify: #Employers can learn a lot about #FormI9 at the @ICEgov IMAGE forum August 31 in Honolulu, Hawaii.
Twitter and Facebook: ICE's IPR Unit oversees Operation In Our Sites, a groundbreaking operation that targets counterfeit goods & pirated media sold online
Twitter and Facebook: Make it hard for predators to hide; download the Operation Predator app today from iTunes or Google Play

More

Management and Administration

inSight: ICE invited to Philippine Embassy-hosted Community Forum
inSight: Dave Meek's "Skyspawn" named a finalist in PNWA Fiction writing contest
Twitter: Are you interested in working for ICE? Learn more about the different career paths.
Twitter: ICE's mission is to protect America from the cross-border crime & illegal immigration that threaten national security & public safety

Operations Anticipated/Scheduled Interviews and Events

Friday, Aug. 4 (rescheduled) – Reporters from the *Los Angeles Times,* Univision network, and Telemundo network are scheduled to visit the Adelanto ICE Processing Center to interview (b)(6); (b)(7)(C) the Los Angeles-area man with a final order of removal who was arrested earlier this year shortly after dropping his daughter off at school (b)(6); has given his signed consent to meet with the media outlets. Each news organization will be afforded 20 minutes for an individual interview**. Los Angeles AFOD** (b)(6); (b)(7)(C) s coordinating the logistics on site. ICE can no longer offer any comment on the case because Avelica is now the subject of a U visa petition. (V. Kice)

Friday, Aug. 4 – PAO will escort reporters for the *NJ Advance Media* and *The Bergen Record* for an interview with ICE detainee, (b)(6); (b)(7)(C) is a citizen of Afghanistan, who once worked as a translator for the U.S. Army in Afghanistan. The interview will take place at the Elizabeth Detention Center. (L. Martinez)

Friday, Aug. 4 – PAO plans to issue news release regarding the HPR removal of a Guatemalan man accused of murder. (b)(6); (b)(7)(C) faces attempted murder charges. The news release will include quote from the **SNA FOD Daniel Bible**. (N. Pruneda)

Tuesday, Aug. 8 – The Pinal County Sheriff's Office and **Phoenix FOD Henry Lucero** will participate in a media availability to highlight their partnership under ICE's 287(g) agreement. The event will include a tour of the jail and Q&A's with the sheriff and FOD. Meet Time: 10 a.m. – 11:30 a.m. Address: 971 Jason Lopez Circle, Building C, Florence, AZ 85132. PAO will staff. (Y. Pitts O'Keefe)

Thursday, Aug. 17 – Producer Abigail Sterling, with the Bay Area CBS affiliate, and Alejandra Molina, a reporter with the *Riverside Press Enterprise*, are scheduled to tour the Adelanto ICE

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Processing Center as part of their reporting on broader stories about ICE's civil detention system and the role it plays immigration enforcement overall. **Los Angeles DFOD** (b)(6); (b)(7)(C) and **Los Angeles AFODs** (b)(6); (b)(7)(C) **and** (b)(6); (b)(7)(C) will escort the reporters and brief them on facility operations. The Los Angeles-area facility continues to be the subject of significant media interest given its current distinction as the largest immigration detention facility in Southern California. PAO Haley will staff. (V. Kice, L. Haley)

TBD – Reporter Mark Greenblatt with *Scripps* Washington Bureau has requested an on-camera interview detainee with (b)(6); (b)(7)(C) a Guatemalan national held at the Eloy Detention Facility. The detainee has signed the necessary paperwork consenting to the interview and authorizing ICE to speak about her immigration case. PAO will be drafting issue paper to release statement. (Y. Pitts O'Keefe)

TBD – New York FOD Thomas Decker will be quoted in a *Reuter's* piece regarding ERO in NY, specific to whether detainers are honored/not honored in the NY AOR. (R. Yong Yow)

#ICE#

Best,

Nina Pruneda
ICE Public Affairs Spokeswoman
Email: (b)(6); (b)(7)(C)
Cell: 210-81 (b)(6);
Covering the following areas: Austin, Del Rio, Eagle Pass, Falcon Dam, Laredo, McAllen, Harlingen, Brownsville and San Antonio

In seeking truth you have to get both sides of a story.
By Walter Cronkite

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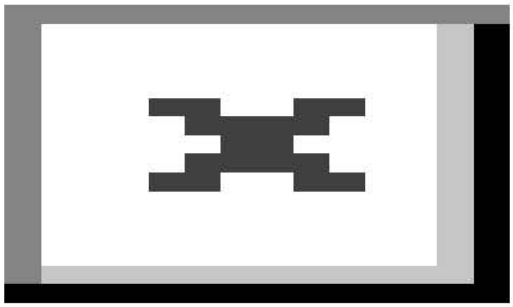
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From: American Immigration Council
Sent: Sun, 6 May 2018 17:07:33 -0400
To: Thomas Homan
Subject: This Week in Immigration: TPS Will End for Nearly 60,000 Hondurans
Importance: Normal

The American Immigration Council's weekly news round-up.



After Almost 20 Years, Honduran Temporary Protected Status Holders Lose Permission to Stay

Honduran TPS holders now face the impossible choice of whether to leave the homes and families they've created in the United States only to face an unfamiliar country plagued by pervasive violence.

By Royce Murray | **Read More »**

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Government's Detention of Pregnant Women Questioned by Immigration Groups

The complaint highlights the cases of ten women who report being ignored and denied adequate medical care even in emergencies, such as when they experienced pain, bled and—in some instances—eventually suffered a miscarriage. Sadly, these experiences are not isolated events.

By Tory Johnson | **Read More »**

Immigrants Are Founding a Quarter of New Businesses in the United States

And these small businesses employ almost half of all U.S. workers.

By Walter Ewing | **Read More »**

The Government Is Filing Charges Against More Migrants Than Ever Before

The Department of Justice announced it filed criminal charges on Tuesday to prosecute some migrants who recently crossed the border and were reportedly once a part of the caravan. The vast majority of the migrants from the caravan are asylum seekers fleeing persecution,

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grave violence, and the risk of death. Unfortunately, these attempts to criminalize migration are on the rise.

By Joshua Breisblatt | **Read More »**

Customs and Border Protection Is Breaking the Law by Refusing Entry to the Migrant Caravan Members

It is not against the law to present oneself at a port of entry seeking asylum and protection in the United States. What is against the law is refusing them entry and a fair process.

By Katie Shepherd | **Read More »**

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American Immigration Council

AILA AMERICAN IMMIGRATION LAWYERS ASSOCIATION

June 4, 2018

VIA ELECTRONIC MAIL

Dr. Stephen D. Smith
Assistant Director for ICE Health Services Corps.
Enforcement and Removal Operations
Immigration and Customs Enforcement
Department of Homeland Security
Washington, DC 20528

Mr. Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
Washington, DC 20528

Ms. Cameron Quinn
Officer for Civil Rights and Civil Liberties
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528

Mr. John Kelly
Acting Inspector General
Office of the Inspector General
Department of Homeland Security
Washington, DC 20528

RE: Failure to provide adequate medical and mental health care to individuals detained in the Denver Contract Detention Facility

AMERICAN OVERSIGHT

Dear Dr. Smith, Mr. Homan, Ms. Quinn, and Mr. Kelly:

The American Immigration Council (Council) and American Immigration Lawyers Association (AILA) file this complaint on behalf of current and formerly detained individuals at the Denver Contract Detention Facility in Aurora, Colorado—commonly known as the "Aurora" facility. This complaint documents recent accounts of dangerously inadequate medical and mental health care at the facility which threaten the health and well-being of affected detainees, as well as their ability to lawfully pursue their immigration and asylum claims.

The stories shared in this complaint illustrate the government's longstanding and systemic failure to provide adequate medical and mental health care to individuals detained in the Aurora facility, which is owned and operated by the GEO Group, Inc. ("GEO"); the largest private prison company in the United States. The following cases demonstrate repeated violations by U.S. Immigration and Customs Enforcement ("ICE") and GEO of applicable detention standards, the U.S. Constitution, domestic law, and international law.

The individuals in immigration detention include noncitizens being held in civil custody while they pursue immigration claims, including asylum, or awaiting deportation due to a violation of immigration law. They are not in criminal custody, and their custody cannot be punitive in nature.[1] Yet when medical and mental health care becomes so profoundly deficient that detainees endure pain, serious injury, or the risk of death, it can amount to a form of punishment.[2] Medical and mental health care in immigration detention facilities—including Aurora—repeatedly has been flagged[3] as grossly substandard, even though substantial evidence indicates that facility staff, and ICE, are aware of the grave risks to detainees' health.[4]

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1 See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("The proceedings at issue here are civil, not criminal, and we assume that they are nonpunitive in purpose and effect."); see also *Jones v. Blanas,* 393 F.3d 918 (9th Circ. 2004), *cert denied,* 546 U.S. 820 (2005) ("In sum, a civil detainee awaiting adjudication is entitled to conditions of confinement that are not punitive.")

2 See *Estelle v. Gamble*, 429 U.S. 97, 104, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (holding that a "prison official's deliberate indifference to an inmate's serious medical needs is a violation of the Eighth Amendment's prohibition against cruel and unusual punishment"); see also *Mata v. Saiz*, 427 F.3d 745 (10th Cir. 2005).

3 American Civil Liberties Union, Detention Watch Network, and National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, February 2016, https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention.

4 See "Deaths at Adult Detention Centers," a continually updated compilation by AILA of press releases issued by ICE since December 2015 announcing deaths in adult immigration detention, last updated May 25, 2018, http://www.aila.org/ICEdeaths. According to a 2010 report released by Human Rights Watch and the American Civil Liberties Union, an estimated 15 percent of the total immigrant population has mental disabilities (*Deportation by*

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The threat is particularly dire given the administration's rapid escalation of immigration enforcement and increased reliance on detention, even for long-time residents.[5] Last December, ICE detained a 64-year-old lawful permanent resident at the Aurora facility. He had lived in the United States for more than 40 years. Fifteen days later, he was dead.[6]

Clearly, the stakes could not be higher for the detainees at Aurora and elsewhere. Detainees' lives are literally in the hands of the detention center staff and health providers. Moreover, poor care and the inordinate time and stress detainees and their attorneys must expend to obtain needed treatment can impede their ability to effectively participate in the legal proceedings that will determine whether they can remain in the United States or be deported.[7]

We urge you to immediately investigate the provision of medical and mental health care at Aurora and assess whether it provides the level of care required by law. We also call for systemic improvements to medical and mental health care across ICE detention facilities nationwide. Greater transparency, robust oversight, and independent monitoring are sorely needed to ensure the health and safety of immigrant detainees and to ensure that they may access a meaningful day in court.

Background and Legal Standards

The Denver Contract Detention Facility is located in Aurora, Colorado, on the outskirts of Denver. It is a privately owned and operated facility that can house up to 1,500 mostly adult men and women who are detained for civil immigration matters. Pursuant to a contract with

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Default—Mental Disability, Unfair Hearings, and Indefinite Detention in the U.S. Immigration System, July 2010, https://www.aclu.org/files/assets/usdeportation0710_0.pdf.)

5 See DHS Memo from Secretary John Kelly, "Implementing the President's Border Security and Immigration Enforcement Improvements Policies," February 20, 2017, https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Implementing-the-Presidents-Border-Security-Immigration-Enforcement-Improvement-Policies.pdf.

6 See "Man, 64, dies while in ICE custody in Colorado," The Denver Channel, December 4, 2017, https://www.thedenverchannel.com/news/crime/man-64-dies-while-in-ice-custody-in-colorado; An ICE Press Release regarding Mr. Samimi's death indicates that the preliminary cause of death was cardiac arrest. However, a full death review remains pending, https://www.ice.gov/news/releases/denver-area-ice-detainee-passes-away-local-hospital.

7 According to a national study of data from over 1.2 million deportation cases decided between 2007 and 2012, only about 14 percent of detained individuals have legal representation. The significant challenges that are caused by mental health problems or medical issues may further diminish the likelihood that detained individuals are able to acquire legal counsel during their immigration court proceedings. Ingrid Eagly and Steven Shafer, *Access to Counsel in Immigration Court* (Washington, DC: American Immigration Council, September 2016), https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

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ICE, GEO manages the facility and is responsible for the provision of medical and mental health care. Among other roles, the ICE Health Service Corps (IHSC) provides oversight of such care, including managing complaints and approving off-site medical and mental health care.[8]

It is difficult to get a clear picture of medical and mental health care at Aurora because there is limited transparency and public accountability regarding many aspects of detainee care. Nevertheless, the many well-documented cases of substandard care are cause for alarm and call for immediate investigation. There have been two deaths reported[9] at the facility in the last six years, at least one involving lack of access to appropriate medical care.[10] There also have been multiple reports of detainees being denied essential medical or mental health care even though the facility was on notice of these detainees' specific needs and of official policies on mandated care. As detailed below, the toll on detainees includes damaged eyesight, severe urological pain, and bleeding skin. In one case, staff and other detainees at Aurora were put at unnecessary risk due to delays investigating chest pain of a pregnant woman that turned out to be caused by tuberculosis.

The decision to hold someone in government custody rightly carries with it an obligation to provide necessary medical and mental health care. This is true for those convicted of crimes, and for those—like many at Aurora—who simply may be requesting legal immigration status, including asylum.

Because immigrant detainees in Aurora are being held pursuant to administrative—not criminal—law, their care should be assessed under a Fifth Amendment due process standard, which mandates adequate medical care for civil detainees, including those held at the Aurora

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8 IHSC oversight includes authorizing any treatment at an outside doctor or hospital and conducting general oversight of contractor-provided medical care. Department of Homeland Security, "ICE Health Service Corps," last reviewed/updated January 3, 2018, https://www.ice.gov/ice-health-service-corps. The contract between the Denver Contract Denver Facility and GEO Group, and published inspection results conducted by Enforcement and Removal Operations (ERO) and the Office of Detention Oversight (ODO), are available on the National Immigrant Justice Center website, https://www.immigrantjustice.org/issues/transparencyandhumanrights/denver-contract-detention-facility-co-geo-group.

9 ICE issued news releases following the deaths of Mr. Evalin Ali Mandza in 2012 and Mr. Kamyar Samimi in 2016. See Department of Homeland Security, "ICE detainee passes away at Denver-area hospital," April 13, 2012, https://www.ice.gov/news/releases/ice-detainee-passes-away-denver-area-hospital; See also, Department of Homeland Security, "Denver-area ICE detainee passes away at local hospital," December 4, 2017, https://www.ice.gov/news/releases/denver-area-ice-detainee-passes-away-local-hospital.

10 See Department of Homeland Security, "Report of Investigation," October 16, 2012, https://www.documentcloud.org/documents/2695514-MandzaEvalin-Ali.html (issued by ICE after the death of Mr. Mandza and detailing findings following a review of his death on April 12, 2012).

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facility.[11] In the context of criminal inmates, courts have firmly established that "deliberate indifference to serious medical need" is a violation of the Eighth Amendment of the U.S. Constitution.[12] Pretrial criminal detainees or those in civil detention—like the individuals being held at Aurora—are entitled to *at least* the same standard of medical care. Some courts have held that an even higher standard of medical care is required.[13]

Federal disability law also protects disabled detainees in ICE custody. The Americans with Disabilities Act (ADA)[14] and Section 504 of the Rehabilitation Act of 1973, [15] as well as other applicable federal, state, and local nondiscrimination statutes, guarantee nondiscrimination against detained people with disabilities, and require detention facilities to take affirmative steps to ensure that detainees with disabilities do not suffer discrimination, including the provision of reasonable accommodations where requested.[16] These steps may include proper medical and mental health care so that detained people can participate in the programming at the facilities. ICE, as a component agency of the Department of Homeland Security, is required to comply with Section 504, as are its contractors.[17] ICE's and GEO's repeated failure

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11 Federal courts have ruled that the care of immigrant detainees held pursuant to administrative law be assessed under a Fifth Amendment due process standard rather than the Eighth Amendment. See *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Circ. 2004), *cert denied*, 546 U.S. 820 (2005).

12 *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). The cases included in this complaint establish a pattern of "deliberate indifference" by GEO and ICE, who are repeatedly on notice of the complainants' medical and mental health needs. The Constitution's Eighth Amendment guarantee against cruel and unusual punishment has been interpreted to require the government to provide adequate medical care to inmates. U.S. CONST, AMEND. VIII.

13 See *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Circ. 2004), *cert denied*, 546 U.S. 820 (2005) (finding that a civil detainee is entitled to non-punitive conditions that should be superior to those of a criminal detainee and does not have to prove "deliberate indifference" by government officials to prevail in a constitutional due process claim challenging conditions of confinement). See also *Youngberg v. Romero*, 457 U.S. 307, 321-32 (1982) ("Persons who have been involuntarily committed are entitled to more considerate treatment and conditions of confinement than criminals whose conditions of confinement are designed to punish.")

14 Americans With Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990), http://library.clerk.house.gov/reference-files/PPL_101_336_AmericansWithDisabilities.pdf.

15 Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (1973), https://www.gpo.gov/fdsys/pkg/STATUTE-87/pdf/STATUTE-87-Pg355.pdf.

16 U.S. Immigration and Customs Enforcement, *2011 Operations Manual: ICE Performance-Based National Detention Standards* (revised December 2016), Section 4.8 Disability Identification, Assessment, and Accommodation, https://www.ice.gov/detention-standards/2011.

17 *See* 6 C.F.R. pt. 15 ("Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security"); Instruction on Nondiscrimination For Individuals With Disabilities In DHS-Conducted Programs And Activities (Non-Employment), DHS Directives System Instruction No. 065-01-001, available at https://www.dhs.gov/sites/default/files/publications/dhs-instruction-nondiscrimination-individuals-disabilities_03-07-15.pdf (last visited Apr. 5, 2018) ("DHS Nondiscrimination Instruction").

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to provide adequate and reasonable accommodations, as well as their discrimination against people with disabilities in their custody, are a violation of the Rehabilitation Act of 1973 and the ADA.[18]

International human rights law also mandates adequate health care for detained persons, particularly asylum seekers, pregnant women, and other vulnerable populations. There are international legal protections for the right to health, the right to non-discrimination, and the rights of detained persons found in several international agreements ratified by the United States, including the International Covenant on Civil and Political Rights ("ICCPR"),[19] the Convention against Torture ("CAT"),[20] and the Convention on the Elimination of All Forms of Racial Discrimination.[21] In addition, the International Covenant on Economic, Social, and Cultural Rights ("ICESCR"),[22] which the United States has signed but not yet ratified, affirms the basic right to health.

Beyond these legal protections, medical care and other operations at the Aurora facility are governed by an array of more specific standards. Most immediately, the facility must comply with ICE's 2011 Performance Based National Detention Standards ("PBNDS"), as updated in 2016.[23] These detention standards lay out numerous requirements for medical care. At the most basic level, the 2011 standards require access to a continuum of health care services, from screening and prevention through treatment; timely transport to a health care facility when needed; 24-hour access to emergency medical and dental care; and mental health

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18 The ADA and Section 504 of the Rehabilitation Act of 1973 require ICE—through its contractor—to provide appropriate accommodations for disabilities, including adequate treatment for mental health problems. Many of the medical and mental health issues highlighted in this complaint rise to the level of "disability" under relevant law; as such, the U.S. government has a specific obligation to provide appropriate care and reasonable accommodations to those individuals with disabilities. We ask that CRCL and OIG consider possible violations of the ADA and Rehabilitation Act during the course of their investigation.

19 United Nations General Assembly, *International Covenant on Civil and Political Rights*, December 16, 1966, 171, http://www.refworld.org/docid/3ae6b3aa0.html.

20 United Nations General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, December 10, 1984, 85, http://www.refworld.org/docid/3ae6b3a94.html.

21 United Nations General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, December 21, 1965, http://www.refworld.org/docid/3ae6b3940.html.

22 United Nations General Assembly, *International Covenant on Economic, Social and Cultural Rights*, December 16, 1966, 3, http://www.refworld.org/docid/3ae6b36c0.html.

23 U.S. Immigration and Customs Enforcement, *2011 Operations Manual: ICE Performance-Based National Detention Standards* (revised December 2016), https://www.ice.gov/detention-standards/2011.

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screening and treatment.[24] The 2011 standards also include more specific guidance regarding disabilities and the treatment of pregnant women.[25] Additionally, they specify that facilities should comply with the ADA and Section 504 of the Rehabilitation Act.[26]

Deficient Medical and Mental Health Care

These laws and standards have failed to translate into consistently effective medical and mental health care. Instead, records from other detention facilities similar to Aurora reveal a general and longstanding pattern of frequent and severe deficiencies in care.

In a June 2014 report, the American Civil Liberties Union (ACLU) studied conditions at certain detention centers reserved for noncitizens who have been convicted of a crime. It found "numerous reports of medical understaffing and delayed care" and was "gravely concerned about the ability of some [of these] prisons to provide timely care in urgent situations."[27] A 2017 study of a wide range of detention facilities found health care deficiencies, regardless of

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24 U.S. Immigration and Customs Enforcement, *2011 Operations Manual: ICE Performance-Based National Detention Standards* (revised December 2016), Section 4.3 Medical Care, https://www.ice.gov/detention-standards/2011. The 2011 standards updated earlier standards promulgated in 2008 and 2000. However, some facilities that hold ICE detainees are still governed by the older standards and some—such as local jails—are not contractually obligated to follow *any* ICE medical standards.

25 In September 2017, the American Immigration Council and other NGOs filed an administrative complaint with the Office for Civil Rights and Civil Liberties (CRCL) and the Office of the Inspector General (OIG), to highlight an uptick in the number of pregnant women who were detained in ICE custody and to demand an investigation into the troubling trend. See "Increasing Numbers of Pregnant Women Facing Harm in Detention," September 26, 2017, https://www.americanimmigrationcouncil.org/advocacy/detained-pregnant-women. In March 2018, ICE announced that it had ended its general presumption of releasing pregnant women from detention, yet government officials maintained that cases would be handled on an individual basis, depending on a number of factors, including medical condition. See, "Trump administration ends automatic release from immigration detention for pregnant women," *Washington Post*, March 29, 2018, https://www.washingtonpost.com/local/immigration/trump-administration-ends-automatic-release-from-detention-for-pregnant-women/2018/03/29/8b6b1bc0-3365-11e8-8abc-22a366b72f2d_story.html?utm_term=.1e90ba3394a3.

26 Other requirements are imposed on the Aurora facility. It is accredited by the National Commission on Correctional Health Care (NCCHC), as well as the American Correctional Association. To gain NCCHC accreditation, Aurora must adhere to the organization's detailed standards for medical and mental health care. Department of Homeland Security, Office of Detention Oversight, *Compliance Inspection report on Denver Contract Detention Facility*, April 12-14, 2016, 2, https://www.ice.gov/doclib/foia/odo-compliance-inspections/denverContractDetentionFacilityAuroraCoApr_12_14_2016.pdf.

27 American Civil Liberties Union, *Warehoused and Forgotten: Immigrants Trapped in our Shadow Private Prison System*, June 2014, 42, https://www.aclu.org/other/warehoused-and-forgotten-immigrants-trapped-our-shadow-private-prison-system.

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whether medical care was supplied by private contractors (as at Aurora) or by IHSC.[28] The same study—basing its conclusions on information in death reviews produced by ICE's Office of Detention Oversight ("ODO")—found that one-third of the detainee deaths between 2012 and 2015 were due at least in part to substandard medical care.[29]

The Aurora facility appears to be the norm rather than the exception to these problematic trends. In a review conducted of the Aurora facility in 2016, ODO found that the facility was compliant with only seven of the 16 PBNDS standards, and found 24 deficiencies in the remaining nine standards, "six of which were priority components and one of which was a repeat deficiency."[30] Notably, ODO found twice as many deficiencies during their Fiscal Year (FY) 2016 inspection of the Aurora facility than an earlier inspection in FY 2012.[31] Most glaringly, there have been two deaths at Aurora in less than six years—at least one involving deficient medical care.

The Death of Mr. Evalin-Ali Mandza, National of Gabon, 2012

Early on the morning of April 12, 2012, 46-year-old Evalin-Ali Mandza clutched at his chest and told nursing staff he had severe chest pain.[32] A nurse was unable to properly evaluate him, and although a doctor authorized an ambulance to take him to the hospital at 5:50 a.m., staff failed to call 911 until around 6:20 a.m. In short, medical staff waited *nearly an hour* to call 911 after Mr. Mandza began experiencing chest pain. Mr. Mandza went into cardiac arrest and died just after 8:30 a.m.[33]

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28 Human Rights Watch and CIVIC, *Systemic Indifference: Dangerous and Substandard Medical Care in US Immigration Detention*, May 2017, https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention.

29 Ibid., 30.

30 Department of Homeland Security, Office of Detention Oversight, "Compliance Inspection: Denver Contract Detention Facility, Aurora, CO," April 12-14, 2016, https://www.ice.gov/doclib/foia/odo-compliance-inspections/denverContractDetentionFacilityAuroraCoApr_12_14_2016.pdf.

31 Ibid., 3. The ODO found 24 deficiencies in the FY2016 investigation under the 2011 PBNDS compared with 11 deficiencies in the FY2012 investigation under the earlier, 2008 PBNDS.

32 American Civil Liberties Union, Detention Watch Network, and National Immigrant Justice Center, *Fatal Neglect: How ICE Ignores Deaths in Detention*, February 2016, https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention.

33 See Department of Homeland Security, "Report of Investigation," October 16, 2012, https://www.documentcloud.org/documents/2695514-MandzaEvalin-Ali.html (issued by ICE after the death of Mr. Mandza and detailing findings following a review of his death on April 12, 2012); See also ICE Press Release, "ICE

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Even DHS's own review process found fault with Mr. Mandza's care. An IHSC review found that he "did not have access to appropriate medical care while detained in the DCDF."[34] A review conducted by an ODO contractor found that facility medical staff did not know the facility's protocol for chest pain, did not give proper cardiac medication, and delayed transferring Mr. Mandza to a higher-level care facility—"all of which may have been contributing factors to Mr. Mandza's death."[35]

As detailed in a report by advocates, Mr. Mandza's care fell short of multiple standards and requirements that GEO was required to maintain.[36] Nevertheless, an ODO inspection conducted soon after Mr. Mandza's death found no significant fault with medical care at Aurora.[37]

The Death of Mr. Kamyar Samimi, National of Iran, 2017

Against the backdrop of Mr. Mandza's death, the recent death of Kamyar Samimi is particularly concerning. Mr. Samimi was a 64-year old Iranian man who had lived in the United States for decades. He died at Aurora on December 2, 2017, just two weeks after being arrested by ICE. Mr. Samimi first came to the United States as a student in 1976 and became a lawful permanent resident in 1979.[38] Mr. Samimi became subject to deportation following a 2005 conviction for a non-violent drug offense.

Mr. Samimi would have been a low priority for ICE in years past, but current ICE policy and practice is to pursue all potential deportees without regard to long-time residency or severity of offense. Mr. Samimi was arrested at his home in Denver on November 17, 2017, and detained at Aurora that same day. Two weeks later, he was dead. ICE reported the preliminary cause of death as cardiac arrest.[39] The agency reported that Mr. Samimi "fell ill" on December 2 and that

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detainee passes away at Denver-area hospital," April 13, 2012, https://www.ice.gov/news/releases/ice-detainee-passes-away-denver-area-hospital.

34 DHS, Report of Investigation, 15.

35 Cited in *Fatal Neglect*, 8.

36 Ibid.

37 DHS Office of Detention Oversight, "Compliance Inspection: Denver Contract Detention Facility, Aurora, Colorado," May 15-17, 2012.

38 Mr. Samimi submitted a citizenship application at some point, but according to ICE it was rejected because it didn't include the correct documents. ICE news release, "Denver Area ICE detainee passes away at local hospital," December 4, 2017, https://www.ice.gov/news/releases/denver-area-ice-detainee-passes-away-local-hospital.

39 Ibid.

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emergency responders were summoned and performed CPR. ICE said Mr. Samimi later died at an area hospital.

No other details of Mr. Samimi's death have been made publicly available and a death report remains pending.[40] Mr. Samimi's case highlights the grave responsibility ICE takes on when it chooses to detain an individual—particularly a long-time resident like Mr. Samimi who would have been well-positioned to seek needed medical care on his own were he living in the community.

Recent Case Examples of Deficient Care

Over the past year, there have been numerous cases of serious deficiencies in medical and mental health care at Aurora. Together these stories paint a picture of medical and mental health care that falls far short of the legal requirements for detainees. Key elements of their cases are excerpted below.[41] Unless otherwise noted, pseudonyms have been used to protect the identities of the complainants, many who are seeking humanitarian relief in the United States and who may fear retaliation, either at the hands of those from whom they fled, or by ICE and facility staff.

"Abdo," Stateless Man from South Sudan

Abdo is a 39-year-old man from South Sudan. Abdo was orphaned as a young child when North Sudanese soldiers burned down his village. After years of living in the midst of the brutal civil war, Abdo fled to a refugee camp, and then resettled in the United States. The horrific atrocities he began witnessing at a very young age started to impact his daily functioning. He bore deep psychological scars from his experiences and was depressed and haunted by the sight and sound of people who had died or who threatened him. He began drinking in part to cope with these hallucinations.

In the words of the psychologist who examined Abdo:

> It appeared the symptoms of [Post Traumatic Stress Disorder], such as experiencing auditory and visual hallucinations, were intertwined with experiences of delirium brought on if he stopped drinking.[42]

40 Internal ICE reviews of detainee deaths were instituted as part of a series of detention reforms in 2009. *Fatal Neglect*, 3. See also ICE policy memo on detainee deaths, October 1, 2009, https://www.ice.gov/doclib/dro/pdf/notification_and_reporting_of_detainee_deaths.pdf.

41 At the request of the detainees, pseudonyms are used.

42 Psychological Evaluation for "Abdo," conducted December 7, 2016.

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While Abdo is receiving medication for his disorder, it does not appear to be sufficient treatment. He complains that he cannot sleep at night due to the nightmares he suffers, reliving the torment of the war in South Sudan that he fled so many years ago.

Despite his significant mental health problems, Abdo was placed in solitary confinement in early 2018 for more than a month. It is unclear why Abdo was put in solitary confinement; he reports an "altercation" with a guard who was violent towards him when he attempted to file a grievance against her. Whatever the reason, the impact was clearly devastating for Abdo. Abdo reports that the isolation intensified his painful hallucinations:

> Being alone makes the voices worse. When I sleep, they come and disturb me. They say the same thing over and over again. They say they are going to kill me and my parents. I get confused about what to do and why they are talking to me. I don't know how to get rid of them so that I cannot listen to them anymore. I feel very sad when I hear those voices. I am tired all the time and feel depressed… I was placed in segregation on February 9, 2018, and was there for over a month. This was a very hard time for me. I was alone, and the voices were bothering me all day and night. I was very scared. [43]

"Claude," National of Haiti

Claude is a 24-year-old gay man from Haiti who fled his home country due to abuse because of his sexual orientation. Claude's parents beat him when they discovered he was gay, and he was subsequently kicked out of school. He began to lose his eyesight due to the beatings to his head. In fear for his safety, Claude fled to Brazil. A Brazilian doctor diagnosed Claude with a detached retina in his left eye and other eye injuries. He told Claude his best hope was surgery as quickly as possible.

Claude felt at risk in Brazil and also could not obtain care for his eyes. He subsequently fled to the United States to seek asylum. He was found to have a credible fear of returning to Haiti and was placed in immigration detention while he pursued his asylum claim. At the time he still had almost full vision in his right eye and a little vision in his left. He immediately told medical staff about his injuries and pain upon arrival to the Aurora facility, but received no care for his eyes. According to Claude, after three months, he had lost all vision in his left eye and vision in his right eye was decreasing. He feared that his "life [was] going into the darkness."[44] He had reported extreme pain in his eye but still had not seen a doctor. Medical staff said they could do nothing to help because the medical problem predated his arrival to the detention facility.

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43 Declaration of "Abdo," April 27, 2018, at ¶ 6,7.

44 Declaration of "Claude's" Pro Bono Attorney, May 16, 2018, at ¶10.

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Despite numerous requests made by both Claude and his attorney of record, Claude was essentially not able to get treatment for his eye until he was released on parole, after more than six months in detention.[45] According to his attorney, the medical doctor who eventually treated Claude "stated that every second he did not receive adequate care his condition worsened."[46] Claude currently has some vision in his right eye with glasses from the doctor and is hoping to have surgery on his left eye.

While in detention, Claude had difficulty working on his asylum application because of pain, limited vision, and emotional distress. According to his attorney, "he could only look at the paper and write for a few seconds at a time… Due to the pain and lack of sleep, he struggled to think clearly and he constantly felt overwhelmed."[47] Once he was released and able to meet regularly with an eye doctor, Claude was able to manage his eye pain and now wears glasses that have helped his vision.[48]

"Miguel," National of Mexico

Miguel is a 28-year-old Mexican man who suffers from Hemophilia A, a medical condition which causes chronic, severe pain. According to Miguel, "I frequently bleed internally from my knees, elbows, and ankles and a slight injury can cause severe bleeding."[49] Miguel was detained in Aurora from early November 2017 until around April 19, 2018, when he was deported to Mexico.

Throughout Miguel's more than five months of detention, he submitted multiple requests—in writing and in person—to facility staff, asking for more medication to manage the extreme pain he was experiencing. Miguel was part of a clinical trial with the University of Colorado School of Medicine in Denver prior to his detention in Aurora. He describes the difficulty in receiving the medication which his doctors at the University of Colorado had prescribed him:

> I feel like my condition has worsened during my time at the detention center. It is very frustrating to be deprived from my medical treatment. In January, once I finished the first prescription that was approved, it took almost another month to have access to my medications again. I struggled a lot with my pain during this period. When I asked

45 After Claude and his attorney repeatedly pressed the matter of his inadequate care, Claude did finally meet with an ophthalmologist three days before he was released on parole, more than six months after being placed in detention. Declaration of "Claude's" Pro Bono Attorney, ¶ 13.

46 Ibid., at ¶ 14.

47 Declaration of "Claude's" Pro Bono Attorney, at ¶ 10.

48 Declaration of "Claude's" Pro Bono Attorney, at ¶ 14.

49 Declaration of "Miguel," March 2018, at ¶ 4.

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> for my medications through a kite [a written request], by going to the clinic in person, or by asking the nurses when they did rounds, I would get mixed messages from the medical staff at the detention center. Sometimes the nurses would tell me that the doctor at the detention center had not signed the prescription and other times, the nurses told me that the clinic had run out of pills.[50]

Not only has systematic lack of medical care caused Miguel to suffer needlessly, it has also impeded his ability to access the legal process. Miguel states: "Due to the intense pain, I was not able to sleep the night before my hearing. I felt very anxious and tired during the hearing, and had difficulty concentrating."[51] He further explains the impact that the lack of care had on his psychological state: "The conditions in the center make me very sad. When I experience extreme joint pain, I feel like I can't take it anymore and I just want to give up. I don't try to tell the guards about my pain. They ignore me when I ask for my medications."[52]

"Magda," National of Mexico

Magda is a 35-year-old pregnant Mexican woman and mother of four U.S. citizen children. She was detained in late January 2018. During the routine medical examination given to all new arrivals, Magda learned she was about 5-weeks pregnant. Magda began experiencing chest pain, cramps, and spotting. She raised these and other concerns about her pregnancy to GEO officials, but they were slow to respond. Magda was particularly anxious because she had suffered a miscarriage just six months earlier. Magda says she complained of symptoms for a few weeks before officials took her to a doctor and then the hospital, where a doctor said she was simply suffering from anxiety. According to Magda's pro bono attorney,

> [Magda] sent multiple 'kites,' or written requests, to the medical staff at the GEO facility, requesting medical attention and more information about her pregnancy. Magda told me that they were being nonresponsive.[53]

Magda reports that her symptoms worsened following her visit to the hospital, including the presence of significant bloody phlegm. She says medical officials at Aurora brushed off her concerns for about two weeks before permitting her to see an outpatient doctor at the facility. At that visit, the doctor discovered Magda had TB, which is highly contagious and posed a threat to her, her unborn fetus, and the entire detained population and staff at Aurora. Magda

50 Declaration of "Miguel," March 2018, at ¶ 13.

51 Declaration of "Miguel," March 2018, at ¶ 16.

52 Declaration of "Miguel," March 2018, at ¶ 17.

53 Declaration of "Magda's" Pro Bono Attorney, May 22, 2018, at ¶ 2.

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was hospitalized and prescribed medication for the TB. For several days, she was shackled to the bed, making it difficult to use the restroom as needed. Magda reports that while she was at the hospital, neither GEO nor ICE notified her attorney or her family. Her attorney tried to contact her during this time and for about four days could not learn anything about where she was.[54] After several days she was returned to Aurora and placed in isolation for two weeks. In Magda's words,

> It was horrible to be alone like that. I felt like they had forgotten about me and that no one cared about me. My room was always cold, and they wouldn't bring me clean sheets or clean clothes or clean underwear… I was very depressed and spent all day and night in bed trying to sleep.

Magda was eventually returned to the general population, but continued to worry she was not getting liver function tests for herself and regular heartbeat monitoring for her unborn fetus, even though doctors had recommended she receive both. She was also extremely depressed. Yet four months into her stay at Aurora, she had had only one remote session with a psychiatrist who prescribed antidepressants.

Magda was finally released from detention in May 2018. Her illness caused delays in her court proceedings that might have been avoided had she been diagnosed and treated promptly. Magda's case is particularly concerning because of the additional requirements for care of pregnant detainees. For instance, ICE's detention performance standards for pregnant women specify that restraints should only be used in "extraordinary circumstances" and specifies that this prohibition follows the detainee if transferred to an outside medical facility.[55] There is no indication that Magda met any of the conditions that would justify such shackling, or that officials complied with the requirements for authorization and documentation.

"Raul," National of Honduras

Raul is a 31-year-old man from Honduras who repeatedly beseeched officials at the Aurora facility to help him with intense pain and swelling in his testicles, in addition to a rash, fevers, and irritated eyes. Raul submitted multiple requests complaining of intense pain and swelling "the size of a handball." He was eventually referred to a doctor, who recommended that he see a urologist. However, Raul never met with a urologist during his detention in Aurora and was instead only given ibuprofen to treat the pain. The official response to his request states simply that a referral to a urologist "can be a lengthy process."[56]

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54 Declaration of "Magda's" Pro Bono Attorney, May 22, 2018, at ¶ 6.

55 PBNDS 2011 (Revised December 2016), 4.4, V. E(1).

56 Detainee Grievance Response, March 2018 (responding to a grievance previously made by "Raul").

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Raul describes in his own words the care he received while he was in Aurora:

> I was very anxious during my stay at the detention center. I did not understand why I was not getting the treatment I so desperately needed. The staff was rude, I sent almost 30 kites and even other detainees tried to help me get medical help from the medical staff. I requested ice for the pain and did not receive it. I was getting the wrong number of pills to help with the pain. The staff was very unprofessional.[57]

There is no indication that medical officers attempted to expedite his appointment with the urologist or to find better interim care to alleviate his pain. Rafael was subsequently released from Aurora in April 2018, after almost three months of detention.

"Laurenzo," National of Mexico

Laurenzo is a 40-year-old man who came to the United States as a lawful permanent resident when he was about 10 years old. About 10 years ago, Laurenzo began suffering frequent seizures, which he managed with medication.

In the spring of 2017, Laurenzo was in a car accident after losing consciousness either due to a seizure or side effects from his medication. He was subsequently detained by ICE and transferred to Aurora in April 2017. Since arriving at Aurora, Laurenzo has struggled to obtain medical care for his seizures. He reports that before being taken into ICE custody, his regular doctor had stressed the importance of taking his anti-seizure medication at precise times—within an hour of waking up in the morning and within an hour of going to bed at night. Although Laurenzo promptly told the medical staff at Aurora about his condition and the necessity of taking his medication as specific times, it still took more than a week for him to see a doctor, during which time he ran out of his medicine and was extremely fearful of having a seizure.

After seeing the doctor, he began receiving anti-seizure medicine again, but not at consistent times as his original doctor stressed was necessary and as Laurenzo repeatedly requested. Laurenzo states that the medical staff at Aurora brought him his medication at different times every day and never within an hour of going to bed at night or waking up in the morning. Laurenzo estimates that he has suffered about *150 seizures* during his nearly 14 months at Aurora. According to Laurenzo:

> I think the medical staff here do a horrible job of taking care of people. I have been getting so many seizures. I asked the doctors for a helmet or other protective wear that people with seizures have but they have not given me anything. When I have an episode,

57 Declaration of "Raul," June 1, 2018, at ¶ 24.

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> I pass out without warning and often fall and hurt myself. I have gotten multiple black eyes and have hurt my head, chin, knees, legs, and shoulders when I have episodes.[58]

Laurenzo also suffered when he was placed in solitary confinement for almost a month due to his medical condition. According to Laurenzo,

> They told me it was to monitor my seizures. I felt like they were treating me like an animal by putting me in a room by myself for weeks. They ignored me and treated me horribly.[59]

Laurenzo remains detained in Aurora at the time of submission of this complaint.

"Victor," National of Honduras

Victor, a 38-year-old Honduran detainee, was denied medicated ointment to treat a skin condition, causing it to progress and become extremely painful. According to Victor, he was born with a congenital skin condition that affects his whole body and causes the skin to peel continually.

Before his detention, Victor typically treated himself by applying Vaseline to his skin every day. He reported his condition to medical staff at Aurora when he was detained, and they gave him a medicated lotion for his skin. However, every week, he received only enough lotion to last two days, despite repeated requests for more. He was told he could buy more lotion at the commissary, but did not have money to do so. According to Victor,

> I really suffered while in detention because I did not receive enough lotion to treat my skin problem. My skin was extremely dry and felt like it was burning. My skin was so dry that it began to bleed. I look like I had been cut all over with a small knife.[60]

Victor was eventually released after being detained for about two months in Aurora.

Systemic Problems

The preceding accounts demonstrate systemic failure on the part of both ICE and GEO to provide appropriate medical and mental health care to individuals detained in the Aurora facility. As previously noted, the ICE detention standards are not codified in regulations and are virtually impossible to enforce. It also remains very hard to track cases. IHSC is supposed to provide oversight of health care provided by contractors, but there is little transparency to

58 Declaration of "Laurenzo," June 1, 2018, at ¶ 12.

59 Declaration of "Laurenzo," June 1, 2018, at ¶ 16.

60 Declaration of "Victor," April 4, 2018, at ¶ 7.

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their work. A 2016 Government Accountability Office (GAO) study showed that complaints are funneled to IHSC from many entry points in the system, but that IHSC has limited ability to track these complaints and respond to them effectively.[61] For instance, GAO concluded that IHSC has no real capacity to track and respond to worrisome trends illustrated by the many individual complaints. According to the report, "…IHSC has limited oversight and tracking capability over the universe of complaints, making it difficult for DHS to analyze trends in medical care complaints and assess the extent to which changes to medical care may be needed across facilities."[62]

Moreover, some private contractors have a financial incentive to deny medical care to detainees. Those contractors who receive a fixed payment for detainee care pocket more money by skimping on medical care unless it becomes so poor that ICE does not renew the contract.[63]

In sum, the detainee health care system remains badly deficient. After reviewing documentation for a critical report on detainee health care, one correctional health expert stated: "From the evidence that I saw in the cases that I reviewed, we have a system that is broken for detainee health care and adding more detainees to that system can only make it worse."[64]

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61 U.S. Government Accountability Office, *Immigration Detention: Additional Actions Needed to Strengthen Management and Oversight of Detainee Medical Care*, GAO-16-231, February 2016, https://www.gao.gov/products/GAO-16-231.

62 Ibid., 37.

63 Human Rights Watch, *Systemic Indifference: Dangerous & Substandard Medical Care in U.S. Immigration Detention*, May 8, 2017, 23, https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention. A letter signed by hundreds of NGOs and submitted to then-DHS Secretary Jeh Johnson, stated that ICE's inability to provide oversight of its contractors in providing medical care, and the lack of any meaningful penalty provisions, "incentivizes private companies to minimize facility costs by rationing basic necessities for detained individuals, including medical care" ("End the U.S. Department of Homeland Security's Use of Private, For-Profit Immigration Detention Facilities," September 14, 2016, https://www.detentionwatchnetwork.org/pressroom/releases/2016/340-civil-human-rights-organizations-tell-dhs-stop-detaining-immigrants.) According to an advisory Homeland Security Council created at the recommendation of then-DHS Secretary Johnson in 2016, health-care at IHSC-staffed facilities was generally better than privately operated ICE facilities, such as the GEO facility in Aurora (Homeland Security Council, *Report of the Subcommittee on Privatized Immigration Detention Facilities*, December 1, 2016, https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf.)

64 Dr. Marc Stern, MD, MPH, FACP, and former Health Services Director, Washington State Department of Corrections, quoted in May 8, 2017. Human Rights Watch news release, "U.S. Detention Hazardous to Immigrants' Health" on *Systemic Indifference*, https://www.hrw.org/news/2017/05/08/us-detention-hazardous-immigrants-health.

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These shortcomings, if left unaddressed, could result in more significant harm to detainees, including permanent health impairments or death. We are also concerned about the negative impact of these medical problems on detainees' ability to effectively participate in their own legal proceedings.

With these concerns in mind, we urge the following:

1) The DHS Office for Civil Rights and Civil Liberties and the Office of the Inspector General must conduct an immediate, independent review of medical and mental health care at Aurora, including disposition of grievances filed within the last year. A local oversight board should be created to review and report on these findings.

2) ICE must promulgate binding, enforceable regulations, including a private right of action, that govern the conditions of detention and the treatment of detainees. This is especially important as it relates to the provision of medical and mental health care.

3) ICE should ensure that legal service providers, or any party with a signed release waiver, have direct access to the medical department in Aurora to enable service providers to advocate on behalf of their clients' medical needs with the medical service providers charged with monitoring their care.

4) ICE must ensure greater transparency for complaints and their resolution. It is essential to publish more data on the extent and nature of complaints about medical care. There must also be greater oversight of IHSC's handling of complaints and other work overseeing contractors that provide medical care.

5) ICE should limit its reliance on contractors to deliver medical and mental health care services and instead expand the role of IHSC in the provision of direct services.[65]

6) ICE and IHSC should ensure a sustained and more independent oversight mechanism for all detention facilities, through requirements for accreditation and more regular unannounced inspections by the Inspector General or other neutral entity or other means.

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65 This is consistent with the recommendation of the Homeland Security Council, which stated: "The ICE Health Service Corps (IHSC) has brought identifiable improvements to health care in ICE detention facilities. It should be provided the funding to expand coverage to a higher percentage of the facilities where ICE detainees are held, and to ensure full staffing in those facilities, as part of continuing efforts to improve medical services" (Homeland Security Council, *Report of the Subcommittee on Privatized Immigration Detention Facilities*, December 1, 2016, 2, https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf.)

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7) ICE should promulgate a regulation of a policy mandating the termination of contracts for facilities that fail to pass more than one consecutive inspection.

8) ICE must complete the online accessibility of the Patient Medical Record Portal,[66] an online portal that released detainees may use to access their medical records.

Given the severity of these violations and the immediate impact on the health and safety of individuals detained in the Aurora facility, we ask that you consider our requests in an expedited manner.

If you have any questions or require additional information, please contact Katie Shepherd of the American Immigration Council at KShepherd@immcouncil.org or (202) 507-7511. Pseudonymized declarations of the above complainants may be available upon request.

Sincerely,

American Immigration Council (Council)

American Immigration Lawyers Association (AILA)

66 In April 2018, DHS announced an update to the electronic Health Records System ("eHR"), a case management system designed to maintain records "of medical treatment provided to individuals detained by ICE." The update follows a Privacy Act Assessment (PIA) for eHR in 2013 and reflects ICE's development of an online Patient Medical Record Portal, whereby "former detainees can access an electronic copy of their medical records." More information regarding the electronic Health Records System (eHR) can be found on ICE's website at: https://www.dhs.gov/publication/dhsicepia-037-electronic-health-records-system (last accessed June 1, 2018).

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From: (b)(6);
Sent: 12 Sep 2017 16:49:13 -0400
To: #ICE-OPA-COB
Subject: ICE OPA COB 9-12-2017
Attachments: ICE OPA COB 09122017.docx



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
September 12, 2017

Compiled by (b)(6); (b)(7)(C)

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Homeland Security Investigations

HSI – McAllen: Former Border Patrol agent sentenced for false statement regarding a narcotics seizure, *USA news release*
The Southern District of Texas issued a news release regarding (b)(6); (b)(7)(C) a former Border Patrol agent, who was sentenced to two years in federal prison for making a false statement regarding a narcotics seizure. PAO will edit and forward the news release for ICE web posting. (N. Pruneda)

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HSI – San Diego: Sexual assault allegation, *San Diego NBC affiliate*
PAO responded to multiple inquiries from a producer requesting information about a complaint/letter filed by the father of a minor female who alleges his daughter was sexually assaulted during a body search at the San Ysidro Port of Entry (SYS POE) several days ago. The father insists the detailed letter was provided to a supervisor with "Homeland Security" at the SYS POE. San Diego HSI confirmed that HSI did not receive a letter or complaint about these allegations. PAO advised the producer that HSI is not involved in the alleged incident, and referred the producer CBP. CBP is now checking with its management. (L. Mack)

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Enforcement and Removal Operations

ERO – San Antonio: Pregnant females in ICE custody, *Huffington Post*
Reporter Roque Planas said that immigration advocates are claiming that this Administration is detaining more pregnant women than the previous Administration. He asked for related ICE stats on the detention of pregnant women. (N. Pruneda)

ERO – Boston: Request for removal/arrest stats, *Associated Press (Boston bureau)*

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Reporter Phil Marcelo requested the most recently available ICE removal and admin arrest stats for the AOR and national historical data. PAO issued cleared stats through June 30 and directed reporter to online data on ICE.gov.(S. Neudauer)

ERO – Boston: Arrest inquiry, *Nantucket Inquirer and Mirror*
Reporter Peter Sutters requested information concerning the whereabouts of an alien (recently living on Nantucket) who missed a local court hearing. ERO Boston research shows this alien is in USMS custody and is currently awaiting a federal court hearing for illegal re-entry. PAO directed inquiry to USAO - Massachusetts.(S. Neudauer)

ERO – Boston: Detainer inquiry, *MassLive (online)*
Reporter Melissa Hanson asked if ICE placed a detainer on a self-admitted illegal alien who was arrested and arraigned locally on numerous criminal charges for reckless driving, lying to police and willfully obstructing an emergency vehicle. PAO and ERO are researching for response.(S. Neudauer)

ERO – Philadelphia: Detainee confirmation, *local NBC affiliate, local ABC affiliate*
Reporters requested agency comment regarding the status of man who was recently arrested for hitting and killing a 72-year-old man while allegedly driving under the influence. PAO confirmed no record of previous encounters and stated that if the subject proves to be a deportable alien ICE will lodge a detainer against him with the city of Philadelphia. (A. Smith)

ERO – Philadelphia: Upcoming operation, *local Telemundo affiliate*
Reporter sought to confirm that ICE planned to conduct a nationwide enforcement action. PAO referred reporter to the statement on ice.gov. (A. Smith)

ERO – Philadelphia: AOR arrest statistic and FOIA information, *local Telemundo affiliate*
Reporter requested AOR arrest stats and FOIA information. PAO provided previously cleared AOR stats and referred the reporter to ICE.gov for FOIA information. (A. Smith)

ERO – Philadelphia: Protest and FOIA information, *Philadelphia Inquirer*
Reporter requested agency comment regarding recent protest in front of ERO Philadelphia office and information on FOIA. PAO provided previously cleared protest language and referred the reporter to ICE.gov for FOIA information. (A. Smith)

ERO – Atlanta: Legal correspondence, *The Intercept*
Reporter requested ICE comment on allegations that ERO barred delivery of legal correspondence intended for a detainee at the Stewart Detention Center to prevent him from using the information in his appearance before EOIR. PAO advised that absent a signed privacy waiver we cannot discuss the alien's case specifically, but the allegation is false and he was not denied access to legal correspondence. PAO further directed the reporter to the relevant section of PBNDS for general information on correspondence procedures at detention facilities. (B. Cox)

ERO – Atlanta: Immigration enforcement during 1996 Olympic Games, *NPR Latino*
Producer requested ICE comment on claims by the Mexican Consulate that then-INS officials in Atlanta suspended immigration enforcement during the 1996 Summer Olympics. PAO advised that as the event occurred more than 20 years ago prior to the establishment of ICE we do not

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have any records, nor are any leadership personnel from that time still at the field office. PAO advised they could submit a FOIA request to see if any such records exist, but ICE is unable to comment. (b)(6);

ERO – Mississippi: SPLC use-of-force questions, *Southern Poverty Law Center*
SPLC employee Will Tucker requested information on an ERO officer-involved shooting in Laurel, Miss., in July 2016, and a pending lawsuit alleging abuse of an alien in 2014 in Pearl, Miss. PAO pointed reporter to previously released statement on the shooting, and explained that ICE doesn't comment on pending litigation. PAO referred the reporter to ICE HQ and DHS for questions about national abuse claims and how DHS handles allegations of impropriety. (T. Byrd)

ERO – California: State 'sanctuary' legislation, *Associated Press*
Reporter Amy Taxin asked if the agency wished to offer any comment on the amended version of Senate Bill 54, the so-called sanctuary law, which is expected to come up for a vote later this week. In response to push-back from Governor Jerry Brown's office, some sections of the bill have been modified, but the legislation would still severely limit the ability of state and local law enforcement agencies to cooperate with ICE. ICE leadership in D.C. is expected to issue a statement. (V. Kice, L. Johnson)

ERO – Las Vegas: Criminal aliens, *Las Vegas Review Journal*
Investigative reporter Art Kane is conducting initial research for a long-term story about immigration enforcement and the efficacy of ICE's efforts to identify and deport criminal aliens. It's clear from the reporter's questions he's unfamiliar with immigration law and policy. Further, the reporter acknowledged his primary sources at this point have been private bar attorneys and statistics provided by TRAC. PAO provided current and historical removal and arrest data, both national and for the Salt Lake City Field Office. PAO is also coordinating with Las Vegas ERO to draft and clear statements on criminal aliens where the reporter erroneously believes ICE failed to take action. (V. Kice)

ERO – Newark: ICE Detention, *Univision 41*
Reporter asked if ICE ERO has taken Hipolito Miguel Corniel of New Jersey into custody. Corniel was recently released from a New Jersey state prison after serving time for manslaughter. PAO referred the reporter to the ICE detainee locator. (L. Martinez)

ERO – Atlanta: Detainee medical treatment, *The New Yorker*
Reporter Charles Bethea requested ICE comment on allegations by a detainee in custody at Stewart that he received insufficient medical treatment for an arm injury. Reporter did not provide any specific allegations so PAO was only able to direct reporter to previously released general boilerplate information on detainee medical care as well as the relevant section of PBNDS. PAO made clear that absent any specific allegation it is impossible for ICE to provide anything more than a general response to a general allegation. (B. Cox)

ERO – Dallas: Request for updated arrest and removal stats for nation, *Dallas Morning News*
DMN reporter Dianne Solis asked for updated arrest and removal stats for all ICE AORs. PAO provided the stats that had previously been released to the Washington Post, and explained that

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updated stats are not yet available since we're so close to the end of the FY. (C. Rusnok, S. Rodriguez)

ERO – Denver: Is ICE involved in the fatal child abuse investigation of two girls?, *ABC7 Denver*
The reporter asked if ICE is involved in the fatal child abuse investigation of two girls who died in Western Colorado. Five suspects were arrested by police, and at least two appear to be aliens (Haiti/Jamaica). Based on ERO Denver info, PAO responded that ICE is assisting the SO with whatever ICE-related assistance is requested. (C. Rusnok, K. Marcum)

Strategic Communications

Enforcement and Removal Operations

ICE.gov: ICE joins Hurricane Harvey rescue efforts
inSight: ICE joins Hurricane Harvey rescue efforts
ICE Retweets @ICEgovCareers, As a deportation officer with ICE ERO, you will uphold U.S. immigration law at, within, and beyond our borders
More

Homeland Security Investigations

inSight: HSI San Antonio Hail and Farewell BBQ
inSight: Shuttered Detroit football arena serves as prime venue for counter-sniper training
Facebook: A Laguna Hills man pleaded guilty to charges of selling misbranded veterinary medications without a prescription, some of which were not approved for use in the United States
Twitter: Owner of pet company pleads guilty to selling meds w/out prescriptions, some of which were not approved for US sale
Twitter: Multiagency probe targeting suspected drug & firearms trafficking by street gang results in over 2 dozen arrests
Twitter: Last week, ICE HSI Guatemala hosted meetings focused on #humansmuggling & #childexploitation
Twitter: HSI personnel from Guatemala, Mexico, Brazil, Panama, El Salvador, Honduras, Belize & Costa Rica attended w/prosecutors & TCIU investigators
Twitter: The participants met to coordinate anti-human smuggling & anti-child exploitation enforcement efforts on known Transnational Criminal Orgs
ICE Retweets @USAO_NV, Reno Man Sentenced To 5 Yrs In Prison For Receipt Of 3K+ Images & Videos Of Child Pornography
ICE Retweets @ICEgovCareers, Are you interested in becoming a criminal investigator with ICE HSI? Learn more about the job
More Strengthening the global response to intellectual property crime

Management and Administration

ICE.gov: How 9/11 Impacted the Lives of ICE Employees
inSight: How 9/11 Impacted the Lives of ICE Employees

AMERICAN OVERSIGHT

Facebook: Most ICE offices and programs have a role in preventing terrorism. Several are on the front lines of this effort, either identifying dangerous persons before they enter the U.S. or finding them as they violate immigration or customs laws. ICE also works to prevent the illegal export of U.S. technology that could be used or repurposed to do harm
Twitter: ICE is responsible for enforcing the nation's immigration laws. Think you know ICE?
ICE Retweets @USAgov, There's a lot of misinformation spreading fast. Share @FEMA's rumor control page, and help spread accurate info
ICE Retweets @ICEgovCareers, If you're interested in joining our team, visit @USAJOBS for our latest job announcements
ICE Retweets @FEMA, Reach out to family, friends, & neighbors after #HurricaneIrma to make sure they're safe and to see if they need any help

Operations Anticipated/Scheduled Interviews and Events

Wednesday, September 13 – The Delaware County (Pennsylvania) District Attorney's Office will host a news conference at 11 a.m. EDT to introduce newly acquired Cyber canine Charlie. **Philadelphia SAC Marlon V. Miller** will represent HSI at the event and make brief remarks. (A. Smith)

Wednesday, September 13 – Reporter Patrick Michels, from Reveal and the Center for Investigative Reporting in the San Francisco Bay Area, will be observing immigration court inside the South Texas Detention Center, in Pearsall, Texas. (N. Pruneda)

Wednesday, September 13 – SNA ERO anticipates the high-profile removal of a Guatemalan man wanted for homicide. SNA PAO plans to issue news release regarding the removal. The release will include a quote from **SNA ERO FOD Daniel Bible**. (N. Pruneda)

Wednesday, September 14 – SNA ERO anticipates the high-profile removal of a Salvadorian man who is also a documented MS-13 member, and is wanted for aggravated homicide. SNA PAO plans to issue news release regarding the removal. The release will include a quote from **SNA ERO FOD Daniel Bible**. (N. Pruneda)

Thursday, September 14 – The Department of Justice anticipates issuing a news release announcing the sentencing of a Portuguese man convicted following a probe by HSI San Diego of conspiring to illegally export to Iran sophisticated equipment, including military-grade optical lenses. The release will include a quote from **San Diego SAC David Shaw**. Originally scheduled for Sept. 7, the sentencing was continued. (L. Mack)

Sunday, September 17 – Denver Post has been working on a story for many weeks. The reporter plans to have the story published regarding ICE making arrests in one area and transferring them to another area where they are ultimately released in an unfamiliar and sometimes distant area. (C. Rusnok, K. Marcum)

Friday, September 17 – **HSI Newark Deputy Special Agent in Charge Michael McCarthy** will attend a press conference at the Monmouth County Prosecutor's Office, 132 Jerseyville

AMERICAN OVERSIGHT

Avenue, Freehold, New Jersey. The press conference will announce the arrests of child predators during a joint child pornography enforcement initiative. (L. Martinez)

Wednesday, September 20 – ERO Detroit FOD Rebecca Adducci will be quoted in a press release announcing the removal of a Jordanian national recently stripped of her US citizenship, following an immigration fraud conviction. (K. Walls)

#ICE#

Carl Rusnok
Director of Communications, Central Region (Spokesman)
based in Dallas, TX
U.S. Immigration and Customs Enforcement (ICE) www.ice.gov
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AMERICAN OVERSIGHT

U.S. Immigration and Customs Enforcement

May 17, 2017

(b)(5)

(b)(5)

AMERICAN OVERSIGHT

Page 834

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(b)(5)

of the Freedom of Information and Privacy Act

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Page 835

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 836

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

From: Zamarripa, Leticia
Sent: 1 Nov 2017 17:23:59 -0400
To: #ICE-OPA-COB
Subject: ICE OPA COB 11-01-2017
Attachments: ICE OPA COB 11012017.docx



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
Nov. 1, 2017

Compiled by: (b)(6); (b)(7)(C)

Homeland Security Investigations

HSI – Fort Myers, Fla.: Armored truck robbers found guilty, *USAO news release*
The SAC Tampa, RAC Fort Myers office was credited in a Middle District Florida USAO news release announcing a federal jury found two men guilty of armed robbery. (T. Spicer)

HSI – New Port Ritchey, Fla.: Child predator arrest, *NewsPortRichey.org, (NBC, ABC affiliates)*
Media outlets requesting information about a local school employee charged federally with child pornography after a search warrant was executed Tuesday. PAO has confirmed the arrest and coordinated with USAO PAO, using them as media POC for additional information. (T. Spicer)

HSI – Nashville, Tenn.: IPR seizures during Stanley Cup playoffs, *Nashville Post*
Reporter Stephen Elliott contacted PAO requesting information on seized property during the Stanley Cup in Nashville. PAO directed reporter to previous release from the USAO. (T. Byrd)

HSI – Seattle: Predator sentence, *news release*
PAO coordinated with USAO, Eastern District of Washington on news release announcing the 27-year prison sentence of a former teacher and child predator. Release featured a quote from **Seattle SAC Brad Bench**. (L. Haley)

Enforcement and Removal Operations

ERO – Laredo: Iraqi in custody, *The Daily Beast*
Reporter for the Daily Beast is asking if ICE can confirm whether an Iraqi detainee was on a hunger strike while in ICE custody. His name is (b)(6); (b)(7)(C) PAO is working with SNA ERO regarding the case. Item is pending. (N. Pruneda)

AMERICAN OVERSIGHT

ERO – San Antonio: Questions about 10-year-old girl, *Al Jazeera*
PAO continues to field queries regarding whether ICE had a role in the enforcement action taken in the case of (b)(6); (b)(7)(C), who was taken into custody. PAO continues to refer media to CBP and ORR PAOs. (N. Pruneda)

-

ERO – Fort Myers, Fla.: Manhattan attacker immigration documents, *NBC (affiliate)*
A local station inquired about immigration documents of (b)(6); (b)(7)(C) the man responsible for the truck attack in Manhattan. PAO talked with the reporter and advised that legal immigration documents are managed by USCIS, and are not releasable. (T. Spicer)

ERO – Memphis, Tenn.: ICE officers at immigration courts, *Memphis Commercial Appeal*
Reporter Daniel Connolly from the *Memphis Commercial Appeal* requested information about immigration officers at immigration court. An immigration attorney stated that ICE officers in Memphis were showing up at immigration court hearings to make arrests. PAO responded that we have not had officers at the Memphis immigration court recently, and directed the reporter to the DOJ link that explains EOIR and ICE policy on officers in immigration courts. (T. Byrd)

-

ERO – New York: Dominican national removed, *news release*
PAO submitted ERO news release announcing the removal of a Dominican national wanted by authorities in his home country. Release pending approval. (R. Yong Yow)

-

ERO – Philadelphia: Request for information on detainee: *Reading Eagle*
Reporter with the *Reading Eagle* requested agency comment on the detention of a Mexican man who turned himself over to ERO officers at the Berks substation Sept. 6, 2017. PAO provided cleared statement on the reinstate of the detainee's previous removal order.(A. Smith)

-

ERO – San Diego: Detention of pregnant women, *Vice News*
Chris Gelardi, Fellow with Global Migration Project/ Colombia Journalism School, requested ICE statement on the case of a high-profile detainee housed at the Otay Mesa Detention Center. The case involves a female detainee who has made multiple claims to reporters that she miscarried while in ICE custody. The article is being reported for *Vice News.* PAO provided ICE's previously cleared statement about the policy requiring pregnancy screening of all women between the ages of 18 to 56 shortly after being admitted into an ICE detention facility. PAO requested the detainee's consent allowing the agency to re-issue its statement pertaining to her specific case. The wavier is in process. PAO will follow up with the reporter once the waiver is signed or not. Pending issue. (L. Mack)

ERO – Los Angeles: Cambodian removals, *Los Angeles Times*
Reporter requested information on perceived uptick in removals to Cambodia. PAOs provided cleared statement and responded to additional follow-up questions. (L. Haley, B. Raedy)

ERO – San Francisco: Cambodian enforcement lawsuit, FOX (*affiliate)*
Reporter contacted PAO for response to Asian Law Caucus class action lawsuit. PAO declined comment on pending litigation. (L. Haley)

-

AMERICAN OVERSIGHT

General

ICE – Rio Grande Valley: OIG report on loss or stolen firearms and other sensitive assets, *ABC (affiliate)*
PAO is looking into whether ICE is issuing a national statement regarding OIG report. PAO referring media to DHS. (N. Pruneda)

Strategic Communications

Enforcement and Removal Operations

inSight: ICE support personnel provide Harvey and Maria relief

Homeland Security Investigations

inSight: ICE support personnel provide Harvey and Maria relief
Twitter and Facebook: PA man charged with multiple child exploitation crimes after ICE HSI Philadelphia-led investigation News Release
ICE Retweets @ICEgovTampa, #HSI is proud to be part of this investigative team
Strengthening the global response to intellectual property crime

Management and Administration

ICE.gov: OPLA Week 2017
inSight: OPLA Week 2017
ICE Retweets @DHSgov, DHS statement on the apparent act of terrorism in NYC: https://www.dhs.gov/news/2017/10/31/statement-acting-press-secretary-apparent-act-terrorism
ICE Retweets @DHSgov, Acting Sec. Duke on terror attack in NYC: We will counter terrorist hate while defending our country, our values, our way of life
ICE Retweets @DHSgov, Full statement here: http://bit.ly/2A7ci11
Twitter: #DYK? ICE's OPLA is the exclusive representative of @DHSgov in Immigration Court #OPLAWeek ice.gov/features/opla-week-2017
ICE Retweets @ICEgovCareers, This week is #OPLAWeek at ICE. Learn more about the largest legal program in @DHSgov ice.gov/features/opla-week-2017
Facebook: Did you know that ICE's OPLA practices much more than immigration and customs law? We have procurement, ethics, labor and employment, privacy and information, labor, fiscal and environmental law experts. Learn more facts about OPLA below

Operations Anticipated/Scheduled Interviews and Events

Thursday, Nov. 2 – HSI Miami DSAC (b)(6); (b)(7)(C) plans to give reporter with *Telemundo* affiliate in Miami an interview regarding child pornography investigations. Among the topics to be discussed are the increase in investigations, dangers that lurk on the internet, and action parents can take to protect their children. And efforts by the agency to combat the problem. PAO will staff interview at 11 a.m. at the SAC office. (N. Yglesias)

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Wednesday, Nov. 15 – *Atlanta Journal-Constitution* reporter Jeremy Redmon, previously approved to tour the Folkston ICE Processing Center in June, has rescheduled tour for 10 a.m. Nov. 15. **Acting Miami FOD Mike Meade** and PAO will staff the tour of the facility, 3026 Hwy 252 E. Folkston, Georgia, 31537. (T. Spicer)

Monday, Nov. 27 – PAO is set to attend the annual 287g steering committee meeting for the Jacksonville Sheriff's Office. The meeting is set for 10 a.m. at the Police Memorial Building, 501 E. Bay Street, Jacksonville, Florida. (T. Spicer)

Monday, December 11 – PAO is scheduled to attend the annual 287g steering committee meeting for the Collier County Sheriff's Office. The meeting is set for 1 p.m. at the Professional Development Center, 615 3rd Avenue South Naples, Florida. (T. Spicer)

#ICE#

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(b)(6); (b)(7)(C)

Follow ICE

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From: Rusnok, Carl
Sent: 19 Jan 2018 17:02:18 -0500
To: #ICE-OPA-COB
Subject: ICE OPA COB -- 01/19/2018
Attachments: ICE OPA COB 01192018.doc



OFFICE OF PUBLIC AFFAIRS
Daily Close of Business Report
January 19, 2018

Compiled by: (b)(6); (b)(7)(C)

Homeland Security Investigations

Enforcement and Removal Operations

ERO – Philadelphia: FY 2017 arrest statistics, *Metro.us*
Reporter requested FY 2017arrest statistics. PAO provided previously cleared FY 2017 arrest statistics (b)(6); (b)(7)(C)

ERO – Atlanta: FOD interview, *NPR national*
Atlanta FOD Sean Gallagher interviewed with a national NPR correspondent about the increase in arrests throughout the ERO Atlanta area of responsibility (AOR), with a focus on how 287(g) program partners have contributed to the upturn. (b)(6); (b)(7)(C))

ERO – Atlanta: Detention center questions, *Splinter News*
A reporter has several questions about issues at GA detention centers and the closing of Office of Detention Policy and Planning (ODPP). PAO is working on providing cleared language. (b)(6); (b)(7) Spicer)

ERO – Tampa: Deportation of Plant City illegal alien, *Telemundo, WTSP*
Local media has been following the case of an illegal alien, a father of five with a pregnant DACA wife, who is scheduled to report to ICE in late January. Media asked why he is being deported since he is the only bread winner for the family. PAO is working with ERO to develop a cleared statement. (b)(6); (b)(7)(C)

ERO – Austin: Hutto resident allegedly tries to take her life, *Washington Post, Austin American Statesman and Williamson County Sun*

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Washington Post, Austin American Statesman and *Williamson County Sun* requested information regarding the alleged suicide attempt of (b)(6); (b)(7)(C) a T. Don Hutto Resident. Austin Grassroots claim (b)(6); (b)(7)(C) attempted suicide, and that guards did not quickly take her for medical care and negligently left pills in her possession. ICE PAO provided the approved statement. (b)(6); (b)(7)(C)

ERO – Phoenix: Local arrests and removal numbers, *12News*
Reporter Antonia Mejia requested national and localized arrest and removal numbers. PAO forwarded her the two publically available links found on the ICE website that show the requested numbers. (b)(6); (b)(7)(C)

ERO – Phoenix: Sentencing of a Mexican national, *AUSA news release*
PAO coordinated with the AUSA on a news release quoting **Phoenix Field Office Director Henry Lucero** on the sentencing of (b)(6); (b)(7)(C) Mexican national charged with illegal re-entry. (b)(6); is an aggravated felon who had previously served about 10 years in a Mexican prison for the murder of an off-duty Border Patrol Agent. PAO will flip news release for web posting. (b)(6); (b)(7)(C)

ERO – Seattle: Mexican national in custody, *Univision- local*
Reporter Pablo Gaviria is requesting information on (b)(6); (b)(7)(C) a Mexican national, targeted by the local office for immigration violations. PAOs are working with the local office to draft issue paper to clear a response. (b)(6); (b)(7)(C))

ERO – National: ICE's Parental Interests policy, *Arizona Daily Star*
Tucson reporter Perla Travizo asked a number of questions regarding the posted parental interest policy, specifically if the posted policy is still the agency's policy; if it is, does the directive conflict or impact in any way with the President's executive orders. PAO is working with OPA HQ to determine how to best roll-out the revised version that will accompany additional supporting material. PAO relayed to reporter that a response is forthcoming. (b)(6); (b)(7)(C) a (b)(6); (b)(7)(C)

ERO – San Diego: Detainee complaints after miscarriage, *San Diego Union Tribune, KPBS public radio*
Two local immigration beat reporters have requested to interview a detainee at OMDC who miscarried earlier this month. PAO is preparing ICE statement based on the case details and seeking authorization from the detainee to release information about her case and schedule the interviews. The detainee requested asylum and is in custody pending an initial interview with the IJ. She tested positive for pregnancy during an initial medical screening at intake on Dec. 24. She was provided a mid-level ICE Health Services Corps medical provider and received prenatal medical care three times prior to her miscarriage. The miscarriage was confirmed by a medical provider at local hospital, where she had been transferred to the ER unit on Jan. 10. Pending privacy clearance and appropriate clearances. Due to an expedite deadline request from the UT, PAO provided ICE's previously issued statement on prenatal care and cleared stats on number of pregnant women in ICE custody (b)(6); (b)(7)(C)

ERO – Chicago: Arrests made at a county courthouse, *Univision Chicago*

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Reporter Vanessa Perez requests comment on a tip she received about people being arrested by ICE at the Kankakee (Illinois) County Courthouse while they were either paying their tickets or showing up for traffic court. PAO is coordinating a response with ERO.

ERO – Casper, WY: 5 aliens in local custody have ICE detainers, *NBC13 (Casper, WY)*
The news director asked why there is an unusual number of inmates in the county facility with ICE holds. PAO explained that ICE made five targeted arrests in Jackson Hole, WY, who were later transferred to Natrona County. (b)(6); (b)(7)(C)

ERO – Denver: Request for ICE removal stats, 2000-2017, *Colorado Public Radio (Denver)*
The reporter asked for ICE removal stats for the 2000-2017 time frame. PAO explained that the stats for 2013-2017 are available on the web. PAO will request stats for other years from ERO Taskings. (b)(6); (b)(7)(C)

ICE

ICE – Tampa: Government shut down, *ABC affiliate*
Reporter had several questions specific to planning for and responding to the potential government shutdown. PAO responded that we did not have any comments at this time. (b)(6); (b)(7)(C)
(b)(6);

Strategic Communications

Enforcement and Removal Operations

Twitter: ICE removes French national wanted for murder News Release
Facebook: ICE Enforcement and Removal Operations (ERO) removed a French national who was wanted for causing death/manslaughter/murder in his home country News Release

Homeland Security Investigations

Strengthening the global response to intellectual property crime
Twitter: #HumanTrafficking is a hidden crime, and the first step to combating it is to identify victims so they can be rescued and help bring their perpetrators to justice.
https://www.dhs.gov/blue-campaign/awareness-training
Twitter: See and hear Dr. Paulette Hubbert, who oversees ICE's Victim Assistance Program, discuss the 27 ICE HSI victim assistance specialists who save lives
https://www.ice.gov/features/vap #endtrafficking #humantrafficking
Twitter: ICE is fully committed to victim-centered investigations in which the ID, rescue and needs of the victims have equal value as the apprehension & prosecution of traffickers. Learn more about ICE's Victim Assistance Program https://www.ice.gov/features/vap #endtrafficking #humantrafficking
Twitter: Although she was ultimately able to "escape" from her trafficker, the experience of being a victim of human trafficking still haunted Tonya. In part 3 of #InHerOwnWords, she talks

AMERICAN OVERSIGHT

about the lingering pain that existed even after her ordeal was over
https://www.ice.gov/features/human-trafficking-victim-shares-story
Twitter: @WHouse has proclaimed January as National #HumanTrafficking Prevention Month. ICE is working to #endtrafficking https://www.ice.gov/features/human-trafficking
Twitter: Learn more about ICE's Victim Assistance Program (VAP), a unit in HSI consisting of dedicated personnel who help crime victims, including #humantrafficking
https://www.ice.gov/features/vap
Twitter: During National #HumanTrafficking Prevention Month, #ICE remains committed to ending human trafficking News Release
Twitter: Endless ways exist in which to smuggle human beings and most of them don't take into account personal safety or comfort. https://www.ice.gov/features/human-smuggling-danger #humansmuggling #endtrafficking
Twitter: This denaturalization filing demonstrates the US government's enduring commitment to identify and bring to justice those who have committed human rights violations in any part of the world," said ICE HSI Deputy EAD Derek Benner
Twitter: ICE supports Act to End #HumanTrafficking on @ThunderclapIt // @DHSBlueCampaign
Facebook: Underestimating the potential danger of human smuggling can have a deadly outcome https://www.ice.gov/features/human-smuggling-danger

Management and Administration

Operations Anticipated/Scheduled Interviews and Events:

Monday, January 22 – McAllen ASAC (b)(6); (b)(7)(C) is participating in a CBP Border Patrol "*Operation Big Rig*" class presentation at South Texas College Technology Campus. The class will provide information to students in the commercial driver's license program on the dangers immigrants face when smuggled via tractor trailer, and the consequences drivers face if they engage in this criminal activity. After the class, CBP will host a small press availability at the college located at 3700 W. Military Highway, McAllen, Texas 78503. The class is from 9 to 10 a.m. (N. Pruneda)

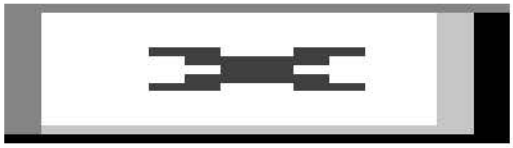
Thursday, January 25 – Reporter Michael Smith with *Bloomberg* magazine will be interviewing on the record **Phoenix SAC Scott Brown** on hard narcotics moving north, with an emphasis on fentanyl. PAO will secure closed mix-load cases for reference for the interview. PAO will also staff the telephonic interview. (Y. Pitts O'Keefe) **proactive**

Tuesday, February 6 – *Crime Watch Daily* reporter will interview on camera and on the record **Phoenix DSAC Lon Weigand** and **Phoenix Group Supervisor Tom Welch** on a closed federal financial case that has received significant local media interest. The defendant was recently sentenced to 17 years in prison for embezzling millions of dollars; victims spoke at the sentencing hearing; the defendant is also a locally known C-list celebrity after spending time on a reality show. PAO will staff the interviews. (Y. Pitts O'Keefe) **proactive**

#ICE#

AMERICAN OVERSIGHT

From: egibble=immcouncil.org@mail.salsalabs.net on behalf of American Immigration Council
Sent: 30 Sep 2017 07:07:22 -0400
To: Homan, Thomas
Subject: This Week in Immigration: DHS Plans to Track Immigrants' Social Media Accounts



DHS Wants to Monitor Immigrants' Social Media. No One Knows What They Will Do With This Information

In a sweeping encroachment upon privacy, the Department of Homeland Security (DHS) announced that it is planning to dramatically ramp up its surveillance of virtually anyone in the United States who is not a U.S. citizen by birth.

SHARE THIS ARTICLE:

Immigration Arrests at Courthouses Are Under Fire From State Officials

Disturbingly, stories of plainclothes ICE agents approaching individuals around courthouses and taking them into custody without ever identifying themselves as immigration authorities are cropping up consistently throughout the country.

SHARE THIS ARTICLE:

A Variety of Legislation Has Been Introduced in Congress to Protect Dreamers

The clock is now ticking and pressure is on Congress to pass a permanent solution that allows young, undocumented immigrants onto a path towards citizenship.

SHARE THIS ARTICLE:

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Why Are More Pregnant Women Being Held in ICE Detention?
Pregnant women held in U.S. Immigration and Customs Enforcement (ICE) custody are required to be released, as detention frequently leads to extreme stress, depression, and in some cases, miscarriage. But over recent months, service providers have witnessed an increase in the number of pregnant women detained by ICE and the length of time they spend in detention.

SHARE THIS ARTICLE:

Travel Ban 3.0: What You Need To Know
This latest version expands the list to these eight countries and imposes indefinite and potentially permanent bans on entry for many of the affected nationals.

SHARE THIS ARTICLE:

This Week at the American Immigration Council:

- **Lawsuit Challenges Postponement of the International Entrepreneur Rule** (Press Release, September 2017)
- **Increasing Numbers of Pregnant Women Facing Harm in Detention** (Advocacy, September 2017)

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AMERICAN OVERSIGHT

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

AMERICAN OVERSIGHT

Exhibit A

AMERICAN OVERSIGHT

Enforcement and Removal Operations

U.S. Department of Homeland Security
7488 Calzada de la Fuente
San Diego, CA 92154

U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C)

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(b)(5)

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

(b)(5)

Identification and Monitoring of Pregnant Detainees

(b)(5)

(b)(5)

(b)(5)

AMERICAN OVERSIGHT

Page 856

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 857

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 858

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th St, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

AUG 15 2016

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
Assistant Field Office Directors
ICE Health Service Corps

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

FROM: Thomas Homan
Executive Associate Director

SUBJECT: Identification and Monitoring of Pregnant Detainees

1. Purpose/Background.

1.1 U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) must consider and address the particular needs and vulnerabilities of pregnant women detained in its custody. As directed in Secretary Johnson's memorandum, entitled *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants* (Nov. 20, 2014), absent extraordinary circumstances or the requirement of mandatory detention, pregnant women will generally not be detained by ICE. While detained in ICE custody, pregnant women will be re-evaluated regularly to determine if continued detention is warranted, receive appropriate prenatal care, and be appropriately monitored by ICE for general health and well-being.

1.2 This memorandum sets forth procedures to ensure that pregnant individuals detained in ICE custody are identified, monitored, and housed in the most appropriate facility to manage their care. The memorandum outlines the relevant responsibilities of offices within ERO to identify and track pregnant detainees, ensure that they are receiving appropriate prenatal care, and re-evaluate their continued detention on an ongoing basis.

1.3 This memorandum codifies existing ICE policy and procedures that address the identification and monitoring of pregnant women detained in ICE custody, and complements ICE's national detention standards and ICE Health Service Corps (IHSC) policies, including those referenced below.[1]

[1] Unless stated otherwise, any reference to "ICE's national detention standards" within this memorandum refers to the 2000 National Detention Standards, the 2008 Performance-Based National Detention Standards, and the 2011 Performance-Based National Detention Standards.

AMERICAN OVERSIGHT

2. Policy.

2.1 ERO is committed to identifying and providing appropriate care for pregnant women detained in ICE custody. ICE's national detention standards require facilities housing immigration detainees to provide the following to all newly admitted detainees: (1) an initial medical screening immediately upon their arrival, including appropriate pregnancy screening; (2) a 14-day full medical assessment; and (3) timely referral for appropriate prenatal and medical care.

2.2 Consistent with ICE's national detention standards, detention facilities are required to notify ERO whenever a pregnant detainee is identified (i.e., detainees with "special needs"). The Field Office Director (FOD) shall take steps to ensure he or she is notified whenever a detainee is determined to be pregnant, and shall notify IHSC Headquarters (HQ) as further provided in Sections 5.1 through 5.3, below. FODs will coordinate with ERO Field Operations on an ongoing basis to determine whether continued detention of the pregnant detainee is warranted. The FOD shall also coordinate with IHSC on an ongoing basis to ensure that the pregnant detainee is appropriately housed, to track the term of the pregnancy, and to ensure the pregnant detainee is receiving necessary and appropriate medical care while in custody.

2.3 IHSC will maintain information regarding all pregnant detainees in ICE custody, based on information received from the FODs, IHSC Health Services Administrators (HSAs), IHSC Field Medical Coordinators (FMCs), and other designated IHSC personnel. IHSC will develop a system for maintaining this information, providing for ongoing monitoring, tracking, and communication with the field concerning the medical condition of the pregnant detainee and/or the fetus.

3. **Superseded Policies and Guidance.** The following ICE policy is hereby superseded:

3.1 ICE Policy No. 11032.1: *Monitoring of Pregnant Aliens in DRO Custody* (Oct. 24, 2007).

4. **Apprehension, Detention, and Release.** If a pregnant detainee is not subject to mandatory detention, or is otherwise eligible for parole after a finding of credible fear, the FOD shall ensure she is not detained or, if already detained, is released from detention unless the FOD determines that "extraordinary circumstances" warrant detention.[2] Any decision to detain a woman determined to be pregnant, who is not subject to mandatory detention, must be approved by the FOD, and the FOD must notify ERO Field Operations of the decision. If a pregnant detainee would be subject to mandatory detention, the FOD shall, when feasible, consult with Office of the Principal Legal Advisor (OPLA) management prior to making a custody determination. Pregnant women released subject to enrollment in an Alternatives to

[2] Memorandum from Jeh Charles Johnson, Secretary of Homeland Security, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants* (Nov. 20, 2014).

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Detention program will not be required to wear a radio frequency or global positioning system monitor.

5. Identification and Notification Procedures.

5.1 IHSC facilities. In detention facilities staffed by IHSC, the HSA shall notify the FOD as soon as practicable of any detainee housed at the facility who is determined to be pregnant, but no later than 72 hours after such determination.

5.2 Non-IHSC facilities. In facilities not staffed by IHSC, the FOD, in coordination with the FMC or other designated IHSC personnel, shall take steps to ensure that he or she is notified as soon as practicable by facility custody personnel or medical staff of any detainee housed at the facility who is determined to be pregnant, but no later than 72 hours after such determination.

5.3 Upon receipt of notification from detention facility personnel, IHSC or other ERO personnel, or any other source, of a detainee determined to be pregnant, the FOD, in coordination with HSAs, FMCs and other designated IHSC personnel in the FOD's area of responsibility, shall immediately notify IHSC HQ, in writing, of the detainee's pregnancy.

6. Centralized Tracking of Pregnant Detainees. In coordination with ERO Field Operations and the ERO Custody Management, IHSC HQ shall collect and maintain relevant information received from the FODs, HSAs, FMCs, and other designated IHSC personnel regarding pregnant detainees, and shall develop a system for maintaining that information to allow for ongoing monitoring and tracking.

7. Monitoring Status of Pregnant Detainees

7.1 Upon receipt of information that a detainee is pregnant, IHSC shall review facility capabilities to determine if another detention or off-site treatment facility would provide an environment better suited to the needs of the detainee. IHSC shall immediately report its conclusion to the FOD and, where appropriate, suggest the detention facility for transfer and treatment.[3] Where it is determined that the detainee is not appropriately housed, absent exceptional circumstances, the FOD shall transfer the detainee as soon as practicable. All transfer determinations shall be made in accordance with the requirements of ICE Policy No. 11022.1: *Detainee Transfers* (Jan. 4, 2012).

7.2 IHSC shall, in coordination with the FOD, continuously monitor the detainee's condition and ensure the detainee is receiving appropriate care. The term of the pregnancy, as well as the general health of the pregnant detainee and the medical condition of the fetus must all be monitored while the detainee remains detained in ICE

[3] In facilities not staffed by IHSC, IHSC and the FMC will work with facility medical staff, but will not control or provide direct medical care.

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custody. HSAs, FMCs, and other designated IHSC personnel shall provide updates to IHSC HQ at least weekly.

7.3 HSAs, FMCs, and other designated IHSC personnel must report any major changes in the health of the pregnant detainee or the medical condition of the fetus to the FOD and to IHSC HQ immediately.

8. Re-evaluating Custody Status of Pregnant Detainees.

8.1 At least weekly, ERO Field Operations shall, in consultation with IHSC HQ and OPLA management, evaluate whether each pregnant detainee's continued detention is appropriate.

8.2 In cases ERO Field Operations deems appropriate, it shall consult with the relevant FOD to consider whether a pregnant detainee's continued detention warrants reconsideration.

9. Authorities and References.

9.1 Immigration and Nationality Act §§ 212(d)(5), 235(b), 236, 241.

9.2 8 C.F.R. §§ 1.1(q), 212.5, 235.3, 236.2(b).

9.3 Memorandum from Jeh Charles Johnson, Secretary of Homeland Security, *Policies for the Apprehension, Detention and Removal of Undocumented Immigrants* (Nov. 20, 2014).

9.4 National Detention Standards, including "Medical Care" Standard.

9.5 2008 Performance Based National Detention Standards, including Standard 4.3 "Medical Care."

9.6 2011 Performance Based National Detention Standards, including:

1) Standard 4.3 "Medical Care."

2) Standard 4.4 "Women's Medical Care."

9.7 IHSC Policy 04-02 "Women's Medical Care."

9.8 ICE Policy No. 11020.1: *Use of GPS Monitoring Devices on Persons who are Pregnant or Diagnosed with a Severe Medical Condition* (Sept. 14, 2009).

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10. **No Private Right of Action.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create or diminish any rights, substantive or procedural, enforceable at law or equity by any party in any criminal, civil, or administrative matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.

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U.S. Immigration and Customs Enforcement

OPA MONTHLY SNAPSHOT
JANUARY 2018

OVERVIEW

Highlights

- Staffed several Deputy Director interviews with FOX News and other outlets to discuss enforcement priorities and impacts of California sanctuary law
- Announced nationwide worksite enforcement action involving the service of notices of inspection (NOIs) to 98 7-Eleven franchises; including an embargoed Associated Press interview that was among the AP's top stories for this month
- Coordinated press event to announce the Basic Ordering Agreement with 17 Florida sheriffs, highlighted the potential for future expansion of the program
- Launched Victim Assistance Program feature page on ICE.gov and did localized media outreach with Victim Assistance Specialists for Human Trafficking Awareness Month
- OPA requested to be the lead for NSA booth
- 2017 Year in review feature on ICE.gov
- OPA contract for public affairs services now available to all programs
- President Trump retweeted an ICE tweet for National Law Enforcement Appreciation Day
- Launched a year-long campaign promoting ODCR, focusing on the director's diversity statement and the importance of Alternative Dispute Resolution
- HSI featured on two episodes of National Geographic documentary, "Chain of Command," airing Monday nights on the National Geographic Channel (Part 3, which already aired but will be shown again Jan. 29 and Part 6, airing Feb. 12)

Immediate Needs/Discussion Items

- Senior Leadership support for Leadership Year
- Challenges with updating ICE computer lock screen backgrounds

Happening Now

- Planning Super Bowl support for both national security efforts and intellectual property enforcement - feature stories and social media push starts Jan. 29
- Planning California operations support
- Planning for several policy announcements including detention of pregnant women, agreement with HHS for UAC sponsor vetting, and courthouse arrests policy
- Filming in multiple locations for Reel Peak films ICE reality series
- Designing self-help templates for use in the field for outreach
- Assisting OCR in developing outreach materials for Hill briefings, newsletter and updating ICE.gov content
- Developing CPI and Shield America outreach products
- Filming agency leadership for ODCR campaign
- Scheduling HSI and ERO leadership for Q2 Leadership Year videos

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A Look Ahead

- Super Bowl joint press conference with NFL and the IPR Center on Thursday, Feb. 1 to highlight intellectual property enforcement
- Expect rollouts of several EO-related items like the Monthly Arrest Report and the VOICE quarterly report
- Upcoming Border Expo press engagement in San Antonio
- Female recruitment webinar February 28
- Beginning ICE.gov redesign with focus groups from HQ and the field
- Expanding number of subscribers and subscriptions to ICE email lists
- Piloting ICN deployment in Fairfax FOD office
- OPA strategic planning begins in Feb.

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AMERICAN OVERSIGHT

Office of Policy

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024

U.S. Immigration and Customs Enforcement

MEMORANDUM FOR: Thomas D. Homan
Deputy Director and Senior Official
Performing the Duties of the Director

THROUGH: Peter T. Edge
Executive Associate Director and Senior Official
Performing the Duties of the Deputy Director

Matthew T. Albence
Executive Associate Director
Enforcement and Removal Operations

Derek N. Benner
Deputy Executive Associate Director and Senior Official
Performing the Duties of the Executive Associate Director

Tracey A. Valerio
Executive Associate Director
Management and Administration

Michael P. Davis
Acting Principal Legal Advisor
Office of Principal Legal Advisor

FROM: Debbie Seguin/s/
Assistant Director
Office of Policy

SUBJECT: Revised Directive for the Identification and Monitoring of Pregnant Detainees

Purpose

To request your approval of the U.S. Immigration and Customs Enforcement (ICE) Directive 11032.3, *Identification and Monitoring of Pregnant Detainees*.

Background

(b)(5)

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(b)(5)

Recommendation

I recommend (b)(5)
(b)(5) Please indicate your decision below.

Approve _____ Disapprove _____

Modify _____ Needs more discussion _____

Attachment:

1. ICE Directive 11032.2, *Identification and Monitoring of Pregnant Detainees*, August 15, 2016
2. Broadcast Message

AMERICAN OVERSIGHT

The GEO Group, Inc.	CORRECTIONAL HEALTH SERVICES CHAPTER: MEDICAL AND MENTAL HEALTH SERVICES TITLE: PREGNANCY MANAGEMENT	NUMBER: 621-A SUPERSEDES: 07/22/2014 EFFECTIVE: 09/09/2016

PROCEDURE

A. The Health Services Administrator's (HSA's) Role

1. Each facility HSA will develop a site-specific addendum stating whether or not female Inmates/Detainees/Residents (I/D/R) are housed at the facility, and, if so the specific pregnancy services available on-site and off-site via consultations.

2. If female I/D/Rs are present, but pregnant females are not housed at the facility, such a statement will be included in the addendum.

3. The HSA, in collaboration with the Warden/Facility Administrator, will ensure that each pregnant I/D/R is provided medical, dental, mental health, case management, and counseling services.

4. The HSA will maintain a list of all pregnancies and their outcomes. Pregnancy care and outcomes will be monitored through the Performance Improvement Program at least annually.

B. Comprehensive Pregnancy Management

1. The Health Services Department will provide I/D/Rs with comprehensive pre- and post-natal care including:

   a. Pregnancy testing;
   b. Medical examinations;
   c. Laboratory and diagnostic tests (including offering HIV testing and prophylaxis when indicated);
   d. Management of chemically addicted pregnant I/D/Rs;
   e. Counseling and assistance including but not limited to:

      i. Mental Health
      ii. Abortion
      iii. Stillbirth and miscarriage care
      iv. Child placement

   f. Pregnancy diets;
   g. Prenatal vitamins;
   h. Routine obstetrical/prenatal visits;
   i. Prenatal care visits for I/D/Rs with high risk factors including:
      i. HIV/AIDS

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ii. STDs
iii. Obesity
iv. Malnutrition
v. I/D/Rs receiving psychological/psychiatric treatment/care
vi. A history of emergency delivery
vii. Advanced age

j. Postpartum and follow-up care;
k. Written agreement with a community facility for delivery;
l. Family planning.

C. Pregnancy Testing

1. Pregnancy testing will be performed during intake screening unless the testing is refused.
   a. Results will be reported on the Chemstrip Urinalysis/Urine Pregnancy Test Results Form HS-110;
   b. If pregnancy testing is refused, it will be documented on a refusal form.

2. Positive pregnancy tests results will require referral to a physician/designee within seven (7) days.

D. Pregnancy Counseling

1. Pregnancy counseling will be provided to the I/D/R as needed after a confirmed positive pregnancy test.

2. Adoption, abortion, and carrying the pregnancy to term will be discussed during counseling.

3. Pregnancy counseling will include information related to prenatal HIV transmission, congenital syphilis transmission, and complications during pregnancy.

4. Discharge planning and referral to an appropriate community agency when the I/D/R is released from the facility will be discussed, if applicable.

E. Management of Chemically Addicted Pregnant I/D/Rs

1. The management of chemically addicted pregnant I/D/Rs will be provided by Health Services staff in collaboration with the mental health staff.

2. Medical staff will make an appropriate assessment of intoxication and withdrawal; provide support and counseling, and treatment, or a recommendation for the possible transfer of the I/D/R to an outside facility if the required services cannot be provided at the facility.

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F. Pregnancy Transfer

1. Health Services will follow the client's guidelines on transfer and travel for pregnant I/D/Rs.

2. Flight guidelines:

   a. Pregnant I/D/Rs who are in the first two trimesters of pregnancy may travel provided there have been no complications with the pregnancy;
   b. A pregnant I/D/R in their third trimester may travel only if she has a written statement from a Health Services physician or contracting agency official authorizing travel, and she is not experiencing any medical problems at the time of boarding;
   c. The travel permit statement must be dated within 72 hours of the scheduled flight.

G. Abortion Counseling

1. A pregnant I/D/R considering an elective termination of pregnancy will submit a written request for evaluation to the Health Services Department.

   a. If requested by the I/D/R, the Health Services Department will arrange to provide her with medical, religious, and mental health counseling to aid her in making the decision whether to carry the pregnancy to term or to have an elective abortion;
   b. The counseling will not involve advice regarding the decision to carry the pregnancy to term or to terminate the pregnancy;
   c. If indicated, a referral will be made to the County Health Department or other appropriate provider.

2. Abortion

   a. The I/D/R has the responsibility to decide whether to carry the pregnancy to term or elect to terminate the pregnancy;
   b. If an I/D/R chooses to terminate the pregnancy, she will sign the Consent for Abortion Referral Form HS-103 and HS-103-SP;
   c. Abortion Process;
      i. The agency of custody or GEO will assume all costs associated with the abortion procedure only when, as determined by the consulting physician, the life of the pregnant I/D/R would be endangered if the fetus is carried to term.
      ii. In all other cases, the pregnant I/D/R will pay for and is financially responsible for any related costs which may be incurred as a result of any abortion procedure; otherwise the elective termination of pregnancy procedure will not be performed.
   d. Staff will have knowledge of, and be guided by, applicable federal and state laws and regulations related to terminations of pregnancy;
      i. The Regional Director of Health Services will be consulted if there are questions concerning the interpretation of laws and regulations.

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ii. If necessary, he/she will contact the Vice President / Chief Medical Officer and/or Corporate Council for assistance.

e. Staff members who wish to have no involvement in the counseling or performance of elective or therapeutic terminations of pregnancy will advise their supervisor. There will be no repercussions to staff for declining to participate with this procedure.
   i. Supervisors will not influence a staff member's position regarding this issue.

H. Mental Health Counseling

1. If the pregnant I/D/R becomes interested in receiving mental health counseling to address depression, separation concerns, and/or other related issues, she will complete a Medical Request Form or the appropriate form stating her desire for counseling and submit it to the Health Services staff.

I. Onsite Pregnancy Care

1. Physician/designee Responsibilities

   a. Upon confirmation of the pregnancy, the physician/designee will:
      i. Refer the pregnant I/D/R to an obstetrician
      ii. Notify the I/D/R's case manager
      iii. Notify Mental Health staff
      iv. Notify the agency of custody [if client required]
   b. Pregnancy will be identified on the Master Problem List
   c. Pregnant I/D/Rs will be enrolled in the Chronic Care Clinic

2. Advice will be provided on appropriate activity levels, safety precautions, and nutritional needs/requirements.

3. Pregnant I/D/Rs will receive timely routine or high risk prenatal care, as appropriate.

4. The facility Medical Director and the HSA will assure that pregnant I/D/Rs are seen at least monthly while in custody by either the obstetrician or the onsite clinicians.

J. Nutrition for Pregnant I/D/Rs

1. Pregnant I/D/Rs are ordered a pregnancy diet consistent with the hypercaloric diet required to meet their increased nutritional needs.

2. Clinicians will complete the Therapeutic Diet Order Form HS-127.

3. Nutritional guidance and counseling will be part of the comprehensive pre-natal care program.

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K. Medications During Pregnancy

1. Pre-natal vitamins will be provided and continued through the 6 weeks of post-partum care.

2. Mental health staff will consult with the medical clinicians regarding the potential effects of any prescribed psychotropics on the fetus, as well as the mother's need for continued medication.

L. Utilization of Restraints on I/D/Rs During Prenatal and Postpartum Periods

1. The facility Medical Director/designee will consult with Correctional staff on restraint restrictions.

2. After consultation with the Correctional staff, restrictions may include that:
   a. The I/D/R will not be restrained with her hands behind her back, nor will leg irons be utilized due to the possibility of a fall;
   b. The I/D/R will be handcuffed in the front of her body;
   c. If there are security concerns, the facility Medical Director will work with the HSA to coordinate with the Warden/Facility Administrator/designee to develop the most appropriate restraints for the pregnant I/D/R;
   d. If there is no agreement on the proper restraints that may be used, the Regional Director for Health Services will be contacted.

3. If there are client-specific requirements regarding restraints, the HSA will include a site-specific Local Operation Procedure (LOP) to this policy.

4. A (LOP) may be required to govern this statement based on client requirements

M. Restricted Housing (USMS ONLY)

1. Women who are pregnant, postpartum, post-miscarriage or post-termination should not be placed in restrictive housing. If a patient meeting these criteria is placed in restrictive housing the decision must have been approved by senior correctional officials **above the facility administrator and in consultation with the Corporate Chief of Health Services or his/her designee.**

2. This review must be completed within 24 hours of the initial placement and reviewed every 24 hours thereafter.

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3. Immediately upon the transfer of the above patient to restrictive housing, healthcare personnel are informed and provide assessment and review of medical and mental health risk factors as per policy and procedure.

N. Obstetrical care - The Obstetrician will:

a. Establish an official expected date of delivery;
b. Provide routine prenatal care and advice (i.e., exercise, nutritional requirements, etc);
c. Screen for high-risk pregnancy and chemical addiction;
d. Follow the pregnant I/D/R throughout her pregnancy and recommend consultations with specialists, when medically necessary;
e. Provide status updates for review by the facility Medical Director/designee;
f. Generally have recommendations and orders followed by the on-site clinicians and the facility Medical Director; and
g. Recognize that the facility Medical Director/designee may override the protocols, recommendations, or orders for clinical or security reasons.
   i. If in the event there is an override, the on-site clinician will discuss the override with the consulting Obstetrician and document the discussion in the I/D/R's health record.

O. Laboratory Testing

1. The Health Services Department will perform baseline laboratory testing and other tests as ordered by the Obstetrician.

2. Testing may take place at the facility and the results forwarded to the Obstetrician's office, or may be performed at the Obstetrician's office.

3. At a minimum, blood tests will include:

   a. HIV testing;
   b. CBC;
   c. ABO & RH Factor;
   d. Rubella screen;
   e. Hepatitis B test (HBsAg);
   f. RPR testing;

P. Miscarriages and Stillborns

1. Miscarriage - The clinician will follow standard community medical protocols if the I/D/R has a spontaneous abortion (miscarriage).

2. Stillborn or Infant Death

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a. In case of a stillborn birth or infant death, the on-site clinician and the HSA will determine and follow appropriate medical and legal procedures including any required pathology and/or autopsy;
b. Disposition of Remains
   i. The I/D/R may designate where the infant's remains will be sent.
   ii. If the I/D/R does not have a plan, the HSA/designee will discuss appropriate alternatives with the I/D/R including burial or cremation.
   iii. The costs of burial or cremation will be the responsibility of the I/D/R.
   iv. An I/D/R may be permitted to attend the funeral at the discretion of the agency of custody and Warden/Facility Administrator.

Q. Emergency Delivery Care

1. Facilities housing pregnant I/D/Rs will have an obstetrical kit for emergency delivery.

2. In the case of an emergency delivery at the facility, the I/D/R and the infant will be transferred via EMS to a hospital, and care will be provided according to the orders of the attending obstetrician.

3. While awaiting EMS transport, the infant is to be wrapped in a blanket and kept by the mother's side.

4. Documentation of the date and time of delivery will be documented in the I/D/R's health record.

5. Unless mandated by state law, birth certificates/registries will not list the correctional facility as the place of birth.

R. Routine Delivery

1. If a pregnant I/D/R exhibits signs or symptoms that may be consistent with labor, the on-call clinician will be contacted for orders to send the pregnant I/D/R to the ER with which the facility has a written agreement on file.

2. The I/D/R will be transferred to a contract hospital for the actual delivery, returning to the facility upon discharge by the attending obstetrician.

3. The I/D/R's prenatal history (copies of the appropriate parts of the health record) will accompany her to the hospital.

S. Child Placement

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1. The Health Services Department will follow the contractual requirements regarding care of infants born to incarcerated I/D/Rs.
   a. The Warden/Facility Administrator, in accordance with the client's requirements, may not permit the I/D/R's newborn child to return to the facility.

2. Child placement is the I/D/R's responsibility.
   a. The HSA/designee will provide, as needed, opportunities for counseling by facility staff and, if applicable, community social agencies to aid the I/D/R with placement;
   b. Health Services staff will work closely with community agencies and persons to ensure the child is appropriately placed;
   c. Health Services staff will give notice to the responsible community agency of the I/D/R's plan for her child;
   d. In certain cases, child welfare workers may be allowed, with the Warden's/Facility Administrator's permission, to come to the facility to interview and counsel the I/D/R.

3. Health Services staff will establish a liaison with the welfare agency or its equivalent and will assure that this agency receives advance notice of the child's intended placement to allow sufficient time for their investigation of potential home sites for the child.

4. I/D/R Options and Child Placement Plan - No GEO staff member, security or medical, will coerce, urge, or discourage the I/D/R in making a decision as to child placement.

T. Relinquishing Custody of Infant at Birth to a Relative - It will be the responsibility of the I/D/R to complete the appropriate paperwork and make custody arrangements concerning the relative who will assume custody of the infant from the hospital.

U. Post-Partum Care/Birth Control

1. Post-partum care will be provided at the facility in accordance with the Obstetrician's discharge orders.

2. The 6-week post-partum check-up will be provided by an obstetrician.

3. Birth Control Post-Partum

APPROVED: (b)(6); (b)(7)(C) Effective Date: 09/09/2016

(b)(6); (b)(7)(C) Chief Health Care Services

REFERENCES

AMERICAN OVERSIGHT
DHS-19-0195 & 19-0494-D; DHS-19-0495-C-000147
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1. **Chemstrip Urinalysis/Urine Pregnancy Test Results Form HS-110**
2. **Consent for Abortion Referral Form HS-103**
3. **Formulario de Consentimiento Para Referido Para Aborto Form HS-103-SP**
4. **Therapeutic Diet Order Form HS-127**

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The GEO Group, Inc.	CORRECTIONAL HEALTH SERVICES CHAPTER: MEDICAL AND MENTAL HEALTH SERVICES TITLE: PREGNANCY MANAGEMENT	NUMBER: 621 SUPERSEDES: 07/22/2014 EFFECTIVE: 09/09/2016

POLICY

All female Inmates/Detainees/Residents (I/D/R) of childbearing age will receive a pregnancy test upon admission. Pregnant I/D/R will be provided with comprehensive counseling, assistance, prenatal care, specialized obstetrical services when indicated, and postpartum care, in accordance with the I/D/R's planning for their expected child and consistent with applicable state statutes.

Unless mandated by state law, birth certificates/registry will not list the correctional facility as the place of birth.

APPROVED: (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Effective Date: 09/09/2016

Chief Health Care Services

REFERENCES

1. American Correctional Association 4-4353, 4-4353-1, 4362
2. National Commission on Correctional Health Care J-G-09/P-G-09

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DHS-19-0195 & 19-0494-D; DHS-19-0495-C-000149
2019-ICLI-00054 877

The GEO Group, Inc.

Broward Transitional Center
Policy and Procedure

Section Three: Security and Control
BTC-3-04: Use of Force
Effective Date: 10/1/03
Revised 11/22/04-7/10/06-7/20/07, 7/10/09, 9/21/10, 10/1/10, 12/3/10, 2/04/11, 2/16/11, 10/17/13, 10/6/14, 12/17/14, 11/7/16, 7/19/19
Reviewed: 7/02/08, 6/20/10, 8/06/11, 6/26/12, 8/15/13, 6/15/15, 6/15/2016, 8/9/2016, 4/6/17, 6/20/18, 6/10/19
Standards: 4-ALDF-2B-01, 4-ALDF-2B-02, 4-ALDF-2B-07, 4-ALDF-6A-07

I. Policy

Broward Transitional Center will restrict the use of physical force by Facility personnel, as a last resort, to instances of justifiable self-protection, protection of others, protection of property, prevention of escapes, and only to the degree necessary to safeguard the well being of the detainees and others in the immediate area. Staff will use any means of communication as a confrontation avoidance measure. Under no circumstances is physical force justifiable as punishment **(4-ALDF-2B-01)**. A written after action report will be prepared following all instances involving uses of force, which will be submitted to the facility administrator or designee for review. The ICE Field Office Director (FOD) must be promptly notified of all uses of force involving intermediate force devices (batons), hard control techniques (strikes or take-downs), or deadly force (use of force that is reasonably likely to cause death or serious injury).

II. Applicability

Broward Transitional Center will ensure all security and custody personnel are trained in approved methods of self-defense and the use of force as a last resort to control detainees. All uses of force are in accordance with appropriate statutory authority and only a reasonable amount of force necessary to control the situation will be utilized.

III. Standards and Procedures

A. Audiovisual Recording

1. Use of force incidents shall be videotaped whenever possible and should begin as soon as permissible.

2. In situations involving calculated use of force, a camcorder will be deployed prior the use of force.

    a. The detainee's behavior should be documented if at all possible. All staff involved in the incident (CERT team,

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camera operator, supervisor in charge of the use of force, medical personnel) should be identified on camera by name and title.

b. Involved Officers and /or CERT members will be identified prior to putting on the protective equipment so as to provide a positive identification.

c. A narrative explaining the incident should be videotaped if time permits followed by the introduction of the participants.

d. Any break in the taping prior to the conclusion of the use of force will be explained on camera when taping resumes (battery was changed, malfunction, etc.).

e. If the detainee is placed in restraints, a member of the medical staff will be filmed conducting the examination, with close-up shots of the detainee's body to record the presence of absence of injuries.

f. A debriefing should follow the conclusion of the incident with a description of any injuries incurred (if applicable) and cover all aspects of the use of force incident.

g. The tape of the incident will be tagged, logged and stored for a period of no less than 6 years.

h. Copies of the videotape must be made available for review by supervisors, Regional Office and the Corporate Office upon request.

i. Taped use of force incidents may be used for training purposes and for after action reviews.

j. Tapes are confidential and are not to be removed from the facility or released to the news media without specific approval from the corporate legal department or vice president.

B. Justification

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DHS-19-0195 & 19-0494-D; DHS-19-0495-C-000151
2019-ICLI-00054 879

Staff is fully authorized and has a legal duty to protect themselves and detainees as well as defend or aid other staff and/or detainees while ensuring order is maintained within the Facility.

1. While there are times in a detention facility when the use of force is necessary, it is imperative that the least amount of force in any circumstance will be used. All reasonable steps will be taken to reduce and prevent any incident or necessity for the use of force.

2. Authority for the use of force and security equipment (restraints) will rest with the facility administrator and contract representatives.

C. Use-of-Force Continuum

1. 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 following methods, listed in ascending order, are utilized:

   a. Staff presence without action

   b. Verbal Commands: Most situations may be resolved utilizing communication skills. Usually the presence of an officer in a situation combined with proper verbal direction will persuade most detainees to comply with instructions. Patience and appropriate communication on the part of the officer can be used to defuse a potential volatile situation and often assists in relaxing the detainee.

   c. Soft Techniques: Techniques used when there is minimal chance of injury (e.g., grasping, using empty hand and/or "come-along" holds, using impact weapons for holds, applying pressure to pressure points). BTC does not use chemical weapons.

   d. Hard Techniques: Techniques used when there is a greater possibility of injury (e.g., strikes, throws, "take-downs," or striking using impact weapons such as expandable batons, straight batons, authorized less-lethal devices and specialty impact weapons).

   e. Deadly Force: 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 death or injury.

2. Except in the case of a spontaneous event requiring an immediate response, the officer will not initiate the use of force. The Shift Supervisor will be notified to evaluate the situation and determine the need for force to be used.

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The Shift Supervisor will determine if there is evidence of eminent risk to staff or detainees/residents and if so, authorize only the amount of force necessary to gain control of the resisting detainee(s). In all instances involving the use of force, once the detainee's resistance diminishes, the extent of force will also diminish. Once the detainee's resistance ceases the use of force will also cease.

D. Degree of Force

Use of force will never be used as punishment and is minimized through attempts to gain detainee cooperation absent the use of force. When the use of force is unavoidable, it is executed only through approved techniques and devices and is limited to the degree necessary and reasonable to gain control of a detainee or provide for defense of oneself or another. The amount of reasonable force employed depends on the circumstances and facts of the particular incident and is controlled by the following factors:

1. The degree of force threatened by the detainee, including the possession or non-possession of a weapon.

2. The employee's reasonable perception of the danger of death or serious physical injury.

3. The non-forceful alternatives available to the employee to control the situation failed.

E. Use of Force Under Special Circumstances

Occasionally, after the failure of confrontation avoidance techniques, staff must make a judgement whether to use higher levels of force with detainees with special circumstances. Except in the case of a spontaneous event requiring immediate response, any planned use of force will be preceded by a consultation with medical staff to determine if any medical condition exists that would require special precautions or handling. Staff will consult with medical staff in certain cases set forth below before deciding the situation is grave enough to warrant the use of physical force. Situations in which consultation with medical staff is required include:

1. Pregnant detainees

   a. Restraint devices will NOT be used on pregnant detainees during the period of pregnancy and postpartum recovery except in truly extraordinary circumstances that render restraints absolutely necessary.

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b. If restraints are used on a pregnant detainee the least restrictive restraints necessary shall be used and their use MUST be approved by the medical authority who shall determine the safest method and duration for the use of restraints.

c. The use of restraints on a pregnant detainee requires both the Facility administrator and the licensed medical provider to record the justification and specifics regarding the type and duration in the detainees file.

2. Detainee with Wounds or Cuts

Staff will wear protective gear when restraining aggressive detainees with open cuts or wounds. If force is necessary, this gear will include a full-body shield. Aggressive detainees in restraints will be segregated from all other detainees. Such detainees generally remain separated until cleared to return to the general population by the Chief Immigration Enforcement Agent and the Clinical Director, with the facility administrator's approval.

3. Detainees with Special Medical or Mental Health Needs

If a situation arises involving a special needs detainee, the appropriate medical or mental health staff will be consulted prior to the use of force. This includes physically disabled detainees and detainees with a mental health condition that would impair them from understanding the situation. Medical staff will be consulted in these circumstances.

F. Report of Force Used **(4-ALDF-2B-07)**

Any staff member who uses force or witnesses force shall make verbal notification to immediate supervisory staff immediately following the use of force and shall submit written reports pertaining to the use of force incident to supervisory staff prior to the end of shift. Reporting staff will not be relieved of duty until all reports are completed and reviewed for accuracy. Failure to submit a report will be cause for disciplinary action. Reports must be submitted to the facility administrator prior to the conclusion of the tour of duty in instances of use of force to control detainees or if a detainee remains in restraints at the end of shift. ICE Supervisory staff will be notified verbally and in writing as soon as possible/permissible. The facility administrator will make verbal notification and an SIR will be submitted as soon as possible, but no more than 12 hours. The use of force report will include:

1. An accounting of the events leading up to the use of force.

2. An accurate and precise description of the incident, methods used, and reasons for employing force.

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3. A description of the injuries suffered, if any, and the treatment given and/or received.

4. If the detainee remains in restraints at the end of the shift.

5. A list of all participants and witnesses to the incident.

    a. Detainee actions:

        i. Resistive level

        ii. What verbal commands were given and defusing strategies employed.

        iii. Describe the detainee's response (verbal/body language). Document any racial or profane epithets that were used.

        iv. Describe the type of weapon used, if any, and the manner in which it was used.

    b. Supervisors actions:

        i. Describe fully the methods of control utilized.

        ii. Indicate if backup assistance was called and their role. Indicate all witnesses and participants involved in the incident (staff and detainees).

        iii. Describe medical personnel's examination and/or treatment of the detainee, their findings and describe any injuries, if any

        iv. Describe the escort procedures to medical, hospital or anywhere else the detainee was escorted to.

        v. Describe injuries sustained by staff, if any.

        vi. Take still photographs of all injuries, including staff, and attach to report.

6. All use of force reports will be fully investigated and forwarded to the facility administrator within three (3) working days of the incident. The facility administrator will approve or disapprove the use of force after review of the investigation and forward to Director Operations and Assistant Director Operations at Region for final review.

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7. A copy of the report will be placed in the detainee's detention file.

8. Use of Force documentation will be maintained in the office of the Executive Secretary

G. Broward Transitional Center Policy Violations

Utilizing physical force without justification is a violation of BTC standard operational format. The factors considered to determine if the appropriate line has been crossed are:

1. The need for the application of force.

2. The relationship between the need and the amount of force used.

3. The extent of injury inflicted.

4. Whether force was used in a "good faith" effort to maintain or restore discipline or maliciously and sadistically for the purpose of causing harm.

5. The extent of the threat to the safety of staff.

6. What efforts were made to temper the severity of a forceful response?

Any action that constitutes unauthorized use of force will be reported to GEO for investigation. Criminal proceedings may follow.

H. Medical

After the use of force, the detainee and involved staff must be examined as soon as possible by medical. A member of the medical staff will be filmed conducting the examination, with close-up shots of the detainee's body to record the presence or absence of injuries. The medical staff member will verbally describe the process as they check tightness of restraints and verify the presence or absence of injuries. Direct visual observation by staff on detainee must be continuous prior to being seen by medical personnel.

1. It will be the responsibility of the Shift Supervisor to complete this report.

2. All employees involved will submit a thorough report of the incident prior to the end of shift, or prior to departing the Facility.

3. The results of the examination shall be recorded in the detainee's medical record and made available for investigative purposes.

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I. Staff Use of Force Training

All new detention officers receive use of force regulations, tactics, and self-defense training during their initial and annual refresher training. A signed acknowledgment of an employee's initial use of force training will be maintained in the employee's personnel file. Annual acknowledgments of use of force training will be maintained in the employees training file.

J. Use of Mechanical Restraints

Restraints are designed to temporarily restrain the movements of a detainee(s) in a manner that provides a safe means for staff. Restraints will not be used in the Facility except as stated in this policy and procedure. In cases of emergencies, verbal notification will be provided to the COR and/or on site ICE Officials and a written report will be prepared and submitted following all uses of restraint equipment. Mechanical restraints are not intended to serve as a long-term form of control and will never be applied as punishment or for more time than is absolutely necessary **(4-ALDF-2B-02)**.

1. Mechanical restraints will be used to ensure the safety of the facility, of the public and the detainee. The use of restraints will be evaluated on a case by case basis and administered in a professional manner and accomplished in accordance with ICE's policy. BTC staff will use only those restraint devices authorized and approved by GEO corporate (unless otherwise dictated by contract). Privately owned restraints are strictly prohibited. In use of restraints outside of normal operations will be documented in writing to the Facility Administrator. If circumstances permit, prior approval from the facility administrator must be obtained.

2. Mechanical restraint devices may be used in the following circumstances to prevent:

    a. Escape
    b. Damage to property
    c. Injury inflicted on others
    d. Self-injury

3. Detainees will always be mechanically restrained during transport outside of the facility and while admitted/housed at an offsite hospital. Detainees admitted to any offsite hospital will be restrained with Humane/ambulatory leg restraints unless a medical condition restricts the use of leg restraints. In this case the facility administrator will make a decision on the means of restraint.

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4. The following mechanical restraint devices are authorized for use by BTC staff:
    a. Handcuffs
    b. Leg cuffs
    c. Flex cuffs (also referred to as zip ties- a disposable mechanical restraint made of synthetic composite)
    d. Humane restraints/Locking leg weights (placed on one leg only)
    e. Humane/ambulatory leg restraints (foam padded leather or polyurethane ankle hobble)

5. Broward Transitional Center does not authorize the use of four/five point restraints for medical and/or security reasons. Detainees, who exhibit medical, mental health or their behavior is of a serious danger to themselves or others, are immediately removed from the Facility by ICE/ERO. Direct visual observation by staff is continuous prior to the arrival of transport, as determined/approved by the health authority and facility administrator. All actions are documented.

6. Security and transportation staff will be trained on how to adjust restraints so they are not too tight, yet secure. Handcuffs and leg irons will be double locked to prohibit them from tightening.

7. Restraining detainees to fixed objects not designed for restraint is strictly prohibited (e.g. door, bed, etc.).

8. Staff will maintain close supervision of anyone placed in restraints. Depending on the circumstances one-on-one supervision may be required.

9. Restraining for medical reasons: Restraints may be applied for the following medical reasons:

    a. Prevent self-mutilation

    b. Prevent suicide attempt

    c. Control and individual experiencing a violent reaction to an emotional disturbance or other mental condition.

    Authorization for use of restraints for medical concerns must be requested by the Facility Physician and authorization obtained from the facility administrator prior to use. Restraints will not be applied for longer than is absolutely necessary.

10. Ambulatory Restraints - When sufficient for protection and control of a detainee, staff will apply ambulatory restraints, which are soft and hard

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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. The facility administrator will decide on the appropriate restraint method, i.e., hard restraints with/without waist chain or belt; etc. Once a detainee has been placed in ambulatory restraints, the shift supervisor is required to conduct a physical check of the detainee once every two hours to determine if the detainee has stopped the behavior which required the restraints and thus restraints are no longer necessary. Once a positive behavioral change has been achieved, a decision to remove the restraints or place the detainee in less restrictive restraints will be made. If this has not been achieved, the shift supervisor will document the reason for continuance of the ambulatory restraints. The supervisor will provide a written report to the facility administrator no later than the end of the tour of duty when any detainee remains in restraints at the end of the shift. Use of ambulatory restraints for periods that exceed 36 hours require notification to the Field Office.

K. Storage/Maintenance of Restraints

(b)(7)(E)

L. After Action Review of Use of Force and Application of Restraints

The facility administrator, the assistant facility administrator, the Field Office Director's designee, and the Health Services Administrator will conduct the After-Action Review. This four-member After-Action Review team will convene on the workday after the incident. The After-Action Review team will gather relevant information, determine whether policy and procedures were followed, make

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recommendations for improvement, if any, and complete an After-Action Report to record the nature of its review and findings. The After-Action Report is due within two working days of the detainee's removal from restraints. The After-Action Review Team will complete and submit its After-Action Review report to the facility administrator within two working days of the detainee's release from restraints. The facility administrator will review and sign the report, acknowledging its finding that the use of force was appropriate or inappropriate.

Within two working days of the After-Action Review Team's submission of its determination, the facility administrator will report with the details and findings of appropriate or inappropriate use of force, by memorandum, to the Field Office Director and whether he or she concurs with the finding. Included in the report will be consideration of the following: Whether proper reporting procedures were followed; in the event of five point restraints, whether checks were made and logged at the appropriate times; whether appropriate medical care was provided once the situation was under control.

M. Allegations against Staff

The facility administrator, or designee, will investigate all allegations of improper use of force. The facility administrator, or designee, may notify the appropriate law enforcement agency in cases where possible criminal acts are involved. Any employee who witnesses, or has reasonable cause to believe, that a detainee has been unlawfully abused will immediately prepare an incident report. This report will specify the nature of the force used the location, time of the incident and persons involved. The report will be forwarded to the facility administrator for review.

N. Corporal Punishment and Mental Abuse

Detainees are protected from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. Inmate property is protected **(4-ALDF-6A-07)**. Corporal punishment and mental abuse are strictly prohibited. Staff or detainees having knowledge of policy violations will report them to the facility administrator immediately. The facility administrator, or designee, will monitor detainee grievances, detainee complaints and use of force reports for violations of this policy and include a summary statement in their report to ICE/ERO and GEO.

O. Incident Reporting

Any time force is used; a Serious Incident Report will be prepared and electronically sent to GEO headquarters, followed up by telephone call. All incidents involving the use of force will be reported to the ICE COR immediately.

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IV. Annual Review

The facility administrator will review this policy on an annual basis and revise as necessary.

(b)(6); (b)(7)(C)

Facility Administrator

7/22/19
Date

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The GEO Group, Inc.	LOCAL OPERATING PROCEDURE BROWARD TRANSITIONAL CENTER CHAPTER: MEDICAL AND MENTAL HEALTH SERVICES TITLE: PREGNANCY MANAGEMENT	NUMBER: 621-B SUPERSEDES: NEW EFFECTIVE: 08/08/2019

BROWARD TRANSITIONAL CENTER follows the GEO Corporate Health Services Policies and Procedures. Health Staff should refer to the corresponding Corporate Health Services policy and procedure for complete information. Only items that differ from corporate procedure and are required by facility contract are listed below. The following items are site-specific procedures that are required by IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) CONTRACT and differ from the corporate procedure:

PROCEDURE:

Broward Transitional Center houses female detainees at the facility. ICE/DHS will be notified immediately of any pregnant detainee arriving to the facility.

The following services are available:

On-site:

Pregnancy testing
Prenatal Care including necessary vitamins and diet
Laboratory and diagnostic testing including STD testing and treatment when indicated
Medical Examinations
Counseling services
Birth control

Off-site:

Pap-Smear
Breast Exams
Routine obstetrical
Prenatal Care
Laboratory and diagnostic testing including STD Testing and treatment when indicated
Management of chemically addicted pregnant detainees
Medical Examinations
Postpartum and follow-up care

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APPROVED:

(b)(6); (b)(7)(C)

Health Services Administrator

(b)(6); (b)(7)(C)

Facility Administrator

(b)(6); (b)(7)(C)

Regional Health Services Director

(b)(6); (b)(7)(C)

Chief of Health Services

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