

From: Kice, Virginia C
Sent: 9 Sep 2011 16:32:07 -0700
To: Gibson, Beth N;Homan, Thomas;Hale, Brian P;Mead, Gary
Cc: Christensen, Gillian M;Gonzalez, Barbara M;Haley, Lori K; (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Subject: OPA - Salt Lake Tribune on Results of Weber County Jail Audit

ISSUE: A reporter for the Salt Lake Tribune claims he's obtained copies of recent audits performed on the Weber County Jail showing the facility is not in compliance with ICE's detention standards. The reporter says he has spoken with jail officials about the audits and wants to talk to someone at ICE who can further explain the findings. He expects to file his story Monday.

BACKGROUND: The reporter has not revealed how he obtained copies of the reviews, but Utah ERO says it's possible a jail official released them out of frustration. According to Utah ERO, the audit uncovered a plethora of security and safety issues at the jail. Weber County officials have told Utah ERO it will be impossible for them to rectify many of the deficiencies. In light of that, it's likely ICE will terminate its detention contract with Weber County in the near term. PAO coordinated with the Salt Lake City FOD to draft the proposed statement below. The FOD feels strongly we shouldn't address any of the audits' specific findings. PAO Haley is reaching out to the Weber County Jail PIO to confirm whether they've spoken to the reporter, and if so, what was said.

RESPONSE: The response below has been reviewed and approved by Utah ERO. PAO plans to forward it to the reporter Monday morning.

U.S. Immigration and Customs Enforcement (ICE) is committed to ensuring the welfare and safety of all those in our custody. Facilities under contract to house ICE detainees must conform to the agency's rigorous detention standards and undergo regular top-to-bottom inspections. Recent assessments of the Weber County Jail, performed by ICE and an independent contractor, revealed the facility was deficient in a number of areas. ICE has informed officials at the Weber County Jail about the findings and provided jail representatives with detailed results of the audits. All ICE detainees were transferred out of the Weber County Jail in late June when the compliance issues became a concern. ICE is continuing to review the matter at this time to determine appropriate next steps.

Virginia Kice
Western Regional Communications Director/Spokesperson
U.S. Immigration and Customs Enforcement (ICE)
Phone: (949) 360-(b)(6);(b)(7)(C)
www.ice.gov

From: Gonzalez, Barbara M
Sent: 6 Dec 2011 13:00:01 -0500
To: Mead, Gary
Cc: Hale, Brian P; Homan, Thomas; '(b)(6); (b)(7)(C)'@dhs.gov'
Subject: RE: Op-ed

Thank you, Gary. Your input is very valuable. I'll take a look now.

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(6) (cell)

-----Original Message-----

From: Mead, Gary
Sent: Tuesday, December 06, 2011 12:55 PM
To: Gonzalez, Barbara M
Cc: Hale, Brian P; Homan, Thomas; '(b)(6); (b)(7)(C)'@dhs.gov'
Subject: FW: Op-ed

Hi Barbara,

I added a bunch and did not delete much of yours. See what you think of what I added and feel free to edit to fit within the number of words limit.

Gary

I would like another shot at this if there is time.

-----Original Message-----

From: Gonzalez, Barbara M
Sent: Monday, December 05, 2011 9:41 PM
To: Mead, Gary; 'Thomas.Homan@dhs.gov'
Cc: Hale, Brian P
Subject: Op-ed

Gary, Tom:

DHS asked that we draft an op-ed in response to yesterday's NY Times editorial.

Here is my crack. Feel free to edit. Please keep it close hold.

V/r,
DRAFT/Pre-Decisional

OP-ED IN RESPONSE TO NY TIMES EDITORIAL ON DETENTION REFORM

Placement: Week of December 5, 2011

Current Word Count: 460

Headline: The Truth About Detention Reform

Once again, the NY Times has done a disservice to those who follow immigration issues by leading them to believe that U.S. Immigration and Customs Enforcement (ICE) hasn't made any changes to its detention system since the agency announced detention reform in August 2009. Their opinions, however, are not based on facts as demonstrated in their December 4 editorial.

ICE is committed to immigration detention reform and the facts support that commitment. ICE has added and is using civil detention facilities in California and New Jersey; a third facility is being constructed and will open in Texas during early 2012; agreements will soon be reached for the construction of two more facilities in Florida and Illinois. Collectively, these five facilities will be able to house approximately 5,000 detainees within in civil detention reform environments. ICE has entered into negotiation with its employee union to implement new detention standards based on the reform principles. Pursuant to new ICE policy, ICE is paroling record numbers of asylum seekers who have established identities and no criminal records. ICE has a record number of more than 20,000 aliens on some form of alternative to detention such as telephone monitoring in lieu of detention.

The facts are clear: there are approximately 1.6 million individuals going through immigration removal proceedings before the Department of Justice's immigration courts. On any given day, ICE detains approximately 33,000 because they've been determined to either be a threat to the community, a flight risk or among some other detention priority.

Roughly more than 1.3 million undocumented immigrants are either on some form of alternative to detention (i.e., telephonic reporting, in person visits, etc.) or not under any supervision at all. Is 1.3 million not enough evidence of exercising alternatives to detention? Does the NY Times suggest that we do away with detention all together?

When ICE announced its detention reform initiative, it had approximately 300 detention facilities. Today, the agency has reduced that to about 250 and has plans to get that number to approximately 200. The new facilities in California and New Jersey have allowed ICE to cease costly transfers by detaining individuals subject to detention in facilities near the site of apprehensions, legal service providers, hospitals and medical providers, immigration courts and transportation hubs.

Allegations of abuse are taken very seriously and investigated thoroughly. ICE has a strict zero tolerance policy for any kind of abusive or inappropriate behavior in its facilities and requires all contractors working with the agency to adhere to this policy.

While the agency doesn't comment on draft rules during the rulemaking process, ICE vigorously agrees with the intent of the Prison Rape Elimination Act. In fact, ICE's current Performance Based National Detention Standards prohibit sexual assault and sexual abuse and mirror the critical provisions in the Prison Rape Elimination Act. ICE has drafted revisions to the agency's detention standards (PBNS 2011), which contain even stronger provisions to prevent and respond appropriately to sexual abuse of all types.

ICE has added more than 40 detention service managers whose sole responsibility is increased on-site oversight inspections to ensure that facilities are in compliance with detention standards. ICE is on schedule to implement a new automated risk assessment tool in early 2012. This tool will improve ICE's ability to make detention case by case detention decisions based on factors such as threat to the community, flight risk, medical and mental health issues, and immigration status.

The reality is that the creation of a new civil detention system doesn't happen over night. While great strides have been made, the agency will continue moving forward toward ensuring that American tax dollars are put to use wisely while ensuring the safe and humane treatment of all individuals.

The only part the NY Times got right: the immigration system is broken and we're hoping that congressional action may one day fix it.

In the meantime, ICE will continue to focus on smart, effective immigration enforcement that prioritizes the removal of criminal aliens, recent border crossers and egregious immigration law violators, including immigration fugitives and those who have been previously removed from the United States.

http://www.nytimes.com/2011/12/05/opinion/a-broken-dangerous-system.html?_r=1&pagewanted=print

NY TIMES Editorial
December 4, 2011

A Broken, Dangerous System

After reports of chronic abuses — of detainees beaten and sometimes left to die of untreated injuries and illness — the Obama administration in 2009 vowed an overhaul of the nation’s immigration detention system, the sprawling patchwork of prisons and prison-like institutions that confines nearly 400,000 people a year as they await deportation or asylum.

“The paradigm was wrong,” Homeland Security Secretary Janet Napolitano said then, acknowledging that detention centers operated too much like correctional institutions and that the majority of detainees are not being held as criminals and pose no threat. She promised to make the system less penal, with greater freedom and dignity for those in it.

Despite that vow, the last two years have seen only meager progress toward reform. Detainees are not being punished for crimes, but according to a recent report by Human Rights First, half of them are still being held in jails, the same proportion as in 2009. And while Immigration and Customs Enforcement has begun to develop some less-restrictive facilities, those will house fewer than 15 percent of detainees. The rest will remain in a world of prison uniforms and barbed wire. New standards to guide officials in making reforms have not yet been developed.

Many critics have also noted the woeful absence of legal protections and transparency in the system, which railroads detainees through overloaded immigration courts, often without representation.

A recent American Civil Liberties Union report, based on documents obtained through the Freedom of Information Act, uncovered almost 200 accusations of sexual abuse of immigrant detainees. The A.C.L.U. has urged the Department of Justice to abandon a proposed rule that would exempt immigration detention centers from the Prison Rape Elimination Act, a federal law that sets standards for detecting and preventing sexual abuse of people in custody.

The federal government needs to make good on its promises to reform its detention centers and to make far greater use of alternatives for people who pose no danger. Detainees should have more access to the courts to challenge their detention, and rigid laws that demand automatic or mandatory detention should be revised. The paradigm is wrong. The system is dangerously broken.

From: Gonzalez, Barbara M
Sent: 27 May 2014 20:39:28 +0000
To: Winkowski, Thomas
Cc: 'Daniel H Ragsdale'; Joseph, Leonard; Homan, Thomas
Subject: RE: NY Times article

Sir:

-

Per ERO, we struck this part out of the background section: “per Congressional appropriation standards”.

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4[REDACTED] (office)
305-970-1294 (cell)

From: Gonzalez, Barbara M
Sent: Tuesday, May 27, 2014 3:34 PM
To: Winkowski, Thomas
Cc: 'Daniel H Ragsdale'; Joseph, Leonard
Subject: NY Times article

Sir:

Here is what DHS just cleared for issuance to Telemundo, Univision and Entravision.

STATEMENT

The Voluntary Work Program, which allows detainees the opportunity to feel productive and contribute to the orderly operation of facilities, was developed in an effort to improve detainee morale and reduce the frequency of disciplinary incidents. The Voluntary Work Program, which as its name implies is completely voluntary and at the discretion of the detainee, does not constitute employment and is done by detainees on a voluntary basis for a small stipend.

ICE detention standards impose safeguards governing the operation of voluntary work programs at ICE detention facilities, including a restriction in the number of work details, training and health and safety standards.

A small percentage of facilities which are not managed by ICE, such as county jails, have opted to maintain, for their own criminal population, voluntary work programs that provide non-monetary benefits and privileges. Because some of the jails were unwilling to provide monetary compensation exclusively to ICE detainees, the agency has permitted ICE detainees to choose to participate in such programs in exchange for the prevailing non-monetary compensation, while ensuring that the jails comply with all other safeguards and requirements in the ICE detention standard governing voluntary work programs.

From: Christensen, Gillian M
Sent: 13 Mar 2014 09:47:48 -0400
To: Homan, Thomas; Miller, Philip T; Robbins, Timothy S; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: RE: New York Times questions involving the agency's voluntary work program

Thank you sir. I know you are engaged on the Hill today. The good news is that this is not a request that we have to turn around in 24 hours so we have some time. I would welcome any additional input from other folks in ERO and especially OPLA to the below. With that, I'm hoping to update the TPS we already have on the program below for review by DHS early next week.

Thanks!

From: Homan, Thomas
Sent: Thursday, March 13, 2014 9:43 AM
To: Christensen, Gillian M; Miller, Philip T; Robbins, Timothy S; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: Re: New York Times questions involving the agency's voluntary work program

I am on the Hill so I can't spend a lot of time on this. This program is VOLUNTARY, there is no forced labor. We should also compare ourselves to other state and federal incarceration programs. This program gives detainees funds to help purchase commissary items

From: Christensen, Gillian M
Sent: Thursday, March 13, 2014 09:40 AM
To: Miller, Philip T; Robbins, Timothy S; Homan, Thomas; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: New York Times questions involving the agency's voluntary work program

ERO/OPLA –

New York Times reporter Ian Urbina is working on a story (for which, as you know, he's interviewing a detainee at the HOU CDF) which will heavily involve the "history and legal status of ICE's voluntary work program." In our conversation some of the points he raised were that the courts have recently taken up the issue of unpaid internships and labor laws and that that might have some implications for ICE in terms of the \$1/day detainees are paid. He also says that advocates contend that that program was created in a different era and that the detention system transformed since then. He is also specifically looking into CCA, GEO, etc, and the amount of money they make from detainee commissary purchases, etc.

The reporter's piece is running within the next week and he has started to send me questions and language that he believes represent both sides of the argument for and against the work program. I'm thinking that perhaps we should do a joint ERO/OPLA backgrounder on the work program with him. However, if you prefer, I can just take ERO and OPLA input and craft those into statements answering his below questions At the bottom of this e-mail chain are previously

approved responses we've provided on the work program that I can provide the reporter with, along with any additional input you might have.

I'd appreciate your thoughts/input on the below.

Below is what I've received from him thus far:

Question: 1) How many total detention centers are there where the voluntary work program exists and how many of these centers are run by private companies like CCA?

2) Here is my attempt to put forward some of the best explanations and arguments related to this work program. I am not looking for you to wordsmith exact phrasing. But I want you to tell me if I am missing any key points that ICE would think fair and important to make about this program. Here is my understanding of the agency's perspective having reviewed the clips:

Federal immigration officials explain that the work program is legal and voluntary. The detainees are not officially "employees", and the money paid to them are "allowances", not wages. Many detainees are glad to have some way to pass the time outside their cell while earning a little money to buy toiletries or food at the commissary. The program improves morale and lowers disciplinary problems by keeping detainees busy. Taxpayers benefit too because the cost of detention is less when private companies can save on labor.

Furthermore:

The average pay for detainees - \$1 a day - was first set in an appropriations act for fiscal year 1979 and Congress has not been altered it since. This payment was challenged in a 1990 lawsuit under the Fair Labor Standards Act, which "establishes minimum wage, overtime pay, record-keeping and youth employment standards affecting employees in the private sector and in Federal, State and local governments." An appellate court later ruled that immigration authorities are entitled to pay detainees \$1 a day, writing that "alien detainees are not government 'employees'".

3) Additionally, I need some on-record quote, ideally adding to the material above, which I will likely paraphrase rather than quote directly. But if you folks could give me a couple on-record quotes that will round out this material, that would be helpful. Things starting to pick up speed a little. So, sooner the better on this and prior emails.

Please let me know if you have any questions!

Thanks,
Gillian

Below is what we've previously provided reporters on the voluntary work program (the Q&A below was last approved in 2012:

The ICE Voluntary Work Program was not instituted pursuant to any statute, regulation or executive order. The Voluntary Work Program, under conditions of confinement, does not constitute employment and is done by detainees on a voluntary basis for a small stipend.

The Voluntary Work Program is one method of managing detained aliens to give them an opportunity to be gainfully occupied on a voluntary basis. The Voluntary Work Program enables ICE's Enforcement and Removal Operations (ERO) to successfully perform its detention mission by encouraging detainees to contribute to the orderly operation of detention facilities through the detainees' productivity, and perhaps most importantly, reducing inactivity and disciplinary violations. Achieving these objectives directly contributes to ERO's ability to successfully perform its detention mission.

1. What oversight is in place for detained immigrants taking part in the voluntary work program run by CCA in ICE facilities?

ICE national detention standards provide the baseline for voluntary work programs at all ICE facilities. As with all facilities housing ICE detainees, CCA facilities undergo periodic reviews and inspections to ensure compliance with our detention standards.

2. What are the labor rights of immigrant in the voluntary work program? Are they classified the same way prisoners in federal jails are? If not, how are they classified?

Per ICE detention standards, detainees who are physically and mentally able to work will be provided the opportunity to participate in a voluntary work program if one is available in the facility. Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin. Detainees participating in the volunteer work program are required to work according to a fixed schedule not to exceed 40 hours per week and 8 hours per day. Facility administrators are required to ensure that all department heads develop and institute, in collaboration with the facility's safety/training officer, appropriate training for all detainee workers. The facility must also provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.

3. What labor protections are afforded them?

All ICE detention facilities comply with all applicable health and safety regulations and standards. The voluntary work program at ICE facilities operates in compliance with Occupational Safety and Health Administration (OSHA) regulations and National Fire Protection Association 101 Life Safety Code. Facility administrators also implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of ICE.

Detainees do not undertake any assignment before signing a voluntary work program agreement that, among other things, confirms that the detainee has received and understood training from the supervisor about the work assignment.

Individuals volunteering for work in programs that do not provide monetary compensation are located in a small number of facilities that are not managed by ICE, such as county jails. These facilities maintain voluntary work programs for their own criminal population that provide non-monetary benefits and privileges. Because it is not feasible for some jails to provide monetary compensation exclusively to ICE detainees, the agency has permitted ICE detainees to voluntarily participate in such programs in exchange for the prevailing non-monetary compensation, while ensuring that the jails comply with all other safeguards and requirements in the ICE detention standard governing voluntary work programs.

ICE continues to conduct oversight of the voluntary work programs at detention facilities it uses, and it is engaged in an ongoing review of its practices in this area.”

BACKGROUND

ICE detention standards may include greater protections for individuals than what the non-ICE facilities would otherwise have in place for its own prisoners or detainees.

From: Kim, Song U
Sent: Friday, May 02, 2014 12:16 PM
To: Landy, Kevin; Christensen, Gillian M; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

How about this?

(b)(5)

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

Deputy Chief
Commercial and Administrative Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-(b)(6)

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From: Landy, Kevin
Sent: Friday, May 02, 2014 12:05 PM
To: Kim, Song U; Christensen, Gillian M; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V;

Johnson, Tae D

Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike

Subject: Re: NYT materials

(b)(5)

From: Kim, Song U

Sent: Friday, May 02, 2014 11:59 AM

To: Landy, Kevin; Christensen, Gillian M; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D

Cc: 'Brian.P.Hale@dhs.gov' <Brian.P.Hale@dhs.gov>; Gonzalez, Barbara M; Mendoza, Mike

Subject: RE: NYT materials

(b)(5)

From: Landy, Kevin

Sent: Friday, May 02, 2014 11:51 AM

To: Kim, Song U; Christensen, Gillian M; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D

Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike

Subject: RE: NYT materials

(b)(5)

From: Kim, Song U

Sent: Friday, May 02, 2014 11:44 AM

To: Christensen, Gillian M; Landy, Kevin; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D

Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike

Subject: RE: NYT materials

Hope that my suggested language is not too late and that this satisfies everyone's concerns.

Kevin – Please feel free to chime in.

Thanks.

(b)(6):(b)

Deputy Chief

Commercial and Administrative Law Division

Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-(b)(6)

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From: Christensen, Gillian M
Sent: Friday, May 02, 2014 11:09 AM
To: Landy, Kevin; Ramlogan, Riah; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike; (b)(6);(b)(7)(
Subject: RE: NYT materials

I think the below statement captures it adequately. Will provide to the reporter now.

STATEMENT

- "ICE detention standards impose safeguards governing the operation of voluntary work programs at ICE detention facilities, including training and health and safety standards.

(b)(5)

Individuals volunteering for work in programs that do not provide monetary compensation are located in a small number of facilities that are not managed by ICE, such as county jails. These facilities maintain voluntary work programs for their own criminal population that provide non-monetary benefits and privileges. Because it is not feasible for some jails to provide monetary compensation exclusively to ICE detainees, the agency has permitted ICE detainees to voluntarily participate in such programs in exchange for the prevailing non-monetary compensation, while ensuring that the jails comply with all other safeguards and requirements in the ICE detention standard governing voluntary work programs.

ICE continues to conduct oversight of the voluntary work programs at detention facilities it uses, and it is engaged in an ongoing review of its practices in this area."

BACKGROUND

ICE detention standards may include greater protections for individuals than what the non-ICE facilities would otherwise have in place for its own prisoners or detainees.

From: Landy, Kevin
Sent: Friday, May 02, 2014 11:04 AM
To: Ramlogan, Riah; Christensen, Gillian M; Porter, Jonathan; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike; (b)(6);(b)(7)(C)
Subject: RE: NYT materials

(b)(5)

From: Ramlogan, Riah
Sent: Friday, May 02, 2014 10:55 AM
To: Christensen, Gillian M; Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike; (b)(6);(b)(7)(C)
Subject: RE: NYT materials

(b)(5)

(b)(5)

From: Christensen, Gillian M
Sent: Friday, May 02, 2014 7:32 AM
To: Ramlogan, Riah; Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

Thank you!

From: Ramlogan, Riah
Sent: Friday, May 02, 2014 7:21 AM
To: Christensen, Gillian M; Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: Re: NYT materials

Sorry I missed this last night. We will have something to you this morning.

Sent from my BlackBerry 10 smartphone.

From: Christensen, Gillian M
Sent: Thursday, May 1, 2014 7:37 PM
To: Ramlogan, Riah; Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

Any luck?

From: Ramlogan, Riah
Sent: Thursday, May 01, 2014 4:31 PM
To: Christensen, Gillian M; Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

On it.

From: Christensen, Gillian M
Sent: Thursday, May 01, 2014 3:07 PM
To: Porter, Jonathan; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D; Ramlogan, Riah

Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

Just talked to OPLA about this as well. Adding Riah.

Riah – can someone on your team assist?

Many thanks,
Gilllian

From: (b)(6);(b)(7)(C)
Sent: Thursday, May 01, 2014 2:48 PM
To: Christensen, Gillian M; Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; Mendoza, Mike
Subject: RE: NYT materials

Adding Mike from CFO

--

(b)(6);(b)(7)(C)
Chief of Staff – Management and Administration
Office of the Director
U.S. Immigration and Customs Enforcement
P: 202.732.(b)(6)
BB: 202.422.(b)(6);

From: Christensen, Gillian M
Sent: Thursday, May 01, 2014 2:48 PM
To: Landy, Kevin; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M; (b)(6);(b)(7)(C)
Subject: RE: NYT materials

Adding CFO.

(b)(6); – Can you assist?

From: Landy, Kevin
Sent: Thursday, May 01, 2014 2:47 PM
To: Christensen, Gillian M; Bernacke, Michael V; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M
Subject: RE: NYT materials

As I indicated yesterday, I question the accuracy of this statement:
Facilities are reimbursed a minimum of \$1 per day by ICE per Congressional appropriation standards.
Has someone concluded that the 1979 appropriations provision remains binding on ICE in perpetuity? I don't think that's typically true for language inserted in appropriations bills.

Also, the second table has an error:

****Most provide extra priviledges****

From: Christensen, Gillian M
Sent: Thursday, May 01, 2014 2:25 PM
To: Bernacke, Michael V; Landy, Kevin; Johnson, Tae D
Cc: 'Brian.P.Hale@dhs.gov'; Gonzalez, Barbara M
Subject: Fw: NYT materials

Ok gents -

Here is the final DHS has approved to go to the reporter. They tweaked the statement again. Let me know (if you can) within the hour if you have any objections to the tweaks.

Thanks!

Gillian

From: Catron, Marsha
Sent: Thursday, May 01, 2014 02:22 PM
To: Christensen, Gillian M; Hale, Brian P; Gonzalez, Barbara M
Cc: Boogaard, Peter
Subject: NYT materials

Thanks for your continued work and patience on this one.

Ok to provide below. I have one final question on doc attached—are all those “ICE facilities” or facilities ICE contracts with? If latter, should make clear in the header. Thank you!

STATEMENT

“ICE detention standards impose safeguards governing the operation of voluntary work programs at ICE detention facilities, including training and health and safety standards.

Facilities that house the overwhelming majority of ICE detainees provide compensation for participation in voluntary work programs. Facilities are reimbursed a minimum of \$1 per day by ICE per Congressional appropriation standards. As of April 2014, the majority of those participating in some sort of voluntary work program – well over 95% - were provided monetary compensation.

Individuals volunteering for work in programs that do not provide monetary compensation are located in a small number of facilities that are not managed by ICE, such as county jails. These facilities maintain voluntary work programs for their own criminal population that provide non-monetary benefits and privileges. Because it is not feasible for some jails to provide monetary compensation exclusively to ICE detainees, the agency has permitted ICE detainees to voluntarily participate in such programs in exchange for the prevailing non-monetary compensation, while ensuring that the jails comply with all other safeguards and requirements in the ICE detention standard governing voluntary work programs.

ICE continues to conduct oversight of the voluntary work programs at detention facilities it uses, and it is engaged in an ongoing review of its practices in this area.”

BACKGROUND

Custody Programs
ICE/ERO
202.732(b)(6);

****sent via iPad****

-----Original Message-----

From: Rogers, Andrea R
Sent: Friday, March 14, 2014 10:20 AM Eastern Standard Time
To: Lorenzen-Strait, Andrew R
Subject: FW: Northwest Detention Center

Hello Andrew,

We have a hunger-strike related superhero mission for you. The below message describes a number of items we are collecting for members of Congress – you can ignore that material. I've highlighted our urgent need for your talents – OCR has committed ERO to talk to advocate Sandy Restrepo. The field office is reluctant to engage her for a number of reasons, and the overwhelming consensus is that you would be the best spokesperson from ERO to do so. AD Miller asked that I reach out to you to see if you are up to the challenge, and if so, you are welcome to reach out to (b)(6);(b) and (b)(6);(b)(7)(C) on any particulars. Let me know how you'd like to handle so I can lose the loop with OCR? Also, fyi, I've attached the last SITREP reports I have from the field on the "strikes". Obviously the situation is fluid and more reporting will likely arrive today.

Thank you much, (b)(6);(b)

From: Wilcox, Bryan S
Sent: Wednesday, March 12, 2014 8:47 PM
To: Miller, Philip T; Rogers, Andrea R
Cc: (b)(6);(b)(7)(C)
Subject: FW: Northwest Detention Center

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

Per your conversation with (b)(6);(b) we feel that a written response to most of these questions should come from HQ, as our answers would apply to all ICE detention and would not be specific to the NWDC.

I've highlighted in the questions below, which office I think should provide the answer as well as the few things we can provide locally that are specific to the NWDC.

Please see my comments/highlights below:

Requests from Reps. Adam Smith and Suzan DelBene

What is the bond process for detainees not subject to mandatory detention at the NWDC? Who sets the bond amount and what is the average amount detainees must pay at the NWDC compared to the rest of the country? What is the percentage of the population at the detention center that has access to a bond? BOND UNIT FOR GENERAL BOND INFO/STATS

What is the average length of detention at the NWDC (male vs. female)? LESA SHOULD PROVIDE CLEARED STATS.

What are the food and nutrition standards the NWDC uses in determining meals for detainees. Please provide us with examples of a typical weekly meal menu. FOOD/NUTRITION STANDARDS SHOULD COME FROM IHSC? WE CAN PROVIDE MENU FOR THE NWDC

Please provide the laws and regulations for detainee job services, including levels of pay and hours worked. In addition, we would like a comparison of that pay to the Federal Bureau of Prisons pay. SHOULD BE PROVIDED BY DMD

We have heard many concerns regarding detainees being placed in isolation, referred to as "the tank." Please provide us with the requirements to place someone in isolation. Is there a formal appeal process or way to file a grievance for prisoners who feel they have been mistreated? PROVIDE PBNDS STANDARDS FOR ADMIN/DISCIPLINARY/MEDICAL SEGREGATION (DMD)

What process is in place for reporting and responding to complaints of mistreatment at NWDC? WE WILL PROVIDE .PDF COPY OF THE NWDC DETAINEE HANDBOOK THAT COVERS ALL THESE QUESTIONS AS WELL AS FLYERS POSTED ON BULLETIN BOARDS IN ALL PODS IDENTIFYING THE VARIOUS HOTLINES THEY CAN CALL

What sort of audits does DHS execute at NWDC? How many audits took place last calendar year? DMD CAN PROVIDE INFO RELATING TO INSPECTION PROTOCOLS AND RESULTS

As to the commitment for Nathalie to call the advocate group's attorney Sandy Restrepo, she is a virulent activist... If you Google her name and Seattle, you'll find many Youtube videos of her prominently demonstrating for La Raza and other pro-immigrant demonstrations. She has figured conspicuously, almost exclusively, in promoting this event and being the primary source of all media attention. Her histrionics and misinformation in our opinion, are unethical and worthy of a bar complaint. We will not be reaching out to Ms. Restrepo.

Please advise as to how you wish us to proceed,

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

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

Deputy Field Office Director
ICE Enforcement & Removal Operations, Seattle, WA

From: Rowe, Andrew J
Sent: Wednesday, March 12, 2014 2:59 PM
To: Hamilton, Kenneth S; Wilcox, Bryan S
Subject: FW: Northwest Detention Center

(b)(6);(b)(7)(C)'s staff asked that we have someone connect with the advocacy groups. I asked whether they wanted to reach someone in the field or someone at HQ, and it appears these folks have run with it, asking me when FOD Asher can get on the phone with the advocate group attorney. (See below.)

Could someone from the field office connect with Sandy Restrepo from the Colectiva Legal del Pueblo? I don't think it actually has to be FOD Asher, your best judgment should govern. I assume you've been in contact with her before but if not I can help string together contact working with Smith's staff. Just let me know if you do in fact reach out to Ms. Restrepo so I can tell these Congressional offices we're on top of it.

They also have questions and have roped in Rep. DelBene's office – see below.

Do you want to answer directly on any of the questions here about bond process, length of stay at NWDC, food standards, menu, rules for detainee work/pay, segregation at NWDC, grievance process, and inspections? See detailed questions below. Any you don't want to take on I will route to ERO HQ to answer, though they will probably look for your input.

On the subject of (b)(6);(b)(7)(C) I told them already that we cannot offer information until they send me a privacy waiver signed by

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

On a somewhat related point – I spoke with Rep. Kilmer's staffer, who asked about current status and process – he asked how many aren't eating, whether force-feeding figures into any of this. He then asked about a bond-related decision by Judge Jones of W.D. Wa. federal court, which I told him is unrelated to facility operations/potential hunger strike. Thanks for letting me know about your contact with all of the interested Congressional offices as well.

Cc: (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); (b)(6); (b)(7)(C); Munoz, Andrew; (b)(6); (b)(7)(C)
(b)(6);(b)

Subject: RE: NWDC Meal Refusals TUESDAY

Good Morning,

Number of breakfast refusals this morning - 23

No SIR is required at this juncture as we have yet to identify anyone who is in hunger strike status.

As of this writing, IHSC has identified 31 detainees to be housed in the Medical Isolation Pod (MIP) for observation. It is worthy to mention that the first 23 who transferred to the MIP last evening demanded sack lunches as soon as they were transferred; the request was declined. Of these 23, all but 1 ate breakfast this morning. They will remain in the MIP for continued IHSC observation.

The FOD along with the NWDC AFOD and GEO leadership will be conducting pod checks again today.

Mexican consulate officials will be at the NWDC this morning to discuss the current situation.

NRA

-----Original Message-----

From: Miller, Philip T

Sent: Tuesday, March 11, 2014 01:31 AM Eastern Standard Time

To: Asher, Nathalie R; Flores, Simona L

Cc: (b)(6); (b)(7)(C); Munoz, Andrew; (b)(6); (b)(7)(C)
(b)(6);(b)(7)(C)

Subject: RE: NWDC Meal Refusals Monday

(b)(5)

Phil

From: Asher, Nathalie R
Sent: Tuesday, March 11, 2014 1:27 AM
To: Miller, Philip T; Flores, Simona L
Cc: (b)(6); (b)(7)(C) Munoz, Andrew; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: NWDC Meal Refusals Monday

(b)(5)

Thanks PAO Munoz.

(b)(5)

NRA

-----Original Message-----

From: Miller, Philip T
Sent: Tuesday, March 11, 2014 01:20 AM Eastern Standard Time
To: Asher, Nathalie R; Flores, Simona L
Cc: (b)(6); (b)(7)(C) Munoz, Andrew; (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
Subject: RE: NWDC Meal Refusals Monday

Is this statement more accurate?

IHSC has identified 168 detainees on possible hunger strike by refusing the lunchtime meal in addition to meals refused in the pods over the weekend. Those detainees are being interviewed by IHSC to verify their meal refusal status. If a detainee claimed that he missed 9 meals in a 72 hour period, he was moved from his previously assigned pod to a reserved pod (hereafter “medical isolation pod (MIP)”), where commissary will be restricted. While being monitored by IHSC, ERO will begin a new missed meal count for each detainee in MIP. If a detainee in MIP misses 9 missed meals in a 72 hour period, IHSC will consider that detainee to be on a hunger strike. Nevertheless, to ensure the health and wellbeing of the detainees in MIP, ERO, GEO and IHSC will observe all hunger strike protocols and medical/psychiatric monitoring for the detainees. As of this report, 23 detainees were relocated to MIP and are being monitored in accordance with PBNDS and associated medical/psychiatric policies.

(b)(5)

BTW, outstanding idea. Kudos to all you folks for this plan!

From: Miller, Philip T

Sent: Tuesday, March 11, 2014 1:10 AM

To: Asher, Nathalie R; Flores, Simona L

Cc: (b)(6); (b)(7)(C) Munoz, Andrew; (b)(6); (b)(7)(C)

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

Subject: RE: NWDC Meal Refusals Monday

Thanks. I'll make the correction.

-----Original Message-----

From: Asher, Nathalie R

Sent: Tuesday, March 11, 2014 01:08 AM Eastern Standard Time

To: Miller, Philip T; Flores, Simona L

Cc: (b)(6); (b)(7)(C) Munoz, Andrew; (b)(6); (b)(7)(C)

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

Subject: RE: NWDC Meal Refusals Monday

Hey Phil,

As we do not have documentation that each detainee now identified has actually skipped 9 consecutive meals within 72 hours, the count of skipped meals starts over with IHSC under this controlled setting.

When you have time tomorrow perhaps we can schedule a phone call to clarify as we proceed.

We will get the spreadsheet started in the morning for sure.

Get some rest,

NRA

-----Original Message-----

From: Miller, Philip T

Sent: Tuesday, March 11, 2014 12:56 AM Eastern Standard Time

To: Asher, Nathalie R; Flores, Simona L

Cc: (b)(6); (b)(7)(C) Munoz, Andrew; (b)(6); (b)(7)(C)

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

Subject: RE: NWDC Meal Refusals Monday

(b)(5)

Let me know if y'all think I'm missing anything.

Thank you all for your continued assistance,
Phil

From: Asher, Nathalie R
Sent: Tuesday, March 11, 2014 12:52 AM
To: Miller, Philip T; Flores, Simona L
Cc: (b)(6); (b)(7)(C) Munoz, Andrew
Subject: RE: NWDC Meal Refusals Monday

Sounds even better. Thanks.

-----Original Message-----

From: Miller, Philip T
Sent: Tuesday, March 11, 2014 12:50 AM Eastern Standard Time
To: Asher, Nathalie R; Flores, Simona L
Cc: (b)(6); (b)(7)(C) Munoz, Andrew
Subject: RE: NWDC Meal Refusals Monday

Are y'all ok with this rewrite. (b)(5)

(b)(5)

(b)(5)

From: Asher, Nathalie R
Sent: Tuesday, March 11, 2014 12:44 AM
To: Miller, Philip T; Flores, Simona L
Cc: (b)(6); (b)(7)(C); Munoz, Andrew
Subject: RE: NWDC Meal Refusals Monday

That is correct.

-----Original Message-----

From: Miller, Philip T
Sent: Tuesday, March 11, 2014 12:42 AM Eastern Standard Time
To: Asher, Nathalie R; Flores, Simona L
Cc: (b)(6); (b)(7)(C); Munoz, Andrew
Subject: RE: NWDC Meal Refusals Monday

Just to clarify, we have initiated hunger strike protocols for 23 detainees?

From: Asher, Nathalie R
Sent: Tuesday, March 11, 2014 12:38 AM
To: Miller, Philip T; Flores, Simona L
Cc: (b)(6); (b)(7)(C); Munoz, Andrew
Subject: RE: NWDC Meal Refusals Monday

Good Evening All,

Number of dinner refusals - 91

Detainees from 9 pods make up the total number of refusals, however 90% (81 total) of those who declined dinner reside in 3 pods.

IHSC has identified 168 detainees on possible hunger strike by refusing the lunchtime meal in addition to meals refused in the pods over the weekend. Those detainees are being interviewed by IHSC to verify their meal refusal status. If the detainees verify that they are not eating, they will be moved from their current pod to a reserve empty pod and commissary will be restricted. Meals will be monitored for consumption/refusal. As of this writing, 23 detainees have been identified for transfer to this reserve pod.

We anticipate yet another advocate protest to take place tomorrow afternoon in front of the NWDC, kickoff time at 1700 PST.

From: Bernacke, Michael V
Sent: 13 Mar 2014 10:22:19 -0400
To: Miller, Philip T
Cc: Homan, Thomas;Robbins, Timothy S;Becker Klopp, Jacki
Subject: FW: New York Times questions involving the agency's voluntary work program

I'm checking with (b)(7)(C) for any more recent canned language on the topic.

From: Miller, Philip T
Sent: Thursday, March 13, 2014 10:21 AM
To: Christensen, Gillian M; Robbins, Timothy S; Homan, Thomas; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: RE: New York Times questions involving the agency's voluntary work program

I'll contact CMD.

-----Original Message-----

From: Christensen, Gillian M
Sent: Thursday, March 13, 2014 09:40 AM Eastern Standard Time
To: Miller, Philip T; Robbins, Timothy S; Homan, Thomas; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: New York Times questions involving the agency's voluntary work program

ERO/OPLA –

New York Times reporter Ian Urbina is working on a story (for which, as you know, he's interviewing a detainee at the HOU CDF) which will heavily involve the "history and legal status of ICE's voluntary work program." In our conversation some of the points he raised were that the courts have recently taken up the issue of unpaid internships and labor laws and that that might have some implications for ICE in terms of the \$1/day detainees are paid. He also says that advocates contend that that program was created in a different era and that the detention system transformed since then. He is also specifically looking into CCA, GEO, etc, and the amount of money they make from detainee commissary purchases, etc.

The reporter's piece is running within the next week and he has started to send me questions and language that he believes represent both sides of the argument for and against the work program. I'm thinking that perhaps we should do a joint ERO/OPLA backgrounder on the work program with him. However, if you prefer, I can just take ERO and OPLA input and craft those into statements answering his below questions At the bottom of this e-mail chain are previously

From: Munoz, Andrew
Sent: 2 Jun 2014 13:48:13 -0400
To: Gonzalez, Barbara M;Kice, Virginia C;Robbins, Timothy S;Homan, Thomas;Miller, Philip T;Davis, Mike P;Ramlogan, Riah;Stolley, Jim
Cc: Christensen, Gillian M;Haley, Lori K;Bassett, Cori W
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

Yes. Corrected below.

Andrew S. Muñoz
Public Affairs Officer

206 442 (b) tel
206 255 (b) cel

From: Gonzalez, Barbara M
Sent: Monday, June 02, 2014 10:48 AM
To: Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

For question 4, shouldn't we add that it is \$1 per day?

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732 (b)(6); (office)
305-970 (b)(7) (cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Kice, Virginia C
Sent: Monday, June 02, 2014 01:10 PM Eastern Standard Time
To: Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim; Gonzalez, Barbara M
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: OPA - Seattle Times request for Tacoma detention center facts

ISSUE: Reporter with the Seattle Times has submitted the below questions for information about the Northwest Detention Center. PAO has compiled responses from previously released statistics and statements as well as Monday's population provided by ERO Seattle. **Reporter has requested response by today.**

PROPOSED RESPONSE:

1. How long has Geo operated the facility?

- Please see: <http://www.geogroup.com/Maps/LocationDetails/52>

2. How many detainees are currently in the center? How does the current numbers compare to previous years?

- Population as of June 2: 1,315 detainees
- Average daily population:
 - FY2013: 1,333 detainees
 - FY2012: 1,317 detainees

3. What's the cost per detainee and bed/per day?

- Under the current contract, the GEO Group is guaranteed payment for 1,181 beds per day at a rate of \$100.65, whether ICE uses them or not. ICE pays a discounted rate of \$62.52 per day for each bed in excess of 1,181.

4. How much are detainees paid for work inside the facility?

- Per ICE detention standards, detainees who elect to participate in the voluntary work program are paid \$1 per day.

5. Has the center changed any practices at the facility in light of recent news coverage of detainees who've reported being paid low wages and held in solitary confinement for staging hunger strikes?

- We take very seriously the health, safety, and welfare of our employees, detention facility staff and the individuals in our care. To that end, ICE has been responsive to Northwest Detention Center detainee suggestions, including reducing commissary prices, increasing the variety of items on the commissary list and implementing menu changes.

Andrew S. Muñoz

Public Affairs Officer

206 442 (b) tel
206 255 (b) cel

Office of Public Affairs - Seattle Field Office
U.S. Department of Homeland Security



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

Oregon | Washington | Idaho | Utah | Alaska

From: Gonzalez, Barbara M
Sent: 2 Jun 2014 14:16:22 -0400
To: Homan, Thomas;Robbins, Timothy S;Miller, Philip T;Becker Klopp, Jacki;Bernacke, Michael V
Cc: Christensen, Gillian M
Subject: FW: OPA - Seattle Times request for Tacoma detention center facts

I don't know of any changes, do you?

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(c) (cell)

From: Catron, Marsha
Sent: Monday, June 02, 2014 2:10 PM
To: Gonzalez, Barbara M; Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew; Boogaard, Peter
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

Is there anything further we've done? Rep. Smith has introduced legislation because of this facility. Is there anything we can say that addresses concerns?

From: Gonzalez, Barbara M [<mailto:Barbara.M.Gonzalez@ice.dhs.gov>]
Sent: Monday, June 02, 2014 1:52 PM
To: Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew; Catron, Marsha; Boogaard, Peter
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

Adding DHS. Please go with it by 5 pm unless you hear otherwise.

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(c) (cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Kice, Virginia C

Sent: Monday, June 02, 2014 01:48 PM Eastern Standard Time
To: Gonzalez, Barbara M; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

Good catch. Yes...that info will be added.

Virginia Kice
Western Regional Communications Director/Spokesperson
U.S. Immigration and Customs Enforcement (ICE)
Office: 949-360-3096
Cell: 949-337-(b)(7)(C)
www.ice.gov

From: Gonzalez, Barbara M
Sent: Monday, June 02, 2014 10:48 AM
To: Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

For question 4, shouldn't we add that it is \$1 per day?

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(C)(cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Kice, Virginia C
Sent: Monday, June 02, 2014 01:10 PM Eastern Standard Time
To: Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim; Gonzalez, Barbara M
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: OPA - Seattle Times request for Tacoma detention center facts

ISSUE: Reporter with the Seattle Times has submitted the below questions for information about the Northwest Detention Center. PAO has compiled responses from previously released statistics and statements as well as Monday's population provided by ERO Seattle. **Reporter has requested response by today.**

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5. Has the center changed any practices at the facility in light of recent news coverage of detainees who've reported being paid low wages and held in solitary confinement for staging hunger strikes?

- We take very seriously the health, safety, and welfare of our employees, detention facility staff and the individuals in our care. To that end, ICE has been responsive to Northwest Detention Center detainee suggestions, including reducing commissary prices, increasing the variety of items on the commissary list and implementing menu changes.

Andrew S. Muñoz

Public Affairs Officer

206 442 1450 tel
206 255 9418 cel

Office of Public Affairs - Seattle Field Office
U.S. Department of Homeland Security



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

Oregon | Washington | Idaho | Utah | Alaska

From: Munoz, Andrew
Sent: 2 Jun 2014 15:24:46 -0400
To: Catron, Marsha;Gonzalez, Barbara M;Kice, Virginia C;Robbins, Timothy S;Homan, Thomas;Miller, Philip T;Davis, Mike P;Ramlogan, Riah;Stolley, Jim
Cc: Christensen, Gillian M;Haley, Lori K;Bassett, Cori W;Boogaard, Peter
Subject: Re: OPA - Seattle Times request for Tacoma detention center facts

Here are the edits last question's responses...

Has the center changed any practices at the facility in light of recent news coverage of detainees who've reported being paid low wages and held in solitary confinement for staging hunger strikes?

- Yes, ICE has been responsive to Northwest Detention Center detainee suggestions, including reducing commissary prices, increasing the variety of items on the commissary list and implementing menu changes. ICE Enforcement and Removal Operations deportation officers have addressed concerns about individual cases with detainees. However, many issues brought forward have already been addressed, or are issues, such as bond determinations, that must be dealt with by an immigration judge with the Justice Department's Executive Office for Immigration Review.

- ICE has for a long-time provided non-governmental organizations such as the Northwest Immigrant Rights Project free access to the detention center to provide detainee-rights clinics and legal representation. ICE also conducts regular roundtable meetings with and detention center tours for community stakeholders including local governments, the immigration law community and NGOs, to address community concerns and facilitate transparency of our operations.

- In February 2012, ICE issued a revised version of its national detention standards. The revised standards are designed to: improve medical and mental health services; increase access to legal services and religious opportunities; improve communication for detainees with limited English proficiency; improve the process for reporting and responding to complaints; and increase visitation and recreation. In developing the revised standards, ICE incorporated the input of many agency employees and stakeholders, including the perspectives of non-governmental organizations and ICE field offices.

- The Northwest Detention Center (NWDC) is audited/inspected at least once a year by ICE and in some years may undergo two to three separate audits or inspections by the Department of Homeland Security and independent accreditation agencies. Recent audits have found the NWDC not only complies with detention standards, but in many cases exceeds them.

From: Catron, Marsha
Sent: Monday, June 02, 2014 11:10 AM
To: Gonzalez, Barbara M; Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew; Boogaard, Peter
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

Is there anything further we've done? Rep. Smith has introduced legislation because of this facility. Is there anything we can say that addresses concerns?

From: Miller, Philip T
Sent: 2 Jun 2014 16:13:31 -0400
To: Homan, Thomas;Robbins, Timothy S
Subject: RE: URGENT OPA -Possible Hunger Strike at West Contra Costa Detention Center in Bay Area

Nothing... I've asked for info from SFR.

From: Homan, Thomas
Sent: Monday, June 02, 2014 4:12 PM
To: Miller, Philip T; Robbins, Timothy S
Subject: FW: URGENT OPA -Possible Hunger Strike at West Contra Costa Detention Center in Bay Area

I will need to brief up. what do we know?

From: Kice, Virginia C
Sent: Monday, June 02, 2014 3:54 PM
To: Homan, Thomas; Robbins, Timothy S; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim; Gonzalez, Barbara M
Cc: Bassett, Cori W; Christensen, Gillian M; Haley, Lori K; Meyer, Craig; Aitken, Timothy S
Subject: URGENT OPA -Possible Hunger Strike at West Contra Costa Detention Center in Bay Area

ISSUE: A reporter with the Bay Area Telemundo affiliate is seeking a comment from ICE regarding a possible "hunger strike" initiated this morning by a group of approximately 50 ICE detainees (out of 200) at the West Contra Costa Detention Facility. According to the reporter, the detainees are demanding to be released on bond, work authorization and timely medical treatment. The reporter's deadline is 2 pm today PDT.

INTERNAL BACKGROUND:

So far, the group of detainees has refused breakfast. ERO is monitoring the situation closely.

PROPOSED STATEMENT: PAO is proposing to provide the statement below, which is similar to the verbiage used to respond initially to the hunger strike at the Northwest Detention Center in Seattle several months ago.

"U.S. Immigration and Customs Enforcement (ICE) fully respects the rights of all people to express their opinion without interference. While we continue to work with Congress to enact commonsense immigration reform, ICE is focused on sensible, effective immigration enforcement that focuses on public safety, national security threats, and those apprehended at the border while attempting to unlawfully enter the United States."

BACKGROUND

- Monday morning, approximately 50 of the 200 detainees currently housed at the West Contra Costa Detention facility declined to eat breakfast, indicating they are on a hunger strike.
- In accordance with ICE detention standards, detainees who do not eat anything for 72 hours will be considered to be on a hunger strike and referred for medical evaluation.

- ICE Enforcement and Removal officers are monitoring the situation closely.

Lori K. Haley

Public Affairs Officer/Spokeswoman

Department of Homeland Security

U.S. Immigration and Customs Enforcement (ICE)

Western Region, Laguna Niguel, California

(949) 360-(b)(6)

***www.ice.gov**

From: Miller, Philip T
Sent: 3 Apr 2014 20:08:34 -0400
To: Robbins, Timothy S; Homan, Thomas
Cc: Becker Klopp, Jackie; (b)(7)(C); (b)(6) Flores, Simona L
Subject: FW: (b)(6);(b)(7)(C) Hunger Strike Case -- Request for Information
Attachments: Wilcox Declaration (4-3-14).docx

(b)(5)

-----Original Message-----

From: (b)(6);(b)(7)(C)
Sent: Thursday, April 03, 2014 08:02 PM Eastern Standard Time
To: (b)(6);(b)(7)(C) Miller, Philip T
Cc: (b)(6);(b)(7); Flores, Simona L; (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) Hunger Strike Case -- Request for Information

(b)(6);(

(b)(5)

Thanks again for everything on this.

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

Chief – Detention and Removal Law Section
Enforcement and Removal Operations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(7)
Blackberry: 202-500-(b)(6)
(b)(6);(b)(7)(C)@ice.dhs.gov

--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---

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From: (b)(6);(b)(7)(C)
Sent: Thursday, April 03, 2014 7:51 PM
To: (b)(6);(b)(7)(C); Miller, Philip T
Cc: (b)(6);(b)(7); Flores, Simona L; (b)(6);(b)(7)(C)
Subject: RE: (b)(6);(b)(7)(C) Hunger Strike Case -- Request for Information
Importance: High

I have a couple minor suggestions, please see my comments

From: Christensen, Gillian M
Sent: 15 Apr 2014 17:34:15 -0400
To: Homan, Thomas;Robbins, Timothy S;Miller, Philip T;Gonzalez, Barbara M;Catron, Marsha;Boogaard, Peter;Ramlogan, Riah
Cc: Cole, Justin; (b)(6);(b)(7)(C)
Subject: Response to NYT on detainee inquiry

Reporter Ian Urbina for the New York Times is working on a story about the voluntary work programs available at ICE detention facilities. As a part of his story, he's interviewed current and former detainees who allege they were paid in snacks or extra rec time in lieu of the \$1/day laid out in the detention standards.

The reporter is looking for a very brief explanation of why one of the individuals he is profiling was released from custody and her current status.

"Ms. (b)(6);(b)(7)(C) was released from ICE custody on an order of supervision on Aug. 3, 2010, while she awaits the issue of a travel document from her home country. Since that time, she has been reporting in regularly with the agency as required."

Thanks!
Gillian

The internal background here is that (b)(6);(b)(7)(C)

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

Here's the additional background from ERO on her case:

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

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

2009 Atlanta Encounter

ENCOUNTER: On 08/18/2009 at 0645 hours Deportation Officers from the Atlanta (b)(7)(E) Unit arrived at (b)(6);(b)(7)(C). The Atlanta (b)(7)(E) Unit had information that subject, (b)(6);(b)(7)(C) was residing at the above address. Immigration records revealed that (b)(6);(b)(7)(C) had an outstanding order of removal issued by an Immigration Judge. Records showed that (b)(6);(b)(7)(C) was a citizen and national of Nigeria with no documents to legally remain in the United States. Officers knocked on the front door of the residence and a male subject, later identified as (b)(6);(b)(7)(C) answered the front door of the residence. Officers asked for consent to enter the residence, and (b)(6);(b)(7)(C) granted consent to enter the residence. Officers asked if (b)(6);(b)(7)(C) was living at the residence and (b)(6);(b)(7)(C) stated that she was upstairs. (b)(6);(b)(7)(C) was found hiding in an upstairs apartment. Officers informed (b)(6);(b)(7)(C) that she had an outstanding warrant of removal and was going to be taken into ICE custody. (b)(6);(b)(7)(C) was transported to the Atlanta Field Office for processing.

IMMIGRATION HISTORY: (b)(6);(b)(7)(C) is a citizen and national of Nigeria by virtue of her birth in Lagos, Nigeria. (b)(6);(b)(7)(C) was admitted into the United States at Charleston, South Carolina on

From: Kice, Virginia C
Sent: 17 Dec 2014 13:15:20 -0500
To: Homan, Thomas;Robbins, Timothy S;Miller, Philip T;Davis, Mike P;Klopp, Jacki Becker;Bernacke, Michael V;Ribeiro, Pedro;Ramlogan, Riah
Cc: Christensen, Gillian M;Haley, Lori K;Munoz, Andrew
Subject: URGENT OPA - Al Jazeera America on Tacoma Detention Center

The reporter says her deadline is approaching and she is going to speak to her editor to find out if they want her to visit a detention center.

ISSUE: A Los Angeles-based freelancer working for Al Jazeera America web submitted a list of questions for a story on the Northwest Detention Center. PAO coordinated the responses with local ERO and OCC. The reporter requests a response by tomorrow.

PROPOSED RESPONSES:

From the federal stance of ICE, why are immigration detention centers important? Why is it important that detainees not be permitted to stay with their families in their homes during the deportation proceedings? Why are privately-owned facilities utilized over state or federal facilities?

- When individuals are apprehended by ICE, their cases are thoroughly reviewed. The determination about whether someone will be held or released is made based upon the circumstances of the case, including an individual's immigration and criminal history. Given ICE's limited detention resources and DHS and ICE policy to focus on holding those who are public safety threats and/or flight risks, the vast majority of foreign nationals apprehended by ICE are in fact released while their cases are pending before the immigration court.
- Congress has determined that detaining certain foreign nationals is necessary to ensure individuals appear for removal proceedings or are available to ICE to affect their repatriation following an order of removal.
- ICE contracts with a number of non-federal entities to house immigration detainees under its authority granted by Congress. Using contract facilities and Intergovernmental Service Agreement (IGSA) facilities provides ICE the operational flexibility crucial to housing the full range of detainees in the agency's custody.
- When weighing its detention options, ICE's foremost considerations are the welfare of those in our custody and ensuring that the agency is being a responsible steward of taxpayers' money in an era of tight budgetary constraints.
- The Northwest Detention Center replaced a dilapidated depression-era federal detention facility that was located in downtown Seattle. At the time, there was an immediate need for a modern immigration detention facility in the Pacific Northwest. Rehabilitating the then existing facility to modern standards was cost prohibitive. After extensive deliberation, it was determined a contracted facility would be the best option for the American taxpayer given ICE's limited resources, which remains true today. The move from the old facility to the Northwest Detention Center significantly improved detainee living conditions and access to modern medical facilities.

I've heard that three ICE agents have a consistent presence in the detention center -- can you clarify if that's a 24/7 presence, or a lower-level supervisory presence for the purpose of inspections? If it's the latter, how often do ICE agents go to the center?

- For safety and security reasons, ICE does not disclose detailed information on staffing levels.

- That said, ICE's onsite oversight of the detention center is led by an ICE ERO assistant field office director (AFOD) and an ICE contracting officer representative. The AFOD's staff of deportation officers manage the cases of the individuals detained at the center. ICE managers and detention center staff interact with detainees daily, in-person and through an internal detainee memo system. These interactions afford the facility staff an opportunity to get direct feedback from detainees regarding any issues or concerns.

To my understanding, the detention center's operations are decided upon and policed exclusively by GEO Group staff. Is this accurate? Are there any instances where ICE agents would supercede GEO Group officers within the detention center?

- This is incorrect, GEO Group's discretion in operating the facility is limited in scope by the terms dictated in its contract. ICE closely monitors GEO Group's compliance with the contract and ICE's Performance Based National Detention Standards (PBNDS); standards which far exceed operating principals generally accepted within the public and private corrections community.
- It is ultimately the responsibility of ICE to ensure the safety and security of immigration detainees, whether they are housed in federal, state, local or private detention facilities on the agency's behalf.

A Tacoma detainee who is a partial focus of my story, Miguel Armenta (Immigrant #076343950), is allegedly only receiving treatment for his HIV diagnosis when he is also living with Hepatitis C and colorectal cancer. The advocates and attorneys who have asked why he is being denied treatment for the other two conditions were allegedly told that the HIV treatment was the only one mandated by law. Are privately-owned facilities not required to meet the same level of medical provision as prisons, which are required to treat all ailments affecting members of their populations? Are you aware of any "watch-and-wait" practices regarding medical provision within the facility, where sick detainees are monitored until their condition gets so bad that they must receive medication to keep them alive?

- The Northwest Detention Center's medical department is managed by the ICE Health Service Corps (IHSC) not GEO Group. IHSC is composed of commissioned officers of the U.S. Public Health Service, federal civil servants and contract support staff. IHSC medical facilities comply with applicable health-care standards from the American Correctional Association (ACA) and the National Commission on Correctional Health Care, and ICE's 2011 Performance Based National Detention Standards.
- The medical department's licensed medical doctors and nurses evaluate detainee symptoms and provide appropriate medical care. Detainees have 24-hour emergency access to the medical department. Individuals who have chronic medical issues are provided access to the medical department on demand anytime of the day. All detainees have the opportunity to see medical staff every day to report any health concerns and obtain treatment. Here you can see a video on the medical department: <https://www.youtube.com/watch?v=T7skyyDVAfE>
- Since ICE initiated a long-term detention reform effort in August 2009, significant changes have been made to the immigration detention system and health care management. As part of the 2011 detention standards, all detainees receive an initial health screening immediately upon arrival at a facility to determine the appropriate medical, mental health, and/or dental treatment that is needed. Included in this process is either a chest X-ray or skin test for TB. Immediate attention is provided to detainees who present a danger or an imminent risk to themselves or others, such as those with infectious diseases, uncontrolled mental health disorders, or conditions that would deteriorate if not seen immediately by medical personnel.

Detainees also receive a physical exam within 14 days of arrival to identify medical, mental health and dental conditions that require monitoring or treatment. A detainee with a medical condition requiring follow-up treatment will be scheduled for as many appointments as needed, including to outside medical providers or facilities.

- As discussed, we are unable to comment about Mr. Armenta's medical history without a signed privacy waiver.

Is it correct that hunger strikers are placed in medical isolation after 72 hours of striking? How does medical isolation differ from solitary confinement (my sources have stated that they are identical)? If these are administrative matters handled exclusively by GEO Group without ICE involvement, please let me know.

- Under ICE's detention standards, individuals who are observed going without nourishment for 72 hours are separated from the general population for careful medical observation for their health and safety. At NWDC, detainees under medical observation may be held in a single patient room in the medical department or held with other hunger strikers in a pod separate from the general population. Detainees are placed under medical observation for a hunger strike only at the direction of an IHSC medical professional.

My sources have provided allegations by detainees from multiple detention centers nationwide alleging that there are maggots in the food. Has this ever been investigated by ICE? Who is responsible for ensuring the quality of the food served in detention centers?

- The Northwest Detention Center's dining facility is subject to inspection by ICE, IHSC as well as inspection and permitting by the Tacoma-Pierce County Health Department. Under its contract, GEO group is responsible for complying with all applicable federal, state and local health laws and regulations.
- All ICE detention facilities must comply with ICE's food service detention standard. The standard ensures well-balanced nutritious meals designed by a certified dietician are served to detainees. At the NWDC and at most ICE detention centers across the nation, staff members are served the same exact meals as detainees in the staff cafeteria. In addition, ICE ensures special meals are provided for religious and health reasons.
- Three meals are served each day and they total approximately 3000 calories. It is not uncommon for detainees to gain weight while they are detained because of high calorie content and regular service of the meals.
- ICE has not had any substantiated reports of maggots in the food at the Northwest Detention Center.

Why are detainees only paid \$1/day as the center's sole janitorial, laundry, and food-service staff, then faced with commissary prices like \$1 for a cup of instant soup? If these allegations from my sources are inaccurate, clarifications and corrections are highly appreciated.

- Detainees are not required to work at all. Detainee work it is strictly voluntary and in many ICE facilities, there are waiting lists to get on a work detail. At the NWDC, all detainees who want to work are allowed to work. This often means creating positions to meet the demand. Those who volunteer to perform work such as janitorial or food service duties are paid \$1-a-day in accordance with ICE detention standards. The work detainees perform amounts to a savings to the American taxpayer as the government would otherwise be billed by the contractor to provide those labor services.

- ICE detainees are provided all necessities at no cost to them, including food, clothing, toiletries, health care and medication. The commissary is provided for the convenience and comfort of detainees and they are not required to purchase anything from the commissary. Commissary items are supplied by a contractor that provides these items to state and federal institutions and the prices at the NWDC are consistent with prices in other detention facilities.

Do you feel like the hunger strikes in the Tacoma detention center are being accurately portrayed to the public by advocacy groups like Latino Advocacy? If not, what do you find to be inaccurate or misleading?

- The number of participants has been consistently over estimated by media sources. In addition, ICE is aware individuals and groups on the outside of the detention center continue to attempt to instigate and organize demonstrations and civil disobedience within the center. We strongly advise against this as it places the safety and security of both detainees and detention center staff is at risk. This also puts detainees in the position of violating conduct standards that could result in administrative actions to prevent disruption of the facility operations and ensure the safety of all detainees.
- During the hunger strikes earlier this year, ICE was forced to transfer detainees within the facility for their own protection and several at their own request, including diabetics, who were under intense pressure by other detainees to stop eating. Again with the most recent events, ICE received numerous complaints from detainees who had no interest in participating, but were being pressured to do so.
- Under ICE's detention standards, engaging in or inciting a group demonstration is a prohibited act. Detainees are advised of this rule when they arrive at the detention center.

Why are lawyers not permitted when a detainee is undergoing hearings to be placed in solitary confinement? I've also been told that the same officer who alleges an infraction and calls a hearing is ultimately the one who decides whether the detainee goes to solitary -- is this accurate? Again, if this is exclusively a GEO administrative issue in which ICE has no input, please let me know.

- As provided for under ICE's detention standards, detainees who are accused of creating an unsafe or disorderly living environment go before the Institutional Disciplinary Panel. This panel, which includes both detention staff and ICE ERO officers, holds a hearing to determine if a detainee has committed a prohibited act. It is not a criminal hearing and as such, respondents are not entitled to legal representation. All statements are reviewed by the panel and the detainee has an opportunity to present his or her side. From this information the panel decides the appropriate penalties that can range from loss of commissary privileges to disciplinary segregation. The placement of detainees in segregated housing is a significant step and comes only after careful consideration of alternatives disciplinary measures.
- Detainees who commit crimes are immediately referred to the appropriate authorities for investigation and possible prosecution.

Is it correct that language interpreters are only provided at court proceedings? Are any other languages utilized in announcements, signage, or direction from officers within the detention centers? Can you comment on allegations that officers demand detainees to speak English, even when their language skills make it difficult for them to communicate effectively in English?

- No. Interpreters are used throughout the facility and through all processes to translate from English to foreign languages. Most officers are fluent in a second language, but if an officer is

unavailable for translating in a particular language, both GEO and ICE officers use language translation hotlines to remotely connect to an interpreter. Announcements and signage in the facility are posted in both English and Spanish. Some are in multiple languages.

- ERO Seattle is not aware of any complaints from detainees about staff requiring them to speak English.

Can you confirm that GEO Group receives \$120-\$160 per detainee per day through federal support paid for by taxes? Are you aware of allegations that GEO Group files with the IRS as a property owner claiming this money as rent money from tenants (the detainees), thereby making it tax-free?

- The GEO Group is guaranteed payment for 1,181 beds per day at a rate of \$100.65 each, whether ICE uses them or not. ICE pays a discounted rate of \$62.52 per day for each bed used in excess of 1,181.

Has ICE had to work with the local branch of the ACLU regarding threats of force-feedings and the solitary confinement of detainees who requested to speak to staff about demands such as better food at this detention center?

- ICE held roundtable discussions with immigrant advocates and immigration lawyers during the first hunger strike earlier this year where these issues were discussed. The ACLU declined our invitation.
- ICE holds quarterly meetings with representatives from the immigration law community and it participates in quarterly community stakeholder meetings hosted in the Seattle area by the Department of Homeland Security's Office of Civil Rights and Civil Liberties.
- ICE has been responsive to Northwest Detention Center detainee suggestions, including reducing commissary prices, increasing the variety of items on the commissary list and implementing menu changes. Many of the matters raised by detainees, such as immigration law reform or immigration court case issues, are outside the scope of the detention center staff's control.
- In regard to reported "threats of force feeding and solitary confinement," ICE and detention center staff made no threats but informed detainees of ICE's detention standard regarding hunger strikes, which describes protocols for medical isolation and involuntary sustenance.

I've found information that asserts that more than half of the people being detained in privately owned prisons/detention centers are immigrants facing deportation charges. However, my question to you is this: Are all immigration detention centers privately owned by corporations, or are some of them operated solely through the state and federal government without contracts to privatized prison corporation? If it is a split between the two, private and not private, what percentage of the facilities would you say are operated by private corporation (rough estimate welcomed if precise info is unavailable)?

- ICE currently houses detainees in more than 250 local and state facilities. Nearly 67 percent of the ICE detained population are housed in local or state facilities, 17 percent are housed in contract detention facilities, 13 percent are housed in ICE-owned facilities (service processing centers), and 3 percent are housed in Bureau of Prisons facilities, which are funded either through congressional appropriations to the bureau or through ICE reimbursement.

I'd appreciate some clarification on a statement I pulled from the June ODO inspection report posted on ICE.gov. This is the statement:

“Five detainees were serving disciplinary segregation sanctions during the inspection: three were sanctioned with 30 days for fighting, one was serving 30 days for threatening staff, and one was serving 20 days, also for threatening staff. One of the two detainees segregated pending a disciplinary hearing was found not guilty of assault and was returned to general population during the inspection. The second detainee pending a disciplinary hearing was charged with damaging his walker. No documentation existed to support that the alleged action posed a threat to the safety of staff, detainees, or other property, or to support that segregation of the detainee was necessary to prevent further violation of rules or to protect the security and orderly operation of the facility.”

The clarification needed is: was the detention of the individual who was ultimately found to be not guilty of assault (lines 3-4 of above statement) deemed unnecessary by ICE? Or was it considered part of standard policy in which a detainee remains in solitary until the determination of the disciplinary hearing is complete?

- Pre-hearing administrative segregation is permitted under the ICE detention standards. The detainee was held until the hearing, and having been found not guilty, was released to the general population.

Andrew S. Muñoz
Public Affairs Officer

206 442 1450 tel
206 255 9418 cel

Office of Public Affairs - Seattle Field Office
U.S. Department of Homeland Security



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

Oregon | Washington | Idaho | Utah | Alaska

'JOANNE.FERREIRA@cbp.dhs.gov'; Hale, Brian P; Christensen, Gillian M
Subject: RE: NY Times article

How is this?

STATEMENT

“ICE detention standards impose safeguards governing the operation of voluntary work programs at ICE detention facilities, including a restriction in the number of work details, training and health and safety standards.

Some county jails used by ICE have opted to maintain, for their own criminal population, voluntary work programs that provide non-monetary benefits and privileges. Because some of the jails were unwilling to provide monetary compensation exclusively to ICE detainees, the agency has permitted ICE detainees to choose to participate in such programs in exchange for the prevailing non-monetary compensation, while ensuring that the jails comply with all other safeguards and requirements in the ICE detention standard governing voluntary work programs.

ICE continues to conduct oversight of the voluntary work programs at detention facilities it uses, and it is engaged in an ongoing review of its practices in this area.”

BACKGROUND

ICE requirements may include greater protections for individuals than what the facilities would otherwise have in place for its own prisoners or detainees.

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(C) (cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Catron, Marsha
Sent: Monday, May 26, 2014 03:23 PM Eastern Standard Time
To: Gonzalez, Barbara M; Boogaard, Peter; Bentley, Christopher S;
'JOANNE.FERREIRA@cbp.dhs.gov'; Hale, Brian P; Christensen, Gillian M
Subject: Re: NY Times article

Barbara or Gillian- can you put together (was one of the responses to Ian) general statement on fact that its voluntary, its temp, etc?

From: Catron, Marsha
Sent: Monday, May 26, 2014 03:23 PM Eastern Standard Time
To: Gonzalez, Barbara M; Boogaard, Peter; Bentley, Christopher S;
'JOANNE.FERREIRA@cbp.dhs.gov'; Hale, Brian P; Christensen, Gillian M
Subject: Re: NY Times article

Barbara or Gillian- can you put together (was one of the responses to Ian) general statement on fact that its voluntary, its temp, etc?

From: Gonzalez, Barbara M [mailto:Barbara.M.Gonzalez@ice.dhs.gov]
Sent: Monday, May 26, 2014 02:33 PM
To: Boogaard, Peter; Bentley, Christopher S; 'JOANNE.FERREIRA@cbp.dhs.gov'
<JOANNE.FERREIRA@cbp.dhs.gov>; Hale, Brian P; Christensen, Gillian M; Catron, Marsha
Subject: RE: NY Times article

Who is taking the lead, Pete?

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(C) (cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Boogaard, Peter
Sent: Monday, May 26, 2014 02:08 PM Eastern Standard Time
To: Bentley, Christopher S; 'JOANNE.FERREIRA@cbp.dhs.gov'; Hale, Brian P;
Gonzalez, Barbara M; Christensen, Gillian M; Catron, Marsha
Subject: Re: NY Times article

- reporters + marsha and ICE

From: Ross, Elisa (NBCUniversal) [mailto:Elisa.Ross@nbcuni.com]
Sent: Monday, May 26, 2014 01:18 PM
To: Boogaard, Peter; Bentley, Christopher S; Ferreira, Joanne M
Cc: Mora, Rogelio (NBCUniversal) <Rogelio.Mora@nbcuni.com>; Luna, Eva (NBCUniversal, TLMD) <Eva.Luna@nbcuni.com>
Subject: NY Times article

Hello Chris, Pete, Joanne,

Virginia Kice
Western Regional Communications Director/Spokesperson
U.S. Immigration and Customs Enforcement (ICE)
Office: 949-360-(b)(7)(C)
Cell: (b)(7)(C)
www.ice.gov

From: Gonzalez, Barbara M
Sent: Monday, June 02, 2014 10:48 AM
To: Kice, Virginia C; Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: RE: OPA - Seattle Times request for Tacoma detention center facts

For question 4, shouldn't we add that it is \$1 per day?

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(7)(C) (cell)

Sent from iPhone. Please forgive typos.

-----Original Message-----

From: Kice, Virginia C
Sent: Monday, June 02, 2014 01:10 PM Eastern Standard Time
To: Robbins, Timothy S; Homan, Thomas; Miller, Philip T; Davis, Mike P; Ramlogan, Riah; Stolley, Jim; Gonzalez, Barbara M
Cc: Christensen, Gillian M; Haley, Lori K; Bassett, Cori W; Munoz, Andrew
Subject: OPA - Seattle Times request for Tacoma detention center facts

ISSUE: Reporter with the Seattle Times has submitted the below questions for information about the Northwest Detention Center. PAO has compiled responses from previously released statistics and statements as well as Monday's population provided by ERO Seattle. **Reporter has requested response by today.**

PROPOSED RESPONSE:

1. **How long has Geo operated the facility?**
 - Please see: <http://www.geogroup.com/Maps/LocationDetails/52>
2. **How many detainees are currently in the center? How does the current numbers compare to previous years?**
 - Population as of June 2: 1,315 detainees

From: Sakamoto, Reginald J
Sent: 13 Mar 2014 14:46:27 -0400
To: Ivery, Ashly M; James, Robert C
Cc: Johnson, Tae D (b)(6); (b)(7)(C) Lorenzen-Strait, Andrew R
Subject: RE: Due 03 12 1pm DSCU and DMU SENT: New York Times questions involving the agency's voluntary work program

Minor additional OSHA information.

ERO/OPLA –

New York Times reporter Ian Urbina is working on a story (for which, as you know, he's interviewing a detainee at the HOU CDF) which will heavily involve the "history and legal status of ICE's voluntary work program." In our conversation some of the points he raised were that the courts have recently taken up the issue of unpaid internships and labor laws and that that might have some implications for ICE in terms of the \$1/day detainees are paid. He also says that advocates contend that that program was created in a different era and that the detention system transformed since then. He is also specifically looking into CCA, GEO, etc, and the amount of money they make from detainee commissary purchases, etc.

The reporter's piece is running within the next week and he has started to send me questions and language that he believes represent both sides of the argument for and against the work program. I'm thinking that perhaps we should do a joint ERO/OPLA backgrounder on the work program with him. However, if you prefer, I can just take ERO and OPLA input and craft those into statements answering his below questions. At the bottom of this e-mail chain are previously approved responses we've provided on the work program that I can provide the reporter with, along with any additional input you might have.

I'd appreciate your thoughts/input on the below.

Below is what I've received from him thus far:

Question: 1) How many total detention centers are there where the voluntary work program exists and how many of these centers are run by private companies like CCA?

2) Here is my attempt to put forward some of the best explanations and arguments related to this work program. I am not looking for you to wordsmith exact phrasing. But I want you to tell me if I am missing any key points that ICE would think fair and important to make about this program. Here is my understanding of the agency's perspective having reviewed the clips:

Federal immigration officials explain that the work program, which affords working detainees basic Occupational Safety and Health Administration (OSHA) protections and monetary compensation, is legal and voluntary. The detainees are not officially "employees", and the money paid to them are "allowances", not wages. Many detainees are glad to have some way to pass the time outside their cell while earning a little money to buy toiletries or food at the commissary. The program improves morale and lowers disciplinary problems by keeping

detainees busy. Taxpayers benefit too because the cost of detention is less when private companies can save on labor.

Furthermore:

The average compensation for detainees - \$1 a day - was first set in an appropriations act for fiscal year 1979 and Congress has not been altered it since. This payment was challenged in a 1990 lawsuit under the Fair Labor Standards Act, which "establishes minimum wage, overtime pay, record-keeping and youth employment standards affecting employees in the private sector and in Federal, State and local governments." An appellate court later ruled that immigration authorities are entitled to compensate detainees \$1 a day, writing that "alien detainees are not government 'employees'". Benefits derived from the voluntary work program, which ensures that physically and mentally capable detainees are allowed to volunteer to be employed, while contributing to the orderly operation of the facility include; Enhancement of essential operations and services within the facility through the productivity of detainees; by discouraging Inactivity-induced idleness and disciplinary-code violations due to work activity.

3) Additionally, I need some on-record quote, ideally adding to the material above, which I will likely paraphrase rather than quote directly. But if you folks could give me a couple on-record quotes that will round out this material, that would be helpful. Things starting to pick up speed a little. So, sooner the better on this and prior emails.

Thank you,

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

Chief

Detention Monitoring Unit (DMU)

Custody Management (CM)

(202) 732-(b)(6); esk

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From: Ivery, Ashly M

Sent: Thursday, March 13, 2014 11:56 AM

To: Sakamoto, Reginald J; James, Robert C

Cc: Johnson, Tae D; (b)(6); (b)(7)(C); Lorenzen-Strait, Andrew R

Subject: Due 03 12 1pm DSCU and DMU SENT: New York Times questions involving the agency's voluntary work program

Dollar a program...

Please review question below.

What do the standards say about the Dollar a Day Program.

There is canned language below from a previous response. Is that good to go. Feel free to tweak.

Regards,

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

*Chief of Staff
Custody Management
ICE/ERO*

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cellular: (202) 373-(b)(6)

(b)(6); @dhs.gov



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From: Johnson, Tae D

Sent: Thursday, March 13, 2014 10:54 AM

To: Ivery, Ashly M; Brooks, Jay M; Lorenzen-Strait, Andrew R

Subject: FW: New York Times questions involving the agency's voluntary work program

Can we get something prepared on this.

-----Original Message-----

From: Miller, Philip T

Sent: Thursday, March 13, 2014 10:22 AM Eastern Standard Time
To: Johnson, Tae D
Cc: Robbins, Timothy S; (b)(6); (b)(7)(C) Flores, Simona L
Subject: FW: New York Times questions involving the agency's voluntary work program

Tae,

Can you have someone look at the reporter's questions and put together an ES? We may need someone to help with the backgrounder.

Thanks,

(b)(6);(b

-----Original Message-----

From: Christensen, Gillian M
Sent: Thursday, March 13, 2014 09:40 AM Eastern Standard Time
To: Miller, Philip T; Robbins, Timothy S; Homan, Thomas; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: New York Times questions involving the agency's voluntary work program

ERO/OPLA –

New York Times reporter Ian Urbina is working on a story (for which, as you know, he's interviewing a detainee at the HOU CDF) which will heavily involve the "history and legal status of ICE's voluntary work program." In our conversation some of the points he raised were that the courts have recently taken up the issue of unpaid internships and labor laws and that that might have some implications for ICE in terms of the \$1/day detainees are paid. He also says that advocates contend that that program was created in a different era and that the detention system transformed since then. He is also specifically looking into CCA, GEO, etc, and the amount of money they make from detainee commissary purchases, etc.

The reporter's piece is running within the next week and he has started to send me questions and language that he believes represent both sides of the argument for and against the work program. I'm thinking that perhaps we should do a joint ERO/OPLA backgrounder on the work program with him. However, if you prefer, I can just take ERO and OPLA input and craft those into statements answering his below questions. At the bottom of this e-mail chain are previously approved responses we've provided on the work program that I can provide the reporter with, along with any additional input you might have.

I'd appreciate your thoughts/input on the below.

Below is what I've received from him thus far:

Question: 1) How many total detention centers are there where the voluntary work program exists and how many of these centers are run by private companies like CCA?

2) Here is my attempt to put forward some of the best explanations and arguments related to this work program. I am not looking for you to wordsmith exact phrasing. But I want you to tell me if I am missing any key points that ICE would think fair and important to make about this program. Here is my understanding of the agency's perspective having reviewed the clips:

Federal immigration officials explain that the work program is legal and voluntary. The detainees are not officially "employees", and the money paid to them are "allowances", not wages. Many detainees are glad to have some way to pass the time outside their cell while earning a little money to buy toiletries or food at the commissary. The program improves morale and lowers disciplinary problems by keeping detainees busy. Taxpayers benefit too because the cost of detention is less when private companies can save on labor.

Furthermore:

The average pay for detainees - \$1 a day - was first set in an appropriations act for fiscal year 1979 and Congress has not been altered it since. This payment was challenged in a 1990 lawsuit under the Fair Labor Standards Act, which "establishes minimum wage, overtime pay, record-keeping and youth employment standards affecting employees in the private sector and in Federal, State and local governments." An appellate court later ruled that immigration authorities are entitled to pay detainees \$1 a day, writing that "alien detainees are not government 'employees'".

3) Additionally, I need some on-record quote, ideally adding to the material above, which I will likely paraphrase rather than quote directly. But if you folks could give me a couple on-record quotes that will round out this material, that would be helpful. Things starting to pick up speed a little. So, sooner the better on this and prior emails.

Please let me know if you have any questions!

Thanks,
Gillian

Below is what we've previously provided reporters on the voluntary work program (the Q&A below was last approved in 2012:

The ICE Voluntary Work Program was not instituted pursuant to any statute, regulation or executive order. The Voluntary Work Program, under conditions of confinement, does not constitute employment and is done by detainees on a voluntary basis for a small stipend.

The Voluntary Work Program is one method of managing detained aliens to give them an opportunity to be gainfully occupied on a voluntary basis. The Voluntary Work Program enables ICE's Enforcement and Removal Operations (ERO) to successfully perform its detention

mission by encouraging detainees to contribute to the orderly operation of detention facilities through the detainees' productivity, and perhaps most importantly, reducing inactivity and disciplinary violations. Achieving these objectives directly contributes to ERO's ability to successfully perform its detention mission.

1. What oversight is in place for detained immigrants taking part in the voluntary work program run by CCA in ICE facilities?

ICE national detention standards provide the baseline for voluntary work programs at all ICE facilities. As with all facilities housing ICE detainees, CCA facilities undergo periodic reviews and inspections to ensure compliance with our detention standards.

2. What are the labor rights of immigrant in the voluntary work program? Are they classified the same way prisoners in federal jails are? If not, how are they classified?

Per ICE detention standards, detainees who are physically and mentally able to work will be provided the opportunity to participate in a voluntary work program if one is available in the facility. Volunteering detainees will not be denied work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin. Detainees participating in the volunteer work program are required to work according to a fixed schedule not to exceed 40 hours per week and 8 hours per day. Facility administrators are required to ensure that all department heads develop and institute, in collaboration with the facility's safety/training officer, appropriate training for all detainee workers. The facility must also provide detainees with safety equipment that meets OSHA and other standards associated with the task performed.

3. What labor protections are afforded them?

All ICE detention facilities comply with all applicable health and safety regulations and standards. The voluntary work program at ICE facilities operates in compliance with Occupational Safety and Health Administration (OSHA) regulations and National Fire Protection Association 101 Life Safety Code. Facility administrators also implement procedures for immediately and appropriately responding to on-the-job injuries, including immediate notification of ICE.

Detainees do not undertake any assignment before signing a voluntary work program agreement that, among other things, confirms that the detainee has received and understood training from the supervisor about the work assignment.

4. Does the lack of work permits of undocumented detainees working in federal ICE prisons run by CCA pose an issue in terms of their employment in the detention centers?

Under 8 U.S.C. § 1555(d), appropriations for ICE are available for "payment of allowances (at such rate as may be specified from time to time in the appropriation act involved) to aliens, while held in custody under the immigration laws, for work performed. . . ." The appropriations act for Fiscal Year 1979 is the most recent appropriation act in which the amount of this fee has been

specified. Specifically, Pub. L. No. 95-431 provided for the “payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under immigration laws for work performed. . .” 92 Stat. 1021, (1978). The U.S. Court of Appeals for the Fifth Circuit upheld this \$1 per day payment in a case alleging that the alien plaintiffs were owed Fair Labor Standards Act compliant wages. See *Alvarado Guevara, et al. v. INS*, 902 F.2d 394 (5th Cir. 1990) (per curiam).

5. Does CCA, or ICE, pay the salary (from my understanding, between \$1-\$3 a day) of immigrant detainees?

ICE detention standards state detainees shall receive monetary compensation for work completed in accordance with the facility’s standard policy. The cost associated with the payment of volunteer workers is dependent upon the facility and the local ICE office. Some ICE field offices have established MOU’s with facilities to assume the cost of compensating ICE detainees for volunteer work performed.

However, ICE cannot reimburse a facility in excess of \$1.00 per day per the appropriations act (see response above). In facilities owned and operated by ICE, detainees are compensated at a rate of \$1 per day for their participation in the Voluntary Work Program. However, contract companies such as CCA may choose to provide a higher level of compensation – for example, kitchen workers at the Stewart Detention Center are compensated at \$3 per day. Even in such cases, ICE’s reimbursement to the contractor for such work remains at \$1 per day as provided by law.

I've highlighted in the questions below, which office I think should provide the answer as well as the few things we can provide locally that are specific to the NWDC.

Please see my comments/highlights below:

Requests from Reps. Adam Smith and Suzan DelBene

What is the bond process for detainees not subject to mandatory detention at the NWDC? Who sets the bond amount and what is the average amount detainees must pay at the NWDC compared to the rest of the country? What is the percentage of the population at the detention center that has access to a bond? BOND UNIT FOR GENERAL BOND INFO/STATS

What is the average length of detention at the NWDC (male vs. female)? LESA SHOULD PROVIDE CLEARED STATS.

What are the food and nutrition standards the NWDC uses in determining meals for detainees. Please provide us with examples of a typical weekly meal menu. FOOD/NUTRITION STANDARDS SHOULD COME FROM IHSC? WE CAN PROVIDE MENU FOR THE NWDC

Please provide the laws and regulations for detainee job services, including levels of pay and hours worked. In addition, we would like a comparison of that pay to the Federal Bureau of Prisons pay. SHOULD BE PROVIDED BY DMD

We have heard many concerns regarding detainees being placed in isolation, referred to as "the tank." Please provide us with the requirements to place someone in isolation. Is there a formal appeal process or way to file a grievance for prisoners who feel they have been mistreated? PROVIDE PBNDS STANDARDS FOR ADMIN/DISCIPLINARY/MEDICAL SEGREGATION (DMD)

What process is in place for reporting and responding to complaints of mistreatment at NWDC? WE WILL PROVIDE .PDF COPY OF THE NWDC DETAINEE HANDBOOK THAT COVERS ALL THESE QUESTIONS AS WELL AS FLYERS POSTED ON BULLETIN BOARDS IN ALL PODS IDENTIFYING THE VARIOUS HOTLINES THEY CAN CALL

What sort of audits does DHS execute at NWDC? How many audits took place last calendar year? DMD CAN PROVIDE INFO RELATING TO INSPECTION PROTOCOLS AND RESULTS

As to the commitment for Nathalie to call the advocate group's attorney Sandy Restrepo, she is a virulent activist... If you Google her name and Seattle, you'll find many Youtube videos of her prominently demonstrating for La Raza and other pro-immigrant demonstrations. She has figured conspicuously, almost exclusively, in promoting this event and being the primary source of all media attention. Her histrionics and misinformation in our opinion, are unethical and worthy of a bar complaint. We will not be reaching out to Ms. Restrepo.

Please advise as to how you wish us to proceed,

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

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

Deputy Field Office Director
ICE Enforcement & Removal Operations, Seattle, WA

From: Rowe, Andrew J
Sent: Wednesday, March 12, 2014 2:59 PM
To: Hamilton, Kenneth S; Wilcox, Bryan S
Subject: FW: Northwest Detention Center

(b)(6);(b)(7)(C) s staff asked that we have someone connect with the advocacy groups. I asked whether they wanted to reach someone in the field or someone at HQ, and it appears these folks have run with it, asking me when FOD (b)(6) can get on the phone with the advocate group attorney. (See below.)

Could someone from the field office connect with Sandy Restrepo from the Colectiva Legal del Pueblo? I don't think it actually has to be FOD Asher, your best judgment should govern. I assume you've been in contact with her before but if not I can help string together contact working with Smith's staff. Just let me know if you do in fact reach out to Ms. Restrepo so I can tell these Congressional offices we're on top of it.

They also have questions and have roped in Rep. DelBene's office – see below.

Do you want to answer directly on any of the questions here about bond process, length of stay at NWDC, food standards, menu, rules for detainee work/pay, segregation at NWDC, grievance process, and inspections? See detailed questions below. Any you don't want to take on I will route to ERO HQ to answer, though they will probably look for your input.

On the subject of (b)(6);(b)(7)(C) I told them already that we cannot offer information until they send me a privacy waiver signed by (b)(6);(b)(7)(C)

On a somewhat related point – I spoke with Rep. Kilmer’s staffer, who asked about current status and process – he asked how many aren’t eating, whether force-feeding figures into any of this. He then asked about a bond-related decision by Judge Jones of W.D. Wa. federal court, which I told him is unrelated to facility operations/potential hunger strike. Thanks for letting me know about your contact with all of the interested Congressional offices as well.

Let me know your thoughts/plans/etc. and hopefully we’ll end this week well and get this behind us soon.

Best,

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

Office of Congressional Relations
U.S. Immigration and Customs Enforcement
202-732-(b)(6) Direct)

From: De Los Santos, Karen
(b)(6); (b)(7)(C)@mail.house.gov
Sent: Wednesday, March 12, 2014 5:18 PM
To: Rowe, Andrew J
Cc: (b)(6); (b)(7)(C)
Subject: Northwest Detention Center

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

Thank you for scheduling the conversation with the NWDC yesterday. As we mentioned on our call, we would like a written response from the Detention Center as well as DHS regarding the issues listed below. I am also copying (b)(6);(b)(7) from Representative Del Bene’s office who is following this issue closely.

Thank you as well for the offer to have the field office directly call the advocacy groups in our district. The best contact for that phone call is (b)(6); (b)(7)(C) (b)(6); @colectivalegal.org from Colectiva Legal del Pueblo and her number is 206-931-1514. Please let me know what the best time for that call is so I can notify her in advance of the phone call.

Requests from Reps. Adam Smith and Suzan DelBene

What is the bond process for detainees not subject to mandatory detention at the NWDC? Who sets the bond amount and what is the average amount detainees must pay at the NWDC compared to the rest

From: Johnson, Tae D
Sent: Thursday, March 13, 2014 10:54 AM
To: Ivery, Ashly M; Brooks, Jay M; Lorenzen-Strait, Andrew R
Subject: FW: New York Times questions involving the agency's voluntary work program

Can we get something prepared on this.

-----Original Message-----

From: Miller, Philip T
Sent: Thursday, March 13, 2014 10:22 AM Eastern Standard Time
To: Johnson, Tae D
Cc: Robbins, Timothy S; (b)(6):(b)(7)(C); Flores, Simona L
Subject: FW: New York Times questions involving the agency's voluntary work program

Tae,

Can you have someone look at the reporter's questions and put together an ES? We may need someone to help with the backgrounder.

Thanks,
Phil

-----Original Message-----

From: Christensen, Gillian M
Sent: Thursday, March 13, 2014 09:40 AM Eastern Standard Time
To: Miller, Philip T; Robbins, Timothy S; Homan, Thomas; Bernacke, Michael V; Ramlogan, Riah; Stolley, Jim; Davis, Mike P; Becker Klopp, Jacki
Cc: Hale, Brian P; Gonzalez, Barbara M
Subject: New York Times questions involving the agency's voluntary work program

ERO/OPLA –

New York Times reporter Ian Urbina is working on a story (for which, as you know, he's interviewing a detainee at the HOU CDF) which will heavily involve the "history and legal status of ICE's voluntary work program." In our conversation some of the points he raised were that the courts have recently taken up the issue of unpaid internships and labor laws and that that might have some implications for ICE in terms of the \$1/day detainees are paid. He also says that advocates contend that that program was created in a different era and that the detention system transformed since then. He is also specifically looking into CCA, GEO, etc, and the amount of money they make from detainee commissary purchases, etc.

The reporter's piece is running within the next week and he has started to send me questions and language that he believes represent both sides of the argument for and against the work program.

I'm thinking that perhaps we should do a joint ERO/OPLA backgrounder on the work program with him. However, if you prefer, I can just take ERO and OPLA input and craft those into statements answering his below questions. At the bottom of this e-mail chain are previously approved responses we've provided on the work program that I can provide the reporter with, along with any additional input you might have.

I'd appreciate your thoughts/input on the below.

Below is what I've received from him thus far:

Question: 1) How many total detention centers are there where the voluntary work program exists and how many of these centers are run by private companies like CCA?

2) Here is my attempt to put forward some of the best explanations and arguments related to this work program. I am not looking for you to wordsmith exact phrasing. But I want you to tell me if I am missing any key points that ICE would think fair and important to make about this program. Here is my understanding of the agency's perspective having reviewed the clips:

Federal immigration officials explain that the work program is legal and voluntary. The detainees are not officially "employees", and the money paid to them are "allowances", not wages. Many detainees are glad to have some way to pass the time outside their cell while earning a little money to buy toiletries or food at the commissary. The program improves morale and lowers disciplinary problems by keeping detainees busy. Taxpayers benefit too because the cost of detention is less when private companies can save on labor.

Furthermore:

The average pay for detainees - \$1 a day - was first set in an appropriations act for fiscal year 1979 and Congress has not been altered it since. This payment was challenged in a 1990 lawsuit under the Fair Labor Standards Act, which "establishes minimum wage, overtime pay, record-keeping and youth employment standards affecting employees in the private sector and in Federal, State and local governments." An appellate court later ruled that immigration authorities are entitled to pay detainees \$1 a day, writing that "alien detainees are not government 'employees'".

3) Additionally, I need some on-record quote, ideally adding to the material above, which I will likely paraphrase rather than quote directly. But if you folks could give me a couple on-record quotes that will round out this material, that would be helpful. Things starting to pick up speed a little. So, sooner the better on this and prior emails.

Please let me know if you have any questions!

Thanks,
Gillian

From: Brooks, Jay M
Sent: 19 Mar 2014 18:41:10 -0400
To: Ivery, Ashly M
Subject: DAD Cleared: Questions for CMD concerning a New York Times article

From: Brooks, Jay M
Sent: Tuesday, March 18, 2014 11:40 AM
To: Bauer, Chris M; Johnson, Tae D
Subject: RE: Questions for CMD concerning a New York Times article

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

Here are the tweaked responses:

1. The Voluntary Work Program enables ICE's Enforcement and Removal Operations (ERO) to successfully perform its detention mission by encouraging detainees to feel productive and contribute to the orderly operation of detention facilities; perhaps most important facilities that participate in a voluntary work program believe they have a reduction in the frequency of disciplinary violations. (Is this an accurate definition of the VWP?) (We concur with this statement however if asked to quantify a reduction in disciplinary violations we wouldn't be able to. See my edit)
2. What oversight is in place for detained immigrants taking part in the voluntary work program run by CCA in ICE facilities? Oversight is conducted through a series of inspections to include the local ICE office's required visits.

In accordance with the requirements of the agency's national detention standards, all facilities housing ICE detainees, including CCA facilities, undergo periodic reviews and inspections by both external federal entities and ERO contract reviewers to ensure their compliance the standards. (do you know who completes these reviews?)

3. Does CCA, or ICE, pay the salary (from my understanding, between \$1-\$3 a day) of immigrant detainees? The VWP is funded via a contract line item. The facility's service provider invoices the amount to ICE and ICE pays for the services provided based on verification of detainee hours by the Contracting Officer Representative.
4. ICE detention standards require that detainees receive monetary compensation for work completed in accordance with the facility's standard policy. The cost associated with the payment of volunteer workers is dependent upon the facility and the local ICE office, but some ICE field offices have established MOUs with facilities to assume the cost of compensating ICE detainees for volunteer work performed. (Is the cost in this range of \$1-\$3 a day)? The standards mandate a minimum of \$1.00 per day; some VWPs have paid more than the \$1.00 per day.

Please let me know if you have any other questions.

From: Brooks, Jay M
Sent: Wednesday, March 19, 2014 4:40 PM
To: Ivery, Ashly M
Subject: Re: Due 03 19 Asap BROOKS HOT CLEAR ASAP: Immigration case history for NYT on

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

(b)(6);

These are cleared.

Q. Regarding commissary purchases, can we confirm that the mark up is 3 percent that goes into a Detainee Welfare Fund to pay for TVs, sports equipment for the recc yard, etc?

CM Response: No, the 3 percent is not consistent across all facilities.

Q. Can we also add a line to make the point the \$1/day wage paid for work is consistent w/ BOP (if is indeed verified)?

CM Response: The \$1.00 per day is not consistent with the BOP, where the pay is varied based on the levels of specific work or job.

From: Christensen, Gillian M
Sent: Wednesday, March 19, 2014 3:33 PM
To: Miller, Philip T; Bernacke, Michael V; Johnson, Tae D; Ivery, Ashly M
Subject: RE: Immigration case history for NYT on (b)(6);(b)(7)(C)

+ (b)(7)(C)

From: Miller, Philip T
Sent: Wednesday, March 19, 2014 3:33 PM
To: Christensen, Gillian M; Bernacke, Michael V; Johnson, Tae D
Subject: RE: Immigration case history for NYT on (b)(6);(b)(7)(C)

Tae,

Can you have someone run down these answers. I'm heading to the NAC.

-----Original Message-----

From: Christensen, Gillian M
Sent: Wednesday, March 19, 2014 03:27 PM Eastern Standard Time
To: Bernacke, Michael V; Miller, Philip T; Johnson, Tae D
Subject: FW: Immigration case history for NYT on (b)(6);(b)(7)(C)

From: Johnson, Tae D
Sent: 20 Mar 2014 10:51:24 -0400
To: Bernacke, Michael V; Ivery, Ashly M
Cc: (b)(6); (b)(7)(C)
Subject: AD Response: Immigration case history for NYT on (b)(7)(C);(b)(6)

(b)(7)(C) this is what I understand:

The BOP has three pay scales for Inmates: UNICOR, Trust Fund, or performance pay. Performance pay is most often used to compensate the majority of inmates at BOP facilities. Trust fund paid inmates can also have another job and get paid. An example would be the photographer is paid out of trust fund money but he can still work in the unit and get performance pay. BOP policy is dictated by Program Statement 5251.3. The Assistant Director of Correctional Programs Division set the pay nationally. Pay remains the same unless a new Operational Memorandum is released increasing the wages. There are a number of factors that go into determining the budget of the inmate pay program for the year. Once the funding is sent to the institution, the allotment used to pay inmates can't be changed. The only thing the institution can control is the number of high paying Grade 1, 2, etc., they will allow. Traditionally, the formula is 5% of the population are assigned grade 1 work, 15% for grade 2, 25% for grade 3, 55% for grade 4, and the rest maintenance.

Here is what I've been able to find relating to pay from a 2000 OIG report. Not sure if the rates have been updated since, but there is nothing readily available on the web that I could locate that would suggest there is something more current out there. We will reach out to the BOP, but this is what we have currently.

Table 1. Institution Work Assignments and Inmate Pay

Performance Pay Grades and Hourly Pay	Minimum IFRP Payment for Performance Pay	UNICOR Pay Grades and Hourly Pay	Minimum IFRP Payment for UNICOR
1 = \$.40/hour	\$25/quarter	1 = \$1.15/hour	50%/monthly pay
2 = \$.29/hour		2 = \$.92/hour	
3 = \$.17/hour		3 = \$.69/hour	
4 = \$.12/hour		4 = \$.46/hour	
5 = up to \$5.25/month		5 = \$.23/hour	\$25/quarter

From: Bernacke, Michael V
Sent: Thursday, March 20, 2014 9:30 AM
To: Ivery, Ashly M
Cc: Johnson, Tae D
Subject: FW: Immigration case history for NYT on (b)(7)(C);(b)(6)

Hey (b)(6);(b)

Not second guessing your division's info, but the ICE Chief of Staff approached Jacki and I this morning saying that he'd received conflicting info about the rate of pay described below. This info is for a memo

Please send your responses back to me by COB Friday, March 28.

Let me know if you have any questions. Thank you.

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

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

Senior Advisor
Custody Programs
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202-732-(b)(6) Direct
202-491-(b)(6) BlackBerry
(b)(6) (b)(7)(C) @ice.dhs.gov – Direct

(b)(6)





202-732-(b)(6) – Direct
202-491-(b)(6) – BlackBerry
(b)(7)(C), (b)(6) @ice.dhs.gov – Direct

From: Brooks, Jay M
Sent: Monday, March 24, 2014 3:31 PM
To: Reid, Michael P; Lorenzen-Strait, Andrew R; Dougherty, Deane; Ivery, Ashly M
Cc: (b)(7)(C), (b)(6)
Subject: RE: Seattle 'hunger strike' V-tel Get-backs

Yes, for Friday.

Looks like there might be a couple of additional things on (b)(6)'s list, as well.

From: Reid, Michael P
Sent: Monday, March 24, 2014 3:24 PM
To: Lorenzen-Strait, Andrew R; Brooks, Jay M; Dougherty, Deane; Ivery, Ashly M
Cc: (b)(7)(C), (b)(6)
Subject: RE: Seattle 'hunger strike' V-tel Get-backs

(b)(6)

See the list below. There are three (in green) items in your lane: 2 involve engaging Talton and 1 involves engaging GEO.

Let us plan to touch base on these by at least Friday of this week. Sound like a plan?

(b)(6), (b)(6)

FOLLOW-UP ITEMS

- **ERO HQ Custody Management**
 - Inquire with (b)(6) regarding concerns of detainee phone service quality at NWDC (allegations of dropped calls and frequently poor auditory quality). **DM to inquire into with Talton**
 - Consider whether or not to share the Talton contract with external stakeholders. **CP to inquire into**
 - Allegation of a 5 day delay between when a detainee makes a commissary payment for phone use and the point in which that detainee can use the phones for non-pro-bono calls— inquire into reducing this delay. **DM to inquire into with Talton**
 - In conjunction with ERO Seattle, inquire into cost differentials between commissary items at NWDC and other commissaries in similar facilities nationally—consider following up with GEO on whether a change in commissary vendor or other adjustment can be made to reduce some costs. **DM and SEA to inquire into with GEO**
 - Review itemized cost analysis from (b)(6) and/or (b)(6) regarding commissary items they judge to be overpriced, if they submit their analysis. **CP to coordinate with DM and SEA, as needed**
- **ERO Seattle and IHSC**

- Review cases of detainees with alleged disabilities that have not been adequately addressed/accommodates if (b)(6)(b)(7)(C) submit these cases. **CP to coordinate with SEA and IHSC, as needed**
- Review cases of detainees with alleged medical conditions (detainees with digestive concerns and nose bleeds) that have not been adequately addressed if (b)(6)(b)(7)(C) and/or (b)(6)(b)(7)(C) submit these cases. **CP to coordinate with SEA and IHSC, as needed**
- **ERO Seattle and OPR Seattle**
 - Review cases of alleged GEO personnel reprisals in NWDC due to hunger protest if Ms. (b)(6)(b)(7)(C) submit these cases. **CP to coordinate with SEA and OPR, as needed**
- **ERO Seattle**
 - Does ERO Seattle maintain records on detainee injuries resulting from NWDC jobs, whether or not IHSC addresses the injury? If yes, can/should this information be shared with external stakeholders? **CP to inquire into with SEA**

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

Senior Advisor
 Custody Programs
 Enforcement and Removal Operations
 U.S. Immigration and Customs Enforcement
 202-732-(b)(6) Direct
 202-491-(b)(6) BlackBerry
 (b)(7)(C) (b)(6) @ice.dhs.gov – Direct

From: Lorenzen-Strait, Andrew R
Sent: Monday, March 24, 2014 3:08 PM
To: Brooks, Jay M; Dougherty, Deane; Ivery, Ashly M
Cc: (b)(6) (b)(7)(C)
Subject: RE: Seattle 'hunger strike' V-tel Get-backs

(b)(6)(b)(7)(C) - please send the list we developed for the after action report and assign which components should take the lead, eg DMD, CPD, etc.

Andrew Lorenzen-Strait
 Deputy Assistant Director
 Custody Programs
 ICE/ERO
 202.732 (b)(6)(b)(7)(C)

****sent via iPad****

-----Original Message-----

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

From: Sanchez, Raphael
Sent: 31 Mar 2014 19:58:50 -0400
To: Wilcox, Bryan S; Asher, Nathalie R
Cc: [REDACTED]
Subject: FW: Tacoma Detention Center - letter re detainees placed into administrative segregation

There you go.

Raphael A. Sánchez
Chief Counsel
Seattle Office of the Chief Counsel / OPLA
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Tel: (206) 613 [REDACTED] / Fax: (206) 682-0402
“Smart Enforcement through Smart Prosecution”

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-----Original Message-----

From: Loiacono, Adam V
Sent: Monday, March 31, 2014 07:57 PM Eastern Standard Time
To: Sanchez, Raphael; Fenton, Jennifer M
Cc: [REDACTED]; Loiacono, Adam V
Subject: RE: Tacoma Detention Center - letter re detainees placed into administrative segregation

[REDACTED]

Adam V. Loiacono
Chief – Detention and Removal Law Section
Enforcement and Removal Operations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732- (b)(5)
Blackberry: 202-500- (b)(5)
(b)(5), (b)(7)@ice.dhs.gov

~~--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---~~

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-----Original Message-----

From: Sanchez, Raphael

Sent: Monday, March 31, 2014 07:18 PM Eastern Standard Time

To: Fenton, Jennifer M; Loiacono, Adam V

Cc: (b)(5)

Subject: FW: Tacoma Detention Center - letter re detainees placed into administrative segregation

Adam and (b)(5)

(b)(5)

Raphael A. Sánchez
Chief Counsel
Seattle Office of the Chief Counsel / OPLA
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

From: Lorenzen-Strait, Andrew R
Sent: 31 Mar 2014 21:54:49 -0400
To: Johnson, Tae D
Cc: [REDACTED]
Subject: FW: NWDC Incident Denial of Access Option 03 28 14.doc
Attachments: 2014-03-31--FINAL Ltr to ICE re Mass Ad Seg.pdf, FW: Tacoma Detention Center - letter re detainees placed into administrative segregation

FYI

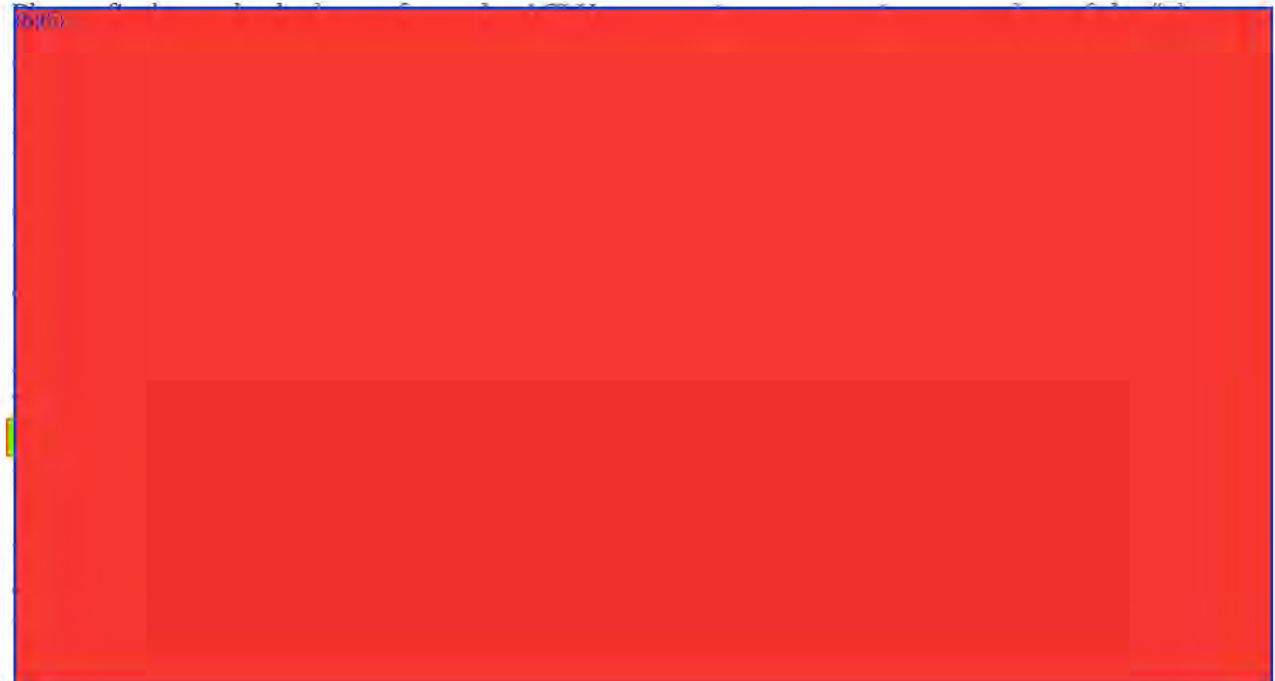
Andrew Lorenzen-Strait
Deputy Assistant Director
Custody Programs
ICE/ERO
202.732 [REDACTED]

****sent via iPad****

-----Original Message-----

From: Wilcox, Bryan S
Sent: Monday, March 31, 2014 09:47 PM Eastern Standard Time
To: Miller, Philip T; Flores, Simona L; Lorenzen-Strait, Andrew R
Cc: Asher, Nathalie R
Subject: RE: NWDC Incident Denial of Access Option 03 28 14.doc

Simona, Phil, et.al.



(b)(5)

Thanks,

(b)(5) (b)(7)

(b)(5)

(b)(5) (b)(7) (C)

Deputy Field Office Director
ICE ERO Seattle, WA

From: Asher, Nathalie R

Sent: Monday, March 31, 2014 9:26 AM

To: Miller, Philip T; Flores, Simona L; Lorenzen-Strait, Andrew R; Wilcox, Bryan S

Subject: RE: NWDC Incident Denial of Access Option 03 28 14.doc

Roger that.

I'm headed to Phoenix shortly - (b)(5) is your POC.

From: Miller, Philip T

Sent: Monday, March 31, 2014 8:51 AM

To: Asher, Nathalie R; Flores, Simona L; Lorenzen-Strait, Andrew R

Subject: RE: NWDC Incident Denial of Access Option 03 28 14.doc

Please continue to hold.

From: Asher, Nathalie R

Sent: Monday, March 31, 2014 11:01 AM

To: Miller, Philip T; Flores, Simona L; Lorenzen-Strait, Andrew R

Subject: FW: NWDC Incident Denial of Access Option 03 28 14.doc
Importance: High

Good Morning,

Any decision on this yet?

Thx,
NRA

From: Lorenzen-Strait, Andrew R
Sent: Friday, March 28, 2014 1:41 PM
To: Miller, Philip T; Johnson, Tae D; Flores, Simona L; Rogers, Andrea R
Cc: Asher, Nathalie R, (b) (5) (A), (7) (C)
Subject: NWDC Incident Denial of Access Option 03 28 14.doc
Importance: High

Phil et al. – as you all may be aware, SEA has encountered an issue with a repeat visitor whose visits correspond to facility disruptions. (b) (5) (A), (7) (E)

(b) (5) (A), (7) (E). Attached is the write-up with the standard/policy justifications.

Please advise of next steps.

Andrew

From: Sanchez, Raphael
Sent: 31 Mar 2014 19:58:50 -0400
To: Wilcox, Bryan S; Asher, Nathalie R
Cc: [REDACTED]
Subject: FW: Tacoma Detention Center - letter re detainees placed into administrative segregation

There you go.

Raphael A. Sánchez
Chief Counsel
Seattle Office of the Chief Counsel / OPLA
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security
Tel: (206) 613-7500 / Fax: (206) 682-0402
“Smart Enforcement through Smart Prosecution”

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*** Sensitive/Privileged *** Pre-Decisional ***~~

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-----Original Message-----

From: Loiacono, Adam V
Sent: Monday, March 31, 2014 07:57 PM Eastern Standard Time
To: Sanchez, Raphael; Fenton, Jennifer M
Cc: [REDACTED] Loiacono, Adam V
Subject: RE: Tacoma Detention Center - letter re detainees placed into administrative segregation

[REDACTED]



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From: Brunell, Mary K (CTR)
Sent: Wednesday, April 09, 2014 5:20 PM
To: Ivery, Ashly M
Cc: (b)(6);(b)(7)(C)
Subject: Draft for AD review/clearance: Rep. Adam Smith re: NWDC

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

Attached for AD review and clearance, please find a proposed draft response to Rep. Adam Smith regarding the NWDC. I used the information provided by CMD as a basis (pasted below in blue for easy reference). Since we are including a copy of the 2013 inspection with the response (currently being redacted by ICE FOIA), I think a concise response to each of the concerns is fitting. However, open to suggestions ☺

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

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

(202) 732- (b)(6) Desk

(202) 210- (b)(6) Cell

From: Reid, Michael P
Sent: 10 Apr 2014 08:58:28 -0400
To: Lorenzen-Strait, Andrew R
Cc: (b)(6); (b)(7)(C)
Subject: RE: Due 04 10 1pm CP SENT: Folder 73458 Rep Smith Resp on NWDC

I feel like an assembly line this morning. ;)

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

Senior Advisor
Custody Programs
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
202-732 (b)(6) Direct
202-491 (b)(6) BlackBerry
(b)(6); (b)(7)(C) @ice.dhs.gov – Direct

From: Lorenzen-Strait, Andrew R
Sent: Thursday, April 10, 2014 8:58 AM
To: Reid, Michael P
Cc: (b)(6); (b)(7)(C)
Subject: FW: Due 04 10 1pm CP SENT: Folder 73458 Rep Smith Resp on NWDC

Next on your plate. Ensure we have a paragraph that discuss ICE detention reform in general – hitting on all the policies in the binder – parental interest, access directive, transfer, seg, SAAPI, - see text from USCIRF response – also attached (needs updating)

Risk Classification Assessment

The Risk Classification Assessment (RCA) module provides an initial recommendation on whether to detain or release an alien, custody classification level if detained, or level of community supervision if released. Implemented nation-wide, this tool allows ICE to monitor the entire classification process. That data at the onset of detention helps to identify vulnerable populations earlier in the process, which allows ICE to make more informed classification decisions based on risk level.

Specialized Training and Enhanced Detention Standards

ICE is always available to work with stakeholders in providing additional training to its officer corps or contract staff. In this spirit of partnership, ICE will review and consider any specific training USCIRF would like to see implemented regarding the special needs and concerns of asylum seekers and/or victims of torture. USCIRF may wish to note that *Asylum Seekers in Detention* is already part of the training curriculum for our on-site Detention Site Monitors.

Moreover, a new related requirement in the Performance Based National Detention Standards (PBNDS 2011) states that all staff shall receive training on working with vulnerable populations

and addressing their potential vulnerability in the general population (which would likely include asylum seekers/victims of torture or abuse).

As USCIRF may be aware, many of the concepts of civil detention are incorporated into the PBNDS 2011. Some of these civil concepts are enhanced visitation, law library, state of the art medical and mental health care, and enhanced recreation. ICE has already implemented these new standards at some of our dedicated facilities with further system-wide implementation occurring as the year progresses.

Enhanced Legal Access

ICE has worked to provide enhanced access to legal resources to assist detainees in their immigration cases. ICE partnered with the American Bar Association to develop and distribute to all detention facilities a "Know Your Rights" video. The video is required to be shown in all detention facilities and offers information to individuals in immigration detention on the immigration court system and how to prepare themselves for hearings.

ICE also partnered with the Executive Office for Immigration Review (EOIR) Office of Legal Access Programs to make available in all detention facilities a set of self-help legal materials, which were developed by various Legal Orientation Programs (LOP), to enhance availability of accessible legal resources for detainees. These materials are available in English and Spanish, in both printed form and on CD in facility libraries for detainees to access. ICE is currently looking into ways to update and increase access to Lexis/Nexis products in law libraries, as well as to further integrate the availability of legal services into its detention programs, including by collaborating with the Department of Justice to expand the availability of LOP and other legal rights group presentation programming in detention facilities.

Enhancement of Detention Oversight

To improve accountability in the detention system, ICE created the Office of Detention Oversight (ODO) housed within ICE's Office of Professional Responsibility, to conduct inspections and investigate allegations of misconduct. ODO personnel are located in regional offices across the country, as well as Washington, D.C. ICE has also created a Detention Monitoring Council, which engages ICE senior leadership to address issues raised by the agency's oversight entities.

ICE also established the On-Site Detention Compliance Oversight Program. The program is composed of a corps of more than 40 new federal detention sites monitors (DSM) strategically located at detention facilities that house approximately 80 percent of the total average detention population.

ICE provides in-depth training to our DSMs. Training topics include: *Red Flags that Signal Victims of Human Trafficking; Effectively Managing a Culturally Diverse Detention Setting; Detainee Access to Counsel; Limited English Proficiency and Disability Considerations; Religious*

Practices; Women's Issues in Detention; The Violence Against Women Act; Asylum Seekers in Detention; Preventing and Responding to Sexual Abuse of Detainees; and Mental Health.

Transfer Directive

The ICE Transfer Directive ensures that decisions regarding the long distance transfer of detainees will be made only after careful consideration of the individual circumstances of each detainee. In most circumstances, unless a transfer is deemed necessary by a field office director or his or her designee, ICE will not transfer a detainee to another area of responsibility if the detainee has immediate family within the area of responsibility, an attorney of record, pending or ongoing removal proceedings, or been granted bond or is scheduled for a bond hearing. Transfers may be necessary for a number of reasons, including need based on the detainee's individual circumstances and risk factors and because of insufficient detention capacity.

The ICE Transfer Directive also establishes procedures for filing the notice to appear in immigration court. As a general matter, notices to appear will be submitted to the relevant immigration court within 5 workdays of the notice to appear being served on the alien, or upon the alien entering ICE custody, whichever is later. This will ensure that the venue of a detainee's proceedings is established quickly to expedite his or her case and, when possible, is in the area where the alien was initially apprehended.

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ICE recently revised the Detainee Covered Services Package to improve access to treatment for detainees who have serious medical needs and streamline the process for detainees to receive health care treatment authorizations. In addition, the ICE Health Service Corps (IHSC) has designated regional clinical directors, health services administrators, and field medical coordinators (FMCs) for field offices in a majority of ICE areas of responsibility. These individuals provide expeditious and ongoing case management to complex medical cases across the country. IHSC recently completed an assessment of medical services provided by ICE-contracted facilities and is currently analyzing results. This medical services review by ICE FMCs assists in establishing baseline data and identifies facilities that require action plans to meet compliance thresholds.

ICE has also developed and piloted new web-based medical classification tools that will be used to make informed decisions regarding housing placement for detainees with medical or mental health needs. The tools, which include a medical classification instrument, mental health classification instrument, and detention facility and community health surveys, have been combined into a single database and will be rolled out to IHSC field sites monthly. IHSC is currently collecting medical survey information from more than 165 ICE and contract facilities, which will be entered into the medical classification database to assist in proper placement of detainees entering, or currently in, ICE custody.

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ICE recently issued a Directive on Sexual Abuse and Assault Prevention and Intervention, establishing agency-wide policy and procedures for responding to incidents or allegations of sexual abuse or assault of individuals in ICE custody. The directive complements requirements binding on detention facilities, such as the safeguards against sexual assault contained in national detention standards. The policy delineates duties of agency employees for timely reporting, coordinated response and investigation, and effective monitoring of all incidents of sexual abuse or assault, to ensure an integrated and comprehensive system of responding to such incidents.

The directive requires all ICE employees who may have contact with individuals in ICE custody to receive training on sexual abuse and assault prevention and intervention, and to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or assault.

Andrew Lorenzen-Strait

Deputy Assistant Director

Custody Programs

Office of Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

202.732. (b)(6) – Direct

202.431. (b)(7) – Cell

(b)(7)(C); (b)(6) @ice.dhs.gov



**Homeland
Security**

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Hi CP,

Please see draft and provide any comments, edits and clearance. DSCU provided the information related to their last inspection.

Regards,

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

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(b)(6);(b)(7)(C)
(202) 732 (b)(6) Desk
(202) 210 (b)(7) Cell

The Honorable Adam Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Smith:

Thank you for your March 2014 letter to Daniel Ragsdale, Deputy Director, U.S. Immigration and Customs Enforcement (ICE) regarding the Northwest Detention Center (NWDC) in Tacoma, Washington.

First and foremost, I want to underscore that ICE is committed to providing appropriate care for everyone in its custody, consistent with current law and policy. To this end, ICE has announced substantial steps over the last five years to overhaul the immigration detention system, which include the creation of two new offices, the Office of Detention Policy and Planning and the Office of Detention Oversight, the introduction of the Performance-Based National Detention Standards (PBNDS) in 2008, and an update to the PBNDS in 2011.

ICE's detention reform initiative encompasses a wide range of programs and policies. These include:

- The Risk Classification Assessment module provides an initial recommendation on whether to detain or release an alien, custody classification level if detained, or level of community supervision if released.
- Enhanced access to legal resources to assist detainees in their immigration cases.
- ICE Policy Directive on Sexual Abuse and Assault Prevention and Intervention, establishing agency-wide policy and procedures for responding to incidents or allegations of sexual abuse or assault of individuals in ICE custody, which will be expanded when ICE implements the DHS Prison Rape Elimination Action provisions.
- ICE Policy Directive on A-Transfers that Directive ensures that decisions regarding the long distance transfer of detainees will be made only after careful consideration of the individual circumstances of each detainee, to include an assessment of community ties and whether the detainee has an attorney of record.
- ICE Policy Directive on A-Parental Interests Directive to ensure that the agency's immigration enforcement activities do not unnecessarily disrupt the parental rights of alien parents or legal guardians who are primary caretakers, have a direct interest in family court or child welfare proceedings, or who have USC or LPR-minor children in the U.S.
- ICE Policy Directive on A-Segregation Directive that establishes parameters and reporting mechanisms for the use of segregation in detention facilities, with particular emphasis on segregation use with detainees with special vulnerabilities.

The most recent annual inspection of the NWDC for compliance with the PBNDS 2008, conducted in May 2013 determined that the NWDC "Meets Standards." As requested, a copy of that Inspection Worksheet is enclosed for your review. Please be aware that, since its last inspection, the NWDC moved to the PBNDS 2011, effective June 22, 2013.

Comment [ERO]: From draft NIJC response (folder 70561)

Comment [ERO]: Paraphrased from the ICE.gov website

Comment [ERO]: CMD, please verify whether to include.

In addition to the enclosed 2013 Inspection Worksheet, please note the following supplementary information, which addresses the specific concerns expressed in your letter:

Quality Food Service

As part of our commitment to safe and humane detention standards, ICE strives to ensure that meals served to detainees are healthy, palatable, and meet the dietary needs of an ethnically and culturally diverse population. At the NWDC, an on-site registered dietitian oversees food service, and the current menu at the facility is certified to meet nutritional guideline requirements. Enclosed please find NWDC-specific nutrition and menu information.

Access to a Wide Array of Commissary Items

While the cost of goods at the commissary is not a section inspected by the ICE annual inspection team, nor is there a requirement in ICE's standards mandating establishment of a commissary, please be aware that the cost of goods at the NWDC commissary is consistent with other ICE contract facilities nationwide. Based on feedback from detainees, the facility is implementing plans to add new commissary items and to reduce the cost for other select items.

Access to Telephone Services

ICE policy is that detainees have regular and affordable access to telephones for outside communication, and ICE makes every effort to ensure that telephone rates for detainees are reasonable and comply with applicable regulations, as well as the terms and conditions of ICE's agreements with contract facilities. Please be aware that telephone rates at the NWDC are consistent with other ICE contract facilities nationwide. Further, the facility provides detainees with the ability to request non-collect (special access) calls, including for calls to immediate family members detained at other ICE detention facilities. If approved, such calls are made on a facility telephone at no cost to the detainee.

Quality Medical Care

As of its latest inspection, the NWDC is in compliance with the requirements of the PBNDS 2008 Medical Care Standard. This standard ensures that detainees have access to emergent, urgent, or non-emergent medical, dental, and mental health care that is within the scope of services provided by the ICE Health Service Corps, so that detainees' health care needs are met in a timely and efficient manner.

Beneficial Detainee Programming/Treatment

Detainees in the general population at the NWDC are provided access to outdoor recreation for a minimum of one hour a day, seven days a week. In addition, throughout the day, such detainees are provided access to an indoor recreation space, which offers multiple recreational activities, such as chess, checkers, and other board games. Further, detainees at the NWDC are offered

Comment [ERO]: From DWN draft response.

Comment [ERO]: Tracks with signed response to New Jersey Advocates (folder 68067). In the NJ Advocates letter, also said, "Such efforts are ongoing as we regularly review current telephone rate structures and possible alternative arrangements for all facilities housing ICE detainees." However, don't believe necessary for this response.

Comment [ERO]: From response to NIYA re BTC.

various religious services and pastoral care options, and individuals of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their faiths. In addition, detainees at the NWDC are permitted visitation with families and friends, legal and consular officials, and other members of the community, consistent with the secure operation of the facility, to help ensure their overall health and well-being.

Finally, you indicated in your letter that you have received concerns from those detained at the NWDC and family, friends, and advocates of the detainees. ICE has several mechanisms to receive real-time case inquiries, and if you become aware of any alleged mistreatment of ICE detainees, we urge you to bring these to our attention immediately. Please visit the ERO ~~Community Outreach~~ webpage at www.ice.gov/about/offices/enforcement-removal-operations/ero-outreach/ for information on how to communicate directly with ERO to answer questions and resolve any concerns. This page includes information about the ~~ICE Community and Detainee Helpline (CDH)~~ ~~Detention Reporting and Information Line (DRIL)~~ to report detention concerns directly to ICE headquarters. ~~DRIL~~ ~~CDH~~ operators are trained to respond to concerns based on the nature and severity of the allegations. The Helpline is available for free through the detention facility pro-bono telephone system and through a toll-free number to members of the public at (888) 351-4024.

Comment [ERO]: CMD, please confirm whether to include.

I hope that the above and enclosed information addresses your concerns. Thank you again for your letter. If you have any additional questions, please contact my office at

Sincerely,

Enclosures



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From: Brunell, Mary K (CTR)
Sent: Wednesday, April 09, 2014 5:20 PM
To: Ivery, Ashly M
Cc: (b)(6), (b)(7)(C)
Subject: Draft for AD review/clearance: Rep. Adam Smith re: NWDC

(b)(6), (b)(7)(C)

Attached for AD review and clearance, please find a proposed draft response to Rep. Adam Smith regarding the NWDC. I used the information provided by CMD as a basis (pasted below in blue for easy reference). Since we are including a copy of the 2013 inspection with the response (currently being redacted by ICE FOIA), I think a concise response to each of the concerns is fitting. However, open to suggestions ☺

I would also recommend that whatever language that is cleared by Tae be used as a basis for the response to the Seattle City Councilwoman (folder 73304), as appropriate. Sound good?

This is overdue. Thus, a timely clearance is requested. Please call/email if you have any questions or concerns. (b)(6), (b)(7)(C)

Thank you!

(b)(6), (b)(7)(C)

The Northwest Detention Facility (NWDC) is inspected under PBNDS 2008 meaning they are held to the strictest standards within ICE. The following is a summation of the 2012 and 2013 annual reviews conducted by ICE contractors. Both inspections resulted in the facility receiving final ratings of "Meets Standards"

Detainee Treatment:

According to the ICE annual reviews detainees at NWDC are housed in a humane manner that affords them the safest, most secure and ICE compliant environment while still ensuring public and officer safety. The facility has safeguards in place for detainees to have access to medical care compliant with the latest industry standards. They are housed with others with similar security levels. NWDC has a well trained staff and based on the grievances there are no significant issues. The facility has a Sexual Abuse and Assault Prevention Program in place to help increase awareness and deter potential perpetrators. When the detainees were interviewed there were no significant issues brought to the attention of the inspectors.

Detainees are provided access to outdoor recreation a minimum of one hour a day, seven days a week. The only exception to this is the Special Management Unit where detainees have access to recreation one hour a day, five days each week. Indoor recreation is provided throughout the day, and the facility provides television, chess, checkers, and various board games. The facility provides the necessary equipment and space to meet the recreational needs of the detainees.

Policy, procedure, and practices with relating to religious practices were reviewed. The religious program is organized and conducted by the Chaplain, who recruits volunteers to conduct religious services as required. Religious services and pastoral care are provided by the Chaplain as needed. Detainees of different religious beliefs are provided reasonable and equitable opportunities to participate in the practices of their faiths.

Detainees are permitted visitation that helps to maintain ties with families and friends, their legal and consular officials and other members of the community consistent with the secure operation of the facility.

The facility follows written procedures that address detainee grievances in an organized and timely manner. Documentation of all grievances is completed in the electronic "grievance log".

Meal Plans:

The menu at the NWDC has been certified by a GEO Companies registered dietitian. The current menu is certified to meet nutritional guideline requirements. A Common Fare Program is utilized to accommodate detainees whose religious dietary requirements cannot be met by the main menu. The Common Fair menu has been nutritionally analyzed. The medical department approves all medical diets and notifies the Food Service Manager of all requirements. The food service program provides medical diets such as dental soft, diabetic and low sodium. Food is not used to punish or reward detainees based upon behavior. Sanitation of the Food Service Department was found to be excellent during the inspection.

Telephone Calling Rates:

The telephone calls are consistent with the rest of ICE Contract Detention facilities nationwide. There is no disparity between the phone rates. The facility provides special access calls at no cost to the detainee. Special access calls are not charged to the detainee. Detainees may request a telephone call to an immediate family member in another detention facility. If approved, the call is made on a facility telephone at no cost to the detainee.

Commissary:

The cost of goods at the commissary is consistent with the rest of ICE Contract Detention facilities nationwide. This is not a section inspected by the ICE annual inspection team nor is there a requirement in the standards mandating establishment of a commissary.

Medical Care:

The Health Services Unit is staffed by the Immigration Health Service Corps. The staffing pattern is sufficient to care for the medical and mental health needs of the detainee population. Per an informal interview with several detainees, there were no significant complaints as they were generally satisfied with the responsiveness of the medical staff to their issues. During the past year, there were fifty medical grievances filed, with four having been found in the detainee's favor.

The medical unit has sufficient space and equipment to care for the needs of the detainee population. There are seven exam rooms, an urgent care room, two dental chairs, lab space, x-ray room, pharmacy, medication room, and two holding areas for detainees waiting to see the medical staff. Additionally, there are exam rooms on F and G units where sick call is conducted for the high security detainees.

In a further enhancement of access to medical care, the medical unit issues a "24 hour access card" to detainees who are considered to be high risk medical or mental health detainees. If, for example, a mental health detainee feels that he/she is decompensating or should need immediate assistance, the detainee shows his or her card to the housing officer and the detainee is promptly escorted to the medical unit. This is a unique process that allows the high-risk type detainee to receive immediate access and care.

(b)(6);(b)(7)(C)
(202) 732-5 [redacted]
(202) [redacted]
[redacted]

detainees work jobs inside the jail. He houses about 300 immigrants on any given day and typically about 50 are working jobs. I asked him whether these folks are paid. he said no. "It's just part of what I require". They do all the work on cleaning, upkeep of the section of the jail where they are housed. He estimated it saves him hundreds of thousands of dollars per year not having to hire staff to handle janitorial and such in that section of the jail. He said his jail is not a member of the federal work program so he doesn't get a dollar a day reimbursement because his detainees are housed there for too short a period and the federal paper work would not be worth the headache.

SO we are going to have to address the issue of detainees not get paid \$1 for working in certain facilities. Based on the above info, the reporter sent me the following additional questions:

Logical questions that we will need to ask and get answered on record:

- how many and which facilities do not pay anything or pay less than \$1 a day?
- do ICE's guidelines require payment in money or are the guidelines silent on this?
- In the facilities where non-monetary payment are provided what are examples of alternate payment types?

From: Johnson, Tae D
Sent: Friday, April 11, 2014 10:31 AM
To: Christensen, Gillian M; Brooks, Jay M; Landy, Kevin; Lorenzen-Strait, Andrew R
Cc: (b)(6)
Subject: FW: Question from the New York Times on VWP participant

Here are the applicable policies at both Etowah and Yuba but they should not be shared with the reporter. Anything back on Houston?

From: Mitchell, Jason B
Sent: Thursday, April 10, 2014 2:45 PM
To: Johnson, Tae D
Cc: (b)(6)/(b)(7)(C)
Subject: RE: Question from the New York Times on VWP participant

Tae, as we just discussed.

Regarding Etowah - the facility has a voluntary work program (VWP); however, detainees are not included in the program. It is stated as such in the facility policy that is attached (Etowah did not provide the entire policy; they cut and paste the section that states "**this facility does not have a formal work program for detainees.**")

Regarding Yuba - the facility includes detainees in its VWP program but does not compensate them monetarily. The facility policy does not mention compensation either way; however, the DSM at the facility stated that workers are at times given extra food and/or snacks for their work. That policy is attached but is not very helpful as it mainly provides procedures to be followed for selecting candidates to the VWP and the rules to be followed by workers.

Let me know if you have any questions.

(b)(6)

From: Lorenzen-Strait, Andrew R
Sent: 11 Apr 2014 22:05:07 -0400
To: Reid, Michael P; Berkeley, Nathan
Subject: Fw: Question from the New York Times on VWP participant

FYI

Andrew Lorenzen-Strait
Deputy Assistant Director
Custody Programs
Office of Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

(b)(6); (b)(7)(C) @ice.dhs.gov
202.431 (b)(6) Cell

Sent via wireless BlackBerry

From: Johnson, Tae D
Sent: Friday, April 11, 2014 08:40 PM
To: Brooks, Jay M; Lorenzen-Strait, Andrew R
Subject: FW: Question from the New York Times on VWP participant

Here is the revised statement.

From: Johnson, Tae D
Sent: Friday, April 11, 2014 8:38 PM
To: Bernacke, Michael V; Robbins, Timothy S (Timothy.S.Robbins@ice.dhs.gov); Miller, Philip T; Homan, Thomas (Thomas.Homan@ice.dhs.gov)
Cc: Becker Klopp, Jacki
Subject: FW: Question from the New York Times on VWP participant

Proposed Statement:

The promulgation of ICE's 2011 Performance-Based National Detention Standards (PBNDS) included new text in the Voluntary Work Program (VWP) Standard which stated compensation for the detainee voluntary work will be "at least \$1.00 (USD) per day" across all detention facilities. Prior to the PBNDS 2011, and with facilities operating under the National Detention Standards (NDS), the VWP only required \$1 compensation at ICE's owned Service Processing Centers (SPCs) and Contract Detention Facilities (CDFs). All other facilities operating under the NDS were directed through these standards to provide monetary compensation "in accordance with the facility's standard policy." While certainly not a preferred practice, ICE acknowledged over ten years ago that some facility policies on detainee VWPs excluded monetary compensation and instead included other forms of compensation (e.g. expanded access to programming and recreation, free commissary items, and/or menu enhancements). Since many ICE detainees housed in county jails elect to participate in the VWP in an effort to stem idleness and reduce stress and anxiety, ICE and formerly INS permitted detainee participation under these circumstances. Recognizing that idleness often breeds discontent and disruptive behavior, it was more important to allow detainees to spend their time constructively – should they choose, than to mandate

monetary compensation for a relatively small ICE population, when other federal, state and local inmates at the same facility received no such compensation. Such an obligation on the local Sheriffs or facility administrator would have resulted in ICE detainees being precluded from participation in the program.

As a result, over the last 10+ years, ICE's annual inspections of Voluntary Work Programs at facilities governed by NDS has not included any assessment of whether detainees receive monetary compensation. In the past, ICE and formerly INS recognized that of the over 350 detention facilities used during that time, many county jails did not compensate volunteer workers monetarily. This requirement was therefore not included as part of the annual inspection of NDS facilities. However, detention facilities that later adopted PBNDS 2008 and 2011, would be inspected annually to ensure that monetary compensation is provided to volunteer workers.

ICE has reduced the number of facilities it uses from 350 to less than 250 today, and is continuing to implement the PBNDS 2011 across our detention network so that improvements, including the \$1.00 a day voluntary work stipend, are more consistent nation-wide. To date, PBNDS 2011 applies to 25 facilities housing approximately 60% of ICE's average daily detainee population (ADP). These consist of six ICE-owned service processing centers (SPC), seven contract detention facilities (CDF), seven dedicated intergovernmental service agreement (DIGSA) facilities, and 5 non-dedicated IGSA's. ICE is currently exploring whether the \$1 a day compensation requirement should be enforced and included as part of the NDS annual inspections process at county jails that house mixed (other federal, state and local inmates) and in most cases, very small ICE populations.

From: Bernacke, Michael V
Sent: Friday, April 11, 2014 5:27 PM
To: Johnson, Tae D
Cc: Lorenzen-Strait, Andrew R
Subject: RE: Question from the New York Times on VWP participant

No, just wasn't sure if something was sent directly to OPA.

From: Johnson, Tae D
Sent: Friday, April 11, 2014 5:22 PM
To: Bernacke, Michael V
Cc: Lorenzen-Strait, Andrew R
Subject: RE: Question from the New York Times on VWP participant

We are working on it now. You getting pinged?

From: Bernacke, Michael V
Sent: Friday, April 11, 2014 5:20 PM
To: Johnson, Tae D
Cc: Lorenzen-Strait, Andrew R
Subject: FW: Question from the New York Times on VWP participant

Has an amended statement been prepared?

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

(A) Deputy Chief of Staff
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6)
Cell: 202-486-3(b)(6)

From: Gonzalez, Barbara M
Sent: Friday, April 11, 2014 4:04 PM
To: Bernacke, Michael V
Cc: Christensen, Gillian M
Subject: FW: Question from the New York Times on VWP participant

fyi

Barbara Gonzalez
Press Secretary
U.S. Immigration and Customs Enforcement (ICE)
202-732-4251 (office)
305-970-(b)(6) cell

From: Landy, Kevin
Sent: Friday, April 11, 2014 4:03 PM
To: Lorenzen-Strait, Andrew R; Brooks, Jay M; Christensen, Gillian M; Johnson, Tae D
Cc: (b)(6);(b)(7)(C) Gonzalez, Barbara M; Hale, Brian P; Flores, Simona L
Subject: Re: Question from the New York Times on VWP participant

This reading of the standard contradicts the clear meaning - the compensation has to be monetary, but the specifics are left to the facility. IGSA's are also required to meet or exceed the italicized text if their policies are different.

Coming out with this interpretation opens a door to the worst practices.

This proposed quote also contradicts what (b)(6) has told the reporter up until now and will transparently be backpedaling. We don't know how many places there are that don't pay. Much better to follow up now by ensuring a couple of outliers comply with the standards. If anything that reinforces that there is no such thing as a unitary ICE VWP and that our standards are stronger than how some jails treat their own prisoners.

From: Lorenzen-Strait, Andrew R
Sent: Friday, April 11, 2014 01:55 PM
To: Brooks, Jay M; Christensen, Gillian M; Landy, Kevin; Johnson, Tae D
Cc: (b)(6);(b)(7)(C) Gonzalez, Barbara M; Hale, Brian P; Flores, Simona L
Subject: RE: Question from the New York Times on VWP participant

Proposed Statement:

The promulgation of ICE's 2011 Performance-Based National Detention Standards (PBNDS) included new text in the Voluntary Work Program Standard which stated compensation for the detainee voluntary work will be "at least \$1.00 (USD) per day." Prior to the 2011 PBNDS, and with facilities operating under

the National Detention Standards (NDS) or 2008 PBNDS, the Voluntary Work Program only required compensation to ICE's dedicated and owned Service Processing Centers (SPCs) and dedicated Contract Detention Facilities (CDFs). All other facilities operating under the NDS or PBNDS 2008 were directed through these standards to provide monetary compensation "in accordance with the facility's standard policy." If the facility's standard policy on detainee voluntary work programs excluded monetary compensation and instead included other forms of compensation (e.g. expanded access to programming, recreation, or menu enhancements) this would be considered adequate compensation under the relevant standards. ICE is continuing to implement the 2011 PBNDS across the wide spectrum of our detention facilities so that practice improvements, including the \$1.00 a day voluntary work compensation, are consistent nation-wide. To date, PBNDS 2011 applies to 25 facilities housing approximately 60% of ICE's average daily detainee population (ADP). These consist of six ICE-owned service processing centers (SPC), seven contract detention facilities (CDF), seven dedicated intergovernmental service agreement (DIGSA) facilities, and 5 non-dedicated IGSA's.

Andrew Lorenzen-Strait

Deputy Assistant Director

Custody Programs

Office of Enforcement and Removal Operations

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From: Brooks, Jay M

Sent: Friday, April 11, 2014 1:33 PM

To: Christensen, Gillian M; Landy, Kevin; Johnson, Tae D; Lorenzen-Strait, Andrew R

Cc: (b)(6);(b)(7)(C) Gonzalez, Barbara M; Hale, Brian P; Flores, Simona L

Subject: Re: Question from the New York Times on VWP participant

Please disregard. Ash just sent the follow-up questions.

From: Brooks, Jay M

Sent: Friday, April 11, 2014 01:31 PM

To: Christensen, Gillian M; Landy, Kevin; Johnson, Tae D; Lorenzen-Strait, Andrew R

Cc: (b)(6);(b)(7)(C) Gonzalez, Barbara M; Hale, Brian P; Flores, Simona L

Subject: Re: Question from the New York Times on VWP participant

Gillian, for Stewart and Houston, where we provided VWP details in our internal document, what are the specific questions to be addressed? Is the reporter saying detainees are not receiving monetary

As of April 14, 2014

Over the weekend of April 5th, approximately 50% of the detainees in one housing unit (or 40-50 detainees) at Northwest Detention Center (NWDC) began refusing meals intermittently or eating only partial portions. Their stated reason for refusing meals is to protest deportations and high bonds. They claim no coercion. The numbers of detainees refusing meals in this unit has steadily declined and at this morning's breakfast, only 6 (of 65) detainees refused meals.

The detainees who are refusing meals are eating commissary items that they purchased. NWDC has noted that the total dollar amount for commissary purchases in this pod, which are fulfilled twice a week, have significantly (50%) increased over the last week. A typical fulfillment is valued as approximately \$10,000. The total value of commissary orders that previous two fulfillments totaled approximately \$15,000 each.

NWDC has two detainees in disciplinary segregation who are also on "official" hunger strike, which is defined as having missed more than 9 consecutive meals and placed in MED-ISO. The privacy release provided is for one of the detainees on "official" hunger strike. An update on that individual is provided below.

- [REDACTED] was found culpable of the disciplinary infraction of "engaging in or inciting a group demonstration", which is categorized as a "high" offense level under PBNDS 2011. Penalties for an infraction at this level range from withholding of privileges to up to 30 days disciplinary segregation. [REDACTED] was sanctioned for 20 days disciplinary detention, which he is serving concurrently while in MED-ISO and will end on April 20. [REDACTED] is one of the original hunger-strikers with the stated purpose of protesting conditions at the NWDC and "Deportations." He ended his initial hunger strike on March 22, but went back on hunger strike following his disciplinary detention on April 1. [REDACTED] claims his renewed hunger-strike is "in support of the cause" of "not one more deportation." He continues to remain hydrated and will occasionally eat small bits of meals. Since his intake in IHSC Medical Isolation on April 7, [REDACTED] has lost approximately 6 pounds.

[REDACTED]

Deputy Field Office Director
ICE Enforcement & Removal Operations, Seattle, WA

From: Lorenzen-Strait, Andrew R
Sent: Wednesday, April 16, 2014 9:57 AM
To: Reid, Michael P; Wilcox, Bryan S
Subject: FW: Smith Binder