



# ICE Notification of Non-PBNDs 2011 Detention Contract

January 26, 2018  
Fiscal Year 2017 Report to Congress



**Homeland  
Security**

*U.S. Immigration and Customs Enforcement*

# Message from the Under Secretary for Management

January 26, 2018

I am pleased to present the following report, "ICE Notification of Non-PBNDs 2011 Detention Contract," which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to the Explanatory Statement accompanying the Fiscal Year 2017 Department of Homeland Security Appropriations Act (P.L. 115-31).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable John R. Carter  
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Boozman  
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries relating to this report may be directed to me at (202) 447-3400 or to the Department's Deputy Chief Financial Officer, Stacy Marcott, at (202) 447-5751.

Sincerely,



Claire M. Grady  
Under Secretary for Management





# ICE Notification of Non-PBNDS 2011 Detention Contract

## Table of Contents

I. Background.....	1
II. Notification .....	2
III. Summary .....	4

# I. Background

This notification has been compiled in response to the Explanatory Statement accompanying the Fiscal Year (FY) 2017 Department of Homeland Security (DHS) Appropriations Act (P.L. 115-31), which states:

U.S. Immigration and Customs Enforcement (ICE) shall refrain from entering into new contracts or other agreements, or changing or significantly modifying existing contracts or other agreements, to detain individuals unless such contracts or agreements meet or exceed the Performance Based National Detention Standards (PBNDS) 2011, as revised in 2016 and which were in effect on January 1, 2017, unless the Secretary submits a report to the Committees on Appropriations of the Senate and the House of Representatives at least 30 days in advance justifying the rationale for requiring changed standards.

## II. Notification

The purpose of this report is to provide Congress with the required 30-day notification that U.S. Immigration and Customs Enforcement (ICE) plans to enter into an intergovernmental service agreement (IGSA) with the County of Jerome, Idaho, for the use of up to 50 detention beds at Jerome County Jail, located at 2151 South Tiger Drive, Jerome, Idaho. The recently built 135-bed facility opened in July 2016 and currently houses county inmates.

Jerome County Jail, operated by the Jerome County Sheriff's Office, is the county's main correctional facility and the jail's local population ranges from 40 to 80 inmates. The extra space available allows the county to house state inmates or contract with other counties or entities that need additional detention beds. The jail underwent a state inspection in October 2016 and met the Idaho Jail Standards with no deficiencies. The Idaho Jail Standards are the primary inspection tool for Idaho jails.

ICE has a daily operational need for approximately 60 detention beds within the State of Idaho. Although the four longer-than-72-hours jails currently used by ICE in the State of Idaho meet part of that demand, many aliens who initially are detained in-state must be transferred out of state for longer-term housing to make room for new apprehensions. These transfers are costly and not an efficient use of ICE resources. Additionally, none of the existing four facilities in Idaho houses female detainees. Jerome County Jail is capable of housing both males and females, and is able to detain individuals at all security levels. ICE has been unable to identify any other long-term options in Idaho. Current options for detention beds are very limited and any other option selected likely will be another small jail that is unable to meet the Performance-Based National Detention Standards (PBNDS) 2011.

Jerome County has offered ICE up to 50 beds at a proposed bed-day rate of \$75. The county's rate was calculated with the intent of meeting the ICE National Detention Standards (NDS), released in September 2000. In FY 2017, approximately 21 percent of the ICE average daily population is housed in facilities governed by the NDS 2000. Jerome County Jail also will be covered by the DHS Final Rule, 6 CFR Part 115, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, also known as the DHS Prison Rape Elimination Act (PREA) Standards (March 7, 2014).

ICE inspected the Jerome County Jail and determined that the facility is not able to meet ICE's PBNDS 2011. The jail has a total budget of approximately \$1.2 million and is staffed to accommodate its maximum capacity of 135 individuals effectively; however, it does not have the staff or funding to meet some of the elements of the PBNDS 2011 adequately. These requirements include:

- The jail cannot offer the medical and mental health staffing needed to meet the expected practices outlined in the PBNDS 2011 standards on *(4.3) Medical Care* and *(4.4) Medical Care (Women)*. It would be difficult for the county to recruit and retain the additional medical staff because of its rural location, available wages, and local or regional employment applicant pools. ICE will work with Jerome County in establishing the

agreement, and through continued oversight to ensure that there is sufficient, qualified medical staff to care for the needs of the detainee population.

- The jail does not have the funding or employee resources to implement effectively the PBNDS 2011 training requirements outlined in standard (7.3) *Staff Training*. ICE assesses that the training requirements in the NDS are sufficient for the number of beds at this facility. Jerome County Jail is a small operation, and it would require a significant financial investment by the county to achieve compliance with PBNDS 2011. The ramification of this level of investment would result in a bed-day rate above what ICE is willing to pay for a facility of this size. Additionally, ICE assesses that the additional training requirements in the PBNDS 2011 represent best practices rather than operational necessity.

Jerome County Jail's inability to satisfy PBNDS 2011 requirements is typical when compared with similar facilities. Because of facility design and operational scope, smaller county jails lack the infrastructure, staffing, and financial backing to meet some of the rigorous requirements outlined in ICE's PBNDS 2011 detention standards, which, in many ways, exceed industry correctional standards.

Finally, ICE is in the process of pursuing a dedicated detention facility in the Salt Lake area that will meet ICE's PBNDS 2011 detention standards and will help to reduce the agency's reliance on county jails such as Jerome County for individuals who will remain in longer-term detention.

### III. Summary

An IGSA between ICE and Jerome County will allow the Salt Lake City Field Office to streamline its detention operations and provide additional regional support for local apprehensions in Idaho. It also will reduce or eliminate a significant portion of out-of-state transfers.

Following this notification, ICE will proceed with negotiations for an IGSA with Jerome County for 50 detention beds operated under the NDS 2000 and DHS PREA.