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U.S. Immigration and Customs Enforcement

News

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Detention Management

The U.S. Immigration and Customs Enforcement (ICE) Office of Detention and Removal Operations (DRO) maintains custody of one of the most highly transient and diverse populations of any correctional or detention system in the nation. This administrative custody environment presents significant management challenges compared to the typical static prison environment.

ICE currently uses more than 300 local and state facilities operating under intergovernmental service agreements; seven contract detention facilities and eight ICE owned facilities. Approximately 67% of the ICE population is in a local or state facility, 17% in contract detention facilities, 13% in ICE owned facilities, service processing centers and 3% in other facilities such as Bureau of Prison (BOP) facilities, which are funded either through congressional appropriations to BOP or through ICE reimbursement.

Unaccompanied minors are turned over to the care of the Department of Health and Human Services Office of Refugee Resettlement (ORR). ORR places unaccompanied minors in licensed care settings based on children's individual needs.

In FY08, ICE received an enhancement of 4,150 beds for a total funded average daily population of approximately 32,000 beds. The average daily population of detained aliens increased by approximately 45% from an average of 20,838 in the FY02 through FY05 to an average of 30,295 in FY07, and an average of 31,345 in FY08. These numbers include population in DRO custody plus ORR and BOP cases.

The average length of stay for an individual detained by ICE in FY08 was 30.49 days, compared with an average time of 36.9 days in FY07. Effective detention management as well as the increased use of electronic travel documents and streamlining flight operations into high removal countries have all contributed to shortening the average length of time individuals are detained by ICE.

Early in 2008, ICE completed a draft of 41 performance based national detention standards and shared them with non-governmental organizations for review and comment. Management of ICE's detention facilities is based on

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these standards.

ICE takes its charge to adhere to these standards seriously, conducting comprehensive annual audits of its detention facilities using an independent cadre of detention professionals hired under a contract with Creative Corrections. This exceeds the American Correctional Association and other industry groups' recommendation of audits of correctional facilities every three years.

The new standards are scheduled to be implemented in all detention facilities used by ICE before the end of the year, and include not only the compliance requirements of current expected practices, but also measureable outcome data that can provide a more useful picture of the conditions in any given facility. ICE's performance based standards are endorsed by the American Correctional Association and include new standards covering news media interviews and tours, searches of detainees, sexual abuse and assault prevention, and staff training.

In order to ensure the highest level of care and treatment for its detainee population, and to further ensure independent internal management oversight, ICE created a Detention Facilities Inspection Group (DFIG) within the Office of Professional Responsibility (OPR). The purpose of the DFIG is to independently validate detention inspections conducted by DRO by performing quality assurance over the review process, ensuring consistency in application of detention standards and verifying corrective actions.

This new layer of OPR oversight, which began in February 2007, complements the current ICE DRO Detention Standards Compliance Program and ensures detention facilities are safe, secure and providing appropriate conditions of confinement. The ICE Office of Professional Responsibility (OPR) must notify the DHS Office of the Inspector General (OIG) of all detainee deaths. Upon declination for investigation by the OIG, OPR presently investigates the circumstances of all detainee deaths.

Medical facilities in service processing centers and contract detention facilities maintain current accreditation by the National Commission on Correctional Health Care. Each facility has a written plan for delivery of 24-hour emergency health care. All facilities have current arrangements with nearby medical facilities or health care providers for health care not provided within the facility. These arrangements require custodial officers to transport and remain with the detainee for the duration of any off-site treatment or hospital admission. Each facility has a mechanism that allows detainees to request health care services provided by a physician or other qualified medical officer in a clinical setting. Detainees, especially those who are illiterate or do not speak English, can receive help in filling out the request slip for medical services.

A national detainee handbook has been created to ensure all detainees receive the same information regarding their rights, responsibilities and a full accounting of the services they will be provided while detained in ICE custody. English and Spanish language versions of the handbook are available. The book was reviewed by non-governmental organizations such as the American Immigration Lawyers Association and others prior to final production and distribution.

In order to promote public awareness of ICE's detention facility inspection program, ICE produces a semi-annual report on agency-wide compliance with the National Detention Standards. The report includes the results of all detention facility inspections conducted during the six-month period covered in the report as well as documentation of steps taken to identify any deficiencies noted. The first report was issued in the spring of 2008.

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Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.

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