



## Summary of Changes to ICE National Detention Standards

This table summarizes substantive changes made to ICE’s National Detention Standards (NDS), and compares the version officially released on December 19, 2019 (NDS 2019), with the prior and initial version released in September 2000 (NDS 2000).<sup>1</sup> This table does not track differences between the NDS 2019 and ICE’s Performance Based National Detention Standards (PBNDS). For more information, please contact Eunice Cho, ACLU National Prison Project, [echo@aclu.org](mailto:echo@aclu.org).

2000 NDS	2019 NDS	Summary of Revisions
<b>Environmental Health and Safety</b>	<b>1.1 Environmental Health and Safety</b>	<ul style="list-style-type: none"> <li>- Removes monitoring instrument; removes compliance details, relies on a general statement without specific instructions on how to comply with standard.</li> <li>- Removes requirement that facility comply with the American Correctional Association’s mandatory environmental health standards.</li> <li>- Requires “regular” fire and safety inspections (instead of weekly).</li> <li>- Monthly maintenance inspections by staff not required.</li> <li>- Removes requirement to forward inspection reports to OIC.</li> <li>- Quarterly fire drills (instead of monthly).</li> <li>- Emergency key drills no longer required.</li> <li>- Potable water shall be available throughout the facility (new).</li> <li>- Weakened requirement to test samples of drinking and wastewater to ensure compliance with applicable standards.</li> <li>- Garbage collected at least daily (new).</li> <li>- Barber operations: removes specific safety requirements, such as requirements to disinfect clippers and hair care tools.</li> <li>- Medical operations: weakens standards for disposal of sharps, accidental needle sticks.</li> <li>- Allows triple bunking in “emergency circumstances.”</li> <li>- Removes specific requirements for cleanliness/housekeeping standards, including in isolation rooms, medical terminal cleaning, and use of hospital grade disinfectants.</li> <li>- Removes specific requirements for blood and body fluid clean up, precautions for safety, and protective equipment.</li> </ul>
<b>Transportation (Land Transportation)</b>	<b>1.2 Transportation by Land</b>	<ul style="list-style-type: none"> <li>- Adds language re: accommodations for detainees with physical disabilities and/or special needs.</li> <li>- Removes required forms for transfer, e.g. Order to Show Cause and warning to Alien Ordered Removed or Deported; does not include chain of command detail in 2000 report; does not include “Official Detail” section, which indicates that certain paperwork is necessary before transportation.</li> <li>- Revises or weakens standards for driver breaks and the maximum transport time; movement to vehicles; vehicle occupancy; count and identification; departure scheduling and security; safety; stops; meals; vehicle supervision; vehicle equipment.</li> <li>- Use of Restraints: prior version stated that “as a rule, transporting officers will not handcuff women or minors.” New rule allows restraints on minors “as appropriate,” and includes some specific protections for use of restraints on pregnant women or women in post-delivery recuperation.</li> <li>- Removes specific provisions for procedures in emergency situations.</li> <li>- Revisions to section on Transporting Minors and Females: removes language that alternate transport means if bus trip is longer than 6 hours; removes language that women should be separated during transport; adds language re: transporting women (facility shall develop a procedures) and searches.</li> </ul>

<sup>1</sup> The 2000 NDS is available at: <https://www.ice.gov/detention-standards/2000>; the 2019 NDS is available at: <https://www.ice.gov/detention-standards/2019>.

<b>Admission and Release</b>	<b>2.1 Admission and Release</b>	<p>Throughout the 2019 revision, section on “Applicability” is removed, outlining which facilities (SPC, CDF, IGSA) are subject to the version. Classification system addressed in 2019 Sec. 2.2 (see below)</p> <ul style="list-style-type: none"> <li>- Adds screening for language access, disability screening, sexual abuse prevention and suicide risk evaluation purposes to comply with federal law.</li> <li>- Removes strip search requirement.</li> <li>- Removes “Classification” paragraph. Prohibits non-ICE personnel access to detainee’s A-file.</li> <li>- Removes requirement that ICE approve facility orientation.</li> <li>- Allows detainee a free phone call prior to release to facilitate arrangements.</li> <li>- Personal hygiene section moved to 4.4.</li> <li>- Detainees will receive a receipt of confiscated identity documents and a copy if necessary.</li> </ul>
<b>Detainee Classification System</b>	<b>2.2 Custody Classification System</b>	<p>Much more permissive of facility-developed policies. Removes specific details and changes the timeline of reviewing classifications for re-classification.</p> <ul style="list-style-type: none"> <li>- Requires officer training in the facility classification process.</li> <li>- Initial classification process and initial housing assignment should be completed within 12 hours of admission to the facility.</li> <li>- Removes requirement that classification decisions must be based on “fact,” not “opinion.” Removes specific guidelines re: classification levels and housing assignments.</li> <li>- Removes required supervisory review of classification.</li> <li>- New paragraph on Special Vulnerabilities: disability, transgender, elderly, pregnant, other.</li> <li>- Revises timelines for reclassification (prior version required more frequent review).</li> <li>- Eliminates timelines for resolving appeals.</li> <li>- Removes Classification User Manual.</li> </ul>
<b>Security Inspections</b>	<b>2.3 Facility Security and Control</b>	<ul style="list-style-type: none"> <li>- Removes details about administrative measures like vehicle control, visitor passes, and SMU controls.</li> <li>- One sentence to cover removed policies: Facilities will have policy and procedures for conducting security inspections; the prevention, identification, and disposition of contraband; key and lock control; and population counts; as well as a comprehensive policy for tool control.</li> <li>- Adds policy regarding canine units.</li> </ul>
<b>Funds and Personal Property</b>	<b>2.4 Funds and Personal Property</b>	<ul style="list-style-type: none"> <li>- Defers to facility policies on procedures for property confiscation, inventory and audit. Removes requirement for audits on shift changes.</li> <li>- Does not detail the types of personal property one may keep.</li> <li>- U.S. and foreign currency will be returned to the detainee as cash, when possible.</li> <li>- Removes requirement that facilities will not arbitrarily impose a ceiling on amount to be reimbursed for validated claim.</li> <li>- Does not specify how ICE will handle abandoned property, only that the facility will turn it over to ICE.</li> </ul>
<b>Hold Rooms in Detention Facilities</b>	<b>2.5 Hold Rooms in Detention Facilities</b>	<ul style="list-style-type: none"> <li>- Limits detention in hold room to 12 hours (but not aggregate 12 hours, as specified in former version).</li> <li>- Adds <i>Flores</i>-lite requirements to move a minor within 72 hours to an approved facility / shall be detained in the least restrictive setting.</li> <li>- Adult males will be separated from adult females (instead of males separated from females).</li> <li>- Minors will be held apart from adults unless the adult is a relative but adds requirement that “and there are no safety or security concerns with the arrangement.”</li> <li>- The hold room will contain seating but no bunks, cots, beds, with exceptions for minors, pregnant ppl, illness.</li> <li>- Removes requirement that toilets have modesty panels, and removes ratios for number of toilets per detainees.</li> <li>- Removes recommendation that officials should be sensitive to cultural/culinary restrictions of detainees in hold rooms when possible.</li> <li>- Removes specific requirements re: detention log requirements for hold rooms.</li> <li>- Removes restriction that bars officers from carrying firearms, OC spray, batons, or other non-deadly force devices into hold rooms.</li> <li>- Removes requirement that OIC develop a written evacuation plan in case of emergency.</li> </ul>
<b>Post Orders</b>	<b>2.6 Post Orders</b>	<ul style="list-style-type: none"> <li>- Removes requirement that copies of post orders shall be available to all employees.</li> <li>- Removes requirements for housing unit post orders.</li> </ul>
<b>2000 Version</b>	<b>2.7 Searches of</b>	No comparison, as ICE has not made 2000 version publicly available.

<b>Reserved</b>	<b>Detainees</b>	<p>2019 version summary:</p> <ul style="list-style-type: none"> <li>- Generally requires that facility have a written policy for body searches, avoiding unnecessary force, and preservation of evidence. No specific requirements for facilities.</li> <li>- Requires annual training in searches; pat searches, and searches of cross-gender and transgender searches.</li> <li>- Strip searches permitted when “articulable and reasonable suspicion” exists of contraband; as a “matter of course” when detainee enters or exits a facility; or “in accordance with the facility’s contact visitation procedures.”</li> <li>- Body cavity search: “although a detainee’s written consent should be obtained prior to conducting a digital or simple instrument search, <i>such written consent is not required.</i>” IHSC staff not authorized to collect specimens for forensic purposes, such as rape kits or DNA testing.</li> <li>- Dry cell requirements: dry cell placement must be documented in an administrative segregation order.</li> </ul>
<b>Use of Force</b>	<b>2.8 Use of Force and Restraints</b>	<ul style="list-style-type: none"> <li>- New version adds definition of “force,” required to gain cooperation “in a language or manner that the detainee understands.”</li> <li>- Removes requirement for confrontation avoidance from immediate use-of-force settings.</li> <li>- Removes requirement that staff selected to defuse situation must be trained in a confrontation-avoidance procedure.</li> <li>- Removes requirement that use-of-force equipment be stored securely; and that video equipment must be maintained.</li> <li>- Removes guiding principles for use of force.</li> <li>- Allows use of five-point restraints (instead of only four-point restraints).</li> <li>- Removes list of approved restraint equipment from guidance.</li> <li>- Removes the following protections from use of four-point (and now five-point) devices: no requirement to use soft restraints unless previously ineffective with the detainee or in the current instance; removes requirement that shift supervisor retain decision to release detainee, and that shift supervisor may seek advice from health professionals about when to remove the restraints; removes requirement that OIC telephonically notify the Assistant Director for Detention and Removal with updates every eight hours until the restraints are removed; removes requirement that the OIC must provide District Director with written documentation of the reasons for placing detainee in four-point restraints on the following workday.</li> <li>- Removes specific examples of prohibited restraints (“hog-tying, fetal restraints, tight restraints, improperly applied”).</li> <li>- Retains language that all use of force incidents be “documented and forwarded to ICE/ERO for review” but does not require recording for all incidents (req. for Use of Force Team Technique), removes use of force forms; adds requirement that documentation be kept for minimum of 6 years; removes specific findings from After Action review.</li> <li>- Removes lists of “approved restraint equipment,” “authorized non-deadly force devices,” “unauthorized non-deadly force devices” (defers to “facility policy”); retains prohibited non-deadly use of force acts/ techniques (adds canines).</li> <li>- Training section revised: eliminates training on cultural diversity.</li> <li>- Expands “use of force in special circumstances” to include “special needs,” revisions to pregnant and post-delivery generally reflect required pregnancy standard.</li> <li>- Removes several points of evaluation in After-Action Review, including whether team strictly complied with use-of-force team technique; absence of unauthorized items or devices; shift supervisor clearly in charge of team and situation, including intervention at first sign of team applying more force than necessary; detainee receiving/rejecting opportunity to submit to restraints voluntarily; no more pressure than necessary applied to detainee’s chest, back, throat, and extremities, amount of time needed to restrain detainee; continuous photographic coverage and investigation of any breaks or sequences apparently missing from the video tape, use of any derogatory remarks by team.</li> </ul>
<b>Administrative and Disciplinary Special Management Units</b>	<b>2.9 Special Management Units</b>	<p>Condensed to one policy; retains language that each facility develop its own procedures consistent w/ the standard; incorporates some sections of 2013 seg directive. Note that the combination of the two standards may further conflate practice.</p> <p><u>Administrative segregation:</u></p> <ul style="list-style-type: none"> <li>- Removes requirement that Officer in Charge and Supervisory Detention Enforcement Officers review the case to determine whether ad seg is warranted.</li> <li>- Adds language that age, disability, sex, sexual orientation, gender identity, race, color, national origin, or religion may not provide the sole basis for a decision to place the detainee in involuntary segregation.</li> <li>-Changes key terms for when ad seg is permissible. Removes requirement that pre-disciplinary hearing detention should be ordered only as</li> </ul>

		<p>necessary to prevent further rule violations.</p> <ul style="list-style-type: none"> <li>- Adds an individualized assessment must be made in each case.</li> <li>- Adds language limiting use of seg for people w “special vulnerabilities” including those vulnerable to sexual assault (“as a last resort”).</li> <li>- Adds that ppl in admin segregation PC have access to programs/ services to the maximum extent possible.</li> <li>- Adds that order shall be provided to detainee “in a language or manner the detainee can understand”—as required by Executive Order.</li> <li>- A copy of the order shall be immediately provided to ICE/ERO.</li> <li>- Admin seg review process: other than providing a copy of the report to ICE/ERO, no additional ICE/ERO involvement in review or decision making; supervisory review w/in 72 hours, then every 7 days, then every week for the first 30 days, and every 10 days thereafter (change from every 30 days after the first month).</li> <li>- Removes requirement that Assistant Regional Director for Detention and Removal must be notified when a detainee is held in ad seg for more than 60 days. Removes requirement that ICE Officer in Charge reviews a detainee’s objection to ad seg after 30 days (now the facility administrator).</li> </ul> <p><u>Disciplinary segregation:</u></p> <ul style="list-style-type: none"> <li>- Changes the maximum sanction from 60 days to 30 days. After first 30 days, need to send written justification to ICE/ERO.</li> <li>- Disciplinary segregation order shall be “immediately” provided to detainee rather than “within 24 hours.”</li> <li>- Review process added. Security supervisor reviews status and conditions every 7 days.</li> </ul> <p><u>General SMU conditions:</u></p> <ul style="list-style-type: none"> <li>- Adds section allowing for facilities to exceed capacity of each cell/room in SMU with approval by ICE ERO. Removes requirement, promulgated by ACCA, of 35 sq. ft of unencumbered space for each single cell occupant, or 70 sq. ft. if confinement is 10+ hours.</li> <li>- Removes requirement that detainees in ad seg receive same clothing, bedding, and linen as other detainees; provides a general requirement for all detainees in SMUs instead. Lowers requirements for denial of clothing, mattress, or linens for medical or psychological issues, as determined by the ICE Officer in Charge or prescribed by a medical professional—new version generally allows denial if “documented and justified.”</li> <li>- Removes requirement that staff provide ad seg detainees with toilet tissue, wash basin, toothbrush, and shaving utensils as needed, and barbering as practicable.</li> <li>- Specifies that recreation shall be offered 1 hour/day, 5 days per week.</li> <li>- New version significantly limits telephone access in segregation as compared to prior version, which provided that ad seg detainees should receive telephone access similar to that in general population. New language provides that “any detainee in a SMU may be reasonably restricted from using or having access to a phone if that access has been or is likely to be used for criminal purposes, would endanger any person, or if detainee damages equipment provided.” Disciplinary seg detainees restricted from all phone calls except emergencies, attorney calls, or government officials according to facility schedules.</li> <li>- Adds detainee health evaluation within 24 hours of placement in segregation; daily medical assessment; and face-to-face psych eval after 30 days.</li> <li>- Adds restrictions of the use of segregation on detainees with serious mental illnesses; “every effort” must be made to place detainees in a setting where appropriate treatment can be obtained.</li> <li>- Adds restrictions where pregnant, post-partum, or post-miscarriage/termination should not be placed in a SMU. If placed in SMU, must be approved by representative of facility administration with medical professional and reviewed every 48 hours. (Note—48 hours instead of 24 as proposed in 2018 version).</li> <li>- Adds section on notification to ICE/ERO re: extended placements, particular vulnerabilities (consistent with 2013 segregation directive), release from seg, coordination with ICE for alternative placement.</li> </ul>
<b>Staff-Detainee Communication</b>	<b>2.10 Staff-Detainee Communication</b>	<ul style="list-style-type: none"> <li>- Process, substance of ICE/ERO scheduled and unannounced visits is significantly cut back, including provisions to observe living and working conditions in housing, food service, rec, SMU.</li> <li>- Does not include sample “Detainee Request Form.”</li> </ul>

		<ul style="list-style-type: none"> <li>- Does not make the distinction between a “request” (this standard) and a “grievance” (standard 6.2)</li> <li>- Adds sections on ICE Informational Posters, Policy on Additional Facility Responsibilities (post and update ICE/ERO contact info for detainees).</li> <li>- Incorporates previous standalone standard on marriage requests.</li> <li>- Requires that ICE response to request be returned to detainee within 24 hrs.</li> <li>- Eliminates specifics for logging requests.</li> </ul>
<b>No Equivalent</b>	<b>2.11 Sexual Abuse and Assault Prevention and Intervention</b>	New section introduced to comply with DHS Prison Rape Elimination Act (PREA) standards, 6 CFR 115.
<b>Disciplinary Policy</b>	<b>3.1 Disciplinary System</b>	<ul style="list-style-type: none"> <li>- Changes ban on specific punishments: “deviations from normal food services” to “deviations from food services or availability of water;” deprivation of legal visitation, law library, or legal papers not allowed as punishment.</li> <li>- Removes definition of “mentally incompetent” individual, including postponement of disciplinary proceedings against a person who lacks the ability to understand the nature of proceedings; instead allows disciplinary process to move forward with consultation of mental health professional.</li> <li>- Removes requirement that the notice of rights for the UDC or IDP provide the detainee with a notice that due process includes the right to appear at the hearing or waive the right to appear (now just a notice that detainee has a right to appear).</li> <li>- Removes language requiring INS approval for incident report forms.</li> <li>- Facility may (vs. shall) establish a “Unit Disciplinary Committee” to review low/ moderate level infractions.</li> <li>- Allows postponement or continuances of disciplinary proceedings, but removes list of circumstances justifying postponement/continuance (i.e. defense prep, illness, security, escape, etc.).</li> <li>- “Detainee Assistance” allows for staff assistance during IDP/ UDC with less detail than 2000 standard.</li> <li>- List of offense categories and discipline scale in 2000 standard is removed; new language states that each facility shall have its own scale and consequences “as provided in this section.” “Duration of Punishment” to “Duration of Sanctions:” max punishment from 60 to 30 days, except in extraordinary circumstances.</li> </ul>
<b>Food Service</b>	<b>4.1 Food Service</b>	<p>Many of the specific requirements in prior version have been removed.</p> <ul style="list-style-type: none"> <li>- Removes requirement for specific staffing/management of food services; removes specific guidelines for knife control; removes guidelines for key control; provisions for feeding food service workers. Removes requirement that detainees be provided with insulated clothing for freezer areas.</li> <li>- Removes language re: detainee work hours and pay in accordance with voluntary work program standard.</li> <li>- Changes requirement that detainees shall be served at least two hot meals a day (now allows for variations).</li> <li>- Lowers heat requirements for hot food from 140 F to 135 F; removes specifications re: required temperatures for cooking food; requirements that milk products meet federal standards and are from approved facilities only.</li> <li>- Removes prohibition of serving food with hands (without utensils).</li> <li>- Sanitation requirements lowered: Changed from requirement that utensils are sanitized after food prep/service and before being used to “as often as necessary.”</li> <li>- New language: clean potable drinking water must be available.</li> <li>- Additional language on religious diets; no referral/ verification by chaplain; requires consultation with ICE/ERO before denying or discontinuing a request. Removes specific provisions for Ramadan, Passover, and Lent meals.</li> <li>- Increases requirement that 5 (from 3) hot meals must be served as part of religious meals weekly.</li> <li>- Removes restrictions on the use of sack meals to detainees in segregation. Removes specific requirements for contents of sack meals.</li> <li>- Reduces requirements for food service workers’ health examination.</li> <li>- Removes requirement that hot water be provided in worker bathrooms.</li> <li>- Removes requirement that hot water urn must be provided to detainees.</li> </ul>

		<ul style="list-style-type: none"> <li>- Removes requirement that personnel inspecting food service department note corrective actions to the ICE OIC and establish dates to correct problems.</li> <li>- Removes housekeeping requirements for storeroom/refrigeration of food.</li> </ul>
<b>Hunger Strikes</b>	<b>4.2 Hunger Strikes</b>	<p>Significant change in policy. Policy overview now conforms with PBNDS 2011 (with 2016 addenda). Conforms with PBNDS 7.2, except:</p> <ul style="list-style-type: none"> <li>- Revised NDS does not require local office to work with ICE Office of Chief Counsel to arrange for a court hearing if a force-feeding order is pursued.</li> </ul>
<b>Medical Care</b>	<b>4.3 Medical Care</b>	<ul style="list-style-type: none"> <li>- Removes accreditation requirement. “Each medical facility will <i>strive</i> for accreditation with NCCHC” v. 2000 version’s requirement to maintain current accreditation and strive for accreditation with Joint Commission on Accreditation of Health Care Organizations (generally more stringent requirements for medical care).</li> <li>- Removes requirement that health care and medical facilities must be under the direction of a Health Services Administrator; permits non-physician Clinical Medical Authority to direct decision-making.</li> <li>- Adds definition of “health care practitioner” and “mental health provider.”</li> <li>- Changes requirement for medical screening to no later than 12 hours after arrival (rather than immediately)</li> <li>- Records for Intra-system transfers reviewed within 12 hours rather than 14 days.</li> <li>- More detailed section on TB.</li> <li>- Add that facilities will have a written plan addressing infectious/ communicable disease.</li> <li>- Adds section on comprehensive health assessment: w/I 14 days of arrival at facility.</li> <li>- Removes requirement that detainees experiencing severe, life-threatening drug or alcohol withdrawal will be immediately transferred to an acute care facility; now allows transfer to ER for evaluation and treatment on-site at detention center.</li> <li>- Removes requirement that health assessments will be performed according to NCCHC and JCAHO standards.</li> <li>- Removes requirement that emergency dental treatment include repair of prosthetic appliances to prevent detainee suffering.</li> <li>- Removes specific time schedules for sick call hours (# of detainees: # of sick call days), defers to “facility policy”; sick call slips triaged within 24 hours, provided in English and Spanish (v. languages most widely spoken).</li> <li>- Incorporates 2000 section on distribution of meds by trained detention staff when medical staff is not on duty but does not require detention staff to document.</li> <li>- Revises requirement that first aid kits be placed in detention facilities consistent with ACA requirements—allows non-physician clinical director to make decisions as to placement.</li> <li>- Revises section on “special needs” to include patients who require close medical supervision (chronic, convalescent care); notification to ICE/ERO if transgender person.</li> <li>- Sections “HIV/AIDS,” “Staff Risk,” “Exposure,” and “Precautions” revised to “Bloodborne Pathogens” w/ subsections on Hepatitis, HIV, and Clinical Evaluation and Management.</li> <li>- Adds requirement for documented informed consent for use of psychotropic medications.</li> <li>- Revises informed consent requirements to allow treatment against detainee’s will in broadened circumstances; allows medical staff to segregate detainees refusing medical examination or treatment.</li> <li>- Removes specific form and info for release of medical records; defers to “facility policy” for records requests or FOIA.</li> <li>- New sections on medical information upon transfer, removal or release. Detainee will be provided medication, referrals to community-based providers, medical care summary. 7-day supply of medication; 15 days if TB; 30 days if HIV/ AIDS.</li> <li>- Adds section on Mental Health Program.</li> <li>- Adds section on referrals for sexual abuse victims or abusers.</li> <li>- Adds section on women’s medical care.</li> </ul>
<b>Issuance and Exchange of Clothing, Bedding, and Towels</b>	<b>4.4 Personal Hygiene</b>	<ul style="list-style-type: none"> <li>- Exceeds the minimum amount required for the number of detainees rather than SPC/CDF language: “maximum funded detainee capacity.”</li> <li>- Does not include quantity of linens/ towels issued (SPC/CDF standard).</li> <li>- New language: Damaged or unusable shoes or clothing shall be replaced at no cost to the detainee.</li> <li>- Exchange requirements are less specific.</li> </ul>

		<ul style="list-style-type: none"> <li>- Adds two bras to the issuance of clothing.</li> <li>- New section on personal hygiene items: lists quantities of items, includes menstrual hygiene items, no cost and as needed.</li> <li>- New section on bathing and toilet facilities: privacy, transgender detainees, and detainees w/ disabilities.</li> </ul>
<b>Suicide Prevention and Intervention</b>	<b>4.5 Significant Self-Harm and Suicide Prevention and Intervention</b>	<ul style="list-style-type: none"> <li>- Adds requirement of a written program, policies/ procedures for addressing suicide.</li> <li>- Changes training requirement from “periodically” to “annually”; adds specific topics for training including “liability issues.”</li> <li>- Adds section on referral and evaluation; treatment.</li> <li>- Adds that suicide cells must be approved by health care practitioner; mental health checks every 8 hours); constant monitoring (one-to-one); allows for close observation with staggered checks at least every 15 minutes.</li> <li>- Immediate notification to ICE/ERO of suicide, attempts, placement or transfer to hospital.</li> <li>- New sections: “no excessive deprivations,” “clothing, hygiene, and privacy,” “review,” “debriefing,” “detainee mental health follow-up.”</li> </ul>
<b>Terminal Illness, Advance Directives, and Death</b>	<b>4.6 Terminal Illness and Death</b>	<ul style="list-style-type: none"> <li>- Hospital transfer notification to ICE/ERO “as soon as practicable.”</li> <li>- Defers to hospital procedures for determining and contacting next-of-kin (more limited than 2000 version).</li> <li>- Removes language requiring that facility immediately contact ICE of serious injury or illness, and that ICE will arrange to notify family. Removes requirement to document detainee’s condition in memorandum, and notification of EOIR or court of record.</li> <li>- Significant revisions to protocols in event of detainee death. New section does not reference 2009 Detainee Deaths Directive, conflicts w/ language in the directive re: notification of family; removes sections on deaths during transport, other specifics re: ICE process.</li> <li>- Removes time specifications for notification of ICE re: detainee death.</li> <li>- Removes requirement for issuance of medical reports to US Public Health Service.</li> <li>- Removes requirement for chaplain involvement in family notification; removes requirement for letter of condolence from ICE with information re: circumstances of death/investigation in cases of suspicious circumstances, and removes requirement for notification of consulate officials.</li> <li>- Removes provision for ICE to provide transportation of remains within U.S. if family is unable to cover costs of transport.</li> <li>- Removes provisions for closing case of a deceased detainee; removes specific provisions for distribution of death certificate.</li> <li>- Removes sections on living wills, advance directives, DNR, and organ donation</li> </ul>
<b>No Equivalent</b>	<b>4.7 Disability Identification, Assessment, and Accommodation</b>	New section introduced to comply with Section 504 of the Rehabilitation Act.
<b>Correspondence and Other Mail</b>	<b>5.1 Correspondence and Other Mail</b>	<ul style="list-style-type: none"> <li>- Removes provision that mail shall be opened in detainee’s presence, unless OIC authorizes inspection without detainee for security reasons.</li> <li>- Adds provision allowing for inspection of outgoing general correspondence.</li> <li>- Removes details about info to record re: rejected mail due to contraband; examples of rejected/ confiscated mail.</li> <li>- For postage allowance, defines “indigent” as having less than \$15 dollars in account for 10 days.</li> <li>- Changes allowance for indigent detainees to mail 5 pieces/ week of legal mail to include “special correspondence” (2000 ver. Allows all legal mail, separate provision for special correspondence).</li> <li>- Removes section on corresponding with the news media; now incorporated in “special correspondence.”</li> </ul>
<b>Recreation</b>	<b>5.2 Recreation</b>	<ul style="list-style-type: none"> <li>- Removes language that outdoor recreation will be required in new or renegotiated IGSA/contracts.</li> <li>- Removes language stating that “every effort shall be made to place a detainee in a facility that provides outdoor recreation,” that a detainee may be considered for transfer if detained for six months in a facility without outdoor recreation, and that if no outdoor rec is provided, exercise equipment and access to sunlight must be provided.</li> <li>- Removes requirement that OIC provide written authorization to deny detainee recreation privileges in admin segregation.</li> <li>- Removes “religious activity” from “Volunteer Program Involvement” section; does not incorporate SPC/CDF provisions on volunteer background checks, orientation and waivers.</li> </ul>
<b>Religious Practices</b>	<b>5.3 Religious Practices</b>	<ul style="list-style-type: none"> <li>- Adds language for accommodations for LEP individuals and ppl w disabilities to access religious services.</li> <li>- New section allowing facility administrator to discontinue a religious activity or practice or limit participation for security/ good order.</li> </ul>

		<ul style="list-style-type: none"> <li>- Removes language providing for privacy in pastoral visits.</li> <li>- Removes provisions allowing for local community religious groups to provide detainees with religious services and counseling.</li> <li>- Denial of religious property requires documentation; does not include specific examples of religious items</li> </ul>
<b>Telephone Access</b>	<b>5.4 Telephone Access</b>	<ul style="list-style-type: none"> <li>- Adds provisions that facilities shall provide detainees with access to reasonably priced phone services, based on rates comparable to the general public.</li> <li>- Adds requirement that facility inspect phones daily (instead of “regularly”).</li> <li>- Adds requirement that facility must provide direct and free (instead of “direct”) to courts, consular officials, legal service providers for legal representation, government offices, DRIL, UNHSC, friends and family for emergencies, or a compelling need (“to be interpreted liberally.”)</li> <li>- Adds requirement that ICE/ERO maintain a list of numbers for free and direct access.</li> <li>- Adds requirement that call must be made within 8 waking hours of the request.</li> <li>- Adds requirement that incoming messages should be delivered within 8 waking hours.</li> <li>- Adds requirement for telephone accommodations for detainees with disabilities.</li> </ul> <p>Generally strengthened from NDS, but does not fully incorporate <i>Lyon</i> requirements.</p>
<b>Visitation</b>	<b>5.5 Visitation</b>	<ul style="list-style-type: none"> <li>- Significant change: facilities now <i>may</i> allow the press and NGOs, whereas the 2000 version states that facilities <i>shall</i> allow the press and NGOs.</li> <li>- Removes reference to NGOs and media from required written visiting procedures.</li> <li>- Notification about visitation procedures does not include “language or manner” language; removes notification by phone system.</li> <li>- Removes the dress code in 2000 version.</li> <li>- Visits by Family and Friends: Removes permissive language allowing for evening hours but retains language for “special visits”; removes specific list of categories of family members and identification/ search procedures; strip searches after contact visits.</li> <li>- Legal Visits: Identification requirements revised and more detailed; info re: call ahead inquires significantly cut down; no G-28 required for pre-rep mtgs; section on G-28s for atty-client mtgs removed; no strip search unless specific suspicion but exception if jail procedure allows it. Removes requirement that written legal visitation policy include specific information.</li> <li>- NGO visits, tours: no longer requires the facility to make “all efforts” to accommodate NGO requests for tours. Adds that “[w]hen deciding whether to approve or deny the request. ICE/ERO will take into consideration safety and security, and the availability of personnel to staff the tour, visitation, or tour with visitation. Access will not be denied based on the political or editorial viewpoints of the requestor.”</li> <li>- Visits from community orgs: Deletes language that “facility staff shall verify the organization’s bona fide interests and qualifications for this kind of service.”</li> <li>- Media interviews: adds language re: safety/security; ICE and facility will coordinate approvals; removes timeframe for approving request and examples of reasons for denials; removes language re: professional judgment/ethics/sources, and that routine processing takes precedence over media interviews.</li> <li>- Special Visits: removes section on visiting rules for pets.</li> </ul>
<b>Voluntary Work Program</b>	<b>5.6 Voluntary Work Program</b>	<ul style="list-style-type: none"> <li>- Adds provisions that detainees shall have basic OSHA protections.</li> <li>- Removes requirement that detainees are responsible for personal housekeeping.</li> <li>- Removes any specific information as to sample work assignments.</li> <li>- Limits work to no more than 8 hours/day; 40 hours/week.</li> <li>- “High custody detainees” replaces level 3 detainees and lower level 3 detainees.</li> <li>- Adds provisions for participation by detainees with disabilities.</li> <li>- Specifies that detainees are paid “Not less than” \$1/day for work rather than \$1/day.</li> <li>- Detainees will be paid owed wages prior to transfer or release.</li> </ul>
<b>Detainee Handbook</b>	<b>6.1 Detainee Handbook</b>	<ul style="list-style-type: none"> <li>- Adds requirement that handbook be provided in Spanish and other languages, provision of assistance for people w/ disabilities.</li> <li>- Removes reference to facility orientation video.</li> </ul>
<b>Detainee Grievance Procedure</b>	<b>6.2 Grievance System</b>	<ul style="list-style-type: none"> <li>- Removes requirement that OIC will establish procedures for detainees to orally present the issue of concern informally within 5 days of the event.</li> </ul>



		<ul style="list-style-type: none"> <li>- Adds section on grievances re: sexual abuse, but time frame for decision is 5 days.</li> <li>- Adds that disclosing sensitive information is a form of retaliation and is barred. Adds that ICE/ERO should be notified of “nuisance grievances.”</li> <li>- Removes language that grievance records will remain in file until the detainee leaves ICE custody (but retains language that they will be retained for three years).</li> <li>- Retains language that all grievances re: officer misconduct will be sent to ICE but removes language that ICE will investigate every allegation of officer misconduct.</li> <li>- Removes requirement that the detainee handbook should include information that detainees have the opportunity to file a complaint about officer misconduct directly with the Justice Department and contact information.</li> </ul>
<b>Access to Legal Material</b>	<b>6.3 Law Libraries and Legal Materials</b>	<ul style="list-style-type: none"> <li>- Removes language that the law library be large enough to provide reasonable access to all detainees and that there be a sufficient number of tables and chairs in a well-lit room and reasonably isolated from noisy areas.</li> <li>- Removes required list of materials and removes language that ICE should add information of significant statutory and regulatory changes regarding detention and removal.</li> <li>- Removes the stipulation that the officers should provide the maximum amount of time to detainees to use the law library.</li> <li>- Removes section on “supervision” to prevent vandalism of legal materials.</li> <li>- Expands section on assistance for those with disabilities/ not literate/ LEP.</li> <li>- Adds language that a detainee shall not be denied access to a law library as a disciplinary measure, reprisal, retaliation, or penalty.</li> <li>- Removes provision that OIC will determine the number of detainees permitted to use the law library at any given time.</li> <li>- Indigent detainees are permitted to mail a reasonable amount of mail each week, including 5 pieces of special correspondence and three pieces of general correspondence (see section on mail/ correspondence).</li> <li>- Notice to detainees is more general and does not include requirement to include a list of the law library’s holdings.</li> </ul>
<b>Group Presentations on Legal Rights</b>	<b>6.4 Legal Rights Group Presentations</b>	<ul style="list-style-type: none"> <li>- Removes requirement that “all facilities shall fully cooperate with authorized persons seeking to make such presentations.”</li> <li>- Removes language on process for legal assistants and paralegals to give presentation.</li> <li>- Adds: “The facility is not required to arrange presentations” w/o qualifications in 2000 ver.</li> <li>- Removes specifics about ID, requirements to enter facility; defers to “local policy”; does not include language on interpreters.</li> <li>- Allows distribution of materials that are approved by ICE/ERO, but removes list of approved documents and does not provide clear process for approval.</li> <li>- Presenters can appeal suspension, but no process described.</li> </ul>
<b>Detention Files</b>	<b>7.1 Detention Files</b>	<ul style="list-style-type: none"> <li>- Adds health screening form to required contents.</li> <li>- Adds privacy waivers, release-of-information consent forms to add to file.</li> <li>- Adds language unless release of information is required by statute or regulation, a detainee must sign a release-of-information consent form.</li> <li>- Adds language that upon request by the detainee, the detention file shall be provided to the detainee or designated attorney.</li> <li>- Removes requirement that the field office shall create and maintain detention files.</li> <li>- Archived files may be purged after six years, “shredded or, if possible, burned.”</li> </ul>
<b>Detainee Transfer</b>	<b>7.2 Detainee Transfers</b>	<ul style="list-style-type: none"> <li>- Removes specific language stating that ICE shall notify attorneys <i>en route</i> of the transfer; replaced with “ICE will make all necessary notifications when a detainee is transferred.”</li> <li>- Removes all language re: family notification upon transfer.</li> <li>- Adds language that transfers will not be retaliatory.</li> <li>- Removes list of reasons for transfers (medical, recreation, change of venue, security).</li> <li>- Removes section on “bed space” reporting btw field offices, language on transfer of A file, ROP, ROC.</li> <li>- Does not reference “Transfer notification sheet,” only includes reference of a medical transfer summary.</li> <li>- Adds language to transfer summary to include patient identification, any past hospitalizations or major surgical procedures, and known allergies.</li> <li>- Removes language providing a free phone call to indigent detainees after transfer.</li> </ul>

		- Removes section on "Room and Board" cases.
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