



U.S. Immigration
and Customs
Enforcement

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Fact Sheet

2009 Immigration Detention Reforms

Today, Assistant Secretary John Morton announced substantial steps, effective immediately, to overhaul the immigration detention system. These reforms will address the vast majority of complaints about our immigration detention, while allowing ICE to maintain a significant, robust detention capacity to carry out serious immigration enforcement.

The Current System

The present immigration detention system is sprawling and needs more direct federal oversight and management. While ICE has over 32,000 detention beds at any given time, the beds are spread out over as many as 350 different facilities largely designed for penal, not civil, detention. ICE employees do not run most of these. The facilities are either jails operated by county authorities or detention centers operated by private contractors.

The Future

With these reforms, ICE will move away from our present decentralized, jail-oriented approach to a system wholly designed for and based on ICE's civil detention authorities. The system will no longer rely primarily on excess capacity in penal institutions. In the next three to five years, ICE will design facilities located and operated for immigration detention purposes. These same reforms will bring improved medical care, custodial conditions, fiscal prudence, and ICE oversight.

Specific Steps

Assistant Secretary Morton is taking the following steps, effective immediately.

- Creating an Office of Detention Policy and Planning (ODPP) which will be led by Dr. Dora Schriro and a team of experts. The singular function of this office is to plan and design a civil detention system tailored to ICE's needs.
- Hiring an expert in healthcare administration and an expert in detention management to staff the ODPP and support Dr. Schriro.
- Hiring a medical expert to provide an independent review of medical complaints and denials of requests for medical services.

- Recruiting and hiring 23 ICE detention managers to work in 23 significant facilities – facilities which collectively house more than 40 percent of our detainees. These 23 federal employees will be responsible for ensuring appropriate conditions of custody. This is a substantial move to increase direct federal oversight.
- Establishing of an Office of Detention Oversight (ODO) within the Office of Professional Responsibility (OPR). OPR is independent of DRO and the ODPP and reports directly to the assistant secretary. The ODO will be located in regional offices to ensure agents and personnel have more ready access to facilities to conduct routine and random inspections more frequently. The ODO will also investigate detainee grievances in a neutral manner.
- Forming two advisory groups of local and national organizations interested in ICE's detention system. These groups will provide feedback and input to the assistant secretary. One will focus on general policies and practices, while the other will focus on detainee health care.
- Discontinuing use of family detention at the T. Don Hutto Family Residential Facility in Texas. In place of housing families, we will propose that the Texas facility will be used solely as a female detention center. Presently, Hutto is used to detain families and low custody females. Detained families will now be housed at Berks Family Residential Center in Pennsylvania

The Role of the Office of Detention Policy and Planning (ODPP)

The ODPP is responsible for designing a new civil detention system to meet the needs of ICE. The ODPP will shape the future design, location and standards of civil immigration detention facilities. The ODPP will design facilities for ICE, such that ICE no longer relies primarily on a penal model. When assessing where to locate facilities, ODPP will consider access to legal services, emergency rooms and transportation hubs, among other factors.

The ODPP will evaluate the entire detention system in a methodical way, with seven areas of focus, each with benchmarks for progress. These seven areas are as follows:

- Population Management: To ensure the best location, design and operation of facilities reflecting the unique nature of civil detention;
- Detention Management: To ensure appropriate custodial conditions and federal oversight of the day-to-day detention functions, including classification, discipline and grievances;
- Programs Management: To ensure the provision of religious services, family visitation, recreation and law libraries;
- Health Care Management: To ensure the timely provision of medical, dental and mental health assessment and services;
- Alternatives to Detention Management: To develop a national strategy for the effective use of alternatives to detention including community supervision;
- Special Populations Management: To provide attention to women, families, the elderly and vulnerable populations;

- **Accountability:** To ensure ICE employees perform the core functions of detention oversight, detainee classification and discipline, and grievance review.

The Role of the Office of Detention Oversight (ODO)

The ODO will be part of OPR, an office independent of DRO which reports directly to the assistant secretary. The ODO will have regional offices in addition to a presence in Washington, D.C. ICE is moving to a regional structure to provide ODO agents and personnel with more ready access to facilities, to increase the number of inspections, both routine and random, and to reduce travel costs. In addition to inspecting facilities more frequently, ODO will review complaints about facilities and address any detainee grievances not resolved by DRO or the Division of Immigration Health Services. The ODO will be staffed by agents and personnel currently assigned to the Detention Facility Inspection Group. The ODO will report to OPR's Acting Director Timothy Moynihan.

The Role of the Office of Detention and Removal Operations (DRO)

Dave Venturella, formerly the director of Secure Communities, is now the acting director of DRO. Under Acting Director Venturella's supervision, DRO will continue to have full operational responsibility for the detention system. DRO will work closely with the ODPP and ODO. However, no employees currently in DRO will be transferred to the new offices and their supervision and duties will not change. As the detention system is reformed and new facilities are designed and opened, DRO will have operational control over those facilities and responsibility for the detainees in those facilities.

ICE is recruiting and hiring 23 detention experts who will work in DRO. These 23 detention experts will monitor and work from within 23 significant ICE facilities. ICE expects this will provide direct federal monitoring of conditions in facilities housing more than forty percent of ICE detainees. This is another significant step in ensuring more direct federal oversight of the detention system.

ICE

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