

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



U.S. Immigration
and Customs
Enforcement

November 06, 2019

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

RE: ICE FOIA Case Number 2020-ICFO-00825

Dear Mr. Evers:

This letter is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated September 04, 2019. You have requested seeking any waiver requests approved by Custody Management for the following facilities: (see request for details). ICE has considered your request under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Enforcement and Removal Operations for records responsive to your request produced 34 pages that are responsive to your request. After review of those documents, I have determined that portions of 34 pages 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 DHS employees contained within the documents.

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 7(E) to protect from disclosure internal agency case numbers contained within the document.

FOIA Exemption 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.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. You may submit your appeal electronically at GILDFOIAAppeals@ice.dhs.gov or via regular mail to:

U.S. Immigration and Customs Enforcement
Office of the Principal Legal Advisor
U.S. Department of Homeland Security
500 12th Street, S.W., Mail Stop 5900
Washington, D.C. 20536-5900

Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office and refer to FOIA case number **2020-ICFO-00825**. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College

Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Handwritten signature
for

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s): 34 page(s)



U.S. Immigration
and Customs
Enforcement

June 3, 2016

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management

FROM: (b)(6); (b)(7)(C)
Deputy Assistant Director, Detention Management Division

SUBJECT: Request for Waiver of Number of Detainee Showers, Toilets and
Sinks at Adelanto Correctional Facility

Purpose

The Los Angeles Field Office (see attached e-mail) would like to request a waiver of the 2011 Performance Based National Detention Standard, *Personal Hygiene*, Sections E, Bathing and Toilet, which states, in part:

- (E)(1) – “ACA Expected Practice 4-ALDF-4B-08 requires that toilets be provided at a minimum ratio of one for every 12 male detainees or one for every 8 female detainees. For males, urinals may be substituted for up to one-half of the toilets. All housing units with three or more detainees must have at least two toilets”
- (E)(2) – “ACA Expected Practice 4-ALDF-4B-08 requires one washbasin for every 12 detainees.”
- (E)(3) – “ACA Expected Practice 4-ALDF-4B-09 requires a minimum ration of one shower for every 12 detainees.”

Background

On May 6, 2016, the Geo Group (hereafter referred to as GEO) notified the ICE Office of Acquisition Management (OAQ) that there may be issue regarding the shower/toilet/sink ratios at the Adelanto East facility. GEO and the City of Adelanto thought this issue had already been rectified during the expansion of the Adelanto facility when ICE signed off and agreed to the facility’s design.

Currently, the following toilet/shower/sink ratios exist at Adelanto:

A-Dorm (design capacity of 109 Beds)

- 7 Showers are provided, ALDF & PBNDS 1:12 ratio - 9.08 Showers
- 12 Toilets are provided, ALDF & PBNDS 1:8 ratio (female) - 13.6 Toilets
- 19 Sinks are provided, ALDF & PBNDS 1:12 ratio - 9.08 Sinks

- B-Dorm (design capacity 48 GP & 8 SHU Beds)
- 4 Showers are provided, ALDF & PBNDS 1:12 - 4.66 Showers
- 8 Toilets are provided for GP and 4 for SHU, ALDF 1:8 (female) - 6 for GP
- 11 Sinks are provided, ALDF & PBNDS 1:12 - 4 for GP

C-Dorm (design capacity 52 Beds Transgender)

- 5 Showers are provided, ALDF & PBNDS 1:12 ratio - 4.33 Showers
- 4 Toilets and 2 Urinals are provided (6 total), ALDF & PBNDS 1:12 - 4.33 Toilets/Burials
- 10 Sinks are provided, ALDF & PBNDS 1:12 ratio - 4.33 Sinks
- D-Dorm (design capacity 108 Beds)
- 7 Showers provided, ALDF & PBNDS 1:12 ratio - 9 Showers
- 12 Toilets provided, ALDF & PBNDS 1:8 ratio (female) - 13.5 Toilets
- 17 Sinks are provided, ALDF & PBNDS 1:12 ratio - 9 Sinks
- Housing Building 2 (Designed as Male) Design Capacity 325 Beds

A-Dorm (design capacity 108 Beds)

- 7 Showers provided, ALDF & PBNDS 1:12 ratio - 9 Showers
- 8 Toilets provided, ALDF & PBNDS 1:12 ratio - 9 Toilets
- 17 sinks are provided, ALDF & PBNDS 1:12 ratio - 9 Sinks

B-Dorm (design capacity 109)

- 7 showers provided, ALDF & PBNDS 1:12 ratio - 9 Showers
- 8 Toilets and 4 Urinal are provided, ALDF & PBNDS 1:12 - 9 Toilets/Urinals
- 18 Sinks are provided, ALDF & PBNDS 1:12 - 9 Sinks

C-Dorm (design capacity 108 Beds)

- 7 Showers provided, ALDF & PBNDS 1:12 - 9 Showers
- 7 Toilets and 4 Urinals are provided, ALDF & PBNDS 1:12 ratio - 9 Toilets/Urinals
- 18 Sinks are provided, ALDF & PBNDS 1:12 ratio - 9 Sinks

Discussion

Adelanto East was built by the city in 1991 to house California State male inmates, and then purchased by GEO in 2010, at which time it was remodeled to house ICE detainees. GEO has pointed out that the design was accepted and a contract signed in June 2011. The facility was remodeled again in 2015 in preparation to house ICE female adults and transgender detainees as part of the greater expansion and contract amendment #P00013.

Adelanto East housed up to 600 male detainees from 2011 to July 2015. On July 5, 2015, the facility received and housed its first female detainee. Currently 223 female and 100 male detainees are housed in the East building. GEO advises that in the four years that their current grievance officer has been in that position, there have been no detainee grievances (male or female) filed in regard to the rations of toilets/showers/sinks. In addition, since opening

SUBJECT: Request for Waiver of Number of Detainee Showers, Toilets and Sinks at Adelanto Correctional Facility

Page 2

Adelanto East, the facility has successfully passed American Correctional Association (ACA), ICE Office of Detention Oversight (ODO), and ICE annual inspections, as well as GEO audits.

In consideration of the above information, the GEO Group and City of Adelanto have requested that ICE waive the PBNDS 2011 standard on *Personal Hygiene* for the ratios to toilets/showers/sinks for detainees at the East facility.

Recommendation

ERO Los Angeles is not aware of ever receiving a complaint or grievance related to the ratio of toilets/showers/sinks at the Adelanto Correctional and recommends approval of this waiver request.

Approve/date (b)(6);
(b)(7)(C) 6/7/16 Disapprove/date _____

Modify/date _____ Needs more discussion _____

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



U.S. Immigration
and Customs
Enforcement

May 10, 2017

MEMORANDUM FOR:

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

Assistant Director
Custody Management

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

THROUGH:

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

Deputy Assistant Director
Custody Programs

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

FROM:

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

Field Office
El Paso Field Office

SUBJECT:

Custody Classification Waiver for the Transgender Unit at the
Cibola County Correctional Center

Purpose

Provide a waiver for the Transgender Unit (TU) at the Cibola County Correctional Center as it relates to an applicable section of the 2011 Performance-Based National Detention Standards (PBNDS 2011).

Background

The PBNDS 2011 Classification Levels and Housing Assignments in Classification System, Sections (V) (F-G) states in part: “[a]ll facilities shall ensure that detainees are housed according to their classification level” and specifies:

- Level 3 detainees may not be housed with Level 1 detainees;
- Level 1 detainees and low Level 2 detainees may be housed together, and high Level 2 detainees and Level 3 detainees may be housed together; and
- Under no circumstance may a Level 2 detainee with a history of assaultive or combative behavior be placed in a Level 1 housing unit.

Discussion

The Cibola County Correctional Center has adopted numerous best practices outlined in U.S. Immigration and Customs Enforcement’s (ICE) *Transgender Care Memorandum*, allowing the detention center to operate a TU to serve as a protective custody housing unit for transgender

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Custody Classification Waiver for the Transgender Unit at the Cibola County Correctional Center
Page 2

detainees. Because of a limitation of housing resources available for this detained population, the ERO El Paso Field Office believes it is necessary to mix classification housing and assign Level 1, Level 2, and/or, Level 3 detainees to the TU at the same time. The security and safety of ERO employees, detainees, and detention staff remains paramount in all housing decisions, and we recognize the possibility that we may need to mix classification housing in order to protect ICE's vulnerable transgender population.

Recommendation

I recommend authorization of a multi-year waiver (until such time as ICE seizes to use the facility) for the TU at the Cibola County Correctional Center to relax classification requirements set forth in Sections (V) (F-G) of the PBNDS 2011 and to allow for mixed classification housing. This waiver will be retroactive as of May 9, 2017, when the TU officially opened and began accepting detainees. At the end of the specified period, we will assess the effectiveness of this policy, and reserve the option to extend as is, modify, or cancel the waiver agreement at that time.

Approve / date (b)(6); (b)(7)(C) Disapprove / date _____
Modify / date _____ Needs more discussion _____



U.S. Immigration
and Customs
Enforcement

June 14, 2016

MEMORANDUM FOR:

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

Assistant Director
Custody Management Division

THROUGH:

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

Deputy Assistant Director
Detention Management Division

FROM:

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

Interim Field Office Director
Phoenix Field Office

SUBJECT:

Waiver for Medical Records

Purpose

To provide a waiver for the Phoenix Field Office, Eloy Detention Center (EDC), which relates to part 4.3 Medical Care, Sections (W) Continuity of Care, and (Y) Medical Records of the Performance Based National Detention Standards 2011 (PBNDS 2011) requirement to provide detainees with a copy of their full medical record upon transfer to another facility in lieu of the standardized medical transfer summary.

Background

From February 2, 2016, through February 4, 2016, the EDC underwent its annual Nakamoto group inspection. During this inspection the EDC was found to be deficient in part 4.3 Medical Care, Sections (W) Continuity of Care, and (Y) Medical Records of the PBNDS 2011, subsequent to the facility not providing detainees their full medical records upon transfer to another facility.

Discussion

Due to the cost prohibitive nature of providing complete medical records, the EDC has deemed the cost to be outside of the normal practice of other medical and/or detention facilities. This issue was discussed in detail with ICE Health Service Corps (IHSC) personnel and the following statement was provided by their leadership:

“This component of the standard was not approved for implementation by IHSC leadership due to the overwhelming expense associated with its full compliance and in conflict with community standards, i.e. The Joint Commission (TJC) and National Commission on Correctional Health Care (NCCHC) standards. TJC standard RC.02.0.1.07, states, the Clinical Record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain; any significant medical diagnoses and conditions, any significant operative and invasive procedures, and adverse or allergic drug reactions, any current medications, over the counter or herbal preparations. In addition, NCCHC standard J-E-03, states, relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers. IHSC meets the community, TJC, and NCCHC criteria for transfers by documenting all relevant medical, dental, and mental health diagnosis, including listing current medications, allergies, procedures and any referrals on the United States Marshals Service, Prisoner in Transit Medical Summary (Form USM-553) and or the IHSC E-Clinical Works (ECW), Electronic Health Records (EHR), Transfer Summary. If the receiving facility determines a need for the full detainee medical record, upon request, the medical record will be released within a reasonable timeframe after receipt of an authorization.”

Recommendation

I recommend the approval of a waiver for the EDC relating to part 4.3 Medical Care, Sections (W) Continuity of Care, and (Y) Medical Records of the PBNDS 2011 requirement to provide detainees with full medical records when transferring to other facilities and authorize the current practice of documenting all relevant medical, dental, and mental health diagnosis, including listing current medications, allergies, procedures and any referrals on the USM-553 and or the IHSC ECW, EHR, Transfer Summary.

Approve/Date (b)(6); (b)(7)(C) 6/15/16 Disapprove/Date _____
Modify/Date _____ Additional Discussion Needed _____

Attachment "A"

Office of Detention and Removal Operations

U.S. Department of Homeland Security
580 15th Street, NW
Washington, DC 20535



U.S. Immigration
and Customs
Enforcement

December 5, 2013

MEMORANDUM FOR: Health Service Administrators
ICE Health Service Corps (IHSC)

FROM: (b)(6); (b)(7)(C) M (b)(6); (b)(7)(C)
Assistant Director
IHSC

SUBJECT: IHSC Official Response to PENDS 2011 Deficiency Regarding
Transfer Medical Records

This component of the standard was not approved for full implementation by IHSC leadership due to the overwhelming expense associated with full compliance (providing full copies of the paper document of the medical record) and a conflict with community standards, i.e. The Joint Commission (TJC) and National Commission on Correctional Health Care (NCCCH) standards. It was understood that full compliance with the PENDS standard would not be achieved until the implementation of the electronic health record (eHR) allowed for production of an electronic version of the record to be provided at the time of transfer or to the detainee upon release.

TJC (RC.02.01.07) states the clinical record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, any significant operative and invasive procedures, any adverse or allergic drug reactions, any current medications, OTC or herbal preparations. In addition, NCCCHC (I-E-03) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfer.

IHSC meets the community and NCCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental and mental health diagnoses, list of current medications, allergies, procedures and any referrals. This information accompanies the detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization.

Note: It is anticipated that, with the future implementation of the electronic health record, complete and full copies of the medical record will be able to be provided to all detainees at the time of transfer and release within reasonable expense.

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126 Northpoint
Houston, Texas 77060



U.S. Immigration
and Customs
Enforcement

July 6, 2016

MEMORANDUM FOR:

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

Assistant Director, Custody Management

THROUGH:

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

Deputy Assistant Director, Detention Management Division

FROM:

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

Houston Field Office Director

SUBJECT:

Wavier for Medical Records Pertaining to PBNDS 2011

Purpose

Houston Field Office is requesting a waiver for Contract Detention Facility (HOU CDF). This waiver relates to Part 4.3 Medical Care, Sections W; Continuity of Care, Y; Medical Records and to Part 7.4 Detainee Transfers, Section C; Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

Background

In November 2015, after the Nakamoto Annual Inspection of HOU CDF, it was reported that Immigration Health Services Corps did not forward medical records as required in the PBNDS 2011. On July 6, 2016 IHSC reaffirmed their policy of supplying only a medical summary for each detainee transfer.

Discussion

Due to the cost prohibitive nature of providing complete medical records, IHSC has deemed the cost to be outside the normal practice of other medical facilities. The issue was discussed in detail with IHSC personnel and the following statement was issued:

"This component of the standard was not approved for implementation by IHSC leadership due to the overwhelming expense associated with full compliance and a conflict with community standards, ie. The Joint Commission and National Commission on Correctional Health Care standards, (RC.02.01.07) states the clinical record contains a summary list of each patient who

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receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, and significant operative and invasive procedures, and adverse or allergic drug reactions, and current medications, OTC or herbal preparations. In addition, NCCHC (J-E-) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

HOU CDF meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental, and mental health diagnoses, list of current medications, allergies, procedures and any referrals. This information accompanies the detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization.

Recommendation

I recommend that you approve a waiver relates to Part 4.3 Medical Care, Sections W; Continuity of Care, Y; Medical Records and to Part 7.4 Detainee Transfers, Section C; Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide the detainee's full medical record when transferring facilities and instead provide a medical summary.

Approve / date (b)(6);
(b)(7)(C) 7/6/16 Disapprove / date _____

Modify / date _____ Needs more discussion _____

U.S. Department of Homeland Security
126 Northpoint
Houston, Texas 77060



U.S. Immigration
and Customs
Enforcement

January 26, 2016

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management

THROUGH: (b)(6); (b)(7)(C)
Deputy Assistant Director, Detention Management Division

FROM: (b)(6); (b)(7)(C)
Houston Field Office Director

SUBJECT: Wavier for Female Detainee Toilet Ratio

Purpose

To provide a waiver for the Houston Field Office/Joe Corley Detention Facility (JCDF). This waiver relates to PBNDS 2011, Section 4.5 Personal Hygiene, (V, E, 1.) Bathing and Toilet Facilities. Specifically, regarding the requirement to provide detainees an adequate number of toilets referencing the American Correctional Association, (ACA) expected practice 4-ALDF-4B-08 requiring a minimum toilet ratio of 1:8 for women.

Background

The JCDF previously requested and was issued a waiver on January 2013 from ACA on this related standard 4-ALDF-4B-08, (attached.) The JCDF requested another waiver for this ACA standard during the most recent reaccreditation in November 2015, of which the audit team concurred with the facility's request for a waiver. The facility was built in 2008 and was accredited by ACA in 2012. It is not possible to reconfigure the building to correct the ratios of toilets and washbasins specified in ACA standard 4-ALDF-4B-08. The JCDF meets all other related ratios and provides detainees access to toilets and washbasins 24 hours a day without staff assistance when they are confined to their dormitories.

Discussion

Currently there are a total of 154 detention beds divided between multiple housing units in the female detainee housing area at the JCDF that are not being used due to the requirements of PBNDS 2011, Section 4.5 Personal Hygiene, (V, E, 1.) Bathing and Toilet Facilities, citing the 1:8 toilet ratio for women.

Approving the waiver will raise the toilet ratio for female detainees from 1:8 to 1:12 and permit immediate usage of an existing 154 detention beds for female detainees at the JCDF. Utilizing these existing detention beds will in turn provide relief to the RGV while the Polk County contract modification is being completed.

Recommendation

I recommend that you approve a waiver relating to PBNDS 2011 Part 4.5 Personal Hygiene, Sections (V, E, 1.) Bathing and Toilet Facilities, requirement to provide the detainee's an adequate number of toilets referencing the ACA expected practice 4-ALDF-4B-08 requiring a minimum toilet ratio of 1:8 for women.

☒ Approve / date

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

2/3/16

Disapprove / date _____

Modify / date _____

Needs more discussion _____

Re: Joe Corley Detention Facility

U.S. Department of Homeland Security
126 Northpoint
Houston, Texas 77060



U.S. Immigration
and Customs
Enforcement

December 29, 2015

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management

THROUGH: (b)(6); (b)(7)(C)
Deputy Assistant Director, Detention Management Division
(b)(6); (b)(7)(C)

FROM: (b)(6); (b)(7)(C)
(A) Houston Field Office Director

SUBJECT: Wavier for Medical Records

Purpose

To provide a waiver for the Houston Field Office, Joe Corley Detention Facility (JCDF). This waiver relates to Part 4.3 Medical Care, Sections (W) Continuity of Care, (Y) Medical Records and to Part 7.4 Detainee Transfers, Section (C) Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

Background

In November 2015, after the Nakamoto Annual Inspection of the JCDF it was reported the facility did not forward medical records as required in the PBNDS 2011.

Discussion

Due to the cost prohibitive nature of providing complete medical records, this practice has been deemed to be outside the normal practice of other medical facilities. The issue has been discussed in detail with IHSC personnel and the following statement has been forwarded:

"This component of the standard was not approved for implementation by IHSC leadership due to the overwhelming expense associated with full compliance and a conflict with community standards, i.e. The Joint Commission and NCCHC standards, TJC (RC.02.01.07) states the clinical record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, and significant operative and invasive procedures, and

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adverse or allergic drug reactions, and current medications, OTC or herbal preparations. In addition, NCCHC (J-E-) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

JCDF meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental, and mental health diagnoses, list of current medications, allergies, procedures and any referrals. This information accompanies the detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization.

Recommendation

I recommend that you approve a waiver which relates to Part 4.3 Medical Care, Sections (W) Continuity of Care, (Y) Medical Records and to Part 7.4 Detainee Transfers, Section (C) Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide the detainee's full medical record when transferring facilities and instead provide a medical summary.

Approve / date

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

2/5/16

Disapprove / date

Modify / date

Needs more discussion

U.S. Department of Homeland Security
126 Northpoint
Houston, Texas 77060



U.S. Immigration
and Customs
Enforcement

December 29, 2015

MEMORANDUM FOR:

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

Assistant Director, Custody Management

THROUGH:

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

Deputy Assistant Director, Detention Management Division

FROM:

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

(A) Houston Field Office Director

SUBJECT:

Wavier for Toilet and Washbasin Ratio

Purpose

To provide a waiver for the Houston Field Office/Joe Corley Detention Facility (JCDF). This waiver relates to Part 4.5 Personal Hygiene, Sections (E) Bathing and Toilet Facilities of the PBNDS 2011 requirement to provide detainees an adequate number of toilets and washbasins specifically having at least two toilets and washbasins for three or more detainees.

Background

In November 2015 after the Nakamoto Annual Inspection of the JCDF it was reported the facility did not have an adequate number of toilets in 26 dormitories that house eight to sixteen detainees. These housing units have one toilet instead of the minimum two toilets required for any housing unit with more than three detainees, as required by PBNDS 2011 Part 4.5 Personal Hygiene, Sections (E) Bathing and Toilet Facilities.

In November 2015 Nakamoto also reported there were not an adequate number of washbasin with temperature controlled hot and cold running water that can be used independently, 24 hours per day in all housing unites except 914, 303, 370 and 374. These units hold fourteen or sixteen detainees and only have one washbasin instead of two, the minimum required by PBNDS 2011 Part 4.5 Personal Hygiene, Sections (E) Bathing and Toilet Facilities.

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Discussion

Due to the cost prohibitive nature of reconfiguring twenty-six dormitories, the JCDF has deemed the cost to be outside the normal practice of other detention facilities. The JCDF previously requested and was issued a waiver on January 2013 from the American Correctional Association (ACA) on this related standard #4-ALDF-4B-08, (attached.) The JCDF requested another waiver for this ACA standard during the most recent reaccreditation in November 2015, of which the audit team concurred with the facility's request for a waiver. The facility was built in 2008 and was accredited by ACA in 2012. It is not possible to reconfigure the building to correct the ratios of toilets and washbasins specified in ACA standard #4-ALDF-4B-08. The JCDF meets all other related ratios and provides detainees access to toilets and washbasins 24 hours a day without staff assistance when they are confined to their dormitories.

Recommendation

I recommend that you approve a waiver relating to PBNDS 2011 Part 4.5 Personal Hygiene, Sections (E) Bathing and Toilet Facilities, requirement to provide the detainee's an adequate number of toilets and washbasins specifically having at least two toilets and washbasins for three or more detainees.

Approve / date (b)(6);
(b)(7)(C) 2/5/16

Disapprove / date _____

Modify / date _____

Needs more discussion _____

COMMISSION ON ACCREDITATION FOR CORRECTIONS
PANEL ACTION REPORT

Hilton Americas Houston
Houston, Texas

January 27, 2013

The GEO Group, Inc.
Joe Corley Detention Facility
Conroe, Texas

Agency Representatives:

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

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

Panel Members:

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

Chairperson

Staff:

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

Panel Action

Standard #4-ALDF-1A-10	Waiver Request – Approved
Standard #4-ALDF-1A-12	Waiver Request – Approved
Standard # 4-ALDF-1A-15	Appeal – Approved the appeal and changed the standard to non-applicable.
Standard # 4-ALDF-1A-16	Waiver Request – Approved
Standard # 4-ALDF-1A-17	Waiver Request – Approved
Standard # 4-ALDF-2A-34	Waiver Request – Approved
Standard # 4-ALDF-4B-08	Waiver Request – Approved

Accreditation Panel Decision

Moved:

Commissioner (b)(6);

Seconded:

Commissioner (b)(6);

Three-Year Accreditation:

Yes

Accreditation Vote

Yes

No

Commissioner Robinson

✓

Commissioner Houston

✓

Commissioner Lewis

✓

Commissioner Miller

✓

Final Tally

Mandatory

100%

Non-Mandatory

97.9%



**U.S. Immigration
and Customs
Enforcement**

September 10, 2018

MEMORANDUM FOR:

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

Assistant Director, Custody Management

THROUGH:

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

Deputy Assistant Director, Detention Management Division

FROM:

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

Houston Field Office Director

SUBJECT:

Waiver for Female Detainee Toilet Ratio

Purpose

To provide a waiver for the Houston Field Office/Joe Corley Detention Facility (JCDF). This waiver is related to PBNDS 2011, Section 4.5 Personal Hygiene (V, E, 1.) Bathing and Toilet Facilities. Specifically, regarding the requirement to provide detainees an adequate number of toilets referencing the American Correctional Association (ACA) expected practice 4-ALDF-4B-08 requiring a minimum of 1:8 for women.

Background

The JCDF previously requested a waiver and the ACA approved the request January 2016 on this related standard 4-ALDF-4B-08, (attached). The facility opened in 2008 and received accreditation by ACA in 2012. It is not possible to reconfigure the building to correct the ratios of toilets and washbasins specified in ACA standard 4-ALDF-4B-08. The JCDF meets all other related ratios and provides detainees access to the toilets and washbasins 24 hours a day without staff assistance when they are confined to their dormitories.

Discussion

Currently there are a total of 314 detention beds divided between multiple housing units in the female detainee housing area at the JCDF. Usage of the beds conflicts with the requirements of PBNDS 2011, Section 4.5 Personal Hygiene (V, E, 1.) Bathing and Toilet Facilities, citing the 1:8 toilet ratio for the women.

Approving the waiver will increase the toilet ratio from 1:8 to 1:12 and permit continuing usage of an existing 314 detention beds for female detainees at the JCDF. Utilizing these existing detention beds will in turn allow HOU to continue provide relief to the San Antonio (SNA) Field Office.

Recommendation

I recommend approval of a waiver relating to PBNDS 2011 Section 4.5 Personal Hygiene, (V, E, 1.) Bathing and Toilet Facilities, requirement to provide the detainee's access to an adequate number of toilets referencing the ACA expected practice 4-ALDF-4B-08 requiring a minimum toilet ratio of 1:8 for women.

Approve / date (b)(6); (b)(7)(C) 9/25/18

Disapprove / date _____

Modify / date _____

Needs additional discussion _____

Re: Joe Corley Detention Facility

U.S. Department of Homeland Security
880 Front Street, (b)(6);
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

OCT 27 2017

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Associate Director, Detention Management Division

THROUGH: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) vision
Deputy Assistant Director

FROM: (b)(6); (b)(7)(C)
Field Office Director

SUBJECT: Floor Drains in Holding Cells Waiver Request

Purpose

To provide a waiver for the San Diego Contract Detention Facility (CDF), Otay Mesa Detention Center (OMDC), as it relates to the Hold Rooms in Detention Facilities per the Performance-Based National Detention Standards (PBNDS) 2016, Part 2.6 Hold Rooms, Section A (Physical Conditions).

Background

On September 4-8, 2017, (b)(6); (b)(7)(C) Detention Service Manager (DSM), conducted a line-by-line audit of the San Diego CDF and reported that there are no floor drains in each hold rooms in Receiving and Discharge (R&D) as required by the standard.

Discussion

The San Diego CDF was opened on October 17, 2015. Its physical plant structure was constructed to include three floor drains located outside the hold rooms in Admissions and two drains located outside the hold rooms on the Discharge side.

Recommendation

I recommend authorization of a waiver for the San Diego CDF for PBNDS Part 2.6 Hold Rooms: Section A (Physical Conditions), due to the current construction of the facility.

Date Authorized
Date Modified

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

7/16/18

Date Not Authorized

Needs More Discussion

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U.S. Department of Homeland Security
880 Front Street, (b)(6);
San Diego, CA 92101



U.S. Immigration
and Customs
Enforcement

FEB 20 2018

MEMORANDUM FOR:

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

Assistant Director, Custody Management

THROUGH:

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

Deputy Assistant Director

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

ment Division

FROM:

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

Field Office Director
San Diego Field Office

SUBJECT:

2-Chlorobenzalmalononitrile (CS Gas) waiver Request

Purpose

To provide a waiver for the San Diego Contract Detention Facility (CDF), Otay Mesa Detention Center (OMDC), as it relates to Unauthorized Force Devices per the Performance-Based National Detention Standards (PBNDS) 2011, Part 2.15 Use of Force and Restraints, Section G.5.b.

(b)(7)(E)

Discussion

OMDC has chemical drop ports in 14 general population housing pods. Each of the housing pods holds a maximum capacity of 128 detainees. OMDC requests a waiver for the use of CS gas as it relates for use during a disturbance riot where OC spray would be ineffective in gaining control of the situation in order to protect life and/or property.

Recommendation

I recommend authorization of a waiver for the San Diego CDF for PBNDS Part 2.15 Use of Force and Restraints, Section G.5.b due to security concerns of gaining control of detainees during a disturbance riot.

Date Authorized
Date Modified

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

7/5/18

Date Not Authorized

Needs More Discussion

Facilities shall use only restraints/non-deadly force devices that are approved by facility policy and in a manner consistent with their policy and training.

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DHS-ICE-19-1120-A-000022

2020-ICFO-00825 22

U.S. Department of Homeland Security
11541 Montana Ave. (b)(6);
El Paso, Texas 79925



U.S. Immigration
and Customs
Enforcement

SEP 08 2017

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management Division

THROUGH: (b)(6); (b)(7)(C)
Deputy Assistant Director, Custody Management Division

FROM: (b)(6); (b)(7)(C)
El Paso Acting Field Office

SUBJECT: Otero County Prison Facility, Chaparral, New Mexico
Waiver Request

Purpose

Requesting a waiver for the El Paso Field Office, Otero County Prison Facility (OCPF), as it relates to the 2000 National Detention Standards (NDS) Medical Care, Part E, which states that an initial dental screening exam shall be performed within 14 days of the detainee's arrival by a dentist, physician, physician's assistant or nurse practitioner.

Background

The OCPF is regulated under the 2000 NDS which require that an initial dental screening exam be performed within 14 days of the detainee's arrival. It further states that if no on-site dentist is available, the initial dental screening may be performed by a physician, physician's assistant or nurse practitioner.

Discussion

At OCPF all new ICE detainees receive an initial dental screening by a Registered Nurse (RN). If during screening, an urgent or emergent dental need is identified, the facility dentist is immediately notified. All RNs have received additional training by the dentist in order to perform the screening. The dentist provides all necessary dental care to ICE detainees in accordance with the standards. The OCPF is meeting the intent of the standard by having each newly admitted detainee receive a comprehensive, documented medical, dental, and mental health screening within 14 days of arrival by qualified personnel.

Recommendation

We recommend a waiver be granted to OCPF allowing them to utilize RNs to perform the initial dental screening. Attempting to retain a waiver exemplifies ICE and Management Training Corporation's efforts to maintain compliance within the applicable guidelines and procedures set forth by the Standards.

Approve/date (b)(6);
(b)(7)(C) 9/8/17 Disapprove/date _____
Modify _____ Needs more discussion _____

U.S. Department of Homeland Security
11541 Montana Avenue, (b)(6)
El Paso, Texas 79936



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR:

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

Assistant Director, Custody Management Division

THROUGH:

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

Deputy Assistant Director, Detention Management Division

FROM:

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

SUBJECT:

Otero County Processing Center, Chaparral, New Mexico
Waiver Request for Comingling of Different Level Detainees in
certain areas.

Purpose

Provide a waiver for the El Paso Field Office, Otero County Processing Center (OCPC), as it relates to the Classification Standard in Detention Facilities, Section (V)(F)(1), within the 2011 Performance Based National Detention Standards (PBNDS), which states that low custody detainees may not be comingling with high custody detainees.

Background

On August 9-12, 2016, an annual inspection of the OCPC was conducted by the Office of Detention Oversight (ODO), in which they observed high custody detainees co-mingling with low custody detainees in multiple locations throughout the facility.

Discussion

A corrective plan of action is not readily available due to the overwhelming expense, time and space limitations associated with full compliance with the standards. The OCPC adheres to all procedures outlined by PBNDS to classify and assign housing to ICE detainees. However, the separation of detainees by classification levels in other areas may prove to be undue burden upon the facility. It would reduce the time available for recreation, increase the waiting time of visitors, require a larger number of volunteers to provide religious services, and cause undue delay to court proceedings, and detainee interviews conducted by the Mexican Consulate and Mexican Immigration.

In order to prevent the co-mingling amongst detainees of different classification levels outside housing, the facility takes other measures to create separation and security by providing visual supervision during different activities at the facility.

In the Multi-purpose rooms, where religious services, evening recreation activities, Know Your Rights Presentations, Orientation, and different types of interviews take place, one officer provides security and direct supervision. The largest groups are present during interviews, with an average of 125 detainees in a room. Detainees of different levels are separated by at least a couple of empty seats between them. Except for recreation activities, detainees are not allowed to talk to each other during presentations. During other activities, the number of detainees in a room vary from 20 to 30. The security for these rooms is augmented by two security officers posted on the hallway outside.

In the Barber Shop, Law Library, Medical, Courtroom, and Visitation one officer provides direct supervision to detainees in each area. The size of these groups varies between 3 and 20 detainees. In the outside recreation yard, where the average group is made up of 130 detainees, the supervision is provided by three security officers. The facility follows the housing classification standard to send detainees to recreation. There is no co-mingling of classification levels that are not allowed per PBNDS. Two offices are assigned to supervise an average of 75 detainees in each one of the two Dining Halls during meals.

During intake, there are three officers assigned to conduct random 15 minute checks of the hold rooms as required per PBNDS. During escorts inside the facility, (b)(7) officer is assigned to each group of detainees. The (b)(7) Hall Officers assist in providing supervision to detainees being moved. For Medical and Court Hold Rooms, (b)(7) officer is assigned to each one to conduct random 15 minutes checks. (b)(7) officers are assigned to each van transport.

During Recreation, Visitation, Religious Services, and Interviews, The facility seats detainees with different levels of classification separately within the same room under direct supervision of officers posted in the room. This practice ensures the detainees of different classifications do not comeingle and ensures their safety.

Recommendation

I recommend that you approve a waiver relating to Section (V)(F)(1) of the Custody Classification System of PBNDS 2011 requirement to avoid low custody detainees comeingle with high custody detainees. The OCPC will continue to ensure the different classification levels remain separated within the same room and their security safeguarded by security officers. (b)(6), (b)(7)(C)

Approve/date _____

Modify _____

/7 Disapprove/date _____

Needs more discussion _____

U.S. Department of Homeland Security
11541 Montana Ave. (b)(6); (b)(7)(C)
El Paso, Texas 79925



U.S. Immigration
and Customs
Enforcement

MAR 27 2017

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management Division

THROUGH: (b)(6); (b)(7)(C)
Deputy Assistant Director, Detention Management Division

FROM: (b)(6); (b)(7)(C)
or

SUBJECT: Waiver of Medical Records for Otero County Processing Center

Purpose

To provide a waiver for the El Paso Field Office, Otero County Processing Center (OCPC). This waiver relates to Chapter 4. Care, Section 4.3 Medical Care, Sections (Z) Continuity of Care, and (BB) Medical Records, within the 2011 Performance Based National Detention Standards (PBNDS), and Part 7.4 Detainee Transfers to provide the resident's medical record when transferring facilities and instead provide a medical summary.

Discussion

Due to the cost prohibitive nature of providing complete medical records, OCPC has deemed the cost to be outside of the normal practice of other medical facilities. This issue was discussed in detail with Immigration Health Services Corps (IHSC) and the Management and Training Corporation's (MTC) medical staff and the following statement was forwarded:

"This component of the standard was not approved for implementation for IHSC leadership due to the overwhelming expense associated with full compliance and a conflict with community standards, i.e. The Joint Commission and NCCHC standards, TJC (R.C.02.01.07) states the clinical record contains significant medical diagnoses and conditions, any significant operative and invasive procedures, any adverse or allergic drug reaction, any current medications, OTC or herbal preparations. In addition, NCCHC (J-E-03) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

IHSC and MTC meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental and mental health diagnoses, medications, allergies, procedures and any referrals. This information accompanies each detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, this information will be released within a reasonable timeframe after receipt of authorization." It is anticipated that, with future implementation of the electronic health record, complete and full copies of the medical record will be able to be provided to all residents at the time of transfer and release within reasonable expenses.

Recommendation

I recommend that you approve a waiver relating to the Chapter 4. Care, Section 4.3 Medical Care, Sections (Z) Continuity of Care, and (BB) Medical Records, and Part 7.4 Detainee Transfers to provide the resident's medical record when transferring facilities and instead provide a medical summary.

Approve/date (b)(6);
(b)(7)(C) 3/28/17 Disapprove/date _____
Modify _____ Needs more discussion _____



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR:

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

Assistant Director, Custody
Management

THROUGH:

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

Deputy Assistant Director, Detention Management Division

FROM:

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

Office Director, Stewart Detention Center

SUBJECT:

Waiver for Medical Records

Purpose

To provide a waiver for the Stewart Detention Center (SDC), Atlanta Field Office. This waiver relates to Part 4.3 Medical Care, Sections (W) Continuity of Care, and (Y) Medical Records of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

Background

On April 28-April 30, 2015 after the Nakamoto Annual Inspection of the SDC, it was reported the facility did not forward medical records as required in the PBNDS 2011.

Discussion

Due to the cost prohibitive nature of providing complete medical records, the SDC has deemed the cost to be outside of the normal practice of other medical facilities. This issue was discussed in detail with IHSC personnel and the following statement was forwarded:

"This component of the standard was not approved for implementation by IHSC leadership due to the overwhelming expense associated with full compliance and a conflict with community standards, i.e. The Joint Commission and NCCHC standards. TJC (RC.02.01.07) states the clinical record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, any significant operative and invasive procedures, any adverse or allergic drug reactions, any current medications, OTC or herbal preparations. In addition, NCCHC (J-E-03) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

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IHSC meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM) current, relevant medical, dental and health diagnosis, list of current medications, allergies, procedures and any referrals. The detainee will be provided medical summary information when transferred. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization. It is anticipated that, with the future implementation of the electronic health record, complete and full copies of the medical record will be able to be provided to all detainees at the time of transfer and release within reasonable expense."

Recommendation

I recommend that you approve a waiver relating to the Part 4.3 Medical Care, sections (W) Continuity of Care, and (Y) Medical Records of PBNDS 2011 requirement to provide the detainee's full medical record when transferring facilities and instead provide a medical summary.

Approve/date (b)(6);
(b)(7)(C) 10/29/15 Disapprove/date _____
Modify/date _____ Needs more discussion _____

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www.ice.gov

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

Subject:

FW: Edits to PBNDs 2011 Relating to Medical Records and Medical Summaries

Attachments:

PBNDs 2011 Revision - Medical Records (3).docx

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

Sent: Friday, February 27, 2015 6:42 PM

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

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

FW: Edits to PBNDs 2011 Relating to Medical Records and Medical Summaries

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

The attached document should reflect our agreed upon changes to PBNDs 2011, replacing requirements to transfer complete medical records with requirements to prepare medical summaries. Note that in some cases I revised text we hadn't discussed to ensure consistency with our edits, including references to complete medical records contained elsewhere.

Please let us know if these changes accurately reflect our conversation, and if you have edits or suggestions.

Thanks

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

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

*Assistant Director, Office of Detention Policy and Planning (ODPP)
Immigration and Customs Enforcement
(202) 732- (b)(6); Office Direct
(202) 732-3120 Fax*

Attachment "A"

Office of Detention and Removal Operations

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



U.S. Immigration
and Customs
Enforcement

December 5, 2013

MEMORANDUM FOR: Health Service Administrators
ICE Health Service Corps (IHSC)

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

SUBJECT: IHSC Official Response to PBNDS 2011 Deficiency Regarding
Transfer Medical Records

This component of the standard was not approved for full implementation by IHSC leadership due to the overwhelming expense associated with full compliance (providing full copies of the *paper document* of the medical record) and a conflict with community standards, i.e. The Joint Commission (TJC) and National Commission on Correctional Health Care (NCCHC) standards. It was understood that full compliance with the PBNDS standard would not be achieved until the implementation of the electronic health record (eHR) allowed for production of an electronic version of the record to be provided at the time of transfer or to the detainee upon release.

TJC (RC.02.01.07) states the clinical record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, any significant operative and invasive procedures, any adverse or allergic drug reactions, any current medications, OTC or herbal preparations. In addition, NCCHC (J-E-03) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

IHSC meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental and mental health diagnoses, list of current medications, allergies, procedures and any referrals. This information accompanies the detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization.

Note: It is anticipated that, with the future implementation of the electronic health record, complete and full copies of the medical record will be able to be provided to all detainees at the time of transfer and release within reasonable expense.

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U.S. Immigration
and Customs
Enforcement

March 12, 2018

MEMORANDUM FOR: (b)(6); (b)(7)(C)
Assistant Director, Custody Management

THROUGH: (b)(6); (b)(7)(C)
Deputy Assistant Director, [redacted] Division

FROM: (b)(6); (b)(7)(C)
Field Office Director, [redacted]

SUBJECT: Waiver for Non-Violent High Custody Detainees to Work in Kitchen

Purpose

To provide a waiver to allow non-violent high-level detainees to work in the kitchen at the Stewart Detention Center (SDC). This waiver relates to Performance Based National Detention Standards, version 2011 (PBNDS 2011), *Section 2.2 Custody Classification System*, which states that "high custody detainees shall not be assigned work duties outside assigned living areas."

Background

Due to the high removal rate of medium-low to low detainees and the increase in operational, ICE Health Services Corps (IHSC) is unable to process sufficient physicals for food workers due to its priorities of conducting physical examinations and chest x-rays of potential kitchen workers over detainees that are pending 14-day physicals per PBNDS.

Discussion

On an average, high level detainees at the Stewart Detention Center have a longer average length of stay versus medium-low and low detainees. Granting an exception to this policy will facilitate continuity and will provide better service and higher quality of food services for all detainees.

Core Civic has agreed to provide a list of non-violent level 3 and high level 2 detainees who do not have any significant disciplinary issues to IHSC. IHSC will then screen the detainees for any medical problems which would preclude them from working in the kitchen area.

Core Civic will implement procedures to ensure that these detainees are closely monitored and do not have any contact with the medium-low to low level detainees. The non-violent level 3

and high level 2 detainees and will have direct supervision by Core Civic officers and Trinity food services employees.

Recommendation

I recommend that you approve a waiver for non-violent high-level detainees to work in the kitchen at the Stewart Detention Center (SDC) relating to PBNDS 2011 *Section 2.2 Custody Classification System*: High custody detainees shall not be assigned work duties outside assigned living areas.

Approve date _____ Disapprove/date _____
Modify/date _____ Needs more discussion _____

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