

APPENDIX B

ICE REPORTING REQUIREMENTS

The facility shall immediately notify ICE/ERO of any and all of the incidents or circumstances listed below.

The local ICE/ERO Field Office may provide additional reporting instructions.

Significant Events

(These notifications are not otherwise listed in the standards.)

1. Activation of disturbance control team(s);
2. Disturbances (including gang activities, group demonstrations, food boycotts, work strikes, workplace violence, civil disturbances/protests);
3. Fires;
4. Citations or denied licensures related to federal, state and local health, life, safety, and fire codes;
5. Significant environmental problems that impact detention facility operations;
6. Full or partial lock down of the detention facility;
7. Escape(s) or escape attempts;
8. Weapons discharge;
9. Adverse incidents that attract unusual interest or significant publicity;
10. Adverse weather (e.g., hurricanes, floods, ice/snow storms, heat waves, tornadoes);
11. Fence damage;
12. Power outages;
13. Bomb threats;
14. Transportation (e.g., airlift, bus) accidents resulting in ICE detainee injuries, death, or detention facility property damage;

15. Detention facility evacuations;
16. Detainee (or Inmate)-on-Detainee Assault (i.e., any serious physical assault on an ICE detainee by another detainee or inmate);
17. Staff-on-Detainee Assaults (i.e., any incident or allegation of a physical assault on an ICE detainee perpetrated by staff, including the facility investigation); and
18. Staff Misconduct (i.e., any incident or allegation of staff misconduct if that misconduct relates to treatment of ICE detainees, to the security or safety of the facility, or to compliance with detention standards or the provisions of the facility's contract with ICE).

Standards Notifications

(The following notifications are listed in the standards.)

1.2 Transportation by Land

If a detainee's paperwork is incomplete prior to transfer. (See 1.2 Transportation by Land, A. Transportation Planning)

2.1 Admission and Release:

Any detainee claims of lost or damaged property and the outcomes of such claims. (See 2.1 Admission and Release, H. Missing Detainee Property, and 2.4 Funds and Personal Property, G. Lost/Damaged Property)

2.8 Use of Force and Restraints:

1. All uses of force involving detainees;
2. Uses of restraints; and
3. Detainees restrained using 4- or 5-point restraints for over eight hours, and every eight hours thereafter.

(These reports must be sent directly to the ICE/ERO Field Office Director (FOD).)

(See 2.8 Use of Force and Restraints, J. Documentation of Use of Force and Application of Restraints Incidents)

2.9 Special Management Units

1. When a detainee is placed in a Special Management Unit (SMU) for an administrative purpose, the administrative segregation order shall be immediately provided to ICE/ERO.

2. When a detainee housed in a Special Management Unit (SMU) meets the following criteria, ICE/ERO shall be notified:
 - a. Extended Segregation Placements: Housed in an SMU for 14 days, or 14 days out of any 21-day period; housed in an SMU for 30 days; and at every 30-day interval thereafter.
 - b. Special Vulnerability Notifications: No later than 72 hours after the initial placement for any detainee who:
 - i. Has been placed in administrative segregation **on the basis of** a disability, medical or mental illness, or other special vulnerability, or because the detainee is an alleged victim of a sexual assault (this report must be sent directly to the FOD), is an identified suicide risk, or is on a hunger strike; or
 - ii. has been placed in segregation **for any reason** who has a mental illness, a serious medical illness, a serious physical disability, or is pregnant or recently had a miscarriage.

(See 2.9 Special Management Units, C. Notifying ICE/ERO of Segregation Placements and Facilitating ICE/ERO Review)
3. Any denial of access to legal materials for a detainee housed in the SMU. (See 2.9 Special Management Units, U. Law Library and Legal Rights Group Presentations)
4. The denial of recreation privileges in excess of seven days. (See 2.9 Special Management Units, V. Recreation)

2.10 Staff-Detainee Communication

If there is a secure ICE/ERO drop box at a facility, and ICE/ERO has not collected detainee correspondence from the drop box for more than five days. (See 2.10 Staff-Detainee Communication, B. Requests to ICE/ERO Staff from ICE/ERO Detainees, 4. Additional Facility Responsibilities)

2.11 Sexual Abuse and Assault Prevention and Intervention

1. Any allegation that a detainee was sexually abused or assaulted at the current facility or elsewhere while in custody. (See 2.11 Sexual Abuse and Assault Prevention and Intervention, L. Reporting, Notifications, and Confidentiality)
2. The final results of any facility sexual assault investigation. (See 2.11 Sexual Abuse and Assault Prevention and Intervention, M. Investigation, Discipline, and Incident Reviews, 3. Procedures for Administrative Investigations)

3. The completed incident review for any allegation determined to be substantiated or unsubstantiated. (See 2.11 Sexual Abuse and Assault Prevention and Intervention, M. Investigation, Discipline, and Incident Reviews, 5. Sexual Abuse Incident Reviews)
4. An annual review of all sexual abuse investigations to assess and improve sexual abuse and assault intervention, prevention and response efforts, or if there have been no reports, a negative report. (See 2.11 Sexual Abuse and Assault Prevention and Intervention, M. Investigation, Discipline, and Incident Reviews, 5. Sexual Abuse Incident Reviews)
5. Any allegation involving a victim under the age of 18 or who is considered a vulnerable adult under a state or local vulnerable persons statute. (See 2.11 Sexual Abuse and Assault Prevention and Intervention, L. Reporting, Notifications and Confidentiality).

4.2 Hunger Strikes

A detainee begins a hunger strike, refuses treatment related to the hunger strike, or when the facility plans to involuntarily feed the detainee. (See 4.1 Food Service, B. Initial Referral and E. Refusal to Accept Treatment)

4.3 Medical Care (Special Medical Needs)

1. A detainee requires close medical supervision, including chronic and convalescent care. (See 4.3 Medical Care, M. Special Needs)
2. A detainee self-identifies as transgender. (See 4.3 Medical Care, M. Special Needs)
3. Any plan for forced medical treatment. (See 4.3 Medical Care, O. Informed Consent)
4. A health care practitioner determines that a detainee's medical or psychiatric condition requires either clearance by the medical staff prior to release or transfer to another facility, or requires medical escort during removal or transfer. (See 4.3 Medical Care, Q. Transfer and Release of Detainees)
5. A detainee receives a medical treatment or procedure not generally available, but determined to be medically necessary by a medical provider. (See 4.3 Medical Care, R. Medical Experimentation and Research)
6. A detainee's mental illness or developmental or intellectual disability needs exceed the treatment capability of the facility and a referral for an outside mental health facility is initiated. (See 4.3 Medical Care, S. Mental Health)
7. A detainee is pregnant. (See 4.3 Medical Care, U. Women's Medical Care)

4.5 Significant Self-Harm and Suicide Prevention and Intervention

Any suicide attempt or suicide. (See 4.5 Significant Self-Harm and Suicide Prevention and Intervention, J. Notification and Reporting)

4.6 Terminal Illness and Death

1. A chronically, critically, or terminally ill detainee is to be transferred to an off-site medical facility. (See 4.6 Terminal Illness and Death, A. Terminal Illness)
2. A detainee death. (See 4.6 Terminal Illness and Death, B. Death Occurring in ICE/ERO Custody)

4.7 Disability Identification, Assessment, and Accommodation

1. The identification of a detainee with a communication or mobility impairment. (See 4.7 Disability Identification, Assessment, and Accommodation, H. External Notifications, 1. Notification of a Detainee with a Communication or Mobility Impairment)
2. The denial of any disability accommodations requests. (See 4.7 Disability Identification, Assessment, and Accommodation, H. External Notifications, 2. Notification of Facility Denials and Provision of Alternative Accommodations)

5.2 Recreation

A detainee is denied recreation privileges for a period exceeding 15 days. (See 5.2 Recreation, E. Recreation for Special Management Unit (SMU))

5.3 Religious Practices

Before denying a detainee's request to participate in a religious diet or removing a detainee from a religious diet program. (See 4.1 Food Service, F. Religious/Special Diets)

5.4 Telephone Access

A detainee is delayed beyond eight (waking) hours from making a direct call to legal service entities or to address a personal or family emergency or to address a compelling need. (See 5.4 Telephone Access, E. Direct Calls and Free Calls)

5.5 Visitation

Security reasons preclude any detainee from engaging in legal consultation in person and by telephone. (See 5.5 Visitation, H. Consultation Visits for Detainees Subject to Expedited Removal, 3. Persons Allowed to Visit for Consultation Purposes)

5.6 Voluntary Work Program

A detainee is injured while participating in a voluntary work program. (See 5.6 Voluntary Work Program, L. Detainee Injury and Reporting Procedures)

6.2 Grievance System

1. Any detainee grievance that contains an allegation of staff misconduct. (See 6.2 Grievance System, F. Allegations of Officer Misconduct and 2.3 Facility Security)
(This report must be sent directly to the FOD.)
2. A detainee is determined to be filing nuisance grievances, or otherwise abusing the grievance system. (See 6.2 Grievance System, D. Retaliation)

6.3 Law Libraries and Legal Materials

1. If the facility does not receive anticipated updates to the electronic library. (See 6.3 Law Libraries and Legal Materials, E. Updating/Replacing Legal Materials)
2. A detainee requests additional legal material not available in the law library. (See 6.3 Law Libraries and Legal Materials, G. Requests for Additional Legal Materials)

6.4 Legal Rights Group Presentations

A legal rights group presentation is discontinued or temporarily suspended. (See 6.4 Legal Rights Group Presentations, H. Suspension or Termination)

7.1 Detention Files

Notification of any release of detainee medical or detention information. (See 7.1 Detention Files, F. Access to File)