

**ICE Field Offices Need to
Improve Compliance with
Oversight Requirements
for Segregation of
Detainees with Mental
Health Conditions**





OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 29, 2017

MEMORANDUM FOR: Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement

FROM: John Roth 
Inspector General

SUBJECT: *ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Health Conditions*

For your action is our final report, *ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Health Conditions*. We incorporated the formal comments provided by your office.

The report contains three recommendations aimed at improving oversight and accountability for segregation of detainees with mental health conditions. Your office concurred with all three recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 2 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Recommendation 3 is resolved and closed.

Please send your response or closure request to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Jennifer L. Costello, Assistant Inspector General for Inspections and Evaluations or Angela Garvin, Deputy Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.



DHS OIG HIGHLIGHTS

ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Health Conditions

September 29, 2017

Why We Did This Review

U.S. Immigration and Customs Enforcement (ICE) oversees the segregation of detainees from detention facilities' general population. In this review of seven detention facilities, we sought to determine whether, for detainees with mental health conditions: (1) facility personnel follow ICE guidance for documenting segregation decisions; (2) facilities report segregation data accurately and promptly; and (3) ICE field offices follow procedures for reviewing segregation.

What We Recommend

We are making three recommendations to ICE to improve oversight and accountability for segregation of detainees with mental health conditions.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

Through review of a sample of ICE segregation data and visits to seven facilities ICE uses to detain aliens held in Government custody, we determined that the seven detention facilities were generally following ICE guidance for documenting decisions on segregating detainees with mental health conditions. The detention facilities were also promptly reporting segregation placement information for detainees with mental health conditions to ICE field offices. However, the ICE field offices we reviewed did not record and promptly report all instances of segregation to ICE headquarters, nor did their system properly reflect all required reviews of ongoing segregation cases per ICE guidance. In addition, ICE does not regularly compare segregation data in the electronic management system with information at detention facilities to assess the accuracy and reliability of data in the system.

ICE field office review and reporting of segregation of individual detainees with mental health conditions is important to ensuring the protection of detainees and facility staff, providing the best alternative for detainees with mental health conditions, and mitigating the risk of deterioration in detainees' mental health. Unless ICE field offices comply with requirements to report and record these reviews, ICE headquarters cannot be sure required reviews are taking place and may not have all the information needed to assess the use of segregation, which could put detainees and facility staff at risk of harm.

ICE Response

ICE concurred with all our recommendations and described corrective actions it has taken and plans to take. We consider recommendations 1 and 2 resolved and open and recommendation 3 closed.



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Background

U.S. Immigration and Customs Enforcement (ICE) apprehends, detains, and removes aliens who are in the United States unlawfully. ICE's Enforcement and Removal Operations (ERO) conducts its enforcement and removal efforts through 24 national field offices, which report to ERO's Domestic Operations Division at ICE headquarters. As part of its efforts, ERO places apprehended aliens who require custodial supervision in detention facilities. ICE tasks Field Office Directors (FOD) at ERO's national field offices with ensuring that all detention facilities in their areas of responsibility comply with applicable detention standards and policies on the appropriate use of segregation.

ICE uses three types of detention facilities:

- Service processing centers – owned by ICE and staffed with Federal and contract employees
- Contract detention facilities – owned and operated by private companies under contract with ICE
- Intergovernmental Service Agreement (IGSA) facilities – state and local jails operating under an agreement with ICE

Detention facility staff members sometimes segregate detainees from the detention facility's general population. Historically, segregation has been called "solitary confinement," but ICE uses "special management units" to mean segregation in which detainees are separated from general population and housed by themselves in individual cells. Although separated from other detainees, detainees in segregation are permitted daily contact with detention and medical staff, as well as time for recreation, library, and religious activities. In this report, we use the term segregation to describe ICE's special management units.

Detention facilities use two types of segregation: disciplinary, which is punitive, and administrative, which is non-punitive. According to ICE detention standards, disciplinary segregation is authorized only pursuant to an order from a facility disciplinary panel, following a hearing for detainees who violate facility rules. Administrative segregation is authorized by supervisory detention officials only as necessary to ensure the safety of the detainee, facility staff, or other detainees; protection of property; or orderly operation of the facility.

According to ICE detention standards, when a detainee is admitted into either disciplinary or administrative segregation, medical personnel must be immediately informed and they must assess and review the detainee's medical and mental health status and care needs. At 21 of the approximately 230



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detention facilities nationwide, the ICE Health Service Corps (IHSC) directly provides medical and mental health care for detainees. Detention facilities without IHSC personnel employ their own staff or contract with local practitioners to provide mental health care.

On September 4, 2013, ICE published Directive 11065.1, *Review of the Use of Segregation for ICE Detainees* (ICE directive), which specifies ICE staff responsibilities for placement, review, and notification about segregation of all detainees, including detainees with “special vulnerabilities,” such as those with a mental health condition.¹ Our review focused on a judgmental sample of 188 placements in administrative or disciplinary segregation, from October 1, 2015, to June 30, 2016, for 127 detainees with mental health conditions.²

According to the ICE directive, when a detainee with a special vulnerability, including a mental health condition, is placed in segregation for any length of time, the detention facility must notify the appropriate FOD as soon as possible but no later than 72 hours after the initial placement into segregation. Upon notification, the FOD is to immediately notify ERO’s Custody Management Division (CMD) at ICE headquarters about the placement. The ICE directive also requires detention facilities to notify FODs whenever any detainee, including one with a mental health condition, has been held continuously in segregation for 14 days, 30 days, and at every 30-day interval thereafter, or has been held in segregation for 14 days out of any 21-day period. Upon notification by the detention facility, FODs must review these cases of continued segregation to assess their appropriateness, based on applicable detention standards and policies.

ERO field offices and ICE headquarters use the Segregation Review Management System (SRMS), a centralized web-based system, to document, track, and facilitate review of all segregation cases. According to SRMS guidance, ERO field office staff, including FODs, must use SRMS to report segregation placement data that falls under the ICE directive’s reporting requirements.

¹ In addition to those with mental health conditions, according to the ICE directive, detainees with special vulnerabilities are those with a serious medical illness; those who have a disability; who are elderly, pregnant, or nursing; who would be susceptible to harm in the general population due in part to their sexual orientation or gender identity; or who have been victims of sexual assault, torture, trafficking, or abuse.

² Appendix B contains details on the objectives, scope, and methodology of our review.



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Once a FOD notifies CMD about a segregation placement, CMD is to notify other ICE stakeholders, including headquarters' Domestic Operations Division, Office of Detention Policy and Planning, and IHSC. ICE headquarters' offices use data from SRMS to jointly review and evaluate the appropriateness of segregation and coordinate recommendations for alternatives to segregation. ICE headquarters also convenes weekly meetings of a multidisciplinary team, including representatives from IHSC, Domestic Operations Division, Office of the Principal Legal Advisor, and Office of Detention Policy and Planning. In these meetings, the team oversees and reviews facility segregation decisions by using data from SRMS to assess segregation placements of individual detainees with mental health conditions.

Results of Review

Through file review, interviews, and observation at the detention facilities, we determined that, in general, facility staff were following ICE guidance for documenting segregation placements of detainees with mental health conditions. For the 188 instances of segregation we reviewed, documentation at the facilities showed that, as required, the facilities provided reasons for segregating the 127 detainees with mental health conditions, and those reasons were in line with ICE detention standards and policy. The documentation also showed that, as required, the facilities medically cleared the detainees before segregation by assessing their medical and mental health status, determining care needs, and evaluating the appropriateness of segregation placement. In addition, for these 127 detainees, the detention facilities documented segregation placement information, as well as notification of continued segregation, to their respective ERO FOD. Finally, during our walkthroughs, we observed facility personnel appearing to comply with standards of care, cleanliness, and recordkeeping.

Although documentation at the facilities showed staff were promptly reporting segregation placement information for these detainees with mental health conditions, the field offices did not record and promptly report all these instances of segregation to ICE headquarters, as required by the ICE directive. Specifically, through file reviews at the detention facilities, we identified 29 instances of segregation involving 18 detainees that facilities had reported to ICE field offices, but that field office personnel did not report and record in SRMS. Field office personnel also did not record all required reviews of continued segregation in SRMS, as required by April 2015 guidance. Further, some reviews that were recorded in the system were not signed by the appropriate field office official or it was not clear who had signed them. In addition, ICE does not regularly compare segregation data in the electronic management system with information at detention facilities to assess the



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accuracy and reliability of data in the system.

To help protect detainees and facility staff, provide the best alternative for detainees with mental health conditions, and mitigate the risk of deteriorating detainees' mental health, ICE field office staff need to comply with required procedures to properly document and accurately and promptly report on segregation of detainees with mental health conditions. Unless they do so, ICE headquarters cannot be sure required reviews are taking place and may not have all the information needed to assess the use of segregation, which could put detainees and facility staff at risk of harm.

Some Instances of Segregation Were Not Entered into SRMS

Through file reviews at the 7 detention facilities, we identified 29 instances of segregation involving 18 detainees with mental health conditions that detention facility personnel documented and reported to the appropriate ERO FOD, but the field office did not enter these instances into SRMS. In some cases, SRMS records were missing for single instances of segregation, but in one case, there was no SRMS record of a detainee placed in disciplinary segregation on four separate occasions.

In some of the 29 cases missing from SRMS, detainees were segregated for fewer than 72 hours. Although the ICE directive requires FODs to notify ICE headquarters about all cases of segregation of detainees with mental health conditions, some ERO field office staff told us they did not believe they needed to document instances of segregation lasting fewer than 72 hours. At the conclusion of our fieldwork, CMD contacted the field offices we reviewed to ensure they recorded the 29 segregation placements in SRMS. In addition, on January 6, 2017, CMD issued a broadcast message, *Expanded Guidance for Submitting Segregation Notifications*, to all field office officials and SRMS users in the field reiterating that segregation cases need to be reported within 3 days, even if detainees are in segregation for fewer than 72 hours. Appendix C contains the broadcast message.

Some Instances of Segregation Were Reported Late to ICE Headquarters

ERO field office officials also did not always notify CMD within 72 hours (3 days) of detention facilities placing detainees with mental health conditions in segregation. Of the 188 instances of segregation entered into SRMS that we reviewed, 73 (39 percent) were entered into the system after the required 72 hours. The number of days late varied; notifications were entered into SRMS between 4 and 6 days after placement, but in some instances, notifications were entered 11, 16, and in one case, 39 days after placement in segregation.



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One CMD official suggested potential reasons for some of these delays. According to the official, ERO field office employees might not enter data on weekends and holidays when they are not working, which could cause them to exceed the 72-hour timeframe.³ The official also said that occasional system errors in SRMS prevent employees from entering data on time.

Missing instances of segregation and late reporting of segregation of detainees with mental health conditions are of particular concern, especially for detainees who have been segregated multiple times or for longer lengths of time. Without this information, ICE cannot assess the effects of segregation on detainees' health or determine suitable alternatives. As a result, ICE cannot be sure it is protecting these detainees adequately and could be putting the safety of detainees and facility staff at risk.

ICE Cannot Be Assured Required Reviews Were Completed

According to the ICE directive, FODs are required — at 72 hours, 14 days, 30 days, and at every 30-day interval thereafter — to review instances of continued segregation of detainees with a mental health condition to determine whether the continued segregation is warranted and to ensure it complies with detention standards and policies. Further, on April 24, 2015, CMD issued updated guidance specifying that an Assistant Field Office Director (AFOD) or higher level official review and sign off on placement of any detainee in either disciplinary or administrative segregation. The guidance also directs ERO field office staff to upload into SRMS supporting documentation for each segregation review to document that the review occurred.

Although FODs may have reviewed the 188 instances of segregation, ERO field offices did not always enter these required reviews into SRMS. Further, of the reviews documented in SRMS, some were not signed by a designee at the AFOD level or higher, as required. In other cases, it was unclear who had signed the review and whether the person was at the required level. Specifically:

- 74 percent of 72-hour reviews were missing or not properly documented in SRMS. Given the instances of segregation in our sample, SRMS should have contained 72-hour reviews for all 188 segregation placements: 42 of these reviews were missing from SRMS; 25 were entered, but not signed by a designee at the AFOD level or higher; 73 reviews were entered, but it was not clear from the signature who the signatory was and whether the

³ The January 6, 2017 broadcast message clarified that placement into segregation of detainees with special vulnerabilities should be recorded in SRMS within 3 work days, excluding weekends and Federal holidays.



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person was at the AFOD level or higher. The remaining 48 were properly entered and signed.

- 75 percent of 14-day reviews were missing or not properly documented in SRMS. From our sample, SRMS should have contained 14-day reviews for 91 segregation placements: 21 of these reviews were missing from SRMS; 2 reviews were entered, but not signed at the AFOD level or higher; 45 reviews were entered, but it was not clear from the signature who the signatory was and whether the person was at the AFOD level or higher. The remaining 23 were properly entered and signed.
- 67 percent of 30-day reviews were missing or not properly documented in SRMS. SRMS should have contained 30-day reviews for 46 segregation placements: 6 reviews were missing from SRMS; 1 review was entered but not signed at the AFOD level or higher; and 24 reviews were entered, but it was not clear from the signature who the signatory was and whether the person was at the AFOD level or higher. The remaining 15 were properly entered and signed.

A high percentage of required reviews were either not recorded or were not properly documented in SRMS; therefore, ICE headquarters cannot be certain that the majority of these cases were actually reviewed as they should have been. This is concerning because these reviews help ensure that detainees with mental health conditions are protected from the potential harm of continued segregation. Further, even if the reviews had been completed, without comprehensive information, ICE headquarters cannot adequately assess the effects of segregation on these detainees. To ensure the health and safety of detainees with mental health conditions, as well as that of other detainees and facility staff, ICE needs to ensure that the appropriate officials at ERO field offices complete these reviews and that they are properly documented in SRMS.

During our review, two field offices took action to ensure documentation of segregation reviews clearly showed sign-off by a designee at the AFOD level or higher. Further, in its January 2017 broadcast message, CMD directed AFODs or higher level officials who sign the reviews to include their printed name and current position.

ICE also took action to correct inconsistencies between information captured in SRMS and documentation maintained at detention facilities. Specifically, documentation at the facilities showed lengths of segregation that were 1 day longer than were recorded in SRMS. At the end of our fieldwork, the Custody Programs Division in CMD discovered the methodology being used for SRMS did not accurately represent the segregation placement period. The official



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reporting team for CMD confirmed that a change in methodology would make the length of segregation accurate in SRMS; we were informed this change has been made.

Conclusion

Placing detainees with mental health conditions in segregation is a serious step that requires careful review and oversight to ensure it is necessary, protects staff and detainees, and is in detainees' best interest. Without information from required reviews to help assess and make decisions about segregation, ICE may be missing opportunities to use alternatives that may be better for those with mental health conditions; for example, by removing detainees whose conditions exceed a facility's capacity to care for them or who pose a threat to the safety of other detainees, staff, and orderly operation of the facility. Full review of segregation for detainees with mental health conditions will also help ICE ensure segregation is not deteriorating the detainee's health. Ultimately, ensuring that field offices follow required procedures for segregation will strengthen ICE's oversight and accountability and mitigate the risk of potential harm to facility staff and detainees.

Recommendations

We recommend that the Acting Director for U.S. Immigration and Customs Enforcement:

Recommendation 1: Ensure that Enforcement and Removal Office FODs and AFODs are properly conducting the reviews of segregation decisions required by ICE policies and are held accountable for properly documenting that required reviews have been completed in the specified timeframe.

Recommendation 2: Ensure that data on segregation placements and reviews in the Segregation Review Management System is regularly assessed for accuracy and reliability.

Recommendation 3: Ensure that the current methodology for the segregation period accurately represents the length of segregation in the Segregation Review Management System.

Management Comments and OIG Analysis

ICE concurred with our recommendations and is taking steps to address them. Appendix A contains a copy of ICE's management comments in their entirety. We also received and incorporated technical comments as appropriate. We



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consider Recommendations 1 and 2 to be resolved and open. We consider Recommendation 3 closed. A summary of ICE's responses and our analysis follows.

ICE Response to Recommendation 1: ICE concurred with the recommendation. ICE said they currently have some internal controls in place, including periodic inspections by the ICE Office of Professional Responsibility's Office of Detention Oversight. ICE also said CMD and a Detention Monitoring Council meet weekly and quarterly to discuss issues and concerns pertaining to long-term segregation placements, medical or mental illnesses, vulnerabilities, and other significant issues. ICE also noted that its January 6, 2017 guidance provided additional, specific guidance and timeframes for field offices to adhere to when managing segregation placements. ICE will draft a self-inspection document for field offices to use to ensure their FODs and AFODs are complying with the directive. ICE anticipates this will be completed by September 30, 2018.

OIG Analysis: We consider ICE's planned actions responsive to Recommendation 1. We consider the recommendation resolved and open. We will close this recommendation when ICE implements its self-inspection process, provides guidance for use of the document, and explains how FODs and AFODs are being held accountable for properly documenting their reviews of segregation decisions.

ICE Response to Recommendation 2: ICE concurred with the recommendation. ICE noted that the discrepancies found in our review of segregation placement data occurred before the January 6, 2017 guidance. ICE said this guidance has provided more specific guidance and timeframes, and since its issuance, the number of incorrect documents, signatures and illegible names has diminished significantly. ICE believes no further oversight is necessary.

OIG Analysis: We consider ICE's actions partially responsive to Recommendation 2. We acknowledge the January 6, 2017 guidance provides clarification on complying with the existing directive, and the reviews uploaded into SRMS are more clearly signed. However, ICE still needs a process to ensure no missing instances of segregation exist and all instances documented by the facility are entered into SRMS. ICE has an opportunity to incorporate this process in the field office self-inspections described in its response to Recommendation 1. We consider this recommendation resolved and open. We will close the recommendation when ICE confirms its process to ensure the data in SRMS is complete and accurate.



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ICE Response to Recommendation 3: ICE concurred with the recommendation. ICE changed the methodology used to calculate the length of segregation placements in SRMS. Since this change, there are no longer discrepancies between the SRMS reports and the facility placement lengths. ICE believes no further oversight is necessary.

OIG Analysis: We consider ICE's actions responsive to Recommendation 3. CMD confirmed that a change in methodology would make the length of segregation accurate in SRMS; we were informed this change has been made. We consider this recommendation closed.



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Appendix A
Comments to the Draft Report

Office of the Chief Financial Officer

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



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

September 13, 2017

MEMORANDUM FOR: John Roth
Inspector General
Office of the Inspector General

FROM: 
Stephen Roncone
Acting Chief Financial Officer

SUBJECT: Management's Response to OIG Draft Report: "ICE Field Offices Need to Improve Compliance with Oversight Requirements for Segregation of Detainees with Mental Conditions" dated August 11, 2017
(OIG Project No. 16-073-ISP-ICE)

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the Office of Inspector General's (OIG) work in planning and conducting its review and issuing this report.

ICE acknowledges the need for enhanced oversight mechanisms to ensure that Field Office Directors and Assistant Field Office Directors are properly conducting reviews and held accountable to document the required reviews within specified timeframes. ICE also acknowledges the need for thorough review and oversight of segregation placement data and believes that the Segregation Review Management System is appropriately reviewed on a regular basis for accuracy and reliability for compliance with ICE Directive 11065.1: *Review of the Use of Segregation for ICE Detainees* (Directive).

The draft report contained three recommendations with which ICE concurs. Attached find our detailed responses to each recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical Comments were previously provided under separate cover. Please feel free to contact us if you have any questions. We look forward to working with you in the future.

Attachment

www.ice.gov



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Attachment: ICE Management Response to Recommendations Contained in Draft Report Project No. 16-073-ISP-ICE

OIG recommended that the Acting Director of ICE:

Recommendation 1: Ensure that Enforcement and Removal Office FODs and AFODs are properly conducting the reviews of segregation decisions required by ICE policies and are held accountable for properly documenting that required reviews have been completed in the specified timeframe.

Response: Concur. ICE Enforcement and Removal Operations (ERO) acknowledges the need for enhanced oversight mechanisms to ensure that Field Office Directors (FODs) and Assistant Field Office Directors (AFODs) are properly conducting reviews and held accountable to document the required reviews within specified timeframes.

ICE currently has some internal control mechanisms in place to review and assess ERO Field Office reporting of segregation placements through the ICE Office of Professional Responsibility's (OPR), Office of Detention Oversight (ODO). ODO generally conducts periodic inspections of approximately 30 to 35 selected facilities based on designated risk factors each fiscal year. ODO routinely reviews facility segregation issues during the course of their inspections; compares those findings with the case management records, and brings to facility management's, local ERO Field Office personnel's, and headquarters' attention any reporting discrepancies.

In addition, both ICE ERO's Custody Management Division, and the Detention Monitoring Council hold ongoing weekly and quarterly working group meetings to discuss issues and concerns pertaining to long term segregation placements, medical or mental illnesses, vulnerabilities and other significant issues raised by attending members.

It should be noted that all of the segregation placements cited by OIG in this report occurred prior to ICE's issuance of a January 6, 2017, broadcast titled, "*Expanded Guidance for Submitting Segregation Notifications*." The broadcast clarified existing language contained in the Directive and subsequent guidance since the issuance of the Directive. The issuance of this new guidance has outlined specific guidelines and timeframes that each field office is required to adhere to during their management of segregation placements.

As an additional oversight measure, ICE ERO will work with OPR's Management Inspections Unit to draft a Self-Inspection document for ERO Field Offices to use in identifying whether Field Office Directors and Assistant Field Office Directors are complying with the Segregation Directive and established policies and procedures.



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We request that DHS OIG consider this recommendation resolved and open pending completion of the aforementioned activities.

Estimated Completion Date (ECD): September 30, 2018

Recommendation 2: Ensure that data on segregation placements and reviews in the Segregation Review Management System is regularly assessed for accuracy and reliability.

Response: Concur. ICE acknowledges the need for thorough review and oversight of segregation placement data and believes that the Segregation Review Management System (SRMS) is appropriately reviewed on a regular basis for accuracy and reliability for compliance with ICE Directive 11065.1: *Review of the Use of Segregation for ICE Detainees* (Directive). As previously noted, all of the segregation placements cited by OIG in this report occurred prior to ICE's issuance of a January 6, 2017, broadcast titled, "Expanded Guidance for Submitting Segregation Notifications"; the broadcast clarified existing language contained in the Directive and subsequent guidance since the issuance of the Directive. The issuance of this new guidance has outlined specific guidelines and timeframes that each field office is required to adhere to during their management of segregation placements.

Since the issuance of this guidance, the amount of incorrect documents, signatories, and unreadable names has diminished significantly. ICE does not believe additional oversight is necessary in this regard.

We respectfully request that DHS OIG close this recommendation.

Recommendation 3: Ensure that the current methodology for the segregation period accurately represents the length of segregation in the Segregation Review Management System.

Response: Concur. The ICE Office of the Chief Information Officer (OCIO) reviewed and adjusted the Segregation Review Management System (SRMS) methodology on January 8, 2017, to reflect what is actually happening in the field with segregation placements.

ICE will continue to monitor the segregation placements and the system calculations to ensure that the periods of segregation at facilities accurately represents the length of segregation in SRMS.

The revised calculation for SRMS placements now uses the following formula: [Current Date/ Release Date - Placement Date + 1]. The old formula was: [Current Date/Release Date - Placement Date]. Since the changes to the system methodology, there are no



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longer inaccuracies between the reporting locations. ICE does not believe additional oversight is necessary in this regard.

We respectfully request that DHS OIG close this recommendation.



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Appendix B

Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. We initiated this review to determine whether: (1) facility personnel follow ICE guidance for documenting segregation decisions for detainees with mental health conditions; (2) facilities report such segregation data accurately and promptly; and (3) ICE field offices follow procedures for reviewing segregation decisions about detainees with mental health conditions.

To answer the objective, we reviewed prior ICE inspection reports on detention facilities used by ICE. We met with ERO and IHSC officials at ICE headquarters, as well as at selected field offices and detention facility staff, to discuss segregation processing, reporting, and oversight; identify alternatives to segregation; and follow up on observations and conditions identified during site visits. In addition, we reviewed prior reports from other Federal agencies that address segregating individuals with mental health conditions.

Using this SRMS data from fiscal year 2015 and other factors such as prior inspection reports, we selected seven facilities to visit and review judgmental samples of instances in which detainees with mental health conditions were held in segregation. We visited the Buffalo Federal Detention Facility (a service processing center) in New York; two contract detention centers, the Northwest Detention Facility in Washington and the South Texas Detention Complex in Texas; and four Intergovernmental Service Agreement facilities, the Adelanto Detention Center in California, Baker County Sheriff's Office in Florida, Tri-County Detention Center in Illinois, and York County Prison in Pennsylvania. At the seven facilities, we reviewed alien files, medical files, incident and grievance records, and detention and segregation files. We also toured these facilities to assess the confinement conditions for detainees in segregation.

We also analyzed SRMS data from October 1, 2015, to June 30, 2016, which showed 713 segregation placements for detainees with mental health conditions — 272 disciplinary instances and 441 administrative instances. Some detainees were segregated multiple times. From the 713 segregation placements in this time period that were in SRMS, we selected and reviewed a judgmental sample of 189 instances of segregation involving 127 detainees with mental health conditions. Through file reviews at the seven detention facilities, we completed spreadsheet templates to capture information to indicate whether: (1) facility personnel follow ICE guidance for documenting segregation decisions for detainees with mental health conditions; (2) facilities report segregation data accurately and promptly; and (3) ICE field offices follow procedures for reviewing segregation.



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Within the spreadsheet, we completed a separate worksheet to confirm whether the information from SRMS for 189 instances of segregation was complete and accurate. One of the 189 instances of segregation was a duplicate and was removed from SRMS by an ICE segregation coordinator at ICE headquarters, leaving 188 instances of segregation.

Our observations represent a single point in time and cannot be used to verify past conditions or predict ICE's actions in the future. Our inspection results are limited by the scope and methodology we employed; although they are meaningful, these results should not be more broadly interpreted or generalized.

We conducted this review between July 2016 and January 2017 under the authority of the *Inspector General Act of 1978*, as amended, and according to the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our objectives.



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Appendix C
Expanded Guidance for Submitting Segregation Notifications

Appendix C under review by DHS FOIA
to ensure public release is appropriate



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Appendix D

Major contributors to this report:

Angela Garvin, Chief Inspector
Inez Jordan, Lead Inspector
Stephanie Christian, Lead Inspector
LaDana Crowell, Lead Inspector
Lorraine Eide, Lead Inspector
Kimberley Lake de Pulla, Senior Inspector
Jennifer Berry, Senior Inspector
Michael Brooks, Senior Inspector
Adam Brown, Senior Inspector
Stephen Farrell, Senior Inspector
Ayana Henry, Senior Inspector
Jason Wahl, Senior Inspector
Anthony Crawford, Intelligence Officer
Renita Hunter-Caracciolo, Inspector
James Johnson III, Inspector
Paul Lewandowski, Inspector
Adam Robinson, Inspector
Brittany Scott, Administrative Officer
Kelly Herberger, Communications Analyst
Marybeth Dellibovi, Referencer



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Appendix E
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